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## **FIRST DAY**

### **NOON SESSION**

House Chamber, Olympia, Monday, January 11, 1999

The House was called to order at 12:00 p.m. by Speaker Timothy A. Martin, Chief Clerk of the House of Representatives. The Sergeant at Arms was asked to escort the members to their seats on the floor of the House.

The flag was escorted to the rostrum by the Washington National Guard Color Guard. The National anthem was sung by students from the Washington School for the Blind in Vancouver. Prayer was offered by Father William J. Sullivan, Former President and current Chancellor, Seattle University.

Father Sullivan: "Gracious and Loving God, God of our fathers and of our children, as we gather today for the formal opening of this legislative session, we ask the blessing of your presence among us, the guidance of your wisdom, the light of your counsel.

The members of this House have gathered from the four corners of the State from the shores of the Pacific and the banks of the Columbia, from the Inland Empire and from Puget Sound, from the Palouse to the Islands. As they do so, it is the prayer of their fellow citizens that they may work together in seeking the common good of the people of Washington, that in their deliberations they may not lose sight of the needs of the voiceless, the homeless, the abused, the illiterate who live — often unseen — in our midst. That these representatives of the people may not be discouraged by the mass, and the weight and the complexity of the problems they are asked to address.

It is our special prayer of the people, O Lord, that at this particular moment in our political history, our representatives may exercise the power given to them with dignity, with dedication, with alert conscience so that the confidence of the citizens in our form of government may grow deeper and stronger.

Bless this House, O Lord, guide its members, light their path. This is our prayer, O God — in whom we trust.

Amen."

The Chief Clerk called upon Representatives Dow Constantine and Kathy Lambert to escort Richard P. Guy, Chief Justice of the Supreme Court of the State of Washington from the State Reception Room to the Rostrum.

### **MESSAGE FROM THE SECRETARY OF STATE**

The Honorable  
Speaker of the House of Representatives  
The Legislature of the State of Washington  
Olympia, Washington

Mr. Speaker:

I, Ralph Munro, Secretary of State of the State of Washington, do hereby certify that the following is a full, true, and correct list of persons elected to the office of State Representative at the State General Election held in the State of Washington on the third day of November, 1998, as shown by the official returns of said election now on file in the office of the Secretary of State:

REPRESENTATIVES ELECTED NOVEMBER 3, 1998

| DISTRICT | NAME                | COUNTIES REPRESENTED  |
|----------|---------------------|---|
| No. 1    | Al O'Brien (D)      | King (part), Snohomish (part)<br>Jeanne Edwards (D)   |
| No. 2    | Roger Bush (R)      | Pierce (part)<br>Tom Campbell (R)   |
| No. 3    | Alex Wood (D)       | Spokane (part)<br>Jeff Gombosky (D)   |
| No. 4    | Larry Crouse (R)    | Spokane (part)<br>Lynn Schindler (R)  |
| No. 5    | Brian Thomas (R)    | King (part)<br>Cheryl Pflug (R)   |
| No. 6    | Brad Benson (R)     | Spokane (part)<br>Duane Sommers (R)   |
| No. 7    | Bob Sump (R)        | Ferry, Lincoln, Okanogan (part),<br>Cathy McMorris (R) Pend Oreille, Spokane (part),<br>Stevens |
| No. 8    | Shirley Hankins (R) | Benton (part)<br>Jerome Delvin (R)  |
| No. 9    | Larry Sheahan (R)   | Adams, Asotin (part),<br>Mark Schoesler (R) Spokane (part), Whitman                             |
| No. 10   | Dave Anderson (D)   | Island, Skagit (part),<br>Kelly Barlean (R) Snohomish (part)                                    |
| No. 11   | Eileen Cody (D)     | King (part)<br>Velma Veloria (D)  |
| No. 12   | Clyde Ballard (R)   | Chelan, Douglas, Grant (part),<br>Linda Parlette (R) Okanogan (part)                            |
| No. 13   | Gary Chandler (R)   | Benton (part), Grant (part),<br>Joyce Mulliken (R) Kittitas, Yakima (part)                      |
| No. 14   | Mary Skinner (R)    | Yakima (part)<br>Jim Clements (R)   |
| No. 15   | Bruce Chandler (R)  | Benton (part), Klickitat,<br>Barbara Lisk (R) Skamania (part), Yakima (part)                    |
| No. 16   | Dave Mastin (R)     | Asotin (part), Columbia, Franklin,<br>Bill Grant (D) Garfield, Walla Walla                      |
| No. 17   | Marc Boldt (R)      | Clark (part), Skamania (part)<br>Jim Dunn (R)   |
| No. 18   | Tom Mielke (R)      | Clark (part), Cowlitz (part),<br>John Pennington (R) Lewis (part)                               |
| No. 19   | Brian Hatfield (D)  | Cowlitz (part), Grays Harbor<br>Mark Doumit (D) (part), Pacific, Wahkiakum                      |
| No. 20   | Richard DeBolt (R)  | Lewis (part), Pierce (part),<br>Gary Alexander (R) Thurston (part)                              |
| No. 21   | Mike Cooper (D)     | Snohomish (part)<br>Renee Radcliff (R)  |
| No. 22   | Sandra Romero (D)   | Thurston (part)<br>Cathy Wolfe (D)  |

- No. 23 Phil Rockefeller (D) Kitsap (part)  
Karen Schmidt (R)
- No. 24 Jim Buck (R) Clallam, Grays Harbor (part),  
Lynn Kessler (D) Jefferson
- No. 25 Joyce McDonald (R) King (part), Pierce (part)  
Jim Kastama (D)
- No. 26 Patricia Lantz (D) Kitsap (part), Pierce (part)  
Tom Huff (R)
- No. 27 Ruth Fisher (D) Pierce (part)  
Debbie Regala (D)
- No. 28 Gigi Talcott (R) Pierce (part)  
Mike Carrell (R)
- No. 29 Steve Conway (D) Pierce (part)  
Brian Sullivan (D)
- No. 30 Mark Miloscia (D) King (part), Pierce (part)  
MaryAnn Mitchell (R)
- No. 31 Michael Stenson (D) King (part), Pierce (part)  
Chris Hurst (D)
- No. 32 Carolyn Edmonds (D) King (part)  
Ruth Kagi (D)
- No. 33 Shay Schual-Berke (D) King (part)  
Karen Keiser (D)
- No. 34 Erik Poulsen (D) King (part)  
Dow Constantine (D)
- No. 35 Kathy Haigh (D) Grays Harbor (part), Kitsap (part),  
William Eickmeyer (D) Mason, Thurston (part)
- No. 36 Helen Sommers (D) King (part)  
Mary Lou Dickerson (D)
- No. 37 Sharon Santos (D) King (part)  
Kip Tokuda (D)
- No. 38 Aaron Reardon (D) Snohomish (part)  
Pat Scott (D)
- No. 39 Hans Dunshee (D) King (part), Snohomish (part)  
John Koster (R)
- No. 40 Dave Quall (D) San Juan, Skagit (part),  
Jeff Morris (D) Whatcom (part)
- No. 41 Mike Wensman (R) King (part)  
Ida Ballasiotes (R)
- No. 42 Doug Ericksen (R) Whatcom (part)  
Kelley Linville (D)
- No. 43 Ed Murray (D) King (part)  
Frank Chopp (D)
- No. 44 Dave Schmidt (R) Snohomish (part)  
John Lovick (D)
- No. 45 Kathy Lambert (R) King (part)  
Laura Ruderman (D)
- No. 46 Jim McIntire (D) King (part)  
Phyllis Kenney (D)
- No. 47 Phil Fortunato (R) King (part)  
Jack Cairnes (R)
- No. 48 Luke Esser (R) King (part)  
Steve Van Luven (R)
- No. 49 Don Carlson (R) Clark (part)  
Val Ogden (D)

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the seal of the State of Washington at Olympia this eleventh day of January, 1999.

RALPH MUNRO  
Secretary of State

The Clerk called the roll. Each member stood to be recognized. All members were present.

Chief Justice Richard Guy administered the oath of office to the members of the House of Representatives. Chief Justice Guy signed the certificate of office. Chief Clerk Martin introduced Ralph Munro, Secretary of State and instructed the Sergeant at Arms to distribute the Elections Certificates to the members on the floor.

## RESOLUTION

HOUSE RESOLUTION NO. 99-4600, by Representatives Ballard and Chopp

~~BE IT RESOLVED, ((That the House of Representatives Rules Committee shall meet no later than Monday, January 20, 1997, the eighth legislative day, to consider and make recommendations on permanent rules for the House of Representatives; and~~

~~BE IT FURTHER RESOLVED, That no later than Friday, January 24, 1997, the twelfth legislative day, the House of Representatives shall meet to consider adoption of permanent rules for the Fifty fifth Legislature; and~~

~~BE IT FURTHER RESOLVED,))~~ That permanent House Rules for the ((~~Fifty fifth~~) Fifty-sixth) Legislature be adopted as follows:

### PERMANENT RULES OF THE HOUSE OF REPRESENTATIVES (~~(FIFTY-FIFTH)~~) FIFTY-SIXTH LEGISLATURE (~~(1997-1998)~~) 1999-2000

#### HOUSE RULE NO.

- Rule 1** Definitions
- Rule 2** Chief Clerk to Call to Order
- Rule 3** Election of Officers
- Rule 4** Powers and Duties of the Speaker
- Rule 5** Chief Clerk
- Rule 6** Duties of Employees
- Rule 7** Admission to the House
- Rule 8** Absentees and Courtesy
- Rule 9** Bills, Memorials and Resolutions - Introductions
- Rule 10** Reading of Bills
- Rule 11** Amendments
- Rule 12** Final Passage
- Rule 13** Hour of Meeting, Roll Call and Quorum
- Rule 14** Daily Calendar and Order of Business
- Rule 15** Motions
- Rule 16** Members Right to Debate
- Rule 17** Rules of Debate
- Rule 18** Ending of Debate - Previous Question
- Rule 19** Voting
- Rule 20** Reconsideration
- Rule 21** Call of the House
- Rule 22** Appeal from Decision of Chair

**Rule 23** Standing Committees  
**Rule 24** Duties of Committees  
**Rule 25** Standing Committees - Expenses - Subpoena Power  
**Rule 26** Vetoed Bills  
**Rule 27** Suspension of Compensation  
**Rule 28** Smoking  
**Rule 29** Parliamentary Rules  
**Rule 30** Standing Rules Amendment  
**Rule 31** Rules to Apply for Assembly  
**Rule 32** Legislative Mailings  
**Rule 33** Liquor  
**Appendix**  
**Rule A-1** House Rules  
**Rule A-2** Election of Officers  
**Rule A-3** Duties of Officers  
**Rule A-4** Committees  
**Rule A-5** Voting Requirements and Procedures  
**Rule A-6** House Administration

### **Definitions**

**Rule 1.** "Absent" means an unexcused failure to attend.

"Term" means the two-year term during which the members as a body may act.

"Session" means a constitutional gathering of the house in accordance with Article 2 § 12 of the state Constitution.

"Committee" means any standing, conference, joint, or select committee as so designated by rule or resolution.

"Bill" means bill, joint memorial, joint resolution, or concurrent resolution unless the context indicates otherwise.

### **Chief Clerk to Call to Order**

**Rule 2.** It shall be the duty of the chief clerk of the previous term to call the house to order and to conduct the proceedings until a speaker is chosen.

### **Election of Officers**

**Rule 3.** The house shall elect the following officers at the commencement of each term: Its presiding officer, who shall be styled speaker of the house; a speaker pro tempore, who shall serve in absence or in case of the inability of the speaker; and a chief clerk of the house. Such officers shall hold office during all sessions until the convening of the succeeding term: PROVIDED, HOWEVER, That any of these offices may be declared vacant by the vote of a constitutional majority of the house, the members voting viva voce and their votes shall be entered on the journal. If any office is declared vacant, the house shall fill such vacant office as hereinafter provided. In all elections by the house a constitutional majority shall be required, the members shall vote viva voce and their votes shall be entered on the journal. (Art. II § 27)

### **Powers and Duties of the Speaker**

**Rule 4.** The speaker shall have the following powers and duties:

(A) The speaker shall take the chair and call the house to order precisely at the hour appointed for meeting and if a quorum be present, shall cause the journal of the preceding day to be read and shall proceed with the order of business.

(B) The speaker shall preserve order and decorum, and in case of any disturbance or disorderly conduct within the chamber or legislative area, shall order the sergeant at arms to suppress the same and may order the sergeant at arms to remove any person creating any disturbance within the house chamber or legislative area.

(C) The speaker may speak to points of order in preference to other members, arising from the seat for that purpose, and shall decide all questions of order subject to an appeal to the house by any member, on which appeal no member shall speak more than once without leave of the house.

(D) The speaker shall sign all bills in open session. (Art. II § 32)

(E) The speaker shall sign all writs, warrants, and subpoenas issued by order of the house, all of which shall be attested to by the chief clerk.

(F) The speaker shall have the right to name any member to perform the duties of the chair, but such substitution shall neither extend beyond adjournment nor authorize the representative so substituted to sign any documents requiring the signature of the speaker.

(G) The speaker, in open session, shall appoint committee chairs from the majority party of the house and shall appoint members to committees in the same ratio as the membership of the respective parties of the house, unless otherwise provided by law or house rules.

(H) The speaker shall serve as chair of the rules committee.

(I) The speaker shall have charge of and see that all officers, attaches, and clerks perform their respective duties.

(J) The speaker pro tempore shall exercise the duties, powers, and prerogatives of the speaker in the event of the speaker's death, illness, removal, or inability to act until the speaker's successor shall be elected.

### **Chief Clerk**

**Rule 5.** The chief clerk shall perform the usual duties pertaining to the office, and shall hold office until a successor has been elected.

The chief clerk shall employ, upon the recommendation of the employment committee and, subject to the approval of the speaker, all other house employees; the hours of duty and assignments of all house employees shall be under the chief clerk's directions and instructions, and they may be dismissed by the chief clerk with the approval of the speaker. The speaker shall sign and the chief clerk shall countersign all payrolls and vouchers for all expenses of the house and appropriately transmit the same. In the event of the chief clerk's death, illness, removal, or inability to act, the speaker may appoint an acting chief clerk who shall exercise the duties and powers of the chief clerk until the chief clerk's successor shall be elected.

### **Duties of Employees**

**Rule 6.** Employees of the house shall perform such duties as are assigned to them by the chief clerk. Under no circumstances shall the compensation of any employee be increased for past services. No house employee shall seek to influence the passage or rejection of proposed legislation.

## **Admission to the House**

**Rule 7.** It shall be the general policy of the house to keep the chamber clear as follows:

(A) The sergeant at arms shall admit only the following individuals to the wings and adjacent areas of the house chamber for the period of time beginning one-half hour prior to convening and ending one-half hour following the adjournment of the house's daily session:

The governor or designees, or both;  
Members of the senate;  
State elected officials;  
Officers and authorized employees of the legislature;  
Former members of the house who are not advocating any pending or proposed legislation;  
Representatives of the press;  
Other persons with the consent of the speaker.

(B) Only members, pages, sergeants at arms, and clerks are permitted on the floor while the house is in session.

(C) Lobbying in the house chamber or in any committee room or lounge room is prohibited when the house or committee is in session unless expressly permitted by the house or committee. Anyone violating this rule will forfeit his or her right to be admitted to the house chamber or any of its committee rooms.

## **Absentees and Courtesy**

**Rule 8.** No member shall be absent from the service of the house without leave from the speaker. When the house is in session, only the speaker shall recognize visitors and former members.

## **Bills, Memorials and Resolutions - Introductions**

**Rule 9.** Any member desiring to introduce a bill shall file the same with the chief clerk. Bills filed by 10:00 a.m. shall be introduced at the next daily session, in the order filed: PROVIDED, That if such introduction is within the last ten days of a regular session, it cannot be considered without a direct vote of two-thirds (2/3) of all the members elected to each house with such vote recorded and entered upon the journal. (Art. II § 36)

Any member or member-elect may prefile a bill with the chief clerk commencing twenty (20) days before any session. Prefiled bills shall be introduced on the first legislative day.

All bills shall be endorsed with a statement of the title and the name of the member or members introducing the same. The chief clerk shall attach to all bills a substantial cover bearing the title and sponsors and shall number each bill in the order filed. All bills shall be printed unless otherwise ordered by the house.

Any bill introduced at any session during the term shall be eligible for action at all subsequent sessions during the term.

## **Reading of Bills**

**Rule 10.** Every bill shall be read on three separate days: PROVIDED, That this rule may be temporarily suspended at any time by a two-thirds (2/3) vote of the members present; and that on and after the fifth day prior to the day of adjournment sine die of any session, as determined pursuant to Article II, Section 12 of the state Constitution or concurrent resolution, or on and after the third day prior to the day a bill must be reported from the house as established by concurrent resolution, this rule may be suspended by a majority vote.

(A) **FIRST READING.** The first reading of a bill shall be by title only, unless a majority of the members present demand a reading in full.

After the first reading the bill shall be referred to an appropriate committee.

Upon being reported out of committee, all bills shall be referred to the rules committee, unless otherwise ordered by the house.

The rules committee may, by majority vote, refer any bill in its possession to a committee for further consideration. Such referral shall be reported to the house and entered in the journal under the fifth order of business.

(B) **SECOND READING.** Upon second reading, the bill number and short title and the last line of the bill shall be read unless a majority of the members present shall demand its reading in full. The bill shall be subject to amendment section by section. No amendment shall be considered by the house until it has been sent to the chief clerk's desk in writing, distributed to the desk of each member, and read by the clerk. All amendments adopted during second reading shall be securely fastened to the original bill. All amendments rejected by the house shall be passed to the minute clerk, and the journal shall show the disposition of such amendments.

When no further amendments shall be offered, the speaker shall declare the bill has passed its second reading.

(C) **SUBSTITUTE BILLS.** When a committee reports a substitute for an original bill with the recommendation that the substitute bill do pass, it shall be in order to read the substitute the first time and have the same printed. A motion for the substitution shall not be in order until the second reading of the original bill.

(D) **THIRD READING.** Only the last line of bills shall be read on third reading unless a majority of the members present demand a reading in full. No amendments to a bill shall be received on third reading but it may be referred or recommitted for the purpose of amendment.

(E) **SUSPENSION CALENDAR.** Bills may be placed on the second reading suspension calendar by the rules committee if at least two minority party members of the rules committee join in such motion. Bills on the second reading suspension calendar shall not be subject to amendment or substitution except as recommended in the committee report. When a bill is before the house on the suspension calendar, the question shall be to adopt the committee recommendations and advance the bill to third reading. If the question fails to receive a two-thirds vote of the members present, the bill shall be referred to the rules committee for second reading.

(F) **HOUSE RESOLUTIONS.** House resolutions shall be filed with the chief clerk who shall transmit them to the rules committee. If a rules committee meeting is not scheduled to occur prior to a time necessitated by the purpose of a house resolution, the majority leader and minority leader by agreement may waive transmission to the rules committee to permit consideration of the resolution by the house. The rules committee may adopt house resolutions by a sixty percent majority vote of its entire membership or may, by a majority vote of its members, place them on the motions calendar for consideration by the house.

(G) **CONCURRENT RESOLUTIONS.** Reading of concurrent resolutions may be advanced by majority vote.

### **Amendments**

**Rule 11.** The right of any member to offer amendments to proposed legislation shall not be limited except as provided in Rule 10(E) and as follows:



(A) AMENDMENTS TO BE OFFERED IN PROPER FORM. The chief clerk shall establish the proper form for amendments and all amendments offered shall bear the name of the member who offers the same, as well as the number and section of the bill to be amended.

(B) COMMITTEE AMENDMENTS. When a bill is before the house on second reading, amendments adopted by committees and recommended to the house shall be acted upon by the house before any amendments that may be offered from the floor.

(C) SENATE AMENDMENTS TO HOUSE BILLS. A house bill, passed by the senate with amendment or amendments which shall change the scope and object of the bill, upon being received in the house, shall be referred to the appropriate committee and shall take the same course as for original bills unless a motion not to concur is adopted prior to the bill being referred to committee.

(D) AMENDMENTS TO BE GERMANE. No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment; and no bill or resolution shall at any time be amended by annexing thereto or incorporating therein any other bill or resolution pending before the house.

(E) SCOPE AND OBJECT NOT TO BE CHANGED. No amendment to any bill shall be allowed which shall change the scope and object of the bill. This objection may be raised at any time an amendment is under consideration. The speaker may allow the person raising the objection and the mover of the amendment to provide brief arguments as to the merits of the objection. (Art. II § 38)

(F) NO AMENDMENT BY REFERENCE. No act shall ever be revised or amended without being set forth at full length. (Art. II § 37)

(G) TITLE AMENDMENTS. The subject matter portion of a bill title shall not be amended in committee or on second reading. Changes to that part of the title after the subject matter statement shall either be presented with the text amendment or be incorporated by the chief clerk in the engrossing process.

### **Final Passage**

**Rule 12.** Rules relating to bills on final passage are as follows:

(A) RECOMMITMENT BEFORE FINAL PASSAGE. A bill may be recommitted at any time before its final passage.

(B) FINAL PASSAGE. No bill shall become a law unless on its final passage the vote be taken by yeas and nays, the names of the members voting for and against the same be entered on the journal of each house, and a majority of the members elected to each house be recorded thereon as voting in its favor. (Art. II § 22)

(C) BILLS PASSED - CERTIFICATION. When a bill passes, it shall be certified to by the chief clerk, said certification to show the date of its passage together with the vote thereon.

### **Hour of Meeting, Roll Call and Quorum**

**Rule 13.** (A) HOUR OF MEETING. The speaker shall call the house to order each day of sitting at 10:00 A.M., unless the house shall have adjourned to some other hour.

(B) ROLL CALL AND QUORUM. Before proceeding with business, the roll of the members shall be called and the names of those absent or excused shall be entered on the journal. A majority of all the members elected must be present to constitute a quorum for the transaction of business. In the

absence of a quorum, seven members with the speaker, or eight members in the speaker's absence, having chosen a speaker pro tempore, shall be authorized to demand a call of the house and may compel the attendance of absent members in the manner provided in Rule 21(B). For the purpose of determining if a quorum be present, the speaker shall count all members present, whether voting or not. (Art. II § 8)

(C) The house shall adjourn not later than 10:00 P.M. of each working day. This rule may be suspended by a majority vote.

### **Daily Calendar and Order of Business**

**Rule 14.** The rules relating to the daily calendar and order of business are as follows:

(A) DAILY CALENDAR. Business of the house shall be disposed of in the following order:

First: Roll call, presentation of colors, prayer, and approval of the journal of the preceding day.

Second: Introduction of visiting dignitaries.

Third: Messages from the senate, governor, and other state officials.

Fourth: Introduction and first reading of bills, memorials, joint resolutions, and concurrent resolutions.

Fifth: Committee reports.

Sixth: Second reading of bills.

Seventh: Third reading of bills.

Eighth: Floor resolutions and motions.

Ninth: Presentation of petitions, memorials, and remonstrances addressed to the Legislature.

Tenth: Introduction of visitors and other business to be considered.

Eleventh: Announcements.

(B) UNFINISHED BUSINESS. The unfinished business at which the house was engaged preceding adjournment shall not be taken up until reached in regular order, unless the previous question on such unfinished business has been ordered prior to said adjournment.

(C) EXCEPTIONS. Exceptions to the order of business are as follows:

(1) The order of business may be changed by a majority vote of those present.

(2) By motion under the eighth order of business, a bill in the rules committee may be placed on the calendar by the affirmative vote of a majority of all members of the house.

(3) House resolutions and messages from the senate, governor, or other state officials may be read at any time.

### **Motions**

**Rule 15.** Rules relating to motions are as follows:

(A) MOTIONS TO BE ENTERTAINED OR DEBATED. No motion shall be entertained or debated until announced by the speaker and every motion shall be deemed to have been seconded. A motion shall be reduced to writing and read by the clerk, if desired by the speaker or any member, before it shall be debated and by the consent of the house may be withdrawn before amendment or action.

(B) MOTIONS IN ORDER DURING DEBATE. When a motion has been made and seconded and stated by the chair, the following motions are in order, in the rank named:

(1) Privileged motions:

Adjourn  
Adjourn to a time certain  
Recess to a time certain  
Reconsider  
Demand for division  
Question of privilege  
Orders of the day

(2) Subsidiary motions:

First rank: Question of consideration  
Second rank: To lay on the table  
Third rank: For the previous question  
Fourth rank: To postpone to a day certain  
                    To commit or recommit  
                    To postpone indefinitely  
Fifth rank: To amend

(3) Incidental motions:

Points of order and appeal  
Method of consideration  
Suspension of the rules  
Reading papers  
Withdraw a motion  
Division of a question

(C) THE EFFECT OF POSTPONEMENT - MOTIONS TO POSTPONE OR COMMIT.

Once decided, no motion to postpone to a day certain, to commit, or to postpone indefinitely shall again be allowed on the same day and at the same stage of the proceedings. When a question has been postponed indefinitely, it shall not again be introduced during the session. The motion to postpone indefinitely may be made at any stage of the bill except when on first reading.

(D) MOTIONS DECIDED WITHOUT DEBATE. A motion to adjourn, to recess, to lay on the table and to call for the previous question shall be decided without debate.

All incidental motions shall be decided without debate, except that members may speak to points of order and appeal as provided in Rule 22.

A motion for suspension of the rules shall not be debatable except that the mover of the motion may briefly explain the purpose of the motion and one member may briefly state the opposition to the motion.

(E) MOTION TO ADJOURN. A motion to adjourn shall always be in order, except when the house is voting or is working under the call of the house; but this rule shall not authorize any member to move for adjournment when another member has the floor.

### **Members Right to Debate**

**Rule 16.** The methods by which a member may exercise his or her right to debate are as follows:

(A) RECOGNITION OF MEMBER. When any member desires to speak in debate or deliver any matter to the house, the member shall rise and respectfully address the speaker and pause until recognized.

(B) ORDER OF SPEAKING. When two or more members arise at once, the speaker shall name the one who is to speak.

(C) **LIMITATION OF DEBATE.** No member shall speak longer than ten (10) minutes without consent of the house: PROVIDED, That on and after the fifth day prior to the day of adjournment sine die of any session, as determined pursuant to Article II, Section 12 of the state Constitution or concurrent resolution, or on and after the third day prior to the day a bill must be reported from the house as established by concurrent resolution, no member shall speak more than three (3) minutes without the consent of the house. No member shall speak more than twice on the same question without leave of the house: PROVIDED, That the chair of the committee or the mover of the question may close debate if it is consistent with Rule 18 (Previous Question).

### **Rules of Debate**

**Rule 17.** The rules for debate in the house are as follows:

(A) **QUESTION OF PRIVILEGE.** Any member may rise to a question of privilege and explain a personal matter, by leave of the speaker, but the member shall not discuss any pending question in such explanations.

(B) **WITHDRAWAL OF MOTION, BILL, ETC.** After a motion is stated by the speaker or a bill, memorial, resolution, petition, or remonstrance is read by the clerk, it shall be deemed to be in possession of the house, but may be withdrawn by consent of the house at any time before decision or amendment.

(C) **READING OF A PAPER.** When the reading of any paper is called for and is objected to by any member, it shall be determined by a vote of the house.

(D) **DISTRIBUTION OF MATERIALS.** Any materials of any nature distributed to the members' desks on the floor shall be subject to approval by the speaker and shall bear the name of at least one member granting permission for the distribution. This shall not apply to materials normally distributed by the chief clerk.

(E) **ORDER OF QUESTIONS.** All questions, whether in committee or in the house, shall be propounded in the order in which they are named except that in filling blanks, the largest sum and the longest time shall be put first.

(F) **DIVISION OF POINTS OF DEBATE.** Any member may call for a division of a question which shall be divided if it embraces subjects so distinct that one being taken away a substantive proposition shall remain for the decision of the house; but a motion to strike out and to insert shall not be divided. The rejection of a motion to strike out and to insert one proposition shall not prevent a motion to strike out and to insert a different proposition.

(G) **DECORUM OF MEMBERS.** While the speaker is putting the question, no member shall walk across or out of the house; nor when a member is speaking shall any member entertain private discourse or pass between the speaking member and the rostrum.

(H) **REMARKS CONFINED.** A member shall confine all remarks to the question under debate and avoid personalities. No member shall impugn the motive of any member's vote or argument.

(I) **EXCEPTION TO WORDS SPOKEN IN DEBATE.** If any member be called to order for words spoken in debate, the person calling the member to order shall repeat the words excepted to and they shall be taken down in writing at the clerk's table. No member shall be held in answer or be subject to the censure of the house for words spoken in debate if any other member has spoken before exception to them shall have been taken.

(J) TRANSGRESSION OF RULES - APPEAL. If any member, in speaking or otherwise, transgresses the rules of the house the speaker shall, or any member may, call the member to order, in which case the member so called to order shall immediately sit down unless permitted to explain; and the house shall, if appealed to, decide the case without debate; if there be no appeal, the decision of the chair shall prevail.

If the decision be in favor of the member called to order, the member shall be at liberty to proceed; if otherwise, and the case shall require it, the member shall be liable to the censure of the house.

### **Ending of Debate - Previous Question**

**Rule 18.** The previous question may be ordered by a two-thirds (2/3) vote of the members present on all recognized motions or amendments which are debatable.

The previous question is not debatable and cannot be amended.

The previous question shall be put in this form: "Representative \_\_\_\_\_ demands the previous question. As many as are in favor of ordering the previous question will say 'Aye'; as many as are opposed will say 'No'."

The results of the motion are as follows: If determined in the negative, the consideration goes on as if the motion had never been made; if decided in the affirmative it shall have the effect of cutting off all debate and bringing the house to a direct vote upon the motion or amendment on which it has been ordered: PROVIDED HOWEVER, That when a bill is on final passage or when the motion to postpone indefinitely is pending, one of the sponsors of the bill or the chair of the committee may have the privilege of closing debate after the previous question has been ordered.

If an adjournment is had after the previous question is ordered, the motion or proposition on which the previous question was ordered shall be put to the house immediately following the approval of the journal on the next working day, thus making the main question privileged over all other business, whether new or unfinished.

### **Voting**

**Rule 19.** (A) PUTTING OF QUESTION. The speaker shall put the question in the following form: "The question before the house is (state the question). As many as are in favor say 'Aye'; and after the affirmative vote is expressed, "as many as are opposed say 'No'."

(B) ALL MEMBERS TO VOTE. Every member who was in the house when the question was put shall vote unless, for special reasons, excused by the house.

All motions to excuse a member shall be made before the house divides or before the call for yeas and nays is commenced; and any member requesting to be excused from voting may make a brief and verbal statement of the reasons for making such request, and the question shall then be taken without further debate.

Upon a division and count of the house on the question, only members at their desks within the bar of the house shall be counted.

(C) CHANGE OF VOTE. When the electric roll call machine is used, no member shall be allowed to vote or change a vote after the speaker has locked the roll call machine. When an oral roll call is taken, no member shall be allowed to vote or change a vote after the result has been announced.

(D) PRIVATE INTEREST. No member shall vote on any question which affects that member privately and particularly. A member who has a private interest in any bill or measure proposed or pending before the legislature shall disclose the fact to the house of which he is a member, and shall not vote thereon. (Art. II § 30)

(E) **INTERRUPTION OF ROLL CALL.** Once begun, the roll call may not be interrupted. No member or other person shall visit or remain at the clerk's desk while the yeas and nays are being called.

(F) **YEAS AND NAYS - RECORDED VOTES.** Upon the final passage of any bill, the vote shall be taken by yeas and nays and shall be recorded by the electric voting system: **PROVIDED, HOWEVER,** That an oral roll call shall be ordered when demanded by one-sixth (1/6) of the members present. (Art. II § 21)

The speaker may vote last when the yeas and nays are called.

When the vote is by electric voting machine or by oral roll call on any question, it shall be entered upon the journal of the house. A recorded vote may be compelled by one-sixth (1/6) of the members present. A request for a recorded vote must be made before the vote is commenced.

(G) **TIE VOTE, QUESTION LOSES.** In case of an equal division, the question shall be lost.

(H) **DIVISION.** If the speaker is in doubt, or if division is called for by any member, the house shall divide.

### **Reconsideration**

**Rule 20.** Notice of a motion for reconsideration on the final passage of bills shall be made on the day the vote to be reconsidered was taken and before the house has voted to transmit the bill to the senate.

Reconsideration of the votes on the final passage of bills must be taken on the next working day after such vote was taken: **PROVIDED,** That on and after the fifth day prior to the day of adjournment sine die of any session, as determined pursuant to Article II, Section 12 of the state Constitution, or concurrent resolution, or on and after the third day prior to the day a bill must be reported from the house as established by concurrent resolution, then reconsideration of votes on the final passage of bills must be taken on the same day as the original vote was taken. A motion to reconsider an amendment may be made at any time the bill remains on second reading.

Any member who voted on the prevailing side may move for reconsideration or give notice thereof.

A motion to reconsider can be decided only once when decided in the negative.

When a motion to reconsider has been carried, its effect shall be to place the original question before the house in the exact position it occupied before it was voted upon.

### **Call of the House**

**Rule 21.** One-sixth (1/6) of the members present may demand a call of the house at any time before the house has divided or the voting has commenced by yeas and nays.

(A) **DOORS TO BE CLOSED.** When call of the house has been ordered, the sergeant at arms shall close and lock the doors, and no member shall be allowed to leave the chamber: **PROVIDED,** That the rules committee shall be allowed to meet, upon request of the speaker, while the house stands at ease: **AND PROVIDED FURTHER,** That the speaker may permit members to use such portions of the fourth floor as may be properly secured.

(B) **SERGEANT AT ARMS TO BRING IN THE ABSENTEES.** The clerk shall immediately call a roll of the members and note the absentees, whose names shall be read and entered upon the journal in such manner as to show who are excused and who are absent without leave.

The clerk shall furnish the sergeant at arms with a list of those who are absent without leave, and the sergeant at arms shall proceed to bring in such absentees; but arrests of members for absence shall not be made unless ordered by a majority of the members present.

(C) HOUSE UNDER CALL. While the house is under a call, no business shall be transacted except to receive and act on the report of the sergeant at arms; and no other motion shall be in order except a motion to proceed with business under the call of the house ~~((or))~~, a motion to excuse absentees, or a motion to dispense with the call of the house. The motion to proceed with business under the call of the house and the motion to excuse absent members shall not be adopted unless a majority of the members elected vote in favor thereof. The motion to dispense with the call of the house may be adopted by a majority of the members present.

### Appeal from Decision of Chair

**Rule 22.** The decision of the chair may be appealed from by any member, on which appeal no member shall speak more than once unless by leave of the house. In all cases of appeal, the question shall be: "Shall the decision of the chair stand as the judgment of the house?"

### Standing Committees

**Rule 23.** The standing committees of the house and the number of members that shall serve on each committee shall be as follows:

|   |               |
|---|---------------|
| <del>1. Agriculture &amp; Ecology</del>               | <del>11</del> |
| <del>2. Appropriations</del>                          | <del>31</del> |
| <del>3. Capital Budget</del>                          | <del>11</del> |
| <del>4. Children &amp; Family Services</del>          | <del>11</del> |
| <del>5. Commerce &amp; Labor</del>                    | <del>9</del>  |
| <del>6. Criminal Justice &amp; Corrections</del>      | <del>13</del> |
| <del>7. Education</del>                               | <del>11</del> |
| <del>8. Energy &amp; Utilities</del>                  | <del>13</del> |
| <del>9. Finance</del>                                 | <del>15</del> |
| <del>10. Financial Institutions &amp; Insurance</del> | <del>11</del> |
| <del>11. Government Administration</del>              | <del>13</del> |
| <del>12. Government Reform &amp; Land Use</del>       | <del>11</del> |
| <del>13. Health Care</del>                            | <del>11</del> |
| <del>14. Higher Education</del>                       | <del>9</del>  |
| <del>15. Law &amp; Justice</del>                      | <del>13</del> |
| <del>16. Natural Resources</del>                      | <del>11</del> |
| <del>17. Rules</del>                                  | <del>19</del> |
| <del>18. Trade &amp; Economic Development</del>       | <del>19</del> |

|  |           |
|--|-----------|
| <del>19. Transportation Policy &amp; Budget</del>      | 9         |
|  | 27))      |
| <u>1. Agriculture &amp; Ecology</u>                    | <u>14</u> |
| <u>2. Appropriations</u>                               | <u>32</u> |
| <u>3. Capital Budget</u>                               | <u>18</u> |
| <u>4. Children &amp; Family Services</u>               | <u>10</u> |
| <u>5. Commerce &amp; Labor</u>                         | <u>8</u>  |
| <u>6. Criminal Justice &amp; Corrections</u>           | <u>8</u>  |
| <u>7. Economic Development, Housing &amp; Trade</u>    | <u>12</u> |
| <u>8. Education</u>                                    | <u>14</u> |
| <u>9. Finance</u>                                      | <u>12</u> |
| <u>10. Financial Institutions &amp; Insurance</u>      | <u>12</u> |
| <u>11. Health Care</u>                                 | <u>12</u> |
| <u>12. Higher Education</u>                            | <u>8</u>  |
| <u>13. Judiciary</u>                                   | <u>12</u> |
| <u>14. Local Government</u>                            | <u>8</u>  |
| <u>15. Natural Resources</u>                           | <u>12</u> |
| <u>16. Rules</u>                                       | <u>20</u> |
| <u>17. State Government</u>                            | <u>8</u>  |
| <u>18. Technology, Telecommunications &amp; Energy</u> | <u>14</u> |
| <u>19. Transportation</u>                              | <u>28</u> |

Committee members shall be selected by each party's caucus. The majority party caucus shall select all committee chairs.

### **Duties of Committees**

**Rule 24.** House committees shall operate as follows:

(A) NOTICE OF COMMITTEE MEETING. The chief clerk shall make public the time, place and subjects to be discussed at committee meetings. All public hearings held by committees shall be scheduled at least five (5) days in advance and shall be given adequate publicity: PROVIDED, That when less than eight (8) days remain for action on a bill, the Speaker may authorize a reduction of the



five-day notice period when required by the circumstances, including but not limited to the time remaining for action on the bill, the nature of the subject, and the number of prior hearings on the subject.

(B) COMMITTEE QUORUM. A majority of any committee shall constitute a quorum for the transaction of business.

(C) SESSION MEETINGS. No committee shall sit while the house is in session without special leave of the speaker.

(D) DUTIES OF STANDING COMMITTEES.

(1) Only such bills as are included on the written notice of a committee meeting may be considered at that meeting except upon the vote of a majority of the entire membership of the committee to consider another bill.

(2) A majority recommendation of a committee must be signed by a majority of the entire membership of the committee in a regularly called meeting before a bill, memorial, or resolution may be reported out: PROVIDED, That by motion under the eighth order of business, a majority of the members elected to the house may relieve a committee of a bill and place it on the second reading calendar.

Majority recommendations of a committee can only be "do pass," "do pass as amended," or that "the substitute bill be substituted therefor and that the substitute bill do pass."

(3) Members of the committee not concurring in the majority report may prepare a written minority report containing a recommendation of "do not pass" or "without recommendation," which shall be signed by those members of the committee subscribing thereto, and submitted with the majority report.

(4) All committee reports shall be spread upon the journal. The journal of the house shall contain an exact copy of all committee reports, together with the names of the members signing such reports.

(5) Every vote to report a bill out of committee shall be taken by the yeas and nays, and the names of the members voting for and against, as well as the names of members absent, shall be recorded on the committee report and spread upon the journal. Any member may call for a recorded vote, which shall include the names of absent members, on any substantive question before the committee. A copy of all recorded committee votes shall be kept by the chief clerk and shall be available for public inspection.

(6) All bills having a direct appropriation shall be referred to the appropriate fiscal committee before their final passage. For purposes of this subsection, fiscal committee means the appropriations, capital budget, finance, and transportation (~~policy and budget~~) committees.

(7) No standing committee shall vote by secret written ballot on any issue.

(8) During its consideration of or vote on any bill, resolution, or memorial, the deliberations of any standing committee of the house of representatives shall be open to the public.

(9) A standing committee to which a bill was originally referred shall, prior to voting the bill out of committee, consider whether the bill authorizes rule-making powers or requires the exercise of rule-making powers and, if so, consider:

(a) The nature of the new rule-making powers; and

(b) To which agencies the new rule-making powers would be delegated and which agencies, if any, may have related rule-making powers.

### **Standing Committees - Expenses - Subpoena Power**

**Rule 25.** Regardless of whether the legislature is in session, members of the house may receive from moneys appropriated for the legislature, reimbursement for necessary travel expenses, and payments in lieu of subsistence and lodging for conducting official business of the house.

The standing committees of the house may have the powers of subpoena, the power to administer oaths, and the power to issue commissions for the examination of witnesses in accordance with the provisions of chapter 44.16 RCW. Before a standing committee of the house may issue any process, the committee chairperson shall submit for approval of the executive rules committee a statement of purpose setting forth the name or names of those subject to process. The process shall not be issued prior to approval by the executive rules committee. The process shall be limited to the named individuals.

### **Vetoed Bills**

**Rule 26.** Veto messages of the governor shall be read in the house and entered upon the journal. It shall then be in order to proceed to reconsider the bill, refer it, lay it on the table, or postpone its consideration to a day certain.

The merits of the bill may be debated before the vote is taken, but the vote on a vetoed bill cannot be reconsidered.

In case of a bill containing several sections or items, one or more of which has been objected to by the governor, each section or item so objected to shall be voted upon separately by the house.

Action by the house upon all vetoed bills shall be endorsed upon the bill and certified by the speaker.

Vetoed bills originating in the house, which have not been passed notwithstanding the veto of the governor, shall remain in the custody of the officers of the house until the close of the term, after which they shall be filed with the secretary of state.

### **Suspension of Compensation**

**Rule 27.** (1) Any member of the house of representatives convicted and sentenced for any felony punishable by death or by imprisonment in a Washington state penal institution shall, as of the time of sentencing, be denied the legislative salary for future service and be denied per diem, compensation for expenses, office space facilities, and assistance. Any member convicted of a felony and sentenced therefor under any federal law or the law of any other state shall, as of the time of sentencing, be similarly denied such salary, per diem, expenses, facilities, and assistance if either (a) such crime would also constitute a crime punishable under the laws of Washington by death or by imprisonment in a state penal institution, or (b) the conduct resulting in the conviction and sentencing would also constitute a crime punishable under the laws of Washington by death or by imprisonment in a state penal institution.

(2) At any time, the house may vote by a constitutional majority to restore the salary, per diem, expenses, facilities, and assistance denied a member under subsection (1). If the conviction of a member is reversed, then the salary, per diem, and expense amounts denied the member since sentencing shall be forthwith paid, and the member shall thereafter have the rights and privileges of other members.

### **Smoking**

**Rule 28.** Smoking of cigarettes, pipes, or cigars shall not be permitted at any public meeting of any committee of the house of representatives or within House facilities.

"No smoking" signs shall be posted so as to give notice of this rule.

### **Parliamentary Rules**

**Rule 29.** The rules of parliamentary practice comprised in Reed's Parliamentary Rules shall govern all cases in which they are not inconsistent with the standing rules and orders of the house.

### **Standing Rules Amendment**

**Rule 30.** Any standing rule may be rescinded or changed by a majority vote of the members elected: PROVIDED, That the proposed change or changes be submitted at least one day in advance in writing to the members together with notice of the consideration thereof. Any standing rule may be suspended temporarily by a two-thirds (2/3) vote of the members present except as provided in Rule 10.

### **Rules to Apply for Assembly**

**Rule 31.** The permanent house rules adopted at the beginning of the term are to govern all acts of the house during the course of the term unless amended or repealed.

### **Legislative Mailings**

**Rule 32.** The house of representatives directs the house executive rules committee to adopt procedures and guidelines to ensure that all legislative mailings at public expense are for legitimate legislative purposes.

### **Liquor**

**Rule 33.** The House of Representatives shall strictly adhere to the liquor laws of the state of Washington, including provisions relating to banquet and special occasion permits. The proper permits must always be obtained before consumption of liquor in any house facility.

### APPENDIX TO HOUSE RULES

The House of Representatives of the fifty-sixth legislature, being composed of an equal number of members of each major political party, acknowledges that this extraordinary circumstance requires extraordinary rules of procedure which provide for bipartisan control and responsibility, ensure fairness and promote cooperation.

The following Appendix Rules A-1 through A-6 shall not be operative in the event that a candidate for speaker receives a constitutional majority of the votes of the membership of the House.

#### RULE A-1. HOUSE RULES

Reed's Parliamentary Rules and the Rules of the House of Representatives are hereby superseded to the extent they are inconsistent with the rules set forth in this appendix.

All references to speaker, speaker pro tempore, or chief clerk in Reed's Parliamentary Rules or the House Rules shall be held to refer to the co-speakers, co-speakers pro tempore, and co-chief clerks, respectively.

#### RULE A-2. ELECTION OF OFFICERS

The House shall elect the following officers at the commencement of the fifty-sixth legislature: Co-speakers, who shall be styled democratic speaker and republican speaker, co-speakers pro tempore, who shall be styled democratic speaker pro tempore and republican speaker pro tempore, and co-chief clerks.

In all elections each member shall be allowed one vote and the two candidates receiving the highest number of votes shall be declared elected.

#### RULE A-3. DUTIES OF OFFICERS

(A) Co-Speakers - The co-speakers shall jointly perform the duties and responsibilities of the speaker of the House and may represent the entire house in that capacity. The powers of the speaker may not be exercised individually by a co-speaker without the prior agreement of both co-speakers.

The co-speakers shall agree upon a procedure for dividing the duties of the chair and may jointly designate a co-speaker pro tempore, co-chief clerk, or any member to perform the duties of the chair, but such substitution shall not extend beyond an adjournment. All acts, resolutions, and other documents requiring the signature of the speaker shall be signed by both co-speakers.

Decisions regarding administration and operation of the House of Representatives shall be made jointly by the co-speakers or their designees. These decisions shall include, but not be limited to: Referral of bills to committee; appointment of conference committees; approval of house expenditures; approval of travel; decisions on points of order; employment and removal of employees; and designation of persons who shall act as representatives for the public press.

(B) Co-Chief Clerks - The co-chief clerks shall jointly perform the duties and responsibilities of the chief clerk of the House of Representatives. The powers of the chief clerk may not be exercised individually by a co-chief clerk without the prior agreement of both co-chief clerks. All acts, resolutions, and other documents requiring the signature of the chief clerk shall be signed by both chief clerks.

#### RULE A-4. COMMITTEES

The various standing committees of the House of Representatives shall have co-chairs, a democratic chair named by the democratic caucus and a republican chair named by the republican caucus.

The co-chairs shall jointly perform the duties and responsibilities of the committee chair, including committee administration, staff assignments, and scheduling. The co-chairs shall agree upon a procedure for dividing the duties of presiding at committee meetings. The powers of the chair may not be exercised individually by a co-chair without the prior agreement of both co-chairs. Each co-chair shall jointly have the right to close debate as provided in Rules 16(C) and 18.

#### RULE A-5. VOTING REQUIREMENTS AND PROCEDURES

Notwithstanding any other provision of the Rules of the House of Representatives, a constitutional majority of the members elected shall be required, for adoption of any motion, resolution, or memorial unless a greater majority is required by the Rules of the House or the Constitution: PROVIDED, That the motions to adjourn, recess, and dispense with the call of the House may be adopted by a majority of the members present: PROVIDED FURTHER, That an oral roll call may be ordered, a division called for, or a call of the House demanded as provided in Rules 19(F), 19(H), and 21 respectively.

A vote by a majority of the membership of the standing committee, as defined in Rule 23 shall be required for adoption of any motion, majority report, resolution or memorial unless a greater majority is required by the Rules of the House or the Constitution: PROVIDED, That the motions to adjourn and recess may be adopted by a majority of the members present: PROVIDED FURTHER, That a roll call may be ordered as provided for in Rule 24(D)(5).

When the electric roll call machine is used, the members shall be given at least one and one-half minutes to vote. This time limitation may be waived by a majority vote of the members elected before the vote is commenced.

#### RULE A-6. HOUSE ADMINISTRATION

All vouchers for payrolls and expenses of the House shall be signed by both co-chief clerks. All supplies for the use of the House shall be furnished upon requisitions signed by both co-chief clerks.

Representative Ballard moved adoption of the resolution.

Representatives Ballard and Chopp spoke in favor of the adoption of the resolution.

House Resolution No. 99-4600 was adopted.

## **ELECTION OF SPEAKER OF THE HOUSE**

Representative Karen Schmidt: "Thank you Mr. Speaker, members of the House, and distinguished guests.

Indeed, it is a great day to be a citizen of the state of Washington. Only once before in the history of our state have the citizens brought us together — party to party — to share the power of this chamber equally. The message they have given to each of us is to work together and to deliver together a better government of the people. The expectations of our citizens are always high. But this time, they are even higher. As the political bickering continues in the "other Washington", the citizens back here in our state have given us this opportunity to demonstrate that we can move beyond partisanship. As an equal body of both Republicans and Democrats, we have been brought together to find common ground for the common problems and needs that face each of us. And so it is right that we nominate a leader with the experience, the insight and the ability to bring each of us together for the people of our great state.

It is right that we choose a leader of this chamber who comes from the people -- who understands the importance of "government of the people"-- who lives the meaning of "public servant." Clyde Ballard is the embodiment of the American Dream. He grew up not the product of an affluent family but the son of migrant workers. His parents traveled quite often — going to places where there was work to feed the family. Their typical work day started at dawn and continued until sundown. It was not an easy life. At an early age, Clyde learned the values of hard work, of commitment and dedication, honesty and perseverance, and of public service. It is what has defined his strong, personal character. With the support of his wife, Ruth, together they built a successful ambulance business in Wenatchee. It was Clyde's genuine caring for people and commitment to public service that made the ambulance business such a good match for him.

It's these same qualities which prompted the people from North Central Washington to elect and re-elect Clyde as their state representative since 1982. These same qualities of honesty, caring and commitment have made Clyde Ballard the perfect match as the leader and speaker of the House of Representatives. Over the years, Clyde has also recognized the importance of being a good listener. Friends tell the story of how Clyde learned it's best to listen to those close to you. Clyde had received a six-pack of cola from a friend. On the label was the University of Washington Husky emblem. Clyde wanted to save the cans without opening the top so they would appear new. But he also wanted to get the pop out of the cans. He decided to puncture the underside of the cans to capture the cola. But Ruth — knowing what may happen with cans under pressure — warned him against it. Being the eternal optimist he is, Clyde decided not to listen to Ruth. It only took once.

He punctured the underside of the can. It exploded into a fizz that soaked not only Clyde, but the walls and ceiling of Ruth's kitchen. I'm told the stains can still be seen on some of the higher parts of the ceiling.

And so it is we know Clyde recognizes the importance of being a good listener. Listening and bringing people together is one of the major attributes of being a good leader and House speaker. It's no secret that our caucus has varied opinions. We are mostly together on fiscal issues. But when it comes to social issues, we run the gamut of philosophy.

Yet, Clyde Ballard has always been the voice of reason. Clyde is the leader we turn to who builds bridges between our gaps. When we have fallen apart on some of our most divisive issues, Clyde has picked up the pieces and has brought us back together again. Clyde Ballard has brought balance and fairness to our caucus and to both parties, Democrat and Republican. And he has proven that our system of checks and balances works-- so long as we continue to show mutual respect to each other. In his many years as public servant, Clyde has traveled hundreds of thousands of miles back and forth across Washington state sharing his vision of the future. He has made many sacrifices along the way.

Let me take a moment to thank his family for the sacrifices they have made in sharing Clyde with us. His wife, Ruth and their three sons, Jeff, Shawn, and Scott and their families, along with Clyde's grandchildren.

Speaking of sacrifices, once Clyde traveled to meet me on a speaking tour in Eastern Washington. He received a phone call from Ruth. Clyde had forgotten his wallet back home in East Wenatchee — along with his drivers' license, and of course, cash. We were going on to another stop and Clyde didn't have any money to get out of the parking garage. Imagine the Speaker of the House having to ask the House Transportation Chairman for money to pay for transportation needs. What a switch! I paid the ticket and we bought him lunch that day too!

I think it was a reminder of what his days were like when there was little money to go around. But even more so it was a reminder that even the smallest of details can be very important. Those of us who have been here for years know that the big issues can often be worked out. It's the smallest details that often present the greatest challenges between us and between our parties. But again, Clyde's leadership and experience have brought us together as he reminds us that we are here working for the people of Washington state.

And let me take a moment to speak about the institution itself. We have the greatest system of government in the world. You and I are so very fortunate to live in a nation where ideas may be freely exchanged. Our system of government works best when we bring ideas to this institution where we can openly and passionately debate our differences with respect for each other and the process. It is by our participation in this civil process and the respect we show for this institution that our government of the people is preserved. Eight years ago in this same chamber, the Minority Leader of the House echoed the voices of Washington's citizens.

He said, 'We have had a lot of advice that has said to us, 'Do what is right and not is what political.'"

Those are Clyde Ballard's words in 1991 who also added, "I absolutely agree with that. I think we have to. I think it is imperative that we as a Legislature do what is right and not what is political."

His own words best describe the integrity of Clyde Ballard: "Do what is right!"

This is the kind of leadership the people of our state want someone who will go beyond partisanship a man who will build bridges among our most passionate differences. Our citizens want someone who will do right for the people of Washington state. Today, we are to bestow the honor of the title of House Speaker.

In speaking about honor, President Calvin Coolidge said, "No person was ever honored for what he received. Honor has been the reward for what he gave." Clyde Ballard has given us leadership with demonstrated character, compassion and dedication.

Today, let us do — not what is political — but what we know is right.

Let us put forward the title of Speaker of the House to the people's public servant here who is most deserving the honorable Clyde Ballard."

Representative Lynn Kessler: "Members of the House, distinguished guests. It's my privilege and pleasure to place Representative Frank Chopp's name in nomination for Co-Speaker of the Washington State House of Representatives.

For only the second time in the history of our great State, the House of Representatives has an equal number of Democratic and Republican members. Shared power will present both challenges and opportunities for all of us in this chamber. It's more important now than ever that our Co-Speakers are leaders who are up to this task. I believe that both Frank Chopp and Clyde Ballard are the right people for the job.

Representative Frank Chopp has certainly proven that he has the skills to execute his duties as Co-Speaker. Throughout the many necessary negotiations that have taken place between Frank and Clyde since November, it has become clearly evident that we are well-served.

Frank is a man of integrity and compassion, qualities that I believe are essential in a great leader. His energy and exuberance have been a tremendous motivator for our Democratic caucus members. His sense of fairness has already served us well in addressing the organizational tasks that were necessary to prepare us for today and the rest of the upcoming session. Frank encourages creativity, and he's enthusiastic about other peoples' ideas. We work well together as a team.

As a member who serves a rural district, I have found Frank's interest in rural economic development issues extremely helpful. Many of the members of this body think of Frank only as a Seattle legislator, but he was actually born and raised in Bremerton. His roots and ties go deep into

rural Washington. Ironically, I moved from the Wallingford area of urban Seattle to rural Hoquiam 19 years ago, while Frank moved from rural Bremerton and lives with his wife Nancy and their daughter Ellie in my old urban Wallingford neighborhood. Because of his understanding not just of urban but also rural issues, I have frequently turned to Frank for support on matters that are critical for my district and the other rural areas of our state. Through Frank's leadership, our caucus is committed to working for ONE Washington.

Frank is a down to earth person who understands what it is to live in the real world and what people really care about — a solid education for our children and grandchildren; and a good job with a paycheck that meets the monthly bills and still leaves a little for some fun.

Frank is a man of his word. He will lead us with dignity and thoughtfulness through the challenging and I hope productive days ahead. It is with full confidence in his character, and with great enthusiasm, that I urge you to elect Frank Chopp as Co-Speaker of the House of Representatives."

Representative Barbara Lisk moved the nominations for Speaker of the House be closed. The motion was carried.

Representative Lisk moved that the rules be suspended and that by voice vote, Clyde Ballard and Frank Chopp be elected as Co-Speakers of the House. The motion was carried.

Chief Clerk Martin requested that Representatives Schmidt and Kessler escort Speaker Ballard and Speaker Chopp to the Rostrum. Chief Justice Richard Guy administered the Oath of Office to Speaker Clyde Ballard and to Speaker Frank Chopp.

#### **ACCEPTANCE SPEECH BY SPEAKER BALLARD**

Speaker Ballard: "Some how as I look out over the floor of the House this morning it doesn't appear that things are any different this year. But we all know that our lives and jobs here are going to be just a little bit unique this time around. We might even find just a few unusual challenges as we conduct the business of the people in 1999. It's a darn good thing we're all friends And get along so well And agree on every subject Right?

The fact is we are embarking today on a path that has only confronted our state once before in its long and glorious history. We must share control of the House between Republicans and Democrats. And that means we must also share responsibility for conducting the legislative process and managing the institution in a manner that is productive for the citizens of Washington and in a way that will make the public proud.

Yes we face unique challenges this year. But it will be no one's fault but our own and it will be to our great shame if we fail to succeed in facing and meeting those challenges.

I have been proud to serve you all of you in this House and all of the constituents we represent throughout the state I have been proud to serve you as speaker of the House the past four years. Now I am honored to continue leading the House this time sharing the duties and responsibilities of speaker with my friend Frank Chopp. I must tell you that Frank and I have learned an awful lot about each other in just a few weeks. You could say we've grown very close very fast. That's a good thing right?

You learn a great deal about a person when you have to depend on them. And the simple truth is Frank and I have had to depend on each other. We have been faced with making decisions that could not be made unless we found a way to reach agreement with each other. At the same time failure to make these decisions was simply not an option. Now that is pressure.

But I'm pleased to say we have risen to the challenge making sound and fair decisions while establishing a relationship and a respect that will help see us through this session. The lessons we have learned through the process of organizing the House have been valuable and they are lessons that are important to every one of us. We must make the greatest effort and take the greatest care to establish and nurture strong personal relationships with each other. That means we must be open and honest in our communication with each other. We must respect each other and do our utmost to understand the views and perspectives of others.

I have always said that while I enjoy every aspect of the legislative process what I truly love the most are the friendships we make serving here together friendships that transcend our political and philosophical differences or our differences in background and experience. Now we will find out absolutely just how much our friendship means. The fact is we cannot succeed indeed, we cannot survive without each other. As members of our respective parties and as individuals we need each other.

Having said all that I know we won't always agree with each other not on every issue. And I look forward to many spirited debates. We should welcome an engaging exchange of ideas. The greatest strength of the political process is our *ideas* and the more ideas that we look at and the more that we are willing to listen to and consider the ideas of others the more successful we will be in finding effective and workable solutions. Given the fact that we need each other I will be doing everything I can along with Co-Speaker Chopp to help us find common ground by identifying the interests and objectives we share. That is the first and most critical step in working together and seeking consensus that will allow us all find solutions. Solutions that are effective solutions that are sound solutions that are responsible. At the same time it is healthy to share the differing and competing ideas we may have as to how believe those common objectives can best be reached. What in the end will determine our success or failure is our ability to get beyond the worthwhile battle over ideas and move on to a resolution of issues that enables us to come together and offer real solutions to the real problems facing the citizens we represent.

Can we identify the common interests and concerns that underlie the issues we care about even as we challenge each other over the best ways to address those issues? Will we commit ourselves to the pursuit of solutions to reaching decisions even when we know that those decisions will require us to find a way to agree with each other? Are we willing and able to make every effort to build personal friendship and trust with every one of our colleagues and rely upon those relationships as the foundation for an ongoing effort to understand each other and respect each other? These questions and their answers will ultimately determine the course of this legislative session. We are embarking today on an experience that is entirely new to almost every one of us.

There will be challenges. It won't always be easy. But if we are of good will if we can think of ourselves as people and as friends if we strive to understand each other if we remember that we need each other then we can find ways to make this process work together. I have every confidence that we will have a productive and successful legislative session this year. And my pledge to you is that I will do everything I can to assist you and encourage you in this endeavor continuing to provide institutional leadership that is respectful and fair to every member of the House.

I deeply appreciate your continued confidence and trust in me. Let's have a great session!"

### **ACCEPTANCE SPEECH BY SPEAKER CHOPP**

Speaker Chopp: "Father Sullivan, thank you for your inspirational prayer. I've long admired your education legacy and your amazing fund-raising ability. We are honored to have you here today.

Lynn Kessler, thank you so much. You are a wonderful person and a tremendous leader. Your good will and decency shine through in everything you do. And I look forward to continuing our teamwork together.

Mr. Speaker, what a shock to both of use that we are standing up here together today. What a shock to everyone else that we're actually working together so well. I greatly appreciate that you have taken a new look at me. I'm sure that you would agree, that all legislators this session should take a new look at each other, with an open mind. If we don't then we'll be living in the past, rather than looking to the future. Clyde, I particularly admire your definition of what makes a good speaker. In your own words: "A good speaker realizes their obligation is to every member and to every citizen, and the decisions they make, they have to make fairly. Everyone has to be treated absolutely equal." Clyde, I will do my best to live up to your definition.

The two of us, are going to be closely watched and variously described. This past Saturday, I heard a radio news reporter describing the legislature as if it were going to be like the Wild West. She ominously said that the session was to begin at High Noon. Next thing you know, they may start



casting Clyde as Gary Cooper. And I guess they'll cast me as James T. Kirk in the Star Trek version of "Gunfight at the OK Corral."

Now, with a 49/49 tie, instead of reaching for our holster or our phaser, let's all rise to the occasion. What we need this session are the three C's: Cooperation, Civility and Creatively. If we are to accomplish anything this session, we must cooperate with one another. If we are to get our work done in the time allotted, we must be civil to one another. And if we are to make a difference in the lives of the people of this state, we must be creative about solutions. Business as usual just isn't enough.

To get us in the proper frame of mind, I ask that each of you think back to those who have made a difference in your life. For me, it was many people, my teachers among them. One in particular, made a difference at two different times in my life. She was my 4<sup>th</sup> grade teacher, and later on she was my high school English teacher. She taught me the three R's, as well as the three C's. Her creativity opened my eyes (even though my watercolors were sometimes a little too creative). Her civility set an example. And her spirit of cooperation made team teaching all the more effective. I remember her acerbic wit and her quick mind — which she puts to good use in retirement, as she works as a citizen activist to save some land in Kitsap County for parks and open space. Her name is Audrey Boyer. Mr. Speaker, I asked that Mrs. Boyer would stand to be recognized. Now that you got all that applause, Mrs. Boyer, I'd like to apologize to you for that paper airplane incident in 4<sup>th</sup> grade. I've been worrying about that for a long time.

By the way, all of us legislators might want to reflect upon how we acted as students, when we discuss how teachers will be treated this session. It ain't an easy job, teaching the young, but it's a very important one.

Now, I'd like to introduce members of my family, who've really made a difference in my life. My wife Nancy Long, my son Nate, my daughter Ellie, my parents Frank and Anne Chopp, my sisters Anita and Joanne, my brothers-in-law Kelly and Earl, my nephew Tyler and my mother-in-law Dorothy Long.

Family has always been important to me. When I was growing up in Bremerton, my family would gather around the kitchen table for dinner, and we'd talk about the day. We usually asked my Dad how his day at the shipyard went. He would always answer "terrible". But we all knew he had a good job — a great job — at a wage that kept the family afloat while he helped overhaul ships for the Navy. We would ask my Mom how her day went. For many years, she worked as a cafeteria worker in the local schools. By the way, to this day, I still love cafeteria food. My parents would ask me how I did at school that day. They kept telling me how important getting an education was. They set high standards for me. Often they would talk about the next PTA meeting where my Dad was President and my Mom the host. They did all this before anyone officially called it "parental involvement". My parents would keep up on my other activities as well. Every fall, they would religiously follow the travails of my peewee football team.

But throughout every season, there was always talk about another level of football — and that was politics. My family could sure argue about politics. They would argue about whether Governor Evans was really a Republican or a Democrat. They would argue about schools and roads, jobs and wages, parks and playfields, and about so much more. At dinner, I ate it all up — the food — and the talk.

These are the kind of kitchen table issues that still concern people today: strong schools, good jobs, secure families and a healthy environment. As we represent people here in Olympia, these are the issues that should concern us. Everyday issues. Mainstreet values. Issues and values that I hope we will find common ground. To do that, we need to reach across the aisle. So to start this session off on a good note, I'd like to invite the legislators on both side of the main aisle that separates us, to stand up, meet halfway across the aisle, and shake hands. Alright! That's it. That's what this session must be about. And that's why we must remember to take a new look at each other, to rise to the occasion and to make a difference. Let's go to work."

Speaker Ballard called upon Representatives John Koster and Jim McIntire to escort Judge Marlin Appelwick, Washington State Court of Appeals to the Rostrum.

## **ELECTION OF SPEAKER PRO-TEMPORE**

Representative Helen Sommers: "I rise to nominate Representative Val Ogden as co-Speaker Pro Tem. Val Ogden has the qualities needed for the position of co-Speaker Pro Tem: respected, fair, knowledgeable, thoughtful, thorough, trusted, friendly — she fits the job.

Val Ogden was born in Okanogan. She has a record as a leader in many communities across the country and in a range of activities: leader in YWCA on the East Coast including Washington D.C., leader in Camp Fire Councils in several states from Maryland to Minnesota to California; Executive Director of the United Way in Fort Collins, Colorado and that city named her Citizen of the Year. And back here at home in Washington many more activities: Mental Health Board, Human Services Council, Arts and Tourism Chair, Washington Wildlife and Recreation Board, State Historical Society Board and very active and well recognized for her outstanding work with the national Conference of State Legislatures.

Val Ogden knows how to work with a bi-partisan spirit. She is effective in a bi-partisan way. Just think — last session in a Republican controlled Legislature, she got five bills passed.

Finally let me say, Val Ogden respects this institution — This institution respects Val Ogden.

I am very proud to nominate my hard working colleague and my good friend as the first woman speaker pro-tem in 35 years — Val Ogden."

Representative Gary Alexander: I would like to nominate a friend and colleague of mine who I admire very much — Rep John Pennington, from the 18<sup>th</sup> District — for Republican Speaker Pro Tem.

Born and raised in Nashville, Tennessee, John moved to Washington State in 1990 to pursue an interest in the emerging gourmet coffee industry. While selling coffee in Battleground, he met his lovely wife, Valerie Ann. In late 1991, Rep Pennington and his new wife took a \$700 federal income tax refund and began their own company — Timber Town Coffee Company. They operated that coffee service company, and later, a small roasting facility, followed by a coffee-desert shop in the same Battleground town in which they met and married some eight years ago.

John was first elected to the House in 1994. During his second term, with the support of many of you in this room, he was elected Speaker Pro Tem. He has the distinction of being the youngest Speaker Pro Tem elected by this distinguished body.

John is a strong advocate of protecting the integrity of the institution of government by the people. And maintaining high ethical standards among its members and employees. His combination of respect, and dignity in overseeing the discussions and activity of this illustrious chamber and the past two years prepares him well for working together with his Democratic counter-part in the two years ahead.

I would ask you all to please join me in a unanimous vote for John Pennington for Republican Speaker Pro Tem. Thank you."

Representative Lisk moved the nominations for Speaker Pro Tempore be closed. The motion was carried.

Representative Lisk moved that the rules be suspended and that by voice vote, Representative Val Ogden and Representative John Pennington be elected as co Speakers Pro Tempore of the House. The motion was carried.

Speaker Ballard requested Representatives H. Sommers and Alexander escort Speaker Pro Tempore Val Ogden and Speaker Pro Tempore John Pennington to the Rostrum.

Judge Marlin Appelwick administered the Oath of Office to Speaker Pro Tempore Val Ogden and to Speaker Pro Tempore John Pennington.

Speaker Ballard relinquished the chair to Speaker Chopp.

## **ACCEPTANCE SPEECH BY SPEAKER PRO TEMPORE OGDEN**

Speaker Pro Tempore Ogden: "Chief Justice Guy, Judge Appelwick, Speaker Ballard and Speaker Chopp, honored guests, colleagues and family and friends, I am very proud to be elected as your co-Speaker Pro Tem. What makes this moment even more special for me is that my family is here to share in this event. My son Dan from Issaquah, my husband Dan from Vancouver, and my brother and sister-in-law, Chuck and Carroll Munson from Wenatchee. I'd also like to give a special thanks to Helen Sommers for her very kind words.

In recognizing Helen, I also want to note that at Twelve Noon today Helen officially completed twenty-five years — a full quarter century — of outstanding service to this House. She has been a mentor and friend to me, as she has for many other members. I am honored that she has nominated me for this leadership position. Thank you Helen!

Helen mentioned I'd be the first woman Speaker Pro Tem in 35 years. What you may not know is that two of the three women Speakers Pro Tem in our history are heroines in Southwest Washington: Julia Butler Hansen and Ella Wintler. I am profoundly honored to share a position that was held by these great women. I will strive to carry on their tradition with grace, a sense of humor and fairness.

And I'm honored to share this position with another leader who's earned all of our respect — my friend and colleague, John Pennington. During the past two years, I've watched Speaker Pro Tem Pennington perform his duties with decorum, grace and good humor. I believe we'll be a great team.

To Speakers Ballard and Chopp: I pledge I will do all I can to help you preserve the great traditions of this House and maintain its integrity.

But we do have some challenges. There are some who call us a divided House. There are some who predict the 49-49 tie will create gridlock. I believe that they are wrong. Instead of thinking of ourselves as evenly divided, let's think of ourselves as evenly balanced. We will share responsibility and power — 49 - 49. We can and will work together for the citizens of this state. After all, wisdom is not the particular prerogative of one party or person.

And citizens don't care where leadership comes from — as long as we focus on the issues which are important to them. We are truly facing a pivotal moment in our history. People have wondered for a long time what the 21<sup>st</sup> century will be like — will there be jobs which will pay a living wage with benefits? Will our schools continue to provide a quality education for our children? Will our children grow up to live in a clean and healthy environment? Will our quality of life, as we know it in this great state, be maintained? We still don't know all the answers to these questions. But we do know the answer is in our hands. The people of Washington have trusted us to lead them into the 21<sup>st</sup> century. And we will not fail. I believe we will work together, with each other, with the Senate, and with the Governor, for what is good public policy and the interests of the citizens of this state.

So when we look back two years from now, I hope that we will be able to feel we have been successful. Ralph Waldo Emerson stated it better than I can when he said, "to leave the world a bit better, whether by a healthy child, a garden patch or a redeemed social condition; to have played and laughed with enthusiasm and sung with exultation; to know even one life has breathed easier because you have lived — this is to have succeeded." I hope for all of us that we can say, "Yes, we have succeeded."

I am so very, very proud to share this responsibility — and opportunity — with all of you. Thank you for your trust, and for your friendship."

#### **ACCEPTANCE SPEECH BY SPEAKER PRO TEMPORE PENNINGTON**

Representative Pennington: "Thank you, Representative Alexander for your kind remarks. I would like to introduce my wife and best friend, Valerie and my Mother-in-Law, Ruth Fox. Judge Appelwick, Chief Justice Guy, Speaker Ballard, Speaker Chopp, Madame Speaker Pro Tem, any other Speakers that I may be missing? And distinguished colleagues and friends. Over the past two years in this position, I have had three wonderful teachers. One is my friend Speaker Clyde Ballard. Another, the gentleman I will soon nominate for the office of Chief Clerk, Mr. Tim Martin, and the third is my former colleague and friend, Judge Marlin Appelwick. What an honor to be sworn in by him.

Because of the encouragement and, often scrutiny, of each of them I have taken with great sincerity my role as an officer of this institution. Those that have come before me include a very

distinguished list: Julia Butler Hansen from southwest Washington and John L. O'Brien, we alone served for 9 terms as Speaker Pro Tem on top of the 4 terms as Speaker of the House. They are the legends, and I am merely a learner, a student.

I could not ask for someone better to share this position with, other than Representative Val Ogden of Vancouver. I first met her in the summer of 1994, she is a gifted and talented leader for her district and southwest Washington, someone with whom I have great respect and consider my friend.

It has been a remarkable experience for someone, who in 1997, stood here at the ripe age of thirty to help in presiding over this, the people's House. It is, I suppose as my parents said somewhat of a milestone for a kid who was selling coffee only five years ago in the rural areas of southwest Washington. I have been greatly humbled by your willingness to allow me the opportunity to learn.

It is my deep hope that these next two years will find us with an even greater desire for strong and healthy debate — that which is both civil and courteous — a healthy respect for protection and preservation of this institution that we who serve in it now can build upon the legacy of those that have come before us — those that have laid the ground work for high ethical stands and behavior in this House which we observe today. My greatest wish for not only this house, but indeed politics as a whole, that we should ingrain the basic tenant of integrity so deeply into this institution that it should never be undone.

We indeed find ourselves in a historic place in time. For only two legislatures in this great state of Washington have led their citizens into a new century — only one will lead it's citizens into a new millennium. On January 9, 1899 the Washington State House opened it's ceremonies, no doubt much like ours, to being the journey of concluding one century and beginning another. There were 68 Republicans, 9 People's Party members, 1 Citizen's Party member and no Democrats, and you can rest assured I will be making no editorial comments about the makeup of that legislature.

This one, January 11, 1999 will certainly be different — if not one issues, then definitely on makeup of its membership.

I conclude with the same commitment I made to you two years ago. I offer to you fairness, a willingness to listen but above all integrity. For we are all too often reminded that all we have in Olympia is our integrity — and once it is lost or broken, it may never be retrieved."

Speaker Ballard requested Representatives Helen Sommers and Gary Alexander to escort Co-Speaker Pro Tem Ogden and Co-Speaker Pro Tem Pennington to their seats on the floor.

### **ELECTION OF CHIEF CLERK**

Representative Bill Grant: "It is a great honor for me to nominate a man for our Co-Chief Clerk who first came to the legislature in 1959 as a Bill Clerk in the Senate while still in high school in Carnation. He attended Western Washington University in Bellingham and got a political science degree from the University of Washington. After serving in the military, where he achieved the rank of Captain, he returned to his life in politics.

When he was first elected as Chief Clerk of the Washington State House of Representatives in 1973 he was the youngest Chief Clerk in the United States. He served in that position until 1979. He served as Co-Chief Clerk when the House was evenly divided during the split in 1979 and 1980. He has served, with distinction, in both the Senate and the Governor's office.

Not only is he a man who is very much respected by those of us who know him, more importantly he has a great deal of respect for this institution and will serve us well as our Co-Chief Clerk. It is an honor for me to place the name of Dean R. Foster in nomination for the position of Co-Chief Clerk."

Representative John Pennington: "I suppose it is a bit unique for one officer of this House to nominate another, but I felt compelled to nominate the gentleman — Chief Clerk of this House, Tim Martin, for a third term.

In 1995, at the age of 35, Tim Martin was unanimously elected as the House's chief administrator — all the while his wife, Kim, was patiently smiling and waiting at the rear of the chamber — waiting to deliver their second child of which she did only hours later. Tim Martin is not a

leader, but a humble public servant — graduating with honors from the University of Puget Sound Law School. He has been a wonderful administrator of this House's daily activities and its overall public image.

With his intense focus on enhancing institutional integrity and public trust, Chief Clerk Martin has become nationally recognized by organizations such as NCSL and by renowned ethics advisor and author, Alan Rosenthal of Rutgers University — who has visited on two occasions to incorporate the positive change of Washington State's Legislature into his studies and writings.

It is a proud moment in our history when our chief clerk is asked to speak abroad about the dramatic reforms which he has helped to institute over the past four years. Tim also has made it very clear, that it is his greatest desire to leave this institution with integrity placed above all else.

He is innovative and visionary.

When Chief Clerk Martin realized that we were using ten to eleven million sheets of paper in each budget session, he proposed the then-radical concept of purchasing laptop computers for each member, to be used both at the member's home and office — as well as having the capability to be plugged into the desk on the floor. The reasons for that change, he said, were for efficiency of the public's resources and improving the public's access to their elected leaders. The results are phenomenal. From average citizens to business leaders, entire classrooms to seniors, we receive now on a daily basis dozens of electronic messages from our constituents. Often times, they are received as the same citizen views us over public access TVW.

It indeed has enhanced our ability to communicate effectively and efficiently. Not only was it visionary, but has become the model for other state across the nation. Just this morning, the House of Representatives was awarded the Progress of Freedom Foundation's Digital Democracy Award for the state that has best applied digital technology to democracy.

So Mr. Speaker, it is with a sense of great pride that I nominate for a third term as chief clerk of this house — a humble servant, a man focused on the integrity of this institution, a visionary and my friend, Mr. Timothy Martin."

## MOTIONS

Representative Kessler moved the nominations for Chief Clerk be closed. The motion was carried.

Representative Kessler moved that the rules be suspended and that by voice vote, Dean R. Foster and Timothy A. Martin be elected as co-Chief Clerks of the House. The motion was carried.

Speaker Chopp requested Representatives Grant and Pennington to escort Dean R. Foster and Timothy A. Martin to the Rostrum. Judge Appelwick administered the Oath of Office to co-Chief Clerks Foster and Martin.

## ACCEPTANCE SPEECH OF CO-CHIEF CLERK FOSTER

Chief Clerk Foster: "Mr. Speakers, ladies and gentlemen, members of the House of Representatives, thank you for this honor. I didn't expect to be back here again. I would first like to acknowledge the members of the forty sixth Legislature, the 1979 and 1980 tie. They have been very important in the process of setting this up and since we won't be doing this until 2019 and 2020, I think that every twenty years we should acknowledge a little bit of history: Helen Sommers, who was here then, we have five members of the Senate and Lt. Governor Brad Owen, Senator Bauer, Senator Deccio, Senator McDonald, Senator Winsley and Senator Wojahn who were all over here We know they know what it is like so they will be very cooperative with us this year and know what any problems are. I'd also like to acknowledge my three partners of twenty years ago that helped put this together: Speakers Bagnariol and Berentson but most of all my co-Chief Clerk, who I believe is sitting up in the gallery, my good friend, Vito Chiechi.

Second I would like to thank and acknowledge the members of my family who have been so supportive of me. I have been nervous because we had the floor pass rule and you will see why I was

so nervous in just a couple of minutes but that was one of the Chief Clerk perogatives I think. My mother started talking to me about politics when I was real young. She told me about being a teacher in Olympia in the late thirties, when she would come to watch the Legislature. She talked to me about the Speakers and the kind of people who were here, she was a principal of Garfield Grade School in the late thirties. My dad and mom brought me here in 1959, the first time, when I was quite nervous. I was given a great, great opportunity then and now I have a second great opportunity. My mom and dad Bob and Wanda Foster who are sitting right up there in the gallery. I am like Speaker Ballard, I often have refused, not refused but been unable to remember all the family. But I would like to acknowledge my wife Sharon who gave me the House pass to be here today, my sister Syd, our children, Kim and David and Scott who are here today as well as our other two children, Brian and Michael who couldn't be here today. And then I would like to acknowledge the rest of my family who are up in the front row of the gallery.

And finally to you members of this legislature, we pledge that we will be all working together to finish this session and to do what the citizens have asked us to do — work together, work cooperatively, work across the aisle, work in the Chief Clerk's Office. It will be a fun session, it will be a difficult session but most of all it will be memorable.

Thank you very much."

### **ACCEPTANCE SPEECH OF CO-CHIEF CLERK MARTIN**

Chief Clerk Martin: "First of all, thank you Speaker Pro Tem Pennington for those very generous nominating remarks. They mean a lot to me. And thank you Mr. Speaker Ballard, Mr. Speaker Chopp, Chief Justice Guy, Judge Appelwick, Secretary of State Munro, Deputy Chief Sharon Hayward and VickiSusan Anderson -- Happy Birthday, Vicki! You keep this place running every day and we all appreciate it.

What a great honor it is for me to have one more opportunity to do a job that I enjoy doing as much as I do this one. Thank you.

I am humbled. I am completely humbled by the trust you have placed in me. And I will do everything I can to earn that trust on a daily basis.

I would like to take this opportunity to acknowledge the team of very talented professionals that keep the infrastructure of the legislative process intact. And that's your House staff. We in this State are very fortunate to have assembled such a topnotch group of very caring individuals. They do you proud every day.

And finally, with your indulgence, I would like to take an opportunity to recognize my family: my parents, Jerry and Faye Martin; and my nephew, here from Australia, Jerry Martin; and my very best friends in the whole world -- I'm so very proud of these people -- my wife Kim, Max (who is in my office watching "Cartoon Network" instead of watching Day out here) and Gust, who work up just in time -- and made it here this year. Thank you."

Speaker Chopp thanked Chief Justice Richard Guy and Judge Marlin Appelwick for assisting the House with the Oaths of Office. He requested Representatives Constantine, Lambert, Koster and McIntire escort Chief Justice Guy and Judge Appelwick from the House Chamber.

### **RESOLUTION**

HOUSE RESOLUTION NO. 99-- 4601, by Representatives Kessler and Lisk

BE IT RESOLVED, That the Speaker of the House of Representatives appoint a committee of four members of the House of Representatives to notify the Senate that the House of Representatives is now organized and ready to conduct business.

Representative Kessler moved adoption of the resolution.

Representative Kessler spoke in favor of the adoption of the resolution.

House Resolution No. 99-4601 was adopted.

Speaker Chopp appointed Representatives Jim Kastama, Sharon Tomiko Santos, Mark Schoesler and Larry Sheahan to notify the Senate that the House was organized and ready to do business.

The Sergeant at Arms Finley announced that a delegation from the Senate was at the door and wished to be admitted to the Chamber. Speaker Chopp requested Sergeant at Arms Finley to admit the delegation and escort them to the Bar of the House. Speaker Chopp introduced Senators Val Stevens, Jeri Costa, Jim Horn, Jim Honeyford, Georgia Gardner and Tracey Eide to the members. They reported that the Senate was organized and ready to do business. The Sergeant at Arms escorted the Senators from the Chamber.

The Sergeant at Arms Finley announced that the delegation had returned from the Senate. The representatives were escorted to the Bar of the House where they reported that the Senate was organized and ready to do business. The Sergeant of Arms escorted the members to their seats on the floor.

### **INTRODUCTIONS AND FIRST READING**

HB 1000 by Representatives Murray, Skinner, Cody, Wolfe, Ballasiotes, Lantz, Kastama, Miloscia, Kenney, Ogden, Veloria, Haigh, Rockefeller and Wood

AN ACT Relating to privileged communications between certified counselors and clients; amending RCW 18.19.180; and adding a new section to chapter 18.19 RCW.

Referred to Committee on Judiciary.

HB 1001 by Representatives Constantine, Pennington, Morris, Bush, Alexander, D. Schmidt, Kenney, Ogden, Rockefeller and Lantz; by request of Legislative Ethics Board

AN ACT Relating to ethics in public service; amending RCW 42.52.420, 42.52.180, 42.17.130, 42.52.120, 42.17.020, and 42.52.010; and adding a new section to chapter 42.52 RCW.

Referred to Committee on State Government.

HB 1002 by Representatives Hatfield, Pennington, Sump and Dunn

AN ACT Relating to auctions and raffles authorized by the fish and wildlife commission; amending RCW 9.46.010, 77.32.050, 77.32.090, 77.32.250, and 77.32.450; reenacting and amending RCW 77.12.170; creating a new section; repealing RCW 9.46.400, 77.08.070, 77.12.770, and 77.12.780; and repealing 1998 c 245 s 160.

Referred to Committee on Natural Resources.

HB 1003 by Representatives Hatfield, Sump, Doumit, Pennington, Dunn and Kessler

AN ACT Relating to natural area preserves; and creating new sections.

Referred to Committee on Natural Resources.

HB 1004 by Representatives Ballasiotes, O'Brien, Benson, Radcliff, Mitchell, Quall, Dickerson, Cairnes, Morris, Hurst, Campbell, Koster, Bush, Mulliken, Kastama, Miloscia, Conway,

Esser, Scott, McIntire, Kessler, Keiser, Mielke, Carrell, McDonald, Dunn, Kenney, Ogden, Schoesler, Rockefeller and Wood

AN ACT Relating to transient sex offenders; reenacting and amending RCW 9A.44.130; and providing an effective date.

Referred to Committee on Criminal Justice & Corrections.

HB 1005 by Representatives Ballasiotes, O'Brien, Benson, Mitchell, Quall, Cairnes, Morris, Bush, Cooper, Mielke, Dunn, Schoesler and Rockefeller

AN ACT Relating to driver's license expiration while outside state; and amending RCW 46.20.120.

Referred to Committee on Transportation.

HB 1006 by Representatives Ballasiotes, O'Brien, Benson, Radcliff, Quall, Mitchell, Dickerson, Cairnes, Hurst, Alexander and Lambert

AN ACT Relating to sentencing for crimes involving drugs or alcohol; amending RCW 9.94A.030, 9.94A.110, 9.94A.120, 9.94A.137, and 9.94A.390; reenacting and amending RCW 9.94A.380; adding a new section to chapter 9.94A RCW; adding a new section to chapter 70.96A RCW; creating a new section; prescribing penalties; and making an appropriation.

Referred to Committee on Criminal Justice & Corrections.

HB 1007 by Representatives Ballasiotes, O'Brien, Radcliff, Benson, Quall, Mitchell, Cairnes and Morris

AN ACT Relating to counterfeiting; amending RCW 9.16.030 and 9.16.040; adding new sections to chapter 9.16 RCW; and prescribing penalties.

HB 1008 by Representatives Buck, Sump, Mulliken, Pennington, Alexander, Parlette, Radcliff, Cairnes, Talcott, Delvin, Fortunato, Mielke and Benson

AN ACT Relating to litter bag requirements; repealing RCW 70.93.100; and declaring an emergency.

Referred to Committee on Agriculture & Ecology.

HB 1009 by Representatives Buck, Radcliff, Mulliken, Ballasiotes, Talcott, Sump, Mitchell, McDonald, Skinner, Hankins, DeBolt, Huff, Parlette, Cairnes, Esser, Schoesler, Delvin, Campbell, Koster, G. Chandler, Bush, McMorris, Lambert, Fortunato, Mielke, Carrell, Pflug, D. Schmidt, Dunn and Benson

AN ACT Relating to voter registration; and amending RCW 29.08.080 and 46.20.155.

Referred to Committee on State Government.

HB 1010 by Representatives DeBolt and Hatfield

AN ACT Relating to the rural area marketing plan; amending RCW 43.168.140, 43.163.210, 43.160.080, 43.160.080, 19.85.011, 19.85.020, 19.85.025, 19.85.030,



19.85.040, 19.85.050, and 19.85.070; adding new sections to chapter 43.31 RCW; adding a new section to chapter 28C.04 RCW; adding a new section to chapter 19.85 RCW; adding a new section to chapter 43.63A RCW; and creating new sections.

Referred to Committee on Economic Development, Housing & Trade.

HB 1011 by Representatives Scott, Morris, Hurst, Conway, McIntire, Kessler, Keiser, Mitchell, Ballasiotes, Dickerson, Cody, Haigh, Rockefeller, Lantz and Wood

AN ACT Relating to harassment and stalking through the use of electronic communications; amending RCW 9A.46.020, 9A.46.110, and 10.14.020; and creating a new section.

Referred to Committee on Judiciary.

HB 1012 by Representatives Sump, Doumit, Hatfield, Eickmeyer, G. Chandler, McMorris, Pennington, Linville, Erickson, Koster, Bush, Mulliken, Kessler, Mielke, Grant and Schoesler

AN ACT Relating to methods of taking cougar and black bear; adding new sections to chapter 77.12 RCW; creating a new section; repealing RCW 77.16.360; and declaring an emergency.

Referred to Committee on Natural Resources.

HB 1013 by Representatives Carlson, Radcliff, Dunn and Sheahan

AN ACT Relating to the Washington fund for innovation and quality in higher education program; amending RCW 28B.120.005 and 28B.120.020; and creating a new section.

Referred to Committee on Higher Education.

HB 1014 by Representatives Carlson, Regala, Ogden, Pennington, Hatfield, Hurst, Stensen, Buck, Romero, Kastama, Scott, McIntire, Keiser, Cooper, Ballasiotes, Schual-Berke, Murray, Cody, Voloria, Rockefeller and Lantz

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

Referred to Committee on Natural Resources.

HB 1015 by Representatives Carlson, Radcliff and Sheahan

AN ACT Relating to the western interstate commission for higher education western undergraduate exchange program; amending RCW 28B.15.910; adding a new section to chapter 28B.15 RCW; and creating a new section.

Referred to Committee on Higher Education.

HB 1016 by Representatives Carlson, Ogden, Kenney, Boldt, Pennington, Dunn, Hatfield, Doumit, Mielke, Talcott and Lantz

AN ACT Relating to a pilot project on resident tuition rates for students residing in certain border counties; amending RCW 28B.15.012 and 28B.12.030; adding new sections to

chapter 28B.80 RCW; adding a new section to chapter 28B.15 RCW; and providing an expiration date.

Referred to Committee on Higher Education.

HB 1017 by Representatives Carlson, Sheahan, Dunn, Pennington and Talcott

AN ACT Relating to legal representation of institutions of higher education; and amending RCW 28B.10.510.

Referred to Committee on Higher Education.

HB 1018 by Representatives Carlson, Kenney, Radcliff, Sheahan, Dunn, Esser and Lantz

AN ACT Relating to the Washington award for vocational excellence; amending RCW 28C.04.545; and declaring an emergency.

Referred to Committee on Higher Education.

HB 1019 by Representatives Carlson, Kenney, Radcliff, Dunn and Lantz

AN ACT Relating to foreign degree-granting institutions; and amending RCW 28B.90.020.

Referred to Committee on Higher Education.

HB 1020 by Representatives Wolfe, Alexander, Conway, H. Sommers, Bush and DeBolt; by request of Joint Committee on Pension Policy

AN ACT Relating to public employees' retirement system plan 1 members who separate from service without withdrawing their contributions from the retirement system; and amending RCW 41.40.150.

Referred to Committee on Appropriations.

HB 1021 by Representatives Ogden, Carlson, Conway, H. D. Sommers Sommers, Alexander, Wolfe, Bush, DeBolt and Kenney; by request of Joint Committee on Pension Policy

AN ACT Relating to membership in the public employees' retirement system for the chief administrative officer of a public utility district or a county; amending RCW 41.40.023; and creating a new section.

Referred to Committee on Appropriations.

HB 1022 by Representatives Alexander, Ogden, D. H. Sommers Sommers, Conway, Carlson, Wolfe, Morris, Campbell, Bush, Keiser, Stensen, McDonald, Kenney, Schoesler, Rockefeller and Lantz; by request of Joint Committee on Pension Policy

AN ACT Relating to the Washington state patrol surviving spouse retirement allowance; amending RCW 43.43.120 and 43.43.274; adding a new section to chapter 43.43 RCW; and creating a new section.

Referred to Committee on Appropriations.

HB 1023 by Representatives H. Sommers, Lambert, Carlson, Ogden, Conway, D. Sommers, Alexander, Wolfe, Romero, Bush, Thomas, Keiser, Stensen, G. Chandler, DeBolt, Parlette, Talcott, K. D. Schmidt Schmidt, Murray, Schoesler, Sump and Hurst; by request of Joint Committee on Pension Policy

AN ACT Relating to the sharing of extraordinary investment gains in the teachers' retirement system plan 3; creating new sections; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1024 by Representatives Carlson, H. Sommers, Alexander, D. Sommers, Lambert, Ogden, Conway, Wolfe, Bush, Kastama, G. Chandler, DeBolt, Carrell, Parlette, Talcott, K. Schmidt and Sump; by request of Joint Committee on Pension Policy

AN ACT Relating to certain retirement system members with more than thirty years of service; adding a new section to chapter 41.32 RCW; and adding a new section to chapter 41.40 RCW.

Referred to Committee on Appropriations.

HB 1025 by Representatives D. Sommers, Ogden, Alexander, H. Sommers, Conway, Wolfe, Carlson and Bush; by request of Joint Committee on Pension Policy

AN ACT Relating to membership in the public employees' retirement system; and amending RCW 41.40.023.

Referred to Committee on Appropriations.

HB 1026 by Representatives Sheahan, Constantine and Bush; by request of Board for Judicial Administration

AN ACT Relating to court funding and improvements; amending RCW 43.08.250, 3.46.120, 3.50.100, 3.62.040, 3.62.060, 3.62.090, 27.24.070, 35.20.220, 36.18.020, 36.18.025, 46.63.110, 2.14.010, 2.14.030, and 2.56.030; reenacting and amending RCW 3.62.020; adding new sections to chapter 2.28 RCW; adding new sections to chapter 43.330 RCW; creating a new section; prescribing penalties; making appropriations; and providing an effective date.

Referred to Committee on Judiciary.

HB 1027 by Representatives Scott, Huff, Lantz, Conway and McDonald; by request of Criminal Justice Training Commission

AN ACT Relating to expanding the membership of the criminal justice training commission; and amending RCW 43.101.030 and 43.101.060.

Referred to Committee on Criminal Justice & Corrections.

HB 1028 by Representatives Ballasiotes, O'Brien, Hurst, Campbell, Conway, Esser, Lambert, Scott, Kessler, Benson, Dickerson, Cody, Schoesler, Rockefeller, Lantz and Wood

AN ACT Relating to compensation for victims of crime; and amending RCW 7.68.070.

Referred to Committee on Criminal Justice & Corrections.

HB 1029 by Representative Thomas

AN ACT Relating to elimination of double taxation of municipal utility taxes; adding a new section to chapter 35.21 RCW; and providing an effective date.

Referred to Committee on Finance.

HB 1030 by Representatives DeBolt, Hurst, Clements, Radcliff, Bush, McMorris, Alexander, Mulliken, Kastama, Conway, Esser, Lambert, McIntire, Kessler, Keiser, Cooper, Stensen, Mielke, Parlette, McDonald, K. Schmidt, Mastin, Dunn, Benson, Ogden, Haigh, Rockefeller, Lantz, Wood and Sump

AN ACT Relating to penalties for unauthorized changes of a subscriber's telecommunications company; adding a new section to chapter 80.36 RCW; and prescribing penalties.

Referred to Committee on Technology, Telecommunications & Energy.

HB 1031 by Representatives Radcliff, Dunshee, Cooper and D. Schmidt

AN ACT Relating to property tax exemptions for community radio stations; reenacting and amending RCW 84.36.805 and 84.36.810; adding a new section to chapter 84.36 RCW; and creating a new section.

Referred to Committee on Finance.

HB 1032 by Representatives McMorris, Conway, Huff, Anderson, Alexander, Mielke and Dunn

AN ACT Relating to agency liquor vendors; and adding a new section to chapter 66.08 RCW.

Referred to Committee on Commerce & Labor.

HB 1033 by Representatives Cairnes, Fisher, G. Chandler, Murray, K. Schmidt, Edwards, Wolfe, Morris, Romero, Scott, McIntire, Cooper, Dickerson, Ogden, Radcliff, Haigh, Rockefeller and Lantz

AN ACT Relating to confidentiality of certain public transportation information; and adding a new section to chapter 42.17 RCW.

Referred to Committee on State Government.

HB 1034 by Representatives Sheahan, Grant, Schoesler, Mastin, Bush and D. Schmidt

AN ACT Relating to validation of school bond elections; amending RCW 29.27.080; and declaring an emergency.

Referred to Committee on Education.

HB 1035 by Representatives Fisher, K. Schmidt, G. Chandler, Radcliff, Bush, Alexander, Mulliken, Lambert, DeBolt, McDonald, Skinner, Hankins, Mitchell and Ballasiotes; by request of Office of Financial Management

AN ACT Relating to transportation funding and appropriations; amending 1997 c 457 ss 110, 204, 215, and 223 (uncodified); 1998 c 348 ss 203, 205, 208, 209, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, and 402 (uncodified); adding a new section to 1997 c 457 (uncodified); repealing 1997 c 457 s 502; making appropriations; and declaring an emergency.

Referred to Committee on Transportation.

HJM 4000 by Representatives Buck, Sump, Mulliken, Schoesler, Pennington, Alexander, Huff, Cairnes, Delvin, Koster, Bush, McMorris and Mielke

Addressing the designation of a biodiversity reserve.

Referred to Committee on Natural Resources.

HCR 4400 by Representatives Kessler and Lisk

Calling a joint session to receive a message from the Governor.

HCR 4401 by Representatives Lisk and Kessler

Calling a joint session to receive a message the Chief Justice.

SCR 8401 by Senator Snyder

Notifying the Governor that the Legislature is organized.

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

#### MOTION

Representative Kessler moved that Senate Concurrent Resolution No. 8401 be advanced to second reading and be read in full. The motion was carried.

There being no objection, the House reverted to the sixth order of business.

#### SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8401, by Senator Snyder

Notifying the Governor that the Legislature is organized.

The resolution was read the second time.

Representative Kessler moved that the rules be suspended, the second reading considered the third and the resolution be placed on final passage. The motion was carried.

Representative Kessler spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be adoption of Senate Concurrent Resolution No. 8401. Senate Concurrent Resolution No. 8401 was adopted.

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

#### MOTION

Representative Kessler moved that Senate Concurrent Resolution No. 8401 be immediately transmitted to the Senate. The motion was carried.

Speaker Chopp appointed Representatives Jack Cairnes and John Lovick to notify the Governor that the Legislature is organized and ready to conduct business.

Speaker Chopp relinquished the chair to Speaker Ballard.

Representative Kessler moved that House Concurrent Resolution No. 4400 be advanced to second reading and read in full. The motion was carried.

There being no objection, the House reverted to the sixth order of business.

### **SECOND READING**

HOUSE CONCURRENT RESOLUTION NO. 4400, by Representatives Kessler and Lisk

Calling a joint session to receive the Governor.

The resolution was read the second time.

Representative Kessler moved that the rules be suspended, the second reading considered the third and the resolution be placed on final adoption. The motion was carried.

Representative Kessler spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be adoption of House Concurrent Resolution No. 4400. House Concurrent Resolution No. 4400 was adopted.

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

### **MOTION**

Representative Kessler moved that House Concurrent Resolution No. 4400 be immediately transmitted to the Senate. The motion was carried.

Representative Lisk moved that House Concurrent Resolution No. 4401 be advanced to second reading and be read in full. The motion was carried.

There being no objection, the House reverted to the sixth order of business.

### **SECOND READING**

HOUSE CONCURRENT RESOLUTION NO. 4401, by Representatives Lisk and Kessler

Calling a joint session to receive the Chief Justice.

The resolution was read the second time.

Representative Lisk moved that the rules be suspended, the second reading considered the third and the resolution be placed on final adoption. The motion was carried.

Speaker Ballard stated the question before the House to be adoption of House Concurrent Resolution No. 4401. House Concurrent Resolution No. 4401 was adopted.

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

### MOTIONS

Representative Lisk moved that House Concurrent Resolution No. 4401 be immediately transmitted to the Senate. The motion was carried.

On motion of Representative Lisk, the bills, memorial and resolutions listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

The Sergeant at Arms announced that Representatives Cairnes and Lovick had returned from the Governor's Office. They were escorted to the Bar. The Representatives reported that the Governor was ready to do business.

There being no objection, the House advanced to the eleventh order of business.

### COMMITTEE ASSIGNMENTS

Speakers Ballard and Chopp announced the following committee assignments:

Alexander, Gary: Appropriations, Vice Chair; Capital Budget; Health Care  
Anderson, Dave Natural Resources, Vice Chair; Agriculture & Ecology; Capital Budget  
Ballard, Clyde Rules, Co-Chair  
Ballasiotes, Ida Criminal Justice & Corrections, Co-Chair; Economic Development, Housing & Trade  
Barlean, Kelly Appropriations; Capital Budget; Financial Institutions & Insurance  
Benson, Brad Financial Institutions & Insurance, Co-Chair; Appropriations  
Boldt, Marc Children & Family Services, Vice Chair; Appropriations; Health Care; Rules  
Buck, Jim Natural Resources, Co-Chair; Transportation  
Bush, Roger Financial Institutions & Insurance, Vice Chair; Capital Budget; Technology,  
Telecommunications & Energy  
Cairnes, Jack Criminal Justice & Corrections, Vice Chair; Finance; Financial Institutions & Insurance  
Campbell, Tom State Government, Vice Chair; Children & Family Services; Health Care; Rules  
Carlson, Don Higher Education, Co-Chair; Appropriations; Education  
Carrell, Mike Finance, Vice Chair; Children & Family Services; Judiciary  
Chandler, Bruce Commerce & Labor, Vice Chair; Agriculture & Ecology; Criminal Justice &  
Corrections  
Chandler, Gary Agriculture & Ecology, Co-Chair; Natural Resources; Transportation  
Chopp, Frank Rules, Co-Chair  
Clements, Jim Commerce & Labor, Co-Chair; Appropriations; Natural Resources  
Cody, Eileen Health Care, Co-Chair; Appropriations  
Constantine, Dow Judiciary, Co-Chair; Capital Budget; Criminal Justice & Corrections  
Conway, Steve Commerce & Labor, Co-Chair; Finance; Health Care  
Cooper, Mike Agriculture & Ecology, Vice Chair; Transportation, 1st Vice Chair; Technology,  
Telecommunications & Energy  
Crouse, Larry Technology, Telecommunications & Energy, Co-Chair; Appropriations  
DeBolt, Richard Technology, Telecommunications & Energy, Vice Chair; Financial Institutions &  
Insurance; Rules; Transportation  
Delvin, Jerome Agriculture & Ecology; Technology, Telecommunications & Energy  
Dickerson, Mary Lou Children & Family Services; Finance; Judiciary  
Doumit, Mark Appropriations, Vice Chair; Local Government, Vice Chair; Natural Resources  
Dunn, Jim Economic Development, Housing & Trade, Vice Chair; Education; Higher Education  
Dunshee, Hans Finance, Co-Chair; Capital Budget, 1st Vice Chair; State Government  
Edmonds, Carolyn Capital Budget, 2nd Vice Chair; Higher Education; Judiciary  
Edwards, Jeanne Transportation, 2nd Vice Chair; Health Care; Local Government

Eickmeyer, William Economic Development, Housing & Trade, Vice Chair; Children & Family Services; Natural Resources

Ericksen, Doug Transportation, Vice Chair; Local Government; Natural Resources

Esser, Luke Capital Budget, Vice Chair; Health Care; Higher Education

Fisher, Ruth Transportation, Co-Chair; Local Government

Fortunato, Phil Agriculture & Ecology; Local Government; Transportation

Gombosky, Jeff Appropriations; Economic Development, Housing & Trade; Higher Education

Grant, Bill Agriculture & Ecology; Appropriations; Rules

Haigh, Kathy Education, Vice Chair; State Government; Transportation

Hankins, Shirley Transportation, Vice Chair; Capital Budget; Rules

Hatfield, Brian Financial Institutions & Insurance, Co-Chair; Transportation

Huff, Tom Appropriations, Co-Chair

Hurst, Chris Judiciary, Vice Chair; Commerce & Labor; Transportation

Kagi, Ruth Children & Family Services, Vice Chair; Appropriations; Criminal Justice & Corrections

Kastama, Jim Children & Family Services; Judiciary; Technology, Telecommunications & Energy

Keiser, Karen Appropriations; Education; Financial Institutions & Insurance

Kenney, Phyllis Higher Education, Co-Chair; Appropriations; Rules

Kessler, Lynn Appropriations; Rules

Koster, John Agriculture & Ecology, Vice Chair; Capital Budget; Criminal Justice & Corrections

Lambert, Kathy Judiciary, Vice Chair; Appropriations; State Government

Lantz, Patricia Higher Education, Vice Chair; Capital Budget; Judiciary

Linville, Kelli Agriculture & Ecology, Co-Chair; Appropriations

Lisk, Barbara Appropriations; Commerce & Labor; Rules

Lovick, John Criminal Justice & Corrections, Vice Chair; Health Care; Transportation

Mastin, Dave Appropriations; Capital Budget; Rules

McDonald, Joyce Judiciary; Technology, Telecommunications & Energy; Transportation

McIntire, Jim Financial Institutions & Insurance, Vice Chair; Appropriations; Commerce & Labor

McMorris, Cathy State Government, Co-Chair; Appropriations; Commerce & Labor

Mielke, Tom Local Government, Vice Chair; Technology, Telecommunications & Energy; Transportation

Miloscia, Mark State Government, Vice Chair; Capital Budget; Economic Development, Housing & Trade

Mitchell, Maryann Capital Budget, Co-Chair; Transportation

Morris, Jeff Economic Development, Housing & Trade; Technology, Telecommunications & Energy; Transportation

Mulliken, Joyce Local Government, Co-Chair; Appropriations; Judiciary

Murray, Ed Capital Budget, Co-Chair; Transportation

O'Brien, Al Criminal Justice & Corrections, Co-Chair; Capital Budget

Ogden, Val Capital Budget; Rules; Transportation

Parlette, Linda Evans Health Care, Co-Chair; Appropriations

Pennington, John Finance; Natural Resources; Rules

Pflug, Cheryl Health Care, Vice Chair; Children & Family Services; Transportation

Poulsen, Erik Technology, Telecommunications & Energy, Co-Chair; Rules

Quall, Dave Education, Co-Chair; Financial Institutions & Insurance; Rules

Radcliff, Renee Higher Education, Vice Chair; Economic Development, Housing & Trade; Transportation

Reardon, Aaron Finance, Vice Chair; Agriculture & Ecology; Technology, Telecommunications & Energy

Regala, Debbie Natural Resources, Co-Chair; Appropriations

Rockefeller, Phil Appropriations; Education; Natural Resources

Romero, Sandra State Government, Co-Chair; Transportation



Ruderman, Laura Technology, Telecommunications & Energy, Vice Chair; Appropriations; Health Care  
Santos, Sharon Tomiko Education; Finance; Financial Institutions & Insurance  
Schindler, Lynn Education, Vice Chair; Judiciary; Transportation  
Schmidt, Dave Appropriations, Vice Chair; Education; State Government  
Schmidt, Karen Transportation, Co-Chair  
Schoesler, Mark Agriculture & Ecology; Capital Budget; Rules  
Schual-Berke, Shay Health Care, Vice Chair; Education; Transportation  
Scott, Pat Local Government, Co-Chair; Transportation  
Sheahan, Larry Judiciary, Co-Chair; Finance  
Skinner, Mary Economic Development, Housing & Trade; Transportation  
Sommers, Duane Children & Family Services, Co-Chair; Economic Development, Housing & Trade  
Sommers, Helen Appropriations, Co-Chair  
Stensen, Michael Agriculture & Ecology; Education; Natural Resources  
Sullivan, Brian Appropriations; Financial Institutions & Insurance; Rules  
Sump, Bob Natural Resources, Vice Chair; Agriculture & Ecology; Education  
Talcott, Gigi Education, Co-Chair; Financial Institutions & Insurance  
Thomas, Brian Finance, Co-Chair; Technology, Telecommunications & Energy  
Tokuda, Kip Children & Family Services, Co-Chair; Appropriations  
Van Luven, Steve Economic Development, Housing & Trade, Co-Chair; Finance  
Veloria, Velma Economic Development, Housing & Trade, Co-Chair; Finance; Rules  
Wensman, Mike Appropriations; Education; Rules  
Wolfe, Cathy Economic Development, Housing & Trade; Rules; Technology, Telecommunications & Energy  
Wood, Alex Commerce & Labor, Vice Chair; Agriculture & Ecology; Transportation

#### MOTION

On motion of Representative Kessler, the House adjourned until 9:55 a.m., Tuesday, January 12, 1999.

TIMOTHY A. MARTIN, Chief Clerk      CLYDE BALLARD, Speaker  
DEAN R. FOSTER, Chief Clerk      FRANK CHOPP, Speaker

FIRST DAY, JANUARY 11, 1999

JOURNAL OF THE HOUSE

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

**SECOND DAY**

**MORNING SESSION**

House Chamber, Olympia, Tuesday, January 12, 1999

The House was called to order at 9:55 a.m. by Speaker Chopp. Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

**MESSAGES FROM THE SENATE**

January 11, 1999

Mr. Speaker:

The Senate has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4401,  
and the same is herewith transmitted.

Tony M. Cook, Secretary

January 11, 1999

Mr. Speaker:

The Senate has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4400,  
and the same is herewith transmitted.

Tony M. Cook, Secretary

**INTRODUCTIONS AND FIRST READING**

HB 1036 by Representatives Bush, Conway, Cairnes, Kastama, DeBolt, Sullivan, Boldt, McDonald, Buck, Cody, D. Schmidt, Cooper, Skinner, Sump, Clements, Thomas, Hatfield, Hurst, Barlean, Dunn and Miloscia

AN ACT Relating to vehicle license plate and inspection fees for disabled veterans; and amending RCW 73.04.110 and 70.120.170.

Referred to Committee on Transportation.

HB 1037 by Representatives Bush, Morris and Ruderman

AN ACT Relating to commercial electronic mail; amending RCW 19.190.010, 19.190.020, 19.190.030, and 42.17.310; adding a new section to chapter 19.190 RCW; adding a new chapter to Title 19 RCW; repealing RCW 19.190.005; and prescribing penalties.

Referred to Committee on Technology, Telecommunications & Energy.

HB 1038 by Representative Skinner

AN ACT Relating to adverse possession and prescriptive easements; amending RCW 4.16.020; adding a new section to chapter 4.16 RCW; and repealing RCW 7.28.010, 7.28.050, 7.28.060, 7.28.070, 7.28.080, 7.28.085, 7.28.090, 7.28.100, 7.28.110, 7.28.120, 7.28.130, 7.28.140, 7.28.150, 7.28.160, 7.28.170, 7.28.180, 7.28.190, 7.28.200, 7.18.210, 7.28.220, 7.28.230, 7.28.240, 7.28.250, 7.28.260, 7.28.270, 7.28.280, 7.28.300, 7.28.310, and 7.28.320.

Referred to Committee on Judiciary.

HB 1039 by Representatives K. Schmidt and Fisher; by request of Gambling Commission

AN ACT Relating to dissemination of criminal history record information to the Washington state gambling commission; and amending RCW 10.97.050.

Referred to Committee on Judiciary.

HB 1040 by Representatives DeBolt and Hatfield

AN ACT Relating to the rural area marketing plan; amending RCW 43.168.140, 43.163.210, 43.160.080, 19.85.011, 19.85.020, 19.85.025, 19.85.030, 19.85.040, 19.85.050, and 19.85.070; adding new sections to chapter 43.31 RCW; adding a new section to chapter 28C.04 RCW; adding a new section to chapter 19.85 RCW; and creating new sections.

Referred to Committee on Economic Development, Housing & Trade.

#### MOTION

On motion of Representative Kessler, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

On motion of Representative Kessler, the House recessed until 4:30 p.m.

#### AFTERNOON SESSION

The House was called to order at 4:30 p.m. by Speaker Chopp. The Clerk called the roll and a quorum was present.

#### JOINT SESSION

The Sergeant at Arms announced the arrival of the Senate. Speaker Chopp requested the Sergeant at Arms of the House and the Sergeant at Arms of the Senate escort President of the Senate, Lieutenant Governor Brad Owen, President Pro Tempore Lorraine Wojahn, Majority Leader Sid Snyder and Minority Leader Dan McDonald to seats on the Rostrum. The Senators were invited to seats within the Chamber.

The Joint Session was called to order by Speaker Chopp. The Clerk called the roll of the House and a quorum was present. The Clerk called the roll of the Senate and a quorum was present.

Speaker Chopp call upon President of the Senate, Lieutenant Governor Brad Owen to preside over the Joint Session.

The President appointed a special committee to escort the Supreme Court Justices from the State Reception Room to the House Chamber: Representatives Mike Carrell, Ruth Kagi, Phil Rockefeller and Lynn Schindler; Senators Mike Heavey, Steve Johnson, Adam Kline and Bob McCaslin.

The President appointed a special committee to escort the State Elected Officials from the State Reception Room to the House Chamber: Representatives Richard DeBolt, Kathy Haigh, Mark Miloscia and Dave Schmidt; Senators Karen Fraser, Bob Morton, Bob Oke and Margarita Prentice.

The President appointed a special committee to advise His Excellency, Governor Gary Locke that the Joint Session has been assembled and to escort him from his chambers to the House Chamber: Representatives Tom Huff and Lynn Kessler, Senators Bill Finkbeiner and Julia Patterson.

The Sergeant at Arms announced that the Supreme Court Justices had arrived. The President requested the committee escort the Justices to the front of the Chamber. The President introduced the Justices of the Supreme Court to the assembly: Chief Justice Richard P. Guy, Associate Chief Justice Charles Z. Smith, Justice Barbara Durham, Justice Barbara A. Madsen, Justice Gerry L. Alexander, Justice Phil Talmadge, Justice Richard B. Sanders and Justice Faith Ireland.

The Sergeant at Arms announced that the State Elected Officials had arrived. The President requested the committee escort the State Elected Officials to the front of the Chamber. The President introduced the State Elected Officials: Secretary of State Ralph Munro, State Treasurer Mike Murphy, State Auditor Brian Sonntag, State Attorney General Christine O. Gregoire, Superintendent of Public Instruction Terry Bergeson, Commissioner of Public Lands Jennifer Belcher and Insurance Commissioner Deborah Senn.

The President welcomed and introduced the Honorable Adam Smith, Congressman from the 9<sup>th</sup> District and his wife Sarah.

The President called upon Secretary of State Ralph Munro to introduce the honored guests of the diplomatic corps: The Honorable Stephen Sieberson, President of the Consular Association of Washington and Consul of the Netherlands; The Honorable Michael Upton, Vice President of the Consular Association of Washington and Her Majesty's Consul, Great Britain; The Honorable Helen Szablya, Secretary of the Consular Association of Washington and Consul of Hungary; The Honorable Roger Simmons, P.C., Consul General of Canada; The Honorable Dr. Manfred Birmelin, Consul General of the Federal Republic of Germany; The Honorable Yoshio Nomoto, Consul General of Japan; The Honorable Byung Seang Oh, Consul, Republic of Korea; The Honorable Mariano Lemus Gas, Consul General of Mexico; The Honorable Andre Veklenko, Consul General of the Russian Federation; The Honorable Frank Liu, Director General, Taipei Economic & Cultural Office Seattle; and Dr. Sirri Uyanik, Deputy Governor of the State of Valilak, Turkey.

The Sergeant at Arms announced that His Excellency, Governor Gary Locke and Mona Lee Locke had arrived. The President requested that the committee escort the Governor and Mrs. Locke to a place on the Rostrum.

The flag was escorted to the Rostrum by the Washington State Patrol Color Guard. The President led the Chamber in the Pledge of Allegiance. Prayer was offered by Pastor Lee Forstrom, Westwood Baptist Church, Olympia.

President Owen: "We are once again truly honored to have the very dignified and gracious First Mom of the First Baby Emily, with us this evening. The First Lady Mona Lee Locke. It is now my pleasure to present the Governor of the great State of Washington to give his State of the State address. His Excellency the Honorable Gary Locke."

### **STATE OF THE STATE GOVERNOR GARY LOCKE**

Governor Locke: "Mr. President, Mr. Speakers, Honorable Chief Justice, distinguished Justices of the Supreme Court, statewide elected officials, members of the Washington State Legislature, Congressman Adam Smith and Sarah, other elected officials, members of the Consular Association, and fellow citizens:

What a difference a year makes. I am pleased to welcome many friends back to Olympia, and to greet the new members of this historic 56<sup>th</sup> Legislature. Each of you has worked very hard to be here, and I share your sense of pride in the opportunity to serve the people of the state of Washington.

Every elected official in this room knows that we didn't get here by ourselves. We owe so much to our families. That's why I would like to begin today by introducing and thanking this state's First Lady, First Mom, and my best friend: Mona Locke. And I'd like to introduce my father Jimmy Locke.

While the many new faces in this room have changed the majority party in the Senate and brought the ultimate in bipartisan balance to the House, the challenges before us remain the same. In fact, as we prepare to enter a new century, our challenges have become more urgent.

The message of the last election was clear: the people of our state want us to focus on issues over politics – plain and simple. Now, all of us, Republicans and Democrats alike, must say: we are listening. So tonight I issue a challenge to this legislature: a challenge to forge a partnership, a partnership to solve real problems.

In the past two years, we've made a good start. Unemployment is low. Our children's test scores are going up as our state's tough, new academic standards begin to take root. Our truly tenacious and brilliant Attorney General, Christine Gregoire, has slayed the nicotine dragon, and made possible new investments in health care and disease prevention possible. When I took office, there were 96,000 families on welfare in our state. Today, we have reduced welfare dependence by over 33 percent. We have truly begun to change the culture of state government, and to rebuild pride in public service. Our Savings Incentive Plan has ended the "spend it or lose it" mentality of state government, and freed up millions of dollars for school construction and technology. Later this month, we will give out the first-ever tax refund to more than 100,000 businesses, thanks to their efforts to make their workplaces safer, and thanks to the wise management and efficiency of state employees.

We have been blessed with a strong economy and creative entrepreneurs who've broken all records for new job creation. There is, to be sure, economic uncertainty and hardship as a result of the Asian economic downturn. But as we close the 20<sup>th</sup> century, I'm proud to say the state of our state is vibrant, hopeful, and filled with promise.

Clearly, our citizens want us to continue focusing on issues that concern everyday people. And you know what that means in my book: education.

Education is the great equalizer in our society, and knowledge is the price of admission to the 21<sup>st</sup> century. That's why my primary goal as governor is to make Washington *a state of learning* – a state where every citizen, of every age, is involved in education. A state where learning is truly way of life. Most of you – Republicans and Democrats alike promised to focus on education. So let us join

together to make education the centerpiece of this 56<sup>th</sup> Legislature, and to make Washington a state of learning.

One hundred years ago, in the final days of the 19<sup>th</sup> century, Governor John Rogers stood before the legislature and delivered the state of the state address. Governor Rogers was a former state legislator, and the prime sponsor of the "Barefoot Schoolboy Act," which established state funding for public schools. At that time, public schooling meant an 8<sup>th</sup> grade education for most children.

In his 1899 speech, Governor Rogers called for something very controversial: extending public education from the 8<sup>th</sup> grade to the 12<sup>th</sup> grade! He also asked the legislature to fund circulating libraries in horse-drawn wagons, because he believed that if students developed a taste for good reading "a vast and incalculable good (would) be done, and the character of the future men and women of this state (would) be elevated to a higher plane."

Today, as we stand on the cusp of another new century, it is vital that we reflect on what we have gained, and what we have learned in the last hundred years.

At the time of Governor Rogers' 1899 speech, the population of Washington was 500,000. And when he addressed the legislature, he faced an all-male group. Women in Washington State were still 11 years away from winning the vote.

Today, our state's population is over five and one-half million, and still growing. And Washington holds the proud distinction of having the highest percentage of female legislators in the United States.

When Governor Rogers held office, industries freely dumped vast amounts of raw waste into our rivers and bays. Children as young as 10 years old worked in factories. And in most industries, people worked long hours, in dangerous conditions, and were without the most basic workers' rights.

Clearly, we have made progress in this century. But now we must chart our course for the next century.

None of us can predict what our world will be like a hundred years from now. We know that our population will continue to grow and become more diverse, our technology and economy will be transformed, and scientific advances will continue to astonish us. Dramatic progress in medicine and health care will mean that many – perhaps even most – of the children born this year – like Emily's little brother or sister will actually live to see the beginning of the 22<sup>nd</sup> century.

But although we can see only the dimmest outline of what lies ahead, three things are imperative:

First, to succeed in the coming century, education must become a larger part of all our lives – and education of our children must become an even higher priority.

Second, we must learn to live in harmony with the natural world that sustains us, and we must protect the wild salmon, the rivers, the forests and the agricultural lands that will sustain the people of the 21<sup>st</sup> century and beyond.

And third, we must learn to live in harmony with each other. We must learn to be more civil, more respectful of our differences, and more appreciative of our diversity.

If, in the next two years, our actions are guided by these three imperatives, we will do a good job of preparing our state for a new century and achieving Washington's promise.

The first – education – is the key. Let me tell you a little story that illustrates why. A few years ago, just after Microsoft stock went public, the husband of a former state senator had a chat with a close friend of Bill Gates III. The husband asked the friend if she thought he should buy some Microsoft stock. And she said, "Oh, no, I don't think so. They really don't have any capital, or any assets to speak of. All they have is what's in their brains."

That was spectacularly bad advice. And what made it such bad advice was the failure to recognize that *what's in our brains* is the most valuable asset of all. What's in our brains is the new economy's most important form of capital. It's no longer raw materials, or even money that new businesses need most. What they need is smart, well-educated people with new ideas. So *what's in our brains* is the critical source of our future prosperity.

That's why we need to pay much more attention to how young brains develop. We know now that learning begins at birth, and that the first three years of a child's life are critical to creating a lifelong capacity for learning. That's why our Commission on Early Learning, chaired by our First Lady and Melinda Gates, is working to ensure that every infant and every toddler gets the consistent

affection and stimulation they need so they can love and learn to their fullest potential, throughout their lives. This is what it will take for every child to come to kindergarten ready to succeed.

Our next task, of course, is to make sure that every child, in every public school, does succeed and meets our state's tough new academic standards. But our schools need help to do this.

They need more teachers, and that's why I'm proposing to add 1,000 new teachers to our elementary schools. This will provide more individualized attention to more of our youngest students. And we know that this will make a lasting difference.

But as even our youngest students will tell you, all teachers are not the same. We need not just *more* teachers, but more *outstanding* teachers. Higher expectations of students and higher expectations of teachers simply must go hand in hand. That's why I'm proposing scholarships to outstanding teacher candidates in subjects like math and science, where we have shortages. That's why I'm proposing that teachers must pass competency tests before they set foot in the classroom. And that's why I want to give significant pay increases to the outstanding teachers who meet the tough standards of state and national certification.

Just as important, we need to fundamentally change the way we finance schools by creating incentives and rewards for helping students meet our tough new academic standards.

Our state Learning Assistance Program provides extra funding and staffing for schools with large numbers of failing students. But when students in those schools begin to improve, we cut that funding. Punishing schools for doing a good job makes no sense, and we should end this practice immediately, and reform this program.

Indeed, schools that do a good job should be honored and rewarded. To do that, I'm proposing cash awards to elementary and middle schools where test scores go up three years in a row.

If our schools are to improve, we need to free them from the control of Olympia and even their local central administration and give them the flexibility and tools to succeed. So, I call on you to create Opportunity School Districts – districts where money goes directly to individual schools with decision-making authority over spending vested in principals, teachers, and parents, and where most state regulations will be waived.

But the most important thing our schools need is *us* – citizens of our state. Teachers can't do it all. They need our time, our support, and our consistent involvement. In the past six months, the Washington Reading Corps has begun to make good on the promise of greater parent and citizen involvement in schools all across our state. Today, over 9,000 volunteers have spent time helping 19,788 children master the skill of reading. But many more children who need this help are still not getting it. So I call on all parents and citizens to be more involved in our schools, to help our children learn to read, and to help our schools be the best in the nation.

It is my passionate belief, as it was the belief of Governor Rogers 100 years ago, that a relentless focus on creating avid readers will do a "vast and incalculable good," and that it will help to "raise the character of the future men and women of this state to a higher plane."

But we must recognize that the "higher plane" to which today's students must rise is far above the elevation imagined by Governor Rogers. Governor Rogers recognized that the transition from an agrarian to an industrial economy required the addition of a high school education. At the dawn of a new century, we must recognize that the transition from an industrial economy to a knowledge-based economy will require education *beyond* high school.

That's why I'm proposing the creation of Washington's Promise scholarships. These two-year college scholarships will be awarded to the top 15 percent of every high school graduating class, starting with this year's senior class. When our new, 10<sup>th</sup> grade test is in place, it will be awarded to all high school students who pass that test. And it is my hope that eventually, it will be awarded to every high school graduate, in recognition of the fact that the world of the 21<sup>st</sup> century simply requires a higher level of education.

These two-year scholarships can be used at any public or private institution in this state. It will be available to students whose families make up to 135 percent of median family income – not poverty level. For a family of four, that's \$69,000; for a family of five, it's \$82,000.

And these scholarships can be used for short-term technical training. A student might, for instance, take a 12-week course, get a job, and use the balance of the scholarship for periodic skill

upgrades over a period of several years. This represents a new way of thinking about what it means to get a college education.

A college education is a part of the American Dream. But today, the sad reality is that unless you're from a high-income family or a low-income family that qualifies for financial aid, paying for college is getting harder every year. Going to college isn't just a symbol of honor or distinction any more – it's a necessity. So, it's about time we help working and middle-class families realize the American dream of a college education.

The timing of this proposal is critical. We know that the baby-boom echo is about to result in a surge of new high school graduates who will want and need higher education. We also know that a record number of older adults are returning to school to change careers, to upgrade their skills, or to enrich their own understanding of the world in which we live. All of this requires us to stretch the capacity of our higher education system.

To do this, I am proposing that we make room for 10,000 more students in the next two years. I am also proposing the creation of the Washington Online College, which will help students of every age, in every corner of the state, enroll in distance education courses with credit over the Internet.

But it isn't enough to simply expand our colleges and universities. In our state today, our information technology industries have over 7,000 job openings, paying very high wages. Yet our colleges are only graduating some 1,300 students a year with the appropriate degrees to fill those jobs. The result is that Washington companies are hiring workers from other states and other countries. I want Washingtonians trained for Washington jobs. We must therefore insist that our colleges and universities offer the courses that our students are demanding.

A greater willingness to learn is also essential to saving our wild salmon. And we have to own up to the fact that, in the course of this century, we have been very slow learners.

We've finally learned that salmon simply cannot live without abundant, clean, cold water in our rivers and streams. We've also learned that our natural environment is finite and fragile, and that when we abuse our environment, there are measurable and often irreversible consequences.

But the most important lesson is the one that Chief Seattle tried to teach us long ago. It is that we are a part of the web of life, and not its master or its architect.

Salmon recovery is about much more than fish. It is about respect for the natural world that sustains us. And if we fail to do what's necessary for salmon, we will fail at something far larger than saving fish. We will fail at saving the very quality of life that makes living in the Pacific Northwest special and distinctive.

In addition to the long-term consequences of a degraded environment, we face a more immediate threat: If we fail to protect our wild salmon, the federal government will do it for us – and to us. We will lose control over our land, our water, and our farms and forests. That will not happen without a fight. And there is no guarantee, of course, that a federally-imposed salmon strategy would even work.

The truth that every Washington resident must know is that salmon recovery will affect all of us – even those of us who don't fish, don't live near streams, or don't even like to eat salmon. Restoring salmon – and protecting our environment – will affect decisions about where and how we build new homes, and expand or start businesses. It will affect how we wash our cars and fertilize our lawns, and how much we pay for water and electricity. And the longer we postpone the tough decisions needed to save our wild salmon, the higher the costs will be.

That's why I am calling for over \$200 million in immediate state and federal investments to help local and tribal governments implement watershed recovery plans; to enforce the environmental laws we already have on the books; to remove barriers to fish in our streams; and to help farmers and timber owners protect salmon habitat.

There's something else we need to learn, too. Over the past several decades, we've passed tough laws that keep criminals behind bars longer. But we need to learn that whether a convicted criminal is released in two years or ten years, they *will* come back to our communities. We made a mistake when we abolished parole. We need to fix that mistake by passing our offender accountability act and bringing back parole.

And this year, I am also asking you to approve legislation that will help transform every state agency into the kind of nimble, adaptable organization that can change with the times, and provide high



quality services. We need the authority to contract out state services to the private sector, and to let state employees compete for those contracts. We need to expand collective bargaining rights for state employees – to the same degree now enjoyed by city and county employees. And we need a simple, streamlined personnel and civil service system.

There is so much more to do. I'll be sending you proposals to create prosperous rural communities that attract high-tech, high-wage jobs and help existing businesses grow. We must provide real, measurable relief from the traffic congestion that impedes economic growth and drives commuters crazy. We must ensure that our elders are able to live independently for as long as possible. And we simply must invest in decent housing for the farm workers who harvest the food we eat.

This is the mindset of my agenda: instead of standing at the bottom of the cliff with an ambulance and a stretcher, we want state government to be at the top of the cliff, building fences. We want our children to get the education they need to succeed in the 21<sup>st</sup> century, so they won't ever have to apply for welfare. We want to help people get jobs and move up a career ladder rather than just paying them to be poor. We want to help people stay healthy, rather than just paying the bills when they get sick. We want to preserve and protect our natural resources rather than waiting until the last wild salmon disappears. And we want to prevent the crime, the child neglect, and the anguish caused by drug abuse, rather than picking up the pieces broken lives and families.

To accomplish all this – to forge successful partnerships, to solve real problems, and to focus on issues over politics – we must keep in mind that third imperative: the imperative of living in harmony with each other. Here in Olympia, that means we must keep our minds open to new ideas, regardless of whether they come from Democrats or Republicans, or from the executive branch or the legislature. We must not demean one another, exaggerate our differences, or impugn the motives of those with whom we differ. We must work harder at respecting our differences, and remembering that even in the heat of debate, we owe each other and the people we serve the highest standard of civility and honesty.

We simply must hold fast to the values embraced by generations of the Locke family and families all across our state: get a good education, work hard, and take care of each other. I'd like to introduce some people who embody those values – people who remind us of the power all of us have to make a positive difference in our state's future:

Meet Margaret Banks, an outstanding teacher from Vancouver who's won certification by the prestigious National Board for Professional Teaching Standards at great expense to herself and without any accompanying extra compensation. Thank you, Margaret, for your commitment to education.

Next, please welcome Teddy McDaniel, a fifth grade student at Cedar Valley Elementary in Lynnwood, and Cindy Anderson, his Reading Corps tutor. Teddy wrote me a letter to tell me how much difference a summer reading academy made in his young life. This year he's been moved to a higher reading group, and the other kids don't laugh at him any more when he reads out loud. Teddy wrote, "School is better for me this year. And everyone is proud of me and I'm proud of myself." We're proud of you Teddy!

Next please welcome Angela Grasser, a single mom and *WorkFirst* participant who is off public assistance after two and a half years and doing well in her new job thanks in part to the help she received from her case manager, Lisa Wheaton, and Kimberly Metcalf, her Employment Security job counselor. Good luck to you Angela and thank you Lisa and Kimberly.

And finally, I'd like to introduce Hazel Wolf, who was born in 1898. Hazel has said that her ambition is to live into the 21<sup>st</sup> century so that she'll have the distinction of having been alive in *three* centuries. She is a lifelong environmental activist who has taught generations of children to be good stewards of the natural world. And she is the perfect embodiment of the spirit of both our best and most enduring values, and the appetite for adventure and learning that the beginning of a new century evokes.

These are the people who show us the way to make Washington a state of learning, and to achieve Washington's promise. And these are the people who show us that the longer we live, the more we can give – to our families, our communities, and our country.

A hundred years from now, today's elected officials will be but historical photographs on the walls of this magnificent building. Our chance to make a difference for the people and the future of

Washington State is brief and fleeting. We must all make the most of it. Let us commit to preparing the way for a new century, and a new era of hope, opportunity, and lifelong learning.

Thank you very much."

The President thanked the Governor for his stirring remarks and asked the special committee to escort Governor and Mrs. Locke from the House Chamber.

The President asked the special committee to escort the State Elected Officials from the House Chamber.

The President asked the special committee to escort the Supreme Court Justices from the House Chamber.

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

The President relinquished the chair to Speaker Chopp.

Speaker Chopp requested the Sergeant at Arms of the House and the Sergeant at Arms of the Senate escort President of the Senate Lieutenant Owen, President Pro Tempore Wojahn, Majority Leader Snyder, Minority Leader McDonald and members of the Washington State Senate from the House Chamber.

There being no objection, the House advanced to the eleventh order of business.

On motion of Representative Kessler, the House adjourned until 10:00 a.m., Wednesday, January 13, 1999 for the purpose of the State of the Judiciary Address.

TIMOTHY A. MARTIN, Chief Clerk      CLYDE BALLARD, Speaker  
DEAN R. FOSTER, Chief Clerk      FRANK CHOPP, Speaker

SECOND DAY, JANUARY 12, 1999

JOURNAL OF THE HOUSE

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

**THIRD DAY**

**MORNING SESSION**

House Chamber, Olympia, Wednesday, January 13, 1999

The House was called to order at 10:00 a.m. by Speaker Ballard. The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Steve Dokken and Natalie Quist. Prayer was offered by Pastor Robert Cassis, Olympia.

Pastor Cassis: "Almighty God, in whom we trust, we acknowledge our total dependence upon your gracious goodness to us. You have ordained government to restrain evil and to reward righteousness. It is fitting therefore, that as we commence this meeting we pause to acknowledge you and to seek your blessing.

In a few moments, all three branches of our government will gather together and their presence reminds us of the wisdom of our forefathers. The checks and balances they built into our republic, serve our state and nation well. Our system, although sometimes cumbersome, effectively brings about the highest good for the many while protecting the rights and interests of the few.

Ours is a nation of laws which ensure opportunity and justice for all. Our judicial system, despite its weaknesses, is the fairest on the face of the earth. We are served well by it and the men and women who interpret and apply the law. We ask your wisdom, strength and approval for their work. We ask your special blessing upon Chief Justice Guy as he assumes the leadership of our highest court, in the months ahead, and as he speaks to us today.

In conclusion, we take this opportunity to thank you for the long and distinguished service of Justice James Dolliver as he enters retirement. We pray for happiness, health and meaning for this next phase of his life.

In your name and for your glory. Amen."

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

MESSAGE FROM THE SENATE

January 12, 1999

Mr. Speaker:

The President has signed:

SENATE CONCURRENT RESOLUTION NO. 8401,  
and the same is herewith transmitted.

Tony M. Cook, Secretary

**SIGNED BY THE SPEAKERS**

Speaker Ballard and Speaker Chopp announced they were signing:

HOUSE CONCURRENT RESOLUTION NO. 4400,

HOUSE CONCURRENT RESOLUTION NO. 4401,

SENATE CONCURRENT RESOLUTION NO. 8401,

**INTRODUCTIONS AND FIRST READING**

HB 1041 by Representatives Mitchell, Murray, Kessler, O'Brien, Ogden, Lantz, Rockefeller, Hankins, Esser and Morris; by request of Public Works Board

AN ACT Relating to authorization for projects recommended by the public works board; creating a new section; and declaring an emergency.

Referred to Committee on Capital Budget.

HB 1042 by Representatives Dunn, Wolfe and Romero; by request of Department of Information Services

AN ACT Relating to state agency and local government-owned software; and amending RCW 42.17.310.

Referred to Committee on State Government.

HB 1043 by Representatives Wensman, Thomas, Ballasiotes, O'Brien, Sheahan, Radcliff, McDonald, Conway and Fortunato

AN ACT Relating to arrests without warrant; and amending RCW 10.31.100.

Referred to Committee on Judiciary.

HB 1044 by Representatives Romero, Fisher, Alexander, Cairnes, Wolfe, Voloria, Wood and McIntire

AN ACT Relating to department of transportation expenditures for environmental retrofit projects; and adding a new section to chapter 47.28 RCW.

Referred to Committee on Transportation.

HB 1045 by Representatives Romero, Talcott, Quall, Wensman, Carlson, Hatfield, Anderson, Stensen, Keiser, Kessler, Dunshee, Wolfe, Dickerson, Ogden, Lantz, Rockefeller, Regala, Scott, Wood, Kagi, Morris, McIntire and Fortunato

AN ACT Relating to cooperating teachers; amending RCW 28A.415.105; adding a new section to chapter 28A.415 RCW; and creating a new section.

Referred to Committee on Education.

HB 1046 by Representatives Constantine, Sheahan and Kenney; by request of Board for Judicial Administration

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

Referred to Committee on Judiciary.

HB 1047 by Representatives Sheahan, Constantine, Kenney, Lantz, Bush, Hurst, Mitchell and McDonald; by request of Board for Judicial Administration

AN ACT Relating to the court of appeals; amending RCW 2.06.020; and adding a new section to chapter 2.06 RCW.

Referred to Committee on Judiciary.

HB 1048 by Representatives Ogden, Carlson and Mitchell

AN ACT Relating to parking; and amending RCW 35.86A.050, 35.86A.060, 35.86A.070, and 35.86A.120.

Referred to Committee on Local Government.

HB 1049 by Representatives Cody, Parlette, Kenney, Veloria, Dunshee and Dickerson; by request of Insurance Commissioner

AN ACT Relating to mandated coverage for medicare replacement policies; amending RCW 48.66.045; and declaring an emergency.

Referred to Committee on Health Care.

HB 1050 by Representatives Conway and Clements; by request of Department of Labor & Industries

AN ACT Relating to coal mine safety inspections; and repealing RCW 43.22.200 and 43.22.210.

Referred to Committee on Commerce & Labor.

HB 1051 by Representatives Conway, Clements, Anderson, Stensen, Keiser, Kessler, Ogden, Lantz, Rockefeller, Hurst, Wood and McIntire; by request of Department of Labor & Industries

AN ACT Relating to the statute of limitations for the repayment or recoupment of industrial insurance benefits induced by claimant fraud; and amending RCW 51.32.240.

Referred to Committee on Commerce & Labor.

HB 1052 by Representatives Conway and Clements; by request of Department of Labor & Industries

AN ACT Relating to creation of dedicated accounts for contractor registration, factory assembled structures, and elevator inspection programs; amending RCW 43.84.092 and 43.84.092; adding a new section to chapter 18.27 RCW; adding a new section to chapter 43.22 RCW; adding a new section to chapter 70.87 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Commerce & Labor.

HB 1053 by Representatives Fisher, K. Schmidt, Hatfield, Radcliff, O'Brien, Tokuda, Hurst, Skinner and Hankins; by request of Legislative Transportation Committee

AN ACT Relating to the consolidation of the fuel tax rate, and fuel tax distribution statutes maintaining revenue neutrality among fuel tax recipients; amending RCW 36.78.070, 46.68.110, 46.68.130, 47.26.405, 47.26.425, 47.26.4252, 47.26.4254, 47.26.505, 47.30.030, 47.30.050, 47.56.725, 47.56.750, 47.56.771, 47.60.420, and 82.36.025; reenacting and amending RCW 46.68.090; repealing RCW 46.68.095, 46.68.100, 46.68.115, 46.68.150, 47.26.060, 47.26.070, and 47.26.410; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

HB 1054 by Representatives G. Chandler, Linville, Schoesler, Clements, Grant, Anderson, Parlette, Dunshee and Cooper

AN ACT Relating to the duties of the commission on pesticide registration; and amending RCW 15.92.090, 15.92.095, and 15.92.100.

Referred to Committee on Agriculture & Ecology.

HB 1055 by Representative McMorris

AN ACT Relating to licensing consulting foresters; adding a new chapter to Title 18 RCW; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 1056 by Representatives Romero and Dickerson

AN ACT Relating to targeting certain positions within designated job titles for early retirement; adding a new section to chapter 41.40 RCW (uncodified); adding a new section to chapter 43.01 RCW (uncodified); adding a new section to chapter 39.29 RCW (uncodified); providing expiration dates; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1057 by Representative Romero

AN ACT Relating to animal trapping; amending RCW 77.12.040, 77.32.191, and 77.32.197; and adding a new section to chapter 77.12 RCW.

Referred to Committee on Natural Resources.

HB 1058 by Representatives Tokuda, Radcliff, O'Brien, Ballasiotes, Anderson, Kenney, Stensen, Keiser, Kessler, Veloria, Dunshee, Dickerson, Ogden, Lantz, Rockefeller, Hurst, Regala, Cooper, Scott, Schual-Berke, Conway, Santos, Wood, Kagi and McIntire

AN ACT Relating to deterring juvenile violence; amending RCW 69.50.520; adding a new chapter to Title 13 RCW; and making an appropriation.

Referred to Committee on Children & Family Services.

HB 1059 by Representatives O'Brien, Ballasiotes, Kastama, Van Luven, McMorris, Cody, Carlson, Lantz, Parlette, Bush, Keiser, Skinner, Constantine, Anderson, Haigh, K. Schmidt, Regala, Fisher, Hurst, Delvin, Lovick, Ruderman, Radcliff, Kenney, Stensen, Kessler, Dunshee, Dickerson, D. Schmidt, Ogden, Rockefeller, Poulsen, Cooper, Quall, Scott, Lisk, Esser, McDonald, DeBolt, Conway, Mielke, Kagi, Morris and McIntire

AN ACT Relating to crimes relating to mail theft and destruction; reenacting and amending RCW 9.94A.320; adding a new chapter to Title 9A RCW; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 1060 by Representatives Mitchell, Fisher, K. Schmidt, Radcliff, Carlson, Tokuda, Scott, Skinner, Hankins, Cooper, Romero and Ogden

AN ACT Relating to expanding the list of transportation supportive uses permitted in transportation centers; and amending RCW 81.75.020 and 81.75.030.

Referred to Committee on Transportation.

HB 1061 by Representatives K. Schmidt, Fisher, Radcliff, Sullivan, Skinner and Hankins; by request of Legislative Transportation Committee

AN ACT Relating to the freight mobility strategic investment board; and amending RCW 47.06A.020, 47.06A.030, and 47.06A.040.

Referred to Committee on Transportation.

HB 1062 by Representatives Carlson, Conway, Cody, Cairnes, Clements, O'Brien, Kenney, Veloria, Dunshee, Alexander, Dickerson, D. Schmidt, Tokuda, Poulsen, Edmonds, Mitchell and Haigh

AN ACT Relating to providing entrepreneurial opportunities for disabled persons; amending RCW 39.19.010, 39.19.020, 39.19.030, 39.19.080, 39.19.120, 39.19.150, 39.19.170, and 39.19.200; adding new sections to chapter 39.19 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on State Government.

HCR 4402 by Representatives Fisher, K. Schmidt, Mitchell, Radcliff, Skinner and Hankins

Designating highways of statewide significance.

Referred to Committee on Transportation.

Speaker Ballard pointed out there was a correction to the sponsorship of House Bill No. 1045: Representative Quall should replace Representative Carrell as a sponsor of this measure. There being

no objection, the bills and resolution listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

Sergeant at Arms Finley announced the arrival of the Senate. Speaker Chopp requested the Sergeant at Arms of the House and the Sergeant at Arms of the Senate escort President of the Senate Lieutenant Governor Brad Owen, President Pro Tempore Lorraine Wojahn, Majority Leader Sid Snyder and Minority Leader Dan McDonald to seats on the Rostrum. The Senators were invited to seats within the Chamber.

### **JOINT SESSION STATE OF THE JUDICIARY**

The Joint Session was called to order by Speaker Ballard. The Clerk called the roll of the House and a quorum was present. The Clerk called the roll of the Senate and a quorum was present.

Speaker Ballard relinquished the chair to President of the Senate, Lieutenant Governor Owen.

The President appointed a special committee to escort the Supreme Court Justices from the State Reception Room to the House Chamber: Representatives Bruce Chandler, Carolyn Edmonds, Michael Stensen and Bob Sump, Senators Mary Margaret Haugen, Adam Kline, Jeanine Long and Bob McCaslin.

The President appointed a special committee to escort the State Elected Officials from the State Reception Room to the House Chamber: Representatives Kelly Barlean, Jeanne Edwards, Shay Schual-Berke and Mary Skinner and Senators Karen Fraser, Bob Morton, Bob Oke and Margarita Prentice.

The President appointed a special committee to advise His Excellency, Governor Gary Locke that the Joint Session had assembled and to escort him from his chambers to the House Chamber: Representatives Luke Esser and Laura Ruderman and Senators Val Loveland and Jim Horn.

The President appointed a special committee to escort Chief Justice Richard Guy to the Rostrum: Representatives Shirley Hankins and Christopher Hurst, and Senators Mike Heavey and Steve Johnson.

The Sergeant at Arms announced that the Supreme Court Justices had arrived. The President instructed the committee to escort the Justices to the front of the Chamber where the President introduced Associate Chief Justice Charles Z. Smith, Justice Barbara Durham, Justice Charles W. Johnson, Justice Barbara A. Madsen, Justice Gerry Alexander, Justice Philip Talmadge, Justice Richard B. Sanders, Justice Faith Ireland and Justice Pro Tempore James M. Dolliver.

The Sergeant at Arms announced that the State Elected Officials had arrived. The President instructed the committee to escort the Elected Officials to the front of the Chamber where the President introduced Secretary of State Ralph Munro, State Treasurer Mike Murphy, State Auditor Brian Sonntag, State Attorney General Christine O. Gregoire, Commissioner of Public Lands Jennifer Belcher and Insurance Commissioner Deborah Senn.

The Sergeant at Arms announced that His Excellency, Governor Gary Locke had arrived. The President instructed the committee to escort the Governor to the Rostrum where the President introduced Governor Gary Locke.

The Sergeant at Arms announced that the Honorable Richard P. Guy, Chief Justice of the State Supreme Court had arrived. The President instructed the committee to escort Chief Justice Guy to the Rostrum.



The President stated the purpose of the Joint Session was to receive the State of the Judiciary address from Chief Justice Richard Guy.

**STATE OF THE JUDICIARY**  
**CHIEF JUSTICE RICHARD P. GUY**

Chief Justice Guy: "Governor, Lt. Governor, Speakers, Senators, Representatives, Elected Officials, members of the Judiciary, distinguished guests, ladies and gentlemen.

Two days ago, Justice James Dolliver retired following twenty-two years of service on the State Supreme Court and eleven years as Chief of Staff for Governor Evans. Five years ago, Justice Dolliver suffered a serious stroke. Shortly before Jim informed the Court that his doctors told him he could return to work, I visited Jim at his home. Jim saw that I was making my own evaluation of his ability to return. He said, "Guy, I want you to know my mind is as good as it has ever been." I replied, "Jim, that is not altogether reassuring to me." Jim then announced that I was out of control and that he had to return immediately — and he did. Some time later Barbara Dolliver fell down stairs at their home injuring her head and breaking both wrists. She recovered from those injuries and has resumed writing poetry. In these times, when heroes are tough to come by, I give you Jim and Barbara Dolliver.

With the consent of the President of the Senate, I would like to ask the Sergeant at Arms to escort former Governor Daniel J. Evans in to the House Chambers."

The President requested the Sergeant at Arms to escort former Governor Evans to the Rostrum.

Governor Evans: "Forty two years ago I wouldn't have needed these (as the former Governor put on his glasses). What a privilege it is for me to come back after forty two years when I first took my seat number 98 back there, whoever's occupying it now and began with the privilege of serving in this House followed by a career of public service. And it was at that same time that about that same time that Jim Dolliver began his long and distinguished career in public service. Many of you know but some may not that he was the son of an Ohio congressman, came by his political background naturally. First came to the Pacific Northwest as a park ranger in the Olympic National Park. We join together in 1963 when the House had a coalition. Now if you think a tie vote is tough, try a coalition sometime. Jim was the attorney for the Republican caucus, we had three caucuses that year and were quite successful. Next Spring, I decided that I would take a try at Governor and the first person I turned to was Jim Dolliver. As my campaign manager and with a borrowed car from a friend of mine who was a car dealer we spent over a year traveling the State every little village we could find, trying to convince people that there was an election coming up even though it was sixteen months away and I was really running for Governor. The election of course was successful and my first appointment was Jim Dolliver as my Chief of Staff. He was more than just a Chief of Staff or Staff member — he was a friend, a colleague and in many respects a mentor because I found in the intellectual giant someone who could with compassion and passion, with a knowledge that I could depend on, do the job of helping run this State. His permanent legacy is long. I mentioned that he first came to this State as a park range in Olympic National Park. One of my first hikes from Camp Parsons was into the Olympic Mountains more than fifty years ago and I still enjoy going back into those mountains. We spent a lot about hikes and places to go when we probably should have been talking state problems of importance. But these were problems of importance and out of it came some of the first environmental legislation, the protection of the Ocean strip of the Olympic National Park — the beginnings of what has flourished in the years since — of helping to protect this extraordinary land we all have the responsibility for.

He is a life long Republican — a life long Republican who believes strongly in equality, in compassion, in conservation and economic conservatism. An intellectual giant and yet one who has a twinkle in his eye and who frequently gave me some real good advice. On piece I will pass along.

On occasion as Governor, I got pretty upset. And I'd sit down and dictate a letter of massive retaliation against someone but I did have the good sense to always show it to Jim. And he would look at it and say, 'Governor, that's a whale of letter, that's marvelous. Why don't sit on it for twenty four hours? I would and I'd come back and sometimes I'd say 'Well maybe we shouldn't send it'. Other

times I'd still be ready to go and he'd say 'That letter is so good that it belongs in the Archives for future generations.' There are other things in the Archives and I've got to share with you one memo of hundreds that past between Jim Dolliver and I during those days that I was Governor. Someday a graduate student in History will dig through the Archives and find many of those memos, probably scratch her head and wonder what in the world were they talking about. This one, Jimmy said 'further explication of word which is sometimes an intransitive verb and sometimes a noun, origin unknown. Recently Loretta (my scheduling secretary) inquired of you whether you wished to meet this person. You responded 'Oh piffle'. In early times I felt I had a firm grasp in Gubernatorial Nuances and Meanings. However in recent months some rather considerable errors in interpretation have been made. I am of the view that 'Oh piffle', while it might sound negative, really has some characteristics of the affirmative. This view gains weight when the definitions of piffle are examined: To talk in a trivial, inept or ineffective way perhaps a blend of piddle and trifle. Or trivial nonsense or inaptitude, empty gavel. Loretta says you may have said 'Oh piffler', i.e., one who piffles but that seems unlikely. If it was a case of bad reporting, it may have been you said 'Oh piffer' which is member of the Punjab Irregular Frontier Corps but since you are Navy not Army we have discarded that possibility. I suggested you might have 'O Pifferio' which is old Italian wind instrument used by shepherds i.e., a bag pipe but Ralph Munro was not in the office and besides he is Scotch. As you can see, all meaningful work has stopped until this matter is clarified. Please check one of the following: I will see him: Yes No See Me or None of the above

As I said that is only one of scores of similar memos that made each day a little more pleasant during the most difficult of times.

It is a great privilege for me, not only to come back to this Chamber but to come back for this purpose to tell Jim and Barbara Dolliver how much Nancy and I love them, how much they have meant to not only the political career but how much they have meant to our lives. They are great people. The Supreme Court and the State will lose an intellectual giant but we will all be blessed by the more than forty years you have given to public service."

Chief Justice Guy: "The last time, Governor Evans, Justice Dolliver and I were in this chamber together, Dan Evans was a State Representative, Jim Dolliver was the attorney for the Republican caucus, and I was the speaker's attorney. We, like everyone in this chamber, are proof that the American dream is not dead. We can be anything we want, do anything we want. All we have to do is create our personal vision and work to achieve it.

A point of personal privilege. My wife Lynn also has a strong feeling of affection for this House. She was the receptionist for the speaker during the 1963 session. We were both from Spokane and had known one another. We became engaged during the session and married the following November. We have now been married 35 years. By your leave, I introduce Lynn, our three children Victoria, Heidi and Emily, and our two grandchildren, Jeremy and Jessica.

The purpose of this address is to advise you on the present state of the judiciary and inform you of our legislative requests for the next biennium. The judges of this state are proud, dedicated and independent. We are not insular or political advocates. We are competent people representing in our makeup all segments of Washington society. Issues are decided on their merits — not prejudged. Judges of this state are involved in their communities and active in improving the justice system. I want you to see the faces of representative state judges and to better understand how committed they are to their work and to the people they serve. I have invited three judges representing the district courts, superior courts and appeals courts of this state and will introduce them to you now. Judge Jim Riehl is a District Court Judge from Kitsap County. With assistance from the Supreme Court's Gender and Justice Commission, Judge Riehl organized a Domestic Violence summit for Kitsap County. Participants included teachers, doctors, police, social service organizations, business leaders and judges. From that conference, Judge Riehl developed a plan for such conferences that is being presented to the American Bar Association as a model.

Domestic violence is destructive of every aspect of family life. It not only damages the people directly involved, but children, grandparents, family members, friends, business associates, teachers, and medical personnel. During this session, the domestic violence coalition will propose enabling legislation in furtherance of the Federal Full Faith and Credit Domestic Violence Act. It will allow

local prosecutors to enforce protection orders from other states to safeguard those who have fled to our jurisdiction. I support that legislation.

Judge Patricia Hall-Clark is a Superior Court Judge from King County. First as Court Commissioner and now as a Superior Court Judge, her work has been that of a Juvenile Court Judge and Family Court Judge. I know the Becca Bill has cost and hearings implications, and I presently make no comment on that aspect of the law. But Judge Clark, by her presence, wants to thank you for that legislation. She wants you to know that she has had children return to her Court and tell her that what she did for them under the authority of the Becca Bill saved their lives. Judges support family courts. We believe the family court must unify all aspects of law involving family issues, from juvenile to dissolution, under one division of the Superior Court. A family court must be served by judges who want to hear family law cases and who will be the family court judge for a term sufficient to give consistency and resolution to cases. The majority of dissolution cases involve pro se litigants. They need judges who will resolve their disputes with patience and fairness, and I ask you to consider legislation that promotes Unified Family Courts. We address funding for family courts in a Court Improvement Act, which I shall discuss with you today.

Judge Dennis Sweeney is Chief Judge of the Courts of Appeals and serves on the third division of the Court in Spokane. He lives in the Tri-Cities. The bar association of the Tri Cities has 100% participation in the local pro bono program to assist low income people of the area. When Judge Sweeney practiced law in Kennewick, he was a part of the local pro bono program, and as a judge he is a member of the Washington State Bar Association's committee on Access to Justice. While not every local bar association has 100% participation in pro bono services, free legal services are provided throughout the state by every local association and the services are worth thousands of dollars. I recognized that lawyers have their critics. However, in the area of giving money and help to provide services to people who need to access the system, who can't afford a lawyer and don't know where to turn, the lawyers of this state have been magnificent. Our courts would be unable to assist the citizens in resolving their legal problems without the contribution of the pro bono lawyers. On behalf of the Judiciary, I thank them. In addition to the services provided by local attorneys, it is also essential to have legal service clinics that are organized to service the public in certain areas. I will discuss Access to Justice funding when I later speak about the Court Improvement Act we are suggesting.

I am aware that some of you may believe that courts, and the Supreme Court in particular, are activist and fail to recognize that a court's function is to interpret legislation and the Constitution and not to usurp legislative policy making. Those of us who chose law as a career did so with an appreciation of a system of governance and order that evolved from the time people first joined together for collective security to our present democratic republic. There has always been a separation in the function of a legislative body and judicial body. There is, by us in the judicial branch, reverence for the legislature. Your acts are those of the people through representative government. You, through your legislation and through the purse, have a coextensive check and balance on us, as well as the executive branch. We understand our role, apply the laws you enact, interpret legislation hopefully as you intended, and protect our great charter, the Constitution. We do work, and will continue to work, together with you and the executive branch to enhance and protect our society. We will do nothing to diminish your role as the representatives of the people.

Next, I wish to discuss with you legislative proposals and suggestions, as well as activities we are undertaking, to make the courts more efficient. I have suggested that lawyers who run for judicial positions have some experience as lawyers. This proposal is not original but is one of the recommendations made by the Walsh Commission to the Supreme Court. My suggestion is that those who wish to be Supreme Court Justices serve a minimum of 10 years as a member of the bar. Those who seek to be Court of Appeals Judges should serve a minimum of 7 years as a member of the bar. And those who seek to be Superior Court Judges should serve a minimum of 5 years as a member of the bar. At present, the only court which requires years of experience as a member of the bar is the Court of Appeals. The supreme Court, the Superior Court Judges Association, and the Board for Judicial Administration of the State Judiciary, have each endorsed this proposal. While this proposal has been criticized as elitist and protectionist, I see it as a response to the public's need to have more knowledge about judicial candidates. At the very least, the public should be able to understand that all candidates have certain minimum qualifications. This should provide the public with some assurance

that the people to whom they entrust their children, their property, and their rights have the wisdom of experience. This proposal is not in response to any individual. Rather, it is a perceived need studied and not pursued. I look to your collective wisdom on this proposal and invite sponsorship to this constitutional amendment that ultimately would be evaluated by the vote of the people.

There is a wonderful song in the play and movie "Cabaret" that "Money makes the world go around". While money may indeed make the world go around, the lack of money can also make the world stop. The trial courts are underfunded, and the criminal justice system is overwhelming the trial courts' ability to deal responsibly with civil justice.

To assist the trial courts in performing their responsibilities of providing justice in a timely and available manner, both in criminal as well as civil proceedings, we propose what we have termed the Court Improvement Act of 1999. This proposal would fund the salaries of all trial judges, district and superior, from the State general fund rather than county money. In addition this Improvement Act would provide necessary training for local police officers so they would better understand the statutory and constitutional requirements of their jobs. The Act would allow some flexibility in how court services are delivered by employing business-enhancing best practices approved by the Board for Judicial Administration. Finally, the Improvement Act would provide funding for legal services in that in large measure it will be used to assist low income people in resolving domestic disputes that are so procedurally difficult and in addressing landlord and tenant conflicts. Legal services are as critical to our citizens' well being as are medical services. Legal service assistance is essential to the judiciary in the performance of our duties of insuring that people before the court know their choices and their rights and their responsibilities under the law. The judiciary supports the funding of legal services, and we ask you to continue to support those services that are so vital to the people by supporting this funding proposal. We do not come before you with these funding requests without bringing to the table potential enhanced public safety penalty fees and litigation filing fees. Our contribution through these fees would provide to the state more than half of the requests for state money sought in the Improvement Act. The legislation has been pre-filed.

Two years ago you provided funding for the Supreme Court to create a Commission on Justice, Efficiency and Accountability. Under the leadership of then-Chief Justice Barbara Durham, the Commission undertook its work. It identified the need for funding expressed in the Court Improvement Act. It reviewed and approved trial court standards for all trial courts. It identified the missions of the courts and categorized them by whether they were core or non-core missions. We are now at the heart of the work. Our final effort will be to determine how well we perform our missions and identify who should perform those functions. As a part of that evaluation, we will also consider alternatives that may be offered to litigants to resolve their cases. In today's world, there are no monopolies, and that includes government services. Private judging supplements, and in some cases supplants, the judiciary. Cost, time, selection of a judge, and certainty of a trial date are some of the reasons private judging has become popular. We must adjust governmental services, including the judiciary, to meet the needs of the people. Protracted and delayed justice is making civil justice no longer available. Our courts will become criminal courts almost exclusively. Petty drug enforcement cases are overwhelming us. Technology demands of a changing society require that we in the judiciary examine how we do business and whom we serve. We are undertaking that evaluation.

Some time ago the Supreme Court commissioned a study on the functions of the District Courts. Justice Charles Johnson has agreed to chair a subcommittee of the Board for Judicial Administration to evaluate that study's recommendations and possible implementation. The Supreme Court is aware that in this state there are more than 385,000 unserved warrants issued by district courts. These warrants arise from misdemeanor arrests, DUI arrests, and major traffic infractions. Often a convicted offender will move beyond a county's jurisdiction and thus avoid arrest and, if arrested, avoid being returned to the county where the charge originated. Out-of-county warrants are not routinely served because of the cost in transporting a prisoner back to the county where the warrant was issued. The county where an offender later resides has no jurisdiction to try the person or to order local jail time since the district court's jurisdiction is limited to its county. Finally, no county wants to use its resources or its crowded jail to remedy another county's problem. Justice Johnson's subcommittee will also make recommendations on how to resolve the outstanding warrant problem. The solutions may include both legislation and a change of court rules. I am pleased to advise that

members of the Senate and House Judiciary Committees have agreed to serve on this subcommittee to help shape the solutions and report back to the legislature.

You will receive shortly a copy of a report by the Supreme Court Domestic Relations Commission and the Gender and Justice Commission of the Supreme Court on the parenting plan. The report is being presented to the judiciary committees of both houses by the researcher. The report validates the need for parenting plan legislation. It does identify current requirements that appear counter-productive and states that the forms required have become too numerous and difficult to complete. The majority of parties dissolving their marriage are not represented by attorneys but appear pro se. Of those who represent themselves in their dissolution actions, up to 80% must return to court for modification because of changes that occur or because some needed element of the dissolution was not made a part of the original action. The report points out the need for a family court judge who can provide continuity for the parties and resolve their disputes more efficiently and right the first time.

Another concern of the courts is the time it takes to place children in permanent homes after there has been a termination of parental rights. Foster care is designed to be temporary but often becomes long term. A Permanency Oversight Committee has devised a framework for permanency planning and accomplishment to ensure that children in foster care have families of their own. The five-year plan for ensuring permanent families is now before you for your evaluation. While there are no legislative requests, the plan does involve the participation of the Department of Social and Health Services, an agency funded by you.

It is difficult for me to express to you the reverence we judges have for the legislature as being representatives of the people. We appreciate the complexity of the tasks assigned to you and understand that you do business in great waters. We do so by giving life and expression in our courts to your legislation. We are an independent branch of our great government that strives to do the public's business in this time of social change and limited resources. However, neither the judiciary nor the legislature nor the executive can act alone in governance. We are a team working together for the common good. I pledge to you our advice on legislation, past and future, and our efforts in making business changes in managing the courts that are consistent with constitutional and statutory imperatives. In the future the ability of all of us will be needed to intelligently discern between areas of ethical concern and statutory needs in the application of genetic research. The uses to which the computer is being put and will be put involve privacy concerns and business practices which will be issues of first impression for legislators and courts requiring collective thought.

This is the state of the Judiciary. We are proud, dedicated and independent. We are proud of our role in being the forum where grievances and disputes may be resolved fairly. We are dedicated to improving the management of the services we provide. We believe in judicial independence. We will never be partisan in our decisions. We will do what is right under the law, however unpopular. I am proud of our state judges and even more proud of being able to represent them to you today.

You have been kind to invite me to this, your chamber. You have been kinder still in listening to me. By your leave, I step down from this, your bench, and go where I belong, with the judges of this state now before you."

The President thanked Chief Justice Guy for his comments.

The President requested the committee to escort Governor Locke from the House Chambers to the State Reception Room.

The President requested the committee to escort the State Elected Officials from the House Chamber.

The President requested the committee to escort the Supreme Court Justices from the House Chamber.

On motion by Representative Lisk, the Joint Session was dissolved.

The President relinquished the chair to Speaker Ballard.

Speaker Ballard requested the Sergeant at Arms to escort President of the Senate Owen, President Pro Tempore Wojahn, Majority Leader Snyder, Minority Leader McDonald and the members of the Washington State Senate from the House Chamber.

There being no objection, the House advanced to the eleventh order of business.

#### MOTION

On motion by Representative Lisk, the House adjourned until 10:00 a.m., Thursday, January 14, 1999.

TIMOTHY A. MARTIN, Chief Clerk      CLYDE BALLARD, Speaker  
DEAN R. FOSTER, Chief Clerk      FRANK CHOPP, Speaker

THIRD DAY, JANUARY 13, 1999

JOURNAL OF THE HOUSE

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

**FOURTH DAY**

**MORNING SESSION**

House Chamber, Olympia, Thursday, January 14, 1999

The House was called to order at 10:00 a.m. by Speaker Chopp. The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Diane Squier and Bryan Mondau. Prayer was offered by Pastor Terry Kaiser, Faith Assembly, Lacey.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

**INTRODUCTIONS AND FIRST READING**

HB 1063 by Representatives Thomas, Dunshee, Koster, Carlson and Bush

AN ACT Relating to transferring excess real estate excise tax revenue to the common school fund; amending RCW 82.45.180; and adding a new section to chapter 82.45 RCW.

Referred to Committee on Finance.

HB 1064 by Representatives Thomas, H. Sommers, Huff, Dunshee, Lambert, Ogden, Hurst, Tokuda, Santos, Barlean, Hatfield, Regala, O'Brien, Keiser, Cody, Morris, Veloria, Conway, Van Loven, McDonald, Talcott, Haigh, Eickmeyer, Wood, Linville, Bush, D. Schmidt, Kessler, Esser, Ruderman, Lovick, Kagi and McIntire

AN ACT Relating to funding community use of public schools; adding a new section to chapter 84.52 RCW; adding a new section to chapter 28A.500 RCW; and creating a new section.

Referred to Committee on Education.

HB 1065 by Representatives Thomas, Carrell, Mielke, Mulliken, Schoesler, Koster, Mastin, DeBolt, Lambert, Delvin, Benson, Lisk, Cairnes, Fortunato, Pflug, Bush, Dunshee, Pennington and Dunn

AN ACT Relating to the imposition of taxes; and adding a new chapter to Title 7 RCW.

Referred to Committee on Finance.

HB 1066 by Representatives Ballasiotes and O'Brien

AN ACT Relating to a study of county jails; and creating new sections.

Referred to Committee on Criminal Justice & Corrections.

HB 1067 by Representatives O'Brien and Ballasiotes

AN ACT Relating to statutory double jeopardy; and amending RCW 10.43.040.

Referred to Committee on Judiciary.

HB 1068 by Representatives Ballasiotes, O'Brien, Lambert, Mitchell, Kessler, Esser and Lovick

AN ACT Relating to clemency and pardons; amending RCW 7.69.030, 9.94A.260, and 9.95.260; and creating a new section.

Referred to Committee on Criminal Justice & Corrections.

HB 1069 by Representatives Scott, Mulliken and O'Brien

AN ACT Relating to investigations of multiple deaths; and amending RCW 43.103.090.

Referred to Committee on Local Government.

HB 1070 by Representatives Romero and D. Schmidt; by request of Alternative Public Works Methods Oversight Committee

AN ACT Relating to the general contractor/construction manager procedure for school districts; amending RCW 39.10.020 and 39.10.060; and adding new sections to chapter 39.10 RCW.

Referred to Committee on State Government.

HB 1071 by Representatives Romero and D. Schmidt; by request of Alternative Public Works Methods Oversight Committee

AN ACT Relating to limited public works; and amending RCW 39.04.150 and 39.04.155.

Referred to Committee on State Government.

HB 1072 by Representatives Romero and D. Schmidt; by request of Alternative Public Works Methods Oversight Committee

AN ACT Relating to financial information and building systems for the alternative public works process; and amending RCW 39.10.100 and 39.10.050.



Referred to Committee on State Government.

HB 1073 by Representatives D. Schmidt and Romero; by request of Alternative Public Works Methods Oversight Committee

AN ACT Relating to alternative bid procedures for public hospital districts; and amending RCW 70.44.140.

Referred to Committee on State Government.

HB 1074 by Representatives D. Schmidt, Romero and Santos; by request of Alternative Public Works Methods Oversight Committee

AN ACT Relating to job order contracting for public works; amending RCW 39.10.020, 39.08.030, 39.30.060, 60.28.011, and 39.10.902; adding a new section to chapter 39.10 RCW; adding a new section to chapter 39.12 RCW; and repealing RCW 39.10.020.

Referred to Committee on State Government.

HB 1075 by Representatives D. Schmidt and Romero; by request of Alternative Public Works Methods Oversight Committee

AN ACT Relating to increasing the monetary limit for use of the small works roster by port districts; and amending RCW 53.08.120.

Referred to Committee on State Government.

HB 1076 by Representatives Dunshee, Regala, O'Brien, Conway, Talcott, Wood, Linville and Lovick

AN ACT Relating to service credit for military service by members of the public employees' retirement system, plan II; and amending RCW 41.40.710.

Referred to Committee on Appropriations.

HB 1077 by Representatives Dunshee, Stensen, Hurst and Lovick

AN ACT Relating to prompt payment of insurance claims; adding a new section to chapter 48.18 RCW; and prescribing penalties.

Referred to Committee on Financial Institutions & Insurance.

HB 1078 by Representatives Dunshee, Stensen, Hurst, Lovick and Fortunato

AN ACT Relating to military leave for public employees; and amending RCW 38.40.060.

Referred to Committee on State Government.

HB 1079 by Representatives Ruderman, Buck, Dunshee, Talcott, Bush, Kessler, Lambert, O'Brien, Morris, McDonald, Haigh, Murray, Wood, Ogden, Esser, Lovick, Fortunato and Santos

AN ACT Relating to funding public school construction and modernization projects; creating a new section; and making appropriations.

Referred to Committee on Appropriations.

HB 1080 by Representatives Carlson, Ogden, Pennington, Dunn, Tokuda, Stensen, O'Brien, Morris, Conway, Lambert, Lantz, Wood, Rockefeller, Parlette, Esser and Lovick

AN ACT Relating to providing infectious disease testing for good samaritans; adding a new section to chapter 70.05 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Health Care.

HB 1081 by Representatives Dunn, Gombosky, Van Luven, Carrell, Keiser, Dunshee, Cooper, Ogden, Kessler and Fortunato

AN ACT Relating to part-time employees of community and technical colleges; adding a new section to chapter 28B.50 RCW; and creating a new section.

Referred to Committee on Higher Education.

HB 1082 by Representatives Dunn, Gombosky, Van Luven, Carrell and Carlson

AN ACT Relating to part-time employees of community and technical colleges; and adding a new section to chapter 28B.50 RCW.

Referred to Committee on Higher Education.

HB 1083 by Representatives Dunn, Gombosky, Van Luven, Cairnes, Koster, Barlean, Keiser, Schindler, Benson, DeBolt, Reardon, Dunshee, Wood, Cooper, Linville, Kessler, Esser, Lovick and D. Sommers

AN ACT Relating to excise tax exemptions for school construction projects; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Finance.

HB 1084 by Representatives Dunn, Gombosky and Kessler

AN ACT Relating to loans and grants made by the community economic revitalization board; amending RCW 43.160.010, 43.160.020, 43.160.060, and 43.160.200; reenacting and amending RCW 43.160.076; repealing 1998 c 321 s 29, 1997 c 367 s 10, 1995 c 226 s 7, 1993 c 320 s 10, & 1991 c 314 s 32 (uncodified); and providing an expiration date.

Referred to Committee on Economic Development, Housing & Trade.

HB 1085 by Representatives Dunn, Conway, Lambert and Esser

AN ACT Relating to possession of stolen checks or drafts; amending RCW 9A.56.160, 9A.56.140, 9A.56.010, 9A.56.110, and 9A.56.040; prescribing penalties; and declaring an emergency.

Referred to Committee on Criminal Justice & Corrections.

HB 1086 by Representatives Dunn and Van Luven

AN ACT Relating to restrictions on soliciting or accepting contributions; and amending RCW 42.17.710 and 42.17.640.

Referred to Committee on State Government.

HB 1087 by Representatives Dunn, O'Brien, Esser and Lovick

AN ACT Relating to crimes related to mail; reenacting and amending RCW 9.94A.320; adding new sections to chapter 9A.56 RCW; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 1088 by Representative Dunn

AN ACT Relating to defining economic development activities for the Washington economic development finance authority; reenacting and amending RCW 43.163.010; and declaring an emergency.

Referred to Committee on Economic Development, Housing & Trade.

HB 1089 by Representative Dunn

AN ACT Relating to payment responsibility for utility service; amending RCW 35.21.290, 35.67.200, 36.94.150, and 80.28.010; and reenacting and amending RCW 57.08.081.

Referred to Committee on Technology, Telecommunications & Energy.

HB 1090 by Representatives Kessler, Schoesler, Grant, Mastin, Wolfe, Buck, Dunshee, Crouse, Ogden, Thomas, Morris, Hatfield, Linville, Hurst, Tokuda, Hankins, Koster, Stensen, Ericksen, Regala, O'Brien, Van Luven, Carlson, Mulliken, McDonald, Haigh, DeBolt, Lantz, Wood, Cooper, Bush, D. Schmidt and McIntire

AN ACT Relating to the fair fund; creating a new section; making an appropriation; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1091 by Representatives Barlean and Ericksen

AN ACT Relating to sex offender sentencing; amending RCW 9.94A.120, 9.94A.030, 9.94A.123, 9.94A.130, 9.94A.137, 9.94A.205, 9.94A.440, 18.155.010, 18.155.020, 18.155.030, 72.09.340, and 88.12.033; and creating a new section.

Referred to Committee on Criminal Justice & Corrections.

HB 1092 by Representative Hatfield; by request of Department of Financial Institutions

AN ACT Relating to the licensing, regulation, and fees of escrow agents and escrow officers; amending RCW 18.44.010, 18.44.020, 18.44.030, 18.44.050, 18.44.060, 18.44.067, 18.44.070, 18.44.080, 18.44.090, 18.44.100, 18.44.110, 18.44.120, 18.44.125, 18.44.130, 18.44.140, 18.44.160, 18.44.175, 18.44.180, 18.44.200, 18.44.260, 18.44.280, 18.44.290, 18.44.300, 18.44.310, 18.44.320, 18.44.330, 18.44.340, 18.44.350, 18.44.360, 18.44.370, and 18.44.145; adding new sections to chapter 18.44 RCW; adding new sections to chapter

48.29 RCW; recodifying RCW 18.44.010, 18.44.020, 18.44.030, 18.44.330, 18.44.340, 18.44.067, 18.44.200, 18.44.290, 18.44.300, 18.44.310, 18.44.350, 18.44.080, 18.44.090, 18.44.100, 18.44.110, 18.44.120, 18.44.140, 18.44.180, 18.44.250, 18.44.050, 18.44.060, 18.44.360, 18.44.370, 18.44.375, 18.44.380, 18.44.385, 18.44.390, 18.44.395, 18.44.398, 18.44.070, 18.44.320, 18.44.280, 18.44.260, 18.44.175, 18.44.145, 18.44.125, 18.44.130, 18.44.190, 18.44.170, 18.44.160, 18.44.208, 18.44.215, 18.44.900, 18.44.910, 18.44.920, 18.44.921, and 18.44.922; repealing RCW 18.44.040, 18.44.065, 18.44.150, 18.44.220, and 18.44.240; and prescribing penalties.

Referred to Committee on Financial Institutions & Insurance.

HB 1093 by Representative Cairnes

AN ACT Relating to fees and costs regarding appeal of land use decisions; and repealing RCW 4.84.370.

Referred to Committee on Judiciary.

HB 1094 by Representatives Cairnes, O'Brien, Lovick, Mielke, Ballasiotes, Mulliken, Romero, Alexander, D. Schmidt, Schoesler, Carrell, Lambert, Rockefeller and Esser

AN ACT Relating to penalties for criminal impersonation; amending RCW 9A.60.040; reenacting and amending RCW 9.94A.320; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 1095 by Representatives Cairnes, O'Brien, Koster, D. Schmidt, Thomas, Lovick, Schoesler, Dunn, Lambert and Delvin

AN ACT Relating to law enforcement personnel records and internal affairs files; and adding a new chapter to Title 5 RCW.

Referred to Committee on Judiciary.

HB 1096 by Representatives Cairnes, O'Brien, Schindler, Constantine, Lovick, D. Schmidt, Alexander, Romero, Barlean, Keiser, Morris, Carlson, Cooper, Kessler, Esser and Fortunato

AN ACT Relating to assault; amending RCW 9.94A.390; adding a new section to chapter 9A.36 RCW; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 1097 by Representatives Cairnes, Constantine, Sheahan, Murray, Kastama, Edwards, K. Schmidt, Fisher and Rockefeller

AN ACT Relating to fare payment and enforcement by regional transit authorities; amending RCW 81.112.020; adding new sections to chapter 81.112 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Transportation.

HB 1098 by Representatives Sheahan, Constantine and Lantz

AN ACT Relating to trust and estate dispute resolution; amending RCW 11.40.020, 4.16.370, 6.15.020, 11.12.120, 11.18.200, 11.28.240, 11.40.040, 11.40.140, 11.42.010, 11.42.040, 11.42.085, 11.54.080, 11.54.090, 11.68.065, 11.68.080, 11.92.140, 11.95.140, 11.98.039, 11.98.051, 11.98.055, 11.98.080, 11.98.110, 11.98.170, 11.98.200, 11.98.220, 11.98.240, 11.106.040, 11.106.050, 11.106.060, 11.108.040, 11.108.900, 11.110.120, 11.114.020, 36.18.012, 36.18.020, and 83.100.180; adding a new chapter to Title 11 RCW; creating new sections; repealing RCW 11.16.060, 11.16.070, 11.16.082, 11.16.083, 11.96.009, 11.96.020, 11.96.030, 11.96.040, 11.96.050, 11.96.060, 11.96.070, 11.96.080, 11.96.090, 11.96.100, 11.96.110, 11.96.120, 11.96.130, 11.96.140, 11.96.150, 11.96.160, 11.96.170, 11.96.180, 11.96.900, and 11.96.901; and providing an effective date.

Referred to Committee on Judiciary.

HB 1099 by Representatives Sullivan, D. Schmidt, Gombosky, Conway, Cairnes, Wolfe, Ballasiotes, Cody, O'Brien, Quall, Bush, Eickmeyer, Hatfield, Santos, Veloria, McDonald, Talcott and Fortunato

AN ACT Relating to health benefits for Washington national guard members; amending RCW 41.05.011, 41.05.011, and 41.05.080; adding a new section to chapter 41.05 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on State Government.

HB 1100 by Representatives Sullivan, Gombosky, Kastama and Kessler

AN ACT Relating to the financial responsibility of those who serve liquor to intoxicated persons; and adding a new section to chapter 66.08 RCW.

Referred to Committee on Commerce & Labor.

HB 1101 by Representatives Sullivan, Kastama, Gombosky, DeBolt and Fortunato

AN ACT Relating to sales and use tax exemptions for corrective lenses; amending RCW 82.08.0281 and 82.12.0275; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and providing an effective date.

Referred to Committee on Finance.

HB 1102 by Representative Sullivan

AN ACT Relating to annexations by public utility districts; amending RCW 54.04.035 and 54.32.010; adding a new section to chapter 54.32 RCW; and recodifying RCW 54.04.035.

Referred to Committee on Local Government.

HB 1103 by Representative Sullivan

AN ACT Relating to homeowners' insurance; and adding a new section to chapter 48.22 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 1104 by Representatives Sullivan, Gombosky, Murray, Wolfe and Eickmeyer

AN ACT Relating to small loans; amending RCW 31.45.010 and 31.45.073; adding a new section to chapter 30.04 RCW; adding a new section to chapter 31.12 RCW; and adding a new section to chapter 32.04 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 1105 by Representatives Sullivan, Gombosky, Bush, Kastama, Murray, Conway, Morris, Kenney, Wolfe, Cairnes, Wood, Eickmeyer, Hurst, Tokuda, Stensen, Santos, O'Brien, Veloria, Lantz, Rockefeller, Kessler and D. Sommers

AN ACT Relating to check cashers and sellers; and amending RCW 31.45.010 and 31.45.073.

Referred to Committee on Financial Institutions & Insurance.

HB 1106 by Representatives Van Luven, Conway, Wood, Clements, Lisk and Esser

AN ACT Relating to disclosures made for prize promotions; and amending RCW 19.170.030.

Referred to Committee on Commerce & Labor.

HB 1107 by Representatives Sullivan, DeBolt, Kastama, Eickmeyer, Linville, Cairnes, McDonald, Murray, Kenney, McIntire and Wolfe

AN ACT Relating to the use of credit reports by insurers; and adding a new section to chapter 48.05 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 1108 by Representatives Sullivan, Bush, Kastama, DeBolt, Linville, Doumit, Murray, Gombosky, Morris, Rockefeller, H. Sommers, McIntire, Hurst, Kenney, Conway, D. Schmidt, Wolfe, Cairnes, Eickmeyer, Hatfield, Keiser and Lambert

AN ACT Relating to consumer credit reports; and amending RCW 19.182.040.

Referred to Committee on Financial Institutions & Insurance.

HB 1109 by Representatives H. D. Sommers Schmidt, Ogden, McMorris and Linville

AN ACT Relating to conducting elections with the use of absentee ballots and mail ballots; amending RCW 29.30.075, 29.36.121, 29.36.139, and 29.62.020; adding a new section to chapter 29.36 RCW; and repealing RCW 29.36.126.

Referred to Committee on State Government.

HB 1110 by Representatives Romero, Crouse, Conway, Poulsen, Ogden, Hurst, Tokuda, Stensen, O'Brien, Haigh, Lantz, Cooper, Rockefeller, Kessler and McIntire

AN ACT Relating to commercial telephone solicitation; amending RCW 19.158.110; adding a new chapter to Title 19 RCW; creating a new section; prescribing penalties; and making an appropriation.

Referred to Committee on Technology, Telecommunications & Energy.

HB 1111 by Representatives Romero, Crouse, Poulsen and Conway

AN ACT Relating to charitable solicitations by commercial fund raisers and nonlocal fund raisers; amending RCW 19.09.100; and creating a new section.

Referred to Committee on Technology, Telecommunications & Energy.

HB 1112 by Representatives Cody, Campbell, Boldt, Santos, O'Brien, Veloria, Conway, Haigh, Murray and Linville

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

Referred to Committee on Health Care.

HB 1113 by Representatives Campbell, Cody and Boldt

AN ACT Relating to the practice of occupational therapy; and amending RCW 18.59.020, 18.59.031, and 18.59.100.

Referred to Committee on Health Care.

HB 1114 by Representatives Doumit, Schoesler, Cooper, O'Brien, Mulliken, Kenney, Talcott, Clements, Bush, Rockefeller, Sump, Eickmeyer, Hatfield, Romero, Grant, Mastin, Morris, Skinner, Buck, Sheahan, Ogden, Pennington, Carrell, Hurst, Tokuda, Stensen, Santos, Edmonds, Keiser, Veloria, Conway, Carlson, McDonald, Haigh, DeBolt, Dunshee, Lantz, Wood, D. Schmidt, Kessler and Lovick

AN ACT Relating to fire fighters; amending RCW 43.43.934, 43.43.944, 41.16.050, 41.24.170, 41.24.160, and 41.24.172; and making appropriations.

Referred to Committee on Appropriations.

HB 1115 by Representatives Schoesler, Mulliken, Grant, Sheahan, Carrell, Benson, Gombosky, Cairnes, Delvin, Dunn and D. Sommers

AN ACT Relating to business and occupation tax exemptions for wholesale transactions involving motor vehicles at auction; amending RCW 82.04.317; and declaring an emergency.

Referred to Committee on Finance.

HB 1116 by Representative Clements

AN ACT Relating to long-term care; and amending RCW 74.39A.170.

Referred to Committee on Health Care.

HB 1117 by Representatives Pennington, Mielke and Lambert

AN ACT Relating to elections; amending RCW 29.15.025, 29.01.140, and 29.85.100; and adding a new section to chapter 29.85 RCW.

Referred to Committee on State Government.

HB 1118 by Representative Pennington

AN ACT Relating to excise tax exemptions for electric vehicles; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; providing an effective date; and providing expiration dates.

Referred to Committee on Finance.

HB 1119 by Representatives Pennington, Hatfield, Mielke, Doumit and Eickmeyer

AN ACT Relating to the fish and wildlife commission; and amending RCW 77.04.030.

Referred to Committee on Natural Resources.

HB 1120 by Representatives Pennington, Doumit, Mielke, Hatfield, McDonald, Delvin, Carlson, Lambert, Eickmeyer, Bush and Esser

AN ACT Relating to operating watercraft; amending RCW 10.31.100; and adding a new section to chapter 88.12 RCW.

Referred to Committee on Judiciary.

HB 1121 by Representatives Pennington, Mielke and Dunshee

AN ACT Relating to initiative and referendum powers in counties; and adding new sections to chapter 36.32 RCW.

Referred to Committee on Local Government.

HB 1122 by Representatives Keiser, Cairnes, Hatfield, DeBolt, Sullivan, Quall and Lambert

AN ACT Relating to the use of imitation crash parts for repair of motor vehicles; adding a new section to chapter 48.30 RCW; and adding a new chapter to Title 19 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 1123 by Representatives O'Brien, Delvin, Ballasiotes, Sheahan, Lovick, Constantine, Lantz, Conway, McDonald, Stensen and Hurst

AN ACT Relating to certification of peace officers; amending RCW 43.101.010; adding new sections to chapter 43.101 RCW; creating a new section; and providing an effective date.

Referred to Committee on Criminal Justice & Corrections.

HB 1124 by Representatives Constantine, Sheahan, Ballasiotes, Lantz, McDonald, Lambert, Stensen, Hurst and Esser

AN ACT Relating to correcting electronic monitoring provisions in the penalty schedule for alcohol violators; and reenacting and amending RCW 46.61.5055.

Referred to Committee on Judiciary.

MOTION



On motion of Representative Kessler, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated with the exception of House Bill No. 1085 which was referred to the Committee on Criminal Justice and Corrections.

#### **POINT OF PERSONAL PRIVILEGE**

Representative Sullivan: "Mr. Speaker, I regret to inform this body and members of the Legislature, that an Air National Guard airplane went down in Germany yesterday. This event is a serious tragedy to the Air National Guard of which I am a member and to the families who had members on that crew. I'd ask that the members of this body take a moment of silence at this time and keep the families of these folks in your thoughts and prayers. Thank you."

#### **POINT OF PERSONAL PRIVILEGE**

Representative D. Schmidt: "This is an extension of Representative Sullivan's comments. We discussed this together. For your information, it was four members of our Washington Air National Guard who died in the airplane last night in Germany. They were on their two weeks of annual training, something most members of our Washington Air National Guard do, both Army and Air Force members. They are normal, everyday citizens, they work and live in our communities and they serve our State and our Country. As I said, they were doing their annual two weeks of training and this was their last training mission of the day. They were on their last flight, they were due to come home from Germany tomorrow and return to their jobs the next week. The information was that as they were coming down, the plane had touched, and bounced back up and after that for some reason they had lost control. There were four families effected by this accident. I would like you to know so we can remember them. The pilot was Major David Fite. He was from Bellevue. The other three crew members were all from Spokane. Major David Fite, Captain Kenneth Theile, Spokane; Major Matthew Laiho, Spokane and Technical Sergeant Richard Visintainer. I want to echo Representative Sullivan's remarks that we have a moment of silence for members of our State's National Guard who died doing their duty. Thank you."

#### **POINT OF PERSONAL PRIVILEGE**

Representative Benson: "This is a little difficult for me. Matt Laiho was a very good friend of mine. I would like to tell about my remembrances of Matt. In 1982, after I got out of college, I joined the Air Force and I went to officer training school. Matt Laiho was in my flight at officer training school. After officer training school, we went back to Sacramento California for further training and Matt was in my flight there and in my class. His wife Val was a very good friend of ours and I was one of the bachelor members of the flight and when Thanksgiving came we all went over to their house for Thanksgiving. In a lot of ways, she was kind of like the den mother of our flight. Matt went into tankers, I went into bombers but we have been very good friends for a long time and then he went into the Guard. I've known him closely for I don't know nearly sixteen years I guess. My children go to the same school that his children go to. I just ask that as we are thinking about this, let's remember that they are real people, with real lives, real children that will sorely miss their fathers. And I'm joining the Air National Guard next month as a Captain going into the same unit. I think that as we go through we need to remember the dedication and the potential and in this case real sacrifice that members of our State are making. Thank you."

The House observed a moment of silence in honor of the Air National Guard members.

There being no objection, the House advanced to the eleventh order of business.

MOTION

On motion of Representative Kessler, the House adjourned until 10:00 a.m., Friday, January 15, 1999.

TIMOTHY A. MARTIN, Chief Clerk      CLYDE BALLARD, Speaker  
DEAN R. FOSTER, Chief Clerk      FRANK CHOPP, Speaker

FOURTH DAY, JANUARY 14, 1999

JOURNAL OF THE HOUSE

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## **FIFTH DAY**

### **MORNING SESSION**

House Chamber, Olympia, Friday, January 15, 1999

The House was called to order at 10:00 a.m. by Speaker Pro Tem Pennington. The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Deanna Holland-Simmons and Joshua Lawson. Prayer was offered by Pastor Cecil Thompson, Summit Lake Community Church.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

### **MESSAGE FROM THE SENATE**

January 14, 1999

Mr. Speaker:

The President has signed:

HOUSE CONCURRENT RESOLUTION NO. 4400,

HOUSE CONCURRENT RESOLUTION NO. 4401,

and the same are herewith transmitted.

Tony M. Cook, Secretary

### **INTRODUCTIONS AND FIRST READING**

HB 1125 by Representatives Fisher, K. Schmidt, Radcliff, O'Brien, Fortunato, Eickmeyer, Hankins, Cooper, Murray, Wood and Mitchell; by request of Governor Locke

AN ACT Relating to transportation funding and appropriations; creating new sections; making appropriations; and declaring an emergency.

Referred to Committee on Transportation.

HB 1126 by Representatives Boldt and Carrell

AN ACT Relating to the creation of the office of inspector general; adding new sections to chapter 43.09 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on State Government.

HB 1127 by Representatives Schoesler, Buck, G. Chandler, Sump, Kessler and Campbell

AN ACT Relating to timber trespass; and amending RCW 64.12.030, 64.12.040, and 79.40.070.

Referred to Committee on Judiciary.

HB 1128 by Representatives Schoesler, Kessler, Lisk, Koster, Buck, Sump, Delvin, Hankins, G. Chandler, Mielke, Cairnes, Boldt, Thomas, Keiser, Campbell, Lambert, Dunn, D. Sommers, Mulliken, Esser and Parlette

AN ACT Relating to restrictions on mailings and public service broadcasts by state officials; and adding a new section to chapter 42.52 RCW.

Referred to Committee on State Government.

HB 1129 by Representatives Schoesler, Hankins and G. Chandler

AN ACT Relating to work performed for institutions of higher education; and amending RCW 28B.10.350 and 28B.10.355.

Referred to Committee on State Government.

HB 1130 by Representatives Schoesler, Grant, Mastin, Clements, McMorris, Kessler, Buck, G. Chandler, Hankins, Delvin, Koster, Sump, Mielke, Cairnes, Boldt, B. Chandler, Dunn and Mulliken

AN ACT Relating to the taxation of grain warehouse companies; amending RCW 82.04.090, 82.04.280, and 82.04.280; providing effective dates; providing an expiration date; and declaring an emergency.

Referred to Committee on Agriculture & Ecology.

HB 1131 by Representatives Sheahan, Schindler, Crouse, Gombosky, O'Brien, Keiser, Hurst and D. Sommers

AN ACT Relating to persons who patronize prostitutes; adding a new section to chapter 9A.88 RCW; and creating a new section.

Referred to Committee on Judiciary.

HB 1132 by Representatives Romero, Skinner, Lantz, Hankins, Ogden, Radcliff, Mitchell and Lambert

AN ACT Relating to the capitol furnishings preservation committee; adding a new section to chapter 27.48 RCW; adding a new section to chapter 43.19 RCW; and creating a new section.

Referred to Committee on State Government.

HB 1133 by Representatives Bush, Ogden, Talcott, Buck, D. Schmidt, DeBolt, McDonald, Sump, Parlette, Lambert, Clements, Romero, Cairnes, Quall, G. Chandler, H. Sommers, Mielke, Koster, O'Brien, Sullivan, Thomas, Barlean, Campbell, Dunn, Mulliken, Alexander and Esser

AN ACT Relating to periodically maintaining voter registration lists; amending RCW 29.10.090, 29.10.180, and 29.10.040; and adding a new section to chapter 29.10 RCW.

Referred to Committee on State Government.

HB 1134 by Representatives Scott, O'Brien, Ballasiotes, Lambert, Kessler, Stensen, Lovick, Keiser, Cooper, Hurst, Lantz, Ogden, Ruderman, Esser and Conway

AN ACT Relating to child abandonment; and amending RCW 9A.42.080.

Referred to Committee on Criminal Justice & Corrections.

HB 1135 by Representatives Delvin, Cooper, Wood, Barlean, Schoesler, Poulsen, G. Chandler, Conway, Mitchell, Linville and Campbell

AN ACT Relating to privileged communications; amending RCW 5.60.060; and adding a new section to chapter 38.52 RCW.

Referred to Committee on Judiciary.

HB 1136 by Representatives Delvin, Pennington, Schoesler, G. Chandler, Mielke, Carlson and Mulliken

AN ACT Relating to outdoor burning; amending RCW 70.94.743; providing an effective date; and declaring an emergency.

Referred to Committee on Agriculture & Ecology.

HB 1137 by Representatives Delvin, Schoesler, Crouse, Pennington, Mielke, Bush, Carlson, Lantz, D. Schmidt and McDonald

AN ACT Relating to monthly licensing of motor homes; amending RCW 82.44.060; and adding a new section to chapter 46.16 RCW.

Referred to Committee on Transportation.

HB 1138 by Representatives Sheahan and Constantine

AN ACT Relating to disclaimer of interests; amending RCW 11.86.041; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Judiciary.

HB 1139 by Representatives Sheahan, Constantine and Kenney

AN ACT Relating to judicial removal of a director of a nonprofit corporation from office; and adding a new section to chapter 24.03 RCW.

Referred to Committee on Judiciary.

HB 1140 by Representatives Carlson, Kenney, Radcliff, Lantz, Dunn, Esser, Edmonds, Cooper, Campbell and K. Schmidt

AN ACT Relating to higher education; amending RCW 28B.10.800, 28B.10.804, 28B.10.806, 28B.10.808, 28B.10.810, and 28B.10.822; and adding a new section to chapter 28B.10 RCW.

Referred to Committee on Higher Education.

HB 1141 by Representatives Conway, Delvin, McDonald, Cooper, Scott, Lovick, Wood and Campbell

AN ACT Relating to Washington state patrol employment agreements; amending RCW 41.56.030 and 41.56.475; and adding new sections to chapter 41.56 RCW.

Referred to Committee on Commerce & Labor.

HB 1142 by Representatives Constantine and McDonald; by request of Statute Law Committee

AN ACT Relating to technical corrections to various criminal laws; amending RCW 9.04.070, 9.41.042, 9.41.185, 9.44.080, 9.46.0351, 9.46.070, 9.46.198, 9.68A.120, 9.91.060, 9.94A.050, 9.94A.127, 9.94A.130, 9.94A.160, 9.94A.170, 9.94A.180, 9.94A.370, 9.95.030, 9.95.060, 9.95.070, 9.95.090, 9.95.110, 9.95.120, 9.95.122, 9.95.123, 9.95.124, 9.95.150, 9.95.160, 9.95.170, 9.95.260, 9.95.265, 9.95.280, 9.95.300, 9.98.010, 9A.44.060, 9A.46.110, 9A.56.010, 9A.56.110, 9A.60.010, 9A.64.020, 9A.83.010, 10.05.030, 10.05.150, 10.05.160, 10.22.010, 10.66.050, 10.66.100, 10.73.040, 10.77.010, 10.98.030, 10.98.040, 10.98.110, and 10.98.160; and reenacting and amending RCW 9A.82.010.

Referred to Committee on Judiciary.

HB 1143 by Representatives O'Brien, Ballasiotes, Tokuda, Cairnes, Lovick, Kagi, Koster, Constantine, K. Schmidt, Kastama, Fisher, Quall, Kenney, Voloria, Eickmeyer, Kessler, Lantz, Ogden, Murray, Lambert, Dunn, Rockefeller and Conway

AN ACT Relating to deductions from inmate funds; and amending RCW 72.09.480.

Referred to Committee on Criminal Justice & Corrections.

HB 1144 by Representatives McMorris, Grant, G. Chandler, Linville, Schoesler, Huff, Regala, Sump, Doumit, Kastama, Morris, Kessler, Parlette, McDonald, Kenney, Carlson, Barlean, Cooper, Hurst, Skinner, Clements, Lantz, Boldt, B. Chandler, Mastin, Campbell, D. Schmidt, Dunn, Mulliken, Koster, Alexander and Conway

AN ACT Relating to providing a funding source for county fairs; amending RCW 82.08.020; and adding a new section to chapter 15.76 RCW.

Referred to Committee on Finance.

HB 1145 by Representatives Schoesler, Sump, Buck, Campbell and D. Schmidt

AN ACT Relating to requiring authorization for certain higher education personnel arrangements; and adding a new section to chapter 43.03 RCW.

Referred to Committee on Higher Education.

HB 1146 by Representatives DeBolt, Alexander, Romero, Lovick, McDonald, Crouse, Bush, Ogden, Mielke, K. Schmidt, Delvin, Pennington, Haigh, Hankins, Ericksen, Radcliff, G. Chandler, Wood, Fortunato, Carlson, Sump, Barlean, Dunn, Mulliken, Koster and D. Schmidt

AN ACT Relating to property tax definitions for property tax exemptions and deferrals; and amending RCW 84.36.383 and 84.38.020.

Referred to Committee on Finance.

HB 1147 by Representatives K. Schmidt, Fisher, Hatfield, Radcliff, Kenney, Keiser, Hurst, Lovick, Ogden, Murray, Wood, Ruderman, Rockefeller and McIntire

AN ACT Relating to enhancing novice driver traffic safety by improving traffic safety education and restricting the driving privilege for novice drivers who commit motor vehicle offenses; amending RCW 46.20.100, 28A.220.030, 46.82.290, 28A.220.040, 46.20.091, 46.20.120, and 46.63.110; adding a new section to chapter 28A.220 RCW; adding a new section to chapter 46.20 RCW; and making appropriations.

Referred to Committee on Transportation.

HB 1148 by Representatives Grant, Mastin, Schoesler, Sheahan and Delvin

AN ACT Relating to burning conducted with regard to the production of cereal grains; amending RCW 70.94.030; and adding a new section to chapter 70.94 RCW.

Referred to Committee on Agriculture & Ecology.

HB 1149 by Representatives Sullivan, Kastama, Lantz, Gombosky, Rockefeller, Linville, Conway, Murray, H. Sommers and Wolfe

AN ACT Relating to accounting standards under the insurance code; adding a new section to chapter 48.05 RCW; adding a new section to chapter 48.36A RCW; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 1150 by Representatives G. Chandler, Linville and Cooper; by request of Department of Agriculture

AN ACT Relating to planting stock certification; amending RCW 15.14.010, 15.14.030, 15.14.070, 15.14.050, 15.14.110, 15.14.120, 15.14.040, 15.14.140, 15.14.130, and 15.13.470; adding new sections to chapter 15.14 RCW; creating a new section; recodifying RCW 15.14.010, 15.14.030, 15.14.070, 15.14.050, 15.14.110, 15.14.120, 15.14.040, 15.14.140, 15.14.150, 15.14.130, 15.14.900, and 15.14.920; decodifying RCW 15.14.910; and repealing RCW 15.14.020, 15.14.060, 15.14.080, 15.14.100, 15.69.010, 15.69.020, 15.69.030, and 15.69.040.

Referred to Committee on Agriculture & Ecology.

HB 1151 by Representatives Linville, G. Chandler, Cooper and Koster; by request of Department of Agriculture

AN ACT Relating to updating or repealing dairy and food laws; amending RCW 15.36.012, 15.36.021, 15.36.051, 15.36.081, 15.36.111, 15.36.151, 15.36.161, 15.36.171,



15.36.181, 15.36.191, 15.36.231, 15.36.401, 15.36.421, 15.36.451, 15.36.471, 15.36.481, 15.36.491, 15.36.511, 15.36.551, and 15.36.561; reenacting and amending RCW 15.36.201; adding new sections to chapter 15.36 RCW; repealing RCW 15.36.031, 15.36.061, 15.36.121, 15.36.211, 15.36.251, 15.36.291, 15.36.301, 15.36.311, 15.36.411, 15.36.431, 15.36.441, 15.36.461, 15.36.501, 15.36.521, 15.38.001, 15.38.010, 15.38.020, 15.38.030, 15.38.040, 15.38.050, 15.40.010, 15.40.030, 15.40.040, 15.40.050, 15.40.900, 15.41.010, 15.41.020, 16.48.120, 16.48.280, 16.48.310, 16.48.311, 16.48.312, 16.48.320, 16.48.325, 16.49A.010, 16.49A.020, 16.49A.030, 16.49A.040, 16.49A.050, 16.49A.060, 16.49A.070, 16.49A.080, 16.49A.090, 16.49A.100, 16.49A.110, 16.49A.120, 16.49A.130, 16.49A.140, 16.49A.150, 16.49A.160, 16.49A.170, 16.49A.180, 16.49A.190, 16.49A.200, 16.49A.210, 16.49A.220, 16.49A.230, 16.49A.240, 16.49A.250, 16.49A.255, 16.49A.260, 16.49A.270, 16.49A.280, 16.49A.290, 16.49A.300, 16.49A.310, 16.49A.320, 16.49A.330, 16.49A.340, 16.49A.350, 16.49A.360, 16.49A.370, 16.49A.380, 16.49A.390, 16.49A.400, 16.49A.410, 16.49A.420, 16.49A.430, 16.49A.440, 16.49A.450, 16.49A.460, 16.49A.470, 16.49A.480, 16.49A.520, 16.49A.530, 16.49A.540, 16.49A.550, 16.49A.560, 16.49A.570, 16.49A.580, 16.49A.590, 16.49A.600, 16.49A.610, 16.49A.620, 16.49A.630, 16.49A.640, 16.49A.650, 16.49A.900, 16.49A.910, 16.49A.920, 16.74.010, 16.74.020, 16.74.030, 16.74.040, 16.74.050, 16.74.060, 16.74.070, 16.74.080, 16.74.090, 16.74.100, 16.74.110, 16.74.120, 16.74.130, 16.74.140, 16.74.150, 16.74.160, 16.74.170, 16.74.180, 16.74.190, 16.74.200, 16.74.210, 16.74.220, 16.74.230, 16.74.240, 16.74.250, 16.74.260, 16.74.270, 16.74.280, 16.74.290, 16.74.300, 16.74.310, 16.74.320, 16.74.330, 16.74.340, 16.74.350, 16.74.360, 16.74.370, 16.74.380, 16.74.390, 16.74.400, 16.74.410, 16.74.420, 16.74.430, 16.74.440, 16.74.450, 16.74.460, 16.74.470, 16.74.480, 16.74.490, 16.74.500, 16.74.510, 16.74.520, 16.74.530, 16.74.540, 16.74.550, 16.74.560, 16.74.570, 16.74.580, 16.74.590, 16.74.600, 16.74.610, 16.74.615, 16.74.620, 16.74.630, 16.74.640, 16.74.650, 16.74.900, 16.74.910, 16.74.920, 19.92.100, 19.92.110, 19.92.120, and 19.92.240; prescribing penalties; and providing an expiration date.

Referred to Committee on Agriculture & Ecology.

HB 1152 by Representatives McMorris, G. Chandler, Linville and Cooper; by request of Department of Agriculture

AN ACT Relating to a pilot project for limited private applicator licenses and rancher private applicator licenses; and amending RCW 17.21.187.

Referred to Committee on Agriculture & Ecology.

HB 1153 by Representatives McDonald, Kastama, Sump, Delvin, Hurst, Rockefeller, Kessler, Stensen, O'Brien, Bush, Lovick, Dickerson, Carlson, Keiser, Ogden, Hatfield, Wood, Ruderman, Tokuda, Santos, McIntire, Conway and Lantz

AN ACT Relating to the sharing of information relating to student safety; and amending RCW 13.40.215, 28A.225.330, and 13.50.050.

Referred to Committee on Education.

HB 1154 by Representatives Cooper, Delvin, Edmonds, Conway, Wood, Dunshee, Gombosky, Doumit, Hatfield, Kenney and Cody

AN ACT Relating to eliminating the time limit on regular tax levies for medical care and services; amending RCW 84.52.069; and creating a new section.

Referred to Committee on Finance.

HB 1155 by Representatives Cooper, Cairnes, Edmonds, Conway, Wood, Schoesler, Dunshee, Gombosky, Doumit, Thomas and Keiser

AN ACT Relating to coverage of the lemon law; and amending RCW 19.118.021.

Referred to Committee on Commerce & Labor.

HB 1156 by Representatives Ericksen, Cooper, Mielke, Ogden, DeBolt and K. Schmidt

AN ACT Relating to motor carrier drug testing programs; adding a new section to chapter 81.80 RCW; and prescribing penalties.

Referred to Committee on Transportation.

HB 1157 by Representatives Ericksen, Cooper, Ogden, DeBolt, Buck, Mielke and Radcliff

AN ACT Relating to motor carriers operating without a permit; amending RCW 81.80.070; and prescribing penalties.

Referred to Committee on Transportation.

HB 1158 by Representatives Ogden, DeBolt, Cooper, Ericksen and Mielke

AN ACT Relating to truck, tractor, or trailer intelligent information systems; and adding a new section to chapter 42.17 RCW.

Referred to Committee on State Government.

HB 1159 by Representatives Hurst, Sheahan, Constantine and Kenney

AN ACT Relating to updating the probate and trust law to comport with Internal Revenue Code language; and amending RCW 11.108.060.

Referred to Committee on Judiciary.

HB 1160 by Representatives Sheahan, Constantine, Lambert, Lantz, Ballasiotes, McDonald, Kastama, O'Brien, K. Schmidt, Veloria, Eickmeyer, Kenney, Dickerson, Hurst, Edmonds, Hankins, Romero, Kessler, Stensen, Lovick, Barlean, Hatfield, Cody, Wood, Ruderman, Tokuda, Santos, Rockefeller, McIntire and Conway

AN ACT Relating to full faith and credit for foreign protection orders; amending RCW 26.10.220, 26.26.138, 26.50.010, and 10.31.100; reenacting and amending RCW 9.94A.320; adding a new chapter to Title 26 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

HB 1161 by Representatives Radcliff, Cooper and Santos

AN ACT Relating to apprenticeship training; and creating new sections.

Referred to Committee on Commerce & Labor.

HB 1162 by Representatives Barlean and Kessler

AN ACT Relating to killing a domestic animal; and adding a new section to chapter 16.52 RCW.

Referred to Committee on Judiciary.

HB 1163 by Representatives Cooper, Schoesler, Linville, G. Chandler, Keiser, Rockefeller and Conway; by request of Department of Health

AN ACT Relating to the authority of local health jurisdictions regarding properties contaminated by toxic chemicals used in the manufacture of illegal drugs; amending RCW 64.44.010, 64.44.020, 64.44.030, 64.44.040, 64.44.050, and 64.44.060; and creating a new section.

Referred to Committee on Health Care.

HB 1164 by Representatives G. Chandler, Linville, Koster and Cooper; by request of Department of Health

AN ACT Relating to revising the definition of public water system to include systems providing water through constructed conveyances, in conformance with federal law; amending RCW 70.119A.020; and creating a new section.

Referred to Committee on Agriculture & Ecology.

HJM 4001 by Representatives O'Brien, Clements, Doumit, Ballasiotes, Lovick, Sheahan, Anderson, Wensman, Dickerson, DeBolt, Conway, Alexander, Tokuda, Grant, Skinner, Scott, McMorris, Regala, Wood, Constantine, Kessler, Stensen, Carrell, Bush, Kenney, Carlson, Barlean, Hurst, Lantz, Ogden, Mitchell, Campbell, H. D. Sommers Schmidt, Dunn, Santos, Edmonds, Esser and McIntire

Petitioning Congress to reinstate income tax deduction for state sales tax.

Referred to Committee on Finance.

HJR 4200 by Representatives Lantz, O'Brien, McDonald, Hurst, Cairnes, Dunshee, Delvin, Kessler, Stensen, Kenney, Dickerson, Barlean, Cooper, Ogden, Wood, Mitchell, H. Sommers, Tokuda, Esser, McIntire and Conway; by request of Board for Judicial Administration

Amending the Constitution to establish bar admission requirements for judges.

Referred to Committee on Judiciary.

There being no objection, the bills, memorial and resolution listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

There being no objection, the House advanced to the eleventh order of business.

#### MOTION

On motion of Representative Mastin, the House adjourned until 10:00 a. m., Monday, January 18, 1999.

TIMOTHY A. MARTIN, Chief Clerk      CLYDE BALLARD, Speaker  
DEAN R. FOSTER, Chief Clerk      FRANK CHOPP, Speaker



FIFTH DAY, JANUARY 15, 1999

JOURNAL OF THE HOUSE

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

**EIGHTH DAY**

**MORNING SESSION**

House Chamber, Olympia, Monday, January 18, 1999

The House was called to order at 10:00 a.m. by Speaker Chopp. The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by the Fort Lewis Command Color Guard. Prayer was offered by Rabbi Mark Glickman, Temple Beth El, Tacoma.

In celebration of Martin Luther King Day, Jesse Peak, a senior at Stadium High School and the Tacoma Community College Running Start Program, sang "Give Me Jesus" and "Go Down Moses" by Harry T. Burley. Jesse earned National First Place honors in the Afro-Academic, Cultural, Technological and Scientific Olympics sponsored by the NAACP. Ethel Wellington-Trawick, principal of Edison Elementary School, Tacoma and Jesse's mother, accompanied Jesse on the piano.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

**RESOLUTION**

HOUSE RESOLUTION NO. 99-4602, by Representatives Tokuda, Santos, Kenney, Veloria, Lovick, Radcliff, Ballasiotes, Dunn, Clements, McIntire, Murray, Hurst, D. Sommers, Schoesler, D. Schmidt, Fortunato, Doumit, Thomas, Carlson, McDonald, Poulsen, Dickerson, Cody, Ogden, Regala, Edmonds, Haigh, Wensman, Conway, Linville and Stenson

WHEREAS, January 18, 1999, has been designated as the holiday when we, as a nation, remember Dr. Martin Luther King, Jr.; and

WHEREAS, Dr. Martin Luther King, Jr. devoted his adult life and the life of his family to the pursuit of freedom, justice, and peace in America and the world; and

WHEREAS, Dr. Martin Luther King, Jr. was jailed several times throughout his struggle to bring all people the opportunity to live free from racial, ethnic, and religious discrimination and violence; and

WHEREAS, Dr. Martin Luther King, Jr.'s philosophy of nonviolence which was based on the life and values of Mohandas Gandhi, is now woven into the fabric of America; and

WHEREAS, Dr. Martin Luther King, Jr. set an example of devotion to the principle that all Americans should live free from discrimination and violence; and

WHEREAS, Dr. Martin Luther King, Jr.'s leadership achievements were acknowledged when he was awarded the Nobel Peace Prize; and

WHEREAS, Dr. Martin Luther King, Jr.'s efforts and personal sacrifice were further recognized by the Congress of the United States, which created a permanent federal holiday to commemorate the date of his birth; and

WHEREAS, Dr. Martin Luther King, Jr.'s efforts are also recognized by the State of Washington, which honors his memory with a state holiday; and

WHEREAS, Dr. Martin Luther King, Jr.'s untimely death deeply grieved both our nation and the State of Washington;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives pause in our endeavors on behalf of the citizens of the State of Washington to commemorate the life of Dr. Martin Luther King, Jr.

Representative Tokuda moved adoption of the resolution.

Representatives Tokuda, Mastin, Lovick, Pennington, Kenney, Regala, Skinner, Quall and Haigh spoke in favor of the adoption of the resolution.

House Resolution No. 99-4602 was adopted.

#### **INTRODUCTIONS AND FIRST READING**

HB 1165 by Representatives Murray, Mitchell, Radcliff, Hankins and O'Brien; by request of Governor Locke

AN ACT Relating to the capital budget; making appropriations and authorizing expenditures for capital improvements; amending RCW 43.98A.040, 43.98A.060, and 43.98A.070; creating new sections; and declaring an emergency.

Referred to Committee on Capital Budget.

HB 1166 by Representatives Murray, Mitchell, Hankins and O'Brien; by request of Governor Locke

AN ACT Relating to state general obligation bonds and related accounts; amending RCW 43.99L.010, 43.99L.020, 43.99L.030, 43.84.092, and 43.84.092; adding a new chapter to Title 43 RCW; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Capital Budget.

HB 1167 by Representatives Murray, Mitchell, Radcliff and Kenney; by request of Governor Locke

AN ACT Relating to the capital budget; amending 1997 c 235 ss 113, 392, 501, and 624 (uncodified); 1998 c 347 s 53 (uncodified); making appropriations and authorizing expenditures for capital improvements; and declaring an emergency.

Referred to Committee on Capital Budget.

HB 1168 by Representatives Cooper, Radcliff, Quall, Talcott, Constantine, Cairnes, O'Brien, Reardon, Linville, Morris, D. Schmidt, McDonald, Poulsen, Kenney, Campbell, Conway, Rockefeller and Keiser

AN ACT Relating to school safety; and amending RCW 28A.635.020 and 10.31.100.

Referred to Committee on Education.

HB 1169 by Representatives Campbell, Sullivan and Bush

AN ACT Relating to limiting the siting of solid waste landfills; adding a new section to chapter 70.95 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Agriculture & Ecology.

HB 1170 by Representatives Campbell, Bush, Scott, Benson, Gombosky, Mulliken, Mielke, Boldt, Schoesler, Esser and Lambert

AN ACT Relating to ethics standards for elected municipal officers; amending RCW 42.23.020; and adding a new section to chapter 42.23 RCW.

Referred to Committee on Local Government.

HB 1171 by Representatives Alexander, Mielke, Doumit, Hatfield, Kessler, Pennington, DeBolt, Scott and D. Schmidt

AN ACT Relating to annexations by less than county-wide port districts in areas having no registered voters; and creating new sections.

Referred to Committee on Local Government.

HB 1172 by Representative Kessler

AN ACT Relating to providing a statutory minimum judgment amount for injury to timber, trees, or shrubs; and amending RCW 64.12.030.

Referred to Committee on Natural Resources.

HB 1173 by Representatives Cairnes, O'Brien, Ballasiotes, Barlean, Morris, DeBolt, Mielke, Campbell, Buck, Ericksen, Benson, Koster, Keiser, Cooper, G. Chandler, Mulliken, Dunshee, Stensen, Boldt, D. Schmidt, Dunn, Conway and Esser

AN ACT Relating to exempting jail construction from sales and use taxes; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Criminal Justice & Corrections.

HB 1174 by Representatives Cairnes, O'Brien, Morris, DeBolt, Dunshee, Campbell, Koster, Keiser, Cooper, G. Chandler, Benson, Mulliken, Mielke, Grant, Carrell, Dunn, Conway and Linville

AN ACT Relating to zoning for hobby vehicles; adding a new section to chapter 35.63 RCW; adding a new section to chapter 35.22 RCW; adding a new section to chapter 35A.63 RCW; and adding a new section to chapter 36.70 RCW.

Referred to Committee on Local Government.

HB 1175 by Representatives Cairnes, O'Brien, DeBolt, Dunshee, Schindler, Morris, Koster, Cooper, G. Chandler, Mulliken, Benson, Mielke, Stensen, Carrell, Ogden, Dunn and McIntire

AN ACT Relating to street rods; and amending RCW 46.04.571 and 46.37.500.

Referred to Committee on Transportation.

HB 1176 by Representatives O'Brien, Koster, Kagi, Ballasiotes, Cairnes, Lovick, Hurst, Tokuda, Dickerson, Kenney, Campbell, Ogden, Dunn, Santos, Conway, Esser, Lantz, Rockefeller and McIntire; by request of Department of Corrections

AN ACT Relating to retention of records pertaining to sexually violent offenses; and amending RCW 40.14.060 and 40.14.070.

Referred to Committee on Criminal Justice & Corrections.

HB 1177 by Representatives Ballasiotes, Lambert, Koster, Kagi, O'Brien, Cairnes, Lovick, Constantine, Hurst, Kessler and Conway; by request of Department of Corrections

AN ACT Relating to custodial sexual misconduct; amending RCW 43.43.830 and 70.125.030; reenacting and amending RCW 9.94A.320; adding new sections to chapter 9A.44 RCW; adding a new section to chapter 72.09 RCW; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 1178 by Representatives O'Brien, Koster, Lovick and Ballasiotes; by request of Department of Corrections

AN ACT Relating to sex offender examinations and treatment; and amending RCW 9.94A.120, 18.155.010, 18.155.020, and 18.155.030.

Referred to Committee on Criminal Justice & Corrections.

HB 1179 by Representatives Kastama, McDonald, Cooper, Reardon, Quall, Miloscia, Morris, Rockefeller, Stensen, Kenney, Edmonds, Fisher, Scott, Dickerson, Tokuda, Haigh, Santos, Cody, Conway, Keiser, Gombosky, Sullivan, Lovick, Kagi, Hurst, Kessler, Poulsen, O'Brien, Murray, Wolfe, Ogden, Wood, Regala, McIntire and Lantz

AN ACT Relating to emergency management and school violence plans for schools; adding new sections to chapter 28A.330 RCW; adding a new section to chapter 28A.195 RCW; and creating a new section.

Referred to Committee on Education.

HB 1180 by Representatives Van Luven, Voloria, Tokuda, Cody, Kessler, Grant, Doumit, Kenney, D. Schmidt, Ballasiotes, Regala, Alexander, Gombosky, Skinner, Radcliff, O'Brien, Murray, Campbell, Ogden, Wood, Santos, Lovick, McIntire, Conway, Lantz, Linville and Stensen

AN ACT Relating to youth job training and work force preparation; amending RCW 50.72.010, 50.72.020, 50.72.030, 50.72.040, 50.72.050, 50.72.070, and 43.185.070; adding a new section to chapter 82.04 RCW; adding a new section to chapter 50.72 RCW; adding a new section to chapter 28C.18 RCW; repealing RCW 50.67.030; and making appropriations.

Referred to Committee on Economic Development, Housing & Trade.



HB 1181 by Representatives Edwards, Romero, Radcliff, Scott, DeBolt, Cooper, Lovick, Hurst, Fisher, Kessler, Dickerson, O'Brien, Cody, Kenney, Ogden, Wood, Santos, Regala, Conway, Lantz, Rockefeller, McIntire and Stensen

AN ACT Relating to domestic violence perpetrator treatment programs; amending RCW 26.50.150, 26.50.060, and 9.94A.120; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 1182 by Representative Kastama

AN ACT Relating to coordinated water system plans; amending RCW 70.116.010, 70.116.020, 70.116.030, 70.116.050, 70.116.060, and 70.116.070; and adding new sections to chapter 70.116 RCW.

Referred to Committee on Agriculture & Ecology.

HB 1183 by Representatives H. Sommers, Huff, Romero, McMorris, McIntire and Esser; by request of State Treasurer

AN ACT Relating to the state treasurer negotiating state-wide custody contracts; adding a new section to chapter 43.08 RCW; adding a new section to chapter 39.58 RCW; creating a new section; and providing an effective date.

Referred to Committee on State Government.

HB 1184 by Representatives Kenney, Carlson, Schoesler, Ogden, Edmonds and Esser

AN ACT Relating to real estate research; adding new sections to chapter 18.85 RCW; providing an effective date; providing expiration dates; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 1185 by Representatives Wensman, Bush, Mielke, Huff, Ballasiotes, Esser and Lambert

AN ACT Relating to high-occupancy vehicle lanes; and amending RCW 46.61.165.

Referred to Committee on Transportation.

HB 1186 by Representatives H. Sommers and Huff; by request of Governor Locke

AN ACT Relating to fiscal matters; making appropriations and authorizing expenditures for the operations of state agencies for the fiscal biennium beginning July 1, 1999, and ending June 30, 2001; amending RCW 69.50.520 and 72.09.050; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1187 by Representatives H. Sommers, Huff and Kenney; by request of Governor Locke

AN ACT Relating to fiscal matters; amending RCW 72.09.050; amending 1997 c 149 ss 143, 713, 802, 804, 901, 903, 904, 906, 907, 908, and 909 (uncodified); amending 1997 c 454 s 509 (uncodified); amending 1998 c 346 ss 105, 106, 110, 114, 115, 117, 121, 128, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 217, 218, 219, 220, 222,

302, 304, 307, 308, 401, 402, 502, 503, 504, 505, 507, 509, 510, 511, 512, 513, 514, 515, 604, 607, 609, 701, 702, 704, 705, 706, 717, 801, 802, 803, 902, and 903 (uncodified); adding new sections to 1997 c 149 (uncodified); making appropriations; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1188 by Representatives Hurst, Clements, Conway, Ballasiotes, Lisk, McMorris, B. Chandler, McIntire, Romero, Kessler, Carrell, Dickerson, O'Brien, Kenney, Ogden, Dunn, Lovick, Miloscia, Lantz and Rockefeller; by request of Department of Licensing

AN ACT Relating to grounds for disciplinary action against real estate brokers or salespersons; and amending RCW 18.85.230.

Referred to Committee on Commerce & Labor.

HB 1189 by Representatives Van Luven, Scott, Radcliff, Kenney, Mitchell, Tokuda, D. Schmidt, Dickerson, McIntire, Esser, Lambert, Cairnes, Ballasiotes, Constantine, Cody, H. Sommers, Murray, Santos and Parlette

AN ACT Relating to metropolitan park districts; amending RCW 35.61.010, 35.61.020, 35.61.030, 35.61.050, 35.61.120, 35.61.130, 35.61.150, 35.61.180, 35.61.200, 35.61.250, 35.61.290, and 84.52.010; and adding new sections to chapter 35.61 RCW.

Referred to Committee on Local Government.

HB 1190 by Representatives Morris, Dunn, Gombosky, Veloria, Eickmeyer, Miloscia and Linville

AN ACT Relating to space and satellite systems; adding a new section to chapter 82.04 RCW; adding a new section to chapter 84.36 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Technology, Telecommunications & Energy.

HB 1191 by Representatives Morris, Dunn, Linville and Quall

AN ACT Relating to the temporary development of shorelines; and adding a new section to chapter 90.58 RCW.

Referred to Committee on Agriculture & Ecology.

HB 1192 by Representatives Morris, Dunn, Miloscia, Veloria, Eickmeyer, DeBolt, Quall, Linville, Wolfe, Barlean, Kenney and Santos

AN ACT Relating to the Washington economic development finance authority; reenacting and amending RCW 43.163.010; and declaring an emergency.

Referred to Committee on Economic Development, Housing & Trade.

HB 1193 by Representatives Morris, Dunn, Eickmeyer, DeBolt, Veloria, Gombosky, Quall, Linville, Wolfe, Kessler and O'Brien

AN ACT Relating to grants to promote regional business recruitment efforts; adding a new section to chapter 43.330 RCW; and making an appropriation.

Referred to Committee on Economic Development, Housing & Trade.

HB 1194 by Representatives Pflug, Schual-Berke, Parlette and Cody

AN ACT Relating to a pilot project for third-party accreditation of boarding homes; and amending 1998 c 92 s 1 (uncodified).

Referred to Committee on Health Care.

HB 1195 by Representatives Constantine, Sheahan, Dickerson, Hankins, Lantz, Romero, Ballasiotes, Hurst, Kessler, Radcliff, Carlson, Tokuda, Cody, Kenney, Ogden, Wood, Lovick, Edmonds, McIntire, Conway, Rockefeller, Poulsen and Keiser

AN ACT Relating to communications between victims of domestic violence and victims' advocates; and amending RCW 5.60.060.

Referred to Committee on Judiciary.

HJM 4002 by Representatives Morris, Quall, Barlean, Anderson, Kessler and O'Brien

Requesting the designation of the Paul N. Luvera, Sr. Memorial Highway.

Referred to Committee on Transportation.

HJM 4003 by Representatives Ballard, Chopp, H. Sommers, Huff, Hurst, D. Sommers, Koster, Bush, D. Schmidt, Talcott, Fortunato, Thomas, Carlson, Parlette, Pflug, Mitchell, McDonald, Rockefeller, Tokuda, Dickerson, Cairnes, O'Brien, Cody, Kenney, Wolfe, Mielke, Campbell, Ogden, Dunn, Ericksen, Skinner, Hankins, G. Chandler, Sump, Edmonds, McIntire, Haigh, Wensman, Stensen, Mulliken, Conway, Esser, Lambert and Linville; by request of Attorney General

Requesting amending the medicaid statute to prohibit federal recoupment of state tobacco settlement recoveries.

#### MOTIONS

On motion of Representative Kessler, the bills and memorials listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

On motion of Representative Schoesler, Representatives K. Schmidt, Van Luven and Crouse were excused. On motion of Representative Wolfe, Representative Hatfield was excused.

On motion of Representative Kessler, the rules were suspended and House Joint Memorial No. 4003 was advanced to second reading.

There being no objection, the House advanced to the sixth order of business.

#### SECOND READING

HOUSE JOINT MEMORIAL NO. 4003, by Representatives Ballard, Chopp, H. Sommers, Huff, Hurst, D. Sommers, Koster, Bush, D. Schmidt, Talcott, Fortunato, Thomas, Carlson, Parlette, Pflug, Mitchell, McDonald, Rockefeller, Tokuda, Dickerson, Cairnes, O'Brien, Cody, Kenney, Wolfe, Mielke, Campbell, Ogden, Dunn, Ericksen, Skinner, Hankins, G. Chandler, Sump, Edmonds,

McIntire, Haigh, Wensman, Stensen, Mulliken, Conway, Esser, Lambert and Linville; by request of Attorney General

Requesting amending the medicaid statute to prohibit federal recoupment of state tobacco settlement recoveries.

The memorial was read the second time.

On motion of Representative Kessler, the rules were suspended, the second reading considered the third and the memorial was placed on final passage.

Representatives Huff and H. Sommers spoke in favor of passage of the memorial.

Speaker Chopp stated the question before the House to be final passage of House Joint Memorial No. 4003.

#### ROLL CALL

The Clerk called the roll on the final passage of House Joint Memorial No. 4003 and the memorial passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. G. Chandler Chandler, Clements, Cody, Constantine, Conway, Cooper, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, Schoesler, Schual-Berke, Scott, Sheahan, Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 94.

Excused: Representatives Crouse, Hatfield, K. Schmidt and Van Luven - 4.

House Joint Memorial No. 4003, having received the constitutional majority, was declared passed.

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

#### MOTION

On motion of Representative Kessler, House Joint Memorial No. 4003 was immediately transmitted to the Senate.

#### RESOLUTION

HOUSE RESOLUTION NO. 99-4603, by Representatives DeBolt, Radcliff, Ericksen, Miloscia, McDonald, Mitchell, Pennington, Lambert, Hankins, Sullivan, Buck, Benson, Cairnes, Schoesler, Koster, Mulliken, Constantine, Mielke, Quall, Kastama, Lovick, Thomas, D. Schmidt, Fortunato, Carlson, Ogden, Dunn and Conway

WHEREAS, The Benevolent and Protective Order of the Elks is a nation-wide organization that embodies the spirit of community service and compassion to people in all walks of life; and

WHEREAS, The Benevolent and Protective Order of the Elks has established lodges in over fifty-two different communities in the state of Washington, representing over 60,000 members; and

WHEREAS, These local lodges and members dedicate countless hours and resources to improving the lives of citizens throughout the state of Washington through many important and charitable projects; and

WHEREAS, The Benevolent and Protective Order of the Elks wishes to pay its respects to the officials of the state of Washington, including all members of the 56th Washington State Legislature; and

WHEREAS, The Washington State Elks Association is holding their annual Elks Legislative Reception Day on this day, January 18, 1999; and

WHEREAS, It is the custom of the Washington State House of Representatives to acknowledge the unselfish service and dedication of the community organizations in this state;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives hereby recognize and honor the Benevolent and Protective Order of the Elks for its outstanding service and programs for youth, disabled children, educational scholarships, drug prevention, and a variety of community-oriented charities and service programs; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted by the Co-Chief Clerks of the House of Representatives to Warren Donnelly, President of the Washington State Elks Association.

Representative DeBolt moved adoption of the resolution.

Representatives DeBolt, Kastama and Campbell spoke in favor of the adoption of the resolution.

House Resolution No. 99-4603 was adopted.

Speaker Chopp introduced Jim Garland, President Elect of Washington State Elks; Frank Garland, Past National President; Chet Froeschele, Past Exalted Ruler, Olympia; Stella Froeschele, Ladies of the Elks; and Bill Hansch, Chairman, National Public Relations Committee.

#### MESSAGE FROM THE SENATE

January 18, 1999

Mr. Speaker:

The Senate has passed:

HOUSE JOINT MEMORIAL NO. 4003,  
and the same is herewith transmitted.

Tony M. Cook, Secretary

#### SIGNED BY THE SPEAKERS

Speaker Ballard and Speaker Chopp announced they were signing:

HOUSE JOINT MEMORIAL NO. 4003,

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 9:55 a.m., Tuesday, January 19, 1999.

TIMOTHY A. MARTIN, Chief Clerk      CLYDE BALLARD, Speaker  
DEAN R. FOSTER, Chief Clerk      FRANK CHOPP, Speaker



EIGHTH DAY, JANUARY 18, 1999

JOURNAL OF THE HOUSE

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

**NINTH DAY**

**MORNING SESSION**

House Chamber, Olympia, Tuesday, January 19, 1999

The House was called to order at 9:55 a.m. by Speaker Ballard.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

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

There being no objection, House Bill No. 1058 was referred from the Committee on Children and Family Services to the Committee on Criminal Justice and Corrections.

There being no objection, the House reverted to the fourth order of business.

**INTRODUCTIONS AND FIRST READING**

HB 1196 by Representatives Mielke, Hurst, Dunshee, Pennington, Koster, Boldt, Schoesler, Fortunato, Carrell, G. Chandler, Ericksen, Dunn, Mulliken, Talcott, Sump, Delvin, Buck, Hatfield, Cooper, Doumit, Esser, Bush, Sullivan, Morris, McMorris, Wensman, D. Schmidt, Campbell, Schindler, Haigh, Van Luven and Conway

AN ACT Relating to the recognition of concealed pistol permits from other states; and amending RCW 9.41.050.

Referred to Committee on Judiciary.

HB 1197 by Representatives Pennington and Hurst

AN ACT Relating to elections; amending RCW 29.15.025, 29.01.140, and 29.85.100; and adding a new section to chapter 29.85 RCW.

Referred to Committee on State Government.

HB 1198 by Representatives Pennington, Doumit, Mielke, Hatfield, Carlson, Carrell, Thomas, Boldt, Haigh and Ogden

AN ACT Relating to sales tax relief for victims of landslide disasters; adding a new section to chapter 82.08 RCW; creating a new section; providing an expiration date; and declaring an emergency.

Referred to Committee on Finance.

HB 1199 by Representatives Lantz, Constantine, Sheahan and Carrell

AN ACT Relating to jurisdiction of superior courts in civil antiharassment actions; and amending RCW 10.14.150.

Referred to Committee on Judiciary.

HB 1200 by Representatives Lantz, McDonald, Kastama, Schindler, Constantine, Sheahan and Carrell

AN ACT Relating to the jurisdiction of limited jurisdiction courts; and amending RCW 3.50.330, 3.66.068, and 35.20.255.

Referred to Committee on Judiciary.

HB 1201 by Representatives McDonald, Kastama, Sheahan and Carrell

AN ACT Relating to penalties imposed for violations of the state liquor code; amending RCW 66.28.230, 66.44.180, and 66.44.100; creating a new section; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 1202 by Representatives Constantine, Sheahan and Carrell

AN ACT Relating to judicial officers in district and municipal courts; amending RCW 3.42.010, 3.42.020, 3.42.040, 3.46.020, 3.50.075, 7.80.010, 26.04.050, 46.63.040, and 3.34.080; creating a new section; and repealing RCW 3.42.030.

Referred to Committee on Judiciary.

HB 1203 by Representatives Pflug, Hurst, Mitchell, Miloscia, Fortunato, Stensen and Cairnes

AN ACT Relating to state highway bonds; and amending RCW 47.10.812.

Referred to Committee on Transportation.

HB 1204 by Representatives K. Schmidt, Fisher, Romero, Mitchell, G. Chandler, Murray, Linville and Wood

AN ACT Relating to coordination of environmental restoration and land acquisition; adding new sections to chapter 43.21C RCW; and creating a new section.

Referred to Committee on Agriculture & Ecology.

HB 1205 by Representatives Carrell, Lovick, Sheahan, Sullivan, Koster, Cairnes, Crouse, Schindler, Fortunato, Bush, Mielke, Campbell, Sump, Hurst, Boldt, Mulliken, Wensman, D. Sommers and Dunn



AN ACT Relating to defenses in civil actions; and amending RCW 4.24.420.

Referred to Committee on Judiciary.

HB 1206 by Representatives Carrell, Sheahan, Lambert, Ballasiotes, Skinner, McMorris, Dunn, Koster and Mielke

AN ACT Relating to jury verdicts in criminal cases in courts of record; and adding a new section to chapter 10.61 RCW.

Referred to Committee on Judiciary.

HB 1207 by Representatives Carrell, Koster, Sump, Mielke, Campbell, Boldt, Pennington, D. Sommers and Dunn

AN ACT Relating to protecting political free speech from excessive government intrusion; and adding new sections to chapter 42.17 RCW.

Referred to Committee on State Government.

HB 1208 by Representatives Carlson, Keiser, Radcliff, Parlette, D. Schmidt, Lovick, Anderson, D. Sommers, Kastama, Pennington, Quall, Fortunato, Mulliken, Ogden and Mastin

AN ACT Relating to the employee attendance incentive program; and amending RCW 28A.400.210.

Referred to Committee on Appropriations.

HB 1209 by Representatives Rockefeller, Stensen, Conway, Dunshee, Dickerson, Cooper, DeBolt, Veloria, Benson, Santos, Cairnes, Sullivan, Campbell, Sump, Barlean, Fortunato, Pennington, Cody, Hurst, Lantz, McIntire, Kenney and Ogden

AN ACT Relating to property tax exemptions and deferrals for senior citizens and persons retired for reasons of physical disability; and amending RCW 84.36.383.

Referred to Committee on Finance.

HB 1210 by Representatives Campbell, O'Brien, DeBolt, Bush, Sullivan, Kastama, Conway, Delvin, Lovick, Esser, Carrell and Hurst

AN ACT Relating to methamphetamine manufacture; reenacting and amending RCW 9.94A.310; adding a new section to chapter 9.94A RCW; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 1211 by Representatives Campbell, O'Brien, DeBolt, Sullivan, Koster, Lovick, Conway, Bush, Esser, Carrell and Dunn

AN ACT Relating to making certain information from the central registry of sex offenders available to the public; and amending RCW 43.43.540 and 10.97.050.

Referred to Committee on Criminal Justice & Corrections.

HB 1212 by Representatives Eickmeyer, Clements, Mielke, Benson, Veloria, Haigh, O'Brien, Doumit, Murray, Anderson, Conway, Constantine, Fisher, Hatfield, Dunshee, H. Sommers and Kenney

AN ACT Relating to the extension of the validity of a driver's license that expires while the driver is outside the state or where the driver is a spouse or dependent child of a member of the armed forces; amending RCW 46.20.027, 46.20.116, and 46.20.120; creating a new section; and declaring an emergency.

Referred to Committee on Transportation.

HB 1213 by Representatives Eickmeyer, Van Luven, Miloscia, Gombosky, Morris, Conway, Sullivan, Dunshee, Haigh, Veloria, Murray, Rockefeller, D. Schmidt, Ruderman, Lantz and Kenney

AN ACT Relating to grants to support international marketing efforts; adding a new section to chapter 43.31 RCW; and making an appropriation.

Referred to Committee on Economic Development, Housing & Trade.

HB 1214 by Representatives Carlson, Cody and Esser

AN ACT Relating to notification to patients by retiring and relocating health care providers or to the location of medical records; and amending RCW 70.02.120.

Referred to Committee on Health Care.

HB 1215 by Representatives O'Brien, McDonald, Lovick, Delvin, Hurst, Cairnes, Ogden, Wood, Cooper, Murray, D. Schmidt, Benson, Keiser, Dunn, H. Sommers, Conway, Skinner, Anderson, Stensen, Hatfield, Rockefeller, Campbell and Kenney

AN ACT Relating to a Washington state law enforcement memorial as part of the heritage park development project; creating a new section; and making an appropriation.

Referred to Committee on Capital Budget.

HB 1216 by Representatives Parlette and Cody; by request of Department of Health

AN ACT Relating to removing the termination of the secretary's authority for administrative procedures; and amending RCW 43.70.280.

Referred to Committee on Health Care.

HB 1217 by Representatives Campbell, Cody, Boldt and Parlette; by request of Department of Health

AN ACT Relating to the disclosure of information obtained by the department of health related to meeting licensing standards in hospitals; and amending RCW 70.41.150 and 70.41.200.

Referred to Committee on Health Care.

HB 1218 by Representatives Cody and Parlette; by request of Department of Health

AN ACT Relating to department of health recommendations for improving nurse delegation in community settings; amending RCW 18.88A.210, 18.88A.230, and 18.79.260; and repealing RCW 18.88A.220 and 18.88A.240.

Referred to Committee on Health Care.

HB 1219 by Representatives Ogden, Carlson, Conway, Doumit, D. Schmidt, Lantz and Parlette

AN ACT Relating to relief and retirement pensions under chapter 41.24 RCW; amending RCW 41.24.010, 41.24.020, 41.24.035, 41.24.040, 41.24.060, 41.24.070, 41.24.080, 41.24.090, 41.24.110, 41.24.120, 41.24.140, 41.24.150, 41.24.160, 41.24.170, 41.24.172, 41.24.180, 41.24.200, 41.24.210, 41.24.220, 41.24.230, 41.24.245, 41.24.250, 41.24.280, 41.24.290, 41.24.300, 41.24.310, 41.24.320, 41.24.330, 41.24.340, 41.24.400, 41.24.450, and 41.24.460; reenacting and amending RCW 41.24.030; and repealing RCW 41.24.350, 41.24.420, 41.24.440, and 41.24.470.

Referred to Committee on Appropriations.

HB 1220 by Representatives Ogden, Carlson, Thomas, Dunshee, Lantz and Rockefeller

AN ACT Relating to state assistance for school plant facilities; amending RCW 28A.530.080; and adding a new section to chapter 28A.525 RCW.

Referred to Committee on Education.

HB 1221 by Representatives Ogden, Carlson, Conway, Mielke, Lantz, Pennington, Doumit, Hatfield and Dunn

AN ACT Relating to the Lewis and Clark bicentennial advisory committee; creating new sections; repealing RCW 27.34.340; and providing an expiration date.

Referred to Committee on State Government.

HB 1222 by Representatives Ogden, Mitchell, Lantz, Murray, Constantine, Hankins and O'Brien

AN ACT Relating to capital projects for local nonprofit art, cultural, heritage, and social service organizations; amending RCW 27.34.330 and 43.63A.125; adding a new section to chapter 43.63A RCW; and declaring an emergency.

Referred to Committee on Capital Budget.

HB 1223 by Representatives Delvin, Mielke, Hatfield, Koster, Grant, Fortunato, Thomas, Wood, Barlean, Pflug, Boldt, Pennington, D. Schmidt, Dunshee, Huff, Radcliff, McMorris, DeBolt, Poulsen, Ballasiotes, Quall, Clements, Eickmeyer, O'Brien, Constantine, Wensman, Crouse, McDonald, Cairnes, Lisk, Mastin, Buck, Carrell and Dunn

AN ACT Relating to motorcycle equipment; and amending RCW 46.37.530 and 46.37.535.

Referred to Committee on Transportation.

HB 1224 by Representatives Hurst, Conway, Campbell, Cairnes, Kessler, Clements, McIntire and Ogden

AN ACT Relating to requiring a permanent anchor for worker fall protection; and adding a new section to chapter 19.27 RCW.

Referred to Committee on Commerce & Labor.

HB 1225 by Representatives Cairnes, Kenney, Haigh, Campbell, Hurst, Quall, Sullivan and McIntire

AN ACT Relating to bids for school district work or purchase; and amending RCW 28A.335.190.

Referred to Committee on Education.

HB 1226 by Representatives Radcliff, Schual-Berke, Benson, Rockefeller, Barlean, Santos, Kessler, Cooper, Ruderman, Veloria, Stensen, Kenney, Wood, Sullivan, McIntire, Cody, Kastama, Ogden, Talcott, Dickerson, Hatfield, Quall, Constantine, Campbell, Skinner, DeBolt, Wensman, Morris, Edmonds, Murray, Delvin, Romero, Boldt, Dunshee, Mielke, Reardon, Tokuda, Lantz, D. Schmidt, Keiser, H. Sommers, Carlson, Kagi, Van Luven, Esser and Poulsen

AN ACT Relating to the Holocaust victims insurance relief act; adding a new chapter to Title 48 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Financial Institutions & Insurance.

HB 1227 by Representatives Cooper, Conway, Campbell, Grant and Linville

AN ACT Relating to defining employees working under a site certificate issued under chapter 80.50 RCW; and amending RCW 41.56.030.

Referred to Committee on Commerce & Labor.

HB 1228 by Representatives Hatfield, Cairnes, Doumit, Eickmeyer, Kessler, G. Chandler, Sump and Schoesler

AN ACT Relating to department of fish and wildlife negotiations; adding a new section to chapter 75.08 RCW; and creating a new section.

Referred to Committee on Natural Resources.

HB 1229 by Representatives Buck, Anderson, DeBolt, Hatfield, Haigh, Doumit, Schoesler, Eickmeyer and Kessler

AN ACT Relating to carbon sequestration; creating new sections; and making an appropriation.

Referred to Committee on Natural Resources.

HB 1230 by Representatives Sheahan, Kessler, Poulsen, Benson, Kastama, Grant, Hurst, Crouse, McDonald, Lantz and McMorris

AN ACT Relating to limiting the liability of electric utilities for efforts undertaken to protect their facilities from damage that might be caused by vegetation; amending RCW 4.24.630; and adding a new section to chapter 64.12 RCW.

Referred to Committee on Judiciary.

HB 1231 by Representatives Constantine and Sheahan

AN ACT Relating to court filing fees; and amending RCW 36.18.012, 36.18.016, 40.14.027, 41.50.136, 46.87.370, 50.20.190, 50.24.115, 51.24.060, 51.32.240, 51.48.140, 82.32.210, 82.36.047, and 82.38.235.

Referred to Committee on Judiciary.

HB 1232 by Representatives Sheahan, Constantine, McDonald and Scott

AN ACT Relating to judgments; and amending RCW 4.64.030 and 46.29.270.

Referred to Committee on Judiciary.

HB 1233 by Representatives Edmonds, Sheahan and Constantine

AN ACT Relating to the net value of a homestead exemption; and amending RCW 6.13.010, 6.13.150, and 6.13.160.

Referred to Committee on Judiciary.

HB 1234 by Representatives Romero, McMorris, Ogden, D. Schmidt and Kenney; by request of Superintendent of Public Instruction and Washington State Library

AN ACT Relating to the membership and responsibilities of the state library commission; amending RCW 27.04.010, 27.04.020, 27.04.030, and 27.04.045; adding a new section to chapter 27.04 RCW; and repealing RCW 27.04.050, 27.04.100, and 27.04.110.

Referred to Committee on State Government.

HB 1235 by Representatives Veloria, Dunn, Cody, Skinner, Conway and Kenney

AN ACT Relating to fees for recorded health care information; and amending RCW 70.02.010, 70.02.030, and 70.02.070.

Referred to Committee on Health Care.

HB 1236 by Representatives Sullivan, Hatfield, Kastama, Rockefeller, Campbell, Morris, Gombosky, Conway, McIntire, Keiser, Cody, Santos and Kenney

AN ACT Relating to credit card late fees; and adding a new section to chapter 19.86 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 1237 by Representatives Sullivan, Talcott, Kastama, DeBolt, Bush, Campbell, Carrell and Haigh

AN ACT Relating to city utilities; and adding a new section to chapter 35.92 RCW.

Referred to Committee on Local Government.

HB 1238 by Representatives Conway, Clements, Wood, McMorris and Hurst

AN ACT Relating to the membership of the board of industrial insurance appeals; and amending RCW 51.52.010.

Referred to Committee on Commerce & Labor.

HB 1239 by Representatives Romero, Alexander, Rockefeller, D. Schmidt, Haigh, Linville, Keiser, Cody, Wolfe, Carlson, Dunshee, Wood, Lantz, Campbell, Santos, McIntire, Ogden, Conway and Morris; by request of Governor Locke

AN ACT Relating to personnel; amending RCW 41.06.030, 41.06.150, 41.06.150, 41.06.022, 41.06.070, 41.06.110, 41.06.160, 41.06.167, 41.06.170, 41.06.186, 41.06.196, 41.06.270, 41.06.350, 41.06.400, 41.06.410, 41.06.450, 41.06.475, 41.06.490, 28B.12.060, 34.05.030, 34.12.020, 41.04.340, 41.50.804, 43.06.425, 43.33A.100, 43.131.090, 49.46.010, 41.06.340, 13.40.320, 39.29.006, 41.04.385, 47.46.040, 72.09.100, 41.06.079, 41.06.152, 41.06.152, 41.06.500, 41.06.500, 43.21I.010, 43.23.010, 49.74.030, 49.74.030, 49.74.040, and 49.74.040; reenacting and amending RCW 41.04.340; adding new sections to chapter 41.06 RCW; adding a new chapter to Title 41 RCW; creating new sections; repealing RCW 41.06.163, 41.06.165, 41.06.140, 41.50.804, 41.06.520, 41.56.201, 28B.16.015, 41.06.380, 41.06.382, 41.64.010, 41.64.020, 41.64.030, 41.64.040, 41.64.050, 41.64.060, 41.64.070, 41.64.080, 41.64.090, 41.64.100, 41.64.110, 41.64.120, 41.64.130, 41.64.140, and 41.64.910; providing effective dates; and providing an expiration date.

HB 1240 by Representatives McMorris, Quall, Sump, Haigh, Keiser and Kenney; by request of Superintendent of Public Instruction

AN ACT Relating to medicaid reimbursements to school districts; and amending RCW 74.09.5256.

Referred to Committee on Education.

HB 1241 by Representatives Quall, Carlson, Keiser, Edmonds, Linville, Haigh, Stensen, Doumit, Hatfield, Cooper, Dickerson, Regala, O'Brien, Reardon, Lantz, Edwards, Lovick, Kenney, Dunshee, Scott, Hurst, H. Sommers, Gombosky, Morris, Conway, Ogden, Wolfe, Kagi, Schual-Berke, Murray, Radcliff, Cody, Wood, Santos, McIntire and Poulsen; by request of Superintendent of Public Instruction

AN ACT Relating to school district elections; amending RCW 28A.535.020, 28A.535.050, 84.52.056, and 39.36.020; repealing RCW 28A.530.020; and providing a contingent effective date.

Referred to Committee on Education.

HB 1242 by Representatives Linville, Carlson, Keiser, Schual-Berke and Haigh; by request of Superintendent of Public Instruction

AN ACT Relating to medicaid reimbursement payments to school districts; and amending RCW 74.09.5256.

Referred to Committee on Education.

HB 1243 by Representatives Kenney, Carlson, O'Brien, Van Luven, Conway, Lantz, Edmonds, Gombosky, Voloria, Stensen, Cooper, Doumit, Kagi, Ogden, Dickerson, Cody, Miloscia, Lovick, Kastama, Sullivan, Eickmeyer, Hatfield, Murray, Edwards, Wood, Quall, McIntire, Dunshee, Keiser, Rockefeller, Campbell, Wolfe, Hurst, Regala, Santos, Poulsen and Morris

AN ACT Relating to part-time employees of community and technical colleges; adding a new section to chapter 28B.50 RCW; and creating a new section.

Referred to Committee on Higher Education.

HB 1244 by Representatives Barlean and Anderson

AN ACT Relating to funding family services; and making appropriations.

Referred to Committee on Appropriations.

HB 1245 by Representatives Morris, Dunn and Rockefeller; by request of Department of Community, Trade, and Economic Development

AN ACT Relating to exemption of certain financial and proprietary information from public disclosure; and amending RCW 42.17.319.

Referred to Committee on State Government.

HJR 4201 by Representatives Carrell, Sheahan, Lambert, Ballasiotes, Skinner, McMorris, Dunn, Koster and Mielke

Requiring eleven or more jurors for a criminal verdict.

Referred to Committee on Judiciary.

HJR 4202 by Representatives Quall, Carlson, Keiser, Edmonds, Linville, Haigh, Stensen, Doumit, Hatfield, Cooper, Dickerson, Regala, O'Brien, Reardon, Lantz, Edwards, Kenney, Dunshee, Lovick, Scott, Hurst, H. Sommers, Gombosky, Morris, Conway, Ogden, Wolfe, Kagi, Schual-Berke, Murray, Radcliff, D. Schmidt, Cody, Wood, Santos, McIntire and Poulsen; by request of Superintendent of Public Instruction

Amending the Constitution to provide for a simple majority of voters voting to authorize school district levies.

Referred to Committee on Education.

There being no objection, the bills and resolutions listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

There being no objection, the House advanced to the eleventh order of business.

#### COMMITTEE ASSIGNMENTS

Speaker Ballard announced the following committee assignments: Representative Delvin replaced Representative Dunn on the Committee on Education.

There being no objection, the House adjourned until 10:00 a.m., Wednesday, January 20, 1999.

TIMOTHY A. MARTIN, Chief Clerk      CLYDE BALLARD, Speaker  
DEAN R. FOSTER, Chief Clerk      FRANK CHOPP, Speaker

NINTH DAY, JANUARY 19, 1999

JOURNAL OF THE HOUSE

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**TENTH DAY**

**MORNING SESSION**

House Chamber, Olympia, Wednesday, January 20, 1999

The House was called to order at 10:00 a.m. by Speaker Pro Tempore Ogden. The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Amy Bons and Crystal Carnell. Prayer was offered by Reverend Mark Bell, Michael Servetus Unitarian Universalist Fellowship, Vancouver.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

**MESSAGE FROM THE SENATE**

January 19, 1999

Mr. Speaker:

The President has signed:

and the same is herewith transmitted. House Joint Memorial No. 4003,

Tony M. Cook, Secretary

**INTRODUCTIONS AND FIRST READING**

HB 1239 by Representatives Romero, Alexander, Rockefeller, D. Schmidt, Haigh, Linville, Keiser, Cody, Wolfe, Carlson, Dunshee, Wood, Lantz, Campbell, Santos, McIntire, Ogden, Conway, Morris, Hatfield, Grant, O'Brien, Miloscia, Cooper, Bush, Voloria, DeBolt, Kessler, Dickerson, Edmonds, Van Luven, H. Sommers, Lovick, Stensen, Ruderman, Tokuda, Hurst and Kenny; by request of Governor Locke

Enacting the civil service reform act of 1999.

Held on First Reading from January 19, 1999.



HB 1246 by Representatives Regala, Buck, H. Sommers, Huff, Linville and Haigh; by request of Department of Fish and Wildlife

AN ACT Relating to the Washington conservation corps; amending RCW 43.220.020, 43.220.030, 43.220.040, 43.220.060, 43.220.070, 43.220.120, and 43.220.230; repealing RCW 43.220.050, 43.220.220, 43.220.240, 43.131.383, 43.131.384, and 43.220.150; and declaring an emergency.

Referred to Committee on Natural Resources.

HB 1247 by Representatives Dunn, Kenney, Carlson, Lantz, Radcliff, Gombosky, Esser, Edmonds, Ogden, Pennington, O'Brien, D. Schmidt, Poulsen, Conway, Stensen, Koster, Campbell and Fortunato

AN ACT Relating to veterans' exemptions from higher education tuition and fees; amending RCW 28B.15.620 and 28B.15.628; and declaring an emergency.

Referred to Committee on Higher Education.

HB 1248 by Representatives Talcott, Carrell, Quall, Dunshee, Tokuda, Rockefeller, Esser, Keiser, Stensen, Wensman, McDonald, Grant, Linville, G. Chandler, Eickmeyer, Cooper, Schoesler, D. Schmidt, Bush, DeBolt, Barlean, Mulliken, Lambert, Van Luven, Carlson, Ruderman, Hurst, Pennington, O'Brien, Haigh, Kenney, Koster, Kagi, Campbell and Fortunato

AN ACT Relating to increasing the number of hours that a retired teacher can teach without a reduction in benefits; and amending RCW 41.32.570.

Referred to Committee on Education.

HB 1249 by Representative Conway

AN ACT Relating to payment of property taxes; and amending RCW 84.56.330 and 84.56.050.

Referred to Committee on Finance.

HB 1250 by Representatives McIntire, Keiser, Sullivan, Santos, Benson, Hatfield, Quall, Barlean, Hurst, Dunshee, Bush, Constantine, Dickerson, Rockefeller, O'Brien and Kenney

AN ACT Relating to protecting the privacy of financial information; adding a new chapter to Title 9 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Financial Institutions & Insurance.

HB 1251 by Representatives Miloscia, Ericksen, O'Brien, Cooper, D. Schmidt, Bush, Esser, Kessler, Poulsen, McIntire, Lambert, H. Sommers, Wood, Conway, Rockefeller, Fortunato and Lantz; by request of Governor Locke

AN ACT Relating to the elimination and consolidation of boards, commissions, and programs; amending RCW 18.28.010, 18.28.080, 18.28.090, 18.28.100, 18.28.110, 18.28.120, 18.28.130, 18.28.140, 18.28.150, 18.28.165, 18.28.190, 18.39.010, 18.39.173, 18.39.175, 18.39.217, 18.39.250, 18.39.300, 18.39.800, 68.05.020, 68.05.095, 68.05.105, 68.05.175, 68.05.195, 68.05.205, 68.05.285, 68.24.090, 68.40.040, 68.44.115, 68.46.010, 68.46.040, 68.46.090, 68.46.110, 68.46.130, 68.50.230, 68.60.030, 68.60.050, 68.60.060,

18.135.030, 18.138.070, 43.43.705, 43.43.785, 43.43.800, 43.63A.245, 43.220.040, 43.220.190, 43.220.210, 43.220.240, 75.30.050, 75.30.130, 79.72.020, 79.72.030, 79.72.040, and 79.72.050; reenacting and amending RCW 18.39.145; creating new sections; repealing RCW 18.28.020, 18.28.030, 18.28.040, 18.28.045, 18.28.050, 18.28.060, 18.28.070, 18.28.160, 18.28.170, 18.28.230, 18.28.240, 68.05.040, 68.05.050, 68.05.060, 68.05.080, 68.05.100, 18.138.120, 18.175.010, 18.175.020, 18.175.025, 18.175.027, 18.175.030, 18.175.040, 18.175.050, 18.175.060, 18.175.070, 18.175.080, 28C.20.010, 28C.20.020, 28C.20.030, 41.52.010, 41.52.020, 41.52.030, 41.52.040, 41.52.050, 41.52.060, 41.52.070, 42.17.261, 43.31.855, 43.31.857, 43.38.010, 43.38.020, 43.38.030, 43.38.040, 43.43.790, 43.43.795, 43.63A.260, and 70.95H.020; repealing 1996 c 316 s 2 (uncodified); providing an effective date; and declaring an emergency.

Referred to Committee on State Government.

HB 1252 by Representatives Ballasiotes, Lovick, McDonald, O'Brien, Cooper, Bush, Veloria, Kessler, Poulsen, Dickerson, McIntire, Scott, Edmonds, Wood, Conway, Cody, Rockefeller, Tokuda, Hurst, Santos, Haigh, Kenney, Campbell, Wolfe and Lantz; by request of Governor Locke

AN ACT Relating to the supervision of offenders in the community; amending RCW 9.94A.010, 9.94A.030, 9.94A.110, 9.94A.120, 9.94A.170, 9.94A.205, 9.94A.207, 9.94A.383, 9.94A.440, and 4.24.550; reenacting and amending RCW 9.94A.040 and 9.94A.145; adding a new section to chapter 72.09 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Criminal Justice & Corrections.

HB 1253 by Representatives Constantine, Campbell, Sullivan, Dunshee, Radcliff, Wood, Carlson and O'Brien

AN ACT Relating to the required use of apprentices on public works projects; and adding a new section to chapter 39.04 RCW.

Referred to Committee on State Government.

HB 1254 by Representatives DeBolt, Hatfield, Crouse, McMorris, Sump, Scott, Cooper, Hankins, Wood, Morris, Buck and Schoesler

AN ACT Relating to the right of utility facilities to be located on railroad rights-of-way; amending RCW 80.36.050; creating a new section; and providing an expiration date.

Referred to Committee on Technology, Telecommunications & Energy.

HB 1255 by Representatives Koster, O'Brien, Ballasiotes, Dunn, Radcliff and Esser

AN ACT Relating to motor vehicle theft; amending RCW 9A.56.070, 9.94A.360, and 13.40.0357; reenacting and amending RCW 9.94A.320; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 1256 by Representatives Cody, Skinner, Dickerson, Parlette, Ruderman, Pflug, Schual-Berke, Ballasiotes, Mitchell, Santos, Keiser, Hatfield, O'Brien, Anderson, Bush, Veloria, Kessler, McIntire, Scott, Wood, Regala, Conway, Rockefeller, Tokuda, Haigh, Kenney, Kagi, Wolfe, Fortunato and Lantz

AN ACT Relating to the promotion of women's health; and adding a new section to chapter 43.70 RCW.

Referred to Committee on Health Care.

HB 1257 by Representatives Quall, Cairnes, Ogden, Wood, Koster, McMorris, DeBolt, McIntire and Conway

AN ACT Relating to the publishing of provisions for minimum wage in contract documents; and amending RCW 39.12.030.

Referred to Committee on Commerce & Labor.

HB 1258 by Representatives Quall, Cairnes, Ogden, Wood, DeBolt, Conway, Haigh and Campbell

AN ACT Relating to defining locality to tie the prevailing rate of wage to the site of installation; and amending RCW 39.12.010.

Referred to Committee on Commerce & Labor.

HB 1259 by Representatives Pennington, Reardon, Carrell, Dickerson, Cairnes and Ruderman

AN ACT Relating to tax exemptions for sales of food products sold through vending machines for human consumption; and amending RCW 82.08.0293 and 82.12.0293.

Referred to Committee on Finance.

HB 1260 by Representatives Wood, McMorris, Conway and Clements

AN ACT Relating to recreational gaming activities; and adding a new section to chapter 9.46 RCW.

Referred to Committee on Commerce & Labor.

HB 1261 by Representatives Romero, Conway, Veloria, Cooper, O'Brien and Kenney

AN ACT Relating to modifications of motor vehicles of injured workers; and amending RCW 51.36.020.

Referred to Committee on Commerce & Labor.

HB 1262 by Representatives Keiser, Benson, McIntire, Hatfield, Ruderman, Bush, Linville, D. Schmidt and Reardon

AN ACT Relating to the year 2000 computer problem; creating new sections; and providing expiration dates.

Referred to Committee on Financial Institutions & Insurance.

HB 1263 by Representatives Sheahan, Constantine, McDonald and Kastama

AN ACT Relating to district and municipal courts; and amending RCW 3.50.115, 3.54.030, 35.20.110, and 3.62.060.

Referred to Committee on Judiciary.

HB 1264 by Representatives D. Schmidt, Scott, Mulliken, Fisher, Quall, Wolfe and Schoesler

AN ACT Relating to the combining of water and sewer districts; amending RCW 57.04.050, 57.08.005, 57.08.014, 57.08.030, 57.08.044, 57.08.047, 57.08.050, 57.08.065, 57.08.085, 57.08.110, 57.08.180, 57.16.060, 57.16.110, 57.20.120, 57.20.140, 57.24.040, 57.24.050, 57.28.050, 57.32.023, 57.36.040, 57.90.010, 27.12.470, 32.20.070, 32.20.110, 35.13A.020, 35.13A.030, 35.13A.040, 35.13A.060, 35.13A.090, 35.58.210, 35.58.220, 35.58.230, 35.58.410, 35.67.300, 35.91.020, 35.92.012, 35.92.170, 35.97.010, 35.97.050, 36.16.138, 36.93.020, 36.93.093, 36.93.105, 36.93.185, 36.94.220, 36.94.430, 36.96.010, 36.94.410, 36.94.420, 39.69.010, 39.50.010, 39.80.020, 43.20.240, 43.70.195, 43.155.030, 44.04.170, 48.62.021, 52.08.011, 53.48.001, 53.48.010, 54.04.030, 70.44.400, 70.95B.020, 70.119.020, 79.44.003, 84.04.120, 84.33.100, 84.34.310, 84.64.080, 84.69.010, 87.03.015, 87.03.720, and 87.03.725; reenacting RCW 57.08.081; and creating a new section.

Referred to Committee on Local Government.

HB 1265 by Representatives Fisher, Hankins, Cooper, Ericksen and Murray; by request of Utilities & Transportation Commission

AN ACT Relating to the removal of certain exemptions for motor freight carriers from the provisions of chapter 81.80 RCW; and amending RCW 81.80.040.

Referred to Committee on Transportation.

HB 1266 by Representatives Fisher, Hankins, Ericksen and Cooper; by request of Utilities & Transportation Commission

AN ACT Relating to railroad company regulatory fees that apply to the intrastate portion of interstate revenue; amending RCW 81.24.010 and 81.24.050; and adding a new section to chapter 81.24 RCW.

Referred to Committee on Transportation.

HB 1267 by Representatives Hankins, Fisher, Ericksen and Cooper; by request of Utilities & Transportation Commission

AN ACT Relating to inspections of hazardous materials offered by private shippers for transportation by rail; and amending RCW 81.44.065.

Referred to Committee on Transportation.

HB 1268 by Representatives Thomas and Dunshee

AN ACT Relating to lodging tax advisory committees; and amending RCW 67.28.1817.

Referred to Committee on Local Government.

HB 1269 by Representatives Ballasiotes and O'Brien

AN ACT Relating to categorical exemptions under the state environmental policy act for certain activities; and adding a new section to chapter 43.21C RCW.

Referred to Committee on Agriculture & Ecology.

HB 1270 by Representatives Dunn, Morris, Mielke, Koster, D. Schmidt, Delvin, Buck, Esser, Mulliken, Campbell and Fortunato

AN ACT Relating to rape of a child; and reenacting and amending RCW 9.94A.320.

Referred to Committee on Criminal Justice & Corrections.

HB 1271 by Representatives Murray, Mitchell, Huff, H. Sommers, Linville, Esser, McIntire, Rockefeller, O'Brien and Haigh; by request of State Treasurer

AN ACT Relating to the Washington state school district credit enhancement program; amending RCW 43.79A.040; adding a new chapter to Title 39 RCW; and providing a contingent effective date.

Referred to Committee on Capital Budget.

HB 1272 by Representatives Boldt, Mielke, Koster, McMorris and G. Chandler

AN ACT Relating to promoting terminal inspections of commercial vehicles; amending RCW 46.32.010 and 46.32.040; adding a new section to chapter 46.61 RCW; creating a new section; repealing RCW 46.64.060 and 46.64.070; and declaring an emergency.

Referred to Committee on Transportation.

HB 1273 by Representatives Boldt and Kastama

AN ACT Relating to applying the consumer protection act to violations of the mobile home landlord-tenant act; and adding a new section to chapter 59.20 RCW.

Referred to Committee on Economic Development, Housing & Trade.

HB 1274 by Representatives Cairnes, O'Brien, Ballasiotes, Lovick, Koster and Haigh

AN ACT Relating to jails; amending RCW 70.48.020 and 10.01.160; reenacting and amending RCW 9.94A.145 and 9.94A.380; adding new sections to chapter 70.48 RCW; and repealing RCW 72.01.415.

Referred to Committee on Criminal Justice & Corrections.

HB 1275 by Representatives D. Sommers, Tokuda, Kastama, Boldt, H. Sommers, Veloria, McIntire and Santos; by request of Department of Social and Health Services

AN ACT Relating to the WorkFirst program participation exemption; and amending RCW 74.08A.270.

Referred to Committee on Children & Family Services.

HB 1276 by Representatives Boldt, Tokuda, Kastama and D. Sommers; by request of Department of Social and Health Services

AN ACT Relating to technical amendments concerning the notice provisions in the adoption and safe families act; amending RCW 74.13.280; and reenacting and amending RCW 13.34.130 and 13.34.145.

Referred to Committee on Children & Family Services.

HB 1277 by Representatives Carlson, Ogden, Dunn, Alexander, Benson, Pennington, Wood, Gombosky, D. Sommers, Mielke, Crouse, Boldt, Skinner, Hankins and Romero

AN ACT Relating to funding for regional convention, conference, or special events centers; amending RCW 82.14.050; adding new sections to chapter 82.14 RCW; adding a new chapter to Title 35 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Economic Development, Housing & Trade.

HB 1278 by Representatives Koster, Lambert, Campbell, Dunn, Sump and Fortunato

AN ACT Relating to the collection of federal taxes; adding a new chapter to Title 82 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Finance.

HB 1279 by Representative Cairnes

AN ACT Relating to the state building code; amending RCW 19.27.015, 19.27.020, 19.27.035, 19.27.040, and 19.27.074; and reenacting and amending RCW 19.27.060.

Referred to Committee on Economic Development, Housing & Trade.

HB 1280 by Representatives Doumit, Radcliff, Scott, Fisher and Esser

AN ACT Relating to county law library funding; and amending RCW 27.24.070.

Referred to Committee on Judiciary.

HB 1281 by Representatives Regala, Anderson, Doumit, Haigh, Rockefeller, Eickmeyer, Hatfield, O'Brien, Bush, Kessler, Kenney and Lantz; by request of Commissioner of Public Lands

AN ACT Relating to providing incentives for nonindustrial private forest landowners with landscape planning, technical assistance, carbon storage markets, and rural design assistance; amending RCW 76.09.020, 75.20.100, 84.34.210, and 84.34.220; reenacting and amending RCW 76.09.060 and 76.09.220; adding new sections to chapter 76.09 RCW; creating new sections; and making appropriations.

Referred to Committee on Natural Resources.

HB 1282 by Representatives Romero, Buck, Miloscia, Linville, Dickerson, Regala and Wolfe; by request of Commissioner of Public Lands

AN ACT Relating to authorizing state employee lump sum relocation assistance; amending RCW 41.06.150; adding a new section to chapter 43.03 RCW; and creating a new section.

Referred to Committee on State Government.

HB 1283 by Representatives O'Brien, Van Luven, Veloria, Radcliff, Skinner, Anderson, Cooper, Bush, Kessler, Scott, Wood, Lovick, Conway, Rockefeller, Tokuda, Santos, Haigh, Kenney and Lantz

AN ACT Relating to affordable housing; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.16 RCW; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Economic Development, Housing & Trade.

HB 1284 by Representatives Doumit, Regala, Anderson, Cooper, Kessler and Romero; by request of Commissioner of Public Lands

AN ACT Relating to a study of sand, gravel, and rock resource mining and its impact on salmon habitat and urban development; creating new sections; making appropriations; and providing an expiration date.

Referred to Committee on Natural Resources.

HB 1285 by Representatives D. Schmidt, McMorris, Romero, Scott, Wensman, Esser, Carrell, Benson, Doumit, D. Sommers, Dunn and Lambert

AN ACT Relating to filing for office; and amending RCW 29.15.030.

Referred to Committee on State Government.

HB 1286 by Representatives D. Schmidt, Romero, McMorris, Scott, Wensman, Esser, Carrell, Benson, Sullivan, Santos, Doumit, D. Sommers, Dunn and Bush

AN ACT Relating to election procedures; amending RCW 29.36.045 and 29.62.020; and adding a new section to chapter 29.36 RCW.

Referred to Committee on State Government.

HB 1287 by Representatives D. Schmidt, Scott, McMorris, Wensman, Doumit, D. Sommers and Dunn

AN ACT Relating to precinct committee officers; and amending RCW 29.42.050 and 29.36.030.

Referred to Committee on State Government.

HB 1288 by Representatives D. Schmidt, Romero, McMorris, Scott, Wensman, Benson, Sullivan, Santos, Doumit, D. Sommers, Dunn and Campbell

AN ACT Relating to the order of candidates on ballots; amending RCW 29.30.025; and repealing RCW 29.30.040.

Referred to Committee on State Government.

HB 1289 by Representatives Conway, Clements, McIntire and Wood; by request of Employment Security Department

AN ACT Relating to conforming unemployment compensation statutes with federal law; amending RCW 50.16.030, 50.40.020, and 50.44.050; adding a new section to chapter 50.40 RCW; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 1290 by Representatives McIntire, Clements, Conway, Wood and Kenney; by request of Employment Security Department

AN ACT Relating to support for collaborative efforts toward employment-related services and program evaluation; amending RCW 42.17.310 and 43.20A.080; reenacting and amending RCW 50.13.060; creating new sections; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 1291 by Representatives D. Schmidt, McMorris, Romero, Scott, Wensman, Esser, Miloscia, Benson, D. Sommers and Dunn

AN ACT Relating to election laws; amending RCW 29.04.050, 29.04.120, 29.04.170, 29.07.010, 29.07.120, 29.07.260, 29.08.080, 29.10.100, 29.13.010, 29.13.020, 29.15.025, 29.15.050, 29.30.101, 29.36.013, 29.57.010, 29.57.070, 29.57.090, 29.57.100, 29.57.130, 29.57.140, 29.57.150, and 29.57.160; and repealing RCW 29.57.030, 29.57.080, 29.57.110, and 29.57.120.

Referred to Committee on State Government.

HJM 4004 by Representatives Dickerson, Cody, Skinner, O'Brien, Veloria, Kessler, McIntire, Wood, Lovick, Romero, Conway, Ruderman, Hurst and Kenney

Urging support of prostate cancer research.

Referred to Committee on Health Care.

HJR 4203 by Representatives Murray, Mitchell, Huff, H. Sommers, Bush, Esser, Lambert, O'Brien, Haigh, Rockefeller, Kenney and Campbell; by request of State Treasurer

Guaranteeing school district debt.

Referred to Committee on Capital Budget.

#### MOTION

Representative Kessler moved that the bills, memorial and resolution listed on the day's introduction sheet under the fourth order of business be referred to the committees so designated with the exception of House Bill No. 1239 which is referred to the Committee on State Government.

Representative Lisk spoke in favor of the motion. The motion was carried.

#### RESOLUTION

HOUSE RESOLUTION NO. 99-4605, by Representatives Huff, Tokuda, D. Schmidt, Dunn, Van Luven, Sump, Cairnes, Lisk, Mulliken, D. Sommers, Mielke, Lambert, Bush, McDonald, Radcliff, Delvin, Thomas, Mastin, Carlson, Benson, H. Sommers, Campbell, Doumit, Murray, Cody, Ogden, Parlette, Lantz, Schual-Berke, Kagi, Edmonds and Veloria



WHEREAS, It is the policy of the Washington State Legislature to recognize the contributions of individuals who reflect standards of excellence that enhance the well-being and quality of life of the citizens of the state of Washington; and

WHEREAS, Margaret Casey has served since 1977 as a legislative advocate, setting the highest standards of dedication, honesty, and civility; and

WHEREAS, Margaret has lobbied for those who are the most vulnerable in society, such as poor children, the aging, those in prison, those in long-term care, and children in the juvenile justice system, making the concerns of these fellow Washingtonians known and felt throughout the Legislature; and

WHEREAS, Margaret is held in high esteem, even by those who do not share her views, because of her forthright, whole-hearted, and caring attitude and her ability to see many sides of an issue; and

WHEREAS, Margaret has made the needs of those she has represented seem real and understandable, and not merely abstract; and

WHEREAS, Margaret's idealism and conscience challenge all of us who serve the people of Washington in the legislative process, and encourage us to build a better and more just society; and

WHEREAS, Margaret was also a former teacher and school principal who loved ballroom dancing;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize Margaret Casey for her years of dedicated advocacy for the frail, for the elderly, and for poor children and their families, whose voice was heard through her concern and further wish her the best of luck in all future endeavors; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to Margaret Casey.

Representative Huff moved adoption of the resolution.

Representatives Huff, Tokuda, Dickerson, Conway, Wolfe, Skinner and Kenney spoke in favor of the adoption of the resolution.

House Resolution No. 99-4605 was adopted.

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

#### MOTION

On motion of Representative Kessler, House Bill No. 1163 was referred from the Committee on Health Care to the Committee on Agriculture and Ecology, and House Bill No. 1204 was referred from the Committee on Agriculture and Ecology to the Committee on Capital Budget.

There being no objection, the House advanced to the eleventh order of business.

#### MOTION

On motion of Representative Kessler, the House adjourned until 10:00 a.m., Thursday, January 21, 1999.

TIMOTHY A. MARTIN, Chief Clerk      CLYDE BALLARD, Speaker  
DEAN R. FOSTER, Chief Clerk      FRANK CHOPP, Speaker

TENTH DAY, JANUARY 20, 1999

JOURNAL OF THE HOUSE

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## **ELEVENTH DAY**

### **MORNING SESSION**

House Chamber, Olympia, Thursday, January 21, 1999

The House was called to order at 10:00 a.m. by Speaker Ballard. The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Kurt Thatcher and Hunter Lea. Prayer was offered by Representative Don Carlson.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

### **MESSAGES FROM THE SENATE**

January 20, 1999

Mr. Speaker:

The Senate has adopted:

SENATE CONCURRENT RESOLUTION NO. 8404,  
and the same is herewith transmitted.

Tony M. Cook, Secretary

January 20, 1999

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 5004,  
and the same is herewith transmitted.

Tony M. Cook, Secretary

### **INTRODUCTIONS AND FIRST READING**

HB 1292 by Representatives Pennington, Hatfield, Mielke, Ogden, Doumit, Wood, Boldt, Delvin, Dunn, D. Schmidt, Grant, Campbell and Wolfe

AN ACT Relating to motorcycle handlebars; and amending RCW 46.61.611.

Referred to Committee on Transportation.

HB 1293 by Representatives Campbell, Romero, McMorris, Lambert, Miloscia, D. Schmidt, Dunshee, Haigh, Bush and Esser

AN ACT Relating to applying the same restrictions on soliciting and receiving contributions to persons who are newly elected as state officials that are applicable to state officials; and amending RCW 42.17.710.

Referred to Committee on State Government.

HB 1294 by Representatives Fisher and K. Schmidt

AN ACT Relating to technical editing of statutes in chapter 46.20 RCW; amending RCW 46.20.005, 46.20.015, 46.20.025, 46.20.031, 46.20.035, 46.20.041, 46.20.045, 46.20.055, 46.20.070, 46.20.091, 46.20.095, 46.20.100, 46.20.114, 46.20.117, 46.20.120, 46.20.130, 46.20.157, 46.20.161, 46.20.181, 46.20.205, 46.20.510, and 46.64.070; reenacting and amending RCW 46.20.021; adding a new section to chapter 46.04 RCW; adding new sections to chapter 46.20 RCW; creating a new section; recodifying RCW 46.20.190, 46.20.336, 46.20.550, 46.20.343, 46.20.470, 46.20.414, and 46.20.430; repealing RCW 46.20.106 and 46.20.116; and prescribing penalties.

Referred to Committee on Transportation.

HB 1295 by Representatives Wensman, Thomas, Benson, Haigh, Keiser and Talcott

AN ACT Relating to school site-councils; and amending RCW 42.30.020.

Referred to Committee on Education.

HB 1296 by Representatives O'Brien, Ballasiotes, Kastama, Lovick, Schual-Berke, Mitchell, Carlson, Kenney, Edmonds, Kagi, Constantine, Cody, Rockefeller, Poulsen, McIntire, Lantz, Miloscia, Santos, Ogden, Ruderman and Scott

AN ACT Relating to domestic violence advocates' communications with victims of domestic violence; and amending RCW 5.60.060.

Referred to Committee on Judiciary.

HB 1297 by Representatives O'Brien, Ballasiotes, Lovick, Cairnes, Kagi, Campbell and Benson

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

Referred to Committee on Criminal Justice & Corrections.

HB 1298 by Representatives O'Brien, Ballasiotes, Tokuda, Radcliff, Kagi, Mitchell, Ogden, Hankins, Constantine, Skinner, Dunshee, G. Chandler, Esser, Lovick, Kessler, Cody, Romero, Campbell, Poulsen, Kenney, Lantz, Miloscia, Santos, Hurst, Keiser, Veloria, Ruderman, Scott, McIntire and Morris

AN ACT Relating to eligibility for unemployment compensation benefits for victims of domestic violence who have left work as a result of the domestic violence; and amending RCW 50.20.050.

Referred to Committee on Commerce & Labor.

HB 1299 by Representatives Ballasiotes, O'Brien, Lambert, Kastama, Esser and Schual-Berke; by request of Sentencing Guidelines Commission

AN ACT Relating to extraordinary medical releases for offenders; amending RCW 9.94A.150, 9.94A.120, and 69.50.410; reenacting and amending RCW 9.94A.310, 9.95.040, and 46.61.5055; and adding a new section to chapter 72.09 RCW.

Referred to Committee on Criminal Justice & Corrections.

HB 1300 by Representatives Crouse, Schindler, Benson and Bush

AN ACT Relating to provision of utilities to mobile home parks; adding a new section to chapter 35.67 RCW; adding a new section to chapter 35.92 RCW; adding a new section to chapter 54.16 RCW; adding a new section to chapter 57.08 RCW; and adding a new section to chapter 80.28 RCW.

Referred to Committee on Technology, Telecommunications & Energy.

HB 1301 by Representatives Edwards, Ruderman, Conway, Morris, Cody, Schual-Berke, Kessler, Rockefeller, Romero, O'Brien, Poulsen, Haigh, Kenney, Lantz, Lovick, Kagi, Santos, Keiser, Ogden, Veloria, Gombosky, Scott, Wood and McIntire; by request of Governor Locke

AN ACT Relating to creating the children's health insurance program; and adding a new section to chapter 74.09 RCW.

Referred to Committee on Health Care.

HB 1302 by Representatives Romero, Mulliken, Linville, Kessler and McIntire; by request of Department of Ecology

AN ACT Relating to the permit assistance center; amending RCW 90.60.020, 90.60.030, and 90.60.100; repealing RCW 43.131.387 and 43.131.388; providing an effective date; and declaring an emergency.

Referred to Committee on Agriculture & Ecology.

HB 1303 by Representatives Conway and Clements; by request of Liquor Control Board

AN ACT Relating to redefining the criteria and the purchase of spirits for spirits, beer, and wine restaurant licensees; and amending RCW 66.24.410 and 66.24.420.

Referred to Committee on Commerce & Labor.

HB 1304 by Representatives Hankins, Fisher and K. Schmidt; by request of Transportation Improvement Board

AN ACT Relating to transportation improvement board bond retirement account revisions; and amending RCW 47.26.426, 47.26.427, 47.26.507, and 43.84.092.

Referred to Committee on Transportation.

HB 1305 by Representatives Fisher, K. Schmidt and Kagi; by request of Transportation Improvement Board

AN ACT Relating to the public transportation systems account; amending RCW 82.44.150; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

HB 1306 by Representatives Huff, H. Sommers and Benson

AN ACT Relating to costs incurred by cities in implementing 1998 legislation dealing with drunk driving; amending 1998 c 346 s 714 (uncodified); and declaring an emergency.

Referred to Committee on Appropriations.

HB 1307 by Representatives Dunn, Fisher, Lantz, Kastama, Regala, Fortunato, Linville, Reardon, Haigh and Carlson

AN ACT Relating to community revitalization; amending RCW 82.14.050 and 35.80.030; adding a new section to chapter 35.80 RCW; and adding a new chapter to Title 82 RCW.

Referred to Committee on Economic Development, Housing & Trade.

HB 1308 by Representatives Conway, Dunn, Dunshee, Fisher, Lantz, Kastama, Regala, Veloria, McDonald, Hurst, Pennington, Fortunato, Gombosky, Reardon, Rockefeller, Romero, O'Brien, Benson, Haigh, Kenney, Carlson, Ogden, Scott, Wood and McIntire

AN ACT Relating to downtown and neighborhood commercial district revitalization; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.14 RCW; adding a new chapter to Title 43 RCW; and creating a new section.

Referred to Committee on Economic Development, Housing & Trade.

HB 1309 by Representatives Miloscia, Campbell, Wood, McMorris, Sullivan, D. Schmidt, Romero, Haigh and Dunn

AN ACT Relating to veterans' scoring criteria in employment examinations; and amending RCW 41.04.010.

Referred to Committee on State Government.

HB 1310 by Representatives Scott, Mulliken, Morris, Schoesler, Ericksen and Linville

AN ACT Relating to the authority of a public utility district to furnish water to persons outside of the district and the county where the district is located, and to establish local utility districts for water or sewer facilities outside of a district and the county where it is located; and amending RCW 54.16.030 and 54.16.120.

Referred to Committee on Local Government.

HB 1311 by Representatives Lantz, Rockefeller, Eickmeyer, Huff, Haigh, K. Schmidt and Murray

AN ACT Relating to governor designation of distressed areas; and amending RCW 43.168.020, 82.62.010, and 82.60.047.

Referred to Committee on Economic Development, Housing & Trade.

HB 1312 by Representatives Schoesler, Lisk, Buck, Kessler, Grant, G. Chandler, Hankins, Koster, Delvin, Mielke, Boldt and Cairnes

AN ACT Relating to the joint administrative rules review committee; and amending RCW 34.05.610.

Referred to Committee on State Government.

HB 1313 by Representatives Schoesler, DeBolt, Doumit, Hatfield, Kessler, Pennington, Grant and Eickmeyer

AN ACT Relating to rural development; amending RCW 42.52.080; adding new sections to chapter 43.31 RCW; repealing RCW 43.31.855, 43.31.857; and repealing 1997 c 377 s 3 (uncodified).

Referred to Committee on Economic Development, Housing & Trade.

HB 1314 by Representatives Linville, Regala, Cooper, Kessler, Doumit, Dickerson, Ruderman, Dunshee, Haigh, Eickmeyer, Murray, Morris, Veloria, Keiser, H. Sommers, Rockefeller, Grant, McIntire, Fisher, Scott, Hatfield, Reardon, O'Brien and Lantz; by request of Governor Locke

AN ACT Relating to water resource management and facilitating fishery protection and recovery; amending RCW 90.54.020, 90.54.180, 90.03.290, 43.20.230, 90.48.495, 90.46.005, 90.46.030, 90.46.040, 90.46.120, 90.46.130, 90.03.380, 90.42.080, 90.03.330, 90.03.015, 39.34.020, 90.03.386, 90.03.383, 90.44.050, 58.17.110, 19.27.097, 90.03.255, 90.44.055, 75.20.106, 77.15.300, 90.03.600, 43.21B.300, 90.08.040, 90.08.060, 90.03.070, 90.58.080, 43.99E.015, and 43.99E.030; reenacting and amending RCW 43.83B.300; adding new sections to chapter 43.83B RCW; adding new sections to chapter 70.119A RCW; adding a new section to chapter 58.17 RCW; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; adding a new section to chapter 36.01 RCW; adding a new section to chapter 90.54 RCW; adding new sections to chapter 90.46 RCW; adding new sections to chapter 90.03 RCW; adding new sections to chapter 90.44 RCW; adding a new section to chapter 39.34 RCW; adding a new section to chapter 90.58 RCW; adding a new section to chapter 43.27A RCW; adding new sections to chapter 36.70A RCW; adding a new section to chapter 43.21C RCW; adding new sections to chapter 90.42 RCW; creating new sections; prescribing penalties; making an appropriation; and providing an expiration date.

Referred to Committee on Agriculture & Ecology.

HB 1315 by Representatives Dickerson, Ballasiotes, O'Brien, Cairnes, Lovick, Edwards, Rockefeller, Schual-Berke, Kenney, Lantz, Ogden and Gombosky

AN ACT Relating to video and video games; and creating new sections.

Referred to Committee on Criminal Justice & Corrections.

HB 1316 by Representatives Murray, Fisher, Wood, Romero, O'Brien, Veloria and McIntire

AN ACT Relating to noise mitigation projects on state highways; adding new sections to chapter 47.40 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Transportation.

HB 1317 by Representatives Murray, K. Schmidt, Fisher, Romero, Ogden, Scott, Hankins, Skinner, Morris, Lovick, Cooper, Reardon, O'Brien, Wood and McIntire

AN ACT Relating to transportation planning; and amending RCW 47.80.023, 47.80.040, and 47.80.070.

Referred to Committee on Transportation.

HB 1318 by Representatives Bush, Haigh, McDonald, Kastama, Mielke, Doumit, Campbell and Parlette

AN ACT Relating to business and occupation and utility tax deductions for small water, sewer, and irrigation districts with less than one thousand five hundred customers; amending RCW 82.04.312 and 82.16.042; and providing an expiration date.

Referred to Committee on Finance.

HB 1319 by Representatives Schindler, Sheahan, D. Sommers, Wood, Gombosky, Benson, McMorris, Crouse, Schoesler, Grant, Mastin, Lovick and Carrell

AN ACT Relating to prisoner release; amending RCW 9.94A.150, 9.95.110, and 72.02.100; adding a new section to chapter 9.94A RCW; creating a new section; and declaring an emergency.

Referred to Committee on Criminal Justice & Corrections.

HB 1320 by Representatives Fisher, Ericksen, K. Schmidt, Cooper, Romero, O'Brien, Haigh, Ogden, Veloria, Wood, McIntire, Murray and Ruderman; by request of Department of Transportation

AN ACT Relating to intercity passenger rail service; adding new sections to chapter 47.79 RCW; and declaring an emergency.

Referred to Committee on Transportation.

HB 1321 by Representatives Ericksen, Fisher, K. Schmidt, Mitchell, Rockefeller, Carrell and McDonald; by request of Department of Transportation and Washington State Patrol

AN ACT Relating to requiring stops at intersections with nonfunctioning signal lights; and adding a new section to chapter 46.61 RCW.

Referred to Committee on Transportation.

HB 1322 by Representatives Mitchell, Romero, Fisher and Murray; by request of Department of Transportation

AN ACT Relating to motorist information signs; and amending RCW 47.36.005, 47.36.300, 47.36.310, 47.36.320, 47.36.330, 47.36.340, and 47.36.350.

Referred to Committee on Transportation.



HB 1323 by Representatives Mitchell, K. Schmidt, Fisher, Romero, Rockefeller, Haigh and Ogden; by request of Department of Transportation

AN ACT Relating to the Scenic Vistas Act; amending RCW 47.42.080, 47.42.090, 47.42.120, 47.42.130, and 47.42.911; adding new sections to chapter 47.42 RCW; and prescribing penalties.

Referred to Committee on Transportation.

HB 1324 by Representatives Fisher, K. Schmidt, Mitchell and Hankins; by request of Department of Transportation

AN ACT Relating to transportation safety and planning; amending RCW 81.104.015; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; adding a new section to chapter 36.01 RCW; adding a new section to chapter 81.112 RCW; adding a new section to chapter 36.57A RCW; adding a new section to chapter 81.104 RCW; adding a new section to chapter 42.17 RCW; and declaring an emergency.

Referred to Committee on Transportation.

HB 1325 by Representatives Mielke, Fisher, K. Schmidt, Wood, Ericksen, Mitchell and Hankins; by request of Department of Transportation

AN ACT Relating to studded tires; amending RCW 46.37.420; adding a new section to chapter 46.04 RCW; adding new sections to chapter 46.37 RCW; and providing an effective date.

Referred to Committee on Transportation.

HB 1326 by Representatives McDonald, Hurst, Delvin, O'Brien, Campbell, Bush and Esser

AN ACT Relating to criminal justice resource officers in schools; amending RCW 28A.600.230 and 28A.600.240; adding a new section to chapter 28A.600 RCW; and creating a new section.

Referred to Committee on Judiciary.

HB 1327 by Representatives Cairnes, Constantine, Esser, Fisher, Wood, Scott, Bush, Sump and D. Schmidt

AN ACT Relating to traffic cameras; and adding a new section to chapter 47.04 RCW.

Referred to Committee on Transportation.

HB 1328 by Representatives Doumit, McMorris, Hatfield, G. Chandler, Clements, D. Sommers, Linville, Scott, Mulliken, Mielke, Anderson, Eickmeyer, Kessler, Haigh, McDonald and Ogden

AN ACT Relating to interest earnings from the enhanced 911 account; amending RCW 43.84.092 and 43.84.092; creating a new section; providing effective dates; providing an expiration date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1329 by Representatives Keiser, Dunn, Wood and Morris

AN ACT Relating to employee noncompetition agreements in the broadcasting industry; and adding a new section to chapter 49.44 RCW.

Referred to Committee on Commerce & Labor.

HB 1330 by Representatives Alexander, Sump, Buck, Regala, Anderson, Lantz, Doumit, G. Chandler, Pennington, Rockefeller, Benson and Mulliken; by request of Parks and Recreation Commission

AN ACT Relating to concessions or leases in state parks and parkways; and amending RCW 43.51.040.

Referred to Committee on Natural Resources.

HB 1331 by Representatives Buck, Sump, Regala, Anderson, Lantz, Doumit, G. Chandler, Pennington, Hatfield, Rockefeller, D. Sommers, Koster, Benson, Wolfe and Mulliken; by request of Parks and Recreation Commission

AN ACT Relating to the use of volunteers by the state parks and recreation commission; and amending RCW 43.51.040, 43.51.130, and 43.51.140.

Referred to Committee on Natural Resources.

HB 1332 by Representatives Ogden, DeBolt, Hankins, Hurst, Fisher, Romero and Haigh

AN ACT Relating to a scenic byways designation program; amending RCW 47.39.010, 47.39.030, 47.39.060, and 47.39.080; adding new sections to chapter 47.39 RCW; repealing RCW 47.39.070; and declaring an emergency.

Referred to Committee on Transportation.

HB 1333 by Representative Dunn

AN ACT Relating to a sales and use tax on new commercial or industrial construction; adding a new section to chapter 82.14 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

HB 1334 by Representative Dunn

AN ACT Relating to a sales tax on new residential construction; adding a new section to chapter 82.14 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

HB 1335 by Representative Dunn

AN ACT Relating to English language instruction; amending RCW 28A.180.010, 28A.180.020, 28A.180.030, 28A.180.040, 28A.180.060, 28A.180.080, 28A.630.830, 28A.630.840, and 84.52.0531; reenacting and amending RCW 28A.150.370; and providing an expiration date.

Referred to Committee on Education.

HB 1336 by Representatives Dunn, Koster, Carrell and Esser

AN ACT Relating to the transitional bilingual program; and amending RCW 28A.180.040.

Referred to Committee on Education.

HB 1337 by Representatives Dunn, Mielke, Gombosky, Carrell and Miloscia

AN ACT Relating to public dissemination of information regarding persons convicted of a crime; adding a new section to chapter 72.09 RCW; and creating a new section.

Referred to Committee on Criminal Justice & Corrections.

HB 1338 by Representatives Dunn, Mielke, Koster, D. Schmidt and Carrell

AN ACT Relating to restrictions on soliciting or accepting contributions; and amending RCW 42.17.710.

Referred to Committee on State Government.

HB 1339 by Representatives Dunn, Veloria, O'Brien, Carlson, Gombosky, Cody and Carrell

AN ACT Relating to moving permits for owners of mobile home parks; and amending RCW 46.44.170.

Referred to Committee on Transportation.

HB 1340 by Representatives Dunn, D. Schmidt and Delvin

AN ACT Relating to motor vehicle registration violations; amending RCW 46.63.020; reenacting and amending RCW 46.16.010; and prescribing penalties.

Referred to Committee on Transportation.

HB 1341 by Representatives Benson, Barlean, DeBolt, D. Sommers, Esser and McMorris

AN ACT Relating to the reporting of industrial accidents; and amending RCW 51.28.010 and 51.28.050.

Referred to Committee on Commerce & Labor.

HB 1342 by Representatives Benson, DeBolt, D. Sommers and McMorris

AN ACT Relating to time periods for filing industrial insurance claims; amending RCW 51.28.050 and 51.28.055; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 1343 by Representatives Benson, O'Brien, Sullivan, Barlean, Buck, Campbell, Clements, Carlson, D. Sommers, Esser, Keiser, Carrell and Bush

AN ACT Relating to curfews; creating new sections; and prescribing penalties.

Referred to Committee on Judiciary.

HB 1344 by Representatives Cooper, Hankins, Hatfield, Radcliff, Scott and Romero

AN ACT Relating to personal watercraft; adding a new section to chapter 88.12 RCW; repealing RCW 88.12.145; and prescribing penalties.

Referred to Committee on Natural Resources.

HB 1345 by Representatives O'Brien, Radcliff, Ballasiotes, Tokuda, Van Luven, Pennington, McIntire, Sheahan, Kagi, Sullivan, Cody, Veloria, Constantine, Edwards, Cooper, Rockefeller, D. Sommers, Campbell, McDonald, Edmonds, Ruderman and Dunn

AN ACT Relating to exemption of property taxes for assisted housing; reenacting and amending RCW 84.36.805 and 84.36.810; adding a new section to chapter 84.36 RCW; and creating a new section.

Referred to Committee on Economic Development, Housing & Trade.

HCR 4403 by Representatives Ogden, Pennington, D. Schmidt, Hatfield, Cooper, Edmonds and Dunn

Remembering former legislators.

SB 5004 by Senators Loveland, Winsley and Patterson

Remedying a technical problem in school bond elections.

SCR 8404 by Senators Snyder, McDonald and Winsley

Recognizing the "Old Timers" reunion.

#### MOTION

On motion of Representative Lisk, the bills and resolutions listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

There being no objection, the rules were suspended and House Concurrent Resolution No. 4403 was advanced to the second reading calendar.

There being no objection, the House advanced to the sixth order of business.

#### SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4403, by Representatives Ogden, Pennington, D. Schmidt, Hatfield, Cooper, Edmonds and Dunn

Remembering former legislators.

The resolution was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ogden and Pennington spoke in favor of passage of the resolution.

Speaker Ballard stated the question before the House to be adoption of House Concurrent Resolution No. 4403.

House Concurrent Resolution No. 4403, having received the constitutional majority, was declared adopted.

There being no objection, the rules were suspended and Senate Concurrent Resolution No. 8404 was advanced to the second reading calendar.

SENATE CONCURRENT RESOLUTION NO. 8404, by Senators Snyder, McDonald and Winsley

Recognizing the "Old Timers" reunion.

The resolution was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the resolution was placed on final adoption.

Representative Lisk spoke in favor of adoption of the resolution.

Speaker Ballard stated the question before the House to be adoption of Senate Concurrent Resolution No. 8404.

Senate Concurrent Resolution No. 8404, having received the constitutional majority, was declared adopted.

There being no objection, the House advanced to the eleventh order of business.

#### MOTION

On motion of Representative Lisk, the House adjourned until 10:00 a.m., Friday, January 22, 1999.

TIMOTHY A. MARTIN, Chief Clerk      CLYDE BALLARD, Speaker  
DEAN R. FOSTER, Chief Clerk      FRANK CHOPP, Speaker

ELEVENTH DAY, JANUARY 21, 1999

JOURNAL OF THE HOUSE

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**TWELFTH DAY**

**MORNING SESSION**

House Chamber, Olympia, Friday, January 22, 1999

The House was called to order at 10:00 a.m. by Speaker Pro Tempore Ogden. The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Brittany Tinsley and Kristina Waiss. Prayer was offered by Father James Northrop, Saint Michael's Catholic Parish, Olympia.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

**INTRODUCTIONS AND FIRST READING**

HB 1346 by Representatives O'Brien, Koster, Cody, DeBolt, Constantine, Kessler, D. Schmidt, Edwards and Radcliff

AN ACT Relating to dissolution of a cultural arts, stadium and convention district; and amending RCW 67.38.160.

Referred to Committee on Local Government.

HB 1347 by Representatives O'Brien, Ballasiotes, Kastama, Cairnes, Ogden, Radcliff, Kessler and McDonald; by request of Sentencing Guidelines Commission

AN ACT Relating to sentencing for certain criminal acts; amending RCW 81.60.070 and 9.40.120; reenacting and amending RCW 9.94A.320; creating new sections; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Criminal Justice & Corrections.

HB 1348 by Representatives Carrell, Quall, Talcott, Sullivan, Esser, Bush, Campbell, McDonald and Thomas

AN ACT Relating to school safety; amending RCW 13.40.215, 28A.225.225, and 28A.225.330; adding a new section to chapter 28A.225 RCW; adding a new section to chapter 74.15 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Education.

HB 1349 by Representatives Carrell, Eickmeyer, Wolfe, Kastama, Lambert and Esser

AN ACT Relating to extending court supervision of children subject to youth-at-risk orders; and amending RCW 13.32A.198.

Referred to Committee on Children & Family Services.

HB 1350 by Representative Carrell

AN ACT Relating to at-risk youth; amending RCW 74.13.031; and adding new sections to chapter 74.13 RCW.

Referred to Committee on Children & Family Services.

HB 1351 by Representatives Carrell, Sheahan, Sullivan, Campbell, Esser, Sump, Dunn and Bush

AN ACT Relating to earned early release; amending RCW 9.92.151, 9.94A.150, and 70.48.210; creating a new section; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 1352 by Representatives Carrell, Constantine, Sheahan, Koster, Dickerson, Mielke, Lambert, Fortunato, Lantz, D. Schmidt, Boldt, Kessler, Benson, McMorris, Mulliken, Wensman, Crouse, Hatfield, Gombosky, Talcott, DeBolt, Wood, Hurst, Anderson, Pflug, Mitchell, Dunn, Buck, Wolfe, G. Chandler, McDonald, Campbell, Alexander, Skinner, Thomas, Esser and Bush

AN ACT Relating to temporary emergency concealed pistol licenses; and amending RCW 9.41.070.

Referred to Committee on Judiciary.

HB 1353 by Representatives Carrell, Sheahan, Mielke, Pennington, Sullivan, Eickmeyer, Boldt, Kessler, Campbell, Dunn, Bush, Mulliken and Fortunato

AN ACT Relating to the liability of instructors of firearms safety, education, and familiarization classes; and adding a new section to chapter 9.41 RCW.

Referred to Committee on Judiciary.

HB 1354 by Representatives Carlson, Benson, Hatfield, D. Schmidt and Bush

AN ACT Relating to regulating the fees charged by broker-dealers; and adding a new section to chapter 21.20 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 1355 by Representatives D. Sommers, Koster, Boldt, Sump, Wood, Benson, McDonald, Lantz and Dunn

AN ACT Relating to sales and use tax exemptions for durable medical equipment; amending RCW 82.08.0283 and 82.12.0277; and providing an effective date.

Referred to Committee on Finance.

HB 1356 by Representatives D. Sommers, Gombosky, Schoesler, Koster, Boldt, Sump, Benson, Carrell, McDonald, Quall and Mulliken

AN ACT Relating to community college part-time faculty salaries and compensation; and adding new sections to chapter 28B.50 RCW.

Referred to Committee on Higher Education.

HB 1357 by Representatives Lambert, Ballasiotes, McDonald, Linville, Carrell, Dunshee, Barlean, Esser, Kastama and Fortunato

AN ACT Relating to the homicide information tracking system of the office of the attorney general; adding a new section to chapter 43.10 RCW; and making appropriations.

Referred to Committee on Appropriations.

HB 1358 by Representatives Delvin, Cooper, Cairnes and Linville

AN ACT Relating to expanding the definition of uniformed personnel under the public employees' collective bargaining law to include additional correctional employees; and amending RCW 41.56.030.

Referred to Committee on Local Government.

HB 1359 by Representatives Lambert, Linville, Ballasiotes, Dunshee, Carrell, Barlean, McDonald, Pennington, Esser, Kastama, Fortunato and Thomas

AN ACT Relating to the monitoring of supervised offenders under the jurisdiction of the state department of corrections; adding a new section to chapter 43.10 RCW; and making appropriations.

Referred to Committee on Appropriations.

HB 1360 by Representatives Fisher, K. Schmidt, Mitchell, Radcliff, Skinner, Hankins, Wood, Cooper and Ogden

AN ACT Relating to the state-owned facilities component of the state-wide transportation plan and intercity passenger rail; and amending RCW 47.06.050 and 47.06.090.

Referred to Committee on Transportation.

HB 1361 by Representatives Fortunato, O'Brien, Mulliken, Boldt and Ericksen

AN ACT Relating to parental notification for abortions provided to minors.



HB 1362 by Representatives Kastama, Sheahan, Lantz, Dickerson, Hurst, Edmonds, Constantine, Stensen, Lambert, Carrell, Kessler, Thomas and McIntire

AN ACT Relating to residential provisions of permanent parenting plans; amending RCW 26.09.187; and creating a new section.

Referred to Committee on Judiciary.

HB 1363 by Representatives Wood, Benson, Cooper, Gombosky and D. Sommers

AN ACT Relating to selecting members of air pollution control authorities; and amending RCW 70.94.100.

Referred to Committee on Local Government.

HB 1364 by Representatives Sullivan, Hatfield, O'Brien, Morris, Reardon, Constantine, Ruderman, Regala, Conway, Miloscia, Gombosky, Cooper, Wood, Cody, Fisher, Scott, Eickmeyer, Hurst, Dunshee, Kastama, Tokuda, Ogden, Haigh, Santos, Veloria, Wolfe, Doumit, Schual-Berke, Anderson, Kagi, Lovick, Dickerson, Edwards, DeBolt, Rockefeller, Campbell, Edmonds, Keiser, Kessler, Kenney, Lantz, McIntire and Stensen

AN ACT Relating to automobile insurance discounts for older insureds; and adding a new section to chapter 48.19 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 1365 by Representative Boldt

AN ACT Relating to civil penalties for accident prevention program violations; and amending RCW 49.17.180.

Referred to Committee on Commerce & Labor.

HB 1366 by Representatives Alexander, Cody, Parlette, Conway, Schual-Berke, Campbell and Lovick

AN ACT Relating to the scope of mental health record audits; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Health Care.

HB 1367 by Representatives Campbell and Conway

AN ACT Relating to bidding on public works projects; and adding a new section to chapter 39.30 RCW.

Referred to Committee on State Government.

HB 1368 by Representatives Alexander, Wolfe, DeBolt and Romero

AN ACT Relating to the use of revenues under the county conservation futures levy; and amending RCW 84.34.230 and 84.34.240.

Referred to Committee on Local Government.

HB 1369 by Representatives Clements, Conway, Lisk, Grant, McMorris and Wood

AN ACT Relating to restricting Washington industrial safety and health act citations as a result of employee misconduct; and amending RCW 49.17.120.

Referred to Committee on Commerce & Labor.

HB 1370 by Representatives G. Chandler, Linville, Clements, Grant and B. Chandler

AN ACT Relating to the fruit and vegetable district fund; amending RCW 15.17.243; providing an effective date; and declaring an emergency.

Referred to Committee on Agriculture & Ecology.

HB 1371 by Representatives Ruderman, Alexander and O'Brien; by request of Department of Health

AN ACT Relating to reporting, treatment, and payment for treatment of tuberculosis; amending RCW 70.28.010, 70.28.020, 70.28.037, 70.30.061, 70.32.010, 70.33.010, 70.33.020, and 70.33.040; adding new sections to chapter 70.30 RCW; adding new sections to chapter 70.28 RCW; creating a new section; recodifying RCW 70.33.010, 70.33.020, 70.32.010, and 70.33.040; and repealing RCW 70.28.040, 70.28.050, 70.30.072, 70.32.050, 70.32.060, 70.33.030, and 70.33.060.

Referred to Committee on Health Care.

HB 1372 by Representatives Schual-Berke, Esser, Boldt and Keiser; by request of Department of Health

AN ACT Relating to birth defects surveillance; creating a new section; and repealing RCW 70.58.300, 70.58.310, 70.58.320, 70.58.322, 70.58.324, 70.58.330, 70.58.332, 70.58.334, 70.58.338, 70.58.340, and 70.58.350.

Referred to Committee on Health Care.

HB 1373 by Representatives Carrell, Campbell, Lambert, Thomas and Boldt

AN ACT Relating to bail enforcement agents; amending RCW 18.185.010, 18.185.040, 18.185.050, 18.185.110, 18.185.170, and 70.48.100; adding new sections to chapter 18.185 RCW; adding a new section to chapter 43.101 RCW; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 1374 by Representatives Schoesler, Grant, G. Chandler, Sump, Doumit, Delvin and Mulliken

AN ACT Relating to a property tax exemption for real property used exclusively as a roadside park; and amending RCW 84.36.260.

Referred to Committee on Finance.

HB 1375 by Representatives Schoesler, Doumit, Mielke, Sump, Cairnes, Boldt, McDonald, Lisk, Delvin, O'Brien, Radcliff, DeBolt, Carrell, Sheahan, Dunn, Esser, Bush and Mulliken

AN ACT Relating to manufacturing methamphetamine; amending RCW 9.94A.030; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 1376 by Representatives G. Chandler, Fisher, Mitchell, K. Schmidt, Romero, Mielke, Skinner, Scott, O'Brien, Wood and Mulliken

AN ACT Relating to special parking privileges for leg amputees; and amending RCW 46.16.381.

Referred to Committee on Transportation.

HB 1377 by Representatives O'Brien and Ballasiotes; by request of Department of Social and Health Services

AN ACT Relating to sanctions for violating conditions of the juvenile offender basic training camp program; amending RCW 13.40.320 and 13.40.210; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 1378 by Representatives Veloria, Dunn, Morris, Kastama, Van Luven, Ogden, Kenney, Bush, Santos, Fortunato, Hurst, Edwards, O'Brien, McDonald and Keiser

AN ACT Relating to manufactured and mobile home landlord-tenant relations; amending RCW 59.20.010, 59.20.030, 59.20.040, 59.20.050, 59.20.070, 59.20.073, 59.20.074, 59.20.075, 59.20.080, 59.20.130, 59.20.135, 59.20.145, 59.20.150, 59.20.170, 59.20.210, and 59.20.220; reenacting and amending RCW 59.20.060; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; adding a new section to chapter 36.01 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Economic Development, Housing & Trade.

HB 1379 by Representatives Clements and Skinner

AN ACT Relating to qualifications for special parking privileges; and amending RCW 46.16.381.

Referred to Committee on Transportation.

HB 1380 by Representatives Romero, G. Chandler, Dunshee, Kessler, Morris, Quall, Anderson, Cody, Kenney, Linville and Koster

AN ACT Relating to including bottled drinking water as a food product exempt from sales and use tax; amending RCW 82.08.0293 and 82.12.0293; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

HB 1381 by Representatives O'Brien, Delvin, McDonald, Cairnes, Schindler, Ericksen, Campbell, Eickmeyer, Hurst, Edmonds, Lambert, Constantine, Linville, Pennington, Pflug, Bush, Miloscia, Esser, Sheahan, Carrell and Cooper

AN ACT Relating to attempting to elude a pursuing police vehicle; amending RCW 46.20.311 and 46.61.024; reenacting and amending RCW 46.20.285 and 9.94A.320; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 1382 by Representatives Delvin, O'Brien, Cairnes, Hurst, Eickmeyer, Schindler, McDonald, Campbell, Edmonds, Lambert, Constantine, Linville, Pennington, Pflug, Miloscia, Esser, Sheahan, Carrell and Cooper

AN ACT Relating to authorized emergency vehicles; and amending RCW 46.61.035.

Referred to Committee on Judiciary.

HB 1383 by Representatives Constantine, Delvin, Lambert, Esser, Linville, Pennington, O'Brien and Ogden

AN ACT Relating to liability insurance for law enforcement personnel; and amending RCW 36.16.138.

Referred to Committee on Local Government.

HB 1384 by Representatives Conway, Delvin, Wolfe, Lovick, O'Brien, Campbell, Kenney and Cooper

AN ACT Relating to Washington state patrol member contributions; and amending RCW 43.43.300.

Referred to Committee on Appropriations.

HB 1385 by Representatives O'Brien, K. Schmidt, Fisher, Sheahan, Cooper, Lovick, Scott and Delvin

AN ACT Relating to restricting the use of automated traffic enforcement systems; amending RCW 46.63.030; adding a new section to chapter 46.63 RCW; and creating new sections.

Referred to Committee on Transportation.

HB 1386 by Representatives Sheahan and Constantine; by request of Department of Social and Health Services

AN ACT Relating to service and expiration of child support documents on employers and others; amending RCW 26.18.170 and 74.20A.080; adding a new section to chapter 26.18 RCW; and adding a new section to chapter 74.20A RCW.

Referred to Committee on Judiciary.

HB 1387 by Representatives Constantine and Sheahan; by request of Department of Social and Health Services

AN ACT Relating to the creation of a Washington state child support lien registry; amending RCW 26.18.055, 74.20A.060, and 65.08.070; and adding a new section to chapter 26.23 RCW.

Referred to Committee on Judiciary.

HB 1388 by Representatives Keiser, Ballasiotes, Schual-Berke, Mitchell, Hurst, O'Brien, Lovick and Delvin

AN ACT Relating to state criminal jurisdiction; and amending RCW 9A.04.030.

Referred to Committee on Criminal Justice & Corrections.

HB 1389 by Representatives Ballasiotes, O'Brien, Kagi and Lovick

AN ACT Relating to transferring the crime victims' compensation program to the department of community, trade, and economic development; amending RCW 7.68.015, 7.68.020, 7.68.035, 7.68.085, 7.68.145, 43.280.080, 51.52.200, 9.95.210, 72.09.095, and 74.08A.010; reenacting and amending RCW 9.94A.142 and 13.40.190; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Criminal Justice & Corrections.

HB 1390 by Representatives Dunn, Carlson, Esser and Radcliff

AN ACT Relating to defining resident students for purposes of community and technical colleges; and amending RCW 28B.15.012.

Referred to Committee on Higher Education.

HB 1391 by Representatives Hurst, Mielke, Dunshee, Haigh, Kastama, Linville, Morris, Carrell, Grant, Cooper, Lovick, Miloscia, Wood, Hatfield, Gombosky, Conway, Anderson, Eickmeyer, Doumit, Stensen, Kessler, Reardon, Kenney, Campbell, Dickerson, Rockefeller, Wolfe, Thomas, Ogden, Fortunato, Esser and Koster

AN ACT Relating to recognition of concealed pistol permits from other states; and amending RCW 9.41.050.

Referred to Committee on Judiciary.

HB 1392 by Representatives Hurst, Constantine, Sheahan and McDonald

AN ACT Relating to vacation of records of conviction; and amending RCW 9.92.066 and 9.95.240.

Referred to Committee on Judiciary.

HB 1393 by Representatives Hurst, Ballasiotes, O'Brien, Lovick and Sheahan

AN ACT Relating to robbery within a financial institution; amending RCW 9A.56.200; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 1394 by Representatives Hurst, Constantine, Lambert, Sheahan, McDonald, Lovick, H. Sommers, Dickerson, Kenney and Esser

AN ACT Relating to the duress defense; and amending RCW 9A.16.060.

Referred to Committee on Judiciary.

HB 1395 by Representatives Hurst, Cairnes, Conway, Pflug, Ruderman, Thomas, Mitchell, Cooper, Cody, Kastama, Stensen, Lovick, Constantine, Schual-Berke, O'Brien, Keiser, Dickerson, Kessler, Lantz and Wood

AN ACT Relating to retirement benefits for paramedics; reenacting and amending RCW 41.26.030; and adding a new section to chapter 41.40 RCW.

Referred to Committee on Appropriations.

HB 1396 by Representatives Hurst, Ballasiotes, O'Brien, Lovick and Campbell

AN ACT Relating to interception, transmission, or recording of communications; adding a new section to chapter 9.73 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Judiciary.

HB 1397 by Representatives Hurst, Conway, Campbell, Dunshee and Kastama

AN ACT Relating to medical issues under the industrial insurance system; amending RCW 51.04.030, 51.32.110, and 51.36.070; and creating a new section.

Referred to Committee on Commerce & Labor.

HJM 4005 by Representatives Schoesler, Grant, G. Chandler, Sump, Mastin, Lisk, Linville, Tokuda, Doumit, Delvin, Radcliff, Dunn and Mulliken

Urging elimination of unilateral trade sanctions.

Referred to Committee on Agriculture & Ecology.

HCR 4404 by Representatives Kessler, Lisk and Dunn

Adopting cutoff dates.

SB 5004 by Senators Loveland, Winsley and Patterson

AN ACT Relating to remedying a technical problem in school bond elections.

Held on first reading from January 21, 1999.

#### MOTIONS

On motion of Representative Kessler, the bills, memorial and resolution listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

Representative Kessler moved the rules be suspended and House Concurrent Resolution No. 4404 be advanced to second reading. The motion was carried.

There being no objection, the House advanced to the sixth order of business.

#### SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4404, by Representatives Kessler and Lisk

Adopting cutoff dates.

The resolution was read the second time.

Representative Kessler moved the rules be suspended, the second reading be considered the third and the resolution be placed on final passage. The motion was carried.

Representative Kessler spoke in favor of adoption of the resolution.

The Speaker (Representative Ogden presiding) stated the question before the House to be adoption of House Concurrent Resolution No. 4404.

House Concurrent Resolution No. 4404, having received the constitutional majority, was declared adopted.

There being no objection, the House advanced to the eleventh order of business.

Speaker Chopp assumed the chair.

#### COMMITTEE ASSIGNMENTS

Speaker Chopp announced the Democratic membership on the Committee on Capital Budget:

Representative Murray, Co-Chair  
Representative Edmonds, Vice Chair  
Representative Anderson  
Representative Constantine  
Representative Dunshee  
Representative Lantz  
Representative Miloscia  
Representative O'Brien  
Representative Ogden

Speaker Chopp called upon Speaker Pro Tempore Ogden to preside.

#### MOTION

On motion of Representative Kessler, the House adjourned until 10:00 a.m., Monday, January 25, 1999.

TIMOTHY A. MARTIN, Chief Clerk      CLYDE BALLARD, Speaker  
DEAN R. FOSTER, Chief Clerk      FRANK CHOPP, Speaker

TWELFTH DAY, JANUARY 22, 1999

JOURNAL OF THE HOUSE

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**FIFTEENTH DAY**

**MORNING SESSION**

House Chamber, Olympia, Monday, January 25, 1999

The House was called to order at 10:00 a.m. by Speaker Ballard. The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages David Brown and Andrew Reinertsen. Prayer was offered by Pastor Lowell Bakke, Puyallup Bethany Baptist Church.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

**MESSAGES FROM THE SENATE**

January 22, 1999

Mr. Speaker:

The President has signed:

SENATE CONCURRENT RESOLUTION NO. 8404,  
and the same is herewith transmitted.

Tony M. Cook, Secretary

January 22, 1999

Mr. Speaker:

The Senate has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4403,  
and the same is herewith transmitted.

Tony M. Cook, Secretary



January 22, 1999

Mr. Speaker:

The Senate has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4404,

and the same is herewith transmitted.

Tony M. Cook, Secretary

### **INTRODUCTIONS AND FIRST READING**

HB 1361 by Representatives Fortunato, O'Brien, Mulliken, Boldt, Ericksen, Campbell, Schindler, Carrell, Sheahan, Dunn, Bush, Koster, Mielke, Benson and DeBolt

AN ACT Relating to parental notification for abortions provided to minors.

Held on first reading from January 21, 1999.

HB 1398 by Representatives McMorris, Lisk, Clements, Boldt and Mielke

AN ACT Relating to employment in the construction industry; amending RCW 51.24.035 and 51.16.140; adding new sections to chapter 49.17 RCW; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 1399 by Representatives Linville, Schoesler, Cooper, Mastin, Morris, Kessler, B. Chandler, Parlette, G. Chandler and Haigh

AN ACT Relating to the property tax exemption for soil and water conservation districts; and amending RCW 84.36.240.

Referred to Committee on Finance.

HB 1400 by Representatives Thomas, Carrell, Wensman, Cairnes, Esser, Lisk, G. Chandler, Benson, Mastin, Mulliken, Lambert and Dunn

AN ACT Relating to restricting the ability of taxing districts to increase property tax levies in excess of the rate of inflation; creating a new section; and repealing RCW 84.55.092.

Referred to Committee on Finance.

HB 1401 by Representatives Thomas, Kessler, DeBolt, Hatfield and Conway

AN ACT Relating to rural economic development; amending RCW 43.160.020, 43.160.060, 43.160.070, 43.160.080, 43.160.900, and 82.14.370; adding a new section to chapter 44.28 RCW; adding a new chapter to Title 43 RCW; creating new sections; repealing RCW 43.168.010, 43.168.020, 43.168.031, 43.168.040, 43.168.050, 43.168.060, 43.168.070, 43.168.090, 43.168.100, 43.168.110, 43.168.120, 43.168.130, 43.168.140, 43.168.150, and 43.168.900; and providing an expiration date.

Referred to Committee on Economic Development, Housing & Trade.

HB 1402 by Representatives Fisher, K. Schmidt, Regala, Carrell, Lantz and McDonald

AN ACT Relating to the priority of county condemnation proceedings in superior courts; and amending RCW 8.08.040.

Referred to Committee on Judiciary.

HB 1403 by Representatives Sheahan, Schindler, McDonald and Lantz

AN ACT Relating to financial assistance to cities, towns, and counties for the investigation of extraordinary crimes; and amending RCW 43.10.232.

Referred to Committee on Local Government.

HB 1404 by Representatives Sheahan, Schindler, Crouse and McDonald

AN ACT Relating to unclassified employees in the office of sheriff; and amending RCW 41.14.070.

Referred to Committee on Local Government.

HB 1405 by Representatives Dickerson, Skinner, Quall, Haigh, H. Sommers, Talcott, Thomas, Schual-Berke, Lovick, Conway, Kenney, Ogden, Cody, Santos, O'Brien, Murray, Lantz, Wolfe, Stensen, Linville, Kessler and Rockefeller

AN ACT Relating to assisting school districts to establish and develop educational foundations; adding a new section to chapter 28A.300 RCW; creating a new section; and making appropriations.

Referred to Committee on Education.

HB 1406 by Representatives McMorris, Constantine, Sump, Lantz, Pennington, Kastama, Carrell, Thomas, B. Chandler, Boldt, Mielke, Mulliken, Dunn, Haigh, Benson and Schindler

AN ACT Relating to records of pistol purchases or transfers; and amending RCW 9.41.129, 9.41.090, and 9.41.110.

Referred to Committee on Judiciary.

HB 1407 by Representatives Lambert, Benson, Dickerson, Sheahan, Tokuda, Hurst, G. Chandler, Mulliken, Boldt, Koster, Schindler, Ogden, Dunn and Kessler

AN ACT Relating to adoption; amending RCW 26.33.170; and adding a new section to chapter 13.34 RCW.

Referred to Committee on Judiciary.

HB 1408 by Representatives Lambert, Koster, Mulliken, Boldt, Benson, Schindler, Campbell, Mielke and Dunn

AN ACT Relating to restricting property tax increases; amending RCW 84.55.010 and 84.55.020; reenacting and amending RCW 84.55.005; adding a new section to chapter 84.55 RCW; creating a new section; and repealing RCW 84.55.0101, 84.55.050, and 84.55.092.

Referred to Committee on Finance.

HB 1409 by Representatives Lambert, Benson, Boldt, G. Chandler, Mulliken, Koster, Sheahan, Schindler and Dunn

AN ACT Relating to child welfare services; adding a new section to chapter 43.06A RCW; and adding a new section to chapter 74.13 RCW.

Referred to Committee on Children & Family Services.

HB 1410 by Representatives Regala, Skinner, Clements, Tokuda, Benson, Conway, Veloria, Schoesler, Van Luven, Keiser, Santos and McDonald

AN ACT Relating to community gardens; creating a new section; and making appropriations.

Referred to Committee on Appropriations.

HB 1411 by Representative Thomas

AN ACT Relating to telecommunication and energy taxes; amending RCW 82.04.065, 82.04.060, 82.04.120, 82.04.425, 82.04.460, 82.08.020, 82.08.02565, 82.08.0289, 82.12.010, 82.12.020, 82.12.023, 82.12.035, 82.14.020, 82.14.030, 82.14.045, 82.14.048, 82.14.0485, 82.14.0494, 82.14.340, 82.14.350, 82.14.370, 81.104.170, 82.16.010, 82.16.020, 82.16.050, 35.21.710, 35.21.711, 35.21.714, 35.21.715, 35.21.860, and 35A.82.050; reenacting and amending RCW 82.04.050 and 82.04.190; adding new sections to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.14 RCW; creating a new section; repealing RCW 35.21.712, 35.21.865, 35.21.870, 35.21.871, 35A.82.055, 35A.82.060, 35A.82.065, 35A.82.070, 82.08.026, 82.12.022, 82.14.230, 82.16.053, and 82.16.090; providing an effective date; and providing an expiration date.

Referred to Committee on Technology, Telecommunications & Energy.

HB 1412 by Representatives Schindler, Sheahan, Gombosky, Crouse, Wood, D. Sommers, Benson, Esser, McMorris, Lovick, Schoesler, Campbell and Conway

AN ACT Relating to attempting to elude a pursuing police vehicle; amending RCW 46.20.311, 46.61.024, and 9.94A.360; reenacting and amending RCW 46.20.285 and 9.94A.320; creating a new section; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 1413 by Representatives McMorris, Romero, Dunshee, Campbell, Haigh, D. Schmidt, Miloscia and Lambert; by request of Washington Citizens' Commission on Salaries for Elected Officials

AN ACT Relating to the terms of members of the Washington citizens' commission on salaries for elected officials; and amending RCW 43.03.305.

Referred to Committee on State Government.

HB 1414 by Representative Sheahan

AN ACT Relating to limiting charges for water, sewer, natural gas, drainage utility, and drainage system capital costs to rate-based user charges; amending RCW 82.02.020, 35.58.570, 35.67.020, 35.91.040, 35.92.020, 36.89.080, 36.94.140, and 53.08.040; and reenacting and amending RCW 57.08.081.

Referred to Committee on Local Government.

HB 1415 by Representatives Kastama, Rockefeller, Stensen, O'Brien, Gombosky, Wood, Tokuda, Eickmeyer, Anderson, Murray, McIntire, Conway, Edwards, Lantz, Haigh, Sullivan, Romero, Lovick, D. Schmidt, Santos, Wolfe, Keiser, Kessler and Veloria

AN ACT Relating to real estate excise tax relief for first-time home buyers; amending RCW 82.45.060 and 82.45.180; adding a new section to chapter 82.45 RCW; creating a new section; and providing an effective date.

Referred to Committee on Economic Development, Housing & Trade.

HB 1416 by Representatives Kastama, Fortunato, Schoesler, Campbell, McDonald, Cooper, O'Brien, Conway, Kenney, Santos, Dickerson, Murray, Lantz, Dunn, Haigh, Keiser, Linville, Kessler, Rockefeller and Veloria

AN ACT Relating to excise tax exemptions for equipment used by individuals to accommodate an illness or disability; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and providing an effective date.

Referred to Committee on Finance.

HB 1417 by Representatives Kastama, Rockefeller, Stensen, Conway, Lantz and McDonald

AN ACT Relating to the mobile home park purchase account; and making an appropriation.

Referred to Committee on Appropriations.

HB 1418 by Representatives Kastama, Hurst, Stensen, McDonald, Conway and Lantz

AN ACT Relating to duties of a landlord; and amending RCW 59.20.130.

Referred to Committee on Economic Development, Housing & Trade.

HB 1419 by Representatives Sullivan, Benson, Kastama, Keiser, Hatfield, Murray and Rockefeller

AN ACT Relating to providing information on earthquake insurance; and adding a new section to chapter 48.02 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 1420 by Representatives H. Sommers, Huff, Benson, Hatfield, McIntire and Wolfe; by request of State Investment Board

AN ACT Relating to criminal history record checks of prospective appointees and employees of the state investment board; and adding a new section to chapter 43.33A RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 1421 by Representatives Huff, H. Sommers, Hatfield, Benson and McIntire; by request of State Investment Board

AN ACT Relating to the state investment board; and amending RCW 43.33A.170.

Referred to Committee on Financial Institutions & Insurance.

HB 1422 by Representatives H. Sommers, Huff, Benson, Hatfield and McIntire; by request of State Investment Board

AN ACT Relating to the state investment board; and amending RCW 43.33A.130.

Referred to Committee on Financial Institutions & Insurance.

HB 1423 by Representatives Huff, H. Sommers, Benson, Hatfield and McIntire; by request of State Investment Board

AN ACT Relating to the state investment board; and amending RCW 42.17.310 and 42.30.110.

Referred to Committee on State Government.

HB 1424 by Representatives Ballasiotes, O'Brien, Lovick, Dickerson, Ogden, Tokuda, Mitchell, Hankins, Miloscia, Romero, Radcliff, Lantz, Constantine, Kenney, Wood, Voloria, Conway, Cody, Santos, Kagi, Regala, Edmonds and Keiser

AN ACT Relating to safe storage of firearms; amending RCW 9A.36.050; adding a new section to chapter 9.41 RCW; and prescribing penalties.

HB 1425 by Representatives Linville, Mulliken, Ericksen and Scott

AN ACT Relating to municipal water or sewer utilities; and adding new sections to chapter 35.92 RCW.

Referred to Committee on Local Government.

HB 1426 by Representatives Carlson, Quall, Talcott, Schual-Berke, Stensen, Ogden, Haigh, Keiser and Linville

AN ACT Relating to educational staff associate positions; and amending RCW 28A.150.410.

Referred to Committee on Education.

HB 1427 by Representatives Miloscia, Romero, Lovick, O'Brien, Tokuda, Dickerson, Murray, Regala, Linville and Kessler

AN ACT Relating to penalties for violations of public disclosure laws; amending RCW 42.17.390, 42.17.395, and 42.17.400; and prescribing penalties.

Referred to Committee on State Government.

HB 1428 by Representatives Miloscia, Romero, D. Schmidt, Gombosky, Wolfe, Morris, Lovick, O'Brien, Murray, Regala, Lantz, Linville, Kessler and Wood

AN ACT Relating to reporting of independent campaign expenditures; and adding a new section to chapter 42.17 RCW.

Referred to Committee on State Government.

HB 1429 by Representatives Miloscia, Mitchell, Dickerson, O'Brien, Ballasiotes, Barlean, Gombosky, Wolfe, Morris and Keiser

AN ACT Relating to criminal law; amending RCW 9A.76.050, 9A.76.070, and 9A.76.080; adding a new section to chapter 9A.36 RCW; creating a new section; repealing RCW 9A.76.060; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 1430 by Representatives Sullivan, Lantz, Dunshee, Pennington and Keiser

AN ACT Relating to credit card late fees; and creating a new section.

Referred to Committee on Financial Institutions & Insurance.

HB 1431 by Representatives Dunshee, Radcliff, Wolfe and Ruderman

AN ACT Relating to possible impacts of the year 2000 computer issue on financial accounts; creating a new section; providing an expiration date; and declaring an emergency.

Referred to Committee on Financial Institutions & Insurance.

HB 1432 by Representatives Stensen, G. Chandler, Linville, Koster, Cooper, Dunshee, Reardon and Wood

AN ACT Relating to powers and duties of the dairy commission; and amending RCW 15.44.060.

Referred to Committee on Agriculture & Ecology.

HB 1433 by Representatives Benson, Lambert, Schindler, Clements, Sheahan, McDonald, Fortunato, Gombosky, Mulliken, Tokuda, Mielke, D. Sommers, Doumit, Conway, Murray, Anderson, Hurst, Lovick, Wood, O'Brien, Campbell, D. Schmidt and Ruderman

AN ACT Relating to rape victim protection; and amending RCW 26.26.060, 26.26.170, 26.23.120, 26.10.030, and 26.09.020.

Referred to Committee on Judiciary.

HB 1434 by Representatives Dickerson and Van Luven

AN ACT Relating to the business and occupation taxation of payments and contributions to nonprofit convention and tourism promotion corporations by public entities; and adding a new section to chapter 82.04 RCW.

Referred to Committee on Finance.

HB 1435 by Representatives Cody, K. Schmidt and Rockefeller

AN ACT Relating to dissemination of criminal history record information to the Washington horse racing commission; and amending RCW 10.97.050.

Referred to Committee on Judiciary.

HB 1436 by Representatives Radcliff, Kessler, Poulsen, Lisk, Grant, Morris, Wensman, Mastin, Dickerson, Kastama, DeBolt, Benson, Huff, McMorris, Gombosky, Lantz, Reardon, Delvin and Thomas

AN ACT Relating to promoting the deployment of advanced telecommunications services and high bandwidth infrastructure; adding new sections to chapter 80.36 RCW; and creating a new section.

Referred to Committee on Technology, Telecommunications & Energy.

HB 1437 by Representatives D. Schmidt, Romero, Campbell, O'Brien, Scott, Dunn, Miloscia, Conway and Hurst

AN ACT Relating to the selection of responsible contractors bidding on public works; and adding a new chapter to Title 39 RCW.

Referred to Committee on State Government.

HB 1438 by Representatives Miloscia, Campbell, Dunshee, Kastama, Conway and Boldt

AN ACT Relating to competitive bidding on public contracts; amending RCW 39.30.060; and creating a new section.

Referred to Committee on State Government.

HB 1439 by Representatives Keiser, G. Chandler, Poulsen, Mitchell, Schual-Berke, Constantine, Kessler and O'Brien

AN ACT Relating to airport siting; amending RCW 36.70A.200; adding a new section to chapter 47.06 RCW; adding a new section to chapter 47.80 RCW; adding a new chapter to Title 47 RCW; making an appropriation; and declaring an emergency.

Referred to Committee on Transportation.

HB 1440 by Representatives Morris, DeBolt, Poulsen, Reardon, Doumit, Thomas, Kenney, Linville, Rockefeller and Ruderman

AN ACT Relating to the modification of state telecommunications regulation; amending RCW 80.36.610, 43.163.005, 43.163.120, and 80.36.330; reenacting and amending RCW 43.163.010; adding new sections to chapter 80.36 RCW; adding a new section to chapter 43.163 RCW; adding new sections to chapter 82.04 RCW; adding a new section to chapter 82.16 RCW; creating a new section; repealing RCW 80.36.600 and 80.36.620; prescribing penalties; and providing expiration dates.

Referred to Committee on Technology, Telecommunications & Energy.

HB 1441 by Representatives Sheahan, Grant, Carrell and Kastama

AN ACT Relating to nuisances; and adding a new section to chapter 7.48 RCW.

Referred to Committee on Judiciary.

HB 1442 by Representatives Edwards, Radcliff, Scott, Wolfe, Reardon, Sheahan, Lovick, Fisher, O'Brien, Santos, Romero, Kenney, Conway, Ogden, Dickerson, Haigh and Keiser

AN ACT Relating to assault on transit employees or customers; amending RCW 9A.36.031; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 1443 by Representative Barlean

AN ACT Relating to killing a domestic animal; adding a new section to chapter 16.52 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

HB 1444 by Representatives Morris, DeBolt, Eickmeyer, Veloria, Doumit, Haigh, Linville, Hatfield, O'Brien, Conway, Santos, Murray, Lantz, Wolfe, Stensen, Ruderman, Kessler and Wood

AN ACT Relating to exempting new businesses in distressed areas from business and occupation tax; and adding a new section to chapter 82.04 RCW.

Referred to Committee on Economic Development, Housing & Trade.

HB 1445 by Representative Morris

AN ACT Relating to fuels used in research and development by institutions of higher education; and amending RCW 82.38.080 and 82.08.0255.

Referred to Committee on Transportation.

HB 1446 by Representatives Morris, DeBolt, Eickmeyer, Veloria, Haigh, Linville, Rockefeller, Hatfield, Doumit, O'Brien, Conway, Santos, Murray, Lantz, Wolfe, Stensen, Benson, Ruderman, Kessler, Wood and Lovick

AN ACT Relating to providing tax incentives to encourage job training for newly hired production employees in distressed areas; adding a new section to chapter 82.04 RCW; and creating a new section.

Referred to Committee on Economic Development, Housing & Trade.

HB 1447 by Representatives Miloscia, Haigh, Campbell, Lambert, Gombosky and Romero

AN ACT Relating to state agency web sites; and adding a new section to chapter 43.01 RCW.

Referred to Committee on State Government.

HB 1448 by Representatives Linville, G. Chandler, Cooper, Ericksen, Anderson and Morris

AN ACT Relating to clarifying state agency responsibility for cleaning up contaminated sediments; amending RCW 79.90.465; adding a new section to chapter 79.90 RCW; and creating a new section.



Referred to Committee on Agriculture & Ecology.

SB 5004 by Senators Loveland, Winsley and Patterson

AN ACT Relating to remedying a technical problem in school bond elections.

Held on first reading from January 21, 1999.

#### MOTION

On motion of Representative Wensman, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

There being no objection, the House advanced to the eleventh order of business.

#### **SIGNED BY THE SPEAKERS**

The Speakers announced they were signing:

SENATE CONCURRENT RESOLUTION NO. 8404,

HOUSE CONCURRENT RESOLUTION NO. 4403,

HOUSE CONCURRENT RESOLUTION NO. 4404,

#### **APPOINTMENT OF SPECIAL COMMITTEE**

Speaker Ballard appointed the following members to the committee created by House Concurrent Resolution No. 4403: Representatives Ogden, Pennington, Ericksen and Rockefeller.

There being no objection, the House adjourned until 9:55 a.m., Tuesday, January 26, 1999.

TIMOTHY A. MARTIN, Chief Clerk    CLYDE BALLARD, Speaker  
DEAN R. FOSTER, Chief Clerk    FRANK CHOPP, Speaker

FIFTEENTH DAY, JANUARY 25, 1999

JOURNAL OF THE HOUSE

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

**SIXTEENTH DAY**

**MORNING SESSION**

House Chamber, Olympia, Tuesday, January 26, 1999

The House was called to order at 9:55 a.m. by Speaker Chopp.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

**INTRODUCTIONS AND FIRST READING**

HB 1361 by Representatives Fortunato, O'Brien, Mulliken, Boldt, Ericksen, Campbell, Schindler, Carrell, Sheahan, Dunn, Bush, Koster, Mielke, Benson and DeBolt

AN ACT Relating to parental notification for abortions provided to minors.

Held on first reading from January 21, 1999.

HB 1424 by Representatives Ballasiotes, O'Brien, Lovick, Dickerson, Ogden, Tokuda, Mitchell, Hankins, Milsocia, Romero, Radcliff, Lantz, Constantine, Kenney, Wood, Veloria, Conway, Cody, Santos, Kagi, Regala, Edmonds, Keiser, Scott, Poulsen and McIntire

AN ACT Relating to safe storage of firearms; amending RCW 9A.36.050; adding a new section to chapter 9.41 RCW; and prescribing penalties.

HB 1449 by Representatives Koster, Dunshee, Stensen, DeBolt, Bush, McMorris, Sump, Carlson, Ericksen, Schoesler, Mielke, Dunn, Quall and Boldt

AN ACT Relating to school district revenues; and amending RCW 28A.150.250, 28A.520.020, and 76.12.120.

Referred to Committee on Education.

HB 1450 by Representatives Koster, O'Brien, Lambert, DeBolt, D. Sommers, Mielke, Boldt, Benson, Cairnes, Mastin and Esser

AN ACT Relating to traffic safety education; amending RCW 28A.220.020 and 46.20.100; and adding a new section to chapter 28A.220 RCW.

Referred to Committee on Education.

HB 1451 by Representatives Scott, G. Chandler, Hatfield and Mulliken

AN ACT Relating to civil penalties levied by the department of licensing for unlawful sale of used motor vehicles by unlicensed parties; amending RCW 46.70.115; and prescribing penalties.

Referred to Committee on Transportation.

HB 1452 by Representatives Kastama, Huff, Stensen, Wood, Miloscia, Regala, Edmonds, McDonald, Rockefeller, Santos, Lantz, Ruderman, Kenney, Edwards, Gombosky, Cody, Lovick, Conway, Hatfield, Linville, Hurst, Murray, Poulsen, Kagi, Campbell, McIntire, Scott and Anderson

AN ACT Relating to cancer screening for low-income women; and making appropriations.

Referred to Committee on Health Care.

HB 1453 by Representatives Stensen, Ericksen and Talcott; by request of Board of Education

AN ACT Relating to the recommendations of the state board of education based on its review of its statutory authority; amending RCW 28A.150.250, 28A.205.010, 28A.205.020, 28A.205.040, 28A.225.160, 28A.300.040, 28A.305.130, 4.24.550, 9.41.280, 9.61.160, 13.40.215, 18.29.050, 18.71.030, 18.79.290, 26.09.225, 28A.150.350, 28A.160.020, 28A.160.115, 28A.170.090, 28A.195.010, 28A.195.020, 28A.195.030, 28A.195.050, 28A.195.060, 28A.195.070, 28A.200.010, 28A.210.070, 28A.210.080, 28A.210.110, 28A.210.120, 28A.210.160, 28A.210.260, 28A.210.270, 28A.210.280, 28A.210.290, 28A.225.010, 28A.225.090, 28A.225.330, 28A.300.240, 28A.305.010, 28A.305.020, 28A.305.040, 28A.305.050, 28A.305.060, 28A.305.070, 28A.310.180, 28A.315.050, 28A.320.080, 28A.320.130, 28A.335.040, 28A.335.120, 28A.410.090, 28D.02.010, 35.58.250, 36.57A.100, 46.04.521, 46.16.035, 46.37.193, 46.37.630, 46.61.385, 66.24.010, 71A.14.070, 72.05.430, and 72.65.220; reenacting and amending RCW 13.40.160, 19.142.010, 28A.335.180, and 69.50.435; and creating a new section.

Referred to Committee on Education.

HB 1454 by Representatives Ericksen, Stensen, Talcott and Thomas; by request of Board of Education

AN ACT Relating to the recommendations of the state board of education based on its review of its statutory authority; adding new chapters to Title 28A RCW; creating a new section; recodifying RCW 28A.315.350, 28A.315.380, 28A.315.390, 28A.315.400, 28A.315.410, 28A.315.420, 28A.315.430, 28A.315.450, 28A.315.650, 28A.315.470, 28A.315.480, 28A.315.490, 28A.315.500, 28A.315.530, 28A.315.510, 28A.315.540, 28A.315.570, 28A.315.460, 28A.315.600, 28A.315.610, 28A.315.620, 28A.315.630, 28A.315.670, 28A.315.680, 28A.315.550, 28A.315.560, 28A.315.580, 28A.315.590, 28A.315.593, 28A.315.660, 28A.315.597, and 28A.315.640; and repealing RCW 28A.04.172, 28A.410.010, and 28A.410.013.

Referred to Committee on Education.

HB 1455 by Representatives Ericksen, Lovick, Barlean and Thomas; by request of Department of Revenue

AN ACT Relating to correcting errors related to property tax levies; adding a new section to chapter 84.52 RCW; and providing an effective date.

Referred to Committee on Finance.

HB 1456 by Representatives Ericksen, Lovick, Mielke, Schindler and Barlean

AN ACT Relating to restricting a parent's residential time and visitation with a child; and amending RCW 26.09.191 and 26.10.160.

Referred to Committee on Judiciary.

HB 1457 by Representative Fisher; by request of Marine Employees' Commission

AN ACT Relating to a salary survey report by the marine employees' commission; amending RCW 47.64.220; adding a new section to chapter 42.17 RCW; and creating a new section.

Referred to Committee on State Government.

HB 1458 by Representatives Schual-Berke, Talcott, Keiser, Mitchell, Mulliken, Quall, Cairnes, D. Schmidt, Scott, Santos, Poulsen, Kenney and Kagi

AN ACT Relating to aircraft noise abatement in school facilities; amending RCW 53.54.030; and adding a new section to chapter 53.08 RCW.

Referred to Committee on Education.

HB 1459 by Representatives Poulsen, Crouse, Reardon, Ruderman, Cooper, Wolfe, Kastama, Constantine, Murray, Rockefeller, Dickerson, Lantz, Kenney, McIntire, Lovick, Wood and Edmonds

AN ACT Relating to reduced rate utility services for low-income citizens; amending RCW 80.28.010, 80.28.080, 80.28.090, and 80.28.100; and adding a new section to chapter 80.28 RCW.

Referred to Committee on Technology, Telecommunications & Energy.

HB 1460 by Representatives Poulsen, Crouse, Morris, Reardon, Ruderman, Cooper, DeBolt, Constantine, Wolfe, Kastama, Bush and Wood

AN ACT Relating to exempting electric generating facilities powered by wind or sun energy from sales and use taxes; amending RCW 82.08.02567 and 82.12.02567; providing an effective date; providing expiration dates; and declaring an emergency.

Referred to Committee on Technology, Telecommunications & Energy.

HB 1461 by Representatives Poulsen, Benson, Cooper, Dickerson, Constantine, Morris, McIntire, Santos, D. Sommers, Gombosky, Wolfe, Radcliff, Hatfield, Hurst, Tokuda and Wood

AN ACT Relating to community voice mail; amending RCW 80.36.005, 80.36.410, 80.36.420, 80.36.430, 80.36.440, 80.36.450, 80.36.460, 80.36.470, and 80.36.475; and providing an expiration date.

Referred to Committee on Technology, Telecommunications & Energy.

HB 1462 by Representatives Quall, Talcott, Haigh, Wensman, Stensen, Ogden, Santos, O'Brien, Rockefeller, Regala, Sullivan, Linville, Lantz, Lovick, Doumit, Reardon, Cooper, Scott, Dickerson, Kessler, Hatfield, Gombosky, Murray, Carlson, McIntire, Hurst, Edwards, Conway, Wood, Morris, Keiser, Fisher, Schual-Berke, Dunshee, D. Schmidt and Kenney

AN ACT Relating to K-12 accountability and assistance; amending RCW 28A.630.887, 28A.630.889, 28A.320.205, 28A.165.012, 28A.165.030, 28A.165.040, 28A.165.050, 28A.165.060, 28A.165.070, 28A.165.080, 28A.165.095, 28A.300.130, and 28A.630.885; adding new sections to chapter 28A.300 RCW; creating new sections; repealing RCW 28A.165.010 and 28A.300.138; repealing 1998 c 225 s 3 (uncodified); repealing 1995 c 209 s 3 (uncodified); repealing 1995 c 209 s 2 and 1992 c 141 s 203 (uncodified); and declaring an emergency.

Referred to Committee on Education.

HB 1463 by Representatives Mitchell, Fisher, K. Schmidt, Ogden, Mielke, Haigh and Schual-Berke

AN ACT Relating to deadlines for local reports to the secretary of transportation; and amending RCW 35.21.260 and 36.75.260.

Referred to Committee on Transportation.

HB 1464 by Representatives H. Sommers, Sheahan, Dickerson, Hurst, Lambert, Tokuda, Lisk, Doumit, Rockefeller, Lantz, Kenney, McIntire and Edmonds

AN ACT Relating to sexual exploitation of minors; amending RCW 9.68A.011 and 9.68A.080; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 1465 by Representatives Tokuda, D. Sommers and Kagi

AN ACT Relating to the WorkFirst program; amending RCW 74.08A.010, 74.08A.260, and 74.08A.270; adding new sections to chapter 74.08A RCW; and creating a new section.

Referred to Committee on Children & Family Services.

HB 1466 by Representatives Fisher, Skinner, Murray, Scott, Ogden, Radcliff, Edwards, G. Chandler, Cooper, Morris, McIntire and Wood

AN ACT Relating to locally imposed transportation funding options; amending RCW 82.80.020, 82.80.080, 84.52.010, 84.52.120, 82.36.440, 82.38.280, 35.21.710, and 82.80.010; adding new sections to chapter 82.80 RCW; adding a new section to chapter 35.21 RCW; adding a new chapter to Title 35 RCW; and creating a new section.

Referred to Committee on Transportation.

HB 1467 by Representatives Anderson, Barlean, Regala, Dunshee, Ruderman, Ogden, Constantine, Lovick, Schual-Berke, Stensen, Eickmeyer, Linville, Veloria, Keiser, Cooper, Fisher, Scott, Tokuda, McIntire, Gombosky and Kenney

AN ACT Relating to the composition of the forest practices board; and amending RCW 76.09.030.

Referred to Committee on Natural Resources.

HB 1468 by Representatives Anderson, Barlean, Linville, Wensman, Lantz, Regala, Stensen, Romero, Reardon, Morris, Dunshee, Ruderman, Haigh, Constantine, Lovick, Veloria, Esser and Kenney

AN ACT Relating to water; and amending RCW 43.62.035.

Referred to Committee on Agriculture & Ecology.

HB 1469 by Representatives Parlette, Alexander, G. Chandler, Huff and Campbell

AN ACT Relating to creating the children's health initiative program; amending RCW 70.47.010, 70.47.020, and 70.47.030; and reenacting and amending RCW 70.47.060.

Referred to Committee on Health Care.

HB 1470 by Representatives Kastama, Hurst, Kessler, Miloscia, Dickerson and Campbell

AN ACT Relating to shared parental responsibility; amending RCW 26.09.004, 26.09.187, and 26.09.170; adding a new section to chapter 26.09 RCW; and creating a new section.

Referred to Committee on Judiciary.

HB 1471 by Representatives Conway, Crouse, Wood, Poulsen, Kessler and Thomas

AN ACT Relating to unfair trade practices regarding business telephone listings; and adding a new chapter to Title 19 RCW.

Referred to Committee on Commerce & Labor.

HB 1472 by Representatives Conway, Campbell, Wood, Cody, Dickerson, Hurst, McIntire and Keiser

AN ACT Relating to chemically related illnesses and injuries; and creating new sections.

Referred to Committee on Commerce & Labor.

HB 1473 by Representatives Gombosky, Benson, Wood, Morris, D. Sommers, Schindler, Crouse, Veloria, Miloscia, Eickmeyer, Kessler and Kenney

AN ACT Relating to small business financing in community empowerment zones; and adding a new section to chapter 82.04 RCW.

Referred to Committee on Economic Development, Housing & Trade.

HB 1474 by Representatives Gombosky, Benson, Wood, Morris, D. Sommers, Schindler, Crouse, Miloscia, Eickmeyer, Veloria, Kessler, Linville and Kenney

AN ACT Relating to a pilot project to assist small businesses in economically distressed areas; adding a new section to chapter 82.04 RCW; creating new sections; making appropriations; and providing an expiration date.

HB 1475 by Representatives Gombosky, Wood, McIntire, Miloscia, Murray, Dunshee, Eickmeyer, Veloria and Kenney

AN ACT Relating to job training; adding a new section to chapter 43.330 RCW; and making appropriations.

HB 1476 by Representatives Gombosky, Benson, Wood, Veloria, D. Sommers, Schindler, Crouse, Dunshee, Morris, Miloscia, Eickmeyer and Linville

AN ACT Relating to community empowerment; amending RCW 43.63A.700 and 43.63A.710; adding a new chapter to Title 43 RCW; creating a new section; and recodifying RCW 43.63A.700 and 43.63A.710.

Referred to Committee on Economic Development, Housing & Trade.

HB 1477 by Representatives Haigh, Bush, Talcott, Linville, Santos and Edmonds; by request of Board of Education

AN ACT Relating to school district organization; amending RCW 36.70A.035, 28A.540.010, 28A.540.020, 28A.540.030, 28A.540.050, 28A.540.070, and 28A.540.080; adding new sections to chapter 28A.315 RCW; adding a new section to chapter 28A.300 RCW; repealing RCW 28A.305.150, 28A.315.010, 28A.315.020, 28A.315.030, 28A.315.040, 28A.315.050, 28A.315.060, 28A.315.070, 28A.315.080, 28A.315.090, 28A.315.100, 28A.315.110, 28A.315.120, 28A.315.130, 28A.315.140, 28A.315.150, 28A.315.160, 28A.315.170, 28A.315.180, 28A.315.190, 28A.315.200, 28A.315.210, 28A.315.220, 28A.315.230, 28A.315.240, 28A.315.250, 28A.315.260, 28A.315.270, 28A.315.280, 28A.315.290, 28A.315.300, 28A.315.310, 28A.315.320, 28A.315.330, 28A.315.340, 28A.315.597, 28A.315.690, 28A.315.700, 28A.315.710, 28A.315.720, and 28A.540.040; and declaring an emergency.

Referred to Committee on Education.

HB 1478 by Representatives Eickmeyer, Cairnes, Wolfe, Hatfield, Linville, Murray, Santos, Lantz, McIntire, Lovick and Wood; by request of Governor Locke

AN ACT Relating to the distressed county local option sales and use tax for public facilities; amending RCW 82.14.370; creating new sections; and providing an effective date.

Referred to Committee on Economic Development, Housing & Trade.

HB 1479 by Representatives Van Luven, Haigh, Morris, Ruderman, Kessler, Hatfield, Murray, Rockefeller, Kenney, McIntire and Lovick; by request of Governor Locke

AN ACT Relating to encouraging job opportunities in rural areas of the state by providing excise tax incentives for technology businesses and by providing increased taxing authority for distressed counties; amending RCW 82.14.370; adding new sections to chapter

82.04 RCW; adding a new section to chapter 82.62 RCW; creating new sections; providing effective dates; and declaring an emergency.

Referred to Committee on Economic Development, Housing & Trade.

HB 1480 by Representatives Kessler, Van Luven, Hatfield, Linville, Murray, Lantz, Kenney and McIntire; by request of Governor Locke

AN ACT Relating to providing excise tax incentives for persons engaged in conducting help desk services from distressed counties; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.62 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Economic Development, Housing & Trade.

HB 1481 by Representatives Anderson, Van Luven, Morris, Kessler, Hatfield, Murray, Lantz, Kenney and McIntire; by request of Governor Locke

AN ACT Relating to providing excise tax incentives for persons engaged in software technology businesses in distressed counties; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.62 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Economic Development, Housing & Trade.

HB 1482 by Representatives Alexander, D. Schmidt, DeBolt, Van Luven, Clements, Carlson and Esser

AN ACT Relating to public employment; amending RCW 41.06.030, 41.06.070, 41.06.110, 41.06.150, 41.06.152, 41.06.160, 41.06.167, 41.06.170, 41.06.170, 41.06.186, 41.06.196, 41.06.270, 41.06.350, 41.06.400, 41.06.410, 41.06.450, 41.06.475, 41.06.490, 41.06.500, 41.64.090, 28B.12.060, 34.05.030, 34.12.020, 41.50.804, 43.06.425, 43.33A.100, 49.46.010, 13.40.320, 39.29.006, 47.46.040, 72.09.100, 49.74.030, 49.74.040, 72.10.030, and 82.01.070; reenacting and amending RCW 41.04.340; adding new sections to chapter 41.06 RCW; adding a new section to chapter 28A.400 RCW; creating new sections; repealing RCW 41.64.010, 41.64.020, 41.64.030, 41.64.040, 41.64.050, 41.64.060, 41.64.070, 41.64.080, 41.64.090, 41.64.100, 41.64.110, 41.64.120, 41.64.130, 41.64.140, 41.64.910, 41.06.163, 41.06.165, 28A.400.285, 41.06.380, and 41.06.382; and providing effective dates.

Referred to Committee on State Government.

HB 1483 by Representatives Cody, Parlette, Edwards and Conway

AN ACT Relating to changes to the nursing facility payment system and payment for therapy services for nursing facility medicaid residents; amending RCW 74.46.410, 74.46.421, 74.46.431, 74.46.506, 74.46.515, and 74.46.521; adding a new section to chapter 74.09 RCW; adding a new section to chapter 74.46 RCW; and repealing RCW 74.46.511.

Referred to Committee on Health Care.

HB 1484 by Representatives Parlette, Cody, Alexander, Conway and Edwards



AN ACT Relating to the medicaid related payment of property costs in licensed nursing facilities; amending RCW 74.46.330, 74.46.350, 74.46.360, and 74.46.370; adding new sections to chapter 74.46 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Health Care.

HB 1485 by Representatives Barlean and Anderson

AN ACT Relating to the Whidbey Island game farm; adding a new section to chapter 77.12 RCW; and declaring an emergency.

Referred to Committee on Capital Budget.

HB 1486 by Representatives Schual-Berke, Boldt and Cody

AN ACT Relating to authorizing dispensing opticians to perform eye refraction and modify existing prescriptions to reflect changes in vision; amending RCW 18.34.020, 18.34.060, 18.34.050, 18.34.080, 18.34.120, 18.34.136, and 18.34.010; adding new sections to chapter 18.34 RCW; recodifying RCW 18.34.010 and 18.34.060; and repealing RCW 18.34.110.

Referred to Committee on Health Care.

HB 1487 by Representatives Clements and Skinner

AN ACT Relating to foster parents' rights; amending RCW 74.13.280, 74.13.330, and 74.13.300; adding new sections to chapter 74.13 RCW; and prescribing penalties.

Referred to Committee on Children & Family Services.

HB 1488 by Representatives Quall, Haigh, Radcliff, Mielke, Campbell, Talcott, Mitchell, Lambert, Boldt, Cairnes and Kessler

AN ACT Relating to housing; and amending RCW 19.85.011, 19.85.020, 19.85.025, 19.85.030, 19.85.040, 19.85.050, and 19.85.070.

Referred to Committee on State Government.

HB 1489 by Representatives Dunshee, McMorris, Romero, Mielke, Campbell, Radcliff, Talcott, Huff, Koster, Miloscia, Boldt, Haigh, Mitchell, Lambert and Cairnes

AN ACT Relating to impact fees; and amending RCW 82.02.060.

Referred to Committee on Local Government.

HB 1490 by Representatives Hatfield, Doumit, Buck and Kessler

AN ACT Relating to the delivery of salmon into the ports of the state; and adding a new section to chapter 75.28 RCW.

Referred to Committee on Natural Resources.

HB 1491 by Representatives Hatfield and Doumit

AN ACT Relating to the use of dredge spoils on the LT-1 and Cook Ferry Road Site in Cowlitz County; and creating a new section.

Referred to Committee on Transportation.

HB 1492 by Representatives Carrell, Thomas, Esser, Mielke, Van Luven, Campbell, Boldt, Sump and Pennington

AN ACT Relating to restricting property tax levies in excess of the rate of inflation; amending RCW 84.55.0101 and 84.55.092; creating a new section; and providing an expiration date.

Referred to Committee on Finance.

SB 5004 by Senators Loveland, Winsley and Patterson

AN ACT Relating to remedying a technical problem in school bond elections.

Held on first reading from January 22, 1999.

#### MOTIONS

On motion of Representative Morris, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated with the exception of House Bill No. 1474 and HOUSE BILL NO. 1475 which held their places on first reading.

On motion of Representative Morris, HOUSE BILL NO. 1424 was referred to the Committee on Criminal Justice and Corrections.

#### REPORTS OF STANDING COMMITTEES

January 22, 1999

HB 1014 Prime Sponsor, Representative Carlson: Requiring children age twelve and under to wear a personal flotation device while on a vessel on the waters of the state. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Regala, Democratic Co-Chair; Anderson, Democratic Vice Chair; Sump, Republican Vice Chair; Clements; Doumit; Eickmeyer; Pennington; Rockefeller and Stensen.

Voting yea: Representatives Regala, Anderson, Sump, Clements, Doumit, Eickmeyer, Pennington, Rockefeller and Stensen.

Voting nay: Representative(s) Ericksen.

Excused: Representative(s) Buck and G. Chandler

Passed to Rules Committee for Second Reading.

January 22, 1999

HB 1018 Prime Sponsor, Representative Carlson: Changing Washington award for vocational excellence provisions. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Carlson, Republican Co-Chair; Kenney, Democratic Co-Chair; Lantz, Democratic Vice Chair; Radcliff, Republican Vice Chair; Dunn; Edmonds; Esser and Gombosky.

Voting yea: Representatives Carlson, Kenney, Lantz, Radcliff, Dunn, Edmonds, Esser and Gombosky.

Passed to Rules Committee for Second Reading.

MOTION

On motion of Representative Morris, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House advanced to the eleventh order of business.

MOTION

On motion of Representative Morris, the House adjourned until 10:00 a.m., Wednesday, January 27, 1999.

TIMOTHY A. MARTIN, Chief Clerk      CLYDE BALLARD, Speaker  
DEAN R. FOSTER, Chief Clerk      FRANK CHOPP, Speaker

SIXTEENTH DAY, JANUARY 26, 1999

JOURNAL OF THE HOUSE

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## **SEVENTEENTH DAY**

### **MORNING SESSION**

House Chamber, Olympia, Wednesday, January 27, 1999

The House was called to order at 10:00 a.m. by Speaker Ballard. The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by the National Guard Color Guard. The National Anthem was sung by Sergeant Curtis Rice. Prayer was offered by Chaplain Richard Flath, Washington National Guard.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

### **RESOLUTIONS**

HOUSE RESOLUTION NO. 99-4607, by Representatives D. Schmidt, Sullivan, Benson, Talcott, Hatfield, G. Chandler, Lovick, Campbell, Lisk, Ballasiotes, McMorris, Wensman, Stensen, Wood, Regala, Radcliff, Barlean, Ogden, Conway, B. Chandler, Linville, Dunn, Carlson, Fisher, Cooper, Thomas, Pflug, Skinner, Hankins, McDonald, Fortunato, Doumit, Esser and Kagi

WHEREAS, Over eight thousand men and women of the Washington National Guard, consisting of the Army National Guard and the Air National Guard, continue to serve the country as a key part of our national defense; and

WHEREAS, These citizen soldiers and airmen reside in every legislative district throughout Washington and through the gift of their time and personal energies serve the needs of the people of Washington State; and

WHEREAS, The Guard is active in promoting positive activities for the youth of our state through active involvement in the Guard's helicopter outreach programs, drug demand reduction presentations at local schools, and Camp Minuteman, a motivational summer youth experience at Camp Murray; and

WHEREAS, The Guard makes a major contribution to our state's counterdrug effort by providing over sixty soldiers and airmen on duty throughout the year in thirty-five different local, state, and federal law enforcement agencies. Guard men and women supported and participated in over four thousand fifty arrests and seizures of over two hundred fifty million dollars in drugs, assets, and cash; and

WHEREAS, In communities throughout the state, the Guard continues to be an essential source of social support for our communities by making armories available for public use as classrooms, food banks, and centers for community and youth activities. The Guard also answered numerous calls for assistance from local communities for missions varying from traditional color guards to hauling food in support of antihunger initiatives; and

WHEREAS, The Guard continues to demonstrate its essential role as an integral part of the state's ability to protect and sustain the lives and property of its citizens. The Guard was ready when

windstorms and floods threatened Washington citizens during November and December 1995. In February 1996, over three hundred airmen and soldiers responded to disaster from flooding in twenty-one counties in our state. Citizen soldiers and airmen from the Guard evacuated people from rooftops and flooded homes and farms. National Guard soldiers and airmen delivered hundreds of thousands of sandbags to stricken communities throughout our state. In November 1996, the Guard helped the citizens of Spokane when an ice storm disrupted the power and water supplies for thousands of homes. In December 1996, the Guard answered the call when thirty Washington counties were struck by a devastating ice storm, a snowstorm, and the resulting floods as the snow and ice melted. Soldiers and airmen worked side by side to help evacuate stricken homes, direct traffic, assist overburdened law enforcement officials, transport medical personnel through snow-blocked streets, and fill and place sandbags in flooded areas; and

WHEREAS, These soldiers and airmen sacrifice their time, comfort, and energies to protect and preserve the lives and property of their fellow citizens. In doing so, these dedicated people demonstrate the vitality of the great tradition of sacrifice and service to State and Nation that characterize the Washington National Guard; and

WHEREAS, The Washington National Guard is composed of citizen soldiers and airmen who in the noble and time-honored tradition of the Minutemen from the Massachusetts Bay Colony in 1636, stand ready at a moment's notice to answer the call of need from their State or Country to protect and guarantee the blessings of liberty and providence or to respond to calamity or natural disaster;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives express its appreciation to the families and employers of our Guard soldiers and airmen for their support without which the Guard's mission could not be successful and specifically and particularly recognize the value of a strong Washington National Guard to the economy and well-being of this state, both through the performance of its disaster relief mission, and through the ongoing benefit to local communities by the presence of productively employed, drug-free, and efficiently trained Guard members and the armories that house them; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to the Honorable William J. Clinton, President of the United States; the Honorable Gary Locke, Governor of the State of Washington; the Adjunct General of the Washington National Guard; the Secretary of the Army; and the Secretary of the Air Force.

Representative D. Schmidt moved adoption of the resolution.

Representatives D. Schmidt, Sullivan and Cooper spoke in favor of the adoption of the resolution.

House Resolution No. 99-4607 was adopted.

HOUSE RESOLUTION NO. 99-4608, by Representatives D. Schmidt, Sullivan, Benson, Talcott, Hatfield, G. Chandler, Lovick, Campbell, Lisk, Ballasiotes, McMorris, Wensman, Stensen, Wood, Regala, Veloria, Radcliff, Huff, Barlean, Ogden, Conway, B. Chandler, Dickerson, Linville, Dunn, Carlson, Cooper, Thomas, Pflug, Skinner, Hankins, McDonald, Fortunato, Doumit, Esser, Bush, Kagi and Scott

WHEREAS, Over eight thousand men and women of the Washington National Guard, consisting of the Army National Guard and the Air National Guard, continue to serve the country as a key part of our national defense; and

WHEREAS, These citizen soldiers and airmen sacrifice their time, comfort, and energies to protect and preserve the lives and property of their fellow citizens, and in doing so, these dedicated people demonstrate the vitality of the great tradition of sacrifice and service to State and Nation that characterize the Washington National Guard; and

WHEREAS, Four members of the Washington National Guard 141st Air Refueling Wing at the Fairchild Air Force Base near Spokane, Washington, gave the ultimate sacrifice on January 13, 1999,

when their plane, a KC-135E Stratotanker, returning from a reconnaissance plane refueling mission, crashed in Germany:

Major David W. Fite, 41, of Bellevue, Washington, pilot of the KC-135E aerial tanker; a graduate of the Air Force Academy at Colorado Springs, Colorado; a gulf war veteran who spent 11 years in the Air Force and Reserves; and a husband to Kay;

Major Matthew F. Laiho, 40, of Spokane, Washington, the navigator of the KC-135E aerial tanker; a gulf war veteran who served in the Air Force for seven years before joining the National Guard in May 1989; and a husband to Valerie and a father to two children, Erik and Evan;

Captain Kenneth F. Theile, 31, of Spokane, Washington, co-pilot of the KC-135E aerial tanker, a graduate of the Air Force Academy at Colorado Springs, Colorado, who joined the Washington National Guard in September 1998, after serving nine years in the Air Force; and a husband to Michelle; and

Tech. Sgt. Richard G. Visintainer, 48, of Spokane, Washington, a civilian truck driver who joined the Air National Guard in 1972 after serving in the Air Force for four years, and a father to two children, Bridget and Richard;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize and honor the four men of the Washington National Guard who died tragically while serving their country; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to the Honorable William J. Clinton, President of the United States; the Honorable Gary Locke, Governor of the State of Washington; the Adjunct General of the Washington National Guard; and the families of these four brave men.

Representative Benson moved adoption of the resolution.

Representatives Benson and Miloscia spoke in favor of the adoption of the resolution.

House Resolution No. 99-4608 was adopted.

Speaker Ballard introduced and acknowledged Brigadier General Lee Legowik, Assistant Adjutant General, Army; Brigadier General Jim McDevitt, Chief of Staff, Air; and the soldiers and airmen of the Washington National Guard.

Speaker Ballard called upon Representative Pennington to preside.

#### **MESSAGE FROM THE SENATE**

January 26, 1999

Mr. Speaker:

The President has signed:

HOUSE CONCURRENT RESOLUTION NO. 4003,  
and the same are herewith transmitted.

Tony M. Cook, Secretary

#### **INTRODUCTIONS AND FIRST READING**

HB 1361 by Representatives Fortunato, O'Brien, Mulliken, Boldt, Ericksen, Campbell, Schindler, Carrell, Sheahan, Dunn, Bush, Koster, Mielke, Benson and DeBolt

AN ACT Relating to parental notification for abortions provided to minors.

Held on first reading from January 21, 1999.

HB 1474 by Representatives Gombosky, Benson, Wood, Morris, D. Sommers, Schindler, Crouse, Miloscia, Eickmeyer, Veloria, Kessler, Linville, Kenney, Hatfield, Grant, Conway, Wolfe, Hurst, Santos and Lantz

AN ACT Relating to increasing economic opportunity in economically distressed communities through the use of tax credits.

Held on first reading from January 26, 1999.

HB 1475 by Representatives Gombosky, Wood, McIntire, Miloscia, Murray, Dunshee, Eickmeyer, Veloria and Kenney

AN ACT Relating to establishing a grant program for job training.

Held on first reading from January 26, 1999.

HB 1493 by Representatives Tokuda, Boldt, Edwards, Lovick, Veloria, O'Brien, Barlean, Ogden, Conway, Schual-Berke, Murray, Dickerson, Kenney, Regala, Cooper, Stensen, Cody, Anderson, Santos, Rockefeller, Kagi, Edmonds, Lantz and Wood

AN ACT Relating to homeless children and their families; amending RCW 43.63A.650, 74.13.020, and 74.13.031; adding new sections to chapter 43.63A RCW; creating a new section; and declaring an emergency.

Referred to Committee on Children & Family Services.

HB 1494 by Representatives Miloscia, Kenney, Veloria, Romero, Barlean, Ogden and Wolfe; by request of Department of General Administration

AN ACT Relating to the powers of the director of general administration; amending RCW 43.19.010; adding a new section to chapter 43.19 RCW; and repealing RCW 43.19.013.

Referred to Committee on State Government.

HB 1495 by Representative Fisher

AN ACT Relating to refunding obligations; amending RCW 39.53.010, 39.53.020, 39.53.030, 39.53.040, 39.53.050, 39.53.060, 39.53.070, 39.53.080, 39.53.090, 39.53.110, 39.53.120, and 39.53.140; and creating a new section.

Referred to Committee on Capital Budget.

HB 1496 by Representatives Murray, Alexander, Cody, Hankins, McIntire, Skinner, Romero and Kenney

AN ACT Relating to the distribution of health care coverage enrollment information; and adding a new section to chapter 74.09 RCW.

Referred to Committee on Health Care.

HB 1497 by Representatives Kessler, Mulliken, Grant, Hatfield, O'Brien, Conway, Kenney, Tokuda and Wolfe; by request of Governor Locke



AN ACT Relating to enhancing economic vitality; amending RCW 43.160.010, 43.160.020, 43.160.060, 43.160.200, 47.01.280, 28C.04.410, 28C.04.420, 46.68.095, 43.84.092, 43.84.092, 43.180.160, and 43.131.386; reenacting and amending RCW 43.160.076; adding a new section to chapter 43.160 RCW; adding a new section to chapter 28C.04 RCW; adding a new section to chapter 46.68 RCW; adding new sections to chapter 43.63A RCW; creating new sections; repealing RCW 28C.04.430, 28C.04.440, 28C.04.450, 28C.04.460, and 28C.04.480; repealing 1997 c 367 s 11, 1995 c 226 s 8, 1993 c 316 s 7, and 1991 c 314 s 33 (uncodified); providing effective dates; providing an expiration date; and declaring an emergency.

Referred to Committee on Economic Development, Housing & Trade.

HB 1498 by Representatives Cairnes and Schindler

AN ACT Relating to growth management; amending RCW 36.70A.010, 36.70A.020, 36.70A.030, 36.70A.050, 36.70A.060, 36.70A.070, 36.70A.110, 36.70A.130, 36.70A.140, 36.70A.160, 36.70A.210, 36.70A.350, 36.70A.370, 36.70A.390, 76.09.050, 36.70B.010, 36.70B.020, 36.70B.040, 36.70B.060, 36.70B.070, 36.70B.090, 36.70B.120, 36.70B.130, 36.70B.140, 36.70B.160, and 36.70B.170; reenacting and amending RCW 36.70B.110; adding new sections to chapter 36.70A RCW; creating a new section; repealing RCW 36.70B.030 and 36.70B.080; repealing 1998 c 286 s 9 and 1995 c 347 s 411 (uncodified); providing an expiration date; and declaring an emergency.

Referred to Committee on Local Government.

HB 1499 by Representative Schoesler

AN ACT Relating to land division; amending RCW 58.17.010, 58.17.020, 58.17.030, 58.17.033, 58.17.035, 58.17.040, 58.17.060, 58.17.110, 58.17.150, 58.17.195, 58.17.200, and 58.17.900; and adding a new section to chapter 58.17 RCW.

Referred to Committee on Local Government.

HB 1500 by Representatives Alexander, Romero, DeBolt and Wolfe

AN ACT Relating to increasing the maximum term of rural, island, and intercounty rural district general obligation bonds; and amending RCW 27.12.222.

Referred to Committee on Local Government.

HB 1501 by Representatives Alexander and DeBolt

AN ACT Relating to residential education programs in southwest Washington; and adding a new section to chapter 28A.190 RCW.

Referred to Committee on Education.

HB 1502 by Representatives Linville, G. Chandler, Regala, Fisher, Grant, Anderson, Santos and Lantz

AN ACT Relating to water rights for instream uses of water; and amending RCW 90.03.345, 90.14.140, 90.38.020, and 90.42.080.

Referred to Committee on Agriculture & Ecology.

HB 1503 by Representatives Huff, Lantz, K. Schmidt, Rockefeller, Haigh, Wensman, Clements, Eickmeyer, Grant and Alexander

AN ACT Relating to the imposition of taxes by counties for emergency communication systems and facilities; and adding a new section to chapter 82.14 RCW.

Referred to Committee on Local Government.

HB 1504 by Representatives Conway, McIntire, O'Brien, Keiser, Cairnes, Hurst, Campbell, Wood, Kenney, Stensen, Veloria, Santos and Cooper

AN ACT Relating to requiring prevailing wages on housing finance commission construction projects; adding a new section to chapter 43.180 RCW; and adding a new section to chapter 39.12 RCW.

Referred to Committee on Commerce & Labor.

HB 1505 by Representatives Ericksen, McMorris, K. Schmidt, Skinner, Dunn, D. Schmidt and Esser

AN ACT Relating to the time for signing absentee and mail ballots; and amending RCW 29.36.060 and 29.36.139.

Referred to Committee on State Government.

HB 1506 by Representatives DeBolt, K. Schmidt, Murray, Fisher and Mielke

AN ACT Relating to payments to defray costs of evaluating the offer of a condemnor; and amending RCW 8.25.020.

Referred to Committee on Judiciary.

HB 1507 by Representatives Campbell and Bush

AN ACT Relating to petitions for incorporation; amending RCW 35.02.150; and repealing RCW 35.02.155.

Referred to Committee on Local Government.

HB 1508 by Representatives Constantine, Sheahan, Dickerson, Ballasiotes, O'Brien and Radcliff

AN ACT Relating to jury demand and arbitration fees; amending RCW 36.18.016; and adding a new section to chapter 7.06 RCW.

Referred to Committee on Judiciary.

HB 1509 by Representatives D. Schmidt, Kessler, Wolfe, Dunshee, Miloscia and Carlson; by request of Secretary of State

AN ACT Relating to the conduct of the presidential preference primary by mail ballot; and adding a new section to chapter 29.19 RCW.

Referred to Committee on State Government.

HB 1510 by Representatives Conway, Scott, Cooper, Anderson, Boldt, Quall and Keiser

AN ACT Relating to expanding membership of the electrical board by appointment of one outside line worker; amending RCW 19.28.065; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 1511 by Representatives Haigh, Talcott, Quall, Stensen, Campbell and Bush

AN ACT Relating to city or town school districts; creating a new section; and repealing RCW 28A.315.250.

Referred to Committee on Education.

HB 1512 by Representatives Haigh, Fortunato, Morris, Hatfield, Bush, Rockefeller, G. Chandler, Lantz, Thomas and Huff

AN ACT Relating to requiring a formal hearing on proposed water company rate increases when requested by affected customers; and amending RCW 80.04.130 and 80.28.060.

Referred to Committee on Technology, Telecommunications & Energy.

HB 1513 by Representatives Kenney, Ericksen, Quall, Talcott, Haigh, Keiser, Veloria, Miloscia, Romero, Wolfe, Santos, Alexander, Rockefeller, Barlean, Lisk, Edwards, Lovick, Thomas, Huff, O'Brien, Lambert, Ogden, Conway, Schual-Berke, Dickerson, Hurst, Regala, Linville, Tokuda, Stensen, McDonald, Anderson, Parlette, Esser, Gombosky, Kagi, Edmonds, Lantz and Wood; by request of Department of General Administration and Superintendent of Public Instruction

AN ACT Relating to the donation of surplus computers and computer-related equipment to school districts in Washington and educational service districts in Washington; amending RCW 43.19.1919; reenacting and amending RCW 28A.335.180; and adding a new section to chapter 39.33 RCW.

Referred to Committee on Education.

HB 1514 by Representatives Kastama and Wolfe

AN ACT Relating to modification of a parenting plan or custody decree; and amending RCW 26.09.260.

Referred to Committee on Judiciary.

HB 1515 by Representatives Carlson, Sheahan, Wolfe and Dickerson

AN ACT Relating to relocation under parenting plans; amending RCW 26.09.260; adding new sections to chapter 26.09 RCW; and creating new sections.

Referred to Committee on Judiciary.

HB 1516 by Representatives Conway and Clements; by request of Liquor Control Board

AN ACT Relating to redefining the criteria for spirits, beer, and wine restaurant licenses; and amending RCW 66.24.410 and 66.24.420.

Referred to Committee on Commerce & Labor.

HB 1517 by Representatives G. Chandler, Linville, Koster, Grant, Sump, Cooper, McDonald, Buck, Fortunato, Delvin, Carrell, Bush, Kastama, Schoesler, Anderson, Miloscia, Stensen, Reardon, O'Brien, Talcott, B. Chandler, Campbell and Parlette

AN ACT Relating to the definition of municipal water supply purposes; and amending RCW 90.03.015.

Referred to Committee on Agriculture & Ecology.

HB 1518 by Representatives Boldt, Mielke and Dunn

AN ACT Relating to payment to foster parents during investigations; and adding a new section to chapter 74.13 RCW.

Referred to Committee on Children & Family Services.

HB 1519 by Representatives Dickerson, Clements, Conway, Lovick, Keiser, O'Brien, Romero, Ogden, Hurst, Scott, Kenney, Regala, Fisher, Voloria, Tokuda, Cooper, Stensen, Cody, Santos, Gombosky, Kagi, Edmonds, Lantz and Wood

AN ACT Relating to increasing leave from employment; amending RCW 49.78.010, 49.78.005, and 49.78.020; adding new sections to chapter 49.78 RCW; creating a new section; and recodifying RCW 49.78.005.

Referred to Committee on Commerce & Labor.

HB 1520 by Representatives Dunshee, Grant, Sheahan, Boldt and Carrell

AN ACT Relating to specialty fertilizer labeling language; amending RCW 15.54.340; and creating a new section.

Referred to Committee on Agriculture & Ecology.

HB 1521 by Representatives Lovick, Barlean, O'Brien, Ballasiotes, Edwards, D. Schmidt, Haigh, Delvin, Santos, Regala, Ericksen, Lantz, Sullivan, Reardon, Miloscia and Thomas

AN ACT Relating to failure to appear and failure to pay financial obligations in courts of limited jurisdiction; amending RCW 7.80.070, 7.80.080, and 7.84.060; adding a new section to chapter 3.02 RCW; and creating a new section.

Referred to Committee on Judiciary.

HB 1522 by Representatives Schual-Berke, Poulsen, Keiser, Constantine and Santos

AN ACT Relating to availability of replacement housing in eminent domain proceedings; and amending RCW 8.26.075.

Referred to Committee on Judiciary.

HB 1523 by Representatives Schual-Berke, Poulsen, Keiser, Constantine and Santos

AN ACT Relating to relocation assistance; and amending RCW 8.26.010.

Referred to Committee on Judiciary.

HB 1524 by Representatives Doumit, Pennington, Conway, Clements, Alexander, Cooper, Hatfield, Mielke, Carlson, Poulsen, Mulliken, Scott and Rockefeller

AN ACT Relating to the workers' compensation obligation of employers not domiciled in Washington; and amending RCW 51.12.120.

Referred to Committee on Commerce & Labor.

HB 1525 by Representatives Dickerson, Constantine and Lambert

AN ACT Relating to authorizing mediation in guardianship proceedings; and amending RCW 11.88.090 and 11.88.120.

Referred to Committee on Judiciary.

HB 1526 by Representatives Keiser and Hatfield

AN ACT Relating to the use of nonoriginal crash parts for the repair of motor vehicles; adding a new section to chapter 48.30 RCW; and adding a new chapter to Title 19 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 1527 by Representatives Mulliken, Miloscia, Scott, Doumit, Grant and Ericksen

AN ACT Relating to assumptions of water-sewer districts by cities and towns; adding new sections to chapter 35.13A RCW; creating a new section; and repealing RCW 35.13A.010, 35.13A.020, 35.13A.030, 35.13A.0301, 35.13A.040, 35.13A.050, 35.13A.060, 35.13A.070, 35.13A.080, 35.13A.100, 35.13A.110, and 35.13A.900.

Referred to Committee on Local Government.

HB 1528 by Representatives Kenney, Carlson and Lantz; by request of Governor Locke

AN ACT Relating to tuition setting authority and the use of tuition in higher education; amending RCW 28B.15.031, 28B.15.065, 28B.15.066, 28B.15.067, 28B.15.070, 28B.15.100, 28B.20.130, 28B.30.150, 28B.35.120, 28B.40.120, and 28B.50.090; creating a new section; and repealing RCW 28B.15.110.

Referred to Committee on Higher Education.

HB 1529 by Representatives Talcott, Quall and Bush

AN ACT Relating to school district employees' personal holidays; and amending RCW 1.16.050.

Referred to Committee on Education.

HB 1530 by Representatives Quall, Talcott, Doumit, Lantz, Kenney, Veloria, Santos, Bush and Rockefeller

AN ACT Relating to medicinal and catheterization administration in public schools; and amending RCW 28A.210.260 and 28A.210.280.

Referred to Committee on Education.

HB 1531 by Representatives Parlette, Cody and Veloria; by request of Attorney General

AN ACT Relating to a reserve account for tobacco product manufacturers not participating in the master settlement agreement; adding a new chapter to Title 70 RCW; creating a new section; prescribing penalties; and declaring an emergency.

Referred to Committee on Health Care.

HB 1532 by Representatives Mastin, Poulsen, Pennington, Mitchell, Crouse, Kessler, Morris and Grant

AN ACT Relating to public utility tax credits for energy assistance programs; adding a new section to chapter 82.16 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Technology, Telecommunications & Energy.

HB 1533 by Representatives Lovick, Campbell, Ruderman, Keiser, Boldt, Conway, Cody, Cooper, Edwards, Veloria, O'Brien, Schual-Berke, Murray, Dickerson, Kenney, Regala, Tokuda, Anderson, Santos, Gombosky, Rockefeller and Lantz

AN ACT Relating to prevention of workplace violence in health care settings; adding a new section to chapter 70.41 RCW; adding a new section to chapter 5.40 RCW; adding a new chapter to Title 49 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 1534 by Representatives Dunshee, Romero, Miloscia and Thomas

AN ACT Relating to allocating presidential electors; and adding a new section to chapter 29.71 RCW.

Referred to Committee on State Government.

HB 1535 by Representatives Parlette, Cody, Schual-Berke, Romero, Ruderman, Esser, Hatfield, Boldt, Campbell, Pflug and Alexander

AN ACT Relating to health maintenance organizations' reimbursement of podiatric physicians and surgeons; adding a new section to chapter 48.46 RCW; and creating a new section.

Referred to Committee on Health Care.

HJM 4006 by Representatives Fisher, K. Schmidt, Mitchell, Radcliff, Skinner, Hankins, Wood, Cooper and Ogden

Requesting the Transportation Commission to update the system of Highways of Statewide Significance.

Referred to Committee on Transportation.

HJR 4204 by Representatives McMorris, Sump, Dunn, Schoesler, Schindler, Kessler, Boldt, Hatfield, Hankins and D. Schmidt

Requiring initiative signatures from all congressional districts.

Referred to Committee on State Government.

SB 5004 by Senators Loveland, Winsley and Patterson

AN ACT Relating to remedying a technical problem in school bond elections.

Held on First Reading from January 22, 1999.

There being no objection, the bills, memorial and resolution listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

There being no objection, the rules were suspended, and Senate Bill No. 5004 was advanced to second reading.

There being no objection, the House advanced to the sixth order of business.

### **SECOND READING**

SENATE BILL NO. 5004, by Senators Loveland, Winsley and Patterson

Remedying a technical problem in school bond elections.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

### **MOTIONS**

On motion of Representative Schoesler, Representatives K. D. Schmidt Sommers, Koster and Van Luven were excused. On motion of Representative Wolfe, Representatives Kessler and Kastama were excused.

Representatives Mastin, Grant, Talcott and Quall spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Senate Bill No. 5004.

### **ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5004 and the bill passed the House by the following vote: Yeas - 91, Nays - 0, Absent - 0, Excused - 7.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Keiser, Kenney, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, Schoesler, Schual-Berke, Scott, Sheahan, Skinner, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 91.

Excused: Representatives Buck, Kastama, Kessler, Koster, K. Schmidt, D. Sommers and Van Luven - 7.

Senate Bill No. 5004, having received the constitutional majority, was declared passed.

There being no objection, Senate Bill No. 5004 was immediately transmitted to the Senate.

## **RESOLUTION**

HOUSE RESOLUTION NO. 99-4604, by Representatives Mitchell, O'Brien, Veloria, Haigh, Esser, Thomas, Pflug, Skinner, Hankins, D. Schmidt and Kagi

WHEREAS, It is the policy of the Washington State Legislature to recognize and honor the contributions of individuals and organizations that reflect standards of excellence that enhance the well-being and quality of life of the citizens of the state of Washington; and

WHEREAS, Toastmasters International is a leading movement in making effective oral communication a national and international reality for all persons; and

WHEREAS, Toastmasters International, through its member Toastmaster Clubs, helps men and women of all ages learn the arts of speaking, listening, and thinking, vital skills that promote self-actualization, enhance leadership potential, foster human understanding, and contribute to the betterment of all mankind; and

WHEREAS, Toastmasters International, through its member Toastmaster Clubs, provides a mutually supportive and positive learning environment in which every member has the opportunity to develop the communication and leadership skills which foster self-confidence and personal growth; and

WHEREAS, Toastmasters International member Toastmaster Clubs usually meet each week for one to two hours and usually contain three main elements: Prepared speeches, impromptu speeches, and evaluations of speeches, providing feedback on the positive aspects of the speeches and friendly suggestions for improvement; and

WHEREAS, Toastmasters International, through its member Toastmaster Clubs, benefits individuals, companies, communities, and countries by providing potential leaders in all walks of life the skills, discipline, and confidence needed to succeed; and

WHEREAS, Toastmasters International currently has over eight thousand member Toastmaster Clubs world-wide made up of approximately one hundred seventy thousand members with over three thousand four hundred members in the state of Washington, and is growing by approximately two hundred fifty new members world-wide each day;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives honor the Toastmasters International and its member Toastmaster Clubs for the contributions they have provided the citizens of this state; and

BE IT FURTHER RESOLVED, That the week of January 31, 1999, through February 6, 1999, be recognized as Toastmaster Week and that all persons be encouraged to participate in the beneficial programs Toastmasters International provides through its member Toastmaster Clubs; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to Emmanuelle C. Hager, Public Relations Officer, Toastmasters International, District Two of the state of Washington.

Representative Mitchell moved adoption of the resolution.

Representatives Mitchell, O'Brien, Skinner and Veloria spoke in favor of the adoption of the resolution.

House Resolution No. 99-4604 was adopted.

**MESSAGE FROM THE SENATE**



January 27, 1999

Mr. Speaker:

The President has signed:

and the same is herewith transmitted.

SENATE BILL NO. 5004,

Tony M. Cook, Secretary

**SIGNED BY THE SPEAKERS**

The Speakers announced they were signing:

SENATE BILL NO. 5004,

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 9:55 a.m., Thursday, January 28, 1999.

TIMOTHY A. MARTIN, Chief Clerk      CLYDE BALLARD, Speaker  
DEAN R. FOSTER, Chief Clerk      FRANK CHOPP, Speaker

SEVENTEENTH DAY, JANUARY 27, 1999

JOURNAL OF THE HOUSE

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**EIGHTEENTH DAY**

**MORNING SESSION**

House Chamber, Olympia, Thursday, January 28, 1999

The House was called to order at 9:55 a.m. by Speaker Chopp. The Clerk called the roll and a quorum was present.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

**MESSAGE FROM THE SENATE**

January 27, 1999

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5181,

and the same is herewith transmitted.

Tony M. Cook, Secretary

**INTRODUCTIONS AND FIRST READING**

HB 1361 by Representatives Fortunato, O'Brien, Mulliken, Boldt, Erickson, Campbell, Schindler, Carrell, Sheahan, Dunn, Bush, Koster, Mielke, Benson and DeBolt

AN ACT Relating to parental notification for abortions provided to minors.

Held on first reading from January 21, 1999.

HB 1474 by Representatives Gombosky, Benson, Wood, Morris, D. Sommers, Schindler, Crouse, Miloscia, Eickmeyer, Veloria, Kessler, Linville, Kenney, Hatfield, Grant, Conway, Wolfe, Hurst, Santos and Lantz

AN ACT Relating to increasing economic opportunity in economically distressed communities through the use of tax credits.

HB 1475 by Representatives Gombosky, Wood, McIntire, Miloscia, Murray, Dunshee, Eickmeyer, Veloria, Kenney, Haigh, Conway, Tokuda, Cooper and Santos

AN ACT Relating to establishing a grant program for job training.

HB 1536 by Representatives Conway and Clements; by request of Department of Licensing

AN ACT Relating to professional athletics; amending RCW 67.08.002, 67.08.050, 67.08.080, 67.08.090, 67.08.110, 67.08.120, and 67.08.160; reenacting and amending RCW 67.08.100; adding new sections to chapter 67.08 RCW; repealing RCW 67.08.007 and 67.08.060; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 1537 by Representatives Grant, Hankins, Regala, D. Sommers and Kastama

AN ACT Relating to a local criminal justice tax that acts as a credit against the state sales and use tax; and adding a new section to chapter 82.14 RCW.

Referred to Committee on Finance.

HB 1538 by Representatives Hankins, Grant, Skinner, Wood, Linville, Mielke, Alexander, Murray and Scott

AN ACT Relating to legislative bill introductions; and adding a new section to chapter 44.04 RCW.

Referred to Committee on State Government.

HB 1539 by Representative Parlette

AN ACT Relating to medicare supplement policies; amending RCW 48.66.045; and declaring an emergency.

Referred to Committee on Health Care.

HB 1540 by Representatives D. Schmidt and Romero

AN ACT Relating to elections; and adding a new section to chapter 29.04 RCW.

Referred to Committee on State Government.

HB 1541 by Representatives D. Schmidt, Romero and McMorris

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

Referred to Committee on State Government.

HB 1542 by Representatives Ericksen, D. Schmidt, Romero and McMorris

AN ACT Relating to the recording of surveys by a county auditor; and amending RCW 58.09.050 and 58.09.110.

Referred to Committee on Local Government.

HB 1543 by Representatives O'Brien, Ballasiotes, Kastama, Cairnes and Keiser; by request of Sentencing Guidelines Commission

AN ACT Relating to sentences for violent offenses and crimes against persons; amending RCW 9.94A.120 and 9.94A.440; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 1544 by Representatives O'Brien, Ballasiotes, Kastama, Cairnes and Keiser; by request of Sentencing Guidelines Commission

AN ACT Relating to sentencing of offenders; amending RCW 9.94A.030, 9.94A.360, and 9.94A.400; reenacting and amending RCW 9.94A.040, 9.94A.310, 9.94A.320, and 9A.44.130; prescribing penalties; and declaring an emergency.

Referred to Committee on Criminal Justice & Corrections.

HB 1545 by Representatives Murray, Romero, McIntire, Cody and Dunshee

AN ACT Relating to authorization for public funds to be used to finance political campaigns for public office; amending RCW 42.17.128; and adding a new section to chapter 42.17 RCW.

Referred to Committee on State Government.

HB 1546 by Representatives Cody, Parlette, Doumit, Ballasiotes, Conway, D. Schmidt, Dickerson, Campbell, Wolfe, Kenney, Ogden, Radcliff, Kessler, Veloria, Ruderman, Linville, Santos, Haigh, Cooper, Miloscia, Edmonds, Keiser, Lantz, Hurst, Schual-Berke, Quall, Van Luven, Rockefeller, O'Brien, Wood, Murray, Fortunato and McIntire

AN ACT Relating to in-home care services; adding new sections to chapter 74.39A RCW; adding a new section to chapter 70.47 RCW; and creating a new section.

Referred to Committee on Health Care.

HB 1547 by Representatives Mitchell, Lantz, Thomas, Dunshee, Campbell, Sullivan, Bush, Kastama, Conway, Scott, Regala, Miloscia, Fisher, McDonald and Huff

AN ACT Relating to local retail sales and use tax for zoo and aquariums; adding a new section to chapter 82.14 RCW; adding a new section to chapter 36.29 RCW; and adding new sections to chapter 36.01 RCW.

Referred to Committee on Local Government.

HB 1548 by Representatives G. Chandler, Linville, Mastin and Koster

AN ACT Relating to industrial reclaimed water; amending RCW 90.46.010, 90.46.120, and 90.14.140; and adding new sections to chapter 90.46 RCW.

Referred to Committee on Agriculture & Ecology.

HB 1549 by Representatives G. Chandler, Linville, Mastin, Schoesler, Koster and Fortunato

AN ACT Relating to extending deadlines prescribed as conditions in water rights permits; and amending RCW 90.03.320.

Referred to Committee on Agriculture & Ecology.

HB 1550 by Representatives G. Chandler, Fisher, K. Schmidt and Hankins

AN ACT Relating to extending the negotiation period for the Milwaukee Road corridor franchise agreement; amending RCW 43.51.112, 43.51.1121, 43.51.113, and 43.51.114; amending 1996 c 129 s 11 (uncodified); providing contingent expiration dates; and declaring an emergency.

Referred to Committee on Transportation.

HB 1551 by Representatives G. Chandler and Linville

AN ACT Relating to fees for licenses regarding agricultural commodities; and amending RCW 22.09.050 and 22.09.055.

Referred to Committee on Agriculture & Ecology.

HB 1552 by Representatives Delvin, Constantine, McDonald, Murray, Bush, Scott, Lambert, Hatfield, Radcliff, Poulsen, Ballasiotes, Mastin, Mitchell, Kenney and Conway; by request of Washington State Patrol

AN ACT Relating to vehicular assault; and amending RCW 46.61.522.

Referred to Committee on Criminal Justice & Corrections.

HB 1553 by Representatives Murray, Radcliff, Hatfield, Delvin and Poulsen; by request of Washington State Patrol

AN ACT Relating to recovery of penalties for commercial vehicle violations; and amending RCW 46.32.100.

Referred to Committee on Judiciary.

HB 1554 by Representatives Murray, McDonald, Constantine, Mitchell, Dickerson, Ballasiotes, Scott, Radcliff, Poulsen and Romero; by request of Washington State Patrol

AN ACT Relating to high-occupancy vehicle lane violations; and amending RCW 46.61.165.

Referred to Committee on Transportation.

HB 1555 by Representatives McDonald, Murray, Delvin, Romero, Ballasiotes, Scott, Hatfield, Bush, Poulsen, Mastin, Constantine and Mitchell; by request of Washington State Patrol

AN ACT Relating to criminal history records; and amending RCW 10.97.030 and 10.98.050.

Referred to Committee on Judiciary.

HB 1556 by Representatives Hatfield, Bush, Romero, McDonald, Dickerson, Ballasiotes, Scott, Radcliff, Poulsen, Delvin, Constantine, Mastin and Murray; by request of Washington State Patrol

AN ACT Relating to reporting of deaths or injuries from fire; and amending RCW 48.48.065.

Referred to Committee on Local Government.

HB 1557 by Representatives Romero, McDonald, Bush, Dickerson, Mulliken, Scott, Radcliff, Hatfield, Delvin and Poulsen; by request of Washington State Patrol

AN ACT Relating to membership on the state building code council; and amending RCW 19.27.070.

Referred to Committee on State Government.

HB 1558 by Representatives Mitchell, Hatfield, McDonald, Poulsen, Bush, Constantine and Radcliff; by request of Washington State Patrol

AN ACT Relating to release of impounded vehicles; and amending RCW 46.55.120.

Referred to Committee on Transportation.

HB 1559 by Representatives Fortunato, Murray and McDonald; by request of Washington State Patrol

AN ACT Relating to transportation of explosives; and repealing RCW 46.37.460.

Referred to Committee on Transportation.

HB 1560 by Representatives McMorris, Scott, Ballasiotes, Mitchell, Romero, Dickerson, McDonald, Poulsen, Bush, Constantine, Fortunato and Murray; by request of Forensic Investigation Council

AN ACT Relating to the state toxicology laboratory; amending RCW 43.103.010, 43.103.020, 43.103.030, 43.103.090, 43.43.670, and 68.50.107; reenacting and amending RCW 66.08.180; and creating a new section.

Referred to Committee on State Government.

HB 1561 by Representatives Schoesler, Grant, McMorris, Mastin, G. Chandler, Lisk, Parlette, Mulliken, Delvin and Cox

AN ACT Relating to tires on farm machinery; and amending RCW 46.37.420.

Referred to Committee on Transportation.

HB 1562 by Representatives Scott, Mulliken and G. Chandler

AN ACT Relating to the adoption of regulations by airport operators for airport rental, use, and collection of charges; and amending RCW 14.08.122.

Referred to Committee on Transportation.

HB 1563 by Representatives Linville, G. Chandler, Grant, Sump, Stensen, B. Chandler, Reardon, Schoesler, Anderson, Delvin, Cooper, Quall, Wood, Eickmeyer, Morris, Rockefeller, Cox, Kenney, Conway, O'Brien, Murray and Regala

AN ACT Relating to the safe foods initiative at Washington State University; adding a new section to chapter 28B.30 RCW; creating a new section; and making appropriations.

Referred to Committee on Agriculture & Ecology.

HB 1564 by Representatives Morris, Linville, Stensen, G. Chandler, Grant, Wood, Anderson, Cooper, Sump, Doumit, Ogden, Rockefeller, Kenney, Conway, O'Brien, Murray, Hurst and Regala

AN ACT Relating to international marketing of agricultural products; adding a new section to chapter 43.23 RCW; and making appropriations.

Referred to Committee on Agriculture & Ecology.

HB 1565 by Representatives Veloria, Cairnes, G. Chandler, Clements, Dunshee, Ogden, Rockefeller, Kenney, O'Brien, Wood, Murray, Santos, Hurst, McIntire and Regala

AN ACT Relating to providing business and occupation tax credits to businesses that provide assistance to qualified first-time home buyers; adding a new section to chapter 82.04 RCW; and adding a new section to chapter 43.180 RCW.

Referred to Committee on Economic Development, Housing & Trade.

HB 1566 by Representatives Miloscia, Hatfield, Veloria, Cairnes, Tokuda, Clements, Dunshee, Ogden, Thomas, Benson and McIntire

AN ACT Relating to consumer credit card information; and adding new sections to chapter 63.14 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 1567 by Representative Benson

AN ACT Relating to protecting children and others from persons convicted of felonies or sex offenses; and amending RCW 26.10.100 and 74.15.130.

Referred to Committee on Children & Family Services.

HB 1568 by Representatives Benson, Sheahan, Crouse, Sullivan, Boldt and D. Sommers

AN ACT Relating to support obligations of physical custodians; and amending RCW 74.20.065.

Referred to Committee on Judiciary.

HB 1569 by Representatives Keiser, Talcott, Schual-Berke, Carlson, Quall and Regala

AN ACT Relating to improving mathematics proficiency; adding a new section to chapter 28A.300 RCW; and creating a new section.

Referred to Committee on Education.

HB 1570 by Representatives Kenney, Van Luven, Veloria, Edmonds, Skinner, Lovick, Sullivan, Gombosky, Wood and McIntire

AN ACT Relating to funding for the rental security deposit guarantee program; and making appropriations.

Referred to Committee on Appropriations.

SSB 5181 by Senate Committee on Ways & Means (originally sponsored by Senators Loveland, West, Brown and Winsley; by request of Governor Locke)

Making fiscal year 1999 supplemental operating appropriations.

Referred to Committee on Appropriations.

#### MOTION

On motion of Representative Kessler, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated, and House Bill No. 1474 and House Bill No. 1475 were referred to the Committee on Economic Development, Housing and Trade.

#### REPORTS OF STANDING COMMITTEES

January 26, 1999

HB 1023 Prime Sponsor, Representative H. Sommers: Sharing extraordinary investment gains in the teachers' retirement system plan 3. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Huff, Republican Co-Chair; Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Lambert; Linville; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

Voting yea: Representatives Huff, H. Sommers, Alexander, Doumit, D. Schmidt, Barlean, Benson, Boldt, Carlson, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Lambert, Linville, McIntire, McMorris, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Tokuda and Wensman.

Excused: Representative(s) Kenney, Kessler, Lisk, Mastin and Mulliken.

Passed to Rules Committee for Second Reading.

January 26, 1999

HB 1031 Prime Sponsor, Representative Radcliff: Exempting community radio stations from property taxation. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Democratic Co-Chair; Thomas, Republican Co-Chair; Carrell, Republican Vice Chair; Reardon, Democratic Vice Chair; Cairnes; Conway; Dickerson; Pennington; Santos and Veloria.

MINORITY recommendation: Without recommendation. Signed by Representative Van Luven.



Voting yea: Representatives Dunshee, Thomas, Carrell, Reardon, Cairnes, Conway, Dickerson, Pennington, Santos and Veloria.

Voting nay: Representative(s) Van Luven.

Excused: Representative(s) Sheahan.

Passed to Rules Committee for Second Reading.

January 25, 1999

HB 1061 Prime Sponsor, Representative K. Schmidt: Modifying provisions concerning the freight mobility strategic investment board. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fisher, Democratic Co-Chair; K. Schmidt, Republican Co-Chair; Cooper, Democratic 1<sup>st</sup> Vice Chair; Edwards, Democratic 2<sup>nd</sup> Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; G. Chandler; Fortunato; Haigh; Hatfield; Hurst; Lovick; Mielke; Mitchell; Ogden; Pflug; Radcliff; Romero; Schindler; Schual-Berke; Scott; Skinner and Wood.

Voting yea: Representatives Fisher, Schmidt, K, Cooper, Edwards, Ericksen, Hankins, G. Chandler, Fortunato, Haigh, Hatfield, Hurst, Lovick, Mielke, Mitchell, Ogden, Pflug, Radcliff, Romero, Schindler, Schual-Berke, Scott, Skinner and Wood.

Excused: Representative(s) Buck, DeBolt, McDonald, Morris, and Murray.

Passed to Rules Committee for Second Reading.

January 25, 1999

HB 1212 Prime Sponsor, Representative Eickmeyer: Extending certain drivers' licenses for out-of-state licensees. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fisher, Democratic Co-Chair; K. Schmidt, Republican Co-Chair; Cooper, Democratic 1<sup>st</sup> Vice Chair; Edwards, Democratic 2<sup>nd</sup> Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; G. Chandler; DeBolt; Fortunato; Haigh; Hatfield; Hurst; Lovick; McDonald; Mielke; Mitchell; Ogden; Pflug; Radcliff; Romero; Schindler; Schual-Berke; Scott; Skinner and Wood.

Voting yea: Representatives Fisher, Schmidt, K, Cooper, Edwards, Ericksen, Hankins, G. Chandler, DeBolt, Fortunato, Haigh, Hatfield, Hurst, Lovick, McDonald, Mielke, Mitchell, Ogden, Pflug, Radcliff, Romero, Schindler, Schual-Berke, Skinner and Wood.

Excused: Representative(s) Buck, Morris, Murray, and Scott.

Passed to Rules Committee for Second Reading.

#### MOTION

On motion of Representative Kessler, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House advanced to the eleventh order of business.

#### MOTION

On motion of Representative Kessler, the House adjourned until 10:00 a.m., Friday, January 29, 1999.

**RESIGNATION OF REPRESENTATIVE SHEAHAN**

January 27, 1999

The Honorable Gary Locke  
Office of the Governor  
Legislative Building  
P.O. Box 40002  
Olympia, WA 98504-0002

Dear Governor Locke:

I am hereby submitting my resignation as State Representative, 9<sup>th</sup> Legislative District, Postion 1, effective at noon, January 28, 1999.

Sincerely,

Larry Sheahan

**MESSAGE FROM 9<sup>TH</sup> DISTRICT COUNTY COMMISSIONERS**

**JOINT SESSION OF THE BOARDS OF COUNTY COMMISSIONERS  
OF THE 9<sup>TH</sup> LEGISLATIVE DISTRICT  
PURSUANT TO  
ARTICLE 11 SECTION 15 AMENDMENT 32  
OF THE WASHINGTON STATE CONSTITUTION**

**CERTIFICATION OF APPOINTMENT  
for the  
9<sup>TH</sup> LEGISLATIVE DISTRICT  
HOUSE OF REPRESENTATIVES**

Due to the midterm Appointment of the Honorable Larry Sheahan as Senator for the 9<sup>th</sup> Legislative District of the State of Washington, and pursuant to Article 11, Section 15, Amendment 32 of the Constitution of the State of Washington, the Boards of County Commissioners for the Counties of Adams, Asotin, Spokane and Whitman, met in joint session on the 25<sup>th</sup> day of January, 1999, in Whitman County, for the purpose of appointing a district resident nominee to fill the House of Representatives position vacated by Mr. Larry Sheahan.

In attendant were: the Honorable Bill Wills, W.L. "Bill" Schlagel and Jeffery W. Stevens, Commissioners for Adams County; the Honorable Don Scheibe, James Fuller and Gordon Reed, Commissioners for Asotin County; the Honorable John Roskelley, Kate McCaslin and Phil Harris, Commissioners for Spokane County; and the Honorable Hollis Jamison, Nora Mae Keifer and Les Wigen, Commissioners for Whitman County.

Nora Mae Keifer, Commissioner for Whitman County was elected Chairperson for the joint session and by the rules adopted is authorized on behalf of all the County Commissioners to certify the results of the meeting.

I, Nora Mae Keifer, the elected Chairperson for the joint session of the Boards of County Commissioners of the 9<sup>th</sup> Legislative District of the State of Washington, hereby certify that by majority vote DON COX is appointed to the Washington State House of Representatives for the 9<sup>th</sup>

Legislative District, effective upon the resignation of Mr. Larry Sheahan due to his appointment to the Washington State Senate.

Dated the 26<sup>th</sup> day of January, 1999.

Nora Mae Keifer, Chairperson

**SWEARING IN CEREMONY**

At 12:15 p.m., in the presence of witnesses, Chief Justice Richard Guy swore Don Cox in as State Representative from the 9<sup>th</sup> Legislative District, Position 1.

TIMOTHY A. MARTIN, Chief Clerk      CLYDE BALLARD, Speaker  
DEAN R. FOSTER, Chief Clerk      FRANK CHOPP, Speaker

EIGHTEENTH DAY, JANUARY 28, 1999

JOURNAL OF THE HOUSE

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

**NINETEENTH DAY**

**MORNING SESSION**

House Chamber, Olympia, Friday, January 29, 1999

The House was called to order at 10:00 a.m. by Speaker Ballard. The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Marina Waterman and Chris De Leo. Prayer was offered by Pastor John Sorrell, Word of Light Christian Fellowship, Tenino.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

**NEW MEMBER**

Speaker Ballard introduced and asked the members to acknowledge Representative Don Cox, the new member from the 9<sup>th</sup> District who was sworn in on Thursday, January 28, 1999.

**INTRODUCTIONS AND FIRST READING**

HB 1361 by Representatives Fortunato, O'Brien, Mulliken, Boldt, Ericksen, Campbell, Schindler, Carrell, Sheahan, Dunn, Bush, Koster, Mielke, Benson and DeBolt

AN ACT Relating to parental notification for abortions provided to minors.

Held on first reading from January 21, 1999.

HB 1571 by Representatives Tokuda, Boldt, Kagi, Gombosky, Conway, Murray, Ogden, Rockefeller, Kenney, Dickerson, Veloria, O'Brien, Santos, Haigh, Kessler, Stensen, Wood and Poulsen

AN ACT Relating to child care access; adding a new section to chapter 74.08A RCW; and creating a new section.

Referred to Committee on Children & Family Services.

HB 1572 by Representatives Wensman, Tokuda, Santos, Quall, Veloria, Schoesler, Conway, Murray, Constantine, Ogden, Rockefeller, Kenney, O'Brien, D. Schmidt and Haigh

AN ACT Relating to providing educational and instructional materials about the experiences of persons of Japanese descent during World War II to K-12 and postsecondary students and other citizens of the state of Washington; and adding new sections to chapter 28A.300 RCW.

Referred to Committee on Education.

HB 1573 by Representatives Romero, Carlson, Ogden, Rockefeller, Linville, Schual-Berke, Santos, Ruderman, Morris, Haigh, Kenney, Murray, Scott, Cody, Pennington, Fisher, Keiser, Conway, Cooper and Veloria

AN ACT Relating to the licensure of interpreters for the deaf and hard of hearing; adding a new chapter to Title 72 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Children & Family Services.

HB 1574 by Representatives Alexander, Parlette, Cody, Radcliff, O'Brien, Schual-Berke, Reardon, Quall, Santos, Cooper, Linville, Ericksen and Hurst

AN ACT Relating to administering atypical antipsychotic medications; amending RCW 71.24.310; and adding a new section to chapter 71.24 RCW.

Referred to Committee on Health Care.

HB 1575 by Representatives O'Brien, Ballasiotes, Conway, Hankins, Ogden, Cairnes, Wood, Anderson, Lovick, Mitchell, Miloscia and Keiser

AN ACT Relating to a study of inmate labor; and creating a new section.

Referred to Committee on Criminal Justice & Corrections.

HB 1576 by Representatives B. Chandler, Huff, Mastin, Lisk, Thomas, Sump, Grant, D. Schmidt, Boldt, McMorris, Hurst, McDonald, Ericksen, Clements, Fortunato, Sheahan, Pflug, Linville, Delvin, Edmonds, Stensen, Hatfield, Campbell, G. Chandler, Cox, Ogden, Mielke, Mulliken, Schoesler and Parlette

AN ACT Relating to the fair fund; making an appropriation; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1577 by Representatives Bush, Sheahan, Constantine, Barlean, Quall, Talcott, Cairnes, Keiser, McIntire, Santos, Sullivan, Hatfield, DeBolt, Benson, Dunshee, Boldt, Haigh, Mielke, Veloria, Conway and Kenney

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

Referred to Committee on Judiciary.

HB 1578 by Representatives Conway, Ogden, Cody, Veloria, Dunshee, Dickerson, Cairnes, Tokuda, Hatfield, Kenney, O'Brien, Santos, Haigh, Keiser and Wood

AN ACT Relating to early hearing loss detection, diagnosis, and intervention; creating new sections; making appropriations; and declaring an emergency.

Referred to Committee on Health Care.

HB 1579 by Representatives Quall and Cooper

AN ACT Relating to interscholastic activities; and amending RCW 28A.600.200.

Referred to Committee on Education.

HB 1580 by Representative Miloscia

AN ACT Relating to prequalifying contractors; and adding a new section to chapter 39.04 RCW.

Referred to Committee on State Government.

HB 1581 by Representative Miloscia

AN ACT Relating to altering the architects and engineers bidding process to include price; amending RCW 39.80.040; and repealing RCW 39.80.050.

Referred to Committee on State Government.

HB 1582 by Representatives Murray, Cairnes and Keiser

AN ACT Relating to capacity charges for sewage facilities; and amending RCW 35.58.570.

Referred to Committee on Local Government.

HB 1583 by Representatives Dunn, Boldt, Mielke and Benson

AN ACT Relating to the Columbia River Gorge commission; adding a new section to chapter 43.97 RCW; and making an appropriation.

Referred to Committee on State Government.

HB 1584 by Representatives Hurst, Mulliken, Scott, Stensen and O'Brien

AN ACT Relating to fire protection districts; and amending RCW 52.04.011, 52.04.031, and 52.04.061.

Referred to Committee on Local Government.

HB 1585 by Representatives Hankins, Grant, Dunshee, Mastin, Delvin and O'Brien

AN ACT Relating to federal payments used to reduce the outstanding debt of school districts within counties; and adding a new section to chapter 36.01 RCW.

Referred to Committee on Local Government.

HB 1586 by Representatives Romero, Alexander, Miloscia, Linville, Ogden, Keiser and Rockefeller;  
by request of Secretary of State

AN ACT Relating to state employees' suggestion awards and incentive pay; and amending RCW 41.60.010, 41.60.015, 41.60.020, 41.60.030, 41.60.041, 41.60.080, 41.60.100, 41.60.110, 41.60.120, and 41.60.150.

Referred to Committee on State Government.

HB 1587 by Representatives Hatfield, Radcliff, D. Schmidt, Doumit, Quall, Poulsen, Conway, Cooper, Haigh, Eickmeyer and Kessler

AN ACT Relating to the Washington state scholars program; amending RCW 28A.600.110 and 28B.80.245; adding a new section to chapter 28B.80 RCW; and creating a new section.

Referred to Committee on Higher Education.

HB 1588 by Representatives Mitchell, Fisher, Hankins, Ericksen, Skinner, Radcliff, Cooper, K. Schmidt and Ogden; by request of Legislative Transportation Committee

AN ACT Relating to obsolete transportation accounts and funds; amending RCW 43.84.092, 43.84.092, 43.160.010, 46.68.095, 46.68.100, 46.68.110, 47.01.280, 47.02.130, 47.02.150, 47.10.801, 47.10.803, 47.12.125, 47.26.080, 47.26.084, 47.26.140, 47.26.425, 47.26.4252, 47.26.4254, 47.26.505, 47.56.772, 47.60.150, 47.60.326, 47.60.440, 82.36.025, 82.44.150, and 82.44.180; reenacting and amending RCW 46.68.090; creating a new section; repealing RCW 46.68.180, 46.68.190, 46.68.200, 47.02.180, 47.13.010, 47.13.020, 47.13.030, 47.13.040, 47.13.900, and 47.56.775; providing effective dates; providing an expiration date; and declaring an emergency.

Referred to Committee on Transportation.

HB 1589 by Representatives Schual-Berke, Keiser, Poulsen, Cairnes, Van Luven, Campbell, Scott and Miloscia

AN ACT Relating to voting for port commissioners; amending RCW 53.12.010 and 53.12.021; and adding new sections to chapter 53.12 RCW.

Referred to Committee on Local Government.

HB 1590 by Representatives Cody, Parlette, Veloria, Ballasiotes, Regala, Skinner, Linville, Tokuda, Mitchell, Fisher, Hankins, H. Sommers, Ruderman, Romero, Ogden, Edmonds, Santos, Schual-Berke, Grant, Kagi, Carlson, Hatfield, O'Brien, Wolfe, Murray, Conway, Dunshee, Rockefeller, Campbell, Eickmeyer, Morris, Lovick, Edwards, Reardon, Keiser, Hurst, Wood, Poulsen, Haigh, Clements, Stensen, Kastama, Cooper, Dickerson, Kenney, McIntire, Quall, Scott, Constantine, Anderson, Lantz, K. Schmidt and Kessler

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

Referred to Committee on Health Care.

HB 1591 by Representatives Edwards, Fisher, O'Brien, Radcliff, Lantz, Scott, Barlean, Doumit, Lovick, D. Schmidt, Linville, Ogden, Rockefeller, Haigh, Stensen, Kagi and Esser

AN ACT Relating to time limits for the adoption of shoreline master plan amendments; and amending RCW 90.58.080.

Referred to Committee on Local Government.

HB 1592 by Representatives D. Schmidt, Bush, Miloscia and Dunshee; by request of Secretary of State

AN ACT Relating to write-in voting; and amending RCW 29.04.180, 29.15.050, 29.62.180, and 29.54.050.

Referred to Committee on State Government.

HB 1593 by Representatives Edmonds, Bush, Miloscia and Dunshee; by request of Secretary of State

AN ACT Relating to poll-site ballot counting devices; amending RCW 29.01.042, 29.04.040, 29.48.010, 29.48.080, 29.54.025, 29.54.037, 29.54.050, 29.54.075, and 29.54.085; adding a new section to chapter 29.01 RCW; adding a new section to chapter 29.48 RCW; adding new sections to chapter 29.51 RCW; adding new sections to chapter 29.54 RCW; and repealing RCW 29.48.040, 29.48.050, 29.48.060, 29.51.140, 29.62.060, and 29.62.070.

Referred to Committee on State Government.

HB 1594 by Representatives Ruderman, D. Schmidt, Poulsen, Miloscia, Dunshee and Kagi; by request of Secretary of State

AN ACT Relating to a study of on-line voting; creating new sections; and providing an expiration date.

Referred to Committee on State Government.

HB 1595 by Representatives Radcliff and Carrell

AN ACT Relating to driver training schools; and amending RCW 46.82.280 and 46.82.360.

Referred to Committee on Transportation.

HB 1596 by Representatives Cairnes, Scott, Sheahan, Radcliff, Reardon and Sullivan

AN ACT Relating to clarifying the persons intended to be benefited by the construction statute of repose; and amending RCW 4.16.300.

Referred to Committee on Judiciary.

HB 1597 by Representatives Cairnes, O'Brien, Ballasiotes, Cooper, D. Schmidt, Ruderman, Hatfield, Wensman, Thomas, Keiser, Sullivan, DeBolt, Talcott, Barlean, Bush, Benson, Santos, Quall, Campbell and Lambert

AN ACT Relating to identity theft; amending RCW 9A.60.040 and 9A.60.010; reenacting and amending RCW 9.94A.320; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.



HB 1598 by Representatives Clements, O'Brien, Grant, Carrell and G. Chandler

AN ACT Relating to representation of parties in child dependency and termination proceedings; adding a new section to chapter 13.34 RCW; and creating a new section.

Referred to Committee on Judiciary.

HB 1599 by Representatives McMorris, Doumit, Clements, Constantine, Sheahan, Grant, G. Chandler, Linville, Rockefeller, D. Schmidt, Kessler and Schoesler

AN ACT Relating to court funding; and adding new sections to chapter 43.330 RCW.

Referred to Committee on Local Government.

HB 1600 by Representatives Lambert, O'Brien, Mulliken, Talcott, Benson, Schindler, Boldt, Carrell, Koster, Esser, Sullivan, Campbell and Dunn

AN ACT Relating to protecting the religious rights of teachers and students; amending RCW 28A.600.025; and adding a new section to chapter 28A.600 RCW.

Referred to Committee on Judiciary.

HB 1601 by Representatives Lambert, Rockefeller, Talcott, Carrell, Sullivan, Kagi, Benson, Delvin, Clements, Esser, Romero and Kenney

AN ACT Relating to cooperation between courts and schools regarding juveniles; amending RCW 13.04.145 and 13.50.050; adding new sections to chapter 13.40 RCW; and adding a new section to chapter 13.50 RCW.

Referred to Committee on Judiciary.

HB 1602 by Representative Kastama

AN ACT Relating to domestic waste treatment plants and plant operators; and amending RCW 70.95B.080, 70.95B.090, 70.95B.095, 70.95B.100, 70.95B.130, and 70.95B.150.

Referred to Committee on Agriculture & Ecology.

HB 1603 by Representatives Murray, Parlette, Cody and Rockefeller

AN ACT Relating to medical and health research; and adding a new section to chapter 42.17 RCW.

Referred to Committee on State Government.

HB 1604 by Representatives Carlson, Quall, Van Luven, Veloria, Dunn, Eickmeyer, Miloscia, Skinner, Morris, Wolfe, O'Brien, Radcliff, Edwards, Alexander, Mielke, Romero, Gombosky, Lantz, Ballasiotes, Ogden, Rockefeller and D. Schmidt

AN ACT Relating to manufactured housing; amending RCW 35.63.110, 35.63.160, 35A.63.100, 35A.63.145, and 36.70.750; adding a new section to chapter 36.70A RCW; and creating a new section.

Referred to Committee on Local Government.

HB 1605 by Representatives Carlson, Quall, Van Luven, Veloria, Dunn, Eickmeyer, Miloscia, Skinner, Morris, Wolfe, O'Brien, Radcliff, Edwards, Alexander, Mielke, Romero, Gombosky, Lantz, Ballasiotes and D. Schmidt

AN ACT Relating to manufactured housing; amending RCW 35.63.110, 35A.63.100, and 36.70.750; adding a new section to chapter 36.70A RCW; and creating a new section.

Referred to Committee on Local Government.

HB 1606 by Representatives Reardon, Radcliff, Benson, Lantz, Campbell and Dunshee

AN ACT Relating to services and activities fees at institutions of higher education; and amending RCW 28B.15.044 and 28B.15.045.

Referred to Committee on Higher Education.

#### MOTION

On motion of Representative Lisk, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

#### REPORTS OF STANDING COMMITTEES

January 27, 1999

HB 1004 Prime Sponsor, Representative Ballasiotes: Requiring transient sex offenders to report regularly to the county sheriff. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine and Kagi.

Voting yea: Representatives Ballasiotes, O'Brien, Cairnes, Lovick, B. Chandler, Constantine and Kagi.

Excused: Representative Koster.

Referred to Committee on Appropriations.

January 27, 1999

HB 1007 Prime Sponsor, Representative Ballasiotes: Changing provisions relating to counterfeited intellectual property. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass as amended.

On page 1, line 18, after "services." insert "Intellectual property does not have exclusive use rights to trade names registered under chapter 19.80 RCW."

Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine and Kagi.

Voting yea: Representatives Ballasiotes, O'Brien, Cairnes, Lovick, B. Chandler, Constantine and Kagi.

Excused: Representative Koster.

Passed to Rules Committee for Second Reading.

January 27, 1999

HB 1027 Prime Sponsor, Representative Scott: Expanding the membership of the criminal justice training commission. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine and Kagi.

Voting yea: Representatives Ballasiotes, O'Brien, Cairnes, Lovick, B. Chandler, Constantine and Kagi.

Excused: Representative Koster.

Passed to Rules Committee for Second Reading.

January 27, 1999

HB 1096 Prime Sponsor, Representative Cairnes: Making assault of a school employee or sports official an aggravating factor for sentencing. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine and Kagi.

Voting yea: Representatives Ballasiotes, O'Brien, Cairnes, Lovick, B. Chandler, Constantine and Kagi.

Excused: Representative Koster.

Passed to Rules Committee for Second Reading.

January 26, 1999

HB 1180 Prime Sponsor, Representative Van Luven: Revising the Washington youthbuilt program. Reported by Committee on Economic Development, Housing & Trade

MAJORITY recommendation: Do pass. Signed by Representatives Van Luven, Republican Co-Chair; Veloria, Democratic Co-Chair; Dunn, Republican Vice Chair; Eickmeyer, Democratic Vice Chair; Ballasiotes; Miloscia; Morris; Radcliff; Skinner and Wolfe.

Voting yea: Representatives Van Luven, Dunn, Eickmeyer, Ballasiotes, Gombosky, Morris, Radcliff, Skinner and Wolfe.

Excused: Representatives Veloria, Miloscia and D. Sommers

Referred to Committee on Appropriations.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House advanced to the eleventh order of business.

#### COMMITTEE ASSIGNMENTS

Speaker Ballard announced the following committee changes:

Representative Mike Carrell was named Co-Chair of the Committee on Judiciary.

Representative Don Cox was assigned to the Committee on Education and the Committee on Finance.

Representative Luke Esser was assigned to the Committee on Judiciary and was removed from the Committee on Health Care.

Representative Jerome Delvin was removed from the Committee on Education.

There being no objection, the House adjourned until 10:00 a.m., Monday, February 1, 1999.

TIMOTHY A. MARTIN, Chief Clerk      CLYDE BALLARD, Speaker

DEAN R. FOSTER, Chief Clerk      FRANK CHOPP, Speaker

NINETEENTH DAY, JANUARY 29, 1999

JOURNAL OF THE HOUSE

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

**TWENTY-SECOND DAY**

**MORNING SESSION**

House Chamber, Olympia, Monday, February 1, 1999

The House was called to order at 10:00 a.m. by Speaker Chopp. The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Sandrah Eckel and Ian Winters. Prayer was offered by Reverend Kenneth Tsuyoshi Miyake, Retired, United Methodist Church, Seattle (father of Representative Sharon Tomiko Santos).

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

**INTRODUCTIONS AND FIRST READING**

HB 1361 by Representatives Fortunato, O'Brien, Mulliken, Boldt, Ericksen, Campbell, Schindler, Carrell, Sheahan, Dunn, Bush, Koster, Mielke, Benson and DeBolt

AN ACT Relating to parental notification for abortions provided to minors.

Held on first reading from January 21, 1999.

HB 1607 by Representative Doumit

AN ACT Relating to sales and use tax equalization payments for proposed incorporations; amending RCW 35.02.015, 35.02.017, and 82.14.210; and creating a new section.

Referred to Committee on Local Government.

HB 1608 by Representatives K. Schmidt, Fisher, Haigh, Boldt and Buck

AN ACT Relating to a new lottery game to generate money for off-road recreation vehicle and boating activities; amending RCW 67.70.240; adding a new section to chapter 67.70 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1609 by Representatives Alexander, Regala, Clements, DeBolt, Doumit, Pennington, Eickmeyer, Grant, Mielke, Boldt, Conway and Dickerson

AN ACT Relating to maintaining and rebuilding elk populations; adding a new section to chapter 77.12 RCW; creating new sections; and making appropriations.

Referred to Committee on Natural Resources.

HB 1610 by Representatives Delvin, Lovick, Poulsen, Keiser, DeBolt, Morris, Wensman, Ruderman, Reardon, Wolfe, McDonald, Cooper, Mielke, Schoesler, Campbell, Miloscia, O'Brien, Conway, Fisher, Cody, Kenney, Kessler and Wood

AN ACT Relating to community involvement in stopping crime; adding new sections to chapter 43.330 RCW; and creating a new section.

Referred to Committee on Criminal Justice & Corrections.

HB 1611 by Representative Delvin

AN ACT Relating to waivers of laws and rules pertaining to schools; and amending RCW 28A.320.017, 28A.150.425, 28A.165.095, 28A.175.015, 28A.185.045, 28A.220.065, 28A.230.065, 28A.235.035, 28A.300.075, 28A.305.148, 28A.320.045, 28A.330.005, 28A.400.115, 28A.405.469, 28A.600.005, 41.59.935, and 28A.630.945.

Referred to Committee on Education.

HB 1612 by Representatives Eickmeyer, Huff, Haigh, Alexander, Rockefeller, Anderson, Pennington, Ericksen, Talcott, Lantz, Stensen and Romero

AN ACT Relating to geoduck diver licenses; and amending RCW 75.28.750.

Referred to Committee on Natural Resources.

HB 1613 by Representatives Barlean, Lovick, B. Chandler, Thomas and Rockefeller; by request of Department of Revenue

AN ACT Relating to clarifying the property tax exemption statutes; amending RCW 84.36.477 and 84.40.405; reenacting and amending RCW 84.36.805 and 84.36.810; creating new sections; and repealing RCW 84.36.140, 84.36.150, 84.36.160, 84.36.161, 84.36.162, 84.36.176, 84.36.181, 84.36.190, 84.36.191, 84.36.270, 84.36.280, 84.36.290, and 84.36.473.

Referred to Committee on Finance.

HB 1614 by Representatives Sullivan, Talcott and Bush

AN ACT Relating to city utilities; and adding a new section to chapter 35.92 RCW.

Referred to Committee on Local Government.

HB 1615 by Representatives Carrell, Kastama, Reardon, Miloscia, Cairnes, Schindler and Campbell

AN ACT Relating to harboring or sheltering minors; amending RCW 13.32A.080 and 13.32A.082; creating a new section; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 1616 by Representatives Carrell, Mielke, Sullivan, Conway, Esser, Sump, Wood, B. Chandler, Dunn, Stensen, Gombosky, Kastama, Miloscia, Cairnes, Schindler, Reardon and Schoesler

AN ACT Relating to sentencing enhancements for criminal gang activity; reenacting and amending RCW 9.94A.310 and 13.40.160; adding a new section to chapter 9.94A RCW; adding a new section to chapter 13.40 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 1617 by Representatives Quall, Carrell, Miloscia, Reardon, Dunshee, Thomas, DeBolt, Morris, Schindler, Esser and Ruderman

AN ACT Relating to the taxation of physical fitness services; reenacting and amending RCW 82.04.050; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

HB 1618 by Representatives Quall, Carrell, Miloscia, Reardon, Dunshee, Thomas, DeBolt, Morris, Schindler, Esser and Ruderman

AN ACT Relating to the taxation of physical fitness services; reenacting and amending RCW 82.04.050, 82.04.290, 82.04.290, and 82.04.290; creating new sections; providing effective dates; providing expiration dates; and declaring an emergency.

Referred to Committee on Finance.

HB 1619 by Representatives McDonald, Kagi, Boldt, Lovick, Tokuda, Wood, Clements, Carrell, D. Schmidt, Linville, Dickerson, O'Brien, Mielke, Kenney and Haigh

AN ACT Relating to foster parents; amending RCW 74.14B.080; creating a new section; making an appropriation; providing an effective date; and declaring an emergency.

Referred to Committee on Children & Family Services.

HB 1620 by Representatives Conway, Parlette, Cody, Miloscia, Poulsen, Hatfield and Keiser; by request of Department of Social and Health Services

AN ACT Relating to protection of vulnerable adults; amending RCW 74.34.020, 74.34.025, 74.34.050, 74.34.070, 74.34.080, 74.34.110, 74.34.130, 74.34.180, 74.34.200, 70.124.010, 70.124.020, 70.124.030, 70.124.060, 70.124.090, 70.124.100, 26.44.010, 26.44.015, 26.44.020, 26.44.030, 26.44.032, and 26.44.040; reenacting and amending RCW 70.124.040 and 26.44.050; adding new sections to chapter 74.34 RCW; creating new sections; and repealing RCW 74.34.010, 74.34.015, 74.34.030, 74.34.055, and 74.34.060.

Referred to Committee on Health Care.

HB 1621 by Representatives Stensen, Cairnes, Reardon, Miloscia and Thomas; by request of Department of Revenue

AN ACT Relating to electronic filing of tax returns and remittances; amending RCW 82.32.080; and creating a new section.

Referred to Committee on Finance.

HB 1622 by Representatives Reardon, Cairnes and Hurst; by request of Department of Revenue

AN ACT Relating to the meaning of the phrase "services rendered in respect to constructing" for purposes of the business and occupation and sales and use taxes; adding a new section to chapter 82.04 RCW; and creating a new section.

Referred to Committee on Finance.

HB 1623 by Representatives Haigh, Cairnes, Reardon and Thomas; by request of Department of Revenue

AN ACT Relating to updating the tax code by making administrative clarifications, correcting oversights, and deleting obsolete references; amending RCW 82.04.3651, 82.08.02567, 82.08.0266, 82.08.02665, 82.04.355, 82.12.020, 82.12.02567, 82.12.0282, 82.16.047, 82.32.060, 82.32.070, 82.35.080, 84.36.041, 84.36.350, and 84.36.383; reenacting and amending RCW 82.04.270; reenacting RCW 82.04.270; adding a new section to chapter 82.12 RCW; repealing RCW 84.36.353 and 84.36.485; providing effective dates; and declaring an emergency.

Referred to Committee on Finance.

HB 1624 by Representatives Schual-Berke, Campbell, Conway, Edwards, Kenney, Cooper, Constantine, Rockefeller, Keiser, Ruderman, Murray, Regala, Dickerson, Miloscia and O'Brien

AN ACT Relating to decisions about health care services; amending RCW 4.16.350; adding a new section to chapter 4.24 RCW; adding a new section to chapter 7.70 RCW; and creating a new section.

Referred to Committee on Judiciary.

HB 1625 by Representatives Wood, Clements, Conway, Fisher, D. Schmidt, Lantz, Pennington, Koster, Grant, Boldt, Radcliff, Wolfe, Gombosky, Cooper and McIntire

AN ACT Relating to using state lottery moneys for compulsive gambling education and awareness; amending RCW 9.46.071 and 67.70.240; and making an appropriation.

Referred to Committee on Commerce & Labor.

HB 1626 by Representatives D. Schmidt, Ogden, McMorris, Romero, Wensman, Alexander, O'Brien, Radcliff, Lantz, Regala, Conway, McIntire, Poulsen, Hatfield, H. Sommers, Dickerson, Edmonds, Linville, Fisher, Cody, Santos, Murray, Kenney, Kessler, Rockefeller, Wood, Hurst, Keiser and Tokuda

AN ACT Relating to petitions to be filed with the government; amending RCW 29.79.090, 29.79.100, 29.79.110, and 29.79.490; adding a new section to chapter 29.79 RCW; and adding a new section to chapter 42.17 RCW.

Referred to Committee on State Government.



HB 1627 by Representatives Pflug, Haigh, K. Schmidt, DeBolt, Fisher, Lovick, McDonald, G. Chandler, Skinner, Hankins, Mitchell, Fortunato, Thomas and Cooper

AN ACT Relating to the surplus real property program; and amending RCW 47.12.063.

Referred to Committee on Transportation.

HB 1628 by Representatives Miloscia, Veloria, Santos, Kenney and Romero

AN ACT Relating to humanitarian relief and assistance; adding a new section to chapter 43.01 RCW; adding a new section to chapter 43.08 RCW; and creating a new section.

Referred to Committee on Economic Development, Housing & Trade.

HB 1629 by Representatives Miloscia, Kastama and Haigh

AN ACT Relating to quality improvement; and adding new sections to chapter 41.04 RCW.

Referred to Committee on State Government.

HB 1630 by Representatives Cox, Ballasiotes and Schoesler

AN ACT Relating to robbery within a financial institution; amending RCW 9A.56.200; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 1631 by Representatives Ruderman, D. Schmidt, Dunshee, DeBolt, Poulsen, Crouse, Reardon, Bush, Morris, Linville, Esser, Campbell, Miloscia and O'Brien

AN ACT Relating to providing a tax incentive to build facilities to be used by biotechnology businesses; amending RCW 82.63.010 and 82.63.045; adding a new section to chapter 82.63 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Economic Development, Housing & Trade.

HB 1632 by Representatives Conway, Clements, Kenney, Carlson, O'Brien, Radcliff, Lantz, Reardon, McIntire, Dickerson, Edmonds, Stensen, Fisher, Cody, Santos, Murray, Cooper, Kessler, Rockefeller, Ogden, Wood, Hurst and Keiser; by request of Governor Locke

AN ACT Relating to developing a system of lifelong learning; amending RCW 28C.18.010, 28C.18.020, 28C.18.030, 28C.18.040, 28C.18.050, 28C.18.060, 50.38.050, 50.67.010, 42.17.310, and 43.20A.080; reenacting and amending RCW 50.13.060; adding a new section to chapter 28C.18 RCW; adding a new chapter to Title 50 RCW; creating new sections; repealing RCW 28C.18.070, 28C.18.080, 28C.18.090, 28C.18.100, 28C.18.110, 50.67.020, and 50.67.030; prescribing penalties; providing an expiration date; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 1633 by Representatives Mielke, Koster, Pennington, Mulliken, Benson, Bush, Campbell, Boldt and Dunn

AN ACT Relating to growth management hearings; amending RCW 36.70A.280, 36.70A.290, 36.70A.300, 36.70A.310, 36.70A.320, 36.70A.330, 36.70A.340, 36.70A.345, 36.70A.110, 36.70A.172, 36.70A.210, 36.70C.030, and 90.58.190; adding a new section to chapter 36.70A RCW; repealing RCW 36.70A.250, 36.70A.260, 36.70A.270, 36.70A.295, 36.70A.302, 36.70A.305, and 36.70A.335; and declaring an emergency.

Referred to Committee on Local Government.

HB 1634 by Representatives Fortunato, Grant, Mulliken, Sullivan, Mielke, Koster, Pennington, Benson, Bush and Dunn

AN ACT Relating to land division; and amending RCW 58.17.020 and 58.17.060.

Referred to Committee on Local Government.

HB 1635 by Representatives Mulliken, Mielke, Quall, Grant, Koster, Sullivan, Pennington, Ericksen, Benson, Bush and Dunn

AN ACT Relating to buildable lands; and amending RCW 36.70A.215.

Referred to Committee on Local Government.

HB 1636 by Representatives D. Schmidt, Romero, Scott, Sullivan, Wensman, O'Brien, Kessler, Cooper, Conway, Ogden, Esser, H. Sommers, Lambert, Miloscia, Haigh, Benson, Santos, Doumit, Pennington, D. Sommers, Dunn, Alexander, Lovick, Lantz, Schual-Berke, Linville, Ruderman, McIntire, Dunshee, Campbell, Murray, Keiser, Delvin, Mielke, Mastin, Cody, Hatfield, Voloria, Regala, Edwards, Constantine, Carlson, Wolfe, Wood, Hankins, Barlean, Clements, Mulliken, Kenney, Tokuda, Bush, Fisher and Hurst

AN ACT Relating to changing primary dates and associated election procedures; amending RCW 29.13.070, 29.24.020, 29.24.035, 29.15.020, 29.15.120, 29.18.150, 29.15.170, and 29.15.190; and providing an effective date.

Referred to Committee on State Government.

HB 1637 by Representatives Koster, Carrell, Cairnes, Benson and Dunn

AN ACT Relating to the excise tax on real estate sales; amending RCW 82.45.060; and adding a new section to chapter 82.45 RCW.

Referred to Committee on Finance.

HB 1638 by Representatives Carrell, Koster, Benson, Cairnes and Dunn

AN ACT Relating to exempting new residential construction from property taxation; and adding a new section to chapter 84.36 RCW.

Referred to Committee on Finance.

HB 1639 by Representatives Keiser, Cairnes, Koster, O'Brien, Conway, Tokuda, Constantine and Linville

AN ACT Relating to sharing extraordinary investment gains; amending RCW 41.31.010, 41.31A.020, and 41.31A.030; creating a new section; and providing an effective date.

Referred to Committee on Appropriations.

HB 1640 by Representatives Kenney, Skinner, Veloria, Tokuda, Reardon, Santos, Conway, O'Brien, Lantz, Murray, Kessler, Rockefeller, Ogden, Wood and Van Luven

AN ACT Relating to tax exemptions for community health clinics; amending RCW 82.04.4289; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Finance.

HB 1641 by Representatives Linville, Carrell, Lantz, Campbell, Wolfe, Sullivan, Cooper, D. Schmidt, Keiser, Hurst, Regala, Cairnes, Morris, O'Brien, Kenney, G. Chandler, Conway, Dunshee, Benson, Quall, Pennington, Schoesler and Kessler

AN ACT Relating to law enforcement officers for the state parks and recreation commission and the state liquor control board; reenacting and amending RCW 41.26.030; and adding new sections to chapter 41.40 RCW.

Referred to Committee on Appropriations.

HB 1642 by Representatives Grant and Mastin

AN ACT Relating to surface water permits and rights; amending RCW 90.03.030; and adding a new section to chapter 90.03 RCW.

Referred to Committee on Agriculture & Ecology.

HB 1643 by Representatives Conway, Wood, Miloscia and McIntire

AN ACT Relating to the publishing of provisions for minimum wage in contract documents; and amending RCW 39.12.030.

Referred to Committee on Commerce & Labor.

HB 1644 by Representatives Dunn, Esser, Carlson, Sump and Campbell

AN ACT Relating to downtown and neighborhood commercial district revitalization; adding a new section to chapter 82.04 RCW; adding a new section to chapter 84.36 RCW; adding a new section to chapter 82.14 RCW; adding a new chapter to Title 43 RCW; and creating a new section.

Referred to Committee on Economic Development, Housing & Trade.

HB 1645 by Representatives Dunn, Miloscia, Carlson, Mielke, Esser, Van Luven, Sump, Campbell, Morris, Bush, D. Sommers, Skinner, Benson, Radcliff, Thomas and Schoesler

AN ACT Relating to rental payments to landlords from public assistance; and adding a new section to chapter 74.04 RCW.

Referred to Committee on Economic Development, Housing & Trade.

HB 1646 by Representatives Dunn and Sump

AN ACT Relating to environmental appeals; and amending RCW 43.21B.170, 43.21B.180, 36.70A.300, 75.20.140, and 90.58.180.

Referred to Committee on State Government.

HB 1647 by Representatives Mulliken, Dunshee and Scott

AN ACT Relating to recording documents; amending RCW 4.28.320, 36.18.005, 4.28.325, 36.18.010, 36.22.170, 47.28.025, 60.44.030, 60.68.045, 61.16.030, 64.32.120, 65.04.015, 65.04.020, 65.04.045, 65.04.047, 65.04.060, 65.08.060, 65.08.140, 65.08.160, 84.26.080, 84.33.120, 84.33.140, 84.34.108, and 84.56.330; adding a new section to chapter 65.04 RCW; and providing an effective date.

Referred to Committee on Local Government.

HB 1648 by Representatives Alexander, Dunshee, Mulliken, Scott and Cooper

AN ACT Relating to fire districts' options for issuing warrants; and amending RCW 52.16.050.

Referred to Committee on Local Government.

HB 1649 by Representatives Alexander, Dunshee, Mulliken and Scott

AN ACT Relating to local government recognition awards; and adding a new section to chapter 36.01 RCW.

Referred to Committee on Local Government.

HB 1650 by Representatives Cody, Talcott, Ruderman, Wood, Quall, Boldt, Stensen, Rockefeller, Parlette, O'Brien, Kenney and Keiser

AN ACT Relating to school nurses; and amending RCW 28A.210.260.

Referred to Committee on Education.

HJM 4007 by Representatives Dunn, B. Chandler and Carlson

Requesting Oregon to provide better tax treatment for Washington residents.

Referred to Committee on Finance.

HJM 4008 by Representatives Regala, Sump, Linville, G. Chandler and Haigh

Requesting support for the full federal appropriation to fund state aquatic nuisance species management plans.

Referred to Committee on Natural Resources.

MOTION

On motion of Representative Kessler, the bills and memorials listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

## REPORTS OF STANDING COMMITTEES

January 27, 1999

HB 1015 Prime Sponsor, Representative Carlson: Extending the tuition waiver for students in the western interstate commission for higher education undergraduate exchange program.  
Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Carlson, Republican Co-Chair; Kenney, Democratic Co-Chair; Lantz, Democratic Vice Chair; Radcliff, Republican Vice Chair; Dunn; Edmonds; Esser and Gombosky.

Voting yea: Representatives Carlson, Kenney, Lantz, Radcliff, Dunn, Edmonds, Esser and Gombosky.

Referred to Committee on Appropriations.

## MOTION

On motion of Representative Kessler, the bill listed on the day's committee reports under the fifth order of business were referred to the committee so designated.

## RESOLUTIONS

HOUSE RESOLUTION NO. 99-4611, by Representatives Skinner, Dunn, Santos, Talcott, Kessler, Ogden, Conway, D. Schmidt, Fortunato, Ruderman, Campbell, Thomas, Lantz and Regala

WHEREAS, The literary, performing, and visual arts are vibrant threads weaving through the tapestry of life in the State of Washington; and

WHEREAS, The arts inspire creativity and innovation, foster communication and understanding across the cultures, knit our communities and our state together with a common understanding of our humanity, and transmit core values to future generations; and

WHEREAS, The arts accelerate students' mastery of history, math, and science, enhance problem-solving skills, and increase the self-esteem of youth at risk; and

WHEREAS, The arts industry throughout Washington state generates millions of dollars annually through performances, exhibitions, festivals, art walks, craft fairs, and concerts in the parks; and

WHEREAS, The arts industry informs and educates the public and its leadership about cultural opportunities, and encourages artistic and economic growth; and

WHEREAS, The arts industry provides assistance in long-range community and educational planning in an effort to secure a place for the arts as a vital component of Washington state's environment; and

WHEREAS, The arts industry provides forums for discussion and collaboration between the cultural community at large to implement ways and means to meet the identified cultural goals of the area, and supports efforts to meet those needs; and

WHEREAS, Our state has received international acclaim for the quality of its artists and arts institutions, drawing audiences from across the nation and the world to the Northwest, and making cultural tourism a vital part of our economy;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize and honor arts and artists in Washington state.

Representative Skinner moved adoption of the resolution.

Representatives Skinner, Lantz, Anderson, Ogden and Ruderman spoke in favor of the adoption of the resolution.

House Resolution No. 99-4611 was adopted.

HOUSE RESOLUTION NO. 99-4609, by Representatives Pflug, Boldt, Cody, Dunn, Conway, D. Schmidt and Thomas

WHEREAS, All citizens should be made aware of the safe, proper, effective, and efficient use of medications; and

WHEREAS, Nearly half of the medicines prescribed in this country are used incorrectly, thus contributing to prolonged illnesses, avoidable side effects, and unnecessary hospitalizations which could be prevented; and

WHEREAS, The efforts of our schools, public agencies, and private pharmacy organizations are instrumental in educating the public about safe and proper medication use; and

WHEREAS, Pharmacists are devoted to improving patient health care outcomes in cooperation with other health care providers in our community, hospital, managed care, nursing home, home health care, and research and industry settings; and

WHEREAS, Over the past ten years, national polls have continuously ranked pharmacists as the most highly respected professionals in America;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize the high quality, cost-effective health care provided by pharmacists; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to the state board of pharmacy, the secretary of the department of health, and the president of the Washington state pharmacists association.

Representative Pflug moved adoption of the resolution.

Representatives Pflug, Cody and Parlette, Schual-Berke, Haigh and Conway spoke in favor of the adoption of the resolution.

House Resolution No. 99-4609 was adopted.

There being no objection, the House advanced to the eleventh order of business.

#### MOTION

On motion of Representative Kessler, the House adjourned until 9:55 a.m., Tuesday, February 2, 1999.

TIMOTHY A. MARTIN, Chief Clerk      CLYDE BALLARD, Speaker  
DEAN R. FOSTER, Chief Clerk      FRANK CHOPP, Speaker

TWENTY-SECOND DAY, FEBRUARY 1, 1999

JOURNAL OF THE HOUSE

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

## **TWENTY-THIRD DAY**

### **MORNING SESSION**

House Chamber, Olympia, Tuesday, February 2, 1999

The House was called to order at 9:55 a.m. by Speaker Chopp. The Clerk called the roll and a quorum was present.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

### **INTRODUCTIONS AND FIRST READING**

HB 1361 by Representatives Fortunato, O'Brien, Mulliken, Boldt, Ericksen, Campbell, Schindler, Carrell, Sheahan, Dunn, Bush, Koster, Mielke, Benson and DeBolt

AN ACT Relating to parental notification for abortions provided to minors.

Held on first reading from January 21, 1999.

HB 1651 by Representatives Hurst, Barlean, Campbell, Cody, Sullivan, Keiser, Constantine, Hatfield, McIntire, Santos and Conway

AN ACT Relating to insurance liability; amending RCW 48.30.010; adding new sections to chapter 48.30 RCW; and prescribing penalties.

Referred to Committee on Financial Institutions & Insurance.

HB 1652 by Representatives Carlson, Clements, Conway, Cairnes, Cody, Edmonds, Veloria, O'Brien and Mitchell

AN ACT Relating to providing entrepreneurial opportunities for disabled persons; adding new sections to chapter 39.19 RCW; creating a new section; providing an effective date; providing expiration dates; and declaring an emergency.

Referred to Committee on State Government.

HB 1653 by Representatives Kenney, Miloscia, Romero, D. Schmidt, Clements and Wolfe; by request of Department of General Administration

AN ACT Relating to the dollar limit under which competitive acquisition is not required; and amending RCW 43.19.1906.

Referred to Committee on State Government.



HB 1654 by Representatives Kessler and Hatfield

AN ACT Relating to veterans; and amending RCW 41.04.005.

Referred to Committee on State Government.

HB 1655 by Representatives B. Chandler, O'Brien, Koster, Lovick, Schoesler, Campbell, Kastama, Hurst, Grant, McMorris and Hankins

AN ACT Relating to declaring buildings used for criminal street gang activity to be a nuisance; adding a new chapter to Title 7 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

HB 1656 by Representative Thomas

AN ACT Relating to gas service taxes; amending RCW 82.04.060, 82.04.460, 82.08.020, 82.12.010, 82.12.020, 82.12.023, 82.12.035, 82.14.020, 82.14.030, 82.14.045, 82.14.0485, 82.14.0494, 82.14.370, 81.104.170, 82.16.010, 82.16.020, 82.16.050, 82.16.090, 35.21.710, 35.21.711, 35.21.860, 35.21.865, 35.21.870, and 35A.82.050; reenacting and amending RCW 82.04.050 and 82.04.190; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.14 RCW; creating a new section; repealing RCW 82.08.026, 82.12.022, and 82.14.230; and providing an effective date.

Referred to Committee on Finance.

HB 1657 by Representative Thomas

AN ACT Relating to telecommunication taxes; amending RCW 82.04.065, 82.04.060, 82.04.460, 82.08.020, 82.08.0289, 82.12.010, 82.12.020, 82.12.035, 82.14.020, 82.14.030, 82.14.045, 82.14.0485, 82.14.0494, 82.14.370, 81.104.170, 82.16.010, 82.16.020, 35.21.710, 35.21.711, 35.21.714, 35.21.715, 35.21.860, 35.21.865, 35.21.870, and 35A.82.050; reenacting and amending RCW 82.04.050 and 82.04.190; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.14 RCW; creating a new section; repealing RCW 35.21.712, 35.21.871, 35A.82.055, 35A.82.060, 35A.82.065, and 35A.82.070; and providing an effective date.

Referred to Committee on Finance.

HB 1658 by Representative Thomas

AN ACT Relating to electrical service taxes; amending RCW 82.04.060, 82.04.120, 82.04.425, 82.04.460, 82.08.020, 82.08.02565, 82.12.010, 82.12.020, 82.12.035, 82.14.020, 82.14.030, 82.14.045, 82.14.0485, 82.14.0494, 82.14.370, 81.104.170, 82.16.010, 82.16.020, 82.16.050, 82.16.090, 35.21.710, 35.21.711, 35.21.860, 35.21.865, 35.21.870, and 35A.82.050; reenacting and amending RCW 82.04.050 and 82.04.190; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.14 RCW; creating a new section; repealing RCW 82.16.053 and 82.16.055; and providing an effective date.

Referred to Committee on Finance.

HB 1659 by Representatives H. Sommers, Hankins, Cody, Tokuda, Ogden, Mitchell, Conway, Kagi, Kessler and McIntire; by request of Department of Social and Health Services

AN ACT Relating to department of social and health services family planning services; reenacting and amending RCW 74.09.510; and adding a new section to chapter 74.09 RCW.

Referred to Committee on Children & Family Services.

HB 1660 by Representative Ericksen

AN ACT Relating to salmon license plates; amending RCW 46.16.313, 46.16.233, and 46.16.290; and adding a new section to chapter 46.16 RCW.

Referred to Committee on Transportation.

HB 1661 by Representatives Edmonds, Carlson, Kenney, Kagi, Esser, Wood, Lantz and Ogden

AN ACT Relating to the Washington scholars program; amending RCW 28A.600.150 and 28B.80.245; and creating a new section.

Referred to Committee on Higher Education.

HB 1662 by Representative Ericksen

AN ACT Relating to ferry tolls for interisland foot passengers; and amending RCW 47.60.150.

Referred to Committee on Transportation.

HB 1663 by Representatives Lambert, Constantine, McDonald, Kagi, Carrell, Edwards, Kastama and Santos

AN ACT Relating to the creation of a unified family court; amending RCW 10.14.200, 13.04.021, 26.12.010, and 26.12.060; and creating new sections.

Referred to Committee on Judiciary.

HB 1664 by Representatives Dickerson, Thomas and Dunshee; by request of Department of Revenue

AN ACT Relating to preventing the use of step transactions to avoid real estate excise tax; amending RCW 82.45.010; and creating a new section.

Referred to Committee on Finance.

HB 1665 by Representatives Romero and Wolfe

AN ACT Relating to health and safety; adding a new section to chapter 70.54 RCW; adding a new section to chapter 70.160 RCW; and providing an effective date.

Referred to Committee on Commerce & Labor.

HB 1666 by Representatives McDonald, Kagi, Boldt, Tokuda, Dickerson, Clements, Santos and Mitchell

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

Referred to Committee on Children & Family Services.

HB 1667 by Representatives McDonald, Kagi, Boldt, Tokuda, Ballasiotes and Dickerson

AN ACT Relating to foster parents; adding a new section to chapter 74.13 RCW; creating a new section; making an appropriation; providing an effective date; and declaring an emergency.

Referred to Committee on Children & Family Services.

HB 1668 by Representatives McDonald, Kagi, Boldt, Tokuda, Dickerson and Santos

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

Referred to Committee on Children & Family Services.

HB 1669 by Representatives Koster, Cairnes, McMorris, DeBolt, Sump, Lambert, Mulliken, Buck, D. Sommers, Benson, Pennington, Mielke, Boldt and Schoesler

AN ACT Relating to the protection of private property; amending RCW 4.16.100; adding a new section to chapter 4.84 RCW; adding a new chapter to Title 64 RCW; providing effective dates; and declaring an emergency.

Referred to Committee on Judiciary.

HB 1670 by Representatives Koster, Talcott, Dunn, Schindler, Thomas, Mulliken, Bush, Lambert, Benson, Mielke, Boldt, Mastin and Delvin

AN ACT Relating to academic choice in education scholarship program; adding a new chapter to Title 28A RCW; and providing for submission of this act to a vote of the people.

Referred to Committee on Education.

HB 1671 by Representatives Constantine, Radcliff, Kessler, Mastin, Sullivan, Grant, G. Chandler, Reardon, Lisk, Esser, Alexander, McMorris and Mitchell

AN ACT Relating to actions arising out of public works contracts; and amending RCW 39.04.240.

Referred to Committee on Judiciary.

HB 1672 by Representatives O'Brien, Ballasiotes and Radcliff

AN ACT Relating to screening, counseling, and treatment of hepatitis C in correctional facilities; adding a new section to chapter 72.09 RCW; and creating new sections.

Referred to Committee on Criminal Justice & Corrections.

HB 1673 by Representatives Lambert, O'Brien, Thomas and Sullivan

AN ACT Relating to false political advertising; adding new sections to chapter 42.17 RCW; repealing RCW 42.17.530; and prescribing penalties.

Referred to Committee on State Government.

HB 1674 by Representatives Talcott, Veloria, Carlson, DeBolt, Wensman, Rockefeller, Bush, Thomas, Clements and Romero

AN ACT Relating to educational accountability for students and schools; amending RCW 28A.630.885, 28A.195.010, 28A.200.010, 28A.230.090, 28B.80.350, 28B.20.130, and 28B.30.150; adding a new section to chapter 28A.630 RCW; adding a new section to chapter 28B.35 RCW; adding a new section to chapter 28B.40 RCW; creating a new section; repealing 1995 c 209 s 2 and 1992 c 141 s 203 (uncodified); repealing 1995 c 209 s 3 (uncodified); and repealing 1998 c 225 s 3 (uncodified).

Referred to Committee on Education.

HB 1675 by Representatives Lambert, Delvin, Mielke, Mulliken, Benson and Dunn

AN ACT Relating to the wholesale and retail sale and distribution of alcoholic beverages; amending RCW 66.04.010, 66.08.020, 66.08.026, 66.08.030, 66.08.050, 66.08.090, 66.08.095, 66.12.110, 66.12.120, 66.12.140, 66.16.040, 66.16.100, 66.16.110, 66.20.170, 66.20.180, 66.20.190, 66.20.200, 66.24.160, 66.24.210, 66.24.310, 66.24.360, 66.24.371, 66.24.380, 66.24.540, 66.28.030, 66.28.060, 66.28.180, 66.28.190, 66.40.140, 66.44.150, 66.44.160, 66.44.318, 66.44.340, and 66.08.170; reenacting and amending RCW 66.24.290, 66.28.040, and 66.28.070; adding new sections to chapter 66.24 RCW; adding a new section to chapter 66.28 RCW; adding new sections to chapter 66.08 RCW; creating a new section; repealing RCW 66.08.070, 66.08.160, 66.08.235, 66.12.020, 66.16.010, 66.16.030, 66.16.041, 66.16.050, 66.16.060, 66.16.070, 66.16.080, 66.16.090, 66.20.160, 66.24.440, 66.32.010, and 66.44.120; and providing an effective date.

Referred to Committee on Commerce & Labor.

HB 1676 by Representatives Lambert and Linville; by request of Secretary of State

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

Referred to Committee on Local Government.

HB 1677 by Representatives B. Chandler, Grant, G. Chandler, Linville, Mastin, Delvin and Parlette

AN ACT Relating to the administration of irrigation districts; amending RCW 87.84.010; and adding new sections to chapter 87.03 RCW.

Referred to Committee on Agriculture & Ecology.

HB 1678 by Representatives Conway and Wood

AN ACT Relating to the payment of wages due an employee ceasing to work; and amending RCW 49.48.010 and 49.48.030.

Referred to Committee on Commerce & Labor.

HB 1679 by Representatives Conway, Hurst and McIntire

AN ACT Relating to reopening workers' compensation claims; amending RCW 51.32.160; creating a new section; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 1680 by Representatives Ericksen, Constantine, Mastin, Romero, Linville, Anderson, Mitchell, Murray and Barlean

AN ACT Relating to funding Puget Sound salmon recovery; adding a new chapter to Title 75 RCW; and providing an expiration date.

Referred to Committee on Natural Resources.

HB 1681 by Representatives Buck, Grant, Sump, Schoesler, Boldt, Mastin and McMorris

AN ACT Relating to state purchase of privately grown trout for planting in state waters; adding new sections to Title 77 RCW; and making an appropriation.

Referred to Committee on Natural Resources.

HB 1682 by Representatives Sump, Clements, McMorris, Ballasiotes, Sullivan, Bush, O'Brien, Carrell, Mastin, Dunn, G. Chandler, Haigh, Linville, Mitchell, Schoesler and DeBolt

AN ACT Relating to promoting school safety; and adding new sections to chapter 9.41 RCW.

Referred to Committee on Judiciary.

HB 1683 by Representatives Pennington, Mielke, McDonald, Boldt, Fortunato, Koster, DeBolt, Carrell, Campbell, Carlson, Mulliken, Van Luven, Lisk, B. Chandler, Pflug, Benson, Hankins, McMorris, Mastin, Dunn, Mitchell, Bush, Schoesler and Wensman

AN ACT Relating to limiting assessed value growth for retired persons; amending RCW 84.36.381; adding a new section to chapter 84.36 RCW; adding a new section to chapter 84.55 RCW; and creating a new section.

Referred to Committee on Finance.

HB 1684 by Representatives Pennington, Doumit, Mielke and Hatfield

AN ACT Relating to regular property tax levies; and amending RCW 84.55.015.

Referred to Committee on Finance.

HB 1685 by Representatives McMorris, Romero, Mulliken, Murray, Doumit, DeBolt, Sump, Linville, Crouse, Haigh, Boldt, Delvin, Mielke, Kessler, Clements, Schindler, Cox, Ericksen, Schoesler, Fortunato, B. G. Chandler, Wolfe, Cooper, Radcliff, Lisk, Hankins, Skinner, Morris, Hatfield, Koster, Mastin and Parlette

AN ACT Relating to public facilities grants and loans preferences; amending RCW 43.17.250; and creating a new section.

Referred to Committee on Local Government.

HB 1686 by Representatives Kessler, DeBolt, Alexander, Mulliken, Morris, Linville, G. Chandler, Pennington, Wolfe, Hatfield, McMorris, Delvin, Romero, Sump, Clements, Ericksen, Schoesler, Campbell, D. Schmidt, Fortunato, Mielke, Radcliff, Cox, Mastin, Murray, Cooper, Lisk, Crouse, Hankins, Skinner, Thomas, B. Chandler, Koster, Parlette and Ruderman

AN ACT Relating to local economic development cooperatives; and amending RCW 43.63A.075.

Referred to Committee on Economic Development, Housing & Trade.

HB 1687 by Representatives Kessler, DeBolt, Mulliken, Doumit, Crouse, Alexander, Schindler, McMorris, Sump, Boldt, Haigh, Hatfield, Clements, Schoesler, B. Chandler, Cox, G. Chandler, Hankins, Delvin, Linville, Wolfe, Cooper, Radcliff, Mastin, Murray, Lisk, Skinner, Morris, Koster and Parlette

AN ACT Relating to revolving funds for electric utilities serving rural areas to enhance local rural economic development activities; adding a new section to chapter 82.16 RCW; and creating new sections.

Referred to Committee on Economic Development, Housing & Trade.

HB 1688 by Representatives Mulliken, Kessler, DeBolt, Grant, McMorris, Doumit, Alexander, Clements, Sump, Boldt, Ericksen, Schoesler, Crouse, Campbell, Schindler, Mielke, Hankins, Fortunato, Delvin, Linville, Cox, Radcliff, Haigh, Mastin, Lisk, Skinner, B. Chandler, Koster, Morris and Hatfield

AN ACT Relating to industrial development in rural counties; amending RCW 36.70A.367; and creating a new section.

Referred to Committee on Local Government.

HB 1689 by Representatives Alexander, Kessler, Mulliken, Grant, DeBolt, McMorris, Doumit, Clements, Sump, Boldt, Ericksen, Schoesler, Crouse, Mielke, Thomas, Haigh, Cox, Hankins, Fortunato, Delvin, Linville, Wolfe, Radcliff, Mastin, Cooper, Murray, Skinner, Morris, Hatfield, Koster and Parlette

AN ACT Relating to tax incentives in rural counties; and amending RCW 82.14.370.

Referred to Committee on Economic Development, Housing & Trade.

HB 1690 by Representatives DeBolt, Alexander, Kessler, Mulliken, Morris, Pennington, Hatfield, McMorris, G. Chandler, Delvin, Romero, Sump, Clements, Ericksen, Schoesler, Campbell, Crouse, Fortunato, Mielke, Linville, Wolfe, Cox, Radcliff, Mastin, Cooper, Murray, Hankins, Skinner, B. Chandler, Koster and Parlette

AN ACT Relating to the rural area economic growth; amending RCW 43.168.140 and 43.163.210; adding new sections to chapter 43.31 RCW; adding a new section to chapter 28C.04 RCW; creating new sections; and repealing 1997 c 366 s 10 (uncodified).

Referred to Committee on Economic Development, Housing & Trade.

HB 1691 by Representatives Tokuda, Boldt, Kagi and Santos

AN ACT Relating to job retention and wage progression for WorkFirst participants; and amending RCW 74.08A.280 and 74.08A.410.

Referred to Committee on Children & Family Services.

HB 1692 by Representatives Kagi, Tokuda, Boldt, Edmonds, Dickerson, Talcott, Kastama, Lovick, Wood, Kenney, Schual-Berke, Eickmeyer, Ogden, Santos, Mitchell, Bush and Stensen

AN ACT Relating to investigations involving children as witnesses and victims; amending RCW 74.14B.010; adding a new section to chapter 43.101 RCW; adding a new section to chapter 26.44 RCW; adding a new section to chapter 43.20A RCW; creating a new section; and making appropriations.

Referred to Committee on Children & Family Services.

HB 1693 by Representatives Kenney, Carlson, Tokuda, Ogden, Santos and Conway; by request of Governor Locke

AN ACT Relating to higher education scholarships; amending RCW 43.79A.040; and adding a new chapter to Title 28B RCW.

Referred to Committee on Higher Education.

HB 1694 by Representatives Dunn and Mielke

AN ACT Relating to a tobacco tax credit for taxes paid to ultimate consumers outside of the state; and amending RCW 82.26.110.

Referred to Committee on Finance.

HB 1695 by Representatives Cooper, Linville, Regala, G. Chandler, Tokuda, Ogden and McIntire

AN ACT Relating to recycled product procurement; amending RCW 43.19A.020, 43.19A.030, 43.19A.050, and 43.19A.070; and adding a new section to chapter 43.19A RCW.

Referred to Committee on State Government.

HB 1696 by Representatives Wood, Conway and Cooper

AN ACT Relating to strike or lockout disqualifications for unemployment benefits; and amending RCW 50.20.090.

Referred to Committee on Commerce & Labor.

HB 1697 by Representatives Wood and Conway

AN ACT Relating to industrial insurance benefits paid during appeal; amending RCW 51.52.050, 51.16.140, and 43.79A.040; reenacting and amending RCW 51.52.060; adding a new section to chapter 51.16 RCW; adding a new section to chapter 51.44 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HJM 4009 by Representatives Mulliken, Kessler, Cox, Fortunato, DeBolt, Doumit, McMorris, Linville, B. Chandler, Alexander, Boldt, Clements, Campbell, Crouse, Sump, Ericksen, Schindler, Mielke, Schoesler, G. Chandler, Delvin, Lisk, Hankins, Skinner, Thomas, D. Schmidt, Hatfield, Koster, Mastin, Parlette and Mitchell

Urging review of federal environmental mandates.

Referred to Committee on Agriculture & Ecology.

#### MOTION

On motion of Representative Kessler, the bills and memorial listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

Speaker Chopp relinquished the chair to Speaker Ballard.

#### COMMITTEE ASSIGNMENTS

Speaker Ballard announced the following changes in committee membership: Representative Cox replaced Representative Mulliken on the Committee on Judiciary, and Representative Mulliken had been appointed to the Committee on Health.

There being no objection, the House advanced to the eleventh order of business.

#### MOTION

On motion of Representative Kessler, the House adjourned until 10:00 a. m., Wednesday, February 3, 1999.

TIMOTHY A. MARTIN, Chief Clerk      CLYDE BALLARD, Speaker  
DEAN R. FOSTER, Chief Clerk      FRANK CHOPP, Speaker



TWENTY-THIRD DAY, FEBRUARY 2, 1999

JOURNAL OF THE HOUSE

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**TWENTY-FOURTH DAY**

**MORNING SESSION**

House Chamber, Olympia, Wednesday, February 3, 1999

The House was called to order at 10:00 a.m. by Speaker Ballard. The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Margeux Rabbage and Tarrah Wells. Prayer was offered by Deacon John Ricciardi, St Nicholas Roman Catholic Church, Gig Harbor.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

**RESOLUTION**

HOUSE RESOLUTION NO. 99-4610, by Representatives Quall, Talcott, Conway, Scott, Keiser, O'Brien, Tokuda, Anderson, Poulsen, Murray, Alexander, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Chopp, Clements, Cody, Constantine, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Erickson, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Van Luven, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Ogden, Parlette, Pennington, Pflug, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schmidt, Schoesler, Schual-Berke, Sherstad, Skinner, H. Sommers, D. Sommers, Stensen, Sullivan, Sump, Thomas, Veloria, Wensman, Wolfe and Wood

WHEREAS, It is the policy of the Washington State Legislature to recognize and honor the contributions of individuals who reflect standards of excellence that enhance the well-being and quality of life of all the citizens of the state of Washington; and

WHEREAS, John Henry Stanford, a native of Yeadon, Pennsylvania (his "Camelot"), had a long and distinguished career of not only being the best he could be but motivating others to be the best they could be; and

WHEREAS, John Stanford graduated from Pennsylvania State University in 1961 with a bachelor's degree in political science and earned a master's degree in personnel management and administration from Central Michigan University; and

WHEREAS, John Stanford, a thirty-year career officer in the United States Army, also received military education at the Infantry School, the Army Aviation School, the Transportation School, the United States Army Command and General Staff College, and the Industrial College of the Armed Forces; and

WHEREAS, John Stanford served in the Pentagon as military assistant to the Under Secretary of the Army during the Carter Administration, 1977-1979; executive assistant to the Special Assistant to the Secretary of Defense, 1981; special assistant and executive secretary during the Reagan Administration to Secretary of Defense, Caspar Weinberger, 1981-1984; and in a number of chief executive officer positions of billion-dollar logistics operations during his seven years as a general officer; and

WHEREAS, John Stanford received many honors during his military career, including the Army Commendation Medal, the Bronze Star, the Meritorious Service Medal, the Air Medal, the Distinguished Flying Cross, and the Legion of Merit; and

WHEREAS, John Stanford served as County Manager for Fulton County, Georgia (encompassing Atlanta), the largest, wealthiest county in the Southeast, where he managed the day-to-day operations and long-range administrative direction of more than five thousand employees and nearly one million residents, and oversaw a budget of approximately one-half billion dollars; and

WHEREAS, John Stanford spoke extensively to industry groups, private corporations, universities, and defense organizations on topics such as leadership, values, communication, and effective motivational techniques; and

WHEREAS, John Stanford became Superintendent of Seattle Public Schools on September 1, 1995, where he proceeded to win the hearts and minds of the people with his mission to make the district's schools, and school kids, the best they could be; and

WHEREAS, John Stanford worked hard to successfully accomplish his vision by implementing innovative and ground-breaking measures to refocus the district's mission on academic achievement, breaking the link between poverty and low achievement, raising standards for students and teachers, negotiating a trust agreement with the teacher's union, developing a training program for teachers and principals, allocating equal resources to schools, improving school safety, increasing state, local, and federal funding, and implementing a city-wide reading campaign; and

WHEREAS, John Stanford as Superintendent of Seattle Public Schools considered himself as the Chief Executive Officer of Destiny, Inc., building destinies for children and creating a world-class educational system to promote excellence in all their endeavors; and

WHEREAS, John Stanford had the courage, character, will, and dedication to try the impossible in order to achieve great things for the benefit of thousands of Seattle school children who knew him, questioned him, respected him, thanked him, loved him, and hugged him in response to his leadership philosophy of "Love `em and lead `em"; and

WHEREAS, John Stanford left a wonderful heritage for his family, his wife, Patricia Corley, and his two sons, Steven and Scott, and for all the children, families, and people of Seattle and Washington state by his shining example of commitment to compassionate service, principled leadership, individual integrity, and common-sense intelligence;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives honor the memory of John Henry Stanford for his outstanding contributions he gave to the people of this state; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to Patricia Stanford, Steven Stanford, Scott Stanford, and the Seattle Public School District.

Representative Quall moved adoption of the resolution.

Representatives Quall, Talcott, Lovick, Cox, Tokuda, Wensman, Kenney, O'Brien and Stensen spoke in favor of the adoption of the resolution.

House Resolution No. 99-4610 was adopted.

Speaker Ballard introduced Mrs. Patricia Stanford, her son Scott Stanford, Joseph Olchefske, Acting Seattle School Superintendent and former Senator George Fleming. Scott Stanford addressed the chamber.

There being no objection, all members' names were added to House Resolution No. 4610.

Speaker Ballard requested Representatives Quall and Talcott to escort Mrs. Stanford and Scott Stanford from the Rostrum to the Senate.

### **INTRODUCTIONS AND FIRST READING**

HB 1361 by Representatives Fortunato, O'Brien, Mulliken, Boldt, Ericksen, Campbell, Schindler, Carrell, Sheahan, Dunn, Bush, Koster, Mielke, Benson and DeBolt

AN ACT Related to parental notification for abortions provided to minors.

Held on first reading from January 21, 1999.

HB 1698 by Representatives Conway, Clements, Wood, Ogden, Hatfield, Carlson and Boldt

AN ACT Relating to motel liquor licenses; and amending RCW 66.24.540.

Referred to Committee on Commerce & Labor.

HB 1699 by Representatives Parlette, Cody, Schoesler, Barlean, Esser, Edmonds and Van Luven

AN ACT Relating to continuing education for dentists; and amending RCW 18.32.002, 18.32.0357, and 18.32.180.

Referred to Committee on Health Care.

HB 1700 by Representatives Buck, DeBolt, Doumit, Sump, Miloscia, Regala, Radcliff, Barlean, Tokuda, Schoesler, Hatfield, Eickmeyer, Kessler, Mielke, Pennington, Clements, Mastin and Dunn

AN ACT Relating to regional fisheries enhancement groups; amending RCW 75.50.115; and adding a new section to chapter 75.50 RCW.

Referred to Committee on Natural Resources.

HB 1701 by Representatives Buck, Doumit, Radcliff, Kessler, Sump, Miloscia, Barlean, Regala, Schoesler, DeBolt, Hatfield, Tokuda, Eickmeyer, Mielke, Pennington, B. Chandler, Alexander, Clements and Mastin

AN ACT Relating to the recreation resource account; and amending RCW 43.99.080.

Referred to Committee on Natural Resources.

HB 1702 by Representatives Parlette, Conway, Skinner, Pflug, Cairnes, Wolfe, Boldt, Campbell, Alexander, Edwards, Dickerson, Lovick, Ogden, Quall, Kenney, Esser and Wood

AN ACT Relating to the medicaid trial prescription program; and amending RCW 74.09.010 and 74.09.520.

Referred to Committee on Health Care.

HB 1703 by Representatives Cooper, Ericksen, Mitchell and Fisher

AN ACT Relating to the disposition of state highway property; and amending RCW 47.12.063.

Referred to Committee on Transportation.

HB 1704 by Representatives Keiser, Constantine, Schual-Berke, Stensen, Miloscia, Mitchell and Poulsen

AN ACT Relating to aircraft noise abatement; and adding a new section to chapter 53.54 RCW.

Referred to Committee on Local Government.

HB 1705 by Representatives Keiser, Linville, Miloscia, Mitchell, Schual-Berke, O'Brien and Constantine

AN ACT Relating to environmental settlements and penalties; amending RCW 90.48.400 and 43.21B.300; adding a new section to chapter 43.21A RCW; and creating new sections.

Referred to Committee on Agriculture & Ecology.

HB 1706 by Representatives Rockefeller, K. Schmidt, Haigh, Thomas, Doumit, Lantz, Quall, Hatfield, Cox, Stensen, Ogden, Keiser, Sump, Lovick, Edmonds and Santos; by request of Superintendent of Public Instruction

AN ACT Relating to local effort assistance; amending RCW 28A.500.010; adding new sections to chapter 28A.500 RCW; and providing an effective date.

Referred to Committee on Appropriations.

HB 1707 by Representatives Campbell, Conway, Mielke, Carrell, Kastama, Lambert, Koster, McMorris, Dunshee, Kessler, Dunn, Schindler, Schoesler, Hurst, Bush, Sump, Miloscia, Alexander, Barlean, Cooper and Mulliken

AN ACT Relating to protecting sport shooting ranges; adding a new section to chapter 9.41 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Judiciary.

HB 1708 by Representatives Lantz, Huff, McDonald, Dickerson, Lovick, Kastama, O'Brien, Lambert, Rockefeller and Edmonds

AN ACT Relating to investigating the causes of fatal motor vehicle accidents; amending RCW 46.52.060; adding new sections to chapter 46.52 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Judiciary.

HB 1709 by Representatives Dunn, Morris, Carrell and Quall

AN ACT Relating to water recreation facilities; and amending RCW 70.90.120 and 70.90.125.

Referred to Committee on Health Care.

HB 1710 by Representatives Koster, Dunn, Pennington, Keiser, Cairnes and Benson

AN ACT Relating to crimes against children; amending RCW 9A.44.073, 9A.44.083, 9A.32.055, and 9.94A.120; reenacting and amending RCW 9.94A.320; adding a new section to chapter 9.94A RCW; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 1711 by Representatives Campbell, Cody, Boldt and Parlette

AN ACT Relating to the disclosure of hospital information; and amending RCW 70.41.150, 70.41.200, and 42.17.310.

Referred to Committee on State Government.

HB 1712 by Representatives Veloria, Carlson, Kastama, Conway, Mielke, O'Brien, Keiser, Kenney and Cody

AN ACT Relating to mobile home park landlord-tenant relations; and amending RCW 59.20.090.

Referred to Committee on Economic Development, Housing & Trade.

HB 1713 by Representatives Skinner, Veloria, Eickmeyer, Radcliff and Kenney; by request of Housing Finance Commission

AN ACT Relating to private activity bond allocation ceilings; and amending RCW 39.86.120.

Referred to Committee on Economic Development, Housing & Trade.

HB 1714 by Representatives Quall, Talcott, Schindler, Keiser, Rockefeller, Regala, Ruderman, D. Schmidt, Stensen, Kenney, Lantz, Lovick, Wensman, Dickerson, Santos and McIntire; by request of Board of Education, Superintendent of Public Instruction and Governor Locke

AN ACT Relating to teacher assessment for certification; adding new sections to chapter 28A.410 RCW; creating a new section; and repealing RCW 28A.410.020.

Referred to Committee on Education.

HB 1715 by Representatives Cox, Stensen, Schual-Berke and Talcott; by request of Board of Education

AN ACT Relating to reclassifying the state board of education as a class four group; and amending RCW 28A.305.120.

Referred to Committee on Education.

HB 1716 by Representatives G. Chandler, Doumit, Mastin, Mulliken and Grant

AN ACT Relating to warm water fish culture; and amending RCW 77.44.050.

Referred to Committee on Natural Resources.

HB 1717 by Representatives G. Chandler, Romero, B. Chandler, Parlette, Murray, Mulliken, O'Brien and Wood

AN ACT Relating to the forfeiture of cigarettes or other tobacco products; and amending RCW 82.24.145.

Referred to Committee on Commerce & Labor.

HB 1718 by Representatives G. Chandler, Murray, Mitchell and Mulliken

AN ACT Relating to the disposal of state parks and recreation commission land in Moses Lake, Washington; creating a new section; and declaring an emergency.

Referred to Committee on Natural Resources.

HB 1719 by Representatives G. Chandler, Murray, Mitchell and Mulliken

AN ACT Relating to the disposal of state parks and recreation commission land in Ellensburg, Washington; creating a new section; and declaring an emergency.

Referred to Committee on Natural Resources.

HB 1720 by Representatives G. Chandler, Grant, Mulliken, Mastin, Sump, Murray, Schoesler and Esser

AN ACT Relating to disclosure of costs to retail electrical customers; adding a new section to chapter 80.28 RCW; and declaring an emergency.

Referred to Committee on Technology, Telecommunications & Energy.

HB 1721 by Representatives Carrell, Esser, Pennington, Sump, Boldt, Campbell, McDonald, Dunn, D. Schmidt and Thomas

AN ACT Relating to deferral of large property tax increases; amending RCW 84.38.010 and 84.38.050; adding new sections to chapter 84.38 RCW; and creating a new section.

Referred to Committee on Finance.

HB 1722 by Representatives Carrell, Cairnes, Pennington, Talcott, McDonald, Benson, Pflug, Huff, Thomas, Clements, Fortunato, Mielke, Ericksen, Dunn and Esser

AN ACT Relating to eliminating the small district exemption from the property tax revenue inflationary limit; and reenacting and amending RCW 84.55.005.

Referred to Committee on Finance.

HB 1723 by Representatives Carrell, Esser, Cairnes, Cox, Pennington, Campbell, Sump, Boldt, McDonald, D. Sommers, Benson, Mielke, Alexander, Huff, Schoesler, Dunn, Clements,

Delvin, B. Chandler, Pflug, Ericksen, Fortunato, Schindler, Thomas, Mitchell, D. Schmidt and Wensman

AN ACT Relating to deferral of large property tax increases; amending RCW 84.38.010 and 84.38.050; adding new sections to chapter 84.38 RCW; and creating a new section.

Referred to Committee on Finance.

HB 1724 by Representatives Carrell, Thomas, Pflug, Pennington, Cairnes, Fortunato, Benson, Boldt, Huff, Delvin, Clements, Schindler, Lambert, Esser, Ericksen, Mielke, Mulliken, Dunn, Koster and Van Luven

AN ACT Relating to restricting property tax levies in excess of the rate of inflation; and amending RCW 84.55.0101.

Referred to Committee on Finance.

HB 1725 by Representatives Carrell, Cairnes, Mulliken, Pennington, Sump, Campbell, Esser, Boldt, McDonald, D. Sommers, Dunn, Benson, Fortunato, Huff, Clements, Schoesler, Ericksen, Schindler, Delvin, Pflug, Mielke, K. Schmidt, Thomas, Lambert, Bush, D. Schmidt, Koster, McMorris and Wensman

AN ACT Relating to reducing the inflationary adjustment for the state property tax levy to zero over time; and reenacting and amending RCW 84.55.005.

Referred to Committee on Finance.

HB 1726 by Representatives Carrell, Cairnes, Schoesler, Pennington, Talcott, Pflug, Benson, Clements, Huff, Delvin, Schindler, Lambert, Ericksen, Esser, Mielke, K. Schmidt, Dunn, Koster and Wensman

AN ACT Relating to preventing the use of state property tax levy capacity by other districts; and amending RCW 84.48.080 and 84.52.010.

Referred to Committee on Finance.

HB 1727 by Representatives Carrell, Thomas, Cairnes, Esser, Pennington, K. Schmidt, McDonald, Benson, Delvin, Huff, Ericksen, Boldt, Mielke, Schindler, Mulliken, Lambert, Fortunato, Dunn, Mitchell, D. Schmidt and Koster

AN ACT Relating to an assessment improvement plan; and creating a new section.

Referred to Committee on Finance.

HB 1728 by Representatives Thomas, Carrell, Pflug, Pennington, Talcott, Cairnes, Benson, Huff, Clements, Delvin, Schindler, Boldt, Mielke, Fortunato, Ericksen, Lambert, Esser, Bush, Dunn, Mitchell and D. Schmidt

AN ACT Relating to restricting property tax levies based on prior levies that were less than the maximum allowed; and amending RCW 84.55.092.

Referred to Committee on Finance.

HB 1729 by Representatives Kenney, Carlson, Lantz, Quall, Skinner, Reardon, Gombosky, Edwards, Anderson, Veloria, Edmonds, Dunn, Stensen, McIntire, Kagi, Conway, Regala, Lovick, D. Schmidt, Ogden, Keiser, Dickerson and Santos

AN ACT Relating to a teacher training pilot program; adding a new section to chapter 28B.10 RCW; creating a new section; making appropriations; and providing an expiration date.

Referred to Committee on Higher Education.

HB 1730 by Representatives Kenney, Skinner, Lantz, Quall, Linville, Reardon, Gombosky, Carlson, Haigh, Edwards, O'Brien, Anderson, Kagi, Wood, Edmonds, McIntire, Stensen, Kastama, Miloscia, Sullivan, Tokuda, Veloria, Dickerson, Santos, Hurst, Conway, Rockefeller, Doumit, Dunn and Schual-Berke

AN ACT Relating to teacher supply and demand; and creating new sections.

Referred to Committee on Education.

HB 1731 by Representatives Kenney, Carlson, Lantz, Reardon, Linville, Skinner, Gombosky, Doumit, Edwards, Anderson, Veloria, Edmonds, Kessler, Kagi, Wolfe, Hatfield, Murray, Ruderman, Dunshee, Grant, Rockefeller, O'Brien and Conway

AN ACT Relating to community and technical colleges economic incentive grants; and adding new sections to chapter 28B.50 RCW.

Referred to Committee on Higher Education.

HB 1732 by Representatives Huff, Carlson, McIntire and Keiser

AN ACT Relating to tuition setting in higher education; amending RCW 28B.15.031, 28B.15.066, 28B.15.067, 28B.15.069, 28B.15.100, 28B.20.130, 28B.30.150, 28B.35.120, 28B.40.120, and 28B.50.090; creating a new section; and repealing RCW 28B.15.110.

Referred to Committee on Higher Education.

HB 1733 by Representatives Romero, Campbell, Scott, Wolfe, Hatfield, Dickerson, Gombosky, Tokuda, Boldt, Mielke, D. Schmidt, Mitchell, Talcott, Ogden, Kenney, Wood, Santos and McIntire

AN ACT Relating to day-care facility location restrictions; adding a new section to chapter 35.21 RCW; and repealing RCW 35.63.185, 35A.63.215, and 36.70A.450.

Referred to Committee on Local Government.

HB 1734 by Representatives Esser and Schual-Berke; by request of Department of Health

AN ACT Relating to licensed psychologists; and amending RCW 18.83.054 and 18.83.135.

Referred to Committee on Health Care.

HB 1735 by Representatives Hurst, Ballasiotes, Lovick, Constantine, Campbell, McIntire, O'Brien, Cooper, Miloscia, Santos, Lantz, Stensen, Kagi, Regala, Bush and Kenney



AN ACT Relating to punitive damages for wrongful death or personal injuries caused while driving under the influence of alcohol or drugs; and adding a new section to chapter 4.24 RCW.

Referred to Committee on Judiciary.

HB 1736 by Representatives Alexander, Sullivan and Schoesler

AN ACT Relating to landlords and tenants; amending RCW 59.12.100, 59.18.030, 59.18.040, 59.18.060, 59.18.257, 59.18.300, 59.18.310, 59.18.315, 59.18.352, and 4.24.550; and adding a new section to chapter 59.18 RCW.

Referred to Committee on Economic Development, Housing & Trade.

HB 1737 by Representative Boldt

AN ACT Relating to permanency planning and adoption advocates; and creating a new section.

Referred to Committee on Children & Family Services.

HB 1738 by Representatives Boldt and Mielke

AN ACT Relating to city and town annexations under the direct property owner petition method of annexation; amending RCW 35.13.125, 35.13.130, 35.13.140, 35.13.150, 35.13.160, 35A.14.120, 35A.14.130, 35A.14.140, and 35A.14.150; adding a new section to chapter 35.13 RCW; and repealing RCW 28A.335.110.

Referred to Committee on Local Government.

HB 1739 by Representatives Boldt, Mielke, Koster and Dunn

AN ACT Relating to legislative oversight of moneys received from fines, penalties, forfeitures, settlements, court orders, or other enforcement actions; amending RCW 43.88.280, 43.88.300, 43.88.310, 43.79.270, 15.13.470, 15.36.441, 15.36.471, 18.160.050, 22.09.411, 28C.10.082, 43.320.110, 43.320.120, 43.70.340, 59.21.050, 70.47.030, 76.04.630, and 77.21.080; reenacting and amending RCW 22.09.830; and adding a new section to chapter 43.88 RCW.

Referred to Committee on Appropriations.

HB 1740 by Representatives McMorris, Lisk, Clements, B. Chandler, Sump and G. Chandler

AN ACT Relating to compensation for hearing loss; amending RCW 51.32.080; and adding a new section to chapter 51.32 RCW.

Referred to Committee on Commerce & Labor.

HJR 4205 by Representatives Hurst, Dunn, Grant, Kessler, Haigh, Cooper, Miloscia, Wood, Dickerson, O'Brien, Morris, Kenney, Tokuda, McIntire, Doumit, Edmonds, Santos, Regala, Lovick, Edwards, Anderson, Lantz, Stensen, Romero, Conway, Poulsen, Hatfield, Voloria, Gombosky, Scott, Reardon, Fisher, Cody, Ogden and Constantine

Amending the state Constitution to modify levy procedures for schools.

Referred to Committee on Education.

## MOTION

On motion of Representative Lisk, the bills and resolution listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

## REPORTS OF STANDING COMMITTEES

January 28, 1999

HB 1060 Prime Sponsor, Representative Mitchell: Using transportation centers. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Democratic Co-Chair; Schmidt, Republican Co-Chair; Cooper, Democratic 1st Vice Chair; Edwards, Democratic 2nd Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; Chandler; Fortunato; Haigh; Hatfield; Hurst; Lovick; McDonald; Mielke; Mitchell; Morris; Murray; Ogden; Pflug; Romero; Schindler; Schual-Berke; Scott; Skinner and Wood.

Voting yea: Representatives Fisher, Schmidt, K, Cooper, Edwards, Ericksen, Hankins, Chandler, G., Fortunato, Haigh, Hatfield, Hurst, Lovick, McDonald, Mielke, Mitchell, Morris, Murray, Ogden, Pflug, Romero, Schindler, Schual-Berke, Scott, Skinner and Wood.  
Excused: Representatives Buck, DeBolt and Radcliff.

Passed to Rules Committee for Second Reading.

January 28, 1999

HB 1317 Prime Sponsor, Representative Murray: Enhancing regional transportation planning. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fisher, Democratic Co-Chair; Schmidt, Republican Co-Chair; Cooper, Democratic 1st Vice Chair; Edwards, Democratic 2nd Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; Chandler; Fortunato; Haigh; Hatfield; Hurst; Lovick; McDonald; Mielke; Mitchell; Morris; Murray; Ogden; Pflug; Romero; Schindler; Schual-Berke; Scott; Skinner and Wood.

Voting yea: Representatives Fisher, Schmidt, K, Cooper, Edwards, Ericksen, Hankins, Chandler, G., Fortunato, Haigh, Hatfield, Hurst, Lovick, McDonald, Mielke, Mitchell, Morris, Murray, Ogden, Pflug, Romero, Schindler, Schual-Berke, Scott, Skinner and Wood.  
Excused: Representatives Buck, DeBolt and Radcliff.

Passed to Rules Committee for Second Reading.

January 28, 1999

HJM 4006 Prime Sponsor, Representative Fisher: Requesting the Transportation Commission to update the system of Highways of Statewide Significance. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Democratic Co-Chair; Schmidt, Republican Co-Chair; Cooper, Democratic 1st Vice Chair; Edwards,

Democratic 2nd Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; Chandler; Fortunato; Haigh; Hatfield; Hurst; Lovick; McDonald; Mielke; Mitchell; Morris; Murray; Ogden; Pflug; Romero; Schindler; Schual-Berke; Scott; Skinner and Wood.

Voting yea: Representatives Fisher, Schmidt, K, Cooper, Edwards, Ericksen, Hankins, Chandler, G., Fortunato, Haigh, Hatfield, Hurst, Lovick, McDonald, Mielke, Mitchell, Morris, Murray, Ogden, Pflug, Romero, Schindler, Schual-Berke, Scott, Skinner and Wood.

Excused: Representatives Buck, DeBolt and Radcliff.

Passed to Rules Committee for Second Reading.

There being no objection, the bills and memorial listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 9:55 a.m., Thursday, February 4, 1999.

TIMOTHY A. MARTIN, Chief Clerk      CLYDE BALLARD, Speaker  
DEAN R. FOSTER, Chief Clerk      FRANK CHOPP, Speaker

TWENTY-FOURTH DAY, FEBRUARY 3, 1999

JOURNAL OF THE HOUSE

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

**TWENTY-FIFTH DAY**

**MORNING SESSION**

House Chamber, Olympia, Thursday, February 4, 1999

The House was called to order at 9:55 a.m. by Speaker Ballard.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

**INTRODUCTIONS AND FIRST READING**

HB 1361 by Representatives Fortunato, O'Brien, Mulliken, Boldt, Ericksen, Campbell, Schindler, Carrell, Sheahan, Dunn, Bush, Koster, Mielke, Benson and DeBolt

AN ACT Relating to parental notification for abortions provided to minors; amending RCW 9.02.100; adding new sections to chapter 9.02 RCW; creating a new section; prescribing penalties; and declaring an emergency.

Referred to Committee on Judiciary.

HB 1741 by Representatives Fortunato, Lovick and Thomas; by request of Department of Revenue

AN ACT Relating to simplifying tax reporting by revising the active nonreporting threshold so that it parallels the small business credit; amending RCW 82.32.045; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

HB 1742 by Representatives Morris and Cairnes

AN ACT Relating to reducing the tax on bingo and raffles; and amending RCW 9.46.110.

Referred to Committee on Commerce & Labor.

HB 1743 by Representatives Schoesler, G. Chandler and Pennington

AN ACT Relating to silvicultural burning; and amending RCW 70.94.670.

Referred to Committee on Agriculture & Ecology.

HB 1744 by Representatives Schoesler and G. Chandler

AN ACT Relating to regulation of outflow of lakes; and amending RCW 90.24.010.

Referred to Committee on Agriculture & Ecology.

HB 1745 by Representatives Lambert and Kagi

AN ACT Relating to a juvenile offender community sanction sentencing alternative; amending RCW 13.40.0357; reenacting and amending RCW 13.40.160; adding a new section to chapter 13.40 RCW; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 1746 by Representatives Lambert and Romero

AN ACT Relating to the election of municipal judges; and amending RCW 3.50.040, 35.18.060, and 35A.13.080.

Referred to Committee on Judiciary.

HB 1747 by Representatives Linville and G. Chandler; by request of Washington State Conservation Commission

AN ACT Relating to conservation district deannexation of municipalities, dissolution, and liability; amending RCW 89.08.080, 89.08.180, 89.08.350, 89.08.360, and 89.08.370; adding a new section to chapter 89.08 RCW; and repealing RCW 89.08.380.

Referred to Committee on Agriculture & Ecology.

HB 1748 by Representatives Dickerson, Constantine, Hurst and Lantz

AN ACT Relating to juvenile diversion records; and amending RCW 13.04.155 and 13.50.050.

Referred to Committee on Judiciary.

HB 1749 by Representatives Dickerson, McDonald, Lantz and Koster

AN ACT Relating to eligibility for deferred disposition; and amending RCW 13.40.127.

Referred to Committee on Judiciary.

HB 1750 by Representatives Cooper, Crouse, Poulsen, G. Chandler, Doumit, DeBolt, Eickmeyer and Mulliken

AN ACT Relating to the provision of telecommunications by public entities; adding a new section to chapter 54.16 RCW; and creating a new section.

Referred to Committee on Technology, Telecommunications & Energy.

HB 1751 by Representatives Dunn, Kenney, DeBolt and Haigh; by request of State Board for Community and Technical Colleges

AN ACT Relating to improving the community and technical colleges' contributions to economic development in the state of Washington; amending RCW 28B.15.100; creating new sections; and providing an expiration date.

Referred to Committee on Higher Education.

HB 1752 by Representatives O'Brien, Kagi, Lantz, Rockefeller and Edmonds

AN ACT Relating to prohibiting firearms and other dangerous weapons on the premises of preschools and day-care facilities; and amending RCW 9.41.280.

Referred to Committee on Judiciary.

HB 1753 by Representatives Constantine, Ballasiotes, Dickerson, O'Brien, Lantz, Edmonds, Hurst, Cairnes, Lovick, Kagi, Keiser, Veloria, Ruderman, Rockefeller, Regala, Hatfield, Santos, Conway, Cody, Kenney, Ogden, Campbell and Wood

AN ACT Relating to increasing the availability of legal services for victims of domestic violence; creating a new section; and providing an expiration date.

Referred to Committee on Judiciary.

HB 1754 by Representatives Huff, Lisk, Alexander, Cairnes, Carrell, Benson, Lambert, Barlean and Mulliken

AN ACT Relating to information provided by former or current employers to a prospective employer; adding a new section to chapter 4.24 RCW; and creating a new section.

Referred to Committee on Judiciary.

HB 1755 by Representatives Buck, Regala, Clements, Doumit and Haigh; by request of Department of Fish and Wildlife

AN ACT Relating to fish and wildlife equipment; and adding a new section to chapter 77.12 RCW.

Referred to Committee on Natural Resources.

HB 1756 by Representatives Thomas and Dunshee

AN ACT Relating to a real estate excise tax exemption for land exchanges with the federal government; adding a new section to chapter 82.45 RCW; and adding a new section to chapter 82.46 RCW.

Referred to Committee on Finance.

HB 1757 by Representatives Miloscia, O'Brien, Koster, Lovick, Haigh, Hurst and Radcliff

AN ACT Relating to DNA identification; amending RCW 43.43.754; adding a new chapter to Title 70 RCW; and creating new sections.

Referred to Committee on Criminal Justice & Corrections.

HB 1758 by Representatives Linville, G. Chandler, Lantz, Ruderman, Rockefeller, Conway, Edmonds, Kenney, Ogden, Wood, Scott and Lovick; by request of Department of Ecology

AN ACT Relating to the commute trip reduction tax credit; amending RCW 82.04.4453 and 82.16.048; amending 1996 c 128 s 7 (uncodified); amending 1996 c 128 s 6 (uncodified); providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1759 by Representatives Constantine, Lambert, Hurst, Barlean, Dickerson, Gombosky, Sullivan, Edmonds and Lantz

AN ACT Relating to mandatory arbitration of civil actions; amending RCW 7.06.050 and 7.06.060; and reenacting and amending RCW 7.06.020.

Referred to Committee on Judiciary.

HB 1760 by Representatives Fisher, Scott, Radcliff, Edwards, Reardon and Hankins

AN ACT Relating to rates charged for public conveyance or transportation of persons eligible under the federal Americans with disabilities act; and amending RCW 49.60.215.

Referred to Committee on Judiciary.

HB 1761 by Representatives Talcott, Carrell, Rockefeller, Wensman, Stensen, Thomas, Fortunato, Mulliken, Haigh, Schoesler, Bush and Esser

AN ACT Relating to increasing the number of hours that a retired teacher or administrator can serve as a substitute teacher or administrator without a reduction in benefits; and amending RCW 41.32.570.

Referred to Committee on Education.

HB 1762 by Representatives Linville and Cody

AN ACT Relating to licensure of audiologists and speech-language pathologists; amending RCW 18.35.010, 18.35.010, 18.35.020, 18.35.020, 18.35.030, 18.35.040, 18.35.040, 18.35.050, 18.35.060, 18.35.060, 18.35.080, 18.35.090, 18.35.090, 18.35.095, 18.35.100, 18.35.100, 18.35.105, 18.35.105, 18.35.110, 18.35.120, 18.35.120, 18.35.140, 18.35.140, 18.35.150, 18.35.161, 18.35.161, 18.35.172, 18.35.172, 18.35.175, 18.35.185, 18.35.185, 18.35.190, 18.35.190, 18.35.195, 18.35.205, 18.35.205, 18.35.230, 18.35.230, 18.35.240, 18.35.240, 18.35.250, 18.35.250, 18.35.260, and 18.35.260; reenacting and amending RCW 18.35.110; providing an effective date; and providing an expiration date.

Referred to Committee on Health Care.

HB 1763 by Representatives Schindler, B. Chandler, McMorris and Thomas

AN ACT Relating to correction of obsolete internal references in the Administrative Procedure Act; and amending RCW 34.05.210, 34.05.328, 34.05.350, and 34.05.660.

Referred to Committee on State Government.

HB 1764 by Representatives Dickerson, McDonald, DeBolt, Kenney, Pflug, Kastama, Talcott, Kagi, Kessler, Eickmeyer, H. Sommers, Skinner, Lovick, Mitchell, Murray, Cairnes, Miloscia, Fortunato, Thomas, Wolfe, Lantz, Edmonds, Haigh and Ogden

AN ACT Relating to substance-affected infants; amending RCW 13.34.030, 13.34.070, 74.09.310, 18.71.950, 18.57.920, and 18.79.903; reenacting and amending RCW 13.34.130; adding new sections to chapter 13.34 RCW; repealing RCW 18.57.930, 18.71.960, 18.79.904, 70.96A.330, and 70.96A.340; and declaring an emergency.

Referred to Committee on Children & Family Services.

HB 1765 by Representatives Murray, Mitchell, Grant, Radcliff, Quall, Ballasiotes, DeBolt, Hankins, Campbell, Skinner, Sullivan, K. Schmidt, Haigh, Van Luven, Hatfield, Mastin, Anderson, Dunn, Carlson, Alexander, Santos, O'Brien, Wood, Kastama, Dickerson, Edwards, Tokuda, Schual-Berke, Ogden, Stensen, Conway, Cooper, Edmonds, Linville, Voloria, Kenney, Lovick, H. Sommers, Lantz, Regala, Rockefeller, McIntire, Gombosky, Constantine, Doumit, Kessler, Chopp, Fisher, Dunshee, Kagi, Ruderman, Cody, G. Chandler, Schoesler, Poulsen, Reardon, Keiser, Fortunato, Scott, Morris, Romero, Hurst, Eickmeyer, Wolfe and Miloscia

AN ACT Relating to protecting public school students; amending RCW 28A.640.020; and creating new sections.

Referred to Committee on Education.

HB 1766 by Representatives Romero, McMorris, D. Schmidt, Dunshee, Miloscia, Conway, Campbell, Lambert and Haigh

AN ACT Relating to bids on public works; and amending RCW 39.30.060.

Referred to Committee on State Government.

HB 1767 by Representatives Romero, Cairnes, Campbell, Miloscia and Sullivan

AN ACT Relating to building codes; amending RCW 19.27.031; and adding a new section to chapter 18.106 RCW.

Referred to Committee on Economic Development, Housing & Trade.

HB 1768 by Representatives Conway, Clements, Hurst, Ogden, Cairnes, Campbell, Sullivan and Carlson

AN ACT Relating to notice requirements of general or specialty contractors; and amending RCW 18.27.114 and 18.27.080.

Referred to Committee on Commerce & Labor.

HB 1769 by Representatives Murray and Romero



AN ACT Relating to repairs to residential rental property; and amending RCW 59.18.070, 59.18.100, and 59.18.115.

Referred to Committee on Economic Development, Housing & Trade.

HB 1770 by Representatives Stensen and Talcott; by request of Board of Education

AN ACT Relating to the recommendations of the state board of education based on its review of its statutory authority; amending RCW 28A.205.010, 28A.205.020, 28A.205.040, 28A.225.160, 28A.300.040, and 28A.305.130; creating a new section; and repealing RCW 28A.410.010.

Referred to Committee on Education.

HB 1771 by Representatives Wolfe, Conway, Dickerson, Romero, Cooper, DeBolt, Grant, Delvin, Veloria, Lantz, Miloscia, Keiser, Rockefeller, Regala, Santos, Cody, Haigh, Kenney, Morris, Wood, Scott and Lovick

AN ACT Relating to state pension policy and funding; amending RCW 41.45.020, 41.45.030, 41.40.650, 41.26.450, 41.45.061, 41.45.061, 44.44.010, 44.44.030, 44.44.040, and 44.44.060; reenacting and amending RCW 41.45.020 and 41.45.060; adding new sections to chapter 43.33A RCW; adding new sections to chapter 41.50 RCW; adding a new section to chapter 43.41 RCW; adding a new section to chapter 44.04 RCW; adding a new section to chapter 43.09 RCW; adding a new chapter to Title 43 RCW; creating a new section; recodifying RCW 44.44.010, 44.44.030, and 44.44.040; repealing RCW 41.45.100, 41.45.110, 41.45.120, 41.52.010, 41.52.020, 41.52.030, 41.52.040, 41.52.050, 41.52.060, and 41.52.070; making an appropriation; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1772 by Representatives DeBolt, Crouse and Morris

AN ACT Relating to rural telecommunications regulatory efficiency; adding new sections to chapter 80.36 RCW; and creating a new section.

Referred to Committee on Technology, Telecommunications & Energy.

HB 1773 by Representatives Wolfe, Lambert, Schoesler, Ogden, Dickerson, Conway, Alexander, Cooper, Tokuda, Veloria, Radcliff, Stensen, D. Schmidt, Romero, Gombosky, Schindler, Keiser, Lantz, Rockefeller, Edmonds, Kenney, Scott and Lovick

AN ACT Relating to visitation rights in nonparental actions for child custody; amending RCW 26.09.240 and 26.10.160; and declaring an emergency.

Referred to Committee on Judiciary.

HB 1774 by Representatives Wolfe, Romero, Tokuda, Stensen, D. Schmidt, Ogden, Gombosky, Keiser, Dickerson and Santos

AN ACT Relating to occupational drivers' licenses; reenacting and amending RCW 46.20.391; and providing an effective date.

Referred to Committee on Transportation.

HB 1775 by Representatives Pennington, Grant, Mielke, Lisk, Boldt, McMorris, Koster, G. Chandler, Linville, Carlson, Schoesler, Cooper, Ogden and Thomas

AN ACT Relating to fee increases for air pollution control authorities; amending RCW 70.94.030, 70.94.151, 70.94.154, 70.94.162, and 70.94.650; and reenacting and amending RCW 70.94.152.

Referred to Committee on Finance.

HB 1776 by Representatives Conway, Dunshee, Thomas, Carrell, Boldt, Wood, Hankins, Clements, Reardon, Hurst, Linville, Schoesler, Veloria, Dickerson, Gombosky, Keiser, McIntire, Grant, Anderson, Hatfield, Wolfe, Huff, Wensman, Mitchell, Esser, Cairnes, Pennington, Fortunato, Ballasiotes and Kenney

AN ACT Relating to low alcohol spirits coolers; amending RCW 66.04.010; reenacting and amending RCW 66.24.290; adding a new section to chapter 66.08 RCW; adding a new section to chapter 19.126 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Commerce & Labor.

#### MOTION

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

#### REPORTS OF STANDING COMMITTEES

February 2, 1999

HB 1011 Prime Sponsor, Representative Scott: Clarifying that electronic communications are included in the crimes of harassment and stalking. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Edmonds; Esser; Kastama; Lantz; McDonald and Schindler.

Voting yea: Representatives Carrell, Constantine, Hurst, Lambert, Cox, Dickerson, Edmonds, Esser, Kastama, Lantz, McDonald and Schindler.

Passed to Rules Committee for Second Reading.

February 2, 1999

HB 1098 Prime Sponsor, Representative Sheahan: Resolving trust and estate disputes. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Edmonds; Esser; Kastama; Lantz; McDonald and Schindler.

Voting yea: Representatives Carrell, Constantine, Hurst, Lambert, Cox, Dickerson, Edmonds, Esser, Kastama, Lantz, McDonald and Schindler.

Passed to Rules Committee for Second Reading.

February 2, 1999

HB 1138 Prime Sponsor, Representative Sheahan: Making technical corrections to the disclaimer statute. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Edmonds; Esser; Kastama; Lantz; McDonald and Schindler.

Voting yea: Representatives Carrell, Constantine, Hurst, Lambert, Cox, Dickerson, Edmonds, Esser, Kastama, Lantz, McDonald, and Schindler.

Passed to Rules Committee for Second Reading.

February 2, 1999

HB 1139 Prime Sponsor, Representative Sheahan: Removing a director of a nonprofit corporation from office. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Edmonds; Esser; Kastama; Lantz; McDonald and Schindler.

Voting yea: Representatives Carrell, Constantine, Hurst, Lambert, Cox, Dickerson, Edmonds, Esser, Kastama, Lantz, McDonald, and Schindler.

Passed to Rules Committee for Second Reading.

February 2, 1999

HB 1142 Prime Sponsor, Representative Constantine: Making technical corrections to various criminal laws. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Edmonds; Esser; Kastama; Lantz; McDonald and Schindler.

Voting yea: Representatives Carrell, Constantine, Hurst, Lambert, Cox, Dickerson, Edmonds, Esser, Kastama, Lantz, McDonald, and Schindler.

Passed to Rules Committee for Second Reading.

February 2, 1999

HB 1159 Prime Sponsor, Representative Hurst: Comporting with Internal Revenue Code language. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Edmonds; Esser; Kastama; Lantz; McDonald and Schindler.

Voting yea: Representatives Carrell, Constantine, Hurst, Lambert, Cox, Dickerson, Edmonds, Esser, Kastama, Lantz, McDonald, and Schindler.

Passed to Rules Committee for Second Reading.

#### MOTION

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House advanced to the eleventh order of business.

#### MOTION

There being no objection, the House adjourned until 10:00 a.m., Friday, February 5, 1999.

TIMOTHY A. MARTIN, Chief Clerk      CLYDE BALLARD, Speaker  
DEAN R. FOSTER, Chief Clerk      FRANK CHOPP, Speaker

TWENTY-FIFTH DAY, FEBRUARY 4, 1999

JOURNAL OF THE HOUSE

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**TWENTY-SIXTH DAY**

**MORNING SESSION**

House Chamber, Olympia, Friday, February 5, 1999

The House was called to order at 10:00 a.m. by Speaker Chopp. The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Heidi Holmquist and Michael Beagle. Prayer was offered by Pastor Anne Gojio, Tenino Community Lutheran Church.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

**MESSAGE FROM THE SENATE**

February 3, 1999

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5061,

and the same is herewith transmitted.

Tony M. Cook, Secretary

**INTRODUCTIONS AND FIRST READING**

HB 1777 by Representatives B. Chandler, Schindler, McMorris, Dunshee, Romero and Lantz

AN ACT Relating to technical assistance documents; and adding a new section to chapter 43.05 RCW.

Referred to Committee on State Government.

HB 1778 by Representatives Regala, Anderson, Buck, Doumit, G. Chandler, Poulsen, Cooper, McMorris, Parlette, Tokuda, McDonald, Mastin, Linville, Stensen, Lantz, Lovick, Ogden,

Veloria, Rockefeller, Kagi, Edwards, Kenney, McIntire, Keiser, Murray, Quall, Fisher, Cody, Romero, Conway, Santos, Haigh, Constantine and Kessler

AN ACT Relating to providing grants for urban and community forestry projects; amending RCW 76.15.005, 76.15.007, and 76.15.020; adding new sections to chapter 76.15 RCW; and making appropriations.

Referred to Committee on Natural Resources.

HB 1779 by Representatives Alexander, Kessler, Mulliken and Doumit

AN ACT Relating to tax incentives in rural counties; and amending RCW 82.14.370.

Referred to Committee on Economic Development, Housing & Trade.

HB 1780 by Representatives Quall, Sullivan and Haigh; by request of Governor Locke

AN ACT Relating to the Washington professional educator standards board; amending RCW 28A.410.020, 28A.410.040, 28A.410.050, 28A.410.060, 28A.410.100, 28A.410.120, and 28A.305.130; reenacting and amending RCW 28A.410.010; adding new sections to chapter 28A.410 RCW; and creating new sections.

Referred to Committee on Education.

HB 1781 by Representatives Gombosky, Schindler, Sullivan, Benson, Hurst, Crouse, McIntire, McMorris and Bush

AN ACT Relating to establishing wagering limits in social card games in cities and towns; and amending RCW 9.46.0282, 9.46.192, and 9.46.295.

Referred to Committee on Commerce & Labor.

HB 1782 by Representatives Cox, Schoesler, Haigh, Thomas and Cairnes; by request of Department of Revenue

AN ACT Relating to leasehold excise tax clarification and administrative simplification; and amending RCW 82.29A.010, 82.29A.020, and 82.29A.130.

Referred to Committee on Finance.

HB 1783 by Representatives Cox, Carrell, Gombosky and Kastama

AN ACT Relating to reimbursement of public entities for payments made because of criminal acts of officers, employees, or contractors; amending RCW 4.92.070, 6.15.020, 41.28.200, and 43.43.310; reenacting and amending RCW 41.26.053, 41.32.052, and 41.40.052; adding new sections to chapter 43.10 RCW; and creating a new section.

Referred to Committee on Judiciary.

HB 1784 by Representatives Kastama, Campbell, Sullivan, Cox, Grant and Conway

AN ACT Relating to disclosure of adoption information; amending RCW 26.33.340 and 26.33.345; and providing an effective date.

Referred to Committee on Children & Family Services.

HB 1785 by Representatives Haigh, Ballasiotes, Lambert, D. Schmidt, Scott, Ogden and Romero

AN ACT Relating to statutory limits on appraiser fees in eminent domain proceedings; and amending RCW 8.25.020.

Referred to Committee on Judiciary.

HB 1786 by Representatives Hatfield and Sullivan

AN ACT Relating to natural area preserves; and adding a new section to chapter 79.70 RCW.

Referred to Committee on Natural Resources.

HB 1787 by Representative Hatfield

AN ACT Relating to sales of property by water-sewer districts; and amending RCW 57.08.015 and 57.08.016.

Referred to Committee on Local Government.

HB 1788 by Representatives Keiser, Kenney, Carlson, Dunn, Edwards, Gombosky, Rockefeller, Stensen, O'Brien, Lovick, Conway, Santos, Haigh, Constantine, Wolfe, Kessler, Regala, Schual-Berke, Kagi, Edmonds and Van Luven

AN ACT Relating to educational credits required for acquisition of a continuing or professional teaching certificate; amending RCW 28B.15.910; and adding a new section to chapter 28B.15 RCW.

Referred to Committee on Higher Education.

HB 1789 by Representatives Ogden, K. Schmidt, Fisher, Radcliff and Skinner

AN ACT Relating to the decriminalization of license fraud violations and establishing a license fraud task force in the Washington state patrol; amending RCW 47.68.240, 47.68.255, 82.48.020, 82.49.010, 82.50.400, 88.02.118, and 82.32.090; reenacting and amending RCW 46.16.010; creating new sections; and prescribing penalties.

Referred to Committee on Transportation.

HB 1790 by Representative Clements

AN ACT Relating to contributions to the Washington public employees' retirement system; and amending RCW 41.40.330.

Referred to Committee on Appropriations.

HB 1791 by Representatives Kenney, Skinner, O'Brien, Keiser, Lovick, Haigh, Regala and Edmonds; by request of State Board for Community and Technical Colleges

AN ACT Relating to the powers and duties of the boards of trustees of community and technical colleges; and amending RCW 28B.50.140.

Referred to Committee on Judiciary.

HB 1792 by Representatives Grant, Mastin, G. Chandler, Clements, Morris, Linville, Schual-Berke, Romero, Hatfield, Esser, Cairnes, McMorris, Mulliken, Schoesler and Kessler

AN ACT Relating to taxation of coin-operated laundry facilities; reenacting and amending RCW 82.04.050; and providing an effective date.

Referred to Committee on Finance.

HB 1793 by Representatives Talcott, Benson, Hatfield, Sullivan and Carrell

AN ACT Relating to financial institutions and other parties that administer nonprobate asset arrangements; amending RCW 11.02.005 and 11.07.010; repealing RCW 11.11.003, 11.11.005, 11.11.007, 11.11.010, 11.11.020, 11.11.030, 11.11.040, 11.11.050, 11.11.060, 11.11.070, 11.11.080, 11.11.090, 11.11.100, 11.11.110, 11.11.900, 11.11.901, 11.11.902, and 11.11.903; providing an effective date; and declaring an emergency.

HB 1794 by Representatives Radcliff, Edmonds and Mitchell

AN ACT Relating to tax incentives to encourage telecommuting; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.16 RCW; and providing an effective date.

Referred to Committee on Finance.

HB 1795 by Representatives Conway, Mitchell, Ruderman, Parlette, Cody and Skinner

AN ACT Relating to nursing home administrators; and amending RCW 18.52.071.

Referred to Committee on Health Care.

HB 1796 by Representatives Huff, Lisk, Carrell, Cairnes, Benson and Sullivan

AN ACT Relating to establishing a certificate of merit procedure in lawsuits; adding a new section to chapter 4.24 RCW; and creating a new section.

Referred to Committee on Judiciary.

HB 1797 by Representatives Huff, Carrell, Sullivan, Alexander, Bush, McMorris, Lisk, Cairnes, DeBolt and Benson

AN ACT Relating to post judgment interest on tort judgments; and amending RCW 4.56.115 and 4.56.110.

Referred to Committee on Judiciary.

HB 1798 by Representatives K. Schmidt, Fisher, Mitchell, Ogden, Mielke, Cooper, Pflug, Hankins, Skinner, Fortunato, Wood, Haigh, Radcliff, Rockefeller, Kessler and Regala



AN ACT Relating to coordination of special needs transportation; amending RCW 47.06B.010, 47.06B.020, 47.06B.030, 47.06B.900, and 47.06B.901; and adding new sections to chapter 47.06B RCW.

Referred to Committee on Transportation.

HB 1799 by Representatives Dunn, O'Brien, Koster and Delvin

AN ACT Relating to higher education financing; amending RCW 43.84.092, 43.84.092, and 28B.15.067; adding a new chapter to Title 28B RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Higher Education.

HB 1800 by Representatives Cody, Pflug, Cooper, Campbell, Conway, O'Brien, Schual-Berke, Parlette, Ruderman, Edwards, Keiser, Boldt, Lovick, Sullivan, Haigh, Kagi, Edmonds and Mitchell

AN ACT Relating to needle stick protections; and adding a new section to chapter 49.17 RCW.

Referred to Committee on Health Care.

HB 1801 by Representative Ericksen

AN ACT Relating to overheight charges on state ferries; and amending RCW 47.60.150.

Referred to Committee on Transportation.

HB 1802 by Representative Ericksen

AN ACT Relating to a pilot program for the recovery of salmon runs listed under the federal endangered species act; creating new sections; and declaring an emergency.

Referred to Committee on Natural Resources.

HB 1803 by Representative Ericksen

AN ACT Relating to making technical revisions to provisions affecting master planned resorts; and amending RCW 36.70A.030, 36.70A.360, and 36.70A.362.

Referred to Committee on Local Government.

HB 1804 by Representatives Ericksen and Linville

AN ACT Relating to business and occupation taxation; adding a new section to chapter 82.04 RCW; and providing an effective date.

Referred to Committee on Finance.

HB 1805 by Representatives Hatfield, Scott, Pennington and Wolfe

AN ACT Relating to municipal officers' interest in contracts; amending RCW 42.23.030, 42.23.040, 42.23.050, and 42.23.060; and creating a new section.

Referred to Committee on Local Government.

HB 1806 by Representative McDonald

AN ACT Relating to operating or having actual physical control of a vessel while under the influence of intoxicating liquor or any drug; amending RCW 88.12.025 and 10.31.100; adding new sections to chapter 88.12 RCW; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Judiciary.

HB 1807 by Representatives McDonald and Sullivan

AN ACT Relating to intermediate drivers' licenses; amending RCW 46.20.031, 46.20.100, 46.20.105, and 46.20.120; adding a new section to chapter 46.20 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Transportation.

HB 1808 by Representatives Schual-Berke, Cody, Quall, Stensen, Linville, Sullivan, O'Brien, Conway, Kenney, Santos, Haigh and Edmonds

AN ACT Relating to school nurses; adding a new section to chapter 28A.210 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Education.

HB 1809 by Representatives Ruderman, Thomas, Dunshee, Esser and K. Schmidt

AN ACT Relating to a tax exemption for certain amounts received by persons in the travel service business; and adding a new section to chapter 82.04 RCW.

Referred to Committee on Finance.

SSB 5061 by Senate Committee on Transportation (originally sponsored by Senators Haugen, Benton, Goings and Gardner; by request of Office of Financial Management)

Making supplemental transportation appropriations.

Referred to Committee on Transportation.

#### MOTION

On motion of Representative Kessler, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

#### **REPORTS OF STANDING COMMITTEES**

February 2, 1999

HB 1054 Prime Sponsor, Representative G. Chandler: Giving direction to the commission on pesticide registration. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Koster, Republican Vice Chair; Anderson; B. Chandler; Delvin; Fortunato; Grant; Reardon; Schoesler; Stensen; Sump and Wood.

Voting yea: Representatives G. Chandler, Linville, Cooper, Koster, Anderson, B. Chandler, Delvin, Fortunato, Grant, Reardon, Schoesler, Stensen, Sump and Wood.

Passed to Rules Committee for Second Reading.

February 3, 1999

HB 1066 Prime Sponsor, Representative Ballasiotes: Providing for a study of county jails. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

Voting yea: Representatives Ballasiotes, O'Brien, Cairnes, Lovick, B. Chandler, Constantine, Kagi and Koster.

Referred to Committee on Appropriations.

February 3, 1999

HB 1085 Prime Sponsor, Representative Dunn: Penalizing possession of stolen checks. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Kagi and Koster.

MINORITY recommendation: Without recommendation. Signed by Representative Constantine.

Voting yea: Representatives Ballasiotes, O'Brien, Cairnes, Lovick, B. Chandler, Kagi and Koster.

Voting nay: Representative Constantine.

Passed to Rules Committee for Second Reading.

February 2, 1999

HB 1097 Prime Sponsor, Representative Cairnes: Allowing a regional transit authority to establish fines for certain civil infractions. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Democratic Co-Chair; Schmidt, Republican Co-Chair; Cooper, Democratic 1st Vice Chair; Edwards, Democratic 2nd Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice

Chair; Buck; DeBolt; Fortunato; Haigh; Hatfield; Hurst; Lovick; McDonald; Mielke; Mitchell; Morris; Murray; Ogden; Pflug; Radcliff; Romero; Schindler; Schual-Berke; Scott; Skinner and Wood.

Voting yea: Representatives Fisher, Schmidt, K, Edwards, Ericksen, Hankins, Buck, DeBolt, Fortunato, Haigh, Hatfield, Lovick, McDonald, Mielke, Morris, Murray, Ogden, Pflug, Romero, Schindler, Schual-Berke, Scott, Skinner and Wood.

Excused: Representatives Cooper, G. Chandler, Hurst, Mitchell and Radcliff.

Passed to Rules Committee for Second Reading.

February 2, 1999

HB 1130 Prime Sponsor, Representative Schoesler: Taxing grain warehouse companies. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass. Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Koster, Republican Vice Chair; Anderson; B. Chandler; Delvin; Fortunato; Grant; Reardon; Schoesler; Stensen; Sump and Wood.

Voting yea: Representatives G. Chandler, Linville, Cooper, Koster, Anderson, B. Chandler, Delvin, Fortunato, Grant, Reardon, Schoesler, Stensen, Sump and Wood.

Referred to Committee on Finance.

February 2, 1999

HB 1151 Prime Sponsor, Representative Linville: Updating or repealing dairy or food laws. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass. Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Koster, Republican Vice Chair; Anderson, B. Chandler, Delvin, Fortunato, Grant, Reardon, Schoesler, Stensen, Sump and Wood.

Voting yea: Representatives G. Chandler, Linville, Cooper, Koster, Anderson, B. Chandler, Delvin, Fortunato, Grant, Reardon, Schoesler, Stensen, Sump and Wood.

Passed to Rules Committee for Second Reading.

February 3, 1999

HB 1177 Prime Sponsor, Representative Ballasiotes: Defining the crime of custodial sexual misconduct. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

Voting yea: Representatives Ballasiotes, O'Brien, Cairnes, Lovick, B. Chandler, Constantine, Kagi and Koster.

Referred to Committee on Appropriations.

February 3, 1999

HB 1178 Prime Sponsor, Representative O'Brien: Prescribing requirements for sex offender examinations and treatment. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

Voting yea: Representatives Ballasiotes, O'Brien, Cairnes, Lovick, B. Chandler, Constantine, Kagi and Koster.

Referred to Committee on Appropriations.

February 2, 1999

HB 1203 Prime Sponsor, Representative Pflug: Authorizing state highway bonds. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Democratic Co-Chair; Schmidt, Republican Co-Chair; Cooper, Democratic 1st Vice Chair; Edwards, Democratic 2nd Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; Buck; DeBolt; Fortunato; Haigh; Hatfield; Hurst; Lovick; McDonald; Mielke; Mitchell; Morris; Murray; Ogden; Pflug; Radcliff; Romero; Schindler; Schual-Berke; Scott; Skinner and Wood.

Voting yea: Representatives Fisher, Schmidt, K, Edwards, Ericksen, Hankins, Buck, DeBolt, Fortunato, Hatfield, Hurst, Lovick, McDonald, Morris, Murray, Ogden, Pflug, Radcliff, Romero, Schindler, Schual-Berke, Scott, Skinner and Wood.

Excused: Representatives Cooper, G. Chandler, Haigh, Mielke and Mitchell.

Passed to Rules Committee for Second Reading.

February 2, 1999

HB 1325 Prime Sponsor, Representative Mielke: Phasing in lightweight tire studs. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Democratic Co-Chair; Schmidt, Republican Co-Chair; Cooper, Democratic 1st Vice Chair; Edwards, Democratic 2nd Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; Buck; Fortunato; Haigh; Hurst; Lovick; McDonald; Mielke; Mitchell; Morris; Murray; Ogden; Pflug; Radcliff; Romero; Schual-Berke; Scott; Skinner and Wood.

MINORITY recommendation: Without recommendation. Signed by Representatives DeBolt; Hatfield and Schindler.

Voting yea: Representatives Fisher, Schmidt, K, Cooper, Edwards, Ericksen, Hankins, Buck, Fortunato, Haigh, Hurst, Lovick, McDonald, Mielke, Mitchell, Morris, Murray, Ogden, Pflug, Radcliff, Romero, Schual-Berke, Scott, Skinner and Wood.

Voting nay: Representatives DeBolt, Hatfield and Schindler.

Excused: Representatives G. Chandler

Passed to Rules Committee for Second Reading.

MOTION

On motion of Representative Kessler, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House advanced to the eleventh order of business.

MOTION

On motion of Representative Kessler, the House adjourned until 10:00 a.m., Monday, February 8, 1999.

TIMOTHY A. MARTIN, Chief Clerk      CLYDE BALLARD, Speaker  
DEAN R. FOSTER, Chief Clerk      FRANK CHOPP, Speaker

TWENTY-SIXTH DAY, FEBRUARY 5, 1999

JOURNAL OF THE HOUSE

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## **TWENTY-NINTH DAY**

### **MORNING SESSION**

House Chamber, Olympia, Monday, February 8, 1999

The House was called to order at 10:00 a.m. by Speaker Ballard. The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Shea Ahna and Grant Lahmann. Speaker Ballard lead the chamber in the Pledge of Allegiance. Prayer was offered by Reverend Jean Kim, Womens Ministries Program Area of the Presbyterian Church, USA.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

### **RESOLUTION**

HOUSE RESOLUTION NO. 99-4614, by Representatives Anderson, Barlean, Thomas and Dunn

WHEREAS, The Can-Do-Kids is a fifteen-member singing and dancing troupe from South Whidbey Island; and

WHEREAS, This wonderfully talented performing group of youngsters between seven and thirteen years of age is attracting audiences everywhere with dynamic songs about staying safe and giving one's personal best; and

WHEREAS, The Can-Do-Kids help children learn about the importance of positive attributes that work together to build character and bolster a child's self-esteem; and

WHEREAS, Group members are widely known for being positive role models for their peers and for their can-do attitude; and

WHEREAS, The Can-Do-Kids are the recipients of the KOMO Television Hometown Hero Award, which recognizes their efforts to make their community a safer place to live and their positive effect on fighting crime;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize the significant contributions made by the Can-Do-Kids to their community, and to the citizens of Washington State; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to news media outlets on Whidbey Island, and to the members of the Can-Do-Kids.

Representative Anderson moved adoption of the resolution.

Representatives Anderson and Barlean spoke in favor of the adoption of the resolution.

House Resolution No. 99-4614 was adopted.



## INTRODUCTIONS AND FIRST READING

HB 1793 by Representatives Talcott, Benson, Hatfield, Sullivan and Carrell

AN ACT Relating to financial institutions and other parties that administer nonprobate asset arrangements; amending RCW 11.02.005 and 11.07.010; repealing RCW 11.11.003, 11.11.005, 11.11.007, 11.11.010, 11.11.020, 11.11.030, 11.11.040, 11.11.050, 11.11.060, 11.11.070, 11.11.080, 11.11.090, 11.11.100, 11.11.110, 11.11.900, 11.11.901, 11.11.902, and 11.11.903; providing an effective date; and declaring an emergency.

Referred to Committee on Judiciary.

HB 1810 by Representatives Boldt and Tokuda; by request of Department of Social and Health Services

AN ACT Relating to technical amendments concerning the child abuse protection and treatment act; amending RCW 74.13.500; and declaring an emergency.

Referred to Committee on Children & Family Services.

HB 1811 by Representatives Tokuda, Boldt, D. Sommers, Kenney and Ogden; by request of Department of Social and Health Services

AN ACT Relating to supported employment; amending RCW 41.04.750 and 41.04.760; and amending 1997 c 287 s 1 (uncodified).

Referred to Committee on Children & Family Services.

HB 1812 by Representatives Tokuda and Boldt; by request of Department of Social and Health Services

AN ACT Relating to temporary assistance for needy families; amending RCW 74.12.010 and 74.12.035; and repealing RCW 74.12.036.

Referred to Committee on Children & Family Services.

HB 1813 by Representatives Reardon, Linville, Stensen, Koster, Anderson, Wood, Cooper and Grant

AN ACT Relating to applications for water rights; and adding a new section to chapter 90.03 RCW.

Referred to Committee on Agriculture & Ecology.

HB 1814 by Representatives Radcliff, Thomas and Talcott

AN ACT Relating to contracts for alternative educational service providers; and amending RCW 28A.150.305.

Referred to Committee on Education.

HB 1815 by Representatives Clements, Talcott and Huff

AN ACT Relating to programs for highly capable students; amending RCW 28A.185.020 and 28A.185.030; and creating a new section.

Referred to Committee on Education.

HB 1816 by Representatives Bush, Cairnes, Lantz, Constantine, Schoesler, McIntire, McDonald, Clements, Sullivan, Mielke, Kastama, Koster, Regala, Skinner, Dunshee, Schindler, Doumit, Carrell, Edmonds and Kenney

AN ACT Relating to property disputes involving pawnbrokers or second-hand dealers; amending RCW 19.60.045; adding a new section to chapter 19.60 RCW; and creating a new section.

Referred to Committee on Financial Institutions & Insurance.

HB 1817 by Representatives Grant and Clements

AN ACT Relating to horticultural pest and disease boards; adding new sections to chapter 15.09 RCW; creating a new section; and repealing RCW 15.09.130.

Referred to Committee on Agriculture & Ecology.

HB 1818 by Representatives Clements, Quall, Talcott, Carlson, Keiser and Carrell

AN ACT Relating to school attendance; amending RCW 28A.225.010 and 28A.225.035; adding a new section to chapter 28A.300 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Education.

HB 1819 by Representatives Anderson, Barlean, Thomas and O'Brien

AN ACT Relating to procedures for changing the names of school districts; adding a new section to chapter 28A.320 RCW; and repealing RCW 28A.315.690, 28A.315.700, 28A.315.710, and 28A.315.720.

Referred to Committee on Education.

HB 1820 by Representatives Anderson, Barlean, O'Brien, Lovick and Poulsen

AN ACT Relating to vehicles boarding ferries; adding a new section to chapter 46.61 RCW; and adding a new section to chapter 47.60 RCW.

Referred to Committee on Transportation.

HB 1821 by Representatives G. Chandler, Linville, Schoesler, Quall, Thomas, Boldt and Dunn

AN ACT Relating to a tax credit for water conservation for purveyors of water; and amending RCW 82.16.055.

Referred to Committee on Agriculture & Ecology.

HB 1822 by Representatives Cairnes, Dunshee, Thomas, DeBolt, Wolfe, Quall, Ogden, Delvin, Mielke, Koster and Dunn

AN ACT Relating to sales and use tax exemptions for uncooked pizza; and amending RCW 82.08.0293 and 82.12.0293.

Referred to Committee on Finance.

HB 1823 by Representatives Buck, Doumit, Sump, Cairnes, Schoesler, Benson, Clements, Mastin, Hankins, Skinner, Mitchell, Koster, Hatfield, Mulliken, Lisk, K. Schmidt, G. Chandler, Eickmeyer, Huff, Boldt and D. Sommers

AN ACT Relating to the responsibilities of the department of fish and wildlife in relation to native American fishing rights; adding new sections to chapter 77.12 RCW; and creating a new section.

Referred to Committee on Natural Resources.

HB 1824 by Representatives Haigh and Cox

AN ACT Relating to tuition waivers for county employees; and amending RCW 28B.15.558.

Referred to Committee on Higher Education.

HB 1825 by Representatives McIntire, Conway, Dunshee, Reardon, Tokuda, Keiser, Gombosky, Hurst, Wood, Kenney and Ogden

AN ACT Relating to earned income training credits; adding new sections to chapter 50.12 RCW; adding a new section to chapter 82.04 RCW; and providing an expiration date.

Referred to Committee on Commerce & Labor.

HB 1826 by Representatives Grant, Linville, Mastin and G. Chandler

AN ACT Relating to water masters; and amending RCW 90.03.060.

Referred to Committee on Agriculture & Ecology.

HB 1827 by Representatives D. Schmidt, Romero and McMorris

AN ACT Relating to public printing; and amending RCW 43.78.130 and 43.78.140.

Referred to Committee on State Government.

HB 1828 by Representatives H. Sommers, Thomas, Ogden, Carlson, Quall, Lantz, Keiser, Veloria, Murray, Stensen, Schual-Berke, Rockefeller, Edwards, Lovick, McIntire, Gombosky, Doumit, Dunshee, O'Brien, Poulsen, Cody, Wolfe, Kenney, Santos, Edmonds, Linville, Wood, Haigh, Regala, Conway, Dickerson, Tokuda, Kessler and Hurst

AN ACT Relating to providing state assistance for school district plant facilities; amending RCW 43.135.045; making an appropriation; and providing for submission of this act to a vote of the people.

HB 1829 by Representatives Thomas, Lantz, Carlson, Keiser, Cairnes, H. Sommers, Fortunato, Ogden, Dunshee, Quall, O'Brien, Cody, Pflug, Kenney, Dunn, Santos, Lovick, Edmonds, Wood, Haigh, Rockefeller, Conway, Stensen, Dickerson, Kessler and Esser

AN ACT Relating to financing school plant facilities; amending RCW 28A.530.010; adding a new section to chapter 28A.525 RCW; and creating a new section.

Referred to Committee on Capital Budget.

HB 1830 by Representatives Thomas, H. Sommers, Carlson, Dunshee, Lantz, O'Brien, Cody, Dunn, Kenney, Santos, Schual-Berke, Lovick, Sump, Wood, Haigh, Ogden, Rockefeller, Conway, Dickerson and Kessler

AN ACT Relating to temporary property tax levies by school districts for the construction, purchase, rent, or lease of school facilities; amending RCW 84.52.010 and 84.52.043; adding a new section to chapter 84.52 RCW; adding a new section to chapter 28A.525 RCW; and adding a new section to chapter 84.55 RCW.

Referred to Committee on Education.

HB 1831 by Representatives Ogden, Thomas, Lantz, Carlson, H. Sommers, Keiser, Dunshee, Lambert, Quall, O'Brien, Cody, Kenney, Dunn, Santos, Schual-Berke, Lovick, Edmonds, Wood, Haigh, Rockefeller, Conway, Stensen, Dickerson, Kessler, Hurst and Esser

AN ACT Relating to improving the effectiveness of common school construction; adding a new section to chapter 28A.525 RCW; and creating a new section.

Referred to Committee on Education.

HB 1832 by Representatives Ogden, Thomas, Lantz, Cairnes, Keiser, Carlson, Talcott, H. Sommers, Lambert, Dunshee, Quall, O'Brien, Cody, Dunn, Santos, Schual-Berke, Lovick, Edmonds, Wood, Haigh, Rockefeller, Conway, Stensen, Dickerson, Tokuda, Kessler, Hurst and Esser

AN ACT Relating to school district indebtedness; amending RCW 28A.530.080; and creating a new section.

Referred to Committee on Capital Budget.

HB 1833 by Representatives Thomas, Lantz, Carlson, Keiser, Cairnes, H. Sommers, Talcott, Ogden, Quall, Dunshee, O'Brien, Murray, Cody, Pflug, Dunn, Santos, Schual-Berke, Lovick, Edmonds, Wood, Haigh, Rockefeller, Conway, Stensen, Dickerson, Kessler and Esser

AN ACT Relating to alternate financing for schools; amending RCW 28A.335.170 and 84.52.053; and creating a new section.

Referred to Committee on Capital Budget.

HB 1834 by Representatives McDonald and Constantine

AN ACT Relating to providing consistency in definitions regarding businesses furnishing lodging; and amending RCW 19.48.010.

Referred to Committee on Commerce & Labor.

HB 1835 by Representatives Schual-Berke, Skinner, Cody, Parlette, Kenney, Santos and Regala

AN ACT Relating to the confidentiality of information relating to sexually transmitted diseases and HIV; amending RCW 70.24.080, 70.24.084, 70.05.070, and 70.05.120; adding a new section to chapter 70.24 RCW; and prescribing penalties.

Referred to Committee on Health Care.

HB 1836 by Representatives Hatfield, Kastama, O'Brien, Bush, Rockefeller, Campbell, Mielke and Eickmeyer

AN ACT Relating to requirements for graduation from high school; and adding a new section to chapter 28A.230 RCW.

Referred to Committee on Education.

HB 1837 by Representatives Ruderman, Parlette, Cody, Carlson, Kenney, Conway, Skinner, Clements, Thomas and Edmonds

AN ACT Relating to the long-term care ombudsman program; amending RCW 43.190.060; adding new sections to chapter 43.190 RCW; making appropriations; and declaring an emergency.

Referred to Committee on Health Care.

HB 1838 by Representatives Schual-Berke, Mulliken and Ogden

AN ACT Relating to the impaired dentist program; amending RCW 18.32.534; and adding a new section to chapter 18.32 RCW.

Referred to Committee on Health Care.

HB 1839 by Representatives Linville, G. Chandler, Ruderman, Ericksen, Regala, Anderson, Stensen, Cooper, Delvin and Tokuda

AN ACT Relating to water rights for instream uses of water; and amending RCW 90.03.345, 90.14.140, 90.38.020, and 90.42.080.

Referred to Committee on Agriculture & Ecology.

HB 1840 by Representatives Miloscia, McIntire and Rockefeller; by request of Secretary of State

AN ACT Relating to the state voters' pamphlet; adding new sections to chapter 29.81 RCW; and repealing RCW 29.80.010, 29.80.020, 29.80.030, 29.80.040, 29.80.050, 29.80.060, 29.80.070, 29.80.080, 29.80.090, 29.81.010, 29.81.011, 29.81.012, 29.81.014, 29.81.020, 29.81.030, 29.81.040, 29.81.042, 29.81.043, 29.81.050, 29.81.052, 29.81.053, 29.81.060, 29.81.070, 29.81.080, 29.81.090, 29.81.100, 29.81.110, 29.81.120, 29.81.130, 29.81.140, 29.81.150, 29.81.160, and 29.81.180.

Referred to Committee on State Government.

HB 1841 by Representatives Romero, McIntire, Kagi, Keiser, Schual-Berke and Rockefeller; by request of Secretary of State

AN ACT Relating to the voters' pamphlet; and adding a new section to chapter 29.81 RCW.

Referred to Committee on State Government.

HB 1842 by Representatives Lambert, Kagi, Edmonds and Tokuda

AN ACT Relating to residential educational programs for at-risk youth who have been released from detention facilities; amending RCW 13.04.145; and creating a new section.

Referred to Committee on Children & Family Services.

HB 1843 by Representatives Lambert, Hurst, Koster, Mielke, Boldt, Dunn and Carrell

AN ACT Relating to enhancing penalties for lying before a court; amending RCW 9A.72.020; adding a new section to chapter 9.72 RCW; creating new sections; prescribing penalties; and providing an expiration date.

Referred to Committee on Judiciary.

HB 1844 by Representatives Schindler, O'Brien, Cairnes, Gombosky, Crouse, Wood, B. Chandler, Cox, Benson, Sump, Hurst, McMorris, Lovick and D. Sommers

AN ACT Relating to a study of released prisoners; creating new sections; and making an appropriation.

Referred to Committee on Criminal Justice & Corrections.

HB 1845 by Representatives B. Chandler, Clements, McMorris, Lisk, Conway and Wood

AN ACT Relating to the maximum expenditure allowed for vocational rehabilitation benefits under industrial insurance; reenacting and amending RCW 51.32.095; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 1846 by Representatives Boldt, McIntire, Cody, Campbell, Veloria and Quall

AN ACT Relating to payment for denturist services; and amending RCW 48.44.026.

Referred to Committee on Health Care.

HB 1847 by Representatives Conway, Quall, Boldt, Veloria, Dunn, Edmonds, Ogden and Tokuda

AN ACT Relating to access to chiropractic health care services; and adding a new section to chapter 48.42 RCW.

Referred to Committee on Health Care.

HB 1848 by Representatives Grant, Mastin and Dunn

AN ACT Relating to clarifying the authority of port districts to exercise powers within and outside their territorial limits; amending RCW 53.04.010 and 53.08.240; and creating a new section.

Referred to Committee on Local Government.

HB 1849 by Representatives Kagi, Carrell, Tokuda, Boldt, Lovick, Barlean, McIntire, Edwards, Kenney and Schual-Berke

AN ACT Relating to imposing an exceptional sentence; and amending RCW 9.94A.390.

Referred to Committee on Criminal Justice & Corrections.

HB 1850 by Representatives Ruderman, DeBolt, Poulsen, Bush, Kastama, Kessler, Doumit, Dunshee, Constantine, Delvin and Lambert

AN ACT Relating to telecommunications competition; amending RCW 80.01.060, 80.36.300, 80.36.135, and 80.36.330; adding new sections to chapter 80.36 RCW; creating a new section; prescribing penalties; and declaring an emergency.

Referred to Committee on Technology, Telecommunications & Energy.

HB 1851 by Representatives Conway, Cooper, Sullivan, O'Brien and Keiser

AN ACT Relating to crime prevention employee training in businesses operating during evening hours; amending RCW 49.22.010 and 49.22.020; adding a new section to chapter 49.22 RCW; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 1852 by Representatives Boldt, Dunn, B. Chandler, Lisk and Mielke

AN ACT Relating to the Columbia River Gorge commission; adding a new section to chapter 43.97 RCW; creating new sections; repealing RCW 43.97.015; and providing a contingent effective date.

Referred to Committee on State Government.

HB 1853 by Representatives Clements, Regala and Eickmeyer

AN ACT Relating to the authority of the department of fish and wildlife to regulate Native American hunting on open and unclaimed lands; adding new sections to chapter 77.16 RCW; and declaring an emergency.

Referred to Committee on Natural Resources.

HB 1854 by Representatives Lantz, Radcliff, Kenney and Carlson

AN ACT Relating to higher education accountability; amending 1998 c 346 s 601 (uncodified); adding new sections to chapter 28B.80 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Higher Education.

HB 1855 by Representatives Cody, Clements, Conway, O'Brien, Murray, Cairnes, Keiser, Lantz, Wolfe, Kenney, Hatfield, Santos, Wood, Ogden, Rockefeller, Regala, McIntire, Stensen, Dickerson, Kessler and Gombosky

AN ACT Relating to breastfeeding; amending RCW 9A.88.010, 49.60.040, and 49.60.215; adding a new section to chapter 49.60 RCW; and adding a new section to chapter 49.12 RCW.

Referred to Committee on Commerce & Labor.

HB 1856 by Representatives Hankins, K. Schmidt, Cox, Mitchell, Ericksen, Huff, DeBolt, Skinner, Alexander, McDonald, Pflug, Koster, Mielke, Mulliken, Fortunato, Radcliff, Schoesler, Esser, Bush, Delvin, Dunshee, Talcott, Buck, Dunn, Carlson, Carrell, Kessler and Campbell

AN ACT Relating to phasing in the use of state lottery proceeds for common school construction; and amending RCW 67.70.040 and 67.70.240.

Referred to Committee on Appropriations.

#### MOTION

On motion of Representative Lisk, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

#### REPORTS OF STANDING COMMITTEES

February 5, 1999

HB 1019 Prime Sponsor, Representative Carlson: Changing provisions relating to foreign degree-granting institutions' branch campuses. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Carlson, Republican Co-Chair; Kenney, Democratic Co-Chair; Lantz, Democratic Vice Chair; Radcliff, Republican Vice Chair; Dunn; Edmonds and Esser.

Voting yea: Representatives Carlson, Kenney, Lantz, Radcliff, Dunn, Edmonds and Esser.  
Excused: Representative(s) Gombosky.

Passed to Rules Committee for Second Reading.

February 4, 1999

HB 1051 Prime Sponsor, Representative Conway: Recovering industrial insurance benefits payments. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Hurst; Lisk; McIntire and McMorris.

Voting yea: Representatives Clements, Conway, Chandler, Wood, Hurst, Lisk, McIntire and McMorris.

Passed to Rules Committee for Second Reading.

February 4, 1999

HB 1106 Prime Sponsor, Representative Van Luven: Prescribing disclosures required for prize promotions. Reported by Committee on Commerce & Labor



MAJORITY recommendation: Do pass. Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Lisk and McMorris.

MINORITY recommendation: Do not pass. Signed by Representatives Hurst and McIntire.

Voting yea: Representatives Clements, Conway, B. Chandler, Wood, Lisk and McMorris.  
Voting nay: Representatives Hurst and McIntire.

Passed to Rules Committee for Second Reading.

February 3, 1999

HB 1123 Prime Sponsor, Representative O'Brien: Addressing certification of peace officers.  
Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

Voting yea: Representatives Ballasiotes, O'Brien, Cairnes, Lovick, B. Chandler, Constantine, Kagi and Koster.

Referred to Committee on Appropriations.

February 4, 1999

HB 1150 Prime Sponsor, Representative G. Chandler: Certifying planting stock. Reported by  
Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass. Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Koster, Republican Vice Chair; Anderson, B. Chandler, Delvin, Fortunato, Grant, Reardon, Schoesler, Stensen, Sump and Wood.

Voting yea: Representatives G. Chandler, Linville, Cooper, Anderson, B. Chandler, Delvin, Grant, Reardon, Stensen and Sump.  
Absent: Representatives Koster, Fortunato, Schoesler and Wood.

Passed to Rules Committee for Second Reading.

February 4, 1999

HB 1152 Prime Sponsor, Representative McMorris: Regulating private applicator licenses. Reported  
by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass. Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Koster, Republican Vice Chair; Anderson; B. Chandler; Delvin; Fortunato; Grant; Reardon; Schoesler; Stensen; Sump and Wood.

Voting yea: Representatives G. Chandler, Linville, Cooper, Koster, Anderson, B. Chandler, Delvin, Grant, Reardon, Schoesler, Stensen and Sump.  
Absent: Representatives Fortunato and Wood.

Passed to Rules Committee for Second Reading.

February 4, 1999

HB 1164 Prime Sponsor, Representative G. Chandler: Changing the definition of public water system. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass. Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Koster, Republican Vice Chair; Anderson; B. Chandler; Delvin; Fortunato; Grant; Reardon; Schoesler; Stensen; Sump and Wood.

Voting yea: Representatives G. Chandler, Linville, Cooper, Koster, Anderson, B. Chandler, Delvin, Fortunato, Grant, Reardon, Schoesler, Stensen, Sump and Wood.

Passed to Rules Committee for Second Reading.

February 2, 1999

HB 1294 Prime Sponsor, Representative Fisher: Technically editing chapter 46.20 RCW. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fisher, Democratic Co-Chair; K. Schmidt, Republican Co-Chair; Cooper, Democratic 1<sup>st</sup> Vice Chair; Edwards, Democratic 2<sup>nd</sup> Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; Buck; DeBolt; Fortunato; Haigh; Hatfield; Hurst; Lovick; McDonald; Mielke; Mitchell; Morris; Murray; Ogden; Pflug; Radcliff; Romero; Schindler; Schual-Berke; Scott; Skinner and Wood.

Voting yea: Representatives Fisher, Schmidt, K, Edwards, Ericksen, Hankins, Buck, DeBolt, Fortunato, Haigh, Hatfield, Hurst, Lovick, McDonald, Mielke, Morris, Murray, Ogden, Pflug, Radcliff, Romero, Schindler, Scott, Skinner and Wood.

Excused: Representatives Cooper, G. Chandler, Mitchell and Schual-Berke.

Passed to Rules Committee for Second Reading.

#### MOTION

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House advanced to the eleventh order of business.

#### POINT OF PERSONAL PRIVILEGE

Representative D. Sommers thanked the members for their well wishes during his recent illness and assured them he was ready to do business.

#### MOTION

On motion of Representative Lisk, the House adjourned until 9:55 a.m., Tuesday, February 9, 1999.

TIMOTHY A. MARTIN, Chief Clerk      CLYDE BALLARD, Speaker  
DEAN R. FOSTER, Chief Clerk      FRANK CHOPP, Speaker



TWENTY-NINTH DAY, FEBRUARY 8, 1999

JOURNAL OF THE HOUSE

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

**THIRTIETH DAY**

**MORNING SESSION**

House Chamber, Olympia, Tuesday, February 9, 1999

The House was called to order at 9:55 a.m. by Speaker Chopp. The Clerk called the roll and a quorum was present.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

**INTRODUCTIONS AND FIRST READING**

HB 1828 by Representatives H. Sommers, Thomas, Ogden, Carlson, Quall, Lantz, Keiser, Veloria, Murray, Stensen, Schual-Berke, Rockefeller, Edwards, Lovick, McIntire, Gombosky, Doumit, Dunshee, O'Brien, Poulsen, Cody, Wolfe, Kenney, Santos, Edmonds, Linville, Wood, haigh, Regala, Conway, Dickerson, Tokuda, Kessler, Hurst and Miloscia

AN ACT Relating to lowering the emergency reserve fund balance to provide additional education construction funds.

Held on first reading from February 8, 1999.

HB 1857 by Representatives Conway, Delvin, Cooper, O'Brien, Santos, Cairnes, Veloria, Romero, Regala, Schoesler, Miloscia, Hurst, Keiser, Kenney, Campbell, Edmonds and Thomas

AN ACT Relating to admitting law enforcement officers of the department of fish and wildlife into the law enforcement officers' and fire fighters' retirement system; reenacting and amending RCW 41.26.030; and creating a new section.

Referred to Committee on Appropriations.

HB 1858 by Representatives Carrell, Thomas, Mastin, Cairnes, Huff, Dunn, Esser, Boldt, McDonald, Bush, Schindler, Cox, Ericksen, Benson, Fortunato, Lisk, Talcott, Sump, D. Schmidt, Delvin, DeBolt, Mitchell, Campbell, Crouse, Koster, Schoesler and D. Sommers

AN ACT Relating to restricting property tax levies based on a finding of substantial need; and amending RCW 84.55.010.

Referred to Committee on Finance.

HB 1859 by Representatives Constantine, Koster, Hatfield, Cairnes, Dickerson, Quall, Lantz, Veloria and Dunn

AN ACT Relating to first-time offender status under the sentencing reform act; and amending RCW 9.94A.030.

Referred to Committee on Criminal Justice & Corrections.

HB 1860 by Representatives Koster, Constantine, Cairnes, Hurst, Hatfield, Lovick, Barlean, Dickerson, Lantz, Quall, Veloria, Wood, Kagi and Thomas

AN ACT Relating to removing robbery 2 from the "three strikes" list; amending RCW 9.94A.030; and creating a new section.

Referred to Committee on Criminal Justice & Corrections.

HB 1861 by Representatives Thomas, Quall, Talcott, Dunshee, Lisk, O'Brien, Alexander, Linville, Cairnes, Delvin, Crouse, Bush, D. Schmidt, Anderson, Van Luven, Cody, Mastin, Mitchell, Fortunato, Veloria, Buck, Radcliff, Carlson, Huff, McDonald, Wensman, Campbell, Morris, Benson, Esser, Lantz, Boldt, Schindler, Miloscia, Murray, Rockefeller and D. Sommers

AN ACT Relating to charter schools; amending RCW 28A.150.010; adding a new section to chapter 41.32 RCW; adding a new section to chapter 41.40 RCW; adding a new section to chapter 41.56 RCW; adding a new section to chapter 41.59 RCW; adding a new chapter to Title 28A RCW; and creating new sections.

Referred to Committee on Education.

HB 1862 by Representatives Conway, Cody, Campbell, Ruderman, Alexander and Skinner

AN ACT Relating to the surrender of a health care professional's license; and amending RCW 18.130.160.

Referred to Committee on Health Care.

HB 1863 by Representatives Skinner, Cody, Lovick and Campbell

AN ACT Relating to compensation for members of part-time health commissions; and adding a new section to chapter 43.03 RCW.

Referred to Committee on Health Care.

HB 1864 by Representatives Cody, Boldt, Campbell, Wood and Koster

AN ACT Relating to the registration of surgical technologists; amending RCW 18.130.040; and adding a new chapter to Title 18 RCW.

Referred to Committee on Health Care.

HB 1865 by Representatives O'Brien, Delvin, Santos, Rockefeller, Hurst, Cooper, Quall and Campbell

AN ACT Relating to defining service for plan 1 members of the law enforcement officers' and fire fighters' retirement system; and reenacting and amending RCW 41.26.030.

Referred to Committee on Appropriations.

HB 1866 by Representatives McMorris, Tokuda, Boldt, Sump, D. Sommers and Campbell

AN ACT Relating to shelter care; and amending RCW 13.34.060.

Referred to Committee on Children & Family Services.

HB 1867 by Representatives Bush, Benson and Grant

AN ACT Relating to insurer self audits; and amending RCW 7.88.005, 7.88.010, 7.88.020, and 7.88.030.

Referred to Committee on Judiciary.

HB 1868 by Representatives Kagi, Carrell, Lambert, Tokuda, Boldt, Lovick, Barlean, McIntire, O'Brien, Edwards, Edmonds, Rockefeller, Kessler, Wolfe, Murray, Santos, Conway, Keiser, Ogden, Kenney, Wood, Hurst and Stensen

AN ACT Relating to residential placement and transitional living services for youth; amending RCW 74.15.020; reenacting and amending RCW 13.34.130 and 13.34.145; adding new sections to chapter 74.13 RCW; adding a new section to chapter 13.60 RCW; adding new sections to chapter 28B.80 RCW; and creating new sections.

Referred to Committee on Children & Family Services.

HB 1869 by Representatives Carrell and Constantine; by request of Environmental Hearings Office

AN ACT Relating to administrative appeals judges in the environmental hearings office; and amending RCW 43.21B.005.

Referred to Committee on Judiciary.

HB 1870 by Representatives Keiser, Clements, Quall, Radcliff, Santos, Conway, Stensen, Cox, Haigh, Sump, Rockefeller, Poulsen, Schual-Berke, Kessler, Murray, Ogden, Kenney and Lovick

AN ACT Relating to helping students understand the importance of work and future career and educational opportunities; and adding new sections to chapter 28A.300 RCW.

Referred to Committee on Education.

HB 1871 by Representatives Linville, Ericksen, Regala, Reardon, Buck, Cooper, Clements and G. Chandler

AN ACT Relating to salmon stamps; adding new sections to chapter 77.12 RCW; and creating a new section.

Referred to Committee on Natural Resources.

HB 1872 by Representatives Hurst, Lambert, Lovick, O'Brien and Carrell

AN ACT Relating to granting state-wide warrant jurisdiction to courts of limited jurisdiction; and amending RCW 3.66.010, 3.66.060, 3.66.070, 3.46.030, 3.50.020, and 35.20.030.

Referred to Committee on Judiciary.

HB 1873 by Representatives Mitchell and Constantine

AN ACT Relating to guardianship fees and costs; and amending RCW 11.92.180.

Referred to Committee on Judiciary.

HB 1874 by Representatives Grant, G. Chandler, Veloria, Reardon, Cairnes, Delvin, Carrell, Regala, Santos, Linville, Kessler, Lisk, Schoesler, Mastin, Wolfe, Dunn, Edmonds and Mulliken

AN ACT Relating to exempting unassisted self-service motor vehicle wash, wax, and vacuum services rendered through coin-operated devices from sales and use taxes; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Finance.

HB 1875 by Representatives D. Schmidt, Miloscia and Romero; by request of Military Department

AN ACT Relating to providing for the adjutant general to establish rules concerning the accuracy of location information derived from enhanced 911 telephone systems; amending RCW 43.43.934; adding a new section to chapter 38.52 RCW; and creating a new section.

Referred to Committee on State Government.

HB 1876 by Representatives Schoesler, Grant and Cox

AN ACT Relating to limiting the authority of counties with small populations for certain aspects of mining; amending RCW 78.44.085; and adding a new section to chapter 36.01 RCW.

Referred to Committee on Natural Resources.

HB 1877 by Representatives Clements, Conway, Radcliff, Scott, Mitchell, Wood and Ericksen

AN ACT Relating to electronic bingo; amending RCW 9.46.0205; and adding a new section to chapter 9.46 RCW.

Referred to Committee on Commerce & Labor.

HB 1878 by Representatives Lantz, Edmonds, Lambert and Mitchell

AN ACT Relating to relocation under parenting plans; and adding new sections to chapter 26.09 RCW.

Referred to Committee on Judiciary.

HB 1879 by Representatives McIntire, Dunshee, Kenney, Hurst, Rockefeller, Reardon, Benson and D. Schmidt

AN ACT Relating to tax incidence information and reporting; amending RCW 43.88A.010, 43.88A.030, 43.88A.040, and 43.88A.900; adding a new section to chapter 43.88A RCW; and adding a new section to chapter 82.01 RCW.

Referred to Committee on Finance.

HB 1880 by Representatives Cody, Schual-Berke, Kenney and Edmonds

AN ACT Relating to providing for self-directed care of persons with disabilities; amending RCW 43.190.060; adding new sections to chapter 70.126 RCW; and creating a new section.

Referred to Committee on Health Care.

HB 1881 by Representatives Lambert, Edwards, Carrell, Koster, Sump, Campbell, Dunn and Thomas

AN ACT Relating to protecting privacy by restricting the use of social security account numbers; amending RCW 26.23.150; adding a new section to chapter 19.182 RCW; adding a new chapter to Title 19 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Judiciary.

HB 1882 by Representatives Lambert, Edwards and Carrell

AN ACT Relating to assaults upon persons performing public service; amending RCW 9A.36.031; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 1883 by Representatives Lambert and Ogden

AN ACT Relating to health benefits provided through the health care authority; and amending RCW 41.05.065 and 41.05.140.

Referred to Committee on Health Care.

HB 1884 by Representatives Lambert, Ogden, Cairnes and Campbell

AN ACT Relating to public inspection of books of account maintained by candidates or authorized committees; and amending RCW 42.17.080.

Referred to Committee on State Government.

HB 1885 by Representatives Carrell, Ericksen, Sullivan, Koster and Dunn

AN ACT Relating to abatement and removal of vehicles from private property; amending RCW 46.55.240; adding a new section to chapter 35.21 RCW; and creating a new section.

Referred to Committee on Local Government.

HB 1886 by Representatives Delvin and Koster



AN ACT Relating to energy-related building standards; and amending RCW 19.27A.020.

Referred to Committee on Economic Development, Housing & Trade.

HB 1887 by Representatives Kessler, Lisk, Grant, Wensman, Wolfe and Pennington; by request of Department of Revenue

AN ACT Relating to revising the machinery and equipment tax exemption by more precisely describing terminology and eligibility; amending RCW 82.04.120, 82.08.02565, 82.08.02565, and 82.12.02565; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

HB 1888 by Representatives Murray, Cody, Dunshee, Conway, Hurst, Dickerson, Veloria, Lovick, Regala, Romero, Keiser, Santos, Schual-Berke, Kessler, Rockefeller, Ogden, Kenney, Wood, Morris, Edmonds and Linville

AN ACT Relating to health care patient protection; adding new sections to chapter 48.43 RCW; and repealing RCW 48.43.075, 48.43.095, and 48.43.105.

Referred to Committee on Health Care.

HB 1889 by Representatives Pflug and Cody

AN ACT Relating to general anesthesia services; adding a new section to chapter 41.05 RCW; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Health Care.

HB 1890 by Representatives Cody, Schual-Berke, Campbell, Edwards, Conway, Dunn and Mulliken

AN ACT Relating to regulating the use of allergenic latex in health care facilities; and adding a new section to chapter 43.70 RCW.

Referred to Committee on Health Care.

HB 1891 by Representatives Quall, Talcott and Rockefeller; by request of Commission on Student Learning and Superintendent of Public Instruction

AN ACT Relating to student assessments; amending RCW 28A.300.310, 28A.300.320, 28A.230.190, 28A.230.230, 28A.630.885, 28A.230.250, and 28A.230.195; adding new sections to chapter 28A.230 RCW; repealing RCW 28A.230.210, 28A.230.220, and 28A.230.240; repealing 1998 c 225 s 3 (uncodified); repealing 1995 c 209 s 3 (uncodified); repealing 1995 c 209 s 2 and 1992 c 141 s 203 (uncodified); and declaring an emergency.

Referred to Committee on Education.

HB 1892 by Representatives Kagi and D. Sommers

AN ACT Relating to hunger in Washington; creating new sections; making appropriations; and providing an expiration date.

Referred to Committee on Children & Family Services.

HB 1893 by Representatives Doumit, Mulliken, Scott, Linville and Hatfield

AN ACT Relating to streamlining state and local permit issuance; amending RCW 36.70A.020, 90.48.215, 90.48.220, 90.58.090, 58.17.095, 90.60.020, 90.60.030, and 90.60.100; adding new sections to chapter 90.48 RCW; adding a new section to chapter 75.20 RCW; adding new sections to chapter 35.63 RCW; adding a new section to chapter 90.60 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Local Government.

HB 1894 by Representative Conway

AN ACT Relating to industrial insurance benefit errors; and amending RCW 51.32.240.

Referred to Committee on Commerce & Labor.

HB 1895 by Representative Boldt

AN ACT Relating to mandatory recording of statements made by child witnesses to and victims of child abuse; amending RCW 26.44.030, 26.44.035, and 26.44.080; reenacting and amending RCW 26.44.050; and prescribing penalties.

Referred to Committee on Children & Family Services.

HB 1896 by Representative Kastama

AN ACT Relating to the right of first refusal for mobile home park purchases; and amending RCW 59.23.025 and 59.23.030.

Referred to Committee on Economic Development, Housing & Trade.

HJR 4206 by Representatives Lambert, Lovick, Cairnes, Koster and Dunn

Repealing Article IV, section 29 of the state Constitution.

Referred to Committee on Judiciary.

HJR 4207 by Representatives Lambert and Linville

Easing formation of new counties.

Referred to Committee on Local Government.

#### MOTION

On motion of Representative Kessler, the bills and resolutions listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

#### **REPORTS OF STANDING COMMITTEES**

February 5, 1999

HB 1013 Prime Sponsor, Representative Carlson: Changing the goals and priorities for grants under the Washington fund for innovation and quality education program. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Carlson, Republican Co-Chair; Kenney, Democratic Co-Chair; Lantz, Democratic Vice Chair; Radcliff, Republican Vice Chair; Dunn; Edmonds and Esser.

Voting yea: Representatives Carlson, Kenney, Lantz, Radcliff, Dunn, Edmonds and Esser.  
Excused: Representative(s) Gombosky.

Referred to Committee on Appropriations.

February 5, 1999

HB 1016 Prime Sponsor, Representative Carlson: Creating the border county higher education opportunity pilot project. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Carlson, Republican Co-Chair; Kenney, Democratic Co-Chair; Lantz, Democratic Vice Chair; Radcliff, Republican Vice Chair; Dunn; Edmonds and Esser.

Voting yea: Representatives Carlson, Kenney, Lantz, Radcliff, Dunn, Edmonds and Esser.

Excused: Representative(s) Gombosky.

Referred to Committee on Appropriations.

February 4, 1999

HB 1050 Prime Sponsor, Representative Conway: Relieving the department of labor and industries of the duties of coal mine inspection. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Hurst; Lisk; McIntire and McMorris.

Voting yea: Representatives Clements, Conway, B. Chandler, Wood, Hurst, Lisk, McIntire and McMorris.

Passed to Rules Committee for Second Reading.

February 4, 1999

HB 1188 Prime Sponsor, Representative Hurst: Preventing a registered sex offender from holding a real estate license. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Hurst; Lisk; McIntire and McMorris.

Voting yea: Representatives Clements, Conway, B. Chandler, Wood, Hurst, Lisk, McIntire and McMorris.

Passed to Rules Committee for Second Reading.

February 4, 1999

HB 1308 Prime Sponsor, Representative Conway: Revitalizing downtown and neighborhood commercial districts. Reported by Committee on Economic Development, Housing & Trade

MAJORITY recommendation: Do pass. Signed by Representatives Van Luven, Republican Co-Chair; Veloria, Democratic Co-Chair; Dunn, Republican Vice Chair; Eickmeyer, Democratic Vice Chair; Ballasiotes; Radcliff and Skinner.

Voting yea: Representatives Van Luven, Veloria, Dunn, Eickmeyer, Ballasiotes, Miloscia, Morris, Radcliff and Skinner.

Excused: Representative(s) Gombosky, D. Sommers and Wolfe.

Referred to Committee on Finance.

February 4, 1999

HB 1378 Prime Sponsor, Representative Veloria: Regulating manufactured and mobile home landlord-tenant relations. Reported by Committee on Economic Development, Housing & Trade

MAJORITY recommendation: Do pass. Signed by Representatives Van Luven, Republican Co-Chair; Veloria, Democratic Co-Chair; Dunn, Republican Vice Chair; Eickmeyer, Democratic Vice Chair; Ballasiotes; Radcliff and Skinner.

Voting yea: Representatives Van Luven, Veloria, Dunn, Eickmeyer, Ballasiotes, Miloscia, Morris, Radcliff and Skinner.

Excused: Representative(s) Gombosky, D. Sommers and Wolfe.

Passed to Rules Committee for Second Reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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

#### MOTION

On motion of Representative Kessler, the following bills were referred to the committees so designated:

House Bill No. 1449 was referred from the Committee on Education to the Committee on Appropriations

House Bill No. 1457 was referred from the Committee on State Government to the Committee on Transportation

House Bill No. 1659 was referred from the Committee on Children and Family Services to the Committee on Appropriations

House Bill No. 1758 was referred from the Committee on Appropriations to the Committee on Transportation

There being no objection, the House advanced to the eleventh order of business.

### **COMMITTEE ASSIGNMENTS**

Speaker Chopp announced the following changes in committee assignments:

Representative Lovick was appointed to the Committee on Judiciary and removed from the Committee on Health Care

Representative Edmonds was appointed to the Committee on Health Care and removed from the Committee on Judiciary

### **MOTION**

On motion of Representative Kessler, the House adjourned until 10:00 a.m., Wednesday, February 10, 1999.

TIMOTHY A. MARTIN, Chief Clerk      CLYDE BALLARD, Speaker  
DEAN R. FOSTER, Chief Clerk      FRANK CHOPP, Speaker

THIRTIETH DAY, FEBRUARY 9, 1999

JOURNAL OF THE HOUSE

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

**THIRTY-FIRST DAY**

**MORNING SESSION**

House Chamber, Olympia, Wednesday, February 10, 1999

The House was called to order at 10:00 a.m. by Speaker Pro Tempore Pennington. The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by Cub Scout Pack #266, Olympia. Prayer was offered by Pastor Bob Welch, Christian and Missionary Alliance, Langley.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

**RESOLUTIONS**

HOUSE RESOLUTION NO. 99-4615, by Representatives Lambert, Ogden, Lantz, Hankins, Pflug, D. Schmidt, Skinner, McDonald, Hatfield, Thomas and Conway

WHEREAS, The Boy Scouts of America have been an integral part of building the character of youth for over eighty-nine years; and

WHEREAS, In Washington State there are over ninety-seven thousand youths involved with Boy Scouting, from Cubs through Explorers; and

WHEREAS, Over thirty-one thousand adults in Washington give their time to volunteer to the Boy Scouts; and

WHEREAS, The Governor of Washington State, Gary Locke, is a lifetime Boy Scout, having earned the rank of Eagle Scout; and

WHEREAS, Over forty-three members of the Washington State Legislature have been Boy Scouts and Girl Scouts and over fifty members have volunteered their time as leaders, parents, and counselors in scouting; and

WHEREAS, Scouts of all ages provide assistance in local and national emergencies; and

WHEREAS, Thousands of Scouts participate every year in "Scouting for Food" good turn projects and have collected hundreds of tons of food for local food banks; and

WHEREAS, The coed Explorer program prepares youth for future careers; and

WHEREAS, The coed Learning for Life program provides children with positive values and essential life skills in classrooms all over the nation; and

WHEREAS, The Scout Law, which reads "a Scout is trustworthy, loyal, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, brave, clean and reverent" provides an ethical code that we would all do well to follow; and

WHEREAS, The Scout motto of "Be Prepared" and the Scout slogan of "Do a good turn daily" provide a positive mission for Scouts of all ages; and

WHEREAS, World-wide Scout principles, which include individual respect, citizenship, and service to others, help lay a foundation for the future service to our state and country;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives applauds the effort and work of the six councils of the Boy Scouts of America in Washington State and the positive programs they provide for our youth; and

BE IT FURTHER RESOLVED, That the Washington State House of Representatives encourages all agencies of state government to recognize the service and benefits that the Boy Scouts of America provide; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to the Honorable Gary Locke, Governor of Washington; the Governor's cabinet officers; all state-wide elected officials; the National Boy Scouts of America Office, the Western Region Office of the Boy Scouts of America, and to the Boy Scout Councils serving Washington State.

Representative Lambert moved adoption of the resolution.

Representatives Lambert and Cooper spoke in favor of the adoption of the resolution.

House Resolution No. 99-4615 was adopted.

HOUSE RESOLUTION NO. 99-4613, by Representatives G. Chandler, Grant, Linville, Schoesler, Cox, Mastin, Mulliken, Buck, Hankins, Dunn, Skinner, Thomas and Fortunato

WHEREAS, Watatoes yield more potatoes per acre than the common potatoes grown in other regions in the world; and

WHEREAS, The Washington Watato industry contributes approximately two billion dollars to our state's economy; and

WHEREAS, People all over the world know that Watatoes are delicious and nutritious; and

WHEREAS, There are over three hundred proud Watato growers in the state of Washington, harvesting nearly one hundred fifty-two thousand acres of Watatoes each year; and

WHEREAS, Eighty-seven percent of Watatoes are sold to processors who carefully and lovingly transform them into golden fries, crunchy chips, and whipped and creamy mashed Watatoes; and

WHEREAS, Due to the long, warm days and cool nights in the mineral-rich volcanic soil of the Columbia Basin, Watatoes grow up to be the light, fluffy, high-solids Watatoes known world-wide; and

WHEREAS, Nearly nine out of every ten Watatoes are marketed out of Washington state, with a significant portion of these going to overseas markets; and

WHEREAS, Japan purchases approximately seventy percent of the french fries made from Watatoes that are exported each year; and

WHEREAS, In Pacific Rim countries where local government trade regulations permit fresh potato imports, Watatoes command a ninety-five percent share of United States potato exports;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives acknowledge and honor the women and men who plant, grow, harvest, and process Watatoes in Washington state, who have contributed so much to the strength and vitality of our state and its economy, the character of our communities, and the general well-being of our citizens; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to the Washington State Potato Commission and to Watato lovers everywhere.

Representative G. Chandler moved adoption of the resolution.

Representatives G. Chandler, Grant, Delvin, Eickmeyer, Mastin and Linville spoke in favor of the adoption of the resolution.

House Resolution No. 99-4613 was adopted.

HOUSE RESOLUTION NO. 99-4619, by Representative Veloria, Dunn and Thomas

WHEREAS, The Tukwila School District serves 2,550 students; and

WHEREAS, Students in the Tukwila School District represent many cultures and ethnic groups, speaking more than twenty-five languages; and

WHEREAS, Showalter and Cascade View schools were awarded Comprehensive School Demonstration grants for 1998-99; and

WHEREAS, The Tukwila School District has initiated a Professional Development School Partnership with the University of Washington for teacher training; and

WHEREAS, Cascade View school is conducting a Washington State Reading Corps Volunteer Tutoring Program; and

WHEREAS, The percentage of fourth grade students who met or exceeded state standards for learning on the WASL nearly tripled in math, doubled in reading, and rose significantly in listening between 1997 and 1998; and

WHEREAS, The Tukwila School District initiated a sister school/community partnership with the Village of Thillagrand, Senegal, with a visit by Mary Fertakis, school board director, and staff member Doug Bruce in February 1998; and

WHEREAS, Students from the Tukwila School District are visiting here today, February 10, 1999, escorted by Board Director Mary Fertakis, Superintendent Michael Silver, staff members, and parents;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognizes: The great contribution made by the Tukwila School District to the education of the young people of Washington State; the diversity of the Tukwila School District's student body; and the significant achievements of the Tukwila School District in meeting education standards. The House of Representatives also extends congratulations to the Tukwila School District, its staff, and parents for initiating an international partnership with the village of Thillagrand, Senegal.

Representative Veloria moved adoption of the resolution.

Representatives Veloria and Cody spoke in favor of the adoption of the resolution.

House Resolution No. 99-4619 was adopted.

Speaker Ballard assumed the chair.

### **INTRODUCTIONS AND FIRST READING**

HB 1828 by Representatives H. Sommers, Thomas, Ogden, Carlson, Quall, Lantz, Keiser, Veloria, Murray, Stensen, Schual-Berke, Rockefeller, Edwards, Lovick, McIntire, Gombosky, Doumit, Dunshee, O'Brien, Poulsen, Cody, Wolfe, Kenney, Santos, Edmonds, Linville, Wood, Haigh, Regala, Conway, Dickerson, Tokuda, Kessler, Hurst, Miloscia and Ruderman

AN ACT Relating to lowering the emergency reserve fund balance to provide additional education construction funds.

Held on first reading from February 8, 1999.



HB 1897 by Representatives G. Chandler, Linville and Schoesler

AN ACT Relating to air pollution control authority's rule-making authority; and amending RCW 70.94.141.

Referred to Committee on Agriculture & Ecology.

HB 1898 by Representatives Clements, B. Chandler, McMorris and Dunn

AN ACT Relating to a manufacturer's financial interest in a retail business that sells alcoholic beverages; and reenacting and amending RCW 66.28.010.

Referred to Committee on Commerce & Labor.

HB 1899 by Representatives Ogden, Carlson, O'Brien, Romero and Edwards

AN ACT Relating to licensing of residential contractors; amending RCW 18.27.010, 18.27.030, 18.27.040, 18.27.114, 18.27.120, and 19.28.120; reenacting and amending RCW 18.27.060; and adding new sections to chapter 18.27 RCW.

Referred to Committee on Commerce & Labor.

HB 1900 by Representatives Mastin and G. Chandler

AN ACT Relating to transfers and changes of water rights; and adding a new section to chapter 90.03 RCW.

Referred to Committee on Agriculture & Ecology.

HB 1901 by Representatives Clements, Skinner, G. Chandler, Sump, Mitchell, Esser, Barlean, Dunn, Talcott, Campbell, K. Schmidt, Schoesler, Delvin, McDonald and Mulliken

AN ACT Relating to wage payments from the general fund for unemployed victims of domestic violence; adding a new chapter to Title 50 RCW; and making an appropriation.

Referred to Committee on Commerce & Labor.

HB 1902 by Representatives Haigh, Miloscia, Regala, Linville, DeBolt, Doumit, Eickmeyer, Rockefeller, Anderson, Kessler and Koster

AN ACT Relating to reducing impacts of floods on people and habitat; and reenacting and amending RCW 43.155.050.

Referred to Committee on Capital Budget.

HB 1903 by Representatives Stensen and Regala

AN ACT Relating to the authority of the department of natural resources to consider public safety concerns in authorizing forest practices; and adding a new section to chapter 76.09 RCW.

Referred to Committee on Natural Resources.

HB 1904 by Representatives Lovick, Dunn, Sullivan, McIntire, Santos, Linville, Conway, Doumit, Wood and Grant

AN ACT Relating to taxation of bingo and raffles; amending RCW 9.46.110; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 1905 by Representatives Edmonds, Campbell, Cody, Thomas and Kenney; by request of Department of Community, Trade, and Economic Development

AN ACT Relating to volunteer participation in the long-term care ombudsman program; and amending RCW 43.190.060.

Referred to Committee on Health Care.

HB 1906 by Representatives Koster, Schindler, Talcott, Mulliken, Boldt, Delvin and Mielke

AN ACT Relating to eliminating the impact of the essential learning requirements and the certificate of mastery on private school and home-school students; amending RCW 28A.630.885, 28A.230.090, 28B.80.350, and 28B.30.150; adding a new section to chapter 28B.35 RCW; and adding a new section to chapter 28B.40 RCW.

Referred to Committee on Education.

HB 1907 by Representatives Koster, Mielke, Schindler, Boldt, Delvin and Dunn

AN ACT Relating to remedial postsecondary education; reenacting and amending RCW 28A.225.220; adding new sections to chapter 28B.10 RCW; adding a new section to chapter 28A.300 RCW; adding a new section to chapter 28B.15 RCW; and creating a new section.

Referred to Committee on Higher Education.

HB 1908 by Representatives Lambert, Cairnes, Kastama, Edwards, Miloscia, Bush, Koster and Talcott

AN ACT Relating to tax exemptions for church and church camp property; amending RCW 84.36.020 and 84.36.030; and creating a new section.

Referred to Committee on Finance.

HB 1909 by Representatives Poulsen and Ruderman

AN ACT Relating to the implementation of the federal telecommunications act of 1996; amending RCW 80.36.610; adding new sections to chapter 80.36 RCW; creating a new section; prescribing penalties; and repealing RCW 80.36.600.

Referred to Committee on Technology, Telecommunications & Energy.

HB 1910 by Representatives G. Chandler and Anderson

AN ACT Relating to establishing logos for substances approved for use in the production, processing, and handling of organic food; and amending RCW 15.86.060.

Referred to Committee on Agriculture & Ecology.

HB 1911 by Representatives Rockefeller, Haigh, Carlson, Keiser, Cox, Santos, Stensen, Quall, Schual-Berke, McIntire, Lantz and Kessler

AN ACT Relating to school attendance; amending RCW 28A.225.010; and creating a new section.

Referred to Committee on Education.

HB 1912 by Representatives Delvin, Hurst, Cody, McDonald, Keiser and Kessler

AN ACT Relating to pension calculations for fire fighters and police officers; and amending RCW 41.18.010 and 41.20.005.

Referred to Committee on Appropriations.

HB 1913 by Representatives Crouse, Cooper, DeBolt and Poulsen

AN ACT Relating to procedures for public utility districts to participate in wholesale electricity market activities; and adding a new chapter to Title 54 RCW.

Referred to Committee on Technology, Telecommunications & Energy.

HB 1914 by Representatives Clements, Dunn and Cairnes

AN ACT Relating to taxation of social card games; and amending RCW 9.46.110.

Referred to Committee on Commerce & Labor.

HB 1915 by Representatives Romero, DeBolt, Wolfe, Haigh and Alexander

AN ACT Relating to regulation of free flowing wells within the city limits of Olympia; and amending RCW 90.36.030 and 90.44.110.

Referred to Committee on Agriculture & Ecology.

HB 1916 by Representatives Linville, Mastin, Regala, Ericksen, Cooper, Conway, Fisher, Grant and Anderson

AN ACT Relating to exempting conservation parcels from the subdivision laws; amending RCW 58.17.020 and 58.17.040; adding a new section to chapter 58.17 RCW; and creating a new section.

Referred to Committee on Local Government.

HB 1917 by Representatives Benson and Barlean

AN ACT Relating to definitions affecting gambling; and amending RCW 9.46.0265 and 9.46.0282.

Referred to Committee on Commerce & Labor.

HB 1918 by Representative Benson

AN ACT Relating to accounting for child support payments; amending RCW 26.09.170; and adding a new section to chapter 26.09 RCW.

Referred to Committee on Judiciary.

HB 1919 by Representatives Wood, Gombosky, Cooper, Linville, Anderson and Edwards

AN ACT Relating to connection of mobile home parks to public sewer systems; and amending RCW 35.67.370.

Referred to Committee on Local Government.

HB 1920 by Representatives G. Chandler, Grant, Mastin, Linville, Clements, Lisk, Kessler, B. Chandler, Cox, Delvin, Schoesler, Mitchell, Huff, Buck, Mulliken, McMorris, McDonald, Reardon, Hatfield, D. Sommers, Thomas, Conway, Ogden, Bush, Hankins, Skinner, Koster and Dunn

AN ACT Relating to dams licensed or owned by the federal government; and adding a new chapter to Title 90 RCW.

Referred to Committee on Agriculture & Ecology.

HB 1921 by Representatives Fisher, K. Schmidt, Hatfield, Ericksen, Skinner, Schual-Berke, Fortunato, Wood, Radcliff, Anderson, Edwards, Thomas, Mitchell and Hankins; by request of Department of Licensing

AN ACT Relating to changing the period of time for which a driver's license is valid from four to six years; amending RCW 46.20.120, 46.20.161, 46.20.181, 46.20.470, and 46.20.505; and providing an effective date.

Referred to Committee on Transportation.

HB 1922 by Representatives Eickmeyer, Tokuda, D. Sommers, Dickerson, Rockefeller, Stensen, Wolfe, Lovick, Conway, Ogden, Lantz, McIntire, Santos, Kenney, Kessler, Edmonds and Morris

AN ACT Relating to tax credits for employer-provided child care benefits; adding a new section to chapter 82.04 RCW; and creating a new section.

Referred to Committee on Children & Family Services.

HB 1923 by Representatives O'Brien, Koster, Anderson, Ogden, Lantz, Miloscia, Hankins and Ballasiotes

AN ACT Relating to postsecondary courses for inmates; and creating a new section.

Referred to Committee on Criminal Justice & Corrections.

HB 1924 by Representatives Romero, McMorris, Edwards, D. Schmidt, Kessler, Lambert, B. Chandler, Linville, Mulliken, Scott and Morris

AN ACT Relating to notice of rule changes; and adding a new section to chapter 34.05 RCW.

Referred to Committee on State Government.

HB 1925 by Representatives Cairnes, Skinner, Koster, DeBolt, Benson, Huff, Boldt, Buck, Thomas, Delvin, Pennington, Cox, Mielke, Carrell, Esser, Schindler, Dunn, Wensman, Talcott, McDonald and Radcliff

AN ACT Relating to requiring sellers of new residential construction to disclose regulatory construction costs to consumers in order to increase consumer awareness of costs in such purchases; adding a new section to chapter 64.06 RCW; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 1926 by Representatives G. Chandler, Romero and Mulliken

AN ACT Relating to appeals of growth management hearings board decisions; adding a new section to chapter 36.70A RCW; and creating a new section.

Referred to Committee on Local Government.

HB 1927 by Representatives Conway, Wood, Cooper, Campbell, Hurst, McIntire, Keiser, Santos, Kenney, Cody and Kessler

AN ACT Relating to an injured worker bill of rights; amending RCW 51.28.070, 51.32.110, 51.32.160, 51.32.240, 51.36.060, 51.36.070, and 51.52.050; reenacting and amending RCW 51.52.060; creating a new section; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 1928 by Representatives Hatfield, Doumit, Conway, Kastama, D. Sommers, Dunshee, Delvin, Anderson and Santos

AN ACT Relating to service credit under the teachers' retirement system plan I for military service; and amending RCW 41.32.260.

Referred to Committee on Appropriations.

HB 1929 by Representative Dunshee; by request of Department of Revenue

AN ACT Relating to prescribing conditions for the offsetting of taxes; amending RCW 82.32.050, 82.32.060, and 82.32.180; and creating a new section.

Referred to Committee on Finance.

HJM 4010 by Representatives G. Chandler, Grant, Mastin, Linville, Clements, Lisk, Delvin, B. Chandler, Cox, Schoesler, Sump, Mitchell, Huff, McDonald, Mulliken, McMorris, Kessler, Buck, Reardon, Hatfield, Radcliff, D. Sommers, Edwards, Thomas, Ogden, Bush, Hankins, Skinner, Koster and Dunn

Requesting the federal government not to breach dams on the Columbia or Snake rivers.

Referred to Committee on Agriculture & Ecology.

MOTION

On motion by Representative Lisk, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

### REPORTS OF STANDING COMMITTEES

February 4, 1999

HB 1041 Prime Sponsor, Representative Mitchell: Authorizing funds for public works projects.  
Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Mitchell, Republican Co-Chair; Murray, Democratic Co-Chair; Edmonds, Democratic Vice Chair; Esser, Republican Vice Chair; Anderson; Barlean; Bush; Constantine; Dunshee; Hankins; Koster; Lantz; Ogden and Schoesler.

Voting yea: Representatives Mitchell, Murray, Edmonds, Esser, Alexander, Anderson, Barlean, Bush, Constantine, Dunshee, Hankins, Koster, Lantz, O'Brien, Ogden and Schoesler.  
Excused: Representative(s) Mastin and Miloscia.

Passed to Rules Committee for Second Reading.

February 8, 1999

HB 1240 Prime Sponsor, Representative McMorris: Increasing medicaid reimbursements to second class school districts. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Democratic Co-Chair; Talcott, Republican Co-Chair; Haigh, Democratic Vice Chair; Schindler, Republican Vice Chair; Carlson; Cox; Keiser; Rockefeller; Santos; D. Schmidt; Schual-Berke; Stensen and Wensman.

Voting yea: Representatives Quall, Talcott, Haigh, Schindler, Carlson, Cox, Keiser, Rockefeller, Santos, D. Schmidt, Schual-Berke, Stensen and Wensman.  
Excused: Representative Sump.

Referred to Committee on Appropriations.

February 8, 1999

HB 1242 Prime Sponsor, Representative Linville: Increasing medicaid reimbursement payments for first and second class school districts. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Democratic Co-Chair; Talcott, Republican Co-Chair; Haigh, Democratic Vice Chair; Schindler, Republican Vice Chair; Carlson; Cox; Keiser; Rockefeller; Santos; D. Schmidt; Schual-Berke; Stensen and Wensman.

Voting yea: Representatives Quall, Talcott, Haigh, Schindler, Carlson, Cox, Keiser, Rockefeller, Santos, D. Schmidt, Schual-Berke, Stensen and Wensman.  
Excused: Representative Sump.

Referred to Committee on Appropriations.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

### MOTIONS

On motion by Representative Schoesler, Representatives Fortunato and DeBolt were excused. On motion of Representative Wolfe, Representative Wood was excused.

There being no objection, the House advanced to the sixth order of business.

### SECOND READING

HOUSE BILL NO. 1007, by Representatives Ballasiotes, O'Brien, Radcliff, Benson, Quall, Mitchell, Cairnes and Morris

Changing provisions relating to counterfeited intellectual property.

The bill was read the second time.

On motion of Representative Ballasiotes, the committee amendment(s) by the Committee on Criminal Justice and Correction was adopted. (For committee amendment(s), see Journal, 19<sup>th</sup> Day, January 29, 1999.)

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ballasiotes and O'Brien spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Engrossed House Bill No. 1007.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1007, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. G. Chandler, Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives DeBolt, Fortunato and Wood - 3.

Engrossed House Bill No. 1007, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1011, by Representatives Scott, Morris, Hurst, Conway, McIntire, Kessler, Keiser, Mitchell, Ballasiotes, Dickerson, Cody, Haigh, Rockefeller, Lantz and Wood

Clarifying that electronic communications are included in the crimes of harassment and stalking.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Scott spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of House Bill No. 1011.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1011 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. G. Chandler Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. K. Schmidt Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives DeBolt, Fortunato and Wood - 3.

House Bill No. 1011, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1018, by Representatives Carlson, Kenney, Radcliff, Sheahan, Dunn, Esser and Lantz

Changing Washington award for vocational excellence provisions.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Carlson and Kenney spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of House Bill No. 1018.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1018 and the bill passed the House by the following vote: Yeas - 94, Nays - 1, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. G. Chandler Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi,



Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. K. Schmidt Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Mr. Speaker Ballard and Mr. Speaker Chopp - 94.

Voting nay: Representative Quall - 1.

Excused: Representatives DeBolt, Fortunato and Wood - 3.

House Bill No. 1018, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1051, by Representatives Conway, Clements, Anderson, Stensen, Keiser, Kessler, Ogden, Lantz, Rockefeller, Hurst, Wood and McIntire; by request of Department of Labor & Industries

Recovering industrial insurance benefits payments.

The bill was read the second time.

There being no objection the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Conway and Clements spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of House Bill No. 1051.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1051 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. G. Chandler Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. K. Schmidt Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives DeBolt, Fortunato and Wood - 3.

House Bill No. 1051, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1054, by Representatives G. Chandler, Linville, Schoesler, Clements, Grant, Anderson, Parlette, Dunshee and Cooper

Giving direction to the commission on pesticide registration.

The bill was read the second time. There being no objection, Substitute House Bill No. 1054 was substituted for House Bill No. 1054 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1054 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives G. Chandler and Linville spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute House Bill No. 1054.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1054 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. G. Chandler Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. K. Schmidt Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives DeBolt, Fortunato and Wood - 3.

Substitute House Bill No. 1054, having received the constitutional majority, was declared passed.

There being no objection, the House advanced to the eleventh order of business.

#### MOTION

On motion of Representative Lisk, the House adjourned until 9:55 a.m., Thursday, February 11, 1999.

TIMOTHY A. MARTIN, Chief Clerk      CLYDE BALLARD, Speaker  
DEAN R. FOSTER, Chief Clerk      FRANK CHOPP, Speaker

THIRTY-FIRST DAY, FEBRUARY 10, 1999

JOURNAL OF THE HOUSE

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**THIRTY-SECOND DAY**

**MORNING SESSION**

House Chamber, Olympia, Thursday, February 11, 1999

The House was called to order at 9:55 a.m. by Speaker Pro Tempore Ogden.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

**INTRODUCTIONS AND FIRST READING**

HB 1828 by Representatives H. Sommers, Thomas, Ogden, Carlson, Quall, Lantz, Keiser, Veloria, Murray, Stensen, Schual-Berke, Rockefeller, Edwards, Lovick, McIntire, Gombosky, Doumit, Dunshee, O'Brien, Poulsen, Cody, Wolfe, Kenney, Santos, Edmonds, Linville, Wood, Haigh, Regala, Conway, Dickerson, Tokuda, Kessler, Hurst, Miloscia and Ruderman

AN ACT Relating to lowering the emergency reserve fund balance to provide additional education construction funds.

Held on first reading from February 8, 1999.

HB 1930 by Representatives Santos, Kenney, Veloria, Reardon, Murray, Dunshee, Ogden, Schual-Berke, Wolfe, Lovick, Kessler, Rockefeller, Hurst, Ruderman and Lantz

AN ACT Relating to deferral of business and occupation taxation for new small businesses in impacted areas; and adding a new chapter to Title 82 RCW.

Referred to Committee on Economic Development, Housing & Trade.

HB 1931 by Representatives Santos, Veloria, Reardon, Eickmeyer, Murray, Ogden, Schual-Berke, Wolfe, Lovick, Kessler, Ruderman and Lantz

AN ACT Relating to community development financial institutions; adding a new section to chapter 82.04 RCW; adding a new section to chapter 48.14 RCW; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Financial Institutions & Insurance.

HB 1932 by Representatives Reardon, Scott, Morris, Wood, McIntire, Linville and Santos

AN ACT Relating to multifamily housing in urban centers; and amending RCW 84.14.010.

Referred to Committee on Economic Development, Housing & Trade.

HB 1933 by Representatives Romero, McMorris, Kessler and Santos; by request of Governor Locke

AN ACT Relating to agricultural worker protection regulatory duties; amending RCW 70.114A.020, 70.114A.060, 70.114A.081, and 43.70.335; adding new sections to chapter 70.114A RCW; adding new sections to chapter 49.17 RCW; adding a new section to chapter 43.70 RCW; creating a new section; and repealing RCW 43.70.330 and 70.54.110.

Referred to Committee on State Government.

HB 1934 by Representatives Romero, Mielke, Hatfield, Rockefeller, Sullivan, Koster, Miloscia, DeBolt, Kastama, Delvin, Carrell, McMorris, Dunn, Crouse, Clements and Constantine

AN ACT Relating to fuel taxes attributable to marine and nonhighway uses; and amending RCW 43.99.070, 46.09.170, and 46.10.170.

Referred to Committee on Transportation.

HB 1935 by Representatives Tokuda, Boldt, Ogden, Schual-Berke, Lovick, Kessler, Kenney, Rockefeller, Murray, Scott, Edmonds, Conway, Kagi, Santos, Poulsen, Veloria and Lantz

AN ACT Relating to eligibility for early childhood assistance programs; and amending RCW 28A.215.110.

Referred to Committee on Appropriations.

HB 1936 by Representatives Tokuda, Boldt, D. Sommers and Santos

AN ACT Relating to employability screens for recipients of temporary assistance for needy families; and adding a new section to chapter 74.08A RCW.

Referred to Committee on Children & Family Services.

HB 1937 by Representatives Anderson, Haigh, Constantine, Kenney, Edmonds, Wood, Lantz, Schual-Berke, Murray, Santos, Conway, Miloscia, Tokuda, Veloria, Stensen, Edwards, Keiser and Ogden

AN ACT Relating to allowing residents of long-term care facilities to return to their home; adding a new section to chapter 48.46 RCW; and creating a new section.

Referred to Committee on Health Care.

HB 1938 by Representatives Carrell, Clements, Boldt, Talcott, Lambert, Campbell, Pflug and Delvin

AN ACT Relating to truancy provisions; and amending RCW 28A.225.020 and 28A.225.035.

Referred to Committee on Education.

HB 1939 by Representatives Lambert, Lovick, Cox, Bush and Kenney

AN ACT Relating to theft by public officers or employees; and adding a new section to chapter 9A.56 RCW; and creating a new section.

Referred to Committee on Criminal Justice & Corrections.

HB 1940 by Representatives Reardon, Cooper, Stensen, Scott, Anderson, Wolfe, Kessler, Sullivan, Hurst, Conway, Santos, Poulsen and Veloria

AN ACT Relating to emergency mortgage and rental assistance for aerospace workers; adding a new chapter to Title 43 RCW; making appropriations; providing an effective date; and declaring an emergency.

Referred to Committee on Economic Development, Housing & Trade.

HB 1941 by Representatives Reardon, Lovick, Scott, Cooper, Conway, Stensen, Anderson, O'Brien, Hatfield, Campbell, Kessler, Kenney, Murray, Sullivan, Edmonds, Cairnes, Eickmeyer, Hurst, Kagi, Santos, Ruderman, Linville, Poulsen, Veloria, Keiser and Lantz; by request of Governor Locke

AN ACT Relating to additional unemployment benefits; amending RCW 50.22.090 and 50.29.020; creating a new section; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 1942 by Representatives Ruderman, Poulsen, Kessler, Rockefeller, Hurst, Conway, Kagi and Lantz

AN ACT Relating to unauthorized charges of a subscriber's telecommunications company; and adding a new section to chapter 80.36 RCW.

Referred to Committee on Technology, Telecommunications & Energy.

HB 1943 by Representatives Ogden, Carlson, H. Sommers, Conway, Lambert, D. Sommers, Wolfe, Alexander and Eickmeyer

AN ACT Relating to membership in the public employees' retirement system for the chief administrative officer of a public utility district, port district, or a county; amending RCW 41.40.023; and creating a new section.

Referred to Committee on Appropriations.

HB 1944 by Representatives Parlette, Cody and Ogden

AN ACT Relating to health plan medical director licensure and accountability; and adding a new chapter to Title 18 RCW.

Referred to Committee on Health Care.

HB 1945 by Representatives O'Brien and Koster

AN ACT Relating to collection agencies; and amending RCW 19.16.100 and 19.16.250.

Referred to Committee on Financial Institutions & Insurance.

HB 1946 by Representatives Wensman, Wolfe, Skinner, Ballasiotes, Radcliff, Van Luven, Santos, Veloria, Eickmeyer and Ogden

AN ACT Relating to exemption of property taxes for federally assisted housing; adding a new section to chapter 84.36 RCW; and creating a new section.

Referred to Committee on Finance.

HB 1947 by Representatives O'Brien, Ballasiotes, Lovick, Delvin, Kastama, Tokuda, Crouse, Sullivan, H. Sommers, Wood, Benson, Grant, Radcliff, Lambert, Schoesler, Kenney, Mastin and D. Sommers

AN ACT Relating to the benefits of an ex spouse in the law enforcement officers' and fire fighters' retirement system; and amending RCW 41.26.160 and 41.26.162.

Referred to Committee on Appropriations.

HB 1948 by Representatives Huff, Conway, Crouse, Hurst, McIntire, Sullivan, O'Brien, Constantine, Benson, Ballasiotes, Cody, Veloria and Kenney

AN ACT Relating to financing unemployment insurance; amending RCW 50.29.020 and 50.29.025; creating a new section; repealing RCW 50.20.015; and providing an effective date.

Referred to Committee on Commerce & Labor.

HB 1949 by Representatives Conway, Keiser, Cooper, McIntire, Veloria, Kastama, Gombosky, Wood, Rockefeller, Reardon, Santos and Constantine

AN ACT Relating to occupation safety and health actions; adding new sections to chapter 49.17 RCW; creating a new section; and making an appropriation.

Referred to Committee on Commerce & Labor.

HB 1950 by Representatives McMorris, Miloscia and Romero; by request of Secretary of State

AN ACT Relating to electronic transfer of voter registration information; and adding a new section to chapter 29.10 RCW.

Referred to Committee on State Government.

HB 1951 by Representatives Lantz, DeBolt, Miloscia, McDonald, Stensen and Santos

AN ACT Relating to abandoned cemeteries; and amending RCW 68.24.090 and 68.50.200.

Referred to Committee on Judiciary.

HB 1952 by Representatives Kessler, Cody, Wolfe, Lovick, Kenney, Murray, Conway, Santos and Veloria

AN ACT Relating to the basic health plan; amending RCW 70.47.010, 70.47.020, 41.05.140, 43.84.092, and 43.84.092; providing an effective date; and providing an expiration date.

Referred to Committee on Health Care.

HB 1953 by Representatives Quall, Carlson, Gombosky, Kenney and Santos

AN ACT Relating to the state work-study program; adding a new section to chapter 28B.12 RCW; and creating a new section.

Referred to Committee on Higher Education.

HB 1954 by Representatives Fisher, Mulliken and Scott

AN ACT Relating to special purpose districts participating in growth management planning; and amending RCW 36.70A.210.

Referred to Committee on Local Government.

HB 1955 by Representatives McIntire, Clements and Conway

AN ACT Relating to the transfer of data for operational, evaluation, and research purposes; amending RCW 42.17.310 and 43.20A.080; reenacting and amending RCW 50.13.060; creating new sections; and prescribing penalties.

Referred to Committee on State Government.

HB 1956 by Representatives Regala, Clements, Constantine, Eickmeyer and Conway

AN ACT Relating to dangerous dogs; and amending RCW 16.08.070 and 16.08.100.

Referred to Committee on Criminal Justice & Corrections.

HB 1957 by Representatives G. Chandler, Linville, Mastin, Reardon, Sump, Schoesler and Ericksen

AN ACT Relating to water right transfers, changes, and amendments; amending RCW 90.03.290, 90.03.380, 90.03.390, 90.44.100, 90.80.010, 90.80.040, and 90.80.120; and adding a new section to chapter 90.03 RCW.

Referred to Committee on Agriculture & Ecology.

HB 1958 by Representatives Conway, Clements, Wood and Cairnes

AN ACT Relating to transfers of funds from the public works administration account; and amending RCW 39.12.070 and 39.12.080.

Referred to Committee on Commerce & Labor.

HB 1959 by Representatives Sump, Doumit, Pennington, Grant, Eickmeyer, Hatfield, Buck, G. Chandler, Linville, Clements, Schoesler, Koster, Kessler and Mulliken

AN ACT Relating to public safety and the control of bears and cougars; amending RCW 77.16.360; adding new sections to chapter 77.16 RCW; and declaring an emergency.

Referred to Committee on Natural Resources.

#### MOTION

On motion of Representative Kessler, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

#### REPORTS OF STANDING COMMITTEES

February 8, 1999

HB 1179 Prime Sponsor, Representative Kastama: Enacting the school violence reduction and emergency preparedness act. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Democratic Co-Chair; Talcott, Republican Co-Chair; Haigh, Democratic Vice Chair; Keiser; Rockefeller; Santos; D. Schmidt; Schual-Berke and Stensen.

MINORITY recommendation: Do not pass. Signed by Representatives Schindler, Republican Vice Chair; Carlson; Cox and Wensman.

Voting yea: Representatives Quall, Talcott, Haigh, Keiser, Rockefeller, Santos, D. Schmidt, Schual-Berke and Stensen.

Voting nay: Representatives Schindler, Carlson, Cox and Wensman.

Excused: Representative Sump.

Referred to Committee on Appropriations.

February 9, 1999

HB 1192 Prime Sponsor, Representative Morris: Adding to the definition of economic development activities. Reported by Committee on Economic Development, Housing & Trade

MAJORITY recommendation: Do pass. Signed by Representatives Van Luven, Republican Co-Chair; Veloria, Democratic Co-Chair; Dunn, Republican Vice Chair; Eickmeyer, Democratic Vice Chair; Ballasiotes; Gombosky; Miloscia; Morris; Radcliff; Skinner and D. Sommers.

Voting yea: Representatives Veloria, Dunn, Eickmeyer, Ballasiotes, Gombosky, Miloscia, Morris, Radcliff, Skinner and D. Sommers

Excused: Representative Wolfe.

Passed to Rules Committee for Second Reading.

February 9, 1999

HB 1247 Prime Sponsor, Representative Dunn: Extending veterans' exemptions from higher education tuition. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Carlson, Republican Co-Chair; Kenney, Democratic Co-Chair; Lantz, Democratic Vice Chair; Radcliff, Republican Vice Chair; Dunn; Edmonds; Esser and Gombosky.



Voting yea: Representatives Carlson, Kenney, Lantz, Radcliff, Dunn, Edmonds and Esser.  
Excused: Representative Gombosky.

Referred to Committee on Appropriations.

February 8, 1999

HB 1321 Prime Sponsor, Representative Ericksen: Requiring stops at intersections with nonfunctioning signal lights. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Democratic Co-Chair; K. Schmidt, Republican Co-Chair; Cooper, Democratic 1st Vice Chair; Edwards, Democratic 2nd Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; Buck; G. Chandler; DeBolt; Haigh; Hurst; Lovick; McDonald; Mielke; Mitchell; Murray; Ogden; Pflug; Radcliff; Romero; Schindler; Schual-Berke; Scott and Wood.

MINORITY recommendation: Without recommendation. Signed by Representatives Hatfield and Morris.

Voting yea: Representatives Fisher, Schmidt, K, Cooper, Edwards, Ericksen, Hankins, Buck, G. Chandler, DeBolt, Hurst, Lovick, McDonald, Mielke, Mitchell, Murray, Ogden, Pflug, Radcliff, Romero, Schindler, Schual-Berke, Scott and Wood.

Voting nay: Representatives Hatfield and Morris.

Excused: Representatives Fortunato, Haigh and Skinner.

Passed to Rules Committee for Second Reading.

February 8, 1999

HB 1322 Prime Sponsor, Representative Mitchell: Adding information to motorist information signs. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Democratic Co-Chair; K. Schmidt, Republican Co-Chair; Cooper, Democratic 1st Vice Chair; Edwards, Democratic 2nd Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; Buck; G. Chandler; DeBolt; Haigh; Hatfield; Hurst; Lovick; McDonald; Mitchell; Morris; Murray; Ogden; Pflug; Radcliff; Romero; Schindler; Schual-Berke; Scott and Wood.

MINORITY recommendation: Do not pass. Signed by Representative Mielke.

Voting yea: Representatives Fisher, Schmidt, K, Cooper, Edwards, Ericksen, Hankins, Buck, G. Chandler, DeBolt, Hatfield, Hurst, Lovick, McDonald, Mitchell, Morris, Murray, Ogden, Pflug, Radcliff, Romero, Schindler, Schual-Berke, Scott and Wood.

Voting nay: Representative Mielke.

Excused: Representatives Fortunato, Haigh and Skinner.

Passed to Rules Committee for Second Reading.

February 8, 1999

HB 1323 Prime Sponsor, Representative Mitchell: Strengthening the Scenic Vistas Act. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Democratic Co-Chair; K. Schmidt, Republican Co-Chair; Cooper, Democratic 1st Vice Chair; Edwards, Democratic 2nd Vice Chair; Hankins, Republican Vice Chair; Haigh; Hatfield; Hurst; Lovick; Mitchell; Morris; Murray; Ogden; Radcliff; Romero; Schual-Berke; Scott and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Buck; G. Chandler; DeBolt; McDonald; Mielke; Pflug and Schindler.

Voting yea: Representatives Fisher, Schmidt, K, Cooper, Edwards, Hankins, Hatfield, Hurst, Lovick, Mitchell, Morris, Murray, Ogden, Radcliff, Romero, Schual-Berke, Scott and Wood.

Voting nay: Representatives Ericksen, Buck, G. Chandler, DeBolt, McDonald, Mielke, Pflug and Schindler.

Excused: Representatives Fortunato, Haigh and Skinner.

Passed to Rules Committee for Second Reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House advanced to the eleventh order of business.

#### MOTION

On motion of Representative Kessler, the House adjourned until 10:00 a.m., Friday, February 12, 1999, the 33<sup>rd</sup> Legislative Day.

TIMOTHY A. MARTIN, Chief Clerk      CLYDE BALLARD, Speaker  
DEAN R. FOSTER, Chief Clerk      FRANK CHOPP, Speaker

THIRTY-SECOND DAY, FEBRUARY 11, 1999

JOURNAL OF THE HOUSE

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## **THIRTY-THIRD DAY**

### **MORNING SESSION**

House Chamber, Olympia, Friday, February 12, 1999

The House was called to order at 10:00 a.m. by Speaker Pro Tempore Pennington. The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Emily Chandler and Tyler Korus. Prayer was offered by Pastor Robert Christensen, Olympia - Lacey Church of God.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

### **MESSAGE FROM THE SENATE**

February 10, 1999

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 5060,

SENATE BILL NO. 5100,

SUBSTITUTE SENATE BILL NO. 5176,

SUBSTITUTE SENATE BILL NO. 5212,

SUBSTITUTE SENATE BILL NO. 5214,

and the same are herewith transmitted.

Tony M. Cook, Secretary

### **RESOLUTION**

HOUSE RESOLUTION NO. 99-4606, by Representatives Kastama, McDonald, Conway, Regala, Fortunato, Pflug, Barlean, Thomas, Poulsen, Hatfield, Campbell and D. Schmidt

WHEREAS, Over 180,000 Americans are missing in action or have been declared prisoners of war in this century; and

WHEREAS, 2,072 Americans who served in the Vietnam War are still unaccounted for in Asia; and

WHEREAS, 51 Americans from Washington state are still listed as missing in action or as prisoners of war; and

WHEREAS, The valiant efforts of Americans in foreign conflict should be acknowledged; and

WHEREAS, The state of Washington should maintain the awareness of its citizens to the plight of patriots that remain captive abroad; and

WHEREAS, The safe return of Americans who are still missing in action or prisoners of war is imperative;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington recognize and honor the brave actions of American prisoners of war and Americans missing in action; and

BE IT FURTHER RESOLVED, By the House of Representatives of the state of Washington, That every city and town is encouraged to display the prisoner-of-war and missing-in-action flag on one or more of the existing flag poles in the city or town; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to the Governor.

Representative Kastama moved adoption of the resolution.

Representatives Kastama, McDonald, Campbell, Regala, spoke in favor of the adoption of the resolution.

House Resolution No. 99-4606 was adopted.

Speaker Ballard assumed the chair.

#### **INTRODUCTIONS AND FIRST READING**

HB 1828 by Representatives H. Sommers, Thomas, Ogden, Carlson, Quall, Lantz, Keiser, Veloria, Murray, Stensen, Schual-Berke, Rockefeller, Edwards, Lovick, McIntire, Gombosky, Doumit, Dunshee, O'Brien, Poulsen, Cody, Wolfe, Kenney, Santos, Edmonds, Linville, Wood, Haigh, Regala, Conway, Dickerson, Tokuda, Kessler, Hurst, Miloscia, Ruderman, Anderson, Eickmeyer and Sullivan

AN ACT Relating to lowering the emergency reserve fund balance to provide additional education construction funds.

Held on first reading February 8, 1999

HB 1960 by Representatives Cairnes, Reardon, Huff, Linville, Carrell, Campbell, Mulliken, O'Brien and Koster

AN ACT Relating to revising laws impacting retailer tax collection and remittance; amending RCW 82.32.045, 82.08.050, and 82.12.040; adding a new section to chapter 35.58 RCW; adding a new section to chapter to 44.04 RCW; adding a new section to chapter 81.104 RCW; adding new sections to chapter 82.14 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Finance.

HB 1961 by Representatives Reardon, Cairnes, Huff, Linville, Carrell, Mulliken, O'Brien and Koster

AN ACT Relating to retail sales and use tax collection and remittance; amending RCW 82.08.050 and 82.12.040; adding a new section to chapter 82.14 RCW; and providing an effective date.

Referred to Committee on Finance.

HB 1962 by Representatives Constantine and Carrell

AN ACT Relating to the uniform child custody jurisdiction and enforcement act; adding new sections to chapter 26.27 RCW; and repealing RCW 26.27.010, 26.27.020, 26.27.030, 26.27.040, 26.27.050, 26.27.060, 26.27.070, 26.27.080, 26.27.090, 26.27.100, 26.27.110, 26.27.120, 26.27.130, 26.27.140, 26.27.150, 26.27.160, 26.27.170, 26.27.180, 26.27.190, 26.27.200, 26.27.210, 26.27.220, 26.27.230, 26.27.900, 26.27.910, 26.27.920, and 26.27.930.

Referred to Committee on Judiciary.

HB 1963 by Representatives Koster, Dunshee, O'Brien, Anderson, G. Chandler, Sump, Dunn, B. Chandler and Mulliken

AN ACT Relating to flood plain management; and amending RCW 86.16.041.

Referred to Committee on Local Government.

HB 1964 by Representatives Anderson, G. Chandler, Linville, Haigh, Schoesler, Rockefeller and K. Schmidt

AN ACT Relating to on-farm chemical uses leading to waste site contamination; and amending RCW 70.105D.040.

Referred to Committee on Agriculture & Ecology.

HB 1965 by Representatives Clements and Cairnes

AN ACT Relating to taxation of gross receipts from activities under chapter 9.46 RCW; amending RCW 9.46.110; and adding a new section to chapter 9.46 RCW.

Referred to Committee on Commerce & Labor.

HB 1966 by Representatives Schual-Berke, Keiser, Poulsen, Constantine, Lantz, Ogden, Linville, Romero, Miloscia, McIntire, Kenney and Santos

AN ACT Relating to public facility siting and planning; amending RCW 36.70A.030, 36.70A.200, 36.70A.210, 43.21C.031, 43.21C.060, and 82.02.090; adding a new section to chapter 36.70A RCW; and creating a new section.

Referred to Committee on Local Government.

HB 1967 by Representatives Schual-Berke, Haigh, Lovick, Conway, Dunshee, Santos, Keiser, Ogden, Hatfield, Rockefeller, Cooper, Miloscia, Regala, Kessler, Edwards, Hurst, Gombosky, Lantz, Stensen, Linville, Murray, O'Brien, Kenney, Constantine, Dickerson, Voloria, McIntire and Kagi

AN ACT Relating to creating the dedicated education account; amending RCW 67.70.040 and 67.70.240; adding new sections to chapter 67.70 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1968 by Representatives Van Luven, Cody, Alexander and Parlette

AN ACT Relating to the scope of mental health record audits; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Health Care.

HB 1969 by Representatives McIntire, Benson, Dunshee, Tokuda, Schual-Berke, Eickmeyer, Scott, Kenney, Dunn, Rockefeller, Conway, Poulsen, Veloria, D. Schmidt, Cody, Ruderman, O'Brien, Edmonds, Lantz, Regala, Murray, Lovick, Santos, Kagi, Haigh and Kessler

AN ACT Relating to the property tax exemption for nonprofit homes for the aging; amending RCW 84.36.041; adding a new section to chapter 84.36 RCW; and declaring an emergency.

Referred to Committee on Economic Development, Housing & Trade.

HB 1970 by Representatives Keiser, Quall, Stensen, Reardon, Santos, Dunshee, Linville, Morris, Romero, Kagi, McIntire, Conway, Kenney, Regala, Ogden, Edmonds, Lovick, Haigh, Rockefeller, Gombosky, Cody, Edwards, O'Brien, Sullivan, Cooper, Veloria, Schual-Berke, Miloscia, Lantz, Murray, Constantine, Ruderman, Poulsen and Kessler

AN ACT Relating to the reduction of class size in Washington's public elementary schools; adding new sections to chapter 28A.150 RCW; and creating a new section.

Referred to Committee on Education.

HB 1971 by Representatives D. Sommers, Wood, Benson, Schindler and Gombosky

AN ACT Relating to traffic safety; and amending RCW 43.59.150 and 46.52.070.

Referred to Committee on Transportation.

HB 1972 by Representatives Hatfield and Benson

AN ACT Relating to financial institutions; amending RCW 11.11.010; providing an effective date; and declaring an emergency.

HB 1973 by Representatives Ruderman, D. Sommers, Cody, Ballasiotes, Edwards, Boldt, Kagi, Tokuda, Edmonds, Talcott, Keiser, Veloria and Santos

AN ACT Relating to creating an emergency response fund for outbreaks of communicable disease and tuberculosis detention; adding new sections to chapter 43.70 RCW; creating new sections; and making appropriations.

Referred to Committee on Health Care.

HB 1974 by Representatives Lantz, Dunn, Dunshee, Murray and Haigh

AN ACT Relating to financing of public works projects; amending RCW 47.46.010, 47.46.030, 47.46.040, and 47.46.050; and adding a new section to chapter 47.46 RCW.

Referred to Committee on Transportation.

HB 1975 by Representatives Lantz, Dunn, Miloscia, Mielke, Dunshee, Rockefeller and Haigh

AN ACT Relating to design-build demonstration projects; amending RCW 47.20.775; and providing an expiration date.

Referred to Committee on Transportation.

HB 1976 by Representatives Lantz, Huff, Mielke, Dunshee and Haigh

AN ACT Relating to restrictions on capitalized costs for public projects; and amending RCW 47.46.050.

Referred to Committee on Transportation.

HB 1977 by Representatives Lantz, Miloscia, Dunshee and Wolfe

AN ACT Relating to public works contractor accountability; and adding a new section to chapter 47.46 RCW.

Referred to Committee on State Government.

HB 1978 by Representatives Lantz, Huff, Miloscia and Dunshee

AN ACT Relating to description of public projects; and amending RCW 47.46.020.

Referred to Committee on Transportation.

HB 1979 by Representatives Lantz, Dunshee and Murray

AN ACT Relating to lending the state's credit; and amending RCW 47.46.010.

Referred to Committee on Transportation.

HB 1980 by Representatives Lantz, Dunn, O'Brien, Van Luven and Mielke

AN ACT Relating to regulation by the utilities and transportation commission when tolls exceed a rate established in an advisory vote; and amending RCW 47.46.050.

Referred to Committee on Transportation.

HB 1981 by Representatives O'Brien, Ballasiotes, Kenney, Conway and Lovick

AN ACT Relating to law enforcement officer training by the criminal justice training commission; adding new sections to chapter 43.101 RCW; and creating a new section.

Referred to Committee on Criminal Justice & Corrections.

HB 1982 by Representatives Thomas, Dunshee, Boldt, Linville, Hatfield, Koster, Morris, Grant, Haigh and Dunn



AN ACT Relating to excise tax exemptions related to horses; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

HB 1983 by Representatives Koster and Grant

AN ACT Relating to animal cruelty; and amending RCW 16.52.185.

Referred to Committee on Judiciary.

HB 1984 by Representatives Boldt, Koster, Carrell, Mielke, Lambert, Bush, Schindler, Mulliken and Dunn

AN ACT Relating to the well-being of children; adding new sections to chapter 9.68 RCW; repealing RCW 9.68.015, 9.68.050, 9.68.060, 9.68.070, 9.68.080, 9.68.090, 9.68.100, 9.68.110, 9.68.120, 9.68.130, 9.68A.140, 9.68A.150, and 9.68A.160; prescribing penalties; and declaring an emergency.

Referred to Committee on Judiciary.

HB 1985 by Representatives Lantz, Van Luven, Dunshee, Dunn, Wolfe, Mielke, Murray and O'Brien

AN ACT Relating to legislative approval of private financing of public projects; and amending RCW 47.46.030.

Referred to Committee on Transportation.

HB 1986 by Representatives Cooper, Barlean, Regala, Eickmeyer, Kagi, Fisher and Thomas

AN ACT Relating to off-road vehicle areas; and amending RCW 46.09.020.

Referred to Committee on Transportation.

HB 1987 by Representatives Schoesler, Grant and G. Chandler

AN ACT Relating to tax exemptions and credits for structures and equipment used to reduce agricultural burning of cereal grains and field and turf grass grown for seed; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding a new section to chapter 82.04 RCW; adding a new section to chapter 84.36 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Agriculture & Ecology.

HB 1988 by Representatives Kagi, Ballasiotes, Dickerson, Tokuda, Haigh, Miloscia, Radcliff, Anderson, Veloria, Wolfe, Cody, McIntire, O'Brien, Edmonds, Kenney, Lantz, Keiser, Regala, Murray, Lovick, Ruderman, Santos and Kessler

AN ACT Relating to expanding maternity care for at-risk mothers; adding new sections to chapter 74.09 RCW; adding a new section to chapter 82.04 RCW; creating a new section; making appropriations; and providing an effective date.

Referred to Committee on Health Care.

HB 1989 by Representatives Bush, Thomas, Cairnes, Talcott, Fortunato, Campbell, Sullivan, Esser, McDonald, Wensman and Benson

AN ACT Relating to high-occupancy vehicle lanes; and amending RCW 46.61.165.

Referred to Committee on Transportation.

HB 1990 by Representatives Cody, Ballasiotes, Schual-Berke, Kenney, Keiser and Veloria; by request of Department of Social and Health Services

AN ACT Relating to criminal history background checks for potential state employees and contractors; amending RCW 43.43.832 and 43.20A.710; and declaring an emergency.

Referred to Committee on Health Care.

HB 1991 by Representatives Murray and Mitchell

AN ACT Relating to the university tract; amending RCW 28B.20.382, 28B.20.394, 28B.20.396, 28B.20.398, and 39.46.020; adding new sections to chapter 28B.20 RCW; creating a new section; repealing RCW 28B.20.390, 28B.20.392, 43.79.080, and 43.79.090; and declaring an emergency.

Referred to Committee on Capital Budget.

HB 1992 by Representatives Ballasiotes, Schual-Berke and Rockefeller

AN ACT Relating to the emergency administration of epinephrine; adding new sections to chapter 18.73 RCW; and declaring an emergency.

Referred to Committee on Health Care.

HB 1993 by Representatives Gombosky, D. Sommers and Linville

AN ACT Relating to tax increment financing; amending RCW 84.52.043, 84.52.065, 84.52.067, 36.33.220, 36.79.140, 36.82.040, 46.68.124, and 82.03.130; adding a new section to chapter 27.12 RCW; adding a new section to chapter 35.61 RCW; adding a new section to chapter 36.32 RCW; adding a new section to chapter 36.68 RCW; adding a new section to chapter 36.69 RCW; adding a new section to chapter 36.75 RCW; adding a new section to chapter 52.12 RCW; adding a new section to chapter 53.08 RCW; adding a new section to chapter 54.16 RCW; adding a new section to chapter 67.38 RCW; adding a new section to chapter 68.52 RCW; adding a new section to chapter 70.44 RCW; adding a new section to chapter 86.15 RCW; adding a new section to chapter 84.55 RCW; adding a new chapter to Title 39 RCW; creating new sections; repealing RCW 39.88.010, 39.88.020, 39.88.030, 39.88.040, 39.88.050, 39.88.060, 39.88.070, 39.88.080, 39.88.090, 39.88.100, 39.88.110, 39.88.120, 39.88.130, 39.88.900, 39.88.905, 39.88.910, 39.88.915, and 84.55.080; and providing an expiration date.

Referred to Committee on Economic Development, Housing & Trade.

HB 1994 by Representatives Gombosky, D. Sommers, Kagi, Sullivan, Tokuda, O'Brien, Edmonds, Kenney, Lantz, Keiser, Regala, Murray, Wolfe, Dickerson, Santos, Poulsen and Kessler

AN ACT Relating to increasing child care subsidy rates; and adding a new section to chapter 74.13 RCW.

Referred to Committee on Appropriations.

HB 1995 by Representatives Miloscia, Dunn, Kessler, D. Sommers, Kenney, Conway, Rockefeller and D. Schmidt

AN ACT Relating to the employment of persons with disabilities; adding a new section to chapter 82.04 RCW; and creating a new section.

Referred to Committee on Finance.

HB 1996 by Representatives Parlette and Cooper; by request of Department of Labor & Industries

AN ACT Relating to charter boat safety; and amending RCW 88.04.005, 88.04.015, 88.04.025, 88.04.035, 88.04.045, 88.04.065, 88.04.310, and 88.04.330.

Referred to Committee on Natural Resources.

HB 1997 by Representatives Wensman, H. D. Sommers Schmidt, Scott, Pennington, Edwards, Mielke, Ericksen, Doumit, Alexander and Haigh

AN ACT Relating to local government fiscal notes; amending RCW 43.132.020, 43.132.040, and 43.132.060; adding new sections to chapter 43.132 RCW; and creating a new section.

Referred to Committee on Local Government.

HB 1998 by Representatives Thomas, Cairnes, Koster, Sump, Dunn, Carrell, Campbell and Benson

AN ACT Relating to private property takings; and adding a new chapter to Title 64 RCW.

Referred to Committee on Judiciary.

HB 1999 by Representatives Edmonds, Cody, Pennington, Cooper, Conway, Kenney, Esser, Kagi, Lovick, Veloria and Rockefeller

AN ACT Relating to smoking cessation; adding a new section to chapter 74.09 RCW; and creating a new section.

Referred to Committee on Health Care.

HB 2000 by Representatives Santos, Talcott, Quall, Schual-Berke, Stensen, Keiser, Conway and Veloria

AN ACT Relating to parental and community involvement grants; creating a new section; and providing an expiration date.

Referred to Committee on Education.

HB 2001 by Representatives Santos, Stensen, Schual-Berke, Keiser, Lambert, McIntire, Bush, Kenney and Veloria

AN ACT Relating to creating an education specialist for transient children; and creating new sections.

Referred to Committee on Children & Family Services.

HB 2002 by Representatives Lovick, Hurst, Cody, Cairnes, O'Brien, Schual-Berke, Edwards, Bush, Kagi, Delvin, Cooper, Schindler, Constantine, Ericksen, Haigh, Wood, Kenney, Keiser, Carrell, Campbell and Rockefeller

AN ACT Relating to motor vehicle theft; amending RCW 9A.56.070 and 13.40.0357; reenacting and amending RCW 9.94A.320; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 2003 by Representatives O'Brien, Delvin, Lovick and Ballasiotes

AN ACT Relating to evidence; adding a new section to chapter 46.63 RCW; and creating a new section.

Referred to Committee on Judiciary.

HB 2004 by Representatives O'Brien and Lovick

AN ACT Relating to fetal alcohol syndrome; amending RCW 71A.10.020, 66.08.196, and 69.50.520; reenacting and amending RCW 66.24.290 and 66.08.180; adding a new section to chapter 71A.12 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Children & Family Services.

HB 2005 by Representatives Wolfe, D. D. Sommers Schmidt, Romero, Carlson, Delvin, Santos, O'Brien, Miloscia, Lovick, Dickerson, Kenney, Ogden, Fisher, Cody, Parlette, Campbell, Lambert, Pennington, Dunshee, Koster, Hankins, Clements, Cairnes, Keiser, Conway and Veloria; by request of State Auditor

AN ACT Relating to whistleblowers; amending RCW 42.40.020, 42.40.040, 42.40.050, and 43.09.410; adding new sections to chapter 42.40 RCW; and adding a new section to chapter 42.52 RCW.

Referred to Committee on State Government.

HB 2006 by Representatives Mielke, Boldt, Schindler, Benson, D. Sommers, McMorris, Dunn and Mulliken

AN ACT Relating to lodging reimbursements for legislative assistants residing over sixty miles from the legislative building; and adding a new section to chapter 44.04 RCW.

Referred to Committee on State Government.

HB 2007 by Representatives Mielke, Pennington and Carrell

AN ACT Relating to adverse possession; amending RCW 7.28.010 and 4.16.020; adding a new section to chapter 4.16 RCW; adding a new section to chapter 7.28 RCW; and declaring an emergency.

Referred to Committee on Judiciary.

HB 2008 by Representatives Mielke, McMorris, Koster, Boldt, Cairnes, Schindler, Crouse, Benson, Dunn, B. Chandler and Mulliken

AN ACT Relating to establishing a no net gain policy in land ownership by state agencies; and adding a new section to chapter 79.08 RCW.

Referred to Committee on State Government.

HB 2009 by Representatives Mielke and Carrell

AN ACT Relating to requiring completion of a satisfactory national instant criminal background check before issuance of a concealed pistol license; and amending RCW 9.41.070.

Referred to Committee on Judiciary.

HB 2010 by Representatives Ogden, McMorris and Romero; by request of Department of Community, Trade, and Economic Development

AN ACT Relating to historic cemeteries; and amending RCW 68.60.050.

Referred to Committee on State Government.

HB 2011 by Representatives Kessler, Conway and Haigh

AN ACT Relating to the brain injury trust fund; and adding a new section to chapter 46.20 RCW.

Referred to Committee on Transportation.

HB 2012 by Representatives Kessler, Anderson, Regala, Doumit, Barlean, Dunshee, Cooper, Fisher, Rockefeller, O'Brien, Kenney, Lantz, Keiser, Murray, Constantine and Kagi

AN ACT Relating to describing waters prohibited from oil tanker passage; and amending RCW 88.16.190.

Referred to Committee on Agriculture & Ecology.

HB 2013 by Representatives Kessler, Hatfield and Haigh

AN ACT Relating to counties that contain community empowerment zones; and amending RCW 82.60.020.

Referred to Committee on Economic Development, Housing & Trade.

HB 2014 by Representatives Cody, Campbell, Skinner, O'Brien, Edmonds, Kenney, Lantz, Rockefeller, Keiser, Conway, Regala, Murray, Lovick, Schual-Berke, Wolfe, Dickerson, Veloria, Ruderman, Santos, Kagi, Haigh and Kessler; by request of Governor Locke and Attorney General

AN ACT Relating to moneys received by the state under litigation against the tobacco industry; amending RCW 43.84.092 and 43.84.092; adding new sections to chapter 43.79 RCW; adding new sections to chapter 43.70 RCW; creating a new section; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 2015 by Representatives Radcliff, Wolfe, Lambert, Romero, DeBolt, Morris, Constantine, Ruderman, D. Schmidt, Crouse, Carrell, Poulsen, Miloscia and Rockefeller; by request of Department of General Administration and Department of Information Services

AN ACT Relating to restricting liability for harm caused by incorrectly calculated or interpreted dates associated with year 2000 date-changes processed by electronic computing devices; adding a new section to chapter 4.22 RCW; and providing an expiration date.

Referred to Committee on Judiciary.

HB 2016 by Representatives Fortunato, Mulliken, Sump, Mielke, Boldt, Benson and Thomas

AN ACT Relating to changing review periods under the growth management act; and amending RCW 36.70A.130 and 36.70A.215.

Referred to Committee on Local Government.

HB 2017 by Representatives Fortunato, Mulliken, Sump and Talcott

AN ACT Relating to changing requirements of the categorical exemption process under the state environmental policy act; and adding a new section to chapter 43.21C RCW.

Referred to Committee on Agriculture & Ecology.

HB 2018 by Representatives Fortunato, Koster, Mielke, Grant and Thomas

AN ACT Relating to civil actions involving offenders; adding a new section to chapter 72.09 RCW; adding a new section to chapter 9.92 RCW; adding a new section to chapter 70.48 RCW; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 2019 by Representatives B. Chandler, Clements, Schindler, Grant, Benson, Mielke, Boldt, Esser, Delvin, McMorris and Lisk

AN ACT Relating to the employment of minors; amending RCW 49.12.121, 49.12.390, 49.12.410, and 49.12.420; repealing RCW 49.12.123; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 2020 by Representatives Esser, Carrell, Edmonds, Lambert, Lovick and McDonald

AN ACT Relating to false accusations in certain court proceedings; adding a new section to chapter 26.44 RCW; adding a new section to chapter 26.50 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Judiciary.

HB 2021 by Representatives Schindler, Pflug, K. Schmidt, Haigh, Lovick, DeBolt, McDonald and Mielke

AN ACT Relating to highway improvement priority programming criteria; and amending RCW 47.05.051.

Referred to Committee on Transportation.

HB 2022 by Representatives Schindler, Sullivan, Bush, Lantz, Mielke, Lovick, Cairnes, Hurst, Kastama, McDonald, Esser, Conway, Campbell, Benson and D. Schmidt

AN ACT Relating to expanding the national guard scholarship program; and amending RCW 28B.103.010.

Referred to Committee on Higher Education.

HB 2023 by Representatives O'Brien, Conway, Cody, Cairnes, Constantine, Dunn, Lovick, Linville and Santos

AN ACT Relating to subsidies for health benefit premiums; amending RCW 41.05.085; adding a new section to chapter 41.05 RCW; and creating a new section.

Referred to Committee on Appropriations.

HB 2024 by Representatives O'Brien, Conway, Cairnes, Cody, Schual-Berke, Lambert, Constantine, Koster, Dunn, Pflug, Kenney, Lovick, Veloria, Linville, Santos and Kessler

AN ACT Relating to health care coverage for retired or disabled school employees and retired state employees; adding a new section to chapter 41.05 RCW; and providing an effective date.

Referred to Committee on Appropriations.

HB 2025 by Representatives Van Luven, Cooper, Haigh and DeBolt

AN ACT Relating to abandoned vehicle impounds and auctions; amending RCW 18.11.070, 46.55.120, and 46.55.130; and adding a new section to chapter 46.55 RCW.

Referred to Committee on Transportation.

HB 2026 by Representative Kessler

AN ACT Relating to the sale of liquor to minors; and repealing RCW 66.44.320.

Referred to Committee on Commerce & Labor.

HB 2027 by Representatives Ballasiotes and O'Brien

AN ACT Relating to no-contact orders, no-harassment orders, protection orders, and restraining orders; amending RCW 9.94A.390, 9A.46.040, 9A.46.050, 9A.46.070, 9A.46.080, 10.14.020, 10.14.080, 10.14.110, 10.14.115, 10.14.160, 10.14.170, 10.31.100, 10.99.040, 10.99.045, 10.99.050, 26.09.050, 26.09.060, 26.09.300, 26.10.040, 26.10.115, 26.10.220, 26.26.130, 26.26.137, 26.26.138, 26.44.063, 26.44.067, 26.44.150, 26.50.010, 26.50.020, 26.50.060, 26.50.070, 26.50.100, 26.50.110, and 26.50.115; adding a new section to chapter 10.14 RCW; adding a new section to chapter 26.50 RCW; creating a new section; prescribing penalties; and declaring an emergency.

Referred to Committee on Judiciary.

SB 5060 by Senators Eide, Goings, Haugen, Benton, Gardner, Patterson, West, Brown, Johnson and Oke

Authorizing state highway bonds.

Referred to Committee on Transportation.

SB 5100 by Senators Haugen, Sellar, Spanel, Gardner, Heavey, Benton, Oke, B. Sheldon and Kohl-Welles

Regulating ferry queues.

Referred to Committee on Transportation.

SSB 5176 by Senate Committee on Education (originally sponsored by Senators McAuliffe, Eide, Long, Costa, Goings, Oke, Winsley and Rasmussen)

Authorizing the arrest of persons who willfully refuse to leave school grounds after being ordered to do so.

Referred to Committee on Education.

SSB 5212 by Senate Committee on Education (originally sponsored by Senators McAuliffe, Eide, Winsley, Thibaudeau, Franklin, Rasmussen and Costa)

Providing for school safety plans.

Referred to Committee on Education.

SSB 5214 by Senate Committee on Education (originally sponsored by Senators McAuliffe, Long, Fairley, Kohl-Welles, Eide, Costa, Kline, Thibaudeau and Winsley)

Providing for additional investigations when a student is charged with possession of a firearm on school facilities.

Referred to Committee on Judiciary.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

## **REPORTS OF STANDING COMMITTEES**

February 9, 1999

HB 1042 Prime Sponsor, Representative Dunn: Exempting certain computer software from public inspection. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Campbell, Republican Vice Chair; Miloscia, Democratic Vice Chair; Dunshee; Haigh; Lambert and D. Schmidt.



Voting yea: Representatives McMorris, Romero, Campbell, Miloscia, Dunshee, Haigh, Lambert and D. Schmidt

Passed to Rules Committee for Second Reading.

February 9, 1999

HB 1073 Prime Sponsor, Representative D. Schmidt: Changing alternative bid processes for public hospital districts. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Campbell, Republican Vice Chair; Miloscia, Democratic Vice Chair; Dunshee; Haigh; Lambert and D. Schmidt.

Voting yea: Representatives McMorris, Romero, Campbell, Miloscia, Dunshee, Haigh, Lambert and D. Schmidt

Passed to Rules Committee for Second Reading.

February 9, 1999

HB 1080 Prime Sponsor, Representative Carlson: Providing infectious disease testing for good samaritans. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Democratic Co-Chair; Parlette, Republican Co-Chair; Pflug, Republican Vice Chair; Schual-Berke, Democratic Vice Chair; Alexander; Boldt; Campbell; Conway; Edmonds; Edwards; Mulliken and Ruderman.

Voting yea: Representatives Cody, Parlette, Pflug, Schual-Berke, Alexander, Boldt, Campbell, Conway, Edmonds, Edwards, Mulliken and Ruderman.

Passed to Rules Committee for Second Reading.

February 11, 1999

HB 1124 Prime Sponsor, Representative Constantine: Correcting DUI penalty provisions. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Esser; Kastama; Lantz; Lovick; McDonald and Schindler.

Voting yea: Representatives Carrell, Constantine, Hurst, Lambert, Cox, Dickerson, Esser, Kastama, Lantz, Lovick, McDonald and Schindler.

Passed to Rules Committee for Second Reading.

February 10, 1999

HB 1173 Prime Sponsor, Representative Cairnes: Exempting jail construction from sales and use taxes. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

Voting yea: Representatives Ballasiotes, O'Brien, Cairnes, Lovick, B. Chandler, Constantine, Kagi and Koster.

Referred to the Committee on Finance.

February 9, 1999

HB 1183 Prime Sponsor, Representative H. Sommers: Negotiating state-wide custody contracts.  
Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Campbell, Republican Vice Chair; Miloscia, Democratic Vice Chair; Dunshee; Haigh; Lambert and D. Schmidt.

Voting yea: Representatives McMorris, Romero, Campbell, Miloscia, Dunshee, Haigh, Lambert and D. Schmidt

Passed to Rules Committee for Second Reading.

February 10, 1999

HB 1297 Prime Sponsor, Representative O'Brien: Clarifying the application of limitations on earned early release time to serious violent offenders. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

Voting yea: Representatives Ballasiotes, O'Brien, Cairnes, Lovick, B. Chandler, Constantine, Kagi and Koster.

Passed to Rules Committee for Second Reading.

February 10, 1999

HB 1347 Prime Sponsor, Representative O'Brien: Clarifying sentencing requirements for certain crimes. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Lovick, Democratic Vice Chair; Constantine and Kagi.

MINORITY recommendation: Do not pass. Signed by Representatives Cairnes, Republican Vice Chair; B. Chandler and Koster.

Voting yea: Representatives Ballasiotes, O'Brien, Lovick, Constantine and Kagi.

Voting nay: Representative(s) Cairnes, B. Chandler and Koster.

Referred to Committee on Appropriations.

February 9, 1999

HB 1372 Prime Sponsor, Representative Schual-Berke: Repealing the requirement to maintain a registry for handicapped children. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Democratic Co-Chair; Parlette, Republican Co-Chair; Pflug, Republican Vice Chair; Schual-Berke, Democratic Vice Chair; Alexander; Boldt; Campbell; Conway; Edmonds; Edwards; Mulliken and Ruderman.

Voting yea: Representatives Cody, Parlette, Pflug, Schual-Berke, Alexander, Boldt, Campbell, Conway, Edmonds, Edwards, Mulliken and Ruderman.

Passed to Rules Committee for Second Reading.

February 10, 1999

HB 1377 Prime Sponsor, Representative O'Brien: Revising sanctions for violating conditions of the juvenile offender basic training camp program. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

Voting yea: Representatives Ballasiotes, O'Brien, Cairnes, Lovick, B. Chandler, Constantine, Kagi and Koster.

Referred to Committee on Appropriations.

February 10, 1999

HB 1388 Prime Sponsor, Representative Keiser: Clarifying the state's jurisdiction over crimes committed in the airspace over the state. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

Voting yea: Representatives Ballasiotes, O'Brien, Cairnes, Lovick, B. Chandler, Constantine, Kagi and Koster.

Passed to Rules Committee for Second Reading.

February 11, 1999

HB 1422 Prime Sponsor, Representative H. Sommers: Authorizing the state investment board to directly order actions relating to securities. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Benson, Republican Co-Chair; Hatfield, Democratic Co-Chair; Bush, Republican Vice Chair; McIntire, Democratic Vice Chair; Barlean; Cairnes; DeBolt; Keiser; Quall; Santos; Sullivan and Talcott.

Voting yea: Representatives Benson, Hatfield, Bush, McIntire, Barlean, Cairnes, DeBolt, Keiser, Quall, Santos, Sullivan and Talcott.

Passed to Rules Committee for Second Reading.

February 9, 1999

HB 1539 Prime Sponsor, Representative Parlette: Clarifying medicare supplement policies. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Democratic Co-Chair; Parlette, Republican Co-Chair; Pflug, Republican Vice Chair; Schual-Berke, Democratic Vice Chair; Alexander; Boldt; Campbell; Conway; Edmonds; Edwards; Mulliken and Ruderman.

Voting yea: Representatives Cody, Parlette, Pflug, Schual-Berke, Alexander, Boldt, Campbell, Conway, Edmonds, Edwards, Mulliken and Ruderman.

Passed to Rules Committee for Second Reading.

February 9, 1999

HJM 4004 Prime Sponsor, Representative Dickerson: Urging support of prostate cancer research. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Democratic Co-Chair; Parlette, Republican Co-Chair; Pflug, Republican Vice Chair; Schual-Berke, Democratic Vice Chair; Alexander; Boldt; Campbell; Conway; Edmonds; Edwards; Mulliken and Ruderman.

Voting yea: Representatives Cody, Parlette, Pflug, Schual-Berke, Alexander, Boldt, Campbell, Conway, Edmonds, Edwards, Mulliken and Ruderman.

Passed to Rules Committee for Second Reading.

There being no objection, the bills and memorial listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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

There being no objection, House Bill No. 1760 is referred from the Committee on Judiciary to the Committee on Transportation, and House Bill No. 1955 is referred from the Committee on State Government to the Committee on Commerce and Labor.

There being no objection, the House reverted to the sixth order of business.

## **SECOND READING**

HOUSE BILL NO. 1061, by Representatives K. Schmidt, Fisher, Radcliff, Sullivan, Skinner and Hankins; by request of Legislative Transportation Committee

Modifying provisions concerning the freight mobility strategic investment board.

The bill was read the second time. There being no objection, Substitute House Bill No. 1061 was substituted for House Bill No. 1061 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1061 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives K. Schmidt and Fisher spoke in favor of passage of the bill.

#### MOTIONS

On motion of Representative Wolfe, Representatives Ogden and Wood were excused. On motion of Representative Schoesler, Representatives Bush and Lisk were excused.

Speaker Ballard stated the question before the House to be final passage of Substitute House Bill No. 1061.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1061 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Mr. Speaker Ballard and Mr. Speaker Chopp - 94.

Excused: Representatives Bush, Lisk, Ogden and Wood - 4.

Substitute House Bill No. 1061, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1097, by Representatives Cairnes, Constantine, Sheahan, Murray, Kastama, Edwards, K. Schmidt, Fisher and Rockefeller

Allowing a regional transit authority to establish fines for certain civil infractions.

The bill was read the second time.

Representative Cairnes moved the adoption of the following amendment (003):

On page 2, line 17, after "of" strike "transit service." and insert "trains, including but not limited to commuter trains and light rail trains."

On page 2, line 22, after "4" strike "(2)"

Representative Cairnes spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cairnes and Fisher spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Engrossed House Bill No. 1097.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1097, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Mr. Speaker Ballard and Mr. Speaker Chopp - 94.

Excused: Representatives Bush, Lisk, Ogden and Wood - 4.

Engrossed House Bill No. 1097, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1139, by Representatives Sheahan, Constantine and Kenney

Removing a director of a nonprofit corporation from office.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cairnes and Constantine spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of House Bill No. 1139.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1139 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds,

Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Mr. Speaker Ballard and Mr. Speaker Chopp - 94.

Excused: Representatives Bush, Lisk, Ogden and Wood - 4.

House Bill No. 1139, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1142, by Representatives Constantine and McDonald; by request of Statute Law Committee

Making technical corrections to various criminal laws.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Constantine and McDonald spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of House Bill No. 1142.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1142 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Mr. Speaker Ballard and Mr. Speaker Chopp - 94.

Excused: Representatives Bush, Lisk, Ogden and Wood - 4.

House Bill No. 1142, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1151, by Representatives Linville, G. Chandler, Cooper and Koster; by request of Department of Agriculture

Updating or repealing dairy or food laws.

The bill was read the second time.

Representative Linville moved the adoption of the following amendment (002):

On page 17, after line 27, insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 15.36 RCW to read as follows:

The authority to assess a civil penalty under RCW 15.36.111(1) and 15.36.201(2) shall be used only as consistent with the 1995 grade A pasteurized milk ordinance published by the United States public health service, food and drug administration and adopted by department in WAC 16-101-700, or any subsequent version as adopted by the department under the authority of RCW 15.36.021(3)."

Renumber the remaining sections consecutively, correct the title, and correct internal references accordingly.

Representatives Linville and G. Chandler spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Linville, G. Chandler, Haigh and Cooper spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Engrossed House Bill No. 1151.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1151, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Mr. Speaker Ballard and Mr. Speaker Chopp - 94.

Excused: Representatives Bush, Lisk, Ogden and Wood - 4.

Engrossed House Bill No. 1151, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1152, by Representatives McMorris, G. Chandler, Linville and Cooper; by request of Department of Agriculture

Regulating private applicator licenses.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives McMorris and Linville spoke in favor of passage of the bill.



Speaker Ballard stated the question before the House to be final passage of House Bill No. 1152.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1152 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Mr. Speaker Ballard and Mr. Speaker Chopp - 94.

Excused: Representatives Bush, Lisk, Ogden and Wood - 4.

House Bill No. 1152, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1159, by Representatives Hurst, Sheahan, Constantine and Kenney

Comporting with Internal Revenue Code language.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hurst and Edwards spoke in favor of passage of the bill.

Representatives Delvin, Carrell, Cooper, Murray, Wensman, Radcliff, G. Chandler, Kastama, Mastin, Benson, Kenney, Cairnes, Fortunato and Fisher spoke against passage of the bill.

Representative Pennington demanded the previous question and the demand was sustained.

Speaker Ballard stated the question before the House to be final passage of House Bill No. 1159.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1159 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Mr. Speaker Ballard and Mr. Speaker Chopp - 94.

Excused: Representatives Bush, Lisk, Ogden and Wood - 4.

House Bill No. 1159, having received the constitutional majority, was declared passed.

**SPEAKER'S PRIVILEGE**

Speaker Ballard congratulated Representative Hurst on passage of his first bill and asked the Chamber to acknowledge his accomplishment.

There being no objection, the House advanced to the eleventh order of business.

On motion of Representative Cairnes, the House adjourned until 10:00 a.m., Monday, February 15, 1999, the 36<sup>th</sup> Legislative Day.

TIMOTHY A. MARTIN, Chief Clerk      CLYDE BALLARD, Speaker  
DEAN R. FOSTER, Chief Clerk      FRANK CHOPP, Speaker

THIRTY-THIRD DAY, FEBRUARY 12, 1999

JOURNAL OF THE HOUSE

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**THIRTY-SIXTH DAY**

**MORNING SESSION**

House Chamber, Olympia, Monday, February 15, 1999

The House was called to order at 10:00 a.m. by Speaker Chopp. The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by the Kentwood High School Marine Corps Junior ROTC. Speaker Chopp lead the chamber in the Pledge of Alliance. The Kentwood High School Marine Corps Junior ROTC Exhibition Drill Team performed a presentation for the body. Prayer was offered by Pastor Paul Tucharadt, Prince of Peace Lutheran Church, Battleground.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

MESSAGE FROM THE SENATE

February 12, 1999

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5001,

SUBSTITUTE SENATE BILL NO. 5027,

SENATE BILL NO. 5053,

SUBSTITUTE SENATE BILL NO. 5112,

SUBSTITUTE SENATE BILL NO. 5185,

SENATE BILL NO. 5240,

SENATE BILL NO. 5497,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

## **RESOLUTIONS**

HOUSE RESOLUTION NO. 99-4628, by Representatives Regala, Skinner, Grant, O'Brien, Dickerson, Santos, Kagi, Lantz, Morris, Kenney, Constantine, Ruderman, Haigh, Buck, Cairnes, Radcliff, Miloscia, Sullivan, Cody, Tokuda, Conway, Lovick, Veloria, Romero, Stensen, Hurst, McIntire, Doumit, K. Schmidt, Gombosky, Linville, Schual-Berke, Scott, Fisher, Rockefeller, Edmonds, Reardon, Keiser, Quall, G. Chandler, DeBolt, Mitchell, Ballasiotes, Clements, Esser, Barlean, Mastin, Benson, Wensman, Schoesler, Lambert, Hatfield, Pflug, Dunn, Hankins, D. Schmidt, Thomas, Mulliken and McDonald

WHEREAS, The people of the State of Washington should celebrate CHILDREN as one of the most valuable assets of their society; and

WHEREAS, CHILDREN represent the future, hope, and inspiration of the people of the State of Washington; and

WHEREAS, The CHILDREN of the State of Washington should have the right to be cherished and live in an environment that develops their personality; and

WHEREAS, The CHILDREN of the State of Washington should be allowed to feel that their ideas and dreams will be valued and respected because adults in the society take time to listen; and

WHEREAS, Many CHILDREN in the State of Washington face crises of grave proportions, especially as they enter adolescent years in a fast-changing and insecure world; and

WHEREAS, CHILDREN are the responsibility of all the citizens of the State of Washington and everyone should celebrate the CHILDREN of this society, whose questions, laughter, and tears are important to the existence of this society; and

WHEREAS, CHILDREN of the State of Washington should have the right to an education, wholesome recreation, and a peaceful society; and

WHEREAS, The state has designated the second Sunday in October to commemorate the CHILDREN of the State of Washington;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives declare that children are our future. It is vital that they are protected and nurtured. It is important that we focus on children and their needs, as well as recognize their accomplishments. The House of Representatives encourages the citizens of Washington to celebrate children on Children's Day and throughout the year by spending more quality time with children and highlighting their special importance. It is important that we show our support for the youth of the State of Washington.

Representative Regala moved adoption of the resolution.

Representatives Regala, DeBolt, Skinner and Kagi spoke in favor of the adoption of the resolution.

## **POINT OF ORDER**

Representative Van Luven asked if the House Rules had been changed which required permission of the Speaker prior to reading a document from the Floor.

## **SPEAKER'S RULING**

Speaker Chopp ruled that Representative Van Luven's point of order was well taken and asked the members to follow Rule 17(C).

House Resolution No. 99-4628 was adopted.

HOUSE RESOLUTION NO. 99-4627, by Representatives Ogden, Lambert, Pflug, Dunn, D. Schmidt, Linville, Lovick, Thomas and Hankins

WHEREAS, The year 1999 marks the two hundredth anniversary of the death of America's founding father, George Washington; and

WHEREAS, George Washington was the indispensable figure in the creation of the United States of America and served our nation as its first commander in chief and president with unparalleled distinction; and

WHEREAS, George Washington modeled for the world the peaceful transference power, a cornerstone of democracy; and

WHEREAS, George Washington, in the first presidential inaugural address, challenged all Americans with the task of preserving for all ages the "sacred fire of liberty"; and

WHEREAS, In 1853, the Territory of Washington was named for this national hero; and

WHEREAS, In 1889 the State of Washington joined the Union as the forty-second State and became the only state named for a President;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives proclaim 1999 as George Washington Year to celebrate the life and legacies of George Washington: First in war, first in peace, and first in the hearts of his countrymen.

Representative Ogden moved adoption of the resolution.

Representatives Ogden and Benson spoke in favor of the adoption of the resolution.

House Resolution No. 99-4627 was adopted.

HOUSE RESOLUTION NO. 99-4625, by Representatives Mastin, Van Luven, Radcliff, Benson, Thomas, Ballasiotes, Huff, Campbell, Alexander, Clements, D. Schmidt, Mulliken, Cairnes, Barlean, Mielke, Schindler, B. Chandler, Koster, Schoesler, G. Chandler, Carrell, Dunn, K. Schmidt, Wensman, Mitchell, Sump, Lambert, Ericksen, Esser, Fortunato, Skinner, Cox, Pflug, Linville and Hankins

WHEREAS, It is the policy of the Washington State Legislature to recognize excellence in all fields of endeavor; and

WHEREAS, Abraham Lincoln, the 16th President of the United States of America, exhibited the highest levels of excellence in service and sacrifice to his country; and

WHEREAS, Abraham Lincoln demonstrated unimpeachable moral character in all matters, large or small, public or personal, thereby earning himself the nickname "Honest Abe"; and

WHEREAS, Abraham Lincoln was a gentleman from humble beginnings, being raised in a log cabin, who cleared land and split rails as a young man, and although he later attained great stature in public life, he never lost touch, empathy, or the values he shared with the common person; and

WHEREAS, Abraham Lincoln exemplified the greatest preservation and abilities in scholastic and professional endeavors, illustrated by the fact that he educated himself in the profession of law and following an apprenticeship earned a well-deserved reputation as a skilled, talented, and respected member of the bar; and

WHEREAS, Abraham Lincoln continues to be known and admired for his eloquent and accomplished oratory of viewpoints which were always rooted in the truest principles of liberty and justice, and which are perhaps best illustrated in his debate opposing slavery with Judge Stephen A. Douglas, and by the delivery of what has become known as the Gettysburg Address, which honored the magnitude of the cost of liberty; and

WHEREAS, Abraham Lincoln believed the republican form of government established by the Founding Fathers was the best means of ensuring freedom from despotic government and he became the father of the modern Republican Party dedicated to maintaining principles of constitutional representation under the rule of law; and

WHEREAS, Abraham Lincoln unselfishly gave of himself throughout his long and distinguished commitment to public service to his fellow citizens which included judicial service in the Eighth Circuit, as a member of the Illinois State Legislature, as a member of the United States Congress, and as the President of the United States of America; and

WHEREAS, Abraham Lincoln courageously issued the famous Emancipation Proclamation Act of 1862, adopted by Congress later that same year, which valued the citizenship and respected the freedom of all persons regardless of race or color; and

WHEREAS, Abraham Lincoln, while President of the United States, issued annual Proclamations of National Prayer Day, duly adopted by Congress, that recognized the pursuits of Nations and Governments, as well as those of men, are dependent upon the solemn guidance and reverent will of God; and

WHEREAS, Abraham Lincoln, within one month of being inaugurated as President, faced the mighty challenge of a Civil War . . . which tore at the fabric of the union, pitting brother against brother, family against family . . . with a love of liberty and a firm assurance in the divine providence as his guide and support for the nation; and

WHEREAS, Abraham Lincoln steadfastly directed the campaign to victory in the Civil War, held malice toward none and a spirit of charity toward all, believed with conviction and firmness in the right and just, helped bind this great nation together and heal its wounds, and gave to us a just and lasting national peace; and

WHEREAS, Abraham Lincoln suffered an untimely death, just five days after bringing the Civil War to an end in April 1865, at the hands of an assassin who tragically ended the life of a man who gave of himself to his country unselfishly, charitably, graciously, and patriotically for causes that were just, noble, and honorable on behalf of liberty and freedom for all; and

WHEREAS, Abraham Lincoln's own words are inscribed into the walls of the Lincoln Memorial in Washington, D.C.: "That this nation, under God, shall have a new birth of freedom, and that government of the people, by the people, for the people, shall not perish from the earth";

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington honor the 16th President of these United States, for his faith, character, ideals, and contributions which continue to inspire the best within the hearts of men, women, and children everywhere, and which will continue to do so for generations to come.

Representative Mastin moved adoption of the resolution.

Representative Mastin spoke in favor of the adoption of the resolution.

House Resolution No. 99-4625 was adopted.

HOUSE RESOLUTION NO. 99-4623, by Representatives Lovick, Pennington, Chopp, Ballard, Kessler, Tokuda, Ogden, Ruderman, Radcliff, Veloria, McIntire, Conway, Santos, Wensman, D. Schmidt, Grant, Dickerson, Wolfe, Constantine, Hatfield, Pflug, Skinner, Dunn, Linville, Thomas and Hankins

WHEREAS, Each year February marks the national observance of African American History Month to celebrate the significant contributions of Americans of African ancestry to the history of our great nation; and

WHEREAS, It is to the benefit of all Americans to honor those who have come before us; and

WHEREAS, Carter G. Woodson, the father of African American History Month, through his research left us with a written record of the presence of millions of Americans whose ancestors have been on the continent of North America since before the Mayflower; and

WHEREAS, Carter G. Woodson founded this month so that Americans of African ancestry could be honored for the many accomplishments which would otherwise go unnoticed in the mainstream textbooks and historical celebrations of United States history; and

WHEREAS, For more than 300 years as part of an established system of slavery and human bondage, they toiled and survived, and then overcame the degradation and shame of this system to become contributors at every level of our public and private endeavors; and

WHEREAS, The desire to succeed and contribute to America caused African Americans to defy racial hostility, Jim Crow Laws, and economic and social injustices; and

WHEREAS, This willingness to succeed and the love for their country has left a positive impact on American culture and society in areas of education, medicine, industry, the military, religion, social sciences, philosophy, agriculture, engineering, and the arts; and

WHEREAS, African Americans continue to contribute widely to the attainment of peace, equality, and justice, and all Americans deserve to know of all the great moments and accomplishments of African Americans; and

WHEREAS, George Washington Bush was the first African American to serve in the Washington Territorial Legislature, and Representatives Charles Stokes and Marjorie Pitter King were the first African American man and woman to serve in the legislature following the proclamation of Washington statehood; and Charles Z. Smith was the first African American to serve on the Washington State Supreme Court; and

WHEREAS, The Washington State Legislature has had among its elected African American Representatives and Senators, Sam Smith, Michael Ross, Peggie Joan Maxie, George Fleming, Bill Smitherman, Jesse Wineberry, Vivian Caver, Rosa Franklin, Dawn Mason, and John Lovick; and

WHEREAS, There have been major contributions made to Washington State history by African American citizens including: Civil rights leader Edwin T. Pratt; poet Mona Lake Jones; artists Jacob Lawrence and James Washington; historian Esther Mumford; and musicians Quincy Jones, Ernestine Anderson, and Jimi Hendrix; and

WHEREAS, Washington is a beautiful state, and America is a proud nation due to our recognition of the contributions made by many diverse ethnic populations and because of our ability to work together as a state dependent upon international peace, harmony, and cooperation;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize February 1999, as African American History Month, in recognition of Americans of African descent who have contributed to America, a nation in which we take great pride.

Representative Lovick moved adoption of the resolution.

Representatives Lovick and Santos spoke in favor of the adoption of the resolution.

House Resolution No. 99-4623 was adopted.

HOUSE RESOLUTION NO. 99-4626, by Representatives Fortunato, Pflug, Skinner, Dunn, D. Schmidt, Lovick and Thomas

WHEREAS, The Kentwood Marine Corps Junior ROTC Drill Team, through commitment, training, and discipline led to numerous state and national championships defeating the Army, Navy, and the Air Force Drill Teams; and

WHEREAS, These exemplary students have also contributed to the welfare of those less fortunate in their neighborhood through volunteer efforts with community service organizations; and

WHEREAS, The state of Washington benefits greatly from the accomplishments of these gifted individuals, not only in their roles as students, but as citizens, role models, and future leaders of our communities and our state; and

WHEREAS, Under the mantra of Semper Fidelis, these individuals will go on to serve this great nation, placing themselves in harm's way to protect God, Corps, and Country;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Kentwood Marine Corps Junior ROTC Drill Team and their families be commended by this body and the State of Washington for their dedication to excellence and for unselfishly guarding the principles our nation holds dear; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to each of the junior ROTC members.

Representative Fortunato moved adoption of the resolution.

Representatives Fortunato, Miloscia and Pennington spoke in favor of the adoption of the resolution.

House Resolution No. 99-4626 was adopted.

HOUSE RESOLUTION NO. 99-4617, by Representatives Ruderman, Huff, Edwards, Parlette, Kastama, Cody, Lambert, Hankins, Constantine, Hatfield, Ogden, Pflug, Skinner, Conway, Kagi, Lovick, Dunn, D. Schmidt, Linville, Veloria, Thomas and McDonald

WHEREAS, It is estimated that 176,300 women and men in the United States will be diagnosed with breast cancer in 1999; and

WHEREAS, A projected 12,800 women in the United States will be diagnosed and 4,800 will die from cervical cancer in 1999; and

WHEREAS, There is no known cure for advanced breast or cervical cancer; and

WHEREAS, Breast cancer is the leading cause of death, from all causes, of women between the ages of 35 and 54; and

WHEREAS, In Washington state, 3,300 women will be diagnosed and 800 will die from breast cancer in 1999; and

WHEREAS, It is estimated that 200 women in Washington state will be diagnosed with cervical cancer in 1999; and

WHEREAS, Detection of breast and cervical cancer at an early stage provides greater chance of cure and more treatment options; and

WHEREAS, The Susan G. Komen Breast Cancer Foundation is dedicated to eradicating breast cancer as a life-threatening disease by advancing research, education, screening, and treatment; and

WHEREAS, The Susan G. Komen Breast Cancer Foundation distributes funds to organizations fighting breast cancer; and

WHEREAS, The 1998 Washington State Legislature was named the Honorary Race Chair of the Race for the Cure in recognition of the first legislative appropriation of one million dollars to the State Department of Health in support of the Breast and Cervical Health Program funded by the federal Centers for Disease Control and Prevention; and

WHEREAS, It is the declared public policy of the State of Washington that public health planning is essential to the health, safety, and welfare of the people of the state;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington recognize the courageous women and men who have survived breast and cervical cancer and remember and honor the women and men who have died of breast cancer and cervical cancer and their families; and

BE IT FURTHER RESOLVED, By the House of Representatives of the state of Washington, that February 15, 1999, be designated as Breast and Cervical Cancer Awareness Day; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to the Governor.

Representative Ruderman moved adoption of the resolution.

Representatives Ruderman and Huff spoke in favor of the adoption of the resolution.

House Resolution No. 99-4617 was adopted.

### **INTRODUCTIONS AND FIRST READING**

HB 1828 by Representatives H. Sommers, Thomas, Ogden, Carlson, Quall, Lantz, Keiser, Veloria, Murray, Stensen, Schual-Berke, Rockefeller, Edwards, Lovick, McIntire, Gombosky, Doumit, Dunshee, O'Brien, Poulsen, Cody, Wolfe, Kenney, Santos, Edmonds, Linville, Wood, Haigh,



Regala, Conway, Dickerson, Tokuda, Kessler, Hurst, Miloscia, Ruderman, Anderson, Eickmeyer, Sullivan, Fisher, Scott, Constantine, Morris, Grant, Reardon, Romero, Kastama and Cooper

AN ACT Relating to lowering the emergency reserve fund balance to provide additional education construction funds.

Held on first reading from February 8, 1999.

HB 1972 by Representatives Hatfield and Benson

AN ACT Relating to exempting credit unions from the testamentary disposition of nonprobate assets act.

Held on first reading from February 12, 1999.

HB 2028 by Representatives Bush, O'Brien, Ballasiotes, Kastama, DeBolt, Sullivan, Lambert, Keiser, Benson, Miloscia, McDonald, Boldt, Quall, Talcott, Mulliken, Clements, Scott, Barlean, Koster, Dunn, Ruderman, Stensen, Delvin, Mielke, Esser, Pennington, Carrell, Cox, Schindler, Lovick, Schoesler, Schual-Berke, Sump, D. Sommers, Fortunato, Buck, McMorris, Kessler, Anderson, Rockefeller, D. Schmidt, Mitchell, Kagi, Conway and Campbell

AN ACT Relating to prohibiting the use of voluntary intoxication as a defense against a criminal charge; and amending RCW 9A.16.090 and 9A.08.010.

Referred to Committee on Judiciary.

HB 2029 by Representatives Miloscia, Dunn, Kastama and Conway

AN ACT Relating to the creation of a state plan for economic development; adding a new section to chapter 43.31 RCW; and creating a new section.

Referred to Committee on Economic Development, Housing & Trade.

HB 2030 by Representatives Koster, Crouse, Mielke, Fortunato and Dunn

AN ACT Relating to freedom of conscience in fulfilling tax obligations for K-12 education; and adding a new chapter to Title 84 RCW.

Referred to Committee on Education.

HB 2031 by Representatives Ruderman, Dunn, Dickerson, Fortunato, Conway, Boldt, Kessler, Murray, O'Brien, Romero, Cairnes, Ogden, Rockefeller, Linville, Kenney, Edmonds, Schual-Berke, Kagi, Tokuda, McIntire, Keiser, Cooper, Lantz, Santos and Miloscia

AN ACT Relating to adding midwives to the definition of health care practitioners that provide women's health care services; and amending RCW 48.42.100.

Referred to Committee on Health Care.

HB 2032 by Representatives Campbell, Schual-Berke, Parlette, Cody, Mulliken, Kessler, Murray, O'Brien, Romero, Clements, Ogden, Rockefeller, Lovick, Dunn, Kenney, Wolfe, Dunshee, Edmonds, Tokuda, Conway, Ruderman, McIntire, Hurst, Cooper, Wood, Constantine, Lantz, Santos, Miloscia and Keiser

AN ACT Relating to health care patient rights and protections; amending RCW 4.16.350; adding new sections to chapter 48.43 RCW; adding a new section to chapter 4.24 RCW; adding a new section to chapter 7.70 RCW; and creating a new section.

Referred to Committee on Health Care.

HB 2033 by Representatives Conway, B. Chandler, Lisk, Clements, McMorris, Wood, McIntire, Linville, Kessler, Grant, G. Chandler, Mulliken, Kenney, Hurst and Lantz

AN ACT Relating to the entrance criteria for retrospective rating groups; amending RCW 51.16.035; adding a new chapter to Title 51 RCW; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 2034 by Representatives Sullivan, Gombosky, Keiser, McIntire, Reardon, Conway, Kessler, Murray, O'Brien, Anderson, Ogden, Rockefeller, Lovick, Van Luven, Kenney, Edmonds, Schual-Berke, Tokuda, Ruderman, Campbell, Wood, Constantine, Lantz and Santos

AN ACT Relating to preserving automobile insurance discounts for senior insureds after the death of a spouse; and adding a new section to chapter 48.19 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 2035 by Representatives Sullivan and Ericksen

AN ACT Relating to the creation of county marine resource committees; adding a new section to chapter 36.01 RCW; and creating a new section.

Referred to Committee on Local Government.

HB 2036 by Representatives H. Sommers, Buck, Lantz, Regala, Anderson, Ogden and Rockefeller; by request of Commissioner of Public Lands and Superintendent of Public Instruction

AN ACT Relating to funding management of the common school trust lands; amending RCW 79.64.020, 79.64.030, and 79.64.040; making appropriations; and declaring an emergency.

Referred to Committee on Appropriations.

HB 2037 by Representatives Murray, Romero, Voloria, Edmonds, McIntire, Keiser, Cooper and Santos

AN ACT Relating to employee benefits for state employment; amending RCW 41.05.011, 41.05.011, 41.05.065, 41.05.080, 41.05.085, 41.05.090, 41.06.150, 49.12.270, 49.78.020, 49.12.350, 49.12.360, 2.10.030, 2.10.140, 2.12.030, 28B.10.400, 28B.10.431, 28B.10.567, 41.26.048, 41.26.090, 41.26.160, 41.26.460, 41.26.470, 41.40.010, 41.40.023, 41.40.188, 41.40.190, 41.40.220, 41.40.235, 41.40.250, 41.40.270, 41.40.660, 41.40.670, 41.40.700, 41.54.010, 41.54.010, 41.54.034, 43.43.120, 43.43.270, 43.43.280, and 43.43.285; reenacting and amending RCW 41.26.030, 41.26.510, and 41.40.010; adding a new section to chapter 41.05 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on State Government.

HB 2038 by Representatives Murray, Anderson, Edmonds, McIntire and Keiser

AN ACT Relating to public employee leave; and adding a new section to chapter 41.06 RCW.

Referred to Committee on State Government.

HB 2039 by Representatives Murray, Constantine and Miloscia

AN ACT Relating to establishing a death penalty appellate unit; amending RCW 2.70.020 and 2.70.040; adding new sections to chapter 2.70 RCW; and creating a new section.

Referred to Committee on Judiciary.

HB 2040 by Representatives Poulsen, Constantine, Quall, Romero, Schual-Berke, Wolfe and Keiser

AN ACT Relating to a pilot program for the protection of salmon spawning beds; adding a new section to chapter 75.46 RCW; prescribing penalties; and providing an expiration date.

Referred to Committee on Natural Resources.

HB 2041 by Representatives Delvin, Fortunato and G. Chandler

AN ACT Relating to public water system interties; and amending RCW 90.03.383.

Referred to Committee on Agriculture & Ecology.

HB 2042 by Representatives McMorris, Ericksen and Boldt

AN ACT Relating to contracting for services in state government without permitting collective bargaining over wages or wage-related matters; amending RCW 41.06.150, 39.29.006, 47.46.040, 72.09.100, 72.10.030, and 82.01.070; adding a new section to chapter 41.06 RCW; creating a new section; and repealing RCW 41.06.380 and 41.06.382.

Referred to Committee on State Government.

HB 2043 by Representatives Bush and Grant

AN ACT Relating to insurer self-audits; and adding a new chapter to Title 48 RCW.

Referred to Committee on Judiciary.

HB 2044 by Representatives Constantine, Crouse, Poulsen, DeBolt and Ruderman

AN ACT Relating to cable subscriber information practices; and adding a new chapter to Title 19 RCW.

Referred to Committee on Technology, Telecommunications & Energy.

HB 2045 by Representatives Campbell, Dunn and Carlson

AN ACT Relating to the Washington HOPE scholarship pilot program; amending RCW 67.70.240; adding a new section to chapter 28B.80 RCW; and providing an expiration date.

Referred to Committee on Higher Education.

HB 2046 by Representatives Kessler, Ballasiotes, Cody, Skinner, Keiser, Ogden, Santos, Dickerson, Edmonds, Constantine, Lantz, Hurst, Boldt, Mielke, Benson, Delvin, Anderson, Van Luven, Conway and Ruderman

AN ACT Relating to the brain injury trust fund; adding a new section to chapter 46.61 RCW; and prescribing penalties.

Referred to Committee on Appropriations.

HB 2047 by Representatives Clements and Conway

AN ACT Relating to implementing recommendations for industrial insurance; adding new sections to chapter 51.28 RCW; creating new sections; repealing RCW 51.28.010, 51.28.020, and 51.28.025; prescribing penalties; and providing an effective date.

Referred to Committee on Commerce & Labor.

HB 2048 by Representatives Parlette, Kastama, Mastin, Pflug, B. Chandler, Alexander, Mulliken, Delvin, Clements, McDonald, Hankins, G. Chandler, Anderson, Schoesler and Campbell

AN ACT Relating to the limitation of liability for injuries to users of public trails; and amending RCW 4.24.200 and 4.24.210.

Referred to Committee on Judiciary.

HB 2049 by Representatives Benson, Ericksen, D. Sommers, Cox, Lambert, Koster, Boldt and Schindler

AN ACT Relating to the preservation of marriage; amending RCW 26.04.080, 26.04.090, 26.04.160, and 26.09.030; reenacting and amending RCW 26.09.150; adding a new section to chapter 26.04 RCW; and creating a new section.

Referred to Committee on Judiciary.

HB 2050 by Representatives Dunshee, Thomas, Conway and Cooper

AN ACT Relating to a state enhanced 911 wireless excise tax; adding a new section to chapter 82.14B RCW; and adding a new section to chapter 38.52 RCW.

Referred to Committee on Finance.

HB 2051 by Representatives Morris, Quall, Barlean, Anderson, Ogden, Linville and D. Schmidt

AN ACT Relating to tax exemptions for nonprofit camps and nonprofit retreat centers; amending RCW 82.04.363; reenacting and amending RCW 84.36.805 and 84.36.810; adding a new section to chapter 84.36 RCW; and providing an effective date.

Referred to Committee on Finance.

HB 2052 by Representatives Barlean, Keiser, Benson and Hatfield; by request of Attorney General

AN ACT Relating to regulating service contracts; adding a new section to chapter 42.17 RCW; adding a new chapter to Title 48 RCW; and prescribing penalties.

Referred to Committee on Financial Institutions & Insurance.

HB 2053 by Representatives Hatfield, Hankins, Scott, Skinner, Edwards, Cooper, K. Schmidt, Haigh, Mielke, Schindler, G. Chandler, McDonald, Hurst, Fortunato, Fisher, Ogden, Ruderman and Miloscia

AN ACT Relating to vehicle and vessel titling and registration fees; and adding a new section to chapter 46.01 RCW.

Referred to Committee on Transportation.

HB 2054 by Representatives Quall, Benson, Hatfield and Cairnes

AN ACT Relating to the financing of goods by sellers of the goods; and amending RCW 63.14.010, 63.14.040, 63.14.110, and 63.14.130.

Referred to Committee on Financial Institutions & Insurance.

HB 2055 by Representatives Kagi, O'Brien, Romero, Ogden, Lovick, Kenney, Stensen, Edmonds, Haigh, Schual-Berke, Ruderman, Wood, Constantine, Lantz and Santos

AN ACT Relating to higher educational opportunities for children who have been in foster care; adding a new section to chapter 28B.80 RCW; creating a new section; and making appropriations.

Referred to Committee on Higher Education.

HB 2056 by Representatives O'Brien, Hankins, Cody, Edmonds, Radcliff, Kessler, Ogden, Wensman, Poulsen, Mielke, Grant, Schoesler, Buck, Koster, Crouse, Ruderman, Mulliken, Boldt, Rockefeller, Lambert, Miloscia, Sullivan, Reardon, Gombosky, Kastama, Morris, Cairnes, Delvin, McDonald, Clements, Voloria, Linville, D. Schmidt, Dunn, Benson, Hatfield, Lovick, Pflug, Scott, Haigh, Schual-Berke, Kagi, Conway, Campbell, Keiser, Cooper and Santos

AN ACT Relating to authorizing optometrists to use and prescribe approved drugs for diagnostic or therapeutic purposes without limitation upon the methods of delivery in the practice of optometry; amending RCW 18.53.010, 18.53.140, 69.41.030, and 69.50.101; adding a new section to chapter 18.53 RCW; and adding a new section to chapter 70.41 RCW.

Referred to Committee on Health Care.

HB 2057 by Representatives Cody, Conway, Pflug, Rockefeller, Voloria, Edmonds, Ruderman, Campbell, Edwards, Santos and Miloscia

AN ACT Relating to completion of prescriptive authority for advanced registered nurse practitioners; amending RCW 18.79.050, 18.79.240, and 18.79.250; adding a new section to chapter 18.79 RCW; and creating new sections.

Referred to Committee on Health Care.

HB 2058 by Representatives Regala, Linville, Rockefeller, Anderson, Eickmeyer, Stensen, Doumit, Buck, Hatfield, Kessler and Haigh

AN ACT Relating to aquatic nuisance species; amending RCW 77.12.020 and 77.15.250; adding a new chapter to Title 77 RCW; creating new sections; and prescribing penalties.

Referred to Committee on Natural Resources.

HB 2059 by Representatives Kagi, Dickerson, D. Sommers, Sullivan, Tokuda, Benson, Kenney, Schual-Berke and Santos

AN ACT Relating to guardian ad litem; and amending RCW 13.34.100.

Referred to Committee on Judiciary.

HB 2060 by Representatives DeBolt, Morris, Crouse, Ruderman and Poulsen

AN ACT Relating to franchises and the use of public rights-of-way; amending RCW 35.21.860, 36.55.010, and 42.17.310; adding a new section to chapter 35A.21 RCW; adding a new chapter to Title 35 RCW; adding a new chapter to Title 36 RCW; providing an effective date; providing a contingent effective date; and declaring an emergency.

Referred to Committee on Technology, Telecommunications & Energy.

HB 2061 by Representatives Kenney, Dunn, Lantz, Veloria and Carlson

AN ACT Relating to higher education, but only with respect to tuition and fees at community colleges and residency requirements; amending RCW 28B.15.100; creating new sections; and providing an expiration date.

Referred to Committee on Higher Education.

HB 2062 by Representative Anderson

AN ACT Relating to limiting fishing of shrimp; adding a new section to chapter 75.28 RCW; and creating a new section.

Referred to Committee on Natural Resources.

HB 2063 by Representatives Dunshee and Lovick

AN ACT Relating to expanding the authorization for impact fees imposed under chapter 82.02 RCW to include criminal justice purposes; and amending RCW 82.02.050, 82.02.060, 82.02.070, 82.02.080, and 82.02.090.

Referred to Committee on Local Government.

HB 2064 by Representative Dunshee

AN ACT Relating to allowing a second open record hearing and closed record appeal in certain instances; and amending RCW 36.70B.060.

Referred to Committee on Local Government.

HB 2065 by Representative Dunshee

AN ACT Relating to impact fees for state-owned or operated transportation facilities; and amending RCW 36.70A.070, 36.70A.280, 82.02.050, 82.02.060, 82.02.070, and 82.02.090.

Referred to Committee on Local Government.

HB 2066 by Representatives Dunshee and Linville

AN ACT Relating to allowing the reconstruction of a damaged or destroyed dwelling located in a floodway if at least fifty percent of the market value of the dwelling has been damaged or destroyed and the dwelling is the principal residence of a farmer engaged in commercial agriculture on adjacent land that is owned by the farmer; and amending RCW 86.16.041.

Referred to Committee on Local Government.

HB 2067 by Representatives Radcliff, McMorris, Clements, Esser and Campbell

AN ACT Relating to implementing chapter 3, Laws of 1999; creating new sections; and providing an expiration date.

Referred to Committee on State Government.

HB 2068 by Representatives Dunshee, D. Schmidt, McMorris and Haigh

AN ACT Relating to the election of members of the house of representatives from subdistricts within legislative districts; amending RCW 44.05.020, 44.05.080, and 44.05.090; and providing an effective date.

Referred to Committee on State Government.

HB 2069 by Representatives Dunn and Morris

AN ACT Relating to housing discrimination; amending RCW 49.60.240; and reenacting and amending RCW 49.60.222 and 49.60.230.

Referred to Committee on Judiciary.

HB 2070 by Representatives Schoesler, Doumit, Cox, Stensen and McMorris

AN ACT Relating to contracts with certified public accountants to conduct financial audits of public school districts, cities, and towns; and amending RCW 43.09.045.

Referred to Committee on State Government.

HB 2071 by Representatives B. Chandler, Conway, McMorris and Koster

AN ACT Relating to workers' compensation coverage for a member or manager of a limited liability company; and amending RCW 51.12.020.

Referred to Committee on Commerce & Labor.

HB 2072 by Representatives B. Chandler, McMorris and Koster

AN ACT Relating to adjusting worker benefits to account for inflation; amending RCW 50.20.120, 50.24.010, 51.32.050, 51.32.060, 51.32.072, 51.32.075, 51.32.080, and 51.36.020; reenacting and amending RCW 51.32.090; adding a new section to chapter 50.04 RCW; adding a new section to chapter 51.08 RCW; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 2073 by Representatives Conway, Cairnes, O'Brien, McDonald, Delvin, DeBolt, Kastama, Miloscia, Campbell, Sullivan, D. Schmidt, Cooper, Mielke, Pennington, Kenney, Bush, Lovick, Hurst, Wood, Clements, Reardon, Barlean, Haigh, Linville, Fisher, Fortunato, Dunshee, Mulliken, Keiser, G. Chandler, Eickmeyer, Lantz, Hatfield, Benson, Romero, Morris, Koster, Quall, Esser, Buck, Kessler, Dickerson, Scott, Anderson, Poulsen, Rockefeller, Veloria, Cody, Constantine, K. Schmidt, Murray, Schindler, Stensen, Edmonds, Schual-Berke, Kagi, Tokuda, Ruderman, Edwards, Skinner, Santos and McIntire

AN ACT Relating to retirement under the law enforcement officers' and fire fighters' retirement system; amending RCW 41.26.430; and reenacting and amending RCW 41.26.030.

Referred to Committee on Appropriations.

HB 2074 by Representatives Dickerson, Veloria, Wolfe, Conway, Kessler, Romero, Ogden, Kenney, Edmonds, Haigh, Kagi, McIntire, Edwards, Keiser and Santos

AN ACT Relating to leave to care for a newborn child; amending RCW 50.20.050; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 2075 by Representatives Mulliken, Grant, Crouse, Kastama, Schindler and Sump

AN ACT Relating to electrical inspection regulatory reform; amending RCW 19.28.010, 19.28.015, 19.28.070, 19.28.120, 19.28.190, 19.28.210, and 19.28.360; adding a new section to chapter 19.28 RCW; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 2076 by Representatives McMorris, Dunshee and Boldt

AN ACT Relating to the state printer; amending RCW 43.78.030, 43.78.040, 43.78.050, 43.78.070, 43.78.080, 43.78.090, and 43.78.110; and repealing RCW 43.78.100 and 43.78.105.

Referred to Committee on State Government.

HB 2077 by Representatives Campbell, Cody, Anderson, Veloria, Kenney, Schual-Berke, Conway and Miloscia; by request of Governor Locke and Attorney General

AN ACT Relating to regulation of tobacco products under the access to minors statutes; amending RCW 70.155.010, 70.155.020, 70.155.030, 70.155.040, 70.155.050, 70.155.100, 70.155.110, and 70.155.130; adding a new section to chapter 70.155 RCW; and prescribing penalties.



Referred to Committee on Health Care.

HB 2078 by Representatives Buck, Regala, Eickmeyer and Anderson

AN ACT Relating to fish and wildlife; amending RCW 75.40.020, 75.40.110, 77.17.020, 77.12.470, 77.12.480, and 77.12.490; adding a new chapter to Title 77 RCW; and recodifying RCW 75.40.010, 75.40.020, 75.40.030, 75.40.040, 75.40.100, 75.40.110, 77.17.010, 77.17.020, 77.17.030, 77.12.450, 77.12.470, 77.12.480, 77.12.490, 75.40.060, 77.12.430, and 77.12.440.

Referred to Committee on Natural Resources.

HB 2079 by Representatives Regala, Buck, Eickmeyer, Anderson, Rockefeller, Romero, Veloria and Keiser

AN ACT Relating to salmon recovery; and amending RCW 75.46.010, 75.46.050, 75.46.060, 75.46.070, 75.46.080, 75.46.100, and 75.46.130.

Referred to Committee on Natural Resources.

HB 2080 by Representatives McIntire, Lisk, McMorris, Hurst, Clements, B. Chandler, Conway and Wood

AN ACT Relating to disclosures regarding problem gambling; adding a new section to chapter 9.46 RCW; and adding a new section to chapter 67.70 RCW.

Referred to Committee on Commerce & Labor.

HB 2081 by Representatives Ruderman, Crouse, Dunshee, Thomas, Kessler, Murray, O'Brien, Ogden, Rockefeller, Stensen, Constantine and Lantz; by request of Governor Locke

AN ACT Relating to extending the prohibition on taxes or fees specific to internet service providers; and amending RCW 35.21.717.

Referred to Committee on Technology, Telecommunications & Energy.

HB 2082 by Representatives Conway, Kessler, Linville, Clements, Van Luven, Dunn, D. Schmidt, Cairnes, Carrell, Delvin, Parlette, Lambert, Hankins, Campbell, Bush, Lisk, Buck, B. G. Chandler, Chandler, Skinner, Barlean, Ericksen, Ballard, McDonald, Huff, D. Sommers, Koster, Mastin, Fortunato, Mitchell, Pennington, Wensman, McMorris, Schindler, Schoesler, Carlson, Pflug, Cox, Tokuda and Esser

AN ACT Relating to the taxation of restaurants; reenacting and amending RCW 82.04.260; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

HB 2083 by Representatives Conway, Reardon, Kessler, Wolfe and Veloria

AN ACT Relating to the state reserve trust and state reserve interest accounts; amending RCW 50.04.070, 50.04.072, 50.16.020, and 50.29.025; reenacting and amending RCW 50.16.010; adding a new section to chapter 50.24 RCW; adding a new section to chapter 50.29 RCW; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 2084 by Representatives Quall and Talcott

AN ACT Relating to the learning assistance program; amending RCW 28A.165.012, 28A.165.030, 28A.165.040, 28A.165.050, 28A.165.060, 28A.165.070, 28A.165.080, and 28A.165.095; creating a new section; and repealing RCW 28A.165.010.

Referred to Committee on Education.

HB 2085 by Representatives Quall, Talcott, Haigh, Carlson, Santos, Linville, Cox, Kessler, Morris, Murray, McDonald, O'Brien, Anderson, Thomas, Ogden, Poulsen, Rockefeller, Lovick, Kenney, Wolfe, Stensen, Schual-Berke, Tokuda, Ruderman, Keiser, Wood, Constantine and Lantz

AN ACT Relating to programs addressing disruptive students in regular classrooms; adding a new section to chapter 28A.415 RCW; adding a new section to chapter 28A.300 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Education.

HB 2086 by Representatives Esser, Carrell, O'Brien, Constantine, Lovick, Schindler and Anderson

AN ACT Relating to the unlawful discharge of lasers; amending RCW 9A.46.060; adding a new chapter to Title 9A RCW; creating a new section; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 2087 by Representatives Ruderman, Poulsen, Kastama, Cooper, Reardon, Morris, Wolfe, Kessler, Murray, O'Brien, Romero, Rockefeller, Linville, Kenney, Dunshee, Kagi, McIntire, Keiser, Constantine and Lantz

AN ACT Relating to unauthorized services and charges of a telecommunications company; adding new sections to chapter 80.36 RCW; creating new sections; prescribing penalties; and declaring an emergency.

Referred to Committee on Technology, Telecommunications & Energy.

HB 2088 by Representatives Lambert and Cairnes

AN ACT Relating to collateral attack on judgments; amending RCW 2.32.070, 7.36.130, 7.36.250, 10.73.090, 10.73.100, and 10.73.140; adding a new section to chapter 10.73 RCW; and creating a new section.

Referred to Committee on Judiciary.

HB 2089 by Representatives Fisher, Murray, Lovick, Cooper, Ruderman, Romero, Stensen, Anderson, Morris, Haigh, Schual-Berke and Edwards

AN ACT Relating to creation of the trip reduction program; and adding a new chapter to Title 47 RCW.

Referred to Committee on Transportation.

HB 2090 by Representatives Clements, Lisk, Reardon, Cooper, McMorris, Talcott, B. Chandler and Gombosky

AN ACT Relating to sellers of travel; amending RCW 19.138.030, 19.138.040, 19.138.100, 19.138.110, 19.138.120, 19.138.130, 19.138.140, 19.138.170, 19.138.190, 19.138.200, and 19.138.240; adding a new section to chapter 19.138 RCW; adding new sections to chapter 43.131 RCW; and repealing RCW 19.138.180.

Referred to Committee on Commerce & Labor.

HB 2091 by Representatives Buck, Regala, Dunshee, Thomas, Alexander, Doumit, Kessler, McMorris, Grant, Hatfield, Linville, G. Chandler, Reardon, Ericksen, Quall, Ogden, Clements, Schoesler, Anderson, Lisk, Eickmeyer, D. Sommers and Veloria; by request of Governor Locke

AN ACT Relating to forest practices as they affect the recovery of salmon and other aquatic resources; amending RCW 76.09.020, 84.33.081, 76.13.010, 76.42.060, 76.09.330, 76.09.140, 76.09.150, 76.09.170, 76.09.040, 76.09.010, 76.09.080, 76.09.090, 76.09.030, and 90.48.420; reenacting and amending RCW 76.09.220; adding new sections to chapter 75.46 RCW; adding new sections to chapter 76.09 RCW; adding a new section to chapter 34.05 RCW; adding a new section to chapter 19.85 RCW; adding new sections to chapter 43.21C RCW; adding a new section to chapter 84.33 RCW; and adding new sections to chapter 76.13 RCW.

Referred to Committee on Natural Resources.

HB 2092 by Representatives Morris, Anderson, Dunshee, Cooper and Miloscia

AN ACT Relating to sale of marine mammal parts; amending RCW 77.15.260; adding a new section to chapter 77.15 RCW; and prescribing penalties.

Referred to Committee on Natural Resources.

HB 2093 by Representatives D. Schmidt, Lambert, Morris, G. Chandler and Radcliff

AN ACT Relating to immunity for state and local government agencies and their employees for harm caused by incorrectly calculated or interpreted dates associated with year 2000 date changes processed by electronic computing devices; adding a new section to chapter 4.24 RCW; creating a new section; providing an expiration date; and declaring an emergency.

Referred to Committee on Judiciary.

HB 2094 by Representatives G. Chandler and Linville

AN ACT Relating to water rights claims; amending RCW 90.14.068; and adding a new section to chapter 90.14 RCW.

Referred to Committee on Agriculture & Ecology.

HB 2095 by Representatives G. Chandler, Linville, Koster, Grant, B. Chandler, Anderson and Sump

AN ACT Relating to registration fees, stop sale and use, seizure, and disposal of commercial fertilizer; and amending RCW 15.54.325, 15.54.330, 15.54.440, and 15.54.450.

Referred to Committee on Agriculture & Ecology.

HB 2096 by Representative G. Chandler

AN ACT Relating to granting water rights; and adding new sections to chapter 90.03 RCW.

Referred to Committee on Agriculture & Ecology.

HB 2097 by Representatives G. Chandler and Linville

AN ACT Relating to registration fees and registration intervals for commercial fertilizer; and amending RCW 15.54.325 and 15.54.330.

Referred to Committee on Agriculture & Ecology.

HB 2098 by Representatives G. Chandler and Linville

AN ACT Relating to professional designers of on-site wastewater treatment systems; adding a new section to chapter 70.118 RCW; adding a new chapter to Title 18 RCW; prescribing penalties; and making an appropriation.

Referred to Committee on Agriculture & Ecology.

HB 2099 by Representatives G. Chandler and Linville

AN ACT Relating to an exemption from relinquishment of a water right for nonuse resulting from the operation or pendency of legal proceedings; and amending RCW 90.14.140.

Referred to Committee on Agriculture & Ecology.

HB 2100 by Representatives O'Brien, Cody, Skinner, Edwards, Van Luven and Esser; by request of Department of Social and Health Services

AN ACT Relating to giving the department of social and health services authority to impose a moratorium on new adult family home licenses; adding a new section to chapter 70.128 RCW; repealing RCW 70.128.061 and 70.128.062; and declaring an emergency.

Referred to Committee on Health Care.

HB 2101 by Representatives Haigh, Stensen, Miloscia, Poulsen, Kagi, Morris, Dunshee, Murray, Romero, Kessler, Eickmeyer, O'Brien, Rockefeller, Linville, Lovick, Kenney, Wolfe, Schual-Berke, Tokuda, Ruderman, McIntire, Edwards, Keiser and Lantz

AN ACT Relating to the creation of a commission on school funding review; and creating a new section.

Referred to Committee on Education.

HB 2102 by Representatives Mielke, Koster, Boldt, Cairnes, Schindler, Benson and Dunn

AN ACT Relating to franchise fees imposed upon solid waste businesses and services; amending RCW 35.21.860; and adding a new section to chapter 36.58 RCW.

Referred to Committee on Local Government.

HB 2103 by Representatives Keiser and Romero

AN ACT Relating to disclosure of reimbursement costs required to be paid when property is developed; amending RCW 64.06.020; and providing an effective date.

Referred to Committee on Commerce & Labor.

HB 2104 by Representatives Wolfe, Schoesler, Kessler, O'Brien, Lantz, McMorris, Quall, Morris, Radcliff, Linville, Van Luven, Dunn, D. Schmidt, Cairnes, Carrell, Delvin, Parlette, Lambert, Bush, Lisk, Buck, B. G. Chandler Chandler, Barlean, Ericksen, Ballard, McDonald, Huff, D. Sommers, Koster, Mastin, Fortunato, Mitchell, Pennington, Wensman, Schindler, Carlson, Pflug, Cox, Esser, Hankins and Skinner

AN ACT Relating to the characterization of income and providing retail or service establishment wage guarantees; amending RCW 49.46.010; and adding a new section to chapter 49.46 RCW.

Referred to Committee on Commerce & Labor.

HB 2105 by Representatives D. Schmidt and Dunshee

AN ACT Relating to the election of members of the house of representatives from subdistricts within legislative districts; amending RCW 44.05.020, 44.05.080, and 44.05.090; and providing an effective date.

Referred to Committee on State Government.

HB 2106 by Representatives Haigh and Rockefeller

AN ACT Relating to using lottery proceeds for the teacher training and levy equalization account; amending RCW 67.70.040 and 67.70.240; and adding a new section to chapter 67.70 RCW.

Referred to Committee on Appropriations.

HB 2107 by Representatives Anderson and Linville

AN ACT Relating to limiting fishing of shrimp; adding a new section to chapter 75.28 RCW; and creating a new section.

Referred to Committee on Natural Resources.

HB 2108 by Representatives Veloria, Van Luven, Eickmeyer, Dickerson, Dunn, D. Sommers, Clements, Kenney, Haigh, Tokuda, Conway and Edwards

AN ACT Relating to preservation of moderate-income housing; amending RCW 43.84.092 and 43.84.092; adding new sections to chapter 43.180 RCW; creating a new section; making an appropriation; providing an effective date; and providing an expiration date.

Referred to Committee on Economic Development, Housing & Trade.

HB 2109 by Representatives Van Luven, Thomas, Dunshee, Pennington, Dunn, Cairnes, Veloria, Buck, G. Chandler and Haigh

AN ACT Relating to authorizing tax, levy, and execution exemptions for properties of Indian housing authorities designated for low-income housing program uses; adding new sections to chapter 84.36 RCW; and creating a new section.

Referred to Committee on Economic Development, Housing & Trade.

HB 2110 by Representatives Linville, Morris, Cooper, Delvin and Haigh

AN ACT Relating to retirement benefits for fire fighters; amending RCW 41.40.094; reenacting and amending RCW 41.26.030; and adding a new section to chapter 41.40 RCW.

Referred to Committee on Appropriations.

HB 2111 by Representatives Alexander, Benson, Wolfe, Constantine, Hatfield, Grant and H. Sommers; by request of Attorney General and Department of General Administration

AN ACT Relating to the elimination of the tort claims revolving fund; amending RCW 4.92.130, 4.92.135, 4.92.160, 4.92.070, and 28B.10.842; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

HJM 4011 by Representatives Bush, Poulsen, Radcliff, Thomas, Scott, Huff, D. Schmidt, Lantz, Benson, Kessler, Wolfe, Schoesler, Santos, Grant, Quall, Boldt, Pennington, Mastin, Koster, Hankins, Esser, Regala, Cox, Schindler, McDonald, Clements, Wood, Cooper, Kenney, Reardon, Hurst, Talcott, Hatfield, Tokuda, Conway, Sump, Lovick, D. Sommers, Schual-Berke, Carlson, H. Sommers, McMorris, Fortunato, Murray, O'Brien, Anderson, Veloria and Haigh

Allowing schools and libraries to receive telecommunications at below-tariffed rates without losing universal service discounts.

Referred to Committee on Technology, Telecommunications & Energy.

HJM 4012 by Representatives Regala, Eickmeyer, Buck, Clements, Anderson, Veloria and Conway

Requesting Congress to pass legislation to restore and revitalize federal funding for the land and water conservation fund.

Referred to Committee on Natural Resources.

SSB 5001 by Senate Committee on Natural Resources, Parks & Recreation (originally sponsored by Senators Morton, Deccio, Honeyford, T. Sheldon, Swecker, Hargrove, Rossi, Hochstatter, Oke and Rasmussen)

Authorizing hunting of cougar with the aid of dogs.

Referred to Committee on Natural Resources.

SSB 5027 by Senate Committee on Judiciary (originally sponsored by Senators Goings and Swecker)

Providing for control of dangerous dogs.

Referred to Committee on Criminal Justice & Corrections.

SB 5053 by Senators Fairley, Goings, Oke and Costa

Including parents under the age of eighteen in the crime of assault against a child.

Referred to Committee on Criminal Justice & Corrections.

SSB 5112 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Franklin, Winsley, Thibaudeau, Wojahn, McAuliffe, Deccio, Prentice, Costa, Rasmussen, Fraser, Brown, McCaslin, Patterson, Spanel, Eide, Kline, Bauer, Loveland, Jacobsen, Goings, Hale, Swecker, Haugen, Fairley, Gardner, B. Sheldon, Rossi, Johnson and Kohl-Welles)

Regulating health insurance benefits for mastectomies.

Referred to Committee on Health Care.

SSB 5185 by Senate Committee on Transportation (originally sponsored by Senators Haugen, Benton, T. Sheldon, Finkbeiner, Goings, Gardner, Prentice, Sellar and Winsley)

Adjusting limits for highway work by state forces.

Referred to Committee on Transportation.

SB 5240 by Senators Costa, Deccio and Winsley; by request of Department of Health

Repealing the requirement to maintain a registry for handicapped children.

Referred to Committee on Health Care.

SB 5497 by Senators Snyder and Zarelli

Regulating the use of dredge spoils in Cowlitz County.

Referred to Committee on Transportation.

#### MOTION

On motion of Representative Kessler, the bills and memorials listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

#### REPORTS OF STANDING COMMITTEES

February 10, 1999

HB 1058 Prime Sponsor, Representative Tokuda: Creating a grant program to reduce the number of juvenile offenders. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

Voting yea: Representatives Ballasiotes, O'Brien, Cairnes, Lovick, B. Chandler, Constantine, Kagi and Koster.

Referred to Committee on Appropriations.

February 10, 1999

HB 1075 Prime Sponsor, Representative D. Schmidt: Increasing the monetary limit for use of the small works roster by port districts. Reported by Committee on State Government

MAJORITY Recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Campbell, Republican Vice Chair; Miloscia, Democratic Vice Chair; Dunshee; Haigh; Lambert and Schmidt.

Voting yea: Representatives McMorris, Romero, Campbell, Miloscia, Dunshee, Haigh, Lambert and D. Schmidt

Passed to Rules Committee for Second Reading.

February 10, 1999

HB 1132 Prime Sponsor, Representative Romero: Establishing the capitol furnishings preservation committee. Reported by Committee on State Government

MAJORITY Recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Campbell, Republican Vice Chair; Miloscia, Democratic Vice Chair; Dunshee; Haigh; Lambert and Schmidt.

Voting yea: Representatives McMorris, Romero, Campbell, Miloscia, Dunshee, Haigh, Lambert and D. Schmidt

Referred to Committee on Appropriations.

February 11, 1999

HB 1149 Prime Sponsor, Representative Sullivan: Adopting accounting standards under the insurance code. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Benson, Republican Co-Chair; Hatfield, Democratic Co-Chair; Bush, Republican Vice Chair; McIntire, Democratic Vice Chair; Barlean; Cairnes; DeBolt; Keiser; Quall; Santos; Sullivan and Talcott.

Voting yea: Representatives Benson, Hatfield, Bush, McIntire, Barlean, Cairnes, DeBolt, Keiser, Quall, Santos, Sullivan and Talcott.

Passed to Rules Committee for Second Reading.

February 12, 1999

HB 1246 Prime Sponsor, Representative Regala: Changing Washington conservation corps provisions. Reported by Committee on Natural Resources



MAJORITY recommendation: Do pass. Signed by Representatives Buck, Republican Co-Chair; Regala, Democratic Co-Chair; Anderson, Democratic Vice Chair; Sump, Republican Vice Chair; G. Chandler; Clements; Doumit; Eickmeyer; Ericksen; Pennington; Rockefeller and Stensen.

Voting yea: Representatives Buck, Regala, Anderson, Sump, G. Chandler, Clements, Doumit, Eickmeyer, Ericksen, Pennington, Rockefeller and Stensen.

Referred to Committee on Appropriations.

February 10, 1999

HB 1299 Prime Sponsor, Representative Ballasiotes: Authorizing the secretary of corrections to grant extraordinary medical releases to offenders when specified conditions are met. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

Voting yea: Representatives Ballasiotes, O'Brien, Cairnes, Lovick, B. Chandler, Constantine, Kagi and Koster.

Passed to Rules Committee for Second Reading.

February 12, 1999

HB 1330 Prime Sponsor, Representative Alexander: Granting concessions or leases in state parks and parkways. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Buck, Republican Co-Chair; Regala, Democratic Co-Chair; Anderson, Democratic Vice Chair; Sump, Republican Vice Chair; G. Chandler; Clements; Doumit; Eickmeyer; Ericksen; Pennington; Rockefeller and Stensen.

Voting yea: Representatives Buck, Regala, Anderson, Sump, G. Chandler, Clements, Doumit, Eickmeyer, Ericksen, Pennington, Rockefeller and Stensen.

Passed to Rules Committee for Second Reading.

February 12, 1999

HB 1331 Prime Sponsor, Representative Buck: Using volunteers at the state parks and recreation commission. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Buck, Republican Co-Chair; Regala, Democratic Co-Chair; Anderson, Democratic Vice Chair; Sump, Republican Vice Chair; G. Chandler; Clements; Doumit; Eickmeyer; Ericksen; Pennington; Rockefeller and Stensen.

Voting yea: Representatives Buck, Regala, Anderson, Sump, G. Chandler, Clements, Doumit, Eickmeyer, Ericksen, Pennington, Rockefeller and Stensen.

Passed to Rules Committee for Second Reading.

February 10, 1999

HB 1375 Prime Sponsor, Representative Schoesler: Adding methamphetamine manufacture to the "strike" list. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair and B. Chandler.

MINORITY recommendation: Do not pass. Signed by Representatives Constantine; Kagi and Koster..

Voting yea: Representatives Ballasiotes, O'Brien, Cairnes, Lovick and B. Chandler

Voting nay: Representative(s) Constantine, Kagi and Koster.

Passed to Rules Committee for Second Reading.

February 11, 1999

HB 1420 Prime Sponsor, Representative H. Sommers: Providing a procedure for the state investment board to check the criminal history of prospective appointees and employees. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Benson, Republican Co-Chair; Hatfield, Democratic Co-Chair; Bush, Republican Vice Chair; McIntire, Democratic Vice Chair; Barlean; Cairnes; DeBolt; Keiser; Quall; Santos; Sullivan and Talcott.

Voting yea: Representatives Benson, Hatfield, Bush, McIntire, Barlean, Cairnes, DeBolt, Keiser, Quall, Santos, Sullivan and Talcott.

Passed to Rules Committee for Second Reading.

February 11, 1999

HB 1421 Prime Sponsor, Representative Huff: Authorizing the state investment board to establish additional commingled trust funds. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Benson, Republican Co-Chair; Hatfield, Democratic Co-Chair; Bush, Republican Vice Chair; McIntire, Democratic Vice Chair; Barlean; Cairnes; DeBolt; Keiser; Quall; Santos; Sullivan and Talcott.

Voting yea: Representatives Benson, Hatfield, Bush, McIntire, Barlean, Cairnes, DeBolt, Keiser, Quall, Santos, Sullivan and Talcott.

Passed to Rules Committee for Second Reading.

#### MOTION

On motion of Representative Kessler, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated and House Bill No. 1132 was referred to the Committee on Appropriations.

#### SECOND READING

HOUSE BILL NO. 1164, by Representatives G. Chandler, Linville, Koster and Cooper; by request of Department of Health

Changing the definition of public water system.

The bill was read the second time.

On motion of Representative Kessler, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives G. Chandler and Linville spoke in favor of passage of the bill.

#### MOTION

On motion of Representative Santos, Representative Wolfe was excused.

Speaker Chopp stated the question before the House to be final passage of House Bill No. 1164.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1164 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Wolfe - 1.

House Bill No. 1164, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1203, by Representatives Pflug, Hurst, Mitchell, Miloscia, Fortunato, Stensen and Cairnes

Authorizing state highway bonds.

The bill was read the second time.

On motion of Representative Kessler, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Pflug and Schindler spoke in favor of passage of the bill.

Representatives K. Schmidt, Schoesler, Pennington, Fisher, Thomas and Parlette spoke against passage of the bill.

#### MOTION

On motion of Representative Santos, Representative Quall was excused.

Speaker Chopp stated the question before the House to be final passage of House Bill No. 1203.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1203 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 1, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Absent: Representative Scott - 1.

Excused: Representatives Quall and Wolfe - 2.

House Bill No. 1203, having received the constitutional majority, was declared passed.

#### **SPEAKER'S PRIVILEGE**

Speaker Chopp explained to the Gallery and to viewers of TVW, the House's tradition of roasting a member on the passage of his or her first bill.

There being no objection, the House advanced to the eleventh order of business.

#### MOTION

On motion of Representative Kessler, the House adjourned until 9:55 a.m., Tuesday, February 16, 1999, the 37<sup>th</sup> Legislative Day.

TIMOTHY A. MARTIN, Chief Clerk      CLYDE BALLARD, Speaker  
DEAN R. FOSTER, Chief Clerk      FRANK CHOPP, Speaker

THIRTY-SIXTH DAY, FEBRUARY 15, 1999

JOURNAL OF THE HOUSE

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**THIRTY-SEVENTH DAY**

**MORNING SESSION**

House Chamber, Olympia, Tuesday, February 16, 1999

The House was called to order at 9:55 a.m. by Speaker Pro Tempore Pennington.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

**INTRODUCTIONS AND FIRST READING**

HB 1828 by Representatives H. Sommers, Thomas, Ogden, Carlson, Quall, Lantz, Keiser, Veloria, Murray, Stensen, Schual-Berke, Rockefeller, Edwards, Lovick, McIntire, Gombosky, Doumit, Dunshee, O'Brien, Poulsen, Cody, Wolfe, Kenney, Santos, Edmonds, Linville, Wood, Haigh, Regala, Conway, Dickerson, Tokuda, Kessler, Hurst, Miloscia, Ruderman, Anderson, Eickmeyer, Sullivan, Fisher, Scott, Constantine, Morris, Grant, Reardon, Romero, Kastama, Cooper, Hatfield and Kagi

AN ACT Relating to lowering the emergency reserve fund balance to provide additional education construction funds.

Held on first reading from February 8, 1999.

HB 1972 by Representatives Hatfield and Benson

AN ACT Relating to exempting credit unions from the testamentary disposition of nonprobate assets act.

Held on first reading from February 12, 1999.

HB 2112 by Representatives Gombosky, Benson and Wood

AN ACT Relating to the storage of a tenant's property upon a writ of execution; and amending RCW 59.18.312.

Referred to Committee on Economic Development, Housing & Trade.

HB 2113 by Representatives Gombosky, Fisher, Benson, Schindler, D. Sommers and Wood

AN ACT Relating to street vacation; and amending RCW 35.79.030.

Referred to Committee on Local Government.

HB 2114 by Representatives Linville, G. Chandler, Ericksen, Campbell, Schoesler, McDonald, Kastama, Ruderman, Cody and Delvin

AN ACT Relating to labeling requirements for meat and poultry products; adding a new section to chapter 16.49A RCW; and adding a new section to chapter 16.74 RCW.

Referred to Committee on Agriculture & Ecology.

HB 2115 by Representatives Kenney, Ogden, Carlson, Rockefeller and Santos

AN ACT Relating to the Washington commission for the humanities; creating new sections; and making an appropriation.

Referred to Committee on Appropriations.

HB 2116 by Representatives Scott, Mielke, Mulliken, Edwards, Fortunato, Cooper and Reardon

AN ACT Relating to public utility district disposition of property; and amending RCW 54.16.180.

Referred to Committee on Local Government.

HB 2117 by Representatives Fortunato, Mulliken, Koster, G. Chandler, Sump, B. Chandler, Schindler, Cairnes, Ericksen, Benson and Buck

AN ACT Relating to the splitting of test samples with property owners; adding a new section to chapter 43.21A RCW; adding a new section to chapter 75.20 RCW; adding a new section to chapter 43.23 RCW; adding a new section to chapter 43.30 RCW; and adding a new section to chapter 69.30 RCW.

Referred to Committee on Agriculture & Ecology.

HB 2118 by Representative Fisher

AN ACT Relating to weighted voting on public transportation benefit area boards; and amending RCW 36.57A.050 and 36.57A.055.

Referred to Committee on Transportation.

HB 2119 by Representatives Linville, Grant, G. Chandler, Mastin and Sullivan

AN ACT Relating to liability of owners or others in possession of land and water areas for injuries to recreation users; and amending RCW 4.24.210.

Referred to Committee on Judiciary.

HB 2120 by Representatives Radcliff, Constantine, Carrell and Kessler

AN ACT Relating to the termination of stepparent liability for child support; and amending RCW 26.16.200, 26.16.205, and 74.20A.020.

Referred to Committee on Judiciary.

HB 2121 by Representatives Haigh and Eickmeyer

AN ACT Relating to leasehold excise taxation; amending RCW 82.29A.120, 82.29A.050, and 82.29A.080; and providing an effective date.

Referred to Committee on Finance.

HB 2122 by Representatives Sump, Dunn, Boldt, Schoesler, Cox and McMorris

AN ACT Relating to school levy equalization; and amending RCW 28A.500.010.

Referred to Committee on Appropriations.

HB 2123 by Representatives Cox, Grant, McMorris, Romero, D. Schmidt and Doumit

AN ACT Relating to expedited rule making; amending RCW 34.05.230, 34.05.310, and 34.05.356; repealing RCW 34.05.354; and providing an effective date.

Referred to Committee on State Government.

HB 2124 by Representatives Stensen, Schual-Berke, Cox, Santos and Kagi

AN ACT Relating to fiscal notes on legislation and administrative rules affecting school districts; amending RCW 28A.150.290, 28A.150.290, and 28A.305.130; adding new sections to chapter 28A.300 RCW; and providing a contingent effective date.

Referred to Committee on Education.

HB 2125 by Representatives Stensen, Schual-Berke and Cox

AN ACT Relating to school director positions, residency, and vacancies; and amending RCW 28A.315.490.

Referred to Committee on Education.

HB 2126 by Representatives Stensen, Schual-Berke and Cox

AN ACT Relating to employment contract exceptions to school district officers' conflicts of interest; amending RCW 28A.330.240; adding a new section to chapter 28A.320 RCW; and recodifying RCW 28A.330.240.

Referred to Committee on Education.

HB 2127 by Representatives Van Luven, Morris and Esser

AN ACT Relating to enforcement and incentive measures for compliance with growth management housing goals; and amending RCW 36.70A.010, 36.70A.070, 36.70A.210, 36.70A.215, 36.70A.345, 47.80.050, 82.08.020, 82.46.010, 43.17.250, 43.160.060, 70.146.070, and 84.14.010.

Referred to Committee on Local Government.

HB 2128 by Representatives Schual-Berke, Talcott, Quall, Ruderman, Kessler, Lovick and Kagi; by request of Governor Locke

AN ACT Relating to opportunity schools; adding new sections to chapter 28A.630 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Education.

HB 2129 by Representatives Fisher, Edwards, Dunn, Lovick, D. Schmidt and Wood

AN ACT Relating to local motor vehicle excise tax; amending RCW 35.58.273, 82.44.150, and 82.44.180; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

HB 2130 by Representatives Mulliken and Doumit

AN ACT Relating to maintaining sufficient amounts of land designated as suitable for urban development; and adding a new section to chapter 36.70A RCW.

Referred to Committee on Local Government.

HB 2131 by Representative Kessler

AN ACT Relating to coverage for cranial hair prostheses for alopecia areata; adding a new section to chapter 41.05 RCW; adding a new section to chapter 48.20 RCW; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; adding a new section to chapter 48.46 RCW; and creating a new section.

Referred to Committee on Health Care.

HB 2132 by Representatives Conway, O'Brien, Dunn, Campbell, Miloscia, D. Schmidt, Lovick, Ruderman, Talcott, Cox, Santos and Van Luven

AN ACT Relating to a property tax exemption for widows or widowers of honorably discharged veterans; and adding a new section to chapter 84.36 RCW.

Referred to Committee on Finance.

HB 2133 by Representatives Romero and McMorris; by request of Department of Social and Health Services

AN ACT Relating to torts committed against recipients of state assistance; and amending RCW 43.20B.070.

Referred to Committee on State Government.

HB 2134 by Representatives Linville, Kessler, Wood and Santos

AN ACT Relating to water resources; amending RCW 90.03.330, 90.03.380, 90.44.100, 43.62.035, 90.03.383, 90.03.345, 90.14.140, 90.38.020, 90.42.080, 90.46.010, 90.46.080, 90.46.090, and 90.03.060; adding new sections to chapter 90.03 RCW; adding a



new section to chapter 82.16 RCW; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 39.34 RCW.

Referred to Committee on Agriculture & Ecology.

HB 2135 by Representatives Linville, Doumit, Kessler and Santos

AN ACT Relating to establishment of a council of governments on natural resources; and adding new sections to chapter 75.46 RCW.

Referred to Committee on Natural Resources.

HB 2136 by Representatives Constantine, Ruderman, Kessler, Lovick, Santos and Kagi

AN ACT Relating to enforcing protection orders and restraining orders; amending RCW 26.10.220, 26.26.138, 26.50.010, and 10.31.100; reenacting and amending RCW 9.94A.320; adding a new chapter to Title 26 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

HB 2137 by Representatives D. Schmidt and Scott

AN ACT Relating to elections; amending RCW 29.36.010, 29.36.013, 29.36.170, 29.36.030, 29.36.035, 29.36.045, 29.36.060, 29.36.070, 29.36.075, 29.36.097, 29.36.100, 29.36.150, 29.36.160, 29.36.121, 29.36.124, 29.36.126, 29.36.130, 29.36.050, and 29.54.085; reenacting and amending RCW 29.36.120; adding new sections to chapter 29.36 RCW; adding a new section to chapter 29.54 RCW; adding a new section to chapter 29.51 RCW; adding a new chapter to Title 29 RCW; creating a new section; recodifying RCW 29.36.010, 29.36.013, 29.36.170, 29.36.030, 29.36.035, 29.36.045, 29.36.060, 29.36.070, 29.36.075, 29.36.097, 29.36.100, 29.36.150, 29.36.160, 29.36.120, 29.36.121, 29.36.124, 29.36.126, 29.36.130, and 29.36.050; repealing RCW 29.36.122 and 29.36.139; and prescribing penalties.

Referred to Committee on State Government.

HB 2138 by Representative D. Schmidt

AN ACT Relating to duties of the public disclosure commission; and amending RCW 42.17.090 and 42.17.105.

Referred to Committee on State Government.

HB 2139 by Representative D. Schmidt

AN ACT Relating to the lobbyist booklet; amending RCW 42.17.155; adding a new section to chapter 44.04 RCW; and recodifying RCW 42.17.155.

Referred to Committee on State Government.

HB 2140 by Representatives Morris, Kessler and Santos

AN ACT Relating to tax credits for advanced telecommunications and information services infrastructure improvements in rural areas; amending RCW 43.160.010, 43.160.020,

and 43.160.050; adding a new section to chapter 43.160 RCW; adding new sections to chapter 82.04 RCW; adding a new section to chapter 82.16 RCW; and providing expiration dates.

Held on first reading.

HB 2141 by Representatives Buck and Kessler

AN ACT Relating to funding state-wide salmon recovery; adding a new chapter to Title 75 RCW; and providing an expiration date.

Referred to Committee on Natural Resources.

HB 2142 by Representatives Sump, Buck and Schoesler

AN ACT Relating to directing the legislature to conduct an audit of the department of natural resources; creating new sections; making appropriations; and declaring an emergency.

Referred to Committee on Natural Resources.

HB 2143 by Representatives Kenney, Ruderman and Cooper

AN ACT Relating to advertisements for prepaid calling services; adding a new section to chapter 80.36 RCW; creating a new section; prescribing penalties; and declaring an emergency.

Referred to Committee on Technology, Telecommunications & Energy.

HB 2144 by Representatives Morris, Radcliff and Kessler

AN ACT Relating to the modification of state telecommunications regulation; amending RCW 80.36.330; adding new sections to chapter 80.36 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Technology, Telecommunications & Energy.

HB 2145 by Representatives Boldt and Carlson

AN ACT Relating to services for persons with autism; creating a new section; making appropriations; and providing an expiration date.

Referred to Committee on Appropriations.

HB 2146 by Representatives Schual-Berke, Kagi, O'Brien, Santos and Hurst

AN ACT Relating to associated student body activities; and amending RCW 28A.325.030.

Referred to Committee on Education.

HB 2147 by Representative Schindler

AN ACT Relating to contracts for alternative educational service programs; and amending RCW 28A.150.305.

Referred to Committee on Education.

HB 2148 by Representative Haigh

AN ACT Relating to creating a lottery game to fund teacher training; adding new sections to chapter 67.70 RCW; and creating a new section.

Referred to Committee on Appropriations.

HB 2149 by Representatives Dunn, Ogden, Carlson, Veloria, Pennington, Morris, Mielke and Gombosky

AN ACT Relating to boarding home resident rights exempting units occupied by independent residents not receiving domiciliary care from boarding home regulations; amending RCW 18.20.020 and 18.20.020; and providing a contingent expiration date.

Referred to Committee on Health Care.

HB 2150 by Representative Dunn

AN ACT Relating to affordable housing; amending RCW 19.85.011, 19.85.020, 19.85.025, 19.85.030, 19.85.040, 19.85.050, 19.85.070, 35.63.110, 35.63.160, 35A.63.100, 35A.63.145, 36.70.750, 36.70A.010, 36.70A.020, 36.70A.030, 36.70A.050, 36.70A.060, 36.70A.070, 36.70A.110, 36.70A.130, 36.70A.160, 36.70A.210, 36.70A.370, 76.09.050, 36.70B.010, 36.70B.020, 36.70B.040, 36.70B.060, 36.70B.070, 36.70B.090, 36.70B.120, 36.70B.130, 36.70B.140, 36.70B.160, 36.70A.215, and 82.02.060; reenacting and amending RCW 36.70B.110; adding new sections to chapter 36.70A RCW; creating new sections; repealing RCW 36.70B.030 and 36.70B.080; repealing 1995 c 347 s 411 (uncodified); and providing an expiration date.

Referred to Committee on Local Government.

HCR 4405 by Representatives Dunn, Boldt, Carlson and Sump

Creating a joint select committee on taxation by Oregon.

Referred to Committee on Finance.

There being no objection, the bills and resolution listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

## **REPORTS OF STANDING COMMITTEES**

February 11, 1999

HB 1021 Prime Sponsor, Representative Ogden: Providing membership in the public employees' retirement system for the chief administrative officer of a public utility district or a county. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert;

Linville; Lisk; Mastin; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

Voting yea: Representatives Huff, H. Sommers, Alexander, Doumit, D. Schmidt, Barlean, Benson, Boldt, Carlson, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Lambert, Linville, Lisk, Mastin, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan and Tokuda.

Excused: Representative(s) Kessler, McIntire and Wensman.

Passed to Rules Committee for Second Reading.

February 11, 1999

HB 1022 Prime Sponsor, Representative Alexander: Adjusting the Washington state patrol surviving spouse retirement allowance. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

Voting yea: Representatives Huff, H. Sommers, Alexander, Doumit, D. Schmidt, Barlean, Benson, Boldt, Carlson, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Lambert, Linville, Lisk, Mastin, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Tokuda and Wensman.

Excused: Representative(s) Kessler and McIntire.

Passed to Rules Committee for Second Reading.

February 11, 1999

HB 1025 Prime Sponsor, Representative D. Sommers: Establishing membership in the public employees' retirement system. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

Voting yea: Representatives Huff, H. Sommers, Alexander, Doumit, D. Schmidt, Barlean, Benson, Boldt, Carlson, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Lisk, Mastin, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Tokuda and Wensman.

Excused: Representative(s) McIntire.

Passed to Rules Committee for Second Reading.

February 12, 1999

HB 1074 Prime Sponsor, Representative D. Schmidt: Regulating job order contracting for public works. Reported by Committee on State Government

MAJORITY Recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Campbell, Republican Vice Chair; Miloscia, Democratic Vice Chair; Dunshee; Haigh; Lambert and D. Schmidt.

Voting yea: Representatives McMorris, Romero, Campbell, Miloscia, Dunshee, Haigh, Lambert and D. Schmidt

Passed to Rules Committee for Second Reading.

February 12, 1999

HB 1113 Prime Sponsor, Representative Campbell: Revising provisions relating to occupational therapy. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Democratic Co-Chair; Parlette, Republican Co-Chair; Pflug, Republican Vice Chair; Schual-Berke, Democratic Vice Chair; Alexander; Boldt; Campbell; Conway; Edmonds; Edwards; Mulliken and Ruderman.

Voting yea: Representatives Cody, Parlette, Pflug, Schual-Berke, Alexander, Boldt, Campbell, Conway, Edmonds, Edwards, Mulliken and Ruderman.

Passed to Rules Committee for Second Reading.

February 12, 1999

HB 1194 Prime Sponsor, Representative Pflug: Extending the due date for a report to the legislature concerning accreditation of licensed boarding homes. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Democratic Co-Chair; Parlette, Republican Co-Chair; Pflug, Republican Vice Chair; Schual-Berke, Democratic Vice Chair; Alexander; Boldt; Campbell; Conway; Edmonds; Edwards; Mulliken and Ruderman.

Voting yea: Representatives Cody, Parlette, Pflug, Schual-Berke, Alexander, Boldt, Campbell, Conway, Edmonds, Edwards, Mulliken and Ruderman.

Passed to Rules Committee for Second Reading.

February 12, 1999

HB 1216 Prime Sponsor, Representative Parlette: Removing the termination of the secretary of health's authority for administrative procedure. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Democratic Co-Chair; Parlette, Republican Co-Chair; Pflug, Republican Vice Chair; Schual-Berke, Democratic Vice Chair; Alexander; Boldt; Campbell; Conway; Edmonds; Edwards; Mulliken and Ruderman.

Voting yea: Representatives Cody, Parlette, Pflug, Schual-Berke, Alexander, Boldt, Campbell, Conway, Edmonds, Edwards, Mulliken and Ruderman.

Passed to Rules Committee for Second Reading.

February 11, 1999

HB 1219 Prime Sponsor, Representative Ogden: Changing relief and retirement pension provisions under chapter 41.24 RCW. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

Voting yea: Representatives Huff, H. Sommers, Alexander, Doumit, D. Schmidt, Barlean, Benson, Boldt, Carlson, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Lisk, Mastin, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Tokuda and Wensman.

Excused: Representative(s) McIntire.

Passed to Rules Committee for Second Reading.

February 12, 1999

HB 1221 Prime Sponsor, Representative Ogden: Regarding Lewis and Clark bicentennial advisory committee. Reported by Committee on State Government

MAJORITY Recommendation: Do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Campbell, Republican Vice Chair; Miloscia, Democratic Vice Chair; Dunshee; Haigh; Lambert and D. Schmidt.

Voting yea: Representatives McMorris, Romero, Campbell, Miloscia, Dunshee, Haigh, Lambert and D. Schmidt

Referred to Committee on Appropriations.

February 12, 1999

HB 1229 Prime Sponsor, Representative Buck: Developing a carbon storage trading market. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Buck, Republican Co-Chair; Regala, Democratic Co-Chair; Anderson, Democratic Vice Chair; Doumit; Eickmeyer; Ericksen; Rockefeller and Stensen.

MINORITY recommendation: Do not pass. Signed by Representatives Sump, Republican Vice Chair; G. Chandler; Clements and Pennington.

Voting yea: Representatives Buck, Regala, Anderson, Doumit, Eickmeyer, Ericksen, Rockefeller and Stensen.

Voting nay: Representative(s) Sump, G. Chandler, Clements and Pennington.

Referred to Committee on Appropriations.

February 12, 1999

HB 1234 Prime Sponsor, Representative Romero: Reorganizing the state library commission.  
Reported by Committee on State Government

MAJORITY Recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Campbell, Republican Vice Chair; Miloscia, Democratic Vice Chair; Dunshee; Haigh; Lambert and D. Schmidt.

Voting yea: Representatives McMorris, Romero, Campbell, Miloscia, Dunshee, Haigh, Lambert and D. Schmidt

Passed to Rules Committee for Second Reading.

February 10, 1999

HB 1375 Prime Sponsor, Representative Schoesler: Adding methamphetamine manufacture to the "strike" list. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair and B. Chandler.

MINORITY recommendation: Do not pass. Signed by Representatives Constantine; Kagi and Koster.

Voting yea: Representatives Ballasiotes, O'Brien, Cairnes, Lovick and B. Chandler  
Voting nay: Representative(s) Constantine, Kagi and Koster.

Referred to Committee on Appropriations.

February 11, 1999

HB 1550 Prime Sponsor, Representative G. Chandler: Extending Milwaukee Road corridor franchise negotiations. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Democratic Co-Chair; K. Schmidt, Republican Co-Chair; Cooper, Democratic 1st Vice Chair; Edwards, Democratic 2nd Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; Buck; G. Chandler; Fortunato; Haigh; Hatfield; Hurst; Lovick; McDonald; Mielke; Mitchell; Pflug; Radcliff; Romero; Schindler; Schual-Berke; Scott and Skinner.

Voting yea: Representatives Fisher, K. Schmidt, Cooper, Edwards, Hankins, Buck, G. Chandler, Fortunato, Haigh, Hatfield, Hurst, Lovick, McDonald, Mielke, Mitchell, Pflug, Radcliff, Romero, Schindler, Schual-Berke, Scott and Skinner.

Excused: Representative(s) Ericksen, DeBolt, Morris, Murray, Ogden and Wood.

Passed to Rules Committee for Second Reading.

February 11, 1999

HB 1559 Prime Sponsor, Representative Fortunato: Repealing redundant law on transporting explosives. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fisher, Democratic Co-Chair; K. Schmidt, Republican Co-Chair; Cooper, Democratic 1st Vice Chair; Edwards, Democratic 2nd Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; Buck; G. Chandler; Fortunato; Haigh; Hatfield; Hurst; Lovick; McDonald; Mielke; Mitchell; Pflug; Radcliff; Romero; Schindler; Schual-Berke; Scott and Skinner.

Voting yea: Representatives Fisher, K. Schmidt, Cooper, Edwards, Ericksen, Hankins, Buck, G. Chandler, Fortunato, Haigh, Hatfield, Hurst, Lovick, McDonald, Mielke, Mitchell, Pflug, Radcliff, Romero, Schindler, Schual-Berke, Scott and Skinner.

Excused: Representative(s) DeBolt, Morris, Murray, Ogden and Wood.

Passed to Rules Committee for Second Reading.

February 11, 1999

HB 1561 Prime Sponsor, Representative Schoesler: Allowing solid rubber tires on farm machinery.  
Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Democratic Co-Chair; K. Schmidt, Republican Co-Chair; Cooper, Democratic 1st Vice Chair; Edwards, Democratic 2nd Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; Buck; G. Chandler; Fortunato; Haigh; Hatfield; Hurst; Lovick; McDonald; Mielke; Mitchell; Pflug; Radcliff; Romero; Schindler; Schual-Berke; Scott and Skinner.

Voting yea: Representatives Fisher, K. Schmidt, Cooper, Edwards, Ericksen, Hankins, Buck, G. Chandler, Fortunato, Haigh, Hatfield, Hurst, Lovick, McDonald, Mielke, Mitchell, Pflug, Radcliff, Romero, Schindler, Schual-Berke, Scott and Skinner.

Excused: Representative(s) DeBolt, Morris, Murray, Ogden and Wood.

Passed to Rules Committee for Second Reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 10:00 a.m., Wednesday, February 17, 1999, the 38<sup>th</sup> Legislative Day.

TIMOTHY A. MARTIN, Chief Clerk      CLYDE BALLARD, Speaker  
DEAN R. FOSTER, Chief Clerk      FRANK CHOPP, Speaker



THIRTY-SEVENTH DAY, FEBRUARY 16, 1999

JOURNAL OF THE HOUSE

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

**THIRTY-EIGHTH DAY**

**MORNING SESSION**

House Chamber, Olympia, Wednesday, February 17, 1999

The House was called to order at 10:00 a.m. by Speaker Pro Tempore Ogden. The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Kelsi Bluhm and Rebekah Witkoe. Prayer was offered by Robert Howell, Executive Director, Crista Senior Ministries.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

**RESOLUTIONS**

HOUSE RESOLUTION NO. 99-4629, By Representatives Schual-Berke, Cody, Santos, Linville, Talcott, Haigh, Fisher, H. Sommers, Edmonds, Kagi, Parlette, Regala, Ballasiotes, Keiser, Ruderman, Anderson, Hankins, D. Schmidt, Barlean, Thomas, Conway and Pflug

WHEREAS, Monday, February 15, 1999, marks the one hundred seventy-ninth anniversary of the birth of Susan Brownell Anthony, reformer and leader of women's suffrage; and

WHEREAS, Susan B. Anthony defied male electioneers and faced indictment for illegally voting in 1872; and

WHEREAS, Susan B. Anthony spoke on suffrage legislation before members of the Washington State Territorial Legislature in Olympia, Washington, on October 19, 1871, making her the first woman in the history of the United States to be given the privilege of addressing an assembled legislature; and

WHEREAS, Following her presentation to the Washington Territorial Legislature, Susan B. Anthony was the guest of Daniel Bigelow, a state lawmaker who was one of the first to support women's suffrage in the Northwest, at what is now Olympia's historic Bigelow Home; and

WHEREAS, Susan B. Anthony helped draft the constitution for the Washington Women's Suffrage Association; and

WHEREAS, Susan B. Anthony was director of the Female Department of the Canajoharie Academy in New York until she abandoned her career in education to devote her life to social reform, first organizing the Women's State Temperance Society of New York; and

WHEREAS, Susan B. Anthony, along with Elizabeth Cady Stanton, founded in 1863 the Woman's Loyal National League to petition Congress to advocate full civil and political rights for women and blacks when the Civil War ended; and

WHEREAS, In 1866, Susan B. Anthony and other reformers formed the Equal Rights Association to further their campaign for women's suffrage; and

WHEREAS, The reformers took their suffrage campaign in 1867 to the New York State Constitutional Convention, where the state legislature refused to consider the issue, but instead gave considerable support to legislation legalizing prostitution; and

WHEREAS, Susan B. Anthony and her suffragettes fought back with lobbying efforts that killed the prostitution bill in committee, and furthermore, eventually secured the first laws in New York state guaranteeing women's rights over their children and control over property and wages; and

WHEREAS, Susan B. Anthony, during the presidential campaign in 1872, urged women to claim their rights under the Fourteenth and Fifteenth amendments by registering and voting in every state in the union; and

WHEREAS, In a colorful display of her remarkable courage, Susan B. Anthony and her three sisters boldly entered a stronghold of men in a Rochester, New York, barbershop in 1872 and insisted that they be registered to vote under provisions of the Fourteenth Amendment; and

WHEREAS, On November 5th, Susan B. Anthony entered her polling place and voted the Republican ticket after which she was charged and indicted for voting illegally; and

WHEREAS, In another display of determination, Susan B. Anthony, refusing to pay her streetcar fare as a deputy marshal was carting her off to jail, announced loudly enough for all passengers to hear, "I'm traveling at the expense of this government. This gentleman is taking me to jail. Ask him for my fare!";

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives honor Susan B. Anthony and remember her for and emulate her in her dedication to social reform that led to the passage of the Women's Suffrage Amendment (Nineteenth Amendment) to the United States Constitution in 1920; and

BE IT FURTHER RESOLVED, That Susan B. Anthony be remembered for her courage and determination to work for equal rights for all citizens of America as reflected in Anthony's quote, "It was we, the people, not we, the white male citizens, nor yet we, the male citizens, but we the whole people, who formed this Union. And we formed it not to give the blessings of liberty, but to secure them, not to the half of ourselves and the half of our posterity, but to the whole people--women as well as men."

Representative Schual-Berke moved adoption of the resolution.

Representatives Schual-Berke and Kessler spoke in favor of the adoption of the resolution.

House Resolution No. 99-4629 was adopted.

HOUSE RESOLUTION NO. 99-4620, by Representatives Edmonds, Kagi, D. Schmidt, Thomas and Pflug

WHEREAS, CRISTA Ministries for fifty years has pursued a mission of social accountability and compassion to people in all walks of life throughout the state of Washington and worldwide; and

WHEREAS, In 1949 CRISTA founder, Mike Martin, leased the abandoned fifty-five-acre Firlands Tuberculosis Sanatorium from King County for just one dollar per year; and

WHEREAS, As condition of the lease, King County required "King's Garden," or CRISTA Ministries as it is known today, to establish a "rest home" in order to help support its ministry to young people; and

WHEREAS, Today one man's vision grew to become ten distinct ministries providing meaningful vocation to one thousand two hundred fifty individuals and countless volunteers in Washington State, who serve people in need at varying stages of life; and

WHEREAS, The residents of Washington State and the world's impoverished communities are served through the ten ministries of CRISTA, which include a specialized education program for at-risk urban youth, two continuing care retirement communities for seven hundred eighty seniors that offers life with dignity and purpose, a pre-K through 12 school system, a camps program which hosts four thousand young campers annually, a family counseling service, three radio stations, an employment and career placement network, an AIDS outreach program, international and domestic adoption and pregnancy counseling programs, and a worldwide relief organization;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives hereby recognize and honor CRISTA Ministries for its fifty-year legacy of "bringing hope to life."

Representative Edmonds moved adoption of the resolution.

Representatives Edmonds and Kagi spoke in favor of the adoption of the resolution.

House Resolution No. 99-4620 was adopted.

HOUSE RESOLUTION NO. 99-4616, by Representatives G. Chandler, Linville, B. Chandler, Koster, McMorris, Cox, Barlean, Thomas, Hatfield, Dunn, Ruderman and Pflug

WHEREAS, Washington is home to 264,000 dairy cows; and

WHEREAS, Washington's dairy cows are the third most productive in America, averaging more than 3,180 pounds of milk per cow above the national average; and

WHEREAS, Our state's dairy farmers contribute approximately seven hundred twenty-eight million dollars to the state's economy each year; and

WHEREAS, Milk production ranks second in dollar value among all of Washington's bountiful agricultural commodities; and

WHEREAS, Washington's dairy industry is actually older than the state itself; and

WHEREAS, The first creamery in Washington was started at Cheney in 1880, at a time when cattle outnumbered territorial residents by more than two-to-one; and

WHEREAS, February 17, 1999, marks the observance of Legislative Dairy Day, an annual event celebrated at the state capitol of the great state of Washington for well over thirty years; and

WHEREAS, Legislative Dairy Day honors the dairy industry, which is the second largest agricultural industry in this great state of Washington, for the extensive contributions made by the dairy industry to the economic well-being of our great state of Washington as well as the invaluable contribution made by the dairy industry in providing an indispensable part of a healthy, balanced, and nutritious diet, with such irreplaceable products as milk, cheese, ice cream, yogurt, and a great many other dairy products; and

WHEREAS, Legislative Dairy Day also honors the Washington State Dairy Federation which, as a professional organization of dairy farmers in this great state of Washington, provides an exceptional voice for the contribution and special concerns of the dairy farmers; and

WHEREAS, Citizens throughout the state today honor this special industry with the annual Dairy Day celebration at the state capitol; and

WHEREAS, The Washington State Dairy Federation is the proud sponsor of this observance; and

WHEREAS, Julie Haakenson of Carnation, a 1997 honors graduate of Eastlake High School in Redmond, is representing the dairy industry with distinction as the reigning Washington State Dairy Ambassador; and

WHEREAS, Ms. Haakenson is serving an eleven-month internship with the Washington Dairy Products Commission; and

WHEREAS, Her coalternates are Amanda Miller of Spokane who represents the Inland Northwest dairy farmers; and Becky Smith of Custer who represents the Whatcom County dairy farmers;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State House of Representatives acknowledge and honor the women and men whose work on dairy farms throughout Washington has contributed so much to the strength and vitality of our state and its economy, the character of our communities, and the general well-being of our citizens; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to the Washington State Dairy Federation, to Washington State Dairy Ambassador Julie Haakenson, and to coalternates Amanda Miller and Becky Smith.

Representative Linville moved adoption of the resolution.

Representatives Linville, G. Chandler, Anderson and Ruderman spoke in favor of the adoption of the resolution.

House Resolution No. 99-4616 was adopted.

### **SPEAKER'S PRIVILEGE**

Speaker Pro Tempore Ogden introduced the reigning royalty Julie Haakenson, Amanda Miller and Becky Smith, Washington State Dairy Princesses. Princess Julie addressed the chamber.

HOUSE RESOLUTION NO. 99-4630, by Representatives Grant, G. Chandler, Mastin, Kagi, Lantz, Hankins, D. Schmidt, Thomas, Dunn, Conway and Pflug

WHEREAS, It is the policy of the Washington state legislature to recognize and honor the contributions of individuals who reflect standards of excellence that enhance the well-being and quality of life of the people of Washington state; and

WHEREAS, Many esteemed Washingtonians who came before us, including Senators Warren Magnuson and Henry "Scoop" Jackson, had the vision to see the critical role hydroelectric power would play in the successful development of Washington state, and the Columbia and Snake River dams were built as the result of conscious decisions by these giants in our state and national history; and

WHEREAS, They recognized that the dams were the Pacific Northwest's chief economic asset as producers of inexpensive kilowatts, and they worked closely with the Bonneville Power Association that managed the dams providing most of our region's electricity and fueling our economy; and

WHEREAS, They understood the populist impulses of our state and region and joined the great tradition of the "public power democrats" who promoted public works projects, including hydroelectric dams on the mighty Columbia River, and through their committed efforts, affordable hydroelectric power became an inextricable part of Washington's and the Pacific Northwest's psyche and economy; and

WHEREAS, They labored to ensure that adequate hydroelectric power was easily available to attract new industry, to generate family wage jobs, to assist farmers in modernizing their operations and increasing production, and to help local utility districts form and have inexpensive power delivered to them, and other positive benefits, such as: Enhanced barge traffic, which greatly assists the transportation of farm products to market; increased recreational opportunities, such as boating, fishing, and other water-related activities; and communities protected from untold damage from severe flooding; and

WHEREAS, As a result of their foresight, hydroelectric power linked the aluminum mills of Spokane with the pulp mills of Grays Harbor, with the vineyards of Yakima Valley, with the bomb factories of Hanford, all essential components of our diverse culture and traditions; and

WHEREAS, They left us a legacy of clean, accessible, and inexpensive hydroelectric power, improved water quality, improved air quality, and a history of economic growth and prosperity by their commendable efforts to pursue dams on the Columbia and Snake Rivers; and

WHEREAS, There are ongoing efforts to breach dams on Northwest rivers with the potential of costing hundreds of millions of dollars and detrimentally impacting jobs, electric power, irrigation, navigation, recreation, existing infrastructures, property values, and the social and economic well-being of all our citizens; and

WHEREAS, These efforts to breach dams in our region are not supported by any member of Washington state's congressional delegation or other Northwest congressional delegations; and

WHEREAS, Governor Locke has publicly stated that he does not support the breaching of dams and cannot imagine any argument convincing him to support the dams being torn down; and

WHEREAS, Governor Locke has clearly indicated that he does not support the United States Army Corps of Engineers' proposed plans to breach dams in Washington state; and

WHEREAS, Governor Locke recognizes the benefits of promoting rural economic development and the need to pursue policies that will enhance rural economic development; and

WHEREAS, Governor Locke has recognized the tremendous negative impacts breaching dams would have on the economic vitality of Washington state, especially on Eastern Washington, and has publicly stated, "The benefits clearly do not outweigh the costs";

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives honor the contributions of all those whose key roles in ensuring the installation and operation of the hydroelectric producing dams have so enhanced the well-being and quality of life of all the citizens of the state of Washington, and of Governor Locke and all the other elected officials, both Democrat and Republican, at all levels of government who have also worked hard to ensure the ongoing success of hydroelectric producing dams and the prosperity they provide our citizens.

Representative Grant moved adoption of the resolution.

Representatives Grant and G. Chandler spoke in favor of the adoption of the resolution.

House Resolution No. 99-4630 was adopted.

### **INTRODUCTIONS AND FIRST READING**

HB 1828 by Representatives H. Sommers, Thomas, Ogden, Carlson, Quall, Lantz, Keiser, Veloria, Murray, Stensen, Schual-Berke, Rockefeller, Edwards, Lovick, McIntire, Gombosky, Doumit, Dunshee, O'Brien, Poulsen, Cody, Wolfe, Kenney, Santos, Edmonds, Linville, Wood, Haigh, Regala, Conway, Dickerson, Tokuda, Kessler, Hurst, Miloscia, Ruderman, Anderson, Eickmeyer, Sullivan, Fisher, Scott, Constantine, Morris, Grant, Reardon, Romero, Kastama, Cooper, Hatfield and Kagi

AN ACT Relating to providing state assistance for school district plant facilities; amending RCW 43.135.045; making an appropriation; and providing for submission of this act to a vote of the people.

Referred to Committee on Appropriations.

HB 1972 by Representatives Hatfield and Benson

AN ACT Relating to financial institutions; amending RCW 11.11.010; providing an effective date; and declaring an emergency.

Referred to Committee on Judiciary.

HB 2140 by Representatives Morris, Kessler and Santos

AN ACT Relating to tax credits for advanced telecommunications and information services infrastructure improvements in rural areas; amending RCW 43.160.010, 43.160.020,

and 43.160.050; adding a new section to chapter 43.160 RCW; adding new sections to chapter 82.04 RCW; adding a new section to chapter 82.16 RCW; and providing expiration dates.

Referred to Committee on Finance.

HB 2151 by Representatives Clements and Conway

AN ACT Relating to motor vehicle arbitration boards; amending RCW 19.118.080 and 19.118.160; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 2152 by Representatives Cody, Parlette, Van Luven, Conway and Edmonds

AN ACT Relating to exceptional care and therapy care payment rates; amending RCW 74.46.506; and adding a new section to chapter 74.09 RCW.

Referred to Committee on Health Care.

HB 2153 by Representatives Delvin, Lisk, Thomas, Dunn, Schindler, McMorris, B. Chandler, Hankins and Clements

AN ACT Relating to receipts for property tax payments; and amending RCW 84.56.060.

Referred to Committee on Local Government.

HB 2154 by Representatives Benson, Clements, Van Luven and Barlean

AN ACT Relating to gambling commission approval of participation in the card room pilot program; amending RCW 9.46.070; adding a new section to chapter 9.46 RCW; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 2155 by Representatives Veloria, Murray and Santos

AN ACT Relating to affordable housing; and amending RCW 35.21.830.

Referred to Committee on Economic Development, Housing & Trade.

HB 2156 by Representatives Eickmeyer, Rockefeller, Haigh, McIntire and Scott

AN ACT Relating to limitations on salmon fishing in Hood Canal; amending RCW 75.46.010; adding a new section to chapter 75.46 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Natural Resources.

HB 2157 by Representatives Conway, Tokuda, Kessler, Linville, Edwards, Campbell, Constantine, Haigh, Kenney, Keiser, Rockefeller and Anderson

AN ACT Relating to restaurant tax credits; and adding a new section to chapter 82.04 RCW.

Referred to Committee on Finance.

HB 2158 by Representatives Fortunato and Miloscia

AN ACT Relating to disposal of surplus legislative laptop computers; and adding a new section to chapter 43.19 RCW.

Referred to Committee on State Government.

HB 2159 by Representatives Quall, Talcott, Schindler, O'Brien, Esser, Gombosky, Ruderman, Boldt, Haigh, D. Sommers, Dunn, Kagi, Stensen, Kenney, Miloscia, Santos, Tokuda, Lambert, Edwards and Barlean

AN ACT Relating to record checks of private school educational employees; adding new sections to chapter 28A.195 RCW; making an appropriation; providing an expiration date; and declaring an emergency.

Referred to Committee on Education.

HB 2160 by Representatives Parlette, Cody and Campbell

AN ACT Relating to access to individual health insurance coverage; amending RCW 48.41.020, 48.41.030, 48.41.040, 48.41.090, 48.41.100, 48.41.110, 48.41.120, 48.43.015, and 48.43.025; reenacting and amending RCW 70.47.060; adding new sections to chapter 48.41 RCW; adding a new section to chapter 48.43 RCW; creating new sections; repealing RCW 48.20.028, 48.41.050, 48.41.060, 48.41.080, 48.44.022, and 48.46.064; and declaring an emergency.

Referred to Committee on Health Care.

HB 2161 by Representatives Cairnes and Benson

AN ACT Relating to mandatory offering of personal injury protection insurance; and repealing RCW 48.22.005, 48.22.085, 48.22.090, 48.22.095, 48.22.100, and 48.22.105.

Referred to Committee on Financial Institutions & Insurance.

HB 2162 by Representative Benson

AN ACT Relating to limitations on the recovery of Holocaust-era insurance benefits; and adding a new section to chapter 48.05 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 2163 by Representatives Wood, Conway, Clements, McIntire and Veloria

AN ACT Relating to creating a program for compulsive gambling education and awareness; amending RCW 9.46.071, 67.70.240, and 67.16.095; making an appropriation; and providing a contingent effective date.

Referred to Committee on Commerce & Labor.

HB 2164 by Representatives Conway, Boldt, Veloria and Kenney; by request of Attorney General

AN ACT Relating to the sale of export cigarettes; amending RCW 82.24.110, 82.24.130, and 82.24.145; adding a new section to chapter 82.24 RCW; creating a new section; prescribing penalties; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 2165 by Representatives Ruderman, Thomas, Dunshee, Esser and K. Schmidt

AN ACT Relating to a tax exemption for certain amounts received by persons in the travel service business; and adding a new section to chapter 82.04 RCW.

Referred to Committee on Finance.

HB 2166 by Representatives Anderson, Barlean, Hatfield, Keiser, Morris and Doumit

AN ACT Relating to management of state-owned aquatic lands; amending RCW 79.90.465, 79.90.520, and 79.93.040; and adding a new section to chapter 79.90 RCW.

Referred to Committee on Natural Resources.

HB 2167 by Representatives Murray, Parlette, Campbell, Cody, Pflug, Schual-Berke, Edwards, Keiser, Dickerson, Veloria, Lantz, Edmonds, Haigh, Kenney, Rockefeller, Conway, Kagi, Kessler and Ogden

AN ACT Relating to health care; amending RCW 48.43.095, 48.43.055, 48.46.020, 48.46.100, and 48.43.093; adding a new chapter to Title 48 RCW; and creating a new section.

Referred to Committee on Health Care.

HB 2168 by Representatives Wood, Edmonds, Anderson and Ogden

AN ACT Relating to chronic pain management; and adding a new chapter to Title 69 RCW.

Referred to Committee on Health Care.

HB 2169 by Representatives Kessler, Lisk and Kenney; by request of Washington State Patrol

AN ACT Relating to unlawful harassment; and adding a new chapter to Title 7 RCW.

Referred to Committee on Criminal Justice & Corrections.

HB 2170 by Representatives G. Chandler and Linville

AN ACT Relating to membership of the Puget Sound council; and amending RCW 90.71.030.

Referred to Committee on Agriculture & Ecology.

HB 2171 by Representatives Linville, G. B. Chandler Chandler and Parlette

AN ACT Relating to water pollution control; amending RCW 90.48.010, 90.48.020, and 43.21C.0383; reenacting and amending RCW 43.21B.110; adding new sections to chapter 90.48 RCW; creating new sections; and providing expiration dates.



Referred to Committee on Agriculture & Ecology.

HB 2172 by Representatives Boldt, Koster, Mielke, Mulliken, Benson, McMorris and Schindler

AN ACT Relating to prohibiting the state from granting domestic partner benefits; adding a new section to chapter 41.05 RCW; creating new sections; and declaring an emergency.

Referred to Committee on State Government.

HB 2173 by Representatives Boldt, Mielke, Dunn and Schindler

AN ACT Relating to the standard of review by growth management hearings boards; and amending RCW 36.70A.320.

Referred to Committee on Local Government.

HB 2174 by Representatives Ruderman, Radcliff and Kenney; by request of Secretary of State and Governor Locke

AN ACT Relating to the promotion of electronic commerce through digital signatures; amending RCW 19.34.010, 19.34.020, 19.34.030, 19.34.100, 19.34.110, 19.34.111, 19.34.120, 19.34.130, 19.34.200, 19.34.210, 19.34.231, 19.34.250, 19.34.280, 19.34.330, 19.34.340, 19.34.400, 19.34.410, and 43.105.320; adding a new section to chapter 19.34 RCW; creating a new section; providing an expiration date; and declaring an emergency.

Referred to Committee on Technology, Telecommunications & Energy.

HB 2175 by Representatives Mulliken, Scott, Cairnes, Doumit, Sump, Koster, Edwards, Schoesler, Mielke, Fortunato, Ericksen, Dunn, Schindler and Kessler

AN ACT Relating to studying the costs related to growth management; adding a new section to chapter 36.70A RCW; creating new sections; and providing an expiration date.

Referred to Committee on Local Government.

HB 2176 by Representatives G. Chandler, Scott, Mulliken, Mastin, Doumit, Cox and Sump

AN ACT Relating to requiring the department of ecology to present updated shoreline management guidelines to the legislature; creating new sections; and providing an expiration date.

Referred to Committee on Local Government.

HB 2177 by Representatives Conway, Clements, Barlean and Lantz

AN ACT Relating to the gambling commission process for applications for house-banked card rooms; amending RCW 9.46.070; adding new sections to chapter 9.46 RCW; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 2178 by Representatives Dunn, Koster, Cairnes and Boldt

AN ACT Relating to the commission on declarations of emergency; adding a new section to chapter 44.04 RCW; and providing an expiration date.

Referred to Committee on State Government.

HB 2179 by Representative Wensman

AN ACT Relating to private ways of necessity; and amending RCW 8.24.030.

Referred to Committee on Judiciary.

HB 2180 by Representatives Koster and Fisher; by request of Washington State Patrol

AN ACT Relating to enhancing auto theft investigations; amending RCW 46.12.040 and 46.12.060; reenacting and amending RCW 46.12.030; and creating new sections.

Referred to Committee on Transportation.

HB 2181 by Representatives Clements and G. Chandler

AN ACT Relating to controlled atmosphere storage; and amending RCW 15.30.060.

Referred to Committee on Agriculture & Ecology.

HB 2182 by Representatives Haigh, Quall, Carlson, Rockefeller, Eickmeyer, Miloscia, Kastama, Veloria and Romero

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

Referred to Committee on Education.

HB 2183 by Representatives Cody, Parlette and Veloria

AN ACT Relating to physical therapy; adding a new chapter to Title 18 RCW; and repealing RCW 18.74.005, 18.74.010, 18.74.012, 18.74.015, 18.74.020, 18.74.023, 18.74.025, 18.74.027, 18.74.029, 18.74.030, 18.74.035, 18.74.040, 18.74.050, 18.74.060, 18.74.065, 18.74.070, 18.74.073, 18.74.075, 18.74.085, 18.74.090, 18.74.095, 18.74.120, 18.74.125, 18.74.130, 18.74.135, 18.74.140, 18.74.900, 18.74.910, and 18.74.911.

Referred to Committee on Health Care.

HB 2184 by Representatives Linville, Veloria, Lantz and Grant

AN ACT Relating to water resource administration; amending RCW 90.03.060; and adding a new section to chapter 90.03 RCW.

Referred to Committee on Agriculture & Ecology.

HB 2185 by Representatives Linville, G. Chandler and Grant

AN ACT Relating to water rights; amending RCW 90.03.330, 90.03.380, and 90.44.100; and adding new sections to chapter 90.03 RCW.

Referred to Committee on Agriculture & Ecology.

HB 2186 by Representatives Linville and G. Chandler

AN ACT Relating to inerties; and amending RCW 90.03.383.

Referred to Committee on Agriculture & Ecology.

HB 2187 by Representatives Linville, G. Chandler and Grant

AN ACT Relating to water rights for instream uses; and amending RCW 90.03.345, 90.14.140, 90.38.020, and 90.42.080.

Referred to Committee on Agriculture & Ecology.

HB 2188 by Representatives Linville, G. Chandler, Lantz and Grant

AN ACT Relating to water right applications; and adding a new section to chapter 90.03 RCW.

Referred to Committee on Agriculture & Ecology.

HB 2189 by Representatives Linville, G. Chandler and Lantz

AN ACT Relating to reclaimed water; amending RCW 90.46.010, 90.46.080, and 90.46.090; adding a new section to chapter 82.16 RCW; and adding a new section to chapter 82.08 RCW.

Referred to Committee on Agriculture & Ecology.

HB 2190 by Representatives Quall, Dunshee, Talcott, Haigh and Lantz

AN ACT Relating to alternative learning experience parent partnership programs; and adding a new section to chapter 28A.150 RCW.

Referred to Committee on Education.

HB 2191 by Representatives McIntire, Esser, O'Brien, Santos, Fisher, Dunn, Mitchell, Mielke, Wensman and Kenney

AN ACT Relating to enforcement and incentive measures for compliance with growth management housing goals in counties with a population of one million five hundred thousand or more; amending RCW 36.70A.070, 36.70A.215, 36.70A.345, 47.80.050, 82.08.020, 82.46.010, 43.17.250, 43.160.060, 70.146.070, and 84.14.010; and adding new sections to chapter 36.70A RCW.

Referred to Committee on Local Government.

HB 2192 by Representative Clements

AN ACT Relating to limiting a nonprofit corporation's right to contract with the state when certain acts of misfeasance, malfeasance, or nonfeasance have occurred; amending RCW 24.03.005; adding new sections to chapter 24.03 RCW; adding a new section to chapter 43.24

RCW; adding a new section to chapter 43.41 RCW; adding new sections to chapter 43.17 RCW; and providing an effective date.

Referred to Committee on State Government.

HB 2193 by Representative Koster

AN ACT Relating to water banking; adding a new section to chapter 90.03 RCW; adding a new section to chapter 90.42 RCW; adding a new section to chapter 90.44 RCW; adding a new section to chapter 90.54 RCW; and adding a new chapter to Title 90 RCW.

Referred to Committee on Agriculture & Ecology.

HJM 4013 by Representatives Murray, Romero, Anderson, Santos, Tokuda and Veloria

Requesting the Washington state investment board to stop investing in individuals and companies doing business within East Timor.

Referred to Committee on Financial Institutions & Insurance.

HCR 4406 by Representatives G. Chandler, Scott, Mulliken, Edwards, Mastin, Doumit, Cox, Sump and Thomas

Creating a Joint Select Committee on Endangered Species Protection and Shoreline Management.

Referred to Committee on Local Government.

#### MOTION

On motion of Representative Kessler the bills, memorial and resolution listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

#### REPORTS OF STANDING COMMITTEES

February 15, 1999

HB 1069 Prime Sponsor, Representative Scott: Authorizing the forensic investigations council to make expenditures to assist in investigations of multiple deaths. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Mulliken, Republican Co-Chair; Scott, Democratic Co-Chair; Doumit, Democratic Vice Chair; Mielke, Republican Vice Chair; Edwards; Ericksen; Fisher and Fortunato.

Voting yea: Representatives Mulliken, Scott, Doumit, Mielke, Edwards, Ericksen, Fisher and Fortunato.

Referred to Committee on Appropriations.

February 12, 1999

HB 1218 Prime Sponsor, Representative Cody: Modifying provisions related to nurse delegation of tasks. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Democratic Co-Chair; Parlette, Republican Co-Chair; Pflug, Republican Vice Chair; Schual-Berke, Democratic Vice Chair; Alexander; Boldt; Campbell; Conway; Edmonds; Edwards; Mulliken and Ruderman.

Voting yea: Representatives Cody, Parlette, Pflug, Schual-Berke, Alexander, Boldt, Campbell, Conway, Edmonds, Edwards, Mulliken and Ruderman.

February 15, 1999

HB 1222 Prime Sponsor, Representative Ogden: Creating a competitive grant program to assist nonprofit organizations with capital projects. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Mitchell, Republican Co-Chair; Murray, Democratic Co-Chair; Edmonds, Democratic Vice Chair; Esser, Republican Vice Chair; Alexander; Anderson; Barlean; Bush; Constantine; Dunshee; Hankins; Koster; Lantz; Miloscia; O'Brien; Ogden and Schoesler.

Voting yea: Representatives Mitchell, Murray, Edmonds, Esser, Alexander, Anderson, Barlean, Bush, Constantine, Dunshee, Hankins, Koster, Lantz, Miloscia, O'Brien, Ogden and Schoesler.

Excused: Representative Mastin.

Passed to Rules Committee for Second Reading.

February 15, 1999

HB 1383 Prime Sponsor, Representative Constantine: Authorizing local government purchase of liability insurance for law enforcement personnel. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Mulliken, Republican Co-Chair; Scott, Democratic Co-Chair; Doumit, Democratic Vice Chair; Mielke, Republican Vice Chair; Edwards; Ericksen; Fisher and Fortunato.

Voting yea: Representatives Mulliken, Scott, Doumit, Mielke, Edwards, Ericksen, Fisher and Fortunato.

Passed to Rules Committee for Second Reading.

February 15, 1999

HB 1463 Prime Sponsor, Representative Mitchell: Adjusting deadlines for reports to the secretary of transportation. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Democratic Co-Chair; K. Schmidt, Republican Co-Chair; Cooper, Democratic 1st Vice Chair; Edwards, Democratic 2nd Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; Buck; G. Chandler; DeBolt; Fortunato; Haigh; Hatfield; Hurst; Lovick; McDonald; Mielke; Mitchell; Morris; Murray; Ogden; Pflug; Radcliff; Romero; Schindler; Schual-Berke; Scott; Skinner and Wood.

Voting yea: Representatives Fisher, K. Schmidt, Cooper, Edwards, Ericksen, Hankins, G. Chandler, DeBolt, Fortunato, Hatfield, Lovick, McDonald, Mielke, Mitchell, Pflug, Romero, Schindler, Schual-Berke, Scott, Skinner and Wood.

Excused: Representative(s) Buck, Haigh, Hurst, Morris, Murray, Ogden and Radcliff.

Passed to Rules Committee for Second Reading.

February 15, 1999

HB 1491 Prime Sponsor, Representative Hatfield: Regulating the use of dredge spoils in Cowlitz County. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Democratic Co-Chair; K. Schmidt, Republican Co-Chair; Cooper, Democratic 1st Vice Chair; Edwards, Democratic 2nd Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; Buck; G. Chandler; DeBolt; Fortunato; Haigh; Hatfield; Hurst; Lovick; McDonald; Mielke; Morris; Murray; Ogden; Pflug; Radcliff; Romero; Schindler; Schual-Berke; Scott; Skinner and Wood.

Voting yea: Representatives Fisher, K. Schmidt, Cooper, Edwards, Ericksen, Hankins, G. Chandler, DeBolt, Fortunato, Haigh, Hatfield, Hurst, Lovick, McDonald, Mielke, Mitchell, Morris, Pflug, Radcliff, Romero, Schindler, Schual-Berke, Scott, Skinner and Wood.

Excused: Representative(s) Buck, Murray and Ogden.

Passed to Rules Committee for Second Reading.

February 16, 1999

HB 1513 Prime Sponsor, Representative Kenney: Authorizing the donation of surplus computers and computer-related equipment to school districts and educational service districts. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Democratic Co-Chair; Talcott, Republican Co-Chair; Haigh, Democratic Vice Chair; Schindler, Republican Vice Chair; Carlson; Cox; Keiser; Rockefeller; Santos; D. Schmidt; Schual-Berke; Stensen; Sump and Wensman.

Voting yea: Representatives Quall, Talcott, Schindler, Carlson, Cox, Keiser, Rockefeller, Santos, Schual-Berke, Stensen, Sump and Wensman.

Excused: Representative(s) Haigh and D. Schmidt.

Passed to Rules Committee for Second Reading.

February 15, 1999

HB 1558 Prime Sponsor, Representative Mitchell: Tightening requirements for release of impounded vehicles. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fisher, Democratic Co-Chair; K. Schmidt, Republican Co-Chair; Cooper, Democratic 1st Vice Chair; Edwards, Democratic 2nd Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; Buck; G. Chandler; DeBolt; Fortunato; Haigh; Hatfield; Hurst; Lovick; McDonald; Mielke; Morris; Murray; Ogden; Pflug; Radcliff; Romero; Schindler; Schual-Berke; Scott; Skinner and Wood.

Voting yea: Representatives Fisher, K. Schmidt, Cooper, Edwards, Ericksen, Hankins, G. Chandler, DeBolt, Fortunato, Haigh, Hatfield, Hurst, Lovick, McDonald, Mielke, Mitchell, Morris, Murray, Pflug, Radcliff, Romero, Schindler, Schual-Berke, Scott, Skinner and Wood.  
Excused: Representative(s) Buck and Ogden.

Passed to Rules Committee for Second Reading.

February 16, 1999

HB 1579 Prime Sponsor, Representative Quall: Clarifying the review process for appeals from decisions of the Washington Interscholastic Activities Association. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Democratic Co-Chair; Talcott, Republican Co-Chair; Haigh, Democratic Vice Chair; Schindler, Republican Vice Chair; Carlson; Cox; Keiser; Rockefeller; Santos; D. Schmidt; Schual-Berke; Stensen; Sump and Wensman.

Voting yea: Representatives Quall, Talcott, Schindler, Carlson, Cox, Keiser, Rockefeller, Santos, Schual-Berke, Stensen, Sump and Wensman.  
Excused: Representative(s) Haigh and D. Schmidt.

Passed to Rules Committee for Second Reading.

February 16, 1999

HB 1650 Prime Sponsor, Representative Cody: Expanding the health professionals who may request administration of oral medication at school. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Democratic Co-Chair; Talcott, Republican Co-Chair; Haigh, Democratic Vice Chair; Schindler, Republican Vice Chair; Carlson; Cox; Keiser; Rockefeller; Santos; D. Schmidt; Schual-Berke; Stensen; Sump and Wensman.

Voting yea: Representatives Quall, Talcott, Haigh, Schindler, Carlson, Cox, Keiser, Rockefeller, Santos, Schual-Berke, Stensen, Sump and Wensman.  
Excused: Representative D. Schmidt.

Passed to Rules Committee for Second Reading.

February 16, 1999

HB 1819 Prime Sponsor, Representative Anderson: Changing provisions for school district name changes. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Democratic Co-Chair; Talcott, Republican Co-Chair; Haigh, Democratic Vice Chair; Schindler, Republican Vice Chair; Carlson; Cox; Keiser; Rockefeller; Santos; D. Schmidt; Schual-Berke; Stensen; Sump and Wensman.

Voting yea: Representatives Quall, Talcott, Schindler, Carlson, Cox, Keiser, Rockefeller, Santos, Schual-Berke, Stensen, Sump and Wensman.  
Excused: Representative(s) Haigh and D. Schmidt.

Passed to Rules Committee for Second Reading.

MOTION

On motion of Representative Kessler, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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

MOTION

On motion of Representative Kessler, House Bill No. 2027 was referred from the Committee on Judiciary to the Committee on Criminal Justice and Corrections.

There being no objection, the House advanced to the eleventh order of business.

MOTION

On motion of Representative Kessler, the House adjourned until 9:55 a.m., Thursday, February 18, 1999, the 39<sup>th</sup> Legislative Day.

TIMOTHY A. MARTIN, Chief Clerk    CLYDE BALLARD, Speaker  
DEAN R. FOSTER, Chief Clerk    FRANK CHOPP, Speaker



THIRTY-EIGHTH DAY, FEBRUARY 17, 1999

JOURNAL OF THE HOUSE

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

## **THIRTY-NINTH DAY**

### **MORNING SESSION**

House Chamber, Olympia, Thursday, February 18, 1999

The House was called to order at 9:55 a.m. by Speaker Pro Tempore Pennington.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

### **MESSAGE FROM THE SENATE**

February 17, 1999

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5046,

SUBSTITUTE SENATE BILL NO. 5047,

SUBSTITUTE SENATE BILL NO. 5352,

ENGROSSED SENATE BILL NO. 5490,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

### **INTRODUCTIONS AND FIRST READING**

HB 2194 by Representative Wensman

AN ACT Relating to athletic trainers; amending RCW 18.130.040 and 7.70.020; and adding a new chapter to Title 18 RCW.

Referred to Committee on Commerce & Labor.

HB 2195 by Representatives Huff, Rockefeller, Clements, Lantz, Talcott, Carrell, Alexander and Wensman

AN ACT Relating to regulation of public-private partnership agreements; amending RCW 47.46.040; adding a new section to chapter 34.12 RCW; and adding new sections to chapter 47.46 RCW.

Referred to Committee on Transportation.

HB 2196 by Representative Conway

AN ACT Relating to the gambling commission process for granting application for house-banked card rooms; and adding a new section to chapter 9.46 RCW.

Referred to Committee on Commerce & Labor.

HB 2197 by Representatives Murray, Morris, Romero, Santos, Regala, Poulsen, Kenney and Kessler

AN ACT Relating to the jurisdiction of the Washington human rights commission; amending RCW 49.60.010, 49.60.020, 49.60.030, 49.60.040, 49.60.120, 49.60.130, 49.60.175, 49.60.176, 49.60.178, 49.60.180, 49.60.190, 49.60.200, 49.60.215, 49.60.223, 49.60.224, 49.60.225, and 48.30.300; and reenacting and amending RCW 49.60.222.

Referred to Committee on Judiciary.

HB 2198 by Representatives Clements, Buck, Sump, G. Chandler, Rockefeller, Eickmeyer and D. Schmidt

AN ACT Relating to streamlining the implementation of salmon recovery; creating a new section; and declaring an emergency.

Referred to Committee on Natural Resources.

HB 2199 by Representatives Boldt, Cody and Campbell

AN ACT Relating to hepatitis A vaccine; and adding a new section to chapter 43.70 RCW.

Referred to Committee on Health Care.

HB 2200 by Representatives Romero and McMorris; by request of Department of Licensing

AN ACT Relating to the powers of the director of licensing; amending RCW 43.24.020, 43.24.086, 19.02.030, and 18.54.920; adding a new section to chapter 43.24 RCW; creating a new section; and repealing RCW 43.24.010, 43.24.024, 43.24.110, 46.01.050, 46.01.055, and 46.01.090.

Referred to Committee on State Government.

HB 2201 by Representatives Fisher, Hankins, Ogden, K. Schmidt, Ericksen, Skinner, Radcliff and Mielke

AN ACT Relating to trip permit surcharges; and amending RCW 46.16.160 and 82.38.100.

Referred to Committee on Transportation.

HB 2202 by Representative Benson

AN ACT Relating to an ex-offender transitional work program; adding a new section to chapter 50.62 RCW; creating a new section; and making appropriations.

Referred to Committee on Commerce & Labor.

HB 2203 by Representatives Morris, Santos, Hatfield, Lovick and Kessler

AN ACT Relating to tax credits for businesses doing new hiring in distressed rural communities; and adding a new chapter to Title 82 RCW.

Referred to Committee on Economic Development, Housing & Trade.

HJM 4014 by Representatives Romero, Hankins, Grant, Ruderman and D. Schmidt

Requesting an increase in federal funding for stroke research.

Referred to Committee on Health Care.

SSB 5046 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Long, Hargrove and Costa)

Revising hearing procedures for defendants receiving mental health evaluations.

Referred to Committee on Criminal Justice & Corrections.

SSB 5047 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Long, Hargrove and Costa)

Changing the standards for information sharing among mental health professionals.

Referred to Committee on Criminal Justice & Corrections.

SSB 5352 by Senate Committee on State & Local Government (originally sponsored by Senator McCaslin)

Removing the term limit for members of boundary review boards.

Referred to Committee on Local Government.

ESB 5490 by Senators Wojahn, Winsley, Kline, Fairley, B. Sheldon, McAuliffe, Thibaudeau, Snyder, Rasmussen and Costa

Requiring temporary assistance for needy families employment assessments to screen for learning disabilities.

Referred to Committee on Children & Family Services.

There being no objection, the bills and memorial listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

## **REPORTS OF STANDING COMMITTEES**

February 16, 1999

HB 1012 Prime Sponsor, Representative Sump: Allowing for the hunting of black bears with bait and dogs, and the hunting of cougars with dogs. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Buck, Republican Co-Chair; Regala, Democratic Co-Chair; Anderson, Democratic Vice Chair; Sump, Republican Vice Chair; G. Chandler; Clements; Eickmeyer; Ericksen; Pennington; Rockefeller and Stensen.

Voting yea: Representatives Buck, Regala, Anderson, Sump, G. Chandler, Clements, Doumit, Eickmeyer, Ericksen, Pennington, Rockefeller and Stensen.

Passed to Rules Committee for Second Reading.

February 16, 1999

HB 1024 Prime Sponsor, Representative Carlson: Providing a retirement option for certain retirement system members. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Cody; Crouse; Gombosky; Grant; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Parlette; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

Voting yea: Representatives Huff, H. Sommers, Alexander, Doumit, D. Schmidt, Barlean, Benson, Boldt, Carlson, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Lisk, Mastin, McIntire, McMorris, Mulliken, Parlette, Rockefeller, Ruderman, Sullivan, Tokuda and Wensman.

Excused: Representative Regala.

Passed to Rules Committee for Second Reading.

February 16, 1999

HB 1046 Prime Sponsor, Representative Constantine: Adding a judge to the superior court of Okanogan county. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Esser; Kastama; Lantz; Lovick; McDonald and Schindler.

Voting yea: Representatives Carrell, Constantine, Hurst, Lambert, Cox, Dickerson, Esser, Kastama, Lantz, Lovick, McDonald and Schindler.

Referred to Committee on Appropriations.

February 16, 1999

HB 1047 Prime Sponsor, Representative Sheahan: Creating a new court of appeals position for Pierce county. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Esser; Kastama; Lantz; Lovick; McDonald and Schindler.

Voting yea: Representatives Carrell, Constantine, Hurst, Lambert, Cox, Dickerson, Esser, Kastama, Lantz, Lovick, McDonald, and Schindler.

Referred to Committee on Appropriations.

February 12, 1999

HB 1218 Prime Sponsor, Representative Cody: Modifying provisions related to nurse delegation of tasks. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Democratic Co-Chair; Parlette, Republican Co-Chair; Pflug, Republican Vice Chair; Schual-Berke, Democratic Vice Chair; Alexander; Boldt; Campbell; Conway; Edmonds; Edwards; Mulliken and Ruderman.

Voting yea: Representatives Cody, Parlette, Pflug, Schual-Berke, Alexander, Boldt, Campbell, Conway, Edmonds, Edwards, Mulliken and Ruderman.

Passed to Rules Committee for Second Reading.

February 16, 1999

HB 1232 Prime Sponsor, Representative Sheahan: Changing provisions relating to judgments. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended.

On page 1, line 17, after "award of" insert "any right, title, or interest in"

On page 1, line 19, after "property" strike "awarded in" and insert "in which the right, title, or interest was awarded by"

Signed by Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Esser; Kastama; Lantz; Lovick; McDonald and Schindler.

Voting yea: Representatives Carrell, Constantine, Hurst, Lambert, Cox, Dickerson, Esser, Kastama, Lantz, Lovick, McDonald and Schindler.

Passed to Rules Committee for Second Reading.

February 16, 1999

HB 1233 Prime Sponsor, Representative Edmonds: Determining the net value of a homestead exemption. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Esser; Kastama; Lantz; Lovick; McDonald and Schindler.

Voting yea: Representatives Carrell, Constantine, Hurst, Lambert, Cox, Dickerson, Esser, Kastama, Lantz, Lovick, McDonald and Schindler.

Passed to Rules Committee for Second Reading.

February 16, 1999

HB 1352 Prime Sponsor, Representative Carrell: Allowing temporary emergency concealed pistol licenses. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended.

On page 6, after line 3, insert the following:

"**Sec. 2.** RCW 9.41.800 and 1996 c 295 s 14 are each amended to read as follows:

(1) Any court when entering an order authorized under RCW 9A.46.080, 10.14.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060, 26.10.040, 26.10.115, 26.26.130, 26.26.137, 26.50.060, or 26.50.070 shall, upon a showing by clear and convincing evidence, that a party has: Used, displayed, or threatened to use a firearm or other dangerous weapon in a felony, or previously committed any offense that makes him or her ineligible to possess a firearm under the provisions of RCW 9.41.040:

- (a) Require the party to surrender any firearm or other dangerous weapon;
- (b) Require the party to surrender any concealed pistol license issued under RCW 9.41.070;
- (c) Prohibit the party from obtaining or possessing a firearm or other dangerous weapon;
- (d) Prohibit the party from obtaining or possessing a concealed pistol license.

(2) Any court when entering an order authorized under RCW 9A.46.080, 10.14.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060, 26.10.040, 26.10.115, 26.26.130, 26.26.137, 26.50.060, or 26.50.070 may, upon a showing by a preponderance of the evidence but not by clear and convincing evidence, that a party has: Used, displayed, or threatened to use a firearm or other dangerous weapon in a felony, or previously committed any offense that makes him or her ineligible to possess a pistol under the provisions of RCW 9.41.040:

- (a) Require the party to surrender any firearm or other dangerous weapon;
- (b) Require the party to surrender a concealed pistol license issued under RCW 9.41.070;
- (c) Prohibit the party from obtaining or possessing a firearm or other dangerous weapon;
- (d) Prohibit the party from obtaining or possessing a concealed pistol license.

(3) The court may order temporary surrender of a firearm or other dangerous weapon without notice to the other party if it finds, on the basis of the moving affidavit or other evidence, that irreparable injury could result if an order is not issued until the time for response has elapsed.

(4) In addition to the provisions of subsections (1), (2), and (3) of this section, the court may enter an order requiring a party to comply with the provisions in subsection (1) of this section if it finds that the possession of a firearm or other dangerous weapon by any party presents a serious and imminent threat to public health or safety, or to the health or safety of any individual.

(5) The requirements of subsections (1), (2), and (4) of this section may be for a period of time less than the duration of the order.

(6) The court may require the party to surrender any firearm or other dangerous weapon in his or her immediate possession or control or subject to his or her immediate possession or control to the sheriff of the county having jurisdiction of the proceeding, the chief of police of the municipality having jurisdiction, or to the restrained or enjoined party's counsel or to any person designated by the court.

(7) Any court when entering an order authorized under RCW 9A.46.080, 10.14.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060, 26.10.040, 26.10.115, 26.26.130, 26.26.137, 26.50.060, or 26.50.070 shall inform the party who requested the order how to apply for a temporary emergency concealed pistol license under RCW 9.41.070."

Correct the title.

Signed by Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Esser; Kastama; Lantz; Lovick; McDonald and Schindler.

Voting yea: Representatives Carrell, Constantine, Hurst, Lambert, Cox, Dickerson, Esser, Kastama, Lantz, Lovick, McDonald and Schindler.

Passed to Rules Committee for Second Reading.

February 16, 1999

HB 1392 Prime Sponsor, Representative Hurst: Revising provisions relating to vacation of records of conviction. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Esser; Kastama; Lantz; Lovick; McDonald and Schindler.

Voting yea: Representatives Carrell, Constantine, Hurst, Lambert, Cox, Dickerson, Esser, Kastama, Lantz, Lovick, McDonald and Schindler.

Passed to Rules Committee for Second Reading.

February 16, 1999

HB 1394 Prime Sponsor, Representative Hurst: Making the defense of duress unavailable for the crime of homicide by abuse. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Esser; Kastama; Lantz; Lovick; McDonald and Schindler.

Voting yea: Representatives Carrell, Constantine, Hurst, Lambert, Cox, Dickerson, Esser, Kastama, Lantz, Lovick, McDonald and Schindler.

Passed to Rules Committee for Second Reading.

February 16, 1999

HB 1661 Prime Sponsor, Representative Edmonds: Creating Washington scholars-alternates awards. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Carlson, Republican Co-Chair; Kenney, Democratic Co-Chair; Lantz, Democratic Vice Chair; Radcliff, Republican Vice Chair; Dunn; Edmonds; Esser and Gombosky.

Voting yea: Representatives Carlson, Kenney, Lantz, Radcliff, Dunn, Edmonds, Esser and Gombosky.

Referred to Committee on Appropriations.



February 16, 1999

HB 1663 Prime Sponsor, Representative Lambert: Creating a unified family court. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Esser; Kastama; Lantz; Lovick; McDonald and Schindler.

Voting yea: Representatives Carrell, Constantine, Hurst, Lambert, Cox, Dickerson, Esser, Kastama, Lantz, Lovick, McDonald and Schindler.

Referred to Committee on Appropriations.

February 16, 1999

HB 1674 Prime Sponsor, Representative Talcott: Providing educational accountability for students and schools. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Democratic Co-Chair; Talcott, Republican Co-Chair; Haigh, Democratic Vice Chair; Carlson; Cox; Keiser; Rockefeller; Santos; D. Schmidt; Stensen and Wensman.

MINORITY recommendation: Do not pass. Signed by Representatives Schindler, Republican Vice Chair; Schual-Berke and Sump..

Voting yea: Representatives Quall, Talcott, Haigh, Carlson, Cox, Keiser, Rockefeller, Santos, D. Schmidt, Stensen and Wensman.

Voting nay: Representative(s) Schindler, Schual-Berke and Sump.

Referred to Committee on Appropriations.

February 16, 1999

HJM 4001 Prime Sponsor, Representative O'Brien: Petitioning Congress to reinstate income tax deduction for state sales tax. Reported by Committee on Finance

MAJORITY Recommendation: Do pass. Signed by Representatives Dunshee, Democratic Co-Chair; Thomas, Republican Co-Chair; Carrell, Republican Vice Chair; Reardon, Democratic Vice Chair; Cairnes; Conway; Cox; Pennington; Santos and Veloria.

Voting yea: Representatives Dunshee, Thomas, Carrell, Cairnes, Conway, Cox, Dickerson, Pennington, Santos and Veloria.

Excused: Representative(s) Reardon and Van Luven.

Passed to Rules Committee for Second Reading.

There being no objection, the bills and memorial listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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

**EIGHTH ORDER**

There being no objection, House Bill No. 1831 was referred from the Committee on Education to the Committee on Capital Budget, House Bill No. 1711 was referred from the Committee on State Government to the Committee on Health Care, and House Bill No. 1969 was referred from the Committee on Economic Development, Housing and Trade to the Committee on Finance.

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 10:00 a.m., Friday, February 19, 1999, the 40<sup>th</sup> Legislative Day.

TIMOTHY A. MARTIN, Chief Clerk      CLYDE BALLARD, Speaker  
DEAN R. FOSTER, Chief Clerk      FRANK CHOPP, Speaker

THIRTY-NINTH DAY, FEBRUARY 18, 1999

JOURNAL OF THE HOUSE

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

**FORTIETH DAY**

**MORNING SESSION**

House Chamber, Olympia, Friday, February 19, 1999

The House was called to order at 10:00 a.m. by Speaker Chopp. The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Mr. Katashi Oita, a World War II Veteran, a former Staff Sergeant, and current President with the Northwest Military Intelligence Service and Mr. Ken Nakano, a veteran of the Korean Conflict and former member of the Military Intelligence Service and past Commander of the Nisei Veterans Committee. Prayer was offered by Reverend Dr. William Cate, Former Executive Director of the Church Council of Greater Seattle.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

**RESOLUTIONS**

HOUSE RESOLUTION NO. 99-4622, by Representatives Santos, Eickmeyer, Murray, Wensman, Stensen, Schual-Berke, Cairnes, Barlean, O'Brien, D. Schmidt, Benson, Tokuda, Fortunato, Conway, Cody, Linville, Dunn, Ballasiotes, Thomas, Pflug, Carlson, Skinner, Lantz, Ogden, Regala, Veloria and Ruderman

WHEREAS, On February 19, 1942, President Franklin D. Roosevelt issued Executive Order 9066, which authorized the forced assembly, evacuation, and internment of approximately 12,000 Japanese Americans residing in the state of Washington; and

WHEREAS, The order for assembly and detention at Camp Harmony in Puyallup, Washington, prior to evacuation and subsequent internment caused the Japanese Americans from the state of Washington to lose millions of dollars in property and assets, to suffer immeasurable physical and psychological damage, and to be deprived of their constitutional liberties without due process of law; and

WHEREAS, The alleged purpose of this drastic course of action was to prevent Japanese Americans, all of whom were deemed disloyal and untrustworthy, from committing acts of espionage and sabotage against the United States during the period of its involvement in World War II; and

WHEREAS, An overwhelming number of Japanese Americans from the state of Washington responded to questions of their loyalty and patriotism by volunteering from within barbed wire camps

to serve in the United States Military Intelligence Service and the United States Army's 442nd Regimental Combat Team, the latter of which became the most decorated American unit of its size in World War II with 7 Presidential Unit Citations, a Congressional Medal of Honor, 52 Distinguished Service Crosses, 588 Silver Stars, 4,000 Bronze Stars, 9,486 Purple Hearts, and a total of 18 decorations from France and Italy; and

WHEREAS, A few equally patriotic Japanese Americans like Gordon Hirabayashi, then a student at the University of Washington, were willing to face imprisonment to seek justice by challenging the constitutionality of the evacuation and internment orders; and

WHEREAS, Hindsight has proven that the predominant factor that actually led to the internment of Japanese Americans was not a military necessity to protect the United States from possible espionage or sabotage, but was the result of "race prejudice, war hysteria, and a failure of political leadership"; and

WHEREAS, Japanese American internees from the state of Washington endured economic, physical, and psychological hardship and suffered in silence for over 40 years before the state of Washington provided monetary redress and reparations to municipal and state employees;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives, along with the people of Washington, pause in its endeavors this day to recognize the Japanese American internees from the state of Washington and honor their patience, heroism, sacrifice, and patriotic loyalty, and to remember the lessons and blessings of liberty and justice for all; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to the Nisei Veterans Committee, the Military Intelligence Service - Northwest Association, and the Japanese American Citizens League.

Representative Santos moved adoption of the resolution.

Representatives Santos, Carlson, Tokuda, Wensman, Miloscia, Fortunato, Rockefeller, K. Schmidt, spoke in favor of the adoption of the resolution.

On motion of Representative Pennington, the remarks of Representative Santos were spread upon the Journal.

Representative Santos: "My friends, distinguished members of the Washington State House of Representatives, I'm truly honored to stand before you, and urge your support of House Resolution 99-4622.

A little more than a month ago, I stood on this floor for the very first time, and was taking the oath of office, proudly standing beside all of you, pledging to uphold the constitutions of the United States and the state of Washington. It was truly a very memorable moment, for *all* of us, but I'd like to share the special significance that this moment held for me.

Fifty-seven years ago, on February 19<sup>th</sup>, 1942, a date that lay in ignominy for decades, the President of the United States of America signed Executive Order 9066, which led to the evacuation and internment of nearly *120,000* Japanese-Americans.

Among the evacuees were my own grandmother, then a 36-year-old mother of four, and my Mom, both of whom are United States citizens by birth. But constitutional birthrights offered very little protection in the midst of wartime hysteria, just 50 years ago. Under military order and guard, families, like mine, were given little time to gather their meager belongings, and were removed to one of ten wartime relocation centers in the United States: Manzanar, Tule Lake, Poston, Gila, Minidoka, Heart Mountain, Granada, Topaz, Rohwer and Jerome.

The nation's very *first* exclusion order afforded the Japanese-American residents of Bainbridge Island exactly *six* days to rearrange their lives.

Still, the hallmark of America is our faith — as a nation *and* as a people — in the enduring power of our Constitution. And it is this relationship that *we* have with the Constitution that makes it a living, breathing document.

And it's *this* faith that motivated *hundreds* of young Japanese-American men to leave their families behind barbed wire, and to volunteer for military duty in service to their country — despite lingering questions about their loyalty.

And Mr. Speaker, with your permission, I'd like to share a photograph of one such volunteer. Thank you. This is my great uncle, P.F.C. George Miyaoka, who belonged to the famed 442<sup>nd</sup> regimental combat team—as you've heard, one of the most decorated units of its size in U.S. military history.

Just 29 years old, he died, in battle, in Italy, fighting to prove *his* loyalty, and to defend the freedoms that we continue to enjoy today. As you can see, he was awarded the Purple Heart, and the Silver Star, for his valor and service to our country. And Uncle George's story is not unusual in the Japanese-American community.

So I have to confess that I had a rather large lump in my throat last month, when we were sworn in as the 56<sup>th</sup> Washington State Legislature. And I made my pledge in silent remembrance of Uncle George, Grandma, Mom, and *all* of those whose rights have been abrogated and freedoms abridged.

And that is why, on the anniversary of the signing of Executive Order 9066, the Japanese-American community pauses in observance of a Day of Remembrance to remind us of the fragility of our constitutional civil liberties.

I'm deeply honored to serve beside all of you in this very proud chamber, as we fulfill the duties and the responsibilities *we* have to the people of the state of Washington. *We* are the guardians of our most cherished rights and freedoms. *We* are the stewards of America's promise of justice and liberty for all.

And so I urge you to support House Resolution 99-4622.

Thank you.

House Resolution No. 99-4622 was adopted.

HOUSE RESOLUTION NO. 99-4612, by Representatives Pflug, Thomas, Cairnes, Fortunato, Dunn, Carlson, Ogden and Talcott

WHEREAS, The students of Tahoma High School in Maple Valley, Washington, enrolled in the program known as "We The People, The Citizen and Constitution" have exhibited that they have learned very well the lessons of our forefathers who wrote the Constitution of the United States and will be representing all of Washington in national championship competitions; and

WHEREAS, This knowledge will enhance their lives and direct their paths as they walk through life, proud in the knowledge that Americans have long stood for justice and liberty of all Americans; and

WHEREAS, Being armed with this knowledge is to the benefit of all citizens of this great country and state and will encourage them to participate in the democracy men and women have fought so gallantly to preserve; and

WHEREAS, Knowing that these energetic, knowledgeable young people will one day lead this state and country, and that there may very well be in their midst a Governor, Senator, or member of Congress or perhaps even a future President; and

WHEREAS, Teachers of "We The People" program such as Stephanie Galloway and Mark Oglesby can take great pride knowing that the students enrolled in this program have the knowledge to outperform university students in every topic; and

WHEREAS, Studies have shown that 80 percent of senior students participating in this program have registered to vote compared to an average of 37 percent, thereby proving that this program has increased the interest in politics and in participating in government;

WHEREAS, For the first time, Tahoma High School had teams competing at the state championship, and one such team won the first place title, enabling its members to represent the whole state of Washington when they compete at the national competition in Washington, D.C.;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives wish to acknowledge the participants in this program, all of whom are members of the team that won first

place: Adam Baldrige, Mary Basinger, Joshua Bodily, Sydney Brumbach, Katie Carder, Erika Chavez, Elizabeth Dauenhauer, Steven Dekoker, Meaghan Denney, Nathan Dill, Marisa Dorazio, Jesse Duncan, Jon Hallstrom, Jayson Hart, Carolyn Hott, Joshua Keegan, Daniel Lindner, Casey Lineberger, Clark Lundberg, Karrie Pilgrim, Michael Pirog, David Rosales, Jason Shinn, Jeremy Sloan, Justin Sly, Donny Trieu, Orianna Tucker, Jessica Walker, Raymond Williams, and Elizabeth Zaleski, students making their families and fellow citizens proud; and

BE IT FURTHER RESOLVED, That the Co-Chief Clerks of the House of Representatives forward a copy of this resolution to the Principal of Tahoma High School to further show the respect of this body for a job well done by each student and teacher.

Representative Pflug moved adoption of the resolution.

Representatives Pflug, Thomas, Carlson and Fortunato spoke in favor of the adoption of the resolution.

House Resolution No. 99-4612 was adopted.

### **INTRODUCTIONS AND FIRST READING**

HB 2204 by Representatives Doumit, Sump, Anderson, McMorris, Hatfield, DeBolt, Conway, Clements, Miloscia, Linville, Morris, Kessler, Mulliken, Santos, Lantz, Veloria, Kenney, Edwards, Schoesler and Haigh

AN ACT Relating to infrastructure financing in distressed counties; adding a new section to chapter 70.146 RCW; adding a new section to chapter 43.155 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Economic Development, Housing & Trade.

HB 2205 by Representatives McDonald, Lovick, Carrell, Constantine and Haigh

AN ACT Relating to the mandatory court appearance following arrest for DUI; and amending RCW 46.61.50571.

Referred to Committee on Judiciary.

HB 2206 by Representatives Mulliken, Scott, Carrell and Constantine

AN ACT Relating to declaratory judgment actions finding that county elected officials have abandoned their responsibilities; amending RCW 36.17.010 and 36.17.050; and adding a new section to chapter 36.16 RCW.

Referred to Committee on Local Government.

HB 2207 by Representatives Kessler and Lisk

AN ACT Relating to increasing legislative membership on commissions; and amending RCW 43.46.015, 43.105.032, and 90.71.030.

Referred to Committee on State Government.

HB 2208 by Representatives Fortunato, Miloscia, Ericksen, H. Sommers, Lambert, Esser and Ruderman

AN ACT Relating to a housing affordability salary supplement for teachers; adding a new section to chapter 28A.400 RCW; and creating a new section.

Referred to Committee on Education.

HB 2209 by Representative Fortunato

AN ACT Relating to adult family homes and developmental disability group homes; and creating a new section.

Referred to Committee on Appropriations.

HB 2210 by Representatives Huff, H. Sommers, Carlson and Edwards

AN ACT Relating to a monthly unit valuation for certain portfolios and funds managed by the state investment board; and amending RCW 41.34.060 and 41.34.140.

Referred to Committee on Appropriations.

HB 2211 by Representatives Dunn, Boldt and Mielke

AN ACT Relating to claims arising from enforcement of the Columbia river gorge national scenic area act; adding a new section to chapter 43.97 RCW; and making appropriations.

Referred to Committee on Judiciary.

HB 2212 by Representatives Mielke, Boldt, Koster, Cairnes, Schindler and Dunn

AN ACT Relating to solid waste collection companies; amending RCW 81.77.010 and 81.77.180; and repealing RCW 81.77.015, 81.77.020, 81.77.0201, 81.77.030, 81.77.040, 81.77.050, 81.77.060, 81.77.070, 81.77.080, 81.77.090, 81.77.100, 81.77.110, 81.77.120, 81.77.160, 81.77.170, and 81.77.190.

Referred to Committee on Transportation.

HB 2213 by Representatives Haigh, Lovick and Fisher

AN ACT Relating to criteria for granting motor carrier permits; and amending RCW 81.80.070.

Referred to Committee on Transportation.

HB 2214 by Representatives Mielke and Boldt

AN ACT Relating to requiring public lobbyists to file monthly reports with the public disclosure commission; and amending RCW 42.17.190.

Referred to Committee on State Government.

HB 2215 by Representatives Mielke, Koster, Cairnes, Boldt, Schindler, Benson and Dunn

AN ACT Relating to solid waste management; and amending RCW 70.95.030.

Referred to Committee on Agriculture & Ecology.

#### MOTION

On motion of Representative Kessler, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

#### REPORTS OF STANDING COMMITTEES

February 17, 1999

HB 1006 Prime Sponsor, Representative Ballasiotes: Revising sentencing options for drug and alcohol offenders. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

Voting yea: Representatives Ballasiotes, O'Brien, Cairnes, Lovick, B. Chandler, Constantine, Kagi and Koster.

Referred to Committee on Appropriations.

February 17, 1999

HB 1037 Prime Sponsor, Representative Bush: Creating a registry of Washington resident's electronic mail addresses to facilitate a program that allows private interactive computer service providers to limit unsolicited commercial electronic mail messages. Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Crouse, Republican Co-Chair; Poulsen, Democratic Co-Chair; DeBolt, Republican Vice Chair; Ruderman, Democratic Vice Chair; Bush; Cooper; Kastama; McDonald; Mielke; Morris; Reardon; Thomas and Wolfe.

Voting yea: Representatives Crouse, Poulsen, DeBolt, Ruderman, Bush, Cooper, Kastama, McDonald, Mielke, Morris, Reardon, Thomas and Wolfe.  
Excused: Representative(s) Delvin.

Referred to Committee on Appropriations.

February 16, 1999

HB 1053 Prime Sponsor, Representative Fisher: Simplifying the transportation funding statutes. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fisher, Democratic Co-Chair; K. Schmidt, Republican Co-Chair; Cooper, Democratic 1st Vice Chair; Edwards, Democratic 2nd Vice Chair; Erickson, Republican Vice Chair; Hankins, Republican Vice Chair; Buck; G. Chandler; Haigh; Hatfield; Hurst; Lovick; McDonald; Mielke; Mitchell; Ogden; Pflug; Radcliff; Schindler; Schual-Berke; Scott; Skinner and Wood.



Voting yea: Representatives Fisher, Schmidt, K, Cooper, Edwards, Ericksen, Hankins, Buck, G. Chandler, Haigh, Hatfield, Hurst, Lovick, McDonald, Mielke, Mitchell, Ogden, Pflug, Schindler, Schual-Berke, Scott, Skinner and Wood.

Excused: Representative(s) DeBolt, Fortunato, Morris, Murray, Radcliff and Romero.

Passed to Rules Committee for Second Reading.

February 17, 1999

HB 1059 Prime Sponsor, Representative O'Brien: Creating crimes concerning the theft or destruction of mail or mail boxes. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

Voting yea: Representatives Ballasiotes, O'Brien, Cairnes, Lovick, B. Chandler, Constantine and Kagi.

Excused: Representative(s) Koster.

Passed to Rules Committee for Second Reading.

February 17, 1999

HB 1068 Prime Sponsor, Representative Ballasiotes: Providing for more participation by victims, prosecutors, and law enforcement in the clemency and pardons process. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

Voting yea: Representatives Ballasiotes, O'Brien, Cairnes, Lovick, B. Chandler, Constantine, Kagi and Koster.

Passed to Rules Committee for Second Reading.

February 17, 1999

HB 1070 Prime Sponsor, Representative Romero: Authorizing the general contractor/construction manager contracting procedure for school district capital projects. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Campbell, Republican Vice Chair; Miloscia, Democratic Vice Chair; Dunshee; Haigh; Lambert and D. Schmidt.

Voting yea: Representatives McMorris, Romero, Campbell, Miloscia, Haigh, Lambert and D. Schmidt

Excused: Representative(s) Dunshee.

Passed to Rules Committee for Second Reading.

February 17, 1999

HB 1071 Prime Sponsor, Representative Romero: Creating a limited public works process. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Miloscia, Democratic Vice Chair; Dunshee; Haigh; Lambert and D. Schmidt.

MINORITY recommendation: Do not pass. Signed by Representative Campbell, Republican Vice Chair.

Voting yea: Representatives McMorris, Romero, Miloscia, Haigh, Lambert and D. Schmidt

Voting nay: Representative Campbell.

Excused: Representative Dunshee.

Passed to Rules Committee for Second Reading.

February 17, 1999

HB 1133 Prime Sponsor, Representative Bush: Maintaining voter registration lists. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Campbell, Republican Vice Chair; Miloscia, Democratic Vice Chair; Dunshee; Haigh; Lambert and D. Schmidt.

Voting yea: Representatives McMorris, Romero, Campbell, Miloscia, Dunshee, Haigh, Lambert and D. Schmidt

Referred to Committee on Appropriations.

February 17, 1999

HB 1143 Prime Sponsor, Representative O'Brien: Authorizing deductions from inmate funds. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

Voting yea: Representatives Ballasiotes, O'Brien, Cairnes, Lovick, B. Chandler, Constantine and Kagi.

Excused: Representative(s) Koster.

Referred to Committee on Appropriations.

February 17, 1999

HB 1181 Prime Sponsor, Representative Edwards: Changing provisions relating to penalties and treatment for crimes involving domestic violence. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

Voting yea: Representatives Ballasiotes, O'Brien, Cairnes, Lovick, B. Chandler, Constantine, Kagi and Koster.

Passed to Rules Committee for Second Reading.

February 17, 1999

HB 1252 Prime Sponsor, Representative Ballasiotes: Enhancing supervision of offenders. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

Voting yea: Representatives Ballasiotes, O'Brien, Cairnes, Lovick, B. Chandler, Constantine, Kagi and Koster.

Referred to Committee on Appropriations.

February 17, 1999

HB 1424 Prime Sponsor, Representative Ballasiotes: Encouraging safe storage of firearms. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Lovick, Democratic Vice Chair; Constantine and Kagi.

MINORITY recommendation: Do not pass. Signed by Representatives Cairnes, Republican Vice Chair; B. Chandler and Koster.

Voting yea: Representatives Ballasiotes, O'Brien, Lovick, Constantine and Kagi.

Voting nay: Representative(s) Cairnes, B. Chandler and Koster.

Referred to Committee on Judiciary.

February 18, 1999

HB 1426 Prime Sponsor, Representative Carlson: Allowing nonschool service credit for educational staff associate positions for salary schedule purposes. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Democratic Co-Chair; Talcott, Republican Co-Chair; Haigh, Democratic Vice Chair; Schindler, Republican Vice Chair; Carlson; Cox; Keiser; Rockefeller; Santos; D. Schmidt; Schual-Berke; Stensen; Sump and Wensman.

Voting yea: Representatives Quall, Talcott, Haigh, Schindler, Carlson, Cox, Keiser, Rockefeller, Santos, D. Schmidt, Schual-Berke, Sump and Wensman.

Excused: Representative(s) Stensen.

Referred to Committee on Appropriations.

February 18, 1999

HB 1452 Prime Sponsor, Representative Kastama: Making available cancer screening to low-income women. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Democratic Co-Chair; Parlette, Republican Co-Chair; Pflug, Republican Vice Chair; Schual-Berke, Democratic Vice Chair; Alexander; Boldt; Campbell; Conway; Edmonds; Edwards; Mulliken and Ruderman.

Voting yea: Representatives Cody, Parlette, Pflug, Schual-Berke, Alexander, Boldt, Campbell, Conway, Edmonds, Edwards, Mulliken and Ruderman.

Referred to Committee on Appropriations.

February 17, 1999

HB 1459 Prime Sponsor, Representative Poulsen: Allowing reduced rate utility service for low-income citizens. Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: Do pass as amended.

On page 1, line 7, strike all language beginning with "(1)" through "RCW 70.164.020(4)" on page 1, line 19, and insert the following:

"Upon request by an electrical or gas company, the commission may approve rates, charges, services, and/or physical facilities at a discount for low-income senior customers and low-income customers. Expenses and lost revenues as a result of these discounts shall be included in the company's cost of service and recovered in rates to other customers"

Signed by Representatives Crouse, Republican Co-Chair; Poulsen, Democratic Co-Chair; DeBolt, Republican Vice Chair; Ruderman, Democratic Vice Chair; Bush; Cooper; Kastama; McDonald; Mielke; Morris; Reardon; Thomas and Wolfe.

Voting yea: Representatives Crouse, Poulsen, DeBolt, Ruderman, Bush, Cooper, Kastama, McDonald, Mielke, Morris, Reardon, Thomas and Wolfe.

Excused: Representative(s) Delvin.

Passed to Rules Committee for Second Reading.

February 17, 1999

HB 1460 Prime Sponsor, Representative Poulsen: Exempting wind or solar energy electric generating facilities from sales and use taxes. Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: Do pass as amended.

On page 2, line 38, strike "2008" and insert "2009"

Signed by Representatives Crouse, Republican Co-Chair; Poulsen, Democratic Co-Chair; DeBolt, Republican Vice Chair; Ruderman, Democratic Vice Chair; Bush; Cooper; Kastama; McDonald; Mielke; Morris; Reardon and Wolfe.

MINORITY recommendation: Without recommendation. Signed by Representative Thomas.  
Voting yea: Representatives Crouse, Poulsen, DeBolt, Ruderman, Bush, Cooper, Kastama, McDonald, Mielke, Morris, Reardon and Wolfe.  
Voting nay: Representative(s) Thomas.  
Excused: Representative(s) Delvin.

Referred to Committee on Finance.

February 17, 1999

HB 1464 Prime Sponsor, Representative H. Sommers: Including computer images in the definition of "visual or printed matter." Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

Voting yea: Representatives Ballasiotes, O'Brien, Cairnes, Lovick, B. Chandler, Constantine, Kagi and Koster.

Passed to Rules Committee for Second Reading.

February 18, 1999

HB 1531 Prime Sponsor, Representative Parlette: Regulating certain tobacco product manufacturers. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Democratic Co-Chair; Parlette, Republican Co-Chair; Pflug, Republican Vice Chair; Schual-Berke, Democratic Vice Chair; Alexander; Boldt; Campbell; Conway; Edmonds; Edwards; Mulliken and Ruderman.

Voting yea: Representatives Cody, Parlette, Pflug, Schual-Berke, Alexander, Boldt, Campbell, Conway, Edmonds, Edwards, Mulliken and Ruderman.

Passed to Rules Committee for Second Reading.

February 17, 1999

HB 1532 Prime Sponsor, Representative Mastin: Allowing tax credits for energy assistance programs. Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: Do pass. Signed by Representatives Crouse, Republican Co-Chair; Poulsen, Democratic Co-Chair; DeBolt, Republican Vice Chair; Ruderman, Democratic Vice Chair; Bush; Cooper; Kastama; McDonald; Mielke; Morris; Reardon and Wolfe.

MINORITY recommendation: Without recommendation. Signed by Representative Thomas.

Voting yea: Representatives Crouse, Poulsen, DeBolt, Ruderman, Bush, Cooper, Kastama, McDonald, Mielke, Morris, Reardon and Wolfe.

Voting nay: Representative(s) Thomas.

Excused: Representative(s) Delvin.

Referred to Committee on Finance.

February 18, 1999

HB 1535 Prime Sponsor, Representative Parlette: Reimbursing podiatric physicians and surgeons. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Democratic Co-Chair; Parlette, Republican Co-Chair; Pflug, Republican Vice Chair; Schual-Berke, Democratic Vice Chair; Alexander; Boldt; Campbell; Conway; Edmonds; Edwards; Mulliken and Ruderman.

Voting yea: Representatives Cody, Parlette, Pflug, Schual-Berke, Alexander, Boldt, Campbell, Conway, Edmonds, Edwards, Mulliken and Ruderman.

Passed to Rules Committee for Second Reading.

February 17, 1999

HB 1544 Prime Sponsor, Representative O'Brien: Making corrections to sentencing laws. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

Voting yea: Representatives Ballasiotes, O'Brien, Cairnes, Lovick, B. Chandler, Constantine, Kagi and Koster.

Passed to Rules Committee for Second Reading.

February 17, 1999

HB 1552 Prime Sponsor, Representative Delvin: Expanding the definition of vehicular assault. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

Voting yea: Representatives Ballasiotes, O'Brien, Cairnes, Lovick, B. Chandler, Constantine, Kagi and Koster.

Passed to Rules Committee for Second Reading.

February 16, 1999

HB 1588 Prime Sponsor, Representative Mitchell: Deleting reference to obsolete transportation accounts. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fisher, Democratic Co-Chair; K. Schmidt, Republican Co-Chair; Cooper, Democratic 1st Vice Chair; Edwards, Democratic 2nd Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; Buck; G. Chandler; Haigh; Hatfield; Hurst; Lovick; McDonald; Mielke; Mitchell; Ogden; Pflug; Radcliff; Schindler; Schual-Berke; Scott; Skinner and Wood.

Voting yea: Representatives Fisher, Schmidt, K. Cooper, Edwards, Ericksen, Hankins, Buck, G. Chandler, Haigh, Hatfield, Hurst, Lovick, McDonald, Mielke, Mitchell, Ogden, Pflug, Schindler, Schual-Berke, Scott, Skinner and Wood.

Excused: Representative(s) DeBolt, Fortunato, Morris, Murray, Radcliff and Romero.

Passed to Rules Committee for Second Reading.

February 17, 1999

HB 1597 Prime Sponsor, Representative Cairnes: Penalizing identity theft. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

Voting yea: Representatives Ballasiotes, O'Brien, Cairnes, Lovick, B. Chandler, Constantine, Kagi and Koster.

Referred to Committee on Judiciary.

February 17, 1999

HB 1610 Prime Sponsor, Representative Delvin: Funding the Crime Stoppers program. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

Voting yea: Representatives Ballasiotes, O'Brien, Cairnes, Lovick, B. Chandler, Constantine, Kagi and Koster.

Referred to Committee on Appropriations.

February 18, 1999

HB 1761 Prime Sponsor, Representative Talcott: Increasing the number of hours retired teachers and administrators can serve as substitute teachers or administrators without a reduction in benefits. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Democratic Co-Chair; Talcott, Republican Co-Chair; Haigh, Democratic Vice Chair; Schindler, Republican Vice Chair; Carlson; Cox; Keiser; Rockefeller; Santos; D. Schmidt; Schual-Berke; Stensen; Sump and Wensman.

Voting yea: Representatives Quall, Talcott, Haigh, Schindler, Carlson, Cox, Keiser, Rockefeller, Santos, D. Schmidt and Wensman.

Excused: Representative(s) Schual-Berke, Stensen and Sump.

Passed to Rules Committee for Second Reading.

#### MOTION

On motion of Representative Kessler, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated with the exception of House Bill No. 1059 and House Bill No. 1552, both of which were referred to the Rules Committee.

There being no objection, the House advanced to the sixth order of business.

#### SECOND READING

HOUSE BILL NO. 1212, by Representatives Eickmeyer, Clements, Mielke, Benson, Veloria, Haigh, O'Brien, Doumit, Murray, Anderson, Conway, Constantine, Fisher, Hatfield, Dunshee, H. Sommers and Kenney

Extending certain drivers' licenses for out-of-state licensees.

The bill was read the second time. On motion of Representative Fisher, Substitute House Bill No. 1212 was substituted for House Bill No. 1212 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1212 was read the second time.

On motion of Representative Kessler, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Eickmeyer and K. Schmidt spoke in favor of passage of the bill.

#### MOTION

On motion of Representative Schoesler, Representatives Huff, Cox and D. Sommers were excused.

Speaker Chopp stated the question before the House to be final passage of Substitute House Bill No. 1212.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1212 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. G. Chandler, Chandler, Clements, Cody, Constantine, Conway, Cooper, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, H.



Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Cox, Huff and D. Sommers - 3.

Substitute House Bill No. 1212, having received the constitutional majority, was declared passed.

### **POINT OF PERSONAL PRIVILEGE**

Representative Constantine congratulated Representative Eickmeyer on the passage of his first bill and asked the Chamber to acknowledge his accomplishment.

HOUSE BILL NO. 1294, by Representatives Fisher and K. Schmidt

Technically editing chapter 46.20 RCW.

The bill was read the second time. On motion of Representative Fisher, Substitute House Bill No. 1294 was substituted for House Bill No. 1294 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1294 was read the second time.

On motion of Representative Kessler, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Fisher and K. Schmidt spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Substitute House Bill No. 1294.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1294 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. G. Chandler Chandler, Clements, Cody, Constantine, Conway, Cooper, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. K. Schmidt Schmidt, Schoesler, Schual-Berke, Scott, Skinner, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Cox, Huff and D. Sommers - 3.

Substitute House Bill No. 1294, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1317, by Representatives Murray, K. Schmidt, Fisher, Romero, Ogden, Scott, Hankins, Skinner, Morris, Lovick, Cooper, Reardon, O'Brien, Wood and McIntire

Enhancing regional transportation planning.

The bill was read the second time. On motion of Representative Fisher, Substitute House Bill No. 1317 was substituted for House Bill No. 1317 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1317 was read the second time.

On motion of Representative Kessler, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Murray and K. Schmidt spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Substitute House Bill No. 1317.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1317 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Cox, Huff and D. Sommers - 3.

Substitute House Bill No. 1317, having received the constitutional majority, was declared passed.

HOUSE JOINT MEMORIAL NO. 4006, by Representatives Fisher, K. Schmidt, Mitchell, Radcliff, Skinner, Hankins, Wood, Cooper and Ogden

Requesting the Transportation Commission to update the system of Highways of Statewide Significance.

The memorial was read the second time.

On motion of Representative Kessler, the rules were suspended, the second reading considered the third and the memorial was placed on final passage.

Representatives Fisher and K. Schmidt spoke in favor of passage of the memorial.

Speaker Chopp stated the question before the House to be final passage of House Joint Memorial No. 4006.

#### ROLL CALL

The Clerk called the roll on the final passage of House Joint Memorial No. 4006 and the memorial passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. K. Schmidt Schmidt, Schoesler, Schual-Berke, Scott, Skinner, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Voting nay: Representative Hatfield - 1.

Excused: Representatives Cox, Huff and D. Sommers - 3.

House Joint Memorial No. 4006, having received the constitutional majority, was declared passed.

There being no objection, the House advanced to the eleventh order of business.

On motion of Representative Kessler, the House adjourned until 10:00 a. m., Monday, February 22, 1999, the 43<sup>rd</sup> Legislative Day.

TIMOTHY A. MARTIN, Chief Clerk      CLYDE BALLARD, Speaker  
DEAN R. FOSTER, Chief Clerk      FRANK CHOPP, Speaker

FORTIETH DAY, FEBRUARY 19, 1999

JOURNAL OF THE HOUSE

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

**FORTY-THIRD DAY**

**MORNING SESSION**

House Chamber, Olympia, Monday, February 22, 1999

The House was called to order at 10:00 a.m. by Speaker Pro Tempore Pennington. The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Renee Chaplin and Caroline Vander Ark. Speaker Pro Tempore Pennington led the chamber through the Pledge of Allegiance. Prayer was offered by Father Scott Connolly, St. Rose Catholic Church, Longview and St. Catherine's Catholic Church, Cathlamet.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

**INTRODUCTIONS AND FIRST READING**

HB 2216 by Representatives Van Luven, Kastama, Veloria, Dunn, Morris, Ballasiotes, D. Sommers, Eickmeyer, Skinner, Radcliff, Wensman, McDonald, Santos, D. Schmidt, O'Brien, Conway, Lantz, Edwards and Kenney

AN ACT Relating to manufactured and mobile homes; adding a new section to chapter 43.330 RCW; and creating a new section.

Referred to Committee on Economic Development, Housing & Trade.

HB 2217 by Representatives Lovick, Haigh, Anderson, O'Brien, Lantz and Fortunato

AN ACT Relating to driver's license examinations; amending RCW 46.20.305; and adding a new section to chapter 42.17 RCW.

Referred to Committee on Transportation.

HB 2218 by Representatives Romero and D. Schmidt; by request of Governor Locke

AN ACT Relating to the reorganization of the liquor control board; amending RCW 66.04.010, 66.08.012, 66.08.014, 66.08.016, 66.08.020, 66.08.020, 66.08.022, 66.08.024,

66.08.026, 66.08.030, 66.08.055, 66.08.060, 66.08.070, 66.08.075, 66.08.080, 66.08.090, 66.08.095, 66.08.100, 66.08.130, 66.08.140, 66.08.150, 66.08.170, 66.08.220, 66.08.235, 10.93.020, 19.02.050, 42.17.2401, 43.17.020, and 43.82.010; reenacting and amending RCW 66.08.180 and 43.17.010; adding new sections to chapter 66.08 RCW; creating new sections; repealing RCW 66.08.016 and 66.08.050; and providing an effective date.

Referred to Committee on State Government.

HB 2219 by Representatives Fortunato, Miloscia and Haigh

AN ACT Relating to protecting a woman's health; amending RCW 48.21.240, 48.44.340, and 48.46.290; adding a new section to chapter 41.05 RCW; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; adding a new section to chapter 48.46 RCW; adding a new section to chapter 70.47 RCW; adding a new chapter to Title 70 RCW; creating a new section; and repealing RCW 48.21.240, 48.44.340, and 48.46.290.

Referred to Committee on Health Care.

HB 2220 by Representatives Constantine, Lambert, O'Brien, Rockefeller and Ogden

AN ACT Relating to unauthorized visual surveillance; adding new sections to chapter 9.73 RCW; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 2221 by Representatives Hurst, Lambert, Constantine, O'Brien, Rockefeller, Ogden and Edwards

AN ACT Relating to personal information acquired by merchants; adding a new section to chapter 9.73 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

HB 2222 by Representatives Dunn, Kenney, Mielke, Lantz, Edmonds, Lambert, Gombosky, G. Chandler, Buck, Carlson, B. Chandler, Radcliff, Schoesler, D. Schmidt, O'Brien, Stensen, Rockefeller, Mulliken, Ogden, Skinner, Ballasiotes, Fortunato and Esser

AN ACT Relating to Mother Joseph day; and amending RCW 1.16.050.

Referred to Committee on State Government.

HB 2223 by Representatives Conway, Clements and Kenney

AN ACT Relating to telecommunications contractors and installations; amending RCW 43.84.092 and 43.84.092; adding a new chapter to Title 18 RCW; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Commerce & Labor.

HB 2224 by Representatives Clements, Conway, Keiser, Stensen and Kenney

AN ACT Relating to return-to-work benefits available prior to a determination of eligibility for vocational rehabilitation services; adding new sections to chapter 51.32 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Commerce & Labor.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

### **REPORTS OF STANDING COMMITTEES**

February 18, 1999

HB 1238 Prime Sponsor, Representative Conway: Appointing a temporary member to the board of industrial insurance appeals due to illness of a board member. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Hurst; Lisk; McIntire and McMorris.

Voting yea: Representatives Clements, Conway, B. Chandler, Wood, Hurst, Lisk, McIntire and McMorris.

Passed to Rules Committee for Second Reading.

February 19, 1999

HB 1243 Prime Sponsor, Representative Kenney: Requiring prorated compensation for part-time community and technical college employees. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Carlson, Republican Co-Chair; Kenney, Democratic Co-Chair; Lantz, Democratic Vice Chair; Radcliff, Republican Vice Chair; Dunn; Edmonds; Esser and Gombosky.

Voting yea: Representatives Carlson, Kenney, Lantz, Radcliff, Dunn, Edmonds, Esser and Gombosky.

Referred to Committee on Appropriations.

February 18, 1999

HB 1250 Prime Sponsor, Representative McIntire: Protecting the privacy of financial information. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Benson, Republican Co-Chair; Hatfield, Democratic Co-Chair; Bush, Republican Vice Chair; McIntire, Democratic Vice Chair; Barlean; DeBolt; Keiser; Quall; Santos; Sullivan and Talcott.

Voting yea: Representatives Benson, Hatfield, Bush, McIntire, Barlean, DeBolt, Keiser, Quall, Santos, Sullivan and Talcott.

Excused: Representative(s) Cairnes.

Passed to Rules Committee for Second Reading.

February 19, 1999

HB 1293 Prime Sponsor, Representative Campbell: Regulating solicitation of contributions by newly elected state officials. Reported by Committee on State Government

MAJORITY Recommendation: Do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Campbell, Republican Vice Chair; Miloscia, Democratic Vice Chair; Dunshee; Haigh; Lambert and D. Schmidt.

Voting yea: Representatives McMorris, Romero, Campbell, Miloscia, Dunshee, Haigh, Lambert and D. Schmidt.

Passed to Rules Committee for Second Reading.

February 19, 1999

HB 1413 Prime Sponsor, Representative McMorris: Staggering the terms of the members of the Washington citizens' commission on salaries for elected officials. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Campbell, Republican Vice Chair; Miloscia, Democratic Vice Chair; Dunshee; Haigh; Lambert and D. Schmidt.

Voting yea: Representatives McMorris, Romero, Campbell, Miloscia, Dunshee, Haigh, Lambert and D. Schmidt

Passed to Rules Committee for Second Reading.

February 18, 1999

HB 1448 Prime Sponsor, Representative Linville: Allowing the department of ecology to assume primary responsibility for the cleanup of state aquatic lands. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Koster, Republican Vice Chair; Anderson; B. Chandler; Fortunato; Grant; Reardon; Schoesler; Sump and Wood.

Voting yea: Representatives Linville, Cooper, Koster, Anderson, Delvin, Fortunato, Grant, Reardon, Schoesler, Sump and Wood.

Excused: Representative(s) G. Chandler, B. Chandler and Stensen.

Referred to Committee on Appropriations.

February 19, 1999

HB 1490 Prime Sponsor, Representative Hatfield: Allowing the landing of salmon caught in other states' offshore waters in Washington ports. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Buck, Republican Co-Chair; Regala, Democratic Co-Chair; Anderson, Democratic Vice Chair; Sump, Republican Vice Chair; G. Chandler; Clements; Doumit; Eickmeyer; Ericksen; Pennington and Stensen.

MINORITY recommendation: Without recommendation. Signed by Representative Rockefeller.

Voting yea: Representatives Buck, Regala, Anderson, Sump, G. Chandler, Clements, Doumit, Eickmeyer, Ericksen, Pennington and Stensen.

Voting nay: Representative(s) Rockefeller.

Passed to Rules Committee for Second Reading.

February 18, 1999

HB 1516 Prime Sponsor, Representative Conway: Redefining criteria for spirits, beer, and wine restaurant licenses. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Hurst; Lisk and McIntire.

MINORITY recommendation: Do not pass. Signed by Representative McMorris.

Voting yea: Representatives Clements, Conway, B. Chandler, Wood, Hurst, Lisk and McIntire.

Voting nay: Representative(s) McMorris.

Referred to Committee on Appropriations.

February 19, 1999

HB 1609 Prime Sponsor, Representative Alexander: Attempting to rebuild the elk population in the state. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Buck, Republican Co-Chair; Regala, Democratic Co-Chair; Anderson, Democratic Vice Chair; Sump, Republican Vice Chair; G. Chandler; Clements; Doumit; Eickmeyer; Ericksen; Pennington; Rockefeller and Stensen.

Voting yea: Representatives Buck, Regala, Anderson, Sump, G. Chandler, Clements, Doumit, Eickmeyer, Ericksen, Pennington, Rockefeller and Stensen.

Referred to Committee on Appropriations.

February 19, 1999

HB 1700 Prime Sponsor, Representative Buck: Requiring the department of fish and wildlife to facilitate groups applying to be regional fisheries enhancement groups. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Buck, Republican Co-Chair; Regala, Democratic Co-Chair; Anderson, Democratic Vice Chair; Sump, Republican Vice Chair; G. Chandler; Clements; Doumit; Eickmeyer; Ericksen; Pennington; Rockefeller and Stensen.

Voting yea: Representatives Buck, Regala, Anderson, Sump, G. Chandler, Clements, Doumit, Eickmeyer, Ericksen, Pennington, Rockefeller and Stensen.



Referred to Committee on Appropriations.

February 18, 1999

HJR 4203 Prime Sponsor, Representative Murray: Guaranteeing school district debt. Reported by  
Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Mitchell, Republican Co-Chair; Murray, Democratic Co-Chair; Edmonds, Democratic Vice Chair; Esser, Republican Vice Chair; Alexander; Anderson; Barlean; Bush; Constantine; Dunshee; Hankins; Koster; Lantz; Mastin; Miloscia; O'Brien; Ogden and Schoesler.

Voting yea: Representatives Mitchell, Murray, Edmonds, Esser, Alexander, Anderson, Barlean, Bush, Constantine, Dunshee, Hankins, Koster, Lantz, Mastin, Miloscia, O'Brien, Ogden and Schoesler.

Passed to Rules Committee for Second Reading.

There being no objection, the bills and resolution listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House advanced to the sixth order of business.

## SECOND READING

### MOTION

On motion of Representative Wolfe, Representative Cody was excused. On motion of Representative Schoesler, Representative D. Sommers and Parlette were excused.

HOUSE BILL NO. 1023, by Representatives H. Sommers, Lambert, Carlson, Ogden, Conway, D. Sommers, Alexander, Wolfe, Romero, Bush, Thomas, Keiser, Stensen, G. Chandler, DeBolt, Parlette, Talcott, K. Schmidt, D. Schmidt, Murray, Schoesler, Sump and Hurst; by request of Joint Committee on Pension Policy

Sharing extraordinary investment gains in the teachers' retirement system plan 3.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives H. Sommers and Carlson spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of House Bill No. 1023.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1023 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds,

Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Cody, Parlette and D. Sommers - 3.

House Bill No. 1023, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1031, by Representatives Radcliff, Dunshee, Cooper and D. Schmidt

Exempting community radio stations from property taxation.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Radcliff and Dunshee spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of House Bill No. 1031.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1031 and the bill passed the House by the following vote: Yeas - 91, Nays - 4, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Fisher, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 91.

Voting nay: Representatives Esser, Fortunato, Lambert and Van Luven - 4.

Excused: Representatives Cody, Parlette and D. Sommers - 3.

House Bill No. 1031, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1041, by Representatives Mitchell, Murray, Kessler, O'Brien, Ogden, Lantz, Rockefeller, Hankins, Esser and Morris; by request of Public Works Board

Authorizing funds for public works projects.

The bill was read the second time. There being no objection, Substitute House Bill No. 1041 was substituted for House Bill No. 1041 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1041 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Mitchell and Murray spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Substitute House Bill No. 1041.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1041 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Cody, Parlette and D. Sommers - 3.

Substitute House Bill No. 1041, having received the constitutional majority, was declared passed.

There being no objection, the House deferred further action on House Bill No. 1080 and House Bill No. 1096, and the bills held their place on Second Reading.

HOUSE BILL NO. 1098, by Representatives Sheahan, Constantine and Lantz

Resolving trust and estate disputes.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Carrell and Constantine spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of House Bill No. 1098.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1098 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken,

Murray, O'Brien, Ogden, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Cody, Parlette and D. Sommers - 3.

House Bill No. 1098, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1124, by Representatives Constantine, Sheahan, Ballasiotes, Lantz, McDonald, Lambert, Stensen, Hurst and Esser

Correcting DUI penalty provisions.

The bill was read the second time. There being no objection, Substitute House Bill No. 1124 was substituted for House Bill No. 1124 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1124 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Constantine and Carrell spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Substitute House Bill No. 1124.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1124 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Cody, Parlette and D. Sommers - 3.

Substitute House Bill No. 1124, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1149, by Representatives Sullivan, Kastama, Lantz, Gombosky, Rockefeller, Linville, Conway, Murray, H. Sommers and Wolfe

Adopting accounting standards under the insurance code.

The bill was read the second time. There being no objection, Substitute House Bill No. 1149 was substituted for House Bill No. 1149 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1149 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Sullivan and Barlean spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Substitute House Bill No. 1149.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1149 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Cody, Parlette and D. Sommers - 3.

Substitute House Bill No. 1149, having received the constitutional majority, was declared passed.

#### POINT OF PERSONAL PRIVILEGE

Representative Kastama congratulated Representative Sullivan on passage of his first bill and asked the Chamber to acknowledge his accomplishment.

HOUSE BILL NO. 1150, by Representatives G. Chandler, Linville and Cooper; by request of Department of Agriculture

Certifying planting stock.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives B. Chandler and Cooper spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of House Bill No. 1150.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1150 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative D. Sommers - 1.

House Bill No. 1150, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1183, by Representatives H. Sommers, Huff, Romero, McMorris, McIntire and Esser; by request of State Treasurer

Negotiating state-wide custody contracts.

The bill was read the second time. There being no objection, Substitute House Bill No. 1183 was substituted for House Bill No. 1183 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1183 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Romero and McMorris spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Substitute House Bill No. 1183.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1183 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative D. Sommers - 1.

Substitute House Bill No. 1183, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1188, by Representatives Hurst, Clements, Conway, Ballasiotes, Lisk, McMorris, B. Chandler, McIntire, Romero, Kessler, Carrell, Dickerson, O'Brien, Kenney, Ogden, Dunn, Lovick, Miloscia, Lantz and Rockefeller; by request of Department of Licensing

Preventing a registered sex offender from holding a real estate license.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hurst and B. Chandler spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of House Bill No. 1188.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1188 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative D. Sommers - 1.

House Bill No. 1188, having received the constitutional majority, was declared passed.

There being no objection, the House advanced to the eleventh order of business.

#### MOTION

On motion of Representative Lisk, the House adjourned until 9:55 a.m., Tuesday, February 23, 1999, the 44<sup>th</sup> Legislative Day.

TIMOTHY A. MARTIN, Chief Clerk      CLYDE BALLARD, Speaker  
DEAN R. FOSTER, Chief Clerk      FRANK CHOPP, Speaker

FORTY-THIRD DAY, FEBRUARY 22, 1999

JOURNAL OF THE HOUSE

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

**FORTY-FOURTH DAY**

**MORNING SESSION**

House Chamber, Olympia, Tuesday, February 23, 1999

The House was called to order at 9:55 a.m. by Speaker Chopp.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

**INTRODUCTIONS AND FIRST READING**

HB 2225 by Representatives Tokuda, Rockefeller, Kessler, Ogden and Ruderman

AN ACT Relating to eligibility standards for children under temporary assistance for needy families; and amending RCW 74.12.035.

Referred to Committee on Children & Family Services.

HB 2226 by Representative Tokuda

AN ACT Relating to eliminating eligibility standards retained from the aid to families with dependent children program under the temporary assistance for needy families program; amending RCW 74.12.010 and 74.12.035; and repealing RCW 74.12.036.

Referred to Committee on Children & Family Services.

HB 2227 by Representatives Alexander, Wolfe, Romero and DeBolt

AN ACT Relating to industrial hygiene; adding a new chapter to Title 18 RCW; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 2228 by Representatives Dunshee, McMorris, Romero and Kessler

AN ACT Relating to the collection of personally identifiable information by state agencies; and amending RCW 43.105.020 and 43.105.052.



Referred to Committee on State Government.

HB 2229 by Representatives Benson, Gombosky and Van Luven

AN ACT Relating to installment payments for connection charges for storm water and sewer services; amending RCW 35.67.360 and 35.92.025; adding a new section to chapter 43.63A RCW; and making an appropriation.

Referred to Committee on Local Government.

HB 2230 by Representatives Schual-Berke, Murray, Cody, Parlette and Skinner

AN ACT Relating to the confidentiality of information relating to sexually transmitted diseases and HIV; amending RCW 70.24.084, 70.05.070, and 70.05.120; adding a new section to chapter 70.24 RCW; and prescribing penalties.

Referred to Committee on Health Care.

HB 2231 by Representative Fortunato

AN ACT Relating to intercepting communications in police investigation of felonies; and amending RCW 9.73.090.

Referred to Committee on Judiciary.

HB 2232 by Representatives Conway and Clements

AN ACT Relating to occupational safety and health impact grants; and adding new sections to chapter 49.17 RCW.

Referred to Committee on Commerce & Labor.

HB 2233 by Representatives Conway, Clements and Kessler; by request of Department of Labor & Industries

AN ACT Relating to the entrance criteria for retrospective rating groups; amending RCW 51.16.035; and adding a new chapter to Title 51 RCW.

Referred to Committee on Commerce & Labor.

HB 2234 by Representatives Huff, H. Sommers and Carlson

AN ACT Relating to K-20 telecommunications governance; amending RCW 43.105.020, 28D.02.060, and 28D.02.070; reenacting and amending RCW 43.105.041; adding new sections to chapter 43.105 RCW; recodifying RCW 28D.02.060, 28D.02.065, and 28D.02.070; repealing RCW 28D.02.005, 28D.02.010, 28D.02.020, 28D.02.030, 28D.02.040, and 28D.02.050; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 2235 by Representative Conway

AN ACT Relating to unemployment insurance benefits and contributions; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 2236 by Representatives Romero, Conway, Keiser, Wolfe, Kenney, Cooper and Scott

AN ACT Relating to the public retirement systems; amending RCW 41.40.630, 41.40.670, 41.32.765, 41.32.790, 41.32.875, 41.32.880, 41.26.430, 41.26.470, 41.35.420, 41.35.440, 41.35.680, and 41.35.690; and providing an effective date.

Referred to Committee on Appropriations.

HB 2237 by Representatives Conway, Romero, Keiser, Wolfe, Kenney and Cooper

AN ACT Relating to the public retirement systems; amending RCW 41.40.630, 41.40.670, 41.32.765, 41.32.790, 41.32.875, 41.32.880, 41.26.430, 41.26.470, 41.35.420, 41.35.440, 41.35.680, and 41.35.690; adding a new chapter to Title 41 RCW; and providing an effective date.

Referred to Committee on Appropriations.

HB 2238 by Representatives Clements and Conway

AN ACT Relating to the department of labor and industries' plans for implementing the joint legislative audit and review committee's recommendations for industrial insurance; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 2239 by Representatives Buck and Wood

AN ACT Relating to storm water control grant programs; amending RCW 90.78.005, 90.78.010, and 90.78.020; and providing an expiration date.

Referred to Committee on Transportation.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

## **REPORTS OF STANDING COMMITTEES**

February 18, 1999

HB 1045 Prime Sponsor, Representative Romero: Changing provisions relating to cooperating teachers. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Democratic Co-Chair; Talcott, Republican Co-Chair; Haigh, Democratic Vice Chair; Schindler, Republican Vice Chair; Carlson; Cox; Keiser; Rockefeller; Santos; D. Schmidt; Schual-Berke; Stensen; Sump and Wensman.

Voting yea: Representatives Quall, Talcott, Haigh, Schindler, Carlson, Cox, Keiser, Rockefeller, Santos, D. Schmidt, Schual-Berke, Sump and Wensman.

Excused: Representative(s) Stensen.

Referred to Committee on Appropriations.

February 19, 1999

HB 1158 Prime Sponsor, Representative Ogden: Collecting information from truck, tractor, or trailer intelligent information systems. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Campbell, Republican Vice Chair; Miloscia, Democratic Vice Chair; Dunshee; Haigh; Lambert and D. Schmidt.

Voting yea: Representatives McMorris, Romero, Campbell, Miloscia, Dunshee, Haigh, Lambert and D. Schmidt

Passed to Rules Committee for Second Reading.

February 19, 1999

HB 1163 Prime Sponsor, Representative Cooper: Providing for the safe decontamination or destruction of residential property used for illegal drug manufacturing or storage. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Koster, Republican Vice Chair; Anderson; B. Chandler; Delvin; Fortunato; Grant; Reardon; Schoesler; Stensen; Sump and Wood.

Voting yea: Representatives G. Chandler, Linville, Cooper, Koster, Anderson, B. Chandler, Grant, Schoesler, Stensen, Sump and Wood.  
Excused: Representative(s) Delvin, Fortunato and Reardon.

Passed to Rules Committee for Second Reading.

February 19, 1999

HB 1251 Prime Sponsor, Representative Miloscia: Eliminating and consolidating boards, commissions, and programs. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Campbell, Republican Vice Chair; Miloscia, Democratic Vice Chair; Dunshee; Haigh; Lambert and D. Schmidt.

Voting yea: Representatives McMorris, Romero, Campbell, Miloscia, Dunshee, Haigh, Lambert and D. Schmidt

Passed to Rules Committee for Second Reading.

February 18, 1999

HB 1271 Prime Sponsor, Representative Murray: Creating the school district credit enhancement program. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Mitchell, Republican Co-Chair; Murray, Democratic Co-Chair; Edmonds, Democratic Vice Chair; Esser, Republican Vice Chair; Alexander;

Anderson; Barlean; Bush; Constantine; Dunshee; Hankins; Koster; Lantz; Mastin; Miloscia; O'Brien; Ogden and Schoesler.

Voting yea: Representatives Mitchell, Murray, Edmonds, Esser, Alexander, Anderson, Barlean, Bush, Constantine, Dunshee, Hankins, Koster, Lantz, Mastin, Miloscia, O'Brien, Ogden and Schoesler.

Passed to Rules Committee for Second Reading.

February 19, 1999

HB 1344 Prime Sponsor, Representative Cooper: Regulating the use and operation of personal watercraft. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Buck, Republican Co-Chair; Regala, Democratic Co-Chair; Anderson, Democratic Vice Chair; Sump, Republican Vice Chair; G. Chandler; Clements; Doumit; Eickmeyer; Rockefeller and Stensen.

MINORITY recommendation: Without recommendation. Signed by Representatives Ericksen and Pennington.

Voting yea: Representatives Buck, Regala, Anderson, Sump, G. Chandler, Clements, Doumit, Eickmeyer, Rockefeller and Stensen.

Voting nay: Representative(s) Ericksen and Pennington.

Referred to Committee on Appropriations.

February 19, 1999

HB 1370 Prime Sponsor, Representative G. Chandler: Extending the period of time to expend funds from the fruit and vegetable district fund. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass. Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Koster, Republican Vice Chair; Anderson; B. Chandler; Delvin; Fortunato; Grant; Reardon; Schoesler; Stensen; Sump and Wood.

Voting yea: Representatives G. Chandler, Linville, Cooper, Koster, Anderson, B. Chandler, Delvin, Fortunato, Grant, Reardon, Schoesler, Stensen, Sump and Wood.

Passed to Rules Committee for Second Reading.

February 19, 1999

HB 1432 Prime Sponsor, Representative Stensen: Expanding the powers and duties of the dairy commission. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass. Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Koster, Republican Vice Chair; Anderson; B. Chandler; Delvin; Fortunato; Grant; Reardon; Schoesler; Stensen; Sump and Wood.

Voting yea: Representatives G. Chandler, Linville, Cooper, Koster, Anderson, B. Chandler, Delvin, Fortunato, Grant, Reardon, Schoesler, Stensen, Sump and Wood.

Passed to Rules Committee for Second Reading.

February 19, 1999

HB 1549 Prime Sponsor, Representative G. Chandler: Requiring the department of ecology to extend the time for work under a permit if water use has been prevented or restricted due to federal or state laws. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass. Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Koster, Republican Vice Chair; Anderson; B. Chandler; Delvin; Fortunato; Grant; Reardon; Schoesler; Stensen; Sump and Wood.

Voting yea: Representatives G. Chandler, Linville, Cooper, Koster, Anderson, B. Chandler, Delvin, Fortunato, Grant, Reardon, Schoesler, Stensen, Sump and Wood.

Passed to Rules Committee for Second Reading.

February 19, 1999

HB 1563 Prime Sponsor, Representative Linville: Establishing the safe foods initiative. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Koster, Republican Vice Chair; Anderson; B. Chandler; Delvin; Fortunato; Grant; Reardon; Schoesler; Stensen; Sump and Wood.

Voting yea: Representatives G. Chandler, Linville, Cooper, Koster, Anderson, B. Chandler, Delvin, Fortunato, Grant, Reardon, Schoesler, Stensen, Sump and Wood.

Referred to Committee on Appropriations.

February 19, 1999

HB 1642 Prime Sponsor, Representative Grant: Changing surface water permit and rights provisions. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass. Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Koster, Republican Vice Chair; Anderson; B. Chandler; Delvin; Fortunato; Grant; Reardon; Schoesler; Stensen; Sump and Wood.

Voting yea: Representatives G. Chandler, Linville, Cooper, Koster, Anderson, B. Chandler, Delvin, Fortunato, Grant, Reardon, Schoesler, Stensen, Sump and Wood.

Passed to Rules Committee for Second Reading.

February 19, 1999

HJM 4005 Prime Sponsor, Representative Schoesler: Urging elimination of unilateral trade sanctions.  
Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; B. Chandler; Delvin; Fortunato; Grant; Reardon; Schoesler; Stensen; Sump and Wood.

MINORITY recommendation: Without recommendation. Signed by Representatives Koster, Republican Vice Chair and Anderson.

Voting yea: Representatives G. Chandler, Linville, Cooper, B. Chandler, Delvin, Fortunato, Grant, Reardon, Schoesler, Stensen, Sump and Wood.

Voting nay: Representative(s) Koster and Anderson.

Passed to Rules Committee for Second Reading.

There being no objection, the bills and memorial listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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

#### MOTION

On motion of Representative Kessler, the following bills were referred from the Rules Committee to the Committee on Appropriations:

HOUSE BILL NO. 1059

HOUSE BILL NO. 1552

HOUSE BILL NO. 1761

There being no objection, the House advanced to the eleventh order of business.

#### MOTION

On motion of Representative Kessler, the House adjourned until 10:00 a.m., Wednesday, February 24, 1999, the 45<sup>th</sup> Legislative Day.

TIMOTHY A. MARTIN, Chief Clerk     CLYDE BALLARD, Speaker  
DEAN R. FOSTER, Chief Clerk     FRANK CHOPP, Speaker

FORTY-FOURTH DAY, FEBRUARY 23, 1999

JOURNAL OF THE HOUSE

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## **FORTY-FIFTH DAY**

### **MORNING SESSION**

House Chamber, Olympia, Wednesday, February 24, 1999

The House was called to order at 10:00 a.m. by Speaker Pro Tempore Pennington. The Clerk called the roll and a quorum was present.

Speaker Ballard assumed the chair.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Tiffany Logan and Hans Zieger. Prayer was offered by Pastor David Robin, First Presbyterian Church, Tenino.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

### **MESSAGE FROM THE SENATE**

February 19, 1999

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 5005,

SUBSTITUTE SENATE BILL NO. 5094,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5195,

SENATE BILL NO. 5275,

SUBSTITUTE SENATE BILL NO. 5309,

SENATE BILL NO. 5358,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

### **RESOLUTION**

HOUSE RESOLUTION NO. 99-4635, by Representatives Anderson, Barlean, Skinner, Thomas and Pflug



WHEREAS, It is the policy of the Washington State Legislature to honor meritorious service and to recognize excellence in all fields of endeavor; and

WHEREAS, As modern society continues to grow more complex with each passing year, the necessity for innovative people becomes even more apparent; and

WHEREAS, No nation can function effectively without the most efficient waste management systems; and

WHEREAS, Paul F. Brewer has been a leader in the field of waste recycling as the director of Solid Waste Management at Naval Air Station Whidbey Island; and

WHEREAS, Paul F. Brewer has been the driving force behind the successful Navy Whidbey Recycle program; and

WHEREAS, The Navy Whidbey Recycle program has received numerous awards, including the White House "Closing the Loop" Award, and drawn praise from, among others, Vice President Albert Gore, Keep America Beautiful, Inc., the Office of the Federal Environmental Executive, the National Awards Council for Environmental Sustainability, the Secretary of the Navy, and the Chief of Naval Operations; and

WHEREAS, In a state already known for its innovative and progressive recycling efforts, the recycling program at Naval Air Station Whidbey stands out as a leader in waste reduction and completing the loop by encouraging the purchase of products made of recycled materials; and

WHEREAS, The Navy Whidbey Recycle program serves not only Naval Air Station Whidbey, but also its thirty-five thousand neighbors in the surrounding community; and

WHEREAS, Because of the Navy Whidbey Recycle program, Naval Air Station Whidbey and its neighbors now recycle as much as six thousand five hundred tons of material a year, saving taxpayers at least \$1.5 million a year in disposal costs;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives hereby recognizes and honors the outstanding contributions to our environment and our community by Paul F. Brewer and the Navy Whidbey Recycle program; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to Mr. Paul F. Brewer.

Representative Anderson moved adoption of the resolution.

Representatives Anderson and Barlean spoke in favor of the adoption of the resolution.

House Resolution No. 99-4635 was adopted.

### **INTRODUCTIONS AND FIRST READING**

HB 2240 by Representatives Quall, Cairnes, Sullivan, Kastama, Clements, Santos, Campbell, Cooper, O'Brien, Miloscia, Buck, Kessler, Romero, Haigh and Scott

AN ACT Relating to an actuarial reduction at the time of retirement; amending RCW 41.32.765, 41.35.420, and 41.40.630; and providing an effective date.

Referred to Committee on Appropriations.

HB 2241 by Representatives Barlean and Clements

AN ACT Relating to the gambling commission process for awarding house-banked card room licenses; amending RCW 9.46.070; adding a new section to chapter 9.46 RCW; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 2242 by Representatives McIntire, Benson and Hatfield

AN ACT Relating to good faith communications to self-regulatory organizations delegated authority by government agencies; and amending RCW 4.24.510.

Referred to Committee on Judiciary.

HB 2243 by Representatives Conway, Clements, Wolfe, Schoesler, Morris, O'Brien, Reardon, Lantz, Keiser and Kessler

AN ACT Relating to compensation paid to tipped employees of eating and drinking establishments; and adding a new section to chapter 49.48 RCW.

Referred to Committee on Commerce & Labor.

SB 5005 by Senators Loveland, Haugen, Winsley and Rasmussen

Allowing signing of safer routes to tourist-oriented businesses.

Referred to Committee on Transportation.

SSB 5094 by Senate Committee on Natural Resources, Parks & Recreation (originally sponsored by Senators Oke, Jacobsen, B. Sheldon, Bauer, Gardner, T. Sheldon, Fairley, Fraser, Winsley, McAuliffe, Long, Eide, Kohl-Welles, Costa, Haugen and McCaslin)

Concerning personal flotation devices.

Referred to Committee on Natural Resources.

ESSB 5195 by Senate Committee on Judiciary (originally sponsored by Senators Heavey, Johnson, Kline and Winsley)

Protecting employee benefits.

Referred to Committee on Judiciary.

SB 5275 by Senators Bauer, Snyder, Zarelli, Eide, Sellar, Deccio, Haugen, Franklin, Hargrove, Patterson, Heavey, Rasmussen, Shin, Kohl-Welles, Fairley, Fraser, Prentice, Goings, T. Sheldon, Costa, Wojahn, Spanel, Jacobsen, Roach and Hale

Regarding Lewis and Clark bicentennial advisory committee.

Referred to Committee on State Government.

SSB 5309 by Senate Committee on Transportation (originally sponsored by Senator Haugen)

Technically editing chapter 46.20 RCW.

Referred to Committee on Transportation.

SB 5358 by Senators Benton, Snyder, Shin, Patterson, Costa, Rasmussen, Finkbeiner, Swecker, T. Sheldon, Sellar, Haugen, Hochstatter, Zarelli, Jacobsen, Heavey, Gardner, Prentice, Rossi, Horn and Stevens

Eliminating motorcycle handlebar height restrictions.

Referred to Committee on Transportation.

#### MOTION

On motion of Representative Lisk, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

#### REPORTS OF STANDING COMMITTEES

February 22, 1999

HB 1015 Prime Sponsor, Representative Carlson: Extending the tuition waiver for students in the western interstate commission for higher education undergraduate exchange program. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Higher Education be substituted therefor and the substitute bill do pass. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

Voting yea: Representatives Huff, H. Sommers, Alexander, Doumit, D. Schmidt, Barlean, Benson, Boldt, Carlson, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Lisk, McIntire, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Tokuda and Wensman.

Excused: Representative(s) Mastin.

Passed to Rules Committee for Second Reading.

February 22, 1999

HB 1067 Prime Sponsor, Representative O'Brien: Amending statutory double jeopardy provisions. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended.

On page 1, line 15, after "punishment" insert ", civilian or military,"

Signed by Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Esser; Kastama; Lantz; Lovick; McDonald and Schindler.

Voting yea: Representatives Carrell, Constantine, Hurst, Lambert, Cox, Dickerson, Esser, Kastama, Lantz, Lovick, McDonald and Schindler.

Passed to Rules Committee for Second Reading.

February 22, 1999

HB 1095 Prime Sponsor, Representative Cairnes: Limiting access to law enforcement personnel records and internal affairs files. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Esser; Kastama; Lantz; Lovick; McDonald and Schindler.

Voting yea: Representatives Carrell, Constantine, Hurst, Lambert, Cox, Dickerson, Esser, Kastama, Lantz, Lovick, McDonald and Schindler.

Passed to Rules Committee for Second Reading.

February 22, 1999

HB 1170 Prime Sponsor, Representative Campbell: Making elected municipal officers subject to the same ethics standards as state officers with regard to gifts. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Mulliken, Republican Co-Chair; Scott, Democratic Co-Chair; Doumit, Democratic Vice Chair; Mielke, Republican Vice Chair; Edwards; Ericksen; Fisher and Fortunato.

Voting yea: Representatives Mulliken, Scott, Doumit, Mielke, Edwards, Ericksen, Fisher and Fortunato.

Passed to Rules Committee for Second Reading.

February 22, 1999

HB 1171 Prime Sponsor, Representative Alexander: Allowing port district annexations. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Mulliken, Republican Co-Chair; Scott, Democratic Co-Chair; Doumit, Democratic Vice Chair; Mielke, Republican Vice Chair; Edwards; Ericksen; Fisher and Fortunato.

Voting yea: Representatives Mulliken, Scott, Doumit, Mielke, Edwards, Ericksen, Fisher and Fortunato.

Passed to Rules Committee for Second Reading.

February 22, 1999

HB 1177 Prime Sponsor, Representative Ballasiotes: Defining the crime of custodial sexual misconduct. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

Voting yea: Representatives Huff, H. Sommers, Alexander, Doumit, D. Schmidt, Barlean, Benson, Boldt, Carlson, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Lisk, McIntire, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Tokuda and Wensman.

Excused: Representative(s) Mastin.

Passed to Rules Committee for Second Reading.

February 22, 1999

HB 1178 Prime Sponsor, Representative O'Brien: Prescribing requirements for sex offender examinations and treatment. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Criminal Justice & Corrections be substituted therefor and the substitute bill do pass. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

Voting yea: Representatives Huff, H. Sommers, Alexander, Doumit, D. Schmidt, Barlean, Benson, Boldt, Carlson, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Lisk, McIntire, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Tokuda and Wensman.

Excused: Representative(s) Mastin.

Passed to Rules Committee for Second Reading.

February 22, 1999

HB 1196 Prime Sponsor, Representative Mielke: Recognizing concealed pistol permits from other states. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Esser; Kastama; Lantz; Lovick; McDonald and Schindler.

MINORITY recommendation: Do not pass. Signed by Representative Dickerson.

Voting yea: Representatives Carrell, Constantine, Hurst, Lambert, Cox, Esser, Kastama, Lantz, Lovick, McDonald and Schindler.

Voting nay: Representative(s) Dickerson.

Passed to Rules Committee for Second Reading.

February 22, 1999

HB 1199 Prime Sponsor, Representative Lantz: Defining the jurisdiction of civil antiharassment actions. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert,

Republican Vice Chair; Cox; Dickerson; Esser; Kastama; Lantz; Lovick; McDonald and Schindler.

Voting yea: Representatives Carrell, Constantine, Hurst, Lambert, Cox, Dickerson, Esser, Kastama, Lantz, Lovick, McDonald and Schindler.

Passed to Rules Committee for Second Reading.

February 22, 1999

HB 1200 Prime Sponsor, Representative Lantz: Clarifying the jurisdiction over drunk drivers.  
Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Esser; Kastama; Lantz; Lovick; McDonald and Schindler.

Voting yea: Representatives Carrell, Constantine, Hurst, Lambert, Cox, Dickerson, Esser, Kastama, Lantz, Lovick, McDonald and Schindler.

Passed to Rules Committee for Second Reading.

February 22, 1999

HB 1263 Prime Sponsor, Representative Sheahan: Regulating process and fees of district and municipal courts. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended.

On page 2, beginning on line 11, strike all of section 4

Correct the title.

Signed by Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Esser; Kastama; Lantz; Lovick; McDonald and Schindler.

Voting yea: Representatives Carrell, Constantine, Hurst, Lambert, Cox, Dickerson, Esser, Kastama, Lantz, Lovick, McDonald and Schindler.

Passed to Rules Committee for Second Reading.

February 22, 1999

HB 1264 Prime Sponsor, Representative D. Schmidt: Making corrections regarding combining water-sewer districts. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Mulliken, Republican Co-Chair; Scott, Democratic Co-Chair; Doumit, Democratic Vice Chair; Mielke, Republican Vice Chair; Edwards; Ericksen; Fisher and Fortunato.

Voting yea: Representatives Mulliken, Scott, Doumit, Mielke, Edwards, Ericksen, Fisher and Fortunato.

Passed to Rules Committee for Second Reading.

February 22, 1999

HB 1306 Prime Sponsor, Representative Huff: Implementing 1998 legislation dealing with drunk driving. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

Voting yea: Representatives Huff, H. Sommers, Alexander, Doumit, D. Schmidt, Barlean, Benson, Boldt, Carlson, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Lisk, McIntire, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Tokuda and Wensman.

Excused: Representative(s) Mastin.

Passed to Rules Committee for Second Reading.

February 22, 1999

HB 1310 Prime Sponsor, Representative Scott: Changing the authority of public utility districts. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Mulliken, Republican Co-Chair; Scott, Democratic Co-Chair; Doumit, Democratic Vice Chair; Mielke, Republican Vice Chair; Edwards; Ericksen; Fisher and Fortunato.

Voting yea: Representatives Mulliken, Scott, Doumit, Mielke, Edwards, Ericksen, Fisher and Fortunato.

Passed to Rules Committee for Second Reading.

February 22, 1999

HB 1346 Prime Sponsor, Representative O'Brien: Providing an alternative method for dissolving a cultural arts, stadium or convention district. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Mulliken, Republican Co-Chair; Scott, Democratic Co-Chair; Doumit, Democratic Vice Chair; Mielke, Republican Vice Chair; Edwards; Ericksen; Fisher and Fortunato.

Voting yea: Representatives Mulliken, Scott, Doumit, Mielke, Edwards, Ericksen, Fisher and Fortunato.

Passed to Rules Committee for Second Reading.

February 22, 1999

HB 1362 Prime Sponsor, Representative Kastama: Creating the friendly parent presumption. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Cox; Dickerson; Esser; Kastama; Lantz; Lovick; McDonald and Schindler.

MINORITY recommendation: Without recommendation. Signed by Representative Lambert, Republican Vice Chair.

Voting yea: Representatives Carrell, Constantine, Hurst, Cox, Dickerson, Esser, Kastama, Lantz, Lovick, McDonald and Schindler.

Voting nay: Representative(s) Lambert.

Passed to Rules Committee for Second Reading.

February 22, 1999

HB 1391 Prime Sponsor, Representative Hurst: Clarifying the recognition of concealed pistol permits from other states. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Esser; Kastama; Lantz; Lovick; McDonald and Schindler.

MINORITY recommendation: Do not pass. Signed by Representative Dickerson.

Voting yea: Representatives Carrell, Constantine, Hurst, Lambert, Cox, Esser, Kastama, Lantz, Lovick, McDonald and Schindler.

Voting nay: Representative(s) Dickerson.

Passed to Rules Committee for Second Reading.

February 22, 1999

HB 1403 Prime Sponsor, Representative Sheahan: Providing financial assistance to local governments for investigating extraordinary crimes. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Mulliken, Republican Co-Chair; Scott, Democratic Co-Chair; Doumit, Democratic Vice Chair; Mielke, Republican Vice Chair; Edwards; Ericksen; Fisher and Fortunato.

Voting yea: Representatives Mulliken, Scott, Doumit, Mielke, Edwards, Ericksen, Fisher and Fortunato.

Referred to Committee on Appropriations.

February 22, 1999

HB 1506 Prime Sponsor, Representative DeBolt: Adjusting condemnation offer evaluation cost limits. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended.



On page 1, beginning on line 6, strike all material through "pay" on line 7 and insert "There shall be paid by the condemnor"

On page 1, line 12, after "total of" strike all material through "hundred" on line 15 and insert "~~((two))~~ seven hundred fifty"

Signed by Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Esser; Kastama; Lantz; Lovick; McDonald and Schindler.

Voting yea: Representatives Carrell, Constantine, Hurst, Lambert, Cox, Dickerson, Esser, Kastama, Lantz, Lovick, McDonald and Schindler.

Referred to Committee on Transportation.

February 22, 1999

HB 1529 Prime Sponsor, Representative Talcott: Clarifying school district employees' personal holidays. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Democratic Co-Chair; Talcott, Republican Co-Chair; Haigh, Democratic Vice Chair; Schindler, Republican Vice Chair; Carlson; Cox; Keiser; Rockefeller; Santos; D. Schmidt; Schual-Berke; Stensen; Sump and Wensman.

Voting yea: Representatives Quall, Talcott, Haigh, Schindler, Carlson, Cox, Keiser, Rockefeller, D. Schmidt, Schual-Berke, Stensen, Sump and Wensman.  
Excused: Representative(s) Santos.

Passed to Rules Committee for Second Reading.

February 22, 1999

HB 1569 Prime Sponsor, Representative Keiser: Establishing an excellence in mathematics grant program. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Democratic Co-Chair; Talcott, Republican Co-Chair; Haigh, Democratic Vice Chair; Schindler, Republican Vice Chair; Carlson; Cox; Keiser; Rockefeller; Santos; D. Schmidt; Schual-Berke; Stensen; Sump and Wensman.

Voting yea: Representatives Quall, Talcott, Haigh, Schindler, Carlson, Cox, Keiser, Rockefeller, D. Schmidt, Schual-Berke, Stensen, Sump and Wensman.  
Excused: Representative(s) Santos.

Referred to Committee on Appropriations.

February 22, 1999

HB 1577 Prime Sponsor, Representative Bush: Changing when a court may seal juvenile records. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended.

On page 3, line 22, after "conviction" insert "and the person is at least eighteen years old"

On page 3, line 17, after "For" strike "gross misdemeanors,"

On page 3, line 17, after "misdemeanors" strike " , "

On page 3, line 22, after "conviction" insert ". For gross misdemeanors, since the last date of release from confinement, including full-time residential treatment, if any, or entry of disposition, the person has spent three consecutive years in the community without committing any offense or crime that subsequently results in conviction and the person is at least eighteen years old"

Signed by Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Esser; Kastama; Lantz; Lovick; McDonald and Schindler.

Voting yea: Representatives Carrell, Constantine, Hurst, Lambert, Cox, Dickerson, Esser, Kastama, Lantz, Lovick, McDonald and Schindler.

Passed to Rules Committee for Second Reading.

February 22, 1999

HB 1749 Prime Sponsor, Representative Dickerson: Revising eligibility requirements for deferred disposition. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Esser; Kastama; Lantz; Lovick; McDonald and Schindler.

Voting yea: Representatives Carrell, Constantine, Hurst, Lambert, Cox, Dickerson, Esser, Kastama, Lantz, Lovick, McDonald and Schindler.

Passed to Rules Committee for Second Reading.

February 22, 1999

HB 1785 Prime Sponsor, Representative Haigh: Increasing statutory limits on appraiser fees in eminent domain proceedings. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Esser; Kastama; Lantz; Lovick; McDonald and Schindler.

Voting yea: Representatives Carrell, Constantine, Hurst, Lambert, Cox, Dickerson, Esser, Kastama, Lantz, Lovick, McDonald and Schindler.

Referred to Committee on Transportation.

February 22, 1999

HB 2015 Prime Sponsor, Representative Radcliff: Restricting liability for year 2000 date-change damages. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended.

On page 1, line 15, after "corporations," insert "including electric cooperatives,"

Signed by Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Esser; Kastama; Lantz; Lovick; McDonald and Schindler.

Voting yea: Representatives Carrell, Constantine, Hurst, Lambert, Cox, Dickerson, Esser, Kastama, Lantz, Lovick, McDonald and Schindler.

Passed to Rules Committee for Second Reading.

#### MOTION

On motion of Representative Lisk, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House advanced to the sixth order of business.

#### SECOND READING

HOUSE BILL NO. 1080, by Representatives Carlson, Ogden, Pennington, Dunn, Tokuda, Stensen, O'Brien, Morris, Conway, Lambert, Lantz, Wood, Rockefeller, Parlette, Esser and Lovick

Providing infectious disease testing for good samaritans.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Carlson spoke in favor of passage of the bill.

#### MOTIONS

On motion of Representative Schoesler, Representative Parlette was excused. On motion of Representative Wolfe, Representatives Constantine and Cody were excused.

Speaker Ballard stated the question before the House to be final passage of House Bill No. 1080.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1080 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D.

Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Cody, Constantine and Parlette - 3.

House Bill No. 1080, having received the constitutional majority, was declared passed.

There being no objection, the House deferred further action on House Bill No. 1096 and the bill held its place on the second reading calendar.

HOUSE BILL NO. 1192, by Representatives Morris, Dunn, Miloscia, Veloria, Eickmeyer, DeBolt, Quall, Linville, Wolfe, Barlean, Kenney and Santos

Adding to the definition of economic development activities.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Morris and Dunn spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of House Bill No. 1192.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1192 and the bill passed the House by the following vote: Yeas - 95, Nays - 2, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, Chandler, b., Chandler, g., Clements, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Voting nay: Representatives Koster and Thomas - 2.

Excused: Representative Cody - 1.

House Bill No. 1192, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1297, by Representatives O'Brien, Ballasiotes, Lovick, Cairnes, Kagi, Campbell and Benson

Clarifying the application of limitations on earned early release time to serious violent offenders.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives O'Brien and B. Chandler spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of House Bill No. 1297.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1297 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, Chandler, b., Chandler, g., Clements, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Cody - 1.

House Bill No. 1297, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1321, by Representatives Ericksen, Fisher, K. Schmidt, Mitchell, Rockefeller, Carrell and McDonald; by request of Department of Transportation and Washington State Patrol

Requiring stops at intersections with nonfunctioning signal lights.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ericksen and Rockefeller spoke in favor of passage of the bill.

Representatives Grant, Talcott, Delvin, Cooper and Alexander spoke against passage of the bill.

Speaker Ballard stated the question before the House to be final passage of House Bill No. 1321.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1321 and the bill passed the House by the following vote: Yeas - 88, Nays - 10, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, Chandler, b., Chandler, g., Clements, Cody, Conway, Cox, Crouse, Delvin, Dickerson, Dunn, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Mulliken, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler,

Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood and Mr. Speaker Ballard - 88.

Voting nay: Representatives Constantine, Cooper, DeBolt, Doumit, Dunshee, Hatfield, Morris, Murray, Reardon and Mr. Speaker Chopp - 10.

House Bill No. 1321, having received the constitutional majority, was declared passed.

### **SPEAKER'S PRIVILEGE**

Speaker Ballard congratulated Representative Ericksen on passage of his first bill and asked the Chamber to acknowledge his accomplishment.

HOUSE BILL NO. 1330, by Representatives Alexander, Sump, Buck, Regala, Anderson, Lantz, Doumit, G. Chandler, Pennington, Rockefeller, Benson and Mulliken; by request of Parks and Recreation Commission

Granting concessions or leases in state parks and parkways.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Alexander and Regala spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of House Bill No. 1330.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1330 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, Chandler, b., Chandler, g., Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 98.

House Bill No. 1330, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1372, by Representatives Schual-Berke, Esser, Boldt and Keiser; by request of Department of Health

Repealing the requirement to maintain a registry for handicapped children.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Schual-Berke spoke in favor of passage of the bill.

Representatives Cody, Dunn and Parlette spoke against passage of the bill.

Speaker Ballard stated the question before the House to be final passage of House Bill No. 1372.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1372 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, Chandler, b., Chandler, g., Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Vloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 98.

House Bill No. 1372, having received the constitutional majority, was declared passed.

#### SPEAKER'S PRIVILEGE

Speaker Ballard congratulated Representative Schual-Berke on the passage of her first bill and asked the Chamber to acknowledge her accomplishment.

HOUSE BILL NO. 1378, by Representatives Vloria, Dunn, Morris, Kastama, Van Luven, Ogden, Kenney, Bush, Santos, Fortunato, Hurst, Edwards, O'Brien, McDonald and Keiser

Regulating manufactured and mobile home landlord-tenant relations.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Vloria and Dunn spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of House Bill No. 1378.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1378 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, Chandler, b., Chandler, g., Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken,

Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 98.

House Bill No. 1378, having received the constitutional majority, was declared passed.

Speaker Ballard called upon Representative Pennington to preside.

## **RESOLUTION**

HOUSE RESOLUTION NO. 99-4634, by Representatives Talcott, Quall, Barlean, Stensen, Benson, Regala, K. Schmidt, McDonald, Radcliff, Carlson, Ruderman, Schindler, McMorris, O'Brien, Lambert, Alexander, Eickmeyer, Edmonds, Santos, Kagi, Schual-Berke, Linville, Lovick, Dunshee, Haigh, Mastin, Lisk, Wensman, Van Luven, Esser, Kenney, Fortunato, Thomas, Rockefeller, Lantz, Mielke, Pflug, Cairnes, Bush, Wolfe, Boldt, D. Schmidt, Pennington, Clements, Koster, Dunn, Delvin, B. Chandler, Campbell, Ballasiotes and Skinner

WHEREAS, Reading is the foundation upon which all other learning is built; and

WHEREAS, "Read Across America," a national celebration of Dr. Seuss's birthday on March 2nd, promotes reading and adult involvement in the education of our children; and

WHEREAS, Dr. Seuss's love of children and learning has been an inspiration for millions of young readers; and

WHEREAS, Parents and grandparents can relive the thrill of learning to read while helping each child explore the world between a book's cover; and

WHEREAS, By reading, a child can visit foreign lands, meet historical figures, travel through time, and even learn to love green eggs and ham; and

WHEREAS, Reading is the catalyst for our students' future academic success, their preparation for the work force, and their ability to become involved citizens; and

WHEREAS, Washington has set high standards for reading in our public schools, and students and educators throughout the state are improving their practices to rise to the challenge; and

WHEREAS, All children should be so fortunate as to enjoy a good book and the company of an involved adult to read with on this day and every day;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State House of Representatives recognize March 2nd as Read Across America day; and

BE IT FURTHER RESOLVED, That we do hereby urge each and every citizen of the State of Washington to take the time to read with a child to celebrate Dr. Seuss's birthday.

Representative Carlson moved adoption of the resolution.

Representatives Carlson, Keiser, Lambert and Mastin spoke in favor of the adoption of the resolution.

House Resolution No. 4634 was adopted.

There being no objection, the House advanced to the eleventh order of business.

Co-Speaker Pro Tem Pennington reminded the Chamber that the joint session honoring deceased members would be at 1:30 p.m. on Thursday, February 25.

## **MOTION**

On motion of Representative Mastin, the House adjourned until 9:55 a.m., Thursday, February 25, 1999, the 46<sup>th</sup> Legislative Day.



TIMOTHY A. MARTIN, Chief Clerk    CLYDE BALLARD, Speaker  
DEAN R. FOSTER, Chief Clerk    FRANK CHOPP, Speaker

FORTY-FIFTH DAY, FEBRUARY 24, 1999

JOURNAL OF THE HOUSE

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**FORTY-SIXTH DAY**

**MORNING SESSION**

House Chamber, Olympia, Thursday, February 25, 1999

The House was called to order at 9:55 a.m. by Speaker Chopp.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

**MESSAGE FROM THE SENATE**

February 24, 1999

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5359,

ENGROSSED SENATE BILL NO. 5485,

and the same are herewith transmitted

Tony M. Cook, Secretary

**INTRODUCTIONS AND FIRST READING**

HB 2244 by Representatives Sullivan and Kastama

AN ACT Relating to proof of financial responsibility or motor vehicle liability insurance; and amending RCW 46.16.212, 46.16.210, and 46.30.040.

Referred to Committee on Transportation.

HB 2245 by Representatives Fisher and K. Schmidt

AN ACT Relating to certificates of ownership and registration; amending RCW 46.12.040; and reenacting and amending RCW 46.12.030.

Referred to Committee on Transportation.

HB 2246 by Representatives Thomas and Dunshee

AN ACT Relating to lodging tax advisory committees; and amending RCW 67.28.1817.

Referred to Committee on Finance.

SSB 5359 by Senate Committee on Ways & Means (originally sponsored by Senators Thibaudeau, Deccio, Wojahn, Winsley, Franklin, Oke, Kohl-Welles and Fairley; by request of Governor Locke and Attorney General)

Managing moneys received under tobacco company litigation.

Referred to Committee on Appropriations.

ESB 5485 by Senators Thibaudeau, Deccio, McDonald, Snyder, Winsley, Kline, Oke and Costa; by request of Attorney General

Regulating certain tobacco product manufacturers.

Referred to Committee on Health Care.

#### MOTION

On motion of Representative Morris, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

#### REPORTS OF STANDING COMMITTEES

February 23, 1999

HB 1016 Prime Sponsor, Representative Carlson: Creating the border county higher education opportunity pilot project. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Higher Education be substituted therefor and the substitute bill do pass. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

Voting yea: Representatives Huff, H. Sommers, Alexander, Doumit, D. Schmidt, Barlean, Benson, Boldt, Carlson, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Lisk, McIntire, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Tokuda and Wensman.

Excused: Representative(s) Mastin.

Passed to Rules Committee for Second Reading.

February 22, 1999

HB 1175 Prime Sponsor, Representative Cairnes: Regulating street rods. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Democratic Co-Chair; K. Schmidt, Republican Co-Chair; Cooper, Democratic 1st Vice Chair; Edwards, Democratic 2nd Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; Buck; G. Chandler; DeBolt; Fortunato; Haigh; Hatfield; Hurst; Lovick; McDonald; Mielke; Mitchell; Morris; Murray; Ogden; Pflug; Radcliff; Romero; Schindler; Schual-Berke; Scott; Skinner and Wood.

Voting yea: Representatives Fisher, Schmidt, K, Cooper, Edwards, Ericksen, Hankins, Buck, G. Chandler, DeBolt, Fortunato, Haigh, Hatfield, Hurst, Lovick, McDonald, Mielke, Mitchell, Morris, Murray, Ogden, Pflug, Radcliff, Romero, Schindler, Schual-Berke, Scott and Wood.

Excused: Representative(s) Skinner.

Passed to Rules Committee for Second Reading.

February 23, 1999

HB 1261 Prime Sponsor, Representative Romero: Modifying motor vehicles of injured workers. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Hurst; Lisk; McIntire and McMorris.

Voting yea: Representatives Clements, Conway, B. Chandler, Wood, Hurst, Lisk, McIntire and McMorris.

Passed to Rules Committee for Second Reading.

February 22, 1999

HB 1304 Prime Sponsor, Representative Hankins: Updating references to the transportation improvement board bond retirement account. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fisher, Democratic Co-Chair; K. Schmidt, Republican Co-Chair; Cooper, Democratic 1st Vice Chair; Edwards, Democratic 2nd Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; Buck; G. Chandler; DeBolt; Fortunato; Haigh; Hatfield; Hurst; Lovick; McDonald; Mielke; Mitchell; Morris; Murray; Ogden; Pflug; Radcliff; Romero; Schindler; Schual-Berke; Scott; Skinner and Wood.

Voting yea: Representatives Fisher, Schmidt, K, Cooper, Edwards, Ericksen, Hankins, Buck, G. Chandler, DeBolt, Fortunato, Haigh, Hatfield, Hurst, Lovick, McDonald, Mielke, Mitchell, Morris, Murray, Ogden, Pflug, Radcliff, Romero, Schindler, Schual-Berke, Scott and Wood.

Excused: Representative(s) Skinner.

Passed to Rules Committee for Second Reading.

February 23, 1999

HB 1369 Prime Sponsor, Representative Clements: Concerning the issuance of citations under the Washington industrial safety and health act. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Hurst; Lisk; McIntire and McMorris.

Voting yea: Representatives Clements, Conway, B. Chandler, Wood, Hurst, Lisk, McIntire and McMorris.

Passed to Rules Committee for Second Reading.

February 23, 1999

HB 1377 Prime Sponsor, Representative O'Brien: Revising sanctions for violating conditions of the juvenile offender basic training camp program. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; McIntire; McMorris; Parlette; Regala; Rockefeller; Ruderman and Wensman.

Voting yea: Representatives Huff, H. Sommers, Alexander, Doumit, D. Schmidt, Barlean, Benson, Boldt, Carlson, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Lisk, McIntire, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan and Tokuda.

Excused: Representative(s) Mastin and Wensman.

Passed to Rules Committee for Second Reading.

February 24, 1999

HB 1425 Prime Sponsor, Representative Linville: Addressing municipal water or sewer utilities. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Mulliken, Republican Co-Chair; Scott, Democratic Co-Chair; Doumit, Democratic Vice Chair; Mielke, Republican Vice Chair; Edwards; Ericksen; Fisher and Fortunato.

Voting yea: Representatives Mulliken, Scott, Doumit, Mielke, Edwards, Ericksen, Fisher and Fortunato.

Passed to Rules Committee for Second Reading.

February 24, 1999

HB 1485 Prime Sponsor, Representative Barlean: Prohibiting the sale of the Whidbey Island game farm. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Mitchell, Republican Co-Chair; Murray, Democratic Co-Chair; Edmonds, Democratic Vice Chair; Esser, Republican Vice Chair; Alexander; Anderson; Barlean; Bush; Dunshee; Lantz; Miloscia; O'Brien; Ogden and Schoesler.

MINORITY recommendation: Without recommendation. Signed by Representatives Hankins and Koster.

Voting yea: Representatives Mitchell, Murray, Edmonds, Esser, Alexander, Anderson, Barlean, Bush, Constantine, Lantz, Miloscia, O'Brien, Ogden and Schoesler.

Voting nay: Representative(s) Hankins and Koster.

Excused: Representative(s) Dunshee and Mastin.

Passed to Rules Committee for Second Reading.

February 23, 1999

HB 1524 Prime Sponsor, Representative Doumit: Expanding the workers' compensation obligation of out-of-state employers. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Hurst; Lisk; McIntire and McMorris.

Voting yea: Representatives Clements, Conway, B. Chandler, Wood, Hurst, Lisk, McIntire and McMorris.

Passed to Rules Committee for Second Reading.

February 24, 1999

HB 1542 Prime Sponsor, Representative Ericksen: Recording surveys. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Mulliken, Republican Co-Chair; Scott, Democratic Co-Chair; Doumit, Democratic Vice Chair; Mielke, Republican Vice Chair; Edwards; Ericksen; Fisher and Fortunato.

Voting yea: Representatives Mulliken, Scott, Doumit, Mielke, Edwards, Ericksen, Fisher and Fortunato.

Passed to Rules Committee for Second Reading.

February 24, 1999

HB 1556 Prime Sponsor, Representative Hatfield: Increasing timeliness of fire death reports. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Mulliken, Republican Co-Chair; Scott, Democratic Co-Chair; Doumit, Democratic Vice Chair; Mielke, Republican Vice Chair; Edwards; Ericksen; Fisher and Fortunato.

Voting yea: Representatives Mulliken, Scott, Doumit, Mielke, Edwards, Ericksen, Fisher and Fortunato.

Passed to Rules Committee for Second Reading.

February 22, 1999

HB 1562 Prime Sponsor, Representative Scott: Changing provisions relating to the adoption of regulations by airport operators. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fisher, Democratic Co-Chair; K. Schmidt, Republican Co-Chair; Cooper, Democratic 1st Vice Chair; Edwards, Democratic 2nd Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; Buck; G. Chandler; DeBolt; Fortunato; Haigh; Hatfield; Hurst; Lovick; McDonald; Mielke; Mitchell; Morris; Murray; Ogden; Pflug; Radcliff; Romero; Schindler; Schual-Berke; Scott; Skinner and Wood.

Voting yea: Representatives Fisher, Schmidt, K, Cooper, Edwards, Ericksen, Hankins, Buck, G. Chandler, DeBolt, Fortunato, Hatfield, Hurst, Lovick, McDonald, Mielke, Mitchell, Morris, Murray, Ogden, Pflug, Radcliff, Romero, Schindler, Schual-Berke, Scott and Wood.

Excused: Representative(s) Haigh and Skinner.

Passed to Rules Committee for Second Reading.

February 24, 1999

HB 1585 Prime Sponsor, Representative Hankins: Using federal funds to reduce the outstanding debt of school districts within counties. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Mulliken, Republican Co-Chair; Scott, Democratic Co-Chair; Doumit, Democratic Vice Chair; Mielke, Republican Vice Chair; Edwards; Ericksen; Fisher and Fortunato.

Voting yea: Representatives Mulliken, Scott, Doumit, Mielke, Edwards, Ericksen, Fisher and Fortunato.

Passed to Rules Committee for Second Reading.

February 24, 1999

HB 1599 Prime Sponsor, Representative McMorris: Creating an account to reimburse counties for extraordinary costs in the criminal justice system. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Mulliken, Republican Co-Chair; Scott, Democratic Co-Chair; Doumit, Democratic Vice Chair; Mielke, Republican Vice Chair; Edwards; Ericksen; Fisher and Fortunato.

Voting yea: Representatives Mulliken, Scott, Doumit, Mielke, Edwards, Ericksen, Fisher and Fortunato.

Referred to Committee on Appropriations.

February 23, 1999

HB 1671 Prime Sponsor, Representative Constantine: Eliminating a maximum amount threshold for pleadings in actions arising from public works contracts. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Esser; Kastama; Lantz; Lovick; McDonald and Schindler.

Voting yea: Representatives Carrell, Constantine, Hurst, Lambert, Cox, Dickerson, Esser, Kastama, Lantz, Lovick, McDonald and Schindler.

Passed to Rules Committee for Second Reading.

February 24, 1999

HB 1715 Prime Sponsor, Representative Cox: Reclassifying the state board of education as a class four group. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Democratic Co-Chair; Talcott, Republican Co-Chair; Haigh, Democratic Vice Chair; Schindler, Republican Vice Chair; Carlson; Cox; Keiser; Rockefeller; D. Schmidt; Schual-Berke; Stensen; Sump and Wensman.

MINORITY recommendation: Without recommendation. Signed by Representative Santos.

Voting yea: Representatives Quall, Talcott, Haigh, Schindler, Carlson, Cox, Keiser, Rockefeller, D. Schmidt, Schual-Berke, Stensen, Sump and Wensman.

Voting nay: Representative(s) Santos.

Passed to Rules Committee for Second Reading.

February 23, 1999

HB 1845 Prime Sponsor, Representative B. Chandler: Providing for vocational rehabilitation benefits under industrial insurance. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Hurst; Lisk; McIntire and McMorris.

Voting yea: Representatives Clements, Conway, B. Chandler, Wood, Hurst, Lisk, McIntire and McMorris.

Passed to Rules Committee for Second Reading.

February 23, 1999

HB 2111 Prime Sponsor, Representative Alexander: Eliminating the tort claims revolving fund. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Tokuda and Wensman.

Voting yea: Representatives Huff, H. Sommers, Alexander, Doumit, D. Schmidt, Barlean, Benson, Boldt, Carlson, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Lisk, McIntire, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Tokuda and Wensman.

Excused: Representative(s) Mastin.



Passed to Rules Committee for Second Reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

Speaker Chopp put the House at ease until Joint Session at 1:30 p.m.

### **JOINT SESSION MEMORIAL SERVICE**

Speaker Pro Tempore Ogden called the House to order. The Sergeant at Arms announced that the Senate was at the doors of the House and requested to be admitted. Speaker Pro Tempore Ogden requested the Sergeant at Arms of the House and the Sergeant at Arms of the Senate escort President of the Senate Brad Owen, President Pro Tempore Lorraine Wojahn; Majority Leader Sid Snyder and Minority Leader Dan McDonald to seats on the Rostrum. The Senators were invited to seats within the Chamber.

Speaker Pro Tempore Ogden called upon President of the Senate Brad Owen to preside over the Joint Session.

President Owen called the Joint Session to order. The Clerk called the roll of the members of the House and members of the Senate and a quorum was present.

President Owen introduced the Statewide Elected Officials who were present: Secretary of State Ralph Munro, State Treasurer Mike Murphy, State Auditor Brian Sonntag, Superintendent of Public Instruction Terry Bergeson and Insurance Commissioner Deborah Senn.

The Clerk called the roll of former members who were present:

Appelwick, Marlin Kilbury, Charles Prince, Eugene  
Basich, Bob King, Richard Ristuben, Oliver  
Berentson, Duane Kiskaddon, Bill Sanders, Paul  
Copeland, Thomas Lewis, Bob Scheuerman, Carl  
Doty, Shirley Meyers, Ron Sutherland, Dean  
Eldridge, Don Miles, Don Swayze, Tom  
Granlund, Barbara Conley (Monohan), Carol Tilly, Earl  
Hanna, Jerry Nelson, Gary Von Reichbauer, Pete  
Hodde, Charlie Nordquist, Dale Whetzel, Johnathan  
Houchen, Joan O'Brien, John Young, Bill  
Hurley, George Poff, Richard Zimmerman, Hal

The Flags were escorted to the Rostrum by the 1st Corps Command Color Guard. The President led the body in the Pledge of Alliance.

President Owen: "Honored members of the Legislature, Ladies and Gentlemen, the purpose of this joint session is to conduct memorial services in memory of departed former members of the Legislature. At this time, I would like to respectfully present the Honorable Val Ogden, Speaker Pro Tempore of the House of Representatives

Speaker Pro Tempore Ogden: "Father Kilian Malvey, St. Martin's Abbey, Lacey, will give the Invocation, followed by a selection performed by the Legislative Choir. The choir is a group of volunteers from the Senate and House of Representatives' members and staff, accompanied by Representative Cathy McMorris."

Father Malvey: "Gracious God of the Universe, we acknowledge and affirm the mystery of sunsets and farewells, of departures and finales as integral notes in Your divine chorus. We are thankful even for the pains of daily dying, for the daily separations, that are the counterpoint in our common lives. With gratitude, we listen to the Yearly song of Creation, the melody of Spring, Summer and Autumn which rises til the death-rest of Winter, only to begin again in the evergreen resurrection of Spring.

We take joy, as our hearts rise to You, that this divine harmony of death and life was sung by prophets and holy people, and that Your Son, Jesus, sang that song with his whole person in his death and resurrection from the tomb.

As we gather today to remember our sisters and brothers whose lives touched ours and added to the richness of our existence, we lift up into Your divine heart all those who have served Your people in our state and local communities. We ask You to grant them eternal peace and the perpetual company of Your chosen ones in Your Heavenly home.

And help us to let Your ancient and eternal song of death and life be played out in each of us, as we live out our faith that death is but a doorway that opens unto a greater and fuller expression of life, that opens to a final union with You, O Lord of Life.

Amen."

The Legislative Chorus sang "For All the Saints".

Speaker Pro Tempore Ogden called upon Speaker Pro Tempore John Pennington to preside over the Memorial Tribute.

Speaker Pro Tempore Pennington: "We are assembled today to pay tribute to the lives and services of the distinguished former members of the Senate and House of Representatives of the State of Washington who have passed from among us.

On behalf of the people of our state, The Fifty-Sixth Legislature of the State of Washington conveys its respects to those deceased legislators who once sat in the hallowed chambers of the House and Senate, like we are doing today, answered roll calls on sometimes critical perplexing bills, attended committee meetings and above all else, served to the best of their abilities in order to make our state a better and more enjoyable place to live. While their journey in this life is completed, their achievements, records and valued services have been recorded in the journals of the Senate and House and are now and forevermore a permanent part of the history of the State of Washington.

We express our sympathies to the bereaved families and their friends and also share with them on this memorable occasion the fond and happy memories of these legislators, who served well beyond their call of duty and responsibilities and truly loved this great State of Washington. They have indeed left a legacy of dedicated service that will remain forever etched in our hearts, our memories and our legislative records."

The roll was called for the deceased former members of the Senate and House of Representatives.

John Beck

21<sup>st</sup> District in Snohomish County, served in the House from 1987 to 1993.

Betty Edmondson

14<sup>th</sup> District in Yakima County, served in the House from 1991 to 1995.

Louis Egger

7<sup>th</sup> District in Ferry, Lincoln, Stevens, Okanogan and Spokane Counties, served in the House from 1983 to 1985.

Kathryn Epton

4<sup>th</sup> District in Spokane County, served in the House from 1957 to 1963 and 1965 to 1967.

Eleanor Fortson

10<sup>th</sup> District in Island and Snohomish counties, served in the House from 1973 to 1979.

William Goodloe

32<sup>nd</sup> District in King County, served in the Senate from 1951 to 1959. He went on to serve as Supreme Court Justice from 1985 to 1988.

Win Granlund

26<sup>th</sup> District in Pierce and Kitsap counties, served in the Senate from 1985 to 1987.

Karl Herrmann

4<sup>th</sup> District in Spokane County, served in the Senate from 1957 to 1969 and as Insurance Commissioner from 1969 to 1976.

Ron Keller

22<sup>nd</sup> District in Thurston County, served in the House from 1977 to 1981.

R. W. "Bob" O'Dell

17<sup>th</sup> District in Klickitat, Skamania and Clark counties, served in the House from 1965 to 1971.

Joel Pritchard

36<sup>th</sup> District in King County, served in the House from 1959 to 1967, the Senate from 1967 to 1971, the United States House of Representatives from 1972 to 1984, as U.S. Delegate to General Assembly, United Nations in 1983 and as Lieutenant Governor from 1989 to 1997.

David Sprague

37<sup>th</sup> District in King County, served in the House from 1967 to 1971.

Ray Van Hollebeke

1st District in King and Snohomish counties, served in the Senate from 1973 to 1981.

Jerry Vrooman

40<sup>th</sup> District in San Juan, Skagit and Whatcom counties, served in the House from 1977 to 1981.

Rabbi Mark Glickman, Temple Beth El, Tacoma, gave the memorial prayer.

Rabbi Glickman: "O God of all humanity, for many years, men and women have gathered in this place to do what they could to guarantee the welfare of our corner of the nation. In doing whatever possible to provide a quality education to young and old alike, to ensure the cleanliness of our air, water and land, and to help provide prosperity for us all, they have, in actuality, been doing your work O God — holy work. We pray for the continued strength of our legislators and their success in this great task. The people we have come to memorialize today gave their hearts to this great effort in many, many ways. They served on committees, they crafted legislation, they stood up for what they believed in. They, too, were part of this holy effort, and we remember them with great fondness. Though none of them were faultless, they all gave their hearts and minds to create a better society for us all, and that is what really counts.

The Jewish tradition teaches that memory is key to redemption, that by remembering our past, we can build a better tomorrow for us all. And so, we remember these members of this great body today in the hope that can allow their gifts to continue to give, that we can allow the best that was in them to help us to continue their great work. Their work remains our task; their dreams remain our challenge. We pray for the strength to continue to rise to the model that their lives set for us. Of people that such as these, Jews have traditionally said *zecher tzaddik livrachah*, the memory of the righteous is a blessing.

Amen."

The Legislative Chorus sang "Hymn of Promise".

Pastor Lee Forstrom, Westwood Baptist Church, Olympia, gave the closing prayer.

Pastor Forstrom: "Let's bow together for pray. Our Father, it is good that we could come this afternoon to be a part of this ceremony -- to remember and to pay tribute to these servants who have given so much of their time, energy and resources in service for this State and for its citizens. We would also pray for each one of us here that You would encourage and comfort us as we claim their memories as Your special gifts to us. May these memories instruct us, motivate us, support us and lift us. May we not forget what these people have done by serving among us. Even though death is

powerful and mysterious and even at times frightening, we know because of our hope in You it does not have the last word. We are grateful that we can move on from this point realizing that You are our God, who has our future in store for us.

And so we pray that as we look to the future that we will continue to learn from the past. We thank you Our God for being sovereign, for being powerful, for being all wise and knowing that when we put our trust in You that it is never a mistake. Thank you for what You have done in our midst and we continue to pray for Your special blessing upon each of our lives.

Amen."

Secretary of State Ralph Munro and members of the Olympia Highlanders played "Amazing Grace". Echo Taps were played by the Washington State Army National Guard and American Legion Post #3.

Speaker Pro Tempore Ogden returned the gavel to Lieutenant Governor Owen to preside over the conclusion of the program.

President Owen: "Thank you, Speaker Pro Tempore Ogden, Speaker Pro Tempore Pennington and other members of our memorial committee. Our warmest gratitude to those of you who have participated in the program today. I hope that the loved ones of those we honor today will draw comfort from today's observance.

On motion of Representative Kessler, the joint session was dissolved. President Owen returned the gavel to Speaker Pro Tempore Ogden. The Sergeant at Arms of the House and the Sergeant at Arms of the Senate escorted President of the Senate Brad Owen, President Pro Tempore Lorraine Wojahn, Majority Leader Sid Snyder, Minority Leader Dan McDonald and members of the Washington State Senate from the House chamber.

There being no objection, the House advanced to the eleventh order of business.

#### MOTION

On motion of Representative Kessler, the House adjourned until 10:00 a.m., Friday, February 26, 1999, the 47<sup>th</sup> Legislative Day.

TIMOTHY A. MARTIN, Chief Clerk      CLYDE BALLARD, Speaker  
DEAN R. FOSTER, Chief Clerk      FRANK CHOPP, Speaker

FORTY-SIXTH DAY, FEBRUARY 25, 1999

JOURNAL OF THE HOUSE

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**FORTY-SEVENTH DAY**

**MORNING SESSION**

House Chamber, Olympia, Friday, February 26, 1999

The House was called to order at 10:00 a.m. by Speaker Pro Tempore Pennington. The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Chloe Birnel and Dustin Ensign. Prayer was offered by Pastor John Repsold, Fourth Memorial Church, Spokane.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

**RESOLUTIONS**

HOUSE RESOLUTION NO. 99-4633, by Representatives Reardon, Scott, Dunn, Thomas, Hatfield and Pflug

WHEREAS, The Washington State House of Representatives strives to recognize the outstanding achievements and triumphs of young people today; and

WHEREAS, The Boys and Girls Clubs of America work to inspire and enable all young people, especially those from disadvantaged circumstances, to realize their full potential as productive, responsible, and caring citizens; and

WHEREAS, Ms. Liberty Franklin has overcome her own difficult life challenges to be named national "Youth of the Year," the top honor awarded by the Boys and Girls Clubs of America; and

WHEREAS, This remarkable Everett High School senior maintains an impressive 3.95 grade point average, is a member of the National Honor Society, plays varsity softball, and works several part-time jobs to help her family and to save for college; and

WHEREAS, Liberty has received \$45,000 in college scholarships in pursuit of her goal to study dentistry at the University of Washington; and

WHEREAS, Liberty also gives back to her community as a senior center volunteer, church choir member, and coordinator of Teen Talk sessions at her local Boys and Girls Club; and

WHEREAS, She has further distinguished herself since receiving this honor by speaking at conferences across the country, testifying on youth legislation before Congress, and meeting the President and other dignitaries at the White House, and will serve as a teen spokeswoman for nearly three million members of the Boys and Girls Clubs nationwide; and

WHEREAS, Liberty's commitment, confidence, and talents as a communicator make her a stellar role model for our state's youth;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize and honor Liberty Franklin, and acknowledge the great contributions made by Ms. Franklin to her family, to her community, and to the youth of Washington; and

BE IT FURTHER RESOLVED, That we do hereby urge all citizens of the State of Washington to join us in so recognizing Liberty Franklin as a shining example of how community support can help inspire, motivate, and encourage our youth to succeed in life, despite all odds; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to Ms. Liberty Franklin and to the Boys and Girls Clubs of America.

Representative Reardon moved adoption of the resolution.

Representatives Reardon and Scott spoke in favor of the adoption of the resolution.

House Resolution No. 99-4633 was adopted.

HOUSE RESOLUTION NO. 99-4631, by Representatives Carlson, Ogden, Pennington, Boldt, Mielke, Dunn, Thomas and Pflug

WHEREAS, Athletics is one of the most effective ways for girls and women to develop leadership skills, self-discipline, initiative, and confidence; and

WHEREAS, Sports and fitness activity contribute to emotional and physical well-being and increased self-esteem, and developing strong bodies; and

WHEREAS, The Falcons, a volleyball team of Prairie High School in Brush Prairie, Washington, recently won the Class 4A state volleyball championship games when it beat the volleyball team of Ferris High School in Spokane, Washington with a score of 17-15, 7-15, and 15-10 at the Spokane Arena; and

WHEREAS, Andrea Dettorre, Jenni Ehrman, Sandra Sperry, Yesenia Rauch, Molly Nelson, Carri Colvin, Rachael Mortek, Tiffany Thorkildson, Rochelle Healea, Tara Haag, Jessica Bunn, and Courtney Cushing displayed team spirit, talent, and accomplishments that are a source of inspiration and pride to their families, coaches, and students of Brush Prairie High School; and

WHEREAS, Coaches Chelinda Dettorre, Denise Olson, and Shannon Wycoff, through their sheer determination, hard work, and diligence, have become role models to the young women players of the team; and

WHEREAS, As a result of the dedication of the team members and their coaches, the Falcons earned a season record of 14-0 in league games during the 1998-99 school year;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize the young women and their coaches for their achievements on this day, February 26, 1999;

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to the members and coaches of the Falcons Volleyball Team.

Representative Carlson moved adoption of the resolution.

Representatives Carlson, Ogden and Boldt spoke in favor of the adoption of the resolution.

House Resolution No. 99-4631 was adopted.

There being no objection, the House advanced to the sixth order of business.

**SECOND READING**

## MOTION

On motion of Representative Schoesler, Representatives Van Luven and K. Schmidt were excused. On motion of Representative Wolfe, Representative Kastama was excused.

## RESOLUTION

HOUSE RESOLUTION NO. 99-4637, by Representatives Hankins, Delvin, Dunn and Pflug

WHEREAS, Intel Corporation has conducted a science talent search among high school seniors across the country, and this fifty-eight year old contest is often considered the Junior Nobel Prize of science competition for United States high school seniors; and

WHEREAS, Students in this competition are judged for their research ability, scientific originality, and creative thinking, and all entries are reviewed and judged by top scientists from a variety of disciplines; and

WHEREAS, The forty finalists were selected from a group of 1,470 applications submitted by 566 high schools from across the country; and

WHEREAS, Constance JoAnne Wang, a senior at Hanford High School in Richland, Washington, has been named as a finalist in the Junior Nobel Prize competition for her research on behavioral changes in crayfish; and

WHEREAS, Constance, who is the daughter of Oliver and Maron Wang, has also demonstrated her interest in the legislative process by serving as a Senate page during the 1997 legislative session; and

WHEREAS, Constance will be attending the Science Talent Institute in Washington, D.C. in March 1999 as the only finalist representing Washington State;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives honor Constance Wang for her hard work and impressive scientific achievement; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Co-Chief Clerks of the Washington State House of Representatives to Constance Wang.

Representative Hankins moved adoption of the resolution.

Representatives Hankins and Delvin spoke in favor of the adoption of the resolution.

House Resolution No. 99-4637 was adopted.

HOUSE BILL NO. 1019, by Representatives Carlson, Kenney, Radcliff, Dunn and Lantz

Changing provisions relating to foreign degree-granting institutions' branch campuses.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Carlson and Kenney spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of House Bill No. 1019.

## ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1019 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Kastama, K. Schmidt and Van Luven - 3.

House Bill No. 1019, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1042, by Representatives Dunn, Wolfe and Romero; by request of Department of Information Services

Exempting certain computer software from public inspection.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dunn and Ruderman spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of House Bill No. 1042.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1042 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, Chandler, b., Chandler, g., Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Kastama, K. Schmidt and Van Luven - 3.

House Bill No. 1042, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1085, by Representatives Dunn, Conway, Lambert and Esser

Penalizing possession of stolen checks.

The bill was read the second time.

Representative Dunn moved the adoption of amendment (005):



On page 1, line 16, after "she" insert "is not a financial institution and"

On page 2, line 18, after "person" insert "other than a financial institution"

On page 3, line 26, after "(7)" insert "Financial institution" means a business that as a regular aspect of its operation participates in the check collection or check clearing process, including but not limited to a person doing business under the laws of the state of Washington, any other state or territory of the United States, or the United States relating to commercial banks, bank holding companies, savings banks, trust companies, savings and loan associations, credit unions, clearing houses, and the affiliates, subsidiaries, and service corporations of them. "Financial institution" also means a person or entity employed by or acting on behalf of a financial institution, when acting in that capacity.

(8)"

Renumber the subsections following consecutively and correct internal references accordingly.

Representatives Dunn and O'Brien spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dunn and O'Brien spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Engrossed House Bill No. 1085.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1085, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, Chandler, b., Chandler, g., Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Kastama and K. Schmidt - 2.

Engrossed House Bill No. 1085, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1181, by Representatives Edwards, Romero, Radcliff, Scott, DeBolt, Cooper, Lovick, Hurst, Fisher, Kessler, Dickerson, O'Brien, Cody, Kenney, Ogden, Wood, Santos, Regala, Conway, Lantz, Rockefeller, McIntire and Stensen

Changing provisions relating to penalties and treatment for crimes involving domestic violence.

The bill was read the second time. There being no objection, Substitute House Bill No. 1181 was substituted for House Bill No. 1181 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1181 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Edwards and Ballasiotes spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Substitute House Bill No. 1181.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1181 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, Chandler, b., Chandler, g., Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Kastama and K. Schmidt. - 2.

Substitute House Bill No. 1181, having received the constitutional majority, was declared passed.

#### POINT OF PERSONAL PRIVILEGE

Representative Morris congratulated Representative Edwards on passage of her first bill and asked the Chamber to acknowledge her accomplishment.

HOUSE BILL NO. 1194, by Representatives Pflug, Schual-Berke, Parlette and Cody

Extending the due date for a report to the legislature concerning accreditation of licensed boarding homes.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Pflug and Cody spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question to be final passage of House Bill 1194.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1194 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, Chandler, b., Chandler, g., Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Kastama and K. Schmidt. - 2.

House Bill No. 1194, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1219, by Representatives Ogden, Carlson, Conway, Doumit, D. Schmidt, Lantz and Parlette

Changing relief and retirement pension provisions under chapter 41.24 RCW.

The bill was read the second time. There being no objection, Substitute House Bill No. 1219 was substituted for House Bill No. 1219 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1219 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ogden and Barlean spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Substitute House Bill No. 1219.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1219 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, Chandler, b., Chandler, g., Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Kastama and K. Schmidt. - 2.

Substitute House Bill No. 1219, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1222, by Representatives Ogden, Mitchell, Lantz, Murray, Constantine, Hankins and O'Brien

Creating a competitive grant program to assist nonprofit organizations with capital projects.

The bill was read the second time. There being no objection, Substitute House Bill No. 1222 was substituted for House Bill No. 1222 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1222 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ogden and Esser spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Substitute House Bill No. 1222.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1222 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, Chandler, b., Chandler, g., Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Kastama and K. Schmidt. - 2.

Substitute House Bill No. 1222, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1233, by Representatives Edmonds, Sheahan and Constantine

Determining the net value of a homestead exemption.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Edmonds and Cox spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of House Bill No. 1233.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1233 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, Chandler, b., Chandler, g., Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Kastama and K. Schmidt. - 2.

House Bill No. 1233, having received the constitutional majority, was declared passed.

### **POINT OF PERSONAL PRIVILEGE**

Representative Morris congratulated Representative Edmonds on passage of her first bill and asked the Chamber to acknowledge her accomplishment.

HOUSE BILL NO. 1234, by Representatives Romero, McMorris, Ogden, D. Schmidt and Kenney; by request of Superintendent of Public Instruction and Washington State Library

Reorganizing the state library commission.

The bill was read the second time. There being no objection, Substitute House Bill No. 1234 was substituted for House Bill No. 1234 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1234 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Romero and Lambert spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Substitute House Bill No. 1234.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1234 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, Chandler, b., Chandler, g., Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Kastama and K. Schmidt. - 2.

Substitute House Bill No. 1234, having received the constitutional majority, was declared passed.

### **POINT OF PERSONAL PRIVILEGE**

Representative DeBolt appraised the chamber regarding the recent mudslides and property damage in his and other members' districts. He asked that the members remember the suffering of their constituents.

### **INTRODUCTIONS AND FIRST READING**

HB 2247 by Representatives Cooper, Linville and Ruderman; by request of Office of Financial Management

AN ACT Relating to the oil spill response tax; amending RCW 82.23B.020 and 90.56.510; and declaring an emergency.

Referred to Committee on Appropriations.

HB 2248 by Representatives Gombosky, Lovick, O'Brien, Wood, Santos, Edmonds, Ruderman and Kenney

AN ACT Relating to processing traffic citations issued outside an officer's primary territorial jurisdiction; amending RCW 46.64.010; adding a new section to chapter 46.63 RCW; and creating a new section.

Referred to Committee on Transportation.

HB 2249 by Representatives H. Sommers, Ruderman, Kenney, Haigh and Rockefeller; by request of Office of Financial Management

AN ACT Relating to the impact of extraordinary criminal justice expenses on counties and cities; amending RCW 82.14.310, 82.14.320, and 82.14.330; and adding new sections to chapter 82.14 RCW.

Referred to Committee on Appropriations.

HB 2250 by Representatives B. Chandler, Grant, McMorris, G. Chandler, Linville, Boldt, Doumit, Stensen, Eickmeyer, Rockefeller, Clements, Alexander, Pennington, Lisk, Sump, Buck, Thomas, Mulliken, Cairnes, Van Luven, Barlean, D. Schmidt, Schoesler, Bush, Dunn, Carlson, Parlette, Campbell, Hankins and Skinner

AN ACT Relating to depositing business and occupation taxes on gambling activities in the fair fund; adding a new section to chapter 82.04 RCW; and providing an effective date.

Referred to Committee on Appropriations.

HB 2251 by Representatives Alexander, Grant, Carlson, Kastama, Lambert, Linville, Carrell, Lantz, Cairnes, Rockefeller, Ogden, Van Luven, Bush, Parlette and Buck

AN ACT Relating to creation of the public employees' retirement system, plan 3; amending RCW 41.40.005, 41.40.010, 41.40.054, 41.40.088, 41.45.010, 41.45.010,

41.45.020, 41.45.050, 41.45.050, 41.50.075, 41.50.075, 41.54.030, 41.05.011, 41.05.011, and 43.33A.190; reenacting and amending RCW 41.40.010, 41.40.088, 41.45.020, 41.45.060, 41.45.070, and 41.54.030; adding new sections to chapter 41.40 RCW; adding a new section to chapter 41.45 RCW; adding new chapters to Title 41 RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Appropriations.

HJR 4208 by Representative Conway

Securing unemployment benefits.

Referred to Committee on Commerce & Labor.

There being no objection, the bills and resolution listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

### **REPORTS OF STANDING COMMITTEES**

February 24, 1999

HB 1028 Prime Sponsor, Representative Ballasiotes: Raising compensation limits for crime victims.  
Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

Voting yea: Representatives Ballasiotes, O'Brien, Cairnes, Lovick, B. Chandler, Constantine, Kagi and Koster.

Referred to Committee on Appropriations.

February 24, 1999

HB 1072 Prime Sponsor, Representative Romero: Exempting certain proprietary financial information from public inspection. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Campbell, Republican Vice Chair; Miloscia, Democratic Vice Chair; Dunshee; Haigh; Lambert and D. Schmidt.

Voting yea: Representatives McMorris, Romero, Campbell, Miloscia, Dunshee, Haigh, Lambert and Schmidt, D.

Passed to Rules Committee for Second Reading.

February 23, 1999

HB 1147 Prime Sponsor, Representative K. Schmidt: Enhancing novice driver traffic safety.  
Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fisher, Democratic Co-Chair; K. Schmidt, Republican Co-Chair; Cooper, Democratic 1st Vice Chair; Edwards, Democratic 2nd Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; Buck; G. Chandler; DeBolt; Haigh; Hatfield; Hurst; Lovick; McDonald; Mielke; Mitchell; Morris; Murray; Ogden; Radcliff; Romero; Schual-Berke; Scott and Skinner.

MINORITY recommendation: Without recommendation. Signed by Representative Fortunato.

Voting yea: Representatives Fisher, Schmidt, K. Cooper, Edwards, Ericksen, Hankins, Buck, G. Chandler, DeBolt, Haigh, Hatfield, Hurst, Lovick, McDonald, Mielke, Mitchell, Morris, Murray, Ogden, Pflug, Radcliff, Romero, Schindler, Schual-Berke, Scott, Skinner and Wood.

Voting nay: Representative(s) Fortunato.

Referred to Committee on Appropriations.

February 24, 1999

HB 1153 Prime Sponsor, Representative McDonald: Changing school safety provisions. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Democratic Co-Chair; Talcott, Republican Co-Chair; Haigh, Democratic Vice Chair; Schindler, Republican Vice Chair; Carlson; Cox; Keiser; Rockefeller; Santos; D. Schmidt; Schual-Berke; Stensen; Sump and Wensman.

Voting yea: Representatives Quall, Talcott, Haigh, Schindler, Carlson, Cox, Keiser, Rockefeller, Santos, D. Schmidt, Schual-Berke, Stensen, Sump and Wensman.

Passed to Rules Committee for second reading.

February 24, 1999

HB 1176 Prime Sponsor, Representative O'Brien: Requiring the retention of records pertaining to sexually violent offenses. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

Voting yea: Representatives Ballasiotes, O'Brien, Cairnes, Lovick, B. Chandler, Constantine, Kagi and Koster.

Referred to Committee on Appropriations.

February 23, 1999

HB 1184 Prime Sponsor, Representative Kenney: Promoting cooperative real estate research. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-



Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Hurst; Lisk and McMorris.

MINORITY recommendation: Do not pass. Signed by Representative McIntire.

Voting yea: Representatives Clements, Conway, B. Chandler, Wood, Hurst, Lisk and McMorris.

Voting nay: Representative(s) McIntire.

Referred to Committee on Appropriations.

February 23, 1999

HB 1191 Prime Sponsor, Representative Morris: Providing a limited exemption from the substantial development provisions of the shoreline management act for motion picture production. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass substitute. Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Koster, Republican Vice Chair; Anderson; B. Chandler; Fortunato; Grant; Reardon; Schoesler; Stensen; Sump and Wood.

MINORITY recommendation: Without recommendation. Signed by Representatives Cooper, Democratic Vice Chair and Delvin.

Voting yea: Representatives G. Chandler, Linville, Koster, Anderson, B. Chandler, Fortunato, Grant, Reardon, Schoesler, Stensen, Sump and Wood.

Voting nay: Representative(s) Cooper and Delvin.

Passed to Rules Committee for Second Reading.

February 24, 1999

HB 1210 Prime Sponsor, Representative Campbell: Enhancing penalties for manufacturing methamphetamines inside a conveyance. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

Voting yea: Representatives Ballasiotes, O'Brien, Cairnes, Lovick, B. Chandler, Constantine, Kagi and Koster.

Passed to Rules Committee for Second Reading.

February 24, 1999

HB 1220 Prime Sponsor, Representative Ogden: Authorizing state assistance for school plant facilities to school districts that have not received a voter-approved bond issuance or levy. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Democratic Co-Chair; Talcott, Republican Co-

Chair; Haigh, Democratic Vice Chair; Schindler, Republican Vice Chair; Carlson; Cox; Keiser; Rockefeller; Santos; D. Schmidt; Schual-Berke; Stensen; Sump and Wensman.

Voting yea: Representatives Quall, Talcott, Haigh, Schindler, Carlson, Cox, Keiser, Rockefeller, Santos, D. Schmidt, Schual-Berke, Stensen, Sump and Wensman.

Referred to Committee on Capital Budget.

February 24, 1999

HB 1245 Prime Sponsor, Representative Morris: Exempting certain financial and proprietary information from public disclosure. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Campbell, Republican Vice Chair; Miloscia, Democratic Vice Chair; Dunshee; Haigh; Lambert and D. Schmidt.

Voting yea: Representatives McMorris, Romero, Campbell, Miloscia, Dunshee, Haigh, Lambert and Schmidt, D.

Passed to Rules Committee for Second Reading.

February 24, 1999

HB 1274 Prime Sponsor, Representative Cairnes: Changing provisions relating to jails. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

Voting yea: Representatives Ballasiotes, O'Brien, Cairnes, Lovick, B. Chandler, Constantine, Kagi and Koster.

Passed to Rules Committee for Second Reading.

February 24, 1999

HB 1288 Prime Sponsor, Representative D. Schmidt: Determining candidate order on primary ballots. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Campbell, Republican Vice Chair; Miloscia, Democratic Vice Chair; Dunshee; Haigh; Lambert and D. Schmidt.

Voting yea: Representatives McMorris, Romero, Campbell, Miloscia, Dunshee, Haigh, Lambert and Schmidt, D.

Passed to Rules Committee for Second Reading.

February 23, 1999

HB 1289 Prime Sponsor, Representative Conway: Conforming unemployment compensation statutes with federal law. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Hurst; Lisk; McIntire and McMorris.

Voting yea: Representatives Clements, Conway, B. Chandler, Wood, Hurst, Lisk, McIntire and McMorris.

Passed to Rules Committee for Second Reading.

February 22, 1999

HB 1320 Prime Sponsor, Representative Fisher: Developing intercity passenger rail service. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Democratic Co-Chair; K. Schmidt, Republican Co-Chair; Cooper, Democratic 1st Vice Chair; Edwards, Democratic 2nd Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; G. Chandler; DeBolt; Hatfield; Hurst; Lovick; Mitchell; Morris; Pflug; Radcliff; Romero; Schindler; Schual-Berke; Scott; Skinner and Wood.

Voting yea: Representatives Fisher, Schmidt, K, Cooper, Edwards, Ericksen, Hankins, G. Chandler, DeBolt, Fortunato, Haigh, Hatfield, Hurst, Lovick, McDonald, Mielke, Mitchell, Morris, Murray, Ogden, Pflug, Radcliff, Romero, Schindler, Schual-Berke, Scott and Wood.  
Excused: Representative(s) Buck and Skinner.

Passed to Rules Committee for Second Reading.

February 23, 1999

HB 1376 Prime Sponsor, Representative G. Chandler: Simplifying disabled parking certification for leg amputees. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fisher, Democratic Co-Chair; K. Schmidt, Republican Co-Chair; Cooper, Democratic 1st Vice Chair; Edwards, Democratic 2nd Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; Buck; G. Chandler; DeBolt; Fortunato; Haigh; Hatfield; Hurst; Lovick; McDonald; Mielke; Mitchell; Morris; Murray; Ogden; Pflug; Radcliff; Romero; Schindler; Schual-Berke; Scott; Skinner and Wood.

Voting yea: Representatives Fisher, Schmidt, K, Cooper, Edwards, Ericksen, Hankins, Buck, G. Chandler, DeBolt, Fortunato, Haigh, Hatfield, Hurst, Lovick, McDonald, Mielke, Mitchell, Morris, Murray, Ogden, Pflug, Radcliff, Schindler, Schual-Berke, Scott, Skinner and Wood.  
Excused: Representative(s) Romero.

Passed to Rules Committee for Second Reading.

February 24, 1999

HB 1381 Prime Sponsor, Representative O'Brien: Increasing penalties for attempting to elude a police car. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

Voting yea: Representatives Ballasiotes, O'Brien, Cairnes, Lovick, B. Chandler, Constantine, Kagi and Koster.

Referred to Committee on Appropriations.

February 24, 1999

HB 1442 Prime Sponsor, Representative Edwards: Extending protection of transit employees and customers. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine and Kagi.

MINORITY recommendation: Do not pass. Signed by Representatives Cairnes, Republican Vice Chair and Koster.

Voting yea: Representatives Ballasiotes, O'Brien, Lovick, B. Chandler, Constantine and Kagi.  
Voting nay: Representative(s) Cairnes and Koster.

Passed to Rules Committee for second reading.

February 23, 1999

HB 1471 Prime Sponsor, Representative Conway: Prohibiting deceptive telephone directory listings. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Hurst; Lisk; McIntire and McMorris.

Voting yea: Representatives Clements, Conway, B. Chandler, Wood, Hurst, Lisk, McIntire and McMorris.

Passed to Rules Committee for Second Reading.

February 24, 1999

HB 1509 Prime Sponsor, Representative D. Schmidt: Permitting mail balloting for the presidential primary. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Campbell, Republican Vice Chair; Miloscia, Democratic Vice Chair; Dunshee; Haigh; Lambert and D. Schmidt.

Voting yea: Representatives McMorris, Romero, Campbell, Miloscia, Dunshee, Haigh, Lambert, and Schmidt, D.

Passed to Rules Committee for Second Reading.

February 23, 1999

HB 1510 Prime Sponsor, Representative Conway: Expanding membership of the electrical board by appointment of one outside line worker. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Hurst; Lisk; McIntire and McMorris.

Voting yea: Representatives Clements, Conway, B. Chandler, Wood, Hurst, Lisk, McIntire and McMorris.

Passed to Rules Committee for Second Reading.

February 24, 1999

HB 1540 Prime Sponsor, Representative D. Schmidt: Requiring election procedures manuals. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Campbell, Republican Vice Chair; Miloscia, Democratic Vice Chair; Dunshee; Haigh; Lambert and D. Schmidt.

Voting yea: Representatives McMorris, Romero, Campbell, Miloscia, Dunshee, Haigh, Lambert and Schmidt, D.

Referred to the Committee on Appropriations.

February 24, 1999

HB 1541 Prime Sponsor, Representative D. Schmidt: Extending state payment of election costs. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Campbell, Republican Vice Chair; Miloscia, Democratic Vice Chair; Dunshee; Haigh; Lambert and D. Schmidt.

Voting yea: Representatives McMorris, Romero, Campbell, Miloscia, Dunshee, Haigh, Lambert, and Schmidt, D.

Referred to Committee on Appropriations.

February 24, 1999

HB 1543 Prime Sponsor, Representative O'Brien: Changing provisions regarding sentences for violent offenses and crimes against persons. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

Voting yea: Representatives Ballasiotes, O'Brien, Cairnes, Lovick, B. Chandler, Constantine, Kagi and Koster.

Referred to Committee on Appropriations.

February 24, 1999

HB 1547 Prime Sponsor, Representative Mitchell: Authorizing a sales and use tax for zoo and aquarium purposes. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Mulliken, Republican Co-Chair; Scott, Democratic Co-Chair; Doumit, Democratic Vice Chair; Edwards; Ericksen and Fisher.

MINORITY recommendation: Do not pass. Signed by Representatives Mielke, Republican Vice Chair and Fortunato.

Voting yea: Representatives Mulliken, Scott, Doumit, Edwards, Ericksen and Fisher.  
Voting nay: Representative(s) Mielke and Fortunato.

Passed to Rules Committee for Second Reading.

February 24, 1999

HB 1560 Prime Sponsor, Representative McMorris: Enabling the bureau of forensic laboratory services. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Campbell, Republican Vice Chair; Miloscia, Democratic Vice Chair; Dunshee; Haigh; Lambert and D. Schmidt.

Voting yea: Representatives McMorris, Romero, Campbell, Miloscia, Dunshee, Haigh, Lambert and Schmidt, D.

Passed to Rules Committee for Second Reading.

February 24, 1999

HB 1571 Prime Sponsor, Representative Tokuda: Providing child care payments to persons complying with P.L. 104-193 and the Washington WorkFirst program. Reported by Committee on Children & Family Services

MAJORITY recommendation: Do pass. Signed by Representatives D. Sommers, Republican Co-Chair; Tokuda, Democratic Co-Chair; Boldt, Republican Vice Chair; Kagi, Democratic Vice Chair; Campbell; Carrell; Dickerson; Eickmeyer; Kastama and Pflug.

Voting yea: Representatives D. Sommers, Tokuda, Boldt, Kagi, Campbell, Carrell, Dickerson, Eickmeyer, Kastama and Pflug.

Referred to Committee on Appropriations.

February 24, 1999

HB 1584 Prime Sponsor, Representative Hurst: Allowing unincorporated territory adjacent to a fire protection district to be annexed. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Mulliken, Republican Co-Chair; Scott, Democratic Co-Chair; Doumit, Democratic Vice Chair; Mielke, Republican Vice Chair; Edwards; Ericksen; Fisher and Fortunato.

Voting yea: Representatives Mulliken, Scott, Doumit, Mielke, Edwards, Ericksen, Fisher and Fortunato.

Passed to Rules Committee for Second Reading.

February 23, 1999

HB 1625 Prime Sponsor, Representative Wood: Authorizing use of lottery moneys to fund education countering compulsive gambling. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; Wood, Democratic Vice Chair; Hurst and McIntire.

MINORITY recommendation: Do not pass. Signed by Representatives B. Chandler, Republican Vice Chair; Lisk and McMorris.

Voting yea: Representatives Clements, Conway, Wood, Hurst and McIntire.

Voting nay: Representative(s) Chandler, Lisk and McMorris.

Referred to Committee on Appropriations.

February 24, 1999

HB 1701 Prime Sponsor, Representative Buck: Allowing for the use of funds to dredge marine recreation land. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Buck, Republican Co-Chair; Regala, Democratic Co-Chair; Anderson, Democratic Vice Chair; Sump, Republican Vice Chair; G. Chandler; Clements; Doumit; Eickmeyer; Pennington; Rockefeller and Stensen.

Voting yea: Representatives Buck, Regala, Anderson, Sump, G. Chandler, Clements, Doumit, Eickmeyer, Pennington, Rockefeller and Stensen.

Excused: Representative(s) Ericksen.

Passed to Rules Committee for Second Reading.

February 24, 1999

HB 1718 Prime Sponsor, Representative G. Chandler: Conveying land to the city of Moses Lake. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Buck, Republican Co-Chair; Regala, Democratic Co-Chair; Anderson, Democratic Vice Chair; Sump, Republican Vice Chair; G. Chandler; Clements; Doumit; Eickmeyer; Pennington; Rockefeller and Stensen.

Voting yea: Representatives Buck, Regala, Anderson, Sump, G. Chandler, Clements, Doumit, Eickmeyer, Pennington, Rockefeller and Stensen.  
Excused: Representative(s) Ericksen.

Referred to Committee on Capital Budget.

February 24, 1999

HB 1745 Prime Sponsor, Representative Lambert: Creating a juvenile offender community sanction sentencing alternative. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

Voting yea: Representatives Ballasiotes, O'Brien, Cairnes, Lovick, B. Chandler, Constantine, Kagi and Koster.

Referred to Committee on Appropriations.

February 24, 1999

HB 1757 Prime Sponsor, Representative Miloscia: Expanding the number of inmates subject to mandatory DNA testing. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

Voting yea: Representatives Ballasiotes, O'Brien, Cairnes, Lovick, B. Chandler, Constantine, Kagi and Koster.

Passed to Rules Committee for Second Reading.

February 24, 1999

HB 1810 Prime Sponsor, Representative Boldt: Amending the child abuse protection and treatment act. Reported by Committee on Children & Family Services

MAJORITY recommendation: Do pass. Signed by Representatives D. Sommers, Republican Co-Chair; Tokuda, Democratic Co-Chair; Boldt, Republican Vice Chair; Kagi, Democratic Vice Chair; Campbell; Carrell; Dickerson; Eickmeyer; Kastama and Pflug.

Voting yea: Representatives D. Sommers, Tokuda, Boldt, Kagi, Campbell, Carrell, Dickerson, Eickmeyer, Kastama and Pflug.

Passed to Rules Committee for Second Reading.

February 24, 1999

HB 1811 Prime Sponsor, Representative Tokuda: Revising provisions relating to supported employment for persons with severe disabilities. Reported by Committee on Children & Family Services



MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives D. Sommers, Republican Co-Chair; Tokuda, Democratic Co-Chair; Boldt, Republican Vice Chair; Kagi, Democratic Vice Chair; Campbell; Dickerson; Eickmeyer; Kastama and Pflug.

MINORITY recommendation: Do not pass. Signed by Representative Carrell.

Voting yea: Representatives D. Sommers, Tokuda, Boldt, Kagi, Campbell, Dickerson, Eickmeyer, Kastama and Pflug.

Voting nay: Representative(s) Carrell.

Passed to Rules Committee for Second Reading.

February 24, 1999

HB 1844 Prime Sponsor, Representative Schindler: Studying effects of released prisoners on the counties. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

Voting yea: Representatives Ballasiotes, O'Brien, Cairnes, Lovick, B. Chandler, Constantine, Kagi and Koster.

Referred to Committee on Appropriations.

February 24, 1999

HB 1849 Prime Sponsor, Representative Kagi: Expanding aggravating circumstances when a court may impose an exceptional sentence. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

Voting yea: Representatives Ballasiotes, O'Brien, Cairnes, Lovick, B. Chandler, Constantine, Kagi and Koster.

Passed to Rules Committee for Second Reading.

February 24, 1999

HB 1866 Prime Sponsor, Representative McMorris: Changing shelter care provisions to favor placing a child with a relative. Reported by Committee on Children & Family Services

MAJORITY recommendation: Do pass. Signed by Representatives D. Sommers, Republican Co-Chair; Tokuda, Democratic Co-Chair; Boldt, Republican Vice Chair; Kagi, Democratic Vice Chair; Campbell; Carrell; Dickerson; Eickmeyer; Kastama and Pflug.

Voting yea: Representatives D. Sommers, Tokuda, Boldt, Kagi, Campbell, Carrell, Dickerson, Eickmeyer, Kastama and Pflug.

Passed to Rules Committee for Second Reading.

February 24, 1999

HB 1996 Prime Sponsor, Representative Parlette: Regulating charter boat safety. Reported by  
Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Buck, Republican Co-Chair; Regala, Democratic Co-Chair; Anderson, Democratic Vice Chair; Sump, Republican Vice Chair; G. Chandler; Clements; Doumit; Eickmeyer; Pennington; Rockefeller and Stensen.

Voting yea: Representatives Buck, Regala, Anderson, Sump, G. Chandler, Clements, Doumit, Eickmeyer, Pennington, Rockefeller and Stensen.  
Excused: Representative(s) Ericksen.

Passed to Rules Committee for Second Reading.

February 25, 1999

HB 2052 Prime Sponsor, Representative Barlean: Regulating service contracts. Reported by  
Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Benson, Republican Co-Chair; Hatfield, Democratic Co-Chair; Bush, Republican Vice Chair; McIntire, Democratic Vice Chair; Barlean; Cairnes; DeBolt; Keiser; Quall; Santos; Sullivan and Talcott.

Voting yea: Representatives Benson, Hatfield, Bush, McIntire, Barlean, Cairnes, DeBolt, Keiser, Quall, Santos, Sullivan and Talcott.

Passed to Rules Committee for Second Reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 10:00 a.m., Monday, March 1, 1999, the 50<sup>th</sup> Legislative Day.

TIMOTHY A. MARTIN, Chief Clerk      CLYDE BALLARD, Speaker  
DEAN R. FOSTER, Chief Clerk      FRANK CHOPP, Speaker

FORTY-SEVENTH DAY, FEBRUARY 26, 1999

JOURNAL OF THE HOUSE

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

**FIFTIETH DAY**

**MORNING SESSION**

House Chamber, Olympia, Monday, March 1, 1999

The House was called to order at 10:00 a.m. by Speaker Chopp. The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Matthew Ramirez and Rob Apte. Prayer was offered by Father Dick Hayatsu, Saint Anthony's Catholic Church, Renton. Cresol Bufon, a Medieval Folk Group from Spain sang a 12<sup>th</sup> Century Gregorian Chant.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

**MESSAGE FROM THE SENATE**

February 26, 1999

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 5038,

SENATE BILL NO. 5084,

SUBSTITUTE SENATE BILL NO. 5153,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5175,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5348,

SENATE BILL NO. 5355,

SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8406,

and the same are herewith transmitted.

**POINT OF PERSONAL PRIVILEGE**

Representative Cooper asked that the Chamber observe a moment of silence in honor of Officer Mark Brown of Bothell who was shot in the line of duty and died Saturday, February 27, 1999. Officer Brown was a King County Police Officer assigned to the Shoreline District.

**INTRODUCTIONS AND FIRST READING**

HB 2252 by Representative Sullivan

AN ACT Relating to a high deductible schedule of services for basic health plan coverage; reenacting and amending RCW 70.47.060; and adding a new section to chapter 70.47 RCW.

Referred to Committee on Health Care.

HB 2253 by Representatives Cody, Pflug, Lovick, Campbell, Conway, Keiser, Schual-Berke, Parlette, Ruderman, Edwards, Boldt, Cooper, Sullivan, O'Brien, Murray, Ogden, Kagi, Veloria and McDonald

AN ACT Relating to protections from needlestick injuries and other sharps; and adding a new section to chapter 49.17 RCW.

Referred to Committee on Health Care.

HB 2254 by Representatives DeBolt, Ruderman, Poulsen, Crouse, Morris, Mielke, Bush, Thomas, Cooper, Reardon, Stensen, Keiser, Lantz, Fisher, McDonald, O'Brien, Lovick, Sullivan, Hurst, Santos, Hankins, Kenney, Wolfe, Ogden, Anderson, Kagi, Constantine, Dickerson, Conway, Linville, Rockefeller, Romero, Veloria, Wood, Ericksen, Edmonds, McIntire, Alexander, Mitchell, K. Schmidt and Esser

AN ACT Relating to unauthorized changes and billing for telecommunication services; adding new sections to chapter 80.36 RCW; creating new sections; and prescribing penalties.

Referred to Committee on Technology, Telecommunications & Energy.

HB 2255 by Representatives Linville and Ericksen

AN ACT Relating to a sales and use tax deferral for natural gas-fired energy generating facilities sited in rural areas; adding a new chapter to Title 82 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Finance.

HB 2256 by Representatives Conway, Clements, Stensen, Reardon, Murray, Keiser, Ruderman, Lantz, Fisher, Lovick, Sullivan, Hurst, Santos, Kenney, Wolfe, Ogden, Kagi, Constantine, Dickerson, Linville, Rockefeller, Romero, Hatfield, Veloria, Wood, Edmonds, McIntire and O'Brien

AN ACT Relating to the work force development system; amending RCW 28C.18.010, 28C.18.020, 28C.18.030, 28C.18.040, 28C.18.050, 28C.18.060, 50.38.050, 50.67.010, 42.17.310, and 43.20A.080; reenacting and amending RCW 50.13.060; adding a

new section to chapter 28C.18 RCW; adding a new chapter to Title 50 RCW; creating new sections; repealing RCW 28C.18.070, 28C.18.080, 28C.18.090, 28C.18.100, 28C.18.110, 50.67.020, and 50.67.030; prescribing penalties; providing an expiration date; and declaring an emergency.

Referred to Committee on Commerce & Labor.

SB 5038 by Senators Goings, Prentice, McCaslin, Winsley and Costa; by request of Criminal Justice Training Commission

Expanding the membership of the criminal justice training commission.

Referred to Committee on Criminal Justice & Corrections.

SB 5084 by Senators Hargrove and Long

Modifying the procedure for determining the administrative costs allowed for the community public health and safety networks.

Referred to Committee on Children & Family Services.

SSB 5153 by Senate Committee on Transportation (originally sponsored by Senators Haugen, Goings, Gardner, T. Sheldon, Rasmussen and Patterson; by request of Legislative Transportation Committee)

Modifying provisions concerning the freight mobility strategic investment board.

Referred to Committee on Transportation.

ESSB 5175 by Senate Committee on State & Local Government (originally sponsored by Senators Patterson, Horn, Franklin, Eide, B. Sheldon, Finkbeiner, McCaslin, Goings, Oke, Winsley, Kohl-Welles, Fraser, Rasmussen, Costa and Benton; by request of Department of General Administration and Superintendent of Public Instruction)

Authorizing the donation of surplus computers and computer-related equipment to school districts and educational service districts.

Referred to Committee on Education.

ESSB 5348 by Senate Committee on State & Local Government (originally sponsored by Senators Gardner, Horn and Spanel; by request of Superintendent of Public Instruction and Washington State Library Commission)

Reorganizing the state library commission.

Referred to Committee on State Government.

SB 5355 by Senators Thibaudeau, Costa, Kohl-Welles and Prentice; by request of Insurance Commissioner

Mandating coverage for replacement medicare insurance policies.

Referred to Committee on Health Care.

SSCR 8406 by Senate Committee on Judiciary (originally sponsored by Senators Snyder, McCaslin, Franklin and Goings)

Resolving to determine whether or not the legislature should commence proceedings to remove Judge Grant Anderson from office.

Referred to Committee on Judiciary.

#### MOTION

On motion of Representative Kessler, the bills and resolution listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

#### REPORTS OF STANDING COMMITTEES

February 25, 1999

HB 1116 Prime Sponsor, Representative Clements: Requiring the department of social and health services to disclose long-term care financial information and service options to clients. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Democratic Co-Chair; Parlette, Republican Co-Chair; Pflug, Republican Vice Chair; Schual-Berke, Democratic Vice Chair; Alexander; Boldt; Campbell; Conway; Edmonds; Edwards; Mulliken and Ruderman.

Voting yea: Representatives Cody, Parlette, Pflug, Schual-Berke, Alexander, Boldt, Campbell, Conway, Edmonds, Edwards, Mulliken and Ruderman.

Referred to Committee on Appropriations.

February 24, 1999

HB 1156 Prime Sponsor, Representative Ericksen: Requiring motor carrier drug testing programs. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fisher, Democratic Co-Chair; K. Schmidt, Republican Co-Chair; Cooper, Democratic 1st Vice Chair; Edwards, Democratic 2nd Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; DeBolt; Fortunato; Haigh; Hatfield; Hurst; Lovick; McDonald; Mielke; Mitchell; Morris; Murray; Ogden; Pflug; Radcliff; Romero; Schindler; Schual-Berke; Scott; Skinner and Wood.

Voting yea: Representatives Fisher, Schmidt, K, Cooper, Edwards, Ericksen, Hankins, DeBolt, Fortunato, Haigh, Hatfield, Hurst, Lovick, McDonald, Mitchell, Morris, Murray, Ogden, Pflug, Radcliff, Romero, Schindler, Schual-Berke, Scott, Skinner and Wood.

Excused: Representative(s) Buck, G. Chandler, and Mielke.

Passed to Rules Committee for Second Reading.

February 25, 1999

HB 1349 Prime Sponsor, Representative Carrell: Extending court supervision of children subject to youth-at-risk orders. Reported by Committee on Children & Family Services

MAJORITY recommendation: Do pass. Signed by Representatives D. Sommers, Republican Co-Chair; Tokuda, Democratic Co-Chair; Boldt, Republican Vice Chair; Kagi, Democratic Vice Chair; Campbell; Carrell; Eickmeyer; Kastama and Pflug.

MINORITY recommendation: Do not pass. Signed by Representative Dickerson.

Voting yea: Representatives D. Sommers, Tokuda, Boldt, Kagi, Campbell, Carrell, Eickmeyer, Kastama and Pflug.

Voting nay: Representative(s) Dickerson.

Referred to Committee on Appropriations.

February 25, 1999

HB 1371 Prime Sponsor, Representative Ruderman: Modifying provisions that concern the control and prevention of tuberculosis. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Democratic Co-Chair; Parlette, Republican Co-Chair; Pflug, Republican Vice Chair; Schual-Berke, Democratic Vice Chair; Alexander; Boldt; Campbell; Conway; Edmonds; Edwards; Mulliken and Ruderman.

Voting yea: Representatives Cody, Parlette, Pflug, Schual-Berke, Alexander, Boldt, Campbell, Conway, Edmonds, Edwards, Mulliken and Ruderman.

Passed to Rules Committee for Second Reading.

February 24, 1999

HB 1467 Prime Sponsor, Representative Anderson: Changing the composition of the forest practices board. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Buck, Republican Co-Chair; Regala, Democratic Co-Chair; Anderson, Democratic Vice Chair; Sump, Republican Vice Chair; Doumit; Eickmeyer; Ericksen; Pennington; Rockefeller and Stensen.

MINORITY recommendation: Do not pass. Signed by Representatives G. Chandler and Clements.

Voting yea: Representatives Buck, Regala, Anderson, Sump, G. Chandler, Doumit, Eickmeyer, Ericksen, Pennington, Rockefeller, and Stensen.

Voting nay: Representative(s) Clements.

Passed to Rules Committee for Second Reading.

February 25, 1999

HB 1487 Prime Sponsor, Representative Clements: Changing provisions relating to foster parents' rights. Reported by Committee on Children & Family Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives D. Sommers, Republican Co-Chair; Tokuda, Democratic Co-Chair; Boldt, Republican Vice Chair; Kagi, Democratic Vice Chair; Campbell; Carrell; Dickerson; Eickmeyer; Kastama and Pflug.

Voting yea: Representatives D. Sommers, Tokuda, Boldt, Kagi, Campbell, Carrell, Dickerson, Eickmeyer, Kastama and Pflug.

Passed to Rules Committee for Second Reading.

February 25, 1999

HB 1493 Prime Sponsor, Representative Tokuda: Establishing a collaborative effort to address the housing needs of homeless children and their families. Reported by Committee on Children & Family Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives D. Sommers, Republican Co-Chair; Tokuda, Democratic Co-Chair; Boldt, Republican Vice Chair; Kagi, Democratic Vice Chair; Campbell; Carrell; Dickerson; Eickmeyer; Kastama and Pflug.

Voting yea: Representatives D. Sommers, Tokuda, Boldt, Kagi, Campbell, Carrell, Dickerson, Eickmeyer, Kastama and Pflug.

Passed to Rules Committee for Second Reading.

February 25, 1999

HB 1495 Prime Sponsor, Representative Fisher: Regarding refunding bonds. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Mitchell, Republican Co-Chair; Murray, Democratic Co-Chair; Esser, Republican Vice Chair; Alexander; Anderson; Barlean; Bush; Hankins; Koster; Lantz; Miloscia; O'Brien; Ogden and Schoesler.

Voting yea: Representatives Mitchell, Murray, Esser, Alexander, Anderson, Barlean, Bush, Constantine, Hankins, Koster, Lantz, Miloscia, O'Brien, Ogden and Schoesler.  
Excused: Representative(s) Edmonds, Dunshee, and Mastin.

Passed to Rules Committee for second reading.

February 25, 1999

HB 1530 Prime Sponsor, Representative Quall: Providing medical assistance in public schools. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Democratic Co-Chair; Talcott, Republican Co-Chair; Haigh, Democratic Vice Chair; Schindler, Republican Vice Chair; Carlson; Cox; Keiser; Rockefeller; Santos; D. Schmidt; Schual-Berke; Stensen; Sump and Wensman.

Voting yea: Representatives Quall, Talcott, Haigh, Schindler, Carlson, Cox, Keiser, Rockefeller, Santos, D. Schmidt, Schual-Berke, Stensen, Sump and Wensman.

Referred to Committee on Appropriations.

February 24, 1999



HB 1554 Prime Sponsor, Representative Murray: Clarifying status of HOV lane violations as traffic infractions. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Democratic Co-Chair; K. Schmidt, Republican Co-Chair; Cooper, Democratic 1st Vice Chair; Edwards, Democratic 2nd Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; DeBolt; Fortunato; Haigh; Hatfield; Hurst; Lovick; McDonald; Mielke; Mitchell; Morris; Murray; Ogden; Pflug; Radcliff; Romero; Schindler; Schual-Berke; Scott; Skinner and Wood.

Voting yea: Representatives Fisher, Schmidt, K, Cooper, Edwards, Ericksen, Hankins, DeBolt, Fortunato, Haigh, Hatfield, Hurst, Lovick, McDonald, Mitchell, Morris, Murray, Ogden, Pflug, Radcliff, Romero, Schindler, Schual-Berke, Scott, Skinner and Wood.

Excused: Representative(s) Buck, G. Chandler, and Mielke.

Passed to Rules Committee for Second Reading.

February 25, 1999

HB 1564 Prime Sponsor, Representative Morris: Promoting the export of Washington agricultural products. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Koster, Republican Vice Chair; Anderson; B. Chandler; Delvin; Fortunato; Grant; Reardon; Schoesler; Stensen; Sump and Wood.

Voting yea: Representatives G. Chandler, Linville, Cooper, Koster, Anderson, B. Chandler, Delvin, Fortunato, Grant, Reardon, Schoesler, Stensen, Sump and Wood.

Referred to Committee on Appropriations.

February 25, 1999

HB 1574 Prime Sponsor, Representative Alexander: Administering atypical antipsychotic medications. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Democratic Co-Chair; Parlette, Republican Co-Chair; Pflug, Republican Vice Chair; Schual-Berke, Democratic Vice Chair; Alexander; Campbell; Conway; Edmonds; Edwards; Mulliken and Ruderman.

MINORITY recommendation: Do not pass. Signed by Representative Boldt.

Voting yea: Representatives Cody, Parlette, Pflug, Schual-Berke, Alexander, Campbell, Conway, Edmonds, Edwards, Mulliken and Ruderman.

Voting nay: Representative(s) Boldt.

Referred to Committee on Appropriations.

February 25, 1999

HB 1619 Prime Sponsor, Representative McDonald: Changing the liability insurance of foster parents. Reported by Committee on Children & Family Services

MAJORITY recommendation: Do pass as amended.

On page 1, line 11, strike section 2 and insert the following:

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

The department of social and health services shall reimburse foster parents for property damaged or destroyed by foster children placed in their care. The department shall reimburse the foster parent for the replacement value of any property covered by this section."

Signed by Representatives D. Sommers, Republican Co-Chair; Tokuda, Democratic Co-Chair; Boldt, Republican Vice Chair; Kagi, Democratic Vice Chair; Campbell; Carrell; Dickerson; Eickmeyer; Kastama and Pflug.

Voting yea: Representatives D. Sommers, Tokuda, Boldt, Kagi, Campbell, Carrell, Dickerson, Eickmeyer, Kastama and Pflug.

Referred to Committee on Appropriations.

February 25, 1999

HB 1667 Prime Sponsor, Representative McDonald: Developing a plan for a comprehensive respite care system for children and families. Reported by Committee on Children & Family Services

MAJORITY recommendation: Do pass. Signed by Representatives D. Sommers, Republican Co-Chair; Tokuda, Democratic Co-Chair; Boldt, Republican Vice Chair; Kagi, Democratic Vice Chair; Campbell; Carrell; Dickerson; Eickmeyer; Kastama and Pflug.

Voting yea: Representatives D. Sommers, Tokuda, Boldt, Kagi, Campbell, Carrell, Dickerson, Eickmeyer, Kastama and Pflug.

Referred to Committee on Appropriations.

February 25, 1999

HB 1668 Prime Sponsor, Representative McDonald: Providing foster parents with first aid/CPR and HIV/AIDS training. Reported by Committee on Children & Family Services

MAJORITY recommendation: Do pass. Signed by Representatives D. Sommers, Republican Co-Chair; Tokuda, Democratic Co-Chair; Boldt, Republican Vice Chair; Kagi, Democratic Vice Chair; Campbell; Dickerson; Eickmeyer; Kastama and Pflug.

MINORITY recommendation: Do not pass. Signed by Representative Carrell.

Voting yea: Representatives D. Sommers, Tokuda, Boldt, Kagi, Campbell, Dickerson, Eickmeyer, Kastama and Pflug.

Voting nay: Representative(s) Carrell.

Referred to Committee on Appropriations.

February 25, 1999

HB 1677 Prime Sponsor, Representative B. Chandler: Changing irrigation district provisions. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Koster, Republican Vice Chair; Anderson; B. Chandler; Delvin; Fortunato; Grant; Reardon; Schoesler; Stensen; Sump and Wood.

Voting yea: Representatives G. Chandler, Linville, Cooper, Koster, Anderson, B. Chandler, Delvin, Fortunato, Grant, Reardon, Schoesler, Stensen, Sump and Wood.

Passed to Rules Committee for Second Reading.

February 25, 1999

HB 1691 Prime Sponsor, Representative Tokuda: Considering job progression and wage retention for former and current recipients of temporary assistance for needy families. Reported by Committee on Children & Family Services

MAJORITY recommendation: Do pass. Signed by Representatives D. Sommers, Republican Co-Chair; Tokuda, Democratic Co-Chair; Boldt, Republican Vice Chair; Kagi, Democratic Vice Chair; Campbell; Dickerson; Eickmeyer; Kastama and Pflug.

MINORITY recommendation: Do not pass. Signed by Representative Carrell.

Voting yea: Representatives D. Sommers, Tokuda, Boldt, Kagi, Campbell, Dickerson, Eickmeyer, Kastama and Pflug.

Voting nay: Representative(s) Carrell.

Referred to Committee on Appropriations.

February 25, 1999

HB 1692 Prime Sponsor, Representative Kagi: Providing special training for those who interview child witnesses and victims. Reported by Committee on Children & Family Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives D. Sommers, Republican Co-Chair; Tokuda, Democratic Co-Chair; Boldt, Republican Vice Chair; Kagi, Democratic Vice Chair; Campbell; Carrell; Dickerson; Eickmeyer; Kastama and Pflug.

Voting yea: Representatives D. Sommers, Tokuda, Boldt, Kagi, Campbell, Carrell, Dickerson, Eickmeyer, Kastama and Pflug.

Referred to Committee on Appropriations.

February 25, 1999

HB 1698 Prime Sponsor, Representative Conway: Regulating motel liquor licenses. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Hurst; Lisk; McIntire and McMorris.

Voting yea: Representatives Clements, Conway, B. Chandler, Wood, Hurst, Lisk, McIntire and McMorris.

Passed to Rules Committee for Second Reading.

February 25, 1999

HB 1699 Prime Sponsor, Representative Parlette: Establishing continuing education for dentists.  
Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Democratic Co-Chair; Parlette, Republican Co-Chair; Pflug, Republican Vice Chair; Schual-Berke, Democratic Vice Chair; Alexander; Boldt; Campbell; Conway; Edmonds; Edwards; Mulliken and Ruderman.

Voting yea: Representatives Cody, Parlette, Pflug, Schual-Berke, Alexander, Boldt, Campbell, Conway, Edmonds, Edwards, Mulliken and Ruderman.

Passed to Rules Committee for Second Reading.

February 25, 1999

HB 1734 Prime Sponsor, Representative Esser: Subjecting licensed psychologists to chapter 18.130 RCW, the uniform disciplinary act. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Democratic Co-Chair; Parlette, Republican Co-Chair; Pflug, Republican Vice Chair; Schual-Berke, Democratic Vice Chair; Alexander; Boldt; Campbell; Conway; Edmonds; Edwards; Mulliken and Ruderman.

Voting yea: Representatives Cody, Parlette, Pflug, Schual-Berke, Alexander, Boldt, Campbell, Conway, Edmonds, Edwards, Mulliken and Ruderman.

Passed to Rules Committee for Second Reading.

February 25, 1999

HB 1747 Prime Sponsor, Representative Linville: Changing conservation district provisions.  
Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Koster, Republican Vice Chair; Anderson; B. Chandler; Delvin; Fortunato; Grant; Reardon; Schoesler; Stensen; Sump and Wood.

Voting yea: Representatives G. Chandler, Linville, Cooper, Koster, Anderson, B. Chandler, Delvin, Fortunato, Grant, Reardon, Schoesler, Stensen, Sump and Wood.

Passed to Rules Committee for Second Reading.

February 24, 1999

HB 1755 Prime Sponsor, Representative Buck: Creating the fish and wildlife equipment fund.  
Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Buck, Republican Co-Chair; Regala, Democratic Co-

Chair; Anderson, Democratic Vice Chair; Sump, Republican Vice Chair; G. Chandler; Clements; Doumit; Eickmeyer; Ericksen; Pennington; Rockefeller and Stensen.

Voting yea: Representatives Buck, Regala, Anderson, Sump, G. Chandler, Clements, Doumit, Eickmeyer, Ericksen, Pennington, Rockefeller, and Stensen.

Referred to Committee on Appropriations.

February 25, 1999

HB 1770 Prime Sponsor, Representative Stensen: Adopting recommendations of the state board of education. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Democratic Co-Chair; Talcott, Republican Co-Chair; Haigh, Democratic Vice Chair; Schindler, Republican Vice Chair; Carlson; Cox; Keiser; Rockefeller; Santos; D. Schmidt; Schual-Berke; Stensen; Sump and Wensman.

Voting yea: Representatives Quall, Talcott, Haigh, Schindler, Carlson, Cox, Keiser, Rockefeller, Santos, D. Schmidt, Schual-Berke, Stensen, Sump and Wensman.

Passed to Rules Committee for Second Reading.

February 25, 1999

HB 1815 Prime Sponsor, Representative Clements: Requiring school districts to provide programs for highly capable students. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Democratic Co-Chair; Talcott, Republican Co-Chair; Haigh, Democratic Vice Chair; Schindler, Republican Vice Chair; Carlson; Cox; Keiser; Rockefeller; Santos; D. Schmidt; Schual-Berke; Stensen; Sump and Wensman.

Voting yea: Representatives Quall, Talcott, Haigh, Schindler, Carlson, Cox, Keiser, Rockefeller, Santos, D. Schmidt, Schual-Berke, Stensen, Sump and Wensman.

Referred to Committee on Appropriations.

February 25, 1999

HB 1817 Prime Sponsor, Representative Grant: Funding horticultural pest and disease boards. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Anderson; B. Chandler; Delvin; Fortunato; Grant; Reardon; Schoesler; Stensen; Sump and Wood.

MINORITY recommendation: Without recommendation. Signed by Representative Koster, Republican Vice Chair.

Voting yea: Representatives G. Chandler, Linville, Cooper, Anderson, B. Chandler, Delvin, Fortunato, Grant, Reardon, Schoesler, Stensen, Sump and Wood.

Voting nay: Representative(s) Koster.

Passed to Rules Committee for Second Reading.

February 24, 1999

HB 1818 Prime Sponsor, Representative Clements: Changing truancy provisions. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Democratic Co-Chair; Talcott, Republican Co-Chair; Haigh, Democratic Vice Chair; Schindler, Republican Vice Chair; Carlson; Cox; Keiser; Rockefeller; Santos; D. Schmidt; Schual-Berke; Stensen; Sump and Wensman.

Voting yea: Representatives Quall, Talcott, Haigh, Schindler, Carlson, Cox, Keiser, Rockefeller, Santos, D. Schmidt, Schual-Berke, Stensen, Sump and Wensman.

Referred to Committee on Appropriations.

February 25, 1999

HB 1838 Prime Sponsor, Representative Schual-Berke: Creating the impaired dentist account. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Democratic Co-Chair; Parlette, Republican Co-Chair; Pflug, Republican Vice Chair; Schual-Berke, Democratic Vice Chair; Alexander; Boldt; Campbell; Conway; Edmonds; Edwards; Mulliken and Ruderman.

Voting yea: Representatives Cody, Parlette, Pflug, Schual-Berke, Alexander, Boldt, Campbell, Conway, Edmonds, Edwards, Mulliken and Ruderman.

Referred to Committee on Appropriations.

February 25, 1999

HB 1855 Prime Sponsor, Representative Cody: Protecting the act of breastfeeding. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clements, Republican Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Lisk and McMorris.

MINORITY recommendation: Do not pass. Signed by Representatives Conway, Democratic Co-Chair; Hurst and McIntire.

Voting yea: Representatives Clements, B. Chandler, Wood, Lisk and McMorris.

Voting nay: Representative(s) Conway, Hurst, and McIntire.

Referred to Committee on Appropriations.

February 25, 1999

HB 1863 Prime Sponsor, Representative Skinner: Providing for compensation to part-time health commissions. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Democratic Co-Chair; Parlette, Republican Co-Chair; Pflug, Republican Vice Chair; Schual-Berke, Democratic Vice Chair; Alexander; Boldt; Campbell; Conway; Edmonds; Edwards and Ruderman.

MINORITY recommendation: Without recommendation. Signed by Representative Mulliken.  
Voting yea: Representatives Cody, Parlette, Pflug, Schual-Berke, Alexander, Boldt, Campbell, Conway, Edmonds, Edwards and Ruderman.  
Voting nay: Representative(s) Mulliken.

Passed to Rules Committee for Second Reading.

February 25, 1999

HB 1892 Prime Sponsor, Representative Kagi: Providing for a hunger survey project. Reported by Committee on Children & Family Services

MAJORITY recommendation: Do pass as amended.

On page 2, after line 5, insert the following:

"NEW SECTION. Sec. 3. The department of health, in conjunction with the office of superintendent of public instruction, shall assess whether school districts with breakfast or lunch programs allow the students sufficient and realistic time to be served and to eat. If the assessment shows that there is insufficient time and seating space for personal hygiene, serving, and consumption of school meals it shall be noted in the preliminary and final reports to the legislature."

Renumber the remaining sections accordingly.

Signed by Representatives D. Sommers, Republican Co-Chair; Tokuda, Democratic Co-Chair; Kagi, Democratic Vice Chair; Campbell; Carrell; Dickerson; Eickmeyer; Kastama and Pflug.

MINORITY recommendation: Do not pass. Signed by Representative Boldt, Republican Vice Chair.

Voting yea: Representatives D. Sommers, Tokuda, Kagi, Campbell, Carrell, Dickerson, Eickmeyer, Kastama and Pflug.

Voting nay: Representative(s) Boldt.

Referred to Committee on Appropriations.

February 25, 1999

HB 1894 Prime Sponsor, Representative Conway: Correcting industrial insurance benefit errors. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; Wood, Democratic Vice Chair; Hurst; McIntire and McMorris.

MINORITY recommendation: Do not pass. Signed by Representatives B. Chandler, Republican Vice Chair and Lisk.

Voting yea: Representatives Clements, Conway, Wood, Hurst, McIntire and McMorris.  
Voting nay: Representative(s) B. Chandler and Lisk.

Passed to Rules Committee for Second Reading.

February 25, 1999

HB 1922 Prime Sponsor, Representative Eickmeyer: Allowing tax credits for employer-provided child care. Reported by Committee on Children & Family Services

MAJORITY recommendation: Do pass. Signed by Representatives D. Sommers, Republican Co-Chair; Tokuda, Democratic Co-Chair; Boldt, Republican Vice Chair; Kagi, Democratic Vice Chair; Campbell; Carrell; Dickerson; Eickmeyer; Kastama and Pflug.

Voting yea: Representatives D. Sommers, Tokuda, Boldt, Kagi, Campbell, Carrell, Dickerson, Eickmeyer, Kastama and Pflug.

Referred to Committee on Finance.

February 25, 1999

HB 1931 Prime Sponsor, Representative Santos: Providing tax incentives for community development financial institutions. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Benson, Republican Co-Chair; Hatfield, Democratic Co-Chair; Bush, Republican Vice Chair; McIntire, Democratic Vice Chair; DeBolt; Keiser; Quall; Santos; Sullivan and Talcott.

MINORITY recommendation: Do not pass. Signed by Representatives Barlean and Cairnes.

Voting yea: Representatives Benson, Hatfield, Bush, McIntire, DeBolt, Keiser, Quall, Santos, Sullivan and Talcott.

Voting nay: Representative(s) Barlean and Cairnes.

Referred to Committee on Finance.

February 25, 1999

HB 1936 Prime Sponsor, Representative Tokuda: Requiring employability screening for recipients of temporary assistance for needy families. Reported by Committee on Children & Family Services

MAJORITY recommendation: Do pass. Signed by Representatives D. Sommers, Republican Co-Chair; Tokuda, Democratic Co-Chair; Boldt, Republican Vice Chair; Kagi, Democratic Vice Chair; Campbell; Carrell; Dickerson; Eickmeyer; Kastama and Pflug.

Voting yea: Representatives D. Sommers, Tokuda, Boldt, Kagi, Campbell, Carrell, Dickerson, Eickmeyer, Kastama and Pflug.

Passed to Rules Committee for Second Reading.

February 25, 1999

HB 1958 Prime Sponsor, Representative Conway: Eliminating transfers of funds from the public works administration account. Reported by Committee on Commerce & Labor



MAJORITY recommendation: Do pass. Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Hurst; Lisk; McIntire and McMorris.

Voting yea: Representatives Clements, Conway, B. Chandler, Wood, Hurst, Lisk, McIntire and McMorris.

Referred to Committee on Appropriations.

February 25, 1999

HB 2054 Prime Sponsor, Representative Quall: Regulating sellers who finance the goods they sell. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Benson, Republican Co-Chair; Hatfield, Democratic Co-Chair; Bush, Republican Vice Chair; McIntire, Democratic Vice Chair; Barlean; Cairnes; DeBolt; Keiser; Quall; Santos; Sullivan and Talcott.

Voting yea: Representatives Benson, Hatfield, Bush, McIntire, Barlean, Cairnes, DeBolt, Keiser, Quall, Santos, Sullivan and Talcott.

Passed to Rules Committee for Second Reading.

February 25, 1999

HB 2071 Prime Sponsor, Representative B. Chandler: Excluding a member or manager of a limited liability company from workers' compensation coverage. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Hurst; Lisk; McIntire and McMorris.

Voting yea: Representatives Clements, Conway, B. Chandler, Wood, Hurst, Lisk, McIntire and McMorris.

Passed to Rules Committee for second reading.

February 25, 1999

HB 2080 Prime Sponsor, Representative McIntire: Concerning problem gambling. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Hurst; Lisk; McIntire and McMorris.

Voting yea: Representatives Clements, Conway, B. Chandler, Wood, Hurst, Lisk, McIntire and McMorris.

Referred to Committee on Appropriations.

February 26, 1999

HB 2081 Prime Sponsor, Representative Ruderman: Continuing a moratorium that prohibits a city or town from imposing a specific fee or tax on an internet service provider. Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: Do pass. Signed by Representatives Crouse, Republican Co-Chair; Poulsen, Democratic Co-Chair; Ruderman, Democratic Vice Chair; Bush; Cooper; Delvin; McDonald; Mielke; Morris; Reardon; Thomas and Wolfe.

Voting yea: Representatives Crouse, Poulsen, DeBolt, Ruderman, Bush, Cooper, Delvin, McDonald, Mielke, Morris, Reardon, Thomas and Wolfe.  
Excused: Representative(s) Kastama.

Passed to Rules Committee for Second Reading.

February 25, 1999

HB 2085 Prime Sponsor, Representative Quall: Creating programs addressing disruptive students in regular classrooms. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Democratic Co-Chair; Talcott, Republican Co-Chair; Haigh, Democratic Vice Chair; Schindler, Republican Vice Chair; Carlson; Cox; Keiser; Rockefeller; Santos; D. Schmidt; Schual-Berke; Stensen; Sump and Wensman.

Voting yea: Representatives Quall, Talcott, Haigh, Schindler, Carlson, Cox, Keiser, Rockefeller, Santos, D. Schmidt, Schual-Berke, Stensen, Sump and Wensman.

Referred to Committee on Appropriations.

February 25, 1999

HB 2099 Prime Sponsor, Representative G. Chandler: Allowing an exemption from relinquishment of a water right for nonuse resulting from the operation or pendency of legal proceedings. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Koster, Republican Vice Chair; Anderson; B. Chandler; Delvin; Fortunato; Grant; Reardon; Schoesler; Stensen; Sump and Wood.

Voting yea: Representatives G. Chandler, Linville, Cooper, Koster, Anderson, B. Chandler, Delvin, Fortunato, Grant, Reardon, Schoesler, Stensen, Sump and Wood.

Passed to Rules Committee for Second Reading.

February 25, 1999

HB 2189 Prime Sponsor, Representative Linville: Changing provisions relating to reclaimed water. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic

Co-Chair; Cooper, Democratic Vice Chair; Koster, Republican Vice Chair; Anderson; B. Chandler; Delvin; Fortunato; Grant; Schoesler; Sump and Wood.

Voting yea: Representatives G. Chandler, Linville, Cooper, Koster, Anderson, B. Chandler, Delvin, Fortunato, Grant, Reardon, Schoesler, Stensen, Sump and Wood.

Referred to Committee on Finance.

February 24, 1999

HJM 4008 Prime Sponsor, Representative Regala: Requesting support for the full federal appropriation to fund state aquatic nuisance species management plans. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Buck, Republican Co-Chair; Regala, Democratic Co-Chair; Anderson, Democratic Vice Chair; Sump, Republican Vice Chair; G. Chandler; Clements; Doumit; Eickmeyer; Ericksen; Pennington; Rockefeller and Stensen.

Voting yea: Representatives Buck, Regala, Anderson, Sump, G. Chandler, Clements, Doumit, Eickmeyer, Ericksen, Pennington, Rockefeller, and Stensen.

Passed to Rules Committee for Second Reading.

February 26, 1999

HJM 4011 Prime Sponsor, Representative Bush: Allowing schools and libraries to receive telecommunications at below-tariffed rates without losing universal service discounts. Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: Do pass. Signed by Representatives Crouse, Republican Co-Chair; Poulsen, Democratic Co-Chair; DeBolt, Republican Vice Chair; Ruderman, Democratic Vice Chair; Bush; Cooper; Delvin; McDonald; Mielke; Morris; Reardon and Wolfe.

Voting yea: Representatives Crouse, Poulsen, DeBolt, Ruderman, Bush, Cooper, Delvin, McDonald, Mielke, Morris, Reardon, Thomas and Wolfe.  
Excused: Representative(s) Kastama.

Passed to Rules Committee for Second Reading.

February 24, 1999

HJM 4012 Prime Sponsor, Representative Regala: Requesting Congress to pass legislation to restore and revitalize federal funding for the land and water conservation fund. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Buck, Republican Co-Chair; Regala, Democratic Co-Chair; Anderson, Democratic Vice Chair; Sump, Republican Vice Chair; G. Chandler; Clements; Eickmeyer; Pennington; Rockefeller and Stensen.

Voting yea: Representatives Buck, Regala, Anderson, Sump, G. Chandler, Clements, Doumit, Eickmeyer, Pennington, Rockefeller, and Stensen.  
Excused: Representative(s) Ericksen.

Passed to Rules Committee for Second Reading.

#### MOTIONS

On motion of Representative Kessler, the bills and memorials listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

On motion of Representative Kessler, House Bill No. 1448 was referred from the Committee on Appropriations to the Rules Committee.

There being no objection, the House advanced to the eleventh order of business.

Pursuant to House Rule 30, Representative Kessler gave notice that she and Representative Lisk had laid at the Bar an amendment to change House Rules.

#### MOTION

On motion of Representative Kessler, the House adjourned until 9:55 a.m., Tuesday, March 2, 1999, the 51<sup>st</sup> Legislative Day.

TIMOTHY A. MARTIN, Chief Clerk      CLYDE BALLARD, Speaker  
DEAN R. FOSTER, Chief Clerk      FRANK CHOPP, Speaker

FIFTIETH DAY, MARCH 1, 1999

JOURNAL OF THE HOUSE

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

## **FIFTY-FIRST DAY**

### **MORNING SESSION**

House Chamber, Olympia, Tuesday, March 2, 1999

The House was called to order at 9:55 a.m. by Speaker Ballard.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

### **INTRODUCTIONS AND FIRST READING**

HB 2257 by Representatives McIntire, Mielke, Dunshee, Talcott, Dunn and Scott

AN ACT Relating to local government land use practices; amending RCW 36.70A.070, 36.70A.215, 36.70A.345, 47.80.050, 82.08.020, 82.46.010, 43.17.250, 43.160.060, 70.146.070, 84.14.010, and 82.02.060; and adding new sections to chapter 36.70A RCW.

Referred to Committee on Local Government.

HCR 4407 by Representatives Murray, Mitchell, Edmonds, Esser and Carlson

Establishing a joint select committee on the future facility needs of higher education.

Referred to Committee on Capital Budget.

There being no objection, the bill and resolution listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

### **REPORTS OF STANDING COMMITTEES**

March 1, 1999

HB 1052 Prime Sponsor, Representative Conway: Creating accounts for certain programs. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; Wood, Democratic Vice Chair; Hurst; Lisk and McIntire.

MINORITY recommendation: Do not pass. Signed by Representatives B. Chandler, Republican Vice Chair and McMorris.

Voting yea: Representatives Clements, Conway, Wood, Hurst, Lisk and McIntire.  
Voting nay: Representative(s) B. Chandler and McMorris.

Referred to Committee on Appropriations.

March 2, 1999

HB 1078 Prime Sponsor, Representative Dunshee: Addressing military leave for public employees.  
Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Campbell, Republican Vice Chair; Miloscia, Democratic Vice Chair; Dunshee; Haigh, Lambert and D. Schmidt.

Voting yea: Representatives McMorris, Romero, Campbell, Miloscia, Dunshee, Haigh, Lambert and D. Schmidt

Passed to Rules Committee for Second Reading.

February 25, 1999

HB 1092 Prime Sponsor, Representative Hatfield: Regulating escrow agents and escrow officers.  
Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Hatfield, Democratic Co-Chair; Bush, Republican Vice Chair; McIntire, Democratic Vice Chair; Barlean; Cairnes; DeBolt; Keiser; Quall; Santos; Sullivan and Talcott.

MINORITY recommendation: Without recommendation. Signed by Representative Benson, Republican Co-Chair.

Voting yea: Representatives Hatfield, Bush, McIntire, Barlean, Cairnes, DeBolt, Keiser, Quall, Santos, Sullivan and Talcott.

Voting nay: Representative(s) Benson.

Passed to Rules Committee for Second Reading.

March 2, 1999

HB 1131 Prime Sponsor, Representative Sheahan: Impounding cars used to patronize prostitutes.  
Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Esser; Kastama; Lantz; Lovick; McDonald and Schindler.

Voting yea: Representatives Carrell, Constantine, Hurst, Lambert, Cox, Dickerson, Esser, Kastama, Lantz, Lovick, McDonald, and Schindler.

Passed to Rules Committee for Second Reading.

February 26, 1999

HB 1140 Prime Sponsor, Representative Carlson: Changing higher education financial aid provisions.  
Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Carlson, Republican Co-Chair; Kenney, Democratic Co-Chair; Lantz, Democratic Vice Chair; Radcliff, Republican Vice Chair; Dunn; Edmonds; Esser and Gombosky.

Voting yea: Representatives Carlson, Kenney, Lantz, Radcliff, Dunn, Edmonds, Esser and Gombosky.

Referred to the Committee on Appropriations.

March 1, 1999

HB 1189 Prime Sponsor, Representative Van Loven: Modifying provisions concerning metropolitan park districts. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Mulliken, Republican Co-Chair; Scott, Democratic Co-Chair; Doumit, Democratic Vice Chair; Mielke, Republican Vice Chair; Edwards; Ericksen; Fisher and Fortunato.

Voting yea: Representatives Mulliken, Scott, Doumit, Mielke, Edwards, Ericksen, Fisher and Fortunato.

Passed to Rules Committee for Second Reading.

March 2, 1999

HB 1202 Prime Sponsor, Representative Constantine: Appointing judicial officers of the district and municipal courts. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended.

On page 1, line 12, after "and" strike everything through "of" and insert "~~((shall hold office at the pleasure of))~~ may be disciplined or terminated for cause by"

On page 1, line 15, after "judges." strike everything through "judges." on line 16, and insert "A commissioner may be disciplined or terminated for cause by the appointing judges."

On page 2, line 27, beginning with "Each" strike everything through "of" and insert "~~((Each commissioner holds office at the pleasure of))~~ A commissioner may be disciplined or terminated for cause by"

On page 4, after line 24, insert the following:

**"Sec. 11.** RCW 35.20.155 and 1996 c 16 § 3 are each amended to read as follows:

When so authorized by the city legislative authority, the judges of the city may appoint one or more municipal court commissioners. A commissioner must be a registered voter of the city, and ~~((shall hold office at the pleasure of))~~ may be disciplined or terminated for cause by the appointing judges. A person appointed as a commissioner authorized to hear or dispose of cases must be a lawyer who is admitted to the practice of law in the state of Washington. A commissioner has such power,



authority, and jurisdiction in criminal and civil matters as the appointing judges possess and may prescribe."

ReNUMBER the remaining section and correct the title.

On page 2, beginning on line 11, strike all of section 3

ReNUMBER the remaining sections and correct the title.

On page 3, line 31, after "jurisdiction" strike everything through "35.20.010" on line 32

On page 3, line 34, after "~~RCW 3.02.010~~)." insert "For purposes of this section, the term "full-time commissioners" has the same meaning as defined in chapter 3.42 RCW, and the term "courts of limited jurisdiction" has the same meaning as defined in RCW 3.02.010."

On page 4, after line 26, add the following:

**"NEW SECTION. Sec. 12.** A new section is added to chapter 3.42 RCW to read as follows:

A full-time commissioner is a commissioner who is compensated for thirty-five or more hours of work per week."

On page 4, after line 26, add the following:

**"Sec. 12.** RCW 35.20.205 and 1980 c 128 § 7 are each amended to read as follows:

The judges of the municipal court may employ judicial officers to assist in the administration of justice and the accomplishment of the work of the court as said work may be assigned to it by statute or ordinance. The duties and responsibilities of such officers shall be judicial in nature and shall be fixed by court rule as adopted by the municipal court judges or fixed by ordinance of the city. The judicial officers may be authorized to hear and determine cases involving the commission of traffic infractions as provided in chapter 46.63 RCW and other cases involving the commission of civil infractions and violations as provided for in chapter 7.80 RCW. The mayor may appoint the judicial officers as judges pro tempore pursuant to RCW 35.20.200: PROVIDED, That the judicial officer need not be a resident of the city.

To utilize the services of such judicial officers for the purpose of hearing contested matters relating to the interest of the city and its citizens and the operation of the various departments of the city, the city may by ordinance create the office of hearing examiner in the municipal court and assign to it judicial duties and responsibilities."

Correct the title.

Signed by Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Esser; Kastama; Lantz; Lovick; McDonald and Schindler.

Voting yea: Representatives Carrell, Constantine, Hurst, Lambert, Cox, Dickerson, Esser, Kastama, Lantz, Lovick, McDonald, and Schindler.

Passed to Rules Committee for Second Reading.

March 1, 1999

HB 1224 Prime Sponsor, Representative Hurst: Requiring a permanent anchor for worker fall protection. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; Wood, Democratic Vice Chair; Hurst; Lisk and McIntire.

MINORITY recommendation: Do not pass. Signed by Representatives B. Chandler, Republican Vice Chair and McMorris.

Voting yea: Representatives Clements, Conway, Wood, Hurst, Lisk and McIntire.  
Voting nay: Representative(s) B. Chandler and McMorris.

Passed to Rules Committee for Second Reading.

February 26, 1999

HB 1254 Prime Sponsor, Representative DeBolt: Revising the rights of utilities with regard to location of facilities on railroad rights-of-way. Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Crouse, Republican Co-Chair; DeBolt, Republican Vice Chair; Ruderman, Democratic Vice Chair; Bush; Cooper; McDonald; Mielke; Morris and Wolfe.

MINORITY recommendation: Do not pass. Signed by Representatives Poulsen, Democratic Co-Chair; Delvin; Reardon and Thomas.

Voting yea: Representatives Crouse, DeBolt, Ruderman, Bush, Cooper, McDonald, Mielke, Morris and Wolfe.  
Voting nay: Representative(s) Poulsen, Delvin, Reardon, and Thomas.  
Excused: Representative(s) Kastama.

Referred to Committee on Transportation.

March 2, 1999

HB 1255 Prime Sponsor, Representative Koster: Increasing penalties for taking a motor vehicle without permission. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

Voting yea: Representatives Ballasiotes, O'Brien, Cairnes, Lovick, B. Chandler, Constantine, Kagi and Koster.

Referred to Committee on Appropriations.

March 1, 1999

HB 1260 Prime Sponsor, Representative Wood: Regulating recreational gaming activities. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-

Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Hurst; Lisk; McIntire and McMorris.

Voting yea: Representatives Clements, Conway, B. Chandler, Wood, Hurst, Lisk, McIntire and McMorris.

Passed to Rules Committee for Second Reading.

February 26, 1999

HB 1277 Prime Sponsor, Representative Carlson: Creating a public facilities district. Reported by Committee on Economic Development, Housing & Trade

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Van Luven, Republican Co-Chair; Veloria, Democratic Co-Chair; Dunn, Republican Vice Chair; Eickmeyer, Democratic Vice Chair; Ballasiotes; Gombosky; Miloscia; Morris; Radcliff; Skinner; D. Sommers and Wolfe.

Voting yea: Representatives Veloria, Dunn, Eickmeyer, Ballasiotes, Gombosky, Miloscia, Morris, Radcliff, Skinner, and Sommers, D.  
Excused: Representative(s) Wolfe

Referred to the Committee on Finance.

March 2, 1999

HB 1281 Prime Sponsor, Representative Regala: Creating the family forestry support act. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Buck, Republican Co-Chair; Regala, Democratic Co-Chair; Anderson, Democratic Vice Chair; Sump, Republican Vice Chair; G. Chandler; Clements; Doumit; Eickmeyer; Ericksen; Pennington; Rockefeller and Stensen.

Voting yea: Representatives Buck, Regala, Anderson, Sump, G. Chandler, Clements, Doumit, Eickmeyer, Ericksen, Pennington, Rockefeller, and Stensen.

Referred to Committee on Appropriations.

March 2, 1999

HB 1282 Prime Sponsor, Representative Romero: Authorizing state agencies to offer incentives to state employees to relocate from one part of the state to another. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Campbell, Republican Vice Chair; Miloscia, Democratic Vice Chair; Dunshee; Haigh; Lambert and D. Schmidt.

Voting yea: Representatives McMorris, Romero, Campbell, Miloscia, Dunshee, Haigh, Lambert and D. Schmidt

Passed to Rules Committee for Second Reading.

March 2, 1999

HB 1285 Prime Sponsor, Representative D. Schmidt: Clarifying where declarations of candidacy are filed. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Campbell, Republican Vice Chair; Miloscia, Democratic Vice Chair; Dunshee; Haigh; Lambert and D. Schmidt.

Voting yea: Representatives McMorris, Romero, Campbell, Miloscia, Dunshee, Haigh, Lambert and D. Schmidt

Passed to Rules Committee for Second Reading.

March 2, 1999

HB 1291 Prime Sponsor, Representative D. Schmidt: Making various changes in election laws. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Campbell, Republican Vice Chair; Miloscia, Democratic Vice Chair; Dunshee; Haigh; Lambert and D. Schmidt.

Voting yea: Representatives McMorris, Romero, Campbell, Miloscia, Dunshee, Haigh, Lambert and D. Schmidt

Passed to Rules Committee for Second Reading.

March 2, 1999

HB 1313 Prime Sponsor, Representative Schoesler: Revising rural development law. Reported by Committee on Economic Development, Housing & Trade

MAJORITY recommendation: Do pass. Signed by Representatives Van Loven, Republican Co-Chair; Veloria, Democratic Co-Chair; Dunn, Republican Vice Chair; Eickmeyer, Democratic Vice Chair; Ballasiotes; Gombosky; Miloscia; Morris; Radcliff; Skinner; D. Sommers and Wolfe.

Voting yea: Representatives Van Loven, Veloria, Dunn, Eickmeyer, Ballasiotes, Gombosky, Miloscia, Morris, Radcliff, Skinner, D. Sommers and Wolfe.

Passed to Rules Committee for Second Reading.

March 1, 1999

HB 1324 Prime Sponsor, Representative Fisher: Planning for transportation safety and security. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fisher, Democratic Co-Chair; K. Schmidt, Republican Co-Chair; Cooper, Democratic 1st Vice Chair; Edwards, Democratic 2nd Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; Buck; G. Chandler; DeBolt;

Fortunato; Haigh; Hatfield; Hurst; Lovick; McDonald; Mielke; Mitchell; Morris; Murray; Ogden; Pflug; Radcliff; Romero; Schindler; Scott; Skinner and Wood.

Voting yea: Representatives Fisher, Schmidt, K. Cooper, Edwards, Hankins, Buck, G. Chandler, DeBolt, Fortunato, Haigh, Hatfield, Hurst, Lovick, McDonald, Mielke, Mitchell, Morris, Murray, Ogden, Pflug, Radcliff, Schindler, Skinner and Wood.

Excused: Representative(s) Ericksen, Romero, Schual-Berke and Scott.

Passed to Rules Committee for Second Reading.

February 26, 1999

HB 1345 Prime Sponsor, Representative O'Brien: Exempting certain low-income rental housing from property taxes. Reported by Committee on Economic Development, Housing & Trade

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Van Luven, Republican Co-Chair; Veloria, Democratic Co-Chair; Dunn, Republican Vice Chair; Eickmeyer, Democratic Vice Chair; Ballasiotes; Gombosky; Miloscia; Morris; Radcliff; Skinner; D. Sommers and Wolfe.

Voting yea: Representatives Van Luven, Veloria, Dunn, Eickmeyer, Ballasiotes, Gombosky, Miloscia, Morris, Radcliff, Skinner, D. Sommers and Wolfe.

Referred to Committee on Finance.

March 1, 1999

HB 1368 Prime Sponsor, Representative Alexander: Prescribing the use of revenues under the county conservation futures levy. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Mulliken, Republican Co-Chair; Scott, Democratic Co-Chair; Doumit, Democratic Vice Chair; Mielke, Republican Vice Chair; Edwards; Ericksen; Fisher and Fortunato.

Voting yea: Representatives Mulliken, Scott, Doumit, Mielke, Edwards, Ericksen, Fisher and Fortunato.

Passed to Rules Committee for Second Reading.

February 26, 1999

HB 1382 Prime Sponsor, Representative Delvin: Limiting liability for police officers who do not pursue a fleeing suspect. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Esser; Lantz; Lovick; McDonald and Schindler.

Voting yea: Representatives Carrell, Constantine, Hurst, Lambert, Cox, Dickerson, Esser, Lantz, Lovick, McDonald, and Schindler.

Excused: Representative(s) Kastama.

Passed to Rules Committee for Second Reading.

March 2, 1999

HB 1393 Prime Sponsor, Representative Hurst: Making any robbery within a financial institution a first degree robbery. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

Voting yea: Representatives Ballasiotes, O'Brien, Cairnes, Lovick, B. Chandler, Constantine, Kagi and Koster.

Referred to Committee on Appropriations.

March 2, 1999

HB 1407 Prime Sponsor, Representative Lambert: Changing adoption provisions. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Esser; Kastama; Lantz; Lovick; McDonald and Schindler.

Voting yea: Representatives Carrell, Constantine, Hurst, Lambert, Cox, Dickerson, Esser, Kastama, Lantz, Lovick, McDonald, and Schindler.

Passed to Rules Committee for Second Reading.

February 26, 1999

HB 1461 Prime Sponsor, Representative Poulsen: Establishing community voice mail as a component of the Washington telephone assistance program. Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Crouse, Republican Co-Chair; Poulsen, Democratic Co-Chair; DeBolt, Republican Vice Chair; Ruderman, Democratic Vice Chair; Bush; Cooper; McDonald; Morris; Reardon and Wolfe.

MINORITY recommendation: Without recommendation. Signed by Representatives Delvin; Mielke and Thomas.

Voting yea: Representatives Crouse, Poulsen, DeBolt, Ruderman, Bush, Cooper, McDonald, Morris, Reardon and Wolfe.

Voting nay: Representative(s) Delvin, Mielke, and Thomas.

Excused: Representative(s) Kastama.

Passed to Rules Committee for Second Reading.

March 1, 1999

HB 1462 Prime Sponsor, Representative Quall: Changing school accountability and assistance provisions. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Democratic Co-Chair; Talcott, Republican Co-Chair; Haigh, Democratic Vice Chair; Schindler, Republican Vice Chair; Carlson; Cox; Keiser; Rockefeller; Santos; D. Schmidt; Stensen; Sump and Wensman.

Voting yea: Representatives Quall, Talcott, Haigh, Schindler, Carlson, Cox, Keiser, Rockefeller, Santos, D. Schmidt, Stensen, Sump and Wensman.  
Excused: Representative(s) Schual-Berke.

Referred to Committee on Appropriations.

March 2, 1999

HB 1468 Prime Sponsor, Representative Anderson: Requiring the department of ecology to provide information regarding the adequacy of water supplies to meet the demands of projected growth. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Koster, Republican Vice Chair; Anderson; B. Chandler; Delvin; Fortunato; Grant; Reardon; Schoesler; Stensen; Sump and Wood.

Voting yea: Representatives G. Chandler, Linville, Cooper, Koster, Anderson, B. Chandler, Delvin, Fortunato, Grant, Reardon, Schoesler, Stensen, Sump and Wood.

Referred to Committee on Appropriations.

February 26, 1999

HB 1473 Prime Sponsor, Representative Gombosky: Exempting interest on loans to small businesses in community empowerment zones. Reported by Committee on Economic Development, Housing & Trade

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Van Luven, Republican Co-Chair; Veloria, Democratic Co-Chair; Dunn, Republican Vice Chair; Gombosky; Miloscia; Morris; Radcliff; Skinner; D. Sommers and Wolfe.

Voting yea: Representatives Van Luven, Veloria, Dunn, Eickmeyer, Gombosky, Miloscia, Morris, Radcliff, Skinner, D. Sommers and Wolfe.  
Excused: Representative(s) Ballasiotes.

Referred to Committee on Finance.

February 26, 1999

HB 1476 Prime Sponsor, Representative Gombosky: Encouraging reinvestment in certain communities. Reported by Committee on Economic Development, Housing & Trade

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Van Luven, Republican Co-Chair; Veloria, Democratic

Co-Chair; Dunn, Republican Vice Chair; Eickmeyer; Gombosky; Miloscia; Morris; Radcliff; Skinner; D. Sommers and Wolfe.

Voting yea: Representatives Van Luven, Veloria, Dunn, Eickmeyer, Gombosky, Miloscia, Morris, Radcliff, Skinner, D. Sommers and Wolfe.  
Excused: Representative(s) Ballasiotes.

Referred to Committee on Finance.

March 1, 1999

HB 1477 Prime Sponsor, Representative Haigh: Revising school district organization provisions.  
Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Democratic Co-Chair; Talcott, Republican Co-Chair; Haigh, Democratic Vice Chair; Schindler, Republican Vice Chair; Cox; Rockefeller; D. Schmidt; Stensen; Sump and Wensman.

MINORITY recommendation: Do not pass. Signed by Representatives Carlson; Keiser and Santos.

Voting yea: Representatives Quall, Talcott, Haigh, Schindler, Cox, Rockefeller, D. Schmidt, Stensen, Sump and Wensman.  
Voting nay: Representative(s) Carlson, Keiser, and Santos.  
Excused: Representative(s) Schual-Berke.

Referred to Committee on Appropriations.

March 2, 1999

HB 1479 Prime Sponsor, Representative Van Luven: Providing tax incentives to encourage job opportunities in rural areas of the state. Reported by Committee on Economic Development, Housing & Trade

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Van Luven, Republican Co-Chair; Veloria, Democratic Co-Chair; Dunn, Republican Vice Chair; Eickmeyer, Democratic Vice Chair; Ballasiotes; Gombosky; Miloscia; Morris; Radcliff; Skinner; D. Sommers and Wolfe.

Voting yea: Representatives Van Luven, Veloria, Dunn, Eickmeyer, Ballasiotes, Gombosky, Miloscia, Morris, Radcliff, Skinner, D. Sommers and Wolfe.

Referred to Committee on Finance.

March 2, 1999

HB 1484 Prime Sponsor, Representative Parlette: Modifying property valuation methods for reimbursing nursing facilities. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Democratic Co-Chair; Parlette, Republican Co-Chair; Pflug, Republican Vice Chair; Alexander; Boldt; Campbell; Conway; Edmonds; Edwards; Mulliken and Ruderman.



Voting yea: Representatives Cody, Parlette, Pflug, Alexander, Boldt, Campbell, Conway, Edmonds, Edwards, Mulliken and Ruderman.  
Excused: Representative(s) Schual-Berke.

Referred to Committee on Appropriations.

March 2, 1999

HB 1494 Prime Sponsor, Representative Miloscia: Clarifying the duties of the director of general administration. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Campbell, Republican Vice Chair; Miloscia, Democratic Vice Chair; Dunshee; Haigh; Lambert and D. Schmidt.

Voting yea: Representatives McMorris, Romero, Campbell, Miloscia, Dunshee, Haigh, Lambert and D. Schmidt

Passed to Rules Committee for Second Reading.

March 2, 1999

HB 1497 Prime Sponsor, Representative Kessler: Enhancing economic vitality. Reported by Committee on Economic Development, Housing & Trade

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Van Luven, Republican Co-Chair; Veloria, Democratic Co-Chair; Eickmeyer, Democratic Vice Chair; Gombosky; Miloscia; Morris and Wolfe.

MINORITY recommendation: Do not pass. Signed by Representatives Dunn, Republican Vice Chair; Ballasiotes; Skinner and D. Sommers.

Voting yea: Representatives Van Luven, Veloria, Eickmeyer, Gombosky, Miloscia, Morris, and Wolfe.

Voting nay: Representative(s) Dunn, Ballasiotes, Radcliff, Skinner and D. Sommers.

Referred to Committee on Appropriations.

March 2, 1999

HB 1505 Prime Sponsor, Representative Ericksen: Requiring absentee ballots to be signed by 8:00 p.m. on election day. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Campbell, Republican Vice Chair; Miloscia, Democratic Vice Chair; Haigh; Lambert and D. Schmidt.

MINORITY recommendation: Do not pass. Signed by Representative Dunshee.

Voting yea: Representatives McMorris, Romero, Campbell, Miloscia, Haigh, Lambert and D. Schmidt

Voting nay: Representative(s) Dunshee.

Passed to Rules Committee for Second Reading.

March 2, 1999

HB 1514 Prime Sponsor, Representative Kastama: Changing provisions relating to modification of a parenting plan or custody order. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Esser; Kastama; Lantz; Lovick; McDonald and Schindler.

Voting yea: Representatives Carrell, Constantine, Hurst, Lambert, Cox, Dickerson, Esser, Kastama, Lantz, Lovick, McDonald, and Schindler.

Passed to Rules Committee for Second Reading.

March 2, 1999

HB 1517 Prime Sponsor, Representative G. Chandler: Defining "municipal water supply purposes." Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Koster, Republican Vice Chair; Anderson; B. Chandler; Delvin; Fortunato; Grant; Reardon; Schoesler; Stensen; Sump and Wood.

Voting yea: Representatives G. Chandler, Linville, Cooper, Koster, Anderson, B. Chandler, Delvin, Fortunato, Grant, Reardon, Schoesler, Stensen, Sump and Wood.

Passed to Rules Committee for Second Reading.

March 2, 1999

HB 1525 Prime Sponsor, Representative Dickerson: Authorizing mediation in guardianship proceedings. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Esser; Kastama; Lantz; Lovick; McDonald and Schindler.

MINORITY recommendation: Without recommendation. Signed by Representative Carrell, Republican Co-Chair.

Voting yea: Representatives Constantine, Hurst, Lambert, Cox, Dickerson, Esser, Kastama, Lantz, Lovick, McDonald, and Schindler.

Voting nay: Representative(s) Carrell.

Passed to Rules Committee for Second Reading.

February 26, 1999

HB 1528 Prime Sponsor, Representative Kenney: Changing higher education tuition provisions.  
Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Carlson, Republican Co-Chair; Kenney, Democratic Co-Chair; Lantz, Democratic Vice Chair; Radcliff, Republican Vice Chair; Dunn; Edmonds; Esser and Gombosky.

Voting yea: Representatives Carlson, Kenney, Lantz, Radcliff, Dunn, Edmonds, Esser and Gombosky.

Referred to Committee on Appropriations.

March 2, 1999

HB 1546 Prime Sponsor, Representative Cody: Modifying provisions related to long-term care of adults. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Democratic Co-Chair; Parlette, Republican Co-Chair; Pflug, Republican Vice Chair; Alexander; Boldt; Campbell; Conway; Edmonds; Edwards; Mulliken and Ruderman.

Voting yea: Representatives Cody, Parlette, Pflug, Alexander, Boldt, Campbell, Conway, Edmonds, Edwards, Mulliken and Ruderman.

Excused: Representative(s) Schual-Berke.

Referred to Committee on Appropriations.

March 2, 1999

HB 1548 Prime Sponsor, Representative G. Chandler: Regarding industrial reclaimed water.  
Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Koster, Republican Vice Chair; Anderson; B. Chandler; Delvin; Fortunato; Grant; Reardon; Schoesler; Stensen; Sump and Wood.

Voting aye: Representatives G. Chandler, Linville, Cooper, Koster, Anderson; B. Chandler; Delvin; Fortunato; Grant; Reardon; Schoesler; Stensen; Sump and Wood.

Passed to Committee on Rules for second reading.

February 26, 1999

HB 1555 Prime Sponsor, Representative McDonald: Improving criminal history record dispositions.  
Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Esser; Lantz; Lovick; McDonald and Schindler.

Voting yea: Representatives Carrell, Constantine, Hurst, Lambert, Cox, Dickerson, Esser, Lantz, Lovick, McDonald, and Schindler.

Excused: Representative(s) Kastama.

Passed to Rules Committee for Second Reading.

February 26, 1999

HB 1565 Prime Sponsor, Representative Veloria: Providing tax credits for contributions to an employer-assisted housing program for qualified employees. Reported by Committee on Economic Development, Housing & Trade

MAJORITY recommendation: Do pass. Signed by Representatives Van Luven, Republican Co-Chair; Veloria, Democratic Co-Chair; Dunn, Republican Vice Chair; Eickmeyer; Gombosky; Miloscia; Morris; Radcliff; Skinner; D. Sommers and Wolfe.

Voting yea: Representatives Van Luven, Veloria, Dunn, Eickmeyer, Gombosky, Miloscia, Morris, Radcliff, Skinner, D. Sommers and Wolfe.  
Excused: Representative(s) Ballasiotes.

Referred to Committee on Finance.

February 26, 1999

HB 1590 Prime Sponsor, Representative Cody: Mandating contraceptive health care benefits. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Democratic Co-Chair; Parlette, Republican Co-Chair; Pflug, Republican Vice Chair; Schual-Berke, Democratic Vice Chair; Alexander; Conway; Edmonds; Edwards and Ruderman.

MINORITY recommendation: Do not pass. Signed by Representatives Boldt; Campbell and Mulliken.

Voting yea: Representatives Cody, Parlette, Pflug, Schual-Berke, Alexander, Conway, Edmonds, Edwards and Ruderman.  
Voting nay: Representative(s) Boldt, Campbell, and Mulliken.

Referred to Committee on Appropriations.

March 2, 1999

HB 1592 Prime Sponsor, Representative D. Schmidt: Updating write-in voting laws. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Campbell, Republican Vice Chair; Miloscia, Democratic Vice Chair; Dunshee; Haigh; Lambert and D. Schmidt.

Voting yea: Representatives McMorris, Romero, Campbell, Miloscia, Dunshee, Haigh, Lambert and D. Schmidt

Passed to Rules Committee for Second Reading.

March 2, 1999

HB 1593 Prime Sponsor, Representative Edmonds: Regulating poll-site ballot counting devices.  
Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Campbell, Republican Vice Chair; Miloscia, Democratic Vice Chair; Dunshee; Haigh; Lambert and D. Schmidt.

Voting yea: Representatives McMorris, Romero, Campbell, Miloscia, Dunshee, Haigh, Lambert and D. Schmidt

Passed to Rules Committee for Second Reading.

March 2, 1999

HB 1601 Prime Sponsor, Representative Lambert: Increasing cooperation between courts and schools. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Esser; Kastama; Lantz; Lovick; McDonald and Schindler.

Voting yea: Representatives Carrell, Constantine, Hurst, Lambert, Cox, Dickerson, Esser, Kastama, Lantz, Lovick, McDonald, and Schindler.

Referred to Committee on Appropriations.

March 1, 1999

HB 1620 Prime Sponsor, Representative Conway: Protecting vulnerable adults. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Democratic Co-Chair; Parlette, Republican Co-Chair; Pflug, Republican Vice Chair; Alexander; Campbell; Conway; Edmonds; Edwards; Mulliken and Ruderman.

MINORITY recommendation: Do not pass. Signed by Representative Boldt.

Voting yea: Representatives Cody, Parlette, Pflug, Alexander, Campbell, Conway, Edmonds, Edwards, Mulliken and Ruderman.

Voting nay: Representative(s) Boldt.

Excused: Representative(s) Schual-Berke.

Passed to Rules Committee for Second Reading.

March 2, 1999

HB 1626 Prime Sponsor, Representative D. Schmidt: Disclosing paid petition gathering. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Miloscia, Democratic Vice Chair; Haigh; Lambert and D. Schmidt.

MINORITY recommendation: Do not pass. Signed by Representatives Campbell, Republican Vice Chair and Dunshee.

Voting yea: Representatives McMorris, Romero, Miloscia, Haigh, Lambert and D. Schmidt.  
Voting nay: Representative(s) Campbell and Dunshee.

Passed to Rules Committee for Second Reading.

March 2, 1999

HB 1636 Prime Sponsor, Representative D. Schmidt: Changing primary dates and associated election procedures. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Campbell, Republican Vice Chair; Miloscia, Democratic Vice Chair; Dunshee; Haigh; Lambert and D. Schmidt.

Voting yea: Representatives McMorris, Romero, Campbell, Miloscia, Dunshee, Haigh, Lambert and D. Schmidt

Passed to Rules Committee for Second Reading.

March 2, 1999

HB 1645 Prime Sponsor, Representative Dunn: Allowing landlords to receive direct payments of rent for people on public assistance. Reported by Committee on Economic Development, Housing & Trade

MAJORITY recommendation: Do pass. Signed by Representatives Van Luven, Republican Co-Chair; Veloria, Democratic Co-Chair; Dunn, Republican Vice Chair; Ballasiotes; Gombosky; Miloscia; Morris; Radcliff; Skinner and D. Sommers.

MINORITY recommendation: Do not pass. Signed by Representative Eickmeyer, Democratic Vice Chair.

Voting yea: Representatives Van Luven, Veloria, Dunn, Ballasiotes, Gombosky, Miloscia, Morris, Radcliff, Skinner, D. Sommers and Wolfe.

Voting nay: Representative(s) Eickmeyer.

Referred to Committee on Appropriations.

March 1, 1999

HB 1647 Prime Sponsor, Representative Mulliken: Amending recording statutes. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Mulliken, Republican Co-Chair; Scott, Democratic Co-

Chair; Doumit, Democratic Vice Chair; Mielke, Republican Vice Chair; Edwards; Ericksen; Fisher and Fortunato.

Voting yea: Representatives Mulliken, Scott, Doumit, Mielke, Edwards, Ericksen, Fisher and Fortunato.

Passed to Rules Committee for Second Reading.

March 2, 1999

HB 1652 Prime Sponsor, Representative Carlson: Providing entrepreneurial opportunities for disabled persons. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Campbell, Republican Vice Chair; Miloscia, Democratic Vice Chair; Dunshee; Haigh; Lambert and D. Schmidt.

Voting yea: Representatives McMorris, Romero, Campbell, Miloscia, Dunshee, Haigh, Lambert and D. Schmidt

Referred to Committee on Appropriations.

March 2, 1999

HB 1653 Prime Sponsor, Representative Kenney: Raising the limit on agency direct buy authority without competitive bids. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Campbell, Republican Vice Chair; Miloscia, Democratic Vice Chair; Dunshee; Haigh; Lambert and D. Schmidt.

Voting yea: Representatives McMorris, Romero, Campbell, Miloscia, Dunshee, Haigh, Lambert and D. Schmidt

Passed to Rules Committee for Second Reading.

March 2, 1999

HB 1654 Prime Sponsor, Representative Kessler: Revising definition of veteran. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Campbell, Republican Vice Chair; Miloscia, Democratic Vice Chair; Dunshee; Haigh; Lambert and D. Schmidt.

Voting yea: Representatives McMorris, Romero, Campbell, Miloscia, Dunshee, Haigh, Lambert and D. Schmidt

Passed to Rules Committee for Second Reading.

March 2, 1999

HB 1672 Prime Sponsor, Representative O'Brien: Requiring the department of corrections to screen, test, and treat hepatitis C. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

Voting yea: Representatives Ballasiotes, O'Brien, Cairnes, Lovick, B. Chandler, Constantine, Kagi and Koster.

Referred to Committee on Appropriations.

March 2, 1999

HB 1673 Prime Sponsor, Representative Lambert: Penalizing false political advertising. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Campbell, Republican Vice Chair; Miloscia, Democratic Vice Chair; Dunshee; Haigh; Lambert and D. Schmidt.

Voting yea: Representatives McMorris, Romero, Campbell, Miloscia, Dunshee, Haigh, Lambert and D. Schmidt

Passed to Rules Committee for Second Reading.

March 2, 1999

HB 1681 Prime Sponsor, Representative Buck: Establishing a program to purchase and plant privately grown trout. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Buck, Republican Co-Chair; Regala, Democratic Co-Chair; Anderson, Democratic Vice Chair; Sump, Republican Vice Chair; G. Chandler; Clements; Eickmeyer; Ericksen; Pennington and Rockefeller.

MINORITY recommendation: Without recommendation. Signed by Representative Doumit.

Voting yea: Representatives Buck, Regala, Anderson, Sump, G. Chandler, Clements, Eickmeyer, Ericksen, Pennington, Rockefeller, and Stensen.

Voting nay: Representative(s) Doumit.

Referred to Committee on Appropriations.

March 1, 1999

HB 1685 Prime Sponsor, Representative McMorris: Clarifying how loan and grant preferences are accorded among local governments planning under the growth management act. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Mulliken, Republican Co-Chair; Scott, Democratic Co-Chair; Doumit, Democratic Vice Chair; Mielke, Republican Vice Chair; Edwards; Ericksen; Fisher and Fortunato.



Voting yea: Representatives Mulliken, Scott, Doumit, Mielke, Edwards, Ericksen, Fisher and Fortunato.

Passed to Rules Committee for Second Reading.

March 2, 1999

HB 1686 Prime Sponsor, Representative Kessler: Requiring cooperation with local economic development cooperatives. Reported by Committee on Economic Development, Housing & Trade

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Van Luven, Republican Co-Chair; Veloria, Democratic Co-Chair; Dunn, Republican Vice Chair; Eickmeyer, Democratic Vice Chair; Ballasiotes; Gombosky; Miloscia; Morris; Radcliff; Skinner; D. Sommers and Wolfe.

Voting yea: Representatives Van Luven, Veloria, Dunn, Eickmeyer, Ballasiotes, Gombosky, Miloscia, Morris, Radcliff, Skinner, D. Sommers and Wolfe.

Referred to Committee on Appropriations.

March 1, 1999

HB 1703 Prime Sponsor, Representative Cooper: Revising law governing the disposition of surplus real property. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Democratic Co-Chair; K. Schmidt, Republican Co-Chair; Cooper, Democratic 1st Vice Chair; Edwards, Democratic 2nd Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; Buck; G. Chandler; DeBolt; Fortunato; Haigh; Hatfield; Hurst; Lovick; McDonald; Mielke; Mitchell; Morris; Murray; Ogden; Pflug; Radcliff; Romero; Schindler; Scott; Skinner and Wood.

Voting yea: Representatives Fisher, Schmidt, K, Cooper, Edwards, Hankins, Buck, G. Chandler, DeBolt, Fortunato, Haigh, Hatfield, Hurst, Lovick, McDonald, Mielke, Mitchell, Morris, Murray, Ogden, Pflug, Radcliff, Schindler, Scott, Skinner and Wood.

Excused: Representative(s) Ekicksen, Romero, and Schual-Berke.

Passed to Rules Committee for Second Reading.

March 1, 1999

HB 1711 Prime Sponsor, Representative Campbell: Concerning the public disclosure of department of health information received through the hospital licensing process. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Democratic Co-Chair; Parlette, Republican Co-Chair; Pflug, Republican Vice Chair; Alexander; Boldt; Campbell; Conway; Edmonds; Edwards; Mulliken and Ruderman.

Voting yea: Representatives Cody, Parlette, Pflug, Alexander, Boldt, Campbell, Conway, Edmonds, Edwards, Mulliken and Ruderman.

Excused: Representative(s) Schual-Berke.

Passed to Rules Committee for Second Reading.

March 2, 1999

HB 1716 Prime Sponsor, Representative G. Chandler: Authorizing funding for the warm water fish culture project at Ringold. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Buck, Republican Co-Chair; Regala, Democratic Co-Chair; Anderson, Democratic Vice Chair; Sump, Republican Vice Chair; G. Chandler; Clements; Eickmeyer; Ericksen; Pennington; Rockefeller and Stensen.

MINORITY recommendation: Do not pass. Signed by Representative Doumit.

Voting yea: Representatives Buck, Regala, Anderson, Sump, G. Chandler, Clements, Ericksen, Pennington, Rockefeller, and Stensen.

Voting nay: Representative(s) Doumit and Eickmeyer.

Referred to Committee on Appropriations.

February 26, 1999

HB 1729 Prime Sponsor, Representative Kenney: Creating a teacher training pilot program. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Carlson, Republican Co-Chair; Kenney, Democratic Co-Chair; Lantz, Democratic Vice Chair; Radcliff, Republican Vice Chair; Dunn; Edmonds; Esser and Gombosky.

Voting yea: Representatives Carlson, Kenney, Lantz, Radcliff, Dunn, Edmonds, Esser and Gombosky.

Referred to Committee on Appropriations.

February 26, 1999

HB 1731 Prime Sponsor, Representative Kenney: Creating economic incentive grants for educational programs that meet the demand of work force training for business and industry. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Carlson, Republican Co-Chair; Kenney, Democratic Co-Chair; Lantz, Democratic Vice Chair; Radcliff, Republican Vice Chair; Edmonds and Gombosky.

MINORITY recommendation: Without recommendation. Signed by Representatives Dunn and Esser.

Voting yea: Representatives Carlson, Kenney, Lantz, Radcliff, Edmonds and Gombosky.

Voting nay: Representative(s) Dunn and Esser.

Referred to Committee on Appropriations.

March 1, 1999

HB 1733 Prime Sponsor, Representative Romero: Limiting restrictions on residential day-care facilities. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Mulliken, Republican Co-Chair; Scott, Democratic Co-Chair; Doumit, Democratic Vice Chair; Mielke, Republican Vice Chair; Edwards; Ericksen; Fisher and Fortunato.

Voting yea: Representatives Mulliken, Scott, Doumit, Mielke, Edwards, Ericksen, Fisher and Fortunato.

Passed to Rules Committee for Second Reading.

February 25, 1999

HB 1744 Prime Sponsor, Representative Schoesler: Changing lake outflow regulation. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Koster, Republican Vice Chair; Anderson; B. Chandler; Delvin; Fortunato; Grant; Reardon; Schoesler; Stensen; Sump and Wood.

Voting yea: Representatives G. Chandler, Linville, Cooper, Koster, Anderson, B. Chandler, Delvin, Fortunato, Grant, Reardon, Schoesler, Stensen, Sump and Wood.

Passed to Rules Committee for Second Reading.

February 25, 1999

HB 1760 Prime Sponsor, Representative Fisher: Conforming state charges for public conveyance or transportation of eligible persons with federal law. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Democratic Co-Chair; K. Schmidt, Republican Co-Chair; Cooper, Democratic 1st Vice Chair; Edwards, Democratic 2nd Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; Buck; G. Chandler; DeBolt; Hatfield; Lovick; Mitchell; Morris; Murray; Ogden; Pflug; Radcliff; Romero; Schual-Berke and Scott.

Voting yea: Representatives Fisher, Schmidt, K, Cooper, Edwards, Ericksen, Hankins, Buck, DeBolt, Fortunato, Hatfield, Hurst, Lovick, McDonald, Mielke, Mitchell, Morris, Murray, Ogden, Pflug, Romero, Schindler, Schual-Berke, Scott and Wood.

Excused: Representative(s) G. Chandler, Haigh, Radcliff, and Skinner.

Passed to Rules Committee for Second Reading.

March 2, 1999

HB 1766 Prime Sponsor, Representative Romero: Requiring identification of subcontractors in bids on public works. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Campbell, Republican Vice Chair; Miloscia, Democratic Vice Chair; Dunshee; Haigh; Lambert and D. Schmidt.

Voting yea: Representatives McMorris, Romero, Campbell, Miloscia, Dunshee, Haigh, Lambert and D. Schmidt

Passed to Rules Committee for Second Reading.

March 2, 1999

HB 1767 Prime Sponsor, Representative Romero: Revising building code law. Reported by Committee on Economic Development, Housing & Trade

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Van Luven, Republican Co-Chair; Veloria, Democratic Co-Chair; Eickmeyer, Democratic Vice Chair; Ballasiotes; Miloscia; Radcliff; Skinner and Wolfe.

MINORITY recommendation: Do not pass. Signed by Representatives Dunn, Republican Vice Chair; Gombosky; Morris and D. Sommers.

Voting yea: Representatives Van Luven, Veloria, Eickmeyer, Ballasiotes, Gombosky, Miloscia, Radcliff, Skinner and Wolfe.

Voting nay: Representative(s) Dunn, Morris, and D. Sommers

Referred to Committee on Appropriations.

March 2, 1999

HB 1773 Prime Sponsor, Representative Wolfe: Changing visitation rights in nonparental actions for child custody. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Kastama; Lantz; Lovick; McDonald and Schindler.

MINORITY recommendation: Without recommendation. Signed by Representatives Carrell, Republican Co-Chair and Esser.

Voting yea: Representatives Constantine, Hurst, Lambert, Cox, Dickerson, Kastama, Lantz, Lovick, McDonald, and Schindler.

Voting nay: Representative(s) Carrell and Esser.

Passed to Rules Committee for Second Reading.

March 2, 1999

HB 1777 Prime Sponsor, Representative B. Chandler: Clarifying use of technical assistance documents. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic

Co-Chair; Campbell, Republican Vice Chair; Miloscia, Democratic Vice Chair; Dunshee; Haigh; Lambert and D. Schmidt.

Voting yea: Representatives McMorris, Romero, Campbell, Miloscia, Dunshee, Haigh, Lambert and D. Schmidt

Passed to Rules Committee for Second Reading.

February 24, 1999

HB 1798 Prime Sponsor, Representative K. Schmidt: Enhancing coordination of special needs transportation. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fisher, Democratic Co-Chair; K. Schmidt, Republican Co-Chair; Cooper, Democratic 1st Vice Chair; Edwards, Democratic 2nd Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; DeBolt; Fortunato; Haigh; Hatfield; Hurst; Lovick; McDonald; Mielke; Mitchell; Morris; Murray; Ogden; Pflug; Radcliff; Romero; Schindler; Schual-Berke; Scott and Skinner.

Voting yea: Representatives Fisher, Schmidt, K. Cooper, Edwards, Ericksen, Hankins, DeBolt, Fortunato, Haigh, Hatfield, Hurst, Lovick, McDonald, Mitchell, Morris, Murray, Ogden, Pflug, Radcliff, Romero, Schindler, Schual-Berke, Scott, Skinner and Wood.

Excused: Representative(s) Buck, G. Chandler, and Mielke.

Passed to Rules Committee for Second Reading.

February 25, 1999

HB 1821 Prime Sponsor, Representative G. Chandler: Providing a tax deduction for water conservation measures. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Koster, Republican Vice Chair; Anderson; B. Chandler; Delvin; Fortunato; Grant; Reardon; Schoesler; Stensen; Sump and Wood.

Voting yea: Representatives G. Chandler, Linville, Cooper, Koster, Anderson, B. Chandler, Delvin, Grant, Reardon, Schoesler, Stensen, Sump and Wood.

Excused: Representative(s) Fortunato.

Referred to Committee on Finance.

February 26, 1999

HB 1826 Prime Sponsor, Representative Grant: Requiring appointment of water masters in watershed management areas with WRIA plans. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Anderson; B. Chandler; Delvin; Fortunato; Grant; Reardon; Schoesler; Stensen and Wood.

MINORITY recommendation: Without recommendation. Signed by Representatives Koster, Republican Vice Chair and Sump.

Voting yea: Representatives G. Chandler, Linville, Cooper, Anderson, B. Chandler, Delvin, Fortunato, Grant, Reardon, Schoesler, Stensen and Wood.

Voting nay: Representative(s) Koster and Sump.

Passed to Rules Committee for Second Reading.

March 2, 1999

HB 1827 Prime Sponsor, Representative D. Schmidt: Concerning printing contracts entered into by state agencies. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives McMorris, Republican Co-Chair; Campbell, Republican Vice Chair; Miloscia, Democratic Vice Chair; Dunshee; Haigh; Lambert and D. Schmidt.

MINORITY recommendation: Without recommendation. Signed by Representative Romero, Democratic Co-Chair.

Voting yea: Representatives McMorris, Campbell, Miloscia, Dunshee, Haigh, Lambert and D. Schmidt

Voting nay: Representative(s) Romero.

Passed to Rules Committee for Second Reading.

February 26, 1999

HB 1837 Prime Sponsor, Representative Ruderman: Modifying the duties of a long-term care ombudsman. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Democratic Co-Chair; Parlette, Republican Co-Chair; Pflug, Republican Vice Chair; Schual-Berke, Democratic Vice Chair; Campbell; Conway; Edmonds; Edwards and Ruderman.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander; Boldt and Mulliken.

Voting yea: Representatives Cody, Parlette, Pflug, Schual-Berke, Campbell, Conway, Edmonds, Edwards and Ruderman.

Voting nay: Representative(s) Alexander, Boldt, and Mulliken.

Referred to Committee on Appropriations.

March 1, 1999

HB 1848 Prime Sponsor, Representative Grant: Clarifying the authority of port districts. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Mulliken, Republican Co-Chair; Scott, Democratic Co-

Chair; Doumit, Democratic Vice Chair; Mielke, Republican Vice Chair; Edwards; Ericksen; Fisher and Fortunato.

Voting yea: Representatives Mulliken, Scott, Doumit, Mielke, Edwards, Ericksen, Fisher and Fortunato.

Passed to Rules Committee for Second Reading.

March 1, 1999

HB 1862 Prime Sponsor, Representative Conway: Allowing a health care professional to surrender his or her license to practice. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Democratic Co-Chair; Parlette, Republican Co-Chair; Pflug, Republican Vice Chair; Alexander; Boldt; Campbell; Conway; Edmonds; Edwards; Mulliken and Ruderman.

Voting yea: Representatives Cody, Parlette, Pflug, Alexander, Boldt, Campbell, Conway, Edmonds, Edwards, Mulliken and Ruderman.

Excused: Representative(s) Schual-Berke.

Passed to Rules Committee for Second Reading.

March 2, 1999

HB 1864 Prime Sponsor, Representative Cody: Providing for the registration of surgical technologists. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Democratic Co-Chair; Parlette, Republican Co-Chair; Pflug, Republican Vice Chair; Alexander; Boldt; Campbell; Conway; Edmonds; Edwards; Mulliken and Ruderman.

Voting yea: Representatives Cody, Parlette, Pflug, Alexander, Boldt, Campbell, Conway, Edmonds, Edwards, Mulliken and Ruderman.

Excused: Representative(s) Schual-Berke.

Referred to Committee on Appropriations.

February 26, 1999

HB 1869 Prime Sponsor, Representative Carrell: Providing procedures for discipline and termination of administrative appeals judges in the environmental hearings office. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Esser; Lantz; Lovick; McDonald and Schindler.

Voting yea: Representatives Carrell, Constantine, Hurst, Lambert, Cox, Dickerson, Esser, Lantz, Lovick, McDonald, and Schindler.

Excused: Representative(s) Kastama.

Passed to Rules Committee for Second Reading.

March 1, 1999

HB 1871 Prime Sponsor, Representative Linville: Creating the salmon stamp programs. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Buck, Republican Co-Chair; Regala, Democratic Co-Chair; Anderson, Democratic Vice Chair; Sump, Republican Vice Chair; G. Chandler; Clements; Doumit; Eickmeyer; Ericksen; Rockefeller and Stensen.

MINORITY recommendation: Do not pass. Signed by Representative Pennington.

Voting yea: Representatives Buck, Regala, Anderson, Sump, G. Chandler, Clements, Doumit, Eickmeyer, Ericksen, Rockefeller, and Stensen.

Voting nay: Representative(s) Pennington.

Referred to Committee on Appropriations.

February 26, 1999

HB 1872 Prime Sponsor, Representative Hurst: Granting state-wide warrant jurisdiction to courts of limited jurisdiction. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Esser; Lantz; Lovick; McDonald and Schindler.

Voting yea: Representatives Carrell, Constantine, Hurst, Lambert, Cox, Dickerson, Esser, Lantz, Lovick, McDonald, and Schindler.

Excused: Representative(s) Kastama.

Passed to Rules Committee for Second Reading.

March 2, 1999

HB 1880 Prime Sponsor, Representative Cody: Providing for self-directed care of persons with disabilities. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Democratic Co-Chair; Parlette, Republican Co-Chair; Pflug, Republican Vice Chair; Alexander; Boldt; Campbell; Conway; Edmonds; Edwards; Mulliken and Ruderman.

Voting yea: Representatives Cody, Parlette, Pflug, Alexander, Boldt, Campbell, Conway, Edmonds, Edwards, Mulliken and Ruderman.

Excused: Representative(s) Schual-Berke.

Referred to Committee on Appropriations.

March 2, 1999



HB 1884 Prime Sponsor, Representative Lambert: Providing appointments to inspect campaign account books. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Campbell, Republican Vice Chair; Miloscia, Democratic Vice Chair; Haigh; Lambert and D. Schmidt.

MINORITY recommendation: Do not pass. Signed by Representative Dunshee.

Voting yea: Representatives McMorris, Romero, Campbell, Miloscia, Haigh, Lambert and D. Schmidt

Voting nay: Representative(s) Dunshee.

Passed to Rules Committee for Second Reading.

March 2, 1999

HB 1889 Prime Sponsor, Representative Pflug: Mandating general anesthesia services. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Democratic Co-Chair; Parlette, Republican Co-Chair; Pflug, Republican Vice Chair; Campbell; Conway; Edmonds; Edwards and Ruderman.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander; Boldt and Mulliken.

Voting yea: Representatives Cody, Parlette, Pflug, Campbell, Conway, Edmonds, Edwards and Ruderman.

Voting nay: Representative(s) Alexander, Boldt, and Mulliken.

Excused: Representative(s) Schual-Berke.

Referred to Committee on Appropriations.

February 25, 1999

HB 1891 Prime Sponsor, Representative Quall: Changing student assessments. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Democratic Co-Chair; Talcott, Republican Co-Chair; Haigh, Democratic Vice Chair; Schindler, Republican Vice Chair; Carlson; Cox; Keiser; Rockefeller; Santos; D. Schmidt; Schual-Berke; Stensen; Sump and Wensman.

Voting yea: Representatives Quall, Talcott, Haigh, Schindler, Carlson, Cox, Keiser, Rockefeller, Santos, D. Schmidt, Schual-Berke, Stensen, Sump and Wensman.

Referred to Committee on Appropriations.

March 1, 1999

HB 1893 Prime Sponsor, Representative Doumit: Revising provisions regulating permit issuance. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Mulliken, Republican Co-Chair; Scott, Democratic Co-Chair; Doumit, Democratic Vice Chair; Mielke, Republican Vice Chair; Edwards; Ericksen; Fisher and Fortunato.

Voting yea: Representatives Mulliken, Scott, Doumit, Mielke, Edwards, Ericksen, Fisher and Fortunato.

Referred to Committee on Appropriations.

March 2, 1999

HB 1897 Prime Sponsor, Representative G. Chandler: Changing the rule-making authority of the air pollution control authority. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Koster, Republican Vice Chair; Anderson; B. Chandler; Delvin; Fortunato; Grant; Reardon; Schoesler; Stensen; Sump and Wood.

MINORITY recommendation: Without recommendation. Signed by Representative Cooper, Democratic Vice Chair.

Voting yea: Representatives G. Chandler, Linville, Koster, Anderson, B. Chandler, Delvin, Fortunato, Grant, Reardon, Schoesler, Stensen, Sump and Wood.

Voting nay: Representative(s) Cooper.

Referred to Committee on Appropriations.

February 26, 1999

HB 1910 Prime Sponsor, Representative G. Chandler: Establishing logos for substances approved for use in the production, processing, and handling of organic food. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Koster, Republican Vice Chair; Anderson; B. Chandler; Delvin; Fortunato; Grant; Reardon; Schoesler; Stensen; Sump and Wood.

Voting yea: Representatives G. Chandler, Linville, Cooper, Koster, Anderson, B. Chandler, Delvin, Fortunato, Grant, Reardon, Schoesler, Stensen, Sump and Wood.

Passed to Rules Committee for Second Reading.

March 2, 1999

HB 1923 Prime Sponsor, Representative O'Brien: Establishing a postsecondary education program for inmates. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

Voting yea: Representatives Ballasiotes, O'Brien, Cairnes, Lovick, B. Chandler, Constantine, Kagi and Koster.

Passed to Rules Committee for Second Reading.

March 1, 1999

HB 1926 Prime Sponsor, Representative G. Chandler: Changing provisions relating to appeals of growth management hearings boards' decisions. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Mulliken, Republican Co-Chair; Scott, Democratic Co-Chair; Doumit, Democratic Vice Chair; Mielke, Republican Vice Chair; Edwards; Ericksen; Fisher and Fortunato.

Voting yea: Representatives Mulliken, Scott, Doumit, Mielke, Edwards, Ericksen, Fisher and Fortunato.

Referred to Committee on Appropriations.

February 26 , 1999

HB 1951 Prime Sponsor, Representative Lantz: Protecting remains in abandoned cemeteries. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Esser; Lantz; Lovick; McDonald and Schindler.

Voting yea: Representatives Carrell, Constantine, Hurst, Lambert, Cox, Dickerson, Esser, Lantz, Lovick, McDonald, and Schindler.

Excused: Representative(s) Kastama.

Passed to Rules Committee for Second Reading.

March 1, 1999

HB 1955 Prime Sponsor, Representative McIntire: Providing support for collaborative efforts toward employment-related services and program evaluation. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Hurst; Lisk; McIntire and McMorris.

Voting yea: Representatives Clements, Conway, B. Chandler, Wood, Hurst, Lisk, McIntire and McMorris.

Passed to Rules Committee for Second Reading.

March 2, 1999

HB 1957 Prime Sponsor, Representative G. Chandler: Changing water right transfer, change, and amendment provisions. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Koster, Republican Vice Chair; Anderson; B. Chandler; Delvin; Fortunato; Grant; Reardon; Schoesler; Stensen; Sump and Wood.

Voting yea: Representatives G. Chandler, Linville, Cooper, Koster, Anderson, B. Chandler, Delvin, Fortunato, Grant, Reardon, Schoesler, Stensen, Sump and Wood.

Referred to Committee on Appropriations.

March 1, 1999

HB 1963 Prime Sponsor, Representative Koster: Allowing the rebuilding of a farmhouse in a floodway under certain circumstances. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Mulliken, Republican Co-Chair; Scott, Democratic Co-Chair; Doumit, Democratic Vice Chair; Mielke, Republican Vice Chair; Edwards; Ericksen; Fisher and Fortunato.

Voting yea: Representatives Mulliken, Scott, Doumit, Mielke, Edwards, Ericksen, Fisher and Fortunato.

Passed to Rules Committee for Second Reading.

February 26, 1999

HB 1968 Prime Sponsor, Representative Van Loven: Limiting the scope of mental health record audits. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Democratic Co-Chair; Parlette, Republican Co-Chair; Pflug, Republican Vice Chair; Schual-Berke, Democratic Vice Chair; Alexander; Boldt; Campbell; Conway; Edmonds; Edwards; Mulliken and Ruderman.

Voting yea: Representatives Cody, Parlette, Pflug, Schual-Berke, Alexander, Boldt, Campbell, Conway, Edmonds, Edwards, Mulliken and Ruderman.

Passed to Rules Committee for Second Reading.

February 25, 1999

HB 1987 Prime Sponsor, Representative Schoesler: Authorizing tax exemptions and credits for structures and equipment used to reduce agricultural burning. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Koster, Republican Vice Chair; Anderson; B. Chandler; Delvin; Fortunato; Grant; Reardon; Schoesler; Stensen; Sump and Wood.

Voting yea: Representatives G. Chandler, Linville, Cooper, Koster, Anderson, B. Chandler, Delvin, Fortunato, Grant, Reardon, Schoesler, Stensen, Sump and Wood.

Referred to Committee on Finance.

March 1, 1999

HB 1990 Prime Sponsor, Representative Cody: Concerning background checks for certain potential state employees. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Democratic Co-Chair; Parlette, Republican Co-Chair; Pflug, Republican Vice Chair; Alexander; Boldt; Campbell; Conway; Edmonds; Edwards; Mulliken and Ruderman.

Voting yea: Representatives Cody, Parlette, Pflug, Alexander, Boldt, Campbell, Conway, Edmonds, Edwards, Mulliken and Ruderman.

Excused: Representative(s) Schual-Berke.

Passed to Rules Committee for Second Reading.

March 2, 1999

HB 1992 Prime Sponsor, Representative Ballasiotes: Allowing a certified emergency medical technician to administer epinephrine. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Democratic Co-Chair; Parlette, Republican Co-Chair; Pflug, Republican Vice Chair; Alexander; Boldt; Campbell; Conway; Edmonds; Edwards; Mulliken and Ruderman.

Voting yea: Representatives Cody, Parlette, Pflug, Alexander, Boldt, Campbell, Conway, Edmonds, Edwards, Mulliken and Ruderman.

Excused: Representative(s) Schual-Berke.

Passed to Rules Committee for Second Reading.

March 2, 1999

HB 2005 Prime Sponsor, Representative Wolfe: Managing the state employee whistleblower program. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Campbell, Republican Vice Chair; Miloscia, Democratic Vice Chair; Dunshee; Haigh; Lambert and D. Schmidt.

Voting yea: Representatives McMorris, Romero, Campbell, Miloscia, Dunshee, Haigh, Lambert and D. Schmidt

Referred to Committee on Appropriations.

March 2, 1999

HB 2010 Prime Sponsor, Representative Ogden: Changing provisions relating to historic cemeteries.  
Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Campbell, Republican Vice Chair; Miloscia, Democratic Vice Chair; Haigh; Lambert and D. Schmidt.

MINORITY recommendation: Do not pass. Signed by Representative Dunshee.

Voting yea: Representatives McMorris, Romero, Campbell, Miloscia, Haigh, Lambert and D. Schmidt

Voting nay: Representative(s) Dunshee.

Passed to Rules Committee for Second Reading.

February 26, 1999

HB 2029 Prime Sponsor, Representative Miloscia: Creating a state plan for economic development.  
Reported by Committee on Economic Development, Housing & Trade

MAJORITY recommendation: Do pass. Signed by Representatives Van Luven, Republican Co-Chair; Veloria, Democratic Co-Chair; Dunn, Republican Vice Chair; Eickmeyer, Democratic Vice Chair; Ballasiotes; Gombosky; Miloscia; Morris; Radcliff; Skinner; D. Sommers and Wolfe.

Voting yea: Representatives Van Luven, Veloria, Dunn, Eickmeyer, Ballasiotes, Gombosky, Miloscia, Morris, Radcliff, Skinner, D. Sommers and Wolfe.

Referred to Committee on Appropriations.

March 2, 1999

HB 2055 Prime Sponsor, Representative Kagi: Creating the foster care scholarship program.  
Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Carlson, Republican Co-Chair; Kenney, Democratic Co-Chair; Lantz, Democratic Vice Chair; Radcliff, Republican Vice Chair; Edmonds and Gombosky.

MINORITY recommendation: Do not pass. Signed by Representatives Dunn and Esser.

Voting yea: Representatives Carlson, Kenney, Lantz, Radcliff, Edmonds and Gombosky.

Voting nay: Representative(s) Dunn and Esser.

Referred to Committee on Appropriations.

March 1, 1999

HB 2058 Prime Sponsor, Representative Regala: Limiting the spread of nonnative plant and animal species. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Buck, Republican Co-Chair; Regala, Democratic Co-

Chair; Anderson, Democratic Vice Chair; Sump, Republican Vice Chair; G. Chandler; Doumit; Eickmeyer; Pennington; Rockefeller and Stensen.

MINORITY recommendation: Without recommendation. Signed by Representatives Clements and Ericksen.

Voting yea: Representatives Buck, Regala, Anderson, Sump, G. Chandler, Doumit, Eickmeyer, Ericksen, Pennington, Rockefeller, and Stensen.

Voting nay: Representative(s) Clements.

Referred to Committee on Appropriations.

February 26, 1999

HB 2061 Prime Sponsor, Representative Kenney: Changing community college provisions. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Carlson, Republican Co-Chair; Kenney, Democratic Co-Chair; Lantz, Democratic Vice Chair; Radcliff, Republican Vice Chair; Dunn; Edmonds; Esser and Gombosky.

Voting yea: Representatives Carlson, Kenney, Lantz, Radcliff, Dunn, Edmonds, Esser and Gombosky.

Referred to Committee on Appropriations.

March 1, 1999

HB 2078 Prime Sponsor, Representative Buck: Concerning fish and wildlife statutes. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Buck, Republican Co-Chair; Regala, Democratic Co-Chair; Anderson, Democratic Vice Chair; Sump, Republican Vice Chair; G. Chandler; Clements; Doumit; Eickmeyer; Ericksen; Pennington; Rockefeller and Stensen.

Voting yea: Representatives Buck, Regala, Anderson, Sump, G. Chandler, Clements, Doumit, Eickmeyer, Ericksen, Pennington, Rockefeller, and Stensen.

Referred to Committee on Appropriations.

March 2, 1999

HB 2079 Prime Sponsor, Representative Regala: Promoting salmon recovery. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Buck, Republican Co-Chair; Regala, Democratic Co-Chair; Anderson, Democratic Vice Chair; Sump, Republican Vice Chair; G. Chandler; Clements; Doumit; Eickmeyer; Ericksen; Pennington; Rockefeller and Stensen.

Voting yea: Representatives Buck, Regala, Anderson, Sump, G. Chandler, Clements, Doumit, Eickmeyer, Ericksen, Pennington, Rockefeller, and Stensen.

Passed to Rules Committee for Second Reading.

March 2, 1999

HB 2086 Prime Sponsor, Representative Esser: Creating crimes of unlawful discharge of a laser.  
Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

Voting yea: Representatives Ballasiotes, O'Brien, Cairnes, Lovick, B. Chandler, Constantine, Kagi and Koster.

Passed to Rules Committee for Second Reading.

March 1, 1999

HB 2090 Prime Sponsor, Representative Clements: Modifying and sunseting provisions related to sellers of travel. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; Wood, Democratic Vice Chair; Hurst and McIntire.

MINORITY recommendation: Do not pass. Signed by Representatives B. Chandler, Republican Vice Chair; Lisk and McMorris.

Voting yea: Representatives Clements, Conway, Wood, Hurst and McIntire, .  
Voting nay: Representative(s) B. Chandler, Lisk, and McMorris.

Passed to Rules Committee for Second Reading.

March 2, 1999

HB 2091 Prime Sponsor, Representative Buck: Contributing to salmon and water quality enhancement in areas impacted by forest practices. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Buck, Republican Co-Chair; Regala, Democratic Co-Chair; G. Chandler; Clements; Doumit; Eickmeyer; Ericksen and Pennington.

MINORITY recommendation: Do not pass. Signed by Representatives Anderson, Democratic Vice Chair; Sump, Republican Vice Chair; Rockefeller and Stensen.

Voting yea: Representatives Buck, Regala, G. Chandler, Clements, Doumit, Eickmeyer, Ericksen, and Pennington.  
Voting nay: Representative(s) Anderson, Sump, Rockefeller, and Stensen.

Referred to Committee on Appropriations.

March 2, 1999



HB 2094 Prime Sponsor, Representative G. Chandler: Modifying the reopening of a filing period for water rights claims. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Koster, Republican Vice Chair; Anderson; B. Chandler; Delvin; Fortunato; Grant; Reardon; Schoesler; Stensen; Sump and Wood.

Voting yea: Representatives G. Chandler, Linville, Cooper, Koster, Anderson, B. Chandler, Delvin, Fortunato, Grant, Reardon, Schoesler, Stensen, Sump and Wood.

Passed to Rules Committee for Second Reading.

March 2, 1999

HB 2095 Prime Sponsor, Representative G. Chandler: Regulating commercial fertilizer. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Koster, Republican Vice Chair; Anderson; B. Chandler; Delvin; Fortunato; Grant; Reardon; Schoesler; Stensen; Sump and Wood.

Voting yea: Representatives G. Chandler, Linville, Cooper, Koster, Anderson, B. Chandler, Delvin, Fortunato, Grant, Reardon, Schoesler, Stensen, Sump and Wood.

Passed to Rules Committee for Second Reading.

February 26, 1999

HB 2098 Prime Sponsor, Representative G. Chandler: Regulating designers of on-site wastewater treatment systems. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Koster, Republican Vice Chair; Anderson; B. Chandler; Delvin; Fortunato; Grant; Schoesler; Stensen; Sump and Wood.

Voting yea: Representatives G. Chandler, Linville, Cooper, Koster, Anderson, B. Chandler, Delvin, Fortunato, Grant, Reardon, Schoesler, Stensen, Sump and Wood.

Referred to Committee on Appropriations.

March 1, 1999

HB 2107 Prime Sponsor, Representative Anderson: Limiting fishing of shrimp. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Buck, Republican Co-Chair; Regala, Democratic Co-Chair; Anderson, Democratic Vice Chair; Sump, Republican Vice Chair; G. Chandler; Clements; Doumit; Eickmeyer; Ericksen; Pennington; Rockefeller and Stensen.

Voting yea: Representatives Buck, Regala, Anderson, Sump, G. Chandler, Clements, Doumit, Eickmeyer, Ericksen, Pennington, Rockefeller and Stensen.

Referred to Committee on Appropriations.

February 26, 1999

HB 2108 Prime Sponsor, Representative Veloria: Preserving moderate-income housing. Reported by Committee on Economic Development, Housing & Trade

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Van Luven, Republican Co-Chair; Veloria, Democratic Co-Chair; Dunn, Republican Vice Chair; Ballasiotes; Gombosky; Miloscia; Morris; Skinner; D. Sommers and Wolfe.

Voting yea: Representatives Van Luven, Veloria, Dunn, Eickmeyer, Gombosky, Miloscia, Morris, Radcliff, Skinner, D. Sommers and Wolfe.  
Excused: Representative(s) Ballasiotes.

Referred to Committee on Capital Budget.

February 26, 1999

HB 2109 Prime Sponsor, Representative Van Luven: Authorizing tax, levy, and execution exemptions for properties of Indian housing authorities for low-income housing programs. Reported by Committee on Economic Development, Housing & Trade

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Van Luven, Republican Co-Chair; Veloria, Democratic Co-Chair; Dunn, Republican Vice Chair; Eickmeyer, Democratic Vice Chair; Gombosky; Miloscia; Morris; Radcliff; Skinner; D. Sommers and Wolfe.

Voting yea: Representatives Van Luven, Veloria, Dunn, Eickmeyer, Gombosky, Miloscia, Morris, Radcliff, Skinner, D. Sommers and Wolfe.  
Excused: Representative(s) Ballasiotes.

Referred to Committee on Finance.

March 1, 1999

HB 2116 Prime Sponsor, Representative Scott: Allowing a public utility district to dispose of equipment or materials. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Mulliken, Republican Co-Chair; Scott, Democratic Co-Chair; Doumit, Democratic Vice Chair; Mielke, Republican Vice Chair; Edwards; Ericksen; Fisher and Fortunato.

Voting yea: Representatives Mulliken, Scott, Doumit, Mielke, Edwards, Ericksen, Fisher and Fortunato.

Passed to Rules Committee for Second Reading.

March 2, 1999

HB 2123 Prime Sponsor, Representative Cox: Consolidating procedures for expedited rule making.  
Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Campbell, Republican Vice Chair; Miloscia, Democratic Vice Chair; Dunshee; Haigh; Lambert and D. Schmidt.

Voting yea: Representatives McMorris, Romero, Campbell, Miloscia, Dunshee, Haigh, Lambert and D. Schmidt

Passed to Rules Committee for Second Reading.

March 2, 1999

HB 2138 Prime Sponsor, Representative D. Schmidt: Adjusting campaign reporting thresholds.  
Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Campbell, Republican Vice Chair; Miloscia, Democratic Vice Chair; Dunshee; Haigh; Lambert and D. Schmidt.

Voting yea: Representatives McMorris, Romero, Campbell, Miloscia, Dunshee, Haigh, Lambert and D. Schmidt

Passed to Rules Committee for Second Reading.

March 2, 1999

HB 2152 Prime Sponsor, Representative Cody: Concerning long-term care payment rates. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Democratic Co-Chair; Parlette, Republican Co-Chair; Pflug, Republican Vice Chair; Alexander; Boldt; Campbell; Conway; Edmonds; Edwards; Mulliken and Ruderman.

Voting yea: Representatives Cody, Parlette, Pflug, Alexander, Boldt, Campbell, Conway, Edmonds, Edwards, Mulliken and Ruderman.

Excused: Representative(s) Schual-Berke.

Referred to Committee on Appropriations.

March 1, 1999

HB 2159 Prime Sponsor, Representative Quall: Requiring record checks of private school educational employees. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Democratic Co-Chair; Talcott, Republican Co-Chair; Haigh, Democratic Vice Chair; Schindler, Republican Vice Chair; Cox; Keiser; Rockefeller; Santos; D. Schmidt; Stensen; Sump and Wensman.

MINORITY recommendation: Do not pass. Signed by Representative Carlson.

Voting yea: Representatives Quall, Talcott, Haigh, Schindler, Cox, Keiser, Rockefeller, Santos, D. Schmidt, Stensen, Sump and Wensman.  
Voting nay: Representative(s) Carlson.  
Excused: Representative(s) Schual-Berke.

Referred to Committee on Appropriations.

March 1, 1999

HB 2163 Prime Sponsor, Representative Wood: Creating a program for compulsive gambling education and awareness. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; Wood, Democratic Vice Chair; Hurst and McIntire.

MINORITY recommendation: Do not pass. Signed by Representatives B. Chandler, Republican Vice Chair; Lisk and McMorris.

Voting yea: Representatives Clements, Conway, Wood, Hurst and McIntire.  
Voting nay: Representative(s) B. Chandler, Lisk, and McMorris.

Passed to Rules Committee for Second Reading.

March 2, 1999

HB 2166 Prime Sponsor, Representative Anderson: Describing those lands eligible to be included in a port district aquatic lands management agreement. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Buck, Republican Co-Chair; Anderson, Democratic Vice Chair; Sump, Republican Vice Chair; G. Chandler; Clements; Doumit; Ericksen and Pennington.

MINORITY recommendation: Do not pass. Signed by Representatives Regala, Democratic Co-Chair; Eickmeyer; Rockefeller and Stensen.

Voting yea: Representatives Buck, Anderson, Sump, G. Chandler, Clements, Doumit, Ericksen, and Pennington.  
Voting nay: Representative(s) Regala, Eickmeyer, Rockefeller, and Stensen.

Referred to Committee on Appropriations.

March 2, 1999

HB 2169 Prime Sponsor, Representative Kessler: Creating an order for protection in cases of unlawful harassment of an elected official. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

Voting yea: Representatives Ballasiotes, O'Brien, Cairnes, Lovick, B. Chandler, Constantine, Kagi and Koster.

Passed to Rules Committee for Second Reading.

March 2, 1999

HB 2170 Prime Sponsor, Representative G. Chandler: Increasing membership of the Puget Sound council. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass. Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Koster, Republican Vice Chair; Anderson; B. Chandler; Delvin; Fortunato; Grant; Reardon; Schoesler; Stensen; Sump and Wood.

Voting yea: Representatives G. Chandler, Linville, Cooper, Koster, Anderson, B. Chandler, Delvin, Fortunato, Grant, Reardon, Schoesler, Stensen, Sump and Wood.

Passed to Rules Committee for Second Reading.

March 2, 1999

HB 2171 Prime Sponsor, Representative Linville: Modifying water pollution control. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass. Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Anderson; B. Chandler; Fortunato; Grant; Reardon; Sump and Wood.

MINORITY recommendation: Without recommendation. Signed by Representatives Koster, Republican Vice Chair; Delvin; Schoesler and Stensen.

Voting yea: Representatives G. Chandler, Linville, Cooper, Anderson, B. Chandler, Fortunato, Grant, Reardon, Sump and Wood.

Voting nay: Representative(s) Koster, Delvin, Schoesler, and Stensen.

Referred to Committee on Appropriations.

March 1, 1999

HB 2175 Prime Sponsor, Representative Mulliken: Ordering a study of the costs to local governments related to growth management. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Mulliken, Republican Co-Chair; Scott, Democratic Co-Chair; Doumit, Democratic Vice Chair; Mielke, Republican Vice Chair; Edwards; Ericksen; Fisher and Fortunato.

Voting yea: Representatives Mulliken, Scott, Doumit, Mielke, Edwards, Ericksen, Fisher and Fortunato.

Referred to Committee on Appropriations.

March 1, 1999

HB 2176 Prime Sponsor, Representative G. Chandler: Informing the legislature about the department of ecology's guideline adoption process. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Mulliken, Republican Co-Chair; Scott, Democratic Co-Chair; Doumit, Democratic Vice Chair; Mielke, Republican Vice Chair; Edwards; Ericksen; Fisher and Fortunato.

Voting yea: Representatives Mulliken, Scott, Doumit, Mielke, Edwards, Ericksen, Fisher and Fortunato.

Passed to Rules Committee for Second Reading.

March 1, 1999

HB 2177 Prime Sponsor, Representative Conway: Authorizing cities and towns to halt consideration of license applications for minicasinos. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Hurst; McIntire and McMorris.

MINORITY recommendation: Do not pass. Signed by Representative Lisk.

Voting yea: Representatives Clements, Conway, B. Chandler, Wood, Hurst, McIntire and McMorris.

Voting nay: Representative(s) Lisk.

Passed to Rules Committee for Second Reading.

March 2, 1999

HB 2181 Prime Sponsor, Representative Clements: Storing fruits or vegetables in controlled atmosphere storage. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass. Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Koster, Republican Vice Chair; Anderson; B. Chandler; Delvin; Fortunato; Grant; Reardon; Schoesler; Stensen; Sump and Wood.

Voting yea: Representatives G. Chandler, Linville, Cooper, Koster, Anderson, B. Chandler, Delvin, Fortunato, Grant, Reardon, Schoesler, Stensen, Sump and Wood.

Passed to Rules Committee for Second Reading.

March 2, 1999

HB 2185 Prime Sponsor, Representative Linville: Changing provisions relating to water rights. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Anderson; B. Chandler; Delvin; Fortunato; Grant; Reardon; Schoesler; Stensen; Sump and Wood.

MINORITY recommendation: Without recommendation. Signed by Representative Koster, Republican Vice Chair.

Voting yea: Representatives G. Chandler, Linville, Cooper, Anderson, B. Chandler, Delvin, Fortunato, Grant, Reardon, Schoesler, Stensen, Sump and Wood.

Voting nay: Representative(s) Koster.

Passed to Rules Committee for Second Reading.

March 2, 1999

HB 2187 Prime Sponsor, Representative Linville: Changing water rights for instream uses. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Koster, Republican Vice Chair; Anderson; B. Chandler; Delvin; Fortunato; Grant; Reardon; Schoesler; Stensen; Sump and Wood.

Voting yea: Representatives G. Chandler, Linville, Cooper, Koster, Anderson, B. Chandler, Delvin, Fortunato, Grant, Reardon, Schoesler, Stensen, Sump and Wood.

Passed to Rules Committee for Second Reading.

March 2, 1999

HB 2200 Prime Sponsor, Representative Romero: Changing the duties of the director of licensing. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Campbell, Republican Vice Chair; Miloscia, Democratic Vice Chair; Dunshee; Haigh; Lambert and D. Schmidt.

Voting yea: Representatives McMorris, Romero, Campbell, Miloscia, Dunshee, Haigh, Lambert and D. Schmidt

Passed to Rules Committee for Second Reading.

March 2, 1999

HB 2205 Prime Sponsor, Representative McDonald: Providing conditions for waiver of the requirement for a mandatory appearance following arrest for DUI. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Esser; Kastama; Lantz; Lovick; McDonald and Schindler.

Voting yea: Representatives Carrell, Constantine, Hurst, Lambert, Cox, Dickerson, Esser, Kastama, Lantz, Lovick, McDonald, and Schindler.

Passed to Rules Committee for Second Reading.

March 1, 1999

HB 2206 Prime Sponsor, Representative Mulliken: Allowing declaratory judgment actions when county elected officials have abandoned their responsibilities. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Mulliken, Republican Co-Chair; Scott, Democratic Co-Chair; Doumit, Democratic Vice Chair; Mielke, Republican Vice Chair; Edwards; Ericksen; Fisher and Fortunato.

Voting yea: Representatives Mulliken, Scott, Doumit, Mielke, Edwards, Ericksen, Fisher and Fortunato.

Passed to Rules Committee for Second Reading.

March 2, 1999

HB 2207 Prime Sponsor, Representative Kessler: Increasing legislative commission membership. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Campbell, Republican Vice Chair; Miloscia, Democratic Vice Chair; Dunshee; Haigh; Lambert and D. Schmidt.

Voting yea: Representatives McMorris, Romero, Campbell, Miloscia, Dunshee, Haigh, Lambert and D. Schmidt

Passed to Rules Committee for Second Reading.

March 2, 1999

HB 2216 Prime Sponsor, Representative Van Luven: Providing assistance to preserve and develop mobile home parks. Reported by Committee on Economic Development, Housing & Trade

MAJORITY recommendation: Do pass. Signed by Representatives Van Luven, Republican Co-Chair; Veloria, Democratic Co-Chair; Dunn, Republican Vice Chair; Eickmeyer, Democratic Vice Chair; Ballasiotes; Gombosky; Miloscia; Morris; Radcliff; Skinner; D. Sommers and Wolfe.

Voting yea: Representatives Van Luven, Veloria, Dunn, Eickmeyer, Ballasiotes, Gombosky, Miloscia, Morris, Radcliff, Skinner, D. Sommers and Wolfe.

Referred to Committee on Appropriations.

March 1, 1999

HB 2224 Prime Sponsor, Representative Clements: Making return-to-work benefits available prior to a determination of eligibility for vocational rehabilitation services. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Hurst; Lisk; McIntire and McMorris.



Voting yea: Representatives Clements, Conway, B. Chandler, Wood, Hurst, Lisk, McIntire and McMorris.

Passed to Rules Committee for Second Reading.

March 1, 1999

HB 2225 Prime Sponsor, Representative Tokuda: Changing eligibility for children under the temporary assistance for needy children program. Reported by Committee on Children & Family Services

MAJORITY recommendation: Do pass. Signed by Representatives D. Sommers, Republican Co-Chair; Tokuda, Democratic Co-Chair; Boldt, Republican Vice Chair; Kagi, Democratic Vice Chair; Campbell; Carrell; Dickerson; Eickmeyer; Kastama and Pflug.

Voting yea: Representatives D. Sommers, Tokuda, Boldt, Kagi, Campbell, Carrell, Dickerson, Eickmeyer, Kastama and Pflug.

Referred to Committee on Appropriations.

March 1, 1999

HB 2226 Prime Sponsor, Representative Tokuda: Eliminating eligibility standards retained from the aid to dependent children program under the temporary assistance for needy families program. Reported by Committee on Children & Family Services

MAJORITY recommendation: Do pass. Signed by Representatives D. Sommers, Republican Co-Chair; Tokuda, Democratic Co-Chair; Boldt, Republican Vice Chair; Kagi, Democratic Vice Chair; Campbell; Carrell; Dickerson; Eickmeyer; Kastama and Pflug.

Voting yea: Representatives D. Sommers, Tokuda, Boldt, Kagi, Campbell, Carrell, Dickerson, Eickmeyer, Kastama and Pflug.

Passed to Rules Committee for Second Reading.

March 1, 1999

HB 2232 Prime Sponsor, Representative Conway: Addressing occupational safety and health impact grants. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Hurst; Lisk; McIntire and McMorris.

Voting yea: Representatives Clements, Conway, B. Chandler, Wood, Hurst, Lisk, McIntire and McMorris.

Referred to Committee on Appropriations.

March 1, 1999

HB 2233 Prime Sponsor, Representative Conway: Creating a retrospective rating plan. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Hurst; Lisk; McIntire and McMorris.

MINORITY recommendation: Do not pass. Signed by Representative Wood, Democratic Vice Chair.

Voting yea: Representatives Clements, Conway, B. Chandler, Hurst, Lisk, McIntire and McMorris.

Voting nay: Representative(s) Wood.

Passed to Rules Committee for Second Reading.

March 1, 1999

HB 2238 Prime Sponsor, Representative Clements: Implementing recommendations for industrial insurance. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Hurst; Lisk; McIntire and McMorris.

Voting yea: Representatives Clements, Conway, B. Chandler, Wood, Hurst, Lisk, McIntire and McMorris.

Passed to Rules Committee for Second Reading.

March 2, 1999

HB 2254 Prime Sponsor, Representative DeBolt: Preventing unauthorized changes to, and unauthorized billing for, telecommunication services. Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: Do pass. Signed by Representatives Crouse, Republican Co-Chair; Poulsen, Democratic Co-Chair; DeBolt, Republican Vice Chair; Ruderman, Democratic Vice Chair; Bush; Cooper; Delvin; Kastama; McDonald; Mielke; Morris; Reardon; Thomas and Wolfe.

Voting yea: Representatives Crouse, Poulsen, DeBolt, Ruderman, Cooper, Delvin, Kastama, McDonald, Mielke, Morris, Reardon, Thomas and Wolfe.

Excused: Representative(s) Bush.

Referred to Committee on Appropriations.

March 1, 1999

HB 2256 Prime Sponsor, Representative Conway: Changing the work force development system. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Hurst; Lisk; McIntire and McMorris.

Voting yea: Representatives Clements, Conway, B. Chandler, Wood, Hurst, Lisk, McIntire and McMorris.

Referred to Committee on Appropriations.

February 26, 1999

HJM 4009 Prime Sponsor, Representative Mulliken: Urging review of federal environmental mandates. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass. Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Koster, Republican Vice Chair; Anderson; B. Chandler; Delvin; Fortunato; Grant; Reardon and Sump.

MINORITY recommendation: Without recommendation. Signed by Representatives Cooper, Democratic Vice Chair; Stensen and Wood.

Voting yea: Representatives G. Chandler, Linville, Koster, Anderson, B. Chandler, Delvin, Fortunato, Grant, Reardon, Schoesler and Sump.

Voting nay: Representative(s) Cooper, Stensen, and Wood.

Passed to Rules Committee for Second Reading.

March 2, 1999

HJM 4010 Prime Sponsor, Representative G. Chandler: Requesting the federal government not to breach dams on the Columbia or Snake rivers. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Koster, Republican Vice Chair; B. Chandler; Delvin; Fortunato; Grant; Reardon; Schoesler; Sump and Wood.

MINORITY recommendation: Without recommendation. Signed by Representatives Cooper, Democratic Vice Chair; Anderson and Stensen.

Voting yea: Representatives G. Chandler, Linville, Koster, B. Chandler, Delvin, Fortunato, Grant, Reardon, Schoesler, Sump and Wood.

Voting nay: Representative(s) Cooper, Anderson, and Stensen.

Passed to Rules Committee for Second Reading.

March 2, 1999

HJM 4014 Prime Sponsor, Representative Romero: Requesting an increase in federal funding for stroke research. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Democratic Co-Chair; Parlette, Republican Co-Chair; Pflug, Republican Vice Chair; Alexander; Boldt; Campbell; Conway; Edmonds; Edwards; Mulliken and Ruderman.

Voting yea: Representatives Cody, Parlette, Pflug, Alexander, Boldt, Campbell, Conway, Edmonds, Edwards, Mulliken and Ruderman.

Excused: Representative(s) Schual-Berke.

Passed to Rules Committee for Second Reading.

March 1, 1999

HCR 4406 Prime Sponsor, Representative G. Chandler: Creating a Joint Select Committee on Endangered Species Protection and Shoreline Management. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Mulliken, Republican Co-Chair; Scott, Democratic Co-Chair; Doumit, Democratic Vice Chair; Mielke, Republican Vice Chair; Edwards; Ericksen; Fisher and Fortunato.

Voting yea: Representatives Mulliken, Scott, Doumit, Mielke, Edwards, Ericksen, Fisher and Fortunato.

Passed to Rules Committee for Second Reading.

There being no objection, the bills, memorial and resolution listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, House Bill No. 1838 was referred from the Committee on Appropriations to the Committee on Rules.

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 10:00 a.m., Wednesday, March 3, 1999, the 52<sup>nd</sup> Legislative Day.

TIMOTHY A. MARTIN, Chief Clerk      CLYDE BALLARD, Speaker  
DEAN R. FOSTER, Chief Clerk      FRANK CHOPP, Speaker

FIFTY-FIRST DAY, MARCH 2, 1999

JOURNAL OF THE HOUSE

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

**FIFTY-SECOND DAY**

**MORNING SESSION**

House Chamber, Olympia, Wednesday, March 3, 1999

The House was called to order at 10:00 a.m. by Speaker Chopp. The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Kammi Hedrick and Lorcan Shannon. Prayer was offered by Pastor Tim Robinson, Life Stream Christian Fellowship, Puyallup.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

**RESOLUTION**

HOUSE RESOLUTION NO. 99-4640, by Representatives Kessler and Lisk

BE IT RESOLVED, By the House of Representatives of the State of Washington, That HR 4600 is amended by adding new rule A-7 as follows:

**Rule A-7. CLOSING DEBATE/CO-PRIME SPONSORS**

If a bill is introduced with co-prime sponsors, both co-prime sponsors may have the privilege of closing debate if it is consistent with Rule 16(C) (Limitation of Debate) and Rule 18 (Previous Question).

Representative Kessler moved adoption of the resolution.

Representatives Kessler and Lisk spoke in favor of the adoption of the resolution.

House Resolution No. 99-4640 was adopted.

**INTRODUCTIONS AND FIRST READING**

HB 2258 by Representatives Constantine and Poulsen

AN ACT Relating to including access to family planning services in growth management planning; and amending RCW 36.70A.020.

Referred to Committee on Local Government.

HB 2259 by Representatives Murray, Hankins, Ogden, K. Schmidt, Fisher, Radcliff, Hatfield, Hurst and Morris

AN ACT Relating to issuing drivers' licenses; amending RCW 46.20.120, 46.20.161, 46.20.181, 46.20.470, and 46.20.505; and providing an effective date.

Referred to Committee on Transportation.

HB 2260 by Representatives Eickmeyer, Alexander, Mulliken, Kessler, McMorris, Grant, Parlette, Doumit, Clements, Linville, Mielke, Koster, DeBolt, Cox, Pennington, Dunn, Crouse, Sump, Ericksen, Veloria, Mastin, Hankins, Murray, Van Luven, Skinner, Schoesler, Hatfield, Conway, Kenney, Rockefeller, Thomas, Lantz, Barlean and Haigh

AN ACT Relating to tax incentives in rural counties; amending RCW 82.14.370; and creating new sections.

Referred to Committee on Finance.

#### MOTION

On motion of Representative Kessler, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

There being no objection, the House advanced to the sixth order of business.

#### MOTIONS

On motion of Representative Schoesler, Representative Alexander was excused. On motion of Representative Wolfe, Representatives Tokuda and H. Sommers were excused.

#### SECOND READING

HOUSE BILL NO. 1421, by Representatives Huff, H. Sommers, Hatfield, Benson and McIntire; by request of State Investment Board

Authorizing the state investment board to establish additional commingled trust funds.

The bill was read the second time.

Representative Hatfield moved that the substitute bill by the Committee on Financial Institutions and Insurance not be adopted. Representative Mastin spoke in favor of not adopting the committee substitute and the motion was carried.

On motion of Representative Kessler, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Huff and Hatfield spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of House Bill No. 1421.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1421 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Alexander, H. Sommers and Tokuda - 3.

House Bill No. 1421, having received the constitutional majority, was declared passed.

#### SPEAKER'S PRIVILEGE

Speaker Chopp introduced the Apple Blossum Festival Court, Queen Lindsay France, Princesses Jenny Smelser and Brandi DeChenne, and asked Queen Lindsay to address the chamber. Queen Lindsay thanked the body for allowing the Court to visit and invited the body to attend the Festival in April.

HOUSE BILL NO. 1325, by Representatives Mielke, Fisher, K. Schmidt, Wood, Ericksen, Mitchell and Hankins; by request of Department of Transportation

Phasing in lightweight tire studs.

The bill was read the second time.

Representative Hatfield moved the adoption of amendment (004):

On page 2, beginning on line 16, strike all material through line 12 on page 3.

Representatives Hatfield, Schindler and Mielke spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

On motion of Representative Kessler, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Mielke and Fisher spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Engrossed House Bill No. 1325.

## ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1325, and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Voting nay: Representative DeBolt - 1.

Excused: Representative Alexander - 1.

Engrossed House Bill No. 1325, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1459, by Representatives Poulsen, Crouse, Reardon, Ruderman, Cooper, Wolfe, Kastama, Constantine, Murray, Rockefeller, Dickerson, Lantz, Kenney, McIntire, Lovick, Wood and Edmonds

Allowing reduced rate utility service for low-income citizens.

The bill was read the second time.

On motion of Representative Poulsen, the committee amendment(s) by the Committee on Technology, Telecommunications & Energy was adopted. (For committee amendment(s), see Journal, 40<sup>th</sup> Day, February 19, 1999.)

The bill was ordered engrossed.

On motion of Representative Kessler, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Poulsen and Crouse spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Engrossed House Bill No. 1459.

## ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1459, and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott,



Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Voting nay: Representative Schindler - 1.

Excused: Representative Alexander - 1.

Engrossed House Bill No. 1459, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1490, by Representatives Hatfield, Doumit, Buck and Kessler

Allowing the landing of salmon caught in other states' offshore waters in Washington ports.

The bill was read the second time. On motion of Representative Regala, Substitute House Bill No. 1490 was substituted for House Bill No. 1490 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1490 was read the second time.

On motion of Representative Kessler, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hatfield and Ericksen spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Substitute House Bill No. 1490.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1490 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Alexander - 1.

Substitute House Bill No. 1490, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1513, by Representatives Kenney, Ericksen, Quall, Talcott, Haigh, Keiser, Veloria, Miloscia, Romero, Wolfe, Santos, Alexander, Rockefeller, Barlean, Lisk, Edwards, Lovick, Thomas, Huff, O'Brien, Lambert, Ogden, Conway, Schual-Berke, Dickerson, Hurst, Regala, Linville, Tokuda, Stensen, McDonald, Anderson, Parlette, Esser, Gombosky, Kagi, Edmonds, Lantz and Wood; by request of Department of General Administration and Superintendent of Public Instruction

Authorizing the donation of surplus computers and computer-related equipment to school districts and educational service districts.

The bill was read the second time.

There being no objection, the House deferred action on House Bill No. 1513, and the bill held its place on the second reading calendar.

There being no objection, the House advanced to the eleventh order of business.

#### MOTION

On motion of Representative Kessler, the House adjourned until 10:00 a.m., Thursday, March 4, 1999, the 53<sup>rd</sup> Legislative Day.

TIMOTHY A. MARTIN, Chief Clerk      CLYDE BALLARD, Speaker  
DEAN R. FOSTER, Chief Clerk      FRANK CHOPP, Speaker

FIFTY-SECOND DAY, MARCH 3, 1999

JOURNAL OF THE HOUSE

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

**FIFTY-THIRD DAY**

**MORNING SESSION**

House Chamber, Olympia, Thursday, March 4, 1999

The House was called to order at 10:00 a.m. by Speaker Pro Tempore Pennington. The Clerk called the roll and a quorum was present.

Speaker Ballard assumed the chair.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Brooke Fennerty and Matt Wood. Prayer was offered by Pastor Phil Rue, Gloria Dei Lutheran Church, Olympia.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

**MESSAGE FROM THE SENATE**

March 3, 1999

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 5015,  
SUBSTITUTE SENATE BILL NO. 5058,  
SENATE BILL NO. 5117,  
SENATE BILL NO. 5125,  
SENATE BILL NO. 5156,  
SUBSTITUTE SENATE BILL NO. 5191,  
SUBSTITUTE SENATE BILL NO. 5199,

SENATE BILL NO. 5202,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5226,  
SENATE BILL NO. 5262,  
ENGROSSED SENATE BILL NO. 5336,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

### **INTRODUCTIONS AND FIRST READING**

HB 2261 by Representatives Reardon, Cairnes and Santos; by request of Department of Revenue

AN ACT Relating to the meaning of the phrase "services rendered in respect to constructing" for purposes of the business and occupation and sales and use taxes; adding a new section to chapter 82.04 RCW; and creating a new section.

Referred to Committee on Finance.

SB 5015 by Senators Long, Hargrove, Winsley and Costa

Changing provisions relating to community mental health services.

Referred to Committee on Children & Family Services.

SSB 5058 by Senate Committee on Commerce, Trade, Housing & Financial Institutions (originally sponsored by Senators Prentice and Winsley; by request of Department of Financial Institutions)

Regulating certain financial institutions.

Referred to Committee on Financial Institutions & Insurance.

SB 5117 by Senator Bauer

Allowing the parking commission to have more than five members.

Referred to Committee on Local Government.

SB 5125 by Senators Loveland, Rasmussen, Morton, Stevens, T. Sheldon and Honeyford

Giving direction to the commission on pesticide registration.

Referred to Committee on Agriculture & Ecology.

SB 5156 by Senators Prentice and Winsley

Amending housing authority law.

Referred to Committee on Economic Development, Housing & Trade.

SSB 5191 by Senate Committee on Transportation (originally sponsored by Senators Goings, Benton, Haugen, Sellar, Patterson, Winsley, T. Sheldon and Costa)

Penalizing motor carriers that operate without a permit.

Referred to Committee on Transportation.

SSB 5199 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Thibaudeau, Deccio, Wojahn and Winsley; by request of Department of Health)

Modifying provisions that concern the control and prevention of tuberculosis.

Referred to Committee on Health Care.

SB 5202 by Senators Loveland, Hale and Winsley

Preventing convicted embezzlers from working for the county treasurer.

Referred to Committee on Local Government.

ESSB 5226 by Senate Committee on Judiciary (originally sponsored by Senator Heavey)

Revising provisions relating to offers of settlement.

Referred to Committee on Judiciary.

SB 5262 by Senators Thibaudeau and Deccio

Allowing unregulated persons to perform sleep monitoring tasks.

Referred to Committee on Health Care.

ESB 5336 by Senators Kline, Kohl-Welles, McDonald, Fraser and McAuliffe

Specifying allowable sewer facility capacity charges.

Referred to Committee on Local Government.

#### MOTION

On motion of Representative Lisk, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

#### **REPORTS OF STANDING COMMITTEES**

March 2, 1999

HB 1385 Prime Sponsor, Representative O'Brien: Regulating automated traffic enforcement systems.  
Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fisher, Democratic Co-Chair; K. Schmidt, Republican Co-Chair; Cooper, Democratic 1st Vice Chair; Edwards, Democratic 2nd Vice Chair; Hankins,

Republican Vice Chair; Buck; Fortunato; Haigh; Lovick; Morris; Murray; Ogden; Radcliff; Romero; Scott; Skinner and Wood.

MINORITY recommendation: Without recommendation. Signed by Representatives Ericksen, Republican Vice Chair; G. Chandler; DeBolt; Hatfield; Hurst; McDonald; Mielke; Mitchell; Pflug and Schindler.

Voting yea: Representatives Fisher, Schmidt, K. Cooper, Edwards, Hankins, Buck, Fortunato, Haigh, Lovick, Morris, Murray, Ogden, Radcliff, Romero, Scott, Skinner and Wood.

Voting nay: Representative(s) Ericksen, G. Chandler, DeBolt, Hatfield, Hurst, McDonald, Mielke, Mitchell, Pflug, and Schindler.

Excused: Representative(s) Schual-Berke.

Passed to Rules Committee for Second Reading.

March 2, 1999

HB 1774 Prime Sponsor, Representative Wolfe: Regulating occupational drivers' licenses. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fisher, Democratic Co-Chair; K. Schmidt, Republican Co-Chair; Cooper, Democratic 1st Vice Chair; Edwards, Democratic 2nd Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; Buck; G. Chandler; DeBolt; Fortunato; Haigh; Hatfield; Hurst; Lovick; McDonald; Mielke; Mitchell; Morris; Murray; Ogden; Pflug; Radcliff; Romero; Schindler; Scott; Skinner and Wood.

Voting yea: Representatives Fisher, Schmidt, K. Cooper, Edwards, Ericksen, Hankins, Buck, G. Chandler, DeBolt, Fortunato, Haigh, Hatfield, Hurst, Lovick, McDonald, Mielke, Mitchell, Morris, Murray, Ogden, Pflug, Radcliff, Romero, Schindler, Scott, Skinner and Wood.

Excused: Representative(s) Schual-Berke.

Passed to Rules Committee for Second Reading.

March 2, 1999

HB 1789 Prime Sponsor, Representative Ogden: Decriminalizing license fraud and establishing a license fraud task force in the Washington state patrol. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fisher, Democratic Co-Chair; K. Schmidt, Republican Co-Chair; Cooper, Democratic 1st Vice Chair; Edwards, Democratic 2nd Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; Buck; G. Chandler; DeBolt; Fortunato; Haigh; Hatfield; Hurst; Lovick; Mielke; Mitchell; Morris; Murray; Ogden; Pflug; Radcliff; Romero; Scott; Skinner and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives McDonald and Schindler.

Voting yea: Representatives Fisher, Schmidt, K. Cooper, Edwards, Ericksen, Hankins, Buck, G. Chandler, DeBolt, Fortunato, Haigh, Hatfield, Hurst, Lovick, Mielke, Mitchell, Morris, Murray, Ogden, Pflug, Radcliff, Romero, Scott, Skinner and Wood.

Voting nay: Representative(s) McDonald and Schindler.

Excused: Representative(s) Schual-Berke.

Passed to Rules Committee for Second Reading.

March 2, 1999

HB 1971 Prime Sponsor, Representative D. Sommers: Enhancing traffic safety. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fisher, Democratic Co-Chair; K. Schmidt, Republican Co-Chair; Cooper, Democratic 1st Vice Chair; Edwards, Democratic 2nd Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; Buck; G. Chandler; DeBolt; Haigh; Hatfield; Hurst; Lovick; McDonald; Mielke; Mitchell; Morris; Murray; Ogden; Pflug; Radcliff; Romero; Schindler; Scott; Skinner and Wood.

Voting yea: Representatives Fisher, Schmidt, K, Cooper, Edwards, Ericksen, Buck, G. Chandler, DeBolt, Fortunato, Haigh, Hatfield, Hurst, Lovick, McDonald, Mielke, Mitchell, Morris, Murray, Ogden, Pflug, Radcliff, Romero, Schindler, Scott, Skinner and Wood.

Voting nay: Representative(s) Hankins.

Excused: Representative(s) Schual-Berke.

Passed to Rules Committee for Second Reading.

March 2, 1999

HB 2053 Prime Sponsor, Representative Hatfield: Allowing credit card payment of vehicle registration fees. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fisher, Democratic Co-Chair; K. Schmidt, Republican Co-Chair; Cooper, Democratic 1st Vice Chair; Edwards, Democratic 2nd Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; Buck; G. Chandler; DeBolt; Fortunato; Haigh; Hatfield; Hurst; Lovick; McDonald; Mielke; Mitchell; Morris; Murray; Ogden; Radcliff; Romero; Schindler; Scott; Skinner and Wood.

Voting yea: Representatives Fisher, Schmidt, K, Cooper, Edwards, Ericksen, Hankins, Buck, G. Chandler, DeBolt, Fortunato, Haigh, Hatfield, Hurst, Lovick, McDonald, Mielke, Mitchell, Morris, Murray, Ogden, Pflug, Radcliff, Romero, Schindler, Scott, Skinner and Wood.

Excused: Representative(s) Schual-Berke.

Passed to Rules Committee for Second Reading.

March 2, 1999

HB 2201 Prime Sponsor, Representative Fisher: Imposing a surcharge on trip permit fees. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Democratic Co-Chair; K. Schmidt, Republican Co-Chair; Cooper, Democratic 1st Vice Chair; Edwards, Democratic 2nd Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; Buck; G. Chandler; DeBolt; Fortunato; Haigh; Hatfield; Hurst; Lovick; McDonald; Mielke; Mitchell; Morris; Murray; Ogden; Pflug; Radcliff; Romero; Schindler; Scott; Skinner and Wood.

Voting yea: Representatives Fisher, Schmidt, K, Cooper, Edwards, Ericksen, Hankins, Buck, G. Chandler, DeBolt, Fortunato, Haigh, Hatfield, Hurst, Lovick, McDonald, Mielke, Mitchell, Morris, Murray, Ogden, Pflug, Radcliff, Romero, Schindler, Scott, Skinner and Wood.

Voting nay: Representative(s)

Excused: Representative(s) Schual-Berke,

Passed to Rules Committee for Second Reading.

## MOTION

On motion of Representative Lisk, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

## RESOLUTION

HOUSE RESOLUTION NO. 99-4639, by Representatives Regala, DeBolt, Conway, Kastama, Sullivan, McDonald, Bush, Alexander, Lantz, Talcott, Carlson, Campbell, Dunn, Skinner, Hankins and Thomas

WHEREAS, March 2, 1999, marks the 100th anniversary of Mt. Rainier as a national park; and

WHEREAS, Mt. Rainier, known as Tahoma by many Indian tribes, is symbolic of Washington state itself, and is a source of great pride to state residents; and

WHEREAS, When the weather clears, and we tell each other that "the Mountain is out," everyone knows what is meant; and

WHEREAS, More than two million people visit Mt. Rainier National Park each year; and

WHEREAS, These visitors come not only from the Pacific Northwest, but from throughout the world to enjoy the scenery and wildlife; and

WHEREAS, Mt. Rainier offers year-round outdoor experiences to people of all ages and abilities; and

WHEREAS, At its summit of 14,410 feet above the sea, the approximately 10,000 people who try to reach it annually are presented with a breathtaking view of our state, and take back something that they will always remember; and

WHEREAS, The Wonderland Trail is a 93-mile loop which circles the Mountain, and takes a person from valley forests to alpine meadows and barren areas of rock and snow; and

WHEREAS, Trees nearly 1000 years old can be found in the Grove of the Patriarchs, including a Douglas fir 35 feet in circumference; and

WHEREAS, The snout of the Carbon Glacier is easily visited as the lowest elevation glacier in the lower 48 states; and

WHEREAS, Comet Falls provides 320 feet of thunder and mist, and is only 1 of 122 waterfalls contained within the park; and

WHEREAS, The fields of lupine, asters, and Indian paintbrush provide a lush setting to sight bears, mountain goats, and other wildlife; and

WHEREAS, These unspoiled views are the direct result of good stewardship and the countless hours provided by volunteers;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives join all state residents in offering congratulations to all those who work to keep Mt. Rainier National Park a national treasure, and in wishing Mt. Rainier National Park a happy 100th birthday; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to the Superintendent of Mt. Rainier National Park and to the Secretary of the Department of the Interior.

Representative Regala moved adoption of the resolution.



Representatives Regala, DeBolt, Conway, and Lantz spoke in favor of the adoption of the resolution.

House Resolution No. 99-4639 was adopted.

There being no objection, the House advanced to the sixth order of business.

## **SECOND READING**

### **MOTION**

On motion of Representative Wolfe, Representatives Lovick, Scott and H. Sommers were excused.

HOUSE BILL NO. 1513, by Representatives Kenney, Ericksen, Quall, Talcott, Haigh, Keiser, Veloria, Miloscia, Romero, Wolfe, Santos, Alexander, Rockefeller, Barlean, Lisk, Edwards, Lovick, Thomas, Huff, O'Brien, Lambert, Ogden, Conway, Schual-Berke, Dickerson, Hurst, Regala, Linville, Tokuda, Stensen, McDonald, Anderson, Parlette, Esser, Gombosky, Kagi, Edmonds, Lantz and Wood; by request of Department of General Administration and Superintendent of Public Instruction

Authorizing the donation of surplus computers and computer-related equipment to school districts and educational service districts.

The bill was read the second time.

Representative Fortunato moved the adoption of amendment (007):

On page 1, beginning on line 16, after "shall" strike all material through "accountability." on line 17 and insert "give priority to school-age children with disabilities, including considerations for quality, school-district needs, and accountability."

On page 3, line 5, after "texts" insert "and priority shall be given to students with disabilities, including those disabilities that require the portability of laptop computers, over students without disabilities"

Representatives Fortunato and Kenney spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kenney and Erickson spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Engrossed House Bill No. 1513.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed House Bill No. 1513, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. K. Schmidt Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Lovick, Scott, Sommers and H. - 3.

Engrossed House Bill No. 1513, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1559, by Representatives Fortunato, Murray and McDonald; by request of Washington State Patrol

Repealing redundant law on transporting explosives.

The bill was read the second time. There being no objection, Substitute House Bill No. 1559 was substituted for House Bill No. 1559 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1559 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Fortunato spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute House Bill No. 1559.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1559 and the bill passed the House by the following vote: Yeas - 91, Nays - 4, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. K. Schmidt Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 91.

Voting nay: Representatives Constantine, Fisher, Hurst and Poulsen - 4.

Excused: Representatives Lovick, Scott, Sommers and H. - 3.

Substitute House Bill No. 1559, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1579, by Representatives Quall and Cooper

Clarifying the review process for appeals from decisions of the Washington Interscholastic Activities Association.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Quall, Talcott and Cox spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of House Bill No. 1579.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1579 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. K. Schmidt Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Lovick, Scott, Sommers and H. - 3.

House Bill No. 1579, having received the constitutional majority, was declared passed.

#### POINT OF PERSONAL PRIVILEGE

Representative Thomas congratulated Representative Fortunato on passage of his first bill and asked the Chamber to acknowledge him.

HOUSE BILL NO. 1588, by Representatives Mitchell, Fisher, Hankins, Ericksen, Skinner, Radcliff, Cooper, K. Schmidt and Ogden; by request of Legislative Transportation Committee

Deleting reference to obsolete transportation accounts.

The bill was read the second time. There being no objection, Substitute House Bill No. 1588 was substituted for House Bill No. 1588 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1588 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Mitchell and Fisher spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute House Bill No. 1588.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1588 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. K. Schmidt Schmidt, Schoesler, Schual-Berke, Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Lovick and Scott - 2.

Substitute House Bill No. 1588, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1293, by Representatives Campbell, Romero, McMorris, Lambert, Miloscia, D. Schmidt, Dunshee, Haigh, Bush and Esser

Regulating solicitation of contributions by newly elected state officials.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Campbell and Miloscia spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of House Bill No. 1293.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1293 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. K. Schmidt Schmidt, Schoesler, Schual-Berke, Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Lovick and Scott - 2.

House Bill No. 1293, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1352, by Representatives Carrell, Constantine, Sheahan, Koster, Dickerson, Mielke, Lambert, Fortunato, Lantz, D. Schmidt, Boldt, Kessler, Benson, McMorris, Mulliken, Wensman, Crouse, Hatfield, Gombosky, Talcott, DeBolt, Wood, Hurst, Anderson, Pflug, Mitchell, Dunn, Buck, Wolfe, G. Chandler, McDonald, Campbell, Alexander, Skinner, Thomas, Esser and Bush

Allowing temporary emergency concealed pistol licenses.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Judiciary was not adopted. (For Committee amendment(s), see Journal, 39<sup>th</sup> Day, February 18, 1999.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Carrell and Constantine spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of House Bill No. 1352.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1352 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. K. Schmidt Schmidt, Schoesler, Schual-Berke, Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Lovick and Scott - 2.

House Bill No. 1352, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1021, by Representatives Ogden, Carlson, Conway, H. D. Sommers Sommers, Alexander, Wolfe, Bush, DeBolt and Kenney; by request of Joint Committee on Pension Policy

Providing membership in the public employees' retirement system for the chief administrative officer of a public utility district or a county.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ogden and Carlson spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of House Bill No. 1021.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1021 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. K. Schmidt Schmidt, Schoesler, Schual-Berke, Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Lovick and Scott - 2.

House Bill No. 1021, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1022, by Representatives Alexander, Ogden, D. H. Sommers Sommers, Conway, Carlson, Wolfe, Morris, Campbell, Bush, Keiser, Stensen, McDonald, Kenney, Schoesler, Rockefeller and Lantz; by request of Joint Committee on Pension Policy

Adjusting the Washington state patrol surviving spouse retirement allowance.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Alexander and Doumit spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of House Bill No. 1022.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1022 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. K. Schmidt Schmidt, Schoesler, Schual-Berke, Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Lovick and Scott - 2.

House Bill No. 1022, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1024, by Representatives Carlson, H. Sommers, Alexander, D. Sommers, Lambert, Ogden, Conway, Wolfe, Bush, Kastama, G. Chandler, DeBolt, Carrell, Parlette, Talcott, K. Schmidt and Sump; by request of Joint Committee on Pension Policy

Providing a retirement option for certain retirement system members.

The bill was read the second time. There being no objection, Substitute House Bill No. 1024 was substituted for House Bill No. 1024 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1024 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Carlson, Doumit and Carrell spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute House Bill No. 1024.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1024 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. K. Schmidt Schmidt, Schoesler, Schual-Berke, Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Lovick and Scott - 2.

Substitute House Bill No. 1024, having received the constitutional majority, was declared passed.

There being no objection, the House deferred action on House Bill No. 1025, and the bill held its place on the second reading calendar.

HOUSE BILL NO. 1027, by Representatives Scott, Huff, Lantz, Conway and McDonald; by request of Criminal Justice Training Commission

Expanding the membership of the criminal justice training commission.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives O'Brien and B. Chandler spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of House Bill No. 1027.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1027 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. K. Schmidt Schmidt, Schoesler, Schual-Berke, Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Lovick and Scott - 2.

House Bill No. 1027, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1068, by Representatives Ballasiotes, O'Brien, Lambert, Mitchell, Kessler, Esser and Lovick

Providing for more participation by victims, prosecutors, and law enforcement in the clemency and pardons process.

The bill was read the second time. There being no objection, Substitute House Bill No. 1068 was substituted for House Bill No. 1068 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1068 was read the second time.

#### MOTION

On motion of Representative Wolfe, Representative Conway was excused.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ballasiotes and O'Brien spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute House Bill No. 1068.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1068 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Mastin,



McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. K. Schmidt Schmidt, Schoesler, Schual-Berke, Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Conway, Lovick and Scott - 3.

Substitute House Bill No. 1068, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1070, by Representatives Romero and D. Schmidt; by request of Alternative Public Works Methods Oversight Committee

Authorizing the general contractor/construction manager contracting procedure for school district capital projects.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Romero and D. Schmidt spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of House Bill No. 1070.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1070 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. K. Schmidt Schmidt, Schoesler, Schual-Berke, Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Conway, Lovick and Scott - 3.

House Bill No. 1070, having received the constitutional majority, was declared passed.

There being no objection, the House deferred action on House Bill No. 1071, and the bill held its place on second reading.

HOUSE BILL NO. 1073, by Representatives D. Schmidt and Romero; by request of Alternative Public Works Methods Oversight Committee

Changing alternative bid processes for public hospital districts.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives D. Schmidt and Romero spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of House Bill No. 1073.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1073 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 1, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Linville, Lisk, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. K. Schmidt Schmidt, Schoesler, Schual-Berke, Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 94.

Absent: Representative Lantz - 1.

Excused: Representatives Conway, Lovick and Scott - 3.

House Bill No. 1073, having received the constitutional majority, was declared passed.

#### RECONSIDERATION

There being no objection, the rules be suspended, and that the House immediately reconsider the vote on House Bill No. 1073.

Speaker Ballard stated the question before the House to be final passage of House Bill No. 1073 on reconsideration.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1073 on reconsideration and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. K. Schmidt Schmidt, Schoesler, Schual-Berke, Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Conway, Lovick and Scott - 3.

House Bill No. 1073, on reconsideration having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1074, by Representatives D. Schmidt, Romero and Santos; by request of Alternative Public Works Methods Oversight Committee

Regulating job order contracting for public works.

The bill was read the second time. There being no objection, Substitute House Bill No. 1074 was substituted for House Bill No. 1074 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1074 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives D. Schmidt and Romero spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute House Bill No. 1074.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1074 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. K. Schmidt Schmidt, Schoesler, Schual-Berke, Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Conway, Lovick and Scott - 3.

Substitute House Bill No. 1074, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1075, by Representatives D. Schmidt and Romero; by request of Alternative Public Works Methods Oversight Committee

Increasing the monetary limit for use of the small works roster by port districts.

The bill was read the second time. There being no objection, Substitute House Bill No. 1075 was substituted for House Bill No. 1075 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1075 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative D. Schmidt spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute House Bill No. 1075.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1075 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. K. Schmidt Schmidt, Schoesler, Schual-Berke, Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Conway, Lovick and Scott - 3.

Substitute House Bill No. 1075, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1106, by Representatives Van Luven, Conway, Wood, Clements, Lisk and Esser

Prescribing disclosures required for prize promotions.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Van Luven and Wood spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of House Bill No. 1106.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1106 and the bill passed the House by the following vote: Yeas - 84, Nays - 11, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cooper, Cox, Crouse, DeBolt, Delvin, Doumit, Dunn, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Linville, Lisk, Mastin, McDonald, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, O'Brien, Ogden, Parlette, Pennington, Pflug, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. K. Schmidt Schmidt, Schoesler, Schual-Berke, Skinner, D. H. Sommers Sommers, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 84.

Voting nay: Representatives Cody, Constantine, Dickerson, Dunshee, Fisher, Hurst, Lantz, McIntire, Murray, Poulsen and Stensen - 11.

Excused: Representatives Conway, Lovick and Scott - 3.

House Bill No. 1106, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1113, by Representatives Campbell, Cody and Boldt

Revising provisions relating to occupational therapy.

The bill was read the second time. There being no objection, Substitute House Bill No. 1113 was substituted for House Bill No. 1113 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1113 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Campbell and Cody spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute House Bill No. 1113.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1113 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 1, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Cody, Constantine, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. K. Schmidt Schmidt, Schoesler, Schual-Berke, Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 94.

Absent: Representative Clements - 1.

Excused: Representatives Conway, Lovick and Scott - 3.

Substitute House Bill No. 1113, having received the constitutional majority, was declared passed.

#### RECONSIDERATION

There being no objection, the rules were suspended, and the House immediately reconsidered the vote on Substitute House Bill No. 1113.

Speaker Ballard stated the question before the House to be final passage of Substitute House Bill No. 1113 on reconsideration.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1113 on reconsideration and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. K. Schmidt Schmidt, Schoesler, Schual-Berke, Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Conway, Lovick and Scott - 3.

Substitute House Bill No. 1113, on reconsideration having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1138, by Representatives Sheahan and Constantine

Making technical corrections to the disclaimer statute.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Carrell and Constantine spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of House Bill No. 1138.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1138 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. K. Schmidt Schmidt, Schoesler, Schual-Berke, Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Conway, Lovick and Scott - 3.

House Bill No. 1138, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1216, by Representatives Parlette and Cody; by request of Department of Health

Removing the termination of the secretary of health's authority for administrative procedure.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Parlette and Cody spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of House Bill No. 1216.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1216 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. K. Schmidt Schmidt, Schoesler, Schual-Berke, Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Conway, Lovick and Scott - 3.

House Bill No. 1216, having received the constitutional majority, was declared passed.

There being no objection, the House deferred action on House Bill No. 1218, and the bill held its position on second reading.

HOUSE BILL NO. 1232, by Representatives Sheahan, Constantine, McDonald and Scott

Changing provisions relating to judgments.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Judiciary was adopted. (For committee amendment(s), see Journal, 39<sup>th</sup> Day, February 18, 1999.)

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Schindler and Constantine spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Engrossed House Bill No. 1232.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1232, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine,

Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. K. Schmidt Schmidt, Schoesler, Schual-Berke, Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Conway, Lovick and Scott - 3.

Engrossed House Bill No. 1232, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1238, by Representatives Conway, Clements, Wood, McMorris and Hurst

Appointing a temporary member to the board of industrial insurance appeals due to illness of a board member.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Wood and B. Chandler spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of House Bill No. 1238.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1238 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. K. Schmidt Schmidt, Schoesler, Schual-Berke, Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Conway, Lovick and Scott - 3.

House Bill No. 1238, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1250, by Representatives McIntire, Keiser, Sullivan, Santos, Benson, Hatfield, Quall, Barlean, Hurst, Dunshee, Bush, Constantine, Dickerson, Rockefeller, O'Brien and Kenney

Protecting the privacy of financial information.



The bill was read the second time. There being no objection, Substitute House Bill No. 1250 was substituted for House Bill No. 1250 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1250 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives McIntire and Barlean spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute House Bill No. 1250.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1250 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. K. Schmidt Schmidt, Schoesler, Schual-Berke, Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Conway, Lovick and Scott - 3.

Substitute House Bill No. 1250, having received the constitutional majority, was declared passed.

#### POINT OF PERSONAL PRIVILEGE

Representative Kenney congratulated Representative McIntire on passage his first bill and requested the Chamber acknowledge him.

There being no objection, the House deferred action on House Bill No. 1271, and the bill held its position on second reading.

HOUSE BILL NO. 1299, by Representatives Ballasiotes, O'Brien, Lambert, Kastama, Esser and Schual-Berke; by request of Sentencing Guidelines Commission

Authorizing the secretary of corrections to grant extraordinary medical releases to offenders when specified conditions are met.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ballasiotes and O'Brien spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of House Bill No. 1299.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1299 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. K. Schmidt Schmidt, Schoesler, Schual-Berke, Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Conway, Lovick and Scott - 3.

House Bill No. 1299, having received the constitutional majority, was declared passed.

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 10:00 a.m., Friday, March 5, 1999, the 54<sup>th</sup> Legislative Day.

TIMOTHY A. MARTIN, Chief Clerk     CLYDE BALLARD, Speaker  
DEAN R. FOSTER, Chief Clerk     FRANK CHOPP, Speaker

FIFTY-THIRD DAY, MARCH 4, 1999

JOURNAL OF THE HOUSE

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**FIFTY-FOURTH DAY**

**MORNING SESSION**

House Chamber, Olympia, Friday, March 5, 1999

The House was called to order at 10:00 a.m. by Speaker Pro Tempore Ogden. The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Jennifer Dickenson and Rob App. Prayer was offered by Reverend David Roberts, First Baptist Church, Yakima.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

**MESSAGE FROM THE SENATE**

March 4, 1999

Mr. Speaker:

The Senate has passed:

SUBSTITUTE HOUSE BILL NO. 1124,

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

**INTRODUCTIONS AND FIRST READING**

HB 2262 by Representatives Lovick, Koster, O'Brien, Esser, Wood, Conway, Haigh, Rockefeller and Ogden

AN ACT Relating to motor vehicle theft; amending RCW 9A.56.070, 9.94A.360, and 13.40.0357; reenacting and amending RCW 9.94A.320; and prescribing penalties.

Referred to Committee on Appropriations.

HB 2263 by Representatives Cox, Hurst, O'Brien, Esser, Conway, Rockefeller and Ogden

AN ACT Relating to robbery within a financial institution; amending RCW 9A.56.200; and prescribing penalties.

Referred to Committee on Appropriations.

HB 2264 by Representatives H. Sommers, Huff and O'Brien; by request of Department of Social and Health Services

AN ACT Relating to meeting the trust account requirement of the juvenile accountability incentive block grant; amending RCW 43.79A.040; and adding a new section to chapter 13.40 RCW.

Referred to Committee on Appropriations.

HJM 4015 by Representatives Lisk, Kenney, Radcliff, McDonald, Wolfe, Haigh, Ogden, Kessler, Santos, Conway, Linville and Lantz

Requesting federal scrutiny of immigration law and Immigration and Naturalization Service policies.

#### MOTION

On motion of Representative Morris, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

There being no objection, the House advanced to the sixth order of business.

#### SECOND READING

#### MOTION

On motion of Representative Schoesler, Representatives Koster and K. Schmidt were excused. On motion of Representative Wolfe, Representatives Dickerson, Murray, Tokuda and Veloria were excused.

HOUSE BILL NO. 1163, by Representatives Cooper, Schoesler, Linville, G. Chandler, Keiser, Rockefeller and Conway; by request of Department of Health

Providing for the safe decontamination or destruction of residential property used for illegal drug manufacturing or storage.

The bill was read the second time.

On motion of Representative Linville, the committee recommendation was adopted and the substitute bill was advanced to third reading.

Representatives Cooper and Schoesler spoke in favor of passage of the bill.

Representative Radcliff spoke against the passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Substitute House Bill No. 1163.

## ROLL CALL

The Clerk called the roll on Substitute House Bill No. 1163 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. G. Chandler Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 94.

Excused: Representatives Dickerson, Murray, K. Schmidt and Tokuda - 4.

Substitute House Bill No. 1163, having received the constitutional majority, was declared passed.

## POINT OF PERSONAL PRIVILEGE

Representative Morris congratulated Representative Cooper on the passage of his first bill and asked the Chamber to acknowledge his accomplishment.

HOUSE BILL NO. 1199, by Representatives Lantz, Constantine, Sheahan and Carrell

Defining the jurisdiction of civil antiharassment actions.

The bill was read the second time.

On motion of Representative Constantine, the committee recommendation was adopted and the bill was advanced to third reading.

## MOTION

On motion of Representative Schoesler, Representative Mitchell was excused.

Representatives Lantz and Esser spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of House Bill No. 1199.

## ROLL CALL

The Clerk called the roll on House Bill No. 1199 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. G. Chandler Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. H. Sommers

Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Dickerson, Mitchell and K. Schmidt - 3.

House Bill No. 1199, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1200, by Representatives Lantz, McDonald, Kastama, Schindler, Constantine, Sheahan and Carrell

Clarifying the jurisdiction over drunk drivers.

The bill was read the second time.

On motion of Representative Constantine, the committee recommendation was adopted and the bill was advanced to third reading.

Representatives Lantz and Schindler spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of House Bill No. 1200.

#### ROLL CALL

The Clerk called the roll on House Bill No. 1200 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. H. Sommers, Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Dickerson, Mitchell, and K. Schmidt - 3.

House Bill No. 1200, having received the constitutional majority, was declared passed.

There being no objection, the House deferred action on House Bill No. 1288, and the bill held its place on the second reading calendar.

HOUSE BILL NO. 1306, by Representatives Huff, H. Sommers and Benson

Implementing 1998 legislation dealing with drunk driving.

The bill was read the second time.

On motion of Representative Morris, the committee recommendation was adopted and the bill was advanced to third reading.

Representatives Huff and Doumit spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of House Bill No. 1306.

#### ROLL CALL

The Clerk called the roll on House Bill No. 1306 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. G. Chandler Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Dickerson, Mitchell and K. Schmidt - 3.

House Bill No. 1306, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1310, by Representatives Scott, Mulliken, Morris, Schoesler, Ericksen and Linville

Changing the authority of public utility districts.

The bill was read the second time.

On motion of Representative Scott, the committee recommendation was adopted and the bill was advanced to third reading.

Representatives Scott and Ericksen spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of House Bill No. 1310.

#### ROLL CALL

The Clerk called the roll on House Bill No. 1310 and the bill passed the House by the following vote: Yeas - 92, Nays - 3, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. G. Chandler Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 92.

Voting nay: Representatives Pflug, Poulsen and Thomas - 3.

Excused: Representatives Dickerson, Mitchell and K. Schmidt - 3.

House Bill No. 1310, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1346, by Representatives O'Brien, Koster, Cody, DeBolt, Constantine, Kessler, D. Schmidt, Edwards and Radcliff

Providing an alternative method for dissolving a cultural arts, stadium or convention district.

The bill was read the second time.

On motion of Representative Scott, the committee recommendation was adopted and the bill was advanced to third reading.

Representatives O'Brien and Fortunato spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of House Bill No. 1346.

#### ROLL CALL

The Clerk called the roll on House Bill No. 1346 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. G. Chandler Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Dickerson, Mitchell and K. Schmidt - 3.

House Bill No. 1346, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1370, by Representatives G. Chandler, Linville, Clements, Grant and B. Chandler

Extending the period of time to expend funds from the fruit and vegetable district fund.

The bill was read the second time.

On motion Representative Linville, the committee recommendation was adopted and the bill was advanced to third reading.

Representatives G. Chandler and Linville spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of House Bill No. 1370.

#### ROLL CALL

The Clerk called the roll on House Bill No. 1370 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. G. Chandler Chandler, Clements, Cody, Constantine,



Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Dickerson, Mitchell and K. Schmidt - 3.

House Bill No. 1370, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1371, by Representatives Ruderman, Alexander and O'Brien; by request of Department of Health

Modifying provisions that concern the control and prevention of tuberculosis.

The bill was read the second time.

On motion of Representative Cody, the committee recommendation was adopted and the substitute bill was advanced to third reading.

Representatives Ruderman and Pflug spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Substitute House Bill No. 1371.

#### ROLL CALL

The Clerk called the roll on Substitute House Bill No. 1371 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. G. Chandler Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Dickerson and K. Schmidt - 2.

Substitute House Bill No. 1371, having received the constitutional majority, was declared passed.

#### POINT OF PERSONAL PRIVILEGE

Representative Morris congratulated Representative Ruderman on her first bill passed through the House and asked the Chamber to acknowledge her.

HOUSE BILL NO. 1425, by Representatives Linville, Mulliken, Ericksen and Scott

Addressing municipal water or sewer utilities.

The bill was read the second time.

On motion of Representative Scott, the committee recommendation was adopted and the bill was advanced to third reading.

Representatives Linville and Ericksen spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of House Bill No. 1425.

#### ROLL CALL

The Clerk called the roll on House Bill No. 1425 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. G. Chandler Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Dickerson and K. Schmidt - 2.

House Bill No. 1425, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1524, by Representatives Doumit, Pennington, Conway, Clements, Alexander, Cooper, Hatfield, Mielke, Carlson, Poulsen, Mulliken, Scott and Rockefeller

Expanding the workers' compensation obligation of out-of-state employers.

The bill was read the second time.

On motion of Representative Doumit, the committee recommendation was adopted and the bill was advanced to third reading.

Representatives Doumit and Pennington spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of House Bill No. 1524.

#### ROLL CALL

The Clerk called the roll on House Bill No. 1524 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. G. Chandler Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller,

Romero, Ruderman, Santos, Schindler, D. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Dickerson and K. Schmidt - 2.

House Bill No. 1524, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1529, by Representatives Talcott, Quall and Bush

Clarifying school district employees' personal holidays.

The bill was read the second time.

On motion of Representative Quall, the committee recommendation was adopted and the substitute bill was advanced to third reading.

Representatives Quall and Talcott spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Substitute House Bill No. 1529.

#### ROLL CALL

The Clerk called the roll on Substitute House Bill No. 1529 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. G. Chandler Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. K. Schmidt Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Dickerson - 1.

Substitute House Bill No. 1529, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1560, by Representatives McMorris, Scott, Ballasiotes, Mitchell, Romero, Dickerson, McDonald, Poulsen, Bush, Constantine, Fortunato and Murray; by request of Forensic Investigation Council

Enabling the bureau of forensic laboratory services.

The bill was read the second time.

On motion of Representative Romero, the committee recommendation was adopted and the substitute bill was advanced to third reading.

Representatives McMorris and Romero spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Substitute House Bill No. 1560.

#### ROLL CALL

The Clerk called the roll on Substitute House Bill No. 1560 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. G. Chandler Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. K. Schmidt Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Dickerson - 1.

Substitute House Bill No. 1560, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1577, by Representatives Bush, Sheahan, Constantine, Barlean, Quall, Talcott, Cairnes, Keiser, McIntire, Santos, Sullivan, Hatfield, DeBolt, Benson, Dunshee, Boldt, Haigh, Mielke, Veloria, Conway and Kenney

Changing when a court may seal juvenile records.

The bill was read the second time.

On motion of Representative Constantine, the committee amendment by the Committee on Judiciary was adopted. (For Committee amendment, see Journal, 45<sup>th</sup> Day, February 24, 1999.)

The bill was ordered engrossed.

On motion of Representative Constantine, the engrossed bill was advanced to third reading.

Representative Bush spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Engrossed House Bill No. 1577.

#### ROLL CALL

The Clerk called the roll on Engrossed House Bill No. 1577 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. G. Chandler Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. K. Schmidt Schmidt, Schoesler, Schual-Berke, Scott,

Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Dickerson - 1.

Engrossed House Bill No. 1577, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1585, by Representatives Hankins, Grant, Dunshee, Mastin, Delvin and O'Brien

Using federal funds to reduce the outstanding debt of school districts within counties.

The bill was read the second time.

On motion of Representative Scott, the committee recommendation was adopted and the bill was advanced to third reading.

Representative Hankins spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of House Bill No. 1585.

#### ROLL CALL

The Clerk called the roll on House Bill No. 1585 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. G. Chandler Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. K. Schmidt Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Dickerson - 1.

House Bill No. 1585, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1642, by Representatives Grant and Mastin

Changing surface water permit and rights provisions.

The bill was read the second time.

On motion of Representative Cooper, the committee recommendation was adopted and the bill was advanced to third reading.

Representative Grant spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of House Bill No. 1642.

## ROLL CALL

The Clerk called the roll on House Bill No. 1642 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. G. Chandler Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. K. Schmidt Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Dickerson - 1.

House Bill No. 1642, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1671, by Representatives Constantine, Radcliff, Kessler, Mastin, Sullivan, Grant, G. Chandler, Reardon, Lisk, Esser, Alexander, McMorris and Mitchell

Eliminating a maximum amount threshold for pleadings in actions arising from public works contracts.

The bill was read the second time.

On motion of Representative Constantine, the committee recommendation was adopted and the substitute bill was advanced to third reading.

Representatives Constantine and Esser spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Substitute House Bill No. 1671.

## ROLL CALL

The Clerk called the roll on Substitute House Bill No. 1671 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. G. Chandler Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. K. Schmidt Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Dickerson - 1.

Substitute House Bill No. 1671, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1810, by Representatives Boldt and Tokuda; by request of Department of Social and Health Services

Amending the child abuse protection and treatment act.

The bill was read the second time.

On motion of Representative D. Sommers, the committee recommendation was adopted and the bill was advanced to third reading.

Representatives Boldt and Tokuda spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of House Bill No. 1810.

#### ROLL CALL

The Clerk called the roll on House Bill No. 1810 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. K. Schmidt Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Dickerson - 1.

House Bill No. 1810, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1866, by Representatives McMorris, Tokuda, Boldt, Sump, D. Sommers and Campbell

Changing shelter care provisions to favor placing a child with a relative.

The bill was read the second time.

On motion of Representative Tokuda, the committee recommendation was adopted and the bill was advanced to third reading.

Representatives McMorris and Tokuda spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of House Bill No. 1866.

#### ROLL CALL

The Clerk called the roll on House Bill No. 1866 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. G. Chandler Chandler, Clements, Cody, Constantine,

Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. K. Schmidt Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Dickerson - 1.

House Bill No. 1866, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2111, by Representatives Alexander, Benson, Wolfe, Constantine, Hatfield, Grant and H. Sommers; by request of Attorney General and Department of General Administration

Eliminating the tort claims revolving fund.

The bill was read the second time.

On motion of Representative Doumit, the committee recommendation was adopted and the substitute bill was advanced to third reading.

Representatives Alexander and Doumit spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Substitute House Bill No. 2111.

#### ROLL CALL

The Clerk called the roll on Substitute House Bill No. 2111 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. G. Chandler Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. K. Schmidt Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Dickerson - 1.

Substitute House Bill No. 2111, having received the constitutional majority, was declared passed.

HOUSE JOINT MEMORIAL NO. 4012, by Representatives Regala, Eickmeyer, Buck, Clements, Anderson, Veloria and Conway

Requesting Congress to pass legislation to restore and revitalize federal funding for the land and water conservation fund.

The memorial was read the second time.



On motion of Representative Anderson, the committee recommendation was adopted and the memorial was advanced to third reading.

Representatives Anderson and Ericksen spoke in favor of passage of the memorial.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of House Joint Memorial No. 4012.

#### ROLL CALL

The Clerk called the roll on House Joint Memorial No. 4012 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. G. Chandler Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. K. Schmidt Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Dickerson - 1.

House Joint Memorial No. 4012, having received the constitutional majority, was declared passed.

There being no objection, House Bill No. 1288 was passed to the Rules Committee.

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

#### MOTION

On motion of Representative Morris, House Bill No. 1493 was referred from the Rules Committee to the Committee on Appropriations, House Bill No. 1497 was referred from the Committee on Appropriations to the Committee on Capital Budget, House Bill No. 2078 was referred from the Committee on Appropriations to the Rules Committee, House Bill No. 2107 was referred from the Committee on Appropriations to the Rules Committee, and House Bill No. 2232 was referred from the Committee on Appropriations to the Rules Committee.

There being no objection, the House advanced to the eleventh order of business.

#### MOTION

On motion of Representative Morris, the House adjourned until 10:00 a.m., Monday, March 8, 1999, the 57<sup>th</sup> Legislative Day.

TIMOTHY A. MARTIN, Chief Clerk      CLYDE BALLARD, Speaker  
DEAN R. FOSTER, Chief Clerk      FRANK CHOPP, Speaker

FIFTY-FOURTH DAY, MARCH 5, 1999

JOURNAL OF THE HOUSE

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## **FIFTY-SEVENTH DAY**

### **MORNING SESSION**

House Chamber, Olympia, Monday, March 8, 1999

The House was called to order at 10:00 a.m. by Speaker Pro Tempore Pennington. The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Peter Easling and Caleb Whitmore. Prayer was offered by Pastor Orville Jacobson, Emmanuel Lutheran Church, Longview.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

### **MESSAGE FROM THE SENATE**

March 4, 1999

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 5095,  
SENATE BILL NO. 5114,  
SENATE BILL NO. 5122,  
SENATE BILL NO. 5152,  
SUBSTITUTE SENATE BILL NO. 5177,  
SUBSTITUTE SENATE BILL NO. 5179,  
ENGROSSED SENATE BILL NO. 5187,  
SENATE BILL NO. 5196,  
SENATE BILL NO. 5200,  
SUBSTITUTE SENATE BILL NO. 5213,  
SUBSTITUTE SENATE BILL NO. 5215,

SUBSTITUTE SENATE BILL NO. 5234,  
SENATE BILL NO. 5278,  
SUBSTITUTE SENATE BILL NO. 5304,  
SENATE BILL NO. 5347,  
SUBSTITUTE SENATE BILL NO. 5453,  
SENATE BILL NO. 5382,  
SUBSTITUTE SENATE BILL NO. 5457,  
SENATE BILL NO. 5496,  
SENATE BILL NO. 5525,  
SENATE JOINT MEMORIAL NO. 8000,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

### **INTRODUCTIONS AND FIRST READING**

SB 5095 by Senators Thibaudeau, Horn, Kohl-Welles, Patterson, Haugen, Prentice and Costa

Clarifying that public corporations, commissions, and authorities are public agencies for purposes of the open public meetings act.

Referred to Committee on State Government.

SB 5114 by Senators Honeyford, Thibaudeau and Deccio

Exempting certain hospitals from annual inspections.

Referred to Committee on Health Care.

SB 5122 by Senators Fairley and Oke; by request of Department of Labor & Industries

Recovering industrial insurance benefits payments.

Referred to Committee on Commerce & Labor.

SB 5152 by Senators Kline, Fairley, Costa, Gardner and Goings

Clarifying who are appointed personnel for the purpose of public employees' collective bargaining.

Referred to Committee on Commerce & Labor.

SSB 5177 by Senate Committee on Education (originally sponsored by Senators McAuliffe, Goings, Oke, Winsley, Kohl-Welles, Long, Eide, Fraser, Rasmussen and Benton)

Increasing the number of hours retired teachers or retired administrators can substitute teach and increasing the number of hours retired principals can serve as substitute principals.

Referred to Committee on Education.

SSB 5179 by Senate Committee on Natural Resources, Parks & Recreation (originally sponsored by Senators Oke and Jacobsen)

Creating Title 79A RCW, Public Recreational Lands.

Referred to Committee on Natural Resources.

ESB 5187 by Senator Rasmussen; by request of Department of Agriculture

Updating or repealing dairy or food laws.

Referred to Committee on Agriculture & Ecology.

SB 5196 by Senators Johnson, Kline and Winsley

Resolving trust and estate disputes.

Referred to Committee on Judiciary.

SB 5200 by Senators Thibaudeau, Deccio, Wojahn and Winsley; by request of Department of Health

Removing the termination of the secretary of health's authority for administrative procedure.

Referred to Committee on Health Care.

SSB 5213 by Senate Committee on Education (originally sponsored by Senators McAuliffe, Kohl-Welles and Costa)

Requiring record checks for employees of approved private schools who have regularly scheduled unsupervised access to children.

Referred to Committee on Education.

SSB 5215 by Senate Committee on Education (originally sponsored by Senators Bauer, Oke, Kohl-Welles, Roach, Winsley, T. Sheldon and Rasmussen)

Extending veterans' exemptions from higher education tuition.

Referred to Committee on Higher Education.

SSB 5234 by Senate Committee on Judiciary (originally sponsored by Senators Long, Horn, Kline, Gardner, McCaslin, Zarelli, Roach, Hargrove, Kohl-Welles, Haugen, Franklin, Stevens, Thibaudeau, Oke, Winsley, Costa and Benton; by request of Department of Corrections)

Defining the crime of custodial sexual misconduct.

Referred to Committee on Criminal Justice & Corrections.

SB 5278 by Senators Kohl-Welles, Finkbeiner, Shin and Bauer

Changing provisions relating to foreign degree-granting institutions' branch campuses.

Referred to Committee on Higher Education.

SSB 5304 by Senate Committee on Judiciary (originally sponsored by Senators Costa, Heavey, Fairley, Goings, McCaslin and West)

Making violations of the liquor code misdemeanor offenses.

Referred to Committee on Commerce & Labor.

SB 5347 by Senators Rasmussen, Honeyford, Prentice and Morton

Extending the period of time to expend funds from the fruit and vegetable district fund.

Referred to Committee on Agriculture & Ecology.

SB 5382 by Senators T. Sheldon, Horn, Haugen and Winsley; by request of Department of Transportation

Strengthening the Scenic Vistas Act.

Referred to Committee on Transportation.

SSB 5453 by Senate Committee on Transportation (originally sponsored by Senators Horn, Benton, Haugen, Goings and Eide)

Enhancing regional transportation planning.

Referred to Committee on Transportation.

SSB 5457 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Costa, Zarelli, Hargrove and Long)

Revising provisions relating to conditions involving diversion agreements for juveniles.

Referred to Committee on Judiciary.

SB 5496 by Senators Brown, Finkbeiner, West, Winsley and Oke; by request of Department of Revenue

Authorizing the department of revenue to receive electronically filed taxpayer returns and remittances.

Referred to Committee on Finance.

SB 5525 by Senators Hargrove, Morton, T. Sheldon, Snyder, Oke, Winsley and Rasmussen

Revising provision for appointment of a county legislative authority member of the forest practices board.

Referred to Committee on Natural Resources.

SJM 8000 by Senators Kohl-Welles, Deccio, Thibaudeau, Winsley, Prentice, Hale, Patterson, Wojahn, Loveland, Shin, B. Sheldon, Benton, Spanel, Fairley, T. Sheldon, Bauer, Jacobsen, Eide, Gardner, Franklin, Fraser, Kline, McCaslin, Johnson, Oke, Rasmussen, Costa and McAuliffe

Requesting additional funds for prostate cancer research.

Referred to Committee on Health Care.

There being no objection, the bills and memorial listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

### **REPORTS OF STANDING COMMITTEES**

March 3, 1999

HB 1004 Prime Sponsor, Representative Ballasiotes: Requiring transient sex offenders to report regularly to the county sheriff. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

Voting yea: Representatives Huff, H. Sommers, Alexander, Doumit, D. Schmidt, Barlean, Benson, Boldt, Carlson, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Lisk, Mastin, McIntire, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Tokuda and Wensman.

Passed to Rules Committee for Second Reading.

March 3, 1999

HB 1006 Prime Sponsor, Representative Ballasiotes: Revising sentencing options for drug and alcohol offenders. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

Voting yea: Representatives Huff, H. Sommers, Alexander, Doumit, D. Schmidt, Barlean, Benson, Boldt, Carlson, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Lisk, Mastin, McIntire, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Tokuda and Wensman.

Passed to Rules Committee for Second Reading.

March 6, 1999

HB 1013 Prime Sponsor, Representative Carlson: Changing the goals and priorities for grants under the Washington fund for innovation and quality education program. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Higher Education be substituted therefor and the substitute bill do pass. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Carlson; Clements; Cody; Gombosky; Grant; Kagi; Keiser; Kenney; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

MINORITY recommendation: Without recommendation. Signed by Representatives Benson; Boldt; Crouse and Mulliken.

Voting yea: Representatives Huff, H. Sommers, Alexander, Doumit, D. Schmidt, Barlean, Benson, Boldt, Carlson, Clements, Cody, Gombosky, Grant, Kagi, Keiser, Kenney, Lambert, Linville, Lisk, Mastin, McIntire, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Tokuda and Wensman.

Voting nay: Representative(s) Crouse.

Excused: Representative(s) Kessler.

Passed to Rules Committee for Second Reading.

March 6, 1999

HB 1037 Prime Sponsor, Representative Bush: Creating a registry of Washington resident's electronic mail addresses to facilitate a program that allows private interactive computer service providers to limit unsolicited commercial electronic mail messages. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

Voting yea: Representatives Huff, H. Sommers, Alexander, Doumit, D. Schmidt, Barlean, Benson, Boldt, Carlson, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Lambert, Linville, Lisk, Mastin, McIntire, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Tokuda and Wensman.

Excused: Representative(s) Kessler.

Passed to Rules Committee for Second Reading.

March 6, 1999

HB 1046 Prime Sponsor, Representative Constantine: Adding a judge to the superior court of Okanogan county. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-



Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

Voting yea: Representatives Huff, H. Sommers, Alexander, Doumit, D. Schmidt, Barlean, Benson, Boldt, Carlson, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Lambert, Linville, Lisk, Mastin, McIntire, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Tokuda and Wensman.

Excused: Representative(s) Kessler.

Passed to Rules Committee for Second Reading.

March 6, 1999

HB 1059 Prime Sponsor, Representative O'Brien: Creating crimes concerning the theft or destruction of mail or mail boxes. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Criminal Justice & Corrections. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

Voting yea: Representatives Huff, H. Sommers, Alexander, Doumit, D. Schmidt, Barlean, Benson, Boldt, Carlson, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Lambert, Linville, Lisk, Mastin, McIntire, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Tokuda and Wensman.

Excused: Representative(s) Kessler.

Passed to Rules Committee for Second Reading.

March 3, 1999

HB 1069 Prime Sponsor, Representative Scott: Authorizing the forensic investigations council to make expenditures to assist in investigations of multiple deaths. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

Voting yea: Representatives Huff, H. Sommers, Alexander, Doumit, D. Schmidt, Barlean, Benson, Boldt, Carlson, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Lisk, Mastin, McIntire, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Tokuda and Wensman.

Passed to Rules Committee on second reading.

March 6, 1999

HB 1116 Prime Sponsor, Representative Clements: Requiring the department of social and health services to disclose long-term care financial information and service options to clients. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Health Care. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

Voting yea: Representatives Huff, H. Sommers, Alexander, Doumit, D. Schmidt, Barlean, Benson, Boldt, Carlson, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Lambert, Linville, Lisk, Mastin, McIntire, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Tokuda and Wensman.

Excused: Representative(s) Kessler.

Passed to Rules Committee for second reading.

March 4, 1999

HB 1118 Prime Sponsor, Representative Pennington: Providing sales and use tax exemptions for electric vehicles. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dunshee, Democratic Co-Chair; Thomas, Republican Co-Chair; Reardon, Democratic Vice Chair; Cairnes; Conway; Cox; Dickerson; Pennington; Santos; Van Luven and Veloria.

MINORITY recommendation: Without recommendation. Signed by Representative Carrell, Republican Vice Chair.

Voting yea: Representatives Dunshee, Thomas, Reardon, Cairnes, Conway, Cox, Dickerson, Pennington, Santos, Van Luven and Veloria.

Voting nay: Representative(s) Carrell.

Passed to Rules Committee for second reading.

March 3, 1999

HB 1132 Prime Sponsor, Representative Romero: Establishing the capitol furnishings preservation committee. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McIntire;

McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

Voting yea: Representatives Huff, H. Sommers, Alexander, Doumit, D. Schmidt, Barlean, Benson, Boldt, Carlson, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Lisk, Mastin, McIntire, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Tokuda and Wensman.

Passed to Rules Committee for second reading.

March 6, 1999

HB 1133 Prime Sponsor, Representative Bush: Maintaining voter registration lists. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on State Government be substituted therefor and the substitute bill do pass. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

Voting yea: Representatives Huff, H. Sommers, Alexander, Doumit, D. Schmidt, Barlean, Benson, Boldt, Carlson, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Lambert, Linville, Lisk, Mastin, McIntire, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Tokuda and Wensman.

Excused: Representative(s) Kessler.

Passed to Rules Committee for second reading.

March 6, 1999

HB 1140 Prime Sponsor, Representative Carlson: Changing higher education financial aid provisions. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Higher Education. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

Voting yea: Representatives Huff, H. Sommers, Alexander, Doumit, D. Schmidt, Barlean, Benson, Boldt, Carlson, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Lambert, Linville, Lisk, Mastin, McIntire, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Tokuda and Wensman.

Excused: Representative(s) Kessler.

Passed to Rules Committee for second reading.

March 3, 1999

HB 1143 Prime Sponsor, Representative O'Brien: Authorizing deductions from inmate funds.  
Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Sullivan; Tokuda and Wensman.

MINORITY recommendation: Do not pass. Signed by Representatives Lambert and Ruderman.

Voting yea: Representatives Huff, H. Sommers, Alexander, Doumit, D. Schmidt, Barlean, Benson, Boldt, Carlson, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Linville, Lisk, Mastin, McIntire, McMorris, Mulliken, Parlette, Regala, Rockefeller, Sullivan, Tokuda and Wensman.

Voting nay: Representative(s) Lambert and Ruderman.

Passed to Rules Committee for second reading.

March 6, 1999

HB 1147 Prime Sponsor, Representative K. Schmidt: Enhancing novice driver traffic safety.  
Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Transportation. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

Voting yea: Representatives Huff, H. Sommers, Alexander, Doumit, D. Schmidt, Barlean, Benson, Boldt, Carlson, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Lambert, Linville, Lisk, Mastin, McIntire, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Tokuda and Wensman.

Excused: Representative(s) Kessler.

Passed to Rules Committee for second reading.

March 4, 1999

HB 1154 Prime Sponsor, Representative Cooper: Eliminating the time limit on regular tax levies for medical care and services. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Democratic Co-Chair; Thomas, Republican Co-Chair; Carrell, Republican Vice Chair; Reardon, Democratic Vice Chair; Cairnes; Conway; Cox; Dickerson; Pennington; Santos; Van Luven and Veloria.

Voting yea: Representatives Dunshee, Thomas, Carrell, Reardon, Cairnes, Conway, Cox, Dickerson, Pennington, Santos, Van Luven and Veloria.

Passed to Rules Committee for second reading.

March 6, 1999

HB 1176 Prime Sponsor, Representative O'Brien: Requiring the retention of records pertaining to sexually violent offenses. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Criminal Justice & Corrections. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

Voting yea: Representatives Huff, H. Sommers, Alexander, Doumit, D. Schmidt, Barlean, Benson, Boldt, Carlson, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Lambert, Linville, Lisk, Mastin, McIntire, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Tokuda and Wensman.

Excused: Representative(s) Kessler.

Passed to Rules Committee for second reading.

March 6, 1999

HB 1184 Prime Sponsor, Representative Kenney: Promoting cooperative real estate research. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Grant; Kagi; Keiser; Kenney; Lambert; Linville; Lisk; Mastin; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan and Wensman.

MINORITY recommendation: Do not pass. Signed by Representatives Gombosky; McIntire and Tokuda.

Voting yea: Representatives Huff, H. Sommers, Alexander, Doumit, D. Schmidt, Barlean, Benson, Boldt, Carlson, Clements, Cody, Crouse, Grant, Kagi, Keiser, Kenney, Lambert, Linville, Lisk, Mastin, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan and Wensman.

Voting nay: Representative(s) Gombosky, McIntire, and Tokuda.

Excused: Representative(s) Kessler.

Passed to Rules Committee for second reading.

March 4, 1999

HB 1198 Prime Sponsor, Representative Pennington: Providing sales tax relief for victims of landslide disasters. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Democratic Co-Chair; Thomas, Republican Co-Chair; Carrell, Republican Vice Chair; Reardon, Democratic Vice Chair; Cairnes; Conway; Cox; Dickerson; Pennington; Santos; Van Luven and Veloria.

Voting yea: Representatives Dunshee, Thomas, Carrell, Reardon, Cairnes, Conway, Cox, Dickerson, Pennington, Santos, Van Luven and Veloria.

Passed to Rules Committee for second reading.

March 8, 1999

HB 1204 Prime Sponsor, Representative K. Schmidt: Coordinating land acquisition and environmental mitigation activities. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Mitchell, Republican Co-Chair; Murray, Democratic Co-Chair; Edmonds, Democratic Vice Chair; Esser, Republican Vice Chair; Alexander; Anderson; Barlean; Bush; Constantine; Dunshee; Hankins; Koster; Lantz; Mastin; Miloscia; O'Brien; Ogden and Schoesler.

Voting yea: Representatives Mitchell, Murray, Edmonds, Esser, Alexander, Anderson, Barlean, Bush, Constantine, Dunshee, Hankins, Koster, Lantz, Mastin, Miloscia, O'Brien, Ogden and Schoesler.

Passed to Rules Committee for second reading.

March 3, 1999

HB 1221 Prime Sponsor, Representative Ogden: Regarding Lewis and Clark bicentennial advisory committee. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

Voting yea: Representatives Huff, H. Sommers, Alexander, Doumit, D. Schmidt, Barlean, Benson, Boldt, Carlson, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Lisk, Mastin, McIntire, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Tokuda and Wensman.

Passed to Rules Committee for second reading.

March 3, 1999

HB 1240 Prime Sponsor, Representative McMorris: Increasing medicaid reimbursements to second class school districts. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Education be substituted therefor and the substitute bill do pass. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements;

Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Ruderman; Sullivan; Tokuda and Wensman.

Voting yea: Representatives Huff, H. Sommers, Alexander, Doumit, D. Schmidt, Barlean, Benson, Boldt, Carlson, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Lisk, Mastin, McIntire, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Tokuda and Wensman.

Passed to Rules Committee for second reading.

March 6, 1999

HB 1252 Prime Sponsor, Representative Ballasiotes: Enhancing supervision of offenders. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Criminal Justice & Corrections. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

Voting yea: Representatives Huff, H. Sommers, Alexander, Doumit, D. Schmidt, Barlean, Benson, Boldt, Carlson, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Lambert, Linville, Lisk, Mastin, McIntire, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Tokuda and Wensman.

Excused: Representative(s) Kessler.

Passed to Rules Committee for second reading.

March 8, 1999

HB 1345 Prime Sponsor, Representative O'Brien: Exempting certain low-income rental housing from property taxes. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill by Committee on Economic Development, Housing & Trade be substituted therefor and the substitute bill do pass. Signed by Representatives Dunshee, Democratic Co-Chair; Thomas, Republican Co-Chair; Reardon, Democratic Vice Chair; Cairnes; Conway; Cox; Dickerson; Pennington; Santos; Van Luven and Veloria.

MINORITY recommendation: Do not pass. Signed by Representative Carrell, Republican Vice Chair.

Voting yea: Representatives Dunshee, Thomas, Reardon, Cairnes, Conway, Cox, Dickerson, Pennington, Santos, Van Luven and Veloria.

Voting nay: Representative(s) Carrell.

Passed to Rules Committee for second reading.

March 8, 1999

HB 1455 Prime Sponsor, Representative Ericksen: Correcting errors related to property tax levies.  
Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Democratic Co-Chair; Thomas, Republican Co-Chair; Carrell, Republican Vice Chair; Reardon, Democratic Vice Chair; Cairnes; Conway; Cox; Dickerson; Pennington; Santos; Van Luven and Veloria.

Voting yea: Representatives Dunshee, Thomas, Carrell, Reardon, Cairnes, Conway, Cox, Dickerson, Pennington, Santos, Van Luven and Veloria.

Passed to Rules Committee for second reading.

March 6, 1999

HB 1462 Prime Sponsor, Representative Quall: Changing school accountability and assistance provisions. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Education. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

Voting yea: Representatives Huff, H. Sommers, Alexander, Doumit, D. Schmidt, Barlean, Benson, Boldt, Carlson, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Lambert, Linville, Lisk, Mastin, McIntire, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Tokuda and Wensman.

Excused: Representative(s) Kessler.

Passed to Rules Committee for second reading.

March 6, 1999

HB 1477 Prime Sponsor, Representative Haigh: Revising school district organization provisions.  
Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

Voting yea: Representatives Huff, H. Sommers, Alexander, Doumit, D. Schmidt, Barlean, Benson, Boldt, Carlson, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Lambert, Linville, Lisk, Mastin, McIntire, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Tokuda and Wensman.

Excused: Representative(s) Kessler.

Passed to Rules Committee for second reading.



March 6, 1999

HB 1484 Prime Sponsor, Representative Parlette: Modifying property valuation methods for reimbursing nursing facilities. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Health Care. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

Voting yea: Representatives Huff, H. Sommers, Alexander, Doumit, D. Schmidt, Barlean, Benson, Boldt, Carlson, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Lambert, Linville, Lisk, Mastin, McIntire, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Tokuda and Wensman.

Excused: Representative(s) Kessler.

Passed to Rules Committee for second reading.

March 6, 1999

HB 1493 Prime Sponsor, Representative Tokuda: Establishing a collaborative effort to address the housing needs of homeless children and their families. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Children & Family Services. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

Voting yea: Representatives Huff, H. Sommers, Alexander, Doumit, D. Schmidt, Barlean, Benson, Boldt, Carlson, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Lambert, Linville, Lisk, Mastin, McIntire, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Tokuda and Wensman.

Excused: Representative(s) Kessler.

Passed to Rules Committee for second reading.

March 3, 1999

HB 1516 Prime Sponsor, Representative Conway: Redefining criteria for spirits, beer, and wine restaurant licenses. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Ruderman; Tokuda and Wensman.

MINORITY recommendation: Do not pass. Signed by Representative Sullivan.

Voting yea: Representatives Huff, H. Sommers, Alexander, Doumit, D. Schmidt, Barlean, Benson, Boldt, Carlson, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Lisk, Mastin, McIntire, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Tokuda and Wensman.

Voting nay: Representative(s) Sullivan.

Passed to Rules Committee for second reading.

March 6, 1999

HB 1540 Prime Sponsor, Representative D. Schmidt: Requiring election procedures manuals.  
Reported by Committee on Appropriations

MAJORITY recommendation: Do pass and do not pass the substitute bill by Committee on State Government. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

Voting yea: Representatives Huff, H. Sommers, Alexander, Doumit, D. Schmidt, Barlean, Benson, Boldt, Carlson, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Lambert, Linville, Lisk, Mastin, McIntire, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Tokuda and Wensman.

Excused: Representative(s) Kessler.

Passed to Rules Committee for second reading.

March 6, 1999

HB 1546 Prime Sponsor, Representative Cody: Modifying provisions related to long-term care of adults. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Health Care. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

Voting yea: Representatives Huff, H. Sommers, Alexander, Doumit, D. Schmidt, Barlean, Benson, Boldt, Carlson, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Lambert, Linville, Lisk, Mastin, McIntire, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Tokuda and Wensman.

Excused: Representative(s) Kessler.

Passed to Rules Committee for second reading.

March 6, 1999

HB 1569 Prime Sponsor, Representative Keiser: Establishing an excellence in mathematics grant program. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

Voting yea: Representatives Huff, H. Sommers, Alexander, Doumit, D. Schmidt, Barlean, Benson, Boldt, Carlson, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Lambert, Linville, Lisk, Mastin, McIntire, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Tokuda and Wensman.

Excused: Representative(s) Kessler.

Passed to Rules Committee for second reading.

March 6, 1999

HB 1574 Prime Sponsor, Representative Alexander: Administering atypical antipsychotic medications. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Health Care. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Sullivan; Tokuda and Wensman.

MINORITY recommendation: Do not pass. Signed by Representatives Boldt and Ruderman.

Voting yea: Representatives Huff, H. Sommers, Alexander, Doumit, D. Schmidt, Barlean, Benson, Carlson, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Lambert, Linville, Lisk, Mastin, McIntire, McMorris, Mulliken, Parlette, Regala, Rockefeller, Sullivan, Tokuda and Wensman.

Voting nay: Representative(s) Boldt and Ruderman.

Excused: Representative(s) Kessler.

Passed to Rules Committee for second reading.

March 6, 1999

HB 1599 Prime Sponsor, Representative McMorris: Creating an account to reimburse counties for extraordinary costs in the criminal justice system. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

Voting yea: Representatives Huff, H. Sommers, Alexander, Doumit, D. Schmidt, Barlean, Benson, Boldt, Carlson, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Lambert, Linville, Lisk, Mastin, McIntire, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Tokuda and Wensman.

Excused: Representative(s) Kessler.

Passed to Rules Committee for second reading.

March 8, 1999

HB 1613 Prime Sponsor, Representative Barlean: Clarifying the property tax exemption statutes. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Democratic Co-Chair; Thomas, Republican Co-Chair; Carrell, Republican Vice Chair; Reardon, Democratic Vice Chair; Cairnes; Conway; Cox; Dickerson; Pennington; Santos; Van Luven and Veloria.

Voting yea: Representatives Dunshee, Thomas, Carrell, Reardon, Cairnes, Conway, Cox, Dickerson, Pennington, Santos, Van Luven and Veloria.

Passed to Rules Committee for second reading.

March 6, 1999

HB 1619 Prime Sponsor, Representative McDonald: Changing the liability insurance of foster parents. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Appropriations be substituted therefor and the substitute bill do pass. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

Voting yea: Representatives Huff, H. Sommers, Alexander, Doumit, D. Schmidt, Barlean, Benson, Boldt, Carlson, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Lambert, Linville, Lisk, Mastin, McIntire, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Tokuda and Wensman.

Excused: Representative(s) Kessler.

Passed to Rules Committee for second reading.

March 8, 1999

HB 1621 Prime Sponsor, Representative Stensen: Authorizing the department of revenue to receive electronically filed taxpayer returns and remittances. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Democratic Co-Chair; Thomas, Republican Co-Chair; Carrell, Republican Vice Chair; Reardon, Democratic Vice Chair; Cairnes; Conway; Cox; Dickerson; Pennington; Santos; Van Luven and Veloria.

Voting yea: Representatives Dunshee, Thomas, Carrell, Reardon, Cairnes, Conway, Cox, Dickerson, Pennington, Santos, Van Luven and Veloria.

Passed to Rules Committee for second reading.

March 8, 1999

HB 1623 Prime Sponsor, Representative Haigh: Updating the tax code by making administrative clarifications, correcting oversights, and deleting obsolete references. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dunshee, Democratic Co-Chair; Thomas, Republican Co-Chair; Carrell, Republican Vice Chair; Reardon, Democratic Vice Chair; Cairnes; Conway; Cox; Dickerson; Santos and Veloria.

MINORITY recommendation: Do not pass. Signed by Representatives Pennington and Van Luven.

Voting yea: Representatives Dunshee, Thomas, Carrell, Reardon, Cairnes, Conway, Cox, Dickerson, Santos, Sheahan and Veloria.

Voting nay: Representative(s) Pennington and Van Luven.

Passed to Rules Committee for second reading.

March 6, 1999

HB 1661 Prime Sponsor, Representative Edmonds: Creating Washington scholars-alternates awards. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Higher Education. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Boldt; Carlson; Clements; Cody; Gombosky; Grant; Kagi; Keiser; Kenney; Linville; Lisk; Mastin; McIntire; McMorris; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

MINORITY recommendation: Without recommendation. Signed by Representatives Benson; Crouse; Lambert and Mulliken.

Voting yea: Representatives Huff, H. Sommers, Alexander, Doumit, D. Schmidt, Barlean, Carlson, Clements, Cody, Gombosky, Grant, Kagi, Keiser, Kenney, Lambert, Lisk, Mastin, McIntire, McMorris, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Tokuda and Wensman.

Voting nay: Representative(s) Benson, Boldt, Crouse, Linville, and Mulliken.

Excused: Representative(s) Kessler.

Passed to Rules Committee for second reading.

March 6, 1999

HB 1663 Prime Sponsor, Representative Lambert: Creating a unified family court. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse;

Gombosky; Grant; Kagi; Keiser; Kenney; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

MINORITY recommendation: Without recommendation. Signed by Representative Mulliken.

Voting yea: Representatives Huff, H. Sommers, Alexander, Doumit, D. Schmidt, Barlean, Benson, Carlson, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Lambert, Linville, Lisk, Mastin, McIntire, McMorris, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Tokuda and Wensman.

Voting nay: Representative(s) Boldt and Mulliken.

Excused: Representative(s) Kessler.

Passed to Rules Committee for second reading.

March 8, 1999

HB 1664 Prime Sponsor, Representative Dickerson: Preventing the use of step transactions to avoid real estate excise tax. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Democratic Co-Chair; Thomas, Republican Co-Chair; Carrell, Republican Vice Chair; Reardon, Democratic Vice Chair; Cairnes; Conway; Cox; Dickerson; Pennington; Santos; Van Luven and Veloria.

Voting yea: Representatives Dunshee, Thomas, Carrell, Reardon, Cairnes, Conway, Cox, Dickerson, Pennington, Santos, Van Luven and Veloria.

Passed to Rules Committee for second reading.

March 6, 1999

HB 1668 Prime Sponsor, Representative McDonald: Providing foster parents with first aid/CPR and HIV/AIDS training. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

Voting yea: Representatives Huff, H. Sommers, Alexander, Doumit, D. Schmidt, Barlean, Benson, Boldt, Carlson, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Lambert, Linville, Lisk, Mastin, McIntire, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Tokuda and Wensman.

Excused: Representative(s) Kessler.

Passed to Rules Committee for second reading.

March 6, 1999

HB 1674 Prime Sponsor, Representative Talcott: Providing educational accountability for students and schools. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Education. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Carlson; Clements; Cody; Gombosky; Grant; Kagi; Keiser; Kenney; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

MINORITY recommendation: Do not pass. Signed by Representatives Benson; Boldt; Crouse and Mulliken.

Voting yea: Representatives Huff, H. Sommers, Alexander, Doumit, D. Schmidt, Barlean, Carlson, Clements, Cody, Gombosky, Grant, Kagi, Keiser, Kenney, Lambert, Linville, Lisk, Mastin, McIntire, McMorris, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Tokuda and Wensman.

Voting nay: Representative(s) Benson, Boldt, Crouse, and Mulliken.

Excused: Representative(s) Kessler.

Passed to Rules Committee for second reading.

March 6, 1999

HB 1681 Prime Sponsor, Representative Buck: Establishing a program to purchase and plant privately grown trout. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Appropriations. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

Voting yea: Representatives Huff, H. Sommers, Alexander, Doumit, D. Schmidt, Barlean, Benson, Boldt, Carlson, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Lambert, Linville, Lisk, Mastin, McIntire, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Tokuda and Wensman.

Excused: Representative(s) Kessler.

Passed to Rules Committee for second reading.

March 6, 1999

HB 1686 Prime Sponsor, Representative Kessler: Requiring cooperation with local economic development cooperatives. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Economic Development, Housing & Trade. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

Voting yea: Representatives Huff, H. Sommers, Alexander, Doumit, D. Schmidt, Barlean, Benson, Boldt, Carlson, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Lambert, Linville, Lisk, Mastin, McIntire, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Tokuda and Wensman.

Excused: Representative(s) Kessler.

Passed to Rules Committee for second reading.

March 6, 1999

HB 1692 Prime Sponsor, Representative Kagi: Providing special training for those who interview child witnesses and victims. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Children & Family Services. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

Voting yea: Representatives Huff, H. Sommers, Alexander, Doumit, D. Schmidt, Barlean, Benson, Boldt, Carlson, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Lambert, Linville, Lisk, Mastin, McIntire, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Tokuda and Wensman.

Excused: Representative(s) Kessler.

Passed to Rules Committee for second reading.

March 6, 1999

HB 1716 Prime Sponsor, Representative G. Chandler: Authorizing funding for the warm water fish culture project at Ringold. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Appropriations. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

Voting yea: Representatives Huff, H. Sommers, Alexander, Doumit, D. Schmidt, Barlean, Benson, Boldt, Carlson, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Lambert, Linville, Lisk, Mastin, McIntire, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Tokuda and Wensman.

Excused: Representative(s) Kessler.

Passed to Rules Committee for second reading.

March 8, 1999



HB 1718 Prime Sponsor, Representative G. Chandler: Conveying land to the city of Moses Lake. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill by Committee on Natural Resources be substituted therefor and the substitute bill do pass. Signed by Representatives Mitchell, Republican Co-Chair; Murray, Democratic Co-Chair; Edmonds, Democratic Vice Chair; Esser, Republican Vice Chair; Alexander; Anderson; Barlean; Bush; Constantine; Hankins; Koster; Lantz; Mastin; Miloscia; O'Brien; Ogden and Schoesler.

MINORITY recommendation: Without recommendation. Signed by Representative Dunshee.

Voting yea: Representatives Mitchell, Murray, Edmonds, Esser, Alexander, Anderson, Barlean, Bush, Constantine, Dunshee, Hankins, Koster, Lantz, Mastin, Miloscia, O'Brien, Ogden and Schoesler.

Passed to Rules Committee for second reading.

March 6, 1999

HB 1729 Prime Sponsor, Representative Kenney: Creating a teacher training pilot program. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Higher Education. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

Voting yea: Representatives Huff, H. Sommers, Alexander, Doumit, D. Schmidt, Barlean, Benson, Boldt, Carlson, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Lambert, Linville, Lisk, Mastin, McIntire, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Tokuda and Wensman.

Excused: Representative(s) Kessler.

Passed to Rules Committee for Second Reading.

March 8, 1999

HB 1741 Prime Sponsor, Representative Fortunato: Simplifying tax reporting by revising the active nonreporting threshold so that it parallels the small business credit. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Democratic Co-Chair; Thomas, Republican Co-Chair; Carrell, Republican Vice Chair; Reardon, Democratic Vice Chair; Cairnes; Conway; Cox; Pennington; Santos; Van Luven and Veloria.

MINORITY recommendation: Do not pass. Signed by Representative Dickerson.

Voting yea: Representatives Dunshee, Thomas, Carrell, Reardon, Cairnes, Conway, Pennington, Santos, Van Luven and Veloria.

Voting nay: Representative(s) Dickerson.

Passed to Rules Committee for Second Reading.

March 6, 1999

HB 1745 Prime Sponsor, Representative Lambert: Creating a juvenile offender community sanction sentencing alternative. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

MINORITY recommendation: Do not pass. Signed by Representatives Benson and Mulliken.

Voting yea: Representatives Huff, H. Sommers, Alexander, Doumit, D. Schmidt, Barlean, Boldt, Carlson, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Lambert, Linville, Lisk, Mastin, McIntire, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Tokuda and Wensman.

Voting nay: Representative(s) Benson.

Excused: Representative(s) Kessler.

Passed to Rules Committee for second reading.

March 6, 1999

HB 1755 Prime Sponsor, Representative Buck: Creating the fish and wildlife equipment fund. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by the Committee on Natural Resources be substituted therefor and the substitute bill do pass. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

Voting yea: Representatives Huff, H. Sommers, Alexander, Doumit, D. Schmidt, Barlean, Benson, Boldt, Carlson, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Lambert, Linville, Lisk, Mastin, McIntire, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Tokuda and Wensman.

Excused: Representative(s) Kessler.

Passed to Rules Committee for second reading.

March 8, 1999

HB 1756 Prime Sponsor, Representative Thomas: Exempting certain land exchanges with the federal government from real estate excise tax. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dunshee, Democratic Co-Chair; Thomas, Republican Co-

Chair; Carrell, Republican Vice Chair; Reardon, Democratic Vice Chair; Cairnes; Conway; Cox; Pennington; Santos; Van Luven and Veloria.

MINORITY recommendation: Do not pass. Signed by Representative Dickerson.

Voting yea: Representatives Dunshee, Thomas, Carrell, Reardon, Cairnes, Conway, Pennington, Santos, Van Luven and Veloria.

Voting nay: Representative(s) Dickerson.

Passed to Rules Committee for second reading.

March 6, 1999

HB 1761 Prime Sponsor, Representative Talcott: Increasing the number of hours retired teachers and administrators can serve as substitute teachers or administrators without a reduction in benefits. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

Voting yea: Representatives Huff, H. Sommers, Alexander, Doumit, D. Schmidt, Barlean, Benson, Boldt, Carlson, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Lambert, Linville, Lisk, Mastin, McIntire, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Tokuda and Wensman.

Excused: Representative(s) Kessler.

Passed to Rules Committee for second reading.

March 8, 1999

HB 1782 Prime Sponsor, Representative Cox: Providing clarification and administrative simplification for the leasehold excise tax. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Thomas, Republican Co-Chair; Carrell, Republican Vice Chair; Reardon, Democratic Vice Chair; Cairnes; Conway; Cox; Dickerson; Pennington; Santos; Van Luven and Veloria.

MINORITY recommendation: Without recommendation. Signed by Representative Dunshee, Democratic Co-Chair.

Voting yea: Representatives Thomas, Carrell, Reardon, Cairnes, Conway, Cox, Dickerson, Pennington, Santos, Van Luven and Veloria.

Voting nay: Representative(s) Dunshee.

Passed to Rules Committee for second reading.

March 6, 1999

HB 1818 Prime Sponsor, Representative Clements: Changing truancy provisions. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Education. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

Voting yea: Representatives Huff, H. Sommers, Alexander, Doumit, D. Schmidt, Barlean, Benson, Boldt, Carlson, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Lambert, Linville, Lisk, Mastin, McIntire, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Tokuda and Wensman.

Excused: Representative(s) Kessler.

Passed to Rules Committee for second reading.

March 8, 1999

HB 1829 Prime Sponsor, Representative Thomas: Authorizing long-term lease-purchase agreements for financing school plant facilities. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Mitchell, Republican Co-Chair; Murray, Democratic Co-Chair; Edmonds, Democratic Vice Chair; Esser, Republican Vice Chair; Alexander; Anderson; Barlean; Constantine; Dunshee; Lantz; Mastin; Miloscia; O'Brien and Ogden.

MINORITY recommendation: Do not pass. Signed by Representatives Bush; Hankins; Koster and Schoesler.

Voting yea: Representatives Mitchell, Murray, Edmonds, Esser, Alexander, Anderson, Barlean, Constantine, Dunshee, Lantz, Mastin, Miloscia, O'Brien and Ogden.

Voting nay: Representative(s) Bush, Hankins, Koster, and Schoesler.

Passed to Rules Committee for second reading.

March 8, 1999

HB 1831 Prime Sponsor, Representative Ogden: Requiring adoption of rules for certain construction management techniques. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Mitchell, Republican Co-Chair; Murray, Democratic Co-Chair; Edmonds, Democratic Vice Chair; Esser, Republican Vice Chair; Alexander; Anderson; Barlean; Bush; Constantine; Dunshee; Hankins; Koster; Lantz; Mastin; Miloscia; O'Brien; Ogden and Schoesler.

Voting yea: Representatives Mitchell, Murray, Edmonds, Esser, Alexander, Anderson, Barlean, Bush, Constantine, Dunshee, Hankins, Koster, Lantz, Mastin, Miloscia, O'Brien, Ogden and Schoesler.

March 8, 1999

HB 1832 Prime Sponsor, Representative Ogden: Authorizing the use of nonvoter-approved debt for school construction and repair. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Mitchell, Republican Co-Chair; Murray, Democratic Co-Chair; Edmonds, Democratic Vice Chair; Esser, Republican Vice Chair; Anderson; Barlean; Constantine; Dunshee; Lantz; Miloscia; O'Brien and Ogden.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander; Bush; Hankins; Koster; Mastin and Schoesler.

Voting yea: Representatives Mitchell, Murray, Edmonds, Esser, Anderson, Barlean, Constantine, Dunshee, Lantz, Miloscia, O'Brien and Ogden.

Voting nay: Representative(s) Alexander, Bush, Hankins, Koster, Mastin, and Schoesler.

Passed to Rules Committee for second reading.

March 8, 1999

HB 1833 Prime Sponsor, Representative Thomas: Authorizing school districts to use 63-20 financing with nonprofit organizations. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Mitchell, Republican Co-Chair; Murray, Democratic Co-Chair; Edmonds, Democratic Vice Chair; Esser, Republican Vice Chair; Alexander; Anderson; Barlean; Bush; Constantine; Dunshee; Koster; Lantz; Mastin; Miloscia; O'Brien; Ogden and Schoesler.

MINORITY recommendation: Without recommendation. Signed by Representative Hankins.

Voting yea: Representatives Mitchell, Murray, Edmonds, Esser, Alexander, Anderson, Barlean, Bush, Constantine, Dunshee, Koster, Lantz, Mastin, Miloscia, O'Brien, Ogden and Schoesler.

Voting nay: Representative(s) Hankins.

Passed to Rules Committee for second reading.

March 6, 1999

HB 1837 Prime Sponsor, Representative Ruderman: Modifying the duties of a long-term care ombudsman. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Health Care. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

MINORITY recommendation: Do not pass. Signed by Representative Boldt.

Voting yea: Representatives Huff, H. Sommers, Alexander, Doumit, D. Schmidt, Barlean, Benson, Carlson, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Lambert, Linville, Lisk, Mastin, McIntire, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Tokuda and Wensman.

Voting nay: Representative(s) Boldt.  
Excused: Representative(s) Kessler.

Passed to Rules Committee for second reading.

March 6, 1999

HB 1855 Prime Sponsor, Representative Cody: Protecting the act of breastfeeding. Reported by  
Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Commerce & Labor. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Lambert; Linville; Mastin; McIntire; McMorris; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

MINORITY recommendation: Do not pass. Signed by Representatives Lisk and Mulliken.

Voting yea: Representatives Huff, H. Sommers, Alexander, Doumit, D. Schmidt, Barlean, Benson, Boldt, Carlson, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Lambert, Linville, Mastin, McIntire, McMorris, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Tokuda and Wensman.

Voting nay: Representative(s) Lisk and Mulliken.  
Excused: Representative(s) Kessler.

Passed to Rules Committee for second reading.

March 6, 1999

HB 1864 Prime Sponsor, Representative Cody: Providing for the registration of surgical technologists. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Health Care be substituted therefor and the substitute bill do pass. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

Voting yea: Representatives Huff, H. Sommers, Alexander, Doumit, D. Schmidt, Barlean, Benson, Boldt, Carlson, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Lambert, Linville, Lisk, Mastin, McIntire, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Tokuda and Wensman.

Excused: Representative(s) Kessler.

Passed to Rules Committee for second reading.

March 6, 1999

HB 1871 Prime Sponsor, Representative Linville: Creating the salmon stamp programs. Reported by  
Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Appropriations. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

Voting yea: Representatives Huff, H. Sommers, Alexander, Doumit, D. Schmidt, Barlean, Benson, Boldt, Carlson, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Lambert, Linville, Lisk, Mastin, McIntire, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Tokuda and Wensman.

Excused: Representative(s) Kessler.

Passed to Rules Committee for second reading.

March 6, 1999

HB 1880 Prime Sponsor, Representative Cody: Providing for self-directed care of persons with disabilities. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Health Care be substituted therefor and the substitute bill do pass. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

Voting yea: Representatives Huff, H. Sommers, Alexander, Doumit, D. Schmidt, Barlean, Benson, Boldt, Carlson, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Lambert, Linville, Lisk, Mastin, McIntire, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Tokuda and Wensman.

Excused: Representative(s) Kessler.

Passed to Rules Committee for second reading.

March 8, 1999

HB 1887 Prime Sponsor, Representative Kessler: Revising the machinery and equipment tax exemption for manufacturers and processors for hire. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dunshee, Democratic Co-Chair; Thomas, Republican Co-Chair; Carrell, Republican Vice Chair; Reardon, Democratic Vice Chair; Cairnes; Conway; Cox; Dickerson; Pennington; Santos; Van Luven and Veloria.

Voting yea: Representatives Dunshee, Thomas, Carrell, Reardon, Cairnes, Conway, Cox, Dickerson, Pennington, Santos, Van Luven and Veloria.

Passed to Rules Committee for second reading.

March 6, 1999

HB 1891 Prime Sponsor, Representative Quall: Changing student assessments. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Education. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

Voting yea: Representatives Huff, H. Sommers, Alexander, Doumit, D. Schmidt, Barlean, Benson, Boldt, Carlson, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Lambert, Linville, Lisk, Mastin, McIntire, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Tokuda and Wensman.

Excused: Representative(s) Kessler.

Passed to Rules Committee for second reading.

March 6, 1999

HB 1893 Prime Sponsor, Representative Doumit: Revising provisions regulating permit issuance. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Local Government. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

Voting yea: Representatives Huff, H. Sommers, Alexander, Doumit, D. Schmidt, Barlean, Benson, Boldt, Carlson, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Lambert, Linville, Lisk, Mastin, McIntire, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Tokuda and Wensman.

Excused: Representative(s) Kessler.

Passed to Rules Committee for second reading.

March 6, 1999

HB 1935 Prime Sponsor, Representative Tokuda: Adjusting eligibility for early childhood assistance programs. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.



Voting yea: Representatives Huff, H. Sommers, Alexander, Doumit, D. Schmidt, Barlean, Benson, Boldt, Carlson, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Lambert, Linville, Lisk, Mastin, McIntire, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Tokuda and Wensman.

Excused: Representative(s) Kessler.

Passed to Rules Committee for second reading.

March 6, 1999

HB 1957 Prime Sponsor, Representative G. Chandler: Changing water right transfer, change, and amendment provisions. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Agriculture & Ecology. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Keiser; Kenney; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

MINORITY recommendation: Without recommendation. Signed by Representatives Kagi and Regala.

Voting yea: Representatives Huff, H. Sommers, Alexander, Doumit, D. Schmidt, Barlean, Benson, Boldt, Carlson, Clements, Cody, Crouse, Gombosky, Grant, Keiser, Kenney, Lambert, Linville, Lisk, Mastin, McIntire, McMorris, Mulliken, Parlette, Ruderman, Sullivan, Tokuda and Wensman.

Voting nay: Representative(s) Kagi, Regala, and Rockefeller.

Excused: Representative(s) Kessler.

Passed to Rules Committee for second reading.

March 8, 1999

HB 1960 Prime Sponsor, Representative Cairnes: Revising laws impacting retailer tax collection and remittance. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dunshee, Democratic Co-Chair; Thomas, Republican Co-Chair; Carrell, Republican Vice Chair; Reardon, Democratic Vice Chair; Cairnes; Conway; Cox; Dickerson; Pennington; Santos; Van Luven and Veloria.

Voting yea: Representatives Dunshee, Thomas, Carrell, Reardon, Cairnes, Conway, Cox, Dickerson, Pennington, Santos, Van Luven and Veloria.

Passed to Rules Committee for second reading.

March 8, 1999

HB 1969 Prime Sponsor, Representative McIntire: Exempting real property that will be developed by nonprofit organizations to provide homes for the aging. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dunshee, Democratic Co-Chair; Thomas, Republican Co-Chair; Carrell, Republican Vice Chair; Reardon, Democratic Vice Chair; Cairnes; Conway; Cox; Dickerson; Pennington; Santos; Van Luven and Veloria.

Voting yea: Representatives Dunshee, Thomas, Carrell, Reardon, Cairnes, Conway, Cox, Dickerson, Pennington, Santos, Van Luven and Veloria.

Passed to Rules Committee for second reading.

March 8, 1999

HB 1991 Prime Sponsor, Representative Murray: Consolidating statutes that authorize the board of regents of the University of Washington to control university property. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Mitchell, Republican Co-Chair; Murray, Democratic Co-Chair; Edmonds, Democratic Vice Chair; Esser, Republican Vice Chair; Anderson; Barlean; Constantine; Dunshee; Lantz; Mastin; Miloscia; O'Brien and Ogden.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander; Bush; Hankins; Koster and Schoesler.

Voting yea: Representatives Mitchell, Murray, Edmonds, Esser, Anderson, Barlean, Constantine, Dunshee, Lantz, Mastin, Miloscia, O'Brien and Ogden.

Voting nay: Representative(s) Alexander, Bush, Hankins, Koster, and Schoesler.

Passed to Rules Committee for second reading.

March 6, 1999

HB 2005 Prime Sponsor, Representative Wolfe: Managing the state employee whistleblower program. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on State Government be substituted therefor and the substitute bill do pass. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

Voting yea: Representatives Huff, H. Sommers, Alexander, Doumit, D. Schmidt, Barlean, Benson, Boldt, Carlson, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Lambert, Linville, Lisk, Mastin, McIntire, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Tokuda and Wensman.

Excused: Representative(s) Kessler.

Passed to Rules Committee for second reading.

March 6, 1999

HB 2036 Prime Sponsor, Representative H. Sommers: Funding management of the common school trust lands. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

Voting yea: Representatives Huff, H. Sommers, Alexander, Doumit, D. Schmidt, Barlean, Benson, Boldt, Carlson, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Lambert, Linville, Lisk, Mastin, McIntire, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Tokuda and Wensman.

Excused: Representative(s) Kessler.

Passed to Rules Committee for second reading.

March 6, 1999

HB 2061 Prime Sponsor, Representative Kenney: Changing community college provisions. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Higher Education. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

Voting yea: Representatives Huff, H. Sommers, Alexander, Doumit, D. Schmidt, Barlean, Benson, Boldt, Carlson, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Lambert, Linville, Lisk, Mastin, McIntire, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Tokuda and Wensman.

Excused: Representative(s) Kessler.

Passed to Rules Committee for second reading.

March 6, 1999

HB 2085 Prime Sponsor, Representative Quall: Creating programs addressing disruptive students in regular classrooms. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Education. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

Voting yea: Representatives Huff, H. Sommers, Alexander, Doumit, D. Schmidt, Barlean, Benson, Boldt, Carlson, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Lambert, Linville, Lisk, Mastin, McIntire, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Tokuda and Wensman.

Excused: Representative(s) Kessler.

Passed to Rules Committee for second reading.

March 6, 1999

HB 2098 Prime Sponsor, Representative G. Chandler: Regulating designers of on-site wastewater treatment systems. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Agriculture & Ecology. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

Voting yea: Representatives Huff, H. Sommers, Alexander, Doumit, D. Schmidt, Barlean, Benson, Boldt, Carlson, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Lambert, Linville, Lisk, Mastin, McIntire, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Tokuda and Wensman.

Excused: Representative(s) Kessler.

Passed to Rules Committee for second reading.

March 8, 1999

HB 2108 Prime Sponsor, Representative Veloria: Preserving moderate-income housing. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill by Committee on Economic Development, Housing & Trade be substituted therefor and the substitute bill do pass. Signed by Representatives Murray, Democratic Co-Chair; Edmonds, Democratic Vice Chair; Esser, Republican Vice Chair; Anderson; Constantine; Dunshee; Lantz; Miloscia; O'Brien and Ogden.

MINORITY recommendation: Do not pass. Signed by Representatives Mitchell, Republican Co-Chair; Alexander; Barlean; Bush; Hankins; Koster; Mastin and Schoesler.

Voting yea: Representatives Murray, Edmonds, Esser, Anderson, Constantine, Dunshee, Lantz, Miloscia, O'Brien and Ogden.

Voting nay: Representative(s) Mitchell, Alexander, Barlean, Bush, Hankins, Koster, Mastin, and Schoesler.

Passed to Rules Committee for second reading.

March 8, 1999

HB 2109 Prime Sponsor, Representative Van Luven: Authorizing tax, levy, and execution exemptions for properties of Indian housing authorities for low-income housing programs. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dunshee, Democratic Co-Chair; Thomas, Republican Co-Chair; Carrell, Republican Vice Chair; Reardon, Democratic Vice Chair; Cairnes; Conway; Cox; Dickerson; Pennington; Santos; Van Luven and Veloria.

Voting yea: Representatives Dunshee, Thomas, Carrell, Reardon, Cairnes, Conway, Cox, Dickerson, Pennington, Santos, Van Luven and Veloria.

Passed to Rules Committee for second reading.

March 6, 1999

HB 2171 Prime Sponsor, Representative Linville: Modifying water pollution control. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Keiser; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Sullivan and Wensman.

MINORITY recommendation: Do not pass. Signed by Representatives Kagi; Kenney; Rockefeller; Ruderman and Tokuda.

Voting yea: Representatives Huff, H. Sommers, Alexander, Doumit, D. Schmidt, Barlean, Benson, Boldt, Carlson, Clements, Cody, Crouse, Gombosky, Grant, Keiser, Lambert, Linville, Lisk, Mastin, McIntire, McMorris, Mulliken, Parlette, Regala, Sullivan and Wensman.

Voting nay: Representative(s) Kagi, Kenney, Rockefeller, Ruderman, and Tokuda.

Excused: Representative(s) Kessler.

Passed to Rules Committee for second reading.

March 6, 1999

HB 2210 Prime Sponsor, Representative Huff: Declaring monthly unit valuations for certain portfolios and funds managed by the state investment board. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

Voting yea: Representatives Huff, H. Sommers, Alexander, Doumit, D. Schmidt, Barlean, Benson, Boldt, Carlson, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Lambert, Linville, Lisk, Mastin, McIntire, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Tokuda and Wensman.

Excused: Representative(s) Kessler.

Passed to Rules Committee for second reading.

March 6, 1999

HB 2234 Prime Sponsor, Representative Huff: Changing K-20 telecommunications governance.  
Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

Voting yea: Representatives Huff, H. Sommers, Alexander, Doumit, D. Schmidt, Barlean, Benson, Boldt, Carlson, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Lambert, Linville, Lisk, Mastin, McIntire, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Tokuda and Wensman.

Excused: Representative(s) Kessler.

Passed to Rules Committee for second reading.

March 5, 1999

HB 2239 Prime Sponsor, Representative Buck: Enhancing storm water control grant programs.  
Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fisher, Democratic Co-Chair; K. Schmidt, Republican Co-Chair; Cooper, Democratic 1st Vice Chair; Edwards, Democratic 2nd Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; Buck; G. Chandler; Fortunato; Hatfield; Hurst; Lovick; McDonald; Mielke; Mitchell; Morris; Murray; Ogden; Pflug; Radcliff; Romero; Schindler; Schual-Berke; Scott; Skinner and Wood.

Voting yea: Representatives Fisher, Schmidt, K, Cooper, Edwards, Ericksen, Hankins, Buck, G. Chandler, Fortunato, Haigh, Hatfield, Hurst, Lovick, McDonald, Mielke, Mitchell, Morris, Murray, Ogden, Pflug, Radcliff, Romero, Schindler, Schual-Berke, Scott and Wood.

Excused: Representative(s) DeBolt and Skinner.

Passed to Rules Committee for second reading.

March 8, 1999

HB 2246 Prime Sponsor, Representative Thomas: Defining membership requirements and procedures for lodging tax advisory committees. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Democratic Co-Chair; Thomas, Republican Co-Chair; Carrell, Republican Vice Chair; Reardon, Democratic Vice Chair; Cairnes; Conway; Cox; Dickerson; Pennington; Santos; Van Luven and Veloria.

Voting yea: Representatives Dunshee, Thomas, Carrell, Reardon, Cairnes, Conway, Cox, Dickerson, Pennington, Santos, Van Luven and Veloria.

Passed to Rules Committee for second reading.

March 6, 1999

HB 2247 Prime Sponsor, Representative Cooper: Reducing the account balance requirements necessary for the imposition of the oil spill response tax. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

Voting yea: Representatives Huff, H. Sommers, Alexander, Doumit, D. Schmidt, Barlean, Benson, Boldt, Carlson, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Lambert, Linville, Lisk, Mastin, McIntire, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Tokuda and Wensman.

Excused: Representative(s) Kessler.

Passed to Rules Committee for second reading.

March 6, 1999

HB 2254 Prime Sponsor, Representative DeBolt: Preventing unauthorized changes to, and unauthorized billing for, telecommunication services. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

Voting yea: Representatives Huff, H. Sommers, Alexander, Doumit, D. Schmidt, Barlean, Benson, Boldt, Carlson, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Lambert, Linville, Lisk, Mastin, McIntire, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Tokuda and Wensman.

Excused: Representative(s) Kessler.

Passed to Rules Committee for second reading.

March 5, 1999

HB 2259 Prime Sponsor, Representative Murray: Extending the term of drivers' licenses. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Democratic Co-Chair; K. Schmidt, Republican Co-Chair; Cooper, Democratic 1st Vice Chair; Edwards, Democratic 2nd Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; Buck; G. Chandler; Fortunato; Hatfield; Hurst; Lovick; Mielke; Mitchell; Morris; Murray; Ogden; Pflug; Radcliff; Romero; Schindler; Schual-Berke; Scott; Skinner and Wood.

MINORITY recommendation: Do not pass. Signed by Representative McDonald.

Voting yea: Representatives Fisher, Schmidt, K, Cooper, Edwards, Ericksen, Buck, G. Chandler, Fortunato, Haigh, Hatfield, Hurst, Lovick, Mielke, Mitchell, Morris, Murray, Ogden, Pflug, Radcliff, Romero, Schindler, Schual-Berke, Scott and Wood.

Voting nay: Representative(s) McDonald.

Excused: Representative(s) Hankins, DeBolt, and Skinner.

Passed to Rules Committee for second reading.

March 8, 1999

HB 2260 Prime Sponsor, Representative Eickmeyer: Promoting the creation and the retention of jobs.  
Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dunshee, Democratic Co-Chair; Thomas, Republican Co-Chair; Reardon, Democratic Vice Chair; Cairnes; Conway; Cox; Dickerson; Pennington; Santos; Van Luven and Veloria.

MINORITY recommendation: Do not pass. Signed by Representative Carrell, Republican Vice Chair.

Voting yea: Representatives Dunshee, Thomas, Reardon, Cairnes, Conway, Cox, Dickerson, Pennington, Santos, Van Luven and Veloria.

Voting nay: Representative(s) Carrell.

Passed to Rules Committee for second reading.

March 8, 1999

HB 2261 Prime Sponsor, Representative Reardon: Clarifying the phrase "services rendered in respect to constructing" for business and occupation tax purposes. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Democratic Co-Chair; Thomas, Republican Co-Chair; Carrell, Republican Vice Chair; Reardon, Democratic Vice Chair; Cairnes; Conway; Cox; Dickerson; Pennington; Santos; Van Luven and Veloria.

Voting yea: Representatives Dunshee, Thomas, Carrell, Reardon, Cairnes, Conway, Cox, Dickerson, Pennington, Santos, Van Luven and Veloria.

Passed to Rules Committee for second reading.

March 6, 1999

HB 2263 Prime Sponsor, Representative Cox: Making any robbery within a financial institution a first degree robbery. Reported by Committee on Appropriations



MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

Voting yea: Representatives Huff, H. Sommers, Alexander, Doumit, D. Schmidt, Barlean, Benson, Boldt, Carlson, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Lambert, Linville, Lisk, Mastin, McIntire, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Tokuda and Wensman.

Excused: Representative(s) Kessler.

Passed to Rules Committee for second reading.

March 6, 1999

HB 2264 Prime Sponsor, Representative H. Sommers: Meeting the trust account requirement of the juvenile accountability block grant. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

Voting yea: Representatives Huff, H. Sommers, Alexander, Doumit, D. Schmidt, Barlean, Benson, Boldt, Carlson, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Lambert, Linville, Lisk, Mastin, McIntire, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Tokuda and Wensman.

Excused: Representative(s) Kessler.

Passed to Rules Committee for second reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House advanced to the sixth order of business.

## **SECOND READING**

HOUSE BILL NO. 1331, by Representatives Buck, Sump, Regala, Anderson, Lantz, Doumit, G. Chandler, Pennington, Hatfield, Rockefeller, D. Sommers, Koster, Benson, Wolfe and Mulliken; by request of Parks and Recreation Commission

Using volunteers at the state parks and recreation commission.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Buck and Anderson spoke in favor of passage of the bill.

#### MOTIONS

On motion of Representative Schoesler, Representative McMorris was excused. On motion of Representative Wolfe, Representatives Quall, Tokuda and Lantz were excused.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of House Bill No. 1331.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1331 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. G. Chandler Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. K. Schmidt Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 94.

Excused: Representatives Lantz, McMorris, Quall and Tokuda - 4.

House Bill No. 1331, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1383, by Representatives Constantine, Delvin, Lambert, Esser, Linville, Pennington, O'Brien and Ogden

Authorizing local government purchase of liability insurance for law enforcement personnel.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Constantine and Delvin spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of House Bill No. 1383.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1383 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. G. Chandler Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller,

Romero, Ruderman, Santos, Schindler, D. K. Schmidt Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative McMorris - 1.

House Bill No. 1383, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1388, by Representatives Keiser, Ballasiotes, Schual-Berke, Mitchell, Hurst, O'Brien, Lovick and Delvin

Clarifying the state's jurisdiction over crimes committed in the airspace over the state.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Keiser and Ballasiotes spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of House Bill No. 1388.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1388 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. G. Chandler Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. K. Schmidt Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative McMorris - 1.

House Bill No. 1388, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1392, by Representatives Hurst, Constantine, Sheahan and McDonald

Revising provisions relating to vacation of records of conviction.

The bill was read the second time. There being no objection, Substitute House Bill No. 1392 was substituted for House Bill No. 1392 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1392 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hurst and Esser spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Substitute House Bill No. 1392.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1392 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. G. Chandler Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. K. Schmidt Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative McMorris - 1.

Substitute House Bill No. 1392, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1394, by Representatives Hurst, Constantine, Lambert, Sheahan, McDonald, Lovick, H. Sommers, Dickerson, Kenney and Esser

Making the defense of duress unavailable for the crime of homicide by abuse.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hurst and Lambert spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of House Bill No. 1394.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1394 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. G. Chandler Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. K. Schmidt Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative McMorris - 1.

House Bill No. 1394, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1420, by Representatives H. Sommers, Huff, Benson, Hatfield, McIntire and Wolfe; by request of State Investment Board

Providing a procedure for the state investment board to check the criminal history of prospective appointees and employees.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hatfield and Huff spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of House Bill No. 1420.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1420 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. G. Chandler Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. K. Schmidt Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative McMorris - 1.

House Bill No. 1420, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1422, by Representatives H. Sommers, Huff, Benson, Hatfield and McIntire; by request of State Investment Board

Authorizing the state investment board to directly order actions relating to securities.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hatfield and Huff spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of House Bill No. 1422.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1422 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. G. Chandler Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. K. Schmidt Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative McMorris - 1.

House Bill No. 1422, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1463, by Representatives Mitchell, Fisher, K. Schmidt, Ogden, Mielke, Haigh and Schual-Berke

Adjusting deadlines for reports to the secretary of transportation.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Mitchell and Fisher spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of House Bill No. 1463.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1463 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. G. Chandler Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. K. Schmidt Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative McMorris - 1.

House Bill No. 1463, having received the constitutional majority, was declared passed.

#### RESOLUTION

HOUSE RESOLUTION NO. 99-4641, by Representatives Talcott, Keiser, Wensman, Carlson, Lambert, D. Schmidt, Mulliken, Thomas, Pflug, Dunn, G. Chandler, Barlean, Esser, Hankins, Ogden, Conway, Skinner, and Fortunato

WHEREAS, There are nearly fifty thousand classified school employees serving the needs of the children of this state; and

WHEREAS, Classified school employees are instrumental in fulfilling this state's paramount responsibility to educate children; and

WHEREAS, Classified school employees provide secretarial and clerical assistance, prepare and serve meals, interpret for deaf and disabled children and students who speak other languages, provide more individualized attention to students in the classroom, pick up and deliver our children to their assigned schools and home again every school day, are the first with a band-aid or a friendly ear when scraped knees or hurt feelings appear, and provide many other essential services; and

WHEREAS, Classified school employees are involved in maintaining school buildings and grounds, keeping school facilities clean and orderly, providing safe transportation, and ensuring students have a safe environment in which to learn; and

WHEREAS, Classified school employees have dedicated countless hours to improving the quality of this state's schools; and

WHEREAS, Washington state schools have been significantly enhanced and positively affected by the services of classified school employees; and

WHEREAS, These dedicated individuals deserve recognition and thanks for the outstanding work they are doing for this state, for their communities, and for the children enrolled in Washington's schools;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives honor classified school employees and recognize March 8 through 12, 1999, as Classified School Employee Week in the State of Washington and urge all citizens to join in honoring and recognizing the dedication and hard work of all classified school employees.

Representative Talcott moved adoption of the resolution.

Representatives Talcott, Keiser, Lambert, Quall, Carlson, Stensen, Cox and Morris spoke in favor of the adoption of the resolution.

House Resolution No. 99-4641 was adopted.

HOUSE BILL NO. 1491, by Representatives Hatfield and Doumit

Regulating the use of dredge spoils in Cowlitz County.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hatfield and Mielke spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of House Bill No. 1491.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1491 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville,

Lisk, Lovick, Mastin, McDonald, McIntire, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. K. Schmidt Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative McMorris - 1.

House Bill No. 1491, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1535, by Representatives Parlette, Cody, Schual-Berke, Romero, Ruderman, Esser, Hatfield, Boldt, Campbell, Pflug and Alexander

Reimbursing podiatric physicians and surgeons.

The bill was read the second time. There being no objection, Substitute House Bill No. 1535 was substituted for House Bill No. 1535 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1535 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Parlette, Schual-Berke and Campbell spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Substitute House Bill No. 1535.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1535 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. G. Chandler Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. K. Schmidt Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative McMorris - 1.

Substitute House Bill No. 1535, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1539, by Representative Parlette

Clarifying medicare supplement policies.

The bill was read the second time.



There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Parlette and Schual-Berke spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of House Bill No. 1539.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1539 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. G. Chandler Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. K. Schmidt Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative McMorris - 1.

House Bill No. 1539, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1544, by Representatives O'Brien, Ballasiotes, Kastama, Cairnes and Keiser; by request of Sentencing Guidelines Commission

Making corrections to sentencing laws.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives O'Brien and Ballasiotes spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of House Bill No. 1544.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1544 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. G. Chandler Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. K. Schmidt Schmidt, Schoesler, Schual-Berke, Scott,

Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative McMorris - 1.

House Bill No. 1544, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1550, by Representatives G. Chandler, Fisher, K. Schmidt and Hankins

Extending Milwaukee Road corridor franchise negotiations.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives G. Chandler and Fisher spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of House Bill No. 1550.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1550 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. G. Chandler Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. K. Schmidt Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative McMorris - 1.

House Bill No. 1550, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1558, by Representatives Mitchell, Hatfield, McDonald, Poulsen, Bush, Constantine and Radcliff; by request of Washington State Patrol

Tightening requirements for release of impounded vehicles.

The bill was read the second time. There being no objection, Substitute House Bill No. 1558 was substituted for House Bill No. 1558 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1558 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Mitchell spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Substitute House Bill No. 1558.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1558 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. G. Chandler Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. K. Schmidt Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative McMorris - 1.

Substitute House Bill No. 1558, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1561, by Representatives Schoesler, Grant, McMorris, Mastin, G. Chandler, Lisk, Parlette, Mulliken, Delvin and Cox

Allowing solid rubber tires on farm machinery.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Schoesler, Cooper and Cox spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of House Bill No. 1561.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1561 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. G. Chandler Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. K. Schmidt Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative McMorris - 1.

House Bill No. 1561, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1650, by Representatives Cody, Talcott, Ruderman, Wood, Quall, Boldt, Stensen, Rockefeller, Parlette, O'Brien, Kenney and Keiser

Expanding the health professionals who may request administration of oral medication at school.

The bill was read the second time. There being no objection, Substitute House Bill No. 1650 was substituted for House Bill No. 1650 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1650 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cody, Schindler and Schual-Berke spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Substitute House Bill No. 1650.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1650 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. G. Chandler Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. K. Schmidt Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative McMorris - 1.

Substitute House Bill No. 1650, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1819, by Representatives Anderson, Barlean, Thomas and O'Brien

Changing provisions for school district name changes.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Anderson and Barlean spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of House Bill No. 1819.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1819 and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. G. Chandler Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. K. Schmidt Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Voting nay: Representative Van Luven - 1.

Excused: Representative McMorris - 1.

House Bill No. 1819, having received the constitutional majority, was declared passed.

#### POINT OF PERSONAL PRIVILEGE

Representative Morris congratulated Representative Anderson on passage of his first bill and asked the Chamber to acknowledge this accomplishment.

HOUSE JOINT MEMORIAL NO. 4004, by Representatives Dickerson, Cody, Skinner, O'Brien, Veloria, Kessler, McIntire, Wood, Lovick, Romero, Conway, Ruderman, Hurst and Kenney

Urging support of prostate cancer research.

The memorial was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the memorial was placed on final passage.

Representatives Dickerson and Pflug spoke in favor of passage of the memorial.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of House Joint Memorial No. 4004.

#### ROLL CALL

The Clerk called the roll on the final passage of House Joint Memorial No. 4004 and the memorial passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. G. Chandler Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. K. Schmidt Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative McMorris - 1.

House Joint Memorial No. 4004, having received the constitutional majority, was declared passed.

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 9:00 a.m., Tuesday, March 9, 1999, the 58<sup>th</sup> Legislative Day.

TIMOTHY A. MARTIN, Chief Clerk      CLYDE BALLARD, Speaker  
DEAN R. FOSTER, Chief Clerk      FRANK CHOPP, Speaker

FIFTY-SEVENTH DAY, MARCH 8, 1999

JOURNAL OF THE HOUSE

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**FIFTY-EIGHTH DAY**

**MORNING SESSION**

House Chamber, Olympia, Wednesday, March 9, 1999

The House was called to order at 9:00 a.m. by Speaker Chopp. The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Daniel Krahnert and Mary Asher. Prayer was offered by Representative Mary Skinner.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

**RESOLUTION**

HOUSE RESOLUTION NO. 99-4643, by Representatives Schoesler, Boldt, B. Chandler, Koster, McMorris, Mulliken, Schindler, Mielke, Delvin, McDonald, D. Schmidt, Carlson, Talcott, G. Chandler, Skinner, Pflug, Hankins, Dunn, Thomas, Ogden, Morris, Hatfield, Fortunato, Esser, Lambert, Conway, Linville and Barlean

WHEREAS, The State Land Grant Universities Cooperative Extension Service was established by Congress and the Department of Agriculture in 1914; and

WHEREAS, Out of that system grew 4-H Youth Development, an organization committed to the education and life skills of America's youth; and

WHEREAS, The term "4-H" stands for Head, Heart, Hands, and Health. "Head" conveys clearer thinking; "Heart" conveys greater loyalty; "Hands" conveys larger service; and "Health" conveys better living; and

WHEREAS, Building on its origins as corn clubs for boys and canning clubs for girls, the 4-H Youth Development Program continues to be the largest informal education program for boys and girls. Over 5.6 million youth, ages five to 19, from all fifty states and around the world in 83 countries, participate each year and develop knowledge and skills they will need to become competent, caring, productive, and contributing citizens of the world. The 4-H Program is very diverse in the project areas and educational programs it offers young people as well as in the audience it reaches; and

WHEREAS, Youth Development, in conjunction with the Cooperative Extension Service, has members in all of Washington's 39 counties; and

WHEREAS, 4-H Youth Development encourages young people to become involved in their communities in a variety of ways; and

WHEREAS, Our county fairs are excellent avenues in which members of 4-H can showcase their talents; and

WHEREAS, Youth Development has, in recent years, extended its education efforts into urban areas as well as rural areas; and

WHEREAS, Members have many choices of projects in many different education fields, including social sciences, the arts, animal sciences, family living, environmental stewardship, mechanical sciences, and the study of our natural resources; and

WHEREAS, This greatly expanded and enhanced education of 80,000 of our young people in Washington is due to the hard work and dedication of Cooperative Extension Services agents and program assistants from Washington State University, in concert with over 9,000 adult community volunteers; and

WHEREAS, We are honored that 4-H Youth Development members from all corners of our state are currently visiting the state capitol as part of an education program called "Know Your Government;"

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives welcomes those delegates, extension agents and program assistants, and adult volunteers to our state capital; and that we recognize the value of the "Know Your Government" program, as well as all of the education programs sponsored over the years by Washington State University's Cooperative Extension Service 4-H Youth Development.

Representative Schoesler moved adoption of the resolution.

Representatives Schoesler, Morris, D. Schmidt, Haigh, Mulliken, G. Chandler, Boldt, Linville, Kagi, Fortunato, B. Chandler, Dunn and Pflug spoke in favor of the adoption of the resolution.

House Resolution No. 99-4643 was adopted.

There being no objection, the House advanced to the sixth order of business.

## **SECOND READING**

### **MOTION**

On motion of Representative Wolfe, Representative Scott was excused.

HOUSE BILL NO. 1096, by Representatives Cairnes, O'Brien, Schindler, Constantine, Lovick, D. Schmidt, Alexander, Romero, Barlean, Keiser, Morris, Carlson, Cooper, Kessler, Esser and Fortunato

Making assault of a school employee or sports official an aggravating factor for sentencing.

The bill was read the second time.

On motion of Representative Kessler, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cairnes, Lovick, Schindler, Keiser, Carlson, O'Brien, Stensen, Cox and Cairnes again, spoke in favor of passage of the bill.

Representative Lambert spoke against the passage of the bill.

Speaker Chopp stated the question before the House to be final passage of House Bill No. 1096.



## ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1096 and the bill passed the House by the following vote: Yeas - 75, Nays - 22, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Cairnes, Campbell, Carlson, B. G. Chandler, Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, DeBolt, Delvin, Doumit, Edmonds, Edwards, Eickmeyer, Ericksen, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Lantz, Linville, Lovick, Mastin, McDonald, McIntire, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Quall, Radcliff, Reardon, Rockefeller, Romero, Ruderman, Santos, Schindler, D. K. Schmidt, Schmidt, Schoesler, Schual-Berke, Skinner, D. H. Sommers, Sommers, Stensen, Sullivan, Talcott, Tokuda, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 75.

Voting nay: Representatives Benson, Boldt, Buck, Bush, Carrell, Crouse, Dickerson, Dunn, Dunshee, Esser, Koster, Lambert, Lisk, McMorris, Mielke, Pennington, Pflug, Poulsen, Regala, Sump, Thomas and Van Luven - 22.

Excused: Representative Scott - 1.

House Bill No. 1096, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1014, by Representatives Carlson, Regala, Ogden, Pennington, Hatfield, Hurst, Stensen, Buck, Romero, Kastama, Scott, McIntire, Keiser, Cooper, Ballasiotes, Schual-Berke, Murray, Cody, Voloria, Rockefeller and Lantz

Requiring children age twelve and under to wear a personal flotation device while on a vessel on the waters of the state.

The bill was read the second time.

Representative Buck moved the adoption of amendment (006):

On page 1, line 17, after "vessel" insert "under nineteen feet in length"

On page 2, line 5, after "old" strike "and" and insert "or"

On page 2, line 6, after "whenever" strike "the vessel" and insert "a vessel under nineteen feet in length"

On page 2, line 8, after "cabin of a" strike "boat" and insert "vessel"

On page 2, line 9, after "cabin;" insert "or"

On page 2, line 10, after "(b)" strike "While a child is on a sailboat and tethered by means of a lifeline or harness attached to the sailboat; or  
(c)"

Representatives Buck, Regala and Pennington spoke in favor of the adoption of the amendment.

Representative Van Luven spoke against the adoption of the amendment.

The amendment was adopted.

With consent of the House, amendment 017 was withdrawn.

Representative Van Luven moved the adoption of amendment (016):

On page 1, line 17, after "waters of" strike "this state" and insert "the Columbia river"

Representative Van Luven spoke in favor of the adoption of the amendment.

Representatives Regala and Carlson spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Lambert moved the adoption of amendment (020):

On page 1, line 18, after "with a child" strike "twelve" and insert "ten"

On page 2, line 3, after "children" strike "twelve" and insert "ten"

On page 2, line 5, after "by a child" strike "twelve" and insert "ten"

Representatives Lambert and DeBolt spoke in favor of the adoption of the amendment.

Representatives Regala and Carlson spoke against the adoption of the amendment.

Division was demanded. Speaker Chopp divided the House. The results of the division was 21-YEAS; 76-NAYS. The amendment 020 was not adopted.

With the consent of the House, amendment 018 was withdrawn.

Representative Van Luven moved the adoption of amendment (027):

On page 1, beginning on line 19, strike "United States coast guard approved personal flotation device," and insert "personal flotation device that meets or exceeds the United States coast guard approval standards"

Representatives Van Luven and Carlson spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Van Luven moved the adoption of amendment (015):

On page 2, beginning on line 10, strike all material through "sailboat;" on line 11

Reletter the following subsection consecutively.

Representative Van Luven spoke in favor of the adoption of the amendment.

Representative Regala spoke against the adoption of the amendment.

The amendment was not adopted.

With the consent of the House, amendments 021 and 019 were withdrawn.

Representative Lambert moved the adoption of amendment (026):

On page 2, after line 19, insert the following:

"(6) Enforcement of this act by law enforcement officers may be accomplished only as a secondary action when a person operating a vessel on the waters of the state has been detained for a suspected violation of this chapter."

Representatives Lambert, Pennington, Mastin and Lambert again, spoke in favor of the adoption of the amendment.

Representatives Hurst, Regala, Carlson and Clements spoke against the adoption of the amendment.

Division was demanded. Speaker Chopp divided the House. The results of the division was 38-YEAS; 59-NAYS. The amendment 026 was not adopted.

Representative Van Luven moved the adoption of amendment (022):

On page 2, after line 19, insert the following:

"NEW SECTION. Sec. 2. If one million dollars is not appropriated By June 30, 1999, referencing this act by bill or chapter number, for distribution to local governments for purposes of enforcing this act, this act is null and void."

Correct the title.

Representative Van Luven spoke in favor of the adoption of the amendment.

Representatives Pennington and Hurst spoke against the adoption of the amendment.

Division was demanded. Speaker Chopp divided the House. The results of the division was 22-YEAS; 75-NAYS. The amendment was not adopted.

The bill was ordered engrossed.

#### MOTION

On motion on Representative Wolfe, Representative Ruderman was excused.

On motion of Representative Kessler, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Carlson, Regala, Ogden, Hurst, Lovick, Schual-Berke, Morris, Carlson again and Regala again, spoke in favor of passage of the bill.

Representatives Benson, Delvin, Pennington, Lambert, Pflug, and Van Luven spoke against passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Engrossed House Bill No. 1014.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1014, and the bill passed the House by the following vote: Yeas - 63, Nays - 33, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Buck, Cairnes, Carlson, Carrell, Clements, Cody, Constantine, Conway, Cooper, Dickerson, Doumit, Dunshee,

Edmonds, Edwards, Eickmeyer, Fisher, Gombosky, Grant, Haigh, Hatfield, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Lantz, Linville, Lovick, McDonald, McIntire, Miloscia, Mitchell, Morris, Murray, O'Brien, Ogden, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Santos, D. K. Schmidt Schmidt, Schual-Berke, Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Talcott, Tokuda, Veloria, Wolfe, Wood and Mr. Speaker Chopp - 63.

Voting nay: Representatives Benson, Boldt, Bush, Campbell, B. G. Chandler Chandler, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Fortunato, Hankins, Huff, Koster, Lambert, Lisk, Mastin, McMorris, Mielke, Mulliken, Parlette, Pennington, Pflug, Schindler, Schoesler, Sump, Thomas, Van Luven, Wensman and Mr. Speaker Ballard - 33.

Excused: Representatives Ruderman and Scott - 2.

Engrossed House Bill No. 1014, having received the constitutional majority, was declared passed.

### **SIGNED BY THE SPEAKERS**

The Speakers announced they were signing:

SUBSTITUTE HOUSE BILL NO. 1124

### **MESSAGES FROM THE SENATE**

March 8, 1999

Mr. Speaker:

The Senate has passed:

ENGROSSED SENATE BILL NO. 5036,

SENATE BILL NO. 5037,

ENGROSSED SENATE BILL NO. 5163,

SUBSTITUTE SENATE BILL NO. 5192,

SENATE BILL NO. 5258,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5295,

SENATE BILL NO. 5384,

SUBSTITUTE SENATE BILL NO. 5387,

SENATE BILL NO. 5483,

SENATE BILL NO. 5484,

SENATE BILL NO. 5664,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

March 5, 1999

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5111,  
SENATE BILL NO. 5124,  
SUBSTITUTE SENATE BILL NO. 5147,  
SUBSTITUTE SENATE BILL NO. 5219,  
SUBSTITUTE SENATE BILL NO. 5231,  
SUBSTITUTE SENATE BILL NO. 5264,  
SUBSTITUTE SENATE BILL NO. 5274,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5300,  
SENATE BILL NO. 5353,  
SENATE BILL NO. 5381,  
SENATE BILL NO. 5432,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5508,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5516,  
SENATE BILL NO. 5542,  
SUBSTITUTE SENATE BILL NO. 5666,  
ENGROSSED SENATE BILL NO. 5568,  
SENATE BILL NO. 5731,

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House reverted to the fourth order of business.

#### **INTRODUCTIONS AND FIRST READING**

HB 2265 by Representatives Pennington, Hatfield, Mielke, Doumit and Alexander

AN ACT Relating to establishing a fund to provide additional resources for emergencies and disasters; amending RCW 43.79A.040; adding new sections to chapter 38.52 RCW; and adding a new section to chapter 48.14 RCW.

Referred to Committee on Financial Institutions & Insurance.

ESB 5036 by Senators McCaslin and Heavey; by request of Board for Judicial Administration

Adding a judge to the superior court of Okanogan county.

Referred to Committee on Judiciary.

SB 5037 by Senators McCaslin, Heavey and Rasmussen; by request of Board for Judicial Administration

Creating a new court of appeals position for Pierce county.

Referred to Committee on Judiciary.

ESSB 5111 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Franklin, Winsley, Thibaudeau, Wojahn, McAuliffe, Fraser, Prentice, Rasmussen, Kline, Brown, Eide, Bauer, Costa, Jacobsen, Spanel, Goings, Loveland, Gardner, Fairley, B. Sheldon and Kohl-Welles)

Prohibiting health insurance discrimination on the basis of genetic information.

Referred to Committee on Health Care.

SB 5124 by Senators Prentice and Winsley

Prescribing disclosures required for prize promotions.

Referred to Committee on Commerce & Labor.

SSB 5147 by Senate Committee on Labor & Workforce Development (originally sponsored by Senator Patterson)

Prescribing procedures for payment of industrial insurance awards after death.

Referred to Committee on Commerce & Labor.

ESB 5163 by Senators Brown, Kohl-Welles, Patterson, Wojahn and Eide

Modifying good cause reasons for failure to participate in WorkFirst program components.

Referred to Committee on Children & Family Services.

SSB 5192 by Senate Committee on Transportation (originally sponsored by Senators Goings, Patterson, Benton, Sellar, Haugen, Oke, Winsley, T. Sheldon and Costa)

Requiring motor carrier drug testing programs.

Referred to Committee on Transportation.

SSB 5219 by Senate Committee on State & Local Government (originally sponsored by Senators Swecker, Zarelli, T. Sheldon and Snyder)

Allowing port district annexations.

Referred to Committee on Local Government.

SSB 5231 by Senate Committee on State & Local Government (originally sponsored by Senators Hale, Winsley and Snyder)

Revising the duties of the county treasurer pertaining to management of debt.

Referred to Committee on Local Government.

SB 5258 by Senators Snyder, Sellar, Winsley and Prentice; by request of State Investment Board

Authorizing the state investment board to directly order actions relating to securities.

Referred to Committee on Financial Institutions & Insurance.

SSB 5264 by Senate Committee on Transportation (originally sponsored by Senators Horn and Hochstatter)

Eliminating categories of motorcycle endorsement.

Referred to Committee on Financial Institutions & Insurance.

SSB 5274 by Senate Committee on Transportation (originally sponsored by Senators Goings, Horn, Haugen, Costa, Winsley, Heavey, McCaslin, Long and Prentice)

Allowing a regional transit authority to establish fines for certain civil infractions.

Referred to Committee on Transportation.

ESSB 5295 by Senate Committee on Labor & Workforce Development (originally sponsored by Senators Costa, Prentice, Kohl-Welles, Thibaudeau, Fraser, Fairley and Heavey)

Protecting the act of breastfeeding.

Referred to Committee on Commerce & Labor.

ESSB 5300 by Senate Committee on State & Local Government (originally sponsored by Senators Patterson, Horn, Haugen, Gardner and Honeyford)

Amending and adding provisions affecting cities and towns.

Referred to Committee on Local Government.

SB 5353 by Senators Rasmussen, Morton, Swecker and Gardner

Modifying the powers and duties of the dairy commission.

Referred to Committee on Agriculture & Ecology.

SB 5381 by Senators T. Sheldon, Benton, Haugen, Horn, Costa and Winsley; by request of Department of Transportation

Adding information to motorist information signs.

Referred to Committee on Transportation.

SB 5384 by Senators Heavey, Benton, Haugen and Horn; by request of Department of Transportation

Phasing in lightweight tire studs.

Referred to Committee on Transportation.

SSB 5387 by Senate Committee on Commerce, Trade, Housing & Financial Institutions (originally sponsored by Senators B. Sheldon, Roach, Kline, Bauer, Snyder and McAuliffe)

Expanding the definition of economic development activities.

Referred to Committee on Economic Development, Housing & Trade.

SB 5432 by Senators Fraser, Winsley, Fairley, Hale, Long, Heavey, Franklin, Rasmussen, Prentice, Costa, Jacobsen, Bauer and Kohl-Welles

Authorizing charitable deductions from retirement allowances.

Referred to Committee on Appropriations.

SB 5483 by Senators McAuliffe, Oke, Winsley and Costa; by request of Parks and Recreation Commission

Using volunteers at the state parks and recreation commission.

Referred to Committee on Natural Resources.

SB 5484 by Senators McAuliffe, Rossi, Hargrove and Oke; by request of Parks and Recreation Commission

Granting concessions or leases in state parks and parkways.

Referred to Committee on Natural Resources.

ESSB 5508 by Senate Committee on Natural Resources, Parks & Recreation (originally sponsored by Senators Spanel, Oke, Snyder, Jacobsen, Rossi and Rasmussen)

Increasing harvest data accuracy for the recreational crab fishery.

Referred to Committee on Natural Resources.

ESSB 5516 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Thibaudeau, Deccio, Eide, Goings, Winsley, McAuliffe, Kohl-Welles and Oke)

Creating the tobacco prevention and control program.

Referred to Committee on Health Care.

SB 5542 by Senators B. Sheldon, Oke and T. Sheldon

Allowing counties to vote on an additional sales and use tax for emergency communication systems.

Referred to Committee on Local Government.



ESB 5568 by Senators B. Sheldon, Winsley, Franklin, McAuliffe, Prentice, Snyder and Jacobsen

Establishing a self-employment assistance program.

Referred to Committee on Commerce & Labor.

SB 5664 by Senators Costa, Long, Kline, Hargrove, Thibaudeau, Wojahn, Franklin and Jacobsen

Renaming, with regard to adult and juvenile offenders, "community service" as "community restitution."

Referred to Committee on Criminal Justice & Corrections.

SSB 5666 by Senate Committee on Transportation (originally sponsored by Senators Rasmussen, Long, Goings, Johnson and Haugen)

Simplifying acquisitions procedures for wreckers.

Referred to Committee on Transportation.

SB 5731 by Senator Snyder

Revising provisions regulating municipal officers' interest in contracts.

Referred to Committee on Local Government.

#### MOTION

On motion of Representative Kessler, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

There being no objection, the House advanced to the sixth order of business.

#### SECOND READING

#### MOTIONS

On motion of Representative Wolfe, Representative Constantine was excused. On motion of Representative Schoesler, Representative Radcliff was excused.

HOUSE BILL NO. 1025, by Representatives D. Sommers, Ogden, Alexander, H. Sommers, Conway, Wolfe, Carlson and Bush; by request of Joint Committee on Pension Policy

Establishing membership in the public employees' retirement system.

The bill was read the second time.

There being no objection, amendment 28 was withdrawn.

On motion of Representative Kessler, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives D. Sommers and Ogden spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of House Bill No. 1025.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1025 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. G. Chandler Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Reardon, Regala, Rockefeller, Romero, Santos, Schindler, D. K. Schmidt Schmidt, Schoesler, Schual-Berke, Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 94.

Excused: Representatives Constantine, Radcliff, Ruderman and Scott - 4.

House Bill No. 1025, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1015, by Representatives Carlson, Radcliff and Sheahan

Extending the tuition waiver for students in the western interstate commission for higher education undergraduate exchange program.

The bill was read the second time. On motion of Representative H. Sommers, Substitute House Bill No. 1015 was substituted for House Bill No. 1015 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1015 was read the second time.

On motion of Representative Kessler, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Carlson and Kenney spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Substitute House Bill No. 1015.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1015 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. G. Chandler Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Reardon, Regala, Rockefeller, Romero, Santos, Schindler, D. K. Schmidt Schmidt, Schoesler, Schual-Berke, Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 94.

Excused: Representatives Constantine, Radcliff, Ruderman and Scott - 4.

Substitute House Bill No. 1015, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1016, by Representatives Carlson, Ogden, Kenney, Boldt, Pennington, Dunn, Hatfield, Doumit, Mielke, Talcott and Lantz

Creating the border county higher education opportunity pilot project.

The bill was read the second time. On motion of Representative H. Sommers, Substitute House Bill No. 1016 was substituted for House Bill No. 1016 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1016 was read the second time.

On motion of Representative Kessler, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Carlson and Kenney spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Substitute House Bill No. 1016.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1016 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. G. Chandler Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Reardon, Regala, Rockefeller, Romero, Santos, Schindler, D. K. Schmidt Schmidt, Schoesler, Schual-Berke, Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 94.

Excused: Representatives Constantine, Radcliff, Ruderman and Scott - 4.

Substitute House Bill No. 1016, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1050, by Representatives Conway and Clements; by request of Department of Labor & Industries

Relieving the department of labor and industries of the duties of coal mine inspection.

The bill was read the second time.

On motion of Representative Kessler, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Conway and B. Chandler spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of House Bill No. 1050.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1050 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. G. Chandler Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Reardon, Regala, Rockefeller, Romero, Santos, Schindler, D. K. Schmidt Schmidt, Schoesler, Schual-Berke, Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Radcliff, Ruderman and Scott - 3.

House Bill No. 1050, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1053, by Representatives Fisher, K. Schmidt, Hatfield, Radcliff, O'Brien, Tokuda, Hurst, Skinner and Hankins; by request of Legislative Transportation Committee

Simplifying the transportation funding statutes.

The bill was read the second time. On motion of Representative Fisher, Substitute House Bill No. 1053 was substituted for House Bill No. 1053 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1053 was read the second time.

On motion of Representative Kessler, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Fisher, K. Schmidt and Mitchell spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Substitute House Bill No. 1053.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1053 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. G. Chandler Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Reardon, Regala, Rockefeller, Romero, Santos, Schindler, D. K. Schmidt Schmidt, Schoesler, Schual-Berke, Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Radcliff, Ruderman and Scott - 3.

Substitute House Bill No. 1053, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1072, by Representatives Romero and D. Schmidt; by request of Alternative Public Works Methods Oversight Committee

Exempting certain proprietary financial information from public inspection.

The bill was read the second time. On motion of Representative Romero, Substitute House Bill No. 1072 was substituted for House Bill No. 1072 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1072 was read the second time.

On motion of Representative Kessler, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Romero and D. Schmidt spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Substitute House Bill No. 1072.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1072 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. G. Chandler Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Reardon, Regala, Rockefeller, Romero, Santos, Schindler, D. K. Schmidt Schmidt, Schoesler, Schual-Berke, Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Radcliff, Ruderman and Scott - 3.

Substitute House Bill No. 1072, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1156, by Representatives Ericksen, Cooper, Mielke, Ogden, DeBolt and K. Schmidt

Requiring motor carrier drug testing programs.

The bill was read the second time. On motion of Representative Fisher, Substitute House Bill No. 1156 was substituted for House Bill No. 1156 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1156 was read the second time.

Representative Fortunato moved the adoption of amendment (029):

On page 1, after line 4, insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 46.16 RCW to read as follows:  
When applicable, the certificate of registration must include a statement that the owner or entity operating a commercial vehicle must be in compliance with the requirements of the United States department of transportation federal motor carrier safety regulations contained in Title 49 C.F.R. Part 382, controlled substances and alcohol use and testing."

Renumber the sections following consecutively and correct the title.

Representatives Fortunato and Ericksen spoke in favor of the adoption of the amendment.

Representative Fisher spoke against the adoption of the amendment.

Division was demanded. Speaker Chopp divided the House. The results of the division was 50-YEAS; 45-NAYS. The amendment was adopted.

The bill was ordered engrossed.

On motion of Representative Kessler, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ericksen, Cooper and Dunshee spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1156.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1156 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. G. Chandler Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. K. Schmidt Schmidt, Schoesler, Schual-Berke, Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Radcliff and Scott - 2.

Engrossed Substitute House Bill No. 1156, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1158, by Representatives Ogden, DeBolt, Cooper, Ericksen and Mielke

Collecting information from truck, tractor, or trailer intelligent information systems.

The bill was read the second time. On motion of Representative Romero, Substitute House Bill No. 1158 was substituted for House Bill No. 1158 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1158 was read the second time.

On motion of Representative Kessler, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Ogden spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Substitute House Bill No. 1158.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1158 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. K. Schmidt, Schoesler, Schual-Berke, Skinner, D. H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Radcliff and Scott - 2.

Substitute House Bill No. 1158, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1170, by Representatives Campbell, Bush, Scott, Benson, Gombosky, Mulliken, Mielke, Boldt, Schoesler, Esser and Lambert

Making elected municipal officers subject to the same ethics standards as state officers with regard to gifts.

The bill was read the second time.

On motion of Representative Kessler, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Campbell and Edwards spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of House Bill No. 1170.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1170 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. G. Chandler Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. K. Schmidt Schmidt, Schoesler, Schual-Berke, Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

House Bill No. 1170, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1171, by Representatives Alexander, Mielke, Doumit, Hatfield, Kessler, Pennington, DeBolt, Scott and D. Schmidt

Allowing port district annexations.

The bill was read the second time. On motion of Representative Morris, Substitute House Bill No. 1171 was substituted for House Bill No. 1171 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1171 was read the second time.

On motion of Representative Kessler, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Alexander spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Substitute House Bill No. 1171.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1171 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. G. Chandler Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. K. Schmidt Schmidt, Schoesler, Schual-Berke, Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

Substitute House Bill No. 1171, having received the constitutional majority, was declared passed.



HOUSE BILL NO. 1175, by Representatives Cairnes, O'Brien, DeBolt, Dunshee, Schindler, Morris, Koster, Cooper, G. Chandler, Mulliken, Benson, Mielke, Stensen, Carrell, Ogden, Dunn and McIntire

Regulating street rods.

The bill was read the second time.

On motion of Representative Kessler, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cairnes, O'Brien and Pennington spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of House Bill No. 1175.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1175 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. G. Chandler Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. K. Schmidt Schmidt, Schoesler, Schual-Berke, Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

House Bill No. 1175, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1177, by Representatives Ballasiotes, Lambert, Koster, Kagi, O'Brien, Cairnes, Lovick, Constantine, Hurst, Kessler and Conway; by request of Department of Corrections

Defining the crime of custodial sexual misconduct.

The bill was read the second time. On motion of Representative Morris, Substitute House Bill No. 1177 was substituted for House Bill No. 1177 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1177 was read the second time.

On motion of Representative Kessler, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ballasiotes and Kagi spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Substitute House Bill No. 1177.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1177 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. G. Chandler Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. K. Schmidt Schmidt, Schoesler, Schual-Berke, Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

Substitute House Bill No. 1177, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1263, by Representatives Sheahan, Constantine, McDonald and Kastama

Regulating process and fees of district and municipal courts.

The bill was read the second time.

On motion of Representative Constantine, the committee amendment(s) by the Committee on Judiciary was adopted. (For committee amendment(s), see Journal, 45<sup>th</sup> Day, February 24, 1999.)

The bill was ordered engrossed.

On motion of Representative Kessler, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Constantine and Carrell spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Engrossed House Bill No. 1263.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1263, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. G. Chandler Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. K. Schmidt Schmidt, Schoesler, Schual-Berke, Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

Engrossed House Bill No. 1263, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1320, by Representatives Fisher, Ericksen, K. Schmidt, Cooper, Romero, O'Brien, Haigh, Ogden, Veloria, Wood, McIntire, Murray and Ruderman; by request of Department of Transportation

Developing intercity passenger rail service.

The bill was read the second time.

On motion of Representative Kessler, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Fisher and K. Schmidt spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of House Bill No. 1320.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1320 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. G. Chandler Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. K. Schmidt Schmidt, Schoesler, Schual-Berke, Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

House Bill No. 1320, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1322, by Representatives Mitchell, Romero, Fisher and Murray; by request of Department of Transportation

Adding information to motorist information signs.

The bill was read the second time.

On motion of Representative Kessler, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Mitchell spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of House Bill No. 1322.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1322 and the bill passed the House by the following vote: Yeas - 89, Nays - 8, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. G. Chandler Chandler, Clements, Cody, Constantine, Conway, Cooper, Crouse, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Miloscia, Mitchell, Morris, Murray, O'Brien, Ogden, Parlette, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. K. Schmidt Schmidt, Schual-Berke, Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 89.

Voting nay: Representatives Boldt, Cox, DeBolt, Mielke, Mulliken, Pennington, Schoesler and Sump - 8.

Excused: Representative Scott - 1.

House Bill No. 1322, having received the constitutional majority, was declared passed.

#### STATEMENT FOR THE JOURNAL

I intended to vote NAY on House Bill No. 1322.

JIM DUNN, 17<sup>th</sup> District

There being no objection, the House deferred action on House Bill No. 1362 and the bill held its place on the second reading calendar.

HOUSE BILL NO. 1413, by Representatives McMorris, Romero, Dunshee, Campbell, Haigh, D. Schmidt, Miloscia and Lambert; by request of Washington Citizens' Commission on Salaries for Elected Officials

Staggering the terms of the members of the Washington citizens' commission on salaries for elected officials.

The bill was read the second time.

On motion of Representative Kessler, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives McMorris and Romero spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of House Bill No. 1413.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1413 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. G. Chandler Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. K. Schmidt Schmidt, Schoesler, Schual-Berke,

Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

House Bill No. 1413, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1432, by Representatives Stensen, G. Chandler, Linville, Koster, Cooper, Dunshee, Reardon and Wood

Expanding the powers and duties of the dairy commission.

The bill was read the second time.

On motion of Representative Kessler, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Stensen and G. Chandler spoke in favor of passage of the bill.

Representatives Cooper and Pennington spoke against passage of the bill.

Speaker Chopp stated the question before the House to be final passage of House Bill No. 1432.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1432 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. G. Chandler Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. K. Schmidt Schmidt, Schoesler, Schual-Berke, Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

House Bill No. 1432, having received the constitutional majority, was declared passed.

#### POINT OF PERSONAL PRIVILEGE

Representative Morris congratulated Representative Stensen on the passage of his first bill and asked the Chamber to acknowledge his accomplishment.

HOUSE BILL NO. 1442, by Representatives Edwards, Radcliff, Scott, Wolfe, Reardon, Sheahan, Lovick, Fisher, O'Brien, Santos, Romero, Kenney, Conway, Ogden, Dickerson, Haigh and Keiser

Extending protection of transit employees and customers.

The bill was read the second time.

On motion of Representative Kessler, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Edwards, Radcliff and Keiser spoke in favor of passage of the bill.

Representatives Lambert, Koster and Dunn spoke against passage of the bill.

Speaker Chopp stated the question before the House to be final passage of House Bill No. 1442.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1442 and the bill passed the House by the following vote: Yeas - 67, Nays - 30, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Cairnes, Campbell, Carlson, Carrell, B. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Delvin, Doumit, Edmonds, Edwards, Eickmeyer, Ericksen, Fisher, Gombosky, Grant, Haigh, Hankins, Hatfield, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Lantz, Linville, Lovick, McDonald, McIntire, Miloscia, Mitchell, Morris, Murray, O'Brien, Ogden, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, D. K. Schmidt Schmidt, Schoesler, Schual-Berke, Skinner, H. Sommers, Stensen, Sullivan, Talcott, Voloria, Wensman, Wolfe, Wood and Mr. Speaker Chopp - 67.

Voting nay: Representatives Benson, Boldt, Buck, Bush, G. Chandler, Crouse, DeBolt, Dickerson, Dunn, Dunshee, Esser, Fortunato, Huff, Koster, Lambert, Lisk, Mastin, McMorris, Mielke, Mulliken, Parlette, Pennington, Pflug, Schindler, D. Sommers, Sump, Thomas, Tokuda, Van Luven and Mr. Speaker Ballard - 30.

Excused: Representative Scott - 1.

House Bill No. 1442, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1485, by Representatives Barlean and Anderson

Prohibiting the sale of the Whidbey Island game farm.

The bill was read the second time. On motion of Representative Murray, Substitute House Bill No. 1485 was substituted for House Bill No. 1485 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1485 was read the second time.

On motion of Representative Kessler, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Barlean and Anderson spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Substitute House Bill No. 1485.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1485 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. G. Chandler Chandler, Clements, Cody, Constantine,

Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. K. Schmidt Schmidt, Schoesler, Schual-Berke, Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

Substitute House Bill No. 1485, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1487, by Representatives Clements and Skinner

Changing provisions relating to foster parents' rights.

The bill was read the second time. On motion of Representative Tokuda, Substitute House Bill No. 1487 was substituted for House Bill No. 1487 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1487 was read the second time.

On motion of Representative Kessler, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Clements and Tokuda spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Substitute House Bill No. 1487.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1487 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. G. Chandler Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. K. Schmidt Schmidt, Schoesler, Schual-Berke, Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

Substitute House Bill No. 1487, having received the constitutional majority, was declared passed.

#### POINT OF PERSONAL PRIVILEGE

Representative Mastin congratulated Representative Barlean on the passage of his first bill and asked the Chamber to acknowledge his accomplishment.

## MOTION

On motion of Representative Wolfe, Representative Lovick was excused.

HOUSE BILL NO. 1542, by Representatives Ericksen, D. Schmidt, Romero and McMorris

Recording surveys.

The bill was read the second time.

On motion of Representative Kessler, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Erickson spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of House Bill No. 1542.

## ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1542 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. G. Chandler Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. K. Schmidt Schmidt, Schoesler, Schual-Berke, Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Lovick and Scott - 2.

House Bill No. 1542, having received the constitutional majority, was declared passed.

There being no objection, the House deferred action on House Bill No. 1547, and the bill held its place on the second reading calendar.

HOUSE BILL NO. 1549, by Representatives G. Chandler, Linville, Mastin, Schoesler, Koster and Fortunato

Requiring the department of ecology to extend the time for work under a permit if water use has been prevented or restricted due to federal or state laws.

The bill was read the second time.

On motion of Representative Kessler, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives G. Chandler and Linville spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of House Bill No. 1549.



## ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1549 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. G. Chandler Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. K. Schmidt Schmidt, Schoesler, Schual-Berke, Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Lovick and Scott - 2.

House Bill No. 1549, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1556, by Representatives Hatfield, Bush, Romero, McDonald, Dickerson, Ballasiotes, Scott, Radcliff, Poulsen, Delvin, Constantine, Mastin and Murray; by request of Washington State Patrol

Increasing timeliness of fire death reports.

The bill was read the second time.

On motion of Representative Kessler, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hatfield and Bush spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of House Bill No. 1556.

## ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1556 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. G. Chandler Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. K. Schmidt Schmidt, Schoesler, Schual-Berke, Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Lovick and Scott - 2.

House Bill No. 1556, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1584, by Representatives Hurst, Mulliken, Scott, Stensen and O'Brien

Allowing unincorporated territory adjacent to a fire protection district to be annexed.

The bill was read the second time.

On motion of Representative Kessler, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hurst and Fortunato spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of House Bill No. 1584.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1584 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. G. Chandler Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. K. Schmidt Schmidt, Schoesler, Schual-Berke, Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Lovick and Scott - 2.

House Bill No. 1584, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1677, by Representatives B. Chandler, Grant, G. Chandler, Linville, Mastin, Delvin and Parlette

Changing irrigation district provisions.

The bill was read the second time. On motion of Representative Linville, Substitute House Bill No. 1677 was substituted for House Bill No. 1677 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1677 was read the second time.

On motion of Representative Kessler, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives B. Chandler and Grant spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Substitute House Bill No. 1677.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1677 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. G. Chandler Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. K. Schmidt Schmidt, Schoesler, Schual-Berke, Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Lovick and Scott - 2.

Substitute House Bill No. 1677, having received the constitutional majority, was declared passed.

### **POINT OF PERSONAL PRIVILEGE**

Representative G. Chandler congratulated Representative B. Chandler on the passage of his first bill and asked the Chamber to acknowledge his accomplishment.

### **MOTION**

On motion of Representative Wolfe, Representative Eickmeyer was excused.

HOUSE BILL NO. 1715, by Representatives Cox, Stensen, Schual-Berke and Talcott; by request of Board of Education

Reclassifying the state board of education as a class four group.

The bill was read the second time.

On motion of Representative Kessler, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cox and Schual-Berke spoke in favor of passage of the bill.

Representatives Talcot, Schoesler and Quall spoke against passage of the bill.

Speaker Chopp stated the question before the House to be final passage of House Bill No. 1715.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1715 and the bill passed the House by the following vote: Yeas - 93, Nays - 2, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. G. Chandler Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Schindler, D. K. Schmidt Schmidt, Schoesler, Schual-Berke, Skinner, D. H. Sommers

Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 93.

Voting nay: Representatives Morris and Santos - 2.

Excused: Representatives Eickmeyer, Lovick and Scott - 3.

House Bill No. 1715, having received the constitutional majority, was declared passed.

### **POINT OF PERSONAL PRIVILEGE**

Representative DeBolt congratulated Representative Cox on passage of his first bill and asked the Chamber to acknowledge his accomplishment.

### **MOTION**

On motion of Representative Wolfe, Representative Dunshee was excused.

HOUSE BILL NO. 1734, by Representatives Esser and Schual-Berke; by request of Department of Health

Subjecting licensed psychologists to chapter 18.130 RCW, the uniform disciplinary act.

The bill was read the second time.

On motion of Representative Kessler, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Esser spoke in favor of passage of the bill.

Representatives Cooper, Mitchell, Van Luven, D. Schmidt, D. Sommers, Schual-Berke and Campbell spoke against passage of the bill.

Speaker Chopp stated the question before the House to be final passage of House Bill No. 1734.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1734 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. G. Chandler Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Edmonds, Edwards, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. K. Schmidt Schmidt, Schoesler, Schual-Berke, Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 94.

Excused: Representatives Dunshee, Eickmeyer, Lovick and Scott - 4.

House Bill No. 1734, having received the constitutional majority, was declared passed.

### **POINT OF PERSONAL PRIVILEGE**

Representative Mastin congratulated Representative Esser on passage of his first bill and asked the Chamber to acknowledge his accomplishment.

Speaker Chopp called upon Representative Ogden to preside.

#### MOTION

On motion of Representative Wolfe, Speaker Chopp was excused.

HOUSE BILL NO. 1747, by Representatives Linville and G. Chandler; by request of Washington State Conservation Commission

Changing conservation district provisions.

The bill was read the second time. On motion of Representative Linville, Substitute House Bill No. 1747 was substituted for House Bill No. 1747 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1747 was read the second time.

On motion of Representative Kessler, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Linville and G. Chandler spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Substitute House Bill No. 1747.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1747 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. G. Chandler Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Edmonds, Edwards, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. K. Schmidt Schmidt, Schoesler, Schual-Berke, Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood and Mr. Speaker Ballard - 93.

Excused: Representatives Dunshee, Eickmeyer, Lovick, Scott and Mr. Speaker Chopp - 5.

Substitute House Bill No. 1747, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1749, by Representatives Dickerson, McDonald, Lantz and Koster

Revising eligibility requirements for deferred disposition.

The bill was read the second time.

Representative Carrell moved the adoption of amendment (034):

On page 1, line 12, after "more" insert "gross misdemeanors or"

Representative Carrell spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

On motion of Representative Kessler, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Constantine and McDonald spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Engrossed House Bill No. 1749.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1749, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. G. Chandler Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Edmonds, Edwards, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. K. Schmidt Schmidt, Schoesler, Schual-Berke, Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood and Mr. Speaker Ballard - 93.

Excused: Representatives Dunshee, Eickmeyer, Lovick, Scott and Mr. Speaker Chopp - 5.

Engrossed House Bill No. 1749, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1757, by Representatives Miloscia, O'Brien, Koster, Lovick, Haigh, Hurst and Radcliff

Expanding the number of inmates subject to mandatory DNA testing.

The bill was read the second time.

On motion of Representative Kessler, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Miloscia spoke in favor of passage of the bill.

Representatives Romero, Fortunato, and Benson spoke against passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of House Bill No. 1757.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1757 and the bill passed the House by the following vote: Yeas - 83, Nays - 10, Absent - 0, Excused - 5.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. G. Chandler Chandler, Clements, Conway, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Edmonds, Edwards, Ericksen, Esser, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lantz, Linville, Lisk, Mastin, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, O'Brien, Ogden, Parlette, Pennington, Pflug, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Schindler, D. K. Schmidt Schmidt, Schoesler, Schual-Berke, Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Wensman, Wolfe, Wood and Mr. Speaker Ballard - 83.

Voting nay: Representatives Cody, Constantine, Cooper, Fisher, Lambert, McDonald, Murray, Poulsen, Santos and Veloria - 10.

Excused: Representatives Dunshee, Eickmeyer, Lovick, Scott and Mr. Speaker Chopp - 5.

House Bill No. 1757, having received the constitutional majority, was declared passed.

#### STATEMENT FOR THE JOURNAL

I intended to vote NAY on House Bill No. 1757.

PHYLLIS KENNEY, 46<sup>th</sup> District

#### STATEMENT FOR THE JOURNAL

I intended to vote NAY on House Bill No. 1757.

AARON REARDON, 38<sup>th</sup> District

#### STATEMENT FOR THE JOURNAL

I intended to vote NAY on House Bill No. 1757.

KIP TOKUDA, 37<sup>th</sup> District

#### **POINT OF PERSONAL PRIVILEGE**

Representative Morris congratulated Representative Miloscia on passage of his first bill and asked the Chamber to acknowledge his accomplishment.

HOUSE BILL NO. 1770, by Representatives Stensen and Talcott; by request of Board of Education

Adopting recommendations of the state board of education.

The bill was read the second time. On motion of Representative Haigh, Substitute House Bill No. 1770 was substituted for House Bill No. 1770 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1770 was read the second time.

On motion of Representative Kessler, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Stensen and Schindler spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Substitute House Bill No. 1770.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1770 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. G. Chandler Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Edmonds, Edwards, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. K. Schmidt Schmidt, Schoesler, Schual-Berke, Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood and Mr. Speaker Ballard - 93.

Excused: Representatives Dunshee, Eickmeyer, Lovick, Scott and Mr. Speaker Chopp - 5.

Substitute House Bill No. 1770, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1811, by Representatives Tokuda, Boldt, D. Sommers, Kenney and Ogden; by request of Department of Social and Health Services

Revising provisions relating to supported employment for persons with severe disabilities.

The bill was read the second time. On motion of Representative Tokuda, Substitute House Bill No. 1811 was substituted for House Bill No. 1811 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1811 was read the second time.

On motion of Representative Kessler, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Tokuda and Boldt spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Substitute House Bill No. 1811.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1811 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. G. Chandler Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Edmonds, Edwards, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero,



Ruderman, Santos, Schindler, D. K. Schmidt Schmidt, Schoesler, Schual-Berke, Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood and Mr. Speaker Ballard - 93.

Excused: Representatives Dunshee, Eickmeyer, Lovick, Scott and Mr. Speaker Chopp - 5.

Substitute House Bill No. 1811, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1817, by Representatives Grant and Clements

Funding horticultural pest and disease boards.

The bill was read the second time. On motion of Representative Linville, Substitute House Bill No. 1817 was substituted for House Bill No. 1817 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1817 was read the second time.

Representative Linville moved the adoption of amendment (032):

On page 2, line 8, after "than" strike "ten" and insert "twelve"

Representative Linville spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

On motion of Representative Kessler, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Grant and B. Chandler spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1817.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1817, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. G. Chandler Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Edmonds, Edwards, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. K. Schmidt Schmidt, Schoesler, Schual-Berke, Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood and Mr. Speaker Ballard - 93.

Excused: Representatives Dunshee, Eickmeyer, Lovick, Scott and Mr. Speaker Chopp - 5.

Engrossed Substitute House Bill No. 1817, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1838, by Representatives Schual-Berke, Mulliken and Ogden

Creating the impaired dentist account.

The bill was read the second time. On motion of Representative Cody, Substitute House Bill No. 1838 was substituted for House Bill No. 1838 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1838 was read the second time.

On motion of Representative Kessler, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Schual-Berke and Mulliken spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Substitute House Bill No. 1838.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1838 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. G. Chandler Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Edmonds, Edwards, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. K. Schmidt Schmidt, Schoesler, Schual-Berke, Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood and Mr. Speaker Ballard - 93.

Excused: Representatives Dunshee, Eickmeyer, Lovick, Scott and Mr. Speaker Chopp - 5.

Substitute House Bill No. 1838, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1845, by Representatives B. Chandler, Clements, McMorris, Lisk, Conway and Wood

Providing for vocational rehabilitation benefits under industrial insurance.

#### MOTIONS

On motion of Representative Wolfe, Representative Romero was excused. On motion of Representative Schoesler, Representative Parlette was excused.

The bill was read the second time.

On motion of Representative Kessler, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives B. Chandler and Conway spoke in favor of passage of the bill.

There being no objection, the House deferred action on House Bill No. 1845, and the bill held its place on third reading.

HOUSE BILL NO. 1849, by Representatives Kagi, Carrell, Tokuda, Boldt, Lovick, Barlean, McIntire, Edwards, Kenney and Schual-Berke

Expanding aggravating circumstances when a court may impose an exceptional sentence.

The bill was read the second time.

On motion of Representative Morris, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kagi and Carrell spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of House Bill No. 1849.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1849 and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. G. Chandler Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Edmonds, Edwards, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Ruderman, Santos, Schindler, D. K. Schmidt Schmidt, Schoesler, Schual-Berke, Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 92.

Excused: Representatives Dunshee, Eickmeyer, Lovick, Parlette, Romero and Scott - 6.

House Bill No. 1849, having received the constitutional majority, was declared passed.

#### POINT OF PERSONAL PRIVILEGE

Representative Morris congratulated Representative Kagi on the passage of her first bill and asked the Chamber to acknowledge her accomplishment.

#### MOTION

On motion of Representative Wolfe, Representative Cody was excused.

HOUSE BILL NO. 1936, by Representatives Tokuda, Boldt, D. Sommers and Santos

Requiring employability screening for recipients of temporary assistance for needy families.

The bill was read the second time.

On motion of Representative Morris, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Tokuda and Boldt spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of House Bill No. 1936.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1936 and the bill passed the House by the following vote: Yeas - 91, Nays - 0, Absent - 0, Excused - 7.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. G. Chandler Chandler, Clements, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Edmonds, Edwards, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Ruderman, Santos, Schindler, D. K. Schmidt Schmidt, Schoesler, Schual-Berke, Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 91.

Excused: Representatives Cody, Dunshee, Eickmeyer, Lovick, Parlette, Romero and Scott - 7.

House Bill No. 1936, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2052, by Representatives Barlean, Keiser, Benson and Hatfield; by request of Attorney General

Regulating service contracts.

The bill was read the second time.

On motion of Representative Morris, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Barlean and Keiser spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of House Bill No. 2052.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2052 and the bill passed the House by the following vote: Yeas - 91, Nays - 0, Absent - 0, Excused - 7.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. G. Chandler Chandler, Clements, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Edmonds, Edwards, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Ruderman, Santos, Schindler, D. K. Schmidt Schmidt, Schoesler, Schual-Berke, Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 91.

Excused: Representatives Cody, Dunshee, Eickmeyer, Lovick, Parlette, Romero and Scott - 7.

House Bill No. 2052, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2054, by Representatives Quall, Benson, Hatfield and Cairnes

Regulating sellers who finance the goods they sell.

The bill was read the second time. On motion of Representative Hatfield, Substitute House Bill No. 2054 was substituted for House Bill No. 2054 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2054 was read the second time.

On motion of Representative Morris, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Quall and Benson spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Substitute House Bill No. 2054.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2054 and the bill passed the House by the following vote: Yeas - 91, Nays - 0, Absent - 0, Excused - 7.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. G. Chandler Chandler, Clements, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Edmonds, Edwards, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Ruderman, Santos, Schindler, D. K. Schmidt Schmidt, Schoesler, Schual-Berke, Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 91.

Excused: Representatives Cody, Dunshee, Eickmeyer, Lovick, Parlette, Romero and Scott - 7.

Substitute House Bill No. 2054, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2071, by Representatives B. Chandler, Conway, McMorris and Koster

Excluding a member or manager of a limited liability company from workers' compensation coverage.

The bill was read the second time. On motion of Representative Conway, Substitute House Bill No. 2071 was substituted for House Bill No. 2071 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2071 was read the second time.

On motion of Representative Morris, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives B. Chandler and Conway spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Substitute House Bill No. 2071.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2071 and the bill passed the House by the following vote: Yeas - 91, Nays - 0, Absent - 0, Excused - 7.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. G. Chandler Chandler, Clements, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Edmonds, Edwards, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Ruderman, Santos, Schindler, D. K. Schmidt Schmidt, Schoesler, Schual-Berke, Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 91.

Excused: Representatives Cody, Dunshee, Eickmeyer, Lovick, Parlette, Romero and Scott - 7.

Substitute House Bill No. 2071, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2081, by Representatives Ruderman, Crouse, Dunshee, Thomas, Kessler, Murray, O'Brien, Ogden, Rockefeller, Stensen, Constantine and Lantz; by request of Governor Locke

Continuing a moratorium that prohibits a city or town from imposing a specific fee or tax on an internet service provider.

The bill was read the second time.

On motion of Representative Morris, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ruderman and DeBolt spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of House Bill No. 2081.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2081 and the bill passed the House by the following vote: Yeas - 87, Nays - 4, Absent - 0, Excused - 7.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, B. G. Chandler Chandler, Clements, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Edmonds, Edwards, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kastama, Keiser, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Ruderman, Santos, Schindler, D. K. Schmidt Schmidt, Schoesler, Schual-Berke, Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 87.

Voting nay: Representatives Carlson, Kagi, Kenney and Veloria - 4.

Excused: Representatives Cody, Dunshee, Eickmeyer, Lovick, Parlette, Romero and Scott - 7.

House Bill No. 2081, having received the constitutional majority, was declared passed.

There being no objection, the House advanced to the eleventh order of business.

MOTION

On motion of Representative Kessler, the House adjourned until 9:00 a.m., Wednesday, March 10, 1999, the 59<sup>th</sup> Legislative Day.

TIMOTHY A. MARTIN, Chief Clerk      CLYDE BALLARD, Speaker  
DEAN R. FOSTER, Chief Clerk      FRANK CHOPP, Speaker

FIFTY-EIGHTH DAY, MARCH 9, 1999

JOURNAL OF THE HOUSE

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**FIFTY-NINTH DAY**

**MORNING SESSION**

House Chamber, Olympia, Wednesday, March 10, 1999

The House was called to order at 9:00 a.m. by Speaker Ballard. The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Nicole Mickle and Jordan McCully. Prayer was offered by Representative Brad Benson.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

**MESSAGE FROM THE SENATE**

March 10, 1999

Mr. Speaker:

The President has signed:

and the same is herewith transmitted.

SUBSTITUTE HOUSE BILL NO. 1124,

Tony M. Cook, Secretary

**RESOLUTIONS**

HOUSE RESOLUTION NO. 99-4638, by Representatives Mitchell, Sump, Radcliff, Ballasiotes, Hankins, Skinner, Conway and Talcott

WHEREAS, The Revised Code of Washington is a great educational tool for our public schools; and

WHEREAS, Many public schools cannot afford to purchase the Revised Code of Washington for educational use by its students; and

WHEREAS, The Statute Law Committee loans sets of the Revised Code of Washington for use by the house and senate committees of the legislature each biennium and provides each member of the legislature a set of the official code during his or her term of office;



NOW, THEREFORE, BE IT RESOLVED, By the House of Representatives of the state of Washington, That the Co-Chief Clerks of the House of Representatives shall collect surplus volumes of the Revised Code of Washington from house committees each biennium and provide for special procedures to donate the surplus volumes to public schools; and

BE IT FURTHER RESOLVED, That members of the House of Representatives may determine whether their surplus volumes of the Revised Code of Washington shall be donated following the special procedures established by the Co-Chief Clerks of the House of Representatives or select the public school to which the surplus volumes of the Revised Code of Washington will be donated.

Representative Mitchell moved adoption of the resolution.

Representatives Mitchell, Morris, Talcott, Dunshee, Van Luven, and Carlson spoke in favor of the adoption of the resolution.

House Resolution No. 99-4638 was adopted.

HOUSE RESOLUTION NO. 99-4646, by Representatives Keiser, Quall, Talcott, Rockefeller and Skinner

WHEREAS, It is the policy of the Washington State Legislature to recognize the contributions of individuals who reflect standards of excellence that enhance the well-being and quality of life of the citizens of the State of Washington; and

WHEREAS, It is also the policy of the Washington State Legislature to honor the memory of individuals who, despite their personal physical hardships, continued to contribute to the well-being and quality of life of the citizens of the State of Washington; and

WHEREAS, Peggy G. Vatter served as a teacher of mathematics in the State of Washington since 1979, worked at the Washington State Superintendent of Public Instruction Office since 1986, and worked with the House of Representatives Education Committee; and

WHEREAS, Peggy was a popular teacher and an active worker on behalf of the Office of Superintendent of Public Instruction, as well as for the Shelton Education Association before that, and gave of her time and energy at many classes, meetings, conferences, and workshops for years; and

WHEREAS, Peggy inspired many of her colleagues and students with her energy and dedication, especially in the last few months of her life, when she remained active and committed to finish her research work about student mathematical achievement despite her progressing illness during the last few days of her life; and

WHEREAS, Peggy will be remembered by those who knew her as a human being with contagious energy, an outgoing nature, and an engaging sense of humor; and

WHEREAS, Peggy was a loving wife to her husband, Michael, and to their daughters Katie and Robyn, and to other members of her family, including her parents Bob and Jean Guy, her brother Russell Guy, and to her nieces and nephews;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives honor the memory of Peggy G. Vatter for her years of dedicated work on behalf of learning and education in the State of Washington.

Representative Keiser moved adoption of the resolution.

Representatives Keiser and Talcott spoke in favor of the adoption of the resolution.

House Resolution No. 99-4646 was adopted.

There being no objection, the House advanced to the sixth order of business.

**SECOND READING**

## MOTION

On motion of Representative Schoesler, Representative Parlette was excused. On motion of Representative Wolfe, Representatives Scott, Cody and Poulsen were excused.

HOUSE BILL NO. 2099, by Representatives G. Chandler and Linville

Allowing an exemption from relinquishment of a water right for nonuse resulting from the operation or pendency of legal proceedings.

The bill was read the second time. There being no objection, Substitute House Bill No. 2099 was substituted for House Bill No. 2099 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2099 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives G. Chandler and Cooper spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute House Bill No. 2099.

## ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2099 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Pennington, Pflug, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 94.

Excused: Representatives Cody, Parlette, Poulsen and Scott - 4.

Substitute House Bill No. 2099, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2207, by Representatives Kessler and Lisk

Increasing legislative commission membership.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kessler and McMorris spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of House Bill No. 2207.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2207 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Pennington, Pflug, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 94.

Excused: Representatives Cody, Parlette, Poulsen and Scott - 4.

House Bill No. 2207, having received the constitutional majority, was declared passed.

HOUSE JOINT MEMORIAL NO. 4005, by Representatives Schoesler, Grant, G. Chandler, Sump, Mastin, Lisk, Linville, Tokuda, Doumit, Delvin, Radcliff, Dunn and Mulliken

Urging elimination of unilateral trade sanctions.

The bill was read the second time. There being no objection, Substitute House Joint Memorial No. 4005 was substituted for House Joint Memorial No. 4005 and the substitute memorial was placed on the second reading calendar.

Substitute House Joint Memorial No. 4005 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the memorial was placed on final passage.

Representatives Schoesler, Grant and Cooper spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute House Joint Memorial No. 4005.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Joint Memorial No. 4005 and the memorial passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Pennington, Pflug, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 94.

Excused: Representatives Cody, Parlette, Poulsen and Scott - 4.

Substitute House Joint Memorial No. 4005, having received the constitutional majority, was declared passed.

HOUSE JOINT MEMORIAL NO. 4011, by Representatives Bush, Poulsen, Radcliff, Thomas, Scott, Huff, D. Schmidt, Lantz, Benson, Kessler, Wolfe, Schoesler, Santos, Grant, Quall, Boldt, Pennington, Mastin, Koster, Hankins, Esser, Regala, Cox, Schindler, McDonald, Clements, Wood, Cooper, Kenney, Reardon, Hurst, Talcott, Hatfield, Tokuda, Conway, Sump, Lovick, D. Sommers, Schual-Berke, Carlson, H. Sommers, McMorris, Fortunato, Murray, O'Brien, Anderson, Veloria and Haigh

Allowing schools and libraries to receive telecommunications at below-tariffed rates without losing universal service discounts.

The memorial was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the memorial was placed on final passage.

Representatives Bush and Ruderman spoke in favor of passage of the memorial.

Speaker Ballard stated the question before the House to be final passage of House Joint Memorial No. 4011.

#### ROLL CALL

The Clerk called the roll on the final passage of House Joint Memorial No. 4011 and the memorial passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Pennington, Pflug, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 94.

Excused: Representatives Cody, Parlette, Poulsen and Scott - 4.

House Joint Memorial No. 4011, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1067, by Representatives O'Brien and Ballasiotes

Amending statutory double jeopardy provisions.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Judiciary was adopted. (For committee amendment(s), see Journal, 45<sup>th</sup> Day, February 24, 1999.)

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives O'Brien and Carrell spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Engrossed House Bill No. 1067.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1067, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

Engrossed House Bill No. 1067, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1078, by Representatives Dunshee, Stensen, Hurst, Lovick and Fortunato

Addressing military leave for public employees.

The bill was read the second time.

There being no objection, the committee recommendation was adopted and the substitute bill was advanced to third reading.

Representative Dunshee spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute House Bill No. 1078.

#### ROLLCALL

The Clerk called the roll on Substitute House Bill No. 1078 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-

Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.  
Excused: Representative Scott - 1.

Substitute House Bill No. 1078, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1095, by Representatives Cairnes, O'Brien, Koster, D. Schmidt, Thomas, Lovick, Schoesler, Dunn, Lambert and Delvin

Limiting access to law enforcement personnel records and internal affairs files.

The bill was read the second time.

There being no objection, the committee recommendation was adopted and the bill was advanced to third reading.

Representatives Cairnes and Constantine spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of House Bill No. 1095.

#### ROLLCALL

The Clerk called the roll on House Bill No. 1095 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

House Bill No. 1095, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1202, by Representatives Constantine, Sheahan and Carrell

Appointing judicial officers of the district and municipal courts.

The bill was read the second time.

There being no objection, the committee recommendation was adopted (For Committee amendment, see Journal, 51<sup>st</sup> Day, March 2, 1999), the bill was ordered engrossed and advanced to third reading.

Representatives Constantine and Esser spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Engrossed House Bill No. 1202.

## ROLLCALL

The Clerk called the roll on Engrossed House Bill No. 1202 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

Engrossed House Bill No. 1202, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1369, by Representatives Clements, Conway, Lisk, Grant, McMorris and Wood

Concerning the issuance of citations under the Washington industrial safety and health act.

The bill was read the second time.

There being no objection, the committee recommendation was adopted and the bill was advanced to third reading.

Representatives Clements and Conway spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of House Bill No. 1369.

## ROLLCALL

The Clerk called the roll on House Bill No. 1369 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

House Bill No. 1369, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1382, by Representatives Delvin, O'Brien, Cairnes, Hurst, Eickmeyer, Schindler, McDonald, Campbell, Edmonds, Lambert, Constantine, Linville, Pennington, Pflug, Miloscia, Esser, Sheahan, Carrell and Cooper

Limiting liability for police officers who do not pursue a fleeing suspect.

The bill was read the second time.

There being no objection, the committee recommendation was adopted and the substitute bill was advanced to third reading.

Representatives Delvin and O'Brien spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute House Bill No. 1382.

#### ROLLCALL

The Clerk called the roll on Substitute House Bill No. 1382 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

Substitute House Bill No. 1382, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1494, by Representatives Miloscia, Kenney, Veloria, Romero, Barlean, Ogden and Wolfe; by request of Department of General Administration

Clarifying the duties of the director of general administration.

The bill was read the second time.

There being no objection, the committee recommendation was adopted and the substitute bill was advanced to third reading.

Representatives Miloscia and McMorris spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute House Bill No. 1494.

#### ROLLCALL

The Clerk called the roll on Substitute House Bill No. 1494 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.



Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

Substitute House Bill No. 1494, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1495, by Representative Fisher

Regarding refunding bonds.

The bill was read the second time.

There being no objection, the committee recommendation was adopted and the bill was advanced to third reading.

Representative Fisher spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of House Bill No. 1495.

#### ROLLCALL

The Clerk called the roll on House Bill No. 1495 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

House Bill No. 1495, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1555, by Representatives McDonald, Murray, Delvin, Romero, Ballasiotes, Scott, Hatfield, Bush, Poulsen, Mastin, Constantine and Mitchell; by request of Washington State Patrol

Improving criminal history record dispositions.

The bill was read the second time.

There being no objection, the committee recommendation was adopted and the bill was advanced to third reading.

Representatives McDonald and Constantine spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of House Bill No. 1555.

#### ROLLCALL

The Clerk called the roll on House Bill No. 1555 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

House Bill No. 1555, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1592, by Representatives D. Schmidt, Bush, Miloscia and Dunshee; by request of Secretary of State

Updating write-in voting laws.

The bill was read the second time.

There being no objection, the committee recommendation was adopted and the substitute bill was advanced to third reading.

Representatives D. Schmidt and Romero spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute House Bill No. 1592.

#### ROLLCALL

The Clerk called the roll on Substitute House Bill No. 1592 and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Regala, Rockefeller,

Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Voting nay: Representative Reardon - 1.

Excused: Representative Scott - 1.

Substitute House Bill No. 1592, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1699, by Representatives Parlette, Cody, Schoesler, Barlean, Esser, Edmonds and Van Luven

Establishing continuing education for dentists.

The bill was read the second time.

There being no objection, the committee recommendation was adopted and the bill was advanced to third reading.

Representatives Parlette and Schual-Berke spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of House Bill No. 1699.

#### ROLLCALL

The Clerk called the roll on House Bill No. 1699 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

House Bill No. 1699, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1701, by Representatives Buck, Doumit, Radcliff, Kessler, Sump, Miloscia, Barlean, Regala, Schoesler, DeBolt, Hatfield, Tokuda, Eickmeyer, Mielke, Pennington, B. Chandler, Alexander, Clements and Mastin

Allowing for the use of funds to dredge marine recreation land.

The bill was read the second time.

There being no objection, the committee recommendation was adopted and the substitute bill was advanced to third reading.

Representatives Buck and Regala spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute House Bill No. 1701.

#### ROLLCALL

The Clerk called the roll on Substitute House Bill No. 1701 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

Substitute House Bill No. 1701, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1703, by Representatives Cooper, Ericksen, Mitchell and Fisher

Revising law governing the disposition of surplus real property.

The bill was read the second time.

There being no objection, the committee recommendation was adopted and the bill was advanced to third reading.

Representative Cooper spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of House Bill No. 1703.

#### ROLLCALL

The Clerk called the roll on House Bill No. 1703 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

House Bill No. 1703, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1869, by Representatives Carrell and Constantine; by request of Environmental Hearings Office

Providing procedures for discipline and termination of administrative appeals judges in the environmental hearings office.

The bill was read the second time.

There being no objection, the committee recommendation was adopted and the bill was advanced to third reading.

Representatives Carrell and Constantine spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of House Bill No. 1869.

#### ROLLCALL

The Clerk called the roll on House Bill No. 1869 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

House Bill No. 1869, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1951, by Representatives Lantz, DeBolt, Miloscia, McDonald, Stensen and Santos

Protecting remains in abandoned cemeteries.

The bill was read the second time.

There being no objection, the committee recommendation was adopted and the substitute bill was advanced to third reading.

Representatives Lantz, DeBolt and Carrell spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute House Bill No. 1951.

#### ROLLCALL

The Clerk called the roll on Substitute House Bill No. 1951 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

Substitute House Bill No. 1951, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1990, by Representatives Cody, Ballasiotes, Schual-Berke, Kenney, Keiser and Veloria; by request of Department of Social and Health Services

Concerning background checks for certain potential state employees.

The bill was read the second time.

There being no objection, the committee recommendation was adopted and the substitute bill was advanced to third reading.

Representative Cody spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute House Bill No. 1990.

#### ROLLCALL

The Clerk called the roll on Substitute House Bill No. 1990 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

Substitute House Bill No. 1990, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1992, by Representatives Ballasiotes, Schual-Berke and Rockefeller

Allowing a certified emergency medical technician to administer epinephrine.

The bill was read the second time.

There being no objection, the committee recommendation was adopted and the substitute bill was advanced to third reading.

Representatives Ballasiotes and Schual-Berke spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute House Bill No. 1992.

#### ROLLCALL

The Clerk called the roll on Substitute House Bill No. 1992 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

Substitute House Bill No. 1992, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2200, by Representatives Romero and McMorris; by request of Department of Licensing

Changing the duties of the director of licensing.

The bill was read the second time.

There being no objection, the committee recommendation was adopted and the bill was advanced to third reading.

Representatives Romero and Campbell spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of House Bill No. 2200.

#### ROLLCALL

The Clerk called the roll on House Bill No. 2200 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-

Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.  
Excused: Representative Scott - 1.

House Bill No. 2200, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2205, by Representatives McDonald, Lovick, Carrell, Constantine and Haigh

Providing conditions for waiver of the requirement for a mandatory appearance following arrest for DUI.

The bill was read the second time.

There being no objection, the committee recommendation was adopted and the bill was advanced to third reading.

Representatives McDonald and Lovick spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of House Bill No. 2205.

#### ROLLCALL

The Clerk called the roll on House Bill No. 2205 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

House Bill No. 2205, having received the constitutional majority, was declared passed.

HOUSE JOINT MEMORIAL NO. 4014, by Representatives Romero, Hankins, Grant, Ruderman and D. Schmidt

Requesting an increase in federal funding for stroke research.

The memorial was read the second time.

There being no objection, the committee recommendation was adopted and the memorial was advanced to third reading.

Representatives Romero and Hankins spoke in favor of passage of the memorial.

Speaker Ballard stated the question before the House to be final passage of House Joint Memorial No. 4014.



## ROLLCALL

The Clerk called the roll on House Joint Memorial No. 4014 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 1, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Absent: Representative Pennington - 1.

Excused: Representative Scott - 1.

House Joint Memorial No. 4014, having received the constitutional majority, was declared passed.

## RECONSIDERATION

There being no objection, the House immediately reconsidered the vote by which House Joint Memorial No. 4014 was passed.

## ROLL CALL

The Clerk called the roll on the final passage of House Joint Memorial No. 4014, on reconsideration and the memorial passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

House Joint Memorial No. 4014 on reconsideration, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1178, by Representatives O'Brien, Koster, Lovick and Ballasiotes; by request of Department of Corrections

Prescribing requirements for sex offender examinations and treatment.

The bill was read the second time. There being no objection, Substitute House Bill No. 1178 was substituted for House Bill No. 1178 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1178 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives O'Brien and Koster spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute House Bill No. 1178.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1178 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

Substitute House Bill No. 1178, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1189, by Representatives Van Luven, Scott, Radcliff, Kenney, Mitchell, Tokuda, D. Schmidt, Dickerson, McIntire, Esser, Lambert, Cairnes, Ballasiotes, Constantine, Cody, H. Sommers, Murray, Santos and Parlette

Modifying provisions concerning metropolitan park districts.

The bill was read the second time. There being no objection, Substitute House Bill No. 1189 was substituted for House Bill No. 1189 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1189 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Van Luven spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute House Bill No. 1189.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1189 and the bill passed the House by the following vote: Yeas - 84, Nays - 13, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Bush, Cairnes, Campbell, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Crouse, DeBolt, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Schindler, D. Schmidt, K. Schmidt, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 84.

Voting nay: Representatives Boldt, Buck, Carlson, Cox, Delvin, Dunn, Koster, Mielke, Pennington, Pflug, Santos, Schoesler and Thomas - 13.

Excused: Representative Scott - 1.

Substitute House Bill No. 1189, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1224, by Representatives Hurst, Conway, Campbell, Cairnes, Kessler, Clements, McIntire and Ogden

Requiring a permanent anchor for worker fall protection.

The bill was read the second time. There being no objection, Substitute House Bill No. 1224 was substituted for House Bill No. 1224 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1224 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hurst, Clements, Conway and Hurst again spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute House Bill No. 1224.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1224 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

Substitute House Bill No. 1224, having received the constitutional majority, was declared passed.

## POINT OF PERSONAL PRIVILEGE

Representative Carlson informed the House of the fire which occurred to the home of his Legislative Assistant, Judy Henson. He asked that the body keep the Henson Family in their thoughts.

## MOTION

On motion of Representative Wolfe, Representative McIntire was excused.

HOUSE BILL NO. 1304, by Representatives Hankins, Fisher and K. Schmidt; by request of Transportation Improvement Board

Updating references to the transportation improvement board bond retirement account.

The bill was read the second time. There being no objection, Substitute House Bill No. 1304 was substituted for House Bill No. 1304 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1304 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Buck and Hatfield spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute House Bill No. 1304.

## ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1304 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives McIntire and Scott - 2.

Substitute House Bill No. 1304, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1368, by Representatives Alexander, Wolfe, DeBolt and Romero

Prescribing the use of revenues under the county conservation futures levy.

The bill was read the second time. There being no objection, Substitute House Bill No. 1368 was substituted for House Bill No. 1368 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1368 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Mulliken and Doumit spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute House Bill No. 1368.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1368 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives McIntire and Scott - 2.

Substitute House Bill No. 1368, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1376, by Representatives G. Chandler, Fisher, Mitchell, K. Schmidt, Romero, Mielke, Skinner, Scott, O'Brien, Wood and Mulliken

Simplifying disabled parking certification for leg amputees.

The bill was read the second time. There being no objection, Substitute House Bill No. 1376 was substituted for House Bill No. 1376 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1376 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative G. Chandler spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute House Bill No. 1376.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1376 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine,

Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative McIntire - 1.

Substitute House Bill No. 1376, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1377, by Representatives O'Brien and Ballasiotes; by request of Department of Social and Health Services

Revising sanctions for violating conditions of the juvenile offender basic training camp program.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives O'Brien and Ballasiotes spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of House Bill No. 1377.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1377 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative McIntire - 1.

House Bill No. 1377, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1407, by Representatives Lambert, Benson, Dickerson, Sheahan, Tokuda, Hurst, G. Chandler, Mulliken, Boldt, Koster, Schindler, Ogden, Dunn and Kessler

Changing adoption provisions.

The bill was read the second time. There being no objection, Substitute House Bill No. 1407 was substituted for House Bill No. 1407, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1407 was read the second time.

Representative Lambert moved the adoption of amendment (012):

On page 1, beginning on line 10, strike all material through "interest" on line 16 and insert:  
"(2) The consent to adoption of an alleged father, a birth parent, or a parent may be dispensed with if the court finds that the proposed adoption is in the best interests of the adoptee and:

(a) The alleged father, birth parent, or parent has been found guilty of rape under Chapter 9A.44 RCW, or incest under RCW 9A.64.020, where the adoptee was the victim of the rape or incest;  
or

(b) The alleged father, birth parent, or parent has been found guilty of rape under Chapter 9A.44 RCW or incest under RCW 9A.64.020, where the other parent of the adoptee was the victim of the rape or incest and the adoptee was conceived as a result of the rape or incest"

Representatives Lambert and Constantine spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lambert and Constantine spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1407.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1407, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative McIntire - 1.

Engrossed Substitute House Bill No. 1407, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1525, by Representatives Dickerson, Constantine and Lambert

Authorizing mediation in guardianship proceedings.

The bill was read the second time. There being no objection, Substitute House Bill No. 1525 was substituted for House Bill No. 1525 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1525 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dickerson and Esser spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute House Bill No. 1525.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1525 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 98.

Substitute House Bill No. 1525, having received the constitutional majority, was declared passed.

There being no objection, House Bill No. 1071 was returned to the Rules Committee.

HOUSE BILL NO. 1210, by Representatives Campbell, O'Brien, DeBolt, Bush, Sullivan, Kastama, Conway, Delvin, Lovick, Esser, Carrell and Hurst

Enhancing penalties for manufacturing methamphetamines inside a conveyance.

The bill was read the second time. There being no objection, Substitute House Bill No. 1210 was substituted for House Bill No. 1210 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1210 was read the second time.

Representative McDonald moved the adoption of amendment (035):

On page 1, line 9, after "operated" insert "or transported"

On page 1, line 12, after "operated" insert "or transported"

On page 1, line 16, after "operated" insert "or transported"

Representatives McDonald and O'Brien spoke in favor of the adoption of the amendment.



The amendment was adopted.

There being no objection, amendment 030 was withdrawn.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Campbell and O'Brien spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1210.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1210 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 98.

Engrossed Substitute House Bill No. 1210, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1245, by Representatives Morris, Dunn and Rockefeller; by request of Department of Community, Trade, and Economic Development

Exempting certain financial and proprietary information from public disclosure.

The bill was read the second time. There being no objection, Substitute House Bill No. 1245 was substituted for House Bill No. 1245 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1245 was read the second time.

Representative Morris moved the adoption of amendment (033):

On page 2, beginning on line 1, after "(2)" strike everything through "(3)" on line 6, and insert "For the purposes of this section, "siting decision" means the decision to acquire or not to acquire a site.

(3) If there is no written contact for a period of sixty days to the department from a person connected with siting, recruitment, expansion, retention, or relocation of that person's business, information described in subsection (1)(b) of this section will be available to the public under the provisions of RCW 42.17.250 through 42.17.340.

(4)"

Representative Morris spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Morris and Dunn spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1245.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1245 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 98.

Engrossed Substitute House Bill No. 1245, having received the constitutional majority, was declared passed.

There being no objection, the House advanced to the seventh order.

### THIRD READING

HOUSE BILL NO. 1845, by Representatives B. Chandler, Clements, McMorris, Lisk, Conway and Wood

Providing for vocational rehabilitation benefits under industrial insurance.

There being no objection, House Bill No. 1845 was returned to second reading for purposes of amendment.

### SECOND READING

Representative B. Chandler moved the adoption of amendment (041):

On page 2, line 35, after "with" strike "claims for injuries that occur on or after July 1, 1999" and insert "vocational rehabilitation plans approved on or after the effective date of this section"

Representatives B. Chandler and Conway spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended the second reading considered the third and the bill was placed on final passage.

Representatives B. Chandler, Conway and Clements spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Engrossed House Bill No. 1845.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1845 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 98.

Engrossed House Bill No. 1845, having received the constitutional majority, was declared passed.

There being no objection, the House deferred action on House Bill No. 1531, and the bill held its place on the second reading calendar.

HOUSE BILL NO. 1569, by Representatives Keiser, Talcott, Schual-Berke, Carlson, Quall and Regala

Establishing an excellence in mathematics grant program.

The bill was read the second time. There being no objection, Substitute House Bill No. 1569 was substituted for House Bill No. 1569 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1569 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Keiser, Talcott, Quall, Cox, Schual-Berke, and Parlette spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute House Bill No. 1569.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1569 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 98.

Substitute House Bill No. 1569, having received the constitutional majority, was declared passed.

There being no objection, the House reverted to the fourth order of business.

### **INTRODUCTIONS AND FIRST READING**

HB 2266 by Representatives Schoesler, Mulliken, Wolfe and Ogden

AN ACT Relating to dissolving the rural development council; amending RCW 42.52.080; adding new sections to chapter 43.31 RCW; repealing RCW 43.31.855 and 43.31.857; and repealing 1997 c 377 s 3 (uncodified).

Referred to Committee on Economic Development, Housing & Trade.

HB 2267 by Representatives Doumit, Mielke, Hatfield, Pennington, Romero, Haigh, DeBolt, Kenney, Eickmeyer, Santos, Kessler and Rockefeller

AN ACT Relating to a tax credit for financial institutions assisting victims of certain natural disasters; adding a new section to chapter 82.04 RCW; and declaring an emergency.

Referred to Committee on Financial Institutions & Insurance.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

There being no objection, the House advanced to the eleventh order of business.

On motion of Representative Lisk, the House adjourned until 9:00 a.m., Thursday, March 11, 1999, the 60<sup>th</sup> Legislative Day.

TIMOTHY A. MARTIN, Chief Clerk      CLYDE BALLARD, Speaker  
DEAN R. FOSTER, Chief Clerk      FRANK CHOPP, Speaker

FIFTY-NINTH DAY, MARCH 10, 1999

JOURNAL OF THE HOUSE

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**SIXTIETH DAY**

**MORNING SESSION**

House Chamber, Olympia, Thursday, March 11, 1999

The House was called to order at 9:00 a.m. by Speaker Chopp. The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Mallory Wilson and Blake Behnke. Prayer was offered by Pastor Joe Fuiten, Cedar Park Assembly of God.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the sixth order of business.

**SECOND READING**

HOUSE BILL NO. 1593, by Representatives Edmonds, Bush, Miloscia and Dunshee; by request of Secretary of State

Regulating poll-site ballot counting devices.

The bill was read the second time. On motion of Representative Romero, Substitute House Bill No. 1593 was substituted for House Bill No. 1593 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1593 was read the second time.

On motion of Representative Kessler, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Edmonds and McMorris spoke in favor of passage of the bill.

**MOTIONS**

On motion of Representatives Wolfe, Representatives Poulsen, Sullivan and Edwards were excused. On motion of Representative Schoesler, Representative Huff was excused.

Speaker Chopp stated the question before the House to be final passage of Substitute House Bill No. 1593.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1593 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 94.

Excused: Representatives Edwards, Huff, Poulsen and Sullivan - 4.

Substitute House Bill No. 1593, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1647, by Representatives Mulliken, Dunshee and Scott

Amending recording statutes.

The bill was read the second time. On motion of Representative Doumit, Substitute House Bill No. 1647 was substituted for House Bill No. 1647 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1647 was read the second time.

On motion of Representative Kessler, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Mulliken and Doumit spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Substitute House Bill No. 1647.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1647 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 94.

Excused: Representatives Edwards, Huff, Poulsen and Sullivan - 4.

Substitute House Bill No. 1647, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1685, by Representatives McMorris, Romero, Mulliken, Murray, Doumit, DeBolt, Sump, Linville, Crouse, Haigh, Boldt, Delvin, Mielke, Kessler, Clements, Schindler, Cox, Ericksen, Schoesler, Fortunato, B. G. Chandler Chandler, Wolfe, Cooper, Radcliff, Lisk, Hankins, Skinner, Morris, Hatfield, Koster, Mastin and Parlette

Clarifying how loan and grant preferences are accorded among local governments planning under the growth management act.

The bill was read the second time.

On motion of Representative Kessler, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives McMorris and Doumit spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of House Bill No. 1685.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1685 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 94.

Excused: Representatives Edwards, Huff, Poulsen and Sullivan - 4.

House Bill No. 1685, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1711, by Representatives Campbell, Cody, Boldt and Parlette

Concerning the public disclosure of department of health information received through the hospital licensing process.

The bill was read the second time.

On motion of Representative Kessler, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Campbell and Cody spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of House Bill No. 1711.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1711 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Edwards, Poulsen and Sullivan - 3.

House Bill No. 1711, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1744, by Representatives Schoesler and G. Chandler

Changing lake outflow regulation.

The bill was read the second time. On motion of Representative Linville, Substitute House Bill No. 1744 was substituted for House Bill No. 1744 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1744 was read the second time.

On motion of Representative Kessler, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Schoesler and Cooper spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Substitute House Bill No. 1744.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1744 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Edwards, Poulsen and Sullivan - 3.



Substitute House Bill No. 1744, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1774, by Representatives Wolfe, Romero, Tokuda, Stensen, D. Schmidt, Ogden, Gombosky, Keiser, Dickerson and Santos

Regulating occupational drivers' licenses.

The bill was read the second time. On motion of Representative Fisher, Substitute House Bill No. 1774 was substituted for House Bill No. 1774 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1774 was read the second time.

On motion of Representative Kessler, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Wolfe spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Substitute House Bill No. 1774.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1774 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Edwards, Poulsen and Sullivan - 3.

Substitute House Bill No. 1774, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1789, by Representatives Ogden, K. Schmidt, Fisher, Radcliff and Skinner

Decriminalizing license fraud and establishing a license fraud task force in the Washington state patrol.

The bill was read the second time. On motion of Representative Fisher, Substitute House Bill No. 1789 was substituted for House Bill No. 1789 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1789 was read the second time.

On motion of Representative Kessler, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ogden and K. Schmidt spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Substitute House Bill No. 1789.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1789 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Edwards, Poulsen and Sullivan - 3.

Substitute House Bill No. 1789, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1798, by Representatives K. Schmidt, Fisher, Mitchell, Ogden, Mielke, Cooper, Pflug, Hankins, Skinner, Fortunato, Wood, Haigh, Radcliff, Rockefeller, Kessler and Regala

Enhancing coordination of special needs transportation.

The bill was read the second time. On motion of Representative Fisher, Substitute House Bill No. 1798 was substituted for House Bill No. 1798 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1798 was read the second time.

Representative K. Schmidt moved the adoption of amendment (045):

On page 4, line 21, after "Association" insert ";

(h) A user of the system who is not a member of any of the organizations listed in (a) through (g) of this subsection"

Representatives K. Schmidt and Wood spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative K. Schmidt moved the adoption of amendment (051):

On page 6, beginning on line 3, after "to" strike everything through "organization;" on line 4, and insert "designate a local lead organization that shall cooperate and coordinate with private and nonprofit transportation brokers and providers, local public transportation agencies, local governments, and user groups;"

On page 7, line 25, after "(1)" strike "Identify" and insert "Designate"

Representatives K. Schmidt and Wood spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

On motion of Representative Kessler, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives K. Schmidt and Wood spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1798.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1798 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Edwards, Poulsen and Sullivan - 3.

Engrossed Substitute House Bill No. 1798, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1863, by Representatives Skinner, Cody, Lovick and Campbell

Providing for compensation to part-time health commissions.

The bill was read the second time.

On motion of Representative Kessler, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Skinner, Cody, Dunshee and Campbell spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of House Bill No. 1863.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1863 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds,

Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Edwards, Poulsen and Sullivan - 3.

House Bill No. 1863, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1864, by Representatives Cody, Boldt, Campbell, Wood and Koster

Providing for the registration of surgical technologists.

The bill was read the second time. On motion of Representative Cody, Substitute House Bill No. 1864 was substituted for House Bill No. 1864 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1864 was read the second time.

On motion of Representative Kessler, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cody and Parlette spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Substitute House Bill No. 1864.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1864 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Edwards, Poulsen and Sullivan - 3.

Substitute House Bill No. 1864, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1880, by Representatives Cody, Schual-Berke, Kenney and Edmonds

Providing for self-directed care of persons with disabilities.

The bill was read the second time. On motion of Representative Cody, Substitute House Bill No. 1880 was substituted for House Bill No. 1880 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1880 was read the second time.

On motion of Representative Kessler, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cody, Pflug and Schual-Berke spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Substitute House Bill No. 1880.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1880 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Edwards, Poulsen and Sullivan - 3.

Substitute House Bill No. 1880, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1955, by Representatives McIntire, Clements and Conway

Providing support for collaborative efforts toward employment-related services and program evaluation.

The bill was read the second time. On motion of Representative Conway, Substitute House Bill No. 1955 was substituted for House Bill No. 1955 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1955 was read the second time.

On motion of Representative Kessler, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative McIntire spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Substitute House Bill No. 1955.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1955 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Edwards, Poulsen and Sullivan - 3.

Substitute House Bill No. 1955, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1996, by Representatives Parlette and Cooper; by request of Department of Labor & Industries

Regulating charter boat safety.

The bill was read the second time.

On motion of Representative Kessler, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Parlette and Cooper spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of House Bill No. 1996.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1996 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Edwards and Poulsen - 2.

House Bill No. 1996, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2010, by Representatives Ogden, McMorris and Romero; by request of Department of Community, Trade, and Economic Development

Changing provisions relating to historic cemeteries.

The bill was read the second time.

On motion of Representative Kessler, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ogden and McMorris spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of House Bill No. 2010.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2010 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Edwards and Poulsen - 2.

House Bill No. 2010, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2086, by Representatives Esser, Carrell, O'Brien, Constantine, Lovick, Schindler and Anderson

Creating crimes of unlawful discharge of a laser.

The bill was read the second time. On motion of Representative O'Brien, Substitute House Bill No. 2086 was substituted for House Bill No. 2086 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2086 was read the second time.

On motion of Representative Kessler, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Esser and O'Brien spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Substitute House Bill No. 2086.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2086 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds,

Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Edwards and Poulsen - 2.

Substitute House Bill No. 2086, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2206, by Representatives Mulliken, Scott, Carrell and Constantine

Allowing declaratory judgment actions when county elected officials have abandoned their responsibilities.

The bill was read the second time.

On motion of Representative Kessler, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Mulliken and Doumit spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of House Bill No. 2206.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2206 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Edwards and Poulsen - 2.

House Bill No. 2206, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2107, by Representatives Anderson and Linville

Limiting fishing of shrimp.

The bill was read the second time. On motion of Representative Regala, Substitute House Bill No. 2107 was substituted for House Bill No. 2107 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2107 was read the second time.



Representative Anderson moved the adoption of amendment (054):

On page 1, after line 4, insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 75.28 to read as follows:

The legislature finds that it is in the public interest to convert the Puget Sound shrimp fishery from the status of an emerging fishery to that of a limited entry fishery. The purpose of this act is to initiate this conversion, recognizing that additional details associated with the shrimp fishery limited entry program will need to be developed. The legislature intends to complete the development of the laws associated with this limited entry fishery program during the next regular session and will complete the development of laws associated with this limited entry fishery program during the next regular session and will consider recommendations from the industry and the department during this program."

Renumber the remaining sections consecutively, correct internal references accordingly, and correct the title.

On page 3, beginning on line 3, insert the following:

"(1) The Puget Sound shrimp emerging fishery management regime is converted from an emerging fishery status to a limited entry fishery status effective January 1, 2000."

Renumber the remaining subsections consecutively and correct internal references accordingly.

On page 3, after line 14, insert the following:

"(4) The department, by rule, may set licensee participation requirements for Puget Sound shellfish trawl shrimp harvest."

On page 3, beginning on line 17, insert the following:

"(1) The Puget Sound shrimp emerging fishery management regime is converted from an emerging fishery status to a limited entry fishery status effective January 1, 2000."

Renumber the remaining subsections consecutively and correct internal references accordingly.

On page 4, line 2, after "1999" insert ", on the details of the limited entry program, including a plan for converting from nontransferable to transferable licenses"

Representative Anderson spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed

On motion of Representative Kessler, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Anderson and Ericksen spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Engrossed Substitute House Bill No. 2107.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2107 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Edwards and Poulsen - 2.

Engrossed Substitute House Bill No. 2107, having received the constitutional majority, was declared passed.

There being no objection, the bills passed by the House were immediately transmitted to the Senate.

HOUSE BILL NO. 1968, by Representatives Van Luven, Cody, Alexander and Parlette

Limiting the scope of mental health record audits.

The bill was read the second time.

Representative Van Luven moved the adoption of amendment (053):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 48.43 RCW to read as follows:  
Every health carrier that provides coverage for any outpatient mental health service shall comply with the following requirements:

(1) In performing a utilization review of mental health services for a specific enrollee, the utilization review is limited to accessing only the specific health care information contained in the enrollee's record.

(2) In performing an audit of a provider that has furnished mental health services to a carrier's enrollees, the audit is limited to accessing only the records of enrollees covered by the specific health carrier for which the audit is being performed, except as otherwise permitted by RCW 70.02.050 and 71.05.630."

Correct the title.

Representatives Van Luven and Cody spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

On motion of Representative Kessler, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Cody spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Engrossed House Bill No. 1968.

## ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1968, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Edwards and Poulsen - 2.

Engrossed House Bill No. 1968, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2226, by Representative Tokuda

Eliminating eligibility standards retained from the aid to dependent children program under the temporary assistance for needy families program.

The bill was read the second time.

On motion of Representative Kessler, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Tokuda and Boldt spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of House Bill No. 2226.

## ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2226 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Edwards and Poulsen - 2.

House Bill No. 2226, having received the constitutional majority, was declared passed.

HOUSE JOINT MEMORIAL NO. 4008, by Representatives Regala, Sump, Linville, G. Chandler and Haigh

Requesting support for the full federal appropriation to fund state aquatic nuisance species management plans.

The memorial was read the second time.

On motion of Representative Kessler, the rules were suspended, the second reading considered the third and the memorial was placed on final passage.

Representatives Regala and Sump spoke in favor of passage of the memorial.

Speaker Chopp stated the question before the House to be final passage of House Joint Memorial No. 4008.

#### ROLL CALL

The Clerk called the roll on the final passage of House Joint Memorial No. 4008 and the memorial passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Edwards and Poulsen - 2.

House Joint Memorial No. 4008, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1006, by Representatives Ballasiotes, O'Brien, Benson, Radcliff, Quall, Mitchell, Dickerson, Cairnes, Hurst, Alexander and Lambert

Revising sentencing options for drug and alcohol offenders.

The bill was read the second time. On motion of Representative Doumit, Second Substitute House Bill No. 1006 was substituted for House Bill No. 1006, and the second substitute bill was placed on the second reading calendar.

Second Substitute House Bill No. 1006 was read the second time.

Representative Ballasiotes moved the adoption of amendment (064):

On page 29, after line 10, insert "(3) Any jurisdiction that seeks a state appropriation to fund a drug court program must first exhaust all federal funding received from the office of national drug control policy that is available to support the operations of its drug court and associated services."

Representatives Ballasiotes and O'Brien spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

On motion of Representative Kessler, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ballasiotes, O'Brien and Alexander spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Engrossed Second Substitute House Bill No. 1006.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1006, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Edwards and Poulsen - 2.

Engrossed Second Substitute House Bill No. 1006, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1037, by Representatives Bush, Morris and Ruderman

Creating a registry of Washington resident's electronic mail addresses to facilitate a program that allows private interactive computer service providers to limit unsolicited commercial electronic mail messages.

The bill was read the second time. On motion of Representative Doumit, Second Substitute House Bill No. 1037 was substituted for House Bill No. 1037 and the second substitute bill was placed on the second reading calendar.

Second Substitute House Bill No. 1037 was read the second time.

On motion of Representative Kessler, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Bush, Ruderman, and Morris spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Second Substitute House Bill No. 1037.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1037 and the bill passed the House by the following vote: Yeas - 95, Nays - 1, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine,

Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Voting nay: Representative Dunn - 1.

Excused: Representatives Edwards and Poulsen - 2.

Second Substitute House Bill No. 1037, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1116, by Representative Clements

Requiring the department of social and health services to disclose long-term care financial information and service options to clients.

The bill was read the second time. On motion of Representative Gombosky, Second Substitute House Bill No. 1116 was substituted for House Bill No. 1116 and the second substitute bill was placed on the second reading calendar.

Second Substitute House Bill No. 1116 was read the second time.

On motion of Representative Kessler, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Clements, Cody and Parlette spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Second Substitute House Bill No. 1116.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1116 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Edwards and Poulsen - 2.

Second Substitute House Bill No. 1116, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1176, by Representatives O'Brien, Koster, Kagi, Ballasiotes, Cairnes, Lovick, Hurst, Tokuda, Dickerson, Kenney, Campbell, Ogden, Dunn, Santos, Conway, Esser, Lantz, Rockefeller and McIntire; by request of Department of Corrections

Requiring the retention of records pertaining to sexually violent offenses.

The bill was read the second time. On motion of Representative Doumit, Second Substitute House Bill No. 1176 was substituted for House Bill No. 1176 and the second substitute bill was placed on the second reading calendar.

Second Substitute House Bill No. 1176 was read the second time.

On motion of Representative Kessler, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives O'Brien and Koster spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Second Substitute House Bill No. 1176.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1176 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Edwards and Poulsen - 2.

Second Substitute House Bill No. 1176, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1240, by Representatives McMorris, Quall, Sump, Haigh, Keiser and Kenney; by request of Superintendent of Public Instruction

Increasing medicaid reimbursements to second class school districts.

The bill was read the second time. On motion of Representative Gombosky, Substitute House Bill No. 1240 was substituted for House Bill No. 1240 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1240 was read the second time.

On motion of Representative Kessler, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives McMorris and Quall spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Substitute House Bill No. 1240.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1240 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Edwards and Poulsen - 2.

Substitute House Bill No. 1240, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1289, by Representatives Conway, Clements, McIntire and Wood; by request of Employment Security Department

Conforming unemployment compensation statutes with federal law.

The bill was read the second time. On motion of Representative Wood, Substitute House Bill No. 1289 was substituted for House Bill No. 1289 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1289 was read the second time.

On motion of Representative Kessler, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Wood and B. Chandler spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Substitute House Bill No. 1289.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1289 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D.



Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Edwards and Poulsen - 2.

Substitute House Bill No. 1289, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1313, by Representatives Schoesler, DeBolt, Doumit, Hatfield, Kessler, Pennington, Grant and Eickmeyer

Revising rural development law.

The bill was read the second time.

Representative Morris moved the adoption of amendment (060):

On page 1, line 18, after "section" strike "501(c)" and insert "501(c)(3)"

Representatives Morris, Schoesler and Eickmeyer spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

On motion of Representative Kessler, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Schoesler and Eickmeyer spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Engrossed House Bill No. 1313.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1313, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Edwards and Poulsen - 2.

Engrossed House Bill No. 1313, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1391, by Representatives Hurst, Mielke, Dunshee, Haigh, Kastama, Linville, Morris, Carrell, Grant, Cooper, Lovick, Miloscia, Wood, Hatfield, Gombosky, Conway,

Anderson, Eickmeyer, Doumit, Stensen, Kessler, Reardon, Kenney, Campbell, Dickerson, Rockefeller, Wolfe, Thomas, Ogden, Fortunato, Esser and Koster

Clarifying the recognition of concealed pistol permits from other states.

The bill was read the second time. On motion of Representative Constantine, Substitute House Bill No. 1391 was substituted for House Bill No. 1391 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1391 was read the second time.

On motion of Representative Kessler, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Mielke and Hurst spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Substitute House Bill No. 1391.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1391 and the bill passed the House by the following vote: Yeas - 92, Nays - 4, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, O'Brien, Ogden, Parlette, Pennington, Pflug, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 92.

Voting nay: Representatives Cody, Dickerson, Murray and Veloria - 4.

Excused: Representatives Edwards and Poulsen - 2.

Substitute House Bill No. 1391, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1455, by Representatives Ericksen, Lovick, Barlean and Thomas; by request of Department of Revenue

Correcting errors related to property tax levies.

The bill was read the second time.

On motion of Representative Kessler, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ericksen and Reardon spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of House Bill No. 1455.

## ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1455 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Edwards and Poulsen - 2.

House Bill No. 1455, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1462, by Representatives Quall, Talcott, Haigh, Wensman, Stensen, Ogden, Santos, O'Brien, Rockefeller, Regala, Sullivan, Linville, Lantz, Lovick, Doumit, Reardon, Cooper, Scott, Dickerson, Kessler, Hatfield, Gombosky, Murray, Carlson, McIntire, Hurst, Edwards, Conway, Wood, Morris, Keiser, Fisher, Schual-Berke, Dunshee, D. Schmidt and Kenney

Changing school accountability and assistance provisions.

The bill was read the second time. On motion of Representative Gombosky, Second Substitute House Bill No. 1462 was substituted for House Bill No. 1462 and the second substitute bill was placed on the second reading calendar.

Second Substitute House Bill No. 1462 was read the second time.

On motion of Representative Kessler, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Quall, Talcott, Rockefeller, Carlson, Haigh, Keiser, Cox, Wensman, and Santos spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Second Substitute House Bill No. 1462.

## ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1462 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Edwards and Poulsen - 2.

Second Substitute House Bill No. 1462, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 9, 1999

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5048,  
SUBSTITUTE SENATE BILL NO. 5134,  
SUBSTITUTE SENATE BILL NO. 5148,  
SUBSTITUTE SENATE BILL NO. 5160,  
SENATE BILL NO. 5170,  
SUBSTITUTE SENATE BILL NO. 5197,  
SENATE BILL NO. 5198,  
SENATE BILL NO. 5253,  
SUBSTITUTE SENATE BILL NO. 5277,  
SUBSTITUTE SENATE BILL NO. 5328,  
ENGROSSED SENATE BILL NO. 5346,  
SUBSTITUTE SENATE BILL NO. 5363,  
SENATE BILL NO. 5385,  
SUBSTITUTE SENATE BILL NO. 5386,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5433,  
SENATE BILL NO. 5434,  
ENGROSSED SENATE BILL NO. 5437,  
SENATE BILL NO. 5454,  
SENATE BILL NO. 5499,  
SUBSTITUTE SENATE BILL NO. 5509,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5512,

SENATE BILL NO. 5530,  
SENATE BILL NO. 5606,  
SUBSTITUTE SENATE BILL NO. 5607,  
SUBSTITUTE SENATE BILL NO. 5626,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5659,  
SUBSTITUTE SENATE BILL NO. 5669,  
SUBSTITUTE SENATE BILL NO. 5672,  
SENATE BILL NO. 5702,  
SUBSTITUTE SENATE BILL NO. 5706,  
SENATE BILL NO. 5734,  
ENGROSSED SENATE BILL NO. 5789,  
SENATE BILL NO. 5986,

and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House reverted to the fourth order of business.

### **INTRODUCTIONS AND FIRST READING**

SSB 5048 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Long and Hargrove)

Making technical corrections to chapters 10.77 and 71.05 RCW.

Referred to Committee on Criminal Justice & Corrections.

SSB 5134 by Senate Committee on Judiciary (originally sponsored by Senators Wojahn, Long, Patterson, Roach, Costa, Thibaudeau, Goings, McAuliffe, Kline, Brown, McCaslin, Heavey, Johnson, Prentice, Snyder and Kohl-Welles)

Removing barriers faced by persons entitled to foreign protection orders.

Referred to Committee on Judiciary.

SSB 5148 by Senate Committee on Environmental Quality & Water Resources (originally sponsored by Senators B. Sheldon, Morton and Fraser; by request of Department of Ecology)

Changing permit assistance center provisions.

Referred to Committee on Agriculture & Ecology.

SSB 5160 by Senate Committee on State & Local Government (originally sponsored by Senators Oke and Winsley)

Authorizing donations of surplus computer equipment to food banks.

Referred to Committee on State Government.

SB 5170 by Senators Haugen, McAuliffe, T. Sheldon, Deccio and Rasmussen

Changing provisions for school district name changes.

Referred to Committee on Education.

SSB 5197 by Senate Committee on Judiciary (originally sponsored by Senators Johnson and Kline)

Making technical corrections to the disclaimer statute.

Referred to Committee on Judiciary.

SB 5198 by Senators Johnson and Kline

Comporting with Internal Revenue Code language.

Referred to Committee on Judiciary.

SB 5253 by Senators Benton, Prentice, Winsley, Shin, Deccio, Heavey, Rasmussen, West, T. Sheldon, Hale, Gardner, Rossi and Oke; by request of Department of Licensing

Preventing a registered sex offender from holding a real estate license.

Referred to Committee on Commerce & Labor.

SSB 5277 by Senate Committee on Higher Education (originally sponsored by Senators Kohl-Welles, Hale, Shin, Brown, Patterson, Finkbeiner, Eide, Bauer, Swecker, Rasmussen, Sellar, Prentice and Winsley)

Creating programs for child care at institutions of higher education.

Referred to Committee on Higher Education.

SSB 5328 by Senate Committee on Ways & Means (originally sponsored by Senators Morton, Hargrove, Sellar, Deccio, Swecker and Oke)

Exempting certain commercial guiding and outfitting operations from the leasehold tax.

Referred to Committee on Finance.

ESB 5346 by Senators Prentice, Heavey, West, Roach and Winsley

Authorizing dissemination of criminal history record information to the horse racing commission.

Referred to Committee on Judiciary.

SSB 5363 by Senate Committee on Labor & Workforce Development (originally sponsored by Senators Fairley, Winsley, Patterson, Franklin, Fraser, Snyder, Spanel, West, McAuliffe, Roach, Costa and Kohl-Welles; by request of Governor Locke)

Enacting the civil service reform act of 1999.

Referred to Committee on State Government.

SB 5385 by Senators Shin, Prentice, Winsley, Jacobsen, Patterson, T. Sheldon, Benton, Finkbeiner, Snyder, Rasmussen, Goings, Haugen, Hargrove, Gardner, Heavey, Deccio and McAuliffe

Providing an alternative method for dissolution of cultural arts, stadium and convention districts.

Referred to Committee on Local Government.

SSB 5386 by Senate Committee on Commerce, Trade, Housing & Financial Institutions (originally sponsored by Senators Shin, Prentice, T. Sheldon, Jacobsen, Patterson, Benton, Finkbeiner, Spanel, Rasmussen, Goings, Haugen, Snyder, Hargrove, Gardner, Heavey, Winsley, Franklin, Bauer and McAuliffe)

Creating a state plan for economic development.

Referred to Committee on Economic Development, Housing & Trade.

ESSB 5433 by Senate Committee on Environmental Quality & Water Resources (originally sponsored by Senators Fraser and Rasmussen)

Requiring comprehensive solid waste management plans to consider handling, transport, and disposal of biomedical waste.

Referred to Committee on Agriculture & Ecology.

SB 5434 by Senators Loveland, Fraser, West, Oke and Rasmussen

Extending the time for designating an eligible area for international services tax credits.

Referred to Committee on Economic Development, Housing & Trade.

ESB 5437 by Senators Thibaudeau, Deccio, Franklin, Heavey, Prentice, Sellar, Shin, Bauer, Kline, Winsley, Patterson and B. Sheldon

Reimbursing podiatric physicians and surgeons.

Referred to Committee on Health Care.

SB 5454 by Senators Horn, Haugen, Goings and Benton

Adjusting deadlines for reports to the secretary of transportation.

Referred to Committee on Transportation.

SB 5499 by Senators Wojahn, Deccio, Franklin, Winsley, Costa, McAuliffe, Kline and Rasmussen

Making modifications to the home health, hospice, and home care agency licensure law.

Referred to Committee on Health Care.

SSB 5509 by Senate Committee on Commerce, Trade, Housing & Financial Institutions (originally sponsored by Senators Kline, Jacobsen, Heavey, Horn, Finkbeiner, Patterson, Franklin, Fairley, Prentice, Hochstatter, Bauer, Gardner, Costa, Eide, McDonald, B. Sheldon, Goings, McAuliffe, Kohl-Welles, Rasmussen and Oke)

Creating the Holocaust victims insurance relief act.

Referred to Committee on Financial Institutions & Insurance.

ESSB 5512 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Costa, Winsley, Kline, Patterson, Gardner, Prentice, Long, Goings, Snyder, Fraser, Brown, Kohl-Welles, Jacobsen, Spanel, Fairley, Haugen, Wojahn, Thibaudeau, Loveland, Bauer, Eide, B. Sheldon, McAuliffe, T. Sheldon, Heavey and Shin)

Requiring health plans that cover prescription drugs to cover the cost of prescription contraceptives.

Referred to Committee on Health Care.

SB 5530 by Senators Loveland and Winsley; by request of Department of Revenue

Correcting errors related to property tax levies.

Referred to Committee on Finance.

SB 5606 by Senators Heavey and McCaslin; by request of Environmental Hearings Office

Providing procedures for discipline and termination of administrative appeals judges in the environmental hearings office.

Referred to Committee on Judiciary.

SSB 5607 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Thibaudeau, Wojahn, Fraser, Franklin, Sellar, Prentice, Deccio, Winsley, Rasmussen, Kohl-Welles and Costa)

Permitting retired and disabled employees to obtain health insurance.

Referred to Committee on Health Care.

SSB 5626 by Senate Committee on Education (originally sponsored by Senators Franklin, McAuliffe, Fairley, Kohl-Welles, Patterson, Costa, McCaslin, Kline, Wojahn and Rasmussen)

Changing disbursement of medicaid incentive payments to school districts.

Referred to Committee on Education.

ESSB 5659 by Senate Committee on Judiciary (originally sponsored by Senators Heavey, Roach, Kline, Johnson, Costa and Thibaudeau)



Changing mandatory arbitration of civil actions.

Referred to Committee on Judiciary.

SSB 5669 by Senate Committee on Labor & Workforce Development (originally sponsored by Senators Snyder and Brown)

Regulating conversion vending units and medical units.

Referred to Committee on Commerce & Labor.

SSB 5672 by Senate Committee on State & Local Government (originally sponsored by Senators Kline, Costa, Prentice, Fraser, Fairley, Shin, Kohl-Welles, Haugen, Hargrove and McAuliffe)

Retaliating against a whistleblower.

Referred to Committee on State Government.

SB 5702 by Senators Thibaudeau and Deccio

Changing physician assistant licensing and practice requirements.

Referred to Committee on Health Care.

SSB 5706 by Senate Committee on Transportation (originally sponsored by Senators Bauer, Haugen, Sellar, Benton, Shin, Eide, Prentice, Oke, Rasmussen, Jacobsen and Winsley)

Decriminalizing license fraud and establishing a license fraud task force in the Washington state patrol.

Referred to Committee on Transportation.

SB 5734 by Senators Bauer, Deccio, Franklin, Rasmussen, B. Sheldon, McAuliffe, Spanel, Rossi, Brown, Snyder, Fairley, Wojahn, Heavey, Thibaudeau, Shin, T. Sheldon, Eide, Goings, Loveland, Jacobsen, Prentice, Haugen, Fraser, Gardner, Kline and Kohl-Welles

Recognizing the sixteenth day of April as Mother Joseph day.

Referred to Committee on State Government.

ESB 5789 by Senators Bauer, West, Kohl-Welles, McAuliffe, Eide, Sheahan, Rossi, Rasmussen, Honeyford, Franklin, Patterson, Wojahn, Thibaudeau, Prentice, Jacobsen and Fraser

Creating the K-20 educational network board.

Referred to Committee on Appropriations.

SB 5986 by Senators Goings, Benton, Bauer, Costa and Rasmussen

Paying duty connected death or disability benefits.

Referred to Committee on Appropriations.

MOTION

On motion of Representative Kessler, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

There being no objection, the House advanced to the eleventh order of business.

#### MOTION

On motion of Representative Kessler, the House adjourned until 9:00 a.m., Friday, March 12, 1999, the 61<sup>st</sup> Legislative Day.

TIMOTHY A. MARTIN, Chief Clerk      CLYDE BALLARD, Speaker  
DEAN R. FOSTER, Chief Clerk      FRANK CHOPP, Speaker

SIXTIETH DAY, MARCH 11, 1999

JOURNAL OF THE HOUSE

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

## **SIXTY-FIRST DAY**

### **MORNING SESSION**

House Chamber, Olympia, Friday, March 12, 1999

The House was called to order at 9:00 a.m. by Speaker Pro Tempore Pennington. The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Tony Berry and Kelsey Volker. Prayer was offered by Dr. Stanley Friend, Evergreen Christian Center, Olympia.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

### **MESSAGES FROM THE SENATE**

March 10, 1999

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 5021,  
SUBSTITUTE SENATE BILL NO. 5064,  
SUBSTITUTE SENATE BILL NO. 5065,  
SENATE BILL NO. 5106,  
SENATE BILL NO. 5178,  
SENATE BILL NO. 5193,  
SUBSTITUTE SENATE BILL NO. 5298,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5345,  
SUBSTITUTE SENATE BILL NO. 5413,  
SUBSTITUTE SENATE BILL NO. 5418,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5447,

SUBSTITUTE SENATE BILL NO. 5501,  
SENATE BILL NO. 5567,  
SENATE BILL NO. 5614,  
SUBSTITUTE SENATE BILL NO. 5745,  
SUBSTITUTE SENATE BILL NO. 5797,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5825,  
SENATE BILL NO. 5862,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5988,  
SUBSTITUTE SENATE BILL NO. 6008,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6020,  
SENATE JOINT RESOLUTION NO. 8206,

and the same are herewith transmitted.

Tony M. Cook, Secretary

March 11, 1999

Mr. Speaker:

The Senate has passed:

SUBSTITUTE HOUSE BILL NO. 1294,

and the same is herewith transmitted.

Tony M. Cook, Secretary

### **INTRODUCTIONS AND FIRST READING**

SB 5021 by Senators Snyder, Swecker, Winsley and Benton

Exempting certain nonprofit organizations from property taxation.

Referred to Committee on Finance.

SSB 5064 by Senate Committee on Transportation (originally sponsored by Senators Haugen, Horn, Gardner, Benton, Long, Costa, B. Sheldon, Swecker, Patterson, Jacobsen, Shin, Oke, Morton, Eide, Spanel, Johnson, Goings, Sellar, Fraser, Thibaudeau, Franklin, Winsley, Rasmussen and McAuliffe)

Protecting certain public transportation information.

Referred to Committee on State Government.

SSB 5065 by Senate Committee on Judiciary (originally sponsored by Senators Rasmussen, Goings, Deccio, Honeyford, Winsley, Rossi, Hochstatter, Oke and Costa)

Revoking driving privileges for alcohol violations until the person is age twenty-one.

Referred to Committee on Judiciary.

SB 5106 by Senators Eide, Morton, Jacobsen, Goings, Winsley, Oke and Costa; by request of Department of Health

Providing for the safe decontamination or destruction of residential property used for illegal drug manufacturing or storage.

Referred to Committee on Agriculture & Ecology.

SB 5178 by Senators McAuliffe, Winsley and Rasmussen

Correcting references to the third grade standardized achievement test.

Referred to Committee on Education.

SB 5193 by Senators Goings, Benton, Haugen, Oke, Winsley and T. Sheldon

Collecting information from truck, tractor, or trailer intelligent information systems.

Referred to Committee on State Government.

SSB 5298 by Senate Committee on Education (originally sponsored by Senators McAuliffe, Winsley, Goings, Honeyford, Eide, Brown, Kohl-Welles and Patterson; by request of Superintendent of Public Instruction)

Changing local assistance funds provisions.

Referred to Committee on Appropriations.

E2SSB 5345 by Senate Committee on Ways & Means (originally sponsored by Senators Bauer, McCaslin, Snyder, Loveland, McAuliffe, Winsley and Oke; by request of State Treasurer)

Creating the school district credit enhancement program.

Referred to Committee on Capital Budget.

SSB 5413 by Senate Committee on Education (originally sponsored by Senators McAuliffe, Rasmussen, Benton, Winsley, Bauer, Kohl-Welles and Haugen; by request of Board of Education, Superintendent of Public Instruction and Governor Locke)

Incorporating teacher assessment into the certification system.

Referred to Committee on Education.

SSB 5418 by Senate Committee on Education (originally sponsored by Senators McAuliffe, Rasmussen, Patterson and Kohl-Welles; by request of Governor Locke, Superintendent of Public Instruction and Commission on Student Learning)

Changing school accountability and assistance provisions.

Referred to Committee on Education.

ESSB 5447 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Franklin, Long, Hargrove, Stevens, Winsley, Costa and Rasmussen)

Changing provisions relating to guardians ad litem.

Referred to Committee on Judiciary.

SSB 5501 by Senate Committee on Education (originally sponsored by Senators Rasmussen, Finkbeiner, McAuliffe, Eide, Bauer and Spanel)

Creating the summer school jump start program.

Referred to Committee on Education.

SB 5567 by Senators Hale and Snyder

Using federal funds to reduce the outstanding debt of school districts within counties.

Referred to Committee on Local Government.

SB 5614 by Senators Hochstatter, Oke, T. Sheldon and Heavey

Concerning the issuance of citations under the Washington industrial safety and health act.

Referred to Committee on Commerce & Labor.

SSB 5745 by Senate Committee on Commerce, Trade, Housing & Financial Institutions (originally sponsored by Senators Bauer, Honeyford, Wojahn, West and Long)

Reducing the tax on bingo and raffles.

Referred to Committee on Commerce & Labor.

SSB 5797 by Senate Committee on Education (originally sponsored by Senators McAuliffe, Eide, B. Sheldon, Fairley, Kohl-Welles, Shin, Gardner, Fraser, Snyder, Prentice, Patterson, Goings, Bauer, Winsley, Thibaudeau, Rasmussen and Spanel)

Improving class size.

Referred to Committee on Education.

E2SSB 5825 by Senate Committee on Ways & Means (originally sponsored by Senator McAuliffe; by request of Commission on Student Learning and Superintendent of Public Instruction)

Changing student assessments.

Referred to Committee on Education.

SB 5862 by Senators Gardner, Horn, Patterson, McCaslin and Haugen

Protecting records of strategy discussions.

Referred to Committee on State Government.

ESSB 5988 by Senate Committee on Education (originally sponsored by Senators McAuliffe, Eide, Long, Finkbeiner, Goings, Zarelli, Patterson, Hargrove, Gardner, Kline, Franklin, Kohl-Welles, B. Sheldon, Winsley and Rasmussen)

Changing provisions relating to truancy.

Referred to Committee on Education.

SSB 6008 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Costa, Hargrove and Long)

Creating youth courts.

Referred to Committee on Criminal Justice & Corrections.

ESSB 6020 by Senate Committee on Labor & Workforce Development (originally sponsored by Senators Hargrove, Fairley, Benton, Kohl-Welles, Zarelli, Swecker, Roach, McDonald, Rossi, Morton, Spanel, Thibaudeau, Hochstatter, T. Sheldon, Sheahan, Johnson, Prentice, Brown, Heavey, Stevens and Costa)

Delaying implementation of the requirement to record social security numbers on license applications to assist in child support enforcement.

Referred to Committee on Judiciary.

SJR 8206 by Senators Bauer, McCaslin, Snyder, Loveland and McAuliffe; by request of State Treasurer

Guaranteeing school district debt.

Referred to Committee on Capital Budget.

There being no objection, the bills and resolution listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

There being no objection, the House advanced to the sixth order of business.

## **SECOND READING**

There being no objection, House Bill No. 2169 was returned to the Rules Committee.

HOUSE BILL NO. 2181, by Representatives Clements and G. Chandler

Storing fruits or vegetables in controlled atmosphere storage.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.



## MOTION

On motion of Representative Wolfe, Representatives Edwards and Regala were excused.

Representative Clements spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of House Bill No. 2181.

## ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2181 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Edwards and Regala - 2.

House Bill No. 2181, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1540, by Representatives D. Schmidt and Romero

Requiring election procedures manuals.

The bill was read the second time.

There being no objection, the substitute bill by the Committee on State Government was not substituted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives D. Schmidt and Romero spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of House Bill No. 1540.

## ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1540 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray,

O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Edwards - 1.

House Bill No. 1540, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1621, by Representatives Stensen, Cairnes, Reardon, Miloscia and Thomas; by request of Department of Revenue

Authorizing the department of revenue to receive electronically filed taxpayer returns and remittances.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Stensen, Cairnes and Ruderman spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of House Bill No. 1621.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1621 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Edwards - 1.

House Bill No. 1621, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1623, by Representatives Haigh, Cairnes, Reardon and Thomas; by request of Department of Revenue

Updating the tax code by making administrative clarifications, correcting oversights, and deleting obsolete references.

The bill was read the second time. There being no objection, Substitute House Bill No. 1623 was substituted for House Bill No. 1623 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1623 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Haigh, Cairnes and Dunshee spoke in favor of passage of the bill.

Representative Van Luven spoke against passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Substitute House Bill No. 1623.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1623 and the bill passed the House by the following vote: Yeas - 81, Nays - 16, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Dunshee, Edmonds, Eickmeyer, Fortunato, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Miloscia, Mitchell, Morris, O'Brien, Ogden, Parlette, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 81.

Voting nay: Representatives Benson, Doumit, Dunn, Ericksen, Esser, Fisher, Gombosky, Koster, Mielke, Mulliken, Murray, Pennington, Quall, Schindler, D. Sommers and Van Luven - 16.

Excused: Representative Edwards - 1.

Substitute House Bill No. 1623, having received the constitutional majority, was declared passed.

#### POINT OF PERSONAL PRIVILEGE

Representative Morris congratulated Representative Haigh on the passage of her first bill and asked the Chamber to acknowledge her accomplishment.

Speaker Ballard assumed the chair.

#### RESOLUTIONS

HOUSE RESOLUTION NO. 99-4642, by Representatives Mitchell, Parlette, Miloscia, Ballard, Dunn, Thomas and Skinner

WHEREAS, Sarah Baker, 16 years of age, an esteemed resident of Auburn, Washington, and a student at Thomas Jefferson High School, and Brooke Lacy, 15 years of age, an esteemed resident of East Wenatchee, Washington, and a student at Eastmont Junior High School, were named Washington's top two volunteers for 1999 in the Prudential Spirit of Community Awards; and

WHEREAS, This prestigious award, presented by The Prudential Insurance Company of America, in partnership with the National Association of Secondary School Principals, is a nation-wide awards program that, for four years now has honored young people across America who have demonstrated an extraordinary commitment to serving their communities; and

WHEREAS, Nearly 20,000 high school and middle-level students were considered for this award, and Ms. Baker and Ms. Lacy earned this award by giving generously of their time and energy to their communities. Both Ms. Baker and Ms. Lacy, as State Honorees, will each receive \$1,000 awards, an engraved silver medallion, and an all-expense paid trip to Washington, D.C. in May, where

they will join the top two honorees, one middle-level and one high school youth, from each of the other states, the District of Columbia, and Puerto Rico for several days of national recognition events. Ten of these participants will later be named America's top youth volunteers for 1999; and

WHEREAS, The success of the State of Washington, the strength of our communities, and the overall vitality of American society depend, in great measure, upon the dedication of young people like Ms. Baker and Ms. Lacy, who use their considerable talents and resources to serve others;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives hereby congratulate and honor Ms. Baker and Ms. Lacy as recipients of the Prudential Spirit of Community Award, recognize their outstanding record of volunteer service, peer leadership, and community spirit, and extend best wishes for these fine young ladies' continued success and happiness.

Representative Mitchell moved adoption of the resolution.

Representatives Mitchell, Parlette and Miloscia spoke in favor of the adoption of the resolution.

House Resolution No. 99-4642 was adopted.

Speaker Ballard called upon Representative Pennington to preside.

HOUSE RESOLUTION NO. 99-4650, by Representatives Gombosky, Wood, D. Sommers, Benson, Dunn, Thomas and Fortunato

WHEREAS, Gonzaga University's men's basketball team, the Bulldogs, have won their second consecutive West Coast Conference championship title with a decisive win over Santa Clara; and

WHEREAS, The Bulldogs basketball team has achieved their fourth championship title in this decade; and

WHEREAS, The Gonzaga Bulldogs defeated all Washington schools that they played this season, including the Washington State Cougars and the University of Washington Huskies; and

WHEREAS, Second year head coach Dan Monson guided the Bulldogs through two record setting seasons and successive conference titles; and

WHEREAS, After winning the 1999 West Coast Conference title, the Bulldogs earned a berth in the NCAA Basketball Tournament; and

WHEREAS, The NCAA Tournament is the intense competition that leads to the final four and eventually the collegiate national championship; and

WHEREAS, A berth in the NCAA Tournament is a high achievement of perseverance and team work; and

WHEREAS, The members of the Bulldogs basketball team are Eric Chilton, Jeremy Eaton, Quentin Hall, Matt Santangelo, Ryan Floyd, Damany Hendrix, Mike Leasure, Mark Spink, Richie Frahm, Mike Nilson, Axel Calvary, and Zach Gourde; and

WHEREAS, Gonzaga's coaching staff consists of Dan Monson, Mark Few, Bill Grier, Scott Snider, and trainer Steve DeLong; and

WHEREAS, The community of Spokane takes great pride in Gonzaga University and its men's championship basketball team;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize and applaud Gonzaga University's men's basketball team for their achievement of both winning the West Coast Conference Championship title and receiving a well earned berth to the highly regarded NCAA Tournament; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to the Gonzaga University's Athletic Department in Spokane, Washington; to the Bulldogs Head Coach Dan Monson, and to the President of Gonzaga University.

Representative Gombosky moved adoption of the resolution.

Representatives Gombosky, Benson, Mulliken, Quall, and Mastin spoke in favor of the adoption of the resolution.

House Resolution No. 99-4650 was adopted.

HOUSE BILL NO. 1362, by Representatives Kastama, Sheahan, Lantz, Dickerson, Hurst, Edmonds, Constantine, Stensen, Lambert, Carrell, Kessler, Thomas and McIntire

Creating the friendly parent presumption.

The bill was read the second time. There being no objection, Substitute House Bill No. 1362 was substituted for House Bill No. 1362 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1362 was read the second time.

Representative Lambert moved the adoption of amendment (010):

On page 3, beginning on line 26, strike everything through "~~of the child.))~~" on page 4, line 1, and insert:

"(b) The court may order that a child frequently alternate his or her residence between the households of the parents for brief and substantially equal intervals of time only if the court finds the following:

(i) No limitation exists under RCW 26.09.191;

(ii)(A) The parties have agreed to such provisions and the agreement was knowingly and voluntarily entered into; or

(B) The parties have a satisfactory history of cooperation and shared performance of parenting functions; the parties are available to each other, especially in geographic proximity, to the extent necessary to ensure their ability to share performance of the parenting functions; and

(iii) The provisions are in the best interests of the child."

Representatives Lambert and Kastama spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

#### MOTION

On motion of Representative Wolfe, Representatives Tokuda and Chopp were excused.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kastama, Carroll and Lambert spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1362.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1362 and the bill passed the House by the following vote: Yeas - 88, Nays - 7, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fortunato, Gombosky, Grant, Haigh, Hankins, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Morris, Mulliken, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Van Luven, Wensman, Wolfe, Wood and Mr. Speaker Ballard - 88.

Voting nay: Representatives Cody, Fisher, Hatfield, Mitchell, Murray, Radcliff and Veloria - 7.

Excused: Representatives Edwards, Tokuda and Mr. Speaker Chopp - 3.

Engrossed Substitute House Bill No. 1362, having received the constitutional majority, was declared passed.

### **POINT OF PERSONAL PRIVILEGE**

Representative Morris congratulated Representative Kastama on the passage of his first bill and asked the Chamber to acknowledge his accomplishment.

HOUSE BILL NO. 1653, by Representatives Kenney, Miloscia, Romero, D. Schmidt, Clements and Wolfe; by request of Department of General Administration

Raising the limit on agency direct buy authority without competitive bids.

The bill was read the second time. There being no objection, Substitute House Bill No. 1653 was substituted for House Bill No. 1653 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1653 was read the second time.

There being no objection, amendments 013 and 037 were withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kenney and Campbell spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Substitute House Bill No. 1653.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1653 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller,

Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Van Luven, Veloria, Wensman, Wolfe, Wood and Mr. Speaker Ballard - 95.

Excused: Representatives Edwards, Tokuda and Mr. Speaker Chopp - 3.

Substitute House Bill No. 1653, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1894, by Representative Conway

Correcting industrial insurance benefit errors.

The bill was read the second time.

There being no objection, amendment 036 was withdrawn.

Representative Conway moved the adoption of amendment (050):

On page 1, beginning on line 6, after "is made" strike "or withheld"

On page 1, beginning on line 10, after "shall" strike everything through "overpaid" on line 11, and insert "repay it"

On page 1, at the beginning of line 14, strike "recipient, department," and insert "department"

On page 1, line 15, after "for such" strike "underpayment, repayment," and insert "repayment"

On page 1, line 16, after "payment" strike "or underpayment"

On page 2, line 3, after "(2)" insert "Whenever the department or self-insurer fails to pay benefits because of clerical error, mistake of identity, or innocent misrepresentation, all not induced by recipient fraud, the recipient may request an adjustment of benefits to be paid from the state fund or by the self-insurer, as the case may be, subject to the following:

(a) The recipient must request an adjustment in benefits within one year from the date of the incorrect payment or it will be deemed any claim therefore has been waived.

(b) The recipient may not seek an adjustment of benefits because of adjudicator error. "Adjudicator error" includes the failure to consider information in the claim file, failure to secure adequate information, or an error in judgment.

(3)"

On page 2, line 15, strike "(3)" and insert "~~((3))~~ (4)"

On page 2, line 27, strike "(4)" and insert "~~((4))~~ (5)"

On page 2, line 36, strike "(5)" and insert "~~((5))~~ (6)"

On page 3, line 2, after "through" strike "(4)" and insert "~~((4))~~ (5)"

On page 4, line 25, strike "(6)" and insert "~~((6))~~ (7)"

Representative Conway spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Conway and Clements spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Engrossed House Bill No. 1894.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1894, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Van Luven, Veloria, Wensman, Wolfe, Wood and Mr. Speaker Ballard - 95.

Excused: Representatives Edwards, Tokuda and Mr. Speaker Chopp - 3.

Engrossed House Bill No. 1894, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2123, by Representatives Cox, Grant, McMorris, Romero, D. Schmidt and Doumit

Consolidating procedures for expedited rule making.

The bill was read the second time. There being no objection, Substitute House Bill No. 2123 was substituted for House Bill No. 2123 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2123 was read the second time.

Representative Cox moved the adoption of amendment (065):

On page 6, line 12, after "(f))" strike "Expedited" and insert "Rules that can be adopted or repealed using expedited"

Representatives Cox and Romero spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.



Representatives Cox and Romero spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 2123.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2123 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Van Luven, Veloria, Wensman, Wolfe, Wood and Mr. Speaker Ballard - 95.

Excused: Representatives Edwards, Tokuda and Mr. Speaker Chopp - 3.

Engrossed Substitute House Bill No. 2123, having received the constitutional majority, was declared passed.

There being no objection, the bills passed by the House were immediately transmitted to the Senate.

Speaker Ballard assumed the chair.

HOUSE BILL NO. 1274, by Representatives Cairnes, O'Brien, Ballasiotes, Lovick, Koster and Haigh

Changing provisions relating to jails.

The bill was read the second time. There being no objection, Substitute House Bill No. 1274 was substituted for House Bill No. 1274 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1274 was read the second time.

Representative O'Brien moved the adoption of amendment (059):

On page 12, line 1, strike all of section 14, renumber the remaining section, and correct the title.

Representatives O'Brien, Carlson and Cairnes spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cairnes and O'Brien spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1274.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1274 and the bill passed the House by the following vote: Yeas - 91, Nays - 5, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 91.

Voting nay: Representatives Cody, Constantine, Fisher, Kagi and Regala - 5.

Excused: Representatives Edwards and Tokuda - 2.

Engrossed Substitute House Bill No. 1274, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1613, by Representatives Barlean, Lovick, B. Chandler, Thomas and Rockefeller; by request of Department of Revenue

Clarifying the property tax exemption statutes.

The bill was read the second time.

There being no objection, amendment 067 was withdrawn.

Representative Dunn moved the adoption of amendment (068):

On page 6, after line 31, insert the following:

**"Sec. 6.** RCW 28C.10.084 and 1993 c 445 s 2 are each amended to read as follows:

(1) The agency shall establish, maintain, and administer a tuition recovery trust fund. All funds collected for the tuition recovery trust fund are payable to the state for the benefit and protection of any student or enrollee of a private vocational school licensed under this chapter, or, in the case of a minor, his or her parents or guardian, for purposes including but not limited to the settlement of claims related to school closures under subsection (10) of this section and the settlement of claims under RCW 28C.10.120. The fund shall be liable for settlement of claims and costs of administration but shall not be liable to pay out or recover penalties assessed under RCW 28C.10.130 or 28C.10.140. No liability accrues to the state of Washington from claims made against the fund.

(2) By June 30, 1998, a minimum operating balance of one million dollars shall be achieved in the fund and maintained thereafter. If disbursements reduce the operating balance below two hundred thousand dollars at any time before June 30, 1998, or below one million dollars thereafter, each participating entity shall be assessed a pro rata share of the deficiency created, based upon the incremental scale created under subsection (6) of this section. The agency shall adopt schedules of times and amounts for effecting payments of assessment.

(3) To be and remain licensed under this chapter each entity shall, in addition to other requirements under this chapter, make cash deposits into a tuition recovery trust fund as a means to assure payment of claims brought under this chapter.

(4) The amount of liability that can be satisfied by this fund on behalf of each individual entity licensed under this chapter shall be established by the agency, based on an incremental scale that recognizes the average amount of unearned prepaid tuition in possession of the entity. However, the minimum amount of liability for any entity shall not be less than five thousand dollars. The upper limit of liability is reestablished after any disbursements are made to settle an individual claim or class of claims.

(5) The fund's liability with respect to each participating entity commences on the date of its initial deposit into the fund and ceases one year from the date it is no longer licensed under this chapter.

(6) The agency shall adopt by rule a matrix for calculating the deposits into the fund required of each entity. Proration shall be determined by factoring the entity's share of liability in proportion to the aggregated liability of all participants under the fund by grouping such prorations under the incremental scale created by subsection (4) of this section. Expressed as a percentage of the total liability, that figure determines the amount to be contributed when factored into a fund containing one million dollars. The total amount of its prorated share, minus the amount paid for initial capitalization, shall be payable in up to twenty increments over a ten-year period, commencing with the sixth month after the entity makes its initial capitalization deposit. Additionally, the agency shall require deposits for initial capitalization, under which the amount each entity deposits is proportionate to its share of two hundred thousand dollars, employing the matrix developed under this subsection. The amount thus established shall be deposited by each applicant for initial licensing before the issuance of such license.

(7) No vested right or interests in deposited funds is created or implied for the depositor, either at any time during the operation of the fund or at any such future time that the fund may be dissolved. All funds deposited are payable to the state for the purposes described under this section. The agency shall maintain the fund, serve appropriate notices to affected entities when scheduled deposits are due, collect deposits, and make disbursements to settle claims against the fund. When the aggregated deposits total five million dollars and the history of disbursements justifies such modifications, the agency may at its own option reduce the schedule of deposits whether as to time, amount, or both and the agency may also entertain proposals from among the licensees with regard to disbursing surplus funds for such purposes as vocational scholarships.

(8) Based on annual financial data supplied by the entity the agency shall determine whether the increment assigned to that entity on the incremental scale established under subsection (6) of this section has changed. If an increase or decrease in gross annual tuition income has occurred, a corresponding change in its incremental position and contribution schedule shall be made before the date of its next scheduled deposit into the fund. Such adjustments shall only be calculated and applied annually.

(9) No deposits made into the fund by an entity are transferable. If the majority ownership interest in an entity is conveyed through sale or other means into different ownership, all contributions made to the date of transfer accrue to the fund. The new owner commences contributions under provisions applying to a new applicant, except that if ownership of an entity is transferred to an immediate family member, the entity is not required to make additional cash deposits into a tuition recovery trust fund.

(10) To settle claims adjudicated under RCW 28C.10.120 and claims resulting when a private vocational school ceases to provide educational services, the agency may make disbursements from the fund. Students enrolled under a training contract executed between a school and a public or private agency or business are not eligible to make a claim against the fund. In addition to the processes described for making reimbursements related to claims under RCW 28C.10.120, the following procedures are established to deal with reimbursements related to school closures:

(a) The agency shall attempt to notify all potential claimants. The unavailability of records and other circumstances surrounding a school closure may make it impossible or unreasonable for the agency to ascertain the names and whereabouts of each potential claimant but the agency shall make reasonable inquiries to secure that information from all likely sources. The agency shall then proceed

to settle the claims on the basis of information in its possession. The agency is not responsible or liable for claims or for handling claims that may subsequently appear or be discovered.

(b) Thirty days after identified potential claimants have been notified, if a claimant refuses or neglects to file a claim verification as requested in such notice, the agency shall be relieved of further duty or action on behalf of the claimant under this chapter.

(c) After verification and review, the agency may disburse funds from the tuition recovery trust fund to settle or compromise the claims. However, the liability of the fund for claims against the closed entity shall not exceed the maximum amount of liability assigned to that entity under subsection (6) of this section.

(d) In the instance of claims against a closed school, the agency shall seek to recover such disbursed funds from the assets of the defaulted entity, including but not limited to asserting claims as a creditor in bankruptcy proceedings.

(11) When funds are disbursed to settle claims against a current licensee, the agency shall make demand upon the licensee for recovery. The agency shall adopt schedules of times and amounts for effecting recoveries. An entity's failure to perform subjects its license to suspension or revocation under RCW 28C.10.050 in addition to any other available remedies."

Renumber the remaining sections consecutively, correct any internal references accordingly, and correct the title.

Representatives Carlson, Ogden and Dunn spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Barlean, Lovick and Reardon spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Engrossed House Bill No. 1613.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1613, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Edwards and Tokuda - 2.

Engrossed House Bill No. 1613, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1664, by Representatives Dickerson, Thomas and Dunshee; by request of Department of Revenue

Preventing the use of step transactions to avoid real estate excise tax.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Reardon and Thomas spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of House Bill No. 1664.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1664 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Edwards and Tokuda - 2.

House Bill No. 1664, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1668, by Representatives McDonald, Kagi, Boldt, Tokuda, Dickerson and Santos

Providing foster parents with first aid/CPR and HIV/AIDS training.

The bill was read the second time. There being no objection, Substitute House Bill No. 1668 was substituted for House Bill No. 1668 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1668 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives McDonald and Kagi spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute House Bill No. 1668.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1668 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Edwards and Tokuda - 2.

Substitute House Bill No. 1668, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1692, by Representatives Kagi, Tokuda, Boldt, Edmonds, Dickerson, Talcott, Kastama, Lovick, Wood, Kenney, Schual-Berke, Eickmeyer, Ogden, Santos, Mitchell, Bush and Stensen

Providing special training for those who interview child witnesses and victims.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 1692 was substituted for House Bill No. 1692 and the second substitute bill was placed on the second reading calendar.

Second Substitute House Bill No. 1692 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kagi and D. Sommers spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Second Substitute House Bill No. 1692.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1692 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Edwards and Tokuda - 2.

Second Substitute House Bill No. 1692, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1729, by Representatives Kenney, Carlson, Lantz, Quall, Skinner, Reardon, Gombosky, Edwards, Anderson, Veloria, Edmonds, Dunn, Stensen, McIntire, Kagi, Conway, Regala, Lovick, D. Schmidt, Ogden, Keiser, Dickerson and Santos

Creating a teacher training pilot program.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 1729 was substituted for House Bill No. 1729 and the second substitute bill was placed on the second reading calendar.

Second Substitute House Bill No. 1729 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kenney and Carlson spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Second Substitute House Bill No. 1729.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1729 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Edwards and Tokuda - 2.

Second Substitute House Bill No. 1729, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1741, by Representatives Fortunato, Lovick and Thomas; by request of Department of Revenue

Simplifying tax reporting by revising the active nonreporting threshold so that it parallels the small business credit.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Fortunato and Lovick spoke in favor of passage of the bill.

Representative Reardon spoke against the passage of the bill.

Speaker Ballard stated the question before the House to be final passage of House Bill No. 1741.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1741 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Edwards and Tokuda - 2.

House Bill No. 1741, having received the constitutional majority, was declared passed.

#### POINT OF PERSONAL PRIVILEGE

Representative Morris congratulated Representative Lovick on passage of his first bill and asked the Chamber to acknowledge his accomplishment.

HOUSE BILL NO. 1755, by Representatives Buck, Regala, Clements, Doumit and Haigh; by request of Department of Fish and Wildlife

Creating the fish and wildlife equipment fund.

The bill was read the second time. There being no objection, Substitute House Bill No. 1755 was substituted for House Bill No. 1755 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1755 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Buck and Regala spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute House Bill No. 1755.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1755 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds,



Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Edwards and Tokuda - 2.

Substitute House Bill No. 1755, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1766, by Representatives Romero, McMorris, D. Schmidt, Dunshee, Miloscia, Conway, Campbell, Lambert and Haigh

Requiring identification of subcontractors in bids on public works.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Romero and McMorris spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of House Bill No. 1766.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1766 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Edwards and Tokuda - 2.

House Bill No. 1766, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1848, by Representatives Grant, Mastin and Dunn

Clarifying the authority of port districts.

The bill was read the second time. There being no objection, Substitute House Bill No. 1848 was substituted for House Bill No. 1848 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1848 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Grant spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute House Bill No. 1848.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1848 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Edwards and Tokuda - 2.

Substitute House Bill No. 1848, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1871, by Representatives Linville, Ericksen, Regala, Reardon, Buck, Cooper, Clements and G. Chandler

Creating the salmon stamp programs.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 1871 was substituted for House Bill No. 1871 and the second substitute bill was placed on the second reading calendar.

Second Substitute House Bill No. 1871 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Regala, Ericksen, Linville and Fisher spoke in favor of passage of the bill.

Representative Pennington spoke against the passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Second Substitute House Bill No. 1871.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1871 and the bill passed the House by the following vote: Yeas - 85, Nays - 11, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine,

Conway, Cooper, Cox, Crouse, Delvin, Dickerson, Doumit, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, D. Schmidt, K. Schmidt, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Talcott, Thomas, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 85.

Voting nay: Representatives Boldt, DeBolt, Dunn, Fortunato, Koster, McMorris, Mielke, Pennington, Schindler, Schoesler and Sump - 11.

Excused: Representatives Edwards and Tokuda - 2.

Second Substitute House Bill No. 1871, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1891, by Representatives Quall, Talcott and Rockefeller; by request of Commission on Student Learning and Superintendent of Public Instruction

Changing student assessments.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 1891 was substituted for House Bill No. 1891 and the second substitute bill was placed on the second reading calendar.

Second Substitute House Bill No. 1891 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Quall and Talcott spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Second Substitute House Bill No. 1891.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1891 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Edwards and Tokuda - 2.

Second Substitute House Bill No. 1891, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1910, by Representatives G. Chandler and Anderson

Establishing logos for substances approved for use in the production, processing, and handling of organic food.

The bill was read the second time. There being no objection, Substitute House Bill No. 1910 was substituted for House Bill No. 1910 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1910 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives G. Chandler and Anderson spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute House Bill No. 1910.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1910 and the bill passed the House by the following vote: Yeas - 95, Nays - 1, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Voting nay: Representative Pennington - 1.

Excused: Representatives Edwards and Tokuda - 2.

Substitute House Bill No. 1910, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1969, by Representatives McIntire, Benson, Dunshee, Tokuda, Schual-Berke, Eickmeyer, Scott, Kenney, Dunn, Rockefeller, Conway, Poulsen, Voloria, D. Schmidt, Cody, Ruderman, O'Brien, Edmonds, Lantz, Regala, Murray, Lovick, Santos, Kagi, Haigh and Kessler

Exempting real property that will be developed by nonprofit organizations to provide homes for the aging.

The bill was read the second time. There being no objection, Substitute House Bill No. 1969 was substituted for House Bill No. 1969 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1969 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives McIntire and Thomas spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute House Bill No. 1969.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1969 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Edwards and Tokuda - 2.

Substitute House Bill No. 1969, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1971, by Representatives D. Sommers, Wood, Benson, Schindler and Gombosky

Enhancing traffic safety.

The bill was read the second time. There being no objection, Substitute House Bill No. 1971 was substituted for House Bill No. 1971 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1971 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives D. Sommers and Wood spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute House Bill No. 1971.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1971 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott,

Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Edwards and Tokuda - 2.

Substitute House Bill No. 1971, having received the constitutional majority, was declared passed.

There being no objection, the House deferred action on House Bill No. 2036, and the bill held its place on the second reading calendar.

HOUSE BILL NO. 2053, by Representatives Hatfield, Hankins, Scott, Skinner, Edwards, Cooper, K. Schmidt, Haigh, Mielke, Schindler, G. Chandler, McDonald, Hurst, Fortunato, Fisher, Ogden, Ruderman and Miloscia

Allowing credit card payment of vehicle registration fees.

The bill was read the second time. There being no objection, Substitute House Bill No. 2053 was substituted for House Bill No. 2053 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2053 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hatfield and K. Schmidt spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute House Bill No. 2053.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2053 and the bill passed the House by the following vote: Yeas - 93, Nays - 3, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sump, Talcott, Thomas, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 93.

Voting nay: Representatives Koster, Pennington and Sullivan - 3.

Excused: Representatives Edwards and Tokuda - 2.

Substitute House Bill No. 2053, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2061, by Representatives Kenney, Dunn, Lantz, Veloria and Carlson

Changing community college provisions.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 2061 was substituted for House Bill No. 2061 and the second substitute bill was placed on the second reading calendar.

Second Substitute House Bill No. 2061 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kenney and Dunn spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Second Substitute House Bill No. 2061.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2061 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Edwards and Tokuda - 2.

Second Substitute House Bill No. 2061, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2095, by Representatives G. Chandler, Linville, Koster, Grant, B. Chandler, Anderson and Sump

Regulating commercial fertilizer.

The bill was read the second time. There being no objection, Substitute House Bill No. 2095 was substituted for House Bill No. 2095 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2095 was read the second time.

Representative Linville moved the adoption of amendment (055):

On page 4, line 10, after "they" strike "can" and insert "may"

On page 4, line 11, after "are" strike "injurious" and insert "harmful"

Representative Linville spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives G. Chandler and Linville spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Engrossed Substitute House Bill No. 2095.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2095 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Edwards and Tokuda - 2.

Engrossed Substitute House Bill No. 2095, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2098, by Representatives G. Chandler and Linville

Regulating designers of on-site wastewater treatment systems.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 2098 was substituted for House Bill No. 2098 and the second substitute bill was placed on the second reading calendar.

Second Substitute House Bill No. 2098 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives G. Chandler, Linville and Dunshee spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Second Substitute House Bill No. 2098.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2098 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds,



Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Edwards and Tokuda - 2.

Second Substitute House Bill No. 2098, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2210, by Representatives Huff, H. Sommers, Carlson and Edwards

Declaring monthly unit valuations for certain portfolios and funds managed by the state investment board.

The bill was read the second time. There being no objection, Substitute House Bill No. 2210 was substituted for House Bill No. 2210 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2210 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Carlson and Doumit spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute House Bill No. 2210.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2210 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Edwards and Tokuda - 2.

Substitute House Bill No. 2210, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2234, by Representatives Huff, H. Sommers and Carlson

Changing K-20 telecommunications governance.

The bill was read the second time. There being no objection, Substitute House Bill No. 2234 was substituted for House Bill No. 2234 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2234 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Carlson and Morris spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute House Bill No. 2234.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2234 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Edwards and Tokuda - 2.

Substitute House Bill No. 2234, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2239, by Representatives Buck and Wood

Enhancing storm water control grant programs.

The bill was read the second time. There being no objection, Substitute House Bill No. 2239 was substituted for House Bill No. 2239 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2239 was read the second time.

Representative Buck moved the adoption of amendment (061):

On page 3, beginning on line 30, after "(t))" strike ", transportation improvement board,"

On page 4, line 2, after "All" strike "other"

Representatives Buck and Wood spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Buck and Wood spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Engrossed Substitute House Bill No. 2239.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2239 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Edwards and Tokuda - 2.

Engrossed Substitute House Bill No. 2239, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2261, by Representatives Reardon, Cairnes and Santos; by request of Department of Revenue

Clarifying the phrase "services rendered in respect to constructing" for business and occupation tax purposes.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Reardon and Thomas spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of House Bill No. 2261.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2261 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller,

Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Edwards and Tokuda - 2.

House Bill No. 2261, having received the constitutional majority, was declared passed.

### **POINT OF PERSONAL PRIVILEGE**

Representative Morris congratulated Representative Reardon on the passage of his first bill and asked the Chamber to acknowledge his accomplishment.

HOUSE BILL NO. 1013, by Representatives Carlson, Radcliff, Dunn and Sheahan

Changing the goals and priorities for grants under the Washington fund for innovation and quality education program.

The bill was read the second time. There being no objection, Substitute House Bill No. 1013 was substituted for House Bill No. 1013 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1013 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Carlson and Kenney spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute House Bill No. 1013.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1013 and the bill passed the House by the following vote: Yeas - 91, Nays - 5, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 91.

Voting nay: Representatives Benson, Boldt, Crouse, Mielke and Schindler - 5.

Excused: Representatives Edwards and Tokuda - 2.

Substitute House Bill No. 1013, having received the constitutional majority, was declared passed.

There being no objection, the House deferred action on House Bill No. 1059, and the bill held its place on the second reading calendar.

HOUSE BILL NO. 1069, by Representatives Scott, Mulliken and O'Brien

Authorizing the forensic investigations council to make expenditures to assist in investigations of multiple deaths.

The bill was read the second time. There being no objection, Substitute House Bill No. 1069 was substituted for House Bill No. 1069 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1069 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Scott and Mulliken spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute House Bill No. 1069.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1069 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Edwards and Tokuda - 2.

Substitute House Bill No. 1069, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1132, by Representatives Romero, Skinner, Lantz, Hankins, Ogden, Radcliff, Mitchell and Lambert

Establishing the capitol furnishings preservation committee.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 1132 was substituted for House Bill No. 1132 and the second substitute bill was placed on the second reading calendar.

Second Substitute House Bill No. 1132 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Romero and McMorris spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Second Substitute House Bill No. 1132.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1132 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Edwards and Tokuda - 2.

Second Substitute House Bill No. 1132, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1133, by Representatives Bush, Ogden, Talcott, Buck, D. Schmidt, DeBolt, McDonald, Sump, Parlette, Lambert, Clements, Romero, Cairnes, Quall, G. Chandler, H. Sommers, Mielke, Koster, O'Brien, Sullivan, Thomas, Barlean, Campbell, Dunn, Mulliken, Alexander and Esser

Maintaining voter registration lists.

The bill was read the second time. There being no objection, Substitute House Bill No. 1133 was substituted for House Bill No. 1133 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1133 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Bush and Ogden spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute House Bill No. 1133.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1133 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller,

Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Edwards and Tokuda - 2.

Substitute House Bill No. 1133, having received the constitutional majority, was declared passed.

There being no objection, the House deferred action on House Bill No. 1147, and the bill held its place on the second reading calendar.

HOUSE BILL NO. 1153, by Representatives McDonald, Kastama, Sump, Delvin, Hurst, Rockefeller, Kessler, Stensen, O'Brien, Bush, Lovick, Dickerson, Carlson, Keiser, Ogden, Hatfield, Wood, Ruderman, Tokuda, Santos, McIntire, Conway and Lantz

Changing school safety provisions.

The bill was read the second time. There being no objection, Substitute House Bill No. 1153 was substituted for House Bill No. 1153 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1153 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives McDonald, Kastama, Cox, Keiser, Talcott, Bush and Stensen spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute House Bill No. 1153.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1153 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Edwards and Tokuda - 2.

Substitute House Bill No. 1153, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1184, by Representatives Kenney, Carlson, Schoesler, Ogden, Edmonds and Esser

Promoting cooperative real estate research.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 1184 was substituted for House Bill No. 1184 and the second substitute bill was placed on the second reading calendar.

Second Substitute House Bill No. 1184 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kenney, Carlson and Ogden spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Second Substitute House Bill No. 1184.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1184 and the bill passed the House by the following vote: Yeas - 95, Nays - 1, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Voting nay: Representative Koster - 1.

Excused: Representatives Edwards and Tokuda - 2.

Second Substitute House Bill No. 1184, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1221, by Representatives Ogden, Carlson, Conway, Mielke, Lantz, Pennington, Doumit, Hatfield and Dunn

Regarding Lewis and Clark bicentennial advisory committee.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ogden, Carlson and Hatfield spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of House Bill No. 1221.

#### ROLL CALL



The Clerk called the roll on the final passage of House Bill No. 1221 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Edwards and Tokuda - 2.

House Bill No. 1221, having received the constitutional majority, was declared passed.

There being no objection, the House deferred further action on House Bill No. 1252, and the bill held its place on the second reading calendar.

HOUSE BILL NO. 1261, by Representatives Romero, Conway, Veloria, Cooper, O'Brien and Kenney

Modifying motor vehicles of injured workers.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Romero and B. Chandler spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of House Bill No. 1261.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1261 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Edwards and Tokuda - 2.

House Bill No. 1261, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1282, by Representatives Romero, Buck, Miloscia, Linville, Dickerson, Regala and Wolfe; by request of Commissioner of Public Lands

Authorizing state agencies to offer incentives to state employees to relocate from one part of the state to another.

The bill was read the second time. There being no objection, Substitute House Bill No. 1282 was substituted for House Bill No. 1282 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1282 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Romero spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute House Bill No. 1282.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1282 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Edwards and Tokuda - 2.

Substitute House Bill No. 1282, having received the constitutional majority, was declared passed.

There being no objection, the House deferred further action on House Bill No. 1285, and the bill held its place on the second reading calendar.

HOUSE BILL NO. 1288, by Representatives D. Schmidt, Romero, McMorris, Scott, Wensman, Benson, Sullivan, Santos, Doumit, D. Sommers, Dunn and Campbell

Determining candidate order on primary ballots.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives D. Schmidt and Romero spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of House Bill No. 1288.

## ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1288 and the bill passed the House by the following vote: Yeas - 65, Nays - 31, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Buck, Bush, Cairnes, Campbell, Carlson, G. Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunshee, Ericksen, Gombosky, Grant, Haigh, Hankins, Huff, Kagi, Kastama, Kessler, Koster, Lambert, Linville, Lovick, Mastin, McDonald, McMorris, Mielke, Miloscia, Mitchell, Morris, O'Brien, Ogden, Pennington, Quall, Radcliff, Reardon, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Veloria, Wensman, Wolfe, Wood and Mr. Speaker Chopp - 65.

Voting nay: Representatives Boldt, Carrell, B. Chandler, Cody, Constantine, Conway, Cooper, Dunn, Edmonds, Eickmeyer, Esser, Fisher, Fortunato, Hatfield, Hurst, Keiser, Kenney, Lantz, Lisk, McIntire, Mulliken, Murray, Parlette, Pflug, Poulsen, Regala, Schual-Berke, Talcott, Thomas, Van Luven and Mr. Speaker Ballard - 31.

Excused: Representatives Edwards and Tokuda - 2.

House Bill No. 1288, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1291, by Representatives D. Schmidt, McMorris, Romero, Scott, Wensman, Esser, Miloscia, Benson, D. Sommers and Dunn

Making various changes in election laws.

The bill was read the second time. There being no objection, Substitute House Bill No. 1291 was substituted for House Bill No. 1291 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1291 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives D. Schmidt and Romero spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute House Bill No. 1291.

## ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1291 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Edwards and Tokuda - 2.

Substitute House Bill No. 1291, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1324, by Representatives Fisher, K. Schmidt, Mitchell and Hankins; by request of Department of Transportation

Planning for transportation safety and security.

The bill was read the second time. There being no objection, Substitute House Bill No. 1324 was substituted for House Bill No. 1324 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1324 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Fisher spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute House Bill No. 1324.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1324 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Edwards and Tokuda - 2.

Substitute House Bill No. 1324, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1471, by Representatives Conway, Crouse, Wood, Poulsen, Kessler and Thomas

Prohibiting deceptive telephone directory listings.

The bill was read the second time. There being no objection, Substitute House Bill No. 1471 was substituted for House Bill No. 1471 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1471 was read the second time.

Representative Conway moved the adoption of amendment (082):

On page 2, line 1, after "selling" strike " of goods or services" and insert " or delivery of cut flowers, flower arrangements, or floral products, or solicitation of the purchase or delivery of cut flowers, flower arrangements, or floral products"

On page 2, beginning on line 22, strike section 4.

Renumber remaining sections and correct internal references accordingly.

Representatives Conway and B. Chandler spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Representative Wolfe, Representative Dickerson was excused.

Representatives Conway and Lambert spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1471.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1471 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Dickerson, Edwards and Tokuda - 3.

Engrossed Substitute House Bill No. 1471, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1484, by Representatives Parlette, Cody, Alexander, Conway and Edwards

Modifying property valuation methods for reimbursing nursing facilities.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 1484 was substituted for House Bill No. 1484 and the second substitute bill was placed on the second reading calendar.

Second Substitute House Bill No. 1484 was read the second time.

Representative Alexander moved the adoption of amendment (083):

On page 7, after line 36, insert the following:

"NEW SECTION. Sec. 5. Beginning July 1, 1999, if a contractor experiences an increase in property taxes relating to construction qualifying under RCW 74.46.360 (2), the department shall adjust rates to cover state and county increases in real estate taxes, effective the first day on which the increased tax payment is due, related to construction qualifying for payment under RCW 74.46.360(2). Rate adjustments made under this section shall be consistent with applicable cost limitations contained in this chapter."

On page 8, after line 32, insert the following:

"NEW SECTION. Sec. 7. Section 5 of this act is added to chapter 74.46 RCW."

Renumber the remaining sections consecutively and correct the internal references and title accordingly.

Representatives Alexander and Ruderman spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Parlette and Ruderman spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Engrossed Second Substitute House Bill No. 1484.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1484 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Dickerson, Edwards and Tokuda - 3.

Engrossed Second Substitute House Bill No. 1484, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1546, by Representatives Cody, Parlette, Doumit, Ballasiotes, Conway, D. Schmidt, Dickerson, Campbell, Wolfe, Kenney, Ogden, Radcliff, Kessler, Voloria, Ruderman, Linville, Santos, Haigh, Cooper, Miloscia, Edmonds, Keiser, Lantz, Hurst, Schual-Berke, Quall, Van Luven, Rockefeller, O'Brien, Wood, Murray, Fortunato and McIntire

Modifying provisions related to long-term care of adults.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 1546 was substituted for House Bill No. 1546 and the second substitute bill was placed on the second reading calendar.

Second Substitute House Bill No. 1546 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cody and Pflug spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Second Substitute House Bill No. 1546.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1546 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Dickerson, Edwards and Tokuda - 3.

Second Substitute House Bill No. 1546, having received the constitutional majority, was declared passed.

There being no objection, the bills passed by the House were immediately transmitted to the Senate.

There being no objection, the House deferred action on House Bill No. 1562, and the bill held its place on the second reading calendar.

HOUSE BILL NO. 1574, by Representatives Alexander, Parlette, Cody, Radcliff, O'Brien, Schual-Berke, Reardon, Quall, Santos, Cooper, Linville, Ericksen and Hurst

Administering atypical antipsychotic medications.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 1574 was substituted for House Bill No. 1574 and the second substitute bill was placed on the second reading calendar.

Second Substitute House Bill No. 1574 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Alexander and Cody spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Second Substitute House Bill No. 1574.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1574 and the bill passed the House by the following vote: Yeas - 94, Nays - 1, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sump, Talcott, Thomas, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 94.

Voting nay: Representative Sullivan - 1.

Excused: Representatives Dickerson, Edwards and Tokuda - 3.

Second Substitute House Bill No. 1574, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1599, by Representatives McMorris, Doumit, Clements, Constantine, Sheahan, Grant, G. Chandler, Linville, Rockefeller, D. Schmidt, Kessler and Schoesler

Creating an account to reimburse counties for extraordinary costs in the criminal justice system.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative McMorris spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of House Bill No. 1599.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1599 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D.



Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Dickerson, Edwards and Tokuda - 3.

House Bill No. 1599, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1619, by Representatives McDonald, Kagi, Boldt, Lovick, Tokuda, Wood, Clements, Carrell, D. Schmidt, Linville, Dickerson, O'Brien, Mielke, Kenney and Haigh

Changing the liability insurance of foster parents.

The bill was read the second time. There being no objection, Substitute House Bill No. 1619 was substituted for House Bill No. 1619 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1619 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Representative Buck, Representative K. Schmidt was excused.

Representatives McDonald and Kagi spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute House Bill No. 1619.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1619 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 94.

Excused: Representatives Dickerson, Edwards, K. Schmidt and Tokuda - 4.

Substitute House Bill No. 1619, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1661, by Representatives Edmonds, Carlson, Kenney, Kagi, Esser, Wood, Lantz and Ogden

Creating Washington scholars-alternates awards.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 1661 was substituted for House Bill No. 1661 and the second substitute bill was placed on the second reading calendar.

Second Substitute House Bill No. 1661 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Representative Sump, Representative G. Chandler was excused.

Representatives Edmonds, Esser and Lambert spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Second Substitute House Bill No. 1661.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1661 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Van Luven, Vloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 93.

Excused: Representatives G. Chandler, Dickerson, Edwards, K. Schmidt and Tokuda - 5.

Second Substitute House Bill No. 1661, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1663, by Representatives Lambert, Constantine, McDonald, Kagi, Carrell, Edwards, Kastama and Santos

Creating a unified family court.

The bill was read the second time. There being no objection, Substitute House Bill No. 1663 was substituted for House Bill No. 1663 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1663 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lambert, Constantine and Carrell spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute House Bill No. 1663.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1663 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 93.

Excused: Representatives G. Chandler, Dickerson, Edwards, K. Schmidt and Tokuda - 5.

Substitute House Bill No. 1663, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1673, by Representatives Lambert, O'Brien, Thomas and Sullivan

Penalizing false political advertising.

The bill was read the second time. There being no objection, Substitute House Bill No. 1673 was substituted for House Bill No. 1673 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1673 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lambert and O'Brien spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute House Bill No. 1673.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1673 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 93.

Excused: Representatives G. Chandler, Dickerson, Edwards, K. Schmidt and Tokuda - 5.

Substitute House Bill No. 1673, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1674, by Representatives Talcott, Voloria, Carlson, DeBolt, Wensman, Rockefeller, Bush, Thomas, Clements and Romero

Providing educational accountability for students and schools.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 1674 was substituted for House Bill No. 1674 and the second substitute bill was placed on the second reading calendar.

Second Substitute House Bill No. 1674 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Talcott, Quall, D. Schmidt, Rockefeller, and Cox spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Second Substitute House Bill No. 1674.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1674 and the bill passed the House by the following vote: Yeas - 89, Nays - 4, Absent - 0, Excused - 5.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, DeBolt, Delvin, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, D. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 89.

Voting nay: Representatives Crouse, Koster, Mulliken and Schindler - 4.

Excused: Representatives G. Chandler, Dickerson, Edwards, K. Schmidt and Tokuda - 5.

Second Substitute House Bill No. 1674, having received the constitutional majority, was declared passed.

#### RESOLUTION

HOUSE RESOLUTION NO. 99-4649, by Representatives Murray, O'Brien and Dunn

WHEREAS, Patrick Brady's ancestors on both sides of his family came from counties in the northern part of Ireland; and

WHEREAS, Patrick Brady attended O'Dea High School in Seattle and Notre Dame University, and Patrick Brady served for thirty-four years in the United States Army, obtaining the rank of Major General; and

WHEREAS, As an air ambulance pilot in Vietnam, Patrick Brady flew more than two thousand combat missions and may have evacuated more wounded, more than five thousand soldiers, from the battlefield than anyone in history; and

WHEREAS, Patrick Brady was awarded the Congressional Medal of Honor for his heroism and efforts; and

WHEREAS, Patrick Brady also was awarded the Distinguished Service Cross; two Distinguished Service Medals; the Defense Superior Service Medal; the Legion of Merit; six Distinguished Flying Crosses; two Bronze Stars, one for valor; the Purple Heart; and fifty-three Air Medals, one for valor; and

WHEREAS, Patrick Brady currently serves on the Board of Regents at Seattle University, works for the Foundation of his former high school, and volunteers for a homeless shelter in Seattle; and

WHEREAS, Patrick Brady has been named the Grand Marshal of the 1999 St. Patrick's Day Parade in Seattle;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives does hereby honor the service and contributions of Patrick Brady and proclaim March 17, 1999, as Patrick Brady Day and urge all citizens, Irish and non-Irish, to celebrate this day.

Representative Murray moved the adoption of the resolution.

Representatives Murray and O'Brien spoke in favor of the adoption of the resolution.

House Resolution No. 99-4649 was adopted.

#### **SPEAKER'S PRIVILEGE**

Speaker Ballard took the opportunity to express his admiration for people of the caliber of Mr. Brady.

There being no objection, the House advanced to the eleventh order of business.

#### **MOTION**

On motion of Representative Lisk, the House adjourned until 9:00 a.m., Monday, March 15, 1999, the 64<sup>th</sup> Legislative Day.

TIMOTHY A. MARTIN, Chief Clerk      CLYDE BALLARD, Speaker  
DEAN R. FOSTER, Chief Clerk      FRANK CHOPP, Speaker

SIXTY-FIRST DAY, MARCH 12, 1999

JOURNAL OF THE HOUSE

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**SIXTY-FOURTH DAY**

**MORNING SESSION**

House Chamber, Olympia, Monday, March 15, 1999

The House was called to order at 9:00 a.m. by Speaker Chopp. The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Alison Evans and Erik Dearth. Prayer was offered by Commissioner Richard Adamson, Mason County Superior Court.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the sixth order of business.

**SECOND READING**

HOUSE BILL NO. 1761, by Representatives Talcott, Carrell, Rockefeller, Wensman, Stensen, Thomas, Fortunato, Mulliken, Haigh, Schoesler, Bush and Esser

Increasing the number of hours retired teachers and administrators can serve as substitute teachers or administrators without a reduction in benefits.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Fortunato, Talcott, Quall, Carrell and Keiser spoke in favor of passage of the bill.

**MOTIONS**

On motion of Representative Wolfe, Representatives Scott and Doumit were excused. On motion of Representative Schoesler, Representatives Clements, Huff, Mulliken, Van Luven and K. Schmidt were excused.

Speaker Chopp stated the question before the House to be final passage of House Bill No. 1761.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1761 and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 92.

Excused: Representatives Doumit, Huff, Mulliken, K. Schmidt, Scott and Van Luven - 6.

House Bill No. 1761, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1818, by Representatives Clements, Quall, Talcott, Carlson, Keiser and Carrell

Changing truancy provisions.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 1818 was substituted for House Bill No. 1818 and the second substitute bill was placed on the second reading calendar.

Second Substitute House Bill No. 1818 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Clements, Quall, Hankins, Keiser, Carrell, Stensen, Talcott, Schual-Berke, and Eickmeyer spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Second Substitute House Bill No. 1818.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1818 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin,

McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 93.

Excused: Representatives Doumit, Huff, Mulliken, K. Schmidt and Scott - 5.

Second Substitute House Bill No. 1818, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1827, by Representatives D. Schmidt, Romero and McMorris

Concerning printing contracts entered into by state agencies.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives D. Schmidt and Miloscia spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of House Bill No. 1827.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1827 and the bill passed the House by the following vote: Yeas - 89, Nays - 3, Absent - 0, Excused - 6.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Ruderman, Santos, Schindler, D. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Wensman, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 89.

Voting nay: Representatives Romero, Voloria and Wolfe - 3.

Excused: Representatives Doumit, Huff, Mulliken, K. Schmidt, Scott and Van Luven - 6.

House Bill No. 1827, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1831, by Representatives Ogden, Thomas, Lantz, Carlson, H. Sommers, Keiser, Dunshee, Lambert, Quall, O'Brien, Cody, Kenney, Dunn, Santos, Schual-Berke, Lovick, Edmonds, Wood, Haigh, Rockefeller, Conway, Stensen, Dickerson, Kessler, Hurst and Esser

Requiring adoption of rules for certain construction management techniques.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.



Representatives Ogden, Thomas, Lantz, Dunshee, Keiser, Esser, Schual-Berke and Hankins spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of House Bill No. 1831.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1831 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 93.

Excused: Representatives Doumit, Huff, Mulliken, K. Schmidt and Scott - 5.

House Bill No. 1831, having received the constitutional majority, was declared passed.

#### RECONSIDERATION

There being no objection, the House immediately reconsidered the vote by which House Bill No. 1827 passed the House.

Speaker Chopp stated the question before the House to be final passage of House Bill No. 1831 on reconsideration.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1827, on reconsideration and the bill passed the House by the following vote: Yeas - 90, Nays - 3, Absent - 0, Excused - 5.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Ruderman, Santos, Schindler, D. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Wensman, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 90.

Voting nay: Representatives Romero, Voloria and Wolfe - 3.

Excused: Representatives Doumit, Huff, Mulliken, K. Schmidt and Scott - 5.

House Bill No. 1827, on reconsideration, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1872, by Representatives Hurst, Lambert, Lovick, O'Brien and Carrell

Granting state-wide warrant jurisdiction to courts of limited jurisdiction.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hurst and Lambert spoke in favor of the passage of the bill.

Speaker Chopp stated the question before the House to be the final passage of House Bill No. 1872.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1872, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 93.

Excused: Representatives Doumit, Huff, Mulliken, K. Schmidt and Scott - 5.

House Bill No. 1872, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1884, by Representatives Lambert, Ogden, Cairnes and Campbell

Providing appointments to inspect campaign account books.

The bill was read the second time. There being no objection, Substitute House Bill No. 1884 was substituted for House Bill No. 1884 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1884 was read the second time.

Representative Lambert moved the adoption of amendment (004):

On page 3, line 25, after "holiday" insert ". It is a violation of this chapter for a candidate or political committee to refuse to allow and keep an appointment for an inspection to be conducted during these authorized times and days in the week prior to the election. The appointment must be allowed at an authorized time and day for such inspections that is within twenty-four hours of the time and day that is requested for the inspection"

Representatives Lambert and Miloscia spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lambert, Ogden, Romero and Lambert (again) spoke in favor of passage of the bill.

Representatives Hurst, DeBolt and Dunshee spoke against the passage of the bill.

There being no objection, the House deferred action on Engrossed Substitute House Bill No. 1884, and the bill held its place on the third reading calendar.

There being no objection, the House deferred action on House Bill No. 1887, House Bill No. 1893 and House Bill No. 1935, and the bills held their places on the second reading calendar.

Speaker Chopp called upon Representative Ogden to preside.

HOUSE BILL NO. 2005, by Representatives Wolfe, D. D. Sommers Schmidt, Romero, Carlson, Delvin, Santos, O'Brien, Miloscia, Lovick, Dickerson, Kenney, Ogden, Fisher, Cody, Parlette, Campbell, Lambert, Pennington, Dunshee, Koster, Hankins, Clements, Cairnes, Keiser, Conway and Veloria; by request of State Auditor

Managing the state employee whistleblower program.

The bill was read the second time. There being no objection, Substitute House Bill No. 2005 was substituted for House Bill No. 2005 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2005 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Wolfe and D. Sommers spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Substitute House Bill No. 2005.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2005 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Huff, K. Schmidt and Scott - 3.

Substitute House Bill No. 2005, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2015, by Representatives Radcliff, Wolfe, Lambert, Romero, DeBolt, Morris, Constantine, Ruderman, D. Schmidt, Crouse, Carrell, Poulsen, Miloscia and Rockefeller; by request of Department of General Administration and Department of Information Services

Restricting liability for year 2000 date-change damages.

The bill was read the second time.

Representative Constantine moved adoption of the committee amendment(s) by the Committee on Judiciary (For committee amendment(s), see Journal, 45<sup>th</sup> Day, February 24, 1999).

Representative Constantine moved adoption of the following amendment (073) to the committee amendment:

On page 1, line 4 of the amendment, after "cooperatives" insert "and mutual utilities"

The amendment (073) to the committee amendment was adopted.

Representative Constantine moved the following amendment (072) to the committee amendment:

On page 2, line 22, after "chapter 4.20 RCW" insert "or RCW 4.24.010"

The amendment was adopted.

Representative Constantine spoke in favor of adoption of the committee amendment by the Committee on Judiciary as amended.

The committee amendment as amended was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Radcliff, Constantine, Ruderman, D. Schmidt, Lambert, Mastin, Radcliff (again), Morris and Ruderman (again) spoke in favor of passage of the bill.

Representatives Campbell, Dunshee and Campbell (again) spoke against passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Engrossed House Bill No. 2015.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2015, and the bill passed the House by the following vote: Yeas - 88, Nays - 8, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Boldt, Buck, Bush, Cairnes, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney,

Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 88.

Voting nay: Representatives Benson, Campbell, Dunn, Dunshee, Fortunato, Kessler, Koster and Quall - 8.

Excused: Representatives K. Schmidt and Scott - 2.

Engrossed House Bill No. 2015, having received the constitutional majority, was declared passed.

Speaker Pro Tempore Ogden reminded the Chamber that under Rule 16, debate was limited to three minutes.

HOUSE BILL NO. 2085, by Representatives Quall, Talcott, Haigh, Carlson, Santos, Linville, Cox, Kessler, Morris, Murray, McDonald, O'Brien, Anderson, Thomas, Ogden, Poulsen, Rockefeller, Lovick, Kenney, Wolfe, Stensen, Schual-Berke, Tokuda, Ruderman, Keiser, Wood, Constantine and Lantz

Creating programs addressing disruptive students in regular classrooms.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 2085 was substituted for House Bill No. 2085 and the second substitute bill was placed on the second reading calendar.

Second Substitute House Bill No. 2085 was read the second time.

Representative Quall moved the adoption of amendment (071):

On page 2, line 34, after "Elementary" strike "and" and insert "schools and junior high and"

On page 3, beginning on line 8, after "students in" strike "kindergarten through eighth grade" and insert "elementary school and middle or junior high school"

On page 3, line 12, after "in" strike "kindergarten through eighth grade" and insert "elementary school and middle or junior high school"

Representatives Quall, Talcott and Rockefeller spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was order engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Quall, Talcott, Rockefeller, D. Schmidt, Eickemeyer, Carlson, Stensen, Bush, Haigh, Carrell, Schual-Berke, Alexander, Keiser, and Poulsen spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Engrossed Second Substitute House Bill No. 2085.

## ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2085 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives K. Schmidt and Scott - 2.

Engrossed Second Substitute House Bill No. 2085, having received the constitutional majority, was declared passed.

Speaker Chopp assumed the chair.

HOUSE BILL NO. 2116, by Representatives Scott, Mielke, Mulliken, Edwards, Fortunato, Cooper and Reardon

Allowing a public utility district to dispose of equipment or materials.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Doumit and Mielke spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of House Bill No. 2116.

## ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2116 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives K. Schmidt and Scott - 2.

House Bill No. 2116, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2201, by Representatives Fisher, Hankins, Ogden, K. Schmidt, Ericksen, Skinner, Radcliff and Mielke

Imposing a surcharge on trip permit fees.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Fisher spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of House Bill No. 2201.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2201 and the bill passed the House by the following vote: Yeas - 94, Nays - 2, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 94.

Voting nay: Representatives Dunn and Koster - 2.

Excused: Representatives K. Schmidt and Scott - 2.

House Bill No. 2201, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2246, by Representatives Thomas and Dunshee

Defining membership requirements and procedures for lodging tax advisory committees.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Thomas and Reardon spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of House Bill No. 2246.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2246 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine,

Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives K. Schmidt and Scott - 2.

House Bill No. 2246, having received the constitutional majority, was declared passed.

There being no objection, the bills passed by the House were immediately transmitted to the Senate.

### MESSAGE FROM THE SENATE

March 11, 1999

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5019,  
SUBSTITUTE SENATE BILL NO. 5030,  
SUBSTITUTE SENATE BILL NO. 5049,  
SENATE BILL NO. 5105,  
ENGROSSED SENATE BILL NO. 5109,  
SUBSTITUTE SENATE BILL NO. 5115,  
SUBSTITUTE SENATE BILL NO. 5154,  
SECOND SUBSTITUTE SENATE BILL NO. 5171,  
SUBSTITUTE SENATE BILL NO. 5248,  
ENGROSSED SENATE BILL NO. 5250,  
SUBSTITUTE SENATE BILL NO. 5273,  
SUBSTITUTE SENATE BILL NO. 5280,  
SUBSTITUTE SENATE BILL NO. 5283,  
SENATE BILL NO. 5370,  
SENATE BILL NO. 5374,  
SUBSTITUTE SENATE BILL NO. 5376,



SUBSTITUTE SENATE BILL NO. 5399,  
SUBSTITUTE SENATE BILL NO. 5415,  
SUBSTITUTE SENATE BILL NO. 5416,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5421,  
SENATE BILL NO. 5445,  
SUBSTITUTE SENATE BILL NO. 5482,  
SUBSTITUTE SENATE BILL NO. 5513,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5533,  
SUBSTITUTE SENATE BILL NO. 5547,  
SUBSTITUTE SENATE BILL NO. 5561,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5587,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5594,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5598,  
SUBSTITUTE SENATE BILL NO. 5634,  
SUBSTITUTE SENATE BILL NO. 5641,  
SENATE BILL NO. 5643,  
ENGROSSED SENATE BILL NO. 5649,  
SENATE BILL NO. 5670,  
SUBSTITUTE SENATE BILL NO. 5671,  
SENATE BILL NO. 5684,  
SUBSTITUTE SENATE BILL NO. 5710,  
SUBSTITUTE SENATE BILL NO. 5728,  
SUBSTITUTE SENATE BILL NO. 5746,  
SENATE BILL NO. 5760,  
SUBSTITUTE SENATE BILL NO. 5762,  
SUBSTITUTE SENATE BILL NO. 5805,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5848,

ENGROSSED SENATE BILL NO. 5881,

ENGROSSED SENATE BILL NO. 5962,

SUBSTITUTE SENATE BILL NO. 6003,

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House reverted to the fourth order of business.

### **INTRODUCTIONS AND FIRST READING**

HB 2268 by Representative Miloscia

AN ACT Relating to metering or measuring, reporting requirements, and fees for the inventory and management of water rights; amending RCW 43.79A.040; adding new sections to chapter 90.03 RCW; creating a new section; repealing RCW 90.44.450; prescribing penalties; and providing an effective date.

Referred to Committee on Agriculture & Ecology.

ESSB 5019 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Patterson, Thibaudeau and McAuliffe)

Changing provisions relating to opiate substitution treatment programs.

Referred to Committee on Children & Family Services.

SSB 5030 by Senate Committee on Ways & Means (originally sponsored by Senators Long, Fraser, Winsley, Franklin, Bauer, Jacobsen, Roach, T. Sheldon, Johnson and Rasmussen; by request of Joint Committee on Pension Policy)

Adjusting the Washington state patrol surviving spouse retirement allowance.

Referred to Committee on Appropriations.

SSB 5049 by Senate Committee on Judiciary (originally sponsored by Senators Rasmussen, Goings, Franklin, T. Sheldon, Swecker and Patterson)

Enhancing penalties for manufacturing methamphetamines inside a conveyance.

Referred to Committee on Criminal Justice & Corrections.

SB 5105 by Senators Eide, Morton, Jacobsen and Winsley; by request of Department of Health

Changing the definition of public water system.

Referred to Committee on Agriculture & Ecology.

ESB 5109 by Senators Patterson, McAuliffe, Prentice, Johnson, Hochstatter, Brown, Heavey, Kline, Finkbeiner, Benton, Winsley, Oke and Kohl-Welles

Creating limited immunity for school districts.

Referred to Committee on Judiciary.

SSB 5115 by Senate Committee on Labor & Workforce Development (originally sponsored by Senators Heavey, Prentice, Kline and Fairley)

Changing judicial review of public employment relations commission proceedings.

Referred to Committee on Commerce & Labor.

SSB 5154 by Senate Committee on Judiciary (originally sponsored by Senators Hargrove, McCaslin, Goings and Heavey)

Limiting the liability of electric utilities.

Referred to Committee on Judiciary.

2SSB 5171 by Senate Committee on Transportation (originally sponsored by Senators Goings, Prentice and Rasmussen)

Regulating Washington state patrol employment agreements.

Referred to Committee on Commerce & Labor.

SSB 5248 by Senate Committee on Commerce, Trade, Housing & Financial Institutions (originally sponsored by Senators Loveland, Patterson, Snyder, Bauer, McCaslin and Winsley; by request of State Treasurer)

Negotiating state-wide custody contracts.

Referred to Committee on State Government.

ESB 5250 by Senators Wojahn, Sellar, Jacobsen, Thibaudeau, Deccio, Winsley, McDonald, Kohl-Welles, Rasmussen, Spanel, Fraser, Oke, Gardner, Hale and Costa

Permitting the secretary of health to implement programs regarding women's health.

Referred to Committee on Health Care.

SSB 5273 by Senate Committee on Transportation (originally sponsored by Senators Jacobsen, Haugen, Rasmussen, Gardner, Prentice, Patterson, Winsley and Fraser)

Creating a scenic byways designation program.

Referred to Committee on Transportation.

SSB 5280 by Senate Committee on Transportation (originally sponsored by Senators Franklin, Winsley, Wojahn, Kline, Goings, Thibaudeau, Stevens, Rasmussen, Benton, Prentice, Heavey, Gardner, Shin and Oke)

Meeting financial responsibility requirements for automobiles.

Referred to Committee on Transportation.

SSB 5283 by Senate Committee on Transportation (originally sponsored by Senators Goings, Gardner and Benton; by request of Transportation Improvement Board)

Updating references to the transportation improvement board bond retirement account.

Referred to Committee on Transportation.

SB 5370 by Senators Patterson, Horn, B. Sheldon, Spanel and Haugen; by request of Department of General Administration

Raising the limit on agency direct buy authority without competitive bids.

Referred to Committee on State Government.

SB 5374 by Senators Heavey and Johnson; by request of Department of Licensing

Making corrective amendments to certain drivers' licensing laws.

Referred to Committee on Transportation.

SSB 5376 by Senate Committee on Judiciary (originally sponsored by Senators Costa, McCaslin and Heavey)

Making corrections to sentencing laws.

Referred to Committee on Criminal Justice & Corrections.

SSB 5399 by Senate Committee on Judiciary (originally sponsored by Senators Rossi, Kline, Costa and McCaslin)

Changing provisions relating to traffic offenses.

Referred to Committee on Judiciary.

SSB 5415 by Senate Committee on State & Local Government (originally sponsored by Senators Patterson, Horn and McAuliffe; by request of Governor Locke)

Eliminating and consolidating boards, commissions, and programs.

Referred to Committee on State Government.

SSB 5416 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Thibaudeau, Eide, Patterson, Franklin, Rasmussen, Snyder, Wojahn, Bauer, Kohl-Welles and McAuliffe; by request of Governor Locke)

Creating the children's health insurance program.

Referred to Committee on Health Care.

E2SSB 5421 by Senate Committee on Ways & Means (originally sponsored by Senators Hargrove, Long, Franklin, Costa, Patterson, Winsley and McAuliffe; by request of Governor Locke)

Enhancing supervision of offenders.

Referred to Committee on Criminal Justice & Corrections.

SB 5445 by Senators Franklin, Winsley, Wojahn, Deccio, Thibaudeau, Kline, Rasmussen, Fairley, Patterson, Prentice, Kohl-Welles, Costa, Eide and Spanel

Allowing the chair of a legislative committee to request review by the department of health of a mandated benefit bill.

Referred to Committee on Health Care.

SSB 5482 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Thibaudeau, Deccio, Costa, Rasmussen and Winsley)

Regulating disclosure of medical and health research records.

Referred to Committee on State Government.

SSB 5513 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Costa, Long, Franklin, Zarelli, Heavey, Hargrove, T. Sheldon, Rossi and Shin)

Augmenting provisions for execution witnesses.

Referred to Committee on Criminal Justice & Corrections.

ESSB 5533 by Senate Committee on Labor & Workforce Development (originally sponsored by Senators Fairley, Kline, Franklin, Oke and Kohl-Welles; by request of Governor Locke)

Creating a state work force investment board.

Referred to Committee on Commerce & Labor.

SSB 5547 by Senate Committee on Education (originally sponsored by Senators McAuliffe, Finkbeiner, Eide, Prentice, Winsley, Patterson, Thibaudeau, Oke, Kline and Rasmussen)

Providing medical assistance in public schools.

Referred to Committee on Education.

SSB 5561 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Thibaudeau, Wojahn, Deccio, Winsley and Kohl-Welles; by request of Department of Social and Health Services)

Protecting vulnerable adults.

Referred to Committee on Children & Family Services.

ESSB 5587 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Wojahn, Snyder, Thibaudeau, Fairley, Costa, Winsley, Prentice, McAuliffe, Kohl-Welles, Brown, Shin, Rasmussen and Franklin)

Adopting a patient bill of rights.

Referred to Committee on Health Care.

E2SSB 5594 by Senate Committee on Ways & Means (originally sponsored by Senators Rasmussen, T. Sheldon, Prentice, Fairley and Winsley; by request of Governor Locke)

Enhancing economic vitality.

Referred to Committee on Economic Development, Housing & Trade.

E2SSB 5598 by Senate Committee on Ways & Means (originally sponsored by Senators McAuliffe, Finkbeiner, West, Jacobsen, Long, Kline, Costa, Snyder, Eide, Patterson, Hale and Winsley; by request of Governor Locke)

Creating the Washington's promise scholarship program.

Referred to Committee on Higher Education.

SSB 5634 by Senate Committee on Education (originally sponsored by Senators Finkbeiner, Zarelli, Hale, Oke, Deccio, Johnson, Hochstatter, Rossi, McDonald, Horn, Swecker and West)

Requiring school districts to adopt policies for the retention and promotion of students.

Referred to Committee on Education.

SB 5643 by Senators Gardner, Horn, McDonald and Oke; by request of Secretary of State

Revising laws on the state voters' pamphlet.

Referred to Committee on State Government.

ESB 5649 by Senators Haugen, Sellar and Goings

Regulating security for long-term impounds.

Referred to Committee on Transportation.

SB 5670 by Senators Snyder and Rasmussen

Creating criteria for the issuance of water quality permits for the treatment of noxious weeds.

Referred to Committee on Agriculture & Ecology.

SSB 5671 by Senate Committee on Judiciary (originally sponsored by Senators Kline, Fairley, Johnson and Thibaudeau)

Changing provisions relating to anarchy and sabotage.

Referred to Committee on Judiciary.

SB 5684 by Senators Thibaudeau, McDonald, Oke and Winsley; by request of Department of Revenue

Simplifying tax reporting by revising the active nonreporting threshold so that it parallels the small business credit.

Referred to Committee on Finance.

SSB 5710 by Senate Committee on State & Local Government (originally sponsored by Senators Wojahn, Rasmussen, Winsley, Oke, Franklin, Goings, Eide and Swecker)

Authorizing a sales and use tax for zoo and aquarium purposes.

Referred to Committee on Local Government.

SSB 5728 by Senate Committee on State & Local Government (originally sponsored by Senators Winsley, Haugen, McCaslin and Hale)

Determining the validity of proposed bond issues.

Referred to Committee on Judiciary.

SSB 5746 by Senate Committee on Ways & Means (originally sponsored by Senators Wojahn and Rasmussen)

Modifying certain exemption language for new and rehabilitated multiple-unit dwellings in urban centers.

Referred to Committee on Finance.

SB 5760 by Senators Goings, Haugen, McCaslin and Patterson

Allowing unincorporated territory adjacent to a fire protection district to be annexed.

Referred to Committee on Local Government.

SSB 5762 by Senate Committee on Commerce, Trade, Housing & Financial Institutions (originally sponsored by Senators Haugen and Goings; by request of Department of Licensing)

Amending cosmetology laws.

Referred to Committee on Commerce & Labor.

SSB 5805 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Thibaudeau, Prentice, Deccio, Kohl-Welles and Costa)

Completing the prescriptive authority of advanced registered nurse practitioners.

Referred to Committee on Health Care.

ESSB 5848 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Hargrove, Hochstatter, Thibaudeau and Oke)

Providing insurance coverage under the basic health plan.

Referred to Committee on Health Care.

ESB 5881 by Senators Thibaudeau, Oke, Costa and Winsley; by request of Governor Locke and Attorney General

Regulating youth access to tobacco products.

Referred to Committee on Commerce & Labor.

ESB 5962 by Senators Brown, Horn and Finkbeiner; by request of Secretary of State and Governor Locke

Promoting electronic commerce through digital signatures.

Referred to Committee on Technology, Telecommunications & Energy.

SSB 6003 by Senate Committee on Commerce, Trade, Housing & Financial Institutions (originally sponsored by Senators Snyder, Winsley, Prentice, Wojahn, T. Sheldon and Rasmussen; by request of Governor Locke)

Reorganizing the liquor control board.

Referred to Committee on State Government.

#### MOTION

On motion of Representative Kessler, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

There being no objection, the House advanced to the sixth order of business.

#### SECOND READING

HOUSE BILL NO. 2259, by Representatives Murray, Hankins, Ogden, K. Schmidt, Fisher, Radcliff, Hatfield and Hurst

Extending the term of drivers' licenses.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Murray spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of House Bill No. 2259.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2259 and the bill passed the House by the following vote: Yeas - 87, Nays - 9, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, DeBolt, Delvin, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McIntire, McMorris, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, D. Schmidt, Schoesler, Schual-Berke, Skinner, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 87.



Voting nay: Representatives Benson, Crouse, Dunn, Koster, McDonald, Mielke, Pennington, Schindler, Sommers, D. - 9.

Excused: Representatives K. Schmidt and Scott - 2.

House Bill No. 2259, having received the constitutional majority, was declared passed.

### **SPEAKER'S PRIVILEGE**

Speaker Chopp announced the birth of Dylan James Locke to Governor and Mrs. Gary Locke. Mrs. Locke and Dylan were doing well and should be home soon. The Chamber welcomed the arrival.

HOUSE BILL NO. 2264, by Representatives H. Sommers, Huff and O'Brien; by request of Department of Social and Health Services

Meeting the trust account requirement of the juvenile accountability block grant.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives H. Sommers and Barlean spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of House Bill No. 2264.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2264 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

House Bill No. 2264, having received the constitutional majority, was declared passed.

HOUSE JOINT MEMORIAL NO. 4015, by Representatives Lisk, Kenney, Radcliff, McDonald, Wolfe, Haigh, Ogden, Kessler, Santos, Conway, Linville and Lantz

Requesting federal scrutiny of immigration law and Immigration and Naturalization Service policies.

The memorial was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the memorial was placed on final passage.

Representatives Lisk, Kenney and McDonald spoke in favor of passage of the memorial.

Speaker Chopp stated the question before the House to be final passage of House Joint Memorial No. 4015.

#### ROLL CALL

The Clerk called the roll on the final passage of House Joint Memorial No. 4015 and the memorial passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Voting nay: Representative Esser - 1.

Excused: Representative Scott - 1.

House Joint Memorial No. 4015, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1218, by Representatives Cody and Parlette; by request of Department of Health

Modifying provisions related to nurse delegation of tasks.

The bill was read the second time. There being no objection, Substitute House Bill No. 1218 was substituted for House Bill No. 1218 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1218 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cody and Pflug spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Substitute House Bill No. 1218.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1218 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds,

Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

Substitute House Bill No. 1218, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1131, by Representatives Sheahan, Schindler, Crouse, Gombosky, O'Brien, Keiser, Hurst and D. Sommers

Impounding cars used to patronize prostitutes.

The bill was read the second time. There being no objection, Substitute House Bill No. 1131 was substituted for House Bill No. 1131 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1131 was read the second time.

Representative Schindler moved the adoption of amendment (070):

On page 6, line 29, after "driver's license." insert "If an impoundment arising under section 3 of this act is determined to be in violation of this chapter or in violation of section 3 of this act, then the law enforcement officer directing the impoundment and the government employing the officer are not liable for damages if the officer acted in good faith and without gross negligence."

Representatives Schindler and Constantine spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Schindler and Gombosky spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1131.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1131 and the bill passed the House by the following vote: Yeas - 91, Nays - 6, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Barlean, Benson, Boldt, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien,

Ogden, Parlette, Pennington, Poulsen, Quall, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 91.

Voting nay: Representatives Ballasiotes, Buck, Dunn, Pflug, Radcliff and Thomas - 6.

Excused: Representative Scott - 1.

Engrossed Substitute House Bill No. 1131, having received the constitutional majority, was declared passed.

#### POINT OF PERSONAL PRIVILEGE

Representative Lambert congratulated Representative Schindler on the passage of her first bill and asked the Chamber to acknowledge her accomplishment.

HOUSE BILL NO. 1514, by Representatives Kastama and Wolfe

Changing provisions relating to modification of a parenting plan or custody order.

The bill was read the second time. There being no objection, Substitute House Bill No. 1514 was substituted for House Bill No. 1514 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1514 was read the second time.

Representative Lambert moved the adoption of amendment (025):

On page 3, line 7, strike "(a)(ii)" and insert "(5)(a)"

On page 2, line 36, after "twenty-four" insert "full"

Representatives Lambert and Constantine spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Lambert moved the adoption of amendment (031):

On page 3, beginning on line 15, after "extended period," strike "that is, one year or longer,"

On page 3, line 17, after "minor child." insert "In determining whether the failure to exercise residential time for an extended period is sufficient to make adjustments to the parenting plan, the court may consider such factors as:

(a) whether the amount of residential time that the nonprimary residential parent failed to exercise exceeds twenty-five percent of the total residential time awarded to the nonprimary residential parent;

(b) the age of the child;

(c) the effects that the failure to exercise residential time has had on the child;

(d) the nonprimary residential parent's situation and external factors that may have contributed to the failure to exercise residential time;

(e) the specifics of the parenting plan; and

(f) any other factor the court finds relevant."

Representatives Lambert and Mitchell spoke in favor of the adoption of the amendment.

Representatives Carrell, Constantine and Kastama spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Lambert moved the adoption of amendment (024):

On page 3, line 27, after "moving party." insert:

"(9) In determining whether modification serves the best interests of the child for the purposes of this section, the court may consider whether the modification will serve the child's interests in the long-term and whether the modification is based on a substantial change in circumstances that is temporary or may have a long-term, as opposed to an immediate, benefit, such as a parent's return to school."

Representatives Lambert spoke in favor of the adoption of the amendment.

Representatives Carrell and Constantine spoke against the adoption of the amendment.

The amendment was not adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kastama and Carrell spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1514.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1514 and the bill passed the House by the following vote: Yeas - 95, Nays - 2, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Voting nay: Representatives Lambert and Mitchell - 2.

Excused: Representative Scott - 1.

Engrossed Substitute House Bill No. 1514, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1773, by Representatives Wolfe, Lambert, Schoesler, Ogden, Dickerson, Conway, Alexander, Cooper, Tokuda, Veloria, Radcliff, Stensen, D. Schmidt, Romero, Gombosky, Schindler, Keiser, Lantz, Rockefeller, Edmonds, Kenney, Scott and Lovick

Changing visitation rights in nonparental actions for child custody.

The bill was read the second time.

Representative Wolfe moved the adoption of amendment (056):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 26.09.240 and 1996 c 177 s 1 are each amended to read as follows:

(1) A person other than a parent, if the person is related to a child through consanguinity, marriage, or adoption, may petition the court for visitation with ~~((a))~~ the child at any time or may intervene in a pending dissolution, legal separation, or modification of parenting plan proceeding. ~~((A))~~ The person ~~((other than a parent))~~ may not petition for visitation under this section unless the child's parent or parents have commenced an action under this chapter.

(2) ~~((A))~~ The petition for visitation ~~((with a child by a person other than a parent))~~ must be filed in the county in which the child resides.

~~(3) ((A petition for visitation or a motion to intervene pursuant to this section shall be dismissed unless the petitioner or intervenor can demonstrate by clear and convincing evidence that a significant relationship exists with the child with whom visitation is sought. If the petition or motion is dismissed for failure to establish the existence of a significant relationship, the petitioner or intervenor shall be ordered to pay reasonable attorney's fees and costs to the parent, parents, other custodian, or representative of the child who responds to this petition or motion.~~

~~(4))~~ The court may order visitation between the petitioner or intervenor and the child ~~((between whom a significant relationship exists upon a finding supported by the evidence that the visitation is in the child's best interests.~~

~~(5)(a) Visitation with a grandparent shall be presumed to be in the child's best interests when a significant relationship has been shown to exist. This presumption may be rebutted by a preponderance of evidence showing that visitation would endanger the child's physical, mental, or emotional health.~~

~~(b) If the court finds that reasonable visitation by a grandparent would be in the child's best interest except for hostilities that exist between the grandparent and one or both of the parents or person with whom the child lives, the court may set the matter for mediation under RCW 26.09.015.~~

~~(6))~~ if the petitioner or intervenor has demonstrated by clear, cogent, and convincing evidence that:

(a) A significant relationship exists with the child with whom visitation is sought;

(b) Denial of visitation would result in a substantial likelihood of harm to the child's physical, mental, or emotional well-being; and

(c) Visitation is in the child's best interests.

If the petition or motion is dismissed, the petitioner or intervenor shall be ordered to pay reasonable attorneys' fees and costs to the parent, parents, other custodian, or representative of the child who responds to the petition or motion.

(4) The court may consider the following factors when making a determination of the child's best interests:

(a) The strength of the relationship between the child and the petitioner or intervenor;

(b) The relationship between each of the child's parents or the person with whom the child is residing and the petitioner or intervenor;

(c) The nature and reason for either parent's objection to granting the petitioner or intervenor visitation;

(d) The effect that granting visitation will have on the relationship between the child and the child's parents or the person with whom the child is residing;

(e) The residential time-sharing arrangements between the parents;

(f) The good faith of the petitioner or intervenor;

(g) Any criminal history or history of physical, emotional, or sexual abuse or neglect by the petitioner or intervenor; and

(h) Any other factor relevant to the child's best interest.

~~((7))~~ (5) The restrictions of RCW 26.09.191 that apply to parents shall be applied to a petitioner or intervenor who is not a parent, but who is related to the child through consanguinity,

marriage, or adoption. The nature and extent of visitation, subject to these restrictions, is in the discretion of the court.

~~((8))~~ (6) The court may order an investigation and report concerning the proposed visitation or may appoint a guardian ad litem as provided in RCW 26.09.220.

~~((9))~~ (7) Visitation granted ~~((pursuant to))~~ under this section shall be incorporated into the parenting plan for the child.

~~((10))~~ (8) The court may modify or terminate an order granting visitation ~~((rights granted pursuant to))~~ under this section in any subsequent modification action upon a showing that the visitation is no longer in the best interest of the child.

**Sec. 2.** RCW 26.10.160 and 1996 c 303 s 2 are each amended to read as follows:

(1) A parent not granted custody of the child is entitled to reasonable visitation rights except as provided in subsection (2) of this section.

(2)(a) Visitation with the child shall be limited if it is found that the parent seeking visitation has engaged in any of the following conduct: (i) Willful abandonment that continues for an extended period of time or substantial refusal to perform parenting functions; (ii) physical, sexual, or a pattern of emotional abuse of a child; (iii) a history of acts of domestic violence as defined in RCW 26.50.010(1) or an assault or sexual assault which causes grievous bodily harm or the fear of such harm; or (iv) the parent has been convicted as an adult of a sex offense under:

(A) RCW 9A.44.076 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (d) of this subsection;

(B) RCW 9A.44.079 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (d) of this subsection;

(C) RCW 9A.44.086 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (d) of this subsection;

(D) RCW 9A.44.089;

(E) RCW 9A.44.093;

(F) RCW 9A.44.096;

(G) RCW 9A.64.020 (1) or (2) if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (d) of this subsection;

(H) Chapter 9.68A RCW;

(I) Any predecessor or antecedent statute for the offenses listed in (a)(iv)(A) through (H) of this subsection;

(J) Any statute from any other jurisdiction that describes an offense analogous to the offenses listed in (a)(iv)(A) through (H) of this subsection.

This subsection (2)(a) shall not apply when (c) or (d) of this subsection applies.

(b) The parent's visitation with the child shall be limited if it is found that the parent resides with a person who has engaged in any of the following conduct: (i) Physical, sexual, or a pattern of emotional abuse of a child; (ii) a history of acts of domestic violence as defined in RCW 26.50.010(1) or an assault or sexual assault that causes grievous bodily harm or the fear of such harm; or (iii) the person has been convicted as an adult or as a juvenile has been adjudicated of a sex offense under:

(A) RCW 9A.44.076 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (e) of this subsection;

(B) RCW 9A.44.079 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (e) of this subsection;

(C) RCW 9A.44.086 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (e) of this subsection;

(D) RCW 9A.44.089;

(E) RCW 9A.44.093;

(F) RCW 9A.44.096;

(G) RCW 9A.64.020 (1) or (2) if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (e) of this subsection;

(H) Chapter 9.68A RCW;

(I) Any predecessor or antecedent statute for the offenses listed in (b)(iii)(A) through (H) of this subsection;

(J) Any statute from any other jurisdiction that describes an offense analogous to the offenses listed in (b)(iii)(A) through (H) of this subsection.

This subsection (2)(b) shall not apply when (c) or (e) of this subsection applies.

(c) If a parent has been found to be a sexual predator under chapter 71.09 RCW or under an analogous statute of any other jurisdiction, the court shall restrain the parent from contact with a child that would otherwise be allowed under this chapter. If a parent resides with an adult or a juvenile who has been found to be a sexual predator under chapter 71.09 RCW or under an analogous statute of any other jurisdiction, the court shall restrain the parent from contact with the parent's child except contact that occurs outside that person's presence.

(d) There is a rebuttable presumption that a parent who has been convicted as an adult of a sex offense listed in (d)(i) through (ix) of this subsection poses a present danger to a child. Unless the parent rebuts this presumption, the court shall restrain the parent from contact with a child that would otherwise be allowed under this chapter:

(i) RCW 9A.64.020 (1) or (2), provided that the person convicted was at least five years older than the other person;

(ii) RCW 9A.44.073;

(iii) RCW 9A.44.076, provided that the person convicted was at least eight years older than the victim;

(iv) RCW 9A.44.079, provided that the person convicted was at least eight years older than the victim;

(v) RCW 9A.44.083;

(vi) RCW 9A.44.086, provided that the person convicted was at least eight years older than the victim;

(vii) RCW 9A.44.100;

(viii) Any predecessor or antecedent statute for the offenses listed in (d)(i) through (vii) of this subsection;

(ix) Any statute from any other jurisdiction that describes an offense analogous to the offenses listed in (d)(i) through (vii) of this subsection.

(e) There is a rebuttable presumption that a parent who resides with a person who, as an adult, has been convicted, or as a juvenile has been adjudicated, of the sex offenses listed in (e)(i) through (ix) of this subsection places a child at risk of abuse or harm when that parent exercises visitation in the presence of the convicted or adjudicated person. Unless the parent rebuts the presumption, the court shall restrain the parent from contact with the parent's child except for contact that occurs outside of the convicted or adjudicated person's presence:

(i) RCW 9A.64.020 (1) or (2), provided that the person convicted was at least five years older than the other person;

(ii) RCW 9A.44.073;

(iii) RCW 9A.44.076, provided that the person convicted was at least eight years older than the victim;

(iv) RCW 9A.44.079, provided that the person convicted was at least eight years older than the victim;

(v) RCW 9A.44.083;

(vi) RCW 9A.44.086, provided that the person convicted was at least eight years older than the victim;

(vii) RCW 9A.44.100;

(viii) Any predecessor or antecedent statute for the offenses listed in (e)(i) through (vii) of this subsection;

(ix) Any statute from any other jurisdiction that describes an offense analogous to the offenses listed in (e)(i) through (vii) of this subsection.

(f) The presumption established in (d) of this subsection may be rebutted only after a written finding that:



(i) If the child was not the victim of the sex offense committed by the parent requesting visitation, (A) contact between the child and the offending parent is appropriate and poses minimal risk to the child, and (B) the offending parent has successfully engaged in treatment for sex offenders or is engaged in and making progress in such treatment, if any was ordered by a court, and the treatment provider believes such contact is appropriate and poses minimal risk to the child; or

(ii) If the child was the victim of the sex offense committed by the parent requesting visitation, (A) contact between the child and the offending parent is appropriate and poses minimal risk to the child, (B) if the child is in or has been in therapy for victims of sexual abuse, the child's counselor believes such contact between the child and the offending parent is in the child's best interest, and (C) the offending parent has successfully engaged in treatment for sex offenders or is engaged in and making progress in such treatment, if any was ordered by a court, and the treatment provider believes such contact is appropriate and poses minimal risk to the child.

(g) The presumption established in (e) of this subsection may be rebutted only after a written finding that:

(i) If the child was not the victim of the sex offense committed by the person who is residing with the parent requesting visitation, (A) contact between the child and the parent residing with the convicted or adjudicated person is appropriate and that parent is able to protect the child in the presence of the convicted or adjudicated person, and (B) the convicted or adjudicated person has successfully engaged in treatment for sex offenders or is engaged in and making progress in such treatment, if any was ordered by a court, and the treatment provider believes such contact is appropriate and poses minimal risk to the child; or

(ii) If the child was the victim of the sex offense committed by the person who is residing with the parent requesting visitation, (A) contact between the child and the parent in the presence of the convicted or adjudicated person is appropriate and poses minimal risk to the child, (B) if the child is in or has been in therapy for victims of sexual abuse, the child's counselor believes such contact between the child and the parent residing with the convicted or adjudicated person in the presence of the convicted or adjudicated person is in the child's best interest, and (C) the convicted or adjudicated person has successfully engaged in treatment for sex offenders or is engaged in and making progress in such treatment, if any was ordered by a court, and the treatment provider believes contact between the parent and child in the presence of the convicted or adjudicated person is appropriate and poses minimal risk to the child.

(h) If the court finds that the parent has met the burden of rebutting the presumption under (f) of this subsection, the court may allow a parent who has been convicted as an adult of a sex offense listed in (d)(i) through (ix) of this subsection to have visitation with the child supervised by a neutral and independent adult and pursuant to an adequate plan for supervision of such visitation. The court shall not approve of a supervisor for contact between the child and the parent unless the court finds, based on the evidence, that the supervisor is willing and capable of protecting the child from harm. The court shall revoke court approval of the supervisor upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing or capable of protecting the child.

(i) If the court finds that the parent has met the burden of rebutting the presumption under (g) of this subsection, the court may allow a parent residing with a person who has been adjudicated as a juvenile of a sex offense listed in (e)(i) through (ix) of this subsection to have visitation with the child in the presence of the person adjudicated as a juvenile, supervised by a neutral and independent adult and pursuant to an adequate plan for supervision of such visitation. The court shall not approve of a supervisor for contact between the child and the parent unless the court finds, based on the evidence, that the supervisor is willing and capable of protecting the child from harm. The court shall revoke court approval of the supervisor upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing or capable of protecting the child.

(j) If the court finds that the parent has met the burden of rebutting the presumption under (g) of this subsection, the court may allow a parent residing with a person who, as an adult, has been convicted of a sex offense listed in (e)(i) through (ix) of this subsection to have visitation with the child in the presence of the convicted person supervised by a neutral and independent adult and pursuant to an adequate plan for supervision of such visitation. The court shall not approve of a supervisor for contact between the child and the parent unless the court finds, based on the evidence, that the

supervisor is willing and capable of protecting the child from harm. The court shall revoke court approval of the supervisor upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing or capable of protecting the child.

(k) A court shall not order unsupervised contact between the offending parent and a child of the offending parent who was sexually abused by that parent. A court may order unsupervised contact between the offending parent and a child who was not sexually abused by the parent after the presumption under (d) of this subsection has been rebutted and supervised visitation has occurred for at least two years with no further arrests or convictions of sex offenses involving children under chapter 9A.44 RCW, RCW 9A.64.020, or chapter 9.68A RCW and (i) the sex offense of the offending parent was not committed against a child of the offending parent, and (ii) the court finds that unsupervised contact between the child and the offending parent is appropriate and poses minimal risk to the child, after consideration of the testimony of a state-certified therapist, mental health counselor, or social worker with expertise in treating child sexual abuse victims who has supervised at least one period of visitation between the parent and the child, and after consideration of evidence of the offending parent's compliance with community supervision requirements, if any. If the offending parent was not ordered by a court to participate in treatment for sex offenders, then the parent shall obtain a psychosexual evaluation conducted by a state-certified sex offender treatment provider indicating that the offender has the lowest likelihood of risk to reoffend before the court grants unsupervised contact between the parent and a child.

(l) A court may order unsupervised contact between the parent and a child which may occur in the presence of a juvenile adjudicated of a sex offense listed in (e)(i) through (ix) of this subsection who resides with the parent after the presumption under (e) of this subsection has been rebutted and supervised visitation has occurred for at least two years during which time the adjudicated juvenile has had no further arrests, adjudications, or convictions of sex offenses involving children under chapter 9A.44 RCW, RCW 9A.64.020, or chapter 9.68A RCW, and (i) the court finds that unsupervised contact between the child and the parent that may occur in the presence of the adjudicated juvenile is appropriate and poses minimal risk to the child, after consideration of the testimony of a state-certified therapist, mental health counselor, or social worker with expertise in treatment of child sexual abuse victims who has supervised at least one period of visitation between the parent and the child in the presence of the adjudicated juvenile, and after consideration of evidence of the adjudicated juvenile's compliance with community supervision or parole requirements, if any. If the adjudicated juvenile was not ordered by a court to participate in treatment for sex offenders, then the adjudicated juvenile shall obtain a psychosexual evaluation conducted by a state-certified sex offender treatment provider indicating that the adjudicated juvenile has the lowest likelihood of risk to reoffend before the court grants unsupervised contact between the parent and a child which may occur in the presence of the adjudicated juvenile who is residing with the parent.

(m)(i) The limitations imposed by the court under (a) or (b) of this subsection shall be reasonably calculated to protect the child from the physical, sexual, or emotional abuse or harm that could result if the child has contact with the parent requesting visitation. If the court expressly finds based on the evidence that limitations on visitation with the child will not adequately protect the child from the harm or abuse that could result if the child has contact with the parent requesting visitation, the court shall restrain the person seeking visitation from all contact with the child.

(ii) The court shall not enter an order under (a) of this subsection allowing a parent to have contact with a child if the parent has been found by clear and convincing evidence in a civil action or by a preponderance of the evidence in a dependency action to have sexually abused the child, except upon recommendation by an evaluator or therapist for the child that the child is ready for contact with the parent and will not be harmed by the contact. The court shall not enter an order allowing a parent to have contact with the child in the offender's presence if the parent resides with a person who has been found by clear and convincing evidence in a civil action or by a preponderance of the evidence in a dependency action to have sexually abused a child, unless the court finds that the parent accepts that the person engaged in the harmful conduct and the parent is willing to and capable of protecting the child from harm from the person.

(iii) If the court limits visitation under (a) or (b) of this subsection to require supervised contact between the child and the parent, the court shall not approve of a supervisor for contact between a child

and a parent who has engaged in physical, sexual, or a pattern of emotional abuse of the child unless the court finds based upon the evidence that the supervisor accepts that the harmful conduct occurred and is willing to and capable of protecting the child from harm. The court shall revoke court approval of the supervisor upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing to or capable of protecting the child.

(n) If the court expressly finds based on the evidence that contact between the parent and the child will not cause physical, sexual, or emotional abuse or harm to the child and that the probability that the parent's or other person's harmful or abusive conduct will recur is so remote that it would not be in the child's best interests to apply the limitations of (a), (b), and (m)(i) and (iii) of this subsection, or if the court expressly finds that the parent's conduct did not have an impact on the child, then the court need not apply the limitations of (a), (b), and (m)(i) and (iii) of this subsection. The weight given to the existence of a protection order issued under chapter 26.50 RCW as to domestic violence is within the discretion of the court. This subsection shall not apply when (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), and (m)(ii) of this subsection apply.

(3)(a) Any person who is related to a child through consanguinity, marriage, or adoption may petition the court for visitation (~~(rights)~~) with the child at any time including, but not limited to, custody proceedings. The court may order visitation (~~(rights for any person when visitation may serve the best interest of the child)~~) between the petitioner and the child whether or not there has been any change of circumstances if the petitioner has demonstrated by clear, cogent, and convincing evidence that:

(i) A significant relationship exists with the child with whom visitation is sought;

(ii) Denial of visitation would result in a substantial likelihood of harm to the child's physical, mental, or emotional well-being; and

(iii) Visitation is in the child's best interests.

If the petition is dismissed, the petitioner shall be ordered to pay reasonable attorneys' fees and costs to the parent, parents, other custodian, or representative of the child who responds to the petition.

~~((4))~~ (b) The court may consider the following factors when making a determination of the child's best interests:

(i) The strength of the relationship between the child and the petitioner;

(ii) The relationship between each of the child's parents or the person with whom the child is residing and the petitioner;

(iii) The nature and reason for either parent's objection to granting the petitioner visitation;

(iv) The effect that granting visitation will have on the relationship between the child and the child's parents or the person with whom the child is residing;

(v) The residential time-sharing arrangements between the parents;

(vi) The good faith of the petitioner;

(vii) Any criminal history or history of physical, emotional, or sexual abuse or neglect by the petitioner; and

(viii) Any other factor relevant to the child's best interest.

(c) The restrictions of RCW 26.09.191 that apply to parents shall be applied to a petitioner or intervenor who is not a parent, but who is related to the child through consanguinity, marriage, or adoption. The nature and extent of visitation, subject to these restrictions, is in the discretion of the court.

(4) Visitation granted under this section shall be incorporated into the parenting plan for the child.

(5) The court may modify or terminate an order granting (~~(or denying)~~) visitation rights whenever modification or termination would serve the best interests of the child. Modification of a parent's visitation rights shall be subject to the requirements of subsection (2) of this section.

~~((5))~~ (6) For the purposes of this section, a parent's child means that parent's natural child, adopted child, or stepchild.

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

Representative Talcott moved the adoption of amendment (084) to the amendment (056):

On page 3, line 5 of the amendment, after "child." insert "If the court grants visitation under this section, the court shall ensure that the visitation time granted is divided between the primary residential parent and the nonprimary residential parent in an amount proportionate to the time awarded each parent under the parenting plan, unless such arrangement is found by the court not to be in the best interest of the child in maintaining contact with both parents."

On page 12, line 2 of the amendment, after "child." insert "If the court grants visitation under this section, the court shall ensure that the visitation time granted is divided between the primary residential parent and the nonprimary residential parent in an amount proportionate to the time awarded each parent under the parenting plan, unless such arrangement is found by the court not to be in the best interest of the child in maintaining contact with both parents."

Representatives Talcott and Wolfe spoke in favor of the adoption of the amendment to the amendment.

The amendment to the amendment was adopted.

Representatives Wolfe and Lambert spoke in favor of the adoption of the amendment (056) as amended.

The amendment as amended was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Wolfe and Carrell spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Engrossed House Bill No. 1773.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1773, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

Engrossed House Bill No. 1773, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1777, by Representatives B. Chandler, Schindler, McMorris, Dunshee, Romero and Lantz

Clarifying use of technical assistance documents.

The bill was read the second time. There being no objection, Substitute House Bill No. 1777 was substituted for House Bill No. 1777 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1777 was read the second time.

There being no objection, amendment 044 was withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives B. Chandler and Romero spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Substitute House Bill No. 1777.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1777 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

Substitute House Bill No. 1777, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1826, by Representatives Grant, Linville, Mastin and G. Chandler

Requiring appointment of water masters in watershed management areas with WRIA plans.

The bill was read the second time. There being no objection, Substitute House Bill No. 1826 was substituted for House Bill No. 1826 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1826 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Grant and G. Chandler spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Substitute House Bill No. 1826.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1826 and the bill passed the House by the following vote: Yeas - 93, Nays - 4, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 93.

Voting nay: Representatives Dunn, Koster, Lambert and Sump - 4.

Excused: Representative Scott - 1.

Substitute House Bill No. 1826, having received the constitutional majority, was declared passed.

There being no objection, the House deferred action on House Bill No. 2078, and the bill held its place on the second reading calendar.

HOUSE BILL NO. 2232, by Representatives Conway and Clements

Addressing occupational safety and health impact grants.

The bill was read the second time.

Representative Clement moved the adoption of amendment (076):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The director, in consultation with the WISHA advisory committee, shall establish a program to provide safety and health impact grants to prevent injuries and illnesses, save lives, and educate Washington employees and employers about workplace hazards and safe workplace practices. The intent of this act is to benefit, in the broadest sense possible, Washington workers and employers, especially those who are in small business and may lack the injury and illness prevention resources that larger companies may possess. The department may use appropriated industrial insurance funds to accomplish the purpose of this act. Funding for this program will be taken from the reserves of the medical aid fund which are in excess of actuarial needs.

(2) Using a competitive application process, the department shall award safety and health impact grants to trade associations, business associations, employers, employee organizations, labor unions and groups of employees. The grants may include:

(a) Education and training grants to implement safety and health and to provide practical information, curricula, materials, and methods intended for use by employers and employees in reducing workplace hazards;

(b) Technical innovation grants to develop engineering and other technical solutions to injury and illness problems;

(c) Best practice grants for the application of hazard control; or

(d) State-wide priority grants to undertake innovative programs that address state-wide safety and health priorities established by the WISHA advisory committee.

(3) Applicants for grants may form partnerships with educational institutions and other organizations. Applicants for grants may form partnerships with self-insured employers if the product of the grant will significantly benefit employees and employers who belong to the state industrial insurance fund.

(4) Any materials, designs, or equipment developed under these grants will be in the public domain and may not be copyrighted or patented. Any materials or designs developed under these grants shall be provided to the department at no charge as a condition of grant receipt.

(5) Grants may not be used to support or develop specific legislative or regulatory initiatives.

(6) WISHA services may not use information contained in a grant application for inspection activity or to establish a recognized hazard for citation purposes.

**NEW SECTION.** **Sec. 2.** (1) The director shall appoint a safety and health impact grant review committee that will be a subcommittee of the WISHA advisory committee. The review committee is composed of nine members: Four members representing employees, each appointed from a list of at least three names per position, submitted by recognized state-wide organizations of employees; four members representing employers, each appointed from a list of at least three names per position, submitted by recognized state-wide organizations of employers; and one ex officio member, without a vote, who shall represent the department. The committee chair shall be chosen by the review committee and shall alternate between business and labor. The committee members shall serve three-year renewable terms.

(2) Business and labor members of the safety and health impact grant review committee are entitled to expenses as provided under RCW 43.03.050 and 43.03.060.

(3) The safety and health impact grant review committee shall:

(a) Prepare requests for proposals;

(b) Receive, review, and process grant applications;

(c) Identify, by two-thirds majority vote, grant applications that merit funding and forward those applications to the director; and

(d) Identify, by two-thirds majority vote, funded grants that meet criteria for suspension or revocation and forward those grants to the director.

**NEW SECTION.** **Sec. 3.** (1) The safety and health impact grant review committee, in cooperation with the director, shall develop grant application procedures and approval criteria. The director shall ensure the proper administrative support to successfully monitor grant recipients for compliance with grant criteria and all other procedures under the grant program. The director in cooperation with the safety and health impact grant review committee shall implement procedures and criteria for grant approval, including procedures for suspension or revocation of grants to recipients failing to comply with grant criteria established under the authority of this section.

(2) The director shall approve only those grant applications and their recommended acceptance conditions as forwarded by the safety and health impact grant review committee, unless the director has a compelling and substantive reason to reject an application, whereupon the director shall provide written explanation for the denial to the review committee. The safety and health impact grant review committee shall review any grant applications rejected by the director and may advise the director to reconsider. The director shall consider the advice, if given, and shall approve the grant application with any conditions presented by the safety and health impact grant review committee. The director may reject that advice only for a compelling and substantive reason. If the director rejects that advice, the safety and health impact grant review committee may refer the application to the WISHA advisory committee. The WISHA advisory committee shall review the application and may advise the director to reconsider.

(3) The director may revoke or suspend an issued grant if advised by the safety and health impact grant review committee that the recipient is not in compliance with grant criteria or procedures. The director may suspend an issued grant without the advice of the safety and health impact grant

review committee only for a compelling and substantive reason and the suspension recommendation shall be presented to the safety and health impact grant review committee for its consideration.

NEW SECTION. **Sec. 4.** The department and the safety and health impact grant review committee will present an annual review regarding the activities of the safety and health impact grant program to the WISHA advisory committee, the workers' compensation advisory committee, and make it available to the appropriate standing committees of the legislature. Based on a recommendation of the WISHA advisory committee, the workers' compensation advisory committee shall make a biennial recommendation to the director concerning an appropriate budget for the program.

NEW SECTION. **Sec. 5.** The director and representatives from the WISHA advisory committee shall perform a comprehensive review of the grant program which shall include, but not be limited to, reported outcomes, injury reduction, and safety awareness and shall issue a report for the legislature by December 31, 2004.

NEW SECTION. **Sec. 6.** The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective July 1, 2005:

- (1) Section 1 of this act;
- (2) Section 2 of this act;
- (3) Section 3 of this act;
- (4) Section 4 of this act; and
- (5) Section 5 of this act.

NEW SECTION. **Sec. 7.** Sections 1 through 6 of this act are each added to chapter 49.17 RCW.

NEW SECTION. **Sec. 8.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 1999, in the omnibus appropriations act, this act is null and void."

Correct the title.

Representatives Clements and Conway spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Conway and B. Chandler spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Engrossed House Bill No. 2232.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2232, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins,



Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

Engrossed House Bill No. 2232, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1686, by Representatives Kessler, DeBolt, Alexander, Mulliken, Morris, Linville, G. Chandler, Pennington, Wolfe, Hatfield, McMorris, Delvin, Romero, Sump, Clements, Ericksen, Schoesler, Campbell, D. Schmidt, Fortunato, Mielke, Radcliff, Cox, Mastin, Murray, Cooper, Lisk, Crouse, Hankins, Skinner, Thomas, B. Chandler, Koster, Parlette and Ruderman

Requiring cooperation with local economic development cooperatives.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 1686 was substituted for House Bill No. 1686 and the second substitute bill was placed on the second reading calendar.

Second Substitute House Bill No. 1686 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kessler, DeBolt, Pennington, Eickmeyer and Mastin spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Second Substitute House Bill No. 1686.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1686 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

Second Substitute House Bill No. 1686, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2078, by Representatives Buck, Regala, Eickmeyer and Anderson

Concerning fish and wildlife statutes.

The bill was read the second time. There being no objection, Substitute House Bill No. 2078 was substituted for House Bill No. 2078 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2078 was read the second time.

Representative Sump moved the adoption of amendment (052):

Strike everything after the enacting clause and insert the following:

**"PART I  
TITLE 75  
Amendments**

**Sec. 1.** RCW 75.08.012 and 1983 1st ex.s. c 46 s 5 are each amended to read as follows:

Wildlife, fish, and shellfish are the property of the state. The commission, director, and the department shall preserve, protect, perpetuate and manage the ((food)) fish and shellfish in state waters and offshore waters.

The department shall conserve the ((food)) fish and shellfish resources in a manner that does not impair the resource. In a manner consistent with this goal, the department shall seek to maintain the economic well-being and stability of the fishing industry in the state. The department shall promote orderly fisheries and shall enhance and improve recreational and commercial fishing in this state.

The commission may authorize the taking of wildlife, fish, and shellfish only at times or places, or in manners or quantities as in the judgment of the commission maximizes public recreational opportunities without impairing the supply of these resources. The commission shall attempt to maximize the public recreational fishing and hunting opportunities of all citizens, including juvenile, handicapped, and senior citizens.

Recognizing that the management of our state fish, wildlife, and shellfish resources depends heavily on the assistance of volunteers, the department shall work cooperatively with volunteer groups and individuals to achieve the goals of this title to the greatest extent possible.

Nothing in this title shall be construed to infringe on the right of a private property owner to control the owner's private property.

**Sec. 2.** RCW 75.08.020 and 1988 c 36 s 31 are each amended to read as follows:

(1) The director shall investigate the habits, supply, and economic use of food fish and shellfish in state and offshore waters.

(2) The director shall make an annual report to the governor on the operation of the department and the statistics of the fishing industry.

(3) Subject to RCW 40.07.040, the director shall provide a comprehensive biennial report of all departmental operations to the chairs of the committees on natural resources ~~((and ways and means))~~ of the senate and house of representatives, the senate ways and means committee, and the house of representatives appropriations committee, including one copy to the staff of each of the committees, to reflect the previous fiscal period. The format of the report shall be similar to reports issued by the department from 1964-1970 and the report shall include, but not be limited to, descriptions of all department activities including: Revenues generated, program costs, capital expenditures, personnel, special projects, new and ongoing research, environmental controls, cooperative projects, intergovernmental agreements, and outlines of ongoing litigation, recent court decisions and orders on major issues with the potential for state liability. The report shall describe the status of the resource and its recreational, commercial, and tribal utilization. The report ~~((shall be given to the house and senate committees on ways and means and the house and senate committees on natural resources and))~~ shall be made available to the public.

**Sec. 3.** RCW 75.08.045 and 1995 1st sp.s. c 2 s 24 are each amended to read as follows:

The (~~commission~~) director may accept money or real property from persons under conditions requiring the use of the property or money for the protection, rehabilitation, preservation, or conservation of the state wildlife, food fish, and shellfish resources, or in settlement of claims for damages to wildlife, food fish, and shellfish resources. The (~~commission~~) director shall only accept real property useful for the protection, rehabilitation, preservation, or conservation of these fisheries resources.

**Sec. 4.** RCW 75.08.055 and 1995 1st sp.s. c 2 s 8 are each amended to read as follows:

(1) The commission may enter into agreements with and receive funds from the United States for the construction, maintenance, and operation of fish cultural stations, laboratories, and devices in the Columbia River basin for improvement of feeding and spawning conditions for fish, for the protection of migratory fish from irrigation projects and for facilitating free migration of fish over obstructions.

(2) The (~~commission~~) director and the department may acquire by gift, purchase, lease, easement, or condemnation the use of lands where the construction or improvement is to be carried on by the United States.

**Sec. 5.** RCW 75.08.080 and 1995 1st sp.s. c 2 s 11 are each amended to read as follows:

(1) The commission may adopt, amend, or repeal rules as follows:

(a) Specifying the times when the taking of wildlife, food fish, or shellfish is lawful or unlawful.

(b) Specifying the areas and waters in which the taking and possession of wildlife, food fish, or shellfish is lawful or unlawful.

(c) Specifying and defining the gear, appliances, or other equipment and methods that may be used to take wildlife, food fish, or shellfish, and specifying the times, places, and manner in which the equipment may be used or possessed.

(d) Regulating the possession, disposal, landing, and sale of wildlife, food fish, or shellfish within the state, whether acquired within or without the state.

(e) Regulating the prevention and suppression of diseases and pests affecting wildlife, food fish, or shellfish.

(f) Regulating the size, sex, species, and quantities of wildlife, food fish, or shellfish that may be taken, possessed, sold, or disposed of.

(g) Specifying the statistical and biological reports required from fishermen, dealers, boathouses, or processors of wildlife, food fish, or shellfish.

(h) Classifying species of marine and freshwater life as wildlife, food fish, or shellfish.

(i) Classifying the species of wildlife, food fish, and shellfish that may be used for purposes other than human consumption.

(j) Other rules necessary to carry out this title and the purposes and duties of the department.

(2) Subsections (1)(a), (b), (c), (d), and (f) of this section do not apply to private tideland owners and lessees and the immediate family members of the owners or lessees of state tidelands, when they take or possess oysters, clams, cockles, borers, or mussels, excluding razor clams, produced on their own private tidelands or their leased state tidelands for personal use.

"Immediate family member" for the purposes of this section means a spouse, brother, sister, grandparent, parent, child, or grandchild.

(3) Except for subsection (1)(g) of this section, this section does not apply to private sector cultured aquatic products as defined in RCW 15.85.020. Subsection (1)(g) of this section does apply to such products.

**Sec. 6.** RCW 75.08.206 and 1983 1st ex.s. c 46 s 20 are each amended to read as follows:

The director shall provide compensation insurance for (~~fisheries patrol~~) fish and wildlife officers, insuring these employees against injury or death in the performance of enforcement duties not covered under the workers' compensation act of the state. The beneficiaries and the compensation and benefits under the compensation insurance shall be the same as provided in chapter 51.32 RCW, and

the compensation insurance also shall provide for medical aid and hospitalization to the extent and amount as provided in RCW 51.36.010 and 51.36.020.

**Sec. 7.** RCW 75.08.208 and 1983 1st ex.s. c 46 s 22 are each amended to read as follows:

The director shall relieve from active duty (~~(fisheries patrol)~~) fish and wildlife officers who are injured in the performance of their official duties to such an extent as to be incapable of active service. While relieved from active duty, the employees shall receive one-half of their salary less any compensation received through the provisions of RCW 41.40.200, 41.40.220, and 75.08.206 (as recodified by this act).

**Sec. 8.** RCW 75.08.230 and 1996 c 267 s 3 are each amended to read as follows:

(1) Except as provided in this ~~((section))~~ title, state and county officers receiving the following moneys shall deposit them in the state general fund:

(a) The sale of commercial licenses required under this title, except for licenses issued under chapter 77.32 RCW; and

~~(b) ((The sale of property seized or confiscated under this title;~~

~~(c) Fines and forfeitures collected under this title;~~

~~(d) The sale of real or personal property held for department purposes;~~

~~(e) Rentals or concessions of the department;~~

~~(f)) Moneys received for damages to food fish, shellfish or department property(~~(; and~~~~

~~(g) Gifts)).~~

(2) The director shall make weekly remittances to the state treasurer of moneys collected by the department.

(3) All fines and forfeitures collected or assessed by a district court for a violation of this title or rule of the department shall be remitted as provided in chapter 3.62 RCW.

(4) Proceeds from the sale of food fish or shellfish taken in test fishing conducted by the department, to the extent that these proceeds exceed the estimates in the budget approved by the legislature, may be allocated as unanticipated receipts under RCW 43.79.270 to reimburse the department for unanticipated costs for test fishing operations in excess of the allowance in the budget approved by the legislature.

(5) Proceeds from the sale of salmon carcasses and salmon eggs from state general funded hatcheries by the department of general administration shall be deposited in the regional fisheries enhancement group account established in RCW 75.50.100 (as recodified by this act).

(6) Moneys received by the commission under RCW 75.08.045 (as recodified by this act), to the extent these moneys exceed estimates in the budget approved by the legislature, may be allocated as unanticipated receipts under RCW 43.79.270. Allocations under this subsection shall be made only for the specific purpose for which the moneys were received, unless the moneys were received in settlement of a claim for damages to food fish or shellfish, in which case the moneys may be expended for the conservation of these resources.

(7) Proceeds from the sale of herring spawn on kelp fishery licenses by the department, to the extent those proceeds exceed estimates in the budget approved by the legislature, may be allocated as unanticipated receipts under RCW 43.79.270. Allocations under this subsection shall be made only for herring management, enhancement, and enforcement.

**Sec. 9.** RCW 75.08.245 and 1988 c 115 s 1 are each amended to read as follows:

The department may supply, at a reasonable charge, surplus salmon eggs to a person for use in the cultivation of salmon. The department shall not intentionally create a surplus of salmon to provide eggs for sale. The department shall only sell salmon eggs from stocks that are not suitable for salmon population rehabilitation or enhancement in state waters in Washington. All sales or transfers shall be consistent with the department's egg transfer and aquaculture disease control regulations as now existing or hereafter amended. Prior to department determination that eggs of a salmon stock are surplus and available for sale, the department shall assess the productivity of each watershed that is suitable for receiving eggs.

~~((The salmon enhancement advisory council, created in RCW 75.48.120, shall consider egg sales at each meeting.))~~

**Sec. 10.** RCW 75.10.150 and 1996 c 267 s 14 are each amended to read as follows:

Since violation of the rules of the department relating to the accounting of the commercial harvest of food fish and shellfish result in damage to the resources of the state, liability for damage to food fish and shellfish resources is imposed on a wholesale fish dealer for violation of a provision in chapter 75.28 RCW (as recodified by this act) or a rule of the department related to the accounting of the commercial harvest of food fish and shellfish and shall be for the actual damages or for damages imposed as follows:

(1) For violation of rules requiring the timely presentation to the department of documents relating to the accounting of commercial harvest, fifty dollars for each of the first fifteen documents in a series and ten dollars for each subsequent document in the same series. If documents relating to the accounting of commercial harvest of food fish and shellfish are lost or destroyed and the wholesale dealer notifies the department in writing within seven days of the loss or destruction, the director shall waive the requirement for timely presentation of the documents.

(2) For violation of rules requiring accurate and legible information relating to species, value, harvest area, or amount of harvest, twenty-five dollars for each of the first five violations of this subsection following July 28, 1985, and fifty dollars for each violation after the first five violations.

(3) For violations of rules requiring certain signatures, fifty dollars for each of the first two violations and one hundred dollars for each subsequent violation. For the purposes of this subsection, each signature is a separate requirement.

(4) For other violations of rules relating to the accounting of the commercial harvest, fifty dollars for each separate violation.

**Sec. 11.** RCW 75.12.230 and 1998 c 190 s 81 are each amended to read as follows:

Within the waters described in RCW 75.12.210 (as recodified by this act), a person shall not transport or possess salmon on board a vessel carrying fishing gear of a type other than troll lines or angling gear, unless accompanied by a certificate issued by a state or country showing that the salmon have been lawfully taken within the territorial waters of the state or country.

**Sec. 12.** RCW 75.20.040 and 1998 c 190 s 85 are each amended to read as follows:

A diversion device used for conducting water from a lake, river, or stream for any purpose shall be equipped at or near its intake with a fish guard approved by the director to prevent the passage of fish into the diversion device. A person shall not divert water from a lake, river, or stream unless the diversion device is equipped with the fish guard. The fish guard shall be maintained at all times when water is taken into the diversion device. The fish guards shall be installed at places and times prescribed by the director upon thirty days' notice to the owner of the diversion device.

~~((Each day the diversion device is not equipped with an approved fish guard is a separate offense.))~~ If within thirty days after notice to equip a diversion device the owner fails to do so, the director may take possession of the diversion device and close the device until it is properly equipped. Expenses incurred by the department constitute the value of a lien upon the diversion device and upon the real and personal property of the owner. Notice of the lien shall be filed and recorded in the office of the county auditor of the county in which the action is taken.

**Sec. 13.** RCW 75.20.061 and 1983 1st ex.s. c 46 s 73 are each amended to read as follows:

If the director determines that a fishway or fish guard described in RCW 75.20.040 and 75.20.060 (as recodified by this act) and in existence on September 1, 1963, is inadequate, in addition to other authority granted in this chapter, the director may remove, relocate, reconstruct, or modify the device, without cost to the owner. The director shall not materially modify the amount of flow of water through the device. After the department has completed the improvements, the fishways and fish guards shall be operated and maintained at the expense of the owner in accordance with RCW 75.20.040 and 75.20.060 (as recodified by this act).

**Sec. 14.** RCW 75.20.098 and 1997 c 424 s 6 are each amended to read as follows:

When reviewing a mitigation plan under RCW 75.20.100 or 75.20.103 (as recodified by this act), the department shall, at the request of the project proponent, follow the guidance contained in RCW 90.74.005 through 90.74.030.

**Sec. 15.** RCW 75.20.100 and 1998 c 190 s 87 are each amended to read as follows:

(1) In the event that any person or government agency desires to construct any form of hydraulic project or perform other work that will use, divert, obstruct, or change the natural flow or bed of any of the salt or fresh waters of the state, such person or government agency shall, before commencing construction or work thereon and to ensure the proper protection of fish life, secure the approval of the department as to the adequacy of the means proposed for the protection of fish life. This approval shall not be unreasonably withheld.

(2)(a) Except as provided in RCW 75.20.1001 (as recodified by this act), the department shall grant or deny approval of a standard permit within forty-five calendar days of the receipt of a complete application and notice of compliance with any applicable requirements of the state environmental policy act, made in the manner prescribed in this section.

(b) The applicant may document receipt of application by filing in person or by registered mail. A complete application for approval shall contain general plans for the overall project, complete plans and specifications of the proposed construction or work within the mean higher high water line in salt water or within the ordinary high water line in fresh water, and complete plans and specifications for the proper protection of fish life.

(c) The forty-five day requirement shall be suspended if:

(i) After ten working days of receipt of the application, the applicant remains unavailable or unable to arrange for a timely field evaluation of the proposed project;

(ii) The site is physically inaccessible for inspection; or

(iii) The applicant requests delay. Immediately upon determination that the forty-five day period is suspended, the department shall notify the applicant in writing of the reasons for the delay.

(d) For purposes of this section, "standard permit" means a written permit issued by the department when the conditions under subsections (3) and (5)(b) of this section are not met.

(3)(a) The department may issue an expedited written permit in those instances where normal permit processing would result in significant hardship for the applicant or unacceptable damage to the environment. In cases of imminent danger, the department shall issue an expedited written permit, upon request, for work to repair existing structures, move obstructions, restore banks, protect property, or protect fish resources. Expedited permit requests require a complete written application as provided in subsection (2)(b) of this section and shall be issued within fifteen calendar days of the receipt of a complete written application. Approval of an expedited permit is valid for up to sixty days from the date of issuance.

(b) For the purposes of this subsection, "imminent danger" means a threat by weather, water flow, or other natural conditions that is likely to occur within sixty days of a request for a permit application.

(c) The department may not require the provisions of the state environmental policy act, chapter 43.21C RCW, to be met as a condition of issuing a permit under this subsection.

(d) The department or the county legislative authority may determine if an imminent danger exists. The county legislative authority shall notify the department, in writing, if it determines that an imminent danger exists.

(4) Approval of a standard permit is valid for a period of up to five years from date of issuance. The permittee must demonstrate substantial progress on construction of that portion of the project relating to the approval within two years of the date of issuance. If the department denies approval, the department shall provide the applicant, in writing, a statement of the specific reasons why and how the proposed project would adversely affect fish life. Protection of fish life shall be the only ground upon which approval may be denied or conditioned. Chapter 34.05 RCW applies to any denial of project approval, conditional approval, or requirements for project modification upon which approval may be contingent.

(5)(a) In case of an emergency arising from weather or stream flow conditions or other natural conditions, the department, through its authorized representatives, shall issue immediately, upon request, oral approval for removing any obstructions, repairing existing structures, restoring stream banks, or to protect property threatened by the stream or a change in the stream flow without the necessity of obtaining a written approval prior to commencing work. Conditions of an oral approval to protect fish life shall be established by the department and reduced to writing within thirty days and complied with as provided for in this section. Oral approval shall be granted immediately, upon request, for a stream crossing during an emergency situation.

(b) For purposes of this section and RCW 75.20.103 (as recodified by this act), "emergency" means an immediate threat to life, the public, property, or of environmental degradation.

(c) The department or the county legislative authority may declare and continue an emergency when one or more of the criteria under (b) of this subsection are met. The county legislative authority shall immediately notify the department if it declares an emergency under this subsection.

(6) The department shall, at the request of a county, develop five-year maintenance approval agreements, consistent with comprehensive flood control management plans adopted under the authority of RCW 86.12.200, or other watershed plan approved by a county legislative authority, to allow for work on public and private property for bank stabilization, bridge repair, removal of sand bars and debris, channel maintenance, and other flood damage repair and reduction activity under agreed-upon conditions and times without obtaining permits for specific projects.

(7) This section shall not apply to the construction of any form of hydraulic project or other work which diverts water for agricultural irrigation or stock watering purposes authorized under or recognized as being valid by the state's water codes, or when such hydraulic project or other work is associated with streambank stabilization to protect farm and agricultural land as defined in RCW 84.34.020. These irrigation or stock watering diversion and streambank stabilization projects shall be governed by RCW 75.20.103 (as recodified by this act).

A landscape management plan approved by the department and the department of natural resources under RCW 76.09.350(2), shall serve as a hydraulic project approval for the life of the plan if fish are selected as one of the public resources for coverage under such a plan.

(8) For the purposes of this section and RCW 75.20.103 (as recodified by this act), "bed" means the land below the ordinary high water lines of state waters. This definition does not include irrigation ditches, canals, storm water run-off devices, or other artificial watercourses except where they exist in a natural watercourse that has been altered by man.

(9) The phrase "to construct any form of hydraulic project or perform other work" does not include the act of driving across an established ford. Driving across streams or on wetted stream beds at areas other than established fords requires approval. Work within the ordinary high water line of state waters to construct or repair a ford or crossing requires approval.

**Sec. 16.** RCW 75.20.1001 and 1993 sp.s. c 2 s 31 are each amended to read as follows:

The department shall process hydraulic project applications submitted under RCW 75.20.100 or 75.20.103 (as recodified by this act) within thirty days of receipt of the application. This requirement is only applicable for the repair and reconstruction of legally constructed dikes, seawalls, and other flood control structures damaged as a result of flooding or windstorms that occurred in November and December 1990.

**Sec. 17.** RCW 75.20.104 and 1993 sp.s. c 2 s 33 are each amended to read as follows:

Whenever the placement of woody debris is required as a condition of a hydraulic permit approval issued pursuant to RCW 75.20.100 or 75.20.103 (as recodified by this act), the department, upon request, shall invite comment regarding that placement from the local governmental authority, affected tribes, affected federal and state agencies, and the project applicant.

**Sec. 18.** RCW 75.20.1041 and 1993 sp.s. c 2 s 34 are each amended to read as follows:

The department and the department of ecology will work cooperatively with the United States army corps of engineers to develop a memorandum of agreement outlining dike vegetation management

guidelines so that dike owners are eligible for coverage under P.L. 84-99, and state requirements established pursuant to RCW 75.20.100 and 75.20.103 (as recodified by this act) are met.

**Sec. 19.** RCW 75.20.106 and 1993 sp.s. c 2 s 35 are each amended to read as follows:

The department may levy civil penalties of up to one hundred dollars per day for violation of any provisions of RCW 75.20.100 or 75.20.103 (as recodified by this act). The penalty provided shall be imposed by notice in writing, either by certified mail or personal service to the person incurring the penalty, from the director or the director's designee describing the violation. Any person incurring any penalty under this chapter may appeal the same under chapter 34.05 RCW to the director. Appeals shall be filed within thirty days of receipt of notice imposing any penalty. The penalty imposed shall become due and payable thirty days after receipt of a notice imposing the penalty unless an appeal is filed. Whenever an appeal of any penalty incurred under this chapter is filed, the penalty shall become due and payable only upon completion of all review proceedings and the issuance of a final order confirming the penalty in whole or in part.

If the amount of any penalty is not paid within thirty days after it becomes due and payable the attorney general, upon the request of the director shall bring an action in the name of the state of Washington in the superior court of Thurston county or of any county in which such violator may do business, to recover such penalty. In all such actions the procedure and rules of evidence shall be the same as an ordinary civil action. All penalties recovered under this section shall be paid into the state's general fund.

**Sec. 20.** RCW 75.20.130 and 1996 c 276 s 2 are each amended to read as follows:

(1) There is hereby created within the environmental hearings office under RCW 43.21B.005 the hydraulic appeals board of the state of Washington.

(2) The hydraulic appeals board shall consist of three members: The director of the department of ecology or the director's designee, the director of the department of agriculture or the director's designee, and the director or the director's designee of the department whose action is appealed under subsection (6) of this section. A decision must be agreed to by at least two members of the board to be final.

(3) The board may adopt rules necessary for the conduct of its powers and duties or for transacting other official business.

(4) The board shall make findings of fact and prepare a written decision in each case decided by it, and that finding and decision shall be effective upon being signed by two or more board members and upon being filed at the hydraulic appeals board's principal office, and shall be open to public inspection at all reasonable times.

(5) The board has exclusive jurisdiction to hear appeals arising from the approval, denial, conditioning, or modification of a hydraulic approval issued by the department: (a) Under the authority granted in RCW 75.20.103 (as recodified by this act) for the diversion of water for agricultural irrigation or stock watering purposes or when associated with streambank stabilization to protect farm and agricultural land as defined in RCW 84.34.020; or (b) under the authority granted in RCW 75.20.190 (as recodified by this act) for off-site mitigation proposals.

(6)(a) Any person aggrieved by the approval, denial, conditioning, or modification of a hydraulic approval pursuant to RCW 75.20.103 (as recodified by this act) may seek review from the board by filing a request for the same within thirty days of notice of the approval, denial, conditioning, or modification of such approval.

(b) The review proceedings authorized in (a) of this subsection are subject to the provisions of chapter 34.05 RCW pertaining to procedures in adjudicative proceedings.

**Sec. 21.** RCW 75.20.320 and 1995 c 328 s 1 are each amended to read as follows:

The department may not require mitigation for adverse impacts on fish life or habitat that occurred at the time a wetland was filled, if the wetland was filled under the provisions of RCW 75.20.300 (as recodified by this act).

**Sec. 22.** RCW 75.24.060 and 1998 c 245 s 152 are each amended to read as follows:



It is the policy of the state to improve state oyster reserves so that they are productive and yield a revenue sufficient for their maintenance. In fixing the price of oysters and other shellfish sold from the reserves, the director shall take into consideration this policy. It is also the policy of the state to maintain the oyster reserves to furnish shellfish to growers and processors and to stock public beaches.

Shellfish may be harvested from state oyster reserves for personal use as prescribed by rule of the director.

The ~~((department))~~ director shall periodically inventory the state oyster reserves and assign the reserve lands into management categories:

- (1) Native Olympia oyster broodstock reserves;
- (2) Commercial shellfish harvesting zones;
- (3) Commercial shellfish propagation zones designated for long-term leasing to private aquaculturists;
- (4) Public recreational shellfish harvesting zones;
- (5) Unproductive land.

The ~~((department))~~ director shall manage each category of oyster reserve land to maximize the sustained yield production of shellfish consistent with the purpose for establishment of each management category.

The ~~((department))~~ commission shall develop an oyster reserve management plan, to include recommendations for leasing reserve lands, in coordination with the shellfish industry, by January 1, 1986.

The director shall protect, reseed, improve the habitat of, and replant state oyster reserves ~~((and))~~. The director shall also issue cultch permits and oyster reserve fishery licenses.

**Sec. 23.** RCW 75.24.065 and 1993 sp.s. c 2 s 40 are each amended to read as follows:

The legislature finds that current environmental and economic conditions warrant a renewal of the state's historical practice of actively cultivating and managing its oyster reserves in Puget Sound to produce the state's native oyster, the Olympia oyster. The ~~((department))~~ director shall reestablish dike cultivated production of Olympia oysters on such reserves on a trial basis as a tool for planning more comprehensive cultivation by the state.

**Sec. 24.** RCW 75.24.070 and 1983 1st ex.s. c 46 s 82 are each amended to read as follows:

The director shall determine the time, place, and method of sale of oysters and other shellfish from state oyster reserves. Any person who commercially takes shellfish from state oyster reserves must possess an oyster reserve fishery license issued by the director pursuant to RCW 75.28.290 (as recodified by this act). Any person engaged in the commercial cultching of oysters on state oyster reserves must possess an oyster cultch permit issued by the director pursuant to RCW 75.28.295 (as recodified by this act).

To maintain local communities and industries and to restrain the formation of monopolies in the industry, the director shall determine the number of bushels which shall be sold to a person. When the shellfish are sold at public auction, the director may reject any and all bids.

**Sec. 25.** RCW 75.24.100 and 1998 c 190 s 91 are each amended to read as follows:

(1) The ~~((department))~~ director may not authorize a person to take geoduck clams for commercial purposes outside the harvest area designated in a current department of natural resources geoduck harvesting agreement issued under RCW 79.96.080. The ~~((department))~~ director may not authorize commercial harvest of geoduck clams from bottoms that are shallower than eighteen feet below mean lower low water (0.0 ft.), or that lie in an area bounded by the line of ordinary high tide (mean high tide) and a line two hundred yards seaward from and parallel to the line of ordinary high tide. This section does not apply to the harvest of private sector cultured aquatic products as defined in RCW 15.85.020.

(2) Commercial geoduck harvesting shall be done with a hand-held, manually operated water jet or suction device guided and controlled from under water by a diver. Periodically, the ~~((commission))~~ director shall determine the effect of each type or unit of gear upon the geoduck population or the substrate they inhabit. The ~~((commission))~~ director may require modification of the

gear or stop its use if it is being operated in a wasteful or destructive manner or if its operation may cause permanent damage to the bottom or adjacent shellfish populations.

**Sec. 26.** RCW 75.24.130 and 1995 1st sp.s. c 2 s 30 are each amended to read as follows:

The commission may examine the clam, mussel, and oyster beds located on aquatic lands belonging to the state and request the commissioner of public lands to withdraw these lands from sale and lease for the purpose of establishing reserves or public beaches. The ~~((commission))~~ director shall conserve, protect, and develop these reserves and the oyster, shrimp, clam, and mussel beds on state lands.

**Sec. 27.** RCW 75.25.092 and 1998 c 191 s 2 are each amended to read as follows:

(1) A personal use shellfish and seaweed license is required for all persons other than residents or nonresidents under fifteen years of age to fish for, take, dig for, or possess seaweed or shellfish for personal use from state waters or offshore waters including national park beaches.

(2) The fees for annual personal use shellfish and seaweed licenses are:

(a) For a resident fifteen years of age or older, seven dollars;

(b) For a nonresident fifteen years of age or older, twenty dollars; and

(c) For a senior, five dollars.

(3) The personal use shellfish and seaweed license shall be visible on the licensee while harvesting shellfish or seaweed.

**Sec. 28.** RCW 75.28.011 and 1997 c 418 s 1 are each amended to read as follows:

(1) Unless otherwise provided in this title, a license issued under this chapter is not transferable from the license holder to any other person.

(2) The following restrictions apply to transfers of commercial fishery licenses, salmon delivery licenses, and salmon charter licenses that are transferable between license holders:

(a) The license holder shall surrender the previously issued license to the department.

(b) The department shall complete no more than one transfer of the license in any seven-day period.

(c) The fee to transfer a license from one license holder to another is:

(i) The same as the resident license renewal fee if the license is not limited under chapter 75.30 RCW (as recodified by this act);

(ii) Three and one-half times the resident renewal fee if the license is not a commercial salmon license and the license is limited under chapter 75.30 RCW (as recodified by this act);

(iii) Fifty dollars if the license is a commercial salmon license and is limited under chapter 75.30 RCW (as recodified by this act);

(iv) Five hundred dollars if the license is a Dungeness crab-coastal fishery license; or

(v) If a license is transferred from a resident to a nonresident, an additional fee is assessed that is equal to the difference between the resident and nonresident license fees at the time of transfer, to be paid by the transferee.

(3) A commercial license that is transferable under this title survives the death of the holder.

Though such licenses are not personal property, they shall be treated as analogous to personal property for purposes of inheritance and intestacy. Such licenses are subject to state laws governing wills, trusts, estates, intestate succession, and community property, except that such licenses are exempt from claims of creditors of the estate and tax liens. The surviving spouse, estate, or beneficiary of the estate may apply for a renewal of the license. There is no fee for transfer of a license from a license holder to the license holder's surviving spouse or estate, or to a beneficiary of the estate.

**Sec. 29.** RCW 75.28.020 and 1994 c 244 s 1 are each amended to read as follows:

(1) Except as otherwise provided in this title, a person ~~((as defined in RCW 75.08.011))~~ may hold a commercial license established by this chapter.

(2) Except as otherwise provided in this title, an individual may hold a commercial license only if the individual is sixteen years of age or older and a bona fide resident of the United States.

(3) A corporation may hold a commercial license only if it is authorized to do business in this state.

(4) No person may hold a limited-entry license unless the person meets the qualifications that this title establishes for the license.

(5) The residency requirements in subsection (2) of this section do not apply to holders of nonsalmon delivery licenses.

**Sec. 30.** RCW 75.28.034 and 1995 c 227 s 1 are each amended to read as follows:

If, for any reason, the department does not allow any opportunity for a commercial fishery during a calendar year, the ~~((department))~~ director shall either: (1) Waive the requirement to obtain a license for that commercial fishery for that year; or (2) refund applicable license fees upon return of the license.

**Sec. 31.** RCW 75.28.042 and 1997 c 58 s 882 are each amended to read as follows:

(1) The department shall immediately suspend the license of a person who has been certified pursuant to RCW 74.20A.320 by the department of social and health services as a person who is not in compliance with a support order or a residential or visitation order.

(2) A listing on the department of licensing's data base that an individual's license is currently suspended pursuant to RCW 46.20.291~~((7))~~ (8) shall be prima facie evidence that the individual is in noncompliance with a support order ~~((or residential or visitation order))~~. Presentation of a written release issued by the department of social and health services or a court stating that the person is in compliance with an order shall serve as proof of compliance.

**Sec. 32.** RCW 75.28.046 and 1998 c 267 s 2 are each amended to read as follows:

This section applies to all commercial fishery licenses and delivery licenses, except for whiting-Puget Sound fishery licenses and emergency salmon delivery licenses.

(1) The license holder may engage in the activity authorized by a license subject to this section. With the exception of Dungeness crab--coastal fishery class B licensees licensed under RCW 75.30.350(4) (as recodified by this act), the holder of a license subject to this section may also designate up to two alternate operators for the license. Dungeness crab--coastal fishery class B licensees may not designate alternate operators. A person designated as an alternate operator must possess an alternate operator license issued under RCW 75.28.048 (as recodified by this act).

(2) The fee to change the alternate operator designation is twenty-two dollars.

**Sec. 33.** RCW 75.28.047 and 1998 c 267 s 3 are each amended to read as follows:

(1) Only the license holder and any alternate operators designated on the license may sell or deliver food fish or shellfish under a commercial fishery license or delivery license. A commercial fishery license or delivery license authorizes no taking or delivery of food fish or shellfish unless the license holder or an alternate operator designated on the license is present or aboard the vessel.

(2) Notwithstanding RCW 75.28.010(1)(c) (as recodified by this act), an alternate operator license is not required for an individual to operate a vessel as a charter boat.

**Sec. 34.** RCW 75.28.048 and 1998 c 267 s 4 are each amended to read as follows:

(1) A person who holds a commercial fishery license or a delivery license may operate the vessel designated on the license. A person who is not the license holder may operate the vessel designated on the license only if:

(a) The person holds an alternate operator license issued by the director; and

(b) The person is designated as an alternate operator on the underlying commercial fishery license or delivery license under RCW 75.28.046 (as recodified by this act).

(2) Only an individual at least sixteen years of age may hold an alternate operator license.

(3) No individual may hold more than one alternate operator license. An individual who holds an alternate operator license may be designated as an alternate operator on an unlimited number of commercial fishery licenses or delivery licenses under RCW 75.28.046 (as recodified by this act).

(4) An individual who holds two Dungeness crab--Puget Sound fishery licenses may operate the licenses on one vessel if the vessel owner or alternate operator is on the vessel. The department shall allow a license holder to operate up to one hundred crab pots for each license.

(5) As used in this section, to "operate" means to control the deployment or removal of fishing gear from state waters while aboard a vessel or to operate a vessel delivering food fish or shellfish taken in offshore waters to a port within the state.

**Sec. 35.** RCW 75.28.055 and 1997 c 421 s 1 are each amended to read as follows:

The (~~fish and wildlife commission~~) director may, by rule, increase the number of alternate operators beyond the level authorized by RCW 75.28.030 and 75.28.046 (as recodified by this act) for a commercial fishery license, delivery license, or charter license.

**Sec. 36.** RCW 75.28.095 and 1998 c 190 s 95 are each amended to read as follows:

(1) The director shall issue the charter licenses and angler permits listed in this section according to the requirements of this title. The licenses and permits and their annual fees and surcharges are:

License or Permit Annual Fee Governing  
(RCW 75.50.100 Surcharge) Section

Resident Nonresident

(a) Nonsalmon charter \$225 \$375  
(b) Salmon charter \$380 \$685 RCW 75.30.065

(as recodified by this act)

(plus \$100) (plus \$100)

(c) Salmon angler \$ 0 \$ 0 RCW 75.30.070

(as recodified by this act)

(d) Salmon roe \$ 95 \$ 95 RCW 75.28.690

(as recodified by this act)

(2) A salmon charter license designating a vessel is required to operate a charter boat to take salmon, other food fish, and shellfish. The director may issue a salmon charter license only to a person who meets the qualifications of RCW 75.30.065 (as recodified by this act).

(3) A nonsalmon charter license designating a vessel is required to operate a charter boat to take food fish other than salmon and shellfish. As used in this subsection, "food fish" does not include salmon.

(4) "Charter boat" means a vessel from which persons may, for a fee, fish for food fish or shellfish for personal use, and that brings food fish or shellfish into state ports or brings food fish or shellfish taken from state waters into United States ports. The director may specify by rule when a vessel is a "charter boat" within this definition. "Charter boat" does not mean a vessel used by a guide for clients fishing for food fish for personal use in freshwater rivers, streams, and lakes, other than Lake Washington or that part of the Columbia River below the bridge at Longview.

(5) A charter boat licensed in Oregon may fish without a Washington charter license under the same rules as Washington charter boat operators in ocean waters within the jurisdiction of Washington state from the southern border of the state of Washington to Leadbetter Point, as long as the Oregon vessel does not land at any Washington port with the purpose of taking on or discharging passengers. The provisions of this subsection shall be in effect as long as the state of Oregon has reciprocal laws and regulations.

(6) A salmon charter license under subsection (1)(b) of this section may be renewed if the license holder notifies the department by May 1st of that year that he or she will not participate in the

fishery during that calendar year. The license holder must pay the one hundred-dollar enhancement surcharge, plus a fifteen-dollar handling charge, in order to be considered a valid renewal and eligible to renew the license the following year.

**Sec. 37.** RCW 75.28.110 and 1997 c 76 s 1 are each amended to read as follows:

(1) The following commercial salmon fishery licenses are required for the license holder to use the specified gear to fish for salmon in state waters. Only a person who meets the qualifications of RCW 75.30.120 (as recodified by this act) may hold a license listed in this subsection. The licenses and their annual fees and surcharges under RCW 75.50.100 (as recodified by this act) are:

Fishery Resident Nonresident Surcharge  
License Fee Fee

- (a) Salmon Gill Net--Grays Harbor-Columbia river \$380 \$685 plus \$100
- (b) Salmon Gill Net--Puget Sound \$380 \$685 plus \$100
- (c) Salmon Gill Net--Willapa Bay-Columbia river \$380 \$685 plus \$100
- (d) Salmon purse seine \$530 \$985 plus \$100
- (e) Salmon reef net \$380 \$685 plus \$100
- (f) Salmon troll \$380 \$685 plus \$100

(2) A license issued under this section authorizes no taking or delivery of salmon or other food fish unless a vessel is designated under RCW 75.28.045 (as recodified by this act).

(3) Holders of commercial salmon fishery licenses may retain incidentally caught food fish other than salmon, subject to rules of the department.

(4) A salmon troll license includes a salmon delivery license.

(5) A salmon gill net license authorizes the taking of salmon only in the geographical area for which the license is issued. The geographical designations in subsection (1) of this section have the following meanings:

(a) "Puget Sound" includes waters of the Strait of Juan de Fuca, Georgia Strait, Puget Sound and all bays, inlets, canals, coves, sounds, and estuaries lying easterly and southerly of the international boundary line and a line at the entrance to the Strait of Juan de Fuca projected northerly from Cape Flattery to the lighthouse on Tatoosh Island and then to Bonilla Point on Vancouver Island.

(b) "Grays Harbor-Columbia river" includes waters of Grays Harbor and tributary estuaries lying easterly of a line projected northerly from Point Chehalis Light to Point Brown and those waters of the Columbia river and tributary sloughs and estuaries easterly of a line at the entrance to the Columbia river projected southerly from the most westerly point of the North jetty to the most westerly point of the South jetty.

(c) "Willapa Bay-Columbia river" includes waters of Willapa Bay and tributary estuaries and easterly of a line projected northerly from Leadbetter Point to the Cape Shoalwater tower and those waters of the Columbia river and tributary sloughs described in (b) of this subsection.

(6) A commercial salmon troll fishery license may be renewed under this section if the license holder notifies the department by May 1st of that year that he or she will not participate in the fishery during that calendar year. A commercial salmon gill net, reef net, or seine fishery license may be renewed under this section if the license holder notifies the department by August 1st of that year that he or she will not participate in the fishery during that calendar year. The license holder must pay the one hundred-dollar enhancement surcharge, plus a fifteen-dollar handling charge, in order to be considered a valid renewal and eligible to renew the license the following year.

**Sec. 38.** RCW 75.28.113 and 1998 c 190 s 96 are each amended to read as follows:

(1) A salmon delivery license is required to deliver salmon taken in offshore waters to a place or port in the state. The annual fee for a salmon delivery license is three hundred eighty dollars for

residents and six hundred eighty-five dollars for nonresidents. The annual surcharge under RCW 75.50.100 (as recodified by this act) is one hundred dollars for each license. Holders of nonlimited entry delivery licenses issued under RCW 75.28.125 (as recodified by this act) may apply the nonlimited entry delivery license fee against the salmon delivery license fee.

(2) Only a person who meets the qualifications established in RCW 75.30.120 (as recodified by this act) may hold a salmon delivery license issued under this section.

(3) A salmon delivery license authorizes no taking of salmon or other food fish or shellfish from the waters of the state.

(4) If the director determines that the operation of a vessel under a salmon delivery license results in the depletion or destruction of the state's salmon resource or the delivery into this state of salmon products prohibited by law, the director may revoke the license under the procedures of chapter 34.05 RCW.

**Sec. 39.** RCW 75.28.116 and 1993 sp.s. c 17 s 37 are each amended to read as follows:

A person who does not qualify for a license under RCW 75.30.120 (as recodified by this act) shall obtain a nontransferable emergency salmon delivery license to make one delivery of salmon taken in offshore waters. The director shall not issue an emergency salmon delivery license unless, as determined by the director, a bona fide emergency exists. The license fee is two hundred twenty-five dollars for residents and four hundred seventy-five dollars for nonresidents. An applicant for an emergency salmon delivery license shall designate no more than one vessel that will be used with the license. Alternate operator licenses are not required of persons delivering salmon under an emergency salmon delivery license. Emergency salmon delivery licenses are not renewable.

**Sec. 40.** RCW 75.28.120 and 1993 sp.s. c 17 s 38 are each amended to read as follows:

(1) This section establishes commercial fishery licenses required for food fish fisheries and the annual fees for those licenses. As used in this section, "food fish" does not include salmon. The director may issue a limited-entry commercial fishery license only to a person who meets the qualifications established in applicable governing sections of this title.

| Fishery   | Annual Fee | Vessel | Limited               |
|---|------------|--------|-----------------------|
| (a) Baitfish Lampara  | \$185      | \$295  | Yes No                |
| (b) Baitfish purse seine  | \$530      | \$985  | Yes No                |
| (c) Bottom fish jig   | \$130      | \$185  | Yes No                |
| (d) Bottom fish pot   | \$130      | \$185  | Yes No                |
| (e) Bottom fish troll   | \$130      | \$185  | Yes No                |
| (f) Carp  | \$130      | \$185  | No No                 |
| (g) Columbia river smelt  | \$380      | \$685  | No No                 |
| (h) Dog fish set net  | \$130      | \$185  | Yes No                |
| (i) Emerging commercial fishery (RCW 75.30.220 and 75.28.740 (as recodified by this act)) | \$185      | \$295  | Determined Determined |
| (j) Food fish drag seine  | \$130      | \$185  | Yes No                |
| (k) Food fish set line  | \$130      | \$185  | Yes No                |
| (l) Food fish trawl-  | \$240      | \$405  | Yes No                |
| Non-Puget Sound   |            |        |                       |
| (m) Food fish trawl-  | \$185      | \$295  | Yes No                |
| Puget Sound   |            |        |                       |
| (n) Herring dip bag net   | \$175      | \$275  | Yes Yes               |
| (RCW 75.30.140 (as recodified by this act))   |            |        |                       |
| (o) Herring drag seine  | \$175      | \$275  | Yes Yes               |
| (RCW 75.30.140 (as  |            |        |                       |

- recodified by this act)
- (p) Herring gill net \$175 \$275 Yes Yes  
(RCW 75.30.140 (as  
recodified by this act))
- (q) Herring Lampara \$175 \$275 Yes Yes  
(RCW 75.30.140 (as  
recodified by this act))
- (r) Herring purse seine \$175 \$275 Yes Yes  
(RCW 75.30.140 (as  
recodified by this act))
- (s) Herring spawn-on-kelp N/A N/A Yes Yes  
(RCW 75.30.270 (as  
recodified by this act))
- (t) Smelt dip bag net \$130 \$185 No No
- (u) Smelt gill net \$380 \$685 Yes No
- (v) Whiting-Puget Sound \$295 \$520 Yes Yes  
(RCW 75.30.170 (as  
recodified by this act))

(2) The director may by rule determine the species of food fish that may be taken with the commercial fishery licenses established in this section, the gear that may be used with the licenses, and the areas or waters in which the licenses may be used. Where a fishery license has been established for a particular species, gear, geographical area, or combination thereof, a more general fishery license may not be used to take food fish in that fishery.

**Sec. 41.** RCW 75.28.125 and 1998 c 190 s 97 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, a person may not use a commercial fishing vessel to deliver food fish or shellfish taken in offshore waters to a port in the state without a nonlimited entry delivery license. As used in this section, "food fish" does not include salmon. As used in this section, "shellfish" does not include ocean pink shrimp or coastal crab. The annual license fee for a nonlimited entry delivery license is one hundred ten dollars for residents and two hundred dollars for nonresidents.

(2) Holders of salmon troll fishery licenses issued under RCW 75.28.110 (as recodified by this act), salmon delivery licenses issued under RCW 75.28.113 (as recodified by this act), crab pot fishery licenses issued under RCW 75.28.130 (as recodified by this act), food fish trawl--Non-Puget Sound fishery licenses issued under RCW 75.28.120 (as recodified by this act), Dungeness crab--coastal fishery licenses, ocean pink shrimp delivery licenses, and shrimp trawl--Non-Puget Sound fishery licenses issued under RCW 75.28.130 (as recodified by this act) may deliver food fish or shellfish taken in offshore waters without a nonlimited entry delivery license.

(3) A nonlimited entry delivery license authorizes no taking of food fish or shellfish from state waters.

**Sec. 42.** RCW 75.28.130 and 1994 c 260 s 14 are each amended to read as follows:

(1) This section establishes commercial fishery licenses required for shellfish fisheries and the annual fees for those licenses. The director may issue a limited-entry commercial fishery license only to a person who meets the qualifications established in applicable governing sections of this title.

| Fishery | Annual Fee       | Vessel Limited | (Governing section(s)) | Resident        | Nonresident | Required? | Entry? |
|---------|------------------|----------------|------------------------|-----------------|-------------|-----------|--------|
| (a)     | Burrowing shrimp | \$185          | \$295                  | Yes             | No          |           |        |
| (b)     | Crab ring net-   | \$130          | \$185                  | Yes             | No          |           |        |
|         |                  |                |                        | Non-Puget Sound |             |           |        |
| (c)     | Crab ring net-   | \$130          | \$185                  | Yes             | No          |           |        |
|         |                  |                |                        | Puget Sound     |             |           |        |

- (d) Dungeness crab- \$295 \$520 Yes Yes  
coastal (RCW 75.30.350  
(as recodified by this act))
- (e) Dungeness crab- \$295 \$520 Yes Yes  
coastal, class B  
(RCW 75.30.350  
(as recodified by this act))
- (f) Dungeness crab- \$130 \$185 Yes Yes  
Puget Sound  
(RCW 75.30.130  
(as recodified by this act))
- (g) Emerging commercial \$185 \$295 Determined Determined  
fishery (RCW 75.30.220 by rule by rule  
and 75.28.740 (as recodified  
by this act))
- (h) Geoduck (RCW \$ 0 \$ 0 Yes Yes  
75.30.280 (as recodified  
by this act))
- (i) Hardshell clam \$530 \$985 Yes No  
mechanical harvester  
(RCW 75.28.280 (as  
recodified by this act))
- (j) Oyster reserve \$130 \$185 No No  
(RCW 75.28.290  
(as recodified by this act))
- (k) Razor clam \$130 \$185 No No
- (l) Sea cucumber dive \$130 \$185 Yes Yes  
(RCW 75.30.250  
(as recodified by this act))
- (m) Sea urchin dive \$130 \$185 Yes Yes  
(RCW 75.30.210  
(as recodified by this act))
- (n) Shellfish dive \$130 \$185 Yes No
- (o) Shellfish pot \$130 \$185 Yes No
- (p) Shrimp pot- \$325 \$575 Yes No  
Hood Canal
- (q) Shrimp trawl- \$240 \$405 Yes No  
Non-Puget Sound
- (r) Shrimp trawl- \$185 \$295 Yes No  
Puget Sound
- (s) Squid \$185 \$295 Yes No

(2) The director may by rule determine the species of shellfish that may be taken with the commercial fishery licenses established in this section, the gear that may be used with the licenses, and the areas or waters in which the licenses may be used. Where a fishery license has been established for a particular species, gear, geographical area, or combination thereof, a more general fishery license may not be used to take shellfish in that fishery.

**Sec. 43.** RCW 75.28.132 and 1994 c 260 s 15 are each amended to read as follows:

A surcharge of fifty dollars shall be collected with each Dungeness crab-coastal fishery license issued under RCW 75.28.130 (as recodified by this act) until June 30, 2000, and with each Dungeness crab-coastal class B fishery license issued under RCW 75.28.130 (as recodified by this act) until December 31, 1997. Moneys collected under this section shall be placed in the Dungeness crab appeals account hereby created in the state treasury. The account is subject to allotment procedures



under chapter 43.88 RCW, but no appropriation is required for expenditures. Expenditures from the account shall only be used for processing appeals related to the issuance of Dungeness crab-coastal fishery licenses.

**Sec. 44.** RCW 75.28.133 and 1997 c 418 s 5 are each amended to read as follows:

A surcharge of one hundred twenty dollars shall be collected with each Dungeness crab-coastal fishery license and with each Dungeness crab-coastal class B fishery license issued under RCW 75.28.130 (as recodified by this act). Moneys collected under this section shall be placed in the coastal crab account created under RCW 75.30.390 (as recodified by this act).

**Sec. 45.** RCW 75.28.280 and 1993 c 340 s 19 are each amended to read as follows:

A hardshell clam mechanical harvester fishery license is required to operate a mechanical or hydraulic device for commercially harvesting clams, other than geoduck clams, unless the requirements of RCW 75.20.100 (as recodified by this act) are fulfilled for the proposed activity.

**Sec. 46.** RCW 75.28.290 and 1993 c 340 s 20 are each amended to read as follows:

A person who commercially takes shellfish from state oyster reserves under RCW 75.24.070 (as recodified by this act) must have an oyster reserve fishery license.

**Sec. 47.** RCW 75.28.300 and 1993 sp.s. c 17 s 43 are each amended to read as follows:

A wholesale fish dealer's license is required for:

- (1) A business in the state to engage in the commercial processing of food fish or shellfish, including custom canning or processing of personal use food fish or shellfish.
- (2) A business in the state to engage in the wholesale selling, buying, or brokering of food fish or shellfish. A wholesale fish dealer's license is not required of those businesses which buy exclusively from Washington licensed wholesale dealers and sell solely at retail.
- (3) Fishermen who land and sell their catch or harvest in the state to anyone other than a licensed wholesale dealer within or outside the state.
- (4) A business to engage in the commercial manufacture or preparation of fertilizer, oil, meal, caviar, fish bait, or other byproducts from food fish or shellfish.
- (5) A business employing a fish buyer as defined under RCW 75.28.340 (as recodified by this act).

The annual license fee for a wholesale dealer is two hundred fifty dollars. A wholesale fish dealer's license is not required for persons engaged in the processing, wholesale selling, buying, or brokering of private sector cultured aquatic products as defined in RCW 15.85.020. However, if a means of identifying such products is required by rules adopted under RCW 15.85.060, the exemption from licensing requirements established by this subsection applies only if the aquatic products are identified in conformance with those rules.

**Sec. 48.** RCW 75.28.323 and 1996 c 267 s 30 are each amended to read as follows:

- (1) A wholesale fish dealer shall not take possession of food fish or shellfish until the dealer has deposited with the department an acceptable performance bond on forms prescribed and furnished by the department. This performance bond shall be a corporate surety bond executed in favor of the department by a corporation authorized to do business in the state of Washington under chapter 48.28 RCW and approved by the department. The bond shall be filed and maintained in an amount equal to one thousand dollars for each buyer engaged by the wholesale dealer. In no case shall the bond be less than two thousand dollars nor more than fifty thousand dollars.
- (2) A wholesale dealer shall, within seven days of engaging additional fish buyers, notify the department and increase the amount of the bonding required in subsection (1) of this section.
- (3) The director may suspend and refuse to reissue a wholesale fish dealer's license of a dealer who has taken possession of food fish or shellfish without an acceptable performance bond on deposit with the department.
- (4) The bond shall be conditioned upon the compliance with the requirements of this chapter and rules of the department relating to the payment of fines for violations of rules for the accounting of

the commercial harvest of food fish or shellfish. In lieu of the surety bond required by this section the wholesale fish dealer may file with the department a cash deposit, negotiable securities acceptable to the department, or an assignment of a savings account or of a savings certificate in a Washington bank on an assignment form prescribed by the department.

(5) Liability under the bond shall be maintained as long as the wholesale fish dealer engages in activities under RCW 75.28.300 (as recodified by this act) unless released. Liability under the bond may be released only upon written notification from the department. Notification shall be given upon acceptance by the department of a substitute bond or forty-five days after the expiration of the wholesale fish dealer's annual license. In no event shall the liability of the surety exceed the amount of the surety bond required under this chapter.

**Sec. 49.** RCW 75.28.340 and 1993 sp.s. c 17 s 46 are each amended to read as follows:

(1) A fish buyer's license is required of and shall be carried by each individual engaged by a wholesale fish dealer to purchase food fish or shellfish from a licensed commercial fisherman. A fish buyer may represent only one wholesale fish dealer.

(2) (~~Unless adjusted by the director pursuant to the director's authority granted in RCW 75.28.065,)~~ The annual fee for a fish buyer's license is ninety-five dollars.

**Sec. 50.** RCW 75.28.730 and 1993 c 376 s 4 are each amended to read as follows:

An ocean pink shrimp delivery license is required to deliver ocean pink shrimp taken in offshore waters and delivered to a port in the state. (~~Unless adjusted by the director pursuant to the director's authority granted in RCW 75.28.065,)~~ The annual license fee is one hundred fifty dollars for residents and three hundred dollars for nonresidents. Ocean pink shrimp delivery licenses are transferable.

**Sec. 51.** RCW 75.28.740 and 1998 c 190 s 99 are each amended to read as follows:

(1) The director may by rule designate a fishery as an emerging commercial fishery. The director shall include in the designation whether the fishery is one that requires a vessel.

(2) "Emerging commercial fishery" means the commercial taking of a newly classified species of food fish or shellfish, the commercial taking of a classified species with gear not previously used for that species, or the commercial taking of a classified species in an area from which that species has not previously been commercially taken. Any species of food fish or shellfish commercially harvested in Washington state as of June 7, 1990, may be designated as a species in an emerging commercial fishery, except that no fishery subject to a license limitation program in chapter 75.30 RCW (as recodified by this act) may be designated as an emerging commercial fishery.

(3) A person shall not take food fish or shellfish in a fishery designated as an emerging commercial fishery without an emerging commercial fishery license and a permit from the director. The director shall issue two types of permits to accompany emerging commercial fishery licenses: Trial fishery permits and experimental fishery permits. Trial fishery permits are governed by subsection (4) of this section. Experimental fishery permits are governed by RCW 75.30.220 (as recodified by this act).

(4) The director shall issue trial fishery permits for a fishery designated as an emerging commercial fishery unless the director determines there is a need to limit the number of participants under RCW 75.30.220 (as recodified by this act). A person who meets the qualifications of RCW 75.28.020 (as recodified by this act) may hold a trial fishery permit. The holder of a trial fishery permit shall comply with the terms of the permit. Trial fishery permits are not transferable from the permit holder to any other person.

**Sec. 52.** RCW 75.28.760 and 1993 sp.s. c 4 s 2 are each amended to read as follows:

By July 1, 1994, the (~~departments of fisheries and wildlife~~) commission jointly with the appropriate Indian tribes, shall each establish a wild salmonid policy. The policy shall ensure that department actions and programs are consistent with the goals of rebuilding wild stock populations to levels that permit commercial and recreational fishing opportunities.

**Sec. 53.** RCW 75.28.770 and 1998 c 245 s 153 are each amended to read as follows:

The ~~((department))~~ director shall evaluate and recommend, in consultation with the Indian tribes, salmon fishery management strategies and gear types, as well as a schedule for implementation, that will minimize the impact of commercial and recreational fishing in the mixed stock fishery on critical and depressed wild stocks of salmonids. As part of this evaluation, the ~~((department))~~ director, in conjunction with the commercial and recreational fishing industries, shall evaluate commercial and recreational salmon fishing gear types developed by these industries.

**Sec. 54.** RCW 75.28.780 and 1993 sp.s. c 17 s 42 are each amended to read as follows:

The director shall issue the personal licenses listed in this section according to the requirements of this title. The licenses and their annual fees are:

| Personal License       | Annual Fee   | Governing                          |
|------------------------|--|------------------------------------|
|                        | (RCW 75.50.100 <u>(as recodified by this act)</u> Surcharge) | Section                            |
|                        |  | Resident Nonresident               |
| (1) Alternate Operator | \$ 35 \$ 35  | RCW 75.28.048                      |
|                        |  | <u>(as recodified by this act)</u> |
| (2) Geoduck Diver      | \$185 \$295  | RCW 75.28.750                      |
|                        |  | <u>(as recodified by this act)</u> |
| (3) Salmon Guide       | \$130 \$630  | RCW 75.28.710                      |
|                        |  | <u>(as recodified by this act)</u> |
|                        | (plus \$20) (plus \$100)                                     |                                    |

**Sec. 55.** RCW 75.30.021 and 1995 c 227 s 2 are each amended to read as follows:

(1) The ~~((department))~~ director shall waive license requirements, including landing or poundage requirements, if, during the calendar year that a license issued pursuant to chapter 75.28 RCW (as recodified by this act) is valid, no harvest opportunity occurs in the fishery corresponding to the license.

(2) For each license limitation program, where the person failed to hold the license and failed to make landing or poundage requirements because of a license waiver by the ~~((department))~~ director during the previous year, the person shall qualify for a license by establishing that the person held the license during the last year in which the license was not waived.

**Sec. 56.** RCW 75.30.050 and 1995 c 269 s 3101 are each amended to read as follows:

(1) The director shall appoint three-member advisory review boards to hear cases as provided in RCW 75.30.060 (as recodified by this act). Members shall be from:

- (a) The commercial crab fishing industry in cases involving Dungeness crab-Puget Sound fishery licenses;
- (b) The commercial herring fishery in cases involving herring fishery licenses;
- (c) The commercial sea urchin and sea cucumber fishery in cases involving sea urchin and sea cucumber dive fishery licenses;
- (d) The commercial ocean pink shrimp industry (*Pandalus jordani*) in cases involving ocean pink shrimp delivery licenses; and
- (e) The commercial coastal crab fishery in cases involving Dungeness crab-coastal fishery licenses and Dungeness crab-coastal class B fishery licenses. The members shall include one person from the commercial crab processors, one Dungeness crab-coastal fishery license holder, and one citizen representative of a coastal community.

(2) Members shall serve at the discretion of the director and shall be reimbursed for travel expenses as provided in RCW 43.03.050, 43.03.060, and 43.03.065.

**Sec. 57.** RCW 75.30.060 and 1995 1st sp.s. c 2 s 32 are each amended to read as follows:

A person aggrieved by a decision of the department under this chapter may request administrative review under the informal procedure established by this section.

In an informal hearing before a review board, the rules of evidence do not apply. A record of the proceeding shall be kept as provided by chapter 34.05 RCW. After hearing the case the review board shall notify in writing the ~~((commission))~~ director and the initiating party whether the review board agrees or disagrees with the department's decision and the reasons for the review board's findings. Upon receipt of the review board's findings the ~~((commission))~~ director may order such relief as the ~~((commission))~~ director deems appropriate under the circumstances.

Nothing in this section: (1) Impairs an aggrieved person's right to proceed under chapter 34.05 RCW; or (2) imposes a liability on members of a review board for their actions under this section.

**Sec. 58.** RCW 75.30.065 and 1993 c 340 s 28 are each amended to read as follows:

(1) After May 28, 1977, the director shall issue no new salmon charter licenses. A person may renew an existing salmon charter license only if the person held the license sought to be renewed during the previous year or acquired the license by transfer from someone who held it during the previous year, and if the person has not subsequently transferred the license to another person.

(2) Salmon charter licenses may be renewed each year. A salmon charter license which is not renewed each year shall not be renewed further.

(3) Subject to the restrictions in ~~((section 11 of this act))~~ RCW 75.28.011 (as recodified by this act), salmon charter licenses are transferrable from one license holder to another.

**Sec. 59.** RCW 75.30.070 and 1998 c 190 s 100 are each amended to read as follows:

(1) Except as provided in subsection (3) of this section, a person shall not operate a vessel as a charter boat from which salmon are taken in salt water without an angler permit. The angler permit shall specify the maximum number of persons that may fish from the charter boat per trip. The angler permit expires if the salmon charter license is not renewed.

(2) Only a person who holds a salmon charter license issued under RCW 75.28.095 and 75.30.065 (as recodified by this act) may hold an angler permit.

(3) An angler permit shall not be required for charter boats licensed in Oregon and fishing in ocean waters within the jurisdiction of Washington state from the southern border of the state of Washington to Leadbetter Point under the same regulations as Washington charter boat operators, as long as the Oregon vessel does not land at any Washington port with the purpose of taking on or discharging passengers. The provisions of this subsection shall be in effect as long as the state of Oregon has reciprocal laws and regulations.

**Sec. 60.** RCW 75.30.090 and 1993 c 340 s 30 are each amended to read as follows:

A salmon charter boat may not carry more anglers than the number specified in the angler permit issued under RCW 75.30.070 (as recodified by this act). Members of the crew may fish from the boat only to the extent that the number of anglers specified in the angler permit exceeds the number of noncrew passengers on the boat at that time.

**Sec. 61.** RCW 75.30.100 and 1993 c 340 s 31 are each amended to read as follows:

(1) The total number of anglers authorized by the ~~((department))~~ director shall not exceed the total number authorized for 1980.

(2) Angler permits issued under RCW 75.30.070 (as recodified by this act) are transferable. All or a portion of the permit may be transferred to another salmon charter license holder.

(3) The angler permit holder and proposed transferee shall notify the department when transferring an angler permit, and the ~~((department))~~ director shall issue a new angler permit certificate. If the original permit holder retains a portion of the permit, the ~~((department))~~ director shall issue a new angler permit certificate reflecting the decrease in angler capacity.

(4) The department shall collect a fee of ten dollars for each certificate issued under subsection (3) of this section.

**Sec. 62.** RCW 75.30.120 and 1995 c 135 s 7 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, after May 6, 1974, the director shall issue no new commercial salmon fishery licenses or salmon delivery licenses. A person may renew an existing license only if the person held the license sought to be renewed during the previous year or acquired the license by transfer from someone who held it during the previous year, and if the person has not subsequently transferred the license to another person.

(2) Where the person failed to obtain the license during the previous year because of a license suspension, the person may qualify for a license by establishing that the person held such a license during the last year in which the license was not suspended.

(3) Subject to the restrictions in RCW 75.28.011 (as recodified by this act), commercial salmon fishery licenses and salmon delivery licenses are transferable from one license holder to another.

**Sec. 63.** RCW 75.30.125 and 1993 c 340 s 33 are each amended to read as follows:

Any commercial salmon fishery license issued under RCW 75.28.110 (as recodified by this act) or salmon delivery license issued under RCW 75.28.113 (as recodified by this act) shall revert to the department when any government confiscates and sells the vessel designated on the license. Upon application of the person named on the license as license holder and the approval of the director, the department shall transfer the license to the applicant. Application for transfer of the license must be made within the calendar year for which the license was issued.

**Sec. 64.** RCW 75.30.130 and 1998 c 190 s 101 are each amended to read as follows:

(1) A person shall not commercially take Dungeness crab (*Cancer magister*) in Puget Sound without first obtaining a Dungeness crab--Puget Sound fishery license. As used in this section, "Puget Sound" has the meaning given in RCW 75.28.110(5)(a)(as recodified by this act). A Dungeness crab--Puget Sound fishery license is not required to take other species of crab, including red rock crab (*Cancer productus*).

(2) Except as provided in subsections (3) and (6) of this section, after January 1, 1982, the director shall issue no new Dungeness crab--Puget Sound fishery licenses. Only a person who meets the following qualification may renew an existing license: The person shall have held the Dungeness crab--Puget Sound fishery license sought to be renewed during the previous year or acquired the license by transfer from someone who held it during the previous year, and shall not have subsequently transferred the license to another person.

(3) Where the person failed to obtain the license during the previous year because of a license suspension, the person may qualify for a license by establishing that the person held such a license during the last year in which the license was not suspended.

(4) This section does not restrict the issuance of commercial crab licenses for areas other than Puget Sound or for species other than Dungeness crab.

(5) Dungeness crab--Puget Sound fishery licenses are transferable from one license holder to another.

(6) If fewer than one hundred twenty-five persons are eligible for Dungeness crab--Puget Sound fishery licenses, the director may accept applications for new licenses. The director shall determine by random selection the successful applicants for the additional licenses. The number of additional licenses issued shall be sufficient to maintain one hundred twenty-five licenses in the Puget Sound Dungeness crab fishery. The director shall adopt rules governing the application, selection, and issuance procedures for new Dungeness crab--Puget Sound fishery licenses, based upon recommendations of ~~((a board of))~~ an advisory review board established under RCW 75.30.050 (as recodified by this act).

**Sec. 65.** RCW 75.30.140 and 1998 c 190 s 102 are each amended to read as follows:

(1) A person shall not fish commercially for herring in state waters without a herring fishery license. As used in this section, "herring fishery license" means any of the following commercial

fishery licenses issued under RCW 75.28.120 (as recodified by this act): Herring dip bag net; herring drag seine; herring gill net; herring lampara; herring purse seine.

(2) Except as provided in this section, a herring fishery license may be issued only to a person who held the license sought to be renewed during the previous year or acquired the license by transfer from someone who held it during the previous year, and if the person has not subsequently transferred the license to another person.

(3) Herring fishery licenses may be renewed each year. A herring fishery license that is not renewed each year shall not be renewed further.

(4) The ~~((department))~~ director may issue additional herring fishery licenses if the stocks of herring will not be jeopardized by granting additional licenses.

(5) Subject to the restrictions of RCW 75.28.011 (as recodified by this act), herring fishery licenses are transferable from one license holder to another.

**Sec. 66.** RCW 75.30.170 and 1993 c 340 s 39 are each amended to read as follows:

(1) A person shall not commercially take whiting from areas that the department designates within the waters described in RCW 75.28.110(5)(a) (as recodified by this act) without a whiting-Puget Sound fishery license.

(2) A whiting-Puget Sound fishery license may be issued only to an individual who:

(a) Delivered at least fifty thousand pounds of whiting during the period from January 1, 1981, through February 22, 1985, as verified by fish delivery tickets;

(b) Possessed, on January 1, 1986, all equipment necessary to fish for whiting; and

(c) Held a whiting-Puget Sound fishery license during the previous year or acquired such a license by transfer from someone who held it during the previous year.

~~((2))~~ (3) After January 1, 1995, the director shall issue no new whiting-Puget Sound fishery licenses. After January 1, 1995, only an individual who meets the following qualifications may renew an existing license: The individual shall have held the license sought to be renewed during the previous year or acquired the license by transfer from someone who held it during the previous year, and shall not have subsequently transferred the license to another person.

~~((3))~~ (4) Whiting-Puget Sound fishery licenses may be renewed each year. A whiting-Puget Sound fishery license that is not renewed each year shall not be renewed further.

**Sec. 67.** RCW 75.30.180 and 1993 c 340 s 40 are each amended to read as follows:

A whiting-Puget Sound fishery license may be transferred through gift, devise, bequest, or descent to members of the license holder's immediate family which shall be limited to spouse, children, or stepchildren. The holder of a whiting-Puget Sound fishery license shall be present on any vessel taking whiting under the license. In no instance may temporary permits be issued.

The director may adopt rules necessary to implement RCW ~~((75.30.160 through))~~ 75.30.170 and 75.30.180 (as recodified by this act).

**Sec. 68.** RCW 75.30.210 and 1998 c 190 s 104 are each amended to read as follows:

(1) A person shall not commercially take any species of sea urchin using shellfish diver gear without first obtaining a sea urchin dive fishery license.

(2) Except as provided in subsections (3) and (6) of this section, after December 31, 1991, the director shall issue no new sea urchin dive fishery licenses. Only a person who meets the following qualifications may renew an existing license:

(a) The person shall have held the sea urchin dive fishery license sought to be renewed during the previous year or acquired the license by transfer from someone who held it during the previous year; and

(b) The person shall document, by valid shellfish receiving tickets issued by the department, that twenty thousand pounds of sea urchins were caught and sold under the license sought to be renewed during the two-year period ending March 31 of the most recent odd-numbered year.

(3) Where the person failed to obtain the license during the previous year because of a license suspension or revocation by the ~~((department))~~ director or the court, the person may qualify for a

license by establishing that the person held such a license during the last year in which the person was eligible.

(4) The director may reduce or waive the poundage requirement of subsection (2)(b) of this section upon the recommendation of ~~((a board of))~~ an advisory review board established under RCW 75.30.050 (as recodified by this act). The review board ~~((of review))~~ may recommend a reduction or waiver of the poundage requirement in individual cases if, in the review board's judgment, extenuating circumstances prevent achievement of the poundage requirement. The director shall adopt rules governing the operation of the ~~((board of))~~ review board and defining "extenuating circumstances."

(5) Sea urchin dive fishery licenses are not transferable from one license holder to another, except from parent to child, or from spouse to spouse during marriage or as a result of marriage dissolution, or upon the death of the license holder.

(6) If fewer than forty-five persons are eligible for sea urchin dive fishery licenses, the director may accept applications for new licenses. The director shall determine by random selection the successful applicants for the additional licenses. The number of additional licenses issued shall be sufficient to maintain up to forty-five licenses in the sea urchin dive fishery. The director shall adopt rules governing the application, selection, and issuance procedure for new sea urchin dive fishery licenses, based upon recommendations of ~~((a board of))~~ an advisory review board established under RCW 75.30.050 (as recodified by this act).

**Sec. 63.** RCW 75.30.220 and 1993 c 340 s 42 are each amended to read as follows:

(1) The director may issue experimental fishery permits for commercial harvest in an emerging commercial fishery for which the director has determined there is a need to limit the number of participants. The director shall determine by rule the number and qualifications of participants for such experimental fishery permits. Only a person who holds an emerging commercial fishery license issued under RCW 75.28.740 (as recodified by this act) and who meets the qualifications established in those rules may hold an experimental fishery permit. The director shall limit the number of these permits to prevent habitat damage, ensure conservation of the resource, and prevent overharvesting. In developing rules for limiting participation in an emerging or expanding commercial fishery, the director shall appoint a five-person advisory board representative of the affected fishery industry. The advisory board shall review and make recommendations to the director on rules relating to the number and qualifications of the participants for such experimental fishery permits.

(2) RCW 34.05.422(3) does not apply to applications for new experimental fishery permits.

(3) Experimental fishery permits are not transferable from the permit holder to any other person.

**Sec. 70.** RCW 75.30.250 and 1998 c 190 s 105 are each amended to read as follows:

(1) A person shall not commercially take while using shellfish diver gear any species of sea cucumber without first obtaining a sea cucumber dive fishery license.

(2) Except as provided in subsection (6) of this section, after December 31, 1991, the director shall issue no new sea cucumber dive fishery licenses. Only a person who meets the following qualifications may renew an existing license:

(a) The person shall have held the sea cucumber dive fishery license sought to be renewed during the previous two years or acquired the license by transfer from someone who held it during the previous year; and

(b) The person shall establish, by means of dated shellfish receiving documents issued by the department, that thirty landings of sea cucumbers totaling at least ten thousand pounds were made under the license during the previous two-year period ending December 31 of the odd-numbered year.

(3) Where the person failed to obtain the license during either of the previous two years because of a license suspension by the ~~((department))~~ director or the court, the person may qualify for a license by establishing that the person held such a license during the last year in which the person was eligible.

(4) The director may reduce or waive any landing or poundage requirement established under this section upon the recommendation of ~~((a board of))~~ an advisory review board established under RCW 75.30.050 (as recodified by this act). The ~~((board of))~~ review board may recommend a

reduction or waiver of any landing or poundage requirement in individual cases if, in the review board's judgment, extenuating circumstances prevent achievement of the landing or poundage requirement. The director shall adopt rules governing the operation of the (~~board of~~) review board and defining "extenuating circumstances."

(5) Sea cucumber dive fishery licenses are not transferable from one license holder to another except from parent to child, from spouse to spouse during marriage or as a result of marriage dissolution, or upon death of the license holder.

(6) If fewer than fifty persons are eligible for sea cucumber dive fishery licenses, the director may accept applications for new licenses from those persons who can demonstrate two years' experience in the Washington state sea cucumber dive fishery. The director shall determine by random selection the successful applicants for the additional licenses. The number of additional licenses issued shall be sufficient to maintain up to fifty licenses in the sea cucumber dive fishery. The director shall adopt rules governing the application, selection, and issuance procedure for new sea cucumber dive fishery licenses, based upon recommendations of (~~a board of~~) an advisory review board established under RCW 75.30.050 (as recodified by this act).

**Sec. 71.** RCW 75.30.270 and 1993 c 340 s 37 are each amended to read as follows:

(1) A herring spawn on kelp fishery license is required to commercially take herring eggs which have been deposited on vegetation of any type.

(2) A herring spawn on kelp fishery license may be issued only to a person who:

(a) Holds a herring fishery license issued under RCW 75.28.120 and 75.30.140 (as recodified by this act); and

(b) Is the highest bidder in an auction conducted under subsection (3) of this section.

(3) The department shall sell herring spawn on kelp commercial fishery licenses at auction to the highest bidder. Bidders shall identify their sources of kelp. Kelp harvested from state-owned aquatic lands as defined in RCW 79.90.465 requires the written consent of the department of natural resources. The department shall give all holders of herring fishery licenses thirty days' notice of the auction.

**Sec. 72.** RCW 75.30.280 and 1998 c 190 s 106 are each amended to read as follows:

(1) A person shall not harvest geoduck clams commercially without a geoduck fishery license. This section does not apply to the harvest of private sector cultured aquatic products as defined in RCW 15.85.020.

(2) Only a person who has entered into a geoduck harvesting agreement with the department of natural resources under RCW 79.96.080 may hold a geoduck fishery license.

(3) A geoduck fishery license authorizes no taking of geoducks outside the boundaries of the public lands designated in the underlying harvesting agreement, or beyond the harvest ceiling set in the underlying harvesting agreement.

(4) A geoduck fishery license expires when the underlying geoduck harvesting agreement terminates.

(5) The director shall determine the number of geoduck fishery licenses that may be issued for each geoduck harvesting agreement, the number of units of gear whose use the license authorizes, and the type of gear that may be used, subject to RCW 75.24.100 (as recodified by this act). In making those determinations, the director shall seek to conserve the geoduck resource and prevent damage to its habitat.

(6) The holder of a geoduck fishery license and the holder's agents and representatives shall comply with all applicable commercial diving safety regulations adopted by the federal occupational safety and health administration established under the federal occupational safety and health act of 1970 as such law exists on May 8, 1979, 84 Stat. 1590 et seq.; 29 U.S.C. Sec. 651 et seq. A violation of those regulations is a violation of this subsection. For the purposes of this section, persons who dive for geoducks are "employees" as defined by the federal occupational safety and health act. A violation of this subsection is grounds for suspension or revocation of a geoduck fishery license following a hearing under the procedures of chapter 34.05 RCW. The (~~department~~) director shall not suspend or revoke a geoduck fishery license if the violation has been corrected within ten days of the date the



license holder receives written notice of the violation. If there is a substantial probability that a violation of the commercial diving standards could result in death or serious physical harm to a person engaged in harvesting geoduck clams, the ~~((department))~~ director shall suspend the license immediately until the violation has been corrected. If the license holder is not the operator of the harvest vessel and has contracted with another person for the harvesting of geoducks, the ~~((department))~~ director shall not suspend or revoke the license if the license holder terminates its business relationship with that person until compliance with this subsection is secured.

**Sec. 73.** RCW 75.30.290 and 1998 c 190 s 107 are each amended to read as follows:

A person shall not commercially deliver into any Washington state port ocean pink shrimp caught in offshore waters without an ocean pink shrimp delivery license issued under RCW 75.28.730 (as recodified by this act), or an ocean pink shrimp single delivery license issued under RCW 75.30.320 (as recodified by this act). An ocean pink shrimp delivery license shall be issued to a vessel that:

(1) Landed a total of at least five thousand pounds of ocean pink shrimp in Washington in any single calendar year between January 1, 1983, and December 31, 1992, as documented by a valid shellfish receiving ticket; and

(2) Can show continuous participation in the Washington, Oregon, or California ocean pink shrimp fishery by being eligible to land ocean pink shrimp in either Washington, Oregon, or California each year since the landing made under subsection (1) of this section. Evidence of such eligibility shall be a certified statement from the relevant state licensing agency that the applicant for a Washington ocean pink shrimp delivery license held at least one of the following permits:

(a) For Washington: Possession of a delivery permit or delivery license issued under RCW 75.28.125 ~~((or a trawl license (other than Puget Sound) issued under RCW 75.28.140))~~ (as recodified by this act);

(b) For Oregon: Possession of a vessel permit issued under Oregon Revised Statute 508.880; or

(c) For California: A trawl permit issued under California Fish and Game Code sec. 8842.

**Sec. 74.** RCW 75.30.300 and 1993 c 376 s 6 are each amended to read as follows:

An applicant who can show historical participation under RCW 75.30.290(1) (as recodified by this act) but does not satisfy the continuous participation requirement of RCW 75.30.290(2) (as recodified by this act) shall be issued an ocean pink shrimp delivery license if:

(1) The owner can prove that the owner was in the process on December 31, 1992, of constructing a vessel for the purpose of ocean pink shrimp harvest. For purposes of this section, "construction" means having the keel laid, and "for the purpose of ocean pink shrimp harvest" means the vessel is designed as a trawl vessel. An ocean pink shrimp delivery license issued to a vessel under construction is not renewable after December 31, 1994, unless the vessel lands a total of at least five thousand pounds of ocean pink shrimp into a Washington state port before December 31, 1994; or

(2) The applicant's vessel is a replacement for a vessel that is otherwise eligible for an ocean pink shrimp delivery license.

**Sec. 75.** RCW 75.30.320 and 1993 c 376 s 8 are each amended to read as follows:

The owner of an ocean pink shrimp fishing vessel that does not qualify for an ocean pink shrimp delivery license issued under RCW 75.28.730 (as recodified by this act) shall obtain an ocean pink shrimp single delivery license in order to make a landing into a state port of ocean pink shrimp taken in offshore waters. The director shall not issue an ocean pink shrimp single delivery license unless, as determined by the director, a bona fide emergency exists. A maximum of six ocean pink shrimp single delivery licenses may be issued annually to any vessel. ~~((Unless adjusted by the director pursuant to the director's authority granted in RCW 75.28.065,))~~ The fee for an ocean pink shrimp single delivery license is one hundred dollars.

**Sec. 76.** RCW 75.30.330 and 1993 c 376 s 10 are each amended to read as follows:

The director may reduce the landing requirements established under RCW 75.30.290 (as recodified by this act) upon the recommendation of an advisory review board established under RCW 75.30.050 (as recodified by this act), but the director may not entirely waive the landing requirement. The advisory review board may recommend a reduction of the landing requirement in individual cases if in the advisory review board's judgment, extenuating circumstances prevented achievement of the landing requirement. The director shall adopt rules governing the operation of the advisory review board and defining "extenuating circumstances."

**Sec. 77.** RCW 75.30.350 and 1998 c 190 s 108 are each amended to read as follows:

(1) A person shall not commercially fish for coastal crab in Washington state waters without a Dungeness crab--coastal or a Dungeness crab--coastal class B fishery license. Gear used must consist of one buoy attached to each crab pot. Each crab pot must be fished individually.

(2) A Dungeness crab--coastal fishery license is transferable. Except as provided in subsection (3) of this section, such a license shall only be issued to a person who proved active historical participation in the coastal crab fishery by having designated, after December 31, 1993, a vessel or a replacement vessel on the qualifying license that singly or in combination meets the following criteria:

(a) Made a minimum of eight coastal crab landings totaling a minimum of five thousand pounds per season in at least two of the four qualifying seasons identified in subsection (5) of this section, as documented by valid Washington state shellfish receiving tickets; and showed historical and continuous participation in the coastal crab fishery by having held one of the following licenses or their equivalents each calendar year beginning 1990 through 1993, and was designated on the qualifying license of the person who held one of the following licenses in 1994:

(i) Crab pot--Non-Puget Sound license, issued under RCW 75.28.130(1)(b) (as recodified by this act);

(ii) Nonsalmon delivery license, issued under RCW 75.28.125 (as recodified by this act);

(iii) Salmon troll license, issued under RCW 75.28.110 (as recodified by this act);

(iv) Salmon delivery license, issued under RCW 75.28.113 (as recodified by this act);

(v) Food fish trawl license, issued under RCW 75.28.120 (as recodified by this act); or

(vi) Shrimp trawl license, issued under RCW 75.28.130 (as recodified by this act); or

(b) Made a minimum of four Washington landings of coastal crab totaling two thousand pounds during the period from December 1, 1991, to March 20, 1992, and made a minimum of eight crab landings totaling a minimum of five thousand pounds of coastal crab during each of the following periods: December 1, 1991, to September 15, 1992; December 1, 1992, to September 15, 1993; and December 1, 1993, to September 15, 1994. For landings made after December 31, 1993, the vessel shall have been designated on the qualifying license of the person making the landings; or

(c) Made any number of coastal crab landings totaling a minimum of twenty thousand pounds per season in at least two of the four qualifying seasons identified in subsection (5) of this section, as documented by valid Washington state shellfish receiving tickets, showed historical and continuous participation in the coastal crab fishery by having held one of the qualifying licenses each calendar year beginning 1990 through 1993, and the vessel was designated on the qualifying license of the person who held that license in 1994.

(3) A Dungeness crab-coastal fishery license shall be issued to a person who had a new vessel under construction between December 1, 1988, and September 15, 1992, if the vessel made coastal crab landings totaling a minimum of five thousand pounds by September 15, 1993, and the new vessel was designated on the qualifying license of the person who held that license in 1994. All landings shall be documented by valid Washington state shellfish receiving tickets. License applications under this subsection may be subject to review by the advisory review board in accordance with RCW 75.30.050 (as recodified by this act). For purposes of this subsection, "under construction" means either:

(a)(i) A contract for any part of the work was signed before September 15, 1992; and

(ii) The contract for the vessel under construction was not transferred or otherwise alienated from the contract holder between the date of the contract and the issuance of the Dungeness crab-coastal fishery license; and

(iii) Construction had not been completed before December 1, 1988; or

(b)(i) The keel was laid before September 15, 1992; and

(ii) Vessel ownership was not transferred or otherwise alienated from the owner between the time the keel was laid and the issuance of the Dungeness crab-coastal fishery license; and

(iii) Construction had not been completed before December 1, 1988.

(4) A Dungeness crab--coastal class B fishery license is not transferable. Such a license shall be issued to persons who do not meet the qualification criteria for a Dungeness crab--coastal fishery license, if the person has designated on a qualifying license after December 31, 1993, a vessel or replacement vessel that, singly or in combination, made a minimum of four landings totaling a minimum of two thousand pounds of coastal crab, documented by valid Washington state shellfish receiving tickets, during at least one of the four qualifying seasons, and if the person has participated continuously in the coastal crab fishery by having held or by having owned a vessel that held one or more of the licenses listed in subsection (2) of this section in each calendar year subsequent to the qualifying season in which qualifying landings were made through 1994. Dungeness crab--coastal class B fishery licenses cease to exist after December 31, 1999, and the continuing license provisions of RCW 34.05.422(3) are not applicable.

(5) The four qualifying seasons for purposes of this section are:

(a) December 1, 1988, through September 15, 1989;

(b) December 1, 1989, through September 15, 1990;

(c) December 1, 1990, through September 15, 1991; and

(d) December 1, 1991, through September 15, 1992.

(6) For purposes of this section and RCW 75.30.420 (as recodified by this act), "coastal crab" means Dungeness crab (cancer magister) taken in all Washington territorial and offshore waters south of the United States-Canada boundary and west of the Bonilla-Tatoosh line (a line from the western end of Cape Flattery to Tatoosh Island lighthouse, then to the buoy adjacent to Duntz Rock, then in a straight line to Bonilla Point of Vancouver island), Grays Harbor, Willapa Bay, and the Columbia river.

(7) For purposes of this section, "replacement vessel" means a vessel used in the coastal crab fishery in 1994, and that replaces a vessel used in the coastal crab fishery during any period from 1988 through 1993, and which vessel's licensing and catch history, together with the licensing and catch history of the vessel it replaces, qualifies a single applicant for a Dungeness crab--coastal or Dungeness crab--coastal class B fishery license. A Dungeness crab--coastal or Dungeness crab--coastal class B fishery license may only be issued to a person who designated a vessel in the 1994 coastal crab fishery and who designated the same vessel in 1995.

**Sec. 78.** RCW 75.30.370 and 1994 c 260 s 4 are each amended to read as follows:

A person commercially fishing for Dungeness crab in offshore waters outside of Washington state jurisdiction shall obtain a Dungeness crab offshore delivery license from the director if the person does not possess a valid Dungeness crab-coastal fishery license or a valid Dungeness crab-coastal class B fishery license and the person wishes to land Dungeness crab into a place or a port in the state. The annual fee for a Dungeness crab offshore delivery license is two hundred fifty dollars. The director may specify restrictions on landings of offshore Dungeness crab in Washington state as authorized in RCW 75.30.360 (as recodified by this act).

Fees from the offshore Dungeness crab delivery license shall be placed in the (~~coastal~~ ~~coastal~~) coastal crab account created in RCW 75.30.390 (as recodified by this act).

**Sec. 79.** RCW 75.30.380 and 1997 c 418 s 3 are each amended to read as follows:

Dungeness crab-coastal fishery licenses are freely transferable on a willing seller-willing buyer basis after paying the transfer fee in RCW 75.28.011 (as recodified by this act).

**Sec. 80.** RCW 75.30.390 and 1997 c 418 s 4 are each amended to read as follows:

The coastal crab account is created in the custody of the state treasurer. The account shall consist of revenues from fees from the transfer of each Dungeness crab-coastal fishery license assessed under RCW 75.28.011 (as recodified by this act), delivery fees assessed under RCW 75.30.370 (as recodified by this act), and the license surcharge under RCW 75.28.133 (as recodified by this act). Only the director or the director's designee may authorize expenditures from the account. The account

is subject to allotment procedures under chapter 43.88 RCW but no appropriation is required for expenditures. Funds may be used for coastal crab management activities as provided in RCW 75.30.410 (as recodified by this act).

**Sec. 81.** RCW 75.30.420 and 1994 c 260 s 9 are each amended to read as follows:

(1) An Oregon resident who can show historical and continuous participation in the Washington state coastal crab fishery by having held a nonresident non-Puget Sound crab pot license issued under RCW 75.28.130 (as recodified by this act) each year from 1990 through 1994, and who has delivered a minimum of eight landings totaling five thousand pounds of crab into Oregon during any two of the four qualifying seasons as provided in RCW 75.30.350~~((4))~~ (5) (as recodified by this act) as evidenced by valid Oregon fish receiving tickets, shall be issued a nonresident Dungeness crab-coastal fishery license valid for fishing in Washington state waters north from the Oregon-Washington boundary to United States latitude forty-six degrees thirty minutes north. Such license shall be issued upon application and submission of proof of delivery.

(2) This section shall become effective contingent upon reciprocal statutory authority in the state of Oregon providing for equal access for Washington state coastal crab fishers to Oregon territorial coastal waters north of United States latitude forty-five degrees fifty-eight minutes north, and Oregon waters of the Columbia river.

**Sec. 82.** RCW 75.30.440 and 1994 c 260 s 13 are each amended to read as follows:

Except as provided under RCW 75.30.460 (as recodified by this act), the director shall issue no new Dungeness crab-coastal fishery licenses after December 31, 1995. A person may renew an existing license only if the person held the license sought to be renewed during the previous year or acquired the license by transfer from someone who held it during the previous year, and if the person has not subsequently transferred the license to another person. Where the person failed to obtain the license during the previous year because of a license suspension, the person may qualify for a license by establishing that the person held such a license during the last year in which the license was not suspended.

**Sec. 83.** RCW 75.30.460 and 1994 c 260 s 17 are each amended to read as follows:

If fewer than one hundred seventy-five persons are eligible for Dungeness crab-coastal fishery licenses, the director may accept applications for new licenses. Additional licenses issued may maintain a maximum of one hundred seventy-five licenses in the Washington coastal crab fishery. If additional licenses are to be issued, the director shall adopt rules governing the notification, application, selection, and issuance procedures for new Dungeness crab-coastal fishery licenses, based on recommendations of the advisory review board established under RCW 75.30.050 (as recodified by this act).

**Sec. 84.** RCW 75.30.470 and 1994 c 260 s 19 are each amended to read as follows:

The director may reduce the landing requirements established under RCW 75.30.350 (as recodified by this act) upon the recommendation of an advisory review board established under RCW 75.30.050 (as recodified by this act), but the director may not entirely waive the landing requirement. The advisory review board may recommend a reduction of the landing requirement in individual cases if in the advisory review board's judgment, extenuating circumstances prevented achievement of the landing requirement. The director shall adopt rules governing the operation of the advisory review board and defining "extenuating circumstances." Extenuating circumstances may include situations in which a person had a vessel under construction such that qualifying landings could not be made. In defining extenuating circumstances, special consideration shall be given to individuals who can provide evidence of lack of access to capital based on past discrimination due to race, creed, color, sex, national origin, or disability.

**Sec. 85.** RCW 75.40.020 and 1995 1st sp.s. c 2 s 19 are each amended to read as follows:

The commission may give to the state of Oregon such consent and approbation of the state of Washington as is necessary under the compact set out in RCW 75.40.010 (as recodified by this act).

For the purposes of RCW 75.40.010 (as recodified by this act), the states of Washington and Oregon have concurrent jurisdiction in the concurrent waters of the Columbia river (~~(as defined in RCW 75.08.011)~~).

**Sec. 86.** RCW 75.40.110 and 1994 c 148 s 2 are each amended to read as follows:

Until such time as the agencies in California, Idaho, Oregon, and Washington present a final proposed interstate compact for enactment by their respective legislative bodies, the governor may establish cooperative agreements with the states of California, Idaho, and Oregon that allow the states to coordinate their individual efforts in developing state programs that further the region-wide goals set forth under RCW 75.40.100 (as recodified by this act).

**Sec. 87.** RCW 75.44.100 and 1985 c 7 s 150 are each amended to read as follows:

As used in this chapter:

(1) "Case areas" means those areas of the Western district of Washington and in the adjacent offshore waters which are within the jurisdiction of the state of Washington, as defined in *United States of America et al. v. State of Washington et al.*, Civil No. 9213, United States District Court for Western District of Washington, February 12, 1974, and in *Sohappy v. Smith*, 302 F. Supp. 899 (D. Oregon, 1969), as amended, affirmed, and remanded 529 F. 2d 570 (9th Cir., 1976), or an area in which fishing rights are affected by court decision in a manner consistent with the above-mentioned decisions;

(2) "Program" means the program established under RCW 75.44.100 through 75.44.150 (as recodified by this act).

**Sec. 88.** RCW 75.44.120 and 1983 1st ex.s. c 46 s 157 are each amended to read as follows:

The purchase price of a vessel and appurtenant gear shall be based on a survey conducted by a qualified marine surveyor. A license or delivery permit shall be valued separately.

The director may specify a maximum price to be paid for a vessel, gear, license, or delivery permit purchased under RCW 75.44.110 (as recodified by this act). A license or delivery permit purchased under RCW 75.44.110 (as recodified by this act) shall be permanently retired by the department.

**Sec. 89.** RCW 75.44.130 and 1983 1st ex.s. c 46 s 158 are each amended to read as follows:

The department may arrange for the insurance, storage, and resale or other disposition of vessels and gear purchased under RCW 75.44.110 (as recodified by this act). Vessels shall not be resold by the department to the seller or the seller's immediate family. The vessels shall not be used by any owner or operator: (1) As a commercial fishing or charter vessel in state waters; or (2) to deliver fish to a place or port in the state. The department shall require that the purchasers and other users of vessels sold by the department execute suitable instruments to insure compliance with the requirements of this section. The director may commence suit or be sued on such an instrument in a state court of record or United States district court having jurisdiction.

**Sec. 90.** RCW 75.44.150 and 1983 1st ex.s. c 46 s 160 are each amended to read as follows:

The director is responsible for the administration and disbursement of all funds, goods, commodities, and services received by the state under the program.

There is created within the state treasury a fund to be known as the "vessel, gear, license, and permit reduction fund". This fund shall be used for purchases under RCW 75.44.110 (as recodified by this act) and for the administration of the program. This fund shall be credited with federal or other funds received to carry out the purposes of the program and the proceeds from the sale or other disposition of property purchased under RCW 75.44.110 (as recodified by this act).

**Sec. 91.** RCW 75.46.010 and 1998 c 246 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Adaptive management" means reliance on scientific methods to test the results of actions taken so that the management and related policy can be changed promptly and appropriately.

(2) "Critical pathways methodology" means a project scheduling and management process for examining interactions between habitat projects and salmonid species, prioritizing habitat projects, and assuring positive benefits from habitat projects.

(3) "Habitat project list" is the list of projects resulting from the critical pathways methodology under RCW 75.46.070(2) (as recodified by this act). Each project on the list must have a written agreement from the landowner on whose land the project will be implemented. Projects include habitat restoration projects, habitat protection projects, habitat projects that improve water quality, habitat projects that protect water quality, habitat-related mitigation projects, and habitat project maintenance and monitoring activities.

(4) "Habitat work schedule" means those projects from the habitat project list that will be implemented during the current funding cycle. The schedule shall also include a list of the entities and individuals implementing projects, the start date, duration, estimated date of completion, estimated cost, and funding sources for the projects.

(5) "Limiting factors" means conditions that limit the ability of habitat to fully sustain populations of salmon. These factors are primarily fish passage barriers and degraded estuarine areas, riparian corridors, stream channels, and wetlands.

(6) "Project sponsor" is a county, city, special district, tribal government, a combination of such governments through interlocal agreements provided under chapter 39.34 RCW, a nonprofit organization, or one or more private citizens.

(7) "Salmon" includes all species of the family Salmonidae which are capable of self-sustaining, natural production.

(8) "Salmon recovery plan" means a state plan developed in response to a proposed or actual listing under the federal endangered species act that addresses limiting factors including, but not limited to harvest, hatchery, hydropower, habitat, and other factors of decline.

(9) "Tribe" or "tribes" means federally recognized Indian tribes.

(10) "WRIA" means a water resource inventory area established in chapter 173-500 WAC as it existed on January 1, 1997.

(11) "Owner" means the person holding title to the land or the person under contract with the owner to lease or manage the legal owner's property.

**Sec. 92.** RCW 75.46.040 and 1998 c 246 s 5 are each amended to read as follows:

(1) The salmon recovery office is created within the office of the governor to coordinate state strategy to allow for salmon recovery to healthy sustainable population levels with productive commercial and recreational fisheries. The primary purpose of the office is to coordinate and assist in the development of salmon recovery plans for evolutionarily significant units, and submit those plans to the appropriate tribal governments and federal agencies in response to the federal endangered species act. The governor's salmon recovery office may also:

(a) Act as liaison to local governments, the state congressional delegation, the United States congress, federally recognized tribes, and the federal executive branch agencies for issues related to the state's endangered species act salmon recovery plans; and

(b) Provide the biennial state of the salmon report to the legislature pursuant to RCW 75.46.030 (as recodified by this act).

(2) This section expires June 30, 2006.

**Sec. 93.** RCW 75.46.050 and 1998 c 246 s 6 are each amended to read as follows:

(1) The governor shall request the national academy of sciences, the American fisheries society, or a comparable institution to screen candidates to serve as members on the independent science panel. The institution that conducts the screening of the candidates shall submit a list of the nine most qualified candidates to the governor, the speaker of the house of representatives, and the majority leader of the senate. The candidates shall reflect expertise in habitat requirements of salmon, protection and restoration of salmon populations, artificial propagation of salmon, hydrology, or geomorphology.

(2) The speaker of the house of representatives and the majority leader in the senate shall each remove one name from the nomination list. The governor shall consult with tribal representatives and the governor shall appoint five scientists from the remaining names on the nomination list.

(3) The members of the independent science panel shall serve four-year terms. The independent science panel members shall elect the chair of the panel among themselves every two years. The members of the independent science panel shall be compensated as provided in RCW 43.03.250 and reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(4) The independent science panel shall be governed by generally accepted guidelines and practices governing the activities of independent science boards such as the national academy of sciences. The purpose of the independent science panel is to help ensure that sound science is used in salmon recovery efforts. The governor's salmon recovery office shall request review of salmon recovery plans by the science review panel. The science review panel does not have the authority to review individual projects or project lists developed under RCW 75.46.060, 75.46.070, and 75.46.080 (as recodified by this act) or to make policy decisions.

(5) The independent science panel shall submit its findings to the legislature and the governor.

**Sec. 94.** RCW 75.46.070 and 1998 c 246 s 8 are each amended to read as follows:

(1) Critical pathways methodology shall be used to develop a habitat project list and a habitat work schedule that ensures salmon restoration activities will be prioritized and implemented in a logical sequential manner that produces habitat capable of sustaining healthy populations of salmon.

(2) The critical pathways methodology shall:

(a) Include a limiting factors analysis for salmon in streams, rivers, tributaries, estuaries, and subbasins in the region. The technical advisory group shall have responsibility for the limiting factors analysis;

(b) Identify local habitat projects that sponsors are willing to undertake. The projects identified must have a written agreement from the landowner on which the project is to be implemented. Project sponsors shall have the lead responsibility for this task;

(c) Identify how projects will be monitored and evaluated. The project sponsor, in consultation with the technical advisory group and the appropriate landowner, shall have responsibility for this task; and

(d) Describe the adaptive management strategy that will be used. The committee established under RCW 75.46.060 (as recodified by this act) shall have responsibility for this task. If a committee has not been formed, the technical advisory group shall have the responsibility for this task.

(3) The habitat work list shall include all projects developed pursuant to subsection (2) of this section as well as any other salmon habitat restoration project implemented in the region. The work list shall also include the start date, duration, estimated date of completion, estimated cost, and, if appropriate, the affected salmonid species of each project. Each schedule shall be updated on an annual basis to depict new activities.

**Sec. 95.** RCW 75.46.080 and 1998 c 246 s 9 are each amended to read as follows:

(1) Representatives from the conservation commission, the department of transportation, and the department of fish and wildlife shall establish an interagency review team. Except as provided in subsection (6) of this section, habitat restoration project lists shall be submitted to the interagency review team by January 1st and July 1st of each year beginning in 1999.

(2) If no lead entity has been formed under RCW 75.46.060 (as recodified by this act), the interagency review team shall rank, prioritize, and dispense funds for habitat restoration projects by giving preference to the projects that:

(a) Provide a greater benefit to salmon recovery;

(b) Will be implemented in a more critical area;

(c) Are the most cost-effective;

(d) Have the greatest matched, or in-kind funding; and

(e) Will be implemented by a sponsor with a successful record of project implementation.

(3) If a lead entity established under RCW 75.46.060 (as recodified by this act) has been formed, the interagency review team shall evaluate project lists and may remove, but not add, projects from a habitat project list.

(4) The interagency review team shall provide a summary of funding for habitat restoration project lists to the governor and to the legislature by December 1st of each year.

(5) The interagency review team may annually establish a maximum amount of funding available for any individual project, subject to available funding. The interagency review team shall attempt to assure a geographical balance in assigning priorities to projects.

(6) For fiscal year 1998, the department of fish and wildlife, the conservation commission, and the department of transportation may authorize, subject to appropriations, expenditures for projects that have been developed to restore salmon habitat before completion of the project lists required in RCW 75.46.060(2) (as recodified by this act).

(7) Where a lead entity has been established pursuant to RCW 75.46.060 (as recodified by this act), the interagency review team may provide block grants to the lead entity, subject to available funding.

**Sec. 96.** RCW 75.46.090 and 1998 c 246 s 10 are each amended to read as follows:

(1) The conservation commission, in consultation with local government and the tribes, shall invite private, federal, state, tribal, and local government personnel with appropriate expertise to act as a technical advisory group.

(2) For state personnel, involvement on the technical advisory group shall be at the discretion of the particular agency. Unless specifically provided for in the budget, technical assistance participants shall be provided from existing full-time equivalent employees.

(3) The technical advisory group shall identify the limiting factors for salmonids to respond to the limiting factors relating to habitat pursuant to RCW 75.46.070(2) (as recodified by this act).

(4) Where appropriate, the conservation district within the area implementing this chapter shall take the lead in developing and maintaining relationships between the technical advisory group and the private landowners under RCW 75.46.080 (as recodified by this act). The conservation districts may assist landowners to organize around river, tributary, estuary, or subbasins of a watershed.

(5) Fishery enhancement groups and other volunteer organizations may participate in the activities under this section.

**Sec. 97.** RCW 75.46.100 and 1998 c 246 s 11 are each amended to read as follows:

The sea grant program at the University of Washington is authorized to provide technical assistance to volunteer groups and other project sponsors in designing and performing habitat ((restoration)) projects that address the limiting factors analysis of regional habitat work plans. The cost for such assistance may be covered on a fee-for-service basis.

**Sec. 98.** RCW 75.46.110 and 1998 c 246 s 12 are each amended to read as follows:

The southwest Washington salmon recovery region, whose boundaries are provided in chapter 60, Laws of 1998, is created. ~~((If chapter 60, Laws of 1998 is not enacted by July 1, 1998, this section is null and void.))~~

**Sec. 99.** RCW 75.46.120 and 1998 c 246 s 16 are each amended to read as follows:

(1) The departments of transportation, fish and wildlife, and ecology, and tribes shall convene a work group to develop policy guidance to evaluate mitigation alternatives. The policy guidance shall be designed to enable committees established under RCW 75.46.060 (as recodified by this act) to develop and implement habitat project lists that maximize environmental benefits from project mitigation while reducing project design and permitting costs. The work group shall seek technical assistance to ensure that federal, state, treaty right, and local environmental laws and ordinances are met. The purpose of this section is not to increase regulatory requirements or expand departmental authority.

(2) The work group shall develop guidance for determining alternative mitigation opportunities. Such guidance shall include criteria and procedures for identifying and evaluating



mitigation opportunities within a watershed. Such guidance shall create procedures that provide alternative mitigation that has a low risk to the environment, yet has high net environmental, social, and economic benefits compared to status quo options.

(3) The evaluation shall include:

(a) All elements of mitigation, including but not limited to data requirements, decision making, state and tribal agency coordination, and permitting; and

(b) Criteria and procedures for identifying and evaluating mitigation opportunities, including but not limited to the criteria in chapter 90.74 RCW.

(4) Committees established under RCW 75.46.060 (as recodified by this act) shall coordinate voluntary collaborative efforts between habitat project proponents and mitigation project proponents. Mitigation funds may be used to implement projects identified by a work plan to mitigate for the impacts of a transportation or other development proposal or project.

(5) For the purposes of this section, "mitigation" has the same meaning as provided in RCW 90.74.010.

**Sec. 100.** RCW 75.46.130 and 1998 c 246 s 17 are each amended to read as follows:

Only those funds appropriated for the habitat restoration projects under this chapter are subject to the requirements of RCW 75.46.080 (as recodified by this act).

**Sec. 101.** RCW 75.48.100 and 1983 1st ex.s. c 46 s 170 are each amended to read as follows:

The bonds authorized by this chapter shall be issued only after the director has certified, based upon reasonable estimates and data provided to the department, that sufficient revenues will be available from sport and commercial salmon license sales and from salmon fees and taxes to meet the requirements of RCW 75.48.080 (as recodified by this act) during the life of the bonds.

**Sec. 102.** RCW 75.50.080 and 1997 c 389 s 5 are each amended to read as follows:

Regional fisheries enhancement groups, consistent with the long-term regional policy statements developed under RCW 75.50.020 (as recodified by this act), shall seek to:

(1) Enhance the salmon and steelhead resources of the state;

(2) Maximize volunteer efforts and private donations to improve the salmon and steelhead resources for all citizens;

(3) Assist the department in achieving the goal to double the state-wide salmon and steelhead catch by the year 2000; and

(4) Develop projects designed to supplement the fishery enhancement capability of the department.

**Sec. 103.** RCW 75.50.100 and 1998 c 245 s 155 and 1998 c 191 s 27 are each reenacted and amended to read as follows:

The dedicated regional fisheries enhancement group account is created in the custody of the state treasurer. Only the commission or the commission's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

A portion of each recreational fishing license fee shall be used as provided in RCW 77.32.440. A surcharge of one hundred dollars shall be collected on each commercial salmon fishery license, each salmon delivery license, and each salmon charter license sold in the state. All receipts shall be placed in the regional fisheries enhancement group account and shall be used exclusively for regional fisheries enhancement group projects for the purposes of RCW 75.50.110 (as recodified by this act). Funds from the regional fisheries enhancement group account shall not serve as replacement funding for department operated salmon projects that exist on January 1, 1991.

All revenue from the department's sale of salmon carcasses and eggs that return to group facilities shall be deposited in the regional fisheries enhancement group account for use by the regional fisheries enhancement group that produced the surplus. The commission shall adopt rules to implement this section pursuant to chapter 34.05 RCW.

**Sec. 104.** RCW 75.50.105 and 1997 c 389 s 2 are each amended to read as follows:

The department may provide start-up funds to regional fisheries enhancement groups for costs associated with any enhancement project. The regional fisheries enhancement group advisory board and the (~~department~~) commission shall develop guidelines for providing funds to the regional fisheries enhancement groups.

**Sec. 105.** RCW 75.50.110 and 1995 1st sp.s. c 2 s 40 and 1995 c 367 s 5 are each reenacted and amended to read as follows:

(1) A regional fisheries enhancement group advisory board is established to make recommendations to the commission. The members shall be appointed by the commission and consist of two commercial fishing representatives, two recreational fishing representatives, and three at-large positions. At least two of the advisory board members shall be members of a regional fisheries enhancement group. Advisory board members shall serve three-year terms. The advisory board membership shall include two members serving ex officio to be nominated, one through the Northwest Indian fisheries commission, and one through the Columbia river intertribal fish commission. The chair of the regional fisheries enhancement group advisory board shall be elected annually by members of the regional fisheries enhancement (~~group~~) group advisory board. The advisory board shall meet at least quarterly. All meetings of the advisory board shall be open to the public under the open public meetings act, chapter 42.30 RCW.

The department shall invite the advisory board to comment and provide input into all relevant policy initiatives, including, but not limited to, wild stock, hatcheries, and habitat restoration efforts.

(2) Members shall not be compensated but shall receive reimbursement for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(3) The department may use account funds to provide agency assistance to the groups, to provide professional, administrative or clerical services to the advisory board, or to implement the training and technical (~~assistance~~) assistance services plan as developed by the advisory board pursuant to RCW 75.50.115 (as recodified by this act). The level of account funds used by the department shall be determined by the commission after review of recommendation by the regional fisheries enhancement group advisory board and shall not exceed twenty percent of annual contributions to the account.

**Sec. 106.** RCW 75.50.115 and 1998 c 96 s 1 are each amended to read as follows:

(1) The regional fisheries enhancement group advisory board shall:

(a) Assess the training and technical assistance needs of the regional fisheries enhancement groups;

(b) Develop a training and technical assistance services plan in order to provide timely, topical technical assistance and training services to regional fisheries enhancement groups. The plan shall be provided to the director and to the senate and house of representatives natural resources committees no later than October 1, 1995, and shall be updated not less than every year. The advisory board shall provide ample opportunity for the public and interested parties to participate in the development of the plan. The plan shall include but is not limited to:

(i) Establishment of an information clearinghouse service that is readily available to regional fisheries enhancement groups. The information clearinghouse shall collect, collate, and make available a broad range of information on subjects that affect the development, implementation, and operation of diverse fisheries and habitat enhancement projects. The information clearinghouse service may include periodical news and informational bulletins;

(ii) An ongoing program in order to provide direct, on-site technical assistance and services to regional fisheries enhancement groups. The advisory board shall assist regional fisheries enhancement groups in soliciting federal, state, and local agencies, tribal governments, institutions of higher education, and private business for the purpose of providing technical assistance and services to regional fisheries enhancement group projects; and

(iii) A cost estimate for implementing the plan;

(c) Propose a budget to the director for operation of the advisory board and implementation of the technical assistance plan;

(d) Make recommendations to the director regarding regional enhancement group project proposals and funding of those proposals; and

(e) Establish criteria for the redistribution of unspent project funds for any regional enhancement group that has a year ending balance exceeding one hundred thousand dollars.

(2) The regional fisheries enhancement group advisory board may:

(a) Facilitate resolution of disputes between regional fisheries enhancement groups and the department;

(b) Promote community and governmental partnerships that enhance the salmon resource and habitat;

(c) Promote environmental ethics and watershed stewardship;

(d) Advocate for watershed management and restoration;

(e) Coordinate regional fisheries enhancement group workshops and training;

(f) Monitor and evaluate regional fisheries enhancement projects;

(g) Provide guidance to regional fisheries enhancement groups; and

(h) Develop recommendations to the director to address identified impediments to the success of regional fisheries enhancement groups.

(3)(a) The regional fisheries enhancement group advisory board shall develop recommendations for limitations on the amount of overhead that a regional fisheries enhancement group may charge from each of the following categories of funding provided to the group:

(i) Federal funds;

(ii) State funds;

(iii) Local funds; and

(iv) Private donations.

(b) The advisory board shall develop recommendations for limitations on the number and salary of paid employees that are employed by a regional fisheries enhancement group. The regional fisheries enhancement group advisory board shall adhere to the founding principles for regional groups that emphasize the volunteer nature of the groups, maximization of field-related fishery resource benefits, and minimization of overhead.

(c) The advisory board shall evaluate and make recommendations for the limitation or elimination of commissions, finders fees, or other reimbursements to regional fisheries enhancement group employees.

~~((d) The regional fisheries enhancement group advisory board shall report to the appropriate legislative committees by January 1, 1999, on the board recommendations for overhead limitations, paid employee limitations, and commission limitations for regional fisheries enhancement groups.))~~

**Sec. 107.** RCW 75.50.160 and 1997 c 389 s 6 are each amended to read as follows:

The department and the department of transportation shall convene a fish passage barrier removal task force. The task force shall consist of one representative each from the department, the department of transportation, the department of ecology, tribes, cities, counties, a business organization, an environmental organization, regional fisheries enhancement groups, and other interested entities as deemed appropriate by the cochairs. The persons representing the department and the department of transportation shall serve as cochairs of the task force and shall appoint members to the task force. The task force shall make recommendations to expand the program in RCW 75.50.170 (as recodified by this act) to identify and expedite the removal of human-made or caused impediments to anadromous fish passage in the most efficient manner practical. Program recommendations shall include a funding mechanism and other necessary mechanisms to coordinate and prioritize state, tribal, local, and volunteer efforts within each water resource inventory area. A priority shall be given to projects that immediately increase access to available and improved spawning and rearing habitat for depressed, threatened, and endangered stocks. The department or the department of transportation may contract with cities and counties to assist in the identification and removal of impediments to anadromous fish passage.

~~((A report on the recommendations to develop a program to identify and remove fish passage barriers and any additional legislative action needed to implement the program shall be submitted to the appropriate standing committees of the legislature no later than December 1, 1997.))~~

**Sec. 108.** RCW 75.52.020 and 1993 sp.s. c 2 s 50 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Volunteer group" means any person or group of persons interested in or party to an agreement with the department relating to a cooperative fish or wildlife project.

(2) "Cooperative project" means a project conducted by a volunteer group that will benefit the fish, shellfish, game bird, nongame wildlife, or game animal resources of the state and for which the benefits of the project, including fish and wildlife reared and released, are available to all citizens of the state. Indian tribes may elect to participate in cooperative fish and wildlife projects with the department.

~~((3) "Department" means the department of fish and wildlife.))~~

**Sec. 109.** RCW 75.52.050 and 1995 1st sp.s. c 2 s 42 are each amended to read as follows:

The commission shall establish by rule:

(1) The procedure for entering a cooperative agreement and the application forms for a permit to release fish or wildlife required by RCW 75.08.295 ~~((or 77.16.150))~~ (as recodified by this act). The procedure shall indicate the information required from the volunteer group as well as the process of review by the department. The process of review shall include the means to coordinate with other agencies and Indian tribes when appropriate and to coordinate the review of any necessary hydraulic permit approval applications.

(2) The procedure for providing within forty-five days of receipt of a proposal a written response to the volunteer group indicating the date by which an acceptance or rejection of the proposal can be expected, the reason why the date was selected, and a written summary of the process of review. The response should also include any suggested modifications to the proposal which would increase its likelihood of approval and the date by which such modified proposal could be expected to be accepted. If the proposal is rejected, the department must provide in writing the reasons for rejection. The volunteer group may request the director or the director's designee to review information provided in the response.

(3) The priority of the uses to which eggs, seed, juveniles, or brood stock are put. Use by cooperative projects shall be second in priority only to the needs of programs of the department or of other public agencies within the territorial boundaries of the state. Sales of eggs, seed, juveniles, or brood stock have a lower priority than use for cooperative projects.

(4) The procedure for ~~((notice in writing to a volunteer group of cause to revoke))~~ the director to notify a volunteer group that the agreement for the project is being revoked for cause and the procedure for revocation. Revocation shall be documented in writing to the volunteer group. Cause for revocation may include: (a) The unavailability of adequate biological or financial resources; (b) the development of unacceptable biological or resource management conflicts; or (c) a violation of agreement provisions. Notice of cause to revoke for a violation of agreement provisions may specify a reasonable period of time within which the volunteer group must comply with any violated provisions of the agreement.

(5) An appropriate method of distributing among volunteer groups fish, bird, or animal food or other supplies available for the program.

**Sec. 110.** RCW 75.52.070 and 1984 c 72 s 7 are each amended to read as follows:

(1) The volunteer group shall:

(a) Provide care and diligence in conducting the cooperative project; and

(b) Maintain accurately the required records of the project on forms provided by the department.

(2) The volunteer group shall acknowledge that fish and game reared in cooperative projects are public property and must be handled and released for the benefit of all citizens of the state. The fish and game are to remain public property until reduced to private ownership under rules of the ~~((department))~~ commission.

**Sec. 111.** RCW 75.52.100 and 1993 sp.s. c 2 s 52 are each amended to read as follows:

A salmon spawning channel shall be constructed on the Cedar river with the assistance and cooperation of the department. The department shall use existing personnel and the volunteer fisheries enhancement program outlined under chapter 75.52 RCW (as recodified by this act) to assist in the planning, construction, and operation of the spawning channel.

**Sec. 112.** RCW 75.52.110 and 1998 c 245 s 156 are each amended to read as follows:

The department shall chair a technical committee, which shall review the preparation of enhancement plans and construction designs for a Cedar river sockeye spawning channel. The technical committee shall consist of not more than eight members: One representative each from the department, national marine fisheries service, United States fish and wildlife service, and Muckleshoot Indian tribe; and four representatives from the public utility described in RCW 75.52.130 (as recodified by this act). The technical committee will be guided by a policy committee, also to be chaired by the department, which shall consist of not more than six members: One representative from the department, one from the Muckleshoot Indian tribe, and one from either the national marine fisheries service or the United States fish and wildlife service; and three representatives from the public utility described in RCW 75.52.130 (as recodified by this act). The policy committee shall oversee the operation and evaluation of the spawning channel. The policy committee will continue its oversight until the policy committee concludes that the channel is meeting the production goals specified in RCW 75.52.120 (as recodified by this act).

**Sec. 113.** RCW 75.52.130 and 1989 c 85 s 6 are each amended to read as follows:

The legislature recognizes that, if funding for planning, design, evaluation, construction, and operating expenses is provided by a public utility that diverts water for beneficial public use, and if the performance of the spawning channel meets the production goals described in RCW 75.52.120 (as recodified by this act), the spawning channel project will serve, at a minimum, as compensation for lost sockeye salmon spawning habitat upstream of the Landsburg diversion. The amount of funding to be supplied by ~~(said)~~ the utility will fully fund the total cost of planning, design, evaluation, and construction of the spawning channel.

**Sec. 114.** RCW 75.52.140 and 1989 c 85 s 7 are each amended to read as follows:

In order to provide operation and maintenance funds for the facility authorized by RCW 75.52.100 through 75.52.160 (as recodified by this act), the utility shall place two million five hundred thousand dollars in the state general fund Cedar river channel construction and operation account herein created. The interest from the fund shall be used for operation and maintenance of the spawning channel and any unused interest shall be added to the fund to increase the principal to cover possible future operation cost increases. The state treasurer may invest funds from the account as provided by law.

**Sec. 115.** RCW 75.52.160 and 1993 sp.s. c 2 s 54 are each amended to read as follows:

Should the requirements of RCW 75.52.100 through 75.52.160 (as recodified by this act) not be met, the department shall seek immediate legal clarification of the steps which must be taken to fully mitigate water diversion projects on the Cedar river.

**Sec. 116.** RCW 75.54.140 and 1998 c 191 s 28 are each amended to read as follows:

As provided in RCW 77.32.440, a portion of each saltwater and combination fishing license fee shall be deposited in the recreational fisheries enhancement account created in RCW 75.54.150 (as recodified by this act).

**Sec. 117.** RCW 75.54.150 and 1993 sp.s. c 2 s 98 are each amended to read as follows:

The recreational fisheries enhancement account is created in the state treasury. All receipts from RCW 75.54.140 (as recodified by this act) shall be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for recreational fisheries enhancement programs.

**Sec. 118.** RCW 75.56.050 and 1998 c 60 s 2 are each amended to read as follows:

(1) A pilot program for steelhead recovery is established in Clark, Cowlitz, Lewis, Skamania, and Wahkiakum counties within the habitat area classified as evolutionarily significant unit 4 by the federal national marine fisheries service. The management board created under subsection (2) of this section is responsible for implementing the habitat portion of the approved steelhead recovery initiative and is empowered to receive and disburse funds for the approved steelhead recovery initiative. The management board created pursuant to this section shall constitute the ~~((regional council for this area responsible for fulfilling the requirements and exercising the powers of a regional council under chapter 246, Laws of 1998))~~ lead entity and the committee established under RCW 75.46.060 (as recodified by this act) responsible for fulfilling the requirements and exercising powers under this chapter.

(2) A management board consisting of fifteen voting members is created within evolutionarily significant unit 4. The members shall consist of one county commissioner or designee from each of the five participating counties selected by each county legislative authority; one member representing the cities contained within evolutionarily significant unit 4 as a voting member selected by the cities in evolutionarily significant unit 4; a representative of the Cowlitz Tribe appointed by the tribe; one state legislator elected from one of the legislative districts contained within evolutionarily significant unit 4 selected by that group of state legislators representing the area; five representatives to include at least one member who represents private property interests appointed by the five county commissioners or designees; one hydro utility representative nominated by hydro utilities and appointed by the five county commissioners or designees; and one representative nominated from the environmental community who resides in evolutionarily significant unit 4 appointed by the five county commissioners or designees. The board shall appoint and consult a technical advisory committee, which shall include four representatives of state agencies one each appointed by the directors of the departments of ecology, fish and wildlife, and transportation, and the commissioner of public lands. The board may also appoint additional persons to the technical advisory committee as needed. The chair of the board shall be selected from among the five county commissioners or designees and the legislator on the board. In making appointments under this subsection, the county commissioners shall consider recommendations of interested parties. Vacancies shall be filled in the same manner as the original appointments were selected. No action may be brought or maintained against any management board member, the management board, or any of its agents, officers, or employees for any noncontractual acts or omissions in carrying out the purposes of this section.

(3)(a) The management board shall participate in the development of a recovery plan to implement its responsibilities under (b) of this subsection. The management board shall consider local watershed efforts and activities as well as habitat conservation plans in the implementation of the recovery plan. Any of the participating counties may continue its own efforts for restoring steelhead habitat. Nothing in this section limits the authority of units of local government to enter into interlocal agreements under chapter 39.34 RCW or any other provision of law.

(b) The management board is responsible for implementing the habitat portions of the local government responsibilities of the lower Columbia steelhead conservation initiative approved by the state and the national marine fisheries service. The management board may work in cooperation with the state and the national marine fisheries service to modify the initiative, or to address habitat for other aquatic species that may be subsequently listed under the federal endangered species act. The management board may not exercise authority over land or water within the individual counties or otherwise preempt the authority of any units of local government.

(c) The management board shall prioritize as appropriate and approve projects and programs related to the recovery of lower Columbia river steelhead runs, including the funding of those projects and programs, and coordinate local government efforts as prescribed in the recovery plan. The management board shall establish criteria for funding projects and programs based upon their likely value in steelhead recovery. The management board may consider local economic impact among the criteria, but jurisdictional boundaries and factors related to jurisdictional population may not be considered as part of the criteria.

(d) The management board shall assess the factors for decline along each prioritized stream as listed in the lower Columbia steelhead conservation initiative. The management board is encouraged to

take a stream-by-stream approach in conducting the assessment which utilizes state and local expertise, including volunteer groups, interest groups, and affected units of local government.

(4) The management board has the authority to hire and fire staff, including an executive director, enter into contracts, accept grants and other moneys, disburse funds, make recommendations to cities and counties about potential code changes and the development of programs and incentives upon request, pay all necessary expenses, and may choose a fiduciary agent. The management board shall report on its progress on a quarterly basis to the legislative bodies of the five participating counties and the state natural resource-related agencies. The management board shall prepare a final report at the conclusion of the pilot program describing its efforts and successes in implementing the habitat portion of the lower Columbia steelhead conservation initiative. The final report shall be transmitted to the appropriate committees of the legislature, the legislative bodies of the participating counties, and the state natural resource-related agencies.

(5) The pilot program terminates on July 1, 2002.

(6) For purposes of this section, "evolutionarily significant unit" means the habitat area identified for an evolutionarily significant unit of an aquatic species listed or proposed for listing as a threatened or endangered species under the federal endangered species act (16 U.S.C. Sec. 1531 et seq.).

**Sec. 119.** RCW 75.58.010 and 1998 c 190 s 110 are each amended to read as follows:

(1) The director of agriculture and the director shall jointly develop a program of disease inspection and control for aquatic farmers as defined in RCW 15.85.020. The program shall be administered by the department under rules established under this section. The purpose of the program is to protect the aquaculture industry and wildstock fisheries from a loss of productivity due to aquatic diseases or maladies. As used in this section "diseases" means, in addition to its ordinary meaning, infestations of parasites or pests. The disease program may include, but is not limited to, the following elements:

- (a) Disease diagnosis;
- (b) Import and transfer requirements;
- (c) Provision for certification of stocks;
- (d) Classification of diseases by severity;
- (e) Provision for treatment of selected high-risk diseases;
- (f) Provision for containment and eradication of high-risk diseases;
- (g) Provision for destruction of diseased cultured aquatic products;
- (h) Provision for quarantine of diseased cultured aquatic products;
- (i) Provision for coordination with state and federal agencies;
- (j) Provision for development of preventative or control measures;
- (k) Provision for cooperative consultation service to aquatic farmers; and
- (l) Provision for disease history records.

(2) The commission shall adopt rules implementing this section. However, such rules shall have the prior approval of the director of agriculture and shall provide therein that the director of agriculture has provided such approval. The director of agriculture or the director's designee shall attend the rule-making hearings conducted under chapter 34.05 RCW and shall assist in conducting those hearings. The authorities granted the department by these rules and by RCW ~~((75.08.080(1)(e),))~~ 75.24.080, 75.24.110, 75.28.125, 75.58.020, 75.58.030, and 75.58.040 (as recodified by this act) constitute the only authorities of the department to regulate private sector cultured aquatic products and aquatic farmers as defined in RCW 15.85.020. Except as provided in subsection (3) of this section, no action may be taken against any person to enforce these rules unless the department has first provided the person an opportunity for a hearing. In such a case, if the hearing is requested, no enforcement action may be taken before the conclusion of that hearing.

(3) The rules adopted under this section shall specify the emergency enforcement actions that may be taken by the department, and the circumstances under which they may be taken, without first providing the affected party with an opportunity for a hearing. Neither the provisions of this subsection nor the provisions of subsection (2) of this section shall preclude the department from

requesting the initiation of criminal proceedings for violations of the disease inspection and control rules.

(4) A person shall not violate the rules adopted under subsection (2) or (3) of this section or violate RCW 75.58.040 (as recodified by this act).

(5) In administering the program established under this section, the department shall use the services of a pathologist licensed to practice veterinary medicine.

(6) The director in administering the program shall not place constraints on or take enforcement actions in respect to the aquaculture industry that are more rigorous than those placed on the department or other fish-rearing entities.

**Sec. 120.** RCW 75.58.020 and 1993 sp.s. c 2 s 56 are each amended to read as follows:

The directors of agriculture and fish and wildlife shall jointly adopt by rule, in the manner prescribed in RCW 75.58.010(2) (as recodified by this act), a schedule of user fees for the disease inspection and control program established under RCW 75.58.010 (as recodified by this act). The fees shall be established such that the program shall be entirely funded by revenues derived from the user fees by the beginning of the 1987-89 biennium.

There is established in the state treasury an account known as the aquaculture disease control account which is subject to appropriation. Proceeds of fees charged under this section shall be deposited in the account. Moneys from the account shall be used solely for administering the disease inspection and control program established under RCW 75.58.010 (as recodified by this act).

**Sec. 121.** RCW 75.58.030 and 1993 sp.s. c 2 s 57 are each amended to read as follows:

(1) The director shall consult regarding the disease inspection and control program established under RCW 75.58.010 (as recodified by this act) with federal agencies and Indian tribes to assure protection of state, federal, and tribal aquatic resources and to protect private sector cultured aquatic products from disease that could originate from waters or facilities managed by those agencies.

(2) With regard to the program, the director may enter into contracts or interagency agreements for diagnostic field services with government agencies and institutions of higher education and private industry.

(3) The director shall provide for the creation and distribution of a roster of biologists having a ~~((speciality [speciality]))~~ specialty in the diagnosis or treatment of diseases of fish or shellfish. The director shall adopt rules specifying the qualifications which a person must have in order to be placed on the roster.

### **Repealed Sections**

NEW SECTION. **Sec. 122.** The following acts or parts of acts are each repealed:

(1) RCW 75.08.010 (Fisheries Code) and 1983 1st ex.s. c 46 s 2 & 1955 c 12 s 75.08.010;

(2) RCW 75.08.011 (Definitions) and 1998 c 190 s 70, 1996 c 267 s 2, 1995 1st sp.s. c 2 s 6, & 1994 c 255 s 2;

(3) RCW 75.08.014 (Authority of director to administer department--Qualifications of director) and 1995 1st sp.s. c 2 s 22, 1993 sp.s. c 2 s 21, 1983 1st ex.s. c 46 s 6, & 1953 c 207 s 10;

(4) RCW 75.08.035 (Senior environmental corps--Department powers and duties) and 1993 sp.s. c 2 s 22 & 1992 c 63 s 11;

(5) RCW 75.08.040 (Acquisition, use, and management of lands, water rights, rights of way, and personal property) and 1995 1st sp.s. c 2 s 23, 1983 1st ex.s. c 46 s 9, 1955 c 212 s 1, & 1955 c 12 s 75.08.040;

(6) RCW 75.08.274 (Taking food fish for propagation or scientific purposes--Permit required) and 1998 c 190 s 72, 1995 1st sp.s. c 2 s 15, 1983 1st ex.s. c 46 s 28, 1971 c 35 s 1, & 1955 c 12 s 75.16.010;

(7) RCW 75.10.070 (Service of summons and forfeiture if unable to prosecute violator) and 1983 1st ex.s. c 46 s 38 & 1955 c 12 s 75.36.030;

(8) RCW 75.10.160 (Enforcement of watercraft registration and boating safety education) and 1989 c 393 s 16;



(9) RCW 75.25.090 (Personal use fishing licenses--Fees) and 1993 c 215 s 1, 1989 c 305 s 5, & 1987 c 87 s 1;  
(10) RCW 75.25.160 (Recreational licenses--Penalties) and 1989 c 305 s 15, 1987 c 87 s 8, 1984 c 80 s 10, 1983 1st ex.s. c 46 s 100, & 1977 ex.s. c 327 s 16;  
(11) RCW 75.25.210 (Duplicate licenses, permits, tags, stamps, and catch record cards--Fees) and 1994 c 255 s 9;  
(12) RCW 75.28.012 (Licensing districts--Created) and 1993 c 20 s 3, 1983 1st ex.s. c 46 s 102, 1971 ex.s. c 283 s 2, & 1957 c 171 s 1;  
(13) RCW 75.28.335 (Wholesale fish dealers--Additional penalties) and 1985 c 248 s 8; and  
(14) RCW 75.30.160 (Whiting license required in designated areas) and 1998 c 190 s 103, 1993 c 340 s 38, & 1986 c 198 s 6.

### **Recodified Sections**

NEW SECTION. **Sec. 123.** RCW 75.08.012, 75.08.013, 75.08.020, 75.08.090, and 75.08.110 are each recodified as sections in chapter 77.04 RCW.

NEW SECTION. **Sec. 124.** RCW 75.08.025, 75.08.045, 75.08.055, 75.08.058, 75.08.065, 75.08.070, 75.08.080, 75.08.120, 75.08.160, 75.08.206, 75.08.208, 75.08.230, 75.08.235, 75.08.255, 75.08.265, 75.08.285, 75.08.295, and 75.08.300 are each recodified as sections in chapter 77.12 RCW.

NEW SECTION. **Sec. 125.** RCW 75.12.010, 75.12.015, 75.12.040, 75.12.132, 75.12.140, 75.12.155, 75.12.210, 75.12.230, 75.12.390, 75.12.440, and 75.12.650 are each recodified as sections in a new chapter in Title 77 RCW.

NEW SECTION. **Sec. 126.** RCW 75.20.005, 75.20.015, 75.20.025, 75.20.040, 75.20.050, 75.20.060, 75.20.061, 75.20.090, 75.20.098, 75.20.100, 75.20.1001, 75.20.103, 75.20.104, 75.20.1041, 75.20.106, 75.20.108, 75.20.110, 75.20.130, 75.20.140, 75.20.150, 75.20.160, 75.20.170, 75.20.180, 75.20.190, 75.20.310, 75.20.320, 75.20.325, 75.20.330, 75.20.340, 75.20.350, and 77.12.830 are each recodified as sections in a new chapter added to Title 77 RCW.

NEW SECTION. **Sec. 127.** RCW 75.24.010, 75.24.030, 75.24.060, 75.24.065, 75.24.070, 75.24.080, 75.24.100, 75.24.110, 75.24.120, 75.24.130, 75.24.140, and 75.24.150 are each recodified as sections in a new chapter in Title 77 RCW.

NEW SECTION. **Sec. 128.** RCW 75.28.010, 75.28.011, 75.28.014, 75.28.020, 75.28.030, 75.28.034, 75.28.040, 75.28.042, 75.28.044, 75.28.045, 75.28.046, 75.28.047, 75.28.048, 75.28.055, 75.28.095, 75.28.110, 75.28.113, 75.28.116, 75.28.120, 75.28.125, 75.28.130, 75.28.132, 75.28.133, 75.28.280, 75.28.290, 75.28.295, 75.28.300, 75.28.302, 75.28.305, 75.28.315, 75.28.323, 75.28.328, 75.28.340, 75.28.690, 75.28.700, 75.28.710, 75.28.720, 75.28.730, 75.28.740, 75.28.750, 75.28.760, 75.28.770, 75.28.780, 75.28.900, 77.32.191, 77.32.197, 77.32.199, and 77.32.211 are each recodified as sections in a new chapter in Title 77 RCW.

NEW SECTION. **Sec. 129.** RCW 75.30.015, 75.30.021, 75.30.050, 75.30.060, 75.30.065, 75.30.070, 75.30.090, 75.30.100, 75.30.120, 75.30.125, 75.30.130, 75.30.140, 75.30.170, 75.30.180, 75.30.210, 75.30.220, 75.30.230, 75.30.240, 75.30.250, 75.30.260, 75.30.270, 75.30.280, 75.30.290, 75.30.300, 75.30.310, 75.30.320, 75.30.330, 75.30.350, 75.30.360, 75.30.370, 75.30.380, 75.30.390, 75.30.410, 75.30.420, 75.30.430, 75.30.440, 75.30.450, 75.30.460, 75.30.470, and 75.30.480 are each recodified as sections in a new chapter in Title 77 RCW.

**NEW SECTION. Sec. 130.** A new chapter is added to Title 77 RCW and is named "Compacts and other agreements." The following sections are recodified under the following subchapter headings:

(1) "Columbia river compact" as follows:

RCW 75.40.010; and

RCW 75.40.020.

(2) "Pacific marine fisheries compact" as follows:

RCW 75.40.030; and

RCW 75.40.040.

(3) "Coastal ecosystems compact" as follows:

RCW 75.40.100; and

RCW 75.40.110.

(4) "Wildlife violator compact" as follows:

RCW 77.17.010;

RCW 77.17.020; and

RCW 77.17.030.

(5) "Snake river boundary" as follows:

RCW 77.12.450;

RCW 77.12.470;

RCW 77.12.480; and

RCW 77.12.490.

(6) "Miscellaneous" as follows:

RCW 75.40.060;

RCW 77.12.430; and

RCW 77.12.440.

**NEW SECTION. Sec. 131.** RCW 75.44.100, 75.44.110, 75.44.120, 75.44.130, 75.44.140, and 75.44.150 are each recodified as sections in a new chapter in Title 77 RCW.

**NEW SECTION. Sec. 132.** RCW 75.46.005, 75.46.010, 75.46.020, 75.46.030, 75.46.040, 75.46.050, 75.46.060, 75.46.070, 75.46.080, 75.46.090, 75.46.100, 75.46.110, 75.46.120, 75.46.130, 75.56.050, and 75.46.900 are each recodified as sections in a new chapter in Title 77 RCW.

**NEW SECTION. Sec. 133.** RCW 75.48.020, 75.48.040, 75.48.050, 75.48.060, 75.48.070, 75.48.080, 75.48.100, and 75.48.110 are each recodified as sections in a new chapter in Title 77 RCW.

**NEW SECTION. Sec. 134.** RCW 75.50.010, 75.50.020, 75.50.030, 75.50.040, 75.50.060, 75.50.070, 75.50.080, 75.50.090, 75.50.100, 75.50.105, 75.50.110, 75.50.115, 75.50.125, 75.50.130, 75.50.150, 75.50.160, 75.50.165, 75.50.170, 75.50.180, 75.50.190, 75.08.245, 75.08.400, 75.08.410, 75.08.420, 75.08.430, 75.08.440, 75.08.450, 75.08.500, 75.08.510, 75.08.520, 75.08.530, and 75.50.900 are each recodified as sections in a new chapter in Title 77 RCW.

**NEW SECTION. Sec. 135.** RCW 75.52.010, 75.52.020, 75.52.030, 75.52.035, 75.52.040, 75.52.050, 75.52.060, 75.52.070, 75.08.047, 75.52.080, 75.52.100, 75.52.110, 75.52.120, 75.52.130, 75.52.140, 75.52.150, 75.52.160, and 75.52.900 are each recodified as sections in a new chapter in Title 77 RCW.

**NEW SECTION. Sec. 136.** RCW 75.54.005, 75.54.010, 75.54.020, 75.54.030, 75.54.040, 75.54.050, 75.54.060, 75.54.070, 75.54.080, 75.54.090, 75.54.100, 75.54.110, 75.54.120, 75.54.130, 75.54.140, 75.54.150, 75.54.900, and 75.54.901 are each recodified as sections in a new chapter in Title 77 RCW.

NEW SECTION. **Sec. 137.** RCW 75.56.010, 75.56.020, 75.56.030, 75.56.040, 75.56.900, and 75.56.905 are each recodified as sections in a new chapter in Title 77 RCW.

NEW SECTION. **Sec. 138.** RCW 75.58.010, 75.58.020, 75.58.030, and 75.58.040 are each recodified as sections in a new chapter in Title 77 RCW.

NEW SECTION. **Sec. 139.** RCW 75.25.092 is recodified as a new section in chapter 77.32 RCW.

NEW SECTION. **Sec. 140.** RCW 75.10.150 is recodified as a new section in chapter 77.15 RCW.

NEW SECTION. **Sec. 141.** RCW 75.25.901, 75.25.902, 75.30.055, 75.98.005, 75.98.006, 75.98.007, and 75.98.030 are each decodified.

**PART II**  
**TITLE 77**  
**Amendments**

**Sec. 201.** RCW 77.04.010 and 1990 c 84 s 1 are each amended to read as follows:  
This title is known and may be cited as "Fish and Wildlife Code of the State of Washington."

**Sec. 202.** RCW 77.04.020 and 1996 c 267 s 32 are each amended to read as follows:  
The department consists of the state fish and wildlife commission and the director. ~~((The director is responsible for the administration and operation of the department, subject to the provisions of this title.))~~ The commission may delegate to the director any of the powers and duties vested in the commission. ~~((The director shall perform the duties prescribed by law and shall carry out the basic goals and objectives prescribed under RCW 77.04.055.))~~

**Sec. 203.** RCW 77.04.030 and 1994 c 264 s 52 are each amended to read as follows:  
The fish and wildlife commission consists of nine registered voters of the state. In January of each odd-numbered year, the governor shall appoint with the advice and consent of the senate two registered voters to the commission to serve for terms of six years from that January or until their successors are appointed and qualified. If a vacancy occurs on the commission prior to the expiration of a term, the governor shall appoint a registered voter within sixty days to complete the term. Three members shall be residents of that portion of the state lying east of the summit of the Cascade mountains, and three shall be residents of that portion of the state lying west of the summit of the Cascade mountains. Three additional members shall be appointed at-large ~~((effective July 1, 1993; one of whom shall serve a one and one half year term to end December 31, 1994; one of whom shall serve a three and one half year term to end December 31, 1996; and one of whom shall serve a five and one half year term to end December 31, 1998. Thereafter all members are to serve a six year term))~~. No two members may be residents of the same county. The legal office of the commission is at the administrative office of the department in Olympia.

**Sec. 204.** RCW 77.04.055 and 1995 1st sp.s. c 2 s 4 are each amended to read as follows:  
(1) In establishing policies to preserve, protect, and perpetuate wildlife, fish, and wildlife and fish habitat, the commission shall meet annually with the governor to:  
(a) Review and prescribe basic goals and objectives related to those policies; and  
(b) Review the performance of the department in implementing fish and wildlife policies.  
The commission shall maximize fishing, hunting, and outdoor recreational opportunities compatible with healthy and diverse fish and wildlife populations.  
(2) The commission shall establish hunting, trapping, and fishing seasons and prescribe the time, place, manner, and methods that may be used to harvest or enjoy game fish and wildlife.

(3) The commission shall establish provisions regulating food fish and shellfish as provided in RCW 75.08.080 (as recodified by this act).

(4) The commission shall have final approval authority for tribal, interstate, international, and any other department agreements relating to fish and wildlife.

(5) The commission shall adopt rules to implement the state's fish and wildlife laws.

(6) The commission shall have final approval authority for the department's budget proposals.

(7) The commission shall select its own staff and shall appoint the director of the department. The director and commission staff shall serve at the pleasure of the commission.

**Sec. 205.** RCW 77.04.080 and 1995 1st sp.s. c 2 s 5 are each amended to read as follows:

~~((Persons eligible for appointment as director shall have practical knowledge of the habits and distribution of fish and wildlife.))~~ The director shall supervise the administration and operation of the department and perform the duties prescribed by law and delegated by the commission. The director shall carry out the basic goals and objectives prescribed under RCW 77.04.055. The director may appoint and employ necessary personnel. The director may delegate, in writing, to department personnel the duties and powers necessary for efficient operation and administration of the department.

Only persons having general knowledge of the fisheries and wildlife resources and of the commercial and recreational fishing industry in this state are eligible for appointment as director. The director shall not have a financial interest in the fishing industry or a directly related industry. The director shall receive the salary fixed by the governor under RCW 43.03.040.

The director is the ex officio secretary of the commission and shall attend its meetings and keep a record of its business.

~~((The director may appoint and employ necessary departmental personnel. The director may delegate to department personnel the duties and powers necessary for efficient operation and administration of the department.))~~

**Sec. 206.** RCW 77.04.100 and 1993 sp.s. c 2 s 65 are each amended to read as follows:

The director shall develop proposals to reinstate the natural salmon and steelhead trout fish runs in the Tilton and upper Cowlitz rivers in accordance with RCW 75.08.020(3) (as recodified by this act).

**Sec. 207.** RCW 77.08.010 and 1998 c 190 s 111 are each amended to read as follows:

As used in this title ~~((or Title 75 RCW))~~ or rules adopted ~~((pursuant to those))~~ under this title((s)), unless the context clearly requires otherwise:

(1) "Director" means the director of fish and wildlife.

(2) "Department" means the department of fish and wildlife.

(3) "Commission" means the state fish and wildlife commission.

(4) "Person" means and includes an individual~~((s))~~; a corporation~~((s))~~; a public or private entity or organization; a local, state, or federal agency; all business organizations, including corporations and partnerships; or a group of two or more individuals acting with a common purpose whether acting in an individual, representative, or official capacity.

(5) "Fish and wildlife officer" means a person appointed and commissioned by the director, with authority to enforce ~~((laws))~~ this title and rules adopted pursuant to this title, and other statutes as prescribed by the legislature. Fish and wildlife officer includes a person commissioned before June 11, 1998, as a wildlife agent or a fisheries patrol officer.

(6) "Ex officio fish and wildlife officer" means a commissioned officer of a municipal, county, state, or federal agency having as its primary function the enforcement of criminal laws in general, while the officer is in the appropriate jurisdiction. The term "ex officio fish and wildlife officer" includes special agents of the national marine fisheries service, state parks commissioned officers, United States fish and wildlife special agents, department of natural resources enforcement officers, and United States forest service officers, while the agents and officers are within their respective jurisdictions.

(7) "To hunt" and its derivatives means an effort to kill, injure, capture, or harass a wild animal or wild bird.

(8) "To trap" and its derivatives means a method of hunting using devices to capture wild animals or wild birds.

(9) "To fish," "to harvest," and "to take," and (~~its~~) their derivatives means an effort to kill, injure, harass, or catch a fish or shellfish.

(10) "Open season" means those times, manners of taking, and places or waters established by rule of the commission for the lawful hunting, fishing, taking, or possession of game animals, game birds, (~~or~~) game fish, food fish, or shellfish that conform to the special restrictions or physical descriptions established by rule of the commission or that have otherwise been deemed legal to hunt, fish, take, or possess by rule of the commission. "Open season" includes the first and last days of the established time.

(11) "Closed season" means all times, manners of taking, and places or waters other than those established by rule of the commission as an open season. "Closed season" also means all hunting, fishing, taking, or possession of game animals, game birds, or game fish that do not conform to the special restrictions or physical descriptions established by rule of the commission as an open season or that have not otherwise been deemed legal to hunt, fish, take, or possess by rule of the commission as an open season.

(12) "Closed area" means a place where the hunting of some species of wild animals or wild birds is prohibited.

(13) "Closed waters" means all or part of a lake, river, stream, or other body of water, where fishing for game fish is prohibited.

(14) "Game reserve" means a closed area where hunting for all wild animals and wild birds is prohibited.

(15) "Bag limit" means the maximum number of game animals, game birds, or game fish which may be taken, caught, killed, or possessed by a person, as specified by rule of the commission for a particular period of time, or as to size, sex, or species.

(16) "Wildlife" means all species of the animal kingdom whose members exist in Washington in a wild state. This includes but is not limited to mammals, birds, reptiles, amphibians, fish, and invertebrates. The term "wildlife" does not include feral domestic mammals, the family Muridae of the order Rodentia (old world rats and mice), or those fish, shellfish, and marine invertebrates classified as food fish or shellfish by the director. The term "wildlife" includes all stages of development and the bodily parts of wildlife members.

(17) "Wild animals" means those species of the class Mammalia whose members exist in Washington in a wild state and the species *Rana catesbeiana* (bullfrog). The term "wild animal" does not include feral domestic mammals or the family Muridae of the order Rodentia (old world rats and mice).

(18) "Wild birds" means those species of the class Aves whose members exist in Washington in a wild state.

(19) "Protected wildlife" means wildlife designated by the commission that shall not be hunted or fished.

(20) "Endangered species" means wildlife designated by the commission as seriously threatened with extinction.

(21) "Game animals" means wild animals that shall not be hunted except as authorized by the commission.

(22) "Fur-bearing animals" means game animals that shall not be trapped except as authorized by the commission.

(23) "Game birds" means wild birds that shall not be hunted except as authorized by the commission.

(24) "Predatory birds" means wild birds that may be hunted throughout the year as authorized by the commission.

(25) "Deleterious exotic wildlife" means species of the animal kingdom not native to Washington and designated as dangerous to the environment or wildlife of the state.

(26) "Game farm" means property on which wildlife is held or raised for commercial purposes, trade, or gift. The term "game farm" does not include publicly owned facilities.

(27) "Person of disability" means a permanently disabled person who is not ambulatory without the assistance of a wheelchair, crutches, or similar devices.

(28) "Fish" includes all species classified as game fish or food fish by statute or rule, as well as all fin fish not currently classified as food fish or game fish if such species exist in state waters. The term "fish" includes all stages of development and the bodily parts of fish species.

(29) "Raffle" means an activity in which tickets bearing an individual number are sold for not more than twenty-five dollars each and in which a permit or permits are awarded to hunt or for access to hunt big game animals or wild turkeys on the basis of a drawing from the tickets by the person or persons conducting the raffle.

(30) "Youth" means a person fifteen years old for fishing and under sixteen years old for hunting.

(31) "Senior" means a person seventy years old or older.

(32) "License year" means the period of time for which a recreational license is valid. The license year begins April 1st, and ends March 31st.

(33) "Saltwater" means those marine waters seaward of river mouths.

(34) "Freshwater" means all waters not defined as saltwater including, but not limited to, rivers upstream of the river mouth, lakes, ponds, and reservoirs.

(35) "State waters" means all marine waters and fresh waters within ordinary high water lines and within the territorial boundaries of the state.

(36) "Offshore waters" means marine waters of the Pacific Ocean outside the territorial boundaries of the state, including the marine waters of other states and countries.

(37) "Concurrent waters of the Columbia river" means those waters of the Columbia river that coincide with the Washington-Oregon state boundary.

(38) "Resident" means a person who has maintained a permanent place of abode within the state for at least ninety days immediately preceding an application for a license, has established by formal evidence an intent to continue residing within the state, and who is not licensed to hunt or fish as a resident in another state.

(39) "Nonresident" means a person who has not fulfilled the qualifications of a resident.

(40) "Shellfish" means those species of marine and freshwater invertebrates that have been classified and that shall not be taken except as authorized by rule of the commission. The term "shellfish" includes all stages of development and the bodily parts of shellfish species.

(41) "Commercial" means related to or connected with buying, selling, or bartering. Fishing for food fish or shellfish with gear unlawful for fishing for personal use, or possessing food fish or shellfish in excess of the limits permitted for personal use are commercial activities.

(42) "To process" and its derivatives mean preparing or preserving food fish or shellfish.

(43) "Personal use" means for the private use of the individual taking the food fish or shellfish and not for sale or barter.

(44) "Angling gear" means a line attached to a rod and reel capable of being held in hand while landing the fish or a hand-held line operated without rod or reel.

(45) "Fishery" means the taking of one or more particular species of food fish or shellfish with particular gear in a particular geographical area.

(46) "Limited-entry license" means a license subject to a license limitation program established in chapter 75.30 RCW (as recodified by this act).

(47) "Seaweed" means marine aquatic plant species that are dependent upon the marine aquatic or tidal environment, and exist in either an attached or free floating form, and includes but is not limited to marine aquatic plants in the classes Chlorophyta, Phaeophyta, and Rhodophyta.

(48) "Trafficking" means offering, attempting to engage, or engaging in sale, barter, or purchase of fish, shellfish, wildlife, or deleterious exotic wildlife.

**NEW SECTION. Sec. 208.** A new section is added to chapter 77.08 RCW to read as follows:

"Food fish" means those species of the classes Osteichthyes, Agnatha, and Chondrichthyes that have been classified and that shall not be fished for except as authorized by rule of the commission. The term "food fish" includes all stages of development and the bodily parts of food fish species.

**NEW SECTION. Sec. 209.** A new section is added to chapter 77.08 RCW to read as follows:  
"Salmon" means all species of the genus *Oncorhynchus*, except those classified as game fish in RCW 77.08.020, and includes:

| Scientific Name                 | Common Name    |
|---------------------------------|----------------|
| <i>Oncorhynchus tshawytscha</i> | Chinook salmon |
| <i>Oncorhynchus kisutch</i>     | Coho salmon    |
| <i>Oncorhynchus keta</i>        | Chum salmon    |
| <i>Oncorhynchus gorbuscha</i>   | Pink salmon    |
| <i>Oncorhynchus nerka</i>       | Sockeye salmon |

**Sec. 210.** RCW 77.12.010 and 1985 c 438 s 1 are each amended to read as follows:

~~((Wildlife is the property of the state. The department shall preserve, protect, and perpetuate wildlife. Game animals, game birds, and game fish may be taken only at times or places, or in manners or quantities as in the judgment of the commission maximizes public recreational opportunities without impairing the supply of wildlife.))~~

The commission shall not adopt rules that categorically prohibit fishing with bait or artificial lures in streams, rivers, beaver ponds, and lakes except that the commission may adopt rules and regulations restricting fishing methods upon a determination by the director that an individual body of water or part thereof clearly requires a fishing method prohibition to conserve or enhance the fisheries resource or to provide selected fishing alternatives. ~~((The commission shall attempt to maximize the public recreational fishing opportunities of all citizens, particularly juvenile, handicapped, and senior citizens.))~~

~~Nothing contained herein shall be construed to infringe on the right of a private property owner to control the owner's private property.))~~

**Sec. 211.** RCW 77.12.035 and 1995 c 370 s 1 are each amended to read as follows:

The ~~((department))~~ commission shall protect grizzly bears and develop management programs on publicly owned lands that will encourage the natural regeneration of grizzly bears in areas with suitable habitat. Grizzly bears shall not be transplanted or introduced into the state. Only grizzly bears that are native to Washington state may be utilized by the department for management programs. The department is directed to fully participate in all discussions and negotiations with federal and state agencies relating to grizzly bear management and shall fully communicate, support, and implement the policies of this section.

**Sec. 212.** RCW 77.12.055 and 1998 c 190 s 112 are each amended to read as follows:

(1) Fish and wildlife officers and ex officio fish and wildlife officers shall enforce this title, ~~((Title 75 RCW,))~~ rules of the department, and other statutes as prescribed by the legislature. However, when acting within the scope of these duties and when an offense occurs in the presence of the fish and wildlife officer who is not an ex officio fish and wildlife officer, the fish and wildlife officer may enforce all criminal laws of the state. The fish and wildlife officer must have successfully completed the basic law enforcement academy course sponsored by the criminal justice training commission, or a course approved by the department and the criminal justice training commission and provided by the department or the criminal justice training commission, prior to enforcing the criminal laws of the state.

(2) Fish and wildlife officers are peace officers.

(3) Any liability or claim of liability under chapter 4.92 RCW that arises out of the exercise or alleged exercise of authority by a fish and wildlife officer rests with the department unless the fish and wildlife officer acts under the direction and control of another agency or unless the liability is otherwise assumed under an agreement between the department and another agency.

(4) Fish and wildlife officers may serve and execute warrants and processes issued by the courts.

(5) Fish and wildlife officers may enforce RCW 79.01.805 and 79.01.810.

(6) Fish and wildlife officers are authorized to enforce all provisions of chapter 88.02 RCW and any rules adopted under that chapter, and the provisions of RCW 43.51.400 and any rules adopted under that section.

(7) To enforce the laws of this title (~~and Title 75 RCW~~), fish and wildlife officers may call to their aid any ex officio fish and wildlife officer or citizen and that person shall render aid.

**Sec. 213.** RCW 77.12.080 and 1998 c 190 s 114 are each amended to read as follows:

Fish and wildlife officers and ex officio fish and wildlife officers may arrest without warrant persons found violating the law or rules adopted pursuant to this title (~~and Title 75 RCW~~).

**Sec. 214.** RCW 77.12.090 and 1998 c 190 s 115 are each amended to read as follows:

Fish and wildlife officers and ex officio fish and wildlife officers may make a reasonable search without warrant of a vessel, container, or conveyances, vehicles, packages, game baskets, game coats, or other receptacles for fish and wildlife, or tents, camps, or similar places which they have ~~((reason))~~ probable cause to believe contain evidence of a violation of law or rules adopted pursuant to this title (~~or Title 75 RCW~~) and seize evidence as needed for law enforcement. The authority granted in this section to search without a warrant is allowed only if exigent circumstances exist and a search warrant could not be obtained in time to respond to these exigent circumstances. This does not preclude seizure of property if authorized for forfeiture as authorized by law.

**Sec. 215.** RCW 77.12.103 and 1993 sp.s. c 2 s 68 are each amended to read as follows:

(1) (~~The burden of proof of any exemption or exception to seizure or forfeiture of personal property involved with wildlife offenses is upon the person claiming it.~~

~~(2))~~ An authorized state, county, or municipal officer may be subject to civil liability under RCW (~~77.12.104~~) 77.15.070 for willful misconduct or gross negligence in the performance of his or her duties.

~~((3))~~ (2) The director, the fish and wildlife commission, or the department may be subject to civil liability for their willful or reckless misconduct in matters involving the seizure and forfeiture of personal property involved with fish or wildlife offenses.

**Sec. 216.** RCW 77.12.200 and 1987 c 506 s 28 are each amended to read as follows:

The commission may authorize the director to acquire by gift, purchase, lease, or condemnation lands, buildings, waters, water rights, rights of way, or other necessary property for purposes consistent with this title, together with rights of way for access to the property so acquired. Except to clear title and acquire access rights of way, the power of condemnation may be exercised by the director only when an appropriation has been made by the legislature for the acquisition of a specific property.

**Sec. 217.** RCW 77.12.204 and 1993 sp.s. c 4 s 6 are each amended to read as follows:

The department of fish and wildlife shall implement practices necessary to meet the standards developed under RCW 79.01.295 on agency-owned and managed agricultural and grazing lands. The standards may be modified on a site-specific basis as necessary and as determined by the department of ~~((fisheries or))~~ fish and wildlife, for species that these agencies respectively manage, to achieve the goals established under RCW 79.01.295(1). Existing lessees shall be provided an opportunity to participate in any site-specific field review. Department agricultural and grazing leases issued after December 31, 1994, shall be subject to practices to achieve the standards that meet those developed pursuant to RCW 79.01.295.

This section shall in no way prevent the department of fish and wildlife from managing its lands to accomplish its statutory mandate pursuant to RCW 77.12.010, nor shall it prevent the department from managing its lands according to the provisions of RCW 77.12.210 or rules adopted pursuant to this chapter.

**Sec. 218.** RCW 77.12.210 and 1987 c 506 s 30 are each amended to read as follows:



The director shall maintain and manage real or personal property owned, leased, or held by the department and shall control the construction of buildings, structures, and improvements in or on the property. The director may adopt rules for the operation and maintenance of the property.

The commission may authorize the director to sell, lease, convey, or grant concessions upon real or personal property under the control of the department. This includes the authority to sell timber, gravel, sand, and other materials or products from real property held by the department (~~and may authorize the director~~), and to sell or lease the department's real or personal property or grant concessions or rights of way for roads or utilities in the property. Oil and gas resources owned by the state which lie below lands owned, leased, or held by the department shall be offered for lease by the commissioner of public lands pursuant to chapter 79.14 RCW with the proceeds being deposited in the state wildlife fund: PROVIDED, That the commissioner of public lands shall condition such leases at the request of the department to protect wildlife and its habitat.

If the commission determines that real or personal property held by the department cannot be used advantageously by the department, the director may dispose of that property if it is in the public interest.

If the state acquired real property with use limited to specific purposes, the director may negotiate terms for the return of the property to the donor or grantor. Other real property shall be sold to the highest bidder at public auction. After appraisal, notice of the auction shall be published at least once a week for two successive weeks in a newspaper of general circulation within the county where the property is located at least twenty days prior to sale.

Proceeds from the sales shall be deposited in the state wildlife fund.

**Sec. 219.** RCW 77.12.220 and 1987 c 506 s 31 are each amended to read as follows:

For purposes of this title, the commission may make agreements to obtain real or personal property or to transfer or convey property held by the state to the United States or its agencies or instrumentalities, (~~political subdivisions~~) units of local government of this state, public service companies, or other persons, if in the judgment of the commission and the attorney general the transfer and conveyance is consistent with public interest. For purposes of this section, "local government" means any city, town, county, special district, municipal corporation, or quasi-municipal corporation.

If the commission agrees to a transfer or conveyance under this section or to a sale or return of real property under RCW 77.12.210, the director shall certify, with the attorney general, to the governor that the agreement has been made. The certification shall describe the real property. The governor then may execute and the secretary of state attest and deliver to the appropriate entity or person the instrument necessary to fulfill the agreement.

**Sec. 220.** RCW 77.12.250 and 1980 c 78 s 42 are each amended to read as follows:

The director, (~~wildlife agents~~) fish and wildlife officers, ex officio (~~wildlife agents~~) fish and wildlife officers, and department employees may enter upon lands or waters and remain there while performing their duties without liability for trespass. It is lawful for aircraft operated by the department to land and take off from beaches or waters of the state.

**Sec. 221.** RCW 77.12.315 and 1987 c 506 s 40 are each amended to read as follows:

If the director determines that a severe problem exists in an area of the state because deer and elk are being pursued, harassed, attacked or killed by dogs, the director may declare by emergency rule that an emergency exists and specify the area where it is lawful for fish and wildlife (~~agents~~) officers to take into custody or destroy the dogs if necessary. Fish and wildlife (~~agents~~) officers who take into custody or destroy a dog pursuant to this section are immune from civil or criminal liability arising from their actions.

**Sec. 222.** RCW 77.12.470 and 1980 c 78 s 63 are each amended to read as follows:

To enforce RCW 77.12.480 and 77.12.490 (as recodified by this act), courts in the counties contiguous to the boundary waters, fish and wildlife (~~agents~~) officers, and ex officio fish and wildlife (~~agents~~) officers have jurisdiction over the boundary waters to the furthest shoreline. This jurisdiction is concurrent with the courts and law enforcement officers of Idaho.

**Sec. 223.** RCW 77.12.480 and 1980 c 78 s 64 are each amended to read as follows:

The taking of wildlife from the boundary waters or islands of the Snake river shall be in accordance with the wildlife laws of the respective states. Fish and wildlife (~~(agents)~~) officers and ex officio fish and wildlife (~~(agents)~~) officers shall honor the license of either state and the right of the holder to take wildlife from the boundary waters and islands in accordance with the laws of the state issuing the license.

**Sec. 224.** RCW 77.12.490 and 1980 c 78 s 65 are each amended to read as follows:

The purpose of RCW 77.12.450 through 77.12.490 (as recodified by this act) is to avoid the conflict, confusion, and difficulty of locating the state boundary in or on the boundary waters and islands of the Snake river. These sections do not allow the holder of a Washington license to fish or hunt on the shoreline, sloughs, or tributaries on the Idaho side, nor allow the holder of an Idaho license to fish or hunt on the shoreline, sloughs, or tributaries on the Washington side.

**Sec. 225.** RCW 77.12.610 and 1982 c 155 s 1 are each amended to read as follows:

The purposes of RCW 77.12.610 through 77.12.630 (~~(and 77.16.610)~~) are to facilitate the department's gathering of biological data for managing wildlife, fish, and shellfish resources of this state and to protect (~~(wildlife)~~) these resources by assuring compliance with Title 77 RCW, and rules adopted thereunder, in a manner designed to minimize inconvenience to the public.

**Sec. 226.** RCW 77.12.620 and 1982 c 155 s 2 are each amended to read as follows:

The department is authorized to require hunters and fishermen occupying a motor vehicle approaching or entering a check station to stop and produce for inspection: (1) Any wildlife, fish, shellfish, or seaweed in their possession; (2) licenses, permits, tags, stamps, or (~~(punchcards)~~) catch record cards, required under Title 77 RCW, or rules adopted thereunder. For these purposes, the department is authorized to operate check stations which shall be plainly marked by signs, operated by at least one uniformed fish and wildlife (~~(agent)~~) officer, and operated in a safe manner.

**Sec. 227.** RCW 77.12.630 and 1982 c 155 s 4 are each amended to read as follows:

The powers conferred by RCW 77.12.610 through 77.12.630 (~~(and 77.16.610)~~) are in addition to all other powers conferred by law upon the department. Nothing in RCW 77.12.610 through 77.12.630 (~~(and 77.16.610)~~) shall be construed to prohibit the department from operating wildlife information stations at which persons shall not be required to stop and report, or from executing arrests, searches, or seizures otherwise authorized by law.

**Sec. 228.** RCW 77.12.655 and 1990 c 84 s 3 are each amended to read as follows:

The department, in accordance with chapter 34.05 RCW, shall adopt and enforce necessary rules defining the extent and boundaries of habitat buffer zones for bald eagles. Rules shall take into account the need for variation of the extent of the zone from case to case, and the need for protection of bald eagles. The rules shall also establish guidelines and priorities for purchase or trade and establishment of conservation easements and/or leases to protect such designated properties. The department shall also adopt rules to provide adequate notice to property owners of their options under RCW 77.12.650 (~~(through 77.12.655)~~).

**Sec. 229.** RCW 77.12.830 and 1997 c 425 s 3 are each amended to read as follows:

(1) Beginning in January 1998, the department of fish and wildlife and the department of natural resources shall implement a habitat incentives program based on the recommendations of federally recognized Indian tribes, landowners, the regional fisheries enhancement groups, the timber, fish, and wildlife cooperators, and other interested parties. The program shall allow a private landowner to enter into an agreement with the departments to enhance habitat on the landowner's property for food fish, game fish, or other wildlife species. In exchange, the landowner shall receive state regulatory certainty with regard to future applications for hydraulic project approval or a forest practices permit on the property covered by the agreement. The overall goal of the program is to provide a mechanism that facilitates habitat development on private property while avoiding an adverse

state regulatory impact to the landowner at some future date. A single agreement between the departments and a landowner may encompass up to one thousand acres. A landowner may enter into multiple agreements with the departments, provided that the total acreage covered by such agreements with a single landowner does not exceed ten thousand acres. The departments are not obligated to enter into an agreement unless the departments find that the agreement is in the best interest of protecting fish or wildlife species or their habitat.

(2) A habitat incentives agreement shall be in writing and shall contain at least the following: A description of the property covered by the agreement, an expiration date, a description of the condition of the property prior to the implementation of the agreement, and other information needed by the landowner and the departments for future reference and decisions.

(3) As part of the agreement, the department of fish and wildlife may stipulate the factors that will be considered when the department evaluates a landowner's application for hydraulic project approval under RCW 75.20.100 or 75.20.103 (as recodified by this act) on property covered by the agreement. The department's identification of these evaluation factors shall be in concurrence with the department of natural resources and affected federally recognized Indian tribes. In general, future decisions related to the issuance, conditioning, or denial of hydraulic project approval shall be based on the conditions present on the landowner's property at the time of the agreement, unless all parties agree otherwise.

(4) As part of the agreement, the department of natural resources may stipulate the factors that will be considered when the department evaluates a landowner's application for a forest practices permit under chapter 76.09 RCW on property covered by the agreement. The department's identification of these evaluation factors shall be in concurrence with the department of fish and wildlife and affected federally recognized Indian tribes. In general, future decisions related to the issuance, conditioning, or denial of forest practices permits shall be based on the conditions present on the landowner's property at the time of the agreement, unless all parties agree otherwise.

(5) The agreement is binding on and may be used by only the landowner who entered into the agreement with the department. The agreement shall not be appurtenant with the land. However, if a new landowner chooses to maintain the habitat enhancement efforts on the property, the new landowner and the departments may jointly choose to retain the agreement on the property.

(6) If the departments receive multiple requests for agreements with private landowners under the habitat incentives program, the departments shall prioritize these requests and shall enter into as many agreements as possible within available budgetary resources.

**Sec. 230.** RCW 77.15.070 and 1998 c 190 s 69 are each amended to read as follows:

(1) Fish and wildlife officers and ex officio fish and wildlife officers may seize without warrant boats, airplanes, vehicles, motorized implements, conveyances, gear, appliances, or other articles they have probable cause to believe have been held with intent to violate or used in violation of this ~~((chapter))~~ title or rule of the commission or director. However, fish and wildlife officers or ex officio fish and wildlife officers may not seize any item or article, other than for evidence, if under the circumstances, it is reasonable to conclude that the violation was inadvertent. The property seized is subject to forfeiture to the state under this section regardless of ownership. Property seized may be recovered by its owner by depositing into court a cash bond equal to the value of the seized property but not more than twenty-five thousand dollars. Such cash bond is subject to forfeiture in lieu of the property. Forfeiture of property seized under this section is a civil forfeiture ~~((against property))~~ and is intended to be a remedial civil sanction.

(2) In the event of a seizure of property under this section, jurisdiction to begin the forfeiture proceedings shall commence upon seizure. Within fifteen days following the seizure, the seizing authority shall serve a written notice of intent to forfeit property on the owner of the property seized and on any person having any known right or interest in the property seized. Notice may be served by any method authorized by law or court rule, including service by certified mail with return receipt requested. Service by mail is deemed complete upon mailing within the fifteen-day period following the seizure.

(3) Persons claiming a right of ownership or right to possession of property are entitled to a hearing to contest forfeiture. Such a claim shall specify the claim of ownership or possession and shall

be made in writing and served on the director within forty-five days of the seizure. If the seizing authority has complied with notice requirements and there is no claim made within forty-five days, then the property shall be forfeited to the state.

(4) If any person timely serves the director with a claim to property, the person shall be afforded an opportunity to be heard as to the person's claim or right. The hearing shall be before the director or director's designee, or before an administrative law judge appointed under chapter 34.12 RCW, except that a person asserting a claim or right may remove the matter to a court of competent jurisdiction if the aggregate value of the property seized is more than five thousand dollars.

(5) The hearing to contest forfeiture and any subsequent appeal shall be as provided for in ~~((Title 34 RCW))~~ chapter 34.05 RCW, the administrative procedure act. The seizing authority has the burden to demonstrate that it had reason to believe the property was held with intent to violate or was used in violation of this title or rule of the commission or director. The person contesting forfeiture has the burden of production and proof by a preponderance of evidence that the person owns or has a right to possess the property and:

(a) That the property was not held with intent to violate or used in violation of this title ~~((or Title 75 RCW))~~; or

(b) If the property is a boat, airplane, or vehicle, that the illegal use or planned illegal use of the boat, airplane, or vehicle occurred without the owner's knowledge or consent, and that the owner acted reasonably to prevent illegal uses of such boat, airplane, or vehicle.

(6) A forfeiture of a conveyance encumbered by a perfected security interest is subject to the interest of the secured party if the secured party neither had knowledge ~~((of))~~ of nor consented to the act or omission. No security interest in seized property may be perfected after seizure.

(7) If seized property is forfeited under this section the department may retain it for official use unless the property is required to be destroyed, or upon application by any law enforcement agency of the state, release such property to the agency for the use of enforcing this title, or sell such property, and deposit the proceeds to the wildlife fund, as provided for in RCW 77.12.170.

**NEW SECTION. Sec. 231.** A new section is added to chapter 77.15 RCW to read as follows:

Fish and wildlife officers and ex officio fish and wildlife officers may seize without a warrant wildlife, fish, and shellfish they have probable cause to believe have been taken, transported, or possessed in violation of this title or rule of the commission or director.

**Sec. 232.** RCW 77.15.080 and 1998 c 190 s 113 are each amended to read as follows:

Based upon articulable facts that a person is actively engaged in fishing or hunting activities, fish and wildlife officers have the authority to temporarily stop the person and check for valid licenses, tags, permits, stamps, or catch record cards, and to inspect all fish and wildlife in possession as well as the equipment being used to ensure compliance with the requirements of this title ~~((and Title 75 RCW))~~. For purposes of this section, "actively engaged in fishing or hunting activities" means to make an effort to hunt or fish, and includes the time period in which a person has immediately returned to camp or port from hunting or fishing activities. If a person is in camp or in port, and all weapons or fishing gear have been stored away, that person is not considered to be actively engaged in fishing or hunting activities.

**Sec. 233.** RCW 77.15.090 and 1998 c 190 s 117 are each amended to read as follows:

On a showing of probable cause that there has been a violation of any fish or wildlife law of the state of Washington, or upon a showing of probable cause to believe that evidence of such violation may be found at a place, a court shall issue a search warrant or arrest warrant. Fish and wildlife officers may execute any such arrest or search warrant reasonably necessary to their duties under this title ~~((or Title 75 RCW))~~ and may seize fish and wildlife or any evidence of a crime and the fruits or instrumentalities of a crime as provided by warrant. The court may have a building, enclosure, vehicle, vessel, container, or receptacle opened or entered and the contents examined.

**Sec. 234.** RCW 77.15.100 and 1998 c 190 s 63 are each amended to read as follows:

(1) Unless otherwise provided in this title (~~or Title 75 RCW~~), fish, shellfish, or wildlife unlawfully taken or possessed, or involved in a violation shall be forfeited to the state upon conviction. Unless already held by, sold, destroyed, or disposed of by the department, the court shall order such fish or wildlife to be delivered to the department. Where delay will cause loss to the value of the property and a ready wholesale buying market exists, the department may sell property to a wholesale buyer at a fair market value.

(2) (~~The department may use, sell, or destroy any other~~) When seized property is forfeited (by the court or) to the department, the department may retain it for official use unless the property is required to be destroyed, or upon application by any law enforcement agency of the state, release the property to the agency for the use of enforcing this title, or sell such property and deposit the proceeds into the state wildlife fund established under RCW 77.12.170. Any sale of other property shall be at public auction or after public advertisement reasonably designed to obtain the highest price. The time, place, and manner of holding the sale shall be determined by the director. The director may contract for the sale to be through the department of general administration as state surplus property, or, except where not justifiable by the value of the property, the director shall publish notice of the sale once a week for at least two consecutive weeks before the sale in at least one newspaper of general circulation in the county in which the sale is to be held. (~~Proceeds of the sale shall be deposited in the state treasury to be credited to the state wildlife fund.~~)

**Sec. 235.** RCW 77.15.120 and 1998 c 190 s 13 are each amended to read as follows:

(1) A person is guilty of unlawful taking of endangered fish or wildlife in the second degree if the person hunts, fishes, possesses, maliciously harasses or kills fish or wildlife, or maliciously destroys the nests or eggs of fish or wildlife and the fish or wildlife is designated by the commission as endangered, and the taking has not been authorized by rule of the commission.

(2) A person is guilty of unlawful taking of endangered fish or wildlife in the first degree if the person has been:

(a) Convicted under subsection (1) of this section or convicted of any crime under this title involving the killing, possessing, harassing, or harming of endangered fish or wildlife; and

(b) Within five years of the date of the prior conviction the person commits the act described by subsection (1) of this section.

(3)(a) Unlawful taking of endangered fish or wildlife in the second degree is a gross misdemeanor.

(b) Unlawful taking of endangered fish or wildlife in the first degree is a class C felony. The department shall revoke any licenses or tags used in connection with the crime and order the person's privileges to hunt, fish, trap, or obtain licenses under this title (~~and Title 75 RCW~~) to be suspended for two years.

**Sec. 236.** RCW 77.15.160 and 1998 c 190 s 17 are each amended to read as follows:

A person is guilty of an infraction, which shall be cited and punished as provided under chapter 7.84 RCW, if the person:

(1) Fails to immediately record a catch of fish or shellfish on a catch record card required by RCW (~~75.25.190 or 77.32.050~~) 77.32.430, or required by rule of the commission under this title (~~or Title 75 RCW~~); or

(2) Fishes for personal use using barbed hooks in violation of any rule; or

(3) Violates any other rule of the commission or director that is designated by rule as an infraction.

**NEW SECTION. Sec. 237.** A new section is added to chapter 77.15 RCW to read as follows:

Any person who is damaged by any act prohibited in RCW 77.15.210 may bring a civil action to enjoin further violations, and recover damages sustained, including a reasonable attorneys' fee. The trial court may increase the award of damages to an amount not to exceed three times the damages sustained. A party seeking civil damages under this section may recover upon proof of a violation by a preponderance of the evidence. The state of Washington may bring a civil action to enjoin violations of this section.

**Sec. 238.** RCW 77.15.300 and 1998 c 190 s 52 are each amended to read as follows:

(1) A person is guilty of unlawfully undertaking hydraulic project activities if the person constructs any form of hydraulic project or performs other work on a hydraulic project and:

(a) Fails to have a hydraulic project approval required under chapter 75.20 RCW (as recodified by this act) for such construction or work; or

(b) Violates any requirements or conditions of the hydraulic project approval for such construction or work.

(2) Unlawfully undertaking hydraulic project activities is a gross misdemeanor.

**Sec. 239.** RCW 77.15.310 and 1998 c 190 s 53 are each amended to read as follows:

(1) A person is guilty of unlawful failure to use or maintain an approved fish guard on a diversion device if the person owns, controls, or operates a device used for diverting or conducting water from a lake, river, or stream and:

(a) The device is not equipped with a fish guard, screen, or bypass approved by the director as required by RCW 75.20.040 (~~(or 77.16.220)~~) (as recodified by this act); or

(b) The person knowingly fails to maintain or operate an approved fish guard, screen, or bypass so as to effectively screen or prevent fish from entering the intake.

(2) Unlawful failure to use or maintain an approved fish guard, screen, or bypass on a diversion device is a gross misdemeanor. Following written notification to the person from the department that there is a violation, each day that a diversion device is operated without an approved or maintained fish guard, screen, or bypass is a separate offense.

**Sec. 240.** RCW 77.15.320 and 1998 c 190 s 54 are each amended to read as follows:

(1) A person is guilty of unlawful failure to provide, maintain, or operate a fishway for dam or other obstruction if the person owns, operates, or controls a dam or other obstruction to fish passage on a river or stream and:

(a) The dam or obstruction is not provided with a durable and efficient fishway approved by the director as required by RCW 75.20.060 (as recodified by this act);

(b) Fails to maintain a fishway in efficient operating condition; or

(c) Fails to continuously supply a fishway with a sufficient supply of water to allow the free passage of fish.

(2) Unlawful failure to provide, maintain, or operate a fishway for dam or other obstruction is a gross misdemeanor. Following written notification to the person from the department that there is a violation, each day of unlawful failure to provide, maintain, or operate a fishway is a separate offense.

**Sec. 241.** RCW 77.15.350 and 1998 c 190 s 58 are each amended to read as follows:

(1) A person is guilty of violating a rule regarding inspection and disease control of aquatic farms if the person:

(a) Violates any rule adopted under chapter 75.58 RCW (as recodified by this act) regarding the inspection and disease control program for an aquatic farm; or

(b) Fails to register or report production from an aquatic farm as required by chapter 75.58 RCW (as recodified by this act).

(2) A violation of a rule regarding inspection and disease control of aquatic farms is a misdemeanor.

**Sec. 242.** RCW 77.15.360 and 1998 c 190 s 61 are each amended to read as follows:

(1) A person is guilty of unlawful interfering in department operations if the person prevents department employees from carrying out duties authorized by this title (~~(or Title 75 RCW)~~), including but not limited to interfering in the operation of department vehicles, vessels, or aircraft.

(2) Unlawful interfering in department operations is a gross misdemeanor.

**Sec. 243.** RCW 77.15.380 and 1998 c 190 s 18 are each amended to read as follows:

(1) A person is guilty of unlawful recreational fishing in the second degree if the person fishes for, takes, possesses, or harvests fish or shellfish and:

(a) The person does not have and possess the license or the catch record card required by chapter 75.25 (as recodified by this act) or 77.32 RCW for such activity; or

(b) The action violates any rule of the commission or the director regarding seasons, bag or possession limits but less than two times the bag or possession limit, closed areas, closed times, or any other rule addressing the manner or method of fishing or possession of fish, except for use of a net to take fish as provided for in RCW 77.15.580.

(2) Unlawful recreational fishing in the second degree is a misdemeanor.

**Sec. 244.** RCW 77.15.390 and 1998 c 190 s 20 are each amended to read as follows:

(1) A person is guilty of unlawful taking of seaweed if the person takes, possesses, or harvests seaweed and:

(a) The person does not have and possess the license required by chapter 75.25 RCW (as recodified by this act) for taking seaweed; or

(b) The action violates any rule of the department or the department of natural resources regarding seasons, possession limits, closed areas, closed times, or any other rule addressing the manner or method of taking, possessing, or harvesting of seaweed.

(2) Unlawful taking of seaweed is a misdemeanor. This does not affect rights of the state to recover civilly for trespass, conversion, or theft of state-owned valuable materials.

**Sec. 245.** RCW 77.15.470 and 1998 c 190 s 29 are each amended to read as follows:

(1) A person is guilty of unlawfully avoiding wildlife check stations or field inspections if the person fails to:

(a) Obey check station signs;

(b) Stop and report at a check station if directed to do so by a uniformed fish and wildlife officer; or

(c) Produce for inspection upon request by a fish and wildlife officer: (i) Hunting or fishing equipment; (ii) seaweed, fish, shellfish, or wildlife; or (iii) licenses, permits, tags, stamps, or catch record cards required by this title ~~((or Title 75 RCW))~~.

(2) Unlawfully avoiding wildlife check stations or field inspections is a gross misdemeanor.

(3) Wildlife check stations may not be established upon interstate highways or state routes.

**Sec. 246.** RCW 77.15.480 and 1980 c 78 s 27 are each amended to read as follows:

Articles or devices unlawfully used, possessed, or maintained for catching, taking, killing, attracting, or decoying wildlife are public nuisances. If necessary, fish and wildlife ((agents)) officers and ex officio fish and wildlife ((agents)) officers may seize, abate, or destroy these public nuisances without warrant or process.

**Sec. 247.** RCW 77.15.500 and 1998 c 190 s 35 are each amended to read as follows:

(1) A person is guilty of commercial fishing without a license in the second degree if the person fishes for, takes, or delivers food fish, shellfish, or game fish while acting for commercial purposes and:

(a) The person does not hold a fishery license or delivery license under chapter 75.28 RCW (as recodified by this act) for the food fish or shellfish; or

(b) The person is not a licensed operator designated as an alternate operator on a fishery or delivery license under chapter 75.28 RCW (as recodified by this act) for the food fish or shellfish.

(2) A person is guilty of commercial fishing without a license in the first degree if the person commits the act described by subsection (1) of this section and:

(a) The violation involves taking, delivery, or possession of food fish or shellfish with a value of two hundred fifty dollars or more; or

(b) The violation involves taking, delivery, or possession of food fish or shellfish from an area that was closed to the taking of such food fish or shellfish by any statute or rule.

(3)(a) Commercial fishing without a license in the second degree is a gross misdemeanor.

(b) Commercial fishing without a license in the first degree is a class C felony.

**Sec. 248.** RCW 77.15.530 and 1998 c 190 s 38 are each amended to read as follows:

(1) A person who holds a fishery license required by chapter 75.28 RCW (as recodified by this act), or who holds an operator's license and is designated as an alternate operator on a fishery license required by chapter 75.28 RCW (as recodified by this act), is guilty of unlawful use of a nondesignated vessel if the person takes, fishes for, or delivers from that fishery using a vessel not designated on the person's license, when vessel designation is required by chapter 75.28 RCW (as recodified by this act).

(2) Unlawful use of a nondesignated vessel is a gross misdemeanor.

(3) A nondesignated vessel may be used, subject to appropriate notification to the department and in accordance with rules established by the commission, when a designated vessel is inoperative because of accidental damage or mechanical breakdown.

(4) If the person commits the act described by subsection (1) of this section and the vessel designated on the person's fishery license was used by any person in the fishery on the same day, then the violation for using a nondesignated vessel is a class C felony. Upon conviction the department shall order revocation and suspension of all commercial fishing privileges under chapter 75.28 RCW (as recodified by this act) for a period of one year.

**Sec. 249.** RCW 77.15.540 and 1998 c 190 s 39 are each amended to read as follows:

(1) A person who holds a fishery license required by chapter 75.28 RCW (as recodified by this act), or who holds an operator's license and is designated as an alternate operator on a fishery license required by chapter 75.28 RCW (as recodified by this act), is guilty of unlawful use of a commercial fishery license if the person:

(a) Does not have the commercial fishery license or operator's license in possession during fishing or delivery; or

(b) Violates any rule of the department regarding the use, possession, display, or presentation of the person's license, decals, or vessel numbers.

(2) Unlawful use of a commercial fishery license is a misdemeanor.

**Sec. 250.** RCW 77.15.570 and 1998 c 190 s 49 are each amended to read as follows:

(1) Except as provided in subsection (3) of this section, it is unlawful for a person who is not a treaty Indian fisherman to participate in the taking of fish or shellfish in a treaty Indian fishery, or to be on board a vessel, or associated equipment, operating in a treaty Indian fishery. A violation of this subsection is a gross misdemeanor.

(2) A person who violates subsection (1) of this section with the intent of acting for commercial purposes, including any sale of catch, control of catch, profit from catch, or payment for fishing assistance, is guilty of a class C felony. Upon conviction, the department shall order revocation of any license and a one-year suspension of all commercial fishing privileges requiring a license under chapter 75.28 or 75.30 RCW (as recodified by this act).

(3)(a) The spouse, forebears, siblings, children, and grandchildren of a treaty Indian fisherman may assist the fisherman in exercising treaty Indian fishing rights when the treaty Indian fisherman is present at the fishing site.

(b) Other treaty Indian fishermen with off-reservation treaty fishing rights in the same usual and accustomed places, whether or not the fishermen are members of the same tribe or another treaty tribe, may assist a treaty Indian fisherman in exercising treaty Indian fishing rights when the treaty Indian fisherman is present at the fishing site.

(c) Biologists approved by the department may be on board a vessel operating in a treaty Indian fishery.

(4) For the purposes of this section:

(a) "Treaty Indian fisherman" means a person who may exercise treaty Indian fishing rights as determined under *United States v. Washington*, 384 F. Supp. 312 (W.D. Wash. 1974), or *Sohappy v. Smith*, 302 F. Supp. 899 (D. Oregon 1969), and post-trial orders of those courts;

(b) "Treaty Indian fishery" means a fishery open to only treaty Indian fishermen by tribal or federal regulation;

(c) "To participate" and its derivatives mean an effort to operate a vessel or fishing equipment, provide immediate supervision in the operation of a vessel or fishing equipment, or otherwise assist in



the fishing operation, to claim possession of a share of the catch, or to represent that the catch was lawfully taken in an Indian fishery.

(5) A violation of this section constitutes illegal fishing and is subject to the suspensions provided for commercial fishing violations.

**Sec. 251.** RCW 77.15.580 and 1998 c 190 s 50 are each amended to read as follows:

(1) A person is guilty of unlawful use of a net to take fish in the second degree if the person:

(a) Lays, sets, uses, or controls a net or other device or equipment capable of taking fish from the waters of this state, except if the person has a valid license for such fishing gear from the director under this title and is acting in accordance with all rules of the commission and director; or

(b) Fails to return unauthorized fish to the water immediately while otherwise lawfully operating a net under a valid license.

(2) A person is guilty of unlawful use of a net to take fish in the first degree if the person:

(a) Commits the act described by subsection (1) of this section; and

(b) The violation occurs within five years of entry of a prior conviction for a gross misdemeanor or felony under this title (~~or Title 75 RCW~~) involving fish, other than a recreational fishing violation, or involving unlawful use of nets.

(3)(a) Unlawful use of a net to take fish in the second degree is a gross misdemeanor. Upon conviction, the department shall revoke any license held under this title (~~or Title 75 RCW~~) allowing commercial net fishing used in connection with the crime.

(b) Unlawful use of a net to take fish in the first degree is a class C felony. Upon conviction, the department shall order a one-year suspension of all commercial fishing privileges requiring a license under this title (~~or Title 75 RCW~~).

(4) Notwithstanding subsections (1) and (2) of this section, it is lawful to use a landing net to land fish otherwise legally hooked.

**Sec. 252.** RCW 77.15.620 and 1998 c 190 s 43 are each amended to read as follows:

(1) A person is guilty of engaging in fish dealing activity without a license in the second degree if the person:

(a) Engages in the commercial processing of fish or shellfish, including custom canning or processing of personal use fish or shellfish and does not hold a wholesale dealer's license required by RCW 75.28.300(1) or 77.32.211 (as recodified by this act) for anadromous game fish;

(b) Engages in the wholesale selling, buying, or brokering of food fish or shellfish and does not hold a wholesale dealer's or buying license required by RCW 75.28.300(2) or 77.32.211 (as recodified by this act) for anadromous game fish;

(c) Is a fisher who lands and sells his or her catch or harvest in the state to anyone other than a licensed wholesale dealer within or outside the state and does not hold a wholesale dealer's license required by RCW 75.28.300(3) or 77.32.211 (as recodified by this act) for anadromous game fish; or

(d) Engages in the commercial manufacture or preparation of fertilizer, oil, meal, caviar, fish bait, or other byproducts from food fish or shellfish and does not hold a wholesale dealer's license required by RCW 75.28.300(4) or 77.32.211 (as recodified by this act) for anadromous game fish.

(2) Engaging in fish dealing activity without a license in the second degree is a gross misdemeanor.

(3) A person is guilty of engaging in fish dealing activity without a license in the first degree if the person commits the act described by subsection (1) of this section and the violation involves fish or shellfish worth two hundred fifty dollars or more. Engaging in fish dealing activity without a license in the first degree is a class C felony.

**Sec. 253.** RCW 77.15.630 and 1998 c 190 s 44 are each amended to read as follows:

(1) A person who holds a fish dealer's license required by RCW 75.28.300 (as recodified by this act), an anadromous game fish buyer's license required by RCW 77.32.211 (as recodified by this act), or a fish buyer's license required by RCW 75.28.340 (as recodified by this act) is guilty of unlawful use of fish buying and dealing licenses in the second degree if the person:

(a) Possesses or receives fish or shellfish for commercial purposes worth less than two hundred fifty dollars; and

(b) Fails to document such fish or shellfish with a fish-receiving ticket required by statute or rule of the department.

(2) A person is guilty of unlawful use of fish buying and dealing licenses in the first degree if the person commits the act described by subsection (1) of this section and:

(a) The violation involves fish or shellfish worth two hundred fifty dollars or more;

(b) The person acted with knowledge that the fish or shellfish were taken from a closed area, at a closed time, or by a person not licensed to take such fish or shellfish for commercial purposes; or

(c) The person acted with knowledge that the fish or shellfish were taken in violation of any tribal law.

(3)(a) Unlawful use of fish buying and dealing licenses in the second degree is a gross misdemeanor.

(b) Unlawful use of fish buying and dealing licenses in the first degree is a class C felony.

Upon conviction, the department shall suspend all privileges to engage in fish buying or dealing for two years.

**Sec. 254.** RCW 77.15.640 and 1998 c 190 s 45 are each amended to read as follows:

(1) A person who holds a wholesale fish dealer's license required by RCW 75.28.300 (as recodified by this act), an anadromous game fish buyer's license required by RCW 77.32.211 (as recodified by this act), or a fish buyer's license required by RCW 75.28.340 (as recodified by this act) is guilty of violating rules governing wholesale fish buying and dealing if the person:

(a) Fails to possess or display his or her license when engaged in any act requiring the license;

(b) Fails to display or uses the license in violation of any rule of the department;

(c) Files a signed fish-receiving ticket but fails to provide all information required by rule of the department; or

(d) Violates any other rule of the department regarding wholesale fish buying and dealing.

(2) Violating rules governing wholesale fish buying and dealing is a gross misdemeanor.

**Sec. 255.** RCW 77.15.650 and 1998 c 190 s 59 are each amended to read as follows:

(1) A person is guilty of unlawful purchase or use of a license in the second degree if the person buys, holds, uses, displays, transfers, or obtains any license, tag, permit, or approval required by this title (~~or Title 75 RCW~~) and the person:

(a) Uses false information to buy, hold, use, display, or obtain a license, permit, tag, or approval;

(b) Acquires, holds, or buys in excess of one license, permit, or tag for a license year if only one license, permit, or tag is allowed per license year;

(c) Uses or displays a license, permit, tag, or approval that was issued to another person;

(d) Permits or allows a license, permit, tag, or approval to be used or displayed by another person not named on the license, permit, tag, or approval;

(e) Acquires or holds a license while privileges for the license are revoked or suspended.

(2) A person is guilty of unlawful purchase or use of a license in the first degree if the person commits the act described by subsection (1) of this section and the person was acting with intent that the license, permit, tag, or approval be used for any commercial purpose. A person is presumed to be acting with such intent if the violation involved obtaining, holding, displaying, or using a license or permit for participation in any commercial fishery issued under this title (~~or Title 75 RCW~~) or a license authorizing fish or wildlife buying, trafficking, or wholesaling.

(3)(a) Unlawful purchase or use of a license in the second degree is a gross misdemeanor.

Upon conviction, the department shall revoke any unlawfully used or held licenses and order a two-year suspension of participation in the activities for which the person unlawfully obtained, held, or used a license.

(b) Unlawful purchase or use of a license in the first degree is a class C felony. Upon conviction, the department shall revoke any unlawfully used or held licenses and order a five-year

suspension of participation in any activities for which the person unlawfully obtained, held, or used a license.

(4) For purposes of this section, a person "uses" a license, permit, tag, or approval if the person engages in any activity authorized by the license, permit, tag, or approval held or possessed by the person. Such uses include but are not limited to fishing, hunting, taking, trapping, delivery or landing fish or wildlife, and selling, buying, or wholesaling of fish or wildlife.

(5) Any license obtained in violation of this section is void upon issuance and is of no legal effect.

**Sec. 256.** RCW 77.15.710 and 1998 c 190 s 67 are each amended to read as follows:

(1) The commission shall revoke all hunting, fishing, or other licenses issued under this title and order a ten-year suspension of all privileges extended under the authority of the department of a person convicted of assault on a fish and wildlife officer (~~or other law enforcement officer provided that:~~

~~(a) The fish and wildlife officer or other law enforcement officer was on duty at the time of the assault; and~~

~~(b) The fish and wildlife officer or other law enforcement officer was enforcing the provisions of this title)), ex officio officer, employee, agent, or personnel acting for the department, if the employee assaulted was on duty at the time of the assault and carrying out the provisions of this title. The suspension shall be continued beyond this period if any damages to the victim have not been paid by the suspended person.~~

(2) For the purposes of this section, the definition of assault includes:

- (a) RCW 9A.32.030; murder in the first degree;
- (b) RCW 9A.32.050; murder in the second degree;
- (c) RCW 9A.32.060; manslaughter in the first degree;
- (d) RCW 9A.32.070; manslaughter in the second degree;
- (e) RCW 9A.36.011; assault in the first degree;
- (f) RCW 9A.36.021; assault in the second degree; and
- (g) RCW 9A.36.031; assault in the third degree.

**Sec. 257.** RCW 77.15.720 and 1998 c 190 s 68 are each amended to read as follows:

(1) If a person shoots another person or domestic livestock while hunting, the director shall revoke all hunting licenses and suspend all hunting privileges for three years. If the shooting of another person or livestock is the result of criminal negligence or reckless or intentional conduct, then the person's privileges shall be suspended for ten years. The suspension (~~may~~) shall be continued beyond these periods if damages owed to the victim or livestock owner have not been paid by the suspended person. A hunting license shall not be reissued to the suspended person unless authorized by the director.

~~(2) ((If a person commits any assault upon employees, agents, or personnel acting for the department, the director shall suspend hunting or fishing privileges for ten years.~~

~~(3))~~ Within twenty days of service of an order suspending privileges or imposing conditions under this section or RCW 77.15.710, a person may petition for administrative review under chapter 34.05 RCW by serving the director with a petition for review. The order is final and unappealable if there is no timely petition for administrative review.

~~((4))~~ (3) The commission may by rule authorize petitions for reinstatement of administrative suspensions and define circumstances under which reinstatement will be allowed.

**Sec. 258.** RCW 77.16.020 and 1998 c 190 s 119 are each amended to read as follows:

For the purposes of establishing a season or bag limit restriction on Canada goose hunting, the ~~(department)~~ commission shall not consider leg length or bill length of dusky Canada geese (*Branta canadensis occidentalis*).

**Sec. 259.** RCW 77.16.360 and 1997 c 1 s 1 are each amended to read as follows:

(1) Notwithstanding the provisions of RCW 77.12.240 (~~and 77.12.265~~) or other provisions of law, it is unlawful to take, hunt, or attract black bear with the aid of bait.

(a) Nothing in this subsection shall be construed to prohibit the killing of black bear with the aid of bait by employees or agents of county, state, or federal agencies while acting in their official capacities for the purpose of protecting livestock, domestic animals, private property, or the public safety.

(b) Nothing in this subsection shall be construed to prevent the establishment and operation of feeding stations for black bear in order to prevent damage to commercial timberland.

(c) Nothing in this subsection shall be construed to prohibit the director from issuing a permit or memorandum of understanding to a public agency, university, or scientific or educational institution for the use of bait to attract black bear for scientific purposes.

(d) As used in this subsection, "bait" means a substance placed, exposed, deposited, distributed, scattered, or otherwise used for the purpose of attracting black bears to an area where one or more persons hunt or intend to hunt them.

(2) Notwithstanding RCW 77.12.240 or any other provisions of law, it is unlawful to hunt or pursue black bear, cougar, bobcat, or lynx with the aid of a dog or dogs.

(a) Nothing in this subsection shall be construed to prohibit the killing of black bear, cougar, bobcat, or lynx with the aid of a dog or dogs by employees or agents of county, state, or federal agencies while acting in their official capacities for the purpose of protecting livestock, domestic animals, private property, or the public safety. A dog or dogs may be used by the owner or tenant of real property consistent with a permit issued and conditioned by the director (~~under RCW 77.12.265~~).

(b) Nothing in this subsection shall be construed to prohibit the director from issuing a permit or memorandum of understanding to a public agency, university, or scientific or educational institution for the use of a dog or dogs for the pursuit of black bear, cougar, bobcat, or lynx for scientific purposes.

(3) A person who violates subsection (1) or (2) of this section is guilty of a gross misdemeanor. In addition to appropriate criminal penalties, the director shall revoke the hunting license of a person who violates subsection (1) or (2) of this section and a hunting license shall not be issued for a period of five years following the revocation. Following a subsequent violation of subsection (1) or (2) of this section by the same person, a hunting license shall not be issued to the person at any time.

**Sec. 260.** RCW 77.17.020 and 1994 c 264 s 56 are each amended to read as follows:

For purposes of Article VII of RCW 77.17.010 (as recodified by this act), the term "licensing authority," with reference to this state, means the department. The director is authorized to appoint a compact administrator.

**Sec. 261.** RCW 77.18.010 and 1993 sp.s. c 2 s 76 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) (~~"Department" means the department of fish and wildlife.~~

~~(2))~~ (2) "Contract" means an agreement setting at a minimum, price, quantity of fish to be delivered, time of delivery, and fish health requirements.

~~((3))~~ (2) "Fish health requirements" means those site specific fish health and genetic requirements actually used by the department of fish and wildlife in fish stocking.

~~((4))~~ (3) "Aquatic farmer" means a private sector person who commercially farms and manages private sector cultured aquatic products on the person's own land or on land in which the person has a present right of possession.

~~((5) "Person" means a natural person, corporation, trust, or other legal entity.)~~

(4) "Warm water game fish" includes the following species: Bass, channel catfish, walleye, crappie, and other species as defined by the department.

**Sec. 262.** RCW 77.21.090 and 1993 c 82 s 5 are each amended to read as follows:

(1) Upon receipt of a report of failure to comply with the terms of a citation from the licensing authority of a state that is a party to the wildlife violator compact under RCW 77.17.010 (as recodified by this act), the department shall suspend the violator's license privileges under this title until satisfactory evidence of compliance with the terms of the wildlife citation has been furnished by the issuing state to the department. The department shall adopt by rule procedures for the timely notification and administrative review of such suspension of licensing privileges.

(2) Upon receipt of a report of a conviction from the licensing authority of a state that is a party to the wildlife violator compact under RCW 77.17.010 (as recodified by this act), the department shall enter such conviction in its records and shall treat such conviction as if it occurred in the state of Washington for the purposes of suspension, revocation, or forfeiture of license privileges.

**Sec. 263.** RCW 77.32.014 and 1998 c 191 s 8 are each amended to read as follows:

(1) Licenses, tags, and stamps issued pursuant to this chapter shall be invalid for any period in which a person is certified by the department of social and health services or a court of competent jurisdiction as a person in noncompliance with a support order. Fish and wildlife officers and ex officio fish and wildlife officers shall enforce this section through checks of the department of licensing's computer data base. A listing on the department of licensing's data base that an individual's license is currently suspended pursuant to RCW 46.20.291(~~((7))~~) (8) shall be prima facie evidence that the individual is in noncompliance with a support order. Presentation of a written release issued by the department of social and health services stating that the person is in compliance with an order shall serve as prima facie proof of compliance with a support order.

(2) It is unlawful to purchase, obtain, or possess a license required by this chapter during any period in which a license is suspended.

**Sec. 264.** RCW 77.32.090 and 1998 c 191 s 12 are each amended to read as follows:

The commission may adopt rules pertaining to the form, period of validity, use, possession, and display of licenses, permits, tags, (~~and~~) stamps, and raffle tickets required by this chapter (~~and raffle tickets authorized under chapter 77.12 RCW~~).

**Sec. 265.** RCW 77.32.199 and 1987 c 372 s 4 are each amended to read as follows:

The (~~commission~~) director may revoke the trapper's license of a person placing unauthorized traps on private property and may remove those traps.

**Sec. 266.** RCW 77.32.250 and 1998 c 191 s 22 are each amended to read as follows:

Licenses, permits, tags, and stamps required by this chapter and raffle tickets authorized under this chapter (~~77.12 RCW~~) shall not be transferred.

Upon request of a fish and wildlife officer or ex officio fish and wildlife officer, persons licensed, operating under a permit, or possessing wildlife under the authority of this chapter shall produce required licenses, permits, tags, stamps, (~~or~~) raffle tickets, or catch record cards for inspection and write their signatures for comparison and in addition display their wildlife. Failure to comply with the request is prima facie evidence that the person has no license or is not the person named.

**Sec. 267.** RCW 77.32.350 and 1998 c 191 s 25 are each amended to read as follows:

In addition to a small game hunting license, a supplemental permit or stamp is required to hunt for western Washington pheasant or migratory birds.

(1) A western Washington pheasant permit is required to hunt for pheasant in western Washington. Western Washington pheasant permits must contain numbered spaces for recording the location and date of harvest of each western Washington pheasant. (~~It is unlawful to harvest a western Washington pheasant without immediately recording this information on the permit.~~)

(2) The permit shall be available as a season option, a youth full season option, or a three-day option. The fee for this permit is:

- (a) For the resident and nonresident full season option, thirty-six dollars;
- (b) For the youth full season option, eighteen dollars;

(c) For the three-day option, twenty dollars.

(3) A migratory bird stamp affixed to a hunting license designated by rule of the commission is required for all persons sixteen years of age or older to hunt migratory birds. The fee for the stamp for hunters is six dollars for residents and nonresidents. The fee for the stamp for collectors is six dollars.

(4) The migratory bird stamp shall be validated by the signature of the licensee written across the face of the stamp.

**Sec. 268.** RCW 77.32.380 and 1998 c 87 s 1 are each amended to read as follows:

(1) Persons who enter upon or use clearly identified department improved access facilities with a motor vehicle may be required to display a current annual fish and wildlife lands vehicle use permit on the motor vehicle while within or while using an improved access facility. An "improved access facility" is a clearly identified area specifically created for motor vehicle parking, and includes any boat launch or boat ramp associated with the parking area, but does not include the department parking facilities at the Gorge Concert Center near George, Washington. The vehicle use permit is issued in the form of a decal. One decal shall be issued at no charge with each annual saltwater, freshwater, combination, small game hunting, big game hunting, and trapping license issued by the department. The annual fee for a fish and wildlife lands vehicle use permit, if purchased separately, is ten dollars. A person to whom the department has issued a decal or who has purchased a vehicle use permit separately may purchase a decal from the department for each additional vehicle owned by the person at a cost of five dollars per decal upon a showing of proof to the department that the person owns the additional vehicle or vehicles. Revenue derived from the sale of fish and wildlife lands vehicle use permits shall be used solely for the stewardship and maintenance of department improved access facilities. ~~((Revenue derived from the sale of fish and wildlife lands vehicle use permits shall be used solely for the stewardship and maintenance of department improved access facilities.))~~

Youth groups may use department improved access facilities without possessing a vehicle use permit when accompanied by a vehicle use permit holder.

The department may accept contributions into the state wildlife fund for the sound stewardship of fish and wildlife. Contributors shall be known as "conservation patrons" and, for contributions of twenty dollars or more, shall receive a fish and wildlife lands vehicle use permit free of charge.

(2) The decal must be affixed in a permanent manner to the motor vehicle before entering upon or using the motor vehicle on a department improved access facility, and must be displayed on the rear window of the motor vehicle, or, if the motor vehicle does not have a rear window, on the rear of the motor vehicle.

(3) Failure to display the fish and wildlife lands vehicle use permit if required by this section is an infraction under chapter 7.84 RCW, and department employees are authorized to issue a notice of infraction to the registered owner of any motor vehicle entering upon or using a department improved access facility without such a decal. The penalty for failure to display or improper display of the decal is sixty-six dollars.

**Sec. 269.** RCW 77.32.420 and 1998 c 191 s 4 are each amended to read as follows:

~~((1))~~ Recreational licenses are not transferable. Upon request of a fish and wildlife officer, ex officio fish and wildlife officer, or authorized fish and wildlife employee, a person digging for, fishing for, or possessing shellfish, or seaweed or fishing for or possessing food fish or game fish for personal use shall exhibit the required recreational license and write his or her signature for comparison with the signature on the license. Failure to comply with the request is prima facie evidence that the person does not have a license or is not the person named on the license.

~~((2) The personal use shellfish and seaweed license shall be visible on the licensee while harvesting shellfish or seaweed.))~~

### Repealed Sections

NEW SECTION. **Sec. 270.** The following acts or parts of acts are each repealed:

(1) RCW 77.08.070 ("Raffle" defined) and 1996 c 101 s 4;

- (2) RCW 77.12.101 (Seizure of contraband wildlife and devices--Forfeiture) and 1989 c 314 s 2;
- (3) RCW 77.16.210 (Fishways to be provided and maintained) and 1980 c 78 s 88 & 1955 c 36 s 77.16.210;
- (4) RCW 77.16.220 (Diversion of water--Screen, bypass required) and 1998 c 190 s 122, 1980 c 78 s 89, & 1955 c 36 s 77.16.220;
- (5) RCW 77.16.290 (Law enforcement officers, exemption) and 1994 sp.s. c 7 s 444, 1980 c 78 s 95, & 1955 c 36 s 77.16.290;
- (6) RCW 77.16.340 (Obstructing the taking of fish or wildlife--Penalty--Defenses) and 1988 c 265 s 1;
- (7) RCW 77.16.350 (Obstructing the taking of fish or wildlife--Civil action) and 1988 c 265 s 2;
- (8) RCW 77.21.020 (Revocation of hunting license for big game violation--Subsequent issuance--Appeal) and 1998 c 191 s 35, 1987 c 506 s 70, 1980 c 78 s 124, & 1975 1st ex.s. c 6 s 1;
- (9) RCW 77.21.030 (Revocation for shooting person or livestock--Subsequent issuance) and 1998 c 191 s 36, 1987 c 506 s 71, 1980 c 78 s 123, & 1955 c 36 s 77.32.280;
- (10) RCW 77.21.070 (Illegal killing or possession of wildlife--Restitution to state--Amounts--Bail--License revoked) and 1997 c 226 s 2, 1989 c 11 s 28, 1987 c 506 s 74, 1986 c 318 s 1, 1984 c 258 s 336, & 1983 1st ex.s. c 8 s 3;
- (11) RCW 77.32.005 (Definitions) and 1998 c 191 s 6, 1989 c 305 s 17, 1980 c 78 s 102, 1961 c 94 s 1, & 1957 c 176 s 14;
- (12) RCW 77.32.060 (Licenses, permits, tags, stamps, and raffle tickets--Amount of fees to be retained by license dealers) and 1998 c 245 s 160, 1996 c 101 s 9, 1995 c 116 s 2, 1987 c 506 s 78, 1985 c 464 s 1, 1981 c 310 s 17, 1980 c 78 s 107, 1979 ex.s. c 3 s 3, 1970 ex.s. c 29 s 2, 1957 c 176 s 2, & 1955 c 36 s 77.32.060; and
- (13) RCW 77.44.020 (Species included in term "warm water game fish") and 1996 c 222 s 2.

### **Recodified Sections**

**NEW SECTION. Sec. 271.** RCW 77.04.100, 77.16.020, 77.16.095, and 77.21.080 are each recodified as sections in chapter 77.12 RCW.

**NEW SECTION. Sec. 272.** RCW 77.12.080, 77.12.090, 77.12.095, 77.12.103, 77.16.070, 77.16.360, and 77.21.090 are each recodified as sections in chapter 77.15 RCW.

**NEW SECTION. Sec. 273.** RCW 77.12.530, 77.12.770, 77.12.780, 77.16.010, and 77.16.170 are each recodified as sections in chapter 77.32 RCW.

**NEW SECTION. Sec. 274.** RCW 77.18.005, 77.18.010, 77.18.020, and 77.18.030 are recodified as sections in chapter 77.44 RCW."

On page 1, line 1 of the title, after "wildlife" strike the remainder of the title and insert "amending RCW 75.08.012, 75.08.020, 75.08.045, 75.08.055, 75.08.080, 75.08.206, 75.08.208, 75.08.230, 75.08.245, 75.10.150, 75.12.230, 75.20.040, 75.20.061, 75.20.098, 75.20.100, 75.20.1001, 75.20.104, 75.20.1041, 75.20.106, 75.20.130, 75.20.320, 75.24.060, 75.24.065, 75.24.070, 75.24.100, 75.24.130, 75.25.092, 75.28.011, 75.28.020, 75.28.034, 75.28.042, 75.28.046, 75.28.047, 75.28.048, 75.28.055, 75.28.095, 75.28.110, 75.28.113, 75.28.116, 75.28.120, 75.28.125, 75.28.130, 75.28.132, 75.28.133, 75.28.280, 75.28.290, 75.28.300, 75.28.323, 75.28.340, 75.28.730, 75.28.740, 75.28.760, 75.28.770, 75.28.780, 75.30.021, 75.30.050, 75.30.060, 75.30.065, 75.30.070, 75.30.090, 75.30.100, 75.30.120, 75.30.125, 75.30.130, 75.30.140, 75.30.170, 75.30.180, 75.30.210, 75.30.220, 75.30.250, 75.30.270, 75.30.280, 75.30.290, 75.30.300, 75.30.320, 75.30.330, 75.30.350, 75.30.370, 75.30.380, 75.30.390, 75.30.420, 75.30.440, 75.30.460, 75.30.470, 75.40.020, 75.40.110, 75.44.100, 75.44.120, 75.44.130, 75.44.150, 75.46.010, 75.46.040, 75.46.050, 75.46.070, 75.46.080,

75.46.090, 75.46.100, 75.46.110, 75.46.120, 75.46.130, 75.48.100, 75.50.080, 75.50.105, 75.50.115, 75.50.160, 75.52.020, 75.52.050, 75.52.070, 75.52.100, 75.52.110, 75.52.130, 75.52.140, 75.52.160, 75.54.140, 75.54.150, 75.56.050, 75.58.010, 75.58.020, 75.58.030, 77.04.010, 77.04.020, 77.04.030, 77.04.055, 77.04.080, 77.04.100, 77.08.010, 77.12.010, 77.12.035, 77.12.055, 77.12.080, 77.12.090, 77.12.103, 77.12.200, 77.12.204, 77.12.210, 77.12.220, 77.12.250, 77.12.315, 77.12.470, 77.12.480, 77.12.490, 77.12.610, 77.12.620, 77.12.630, 77.12.655, 77.12.830, 77.15.070, 77.15.080, 77.15.090, 77.15.100, 77.15.120, 77.15.160, 77.15.300, 77.15.310, 77.15.320, 77.15.350, 77.15.360, 77.15.380, 77.15.390, 77.15.470, 77.15.480, 77.15.500, 77.15.530, 77.15.540, 77.15.570, 77.15.580, 77.15.620, 77.15.630, 77.15.640, 77.15.650, 77.15.710, 77.15.720, 77.16.020, 77.16.360, 77.17.020, 77.18.010, 77.21.090, 77.32.014, 77.32.090, 77.32.199, 77.32.250, 77.32.350, 77.32.380, and 77.32.420; reenacting and amending RCW 75.50.100 and 75.50.110; adding new sections to chapter 77.04 RCW; adding new sections to chapter 77.08 RCW; adding new sections to chapter 77.12 RCW; adding new sections to chapter 77.15 RCW; adding new sections to chapter 77.32 RCW; adding new sections to chapter 77.44 RCW; adding new chapters to Title 77 RCW; recodifying RCW 75.08.012, 75.08.013, 75.08.020, 75.08.090, 75.08.110, 75.08.025, 75.08.045, 75.08.055, 75.08.058, 75.08.065, 75.08.070, 75.08.080, 75.08.120, 75.08.160, 75.08.206, 75.08.208, 75.08.230, 75.08.235, 75.08.255, 75.08.265, 75.08.285, 75.08.295, 75.08.300, 75.12.010, 75.12.015, 75.12.040, 75.12.132, 75.12.140, 75.12.155, 75.12.210, 75.12.230, 75.12.390, 75.12.440, 75.12.650, 75.20.005, 75.20.015, 75.20.025, 75.20.040, 75.20.050, 75.20.060, 75.20.061, 75.20.090, 75.20.098, 75.20.100, 75.20.1001, 75.20.103, 75.20.104, 75.20.1041, 75.20.106, 75.20.108, 75.20.110, 75.20.130, 75.20.140, 75.20.150, 75.20.160, 75.20.170, 75.20.180, 75.20.190, 75.20.310, 75.20.320, 75.20.325, 75.20.330, 75.20.340, 75.20.350, 77.12.830, 75.24.010, 75.24.030, 75.24.060, 75.24.065, 75.24.070, 75.24.080, 75.24.100, 75.24.110, 75.24.120, 75.24.130, 75.24.140, 75.24.150, 75.28.010, 75.28.011, 75.28.014, 75.28.020, 75.28.030, 75.28.034, 75.28.040, 75.28.042, 75.28.044, 75.28.045, 75.28.046, 75.28.047, 75.28.048, 75.28.055, 75.28.095, 75.28.110, 75.28.113, 75.28.116, 75.28.120, 75.28.125, 75.28.130, 75.28.132, 75.28.133, 75.28.280, 75.28.290, 75.28.295, 75.28.300, 75.28.302, 75.28.305, 75.28.315, 75.28.323, 75.28.328, 75.28.340, 75.28.690, 75.28.700, 75.28.710, 75.28.720, 75.28.730, 75.28.740, 75.28.750, 75.28.760, 75.28.770, 75.28.780, 75.28.900, 77.32.191, 77.32.197, 77.32.199, 77.32.211, 75.30.015, 75.30.021, 75.30.050, 75.30.060, 75.30.065, 75.30.070, 75.30.090, 75.30.100, 75.30.120, 75.30.125, 75.30.130, 75.30.140, 75.30.170, 75.30.180, 75.30.210, 75.30.220, 75.30.230, 75.30.240, 75.30.250, 75.30.260, 75.30.270, 75.30.280, 75.30.290, 75.30.300, 75.30.310, 75.30.320, 75.30.330, 75.30.350, 75.30.360, 75.30.370, 75.30.380, 75.30.390, 75.30.410, 75.30.420, 75.30.430, 75.30.440, 75.30.450, 75.30.460, 75.30.470, 75.30.480, 75.40.010, 75.40.020, 75.40.030, 75.40.040, 75.40.100, 75.40.110, 77.17.010, 77.17.020, 77.17.030, 77.12.450, 77.12.470, 77.12.480, 77.12.490, 75.40.060, 77.12.430, 77.12.440, 75.44.100, 75.44.110, 75.44.120, 75.44.130, 75.44.140, 75.44.150, 75.46.005, 75.46.010, 75.46.020, 75.46.030, 75.46.040, 75.46.050, 75.46.060, 75.46.070, 75.46.080, 75.46.090, 75.46.100, 75.46.110, 75.46.120, 75.46.130, 75.56.050, 75.46.900, 75.48.020, 75.48.040, 75.48.050, 75.48.060, 75.48.070, 75.48.080, 75.48.100, 75.48.110, 75.50.010, 75.50.020, 75.50.030, 75.50.040, 75.50.060, 75.50.070, 75.50.080, 75.50.090, 75.50.100, 75.50.105, 75.50.110, 75.50.115, 75.50.125, 75.50.130, 75.50.150, 75.50.160, 75.50.165, 75.50.170, 75.50.180, 75.50.190, 75.08.245, 75.08.400, 75.08.410, 75.08.420, 75.08.430, 75.08.440, 75.08.450, 75.08.500, 75.08.510, 75.08.520, 75.08.530, 75.50.900, 75.52.010, 75.52.020, 75.52.030, 75.52.035, 75.52.040, 75.52.050, 75.52.060, 75.52.070, 75.08.047, 75.52.080, 75.52.100, 75.52.110, 75.52.120, 75.52.130, 75.52.140, 75.52.150, 75.52.160, 75.52.900, 75.54.005, 75.54.010, 75.54.020, 75.54.030, 75.54.040, 75.54.050, 75.54.060, 75.54.070, 75.54.080, 75.54.090, 75.54.100, 75.54.110, 75.54.120, 75.54.130, 75.54.140, 75.54.150, 75.54.900, 75.54.901, 75.56.010, 75.56.020, 75.56.030, 75.56.040, 75.56.900, 75.56.905, 75.58.010, 75.58.020, 75.58.030, 75.58.040, 75.25.092, 75.10.150, 77.04.100, 77.16.020, 77.16.095, 77.21.080, 77.12.080, 77.12.090, 77.12.095, 77.12.103, 77.16.070, 77.16.360, 77.21.090, 77.12.530, 77.12.770, 77.12.780, 77.16.010, 77.16.170, 77.18.005, 77.18.010, 77.18.020, and 77.18.030; decodifying RCW 75.25.901,



75.25.902, 75.30.055, 75.98.005, 75.98.006, 75.98.007, and 75.98.030; and repealing RCW 75.08.010, 75.08.011, 75.08.014, 75.08.035, 75.08.040, 75.08.274, 75.10.070, 75.10.160, 75.25.090, 75.25.160, 75.25.210, 75.28.012, 75.28.335, 75.30.160, 77.08.070, 77.12.101, 77.16.210, 77.16.220, 77.16.290, 77.16.340, 77.16.350, 77.21.020, 77.21.030, 77.21.070, 77.32.005, 77.32.060, and 77.44.020."

Representative Carlson moved the adoption of amendment (090) to amendment (052):

On page 4, beginning on line 13 of the amendment, strike everything down to and including "acts." on line 31 and insert the following:

"**Sec. 6.** RCW 75.08.206 and 1983 1st ex.s. c 46 s 20 are each amended to read as follows:

The director shall provide compensation insurance for \*fisheries patrol officers, insuring these employees against injury or death in the performance of enforcement duties not covered under the workers' compensation act of the state. The beneficiaries and the compensation and benefits under the compensation insurance shall be the same as provided in chapter 51.32 RCW, and the compensation insurance also shall provide for medical aid and hospitalization to the extent and amount as provided in RCW 51.36.010 and 51.36.020.

The recodification of this section into Title 77 RCW does not make any current or former employees eligible for compensation or benefits under this section who were not otherwise eligible under this section before the recodification.

**Sec. 7.** RCW 75.08.208 and 1983 1st ex.s. c 46 s 22 are each amended to read as follows:

The director shall relieve from active duty \*fisheries patrol officers who are injured in the performance of their official duties to such an extent as to be incapable of active service. While relieved from active duty, the employees shall receive one-half of their salary less any compensation received through the provisions of RCW 41.40.200, 41.40.220, and 75.08.206.

The recodification of this section into Title 77 RCW does not make any current or former employees eligible for compensation or benefits under this section who were not otherwise eligible under this section before the recodification."

Representatives Carlson and Wolfe spoke in favor of the adoption of the amendment to the amendment.

The amendment to the amendment was adopted.

Representative Anderson moved the adoption of amendment (057) to amendment (052):

On page 86, beginning on line 33 of the amendment, strike all of section 214 and insert the following:

"**Sec. 214.** RCW 77.12.090 and 1998 c 190 s 115 are each amended to read as follows:

Fish and wildlife officers and ex officio fish and wildlife officers may make a reasonable search without warrant of a vessels, ~~((container, or))~~ conveyances, vehicles, containers, packages, ~~((game baskets, game coats,))~~ or other receptacles for fish and wildlife ~~((, or tents, camps, or similar places))~~ which they have reason to believe contain evidence of a violation of law or rules adopted pursuant to this title ~~((or Title 75 RCW))~~ and seize evidence as needed for law enforcement. This authority does not extend to quarters in a boat, building, or other property used exclusively as a private domicile, does not extend to transitory residences in which a person has a reasonable expectation of privacy, and does not allow search and seizure without a warrant if the thing or place is protected from search without warrant within the meaning of Article I, section 7, of the state Constitution. Seizure of property as evidence of a crime ~~((This))~~ does not preclude seizure of the property ~~((if authorized))~~ for forfeiture as authorized by law."

Representatives Anderson and Sump spoke in favor of the adoption of the amendment to the amendment.

The amendment to the amendment was adopted.

Representative Anderson moved the adoption of amendment (058) to amendment (052):

On page 96, line 2 of the amendment, after "includes" strike everything down to and including "activities" on line 6 and insert "a reasonable time period after a person has returned to camp or dock-side in order to check any creel or container for numbers and types of fish, shellfish, or wildlife"

Representatives Anderson and Sump spoke in favor of the adoption of the amendment to the amendment.

The amendment to the amendment was adopted.

Representative Buck spoke in favor of the adoption of the amendment (052) as amended.

The amendment as amended was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Buck and Regala spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Engrossed Substitute House Bill No. 2078.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2078 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

Engrossed Substitute House Bill No. 2078, having received the constitutional majority, was declared passed.

#### POINT OF PERSONAL PRIVILEGE

Representative Buck acknowledged the staff of the Committee on Natural Resources and thanked them for the hours of work they gave on the previous legislation.

HOUSE BILL NO. 1554, by Representatives Murray, McDonald, Constantine, Mitchell, Dickerson, Ballasiotes, Scott, Radcliff, Poulsen and Romero (by request of Washington State Patrol)

Clarifying status of HOV lane violations as traffic infractions.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Murray spoke in favor of the passage of the bill.

Speaker Chopp stated the question before the House to be final passage of House Bill No. 1554.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1554 and the bill passed the House by the following vote: Yeas - 87, Nays - 10, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Boldt, Buck, Bush, Campbell, Carlson, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Murray, O'Brien, Ogden, Parlette, Pennington, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood and Mr. Speaker Chopp - 87.

Voting nay: Representatives Benson, Cairnes, Carrell, Crouse, Lambert, Mulliken, Pflug, Schindler, Thomas and Mr. Speaker Ballard - 10.

Excused: Representative Scott - 1.

House Bill No. 1554, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1147, by Representatives K. Schmidt, Fisher, Hatfield, Radcliff, Kenney, Keiser, Hurst, Lovick, Ogden, Murray, Wood, Ruderman, Rockefeller and McIntire

Enhancing novice driver traffic safety.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 1147 was substituted for House Bill No. 1147 and the second substitute bill was placed on the second reading calendar.

Second Substitute House Bill No. 1147 was read the second time.

Representative K. Schmidt moved the adoption of amendment (106):

On page 5, line 28, after "28A.220.030" strike "(3)" and insert "(5)"

Representative K. Schmidt spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, amendment 008 was withdrawn.

Representative Fortunato moved the adoption of amendment (079):

On page 11, after line 12, insert the following:

"(5) If the driving privilege of a novice driver under the age of eighteen is restricted under this section, the department shall send a written notification of the restriction within three days to the person who gave written permission for the minor to obtain a driver's license under RCW 46.20.100"

Representatives Fortunato spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, amendment 077 was withdrawn.

Representative K. Schmidt moved the adoption of amendment (100):

On page 11, line 28, after "act," strike "this act is" and insert "subsections (2), (3), and (4) of section 3 of this act, section 4 of this act, subsection (1)(c) of section 5 of this act, and section 8 of this act are"

Representative K. Schmidt spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative K. Schmidt moved the adoption of amendment (078):

On page 11, after line 29, insert the following:

**"NEW SECTION. Sec. 11.** Specified portions of this act shall be subject to the following effective dates:

(1) Except as provided in subsection (4) of this section, section 8 of this act is effective September 1, 1999;

(2) Section 1, subsection(3) of this act is effective April 1, 2000;

(3) Section 6 of this act is effective September 1, 1999; and

(4) For licensed driver's that move to this state and obtain a Washington driver's license, the department of licensing shall begin tracking the date when the new Washington resident first obtained his or her original license to drive no later than April 1, 2000."

Representative K. Schmidt spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives K. Schmidt and Hatfield spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Engrossed Second Substitute House Bill No. 1147.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1147 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

Engrossed Second Substitute House Bill No. 1147, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1285, by Representatives D. Schmidt, McMorris, Romero, Scott, Wensman, Esser, Carrell, Benson, Doumit, D. Sommers, Dunn and Lambert

Clarifying where declarations of candidacy are filed.

The bill was read the second time. There being no objection, Substitute House Bill No. 1285 was substituted for House Bill No. 1285 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1285 was read the second time.

There being no objection, amendment 049 was withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives D. Schmidt and Miloscia spoke in favor of passage of the bill.

#### MOTION

On motion of Representative Wolfe, Representatives Dunshee, Cooper and Reardon were excused.

Speaker Chopp stated the question before the House to be final passage of Substitute House Bill No. 1285.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1285 and the bill passed the House by the following vote: Yeas - 88, Nays - 6, Absent - 0, Excused - 4.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Conway, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fortunato, Gombosky, Grant, Haigh, Hankins, Huff, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall,

Radcliff, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 88.

Voting nay: Representatives Constantine, Fisher, Hatfield, Hurst, McIntire and Sullivan - 6.  
Excused: Representatives Cooper, Dunshee, Reardon and Scott - 4.

Substitute House Bill No. 1285, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1887, by Representatives Kessler, Lisk, Grant, Wensman, Wolfe and Pennington; by request of Department of Revenue

Revising the machinery and equipment tax exemption for manufacturers and processors for hire.

The bill was read the second time. There being no objection, Substitute House Bill No. 1887 was substituted for House Bill No. 1887 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1887 was read the second time.

Representative Dickerson moved the adoption of amendment (097):

On page 2, beginning on line 15, after "state;" strike everything through "article;" on line 19

Representatives Dickerson and Thomas spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Representative Kastama, Representative Edmonds was excused.

Representatives Kessler and Thomas spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1887.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1887 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden,

Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 93.

Excused: Representatives Cooper, Dunshee, Edmonds, Reardon and Scott - 5.

Engrossed Substitute House Bill No. 1887, having received the constitutional majority, was declared passed.

### THIRD READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1884, by Committee on State Government (Originally sponsored by Representatives Lambert, Ogden, Cairnes and Campbell)

Providing appointments to inspect campaign account books.

Representative Lambert spoke in favor of passage of the bill.

### MOTION

On motion of Representative Wolfe, Representatives O'Brien, Edwards and Ruderman were excused.

Speaker Chopp stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1884.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1884 and the bill passed the House by the following vote: Yeas - 69, Nays - 19, Absent - 1, Excused - 9.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Eickmeyer, Ericksen, Esser, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Kenney, Kessler, Koster, Lambert, Linville, Lisk, Lovick, Mastin, McDonald, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Ogden, Parlette, Pennington, Pflug, Radcliff, Rockefeller, Romero, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, D. Sommers, H. Sommers, Sump, Talcott, Thomas, Tokuda, Van Luven, Wensman, Mr. Speaker Ballard and Mr. Speaker Chopp - 69.

Voting nay: Representatives Cody, Constantine, Conway, Fisher, Hurst, Kastama, Keiser, Lantz, McIntire, Murray, Poulsen, Quall, Regala, Schual-Berke, Stensen, Sullivan, Voloria, Wolfe and Wood - 19.

Absent: Representative Skinner - 1.

Excused: Representatives Cooper, Dunshee, Edmonds, Edwards, Kagi, O'Brien, Reardon, Ruderman and Scott - 9.

Engrossed Substitute House Bill No. 1884, having received the constitutional majority, was declared passed.

### RECONSIDERATION

There being no objection, the House immediately reconsidered the vote by which Engrossed Substitute House Bill No. 1884 passed the House.

Speaker Chopp stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1884 on reconsideration.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1884, on reconsideration and the bill passed the House by the following vote: Yeas - 64, Nays - 25, Absent - 0, Excused - 9.

Voting yea: Representatives Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cox, Crouse, Delvin, Dickerson, Doumit, Dunn, Eickmeyer, Ericksen, Esser, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Kessler, Koster, Lambert, Lisk, Lovick, Mastin, McDonald, McMorris, Mielke, Miloscia, Mitchell, Mulliken, Ogden, Parlette, Pennington, Pflug, Radcliff, Rockefeller, Romero, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Skinner, D. Sommers, Sump, Talcott, Thomas, Tokuda, Van Luven, Wensman, Mr. Speaker Ballard and Mr. Speaker Chopp - 64.

Voting nay: Representatives Alexander, Cody, Constantine, Conway, DeBolt, Fisher, Hurst, Kastama, Keiser, Kenney, Lantz, Linville, McIntire, Morris, Murray, Poulsen, Quall, Regala, Schual-Berke, H. Sommers, Stensen, Sullivan, Veloria, Wolfe and Wood - 25.

Excused: Representatives Cooper, Dunshee, Edmonds, Edwards, Kagi, O'Brien, Reardon, Ruderman and Scott - 9.

Engrossed Substitute House Bill No. 1884, on reconsideration, having received the constitutional majority, was declared passed.

There being no objection, the House advanced to the eleventh order of business.

#### MOTION

On motion of Representative Kessler, the House adjourned until 9:00 a.m., Tuesday, March 16, 1999, the 65<sup>th</sup> Legislative Day.

TIMOTHY A. MARTIN, Chief Clerk      CLYDE BALLARD, Speaker  
DEAN R. FOSTER, Chief Clerk      FRANK CHOPP, Speaker



SIXTY-FOURTH DAY, MARCH 15, 1999

JOURNAL OF THE HOUSE

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

**SIXTY-FIFTH DAY**

**MORNING SESSION**

House Chamber, Olympia, Tuesday, March 16, 1999

The House was called to order at 9:00 a.m. by Speaker Pro Tempore Pennington. The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Grant Bull and Rodger Brown. Prayer was offered by Pastor Terry Thomas, Faith Lutheran Church, Redmond.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the sixth order of business.

**SECOND READING**

HOUSE BILL NO. 2238, by Representatives Clements and Conway

Implementing recommendations for industrial insurance.

The bill was read the second time. There being no objection, Substitute House Bill No. 2238 was substituted for House Bill No. 2238 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2238 was read the second time.

Representative Clements moved the adoption of amendment (096):

On page 2, line 3, after "committee's report" insert "and section 2 of this act"

On page 2, after line 12, insert the following:

"**Sec. 2.** RCW 51.28.020 and 1984 c 159 § 3 are each amended to read as follows:

Where a worker is entitled to compensation under this title he or she shall file with the department or his or her (~~self insuring~~) employer (~~(, as the case may be,)~~) his or her application for such, together with the certificate of the physician who attended him or her, and it shall be the duty of the physician to inform the injured worker of his or her rights under this title and to lend all necessary

assistance in making this application for compensation and such proof of other matters as required by the rules of the department without charge to the worker. The department shall provide physicians with a manual which outlines the procedures to be followed in applications for compensation involving occupational diseases, and which describes claimants' rights and responsibilities related to occupational disease claims. If application for compensation is made to ((a self-insuring)) an employer, he or she shall forthwith send a copy thereof to the department.

NEW SECTION. **Sec. 3.** Section 2 of this act takes effect January 1, 2001."

Correct the title.

Representatives Clements and Conway spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

#### MOTIONS

On motion of Representative Wolfe, Representatives H. Sommers, Scott and Hatfield were excused. On motion of Representative Schoesler, Representatives McDonald and Huff were excused.

Representatives Clements and Conway spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 2238.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2238 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 93.

Excused: Representatives Hatfield, Huff, McDonald, Scott and H. Sommers - 5.

Engrossed Substitute House Bill No. 2238, having received the constitutional majority, was declared passed.

Speaker Ballard assumed the chair.

HOUSE BILL NO. 1046, by Representatives Constantine, Sheahan and Kenney; by request of Board for Judicial Administration

Adding a judge to the superior court of Okanogan county.

The bill was read the second time. There being no objection, Substitute House Bill No. 1046 was substituted for House Bill No. 1046 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1046 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Constantine and Carrell spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute House Bill No. 1046.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1046 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Huff, Scott and H. Sommers - 3.

Substitute House Bill No. 1046, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1092, by Representative Hatfield; by request of Department of Financial Institutions

Regulating escrow agents and escrow officers.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative McIntire spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of House Bill No. 1092.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1092 and the bill passed the House by the following vote: Yeas - 90, Nays - 5, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, DeBolt, Delvin, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 90.

Voting nay: Representatives Benson, Crouse, Dunn, Mulliken and Schindler - 5.

Excused: Representatives Huff, Scott and H. Sommers - 3.

House Bill No. 1092, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1140, by Representatives Carlson, Kenney, Radcliff, Lantz, Dunn, Esser, Edmonds, Cooper, Campbell and K. Schmidt

Changing higher education financial aid provisions.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 1140 was substituted for House Bill No. 1140 and the second substitute bill was placed on the second reading calendar.

Second Substitute House Bill No. 1140 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Carlson and Kenney spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Second Substitute House Bill No. 1140.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1140 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Huff, Scott and H. Sommers - 3.

Second Substitute House Bill No. 1140, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1143, by Representatives O'Brien, Ballasiotes, Tokuda, Cairnes, Lovick, Kagi, Koster, Constantine, K. Schmidt, Kastama, Fisher, Quall, Kenney, Voloria, Eickmeyer, Kessler, Lantz, Ogden, Murray, Lambert, Dunn, Rockefeller and Conway

Authorizing deductions from inmate funds.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 1143 was substituted for House Bill No. 1143 and the second substitute bill was placed on the second reading calendar.

Second Substitute House Bill No. 1143 was read the second time.

Representative Ruderman moved the adoption of amendment (104):

On page 2, line 1, after "subject to" strike everything through "dollars" on line 9, and insert "the deductions in RCW 72.09.111(1)(a) and the priorities established in chapter 72.11 RCW"

On page 2, line 15, after "apply to" strike "funds received" and insert "~~((funds received))~~ the first one hundred dollars received each month"

On page 2, line 25, after "apply to" strike "funds received" and insert "the first one hundred dollars received each month"

Representative Ruderman spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Lambert moved the adoption of amendment (023):

On page 2, line 20, after "release." insert the following "Instead, the funds shall be subjected to a deduction of five percent to the public safety and education account for the purpose of crime victims' compensation."

On page 2, line 22, after "shall" insert "instead"

On page 2, line 27, after "policy." insert the following "Instead, the funds shall be subjected to a deduction of five percent to the public safety and education account for the purpose of crime victims' compensation."

On page 2, line 28, after "for" strike "these" and insert "the"

On page 2, line 28, after "deductions" insert "required under subsection (2) of this section"

On page 2, line 30, after "deductions" insert "required under subsection (2) of this section"

On page 2, line 37, after "shall" insert "instead"

Representatives Lambert, Ruderman, and Campbell spoke in favor of adoption of the amendment.

Representatives O'Brien, Hurst and Ballasiotes spoke against adoption of the amendment.

The amendment was not adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives O'Brien, Ballasiotes and Lambert spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Engrossed Second Substitute House Bill No. 1143.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1143 and the bill passed the House by the following vote: Yeas - 94, Nays - 1, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 94.

Voting nay: Representative Murray - 1.

Excused: Representatives Huff, Scott and H. Sommers - 3.

Engrossed Second Substitute House Bill No. 1143, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1477, by Representatives Haigh, Bush, Talcott, Linville, Santos and Edmonds; by request of Board of Education

Revising school district organization provisions.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 1477 was substituted for House Bill No. 1477 and the second substitute bill was placed on the second reading calendar.

Second Substitute House Bill No. 1477 was read the second time.

Representative Haigh moved the adoption of amendment (107):

On page 6, line 2, before "for" strike "allocated" and insert "appropriated"

On page 9, line 33, after "are" strike "allocated" and insert "appropriated"

On page 11, line 13, after "followed" insert "or that the regional committee acted in an arbitrary and capricious manner"

On page 11, line 17, after "followed" insert "or that the regional committee did not act in an arbitrary and capricious manner, depending on the appeal"

On page 20, after line 15, insert the following:

"(4) RCW 28A.315.110 (Regional Committees - Powers and duties) and 1991 c 288 s 2;

(5) RCW 28A.315.120 (Regional committees—Recommendations--Standards) and 1990 c 33 s 299, 1985 c 385 s 10, & 1969 ex.s. c 223 s 28A.57.055;"

Renumber remaining subsections consecutively and correct internal references and the title accordingly.

On page 21, line 37, after "28A.57.220" insert "; and  
(24) RCW 28A.315.900 (Proceedings as of July 28, 1985-effect of 1985 c 385) and 1990 c 33 s 329 & 1985 c 385 s 38"

Correct the title.

On page 22, after line 8, insert the following:

"(4) RCW 28A.315.040, 28A.315.050, 28A.315.060, 28A.315.070, 28A.315.080, 28A.315.090, and 28A.315.100 are recodified as new sections in chapter 28A.315 RCW, to be codified in Part 3 of this act after section 301 of this act."

Correct the title accordingly.

On page 22, after line 11, insert:

"RCW 28A.315.360

RCW 28A.315.370"

Correct the title

On page 22, after line 28, insert:

"RCW 28A.315.520"

Correct the title

On page 23, after line 13, insert:

"RCW 28A.315.650"

Correct the title.

Representatives Haigh and Talcott spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Haigh, Talcott, Carlson, Carrell, Skinner and Keiser spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Engrossed Second Substitute House Bill No. 1477.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1477 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Huff, Scott and H. Sommers - 3.

Engrossed Second Substitute House Bill No. 1477, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1654, by Representatives Kessler and Hatfield

Revising definition of veteran.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kessler and McMorris spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of House Bill No. 1654.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1654 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Huff, Scott and H. Sommers - 3.

House Bill No. 1654, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1681, by Representatives Buck, Grant, Sump, Schoesler, Boldt, Mastin and McMorris

Establishing a program to purchase and plant privately grown trout.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 1681 was substituted for House Bill No. 1681 and the second substitute bill was placed on the second reading calendar.

Second Substitute House Bill No. 1681 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Buck and Regala spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Second Substitute House Bill No. 1681.



## ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1681 and the bill passed the House by the following vote: Yeas - 94, Nays - 1, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 94.

Voting nay: Representative Dickerson - 1.

Excused: Representatives Huff, Scott, and H. Sommers - 3.

Second Substitute House Bill No. 1681, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1716, by Representatives G. Chandler, Doumit, Mastin, Mulliken and Grant

Authorizing funding for the warm water fish culture project at Ringold.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 1716 was substituted for House Bill No. 1716 and the second substitute bill was placed on the second reading calendar.

Second Substitute House Bill No. 1716 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative G. Chandler spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Second Substitute House Bill No. 1716.

## ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1716 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Huff, Scott, and H. Sommers - 3.

Second Substitute House Bill No. 1716, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1718, by Representatives G. Chandler, Murray, Mitchell and Mulliken  
Conveying land to the city of Moses Lake.

The bill was read the second time. There being no objection, Substitute House Bill No. 1718 was substituted for House Bill No. 1718 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1718 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative G. Chandler spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute House Bill No. 1718.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1718 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Huff, Scott, and H. Sommers - 3.

Substitute House Bill No. 1718, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1862, by Representatives Conway, Cody, Campbell, Ruderman, Alexander and Skinner

Allowing a health care professional to surrender his or her license to practice.

The bill was read the second time. There being no objection, Substitute House Bill No. 1862 was substituted for House Bill No. 1862 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1862 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cody and Pflug spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute House Bill No. 1862.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1862 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 1, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Hurst, Kagi, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 94.

Absent: Representative Kastama - 1.

Excused: Representatives Huff, Scott, and H. Sommers - 3.

Substitute House Bill No. 1862, having received the constitutional majority, was declared passed.

#### RECONSIDERATION

There being no objection, the House immediately reconsidered the vote by which Substitute House Bill No. 1862 passed the House.

Speaker Ballard stated the question before the House to be final passage of Substitute House Bill No. 1862 on reconsideration.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1862, on reconsideration and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Huff, Scott, and H. Sommers - 3.

Substitute House Bill No. 1862, on reconsideration, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1923, by Representatives O'Brien, Koster, Anderson, Ogden, Lantz, Miloscia, Hankins and Ballasiotes

Establishing a postsecondary education program for inmates.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives O'Brien and Ballasiotes spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of House Bill No. 1923.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1923 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Huff, Scott and H. Sommers - 3.

House Bill No. 1923, having received the constitutional majority, was declared passed.

There being no objection, the bills passed by the House were immediately transmitted to the Senate.

Speaker Ballard called upon Representative Pennington to preside.

#### MESSAGES FROM THE SENATE

March 12, 1999

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5010,

SUBSTITUTE SENATE BILL NO. 5011,

SENATE BILL NO. 5012,

SENATE BILL NO. 5020,

SENATE BILL NO. 5024,  
SUBSTITUTE SENATE BILL NO. 5032,  
SENATE BILL NO. 5033,  
SENATE BILL NO. 5040,  
SUBSTITUTE SENATE BILL NO. 5066,  
SECOND SUBSTITUTE SENATE BILL NO. 5102,  
SUBSTITUTE SENATE BILL NO. 5103,  
SECOND SUBSTITUTE SENATE BILL NO. 5108,  
SUBSTITUTE SENATE BILL NO. 5113,  
SUBSTITUTE SENATE BILL NO. 5121,  
SENATE BILL NO. 5127,  
ENGROSSED SENATE BILL NO. 5141,  
SUBSTITUTE SENATE BILL NO. 5149,  
SENATE BILL NO. 5186,  
SENATE BILL NO. 5188,  
SENATE BILL NO. 5194,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5208,  
SENATE BILL NO. 5211,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5290,  
SENATE BILL NO. 5291,  
SUBSTITUTE SENATE BILL NO. 5312,  
SUBSTITUTE SENATE BILL NO. 5325,  
SECOND SUBSTITUTE SENATE BILL NO. 5331,  
SENATE BILL NO. 5380,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5470,  
SUBSTITUTE SENATE BILL NO. 5491,  
SENATE BILL NO. 5514,

SUBSTITUTE SENATE BILL NO. 5522,  
SECOND SUBSTITUTE SENATE BILL NO. 5536,  
SUBSTITUTE SENATE BILL NO. 5573,  
ENGROSSED SENATE BILL NO. 5580,  
SUBSTITUTE SENATE BILL NO. 5590,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5599,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5608,  
SUBSTITUTE SENATE BILL NO. 5604,  
SUBSTITUTE SENATE BILL NO. 5615,  
SENATE BILL NO. 5652,  
SUBSTITUTE SENATE BILL NO. 5657,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5658,  
ENGROSSED SENATE BILL NO. 5662,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5668,  
SUBSTITUTE SENATE BILL NO. 5679,  
SECOND SUBSTITUTE SENATE BILL NO. 5681,  
SUBSTITUTE SENATE BILL NO. 5770,  
SENATE BILL NO. 5772,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5800,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5812,  
ENGROSSED SENATE BILL NO. 5819,  
SUBSTITUTE SENATE BILL NO. 5828,  
SENATE BILL NO. 5829,  
SENATE BILL NO. 5837,  
SUBSTITUTE SENATE BILL NO. 5850,  
SENATE BILL NO. 5915,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5909,

SUBSTITUTE SENATE BILL NO. 5933,  
SENATE BILL NO. 5944,  
SENATE BILL NO. 5987,  
ENGROSSED SENATE BILL NO. 6004,  
SENATE BILL NO. 6010,  
SENATE BILL NO. 6025,  
SENATE BILL NO. 6030,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6035,  
SENATE BILL NO. 6037,  
SUBSTITUTE SENATE BILL NO. 6058,  
SENATE BILL NO. 6065,

and the same are herewith transmitted.

Tony M. Cook, Secretary

March 13, 1999

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 5233,  
SENATE BILL NO. 5255,  
SUBSTITUTE SENATE BILL NO. 5279,  
SENATE BILL NO. 5284,  
SENATE BILL NO. 5301,  
SENATE BILL NO. 5341,  
SUBSTITUTE SENATE BILL NO. 5364,  
SENATE BILL NO. 5365,  
SUBSTITUTE SENATE BILL NO. 5383,  
SUBSTITUTE SENATE BILL NO. 5400,  
SENATE BILL NO. 5401,

SENATE BILL NO. 5402,  
SENATE BILL NO. 5442,  
SENATE BILL NO. 5443,  
SENATE BILL NO. 5464,  
SENATE BILL NO. 5503,  
SUBSTITUTE SENATE BILL NO. 5528,  
SENATE BILL NO. 5529,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5531,  
SUBSTITUTE SENATE BILL NO. 5549,  
SUBSTITUTE SENATE BILL NO. 5553,  
SENATE BILL NO. 5570,  
SUBSTITUTE SENATE BILL NO. 5578,  
SENATE BILL NO. 5579,  
SENATE BILL NO. 5624,  
SENATE BILL NO. 5628,  
SUBSTITUTE SENATE BILL NO. 5638,  
SENATE BILL NO. 5648,  
SUBSTITUTE SENATE BILL NO. 5651,  
SUBSTITUTE SENATE BILL NO. 5718,  
SUBSTITUTE SENATE BILL NO. 5733,  
SENATE BILL NO. 5739,  
SENATE BILL NO. 5741,  
SUBSTITUTE SENATE BILL NO. 5744,  
SENATE BILL NO. 5748,  
SUBSTITUTE SENATE BILL NO. 5764,  
SENATE BILL NO. 5777,  
SUBSTITUTE SENATE BILL NO. 5792,



ENGROSSED SUBSTITUTE SENATE BILL NO. 5803,  
SENATE BILL NO. 5806,  
SUBSTITUTE SENATE BILL NO. 5838,  
SUBSTITUTE SENATE BILL NO. 5864,  
SENATE BILL NO. 5869,  
SUBSTITUTE SENATE BILL NO. 5903,  
SUBSTITUTE SENATE BILL NO. 5921,  
SUBSTITUTE SENATE BILL NO. 5928,  
SENATE BILL NO. 5954,  
SUBSTITUTE SENATE BILL NO. 6012,  
SENATE BILL NO. 6019,  
SUBSTITUTE SENATE BILL NO. 6052,

and the same are herewith transmitted.

Tony M. Cook, Secretary

March 15, 1999

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5000,  
ENGROSSED SENATE BILL NO. 5013,  
ENGROSSED SENATE BILL NO. 5044,  
SUBSTITUTE SENATE BILL NO. 5099,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5268,  
SENATE BILL NO. 5307,  
SUBSTITUTE SENATE BILL NO. 5340,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5424,  
SECOND SUBSTITUTE SENATE BILL NO. 5452,  
SUBSTITUTE SENATE BILL NO. 5495,

SENATE BILL NO. 5502,  
SUBSTITUTE SENATE BILL NO. 5510,  
SENATE BILL NO. 5519,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5557,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5595,  
SUBSTITUTE SENATE BILL NO. 5611,  
ENGROSSED SENATE BILL NO. 5613,  
ENGROSSED SENATE BILL NO. 5631,  
SUBSTITUTE SENATE BILL NO. 5683,  
SENATE BILL NO. 5703,  
SECOND SUBSTITUTE SENATE BILL NO. 5766,  
SUBSTITUTE SENATE BILL NO. 5781,  
SUBSTITUTE SENATE BILL NO. 5810,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5811,  
SECOND SUBSTITUTE SENATE BILL NO. 5821,  
SUBSTITUTE SENATE BILL NO. 5822,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5866,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5957,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5955,  
SUBSTITUTE SENATE BILL NO. 6009,  
SUBSTITUTE SENATE BILL NO. 6031,  
SUBSTITUTE SENATE BILL NO. 6032,  
SENATE JOINT MEMORIAL NO. 8010,

and the same are herewith transmitted.

Tony M. Cook, Secretary

HOUSE BILL NO. 1154, by Representatives Cooper, Delvin, Edmonds, Conway, Wood,  
Dunshee, Gombosky, Doumit, Hatfield, Kenney and Cody

Eliminating the time limit on regular tax levies for medical care and services.

The bill was read the second time.

There being no objection, amendment 111 was withdrawn.

Representative Esser moved the adoption of amendment (119):

On page 2, line 10, after "election." insert "If a property tax levy over six years is offered, it must be offered in conjunction with at least two other funding options."

Representative Esser spoke in favor of the adoption of the amendment.

Representative Dunshee spoke against the adoption of the amendment.

The amendment was not adopted.

There being no objection, amendment 112 was withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cooper, Dunshee and Haigh spoke in favor of passage of the bill.

Representative Benson spoke against passage of the bill.

#### MOTION

On motion of Representative Wolfe, Speaker Chopp was excused.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of House Bill No. 1154.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1154, and the bill passed the House by the following vote: Yeas - 79, Nays - 17, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, Clements, Cody, Constantine, Conway, Cooper, Cox, DeBolt, Delvin, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Lantz, Linville, Lovick, Mastin, McDonald, McIntire, Miloscia, Mitchell, Morris, Murray, O'Brien, Ogden, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe and Wood - 79.

Voting nay: Representatives Benson, Boldt, B. Chandler, G. Chandler, Crouse, Dunn, Esser, Koster, Lambert, Lisk, McMorris, Mielke, Mulliken, Parlette, Schindler, Sump and Mr. Speaker Ballard - 17.

Excused: Representatives Scott and Mr. Speaker Chopp - 2.

House Bill No. 1154, having received the constitutional majority, was declared passed.

Speaker Ballard assumed the chair.

HOUSE BILL NO. 1198, by Representatives Pennington, Doumit, Mielke, Hatfield, Carlson, Carrell, Thomas, Boldt, Haigh and Ogden

Providing sales tax relief for victims of landslide disasters.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Pennington, Dunshee, Thomas, Doumit, Mielke, Eickmeyer and Benson spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of House Bill No. 1198.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1198 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

House Bill No. 1198, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1204, by Representatives K. Schmidt, Fisher, Romero, Mitchell, G. Chandler, Murray, Linville and Wood

Coordinating land acquisition and environmental mitigation activities.

The bill was read the second time. There being no objection, Substitute House Bill No. 1204 was substituted for House Bill No. 1204 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1204 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives K. Schmidt and Fisher spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute House Bill No. 1204.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1204 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

Substitute House Bill No. 1204, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1345, by Representatives O'Brien, Radcliff, Ballasiotes, Tokuda, Van Luven, Pennington, McIntire, Sheahan, Kagi, Sullivan, Cody, Veloria, Constantine, Edwards, Cooper, Rockefeller, D. Sommers, Campbell, McDonald, Edmonds, Ruderman and Dunn

Exempting certain low-income rental housing from property taxes.

The bill was read the second time. There being no objection, Substitute House Bill No. 1345 was substituted for House Bill No. 1345 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1345 was read the second time.

There being no objection, amendment 108 was withdrawn.

Representative Carrell moved the adoption of amendment (121):

On page 1, line 13, strike "very low-income" and insert "eligible"

On page 2, line 2, strike "very low-income" and insert "eligible"

On page 2, line 7, strike "very low-income" and insert "eligible"

On page 2, line 11, strike "very low-income" and insert "eligible"

On page 2, after line 30, insert:

"(a) "Eligible household" means a very low-income household that includes at least one person who is either aged sixty-one years or older or retired from regular gainful employment by reason of physical disability on December 31 of the year in which the exemption claim is filed."

Renumber subsections consecutively, correct any internal references accordingly.

Representatives Carrell, DeBolt, Fortunato and Carrell (again) spoke in favor of the adoption of the amendment.

Representatives Dunshee, O'Brien, Radcliff, Veloria, Sullivan and O'Brien (again) spoke against the adoption of the amendment.

The amendment was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives O'Brien, Conway, Radcliff, Van Luven, Benson, and Veloria spoke in favor of passage of the bill.

Representative Carrell spoke against passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute House Bill No. 1345.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1345 and the bill passed the House by the following vote: Yeas - 94, Nays - 3, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 94.

Voting nay: Representatives Carrell, Crouse and Schindler - 3.

Excused: Representative Scott - 1.

Substitute House Bill No. 1345, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1620, by Representatives Conway, Parlette, Cody, Miloscia, Poulsen, Hatfield and Keiser; by request of Department of Social and Health Services

Protecting vulnerable adults.

The bill was read the second time. There being no objection, Substitute House Bill No. 1620 was substituted for House Bill No. 1620 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1620 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Conway and Parlette spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute House Bill No. 1620.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1620 and the bill passed the House by the following vote: Yeas - 95, Nays - 2, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Voting nay: Representatives Boldt and G. Chandler - 2.

Excused: Representative Scott - 1.

Substitute House Bill No. 1620, having received the constitutional majority, was declared passed.

#### RECONSIDERATION

There being no objection, the House immediately reconsidered the vote by which Substitute House Bill No. 1620 was passed by the House.

Speaker Ballard stated the question before the House to be final passage of Substitute House Bill No. 1620.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1620, on reconsideration and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Voting nay: Representative Boldt - 1.

Excused: Representative Scott - 1.

Substitute House Bill No. 1620, on reconsideration, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1829, by Representatives Thomas, Lantz, Carlson, Keiser, Cairnes, H. Sommers, Fortunato, Ogden, Dunshee, Quall, O'Brien, Cody, Pflug, Kenney, Dunn, Santos, Lovick, Edmonds, Wood, Haigh, Rockefeller, Conway, Stensen, Dickerson, Kessler and Esser

Authorizing long-term lease-purchase agreements for financing school plant facilities.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Thomas, Ogden, Lantz, and Dunshee spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of House Bill No. 1829.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1829 and the bill passed the House by the following vote: Yeas - 94, Nays - 3, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, D. Schmidt, K. Schmidt, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 94.

Voting nay: Representatives Crouse, Schindler and Schoesler - 3.

Excused: Representative Scott - 1.

House Bill No. 1829, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1833, by Representatives Thomas, Lantz, Carlson, Keiser, Cairnes, H. Sommers, Talcott, Ogden, Quall, Dunshee, O'Brien, Murray, Cody, Pflug, Dunn, Santos, Schual-Berke, Lovick, Edmonds, Wood, Haigh, Rockefeller, Conway, Stensen, Dickerson, Kessler and Esser

Authorizing school districts to use 63-20 financing with nonprofit organizations.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Thomas and Lantz spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of House Bill No. 1833.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1833 and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller,



Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Voting nay: Representative Hankins - 1.

Excused: Representative Scott - 1.

House Bill No. 1833, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1251, by Representatives Miloscia, Ericksen, O'Brien, Cooper, D. Schmidt, Bush, Esser, Kessler, Poulsen, McIntire, Lambert, H. Sommers, Wood, Conway, Rockefeller, Fortunato and Lantz; by request of Governor Locke

Eliminating and consolidating boards, commissions, and programs.

The bill was read the second time. There being no objection, Substitute House Bill No. 1251 was substituted for House Bill No. 1251 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1251 was read the second time.

Representative Campbell moved the adoption of amendment (009):

On page 9, after line 25, insert the following:

## **"PART 2 FUNERAL AND CEMETERY BOARD**

**Sec. 201.** RCW 18.39.010 and 1989 c 390 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Funeral director" means a person engaged in the profession or business of conducting funerals and supervising or directing the burial and disposal of dead human bodies.

(2) "Embalmer" means a person engaged in the profession or business of disinfecting, preserving or preparing for disposal or transportation of dead human bodies.

(3) "Two-year college course" means the completion of sixty semester hours or ninety quarter hours of college credit, including the satisfactory completion of certain college courses, as set forth in this chapter.

(4) "Funeral establishment" means a place of business licensed in accordance with RCW 18.39.145, conducted at a specific street address or location, and devoted to the care and preparation for burial or disposal of dead human bodies and includes all areas of such business premises and all tools, instruments, and supplies used in preparation and embalming of dead human bodies for burial or disposal.

(5) "Director" means the director of licensing.

(6) "Board" means the ~~((state))~~ funeral and cemetery board ~~((of funeral directors and embalmers))~~ created pursuant to RCW 18.39.173.

(7) "Prearrangement funeral service contract" means any contract under which, for a specified consideration, a funeral establishment promises, upon the death of the person named or implied in the contract, to furnish funeral merchandise or services.

(8) "Funeral merchandise or services" means those services normally performed and merchandise normally provided by funeral establishments, including the sale of burial supplies and equipment, but excluding the sale by a cemetery of lands or interests therein, services incidental thereto, markers, memorials, monuments, equipment, crypts, niches, or vaults.

~~((9) "Qualified public depository" means a depository defined by RCW 39.58.010, a credit union as governed by chapter 31.12 RCW, a mutual savings bank as governed by Title 32 RCW, a~~

~~savings and loan association as governed by Title 33 RCW, or a federal credit union or a federal savings and loan association organized, operated, and governed by any act of congress, in which prearrangement funeral service contract funds are deposited by any funeral establishment.-))~~

Words used in this chapter importing the singular may be applied to the plural of the person or thing, words importing the plural may be applied to the singular, and words importing the masculine gender may be applied to the female.

**Sec. 202.** RCW 18.39.145 and 1986 c 259 s 61 and 1985 c 7 s 40 are each reenacted and amended to read as follows:

The board shall issue a funeral establishment license to any person, partnership, association, corporation, or other organization to operate a funeral establishment, at specific locations only, which has met the following requirements:

(1) The applicant has designated the name under which the funeral establishment will operate and has designated locations for which the general establishment license is to be issued;

(2) The applicant is licensed in this state as a funeral director and as an embalmer, or employs at least one person with both such qualifications or one licensed funeral director and one embalmer who will be in service at each designated location;

(3) The applicant has filed an application with the director as required by this chapter and paid the required filing fee therefor as fixed by the director pursuant to RCW 43.24.086;

(4) As a condition of applying for a new funeral establishment license, the person or entity desiring to acquire such ownership or control shall be bound by all then existing prearrangement funeral service contracts.

The board may deny an application for a funeral establishment license, or issue a conditional license, if disciplinary action has previously been taken against the applicant or the applicant's designated funeral director or embalmer. No funeral establishment license shall be transferable, but an applicant may make application for more than one funeral establishment license so long as all of the requirements are met for each license. All funeral establishment licenses shall expire ~~((on June 30, or))~~ as ~~((otherwise))~~ determined by the director.

**Sec. 203.** RCW 18.39.173 and 1977 ex.s. c 93 s 8 are each amended to read as follows:

~~((There is hereby established a state board of funeral directors and embalmers to be composed of five members appointed by the governor in accordance with this section, one of whom shall be a public member. The three members of the state examining committee for funeral directors and embalmers, which was created pursuant to RCW 43.24.060, as of September 21, 1977 are hereby appointed as members of the board to serve for initial terms. The governor shall appoint two additional members of the board. Each professional member of the board shall be licensed in this state as a funeral director and embalmer and a resident of the state of Washington for a period of at least five years next preceding appointment, during which time such member shall have been continuously engaged in the practice as a funeral director or embalmer as defined in this chapter. No person shall be eligible for appointment to the board of funeral directors and embalmers who is financially interested, directly or indirectly, in any embalming college, wholesale funeral supply business, or casket manufacturing business.-~~

~~All members of the board of funeral directors and embalmers shall be appointed to serve for a term of five years, to expire on July 1 of the year of termination of their term, and until their successors have been appointed and qualified: PROVIDED, That the governor is granted the power to fix the terms of office of the members of the board first appointed so that the term of office of not more than one member of the board shall terminate in any one year. In case of a vacancy occurring on the board, the governor shall appoint a qualified member for the remainder of the unexpired term of the vacant office. Any member of the board of funeral directors and embalmers who fails to properly discharge the duties of a member may be removed by the governor.-))~~ A funeral and cemetery board is created to consist of nine members to be appointed by the governor in accordance with this section. The three funeral director and embalmer members of the board of funeral directors and embalmers whose terms expire after 1999 are hereby appointed to serve for initial terms with their year of expiration of term remaining the same. The two members of the cemetery board who have had

experience in this state in the active administrative management of a cemetery authority or as a member of the board of directors of a cemetery authority whose terms expire after 1999 are hereby appointed to serve for initial terms with their year of expiration of term remaining the same. A third member who has had experience in this state in the active administrative management of a cemetery authority or as a member of the board of directors of a cemetery authority shall be appointed with a term to expire in 2003. Three public members shall be appointed with terms to expire in 2001, 2002, and 2003. These appointments may cause no more than three terms to expire in any given year.

A member of the board must be appointed to serve for a term of four years, to expire on July 1st of the year of termination of the member's term. A member shall hold office until the expiration of the term for which the member is appointed or until a successor has been appointed and qualified. In case of a vacancy occurring on the board, the governor shall appoint a qualified member for the remainder of the unexpired term of the vacant office. A member of the board who fails to properly discharge the duties of a member may be removed by the governor.

Three members of the board must be persons who have had experience in this state in the active administrative management of a cemetery authority or as a member of the board of directors of a cemetery authority for a period of five years preceding appointment. Three members of the board must each be licensed in this state as funeral directors and embalmers and must have been continuously engaged in the practice as funeral directors and embalmers for a period of five years preceding appointment. Three members must represent the general public and may not have a connection with the funeral or cemetery industry. Two of these public members shall be persons who have professional, legal, accounting, or trust investment experience that is relevant to the duties of the board. A member of the board must have been a resident of the state of Washington for a period of at least five years preceding appointment.

The board shall meet once annually to conduct its business and to elect a ((~~chairman~~)) chair, vice ((~~chairman~~)) chair, and ((~~secretary and take official board action on pending matters by majority vote of all the members of the board of funeral directors and embalmers~~)) such other officers as the board determines, and at other times when called by the director, the ((~~chairman~~)) chair, or a majority of the members. A majority of the members of ((~~said~~)) the board ((~~shall~~)) at all times constitutes a quorum. A quorum of the board to consider any charges brought under this chapter shall include two of the funeral director and embalmer members of the board. A quorum of the board to consider any charges brought under Title 68 RCW shall include two of the members who have had experience in the active administrative management of a cemetery authority. If funeral director and embalmer or cemetery board members cannot serve due to a conflict of interest, a quorum constituting a majority of the members shall preside over the hearing.

A member of the board shall be compensated in accordance with RCW 43.03.240 and shall receive travel expenses in accordance with RCW 43.03.050 and 43.03.060.

**Sec. 204.** RCW 18.39.175 and 1996 c 217 s 6 are each amended to read as follows:

~~((Each member of the board of funeral directors and embalmers shall be compensated in accordance with RCW 43.03.240 and shall be reimbursed for travel expenses in connection with board duties in accordance with RCW 43.03.050 and 43.03.060.))~~

The ((~~state~~)) board ((~~of funeral directors and embalmers shall have~~)) has the following duties and responsibilities under this chapter:

(1) To be responsible for the preparation, conducting, and grading of examinations of applicants for funeral director and embalmer licenses;

(2) To certify to the director the results of examinations of applicants and certify the applicant as having "passed" or "failed";

(3) To make findings and recommendations to the director on any and all matters relating to the enforcement of this chapter;

(4) To adopt((~~, promulgate,~~)) and enforce reasonable rules((~~Rules regulating the cremation of human remains and permit requirements shall be adopted in consultation with the cemetery board~~));

(5) To examine or audit or to direct the examination and audit of prearrangement funeral service trust fund records for compliance with this chapter and rules adopted by the board; and

(6) To adopt rules establishing mandatory continuing education requirements to be met by persons applying for license renewal.

**Sec. 205.** RCW 18.39.217 and 1985 c 402 s 7 are each amended to read as follows:

A permit or endorsement issued by the board or under chapter 68.05 RCW is required in order to operate a crematory or conduct a cremation. Conducting a cremation without a permit or endorsement is a misdemeanor. Each such cremation is a separate violation. ~~((Crematories owned or operated by or located on property licensed as a funeral establishment shall be regulated by the board of funeral directors and embalmers. Crematories not affiliated with a funeral establishment shall be regulated by the cemetery board.))~~

**Sec. 206.** RCW 18.39.250 and 1996 c 217 s 8 are each amended to read as follows:

(1) Any funeral establishment selling funeral merchandise or services by prearrangement funeral service contract and accepting moneys therefore shall establish and maintain one or more prearrangement funeral service trusts under Washington state law with two or more designated trustees, for the benefit of the beneficiary of the prearrangement funeral service contract or may join with one or more other Washington state licensed funeral establishments in a "master trust" provided that each member of the "master trust" shall comply individually with the requirements of this chapter.

(2) Up to ten percent of the cash purchase price of each prearrangement funeral service contract, excluding sales tax, may be retained by the funeral establishment unless otherwise provided in this chapter. If the prearrangement funeral service contract is canceled within thirty calendar days of its signing, then the purchaser shall receive a full refund of all moneys paid under the contract.

(3) At least ninety percent of the cash purchase price of each prearrangement funeral service contract, paid in advance, excluding sales tax, shall be placed in the trust established or utilized by the funeral establishment. Deposits to the prearrangement funeral service trust shall be made not later than the twentieth day of the month following receipt of each payment made on the last ninety percent of each prearrangement funeral service contract, excluding sales tax.

(4) All prearrangement funeral service trust moneys shall be deposited in an insured account in a ~~((qualified))~~ public depository, as defined in RCW 39.58.010, or shall be invested in instruments issued or insured by any agency of the federal government if these securities are held in a public depository. The account shall be designated as the prearrangement funeral service trust of the funeral establishment for the benefit of the beneficiaries named in the prearrangement funeral service contracts. The prearrangement funeral service trust shall not be considered as, nor shall it be used as, an asset of the funeral establishment.

(5) After deduction of reasonable fees for the administration of the trust, taxes paid or withheld, or other expenses of the trust, all interest, dividends, increases, or accretions of whatever nature earned by a trust shall be kept unimpaired and shall become a part of the trust. Adequate records shall be maintained to allocate the share of principal and interest to each contract. Fees deducted for the administration of the trust shall not exceed one percent per year of the amount in trust. In no instance shall the administrative charges deducted from the prearrangement funeral service trust reduce, diminish, or in any other way lessen the value of the trust so that the services or merchandise provided for under the contract are reduced, diminished, or in any other way lessened.

(6) Except as otherwise provided in this chapter, the trustees of a prearrangement funeral service trust shall permit withdrawal of all funds deposited under a prearrangement funeral service contract, plus accruals thereon, under the following circumstances and conditions:

(a) If the funeral establishment files a verified statement with the trustees that the prearrangement funeral merchandise and services covered by the contract have been furnished and delivered in accordance therewith; or

(b) If the funeral establishment files a verified statement with the trustees that the prearrangement funeral merchandise and services covered by the contract have been canceled in accordance with its terms.

(7) Subsequent to the thirty calendar day cancellation period provided for in this chapter, any purchaser or beneficiary who has a revocable prearrangement funeral service contract has the right to demand a refund of the amount in trust.

(8) Prearrangement funeral service contracts which have or should have an account in a prearrangement funeral service trust may be terminated by the board if the funeral establishment goes out of business, becomes insolvent or bankrupt, makes an assignment for the benefit of creditors, has its prearrangement funeral service certificate of registration revoked, or for any other reason is unable to fulfill the obligations under the contract. In such event, or upon demand by the purchaser or beneficiary of the prearrangement funeral service contract, the funeral establishment shall refund to the purchaser or beneficiary all moneys deposited in the trust and allocated to the contract unless otherwise ordered by a court of competent jurisdiction. The purchaser or beneficiary may, in lieu of a refund, elect to transfer the prearrangement funeral service contract and all amounts in trust to another funeral establishment licensed under this chapter which will agree, by endorsement to the contract, to be bound by the contract and to provide the funeral merchandise or services. Election of this option shall not relieve the defaulting funeral establishment of its obligation to the purchaser or beneficiary for any amounts required to be, but not placed, in trust.

(9) Prior to the sale or transfer of ownership or control of any funeral establishment which has contracted for prearrangement funeral service contracts, any person, corporation, or other legal entity desiring to acquire such ownership or control shall apply to the director in accordance with RCW 18.39.145. Persons and business entities selling or relinquishing, and persons and business entities purchasing or acquiring ownership or control of such funeral establishments shall each verify and attest to a report showing the status of the prearrangement funeral service trust or trusts on the date of the sale. This report shall be on a form prescribed by the board and shall be considered part of the application for a funeral establishment license. In the event of failure to comply with this subsection, the funeral establishment shall be deemed to have gone out of business and the provisions of subsection (8) of this section shall apply.

(10) Prearrangement funeral service trust moneys shall not be used, directly or indirectly, for the benefit of the funeral establishment or any director, officer, agent, or employee of the funeral establishment including, but not limited to, any encumbrance, pledge, or other use of prearrangement funeral service trust moneys as collateral or other security.

(11)(a) If, at the time of the signing of the prearrangement funeral service contract, the beneficiary of the trust is a recipient of public assistance as defined in RCW 74.04.005, or reasonably anticipates being so defined, the contract may provide that the trust will be irrevocable. If after the contract is entered into, the beneficiary becomes eligible or seeks to become eligible for public assistance under Title 74 RCW, the contract may provide for an election by the beneficiary, or by the purchaser on behalf of the beneficiary, to make the trust irrevocable thereafter in order to become or remain eligible for such assistance.

(b) The department of social and health services shall notify the trustee of any prearrangement service trust that the department has a claim on the estate of a beneficiary for long-term care services. Such notice shall be renewed at least every three years. The trustees upon becoming aware of the death of a beneficiary shall give notice to the department of social and health services, office of financial recovery, who shall file any claim there may be within thirty days of the notice.

(12) Every prearrangement funeral service contract financed through a prearrangement funeral service trust shall contain language which:

(a) Informs the purchaser of the prearrangement funeral service trust and the amount to be deposited in the trust;

(b) Indicates if the contract is revocable or not in accordance with subsection (11) of this section;

(c) Specifies that a full refund of all moneys paid on the contract will be made if the contract is canceled within thirty calendar days of its signing;

(d) Specifies that, in the case of cancellation by a purchaser or beneficiary eligible to cancel under the contract or under this chapter, up to ten percent of the contract amount may be retained by the seller to cover the necessary expenses of selling and setting up the contract;

(e) Identifies the trust to be used and contains information as to how the trustees may be contacted.

**Sec. 207.** RCW 18.39.300 and 1989 c 390 s 7 are each amended to read as follows:

In addition to the grounds for action set forth in RCW ~~((18.130.170 and 18.130.180))~~ 18.39.410, the board may take the disciplinary action set forth in RCW ~~((18.130.160))~~ 18.39.500 against the funeral establishment's license, the license of any funeral director and/or the funeral establishment's certificate of registration, if the licensee or registrant:

- (1) Fails to comply with any provisions of this chapter ~~((, chapter 18.130 RCW,))~~ or any proper order or regulation of the board;
- (2) Is found by the board to be in such condition that further execution of prearrangement contracts could be hazardous to purchasers or beneficiaries and the people of this state;
- (3) Refuses to be examined, or refuses to submit to examination by the board when required;
- (4) Fails to pay the expense of an examination; or
- (5) Is found by the board after investigation or receipt of reliable information to be managed by persons who are incompetent or untrustworthy or so lacking in managerial experience as to make the proposed or continued execution or servicing of prearrangement funeral service contracts hazardous to purchasers, beneficiaries, or to the public.

**Sec. 208.** RCW 18.39.800 and 1996 c 217 s 9 are each amended to read as follows:

The funeral ~~((directors))~~ and ~~((embalmers))~~ cemetery account is created in the state treasury. All fees and regulatory charges received by the department for licenses, registrations, renewals, certificates, permits, endorsements, license examinations, and ~~((audits))~~ trust fund examinations shall be forwarded to the state treasurer who shall credit the money to the account. All fines and civil penalties ordered by the superior court or fines ordered pursuant to RCW ~~((18.130.160(8)))~~ 18.39.500 and 68.05.105 against holders of licenses or registrations issued under the provisions of this chapter shall be paid to the account. All expenses incurred in carrying out the licensing and registration activities of the department of licensing and the ~~((state funeral directors and embalmers))~~ board under this chapter shall be paid from the account as authorized by legislative appropriation. Any residue in the account shall be accumulated and shall not revert to the general fund at the end of the biennium. All earnings of investments of balances in the account shall be credited to the general fund. Any fund balance remaining in the ~~((health professions))~~ funeral directors and embalmers account attributable to the funeral director and embalmer professions as of July 1, ~~((1993))~~ 1999, and any fund balance remaining in the cemetery account as of July 1, 1999, shall be transferred to the funeral ~~((directors))~~ and ~~((embalmers))~~ cemetery account.

**Sec. 209.** RCW 68.05.020 and 1953 c 290 s 27 are each amended to read as follows:

The term "board" used in this chapter means the funeral and cemetery board.

**Sec. 210.** RCW 68.05.095 and 1987 c 331 s 8 are each amended to read as follows:

~~((The board shall elect annually a chairman and vice chairman and such other officers as it shall determine from among its members.))~~ The director, in consultation with the board, may employ and prescribe the duties of the ~~((executive secretary))~~ program administrator or manager. The ~~((executive secretary shall))~~ program administrator or manager must have a minimum of five years' experience in either cemetery or funeral management, or both, unless this requirement is waived by the board.

**Sec. 211.** RCW 68.05.105 and 1987 c 331 s 10 are each amended to read as follows:

The board has the following authority under this chapter:

- (1) To adopt, amend, and rescind such rules as are deemed necessary to carry out this title;
- (2) To investigate all complaints or reports of unprofessional conduct as defined in this chapter and to hold hearings;
- (3) To issue subpoenas and administer oaths in connection with any investigation, hearing, or proceeding held under this title;
- (4) To take or cause depositions to be taken and use other discovery procedures as needed in any investigation, hearing, or proceeding held under this title;
- (5) To compel attendance of witnesses at hearings;
- (6) In the course of investigating a complaint, to conduct practice reviews;

- (7) To take emergency action pending proceedings by the board;
- (8) To use the office of administrative hearings as authorized in chapter 34.12 RCW to conduct hearings. However, the board shall make the final decision;
- (9) To use consultants or individual members of the board to assist in the direction of investigations and issuance of statements of charges. However, those board members shall not subsequently participate in the hearing of the case;
- (10) To enter into contracts for professional services determined to be necessary for adequate enforcement of this title;
- (11) To contract with persons or organizations to provide services necessary for the monitoring and supervision of licensees, or authorities who are for any authorized purpose subject to monitoring by the board;
- (12) To adopt standards of professional conduct or practice;
- (13) To grant or deny authorities or license applications, and in the event of a finding of unprofessional conduct by an applicant, authority, or license holder, to impose any sanction against a license applicant, authority, or license holder provided by this title;
- (14) To enter into an assurance of discontinuance in lieu of issuing a statement of charges or conducting a hearing. The assurance shall consist of a statement of the law in question and an agreement to not violate the stated provision. The applicant, holder of an authority to operate, or license holder shall not be required to admit to any violation of the law, nor shall the assurance be construed as such an admission. Violation of an assurance under this subsection is grounds for disciplinary action;
- (15) To revoke the license or authority;
- (16) To suspend the license or authority for a fixed or indefinite term;
- (17) To restrict or limit the license or authority;
- (18) To censure or reprimand;
- (19) To cause compliance with conditions of probation for a designated period of time;
- (20) To fine for each violation of this title, not to exceed one thousand dollars per violation. Funds received shall be placed in the funeral and cemetery account;
- (21) To order corrective action.

Any of the actions under this section may be totally or partly stayed by the board. In determining what action is appropriate, the board must first consider what sanctions are necessary to protect or compensate the public. All costs associated with compliance with orders issued under this section are the obligation of the license or authority holder or applicant.

**Sec. 212.** RCW 68.05.175 and 1987 c 331 s 13 are each amended to read as follows:

A permit or endorsement issued by the ((cemetery)) board or under chapter 18.39 RCW is required in order to operate a crematory or conduct a cremation. ~~((Crematories owned or operated by or located on property licensed as a funeral establishment shall be regulated by the board of funeral directors and embalmers. Crematories not affiliated with a funeral establishment shall be regulated by the cemetery board.))~~

**Sec. 213.** RCW 68.05.195 and 1987 c 331 s 15 are each amended to read as follows:

Any person other than persons defined in RCW 68.50.160 who buries or otherwise disposes of cremated remains by land, by air, or by sea shall have a permit or endorsement issued in accordance with RCW ~~((68.05.100))~~ 18.39.175 and shall be subject to that section.

**Sec. 214.** RCW 68.05.205 and 1993 c 43 s 4 are each amended to read as follows:

The director with the consent of the ((cemetery)) board shall set all fees for chapters 68.05, 68.20, 68.24, 68.28, 68.32, 68.36, 68.40, 68.44, and 68.46 RCW in accordance with RCW 43.24.086, including fees for licenses, certificates, regulatory charges, permits, or endorsements, and the department shall collect the fees.

**Sec. 215.** RCW 68.05.285 and 1953 c 290 s 29 are each amended to read as follows:

~~((There shall be, in the office of the state treasurer, a fund to be known and designated as the "cemetery fund." All regulatory fees or other moneys to be paid under this chapter, unless provision be made otherwise, shall be paid at least once a month to the state treasurer to be credited to the cemetery fund. All moneys credited to the cemetery fund shall be used, when appropriated by the legislature, by the cemetery board to carry out the provisions of this chapter.))~~ The funeral and cemetery account is created in the state treasury under RCW 18.39.800.

**Sec. 216.** RCW 68.24.090 and 1987 c 331 s 34 are each amended to read as follows:

Property dedicated to cemetery purposes shall be held and used exclusively for cemetery purposes, unless and until the dedication is removed from all or any part of it by an order and decree of the superior court of the county in which the property is situated, in a proceeding brought by the cemetery authority for that purpose and upon notice of hearing and proof satisfactory to the court:

(1) That no interments were made in or that all interments have been removed from that portion of the property from which dedication is sought to be removed.

(2) That the portion of the property from which dedication is sought to be removed is not being used for interment of human remains.

(3) That notice of the proposed removal of dedication has been given the funeral and cemetery board in writing for cemeteries regulated by the board and to the office of archaeology and historic preservation for abandoned and historic cemeteries and historic graves at least sixty days before filing the proceedings in superior court.

**Sec. 217.** RCW 68.40.040 and 1987 c 331 s 37 are each amended to read as follows:

A cemetery authority not exempt under this chapter shall file in its principal office for review by plot owners the previous seven fiscal years' endowment care reports as filed with the funeral and cemetery board in accordance with RCW 68.44.150.

**Sec. 218.** RCW 68.44.115 and 1987 c 331 s 44 are each amended to read as follows:

To be considered qualified as a trustee, each trustee of an endowment care fund appointed in accordance with this chapter shall file with the board a statement of acceptance of fiduciary responsibility, on a form approved by the board, before assuming the duties of trustee. The trustee shall remain in the trustee's fiduciary capacity until such time as the trustee advises the funeral and cemetery board in writing of the trustee's resignation of trusteeship.

**Sec. 219.** RCW 68.46.010 and 1979 c 21 s 22 are each amended to read as follows:

Unless the context clearly indicates otherwise, the following terms as used only in this chapter have the meaning given in this section:

(1) "Prearrangement contract" means a contract for purchase of cemetery merchandise or services, unconstructed crypts or niches, or undeveloped graves to be furnished at a future date for a specific consideration which is paid in advance by one or more payments in one sum or by installment payments.

(2) "Cemetery authority" shall have the same meaning as in RCW 68.04.190, and shall also include any individual, partnership, firm, joint venture, corporation, company, association, or ~~((join~~ ~~joint))~~ joint stock company, any of which sells cemetery services or merchandise, unconstructed crypts or niches, or undeveloped graves through a prearrangement contract, but shall not include insurance companies licensed under chapter 48.05 RCW.

(3) "Cemetery merchandise or services" and "merchandise or services" mean those services normally performed by cemetery authorities, including the sale of monuments, markers, memorials, nameplates, liners, vaults, boxes, urns, vases, interment services, or any one or more of them.

(4) "Prearrangement trust fund" means all funds required to be maintained in one or more funds for the benefit of beneficiaries by either this chapter or by the terms of a prearrangement contract, as herein defined.

(5) ~~("Depository" means a qualified public depository as defined by RCW 39.58.010, a credit union as governed by chapter 31.12 RCW, a mutual savings bank as governed by Title 32 RCW, a savings and loan association as governed by Title 33 RCW, and a federal credit union or a federal~~



~~savings and loan association organized, operated, and governed by any act of congress, in which prearrangement funds are deposited by any cemetery authority.~~

~~(6))~~ "Board" means the funeral and cemetery board established under ~~((chapter 68.05))~~ RCW 18.39.173 or its authorized representative.

~~((7))~~ (6) "Undeveloped grave" means any grave in an area which a cemetery authority has not landscaped and groomed to the extent customary in the cemetery industry in that community.

**Sec. 220.** RCW 68.46.040 and 1987 c 331 s 50 are each amended to read as follows:

All prearrangement trust funds shall be deposited in a ~~((qualified))~~ public ~~((depository))~~ depository as defined by RCW ~~((68.46.010))~~ 39.58.010 or invested in instruments issued or insured by any agency of the federal government, if these securities are held in public depository. Such savings accounts shall be designated as the "prearrangement trust fund" by name and the particular cemetery authority for the benefit of the beneficiaries named in any prearrangement contract.

**Sec. 221.** RCW 68.46.090 and 1983 c 190 s 1 are each amended to read as follows:

Any cemetery authority selling prearrangement merchandise or other prearrangement services shall file in its office or offices and with the ~~((cemetery))~~ board a written report upon forms prepared by the ~~((cemetery))~~ board which shall state the amount of the principle of the prearrangement trust fund or funds, the depository of such fund or funds, and cash on hand which is or may be due to such fund as well as such other information the board may deem appropriate. All information appearing on such written reports shall be revised at least annually. These reports shall be verified by the president, or the vice president, and one other officer of the cemetery authority, the accountant or auditor who prepared the report ~~((, and, if required by the board for good cause, a certified public accountant in accordance with generally accepted auditing standards))~~. The board may, in its discretion, require verification of these reports by a certified public accountant in accordance with generally accepted auditing standards ~~((shall be required on reports from cemetery authorities which manage prearrangement trust funds totaling in excess of five hundred thousand dollars))~~.

**Sec. 222.** RCW 68.46.110 and 1973 1st ex. s. c 68 s 11 are each amended to read as follows:

No cemetery authority shall sell, offer to sell or authorize the sale of cemetery merchandise or services or accept funds in payment of any prearrangement contract, either directly or indirectly, unless such acts are performed in compliance with chapter 68, Laws of 1973 1st ex. sess., and under the authority of a valid, subsisting and unsuspended certificate of authority to operate a cemetery in this state by the ~~((Washington state cemetery))~~ board.

**Sec. 223.** RCW 68.46.130 and 1979 c 21 s 43 are each amended to read as follows:

The ~~((cemetery))~~ board may grant an exemption from any or all of the requirements of this chapter relating to prearrangement contracts to any cemetery authority which:

- (1) Sells less than twenty prearrangement contracts per year; and
- (2) Deposits one hundred percent of all funds received into a trust fund under RCW 68.46.030 ~~((, as now or hereafter amended))~~.

**Sec. 224.** RCW 68.50.230 and 1985 c 402 s 9 are each amended to read as follows:

Whenever any dead human body shall have been in the lawful possession of any person, firm, corporation or association for a period of one year or more, or whenever the incinerated remains of any dead human body have been in the lawful possession of any person, firm, corporation or association for a period of two years or more, and the relatives of, or persons interested in, the deceased person shall fail, neglect or refuse for such periods of time, respectively, to direct the disposition to be made of such body or remains, such body or remains may be disposed of by the person, firm, corporation or association having such lawful possession thereof, under and in accordance with rules adopted by the funeral and cemetery board ~~((and the board of funeral directors and embalmers))~~, not inconsistent with any statute of the state of Washington or rule ~~((or regulation prescribed))~~ adopted by the state board of health.

**Sec. 225.** RCW 68.60.030 and 1995 c 399 s 168 are each amended to read as follows:

(1)(a) The (~~(archaeological and historical division of the department of community, trade, and economic development)~~) office of archaeology and historic preservation may grant by nontransferable certificate authority to maintain and protect an abandoned cemetery upon application made by a preservation organization which has been incorporated for the purpose of restoring, maintaining, and protecting an abandoned cemetery. Such authority shall be limited to the care, maintenance, restoration, protection, and historical preservation of the abandoned cemetery, and shall not include authority to make burials(~~(, unless specifically granted by the cemetery board)~~).

(b) Those preservation and maintenance corporations that are granted authority to maintain and protect an abandoned cemetery shall be entitled to hold and possess burial records, maps, and other historical documents as may exist. Maintenance and preservation corporations that are granted authority to maintain and protect an abandoned cemetery shall not be liable to those claiming burial rights, ancestral ownership, or to any other person or organization alleging to have control by any form of conveyance not previously recorded at the county auditor's office within the county in which the abandoned cemetery exists. Such organizations shall not be liable for any reasonable alterations made during restoration work on memorials, roadways, walkways, features, plantings, or any other detail of the abandoned cemetery.

(c) Should the maintenance and preservation corporation be dissolved, the (~~(archaeological and historical division of the department of community, trade, and economic development)~~) office of archaeology and historic preservation shall revoke the certificate of authority.

(d) Maintenance and preservation corporations that are granted authority to maintain and protect an abandoned cemetery may establish care funds (~~(pursuant to chapter 68.44 RCW, and shall report in accordance with chapter 68.44 RCW to the state cemetery board)~~).

(2) Except as provided in subsection (1) of this section, the department of community, trade, and economic development may, in its sole discretion, authorize any Washington nonprofit corporation that is not expressly incorporated for the purpose of restoring, maintaining, and protecting an abandoned cemetery, to restore, maintain, and protect one or more abandoned cemeteries. The authorization may include the right of access to any burial records, maps, and other historical documents, but shall not include the right to be the permanent custodian of original records, maps, or documents. This authorization shall be granted by a nontransferable certificate of authority. Any nonprofit corporation authorized and acting under this subsection is immune from liability to the same extent as if it were a preservation organization holding a certificate of authority under subsection (1) of this section.

(3) The department of community, trade, and economic development shall establish standards and guidelines for granting certificates of authority under subsections (1) and (2) of this section to assure that any restoration, maintenance, and protection activities authorized under this subsection are conducted and supervised in an appropriate manner.

**Sec. 226.** RCW 68.60.050 and 1989 c 44 s 5 are each amended to read as follows:

(1) Any person who knowingly removes, mutilates, defaces, injures, or destroys any historic grave shall be guilty of a class C felony punishable under chapter 9A.20 RCW. Persons disturbing historic graves through inadvertence, including disturbance through construction, shall reinter the human remains under the supervision of the (~~(cemetery board)~~) office of archaeology and historic preservation. Expenses to reinter such human remains are to be provided by the office of archaeology and historic preservation.

(2) This section does not apply to actions taken in the performance of official law enforcement duties.

(3) It shall be a complete defense in a prosecution under subsection (1) of this section if the defendant can prove by a preponderance of evidence that the alleged acts were accidental or inadvertent and that reasonable efforts were made to preserve the remains accidentally disturbed or discovered, and that the accidental discovery or disturbance was properly reported.

**Sec. 227.** RCW 68.60.060 and 1990 c 92 s 5 are each amended to read as follows:

Any person who violates any provision of this chapter is liable in a civil action by and in the name of the (~~state cemetery board~~) office of archaeology and historic preservation to pay all damages occasioned by their unlawful acts. The sum recovered shall be applied in payment for the repair and restoration of the property injured or destroyed and to the care fund if one is established.

NEW SECTION. Sec. 228. The following acts or parts of acts are each repealed:

- (1). RCW 68.05.040 (Cemetery board created--Appointments--Terms) and 1987 c 331 s 5, 1977 ex.s. c 351 s 1, & 1953 c 290 s 31;
- (2). RCW 68.05.050 (Qualifications of members) and 1979 c 21 s 5, 1977 ex.s. c 351 s 2, & 1953 c 290 s 32;
- (3). RCW 68.05.060 (Compensation and travel expenses) and 1984 c 287 s 102, 1975-'76 2nd ex.s. c 34 s 156, & 1953 c 290 s 33;
- (4). RCW 68.05.080 (Meetings) and 1987 c 331 s 6 & 1953 c 290 s 35; and
- (5) RCW 68.05.100 (Rules and regulations) and 1993 c 43 s 3, 1987 c 331 s 9, 1985 c 402 s 8, & 1953 c 290 s 36."

Renumber the remaining parts and sections consecutively, correct any internal references accordingly, and correct the title.

Representatives Campbell and Dunshee spoke in favor of the adoption of the amendment.

Representatives D. Schmidt, Miloscia and Ericksen spoke against the adoption of the amendment.

Division was demanded. Speaker Ballard divided the House. The results of the division was 30-YEAS; 67-NAYS. The amendment was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Miloscia and Ericksen spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute House Bill No. 1251.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1251 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

Substitute House Bill No. 1251, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1547, by Representatives Mitchell, Lantz, Thomas, Dunshee, Campbell, Sullivan, Bush, Kastama, Conway, Scott, Regala, Miloscia, Fisher, McDonald and Huff

Authorizing a sales and use tax for zoo and aquarium purposes.

The bill was read the second time. There being no objection, Substitute House Bill No. 1547 was substituted for House Bill No. 1547 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1547 was read the second time.

Representative Mitchell moved the adoption of amendment (066):

On page 2, after line 14, insert the following:

"(5) The department of revenue shall perform the collection of such taxes on behalf of the county at no cost to the county."

Representatives Mitchell and Lantz spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Bush moved the adoption of amendment (087):

On page 4, after line 5, strike all material through "county." on line 11

Representatives Bush and Mitchell spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Mitchell and Lantz spoke in favor of passage of the bill.

Representative Fortunato spoke against the passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1547.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1547 and the bill passed the House by the following vote: Yeas - 82, Nays - 15, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Benson, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, DeBolt, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, D. Schmidt, K. Schmidt, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 82.

Voting nay: Representatives Barlean, Boldt, Buck, Cox, Crouse, Delvin, Dunn, Fortunato, Koster, McMorris, Mielke, Pennington, Schindler, Schoesler and Sump - 15.  
Excused: Representative Scott - 1.

Engrossed Substitute House Bill No. 1547, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1264, by Representatives D. Schmidt, Scott, Mulliken, Fisher, Quall, Wolfe and Schoesler

Making corrections regarding combining water-sewer districts.

The bill was read the second time.

Representative Hatfield moved the adoption of amendment (048):

On page 10, after line 2, insert the following:

"**Sec. 4.** RCW 57.08.015 and 1996 c 230 s 305 are each amended to read as follows:

The board of commissioners of a district may sell, at public or private sale, property belonging to the district if the board determines that the property is not and will not be needed for district purposes and if the board gives notice of intention to sell as in this section provided. However, no such notice of intention shall be required to sell personal property of less than two thousand five hundred dollars in value.

The notice of intention to sell shall be published once a week for two consecutive weeks in a newspaper of general circulation in the district. The notice shall describe the property and state the time and place at which it will be sold or offered for sale, the terms of sale, whether the property is to be sold at public or private sale, and if at public sale the notice shall call for bids, fix the conditions of the bids and reserve the right to reject any and all bids for good cause.

**Sec. 5.** RCW 57.08.016 and 1996 c 230 s 306 are each amended to read as follows:

(1) There shall be no private sale of real property where the appraised value exceeds the sum of two thousand five hundred dollars. Subject to the provisions of subsection (2) of this section, no real property of the district shall be sold for less than ninety percent of the value thereof as established by a written appraisal made not more than six months prior to the date of sale by three disinterested real estate brokers licensed under the laws of the state or professionally designated real estate appraisers as defined in RCW 74.46.020. The appraisal shall be signed by the appraisers and filed with the secretary of the board of commissioners of the district, who shall keep it at the office of the district open to public inspection. Any notice of intention to sell real property of the district shall recite the appraised value thereof.

(2) If no purchasers can be obtained for the property at ninety percent or more of its appraised value after one hundred twenty days of offering the property for sale, the board of commissioners of the district may adopt a resolution stating that the district has been unable to sell the property at the ninety percent amount. The district then may sell the property at the highest price it can obtain at public auction. A notice of intention to sell at public auction shall be published once a week for two consecutive weeks in a newspaper of general circulation in the district. The notice shall describe the property, state the time and place at which it will be offered for sale and the terms of sale, and shall call for bids, fix the conditions thereof, and reserve the right to reject any and all bids for good cause."

Renumber the sections consecutively and correct the title and any internal references accordingly.

Representative Hatfield spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, amendment 042 was withdrawn.

Representative D. Schmidt moved the adoption of amendment (043):

On page 28, after line 10, insert the following:

"**Sec. 1.** RCW 35.13A.0301 and 1998 c 326 s 3 are each amended to read as follows:

During the period commencing with April 3, 1998, and running through July 1, ~~((1999))~~ 2000, a city may not assume jurisdiction of all or a portion of a water-sewer district under RCW 35.13A.030 or 35.13A.040, unless voters of the entire water-sewer district approve a ballot proposition authorizing the assumption under general election law with the city paying for the election costs, and during the same period a water-sewer district may not:

(1) Merge or consolidate with another water-sewer district unless each city that is partially included within any of the districts proposing to merge or consolidate indicates that it has no interest in assuming jurisdiction of the district; or

(2) Take any action that would establish different contractual obligations, requirements for retiring indebtedness, authority to issue debt in parity with the district's existing outstanding indebtedness, rates of compensation, or terms of employment contracts, if a city assumes jurisdiction of all or a portion of the district. Nothing in this subsection shall be construed to prevent a district from issuing obligations on a parity with its outstanding obligations, to repeat terms and conditions of obligations provided with respect to earlier parity obligations, or to provide covenants that are customary for obligations of similar utilities whether those utilities are operated by cities or special purpose districts."

Renumber the sections consecutively and correct the title and any internal references accordingly.

### **POINT OF ORDER**

Representative Fisher requested a Scope and Object on amendment 043 to House Bill No. 1264..

There being no objection, the House deferred action on House Bill No. 1264, and the bill held its place on the second reading calendar.

HOUSE BILL NO. 1059, by Representatives O'Brien, Ballasiotes, Kastama, Van Luven, McMorris, Cody, Carlson, Lantz, Parlette, Bush, Keiser, Skinner, Constantine, Anderson, Haigh, K. Schmidt, Regala, Fisher, Hurst, Delvin, Lovick, Ruderman, Radcliff, Kenney, Stensen, Kessler, Dunshee, Dickerson, D. Schmidt, Ogden, Rockefeller, Poulsen, Cooper, Quall, Scott, Lisk, Esser, McDonald, DeBolt, Conway, Mielke, Kagi, Morris and McIntire

Creating crimes concerning the theft or destruction of mail or mail boxes.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 1059 was substituted for House Bill No. 1059 and the second substitute bill was placed on the second reading calendar.

Second Substitute House Bill No. 1059 was read the second time.

There being no objection, amendment 102 was withdrawn.

Representative O'Brien moved the adoption of amendment (074):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Authorized depository" means a mailbox, post office box, or rural box used by postal customers to deposit outgoing mail or used by the postal service to deliver incoming mail.

(2) "Letter box" means a receptacle that is used for a specific address intended or used for the receipt or delivery of mail on a mail route.

(3)(a) "Mail" means a letter, card, parcel, or other material that:

(i) Is sent or delivered by means of the postal service;

(ii) Has postage affixed by the postal customer or postal service; and

(iii) Is placed in an authorized depository or mail receptacle.

(b) "Mail" includes articles contained in mail.

(4) "Mail receptacle" means a place used by the postal service or postal customers to place outgoing mail or receive incoming mail.

(5) "Postage" means a postal service stamp, permit imprint, meter strip, or other authorized indication of prepayment for service provided by the postal service for collection and delivery of mail.

(6) "Postal service" means the United States postal service.

(7) The phrase "of another" does not include persons with whom the defendant has a familial, parental, spousal, employment, or other relationship that would otherwise reasonably allow the defendant to take, dispose of, or otherwise intercept the person's mail.

**NEW SECTION. Sec. 2.** (1) A person commits the crime of obstruction of mail if the person intentionally obstructs or unreasonably delays:

(a) The passage of the mail; or

(b) A carrier or conveyance carrying the mail.

(2) Obstruction of mail is a gross misdemeanor.

**NEW SECTION. Sec. 3.** (1) A person commits the crime of destruction of letter boxes if the person knowingly and maliciously:

(a) Tears down or destroys a letter box belonging to another; or

(b) Breaks open a letter box belonging to another.

(2) Destruction of letter boxes is a gross misdemeanor.

**NEW SECTION. Sec. 4.** (1) A person commits the crime of destruction of mail if the person knowingly and maliciously injures, destroys, or defaces mail of another that has been deposited in an authorized depository.

(2) Destruction of mail is a class C felony.

**NEW SECTION. Sec. 5.** (1) A person commits the crime of mail theft or receipt of stolen mail if the person knowingly:

(a) Takes, or by fraud or deception, obtains mail of another from a mail receptacle, authorized depository, or mail carrier;

(b) Secretes, embezzles, or destroys mail of another;

(c) Takes, or by fraud or deception, obtains mail of another that has been left for collection on or adjacent to an authorized depository or mail receptacle; or

(d) Buys, receives, conceals, or unlawfully possesses mail of another knowing that the mail was taken, obtained, or embezzled as described in this subsection.

(2) Mail theft or receipt of stolen mail is a class C felony.

**NEW SECTION. Sec. 6.** In a prosecution under this chapter, it is a defense that the defendant acted under an honest claim of right in that:

(1) The defendant was unaware that the property was that of another person;

(2) The defendant reasonably believed that the defendant was entitled to the property involved or had a right to acquire or dispose of it as the defendant did; or

(3) The property involved was that of the defendant's minor child or spouse, unless the parties were not living together as husband and wife and were residing in, and intended to continually reside in, separate abodes at the time of the alleged offense.

NEW SECTION. **Sec. 7.** Sections 1 through 6 of this act constitute a new chapter in Title 9A RCW.

**Sec. 8.** RCW 9.94A.320 and 1998 c 290 s 4, 1998 c 219 s 4, 1998 c 82 s 1, and 1998 c 78 s 1 are each reenacted and amended to read as follows:

## TABLE 2

### CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

- XV Aggravated Murder 1 (RCW 10.95.020)
- XIV Murder 1 (RCW 9A.32.030)
  - Homicide by abuse (RCW 9A.32.055)
  - Malicious explosion 1 (RCW 70.74.280(1))
- XIII Murder 2 (RCW 9A.32.050)
  - Malicious explosion 2 (RCW 70.74.280(2))
  - Malicious placement of an explosive 1 (RCW 70.74.270(1))
- XII Assault 1 (RCW 9A.36.011)
  - Assault of a Child 1 (RCW 9A.36.120)
  - Rape 1 (RCW 9A.44.040)
  - Rape of a Child 1 (RCW 9A.44.073)
  - Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a))
- XI Rape 2 (RCW 9A.44.050)
  - Rape of a Child 2 (RCW 9A.44.076)
  - Manslaughter 1 (RCW 9A.32.060)
- X Kidnapping 1 (RCW 9A.40.020)
  - Child Molestation 1 (RCW 9A.44.083)
  - Malicious explosion 3 (RCW 70.74.280(3))
    - Over 18 and deliver heroin, a narcotic from Schedule I or II, or flunitrazepam from Schedule IV to someone under 18 (RCW 69.50.406)
  - Leading Organized Crime (RCW 9A.82.060(1)(a))
  - Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))
  - Manufacture of methamphetamine (RCW 69.50.401(a)(1)(ii))
- IX Assault of a Child 2 (RCW 9A.36.130)
  - Robbery 1 (RCW 9A.56.200)
  - Explosive devices prohibited (RCW 70.74.180)
  - Malicious placement of an explosive 2 (RCW 70.74.270(2))
    - Over 18 and deliver narcotic from Schedule III, IV, or V or a nonnarcotic, except flunitrazepam, from Schedule I-V to someone under 18 and 3 years junior (RCW 69.50.406)



Controlled Substance Homicide (RCW 69.50.415)  
Sexual Exploitation (RCW 9.68A.040)  
Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))  
Vehicular Homicide, by being under the influence of  
intoxicating liquor or any drug (RCW 46.61.520)  
Homicide by Watercraft, by being under the influence of  
intoxicating liquor or any drug (RCW 88.12.029)

VIII Arson 1 (RCW 9A.48.020)

Promoting Prostitution 1 (RCW 9A.88.070)  
Selling for profit (controlled or counterfeit) any controlled  
substance (RCW 69.50.410)  
Manufacture, deliver, or possess with intent to deliver heroin  
or cocaine (RCW 69.50.401(a)(1)(i))  
Deliver or possess with intent to deliver methamphetamine  
(RCW 69.50.401(a)(1)(ii))  
Manufacture, deliver, or possess with intent to deliver  
amphetamine (RCW 69.50.401(a)(1)(ii))  
Possession of ephedrine or pseudoephedrine with intent to  
manufacture methamphetamine (RCW 69.50.440)  
Vehicular Homicide, by the operation of any vehicle in a  
reckless manner (RCW 46.61.520)  
Homicide by Watercraft, by the operation of any vessel in a  
reckless manner (RCW 88.12.029)  
Manslaughter 2 (RCW 9A.32.070)

VII Burglary 1 (RCW 9A.52.020)

Vehicular Homicide, by disregard for the safety of others  
(RCW 46.61.520)  
Homicide by Watercraft, by disregard for the safety of others  
(RCW 88.12.029)  
Introducing Contraband 1 (RCW 9A.76.140)  
Indecent Liberties (without forcible compulsion) (RCW  
9A.44.100(1) (b) and (c))  
Child Molestation 2 (RCW 9A.44.086)  
Dealing in depictions of minor engaged in sexually explicit  
conduct (RCW 9.68A.050)  
Sending, bringing into state depictions of minor engaged in  
sexually explicit conduct (RCW 9.68A.060)  
Involving a minor in drug dealing (RCW 69.50.401(f))  
Drive-by Shooting (RCW 9A.36.045)  
Unlawful Possession of a Firearm in the first degree (RCW  
9.41.040(1)(a))  
Malicious placement of an explosive 3 (RCW 70.74.270(3))

VI Bribery (RCW 9A.68.010)

Rape of a Child 3 (RCW 9A.44.079)  
Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)  
Malicious placement of an imitation device 2 (RCW  
70.74.272(1)(b))  
Incest 1 (RCW 9A.64.020(1))  
Manufacture, deliver, or possess with intent to deliver narcotics  
from Schedule I or II (except heroin or cocaine) or

flunitrazepam from Schedule IV (RCW  
69.50.401(a)(1)(i))  
Intimidating a Judge (RCW 9A.72.160)  
Bail Jumping with Murder 1 (RCW 9A.76.170(2)(a))  
Theft of a Firearm (RCW 9A.56.300)

V Persistent prison misbehavior (RCW 9.94.070)  
Criminal Mistreatment 1 (RCW 9A.42.020)  
Abandonment of dependent person 1 (RCW 9A.42.060)  
Rape 3 (RCW 9A.44.060)  
Sexual Misconduct with a Minor 1 (RCW 9A.44.093)  
Child Molestation 3 (RCW 9A.44.089)  
Kidnapping 2 (RCW 9A.40.030)  
Extortion 1 (RCW 9A.56.120)  
Incest 2 (RCW 9A.64.020(2))  
Perjury 1 (RCW 9A.72.020)  
Extortionate Extension of Credit (RCW 9A.82.020)  
Advancing money or property for extortionate extension of  
credit (RCW 9A.82.030)  
Extortionate Means to Collect Extensions of Credit (RCW  
9A.82.040)  
Rendering Criminal Assistance 1 (RCW 9A.76.070)  
Bail Jumping with class A Felony (RCW 9A.76.170(2)(b))  
Sexually Violating Human Remains (RCW 9A.44.105)  
Delivery of imitation controlled substance by person eighteen  
or over to person under eighteen (RCW 69.52.030(2))  
Possession of a Stolen Firearm (RCW 9A.56.310)

IV Residential Burglary (RCW 9A.52.025)  
Theft of Livestock 1 (RCW 9A.56.080)  
Robbery 2 (RCW 9A.56.210)  
Assault 2 (RCW 9A.36.021)  
Escape 1 (RCW 9A.76.110)  
Arson 2 (RCW 9A.48.030)  
Commercial Bribery (RCW 9A.68.060)  
Bribing a Witness/Bribe Received by Witness (RCW  
9A.72.090, 9A.72.100)  
Malicious Harassment (RCW 9A.36.080)  
Threats to Bomb (RCW 9.61.160)  
Willful Failure to Return from Furlough (RCW 72.66.060)  
Hit and Run--Injury Accident (RCW 46.52.020(4))  
Hit and Run with Vessel--Injury Accident (RCW 88.12.155(3))  
Vehicular Assault (RCW 46.61.522)  
Assault by Watercraft (RCW 88.12.032)  
Manufacture, deliver, or possess with intent to deliver narcotics  
from Schedule III, IV, or V or nonnarcotics from  
Schedule I-V (except marijuana, amphetamine,  
methamphetamines, or flunitrazepam) (RCW  
69.50.401(a)(1) (iii) through (v))  
Influencing Outcome of Sporting Event (RCW 9A.82.070)  
Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1)  
and (2))  
Knowingly Trafficking in Stolen Property (RCW  
9A.82.050(2))

III Criminal Gang Intimidation (RCW 9A.46.120)  
Criminal Mistreatment 2 (RCW 9A.42.030)  
Abandonment of dependent person 2 (RCW 9A.42.070)  
Extortion 2 (RCW 9A.56.130)  
Unlawful Imprisonment (RCW 9A.40.040)  
Assault 3 (RCW 9A.36.031)  
Assault of a Child 3 (RCW 9A.36.140)  
Custodial Assault (RCW 9A.36.100)  
Unlawful possession of firearm in the second degree (RCW 9.41.040(1)(b))  
Harassment (RCW 9A.46.020)  
Promoting Prostitution 2 (RCW 9A.88.080)  
Willful Failure to Return from Work Release (RCW 72.65.070)  
Burglary 2 (RCW 9A.52.030)  
Introducing Contraband 2 (RCW 9A.76.150)  
Communication with a Minor for Immoral Purposes (RCW 9.68A.090)  
Patronizing a Juvenile Prostitute (RCW 9.68A.100)  
Escape 2 (RCW 9A.76.120)  
Perjury 2 (RCW 9A.72.030)  
Bail Jumping with class B or C Felony (RCW 9A.76.170(2)(c))  
Intimidating a Public Servant (RCW 9A.76.180)  
Tampering with a Witness (RCW 9A.72.120)  
Manufacture, deliver, or possess with intent to deliver marijuana (RCW 69.50.401(a)(1)(iii))  
Delivery of a material in lieu of a controlled substance (RCW 69.50.401(c))  
Manufacture, distribute, or possess with intent to distribute an imitation controlled substance (RCW 69.52.030(1))  
Recklessly Trafficking in Stolen Property (RCW 9A.82.050(1))  
Theft of livestock 2 (RCW 9A.56.080)  
Securities Act violation (RCW 21.20.400)

II Mail Theft or Receipt of Stolen Mail (section 5 of this act)

Unlawful Practice of Law (RCW 2.48.180)  
Malicious Mischief 1 (RCW 9A.48.070)  
Possession of Stolen Property 1 (RCW 9A.56.150)  
Theft 1 (RCW 9A.56.030)  
Class B Felony Theft of Rental, Leased, or Lease-purchased Property (RCW 9A.56.096(4))  
Trafficking in Insurance Claims (RCW 48.30A.015)  
Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))  
Health Care False Claims (RCW 48.80.030)  
Possession of controlled substance that is either heroin or narcotics from Schedule I or II or flunitrazepam from Schedule IV (RCW 69.50.401(d))  
Possession of phencyclidine (PCP) (RCW 69.50.401(d))  
Create, deliver, or possess a counterfeit controlled substance (RCW 69.50.401(b))  
Computer Trespass 1 (RCW 9A.52.110)  
Escape from Community Custody (RCW 72.09.310)

I Destruction of Mail (section 4 of this act)

- Theft 2 (RCW 9A.56.040)
- Class C Felony Theft of Rental, Leased, or Lease-purchased Property (RCW 9A.56.096(4))
- Possession of Stolen Property 2 (RCW 9A.56.160)
- Forgery (RCW 9A.60.020)
- Taking Motor Vehicle Without Permission (RCW 9A.56.070)
- Vehicle Prowl 1 (RCW 9A.52.095)
- Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)
- Malicious Mischief 2 (RCW 9A.48.080)
- Reckless Burning 1 (RCW 9A.48.040)
- Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)
- Unlawful Use of Food Stamps (RCW 9.91.140 (2) and (3))
- False Verification for Welfare (RCW 74.08.055)
- Forged Prescription (RCW 69.41.020)
- Forged Prescription for a Controlled Substance (RCW 69.50.403)
- Possess Controlled Substance that is a Narcotic from Schedule III, IV, or V or Non-narcotic from Schedule I-V (except phencyclidine or flunitrazepam) (RCW 69.50.401(d))

**Sec. 9.** RCW 13.40.0357 and 1998 c 290 s 5 are each amended to read as follows:

**DESCRIPTION AND OFFENSE CATEGORY**

| JUVENILE DISPOSITION                                    | DESCRIPTION (RCW CITATION)                           | CATEGORY FOR ATTEMPT, BAILJUMP, CONSPIRACY, OR SOLICITATION |
|---|--|---|
| OFFENSE CATEGORY  | JUVENILE DISPOSITION                                 |   |
| <b>Arson and Malicious Mischief</b>                     |  |   |
| A   | Arson 1 (9A.48.020)                                  | B+  |
| B   | Arson 2 (9A.48.030)                                  | C   |
| C   | Reckless Burning 1 (9A.48.040)                       | D   |
| D   | Reckless Burning 2 (9A.48.050)                       | E   |
| B   | Malicious Mischief 1 (9A.48.070)                     | C   |
| C   | Malicious Mischief 2 (9A.48.080)                     | D   |
| D   | Malicious Mischief 3 (< \$50 is E class) (9A.48.090) | E   |
| E   | Tampering with Fire Alarm Apparatus (9.40.100)       | E   |
| A   | Possession of Incendiary Device (9.40.120)           | B+  |
| <b>Assault and Other Crimes Involving Physical Harm</b> |  |   |
| A   | Assault 1 (9A.36.011)                                | B+  |
| B+  | Assault 2 (9A.36.021)                                | C+  |
| C+  | Assault 3 (9A.36.031)                                | D+  |
| B+  | Drive-By Shooting (9A.36.045)                        | C+  |
| D+  | Reckless Endangerment (9A.36.050)                    | E   |
| C+  | Promoting Suicide Attempt (9A.36.060)                | D+  |
| D+  | Coercion (9A.36.070)                                 | E   |

C+ Custodial Assault (9A.36.100) D+

**Burglary and Trespass**

B+ Burglary 1 (9A.52.020) C+

B Residential Burglary (9A.52.025) C

B Burglary 2 (9A.52.030) C

D Burglary Tools (Possession of)(9A.52.060) E

D Criminal Trespass 1 (9A.52.070) E

E Criminal Trespass 2 (9A.52.080) E

C Vehicle Prowling 1 (9A.52.095) D

D Vehicle Prowling 2 (9A.52.100) E

**Drugs**

E Possession/Consumption of Alcohol (66.44.270) E

C Illegally Obtaining Legend Drug (69.41.020) D

C+ Sale, Delivery, Possession of Legend Drug with Intent to Sell (69.41.030) D+

E Possession of Legend Drug (69.41.030) E

B+ Violation of Uniform Controlled Substances Act - Narcotic, Methamphetamine, or Flunitrazepam Sale (69.50.401(a)(1) (i) or (ii)) B+

C Violation of Uniform Controlled Substances Act - Nonnarcotic Sale (69.50.401(a)(1)(iii)) C

E Possession of Marihuana < 40 grams (69.50.401(e)) E

C Fraudulently Obtaining Controlled Substance (69.50.403) C

C+ Sale of Controlled Substance for Profit (69.50.410) C+

E Unlawful Inhalation (9.47A.020) E

B Violation of Uniform Controlled Substances Act - Narcotic, Methamphetamine, or Flunitrazepam Counterfeit Substances (69.50.401(b)(1) (i) or (ii)) B

C Violation of Uniform Controlled Substances Act - Nonnarcotic Counterfeit Substances (69.50.401(b)(1) (iii), (iv), (v)) C

C Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.401(d)) C

C Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.401(c)) C

**Firearms and Weapons**

B Theft of Firearm (9A.56.300) C

B Possession of Stolen Firearm (9A.56.310) C

E Carrying Loaded Pistol Without Permit (9.41.050) E

C Possession of Firearms by Minor (< 18) (9.41.040(1)(b)(iii)) C

D+ Possession of Dangerous Weapon (9.41.250) E

D Intimidating Another Person by use of Weapon (9.41.270) E

**Homicide**

A+ Murder 1 (9A.32.030) A

A+ Murder 2 (9A.32.050) B+

B+ Manslaughter 1 (9A.32.060) C+

|   |   |    |
|---|---|----|
| C+  | Manslaughter 2 (9A.32.070)                        | D+ |
| B+  | Vehicular Homicide (46.61.520)                    | C+ |
| <b>Kidnapping</b>                             |   |    |
| A   | Kidnap 1 (9A.40.020)                              | B+ |
| B+  | Kidnap 2 (9A.40.030)                              | C+ |
| C+  | Unlawful Imprisonment (9A.40.040)                 | D+ |
| <b>Obstructing Governmental Operation</b>     |   |    |
| D   | Obstructing a Law Enforcement Officer (9A.76.020) | E  |
| E   | Resisting Arrest (9A.76.040)                      | E  |
| B   | Introducing Contraband 1 (9A.76.140)              | C  |
| C   | Introducing Contraband 2 (9A.76.150)              | D  |
| E   | Introducing Contraband 3 (9A.76.160)              | E  |
| B+  | Intimidating a Public Servant (9A.76.180)         | C+ |
| B+  | Intimidating a Witness (9A.72.110)                | C+ |
| <b>Public Disturbance</b>                     |   |    |
| C+  | Riot with Weapon (9A.84.010)                      | D+ |
| D+  | Riot Without Weapon (9A.84.010)                   | E  |
| E   | Failure to Disperse (9A.84.020)                   | E  |
| E   | Disorderly Conduct (9A.84.030)                    | E  |
| <b>Sex Crimes</b>                             |   |    |
| A   | Rape 1 (9A.44.040)                                | B+ |
| A-  | Rape 2 (9A.44.050)                                | B+ |
| C+  | Rape 3 (9A.44.060)                                | D+ |
| A-  | Rape of a Child 1 (9A.44.073)                     | B+ |
| B+  | Rape of a Child 2 (9A.44.076)                     | C+ |
| B   | Incest 1 (9A.64.020(1))                           | C  |
| C   | Incest 2 (9A.64.020(2))                           | D  |
| D+  | Indecent Exposure (Victim < 14) (9A.88.010)       | E  |
| E   | Indecent Exposure (Victim 14 or over) (9A.88.010) | E  |
| B+  | Promoting Prostitution 1 (9A.88.070)              | C+ |
| C+  | Promoting Prostitution 2 (9A.88.080)              | D+ |
| E   | O & A (Prostitution) (9A.88.030)                  | E  |
| B+  | Indecent Liberties (9A.44.100)                    | C+ |
| A-  | Child Molestation 1 (9A.44.083)                   | B+ |
| B   | Child Molestation 2 (9A.44.086)                   | C+ |
| <b>Theft, Robbery, Extortion, and Forgery</b> |   |    |
| B   | Theft 1 (9A.56.030)                               | C  |
| C   | Theft 2 (9A.56.040)                               | D  |
| D   | Theft 3 (9A.56.050)                               | E  |
| B   | Theft of Livestock (9A.56.080)                    | C  |
| C   | Forgery (9A.60.020)                               | D  |
| A   | Robbery 1 (9A.56.200)                             | B+ |
| B+  | Robbery 2 (9A.56.210)                             | C+ |

|                                     |   |          |
|-------------------------------------|---|----------|
| B+                                  | Extortion 1 (9A.56.120)   | C+       |
| C+                                  | Extortion 2 (9A.56.130)   | D+       |
| <u>C</u>                            | <u>Mail Theft or Receipt of Stolen Mail (section 5 of this act)</u>                               | <u>D</u> |
| <u>D</u>                            | <u>Destruction of Mail (section 4 of this act)</u>  | <u>E</u> |
| B                                   | Possession of Stolen Property 1 (9A.56.150)   | C        |
| C                                   | Possession of Stolen Property 2 (9A.56.160)   | D        |
| D                                   | Possession of Stolen Property 3 (9A.56.170)   | E        |
| C                                   | Taking Motor Vehicle Without Owner's Permission (9A.56.070)                                       | D        |
| <b>Motor Vehicle Related Crimes</b> |   |          |
| E                                   | Driving Without a License (46.20.005)   | E        |
| C                                   | Hit and Run - Injury (46.52.020(4))   | D        |
| D                                   | Hit and Run-Attended (46.52.020(5))   | E        |
| E                                   | Hit and Run-Unattended (46.52.010)  | E        |
| C                                   | Vehicular Assault (46.61.522)   | D        |
| C                                   | Attempting to Elude Pursuing Police Vehicle (46.61.024)   | D        |
| E                                   | Reckless Driving (46.61.500)  | E        |
| D                                   | Driving While Under the Influence (46.61.502 and 46.61.504)                                       | E        |
| <b>Other</b>                        |   |          |
| B                                   | Bomb Threat (9.61.160)  | C        |
| C                                   | Escape 1 <sup>1</sup> (9A.76.110)   | C        |
| C                                   | Escape 2 <sup>1</sup> (9A.76.120)   | C        |
| D                                   | Escape 3 (9A.76.130)  | E        |
| E                                   | Obscene, Harassing, Etc., Phone Calls (9.61.230)  | E        |
| A                                   | Other Offense Equivalent to an Adult Class A Felony   | B+       |
| B                                   | Other Offense Equivalent to an Adult Class B Felony   | C        |
| C                                   | Other Offense Equivalent to an Adult Class C Felony   | D        |
| D                                   | Other Offense Equivalent to an Adult Gross Misdemeanor  | E        |
| E                                   | Other Offense Equivalent to an Adult Misdemeanor  | E        |
| V                                   | Violation of Order of Restitution, Community Supervision, or Confinement (13.40.200) <sup>2</sup> | V        |

<sup>1</sup>Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses and the standard range is established as follows:

- 1st escape or attempted escape during 12-month period - 4 weeks confinement
- 2nd escape or attempted escape during 12-month period - 8 weeks confinement
- 3rd and subsequent escape or attempted escape during 12-month period - 12 weeks confinement

<sup>2</sup>If the court finds that a respondent has violated terms of an order, it may impose a penalty of up to 30 days of confinement.

### JUVENILE SENTENCING STANDARDS

This schedule must be used for juvenile offenders. The court may select sentencing option A, B, or C.

**OPTION A  
JUVENILE OFFENDER SENTENCING GRID  
STANDARD RANGE**

A+ 180 WEEKS TO AGE 21 YEARS

A 103 WEEKS TO 129 WEEKS

A- 15-36 |52-65 |80-100 |103-129  
 WEEKS |WEEKS |WEEKS |WEEKS  
 EXCEPT |||  
 30-40 |||  
 WEEKS FOR |||  
 15-17 |||  
 YEAR OLDS |||

Current B+ 15-36 |52-65 |80-100 |103-129  
 Offense WEEKS |WEEKS |WEEKS |WEEKS  
 Category \_\_\_\_

B LOCAL | |52-65  
 SANCTIONS (LS) |15-36 WEEKS |WEEKS

C+ LS |  
 |15-36 WEEKS

C LS |15-36 WEEKS  
 Local Sanctions: |  
 0 to 30 Days \_  
 D+ LS 0 to 12 Months Community Supervision  
 0 to 150 Hours Community Service  
 D LS \$0 to \$500 Fine

E LS

0 1 2 3 4 or more  
 PRIOR ADJUDICATIONS

NOTE: References in the grid to days or weeks mean periods of confinement.

(1) The vertical axis of the grid is the current offense category. The current offense category is determined by the offense of adjudication.

(2) The horizontal axis of the grid is the number of prior adjudications included in the juvenile's criminal history. Each prior felony adjudication shall count as one point. Each prior violation, misdemeanor, and gross misdemeanor adjudication shall count as 1/4 point. Fractional points shall be rounded down.

(3) The standard range disposition for each offense is determined by the intersection of the column defined by the prior adjudications and the row defined by the current offense category.

(4) RCW 13.40.180 applies if the offender is being sentenced for more than one offense.

(5) A current offense that is a violation is equivalent to an offense category of E. However, a disposition for a violation shall not include confinement.

**OR**

**OPTION B**



## CHEMICAL DEPENDENCY DISPOSITION ALTERNATIVE

If the juvenile offender is subject to a standard range disposition of local sanctions or 15 to 36 weeks of confinement and has not committed an A- or B+ offense, the court may impose a disposition under RCW 13.40.160(5) and 13.40.165.

OR

### OPTION C MANIFEST INJUSTICE

If the court determines that a disposition under option A or B would effectuate a manifest injustice, the court shall impose a disposition outside the standard range under RCW 13.40.160(2).

NEW SECTION. **Sec. 10.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 1999, in the omnibus appropriations act, this act is null and void."

Correct the title.

Representative Huff moved the adoption of amendment (103) to the amendment (074):

On page 18, beginning on line 24, strike all of section 10.

Correct the title.

Representatives Huff and O'Brien spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representatives O'Brien and Hurst spoke in favor of the adoption of the amendment as amended.

The amendment as amended was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

### MOTION

On motion of Representative Wolfe, Speaker Chopp was excused.

Representatives O'Brien, K. Schmidt, Ruderman, Lovick, Conway, Bush and Rockefeller spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Engrossed Second Substitute House Bill No. 1059.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1059 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood and Mr. Speaker Ballard - 96.

Excused: Representatives Scott and Mr. Speaker Chopp - 2.

Engrossed Second Substitute House Bill No. 1059, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1252, by Representatives Ballasiotes, Lovick, McDonald, O'Brien, Cooper, Veloria, Kessler, Poulsen, Dickerson, McIntire, Scott, Edmonds, Wood, Conway, Cody, Rockefeller, Tokuda, Hurst, Santos, Haigh, Kenney, Campbell, Wolfe and Lantz; by request of Governor Locke

Enhancing supervision of offenders.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 1252 was substituted for House Bill No. 1252 and the second substitute bill was placed on the second reading calendar.

Second Substitute House Bill No. 1252 was read the second time.

There being no objection, amendment 039 was withdrawn.

Representative Lambert moved the adoption of amendment (038):

On page 27, line 18, after "safety" strike " ", but may not modify the sentence imposed by the court." and insert ". The department may not impose conditions that are contrary to those ordered by the court and may not contravene or decrease court-imposed conditions."

Representatives Lambert and O'Brien spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Ballasiotes moved the adoption of amendment (080):

On page 39, line 1, after "release." strike all material through line 11 and insert the following: "(4) The department, in consultation with the Washington association of sheriffs and police chiefs and those counties in which the sheriff does not operate a correctional facility, shall establish a methodology for determining the department's local correctional facilities bed utilization rate, for each county in calendar year 1998, for offenders being held for violations of community custody, community placement, and community supervision. For confinement sanctions imposed under RCW 9.94A.205(2)(c), the local correctional facility shall continue to be financially responsible to the extent of the 1998 bed utilization rate. If the department's use of bed space in local correctional facilities of any county for confinement sanctions imposed on offenders sentenced to a term of community custody"

under RCW 9.94A.120(7) or (11) or 9.94A 383 exceeds the 1998 bed utilization rate for the county, the department shall compensate the county for the excess use at a per diem rate equal to the lowest rate charged by the county under its contract with a municipal government during the year in which the use occurs."

Representatives Ballasiotes spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Ballasiotes moved the adoption of amendment (118):

On page 46, after line 34, insert the following new section:

**"NEW SECTION. Sec. 16.** Nothing in this act shall be construed to create an immunity or defense from liability for personal injury or wrongful death based solely on availability of funds."

Renumber the remaining sections consecutively and correct internal references accordingly.

Representatives Ballasiotes spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ballasiotes, H. Sommers, Lovick, Lambert, and O'Brien spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Engrossed Second Substitute House Bill No. 1252.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1252 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood and Mr. Speaker Ballard - 96.

Excused: Representatives Scott and Mr. Speaker Chopp - 2.

Engrossed Second Substitute House Bill No. 1252, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1562, by Representatives Scott, Mulliken and G. Chandler

Changing provisions relating to the adoption of regulations by airport operators.

The bill was read the second time. There being no objection, Substitute House Bill No. 1562 was substituted for House Bill No. 1562 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1562 was read the second time.

Representative Schoesler moved the adoption of amendment (110):

On page 5, after line 3, insert the following:

**"NEW SECTION. Sec. 2.** A new section is added to chapter 82.04 RCW to read as follows: This chapter does not apply to an airport that meets all of the following criteria:  
(1) The airport keeps aircraft owned by a nonresident of the state of Washington;  
(2) The airport is jointly owned or operated by a municipal corporation or other governmental entity of the state of Washington, and a municipal corporation or other governmental entity of another state; and  
(3) The owner or operator of the aircraft provides the department with proof that the owner or operator has paid all taxes, license fees, and registration fees required by the state in which the owner or operator resides."

Correct the title.

Representative Schoesler spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Mulliken and Fisher spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1562.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1562 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood and Mr. Speaker Ballard - 96.

Excused: Representatives Scott and Mr. Speaker Chopp - 2.

Engrossed Substitute House Bill No. 1562, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2260, by Representatives Eickmeyer, Alexander, Mulliken, Kessler, McMorris, Grant, Parlette, Doumit, Clements, Linville, Mielke, Koster, DeBolt, Cox, Pennington, Dunn, Crouse, Sump, Ericksen, Veloria, Mastin, Hankins, Murray, Van Luven, Skinner, Schoesler, Hatfield, Conway, Kenney, Rockefeller, Thomas, Lantz, Barlean and Haigh

Promoting the creation and the retention of jobs.

The bill was read the second time. There being no objection, Substitute House Bill No. 2260 was substituted for House Bill No. 2260 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2260 was read the second time.

There being no objection, amendment 085 was withdrawn.

Representative Kessler moved the adoption of amendment (113):

On page 16, after line 13, insert the following:

**"NEW SECTION. Sec. 25.** It is the intent of the legislature to attract and retain technology-based businesses in rural counties. Section 26 of this act provides a tax incentive to those businesses that are engaged in the business of providing technical support services from rural counties. Encouragement of these types of business will stimulate the information technology industry and be of benefit to the state economy in general. To further the impact and benefit of this program, this incentive is limited to rural counties of the state. The legislature finds that providing this targeted incentive will both increase its effectiveness and create a high technology work force in rural counties.

**NEW SECTION. Sec. 26.** A new section is added to chapter 82.04 RCW to read as follows:

(1) Subject to the limits and provisions of this section, a credit is authorized against the tax otherwise due under this chapter for persons engaged in a rural county in the business of providing information technology help desk services to third parties.

(2) To qualify for the credit, the help desk services must be conducted from a rural county.

(3) The amount of the tax credit for persons engaged in the activity of providing information technology help desk services in rural counties shall be equal to one hundred percent of the amount of tax due under this chapter that is attributable to providing the services from the rural county. In order to qualify for the credit under this subsection, the county must meet the definition of "rural county" at the time the person begins to conduct qualifying business in the county.

(4) No application is necessary for the tax credit. The person must keep records necessary for the department to verify eligibility under this section. These records include information relating to description of activity engaged in a distressed county by the person.

(5) If at any time the department finds that a person is not eligible for tax credit under this section, the amount of taxes for which a credit has been used is immediately due. The department shall assess interest, but not penalties, on the credited taxes for which the person is not eligible. The interest shall be assessed at the rate provided for delinquent excise taxes under chapter 82.32 RCW, shall be assessed retroactively to the date the tax credit was taken, and shall accrue until the taxes for which a credit has been used are repaid.

(6) The credit under this section may be used against any tax due under this chapter, but in no case may a credit earned during one calendar year be carried over to be credited against taxes incurred in a subsequent calendar year. No refunds may be granted for credits under this section.

(7) A person taking tax credits under this section shall make an annual report to the department. The report shall be in a letter form and shall include the following information: Type of activity in which the person is engaged in the county, number of employees in the distressed county,

and how long the person has been located in the county. The report must be filed by January 30th of each year for which credit was claimed during the previous year.

(8) Transfer of ownership does not affect credit eligibility; however, the credit is available to the successor only if the eligibility conditions of this section are met.

(9) As used in this section:

(a) "Rural county" means a county with a population density of less than one hundred persons per square mile, as determined by the office of financial management.

(b) "Information technology help desk services" means the following services performed using electronic and telephonic communication:

(i) Software maintenance;

(ii) Software diagnostics and troubleshooting;

(iii) Software installation;

(iv) Software repair;

(v) Software information and training; and

(vi) Software upgrade.

**NEW SECTION. Sec. 27.** A new section is added to chapter 82.62 RCW to read as follows:  
A person is not eligible to receive a credit under this chapter if the person is receiving credit for the same position under section 26 of this act or RCW 82.04.44525.

**NEW SECTION. Sec. 28.** A new section is added to chapter 43.131 RCW to read as follows:  
The information technology help desk services business and occupation tax credit shall be terminated on June 30, 2003, as provided in section 29 of this act.

**NEW SECTION. Sec. 29.** A new section is added to chapter 43.131 RCW to read as follows:  
The following acts or parts of act, as now existing or hereafter amended, are each repealed, effective June 30, 2004:

(1) Section 26 of this act; and

(2) Section 27 of this act.

**NEW SECTION. Sec. 30.** Sections 25 through 27 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect July 1, 1999."

Renumber the remaining sections consecutively, correct internal references accordingly, and correct the title of the bill.

Representatives Kessler, DeBolt and Eickmeyer spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Eickmeyer, Alexander, Ruderman, Van Luven, Pennington, Radcliff, Morris, Mulliken, Kessler and DeBolt spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Engrossed Substitute House Bill No. 2260.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2260 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood and Mr. Speaker Ballard - 96.

Excused: Representatives Scott and Mr. Speaker Chopp - 2.

Engrossed Substitute House Bill No. 2260, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2263, by Representatives Cox, Hurst, O'Brien, Esser, Conway, Rockefeller and Ogden

Making any robbery within a financial institution a first degree robbery.

The bill was read the second time. There being no objection, Substitute House Bill No. 2263 was substituted for House Bill No. 2263 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2263 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cox and O'Brien spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute House Bill No. 2263.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2263 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood and Mr. Speaker Ballard - 96.

Excused: Representatives Scott and Mr. Speaker Chopp - 2.

Substitute House Bill No. 2263, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1935, by Representatives Tokuda, Boldt, Ogden, Schual-Berke, Lovick, Kessler, Kenney, Rockefeller, Murray, Scott, Edmonds, Conway, Kagi, Santos, Poulsen, Veloria and Lantz

Adjusting eligibility for early childhood assistance programs.

The bill was read the second time. There being no objection, Substitute House Bill No. 1935 was substituted for House Bill No. 1935 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1935 was read the second time.

There being no objection, amendment 081 was withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Tokuda, Boldt, Kenney, and Ruderman spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute House Bill No. 1935.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1935 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood and Mr. Speaker Ballard - 96.

Excused: Representatives Scott and Mr. Speaker Chopp - 2.

Substitute House Bill No. 1935, having received the constitutional majority, was declared passed.

There being no objection, the following bills were returned to the Rules Committee:

HOUSE BILL NO. 1191,

HOUSE BILL NO. 1531,

HOUSE BILL NO. 2036,

HOUSE BILL NO. 2224,

#### MESSAGE FROM THE GOVERNOR



March 16, 1999

To the Honorable Speakers and Members,  
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on March 16, 1999, Governor Locke approved the following House Bill entitled:

**Substitute House Bill No. 1124**

Relating to correcting electronic monitoring provisions in the penalty schedule for alcohol violators.

Sincerely,

Everett H. Billingslea  
General Council

**INTRODUCTIONS AND FIRST READING**

HB 2269 by Representatives H. Sommers and Huff

AN ACT Relating to the professional development program; amending RCW 28A.400.200; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 2270 by Representatives Schual-Berke and Veloria

AN ACT Relating to a sales and use tax exemption for regional transportation authorities; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and creating a new section.

Referred to Committee on Finance.

HB 2271 by Representative Gombosky

AN ACT Relating to elementary school counselors; adding new sections to chapter 28A.300 RCW; and creating a new section.

Referred to Committee on Appropriations.

HB 2272 by Representatives Linville and Lambert

AN ACT Relating to watercourse maintenance; adding a new section to chapter 75.20 RCW; creating new sections; and making an appropriation.

Referred to Committee on Agriculture & Ecology.

HB 2273 by Representatives Haigh, Romero, Alexander, Hatfield, DeBolt, Eickmeyer, Wolfe, Rockefeller, Lovick, Lantz and Thomas

AN ACT Relating to taxation of destroyed property; amending RCW 84.70.010; reenacting and amending RCW 84.69.020; and declaring an emergency.

Referred to Committee on Finance.

SSB 5010 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Kohl-Welles, Hargrove, Long, Goings, Swecker, Winsley, Oke, Benton and Costa)

Providing disciplinary sanctions for sexual misconduct by employees of custodial agencies.

Referred to Committee on Criminal Justice & Corrections.

SSB 5011 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Long, Hargrove, Franklin, Loveland, Winsley, Patterson, Deccio, McCaslin, Goings, Oke and Costa)

Changing provisions relating to dangerous mentally ill offenders.

Referred to Committee on Criminal Justice & Corrections.

SB 5012 by Senators Prentice, Winsley and Rasmussen; by request of Pollution Liability Insurance Agency

Administering the pollution liability insurance program trust account.

Referred to Committee on Financial Institutions & Insurance.

SB 5020 by Senators Snyder and Winsley

Allowing dealers of recreational licenses to collect a fee of at least two dollars for each license sold.

Referred to Committee on Natural Resources.

SB 5024 by Senators Loveland and Winsley

Responding to a supreme court ruling regarding property tax value averaging.

Referred to Committee on Finance.

SSB 5032 by Senate Committee on Ways & Means (originally sponsored by Senators Fraser, Winsley, Long, Jacobsen, Bauer, Franklin, Roach, Kline and Rasmussen; by request of Joint Committee on Pension Policy)

Providing a retirement option for certain retirement system members.

Referred to Committee on Appropriations.

SB 5033 by Senators Winsley, Fraser, Long, Jacobsen, Bauer, Franklin, Roach and Rasmussen; by request of Joint Committee on Pension Policy

Separating from public employees' retirement system plan 1.

Referred to Committee on Appropriations.

SB 5040 by Senators Fairley and Horn; by request of Department of Labor & Industries

Modifying standards and requirements for the operation and inspection of boilers and other pressure vessels.

Referred to Committee on Commerce & Labor.

SSB 5066 by Senate Committee on State & Local Government (originally sponsored by Senators Fairley, Hargrove, Benton and Kohl-Welles)

Imposing a penalty for state agencies that fail to meet legislative reporting requirements.

Referred to Committee on State Government.

2SSB 5102 by Senate Committee on Ways & Means (originally sponsored by Senators Haugen, Snyder, Winsley, Goings, Gardner, T. Sheldon, Bauer, Rasmussen, Hale, McCaslin, Sellar, Swecker, Patterson, Morton, Prentice, Oke, Kohl-Welles and Costa)

Funding fire fighter training and pensions.

Referred to Committee on Appropriations.

SSB 5103 by Senate Committee on Environmental Quality & Water Resources (originally sponsored by Senators Haugen, Swecker, Jacobsen, Fraser, Spanel, Morton and Rasmussen)

Changing provisions relating to the state's coastal zone program.

Referred to Committee on Agriculture & Ecology.

2SSB 5108 by Senate Committee on Ways & Means (originally sponsored by Senators Patterson, Johnson, Eide, Rossi, Prentice, T. Sheldon, Winsley, McAuliffe, Oke, Kohl-Welles and Costa; by request of Lieutenant Governor)

Creating a task force on missing and exploited children.

Referred to Committee on Criminal Justice & Corrections.

SSB 5113 by Senate Committee on Energy, Technology & Telecommunications (originally sponsored by Senator T. Sheldon)

Requiring a formal hearing on proposed water company rate increases when requested by affected customers.

Referred to Committee on Technology, Telecommunications & Energy.

SSB 5121 by Senate Committee on Natural Resources, Parks & Recreation (originally sponsored by Senator Hargrove)

Establishing a carbon storage program.

Referred to Committee on Natural Resources.

SB 5127 by Senators Kohl-Welles, Hargrove, Long, Heavey, McCaslin, Stevens, Zarelli, Prentice, Kline, Winsley and Costa

Prohibiting law enforcement officers from conducting investigations of abuse or neglect concerning a child for which the officer is a parent, guardian, or foster parent.

Referred to Committee on Judiciary.

ESB 5141 by Senators Thibaudeau, Deccio, Prentice and Winsley; by request of Department of Health

Allowing the department of health to charge a fee for newborn screening services.

Referred to Committee on Health Care.

SSB 5149 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Thibaudeau, Johnson and Winsley)

Revising provisions relating to occupational therapy.

Referred to Committee on Health Care.

SB 5186 by Senator Rasmussen; by request of Department of Agriculture

Certifying planting stock.

Referred to Committee on Agriculture & Ecology.

SB 5188 by Senators Rasmussen and Morton; by request of Department of Agriculture

Regulating private applicator licenses.

Referred to Committee on Agriculture & Ecology.

SB 5194 by Senators Brown, Rossi, Fraser, Finkbeiner, Gardner and Winsley; by request of Department of Information Services

Changing information technology management provisions.

Referred to Committee on Technology, Telecommunications & Energy.

ESSB 5208 by Senate Committee on Environmental Quality & Water Resources (originally sponsored by Senators Rasmussen, Stevens, T. Sheldon and Morton)

Changing labeling requirements for specialty fertilizers.

Referred to Committee on Agriculture & Ecology.

SB 5211 by Senators Costa, Roach, Fairley, Goings, West and Winsley

Clarifying the jurisdiction over drunk drivers.

Referred to Committee on Judiciary.

SB 5233 by Senators Patterson, Horn, McCaslin, Kline, Gardner, Haugen and Winsley; by request of Department of Corrections

Exempting specified positions within the department of corrections from civil service laws.

Referred to Committee on State Government.

SB 5255 by Senators Jacobsen, Oke, Rasmussen and Finkbeiner; by request of Department of Fish and Wildlife

Changing Washington conservation corps provisions.

Referred to Committee on Natural Resources.

SSB 5279 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Kohl-Welles, Hargrove, Long, Fairley, Prentice and Winsley)

Regulating the placement of children in mental health treatment by the department of social and health services.

Referred to Committee on Children & Family Services.

SB 5284 by Senators Gardner, Goings and Benton; by request of Transportation Improvement Board

Making housekeeping changes to multimodal transportation programs.

Referred to Committee on Transportation.

ESSB 5290 by Senate Committee on Environmental Quality & Water Resources (originally sponsored by Senators Fraser, Swecker, Winsley, Fairley, Franklin, Morton, Prentice, Spanel, Jacobsen, Honeyford, Oke and Rasmussen)

Changing the freshwater aquatic weeds management program by clarifying funding and creating an advisory committee.

Referred to Committee on Agriculture & Ecology.

SB 5291 by Senators Franklin, Winsley, Fairley, Prentice, Kohl-Welles, Patterson, Roach, Hargrove, Goings, Heavey and Gardner

Creating the crime of aggressive driving to combat road rage.

Referred to Committee on Criminal Justice & Corrections.

SB 5301 by Senator Heavey

Modernizing traffic offense processing.

Referred to Committee on Judiciary.

SSB 5312 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Costa, Deccio, Winsley, Wojahn, Thibaudeau and Kohl-Welles)

Providing for the prevention of workplace violence in health care settings.

SSB 5325 by Senate Committee on State & Local Government (originally sponsored by Senators Haugen, McCaslin, Rasmussen, Stevens, Goings, Winsley, Patterson, Spanel and Roach)

Authorizing establishment of unincorporated area councils.

Referred to Committee on Local Government.

2SSB 5331 by Senate Committee on Ways & Means (originally sponsored by Senators Brown, Goings, Patterson, Eide, Winsley and Rasmussen)

Establishing public utility tax credits for weatherization and energy assistance programs.

Referred to Committee on Technology, Telecommunications & Energy.

SB 5341 by Senators Haugen, Benton, Goings and Jacobsen; by request of Utilities & Transportation Commission

Removing the exemptions for certain vehicles from the provisions of chapter 81.80 RCW.

Referred to Committee on Transportation.

SSB 5364 by Senate Committee on Commerce, Trade, Housing & Financial Institutions (originally sponsored by Senators Prentice, Winsley and Shin; by request of Liquor Control Board)

Administering and designating liquor licenses.

Referred to Committee on Commerce & Labor.

SB 5365 by Senators Prentice and Winsley; by request of Liquor Control Board

Regulating the preparation and sale of dietary supplements containing alcohol.

Referred to Committee on Commerce & Labor.

SB 5380 by Senators Goings, Benton, Haugen and Costa; by request of Department of Transportation and Washington State Patrol

Requiring stops at intersections with nonfunctioning signal lights.

Referred to Committee on Transportation.

SSB 5383 by Senate Committee on Transportation (originally sponsored by Senators Haugen, Benton, Jacobsen, Horn and Winsley; by request of Department of Transportation)

Planning for transportation safety and security.

Referred to Committee on Transportation.

SSB 5400 by Senate Committee on Ways & Means (originally sponsored by Senators Haugen, Loveland, Honeyford, Patterson, Horn and Costa)

Clarifying distributions to the office of municipal research.

Referred to Committee on Appropriations.

SB 5401 by Senator Haugen

Repealing an obsolete provision pertaining to hydraulic project applications.

Referred to Committee on Natural Resources.

SB 5402 by Senator Haugen

Concerning the compensation of the forest practices appeals board.

Referred to Committee on Natural Resources.

SB 5442 by Senators Kline, Roach and Wojahn

Increasing the defined amount of "nominal deposit" affecting real estate brokers.

Referred to Committee on Commerce & Labor.

SB 5443 by Senators Kline, Rossi, Patterson, Johnson, Hargrove, Brown, Kohl-Welles, Fraser, Costa, Spanel, Winsley and Oke

Providing for waiver of administrative alcohol or drug-related hearing fees due to indigency.

Referred to Committee on Judiciary.

SB 5464 by Senators Costa, McCaslin, Heavey, Kline and Patterson

Adopting the uniform child custody jurisdiction and enforcement act.

Referred to Committee on Judiciary.

ESSB 5470 by Senate Committee on Labor & Workforce Development (originally sponsored by Senators Kline, Oke, Fairley, Prentice, Spanel, Wojahn, Franklin, McAuliffe, Winsley, Roach and Costa)

Studying chemically related illnesses and injuries.

Referred to Committee on Commerce & Labor.

SSB 5491 by Senate Committee on Labor & Workforce Development (originally sponsored by Senators Costa, Roach, Franklin, Thibaudeau, McAuliffe and Kline)

Requiring the use of apprentices in large public works projects.

SB 5503 by Senators T. Sheldon, Haugen and Swecker

Changing provisions relating to sewer service.

Referred to Committee on Finance.

SB 5514 by Senators Shin, Kohl-Welles, Patterson, Eide, Kline, Bauer, Franklin, B. Sheldon, Snyder, Spanel, Prentice, Hale, T. Sheldon, Goings, Jacobsen, Winsley, Rasmussen and Oke

Changing Washington award for vocational excellence provisions.

Referred to Committee on Higher Education.

SSB 5522 by Senate Committee on Labor & Workforce Development (originally sponsored by Senators Fairley and Kohl-Welles)

Changing work activity provisions for recipients of temporary assistance for needy families.

Referred to Committee on Children & Family Services.

SSB 5528 by Senate Committee on Ways & Means (originally sponsored by Senators Loveland, Horn and Winsley; by request of Department of Revenue)

Clarifying the phrase "services rendered in respect to constructing" for tax purposes.

Referred to Committee on Finance.

SB 5529 by Senators Loveland and Winsley; by request of Department of Revenue

Clarifying the property tax exemption statutes.

Referred to Committee on Finance.

ESSB 5531 by Senate Committee on Ways & Means (originally sponsored by Senators Loveland and Winsley; by request of Department of Revenue)

Updating the tax code by making administrative clarifications, correcting oversights, and deleting obsolete references.

Referred to Committee on Finance.

2SSB 5536 by Senate Committee on Ways & Means (originally sponsored by Senators Spanel and Gardner)

Creating a pilot project for a municipal watershed on state trust lands.

Referred to Committee on Agriculture & Ecology.

SSB 5549 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Kohl-Welles, Long and Hargrove; by request of Sentencing Guidelines Commission)

Authorizing extraordinary medical placements for offenders with serious medical conditions.

Referred to Committee on Criminal Justice & Corrections.

SSB 5553 by Senate Committee on Commerce, Trade, Housing & Financial Institutions (originally sponsored by Senators Prentice and Winsley; by request of Department of Licensing)



Regulating professional athletics.

Referred to Committee on Commerce & Labor.

SB 5570 by Senators Costa, Johnson, Kline, Honeyford, Kohl-Welles, Patterson, Gardner, Winsley and Oke; by request of Washington State Patrol

Expanding the definition of vehicular assault.

Referred to Committee on Criminal Justice & Corrections.

SSB 5573 by Senate Committee on Judiciary (originally sponsored by Senators Horn, Johnson, Costa, Patterson and Winsley; by request of Washington State Patrol)

Improving criminal history record dispositions.

Referred to Committee on Judiciary.

SSB 5578 by Senate Committee on State & Local Government (originally sponsored by Senators Patterson, Horn, Costa, Honeyford, Kohl-Welles and Kline; by request of Forensic Investigation Council)

Enabling the bureau of forensic laboratory services.

Referred to Committee on State Government.

SB 5579 by Senators Loveland, Honeyford and Hale

Allowing solid rubber tires on farm machinery.

Referred to Committee on Transportation.

ESB 5580 by Senators Wojahn, Roach, Thibaudeau, Fairley, Spanel, Prentice and Kohl-Welles

Paying industrial insurance benefits during appeal.

Referred to Committee on Commerce & Labor.

SSB 5590 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Thibaudeau, Deccio, Wojahn and Winsley; by request of Superintendent of Public Instruction)

Expanding the health professionals who may request administration of oral medication at school.

Referred to Committee on Education.

ESSB 5599 by Senate Committee on Commerce, Trade, Housing & Financial Institutions (originally sponsored by Senators Prentice, Deccio, Rasmussen, Jacobsen, Hale and Winsley; by request of Governor Locke)

Regulating temporary worker housing.

Referred to Committee on State Government.

SSB 5604 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Deccio, Wojahn, Winsley, Costa, Franklin and Thibaudeau)

Identifying health care facility workers.

Referred to Committee on Health Care.

ESSB 5608 by Senate Committee on Ways & Means (originally sponsored by Senators Snyder, McDonald, Loveland, West, Bauer, Hale, Rasmussen and Oke; by request of Department of Revenue)

Revising the machinery and equipment tax exemption for manufacturers and processors for hire.

Referred to Committee on Finance.

SSB 5615 by Senate Committee on Transportation (originally sponsored by Senators Horn, Goings, Benton, Gardner, Sellar and Finkbeiner; by request of Legislative Transportation Committee)

Deleting reference to obsolete transportation accounts.

Referred to Committee on Transportation.

SB 5624 by Senators Kohl-Welles, Hargrove and Long

Imposing an additional assessment for persons entering diversion agreements in regard to prostitution offenses.

Referred to Committee on Criminal Justice & Corrections.

SB 5628 by Senators Gardner, Heavey, Shin, Prentice, Winsley and T. Sheldon

Modifying license duration and continuing education requirements for accountants.

Referred to Committee on Commerce & Labor.

SSB 5638 by Senate Committee on Natural Resources, Parks & Recreation (originally sponsored by Senators Hargrove, Oke, Morton and T. Sheldon; by request of Department of Fish and Wildlife)

Correcting fish and wildlife enforcement code provisions.

Referred to Committee on Natural Resources.

SSB 5641 by Senate Committee on Transportation (originally sponsored by Senators Haugen, Benton, Wojahn, Sellar and Costa)

AN ACT Relating to special license plates.

Referred to Committee on Transportation.

SB 5648 by Senator Haugen

Providing consistency in definitions regarding businesses furnishing lodging.

Referred to Committee on Commerce & Labor.

SSB 5651 by Senate Committee on Natural Resources, Parks & Recreation (originally sponsored by Senators Winsley and Loveland)

Requiring a purchaser of timber by contract to provide proof of payment of all taxes before release of a performance bond.

Referred to Committee on Natural Resources.

SB 5652 by Senators Bauer and Sellar

Increasing statutory limits on appraiser fees in eminent domain proceedings.

Referred to Committee on Transportation.

SSB 5657 by Senate Committee on Commerce, Trade, Housing & Financial Institutions (originally sponsored by Senators Kohl-Welles, Jacobsen and Fairley)

Operating veterinary medical facilities.

Referred to Committee on Agriculture & Ecology.

E2SSB 5658 by Senate Committee on Ways & Means (originally sponsored by Senators Spanel, Hargrove and Snyder)

Changing shellfish provisions.

Referred to Committee on Natural Resources.

ESB 5662 by Senators Finkbeiner, Brown and Winsley; by request of Secretary of State

Studying on-line voting.

Referred to Committee on State Government.

ESSB 5668 by Senate Committee on Education (originally sponsored by Senators West, T. Sheldon, Patterson, Heavey, Snyder, Oke, Costa and Rasmussen)

Regarding criminal records checks for volunteers who have regularly scheduled unsupervised access to children.

Referred to Committee on Education.

SSB 5679 by Senate Committee on State & Local Government (originally sponsored by Senators Morton, T. Sheldon, McCaslin and Hochstatter)

Changing grant and loan eligibility requirements for counties, cities, and towns planning under the growth management act.

Referred to Committee on Local Government.

2SSB 5681 by Senate Committee on Ways & Means (originally sponsored by Senator Brown)

Studying current state and local taxation of the electricity industry.

Referred to Committee on Technology, Telecommunications & Energy.

SSB 5718 by Senate Committee on State & Local Government (originally sponsored by Senators Gardner, Spanel, Patterson and Haugen)

Specifying how code cities may change the plan of government.

Referred to Committee on Local Government.

SSB 5733 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Honeyford, Costa, Long, Sheahan, Hargrove and Hochstatter)

Revising law governing the sealing of juvenile records.

Referred to Committee on Judiciary.

SB 5739 by Senators Thibaudeau and Deccio

Preparing certificates of death or fetal death.

Referred to Committee on Health Care.

SB 5741 by Senators Morton, Goings, Honeyford, T. Sheldon, Swecker, Deccio, Hochstatter, Benton, Zarelli, Long, Hale, Sheahan and Eide

Permitting trucks under 16,001 pounds to bypass scales.

Referred to Committee on Transportation.

SSB 5744 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Haugen, Costa, Sheahan and Deccio)

Ordering a proposal to provide for representation of parties in child dependency and termination proceedings.

Referred to Committee on Judiciary.

SB 5748 by Senator Stevens

Making technical corrections to RCW 13.34.130.

Referred to Committee on Judiciary.

SSB 5764 by Senate Committee on Judiciary (originally sponsored by Senators Heavey, Johnson, McCaslin, T. Sheldon and Haugen)

Eliminating a maximum amount threshold for pleadings in actions arising from public works contracts.

Referred to Committee on Judiciary.

SSB 5770 by Senate Committee on Transportation (originally sponsored by Senators Gardner, Sellar, Haugen, Goings, Prentice, Horn, Deccio, Oke, Fraser, Loveland, Eide, Costa, Swecker and Rasmussen)

Enhancing coordination of special needs transportation.

Referred to Committee on Transportation.

SB 5772 by Senators Gardner, T. Sheldon, Rasmussen, Swecker, Prentice, Costa, McCaslin, Wojahn, Spanel, Goings and Oke; by request of Secretary of State

Strengthening confidentiality for victims of domestic violence.

Referred to Committee on State Government.

SB 5777 by Senators Prentice and Winsley

Addressing payment for denturist services.

Referred to Committee on Health Care.

SSB 5792 by Senate Committee on Education (originally sponsored by Senator McAuliffe; by request of Board of Education)

Adopting recommendations of the state board of education.

Referred to Committee on Education.

ESSB 5800 by Senate Committee on Agriculture & Rural Economic Development (originally sponsored by Senator Rasmussen; by request of Department of Agriculture)

Regulating commercial fertilizer.

Referred to Committee on Agriculture & Ecology.

ESSB 5803 by Senate Committee on Agriculture & Rural Economic Development (originally sponsored by Senators Rasmussen and Swecker)

Changing dairy nutrient management provisions.

Referred to Committee on Agriculture & Ecology.

SB 5806 by Senators Haugen, Hochstatter, Horn and Rasmussen; by request of Military Department

Requiring the adjutant general to adopt rules relating to automatic location identification.

Referred to Committee on State Government.

ESSB 5812 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Thibaudeau, Deccio, Wojahn, Winsley, Gardner, Prentice and Costa)

Requiring prompt payment of health care claims.

Referred to Committee on Health Care.

ESB 5819 by Senators Shin, Costa and Eide; by request of Governor Locke

Modifying the benefits period for certain unemployed workers.

Referred to Committee on Commerce & Labor.

SSB 5828 by Senate Committee on State & Local Government (originally sponsored by Senators B. Sheldon, Snyder, Franklin, Bauer, Rasmussen, Patterson, Fairley, Kohl-Welles, McAuliffe, Fraser, Prentice, Thibaudeau, Jacobsen, T. Sheldon and Spanel)

Presenting a gift of life award.

Referred to Committee on State Government.

SB 5829 by Senators Thibaudeau and Loveland

Allowing providers of occupational therapy and physical therapy to become shareholders in a professional services corporation.

Referred to Committee on Health Care.

SB 5837 by Senators Bauer, Long, Winsley, Jacobsen, Fraser, Roach, Rossi, Rasmussen and Oke

Allowing the chief administrative officer of a public utility district, port district, or county to join the retirement system.

Referred to Committee on Appropriations.

SSB 5838 by Senate Committee on Education (originally sponsored by Senators McAuliffe, Eide and Rasmussen)

Permitting personal holiday leave sharing for school district employees.

Referred to Committee on Education.

SSB 5850 by Senate Committee on Ways & Means (originally sponsored by Senators Haugen, McCaslin, Fraser, Loveland, Deccio, Winsley and Rasmussen)

Adjusting retirement allowances.

Referred to Committee on Appropriations.

SSB 5864 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Fairley, Thibaudeau and Kohl-Welles)

Allowing a health maintenance organization to return an individual to his or her nursing care facility.

Referred to Committee on Health Care.

SB 5869 by Senators Prentice, Hale and Winsley; by request of Attorney General

Regulating service contracts.

Referred to Committee on Financial Institutions & Insurance.

SSB 5903 by Senate Committee on Ways & Means (originally sponsored by Senators Prentice, Rasmussen and B. Sheldon)

Authorizing tax, levy, and execution exemptions for properties of Indian housing authorities designated for low-income housing program uses.

Referred to Committee on Economic Development, Housing & Trade.

ESSB 5909 by Senate Committee on Labor & Workforce Development (originally sponsored by Senator Fairley)

Modifying the job skills program.

Referred to Committee on Commerce & Labor.

SB 5915 by Senators Patterson and McDonald; by request of Office of Financial Management

Removing language requiring obsolete or unwanted reports.

Referred to Committee on State Government.

SSB 5921 by Senate Committee on Judiciary (originally sponsored by Senator Kohl-Welles)

Requiring the disclosure of fire protection and building safety information.

Referred to Committee on Economic Development, Housing & Trade.

SSB 5928 by Senate Committee on Judiciary (originally sponsored by Senator Prentice)

Extending to those who communicate a complaint or information to self-regulatory agencies.

Referred to Committee on Judiciary.

SSB 5933 by Senate Committee on Energy, Technology & Telecommunications (originally sponsored by Senators Brown and Fraser)

Providing for disclosure to consumers regarding the characteristics associated with their electric energy product.

Referred to Committee on Technology, Telecommunications & Energy.

SB 5944 by Senators Haugen and Snyder

Describing those lands eligible to be included in a city district aquatic lands management agreement.

Referred to Committee on Natural Resources.

SB 5954 by Senators Kline, Eide and Thibaudeau; by request of Department of Social and Health Services

Claiming the proceeds recovered on behalf of recipients of state assistance.

Referred to Committee on Health Care.

SB 5987 by Senators Goings, Benton, Bauer, Hochstatter, Costa, Gardner and Rasmussen

Withdrawing accumulated contributions under the law enforcement officers' and fire fighters' retirement system.

Referred to Committee on Appropriations.

ESB 6004 by Senators Winsley, Prentice, Hale, Shin, Goings and Rasmussen

Certifying resident managers of mobile home parks.

Referred to Committee on Economic Development, Housing & Trade.

SB 6010 by Senators West, Jacobsen and Sheahan

Creating operating fees waivers not supported by state general fund appropriations.

Referred to Committee on Higher Education.

SSB 6012 by Senate Committee on Ways & Means (originally sponsored by Senators Long and Fraser)

Declaring monthly unit valuations for certain portfolios and funds managed by the state investment board.

Referred to Committee on Appropriations.

SB 6019 by Senator Rasmussen

Eliminating authority for crop credit associations.

Referred to Committee on Agriculture & Ecology.

SB 6025 by Senators Bauer, Horn and Patterson; by request of State Board for Community and Technical Colleges

Allowing purchases for resale by institutions of higher education without using the competitive bid process.

Referred to Committee on Higher Education.

SB 6030 by Senator Snyder

Expanding the designation of the Lewis and Clark Highway.

Referred to Committee on Transportation.

ESSB 6035 by Senate Committee on Judiciary (originally sponsored by Senator Swecker)



Creating the year 2000 citizens' protection act.

Referred to Committee on Judiciary.

SB 6037 by Senators Shin and Prentice

Rescinding a retirement allowance agreement.

Referred to Committee on Appropriations.

SSB 6052 by Senate Committee on Natural Resources, Parks & Recreation (originally sponsored by Senators Jacobsen and Rasmussen)

Assisting volunteers in hunter safety programs.

Referred to Committee on Natural Resources.

SSB 6058 by Senate Committee on Ways & Means (originally sponsored by Senators Loveland, Honeyford, Sellar, Oke, Stevens and Rasmussen; by request of Department of Revenue)

Providing that growing or packing agricultural products is not a manufacturing activity for tax purposes.

Referred to Committee on Finance.

SB 6065 by Senators Wojahn and Winsley

Providing an excise tax exemption for property owned, operated, or controlled by a public corporation.

Referred to Committee on Finance.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

There being no objection, the House advanced to the eleventh order of business.

#### **POINT OF PERSONAL PRIVILEGE**

Representative Lisk updated the Chamber on Speaker Chopp's automobile accident which occurred this morning. Even though his car was totalled, he was able to walk away and spent the entire day at work.

#### **MOTION**

On motion of Representative Lisk, the House adjourned until 9:00 a.m., Wednesday, March 17, 1999, the 66<sup>th</sup> Legislative Day.

TIMOTHY A. MARTIN, Chief Clerk      CLYDE BALLARD, Speaker  
DEAN R. FOSTER, Chief Clerk      FRANK CHOPP, Speaker

SIXTY-FIFTH DAY, MARCH 16, 1999

JOURNAL OF THE HOUSE

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

**SIXTY-SIXTH DAY**

**MORNING SESSION**

House Chamber, Olympia, Wednesday, March 17, 1999

The House was called to order at 9:00 a.m. by Speaker Chopp. The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Joshua Easterson and Jenna Marlowe. Prayer was offered by James Parker, Executive Director, State Investment Board.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

**RESOLUTION**

HOUSE RESOLUTION NO. 99-4655, by Representatives Murray, Delvin, McMorris, Schindler, Constantine, Cody, Buck, O'Brien, Wolfe, Dickerson, Mastin, Gombosky, Miloscia, Kenney, Kagi, Schual-Berke, Ogden, Romero, Dunn, Dunshee, Lovick, Morris, Voloria, Wood, Sullivan, Edmonds, Fisher, Mulliken, Van Luven, Clements, G. Chandler, D. Schmidt, Parlette, Benson, Mitchell, K. Schmidt, Campbell, Pflug and Skinner

WHEREAS, The celebration of our Irish heritage and spiritual roots occurs annually on Saint Patrick's Day when we enjoy songs, pipe music, limericks and tales, watch for leprechauns, search for four-leaf clovers, march in parades, and pinch people who fail to wear green; and

WHEREAS, The first Saint Patrick's Day parade was held by General George Washington and his troops during the Revolutionary War; and

WHEREAS, A sixteen year old British youth named Patricius was kidnapped by roving Irish brigands at the beginning of the fifth century A.D., torn from the Roman civitas, and transported to the bleak ards of Antrim where he was enslaved as a shepherd by a local chieftain known as Miliucc; and

WHEREAS, During six years of dreary captivity, starvation, and depravation, the youth Patricius tended flocks and began to follow the Christian religion of his parents with constant prayer; and

WHEREAS, Upon hearing a voice telling him that his hungers as a slave would be rewarded and he would return home, Patricius began a journey that would lead him from Ireland, back to his

parent's home in Britain, to study for the priesthood in Gaul, and finally to return to his true home in Ireland as an ordained priest and bishop where his spiritual life had begun; and

WHEREAS, Patricius brought Christianity to Ireland with a message of love, spoke out fervently against slavery and violence, and became the beloved Saint Patrick;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives honor Saint Patrick, his rich message of love, the Irish people, and all the smiling Irish eyes.

Representative Murray moved adoption of the resolution.

Representatives Murray, Delvin, O'Brien, Van Luven, Schindler, Edwards, Fortunato, Doumit, Benson and Wood spoke in favor of the adoption of the resolution.

House Resolution No. 99-4655 was adopted.

There being no objection, the House advanced to the sixth order of business.

## **SECOND READING**

HOUSE JOINT MEMORIAL NO. 4001, by Representatives O'Brien, Clements, Doumit, Ballasiotes, Lovick, Sheahan, Anderson, Wensman, Dickerson, DeBolt, Conway, Alexander, Tokuda, Grant, Skinner, Scott, McMorris, Regala, Wood, Constantine, Kessler, Stensen, Carrell, Bush, Kenney, Carlson, Barlean, Hurst, Lantz, Ogden, Mitchell, Campbell, H. D. Sommers Schmidt, Dunn, Santos, Edmonds, Esser and McIntire

Petitioning Congress to reinstate income tax deduction for state sales tax.

The memorial was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the memorial was placed on final passage.

Representatives O'Brien and Thomas spoke in favor of passage of the memorial.

## **MOTION**

On motion of Representative Wolfe, Representatives H. Sommers and Scott were excused.

Speaker Chopp stated the question before the House to be final passage of House Joint Memorial No. 4001.

## **ROLL CALL**

The Clerk called the roll on the final passage of House Joint Memorial No. 4001 and the memorial passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Scott and H. Sommers - 2.

House Joint Memorial No. 4001, having received the constitutional majority, was declared passed.

HOUSE JOINT MEMORIAL NO. 4010, by Representatives G. Chandler, Grant, Mastin, Linville, Clements, Lisk, Delvin, B. Chandler, Cox, Schoesler, Sump, Mitchell, Huff, McDonald, Mulliken, McMorris, Kessler, Buck, Reardon, Hatfield, Radcliff, D. Sommers, Edwards, Thomas, Ogden, Bush, Hankins, Skinner, Koster and Dunn

Requesting the federal government not to breach dams on the Columbia or Snake rivers.

The memorial was read the second time. There being no objection, Substitute House Joint Memorial No. 4010 was substituted for House Joint Memorial No. 4010 and the substitute memorial was placed on the second reading calendar.

Substitute House Joint Memorial No. 4010 was read the second time.

Representative Sump moved the adoption of amendment (122):

On page 3, line 17, after "that" strike all material through "stocks." on line 24 and insert ", despite substantial analysis by the scientific community to determine the biological benefit of breaching dams, there continue to be conflicting scientific views. Therefore, we ask that the federal government not consider breaching dams on the main stem of the Columbia or Snake river because of those conflicting views and the adverse economic and transportation effects breaching these dams would have on the region."

Representatives Sump, Wood and Cox spoke in favor of the adoption of the amendment.

The amendment was adopted.

The memorial was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the memorial was placed on final passage.

Representatives G. Chandler and Grant spoke in favor of passage of the memorial.

Speaker Chopp stated the question before the House to be final passage of Engrossed Substitute House Joint Memorial No. 4010.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Joint Memorial No. 4010 and the memorial passed the House by the following vote: Yeas - 88, Nays - 8, Absent - 0, Excused - 2

Voting yea: Representatives Alexander, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Doumit, Dunn, Dunshee, Edmonds, Edwards, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Kagi, Keiser, Kessler, Koster, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McMorris, Miloscia, Mitchell, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Quall, Radcliff, Reardon, Regala, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, Stensen,

Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Speaker Ballard and Speaker Chopp - 88.

Voting nay: Representatives Anderson, Constantine, Dickerson, Hurst, Kenney, McIntire, Poulsen and Rockefeller - 8.

Excused: Representatives Scott and H. Sommers - 2.

Engrossed Substitute House Joint Memorial No. 4010, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1448, by Representatives Linville, G. Chandler, Cooper, Ericksen, Anderson and Morris

Allowing the department of ecology to assume primary responsibility for the cleanup of state aquatic lands.

The bill was read the second time. There being no objection, Substitute House Bill No. 1448 was substituted for House Bill No. 1448 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1448 was read the second time.

Representative Campbell moved the adoption of amendment (126):

On page 2, line 2, after "intent" insert "to establish a pilot program in Bellingham Bay"

On page 2, after line 27, insert the following:

**"NEW SECTION. Sec. 2.** A new section is added to chapter 79.90 RCW to read as follows:

(1) State agencies, local governments, and private entities are currently involved in a process of baywide cleanup of contaminated sediments in Bellingham Bay. The department shall make a decision on the cleanup and disposal of Bellingham Bay sediments according to the provisions of this act no later than July 1, 1999. The department shall not make sediment cleanup and disposal decisions that would affect state-owned aquatic lands in any other bay, harbor, or water body than Bellingham Bay.

(2) The department shall report to the legislature on the decision making process for cleanup of contaminated sediments in Bellingham Bay no later than December 1, 1999. The report to the legislature shall summarize the alternatives analyzed, and, if the department's decision is to dispose of contaminated sediments on state-owned aquatic land, the report shall describe why this remedial action is the most environmentally protective option among those analyzed. The report shall also describe the positions and concerns of all of the entities participating in the Bellingham Bay cleanup on cleanup and disposal of contaminated sediments. The report shall also describe the institution controls and financing mechanisms that have been established to provide for the long-term maintenance of any disposal site or sites on state-owned aquatic land.

(3) The provision of this act apply only to the pilot project for the cleanup of contaminated sediments in Bellingham Bay."

Renumber the remaining sections consecutively, correct internal references accordingly, and correct the title.

On page 2, after line 29, insert the following:

"(1) This section applies only to the selection of a preferred cleanup and disposal alternative in Bellingham Bay."

Renumber the remaining subsections consecutively and correct internal references accordingly.

On page 6, after line 2, insert the following:

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

Representative Campbell, Carrell and Campbell (again) spoke in favor of the adoption of the amendment.

Representatives Linville, G. Chandler, Morris and Linville (again) spoke against the adoption of the amendment.

Division was demanded. Speaker Chopp divided the House. The results of the division was 23-YEAS; 74-NAYS.

The amendment was not adopted.

Representative Campbell moved the adoption of amendment (127):

On page 3, line 6, after "lands" strike "only" and insert ", whether"

On page 3, line 7, after "site" strike ", or" and insert "or elsewhere, only"

Representative Campbell spoke in favor of the adoption of the amendment.

Representatives Linville and G. Chandler spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Campbell moved the adoption of amendment (128):

On page 3, line 18, strike "affected state agencies,"

On page 3, line 19, after "governments" insert ", and shall seek concurrence with affected state agencies"

Representative Campbell spoke in favor of the adoption of the amendment.

Representatives Linville and G. Chandler spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Campbell moved the adoption of amendment (129):

On page 3, after line 21, insert the following:

"(4) If the department of ecology, in exercising its regulatory authority to require cleanup of contaminated sediments, chooses a remedial action or concurs with an action required under the federal comprehensive environmental response, compensation, and liability act of 1980 (42 U.S.C. 9601 et seq.) that requires the use of state-owned aquatic land for containment or disposal of sediments, or for mitigation of habitat, the department shall develop a management plan for the disposal site that includes the following:

- (a) Provisions for the monitoring, active management, and maintenance of disposal sites; and
- (b) A mechanism of financial assurance, such as an insurance policy or bond, that provides sufficient financial resources from those potentially liable parties disposing of contaminated sediments in the site to indemnify the state from liability associated with the disposal of contaminated sediments on state-owned aquatic land.

(5) The department shall retain the services of a risk assessor or insurance underwriter to estimate the amount of financial assurance necessary to indemnify the state from liability, and shall develop a fee schedule or other payment schedule that allows each contributor of contaminated sediments to the state-owned aquatic disposal site, except for the state of Washington, to pay a proportional share of such assurance."

Renumber the remaining subsections consecutively and correct internal references accordingly

Representative Campbell, Campbell (again) and Rockefeller spoke in favor of the adoption of the amendment.

Representatives Linville, G. Chandler, Morris and Linville (again) spoke against the adoption of the amendment.

### **POINT OF ORDER**

Representative Lisk asked Speaker Chopp to instruct the members on not impugning the motives of other members.

### **SPEAKER'S RULING**

Speaker Chopp found that Representative Lisk's point was well taken and instructed the members to review House Rule 17H regarding floor debate.

Division was demanded. Speaker Chopp divided the House. The results of the division was 34-YEAS; 64-NAYS.

The amendment was not adopted.

There being no objection, amendment 130 was withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Linville, Morris, and Ericksen spoke in favor of passage of the bill.

Representatives Campbell and Rockefeller spoke against passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Substitute House Bill No. 1448.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1448 and the bill passed the House by the following vote: Yeas - 71, Nays - 27, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Boldt, Buck, Bush, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Edwards, Eickmeyer, Ericksen, Esser, Fortunato, Grant, Hankins, Hatfield, Huff, Kagi, Kastama, Keiser, Kessler, Koster, Lambert, Linville, Lisk, Lovick, Mastin, McDonald, McMorris, Miloscia, Mitchell, Morris, Mulliken, O'Brien, Parlette, Pennington, Pflug, Quall, Radcliff, Reardon, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 71.

Voting nay: Representatives Barlean, Benson, Cairnes, Campbell, Constantine, Dunshee, Edmonds, Fisher, Gombosky, Haigh, Hurst, Kenney, Lantz, McIntire, Mielke, Murray, Ogden, Poulsen, Regala, Rockefeller, Romero, Thomas, Tokuda, Van Luven, Voloria, Wensman and Wolfe - 27.

Substitute House Bill No. 1448, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1893, by Representatives Doumit, Mulliken, Scott, Linville and Hatfield  
Revising provisions regulating permit issuance.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 1893 was substituted for House Bill No. 1893 and the second substitute bill was placed on the second reading calendar.

Second Substitute House Bill No. 1893 was read the second time.

Representative Doumit moved the adoption of amendment (099):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that facilitating the environmental permit process will increase citizen satisfaction and compliance with state and local permit requirements. Lack of coordination in the processing of permit applications causes costly delays and frustration to the applicant. The public deserves a clear, predictable system for land-use decisions. The legislature also finds that permit issuance can be expedited by requiring state agencies and local jurisdictions to coordinate their permit processes.

**Sec. 2.** RCW 36.70A.020 and 1990 1st ex.s. c 17 s 2 are each amended to read as follows:

The following goals are adopted to guide the development and adoption of comprehensive plans and development regulations of those counties and cities that are required or choose to plan under RCW 36.70A.040. The following goals are not listed in order of priority and shall be used exclusively for the purpose of guiding the development of comprehensive plans and development regulations:

- (1) Urban growth. Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.
- (2) Reduce sprawl. Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.
- (3) Transportation. Encourage efficient multimodal transportation systems that are based on regional priorities and coordinated with county and city comprehensive plans.
- (4) Housing. Encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.
- (5) Economic development. Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities.
- (6) Property rights. Private property shall not be taken for public use without just compensation having been made. The property rights of landowners shall be protected from arbitrary and discriminatory actions.
- (7) Permits. ~~((Applications for both))~~ State and local government permit~~(s)~~ agencies should ~~((be processed))~~ coordinate and process permits in a timely and fair manner to ensure predictability for applicants.



(8) Natural resource industries. Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries. Encourage the conservation of productive forest lands and productive agricultural lands, and discourage incompatible uses.

(9) Open space and recreation. Encourage the retention of open space and development of recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks.

(10) Environment. Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.

(11) Citizen participation and coordination. Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts.

(12) Public facilities and services. Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards.

(13) Historic preservation. Identify and encourage the preservation of lands, sites, and structures, that have historical or archaeological significance.

**NEW SECTION. Sec. 3.** A new section is added to chapter 90.48 RCW to read as follows:

(1) This section applies to the issuance of all new permits under this chapter except permits issued pursuant to RCW 90.48.215, 90.48.220, and 90.48.260.

(2) Except as otherwise provided in subsection (3) of this section, the department shall issue a final permit determination based on a project permit application within sixty days after the department notifies the applicant that the application is complete. In determining the number of days that have elapsed after the department has notified the applicant that the application is complete, the following periods shall be excluded:

(a)(i) Any period during which the applicant has been requested by the department to correct plans, perform required studies, or provide additional required information. The period shall be calculated from the date the department notifies the applicant of the need for additional information until the earlier of the date the department determines whether the additional information satisfies the request for information or fourteen days after the date the information has been provided to the department.

(ii) If the department determines that the information submitted by the applicant under (a)(i) of this subsection is insufficient, it shall notify the applicant of the deficiencies and the procedures under (a)(i) of this subsection shall apply as if a new request for studies had been made;

(b) Any period for administrative appeals of project permits, if an open record appeal hearing or a closed record appeal, or both, are allowed; and

(c) Any extension of time mutually agreed upon by the applicant and the department.

(3) The time limits established by subsection (2) of this section do not apply if a project permit application is substantially revised by the applicant, in which case the time period shall start from the date at which the revised project application is determined to be complete under section 4 of this act.

(4) Until July 1, 2000, if the department is unable to issue a final permit determination within the time limits provided for in this section, it shall provide written notice of this fact to the project applicant. The notice shall include a statement of reasons why the time limits have not been met and an estimated date for issuance of the final permit determination. On and after July 1, 2000, if the department is unable to issue a final permit determination within the time limits provided for in this section, the applicant is deemed to have received a temporary permit. The department shall provide written notice to the project applicant that the applicant is deemed to have a temporary permit and may discharge waste materials as proposed in the permit application.

(5)(a) Temporary permits issued under this section remain fully effective and enforceable based on the information submitted as part of the completed application to discharge waste materials.

(b) Temporary permits shall be valid for no more than five years and shall continue in force until:

(i) The effective date of a permit issued by the department; or

(ii) The temporary permit is revoked by the department.

(c) The department may revoke a temporary permit or may initiate other actions under this chapter if:

(i) There is an unreported change in the nature or character of the wastes being discharged; or  
(ii) If the department determines that the continued discharge as authorized by the temporary permit will pollute the waters of the state in violation of state or federal standards adopted under this chapter.

(6) Beginning July 1, 1999, the department shall track the number of permits issued within sixty days, the number of approvals issued after the sixty-day timeline, the number of denials, the number of requests for information, and the number of applications that are withdrawn.

(7) This section applies to project permit applications filed on or after July 1, 1999.

**NEW SECTION. Sec. 4.** A new section is added to chapter 90.48 RCW to read as follows:

(1) This section applies to the issuance of all new permits pursuant to RCW 90.48.215, 90.48.220, and 90.48.260.

(2) Except as otherwise provided in subsection (3) of this section, the department shall issue a final permit determination on a project permit application within one hundred twenty days after the department notifies the applicant that the application is complete, except when federal law requires otherwise, as provided in section 5 of this act. In determining the number of days that have elapsed after the department has notified the applicant that the application is complete, the following periods shall be excluded:

(a)(i) Any period during which the applicant has been requested by the department to correct plans, perform required studies, or provide additional required information. The period shall be calculated from the date the department notifies the applicant of the need for additional information until the earlier of the date the department determines whether the additional information satisfies the request for information or fourteen days after the date the information has been provided to the department.

(ii) If the department determines that the information submitted by the applicant under (a)(i) of this subsection is insufficient, it shall notify the applicant of the deficiencies and the procedures under (a)(i) of this subsection shall apply as if a new request for studies had been made;

(b) Any period for administrative appeals of project permits, if an open record appeal hearing or a closed record appeal, or both, are allowed; and

(c) Any extension of time mutually agreed upon by the applicant and the department.

(3) The time limits established by subsection (2) of this section do not apply if a project permit application is substantially revised by the applicant, in which case the time period shall start from the date at which the revised project application is determined to be complete under section 5 of this act.

(4) If the department is unable to issue a final permit determination within the time limits specified in this section, the department shall provide written notice of this fact to the project applicant. The notice shall include a statement of reasons why the time limits have not been met and an estimated date for issuance of the final permit determination.

(5) Beginning July 1, 1999, the department shall track the number of permits issued within one hundred twenty days, the number of approvals issued after the one hundred twenty-day timeline, the number of denials, the number of requests for information, and the number of applications that are withdrawn.

(6) This section applies to project permit applications filed on or after July 1, 1999.

**NEW SECTION. Sec. 5.** A new section is added to chapter 90.48 RCW to read as follows:

(1) Within twenty-eight days after receiving a new project permit application, the department shall mail or provide in person a written determination to the applicant, stating either:

(a) That the application is complete; or

(b) That the application is incomplete and what is necessary to make the application complete.

(2) A project permit application is complete for purposes of this section when it: (a) Meets the procedural submission requirements of the department; (b) has a threshold determination under chapter 43.21C RCW for either a determination of nonsignificance or a mitigated determination of nonsignificance or has a completed final environmental impact statement; (c) meets procedural and

substantive requirements of federal law if applicable; and (d) is sufficient for continued processing even though additional information may be required or project modifications may be undertaken subsequently.

(3) Within fourteen days after an applicant has submitted to the department additional information identified by the department as being necessary for a complete application, the department shall notify the applicant whether the application is complete or what additional information is necessary.

(4) The determination of completeness shall not preclude the department from requesting additional information or studies either at the time of the notice of completeness or subsequently if new information is required or substantial changes in the proposed action occur.

(5) For purposes of determining time limits in sections 3 and 4 of this act, an application shall be deemed complete under this section if the department does not provide a written determination to the applicant that the application is incomplete as provided in subsections (1)(b) and (3) of this section.

**Sec. 6.** RCW 90.48.215 and 1989 c 293 s 1 are each amended to read as follows:

(1) The following definition shall apply to this section: "Upland finfish hatching and rearing facilities" means those facilities not located within waters of the state where finfish are hatched, fed, nurtured, held, maintained, or reared to reach the size of release or for market sale. This shall include fish hatcheries, rearing ponds, spawning channels, and other similarly constructed or fabricated public or private facilities.

(2) Not later than September 30, 1989, the department shall adopt standards pursuant to chapter 34.05 RCW for waste discharges from upland finfish hatching and rearing facilities. In establishing these standards, the department shall incorporate, to the extent applicable, studies conducted by the United States environmental protection agency on finfish rearing facilities and other relevant information. The department shall also issue a general permit as authorized by the federal clean water act, 33 U.S.C. 1251 et seq., or RCW 90.48.160 by September 30, 1989, for upland finfish hatching and rearing facilities. Except as provided in section 4 of this act, the department shall approve or deny applications for coverage under the general permit for upland finfish hatching and rearing facilities within one hundred ((eighty)) twenty days ((from the date of application)) after the department notifies the applicant that the application is complete according to section 5 of this act, except when federal law requires otherwise or unless a longer time is required to satisfy public participation requirements in the permit process in accordance with applicable rules, or compliance with the requirements of the state environmental policy act under chapter 43.21C RCW. The department shall notify applicants for coverage by a general permit as soon as it determines that a proposed discharge meets or fails to comply with the standards or general permit conditions set forth pursuant to this section, or that a time period longer than one hundred ((eighty)) twenty days is necessary to satisfy public participation requirements or the state environmental policy act.

**Sec. 7.** RCW 90.48.220 and 1993 c 296 s 1 are each amended to read as follows:

(1) For the purposes of this section "marine finfish rearing facilities" means those private and public facilities located within the salt water of the state where finfish are fed, nurtured, held, maintained, or reared to reach the size of release or for market sale.

(2) Not later than October 31, 1994, the department shall adopt criteria under chapter 34.05 RCW for allowable sediment impacts from organic enrichment due to marine finfish rearing facilities.

(3) Not later than June 30, 1995, the department shall adopt standards under chapter 34.05 RCW for waste discharges from marine finfish rearing facilities. In establishing these standards, the department shall review and incorporate, to the extent possible, studies conducted by state and federal agencies on waste discharges from marine finfish rearing facilities, and any reports and other materials prepared by technical committees on waste discharges from marine finfish rearing facilities. Except as provided in section 4 of this act, the department shall approve or deny discharge permit applications for marine finfish rearing facilities within one hundred ((eighty)) twenty days ((from the date of application)) after the department notifies the applicant that the application is complete according to section 5 of this act, except when federal law requires otherwise or unless a longer time is required to satisfy public participation requirements in the permit process in accordance with applicable rules, or

compliance with the requirements of the state environmental policy act under chapter 43.21C RCW. The department shall notify applicants as soon as it determines that a proposed discharge meets or fails to comply with the standards adopted pursuant to this section, or if a time period longer than one hundred eighty days is necessary to satisfy public participation requirements of the state environmental policy act.

(4) The department may adopt rules to exempt marine finfish rearing facilities not requiring national pollutant discharge elimination system permits under the federal water pollution control act from the discharge permit requirement.

**Sec. 8.** RCW 58.17.095 and 1986 c 233 s 1 are each amended to read as follows:

(1) A county, city, or town may adopt an ordinance providing for the administrative review of a preliminary plat without a public hearing (~~((by adopting an ordinance providing for such administrative review))~~). The ordinance may specify a threshold number of lots in a subdivision above which a public hearing must be held, and may specify other factors which necessitate the holding of a public hearing. (~~((The administrative review process shall include the))~~)

(2) If the county, city, or town has not adopted consolidated permitting procedures and time frames as provided in chapter 36.70B RCW, it shall conduct administrative review of preliminary plats consistent with the following minimum conditions:

~~((4))~~ (a) The notice requirements of RCW 58.17.090 shall be followed, except that the publication shall be made within ten days of the filing of the application. Additionally, at least ten days after the filing of the application notice both shall be: ~~((4))~~ (i) Posted on or around the land proposed to be subdivided in at least five conspicuous places designed to attract public awareness of the proposal; and ~~((4))~~ (ii) mailed to the owner of each lot or parcel of property located within at least three hundred feet of the site. The applicant shall provide the county, city, or town with a list of such property owners and their addresses. The notice shall include notification that no public hearing will be held on the application, except as provided by this section. The notice shall set out the procedures and time limitations for persons to require a public hearing and make comments.

~~((2))~~ (b) Any person shall have a period of twenty days from the date of the notice to comment upon the proposed preliminary plat. All comments received shall be provided to the applicant. The applicant has seven days from receipt of the comments to respond thereto.

~~((3))~~ (c) A public hearing on the proposed subdivision shall be held if any person files a request for a hearing with the county, city, or town within twenty-one days of the publishing of such notice. If such a hearing is requested, notice requirements for the public hearing shall be in conformance with RCW 58.17.090, and the ninety-day period for approval or disapproval of the proposed subdivision provided for in RCW 58.17.140 shall commence with the date of the filing of the request for a public hearing. Any hearing ordered under this subsection shall be conducted by the planning commission or hearings officer as required by county or city ordinance.

~~((4))~~ (d) On its own initiative within twenty-one days of the filing of the request for approval of the subdivision, the governing body, or a designated employee or official, of the county, city, or town, shall be authorized to cause a public hearing to be held on the proposed subdivision within ninety days of the filing of the request for the subdivision.

~~((5))~~ (e) If the public hearing is waived as provided in this section, the planning commission or planning agency shall complete the review of the proposed preliminary plat and transmit its recommendation to the legislative body as provided in RCW 58.17.100.

(3) If the county, city, or town has adopted consolidated permitting procedures and time frames as provided in chapter 36.70B RCW, it may conduct administrative review of preliminary plats consistent with its procedures and time frames. At a minimum, local permitting procedures and time frames related to administrative review of preliminary plats shall provide for:

(a) Notice of application by publication, posting, and mailing. All forms of notice shall include a prominent statement that no public hearing will be held on the application, except as provided by this section. All forms of notice shall clearly state procedures and time frames for persons to make comments on the proposal and request a public hearing.

(b) Written comments on the application by any person. Comments received shall be provided to the applicant, and the applicant shall be provided seven days from receipt of the comments to respond thereto.

(c) A public hearing on the application if any person files a request for a hearing within the time frame specified. If a hearing is requested, notice requirements for the public hearing and the time frame for approval or disapproval of the application shall be consistent with other local permitting procedures. Any hearing conducted under this subsection shall be conducted by the planning commission or hearing officer as required by local ordinance.

(d) A public hearing on the application if the legislative or executive branch of the county, city, or town so requests within the time frame specified.

(e) Expedited agency review and transmittal of its recommendation on the application to the legislative body of the county, city, or town, if there is no request for public hearing.

**NEW SECTION. Sec. 9.** A new section is added to chapter 75.20 RCW to read as follows:

The department shall develop a pilot project to authorize the issuance of hydraulic permits by a county. Upon authorization, the county shall issue permits according to the department's rules. The county receiving authorization may impose fees to cover the costs of permit processing, except that no fees may be imposed for fish habitat restoration projects permitted under RCW 75.20.350. Such authorization agreement shall contain provisions for effective monitoring and enforcement of hydraulic permits. The department shall not delegate rule-making authority in the pilot program. The department shall report the results of the pilot project to the legislature by December 31, 2000. This section expires June 30, 2001.

**Sec. 10.** RCW 90.60.010 and 1995 c 347 s 601 are each amended to read as follows:

The legislature hereby finds and declares:

(1) Washington's environmental protection programs have established strict standards to reduce pollution and protect the public health and safety and the environment. The single-purpose programs instituted to achieve these standards have been successful in many respects, and have produced significant gains in protecting Washington's environment in the face of substantial population growth.

(2) Continued progress to achieve the environmental standards in the face of continued population growth will require greater coordination between the single-purpose environmental programs and more efficient operation of these programs overall. Pollution must be prevented and controlled and not simply transferred to another media or another place. This goal can only be achieved by maintaining the current environmental protection standards and by greater integration of the existing programs.

(3) As the number of environmental laws and regulations have grown in Washington, so have the number of permits required of business and government. This regulatory burden has significantly added to the cost and time needed to obtain essential permits in Washington. The increasing number of individual permits and permit authorities has generated the continuing potential for conflict, overlap, and duplication between the various state, local, and federal permits.

(4) The purpose of this chapter is to institute new, efficient procedures that will assist businesses and public agencies in complying with the environmental quality laws in an expedited fashion, without reducing protection of public health and safety and the environment.

(5) Those procedures need to provide a permit process that promotes effective dialogue and ensures ease in the transfer and clarification of technical information, while preventing duplication. It is necessary that the procedures establish a process for preliminary and ongoing meetings between the applicant, the coordinating permit agency, and the participating permit agencies, but do not preclude the applicant or participating permit agencies from individually coordinating with each other.

(6) It is necessary, to the maximum extent practicable, that the procedures established in this chapter ensure that the coordinated permit agency process and applicable permit requirements and criteria are integrated and run concurrently, rather than consecutively.

(7) It is necessary to provide a reliable and consolidated source of information concerning federal, state, and local environmental and land use laws and procedures that apply to any given proposal.

(8) It is the intent of this chapter to provide an optional process by which a project proponent may obtain active coordination of all applicable regulatory and land-use permitting procedures. This process is not to replace individual laws, or diminish the substantive decision-making role of individual jurisdictions. Rather it is to provide predictability, administrative consolidation, and, where possible, consolidation of appeal processes.

(9) It is also the intent of this chapter to provide consolidated, effective, and easier opportunities for members of the public to receive information and present their views about proposed projects.

(10) It is also the intent of this chapter to provide a forum for the resolution of significant issues related to the permitting and authorization of projects that are proposed on state-owned aquatic lands. "Aquatic lands" have the meaning provided in RCW 79.90.010. The inability of state government to speak with one voice is a source of great frustration for project applicants. Projects on state-owned aquatic lands can bring existing conflicts between statutory and regulatory authorities, and between state agency missions and policies, into sharper focus. It is a goal of this chapter to encourage all agencies and local governments that authorize projects on state-owned aquatic lands to accept full and equal responsibility for project review, and to resolve conflicts among state agency authorities, missions, and policies wherever possible. It is also the intent of this chapter that all permitting or authorizing federal and state agencies, local governments, and tribal governments be involved in identifying and resolving issues related to permits or authorizations from the outset of any review process, that these agencies and governments respect the legitimacy of the missions and mandates of other agencies and governments, and that they reach consensus on environmental review of projects.

(11) The legislature finds that the coordination of a process to analyze permitting issues, and to resolve interagency disputes related to the permitting of projects, is a natural outgrowth of the original duties of the permit assistance center.

**Sec. 11.** RCW 90.60.020 and 1995 c 347 s 602 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Center" means the permit assistance center established in the ~~((commission [department]))~~ department by RCW 90.60.030.

(2) "Coordinating permit agency" means the permit agency that has the greatest overall jurisdiction over a project.

(3) "Department" means the department of ecology.

(4) "Local government" means counties, cities, and towns.

(5) "Participating permit agency" means a permit agency, or a state agency or local government other than the coordinating permit agency, that is responsible for the issuance of a permit or use authorization for a project.

~~((5))~~ (6) "Parties" collectively means the coordinating permit agency, permit agency, and participating permit agency.

(7) "Permit" means any license, certificate, registration, permit, or other form of use authorization required by a permit agency to engage in a particular activity.

~~((6))~~ (8) "Permit agency" means:

(a) The department of ecology, an air pollution control authority, the department of natural resources, the department of fish and wildlife, and the department of health; and

(b) Any other state or federal agency or county, city, or town that participates at the request of the permit applicant and upon the agency's agreement to be subject to this chapter.

~~((7))~~ (9) "Project" means an activity, the conduct of which requires permits from one or more permit agencies.

(10) "Use authorization" means a lease, material purchase, easement, permit, or other document authorizing use of state-owned aquatic lands and/or materials.

NEW SECTION. **Sec. 12.** A new section is added to chapter 90.60 RCW to read as follows:

The center shall establish regional center offices at four department regional or field offices to provide better access to the center's services in all areas of the state.

**Sec. 13.** RCW 90.60.030 and 1997 c 429 s 35 are each amended to read as follows:

(1) The permit assistance center is established within the department. The center shall:

~~((1))~~ (a) Publish and keep current one or more handbooks containing lists and explanations of all permit laws. To the extent possible, the handbook shall include relevant local, state, federal, and tribal laws. A state agency or local government shall provide a reasonable number of copies of application forms, statutes, ordinances, rules, handbooks, and other informational material requested by the center and shall otherwise fully cooperate with the center. The center shall seek the cooperation of relevant federal agencies and tribal governments;

~~((2))~~ (b) Establish, and make known, a point of contact for distribution of the handbook and advice to the public as to its interpretation in any given case;

~~((3))~~ (c) Work closely and cooperatively with the business license center in providing efficient and nonduplicative service to the public;

~~((4))~~ (d) Seek the assignment of employees from the permit agencies ~~((listed under RCW 90.60.020(6)(a)))~~ as defined in this chapter to serve on a rotating basis in staffing the center;

~~((5))~~ (e) Collect and disseminate information to public and private entities on federal, state, local, and tribal government programs that rely on private professional expertise to assist governmental agencies in project permit review; and

~~((6))~~ (f) Provide ~~((an annual))~~ a biennial report to the legislature ~~((on potential conflicts and perceived inconsistencies among existing statutes. The first report shall be submitted to the appropriate standing committees of the house of representatives and senate by December 1, 1996.))~~ that:

(i) Includes statutory and other recommendations for streamlining and coordinating environmental permitting in Washington;

(ii) Summarizes the results of the center's efforts to measure performance and outcomes over time;

(iii) Summarizes, evaluates, and makes statutory and other recommendations for improving the center's and permitting agencies' efforts to provide public notice efficiently and for promoting effective public participation in permitting processes;

(iv) Details efforts on the part of the center, the department, and the parties to promote the public's trust and confidence in the permitting process. Examples of such efforts include, but are not limited to, the development of statutory and other policies and procedures, guidance, roles, and responsibilities; and

(v) Shows revenues generated by the center's services, and the center's budget and expenditures.

(2) The department shall prioritize the expenditure of general fund moneys allotted to the center to provide a set of services to the applicants of small projects.

**Sec. 14.** RCW 90.60.100 and 1995 c 347 s 610 are each amended to read as follows:

(1) The ~~((coordinating permit agency))~~ parties may enter into a written cost-reimbursement agreement with the applicant to recover from the applicant the reasonable costs incurred by the ~~((coordinating permit agency))~~ parties in carrying out the requirements of this chapter, as well as the requirements of other relevant laws, as they relate to permit coordination, environmental review, application review, technical studies, and permit processing.

(2) The ~~((coordinating permit agency may recover only the costs of performing those coordinated permit services and))~~ written cost-reimbursement agreement shall be negotiated with the permit applicant ((in)) following the meeting required pursuant to RCW 90.60.070. Permit agencies may assign work to current staff, temporary staff, or technical consultants in order to carry out the work covered by the written cost-reimbursement agreement or the work remaining for the permit agency as a result of the coordinated permit process. The billing process shall provide for accurate time and cost accounting and may include a billing cycle that provides for progress payments.

**NEW SECTION. Sec. 15.** A new section is added to chapter 90.60 RCW to read as follows:

(1) The permit assistance center shall work in collaboration with local governments and state agencies to jointly develop and coordinate an integrated permit process. By December 1, 1999, the

permit assistance center shall report on the progress of the center and others to develop an integrated permit process.

(2) At a minimum, the integrated permit process developed according to this section shall consist of:

(a) One or more preapplication conferences that:

(i) Include the applicant, the project coordinator, the local permit facilitator, and the permit assistance center acting as state permit facilitator;

(ii) Discuss options for project design and for land use, environmental review, and permitting;

(iii) Identify potential permitting agencies, permits, schedules, and costs; and

(iv) Identify a potential project team that includes representatives of the applicant and relevant local and state permitting agencies;

(b) A determination of completeness of the project application provided by the permitting agencies or jurisdictions to the applicant within a determined time frame after receipt of requested supplementation that includes both a determination of completeness issued by the municipality, according to its local permit review process, and determinations of completeness issued by the state permitting agencies;

(c) Coordination of permitting and integration of processes that:

(i) Is achieved by negotiation among the applicant and the various permitting agencies;

(ii) Results in an integrated schedule keyed to the longest notice and public hearing requirement;

(iii) Includes negotiations for cost recovery arrangements for permitting agencies; and

(iv) Uses an integrated record of decision;

(d) An integrated review that includes:

(i) Issuance of threshold determination under chapter 43.21C RCW;

(ii) Public notice that describes the project, the permits, the applicable regulations, and any preliminary determinations; lists and gives the location of documents and studies; describes public comment, hearing, and appeal processes; and sets out the schedule; and

(iii) An integrated public hearing held in the municipality;

(e) Coordination of local appeals and state appeals; and

(f) An integrated decision.

**NEW SECTION. Sec. 16.** A new section is added to chapter 90.60 RCW to read as follows:

(1) State permitting agencies shall participate in developing the integrated permit process, including the integrated public hearing, and use the integrated record of decision.

(2) State permitting agencies shall review procedures for developing an integrated state appeal procedure, which would utilize the integrated record of decision.

**NEW SECTION. Sec. 17.** A new section is added to chapter 90.60 RCW to read as follows:

(1) A joint aquatic resource permit application form may be obtained from the permit assistance center when a project is proposed for the use of state-owned aquatic lands managed by the department of natural resources, and one or more permits are required from state and local governments. Upon receipt of a completed application as defined under RCW 36.70B.070, the center shall identify the permits and use authorizations necessary for project approval. If the project requires two or more permits from state or local permitting agencies and a use authorization from the department of natural resources, the center shall coordinate a review process and notify the appropriate aquatic resource agencies, which shall become participating agencies as defined in this chapter for purposes of application review.

(2) The following state agencies and local governments are considered aquatic resource agencies for purposes of this section and, if notified of their status as participating agencies, shall be required to participate in the review of any proposal for which an applicant has submitted a complete form as defined in subsection (1) of this section: The department of natural resources, the department of ecology, the department of fish and wildlife, the local government in whose jurisdiction the project is proposed, and any port district or other local political subdivision requiring a use authorization for the project. In addition, federal agencies and tribal governments that will require a permit or a use



authorization for the project shall each be invited to name a representative to participate in the joint aquatic resource permit review process. All participating agencies, including state agencies, and local governments shall be involved in such review process from the outset.

(3) The permit assistance center shall coordinate a meeting of the parties to identify the issues of concern to each participant with regard to the proposed project and a strategy for resolving the permitting and authorizing processes. Participating agencies shall undertake a review process not to exceed thirty days. This review process shall not delay the decision time frames under RCW 36.70B.090.

(a) During this review, the participating agencies shall identify:

- (i) The specific issues of concern to each participant with regard to the proposed project;
- (ii) The significance of each issue and its impact on the permitting or authorizing decision, including whether permits or authorizations are likely to be denied based on any specific issues;
- (iii) Potential reasons why the proposed project should or should not be permitted or provided with a use authorization;
- (iv) Any statutory and regulatory conflicts that arise from the permitting or authorization of the project;
- (v) Any state or local jurisdiction liability that may result from permitting or authorizing the project; and
- (vi) Any environmental impacts, including federal or state listed species that may be impacted by the permitting or authorizing decision.

(b) Following this review, the outcome shall be documented in written form and approved by each of the participating agencies. The center shall publish public notice and provide a written notice to the applicant.

(c) Upon completion of this review, permitting and authorizing agencies and governments shall proceed according to statutorily defined decision time frames.

(d) If a project that has had a threshold determination under chapter 43.21C RCW for either a determination of nonsignificance or a mitigated determination of nonsignificance has not received all required permits or authorizations within six months of receipt of a completed application, the project applicant or the participating agencies may request that the center retain a facilitator, mediator, or arbitrator to resolve the remaining disputes. The center shall be reimbursed for the costs of these processes. The costs shall be shared equally by the participating agencies and the project applicant. In addition, the appropriate committees of the legislature shall be notified.

(e) If a project that requires a final environmental impact statement under chapter 43.21C RCW, has not received all required permits or authorizations within nine months of receipt of a completed application, the project applicant or the participating agencies may request that the center retain a facilitator, mediator, or arbitrator to resolve the remaining disputes. The center shall be reimbursed for the costs of these processes. The costs shall be shared equally by the participating agencies and the project applicant. In addition, the appropriate committees of the legislature shall be notified.

(f) The following periods shall be excluded from the time periods specified in (d) and (e) of this subsection:

(i) Any period during which the applicant has been requested by an agency to correct plans, perform required studies, or provide additional required information. The period shall be calculated from the date the agency notifies the applicant of the need for additional information until the earlier of the date the agency determines whether the additional information satisfies the request for information or fourteen days after the date the information has been provided to the department. If the agency determines that the information submitted by the applicant under this subsection is insufficient, it shall notify the applicant of the deficiencies and the procedures of this subsection shall apply as if a new request for studies had been made;

(ii) Any period for administrative appeals of project permits, if an open record appeal hearing or a closed record appeal, or both, are allowed;

(iii) Any period during which the project is undergoing a threshold determination under chapter 43.21C RCW for either a determination of nonsignificance or a mitigated determination of

nonsignificance, or any period during which an environmental impact statement is being prepared following a determination of significance under chapter 43.21C RCW; and

(iv) Any extension of time mutually agreed upon by the applicant and the agencies.

**NEW SECTION. Sec. 18.** A new section is added to chapter 47.01 RCW to read as follows:

The legislature recognizes that the department is working to develop a programmatic approach and general permits with state and federal agencies to address project and maintenance impacts under the federal endangered species act and the federal clean water act. The legislature supports the department's efforts in this regard and encourages the department to work collaboratively with local governments when negotiating and developing these programmatic permits and to provide local governments with opportunity to participate in this process to the extent practicable.

The department shall report by December 1st of each year to the legislature the status of any programmatic permits developed under this section.

**NEW SECTION. Sec. 19.** The following acts or parts of acts are each repealed:

(1) RCW 43.131.387 (Permit assistance center--Termination) and 1995 c 347 s 617;  
and

(2) RCW 43.131.388 (Permit assistance center--Repeal) and 1995 c 347 s 618.

**NEW SECTION. Sec. 20.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 1999, in the omnibus appropriations act, this act is null and void.

**NEW SECTION. Sec. 21.** A new section is added to chapter 43.30 RCW to read as follows:

The legislature encourages the department to develop a programmatic approach and general permits with state and federal agencies to address impacts under the federal endangered species act and the federal clean water act. The legislature also encourages the department to work collaboratively with local governments when negotiating and developing these programmatic permits to the extent practicable.

The department shall report by December 1st of each year to the legislature the status of any programmatic permits developed under this section.

**NEW SECTION. Sec. 22.** A new section is added to chapter 43.300 RCW to read as follows:

The legislature encourages the department to develop a programmatic approach and general permits with state and federal agencies to address impacts under the federal endangered species act and the federal clean water act. The legislature also encourages the department to work collaboratively with local governments when negotiating and developing these programmatic permits to the extent practicable.

The department shall report by December 1st of each year to the legislature the status of any programmatic permits developed under this section.

**NEW SECTION. Sec. 23.** A new section is added to chapter 43.21A RCW to read as follows:

The legislature encourages the department to develop a programmatic approach and general permits with state and federal agencies to address impacts under the federal endangered species act and the federal clean water act. The legislature also encourages the department to work collaboratively with local governments when negotiating and developing these programmatic permits to the extent practicable.

The department shall report by December 1st of each year to the legislature the status of any programmatic permits developed under this section.

**NEW SECTION. Sec. 24.** The permit assistance center shall terminate June 30, 2003.

NEW SECTION. Sec. 25. Section 19 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Representative Mulliken moved the adoption of amendment (136) to amendment (099):

On page 10, line 34 of the amendment, after "county" insert "with a population greater than one million five hundred thousand people"

On page 10, line 38 of the amendment, after "RCW 75.20.350" insert ", and no fees may be imposed for monitoring or enforcing hydraulic permits"

On page 10, beginning on line 38 of the amendment, after "75.20.350." strike "Such authorization" and insert "The"

On page 11, line 1 of the amendment, after "agreement" insert "between the department and the county"

Representatives Mulliken and Doumit spoke in favor of the adoption of the amendment.

The amendment to the amendment was adopted.

Representative Mastin moved the adoption of amendment (138) to amendment (099):

On page 11, line 5 of the amendment, after "2001." insert "This section shall not apply to activities and areas covered by chapter 76.09 RCW."

Representatives Mastin and Doumit spoke in favor of the adoption of the amendment.

The amendment to the amendment was adopted.

Representative Mastin moved the adoption of amendment (139) to amendment (099):

On page 12, line 34 of the amendment, after "authorizing" strike all material through "governments" on line 35 and insert "state agencies, and local governments"

Representatives Mastin and Doumit spoke in favor of the adoption of the amendment.

The amendment to the amendment was adopted.

Representatives Mulliken, Doumit, Mastin and Linville spoke in favor of the adoption of the amendment (099) as amended.

The amendment as amended was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Doumit and Mulliken spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Engrossed Second Substitute House Bill No. 1893.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1893 and the bill passed the House by the following vote: Yeas - 78, Nays - 20, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Ballasiotes, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Conway, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fortunato, Grant, Haigh, Hankins, Hatfield, Huff, Kagi, Kastama, Keiser, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McMorris, Mielke, Miloscia, Mitchell, Mulliken, O'Brien, Parlette, Pennington, Pflug, Quall, Radcliff, Reardon, Rockefeller, Ruderman, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sump, Talcott, Thomas, Van Luven, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 78.

Voting nay: Representatives Anderson, Barlean, Cody, Constantine, Cooper, Fisher, Gombosky, Hurst, Kenney, McIntire, Morris, Murray, Ogden, Poulsen, Regala, Romero, Santos, Sullivan, Tokuda and Veloria - 20.

Engrossed Second Substitute House Bill No. 1893, having received the constitutional majority, was declared passed.

There being no objection, the House deferred action on House Bill No. 1464, and the bill held its place on the second reading calendar.

HOUSE BILL NO. 1493, by Representatives Tokuda, Boldt, Edwards, Lovick, Veloria, O'Brien, Barlean, Ogden, Conway, Schual-Berke, Murray, Dickerson, Kenney, Regala, Cooper, Stensen, Cody, Anderson, Santos, Rockefeller, Kagi, Edmonds, Lantz and Wood

Establishing a collaborative effort to address the housing needs of homeless children and their families.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 1493 was substituted for House Bill No. 1493 and the second substitute bill was placed on the second reading calendar.

Second Substitute House Bill No. 1493 was read the second time.

There being no objection, amendments 114, 117, 125, 115, and 116 were withdrawn.

Representative Tokuda moved the adoption of amendment (132):

On page 2, line 1, after "organizations." insert "It is the intent of the legislature that the department of community, trade, and economic development and the department of social and health services jointly present the plan to the appropriate committees of the legislature as required in section 3 of this act."

On page 2, line 8, after "budgets." insert "Nothing in this act is intended to prevent the court's review of the plan developed by the department of social and health services and the department of community, trade, and economic development under *Washington State Coalition for the Homeless v. Department of Social and Health Services*, King County Superior Court No. 91-2-15889-4. However, it is the intent of the legislature that the court's review in that proceeding be confined solely to review

of the plan submitted under the order of February 4, 1998. Nothing in this act is intended to grant the court continuing review over the department of social and health services after the effective date of this act."

On page 2, line 20, after "develop" strike "and administer" and insert ", administer, supervise, and monitor"

On page 2, line 33, after "(3)" strike all material through "(4)" on page 3, line 3

On page 3, line 34, after "than" strike "August 13, 1999" and insert "September 1, 1999"

On page 3, line 34, after "plan" strike "every two years thereafter" and insert "and submit it to the appropriate committees of the legislature by January 1<sup>st</sup> of every odd-numbered year through 2007"

On page 4, line 7, after "for" strike "collecting and analyzing" and insert "the ongoing collection and analysis of"

Representatives Tokuda, Boldt and H. Sommers spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Tokuda and Boldt spoke in favor of passage of the bill.

#### POINT OF PERSONAL PRIVILEGE

Representative Tokuda thanked all the people and groups who assisted in the creation and passage of this legislation.

Speaker Chopp stated the question before the House to be final passage of Engrossed Second Substitute House Bill No. 1493.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1493 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 98.

Engrossed Second Substitute House Bill No. 1493, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1832, by Representatives Ogden, Thomas, Lantz, Cairnes, Keiser, Carlson, Talcott, H. Sommers, Lambert, Dunshee, Quall, O'Brien, Cody, Dunn, Santos, Schual-Berke, Lovick, Edmonds, Wood, Haigh, Rockefeller, Conway, Stensen, Dickerson, Tokuda, Kessler, Hurst and Esser

Authorizing the use of nonvoter-approved debt for school construction and repair.

The bill was read the second time.

There being no objection, amendment 040 was withdrawn.

Representative Alexander moved the adoption of amendment (088):

On page 1, line 9, after "to" strike all material down through "debt" on line 10 and insert "finance the acquisition, remodel and repair of school facilities"

On page 1, line 15, after "RCW 28A.530.010" insert " (1), (2), (4), and (5)"

Representative Alexander spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ogden and Thomas spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Engrossed House Bill No. 1832.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1832, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 98.

Engrossed House Bill No. 1832, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1960, by Representatives Cairnes, Reardon, Huff, Linville, Carrell, Campbell, Mulliken, O'Brien and Koster

Revising laws impacting retailer tax collection and remittance.

The bill was read the second time. There being no objection, Substitute House Bill No. 1960 was substituted for House Bill No. 1960 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1960 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cairnes and Reardon spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Substitute House Bill No. 1960.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1960 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 98.

Substitute House Bill No. 1960, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1963, by Representatives Koster, Dunshee, O'Brien, Anderson, G. Chandler, Sump, Dunn, B. Chandler and Mulliken

Allowing the rebuilding of a farmhouse in a floodway under certain circumstances.

The bill was read the second time. There being no objection, Substitute House Bill No. 1963 was substituted for House Bill No. 1963 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1963 was read the second time.

Representative Dunshee moved the adoption of amendment (109):

On page 2, line 17, after "floodways" insert: "and which are located on lands designated as agricultural lands of long-term commercial significance under RCW 36.70A.170"

Representatives Dunshee and Koster spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Koster and Dunshee spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1963.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1963 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 98.

Engrossed Substitute House Bill No. 1963, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2079, by Representatives Regala, Buck, Eickmeyer, Anderson, Rockefeller, Romero, Voloria and Keiser

Promoting salmon recovery.

The bill was read the second time. There being no objection, Substitute House Bill No. 2079 was substituted for House Bill No. 2079 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2079 was read the second time.

Representative Regala moved the adoption of amendment (123):

On page 1, after the enacting clause, insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 75.46 to read as follows:

"The legislature finds that it is important to monitor the overall health of the salmon resource to determine if recovery efforts are providing expected returns. It is also important to monitor the effectiveness of the state's overall salmon recovery efforts to secure federal acceptance of the state's approach to salmon recovery. In addition, it is important to monitor salmon restoration projects to determine their effectiveness. Adaptive management cannot exist without monitoring. For these reasons, the legislature believes that a coordinated and integrated monitoring process should be developed in the salmon recovery office for use by local recovery efforts. The role of the salmon recovery office should be to develop and provide to entities involved in salmon recovery data quality objectives, a range of acceptable parameters to monitor, acceptable data formats, data calibration and



coordination, a method of storing and retrieving data, and analysis and interpretation of data. The role of local recovery efforts should be to collect monitoring data in compliance with the recommended data quality objectives, parameters, and formats, and to provide such data to the state salmon recovery office for storage."

Renumber the remaining sections consecutively, and correct internal references accordingly, and correct the title.

On page 3, after line 29, insert the following:

"(5) The independent science panel, in conjunction with the salmon recovery office, shall recommend standardized monitoring indicators and data quality guidelines for use by entities involved in salmon recovery activities across the state. The panel shall also recommend electronic formats that will allow data to be provided to the state salmon recovery office for storage and to be shared across the state in a salmon monitoring network.

(5) State salmon monitoring data provided by lead entities, regional fisheries enhancement groups, and others, shall be included in the salmon and steelhead inventory and assessment project.

(6) The independent science panel, in conjunction with the salmon recovery office, shall also recommend criteria for the systematic and periodic evaluation of monitoring data in order for the state to be able to answer critical questions about the effectiveness of the state's salmon recovery efforts.

(7) The recommendations on monitoring as required in this section shall be provided in a report to the governor and to the legislature by the independent science panel, in conjunction with the salmon recovery office, no later than December 31, 2000. The report shall also include recommendations on the level of effort needed to sustain monitoring of salmon projects and other recovery efforts, and any other recommendations on monitoring deemed important by the independent science panel, in conjunction with the salmon recovery office."

Renumber the remaining subsection consecutively and correct internal references accordingly.

Representatives Regala and Buck spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Mastin moved the adoption of amendment (135):

On page 5, line 31, after "ecology," insert "the department of natural resources,"

Representatives Mastin and Regala spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, amendments 101 and 124 were withdrawn.

Representative Clements moved the adoption of amendment (131):

On page 7, line 26, after "shall" strike "serve as the lead entity for the Yakima river basin" and insert "add nine representatives to its membership as provided in this subsection and serve as the lead entity for the Yakima river basin. The county legislative authorities from Yakima, Kittitas, and Benton counties shall each appoint a member from their respective county legislative authority to serve on the lead entity. Each of these three county legislative authorities shall also appoint a general citizen representative of their respective county as a representative on the lead entity. The cities within Yakima, Kittitas, and Benton counties shall jointly designate a single city representative on the lead entity. The water supply utilities, as defined in RCW 90.82.020, within Yakima, Kittitas, and Benton counties shall jointly designate a single utility representative on the lead entity. After the members of the lead entity have been appointed, the members of the lead entity shall choose an environmental

representative on the lead entity. Any vacancies on the lead entity shall be filled in the manner as the initial appointment"

On page 7, line 32, after "75.46.080." insert "Before the habitat project list is transmitted to the interagency review team, the lead entity may re-rank the priorities for individual projects established by the committee under RCW 75.46.060."

Representatives Clements and Regala spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Regala and Buck spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Engrossed Substitute House Bill No. 2079.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2079 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 98.

Engrossed Substitute House Bill No. 2079, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2090, by Representatives Clements, Lisk, Reardon, Cooper, McMorris, Talcott, B. Chandler and Gombosky

Modifying and sunseting provisions related to sellers of travel.

The bill was read the second time. There being no objection, Substitute House Bill No. 2090 was substituted for House Bill No. 2090 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2090 was read the second time.

Representative Clements moved the adoption of amendment (091):

Strike everything after the enacting clause and insert the following:

**Sec. 1.** RCW 19.138.030 and 1996 c 180 s 2 are each amended to read as follows:

A seller of travel shall not advertise that any travel services are or may be available unless he or she has, prior to the advertisement, determined that the product advertised was available at the time the advertising was placed. This determination can be made by the seller of travel either by use of an airline computer reservation system, or by written confirmation from the vendor whose program is being advertised.

It is the responsibility of the seller of travel to keep written or printed documentation of the steps taken to verify that the advertised offer was available at the time the advertising was placed. These records are to be maintained for at least ~~((two))~~ one year~~((s))~~ after the placement of the advertisement.

**Sec. 2.** RCW 19.138.040 and 1996 c 180 s 3 are each amended to read as follows:

At or prior to the time of full or partial payment for any travel services, the seller of travel shall furnish to the person making the payment a written statement conspicuously setting forth the information contained in subsections (1) through (6) of this section. ~~However, if ((the sale of travel services is made over the telephone or by other electronic media and payment is made by credit or debit card))~~ payment is made other than in person, the seller of travel shall transmit to the person making the payment the written statement required by this section within three business days of ~~((the consumer's credit or debit card authorization))~~ receipt or processing of the payment. The written statement shall contain the following information:

- (1) The name and business address and telephone number of the seller of travel.
- (2) The amount paid, the date of such payment, the purpose of the payment made, and an itemized statement of the balance due, if any.
- (3) The registration number of the seller of travel required by this chapter.
- (4) The name of the vendor with whom the seller of travel has contracted to provide travel arrangements for a consumer and all pertinent information relating to the travel as known by the seller of travel at the time of booking. The seller of travel will make known further details as soon as received from the vendor. All information will be provided with final documentation.
- (5) ~~((The conditions, if any, upon which the contract between the seller of travel and the passenger may be canceled, and the rights and obligations of all parties in the event of cancellation.))~~ An advisory regarding the penalties that would be charged in the event of a cancellation or change by the customer. This may contain either: (a) The specific amount of cancellation and change penalties; or (b) the following statement: "Cancellation and change penalties apply to these arrangements. Details will be provided upon request."
- (6) A statement in eight-point boldface type in substantially the following form:  
"If transportation or other services are canceled by the seller of travel, all sums paid to the seller of travel for services not performed in accordance with the contract between the seller of travel and the purchaser will be refunded within thirty days of receiving the funds from the vendor with whom the services were arranged, or if the funds were not sent to the vendor, the funds shall be returned within fourteen days after cancellation by the seller of travel to the purchaser unless the purchaser requests the seller of travel to apply the money to another travel product and/or date."

**Sec. 3.** RCW 19.138.100 and 1996 c 180 s 4 are each amended to read as follows:

No person, firm, or corporation may act or hold itself out as a seller of travel unless, prior to engaging in the business of selling or advertising to sell travel services, the person, firm, or corporation registers with the director under this chapter and rules adopted under this chapter.

(1) The registration number must be conspicuously posted in the place of business and must be included in all advertisements. ~~((Any corporation which issues a class of equity securities registered under section 12 of the securities exchange act of 1934, and any subsidiary, the majority of voting stock of which is owned by such corporation including any wholly owned subsidiary of such corporation are not required to include company registration numbers in advertisements.))~~ Sellers of travel are not required to include registration numbers on institutional advertising. For the purposes of this subsection, "institutional advertising" is advertising that does not include prices or dates for travel services.

(2) The director shall issue duplicate registrations upon payment of a ~~((nominal))~~ duplicate registration fee to valid registration holders operating more than one office. The duplicate registration fee for each office shall be an amount equal to the original registration fee.

(3) No registration is assignable or transferable.

(4) If a registered seller of travel sells his or her business, when the new owner becomes responsible for the business, the new owner must comply with all provisions of this chapter, including registration.

(5) If a seller of travel is employed by or under contract as an independent contractor or an outside agent of a seller of travel who is registered under this chapter, the employee, independent contractor, or outside agent need not also be registered if:

(a) The employee, independent contractor, or outside agent is conducting business as a seller of travel in the name of and under the registration of the registered seller of travel; and

(b) All money received for travel services by the employee, independent contractor, or outside agent is collected in the name of the registered seller of travel and ~~((deposited directly into))~~ processed by the registered seller of ((travel's trust account)) travel as required under this chapter.

**Sec. 4.** RCW 19.138.120 and 1994 c 237 s 5 are each amended to read as follows:

(1) Each seller of travel shall renew its registration on or before July 1 of every ~~((other))~~ year or as otherwise determined by the director.

(2) Renewal of a registration is subject to the same provisions covering issuance, suspension, and revocation of a registration originally issued.

(3) The director may refuse to renew a registration for any of the grounds set out under RCW 19.138.130, and where the past conduct of the applicant affords reasonable grounds for belief that the applicant will not carry out the applicant's duties in accordance with law and with integrity and honesty. The director shall promptly notify the applicant in writing by certified mail of its intent to refuse to renew the registration. The registrant may, within twenty-one days after receipt of that notice or intent, request a hearing on the refusal. The director may permit the registrant to honor commitments already made to its customers, but no new commitments may be incurred, unless the director is satisfied that all new commitments are completely bonded or secured to insure that the general public is protected from loss of money paid to the registrant. It is the responsibility of the registrant to contest the decision regarding conditions imposed or registration denied through the process established by the administrative procedure act, chapter 34.05 RCW.

**Sec. 5.** RCW 19.138.130 and 1997 c 58 s 852 are each amended to read as follows:

(1) The director may deny, suspend, or revoke the registration of a seller of travel if the director finds that the applicant:

(a) Was previously the holder of a registration issued under this chapter, and the registration was revoked for cause and never reissued by the director, or the registration was suspended for cause and the terms of the suspension have not been fulfilled;

(b) Has been found guilty of a felony within the past ~~((five))~~ ten years involving moral turpitude, or of a misdemeanor concerning fraud or conversion, or suffers a judgment in a civil action involving willful fraud, misrepresentation, or conversion;

(c) Has made a false statement of a material fact in an application under this chapter or in data attached to it;

(d) Has violated this chapter or failed to comply with a rule adopted by the director under this chapter;

(e) Has failed to display the registration as provided in this chapter;

(f) Has published or circulated a statement with the intent to deceive, misrepresent, or mislead the public; or

(g) Has committed a fraud or fraudulent practice in the operation and conduct of a travel agency business, including, but not limited to, intentionally misleading advertising.

(2) If the seller of travel is found in violation of this chapter or in violation of the consumer protection act, chapter 19.86 RCW, by the entry of a judgment or by settlement of a claim, the director

may revoke the registration of the seller of travel, and the director may reinstate the registration at the director's discretion.

(3) The director shall immediately suspend the license or certificate of a person who has been certified pursuant to RCW 74.20A.320 by the department of social and health services as a person who is not in compliance with a support order or a residential or visitation order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the director's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order.

**Sec. 6.** RCW 19.138.140 and 1996 c 180 s 7 are each amended to read as follows:

(1) A seller of travel shall deposit in a trust account maintained in a federally insured financial institution located in Washington state, or other account approved by the director, all sums held for more than five business days that are received from a person or entity, for retail travel services offered by the seller of travel. This subsection does not apply to travel services sold by a seller of travel, when payments for the travel services are made through the airlines reporting corporation (~~either by cash or credit or debit card sale~~).

(2) The trust account or other approved account required by this section shall be established and maintained for the benefit of any person or entity paying money to the seller of travel. The seller of travel shall not in any manner encumber the amounts in trust and shall not withdraw money from the account except the following amounts may be withdrawn at any time:

- (a) Partial or full payment for travel services to the entity directly providing the travel service;
- (b) Refunds as required by this chapter;
- (c) The amount of the sales commission;
- (d) Interest earned and credited to the trust account or other approved account;
- (e) Remaining funds of a purchaser once all travel services have been provided or once tickets or other similar documentation binding upon the ultimate provider of the travel services have been provided; or
- (f) Reimbursement to the seller of travel for agency operating funds that are advanced for a customer's travel services.

(3) The seller of travel may deposit noncustomer funds into the trust account as needed in an amount equal to a deficiency resulting from dishonored customer payments made by check, draft, credit card, debit card, or other negotiable instrument.

(4) At the time of registration, the seller of travel shall file with the department the account number and the name of the financial institution at which the trust account or other approved account is held as set forth in RCW 19.138.110. The seller of travel shall notify the department of any change in the account number or location within one business day of the change.

~~((4))~~ (5) The director, by rule, may allow for the use of other types of funds or accounts only if the protection for consumers is no less than that provided by this section.

~~((5))~~ (6) The seller of travel need not comply with the requirements of this section if all of the following apply, except as exempted in subsection (1) of this section:

- (a) The payment is made by credit card;
- (b) The seller of travel does not deposit, negotiate, or factor the credit card charge or otherwise seek to obtain payment of the credit card charge to any account over which the seller of travel has any control; and
- (c) If the charge includes transportation, the carrier that is to provide the transportation processes the credit card charge, or if the charge is only for services, the provider of services processes the credit card charges.

~~((6))~~ (7) The seller of travel need not maintain a trust account nor comply with the trust account provisions of this section if the seller of travel:

(a)(i) Files and maintains a surety bond approved by the director in an amount of not less than ten thousand nor more than fifty thousand dollars, as determined by the director based on the volume of business conducted by the seller of travel during the prior year. The bond shall be executed by the applicant as obligor by a surety company authorized to transact business in this state naming the state of Washington as obligee for the benefit of any person or persons who have suffered monetary loss by

reason of the seller of travel's violation of this chapter or a rule adopted under this chapter. The bond shall be conditioned that the seller of travel will conform to and abide by this chapter and all rules adopted under this chapter, and shall reimburse any person or persons who suffer monetary loss by reason of a violation of this chapter or a rule adopted under this chapter.

(ii) The bond must be continuous and may be canceled by the surety upon the surety giving written notice to the director of the surety's intent to cancel the bond. The cancellation is effective thirty days after the notice is received by the director.

(iii) The applicant may obtain the bond directly from the surety or through other bonding arrangement as approved by the director.

(iv) In lieu of a surety bond, the applicant may, upon approval by the director, file with the director a certificate of deposit, an irrevocable letter of credit, or such other instrument as is approved by the director by rule, drawn in favor of the director for an amount equal to the required bond.

(v) Any person or persons who have suffered monetary loss by any act which constitutes a violation of this chapter or a rule adopted under this chapter may bring a civil action in the superior court against the seller of travel and the surety upon such bond or approved alternate security of the seller of travel who committed the violation of this chapter or a rule adopted under this chapter or who employed the seller of travel who committed such violation. A civil action brought in the superior court pursuant to the provisions of this section must be filed no later than one year following the alleged violation of this chapter or a rule adopted under this chapter; or

(b) Is a member in good standing in a professional association, such as the United States tour operators association or national tour association, that is approved by the director and that provides or requires a member to provide a minimum of one million dollars in errors and professional liability insurance and provides a surety bond or equivalent protection in an amount of at least two hundred fifty thousand dollars for its member companies.

(8) If the seller of travel maintains its principal place of business in another state and maintains a trust account or other approved account in that state consistent with the requirement of this section, and if that seller of travel has transacted business within the state of Washington in an amount exceeding five million dollars for the preceding year, the out-of-state trust account or other approved account may be substituted for the in-state account required under this section.

**Sec. 7.** RCW 19.138.170 and 1994 c 237 s 13 are each amended to read as follows:

The director has the following powers and duties:

- (1) To adopt, amend, and repeal rules to carry out the purposes of this chapter;
- (2) To issue and renew registrations under this chapter and to deny or refuse to renew for failure to comply with this chapter;
- (3) To suspend or revoke a registration for a violation of this chapter;
- (4) To establish fees;
- (5) Upon receipt of a complaint, to inspect and audit the books and records of a seller of travel. The seller of travel shall immediately make available to the director those books and records as may be requested at the seller of travel's place of business or at a location designated by the director. For that purpose, the director shall have full and free access to the office and places of business of the seller of travel during regular business hours. When ten or more complaints have been received by either the department or the attorney general on a seller of travel within a period of ninety days, the department shall inspect and audit books and records of the seller of travel; and
- (6) To do all things necessary to carry out the functions, powers, and duties set forth in this chapter.

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

Correct the title.

Representatives Clements and McIntire spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Clements and McIntire spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Engrossed Substitute House Bill No. 2090.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2090 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 98.

Engrossed Substitute House Bill No. 2090, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2094, by Representatives G. Chandler and Linville

Modifying the reopening of a filing period for water rights claims.

The bill was read the second time. There being no objection, Substitute House Bill No. 2094 was substituted for House Bill No. 2094 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2094 was read the second time.

Representative G. Chandler moved the adoption of amendment (120):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 90.14 RCW to read as follows:

(1) Certain persons who submitted a water right claim form with the department between September 1, 1997, and June 30, 1998, and whose claim was rejected by the department because the department deemed the claim to be incomplete and thus not in compliance with RCW 90.14.051 may submit additional information as provided in subsection (2) of this section in support of the claim between July 1, 1999, and December 31, 1999. The persons eligible to submit additional information under this section and to receive further consideration for the registering of their claims are those who meet the following qualifications:

(a) The person checked the box labeled "other" on the water right claim form in part 12 where it asks the claimant to state the legal doctrine under which the person is claiming a water right;

(b) The premise of the person's claim of a water right for ground water is that a right to ground water was inherent in and appurtenant to the original land patent issued by the federal government at the time the person's land was severed from federal ownership. The original water right claim form submitted to the department need not have asserted this premise for the person to be qualified to receive further consideration under this section.

(2) Persons meeting the qualifications in subsection (1) of this section may submit to the department a statement that their claim to a ground water right is based on the assertion that such right accompanied the federally issued land patent for lands they now own or occupy. The claimant must also submit with his or her statement a bona fide copy of the original land patent document issued by the United States. The water right claim of a person meeting the qualifications established in this section and submitting the statement and bona fide copy of his or her land patent as required by this subsection is deemed sufficient in lieu of compliance with RCW 90.14.051 and 90.14.068 and shall be accepted for filing in the water rights claims registry by the department.

(3) This section does not apply to other claims the department rejected as ineligible for filing under RCW 90.14.068(5) or (6), for failure to submit a substantially complete statement of claim as required in RCW 90.14.051, for failure to remit the filing fee required by RCW 90.14.061, or for submitting a claim for a purpose that is exempt from the requirement to submit a claim under RCW 90.14.041. The registering of claims under this section as directed by the legislature confers upon those claims no special status or recognition and is subject to chapter 90.14 RCW as is any other claim submitted in a timely manner."

Correct the title.

Representatives G. Chandler and Reardon spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives G. Chandler and Reardon spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Engrossed Substitute House Bill No. 2094.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2094 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Vloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 98.

Engrossed Substitute House Bill No. 2094, having received the constitutional majority, was declared passed.



HOUSE BILL NO. 2109, by Representatives Van Luven, Thomas, Dunshee, Pennington, Dunn, Cairnes, Veloria, Buck, G. Chandler and Haigh

Authorizing tax, levy, and execution exemptions for properties of Indian housing authorities for low-income housing programs.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 2109 was substituted for House Bill No. 2109 and the second substitute bill was placed on the second reading calendar.

Second Substitute House Bill No. 2109 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Van Luven, Reardon, Carroll, Veloria, Dunn and Rockefeller spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Second Substitute House Bill No. 2109.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2109 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 98.

Second Substitute House Bill No. 2109, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2177, by Representatives Conway, Clements, Barlean and Lantz

Authorizing cities and towns to halt consideration of license applications for minicasinos.

The bill was read the second time. There being no objection, Substitute House Bill No. 2177 was substituted for House Bill No. 2177 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2177 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Wood, Clements, McDonald, Conway, Benson and Gombosky spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Substitute House Bill No. 2177.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2177 and the bill passed the House by the following vote: Yeas - 77, Nays - 21, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Buck, Bush, Campbell, Carlson, Carrell, B. Chandler, Clements, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Dickerson, Dunshee, Edmonds, Edwards, Ericksen, Esser, Fortunato, Gombosky, Grant, Haigh, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Lambert, Lantz, Linville, Lovick, Mastin, McDonald, McIntire, McMorris, Miloscia, Mitchell, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Tokuda, Van Luven, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 77.

Voting nay: Representatives Boldt, Cairnes, G. Chandler, Cody, Delvin, Doumit, Dunn, Eickmeyer, Fisher, Hankins, Hatfield, Kessler, Koster, Lisk, Mielke, Morris, Poulsen, Quall, Thomas, Voloria and Wensman - 21.

Substitute House Bill No. 2177, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2254, by Representatives DeBolt, Ruderman, Poulsen, Crouse, Morris, Mielke, Bush, Thomas, Cooper, Reardon, Stensen, Keiser, Lantz, Fisher, McDonald, O'Brien, Lovick, Sullivan, Hurst, Santos, Hankins, Kenney, Wolfe, Ogden, Anderson, Kagi, Constantine, Dickerson, Conway, Linville, Rockefeller, Romero, Voloria, Wood, Ericksen, Edmonds, McIntire, Alexander, Mitchell, K. Schmidt and Esser

Preventing unauthorized changes to, and unauthorized billing for, telecommunication services.

The bill was read the second time. There being no objection, Substitute House Bill No. 2254 was substituted for House Bill No. 2254 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2254 was read the second time.

Representative Ruderman moved the adoption of amendment (098):

On page 2, line 1, after "freeze." strike "Account" and insert "Preferred carrier"

On page 2, line 2, after "solicitation" insert "thereof"

On page 2, line 3, after "subject to" strike "an account" and insert "a preferred carrier"

On page 2, beginning on line 4, after "which" strike "an account" and insert "a preferred carrier"

On page 2, line 7, after "customer's" strike "local or long- distance service" and insert "telecommunications services including without limitation local exchange service, intraLATA, interLATA, intrastate toll, interstate toll, or international toll service"

On page 2, line 9, after "that are" strike "purported to be"

On page 2, line 11, after "(b)" strike the remainder of subsection (b) and insert "Bill block services. Customers may block the billing of nontelecommunication products or services or telecommunication services provided by a company other than the customer's local exchange carrier or authorized long distance carrier. On request of bill block services by the customer, service providers that are not affiliated with the local exchange carrier shall not submit charges to the local exchange carrier for nontelecommunications products, services or nonpresubscribed intrastate or interstate toll services. For purposes of this subsection, nonpresubscribed intrastate or interstate toll services shall not include dial-around long distance or calling card services."

On page 2, line 23 after "on a" strike "consumer's" and insert "customer's"

On page 2, beginning on line 24, after "on the bill the" strike "business name of the company making the charge, the specific product or service being billed for, separate identification of any optional products or services," and insert "company making the charge, the specific product, service, or package of services being billed for,"

On page 2, line 30, after "in a" strike "subscriber's" and insert "customer's"

On page 2, line 31 strike "subscriber's" and insert "customer's"

On page 2, line 32, after "on a" strike "subscriber's" and insert "customer's"

On page 3, line 5, strike all material after "(2)" through "carrier." on line 15 and insert "The carrier that a customer contacts to report an unauthorized change, whether that entity is the customer's local exchange company, unauthorized carrier, or the customer's authorized carrier shall immediately take appropriate action to return the customer to his or her authorized carrier. The carrier that a customer calls to report an unauthorized change, whether that entity is the customer's local exchange company, unauthorized carrier, or the customer's authorized carrier is required to inform the customer that he or she is not required to pay for any unauthorized charges incurred for the first thirty days after the unauthorized charge. The unauthorized carrier shall remove charges, if any, from the customer's bill for charges incurred within the first thirty days of the unauthorized change and any charges required to return the customer to his or her properly authorized carrier. The local exchange carrier, when serving as the billing agent, may independently carry out the provisions of this subsection."

On page 3, line 22, after "rules" insert "necessary"

On page 3, line 23, after "any" strike "other"

On page 3, line 24, after "may" strike all material through penalties:" on line 25 and insert "take one or more of the following actions:"

On page 3, line 27, after "by the" strike "subscriber" and insert "customer"

On page 3, line 28, after "to the" strike "subscriber" and insert "customer"

On page 3, line 32, after "by the" strike "subscriber" and insert "customer"

On page 3, line 34, after "**Sec. 6.**" insert "The legislature finds that the practices covered by section 4(1)(a) of this act are matters vitally affecting the public interest for purposes of applying the consumer protection act."

Representatives Ruderman, DeBolt and Miloscia spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ruderman, DeBolt and Eickmeyer spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Engrossed Substitute House Bill No. 2254.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2254 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 98.

Engrossed Substitute House Bill No. 2254, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1264, by Representatives D. Schmidt, Scott, Mulliken, Fisher, Quall, Wolfe and Schoesler

Making corrections regarding combining water-sewer districts.

#### **SPEAKERS' RULING**

Speaker Chopp: "Representative Fisher, the Speakers are prepared to rule on your scope and object request on amendment 43 to House Bill No. 1264 (For amendment, see Journal, 65<sup>th</sup> Day, March 16, 1999).

In ruling on scope and object, the Co-Speakers reviewed the scope of the bill as expressed in its title and the object, or purpose of the substantive provisions of the bill.

The scope of House Bill No. 1264 is an act "relating to combining of sewer and water districts".

Amendment 43 extends for one year a requirement that a city obtain voter approval from the residents of a water-sewer district before assuming control of all or a portion of the district. The amendment is unrelated to the "combining" of sewer and water districts.

The Co-Speakers find that the amendment is beyond the scope and object of the bill.

Representative Fisher, your Point of Order is well taken."

The bill was ordered engrossed.

There being no objection, the rules were suspended the second reading considered the third and the bill was placed on final passage.

Representatives D. Schmidt and Doumit spoke in favor of final passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Engrossed House Bill No. 1264.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1264 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 98.

Engrossed House Bill No. 1264, having received the constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 16, 1999

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5029,

SUBSTITUTE SENATE BILL NO. 5050,

SUBSTITUTE SENATE BILL NO. 5059,

SENATE BILL NO. 5071,

SUBSTITUTE SENATE BILL NO. 5074,

SECOND SUBSTITUTE SENATE BILL NO. 5210,

SENATE BILL NO. 5270,

SUBSTITUTE SENATE BILL NO. 5285,

SUBSTITUTE SENATE BILL NO. 5299,

SUBSTITUTE SENATE BILL NO. 5313,  
ENGROSSED SENATE BILL NO. 5330,  
SUBSTITUTE SENATE BILL NO. 5349,  
SUBSTITUTE SENATE BILL NO. 5378,  
SUBSTITUTE SENATE BILL NO. 5430,  
SUBSTITUTE SENATE BILL NO. 5465,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5480,  
SUBSTITUTE SENATE BILL NO. 5492,  
SUBSTITUTE SENATE BILL NO. 5518,  
SENATE BILL NO. 5538,  
SENATE BILL NO. 5560,  
SENATE BILL NO. 5563,  
ENGROSSED SENATE BILL NO. 5564,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5593,  
SUBSTITUTE SENATE BILL NO. 5609,  
SUBSTITUTE SENATE BILL NO. 5619,  
ENGROSSED SENATE BILL NO. 5675,  
ENGROSSED SENATE BILL NO. 5720,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5743,  
SUBSTITUTE SENATE BILL NO. 5793,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5813,  
ENGROSSED SENATE BILL NO. 5843,  
ENGROSSED SENATE BILL NO. 5886,  
SUBSTITUTE SENATE BILL NO. 5893,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5899,  
SUBSTITUTE SENATE BILL NO. 5900,  
SUBSTITUTE SENATE BILL NO. 5902,

SENATE BILL NO. 5911,  
SUBSTITUTE SENATE BILL NO. 5929,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5931,  
SUBSTITUTE SENATE BILL NO. 5989,  
SUBSTITUTE SENATE BILL NO. 6001,  
SECOND SUBSTITUTE SENATE JOINT RESOLUTION NO. 8205,

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the remaining bills listed on the Second Reading Calendar were returned to the Rules Committee.

### **INTRODUCTIONS AND FIRST READING**

HCR 4408 by Representatives Lisk and Kessler

Adopting joint rules.

Held on first reading.

ESSB 5000 by Senate Committee on Transportation (originally sponsored by Senators Rossi, Hochstatter and Patterson)

Creating a salmon license plate.

Referred to Committee on Transportation.

ESB 5013 by Senators Prentice, Winsley, Rossi and Oke; by request of Gambling Commission

Authorizing dissemination of criminal history record information to the gambling commission.

Referred to Committee on Judiciary.

ESB 5044 by Senator Brown

Changing the membership of air pollution control authority boards of directors.

Referred to Committee on Agriculture & Ecology.

SSB 5099 by Senate Committee on Transportation (originally sponsored by Senators Haugen, Sellar, Rasmussen, Benton, Oke, Gardner, Swecker, Goings, Horn, Eide, Patterson, Morton, Prentice and Costa)

Enhancing responsibility and training of commercial vehicle enforcement officers.

Referred to Committee on Transportation.

ESSB 5268 by Senate Committee on State & Local Government (originally sponsored by Senators Kohl-Welles, Long, Jacobsen, Hale, Gardner, Rossi, Thibaudeau, Prentice, Kline, Deccio, Costa, Patterson and B. Sheldon)

Modifying provisions concerning metropolitan park districts.

Referred to Committee on Local Government.

SB 5307 by Senators Jacobsen, Swecker, Fraser and Kline; by request of Commissioner of Public Lands

Concerning reclamation of underground mine tailings.

Referred to Committee on Natural Resources.

SSB 5312 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Costa, Deccio, Winsley, Wojohn, Thibaudeau and Kohl-Welles)

Providing for the prevention of workplace violence in health care settings.

Held on first reading from March 16, 1999.

SSB 5340 by Senate Committee on Transportation (originally sponsored by Senators Haugen, Benton, Jacobsen, Oke and Gardner; by request of Utilities & Transportation Commission)

Granting the utilities and transportation commission authority to inspect businesses that ship hazardous material by rail.

Referred to Committee on Transportation.

ESSB 5424 by Senate Committee on Environmental Quality & Water Resources (originally sponsored by Senators Winsley, Fraser, Honeyford, Hochstatter, Hale, McCaslin, West and Haugen)

Allowing the use of certain commercially approved herbicides for aquatic plant management.

Referred to Committee on Agriculture & Ecology.

2SSB 5452 by Senate Committee on Ways & Means (originally sponsored by Senators Bauer, Deccio, Benton, Goings, Winsley, Rasmussen, Franklin, Eide, Zarelli, Wojahn and Hale)

Authorizing the creation of public facilities districts.

Referred to Committee on Economic Development, Housing & Trade.

SSB 5491 by Senate Committee on Labor & Workforce Development (originally sponsored by Senators Costa, Roach, Franklin, Thibaudeau, McAuliffe and Kline)

Requiring the use of apprentices in large public works projects.

Held on first reading from March 16, 1999.

SSB 5495 by Senate Committee on Ways & Means (originally sponsored by Senators Snyder and Zarelli)



Modifying a restriction on regular property tax levies.

Referred to Committee on Finance.

SB 5502 by Senator Haugen; by request of Marine Employees' Commission

Reporting the salary survey of ferry employees.

Referred to Committee on Transportation.

SSB 5510 by Senate Committee on Ways & Means (originally sponsored by Senators Oke, Swecker, Long, Sellar, Zarelli, Hochstatter, Rossi, Johnson, Morton, Hale, Stevens and West)

Using collection agencies to collect unpaid taxes.

Referred to Committee on Finance.

SB 5519 by Senators Horn, Haugen, McCaslin, Heavey and Winsley

Calculating the time limits for local project review under the growth management act.

Referred to Committee on Local Government.

E2SSB 5557 by Senate Committee on Ways & Means (originally sponsored by Senators Hargrove, Long, Costa, Patterson, Kohl-Welles, Prentice, Thibaudeau, Franklin, Snyder, Bauer, Jacobsen, Winsley, Brown, Kline and Rasmussen)

Providing residential placement and transitional living services to street youth.

Referred to Committee on Children & Family Services.

E2SSB 5595 by Senate Committee on Ways & Means (originally sponsored by Senators Jacobsen and Fraser)

Establishing the salmon recovery funding board.

Referred to Committee on Natural Resources.

SSB 5611 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Thibaudeau, Kline, Prentice, Winsley and Costa; by request of Insurance Commissioner)

Regulating medicare supplement insurance.

Referred to Committee on Health Care.

ESB 5613 by Senators Jacobsen and Fraser

Identifying a state-wide salmon recovery strategy.

Referred to Committee on Natural Resources.

ESB 5631 by Senators Wojahn, Winsley, Fairley and Costa

Increasing the amount of allowable vocational rehabilitation benefits.

Referred to Committee on Commerce & Labor.

SSB 5683 by Senate Committee on Natural Resources, Parks & Recreation (originally sponsored by Senators Jacobsen, Swecker, T. Sheldon, Oke, Fraser, Eide, Rossi and Winsley)

Creating the Puget Sound foundation to facilitate salmon recovery funding.

Referred to Committee on Natural Resources.

SB 5703 by Senator Hargrove

Allowing for the use of funds to dredge marine recreation land.

Referred to Committee on Natural Resources.

2SSB 5766 by Senate Committee on Ways & Means (originally sponsored by Senators Wojahn, Long, Franklin, Winsley, Rasmussen and Costa)

Modifying the duties of a long-term care ombudsman.

Referred to Committee on Health Care.

SSB 5781 by Senate Committee on Transportation (originally sponsored by Senators Eide, Swecker, Fraser and Costa; by request of Department of Ecology)

Extending the commute trip tax reduction credit.

Referred to Committee on Transportation.

SSB 5810 by Senate Committee on Environmental Quality & Water Resources (originally sponsored by Senators Fraser, T. Sheldon and Swecker)

Allowing for public access to an artesian well in specified cities.

Referred to Committee on Agriculture & Ecology.

ESSB 5811 by Senate Committee on Energy, Technology & Telecommunications (originally sponsored by Senators Brown, Prentice and Kohl-Welles)

Creating a program to advance universal telecommunications service.

Referred to Committee on Technology, Telecommunications & Energy.

2SSB 5821 by Senate Committee on Ways & Means (originally sponsored by Senators Eide, Morton, Patterson, Swecker, McAuliffe and Fraser)

Regulating designers of on-site wastewater treatment systems.

Referred to Committee on Commerce & Labor.

SSB 5822 by Senate Committee on Transportation (originally sponsored by Senators Haugen, Deccio, Gardner, Patterson, Eide, McCaslin, Costa and Long)

Requiring agreements between public transportation benefit areas and auto transportation companies operating therein.

Referred to Committee on Transportation.

ESSB 5866 by Senate Committee on Environmental Quality & Water Resources (originally sponsored by Senators Fraser, Prentice, Kline and Kohl-Welles; by request of Department of Agriculture)

Eliminating component registration of fertilizer products.

Referred to Committee on Agriculture & Ecology.

ESSB 5955 by Senate Committee on Transportation (originally sponsored by Senators Snyder, Haugen, McDonald, Benton and Prentice)

Adjusting composition and administration of the legislative transportation committee.

Referred to Committee on Transportation.

ESSB 5957 by Senate Committee on Agriculture & Rural Economic Development (originally sponsored by Senators Johnson, B. Sheldon, McDonald, Hale, Deccio, Costa, Wojahn and Roach)

Creating a food labeling task force.

Referred to Committee on Agriculture & Ecology.

SSB 6009 by Senate Committee on Transportation (originally sponsored by Senators Oke and Haugen; by request of Department of Licensing)

Authorizing nonphoto identification cards for disabled parking.

Referred to Committee on Transportation.

SSB 6031 by Senate Committee on Transportation (originally sponsored by Senators Haugen, Horn, Gardner, Patterson and Goings)

Facilitating regional transportation corridors.

Referred to Committee on Transportation.

SSB 6032 by Senate Committee on Ways & Means (originally sponsored by Senators Spanel, Honeyford and Gardner)

Granting the department of revenue the authority to issue direct payment permits.

Referred to Committee on Finance.

SJM 8010 by Senators Jacobsen and Oke

Requesting support for the full appropriation to fund state aquatic nuisance species management plans.

Referred to Committee on Natural Resources.

MOTION

On motion of Representative Kessler, the bills, memorial and resolution listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

There being no objection, the House advanced to the eleventh order of business.

MOTION

On motion of Representative Kessler, the House adjourned until 10:00 a.m., Thursday, March 18, 1999, the 67<sup>th</sup> Legislative Day.

TIMOTHY A. MARTIN, Chief Clerk      CLYDE BALLARD, Speaker  
DEAN R. FOSTER, Chief Clerk      FRANK CHOPP, Speaker

SIXTY-SIXTH DAY, MARCH 17, 1999

JOURNAL OF THE HOUSE

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## **SIXTY-SEVENTH DAY**

### **MORNING SESSION**

House Chamber, Olympia, Thursday, March 18, 1999

The House was called to order at 10:00 a.m. by Speaker Ballard. The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Amber Minkler and Jessica Hiatt. Prayer was offered by Pastor Dan Secrist, Faith Assembly of Lacey.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

### **MESSAGE FROM THE SENATE**

March 17, 1999

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5082,

ENGROSSED SENATE BILL NO. 5097,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5205,

SUBSTITUTE SENATE BILL NO. 5260,

ENGROSSED SENATE BILL NO. 5337,

SENATE BILL NO. 5343,

ENGROSSED SENATE BILL NO. 5371,

SENATE BILL NO. 5410,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5439,

SECOND SUBSTITUTE SENATE BILL NO. 5556,

SENATE BILL NO. 5575,

SENATE BILL NO. 5584,  
SENATE BILL NO. 5597,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5610,  
SENATE BILL NO. 5617,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5625,  
SUBSTITUTE SENATE BILL NO. 5640,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5661,  
SENATE BILL NO. 5665,  
SENATE BILL NO. 5667,  
REENGROSSED SENATE BILL NO. 5704,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5712,  
SUBSTITUTE SENATE BILL NO. 5729,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5730,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5750,  
ENGROSSED SENATE BILL NO. 5779,  
ENGROSSED SENATE BILL NO. 5798,  
ENGROSSED SENATE BILL NO. 5816,  
ENGROSSED SENATE BILL NO. 5897,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5914,  
SENATE BILL NO. 5920,  
SENATE BILL NO. 5951,  
SENATE BILL NO. 6048,  
SUBSTITUTE SENATE BILL NO. 6063,  
SUBSTITUTE SENATE JOINT RESOLUTION NO. 8200,  
SUBSTITUTE SENATE JOINT RESOLUTION NO. 8208,

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House advanced to the eleventh order of business.

**SPEAKER'S PRIVILEGE**

Speaker Ballard took a moment to thank the staff who clean up after hours. He asked the Chamber to acknowledge these dedicated employees for their hard work.

There being no objection, the House adjourned until 10:00 a.m., Friday, March 19, 1999, the 68<sup>th</sup> Legislative Day.

TIMOTHY A. MARTIN, Chief Clerk      CLYDE BALLARD, Speaker  
DEAN R. FOSTER, Chief Clerk      FRANK CHOPP, Speaker



SIXTY-SEVENTH DAY, MARCH 18, 1999

JOURNAL OF THE HOUSE

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**SIXTY-EIGHTH DAY**

**MORNING SESSION**

House Chamber, Olympia, Friday, March 19, 1999

The House was called to order at 10:00 a.m. by Speaker Chopp.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

**INTRODUCTIONS AND FIRST READING**

HCR 4408 by Representatives Lisk and Kessler

Adopting joint rules.

Held on first reading from March 17, 1999.

HCR 4409 by Representatives Parlette, Cody, Alexander and Conway

Establishing a task force on prescription medication services.

Referred to Rules Committee.

SSB 5029 by Senate Committee on Ways & Means (originally sponsored by Senators Franklin, Winsley, Roach, Jacobsen, Long, Fraser, Bauer and Rasmussen; by request of Joint Committee on Pension Policy)

Establishing membership in the public employees' retirement system.

Referred to Committee on Appropriations.

SSB 5050 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Prentice, Kline and Deccio)

Describing the treatment of intractable pain with controlled substances.

Referred to Committee on Health Care.

SSB 5059 by Senate Committee on Environmental Quality & Water Resources (originally sponsored by Senators Brown and Morton)

Allowing counties to assess impact fees to cover the costs associated with the transportation of uranium mill tailings over their roadways.

Referred to Committee on Local Government.

SB 5071 by Senators Patterson, Prentice, Shin, Thibaudeau, Hale, Gardner, Fraser, Spanel, Haugen, Snyder, Morton, Loveland, B. Sheldon, Winsley, Wojahn, Costa and McAuliffe

Providing protection for candidates for public office against false statements in political advertising made with malice.

Referred to Committee on State Government.

SSB 5074 by Senate Committee on Judiciary (originally sponsored by Senators Roach, Honeyford, T. Sheldon, Johnson and Rasmussen)

Establishing the crime of mail theft or receipt of stolen mail.

Referred to Committee on Criminal Justice & Corrections.

2SSB 5210 by Senate Committee on Ways & Means (originally sponsored by Senators Stevens, Hargrove, Long, Zarelli, Patterson and Franklin)

Altering shelter care laws.

Referred to Committee on Children & Family Services.

SB 5270 by Senators Prentice, Roach, Heavey, Costa and Winsley

Clarifying the requirement to publish minimum wage rates in contract documents.

Referred to Committee on Commerce & Labor.

SSB 5285 by Senate Committee on Judiciary (originally sponsored by Senators Hargrove, McCaslin, Johnson and Haugen)

Permitting certain nuisance actions based on air emission or water or solid waste discharge.

Referred to Committee on Judiciary.

SSB 5299 by Senate Committee on Labor & Workforce Development (originally sponsored by Senators Fairley, Kohl-Welles, Kline and Wojahn)

Eliminating the residency requirement for TANF eligibility.

Referred to Committee on Children & Family Services.

SSB 5312 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Costa, Deccio, Winsley, Wojahn, Thibaudeau and Kohl-Welles)

Providing for the prevention of workplace violence in health care settings.

Held on first reading from March 16, 1999.

SSB 5313 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Wojahn, Zarelli, Thibaudeau, Deccio and Winsley)

Limiting the scope of mental health record audits.

Referred to Committee on Health Care.

ESB 5330 by Senators Brown, Goings, Franklin, Patterson, Eide, B. Sheldon, Winsley, Costa, Oke, Bauer and Rasmussen

Treating active military personnel as residents for purposes of higher education tuition.

Referred to Committee on Higher Education.

SSB 5349 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Costa, Spanel, Long, Fairley, Kohl-Welles, Snyder, Kline, Franklin, Thibaudeau, Wojahn, Rasmussen, Patterson, Deccio and Prentice)

Providing insurance coverage for cranial hair.

Referred to Committee on Health Care.

SSB 5378 by Senate Committee on Labor & Workforce Development (originally sponsored by Senators Wojahn, Fairley and Oke; by request of Department of Social and Health Services)

Changing service of process provisions for divisions of child support documents.

Referred to Committee on Judiciary.

SSB 5430 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Wojahn, Winsley, Jacobsen, Hale, Kohl-Welles, Thibaudeau, Benton, Rasmussen, Long, Fraser, Prentice, Shin, Gardner, Heavey, McAuliffe, Patterson, Franklin, Costa, Eide, B. Sheldon and Spanel)

Creating the women's health advisory committee.

Referred to Committee on Health Care.

SSB 5465 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Costa, Wojahn, Winsley, Patterson and Thibaudeau; by request of Department of Social and Health Services)

Authorizing implementation of a waiver for the department of social and health services to provide family planning services to eligible persons.

Referred to Committee on Appropriations.

ESSB 5480 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Patterson, Hargrove, Long, Eide, Franklin, Shin, McCaslin, Haugen, Goings, Gardner,

Prentice, Kline, T. Sheldon, Wojahn, Benton, Spanel, B. Sheldon, Bauer, McAuliffe, Jacobsen, Rossi, Horn, Johnson, West, Winsley, Oke and Rasumssen)

Requiring identification of drug-affected infants and providing treatment services to their mothers.

SSB 5491 by Senate Committee on Labor & Workforce Development (originally sponsored by Senators Costa, Roach, Franklin, Thibaudeau, McAuliffe and Kline)

Requiring the use of apprentices in large public works projects.

Held on first reading from March 16, 1999.

SSB 5492 by Senate Committee on Judiciary (originally sponsored by Senators Haugen, Long, Shin, Goings and Winsley)

Extending protection of transit employees.

Referred to Committee on Criminal Justice & Corrections.

SSB 5518 by Senate Committee on Natural Resources, Parks & Recreation (originally sponsored by Senators Jacobsen, Eide, Goings and Winsley)

Establishing a youth athletic facility account to help fund community outdoor athletic facilities.

Referred to Committee on Local Government.

SB 5538 by Senators Costa, McCaslin, Heavey, Goings and Rasmussen

Clarifying sentencing requirements for certain crimes.

Referred to Committee on Criminal Justice & Corrections.

SB 5560 by Senators Franklin, Deccio, Winsley and Kohl-Welles; by request of Department of Social and Health Services

Revising provisions relating to supported employment for persons with severe disabilities.

Referred to Committee on Children & Family Services.

SB 5563 by Senators Costa, Patterson and Roach

Authorizing a filing fee surcharge for funding county law libraries.

Referred to Committee on Judiciary.

ESB 5564 by Senators Gardner, Winsley, Spanel and Loveland

Taxation of park trailers and travel trailers.

Referred to Committee on Economic Development, Housing & Trade.

ESSB 5593 by Senate Committee on Education (originally sponsored by Senators McAuliffe, Eide, Loveland, Rasmussen, B. Sheldon and Winsley; by request of Governor Locke)

Creating the Washington professional educator standards board.

Referred to Committee on Education.

SSB 5609 by Senate Committee on Ways & Means (originally sponsored by Senators Horn, Prentice, Winsley, Haugen and Costa; by request of Secretary of State)

Making awards for state employees' suggestions.

Referred to Committee on State Government.

SSB 5619 by Senate Committee on Natural Resources, Parks & Recreation (originally sponsored by Senator Jacobsen; by request of Office of Financial Management)

Modifying the forest fire protection assessment process.

Referred to Committee on Natural Resources.

ESB 5675 by Senators Thibaudeau, Patterson, Fraser, Franklin, Eide, Fairley, Kohl-Welles, Kline, Bauer, Snyder and Jacobsen

Prioritizing highway noise mitigation.

Referred to Committee on Transportation.

ESB 5720 by Senators Shin, Sheahan, Kohl-Welles, Finkbeiner, Prentice, Horn, T. Sheldon, Kline, Jacobsen, West and Oke

Promoting cooperative real estate research.

Referred to Committee on Commerce & Labor.

ESSB 5743 by Senate Committee on Higher Education (originally sponsored by Senators Kohl-Welles, Sheahan, Oke and Hale; by request of State Board for Community and Technical Colleges)

Improving community and technical colleges' contributions to economic development.

Referred to Committee on Higher Education.

SSB 5793 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Thibaudeau, Deccio and Kohl-Welles)

Protecting information related to sexually transmitted diseases and HIV.

Referred to Committee on Health Care.

ESB 5843 by Senators Prentice and Winsley

Concerning the housing finance commission.

Referred to Committee on Economic Development, Housing & Trade.

ESB 5886 by Senators Fraser, Fairley, Kline, Thibaudeau and Franklin

Changing vehicle emission inspection program provisions.

Referred to Committee on Transportation.

SSB 5893 by Senate Committee on Energy, Technology & Telecommunications (originally sponsored by Senators Haugen, Sellar, Spanel, McCaslin, Prentice, Loveland, Winsley and Oke)

Prohibiting a business that delivers cut flower arrangements to misrepresent the geographic location of the business.

Referred to Committee on Commerce & Labor.

SSB 5893 by Committee on Energy, Technology & Telecommunications (originally sponsored by Senators Haugen, Sellar, Spanel, McCaslin, Prentice, Loveland, Winsley and Oke)

Prohibiting a business that delivers cut flower arrangements to misrepresent the geographical location of the business.

Referred to Committee on Commerce & Labor.

ESSB 5899 by Senate Committee on State & Local Government (originally sponsored by Senators Patterson, Bauer, Franklin, Rasmussen, B. Sheldon, Haugen, Kohl-Welles, McAuliffe, Fraser, Prentice, Thibaudeau and Spanel)

Adjusting penalties under the public disclosure act.

Referred to Committee on State Government.

SSB 5900 by Senate Committee on State & Local Government (originally sponsored by Senators Patterson, Haugen, Bauer, Franklin, B. Sheldon, Snyder, Rasmussen, Kohl-Welles, McAuliffe, Thibaudeau, Fairley, Fraser, Prentice, Spanel and Eide)

Regulating political advertising and independent expenditures.

Referred to Committee on State Government.

SSB 5902 by Senate Committee on Higher Education (originally sponsored by Senators Kohl-Welles, Sheahan and Shin)

Changing higher education financial aid provisions.

Referred to Committee on Higher Education.

SB 5911 by Senators Eide, Hochstatter and McAuliffe

Changing school director eligibility provisions.

Referred to Committee on Education.

SSB 5929 by Senate Committee on Transportation (originally sponsored by Senators Haugen, Long, Gardner, Costa, Swecker, Hargrove, Winsley, Patterson, Eide, Snyder and Bauer)

Reallocating local motor vehicle excise tax for public transportation.

Referred to Committee on Transportation.

E2SSB 5931 by Senate Committee on Ways & Means (originally sponsored by Senators Patterson, Horn, Gardner, McCaslin, Haugen, Kline, Brown, Costa, Hale, Kohl-Welles, B. Sheldon and Bauer)

Requiring electronic filing and publication of campaign finance and lobbyist reports.

Referred to Committee on State Government.

SSB 5989 by Senate Committee on Transportation (originally sponsored by Senators Haugen, Morton and Rasmussen)

Adjusting aircraft registration fees and tax distribution.

Referred to Committee on Transportation.

SSB 6001 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, Long, Winsley and Rasmussen)

Providing for the disclosure of information to the office of the family and children's ombudsman.

Referred to Committee on Children & Family Services.

2SSJR 8205 by Senate Committee on Ways & Means (originally sponsored by Senator Hargrove)

Requiring a geographic distribution of initiative petition signatures.

Referred to Committee on State Government.

There being no objection, the bills and resolutions listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

There being no objection, the House advanced to the eleventh order of business.

#### MOTION

On motion of Representative Kessler, the House adjourned until 10:00 a.m., Monday, March 21, 1999, the 71<sup>st</sup> Legislative Day.

TIMOTHY A. MARTIN, Chief Clerk      CLYDE BALLARD, Speaker  
DEAN R. FOSTER, Chief Clerk      FRANK CHOPP, Speaker

SIXTY-EIGHTH DAY, MARCH 19, 1999

JOURNAL OF THE HOUSE

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

**SEVENTY-FIRST DAY**

**MORNING SESSION**

House Chamber, Olympia, Monday, March 22, 1999

The House was called to order at 10:00 a.m. by Speaker Pro Tempore Pennington. The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Stephanie Arnold and Sarah Eby. Speaker Pro Tempore Pennington led the Chamber in the Pledge of Alliance. Prayer was offered by Father Seamus Laverity, St. Patrick's Catholic Church, Tacoma.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

**INTRODUCTIONS AND FIRST READING**

HB 2274 by Representatives Huff, H. Sommers, Mitchell, Doumit, Lisk, Hankins, Wensman, Alexander, Schoesler, Boldt and Mastin

AN ACT Relating to the administration of the federal ban on the export of unprocessed timber from public lands; adding a new section to chapter 43.06 RCW; adding a new section to chapter 34.05 RCW; adding a new section to chapter 19.85 RCW; and creating a new section.

Referred to Committee on Appropriations.

HB 2275 by Representatives Keiser, Conway, Cooper, Cody, Veloria, Kenney, Romero, Miloscia, Schual-Berke and Wolfe

AN ACT Relating to restoring local control of educational employees' salaries; amending RCW 28A.400.200; and repealing RCW 41.59.935.

Referred to Committee on Education.

HCR 4408 by Representatives Lisk and Kessler

AN ACT Relating to adopting joint rules.



Held on first reading from March 17, 1999.

ESSB 5082 by Senate Committee on Environmental Quality & Water Resources (originally sponsored by Senators Swecker and Rasmussen)

Requiring microbial inactivation of biomedical waste.

Referred to Committee on Agriculture & Ecology.

ESB 5097 by Senators Haugen, Honeyford, Gardner, Patterson, Bauer, Rasmussen, McCaslin, Hale, Sellar, Benton, Swecker, Winsley, Eide, Prentice and Roach

Transferring the office of archaeology and historic preservation from the department of community, trade, and economic development to the office of the secretary of state.

Referred to Committee on State Government.

ESSB 5205 by Senate Committee on Agriculture & Rural Economic Development (originally sponsored by Senators Morton, Rasmussen, Stevens, T. Sheldon, Honeyford, Sellar and Swecker)

Changing provisions relating to the prevention of cruelty to animals.

Referred to Committee on Judiciary.

SSB 5260 by Senate Committee on Judiciary (originally sponsored by Senators Kline, Johnson and Thibaudeau)

Creating an equal access to justice task force.

Referred to Committee on Judiciary.

SSB 5312 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Costa, Deccio, Winsley, Wojahn, Thibaudeau and Kohl-Welles)

Providing for the prevention of workplace violence in health care settings.

Referred to Committee on Commerce & Labor.

ESB 5337 by Senators Kohl-Welles, Heavey, McCaslin, Costa and Thibaudeau

Broadening actions for employment discrimination.

Referred to Committee on Judiciary.

SB 5343 by Senators Jacobsen, Shin, Kohl-Welles, Costa, Thibaudeau and Gardner

Requiring that school information be included in the passport provided to foster parents.

Referred to Committee on Children & Family Services.

ESB 5371 by Senators Jacobsen, Horn, Haugen, Franklin, Costa and Kohl-Welles; by request of Department of Transportation

Developing intercity passenger rail service.

Referred to Committee on Transportation.

SB 5410 by Senators McAuliffe and Rasmussen; by request of Board of Education

Reclassifying the state board of education as a class four group.

Referred to Committee on Education.

ESSB 5439 by Senate Committee on Judiciary (originally sponsored by Senators Kline, Heavey, Roach and Costa)

Enacting the Washington state false claims act.

Referred to Committee on Judiciary.

ESSB 5480 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Patterson, Hargrove, Long, Edie, Franklin, Shin, McCaslin, Haugen, Goings, Gardner, Prentice, Kline, T. Sheldon, Wojahn, Benton, Spanel, B. Sheldon, Bauser, McAuliffe, Jacobsen, Rossi, Horn, Johnson, West, Winsley, Oke and Rasmussen)

Requiring identification of drug-affected infants and providing treatment services to their mothers.

Referred to Committee on Children & Family Services.

SSB 5491 by Senate Committee on Labor & Workforce Development (originally sponsored by Senators Costa, Roach, Franklin, Thibaudeau, McAuliffe and Kline)

Requiring the use of apprentices in large public works projects.

Held on first reading from March 16, 1999.

2SSB 5556 by Senate Committee on Transportation (originally sponsored by Senators Fraser, Oke, Jacobsen, Haugen, Heavey, T. Sheldon, Winsley, Rasmussen, Patterson, Sellar, Zarelli, Roach, Stevens, Kohl-Welles, McCaslin, Thibaudeau, Honeyford, Costa, Eide, Morton, Horn and Hochstatter)

Transferring unclaimed taxes on marine fuel to the recreation resource account.

Referred to Committee on Transportation.

SB 5575 by Senators Haugen, Johnson, Patterson and T. Sheldon; by request of Washington State Patrol

Adding an ex officio member to the building code council.

Referred to Committee on State Government.

SB 5584 by Senators Fraser and Winsley; by request of Department of Revenue

Preventing the use of step transactions to avoid real estate excise tax.

Referred to Committee on Finance.

ESB 5597 by Senators Fraser, Swecker, Jacobsen, Morton, Fairley, Rasmussen and Winsley

Requiring occupational health standards to protect workers from airborne and waterborne pathogens.

Referred to Committee on Commerce & Labor.

ESSB 5610 by Senate Committee on Transportation (originally sponsored by Senators Prentice, Finkbeiner, T. Sheldon and Costa)

Authorizing the director of the department of licensing to impose a civil penalty for a violation of chapter 46.70 RCW.

Referred to Committee on Transportation.

SB 5617 by Senators Horn, Goings, Finkbeiner, Oke and Costa

Providing exemptions from driver's license requirements for nonresidents.

Referred to Committee on Transportation.

ESSB 5625 by Senate Committee on Labor & Workforce Development (originally sponsored by Senators Kohl-Welles, Fairley, Winsley, Brown, Thibaudeau, Kline, Patterson, Fraser, Franklin, Gardner, Rasmussen, B. Sheldon, Snyder and Horn)

Changing work requirement provisions for the temporary assistance for needy families program.

Referred to Committee on Children & Family Services.

SSB 5640 by Senate Committee on State & Local Government (originally sponsored by Senators Gardner and McCaslin; by request of Secretary of State)

Studying primary dates and speeding counting.

Referred to Committee on State Government.

ESSB 5661 by Senate Committee on Ways & Means (originally sponsored by Senators Rasmussen and Honeyford; by request of Department of Revenue)

Providing clarification and administrative simplification for the leasehold excise tax.

Referred to Committee on Finance.

SB 5665 by Senators Costa, Honeyford, Hargrove, Kline, Heavey, McCaslin and Long

Authorizing vacation of records of convictions for misdemeanors and gross misdemeanors.

Referred to Committee on Judiciary.

SB 5667 by Senators West and Heavey

Increasing the number of untaxed complimentary tickets available for boxing, kickboxing, martial arts, and wrestling.

Referred to Committee on Commerce & Labor.

2ESB 5704 by Senators Kohl-Welles and Thibaudeau

Authorizing adoption of rules to implement medical marijuana law.

Referred to Committee on Judiciary.

ESSB 5712 by Senate Committee on Commerce, Trade, Housing & Financial Institutions (originally sponsored by Senators Prentice, Hale, Bauer, West and Winsley)

Regulating motel liquor licenses.

Referred to Committee on Commerce & Labor.

SSB 5729 by Senate Committee on Environmental Quality & Water Resources (originally sponsored by Senators Rasmussen and Swecker)

Establishing parameters for solid waste facility locational standards.

Referred to Committee on Agriculture & Ecology.

E2SSB 5730 by Senate Committee on Ways & Means (originally sponsored by Senators Rasmussen and Swecker)

Changing financial responsibility requirements for operators of solid waste landfills.

Referred to Committee on Agriculture & Ecology.

ESSB 5750 by Senate Committee on Transportation (originally sponsored by Senators Benton, Haugen, Roach, Prentice, Hochstatter, Horn, McDonald, T. Sheldon, Swecker, Stevens, Goings, Zarelli, Johnson, Patterson, Hale, Costa, Honeyford, Morton, Rasmussen, Rossi, Oke, Long, Finkbeiner, Deccio and Sheahan)

Clarifying transportation planning.

Referred to Committee on Transportation.

ESB 5779 by Senators Kline, Winsley, Fairley, Costa and Oke

Requiring additional crime prevention training for employees of evening retail establishments.

Referred to Committee on Commerce & Labor.

ESB 5798 by Senators Fairley, Winsley and Franklin; by request of Department of Social and Health Services

Assisting needy families.

Referred to Committee on Children & Family Services.

ESB 5816 by Senators Haugen, McCaslin, Patterson, Gardner and T. Sheldon

Enabling counties planning under chapter 36.70A RCW to create nine lots in a short subdivision within a designated urban growth area.

Referred to Committee on Local Government.

ESB 5897 by Senators Costa, Winsley, Thibaudeau and Oke; by request of Attorney General

Informing purchasers of cigarettes of adverse health consequences and whether the cigarettes were manufactured for consumption within the United States.

Referred to Committee on Commerce & Labor.

ESSB 5914 by Senate Committee on State & Local Government (originally sponsored by Senators Patterson, Prentice, McCaslin, Oke, Kline, Sheahan, Franklin, Shin, Goings, Haugen, Winsley and Rasmussen)

Providing incentive and enforcement measures for compliance with growth management housing goals within counties with a population of one million five hundred thousand or more.

Referred to Committee on Local Government.

SB 5920 by Senators Costa, Thibaudeau, Deccio, Haugen and Kohl-Welles

Including midwives in women's health care services.

Referred to Committee on Health Care.

SB 5951 by Senators Costa, Long and Winsley; by request of Department of Social and Health Services

Amending the child abuse protection and treatment act.

Referred to Committee on Children & Family Services.

SB 6048 by Senators Haugen, Hochstatter, Loveland, T. Sheldon, Oke, Goings, Rasmussen and Hale; by request of Department of Labor & Industries

Creating a retrospective rating plan.

SSB 6063 by Senate Committee on Ways & Means (originally sponsored by Senators Loveland, West, Snyder and Oke)

Authorizing the state investment board to invest and reinvest moneys in the emergency reserve fund.

Referred to Committee on Appropriations.

SSJR 8200 by Senate Committee on Judiciary (originally sponsored by Senators McCaslin and Roach)

Requiring superior court judges to be admitted to the practice of law for a minimum of five years.

Referred to Committee on Judiciary.

SSJR 8208 by Senate Committee on Ways & Means (originally sponsored by Senators Loveland, West and Snyder)

Authorizing investments as specified by the legislature.

Referred to Committee on Appropriations.

There being no objection, the bills and resolutions listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

There being no objection, the House advanced to the eleventh order of business.

#### MOTION

On motion of Representative Lisk, the House adjourned until 9:55 a.m., Tuesday, March 23, 1999, the 72<sup>nd</sup> Legislative Day.

TIMOTHY A. MARTIN, Chief Clerk      CLYDE BALLARD, Speaker  
DEAN R. FOSTER, Chief Clerk      FRANK CHOPP, Speaker

SEVENTY-FIRST DAY, MARCH 22, 1999

JOURNAL OF THE HOUSE

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**SEVENTY-SECOND DAY**

**MORNING SESSION**

House Chamber, Olympia, Tuesday, March 23, 1999

The House was called to order at 9:55 a.m. by Speaker Chopp.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

**SIGNED BY THE SPEAKERS**

Speaker Chopp announced that the Speakers were signing:

SUBSTITUTE HOUSE BILL NO. 1294,

**INTRODUCTIONS AND FIRST READING**

HB 2276 by Representatives Dunshee, Keiser, Romero, Schual-Berke and Dickerson

AN ACT Relating to a property tax credit for owner-occupied principal residences; amending RCW 84.36.385, 84.36.387, 84.36.389, and 84.56.050; reenacting and amending RCW 84.55.005; adding a new section to chapter 84.52 RCW; adding a new section to chapter 84.55 RCW; creating a new section; and providing a contingent effective date.

Referred to Committee on Finance.

HJR 4209 by Representatives Dunshee, Dickerson, Conway, Veloria, Santos, Keiser and Romero

Amending the Constitution to allow a property tax credit on owner-occupied residential property.

Referred to Committee on Finance.

HCR 4408 by Representatives Lisk and Kessler

Adopting joint rules.

Held on first reading from March 17, 1999.

SSB 5491 by Senate Committee on Labor & Workforce Development (originally sponsored by Senators Costa, Roach, Franklin, Thibaudeau, McAuliffe and Kline)

Requiring the use of apprentices in large public works projects.

Held on first reading from March 16, 1999.

SB 6048 by Senators Haugen, Hochstatter, Loveland, T. Sheldon, Oke, Goings, Rasmussen and Hale;  
by request of Department of Labor & Industries

Creating a retrospective rating plan.

Held on first reading from March 22, 1999.

There being no objection, the bills and resolutions listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

There being no objection, the House advanced to the eleventh order of business.

#### MOTION

On motion of Representative Kessler, the House adjourned until 10:00 a.m., Wednesday, March 24, 1999, the 73<sup>rd</sup> Legislative Day.

TIMOTHY A. MARTIN, Chief Clerk      CLYDE BALLARD, Speaker  
DEAN R. FOSTER, Chief Clerk      FRANK CHOPP, Speaker



SEVENTY-SECOND DAY, MARCH 23, 1999

JOURNAL OF THE HOUSE

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## **SEVENTY-THIRD DAY**

### **MORNING SESSION**

House Chamber, Olympia, Wednesday, March 24, 1999

The House was called to order at 10:00 a.m. by Speaker Ballard. The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Emily Nicholson and Joe Fortunato. Prayer was offered by Pastor John Ericksen, Vashon Lutheran Church.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

### **MESSAGE FROM THE SENATE**

March 23, 1999

Mr. Speaker:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 1294,  
and the same is herewith transmitted.

Tony M. Cook, Secretary

### **RESOLUTION**

HOUSE RESOLUTION NO. 99-4658, by Representatives Veloria, Ogden, Thomas, Ruderman and Cody

WHEREAS, Cost-effective and efficient management operations in public schools are vital in supporting the provision of quality education to our students by our teachers as we move into the new millennium; and

WHEREAS, The Washington Schools Information Processing Cooperative, which was formed by school districts and the educational service districts, has been providing efficient and cost-effective information services to school districts for thirty years; and

WHEREAS, The Washington Schools Information Processing Cooperative has enabled school districts to spend millions of dollars in classrooms instead of on administrative software; and

WHEREAS, The Washington Schools Information Processing Cooperative, in partnership with the state and the private sector, has been making significant improvements in its software and network products to ensure that school districts of all sizes have the tools to meet their information services needs; and

WHEREAS, The Washington Schools Information Processing Cooperative has successfully assisted in the implementation of the K-20 network and is the leading K-12 service provider over the K-20 network, assuring the smooth and rapid flow of data between school districts, the Office of the Superintendent of Public Instruction, and the Legislature; and

WHEREAS, The Washington Schools Information Processing Cooperative depends upon the critical and continuing partnership with state government in order to complete the timely update of its services for school districts; and

WHEREAS, Most school districts currently take advantage of the benefits of membership in the Washington Schools Information Processing Cooperative;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives acknowledge the dedicated efforts and successful achievements realized by the Washington Schools Information Processing Cooperative and its committed staff, working in collaboration with state, regional, and local educational partner agencies; and

BE IT FURTHER RESOLVED, That the House of Representatives recognize and encourage support for the Washington Schools Information Processing Cooperative's continuous improvements and strongly encourage school districts to work together as full participants with the Washington Schools Information Processing Cooperative; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to the Washington Schools Information Processing Cooperative.

Representative Veloria moved adoption of the resolution.

Representatives Veloria and Reardon spoke in favor of the adoption of the resolution.

House Resolution No. 99-4658 was adopted.

#### **INTRODUCTIONS AND FIRST READING**

HCR 4408 by Representatives Lisk and Kessler

AN ACT Relating to adopting joint rules.

Held on first reading from March 17, 1999.

SSB 5491 by Senate Committee on Labor & Workforce Development (originally sponsored by Senators Costa, Roach, Franklin, Thibaudeau, McAuliffe and Kline)

Requiring the use of apprentices in large public works projects.

Held on first reading from March 16, 1999.

ESSB 5813 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Thibaudeau, Deccio, Costa and Winsley)

Requiring third-party payors to designate a licensed medical director for its coverage decisions.

Referred to Committee on Health Care.

HB 6048 by Senators Haugen, Hochstatter, Loveland, T. Sheldon, Oke, Goings, Rasmussen and Hale; by request of Department of Labor & Industries

Creating a retrospective rating plan.

Held on first reading from March 22, 1999.

There being no objection, the bills and resolution listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

There being no objection, the rules were suspended and House Concurrent Resolution No. 4408 was advanced to second reading.

## **SECOND READING**

HOUSE CONCURRENT RESOLUTION NO. 4408, by Representatives Lisk and Kessler

Adopting joint rules

The resolution was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the resolution was placed on final adoption.

Representatives Lisk and Kessler spoke in favor of adoption of the resolution.

Speaker Ballard stated the question before the House to be adoption of House Concurrent Resolution No. 4408.

## **MOTIONS**

On motion of Representative Wolfe, Representatives Morris, Edwards, H. Sommers, Quall and McIntire were excused. On motion of Representative Schoesler, Representatives DeBolt and Van Luven were excused.

## **ROLL CALL**

The Clerk called the roll on the adoption of House Concurrent Resolution No. 4408 and the resolution was adopted the House by the following vote: Yeas - 91, Nays - 0, Absent - 0, Excused - 7.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, Chandler, B., Chandler, G., Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McMorris, Mielke, Miloscia, Mitchell, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 91.

Excused: Representatives DeBolt, Edwards, McIntire, Morris, Quall, H. Sommers and Van Luven - 7.

House Concurrent Resolution No. 4408, having received the constitutional majority, was declared adopted.

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 9:55 a.m., Thursday, March 25, 1999, the 74<sup>th</sup> Legislative Day.

TIMOTHY A. MARTIN, Chief Clerk    CLYDE BALLARD, Speaker  
DEAN R. FOSTER, Chief Clerk    FRANK CHOPP, Speaker

SEVENTY-THIRD DAY, MARCH 24, 1999

JOURNAL OF THE HOUSE

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**SEVENTY-FOURTH DAY**

**MORNING SESSION**

House Chamber, Olympia, Thursday, March 25, 1999

The House was called to order at 9:55 a.m. by Speaker Chopp.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

**MESSAGE FROM THE SENATE**

March 24, 1999

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5963,

and the same is herewith transmitted.

Tony M. Cook, Secretary

**INTRODUCTIONS AND FIRST READING**

HB 2277 by Representatives Schoesler, Clements, McMorris and Buck

AN ACT Relating to agricultural college lands; and adding new sections to chapter 79.01 RCW.

Referred to Committee on Natural Resources.

SSB 5491 by Senate Committee on Labor & Workforce Development (originally sponsored by Senators Costa, Roach, Franklin, Thibaudeau, McAuliffe and Kline)

Requiring the use of apprentices in large public works projects.

Held on first reading from March 16, 1999.

SSB 5963 by Senate Committee on Ways & Means (originally sponsored by Senators Loveland and Rasmussen)

Making fiscal year 1999 supplemental appropriations.

Referred to Committee on Appropriations.

HB 6048 by Senators Haugen, Hochstatter, Loveland, T. Sheldon, Oke, Goings, Rasmussen and Hale; by request of Department of Labor & Industries

Creating a retrospective rating plan.

Held on first reading from March 22, 1999.

#### MOTION

On motion of Representative Kessler, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

#### REPORTS OF STANDING COMMITTEES

March 23, 1999

SSB 5058 Prime Sponsor, Committee on Senate Commerce, Trade, Housing & Financial Institutions: Regulating certain financial institutions. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Benson, Republican Co-Chair; Hatfield, Democratic Co-Chair; Bush, Republican Vice Chair; McIntire, Democratic Vice Chair; Barlean; Cairnes; Keiser; Quall; Santos; Sullivan and Talcott.

Voting yea: Representatives Benson, Hatfield, Bush, McIntire, Barlean, Cairnes, Keiser, Quall, Santos, Sullivan and Talcott.  
Excused: Representative(s) DeBolt.

Passed to Rules Committee for Second Reading.

March 23, 1999

SB 5156 Prime Sponsor, Prentice: Amending housing authority law. Reported by Committee on Economic Development, Housing & Trade

MAJORITY recommendation: Do pass. Signed by Representatives Van Luven, Republican Co-Chair; Veloria, Democratic Co-Chair; Dunn, Republican Vice Chair; Eickmeyer, Democratic Vice Chair; Ballasiotes; Gombosky; Miloscia; Morris; Radcliff; Skinner; D. Sommers and Wolfe.

Voting yea: Representatives Van Luven, Veloria, Dunn, Eickmeyer, Ballasiotes, Gombosky, Miloscia, Morris, Skinner, D. Sommers and Wolfe.  
Excused: Representative(s) Radcliff.

Passed to Rules Committee for Second Reading.

March 23, 1999

SB 5434 Prime Sponsor, Loveland: Extending the time for designating an eligible area for international services tax credits. Reported by Committee on Economic Development, Housing & Trade

MAJORITY recommendation: Do pass. Signed by Representatives Van Luven, Republican Co-Chair; Veloria, Democratic Co-Chair; Dunn, Republican Vice Chair; Eickmeyer, Democratic Vice Chair; Ballasiotes; Gombosky; Miloscia; Morris; Radcliff; Skinner; D. Sommers and Wolfe.

Voting yea: Representatives Van Luven, Veloria, Dunn, Eickmeyer, Ballasiotes, Gombosky, Miloscia, Morris, Skinner, D. Sommers and Wolfe.

Excused: Representative(s) Radcliff.

Referred to Committee on Finance.

March 23, 1999

SSB 5509 Prime Sponsor, Committee on Senate Commerce, Trade, Housing & Financial Institutions: Creating the Holocaust victims insurance relief act. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Benson, Republican Co-Chair; Hatfield, Democratic Co-Chair; Bush, Republican Vice Chair; McIntire, Democratic Vice Chair; Barlean; Cairnes; Keiser; Quall; Santos; Sullivan and Talcott.

Voting yea: Representatives Benson, Hatfield, Bush, McIntire, Barlean, Cairnes, Keiser, Quall, Santos, Sullivan and Talcott.

Excused: Representative(s) DeBolt.

Passed to Rules Committee for Second Reading.

#### MOTION

On motion of Representative Kessler, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House advanced to the eleventh order of business.

#### MOTION

On motion of Representative Kessler, the House adjourned until 10:00 a.m., Friday, March 26, 1999, the 75<sup>th</sup> Legislative Day.

TIMOTHY A. MARTIN, Chief Clerk      CLYDE BALLARD, Speaker  
DEAN R. FOSTER, Chief Clerk      FRANK CHOPP, Speaker



SEVENTY-FOURTH DAY, MARCH 25, 1999

JOURNAL OF THE HOUSE

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**SEVENTY-FIFTH DAY**

**MORNING SESSION**

House Chamber, Olympia, Friday, March 26, 1999

The House was called to order at 10:00 a.m. by Speaker Ballard. The Clerk called the roll and a quorum was present.

Speaker Ballard called upon Speaker Pro Tempore Pennington to preside.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Elizabeth Groenevald and Seth Glover. Prayer was offered by Pastor Jerry Cook, Eastside Foursquare Church, Kirkland.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

**RESOLUTION**

HOUSE RESOLUTION NO. 99-4657, by Representatives Kenney, Stensen, Veloria, Hurst, Santos, Conway, Tokuda, Lovick, Van Luven, Romero, McDonald, D. Schmidt, Campbell, Ogden, Regala, Thomas, Barlean, Fortunato and Dunn

WHEREAS, It is the policy of the Washington State legislature to recognize and honor the contributions of individuals who reflect the standards of excellence that advance the well-being and quality of lives of all citizens of the state of Washington; and

WHEREAS, Ernest Ignacio Jose "Ernie" Aguilar, born on March 19, 1919, in Mexico City, has set the highest standards of public service through the unselfish and tireless dedication of his time, talent, resources, and skills during his entire lifetime towards the advancement of the Hispanic Community and all citizens of Washington State; and

WHEREAS, Ernie Aguilar and his wife of thirty-five years, Tina, a School District Board Member for Sumner, Washington, are proud parents of six children, four grandchildren, and two great grandsons; and

WHEREAS, Ernie and Tina Aguilar's son Michael was the first Mexican-American born in Washington State to graduate from West Point. Michael unselfishly gave his life in the line of duty in a military training maneuver; and

WHEREAS, Ernie and Tina's son Kenny has achieved international recognition as the Director of Personnel for NASA; and

WHEREAS, Ernie Aguilar and his sons have continued a proud and patriotic family tradition of service to the United States first established by Ernie's father, who even though a Mexican citizen, courageously served and died from the effects of being gassed while fighting in a special battalion under the United States flag during the first World War; and

WHEREAS, Ernie Aguilar proudly served our country and was a decorated veteran of World War II, the Korean War, and the Vietnam War; and

WHEREAS, Ernie Aguilar, as a tireless public servant and true visionary of the community, was instrumental in the creation of the Washington State Commission on Hispanic Affairs and was a member of its first governing board; and

WHEREAS, Ernie Aguilar was a founding member and is now Chairman Emeritus of the Washington State Hispanic Chamber of Commerce which promotes the self-determination and economic development of the State's Hispanic community; and

WHEREAS, Ernie Aguilar was one of the original founders and the first Chair of the Board of the Farm Workers Health Clinic in Toppenish, Washington, which has improved access to medical care for all people in the community; and

WHEREAS, Ernie Aguilar played a critical role in the creation of the Catholic Hispanic Ministry for the Archdiocese and served as a member of Washington State Catholic Charities; and

WHEREAS, Ernie Aguilar was also instrumental in the establishment of Centro Mexicano in Washington state which fosters international trade, commerce, and cultural and educational exchange programs between Mexico and the United States; and

WHEREAS, Ernie Aguilar's international leadership achievements and dedication to the advancement of the Mexican and the Mexican-American community were acknowledged by the President of Mexico, when he was awarded the Ohtli Medal, Mexico's highest civilian honor;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington urge all citizens of the State of Washington to join us in congratulating and recognizing Ernie Aguilar for his unique and courageous vision, tireless public service, and legacy of accomplishments on behalf of Hispanics and all citizens of the State of Washington; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to the family of Ernie Aguilar, the Consul General of Mexico, the Hispanic Affairs Commission, and the National Council de la Raza.

Representative Kenney moved adoption of the resolution.

Representatives Kenney, Stensen, Van Luven, Voloria, Hurst, Skinner, and Romero spoke in favor of the adoption of the resolution.

House Resolution No. 99-4657 was adopted.

### **SPEAKER'S PRIVILEGE**

Speaker Pro Tempore Pennington introduced Ernie and Tina Aguilar; Mariano Lemus Gas, Consul of Mexico; Jorge Gilbert, Consul of Chile; and Miguel Velasquez, Consul of Peru and asked the Chamber to acknowledge them.

### **RESOLUTION**

HOUSE RESOLUTION NO. 99-4654, by Representatives Delvin, Hankins, McDonald, D. Schmidt, Campbell, Talcott, Thomas, Mulliken, Fortunato and Dunn

WHEREAS, Cancer kills more than one-half million Americans each year; and

WHEREAS, Conventional treatments for cancer are costly, time consuming, and can have harmful side effects; and

WHEREAS, Clinical trials are currently underway to develop alternative cancer treatments using radioisotopes to effectively destroy cancer cells while leaving most healthy cells intact; and

WHEREAS, The success of these new treatment techniques have indicated the need for a dependable supply of radioisotopes; and

WHEREAS, The United States has not produced enough radioisotopes to meet the demand; and

WHEREAS, Patients in Seattle were refused prostate cancer treatment due to lack of medical isotopes; and

WHEREAS, Promising research was stopped due to the lack of supply of medical isotopes; and

WHEREAS, Numerous independent studies have suggested that the Fast Flux Test Facility (FFTF) at Hanford could be used to produce cancer-curing medical isotopes; and

WHEREAS, The FFTF is presently being maintained in a standby mode; and

WHEREAS, The United States Department of Energy has announced their decision to further evaluate the FFTF for civilian means, which include medical isotope production, advanced material research, and other research and development programs;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize and applaud the federal plans to fully evaluate the FFTF for use in meeting critical national research needs.

Representative Hankins moved adoption of the resolution.

Representatives Hankins, Delvin, Kessler and Veloria spoke in favor of the adoption of the resolution.

House Resolution No. 99-4654 was adopted.

### **REPORTS OF STANDING COMMITTEES**

March 24, 1999

SB 5401 Prime Sponsor, Senator Haugen: Repealing an obsolete provision pertaining to hydraulic project applications. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Buck, Republican Co-Chair; Regala, Democratic Co-Chair; Anderson, Democratic Vice Chair; Sump, Republican Vice Chair; G. Chandler; Clements; Doumit; Eickmeyer; Ericksen; Pennington; Rockefeller and Stensen.

Voting yea: Representatives Buck, Regala, Anderson, Sump, G. Chandler, Clements, Doumit, Eickmeyer, Ericksen, Pennington, Rockefeller and Stensen.

Passed to Rules Committee for Second Reading.

March 24, 1999

SB 5483 Prime Sponsor, Senator McAuliffe: Using volunteers at the state parks and recreation commission. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Buck, Republican Co-Chair; Regala, Democratic Co-Chair; Anderson, Democratic Vice Chair; Sump, Republican Vice Chair; G. Chandler; Clements; Doumit; Eickmeyer; Ericksen; Pennington; Rockefeller and Stensen.

Voting yea: Representatives Buck, Regala, Anderson, Sump, G. Chandler, Clements, Doumit, Eickmeyer, Ericksen, Pennington, Rockefeller and Stensen.

Passed to Rules Committee for Second Reading.

March 24, 1999

SB 5484 Prime Sponsor, Senator McAuliffe: Granting concessions or leases in state parks and parkways. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Buck, Republican Co-Chair; Regala, Democratic Co-Chair; Anderson, Democratic Vice Chair; Sump, Republican Vice Chair; G. Chandler; Clements; Doumit; Eickmeyer; Ericksen; Pennington; Rockefeller and Stensen.

Voting yea: Representatives Buck, Regala, Anderson, Sump, G. Chandler, Clements, Doumit, Eickmeyer, Ericksen, Pennington, Rockefeller and Stensen.

Passed to Rules Committee for Second Reading.

March 24, 1999

SB 5525 Prime Sponsor, Senator Hargrove: Revising provision for appointment of a county legislative authority member of the forest practices board. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Buck, Republican Co-Chair; Regala, Democratic Co-Chair; Anderson, Democratic Vice Chair; Sump, Republican Vice Chair; G. Chandler; Clements; Doumit; Eickmeyer; Ericksen; Pennington; Rockefeller and Stensen.

Voting yea: Representatives Buck, Regala, Anderson, Sump, G. Chandler, Clements, Doumit, Eickmeyer, Ericksen, Pennington, Rockefeller and Stensen.

Passed to Rules Committee for Second Reading.

March 24, 1999

SSB 5651 Prime Sponsor, Senate Committee on Senate Natural Resources, Parks & Recreat:  
Requiring a purchaser of timber by contract to provide proof of payment of all taxes before release of a performance bond. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Buck, Republican Co-Chair; Regala, Democratic Co-Chair; Anderson, Democratic Vice Chair; Sump, Republican Vice Chair; G. Chandler; Clements; Doumit; Eickmeyer; Ericksen; Pennington; Rockefeller and Stensen.

Voting yea: Representatives Buck, Regala, Anderson, Sump, G. Chandler, Clements, Doumit, Eickmeyer, Ericksen, Pennington, Rockefeller and Stensen.

Passed to Rules Committee for Second Reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House reverted to the fourth order of business.

#### **INTRODUCTIONS AND FIRST READING**

SSB 5491 by Senate Committee on Labor & Workforce Development (originally sponsored by Senators Costa, Roach, Franklin, Thibaudeau, McAuliffe and Kline)

Requiring the use of apprentices in large public works projects.

Referred to Committee on State Government.

SB 6048 by Senators Haugen, Hochstatter, Loveland, T. Sheldon, Oke, Goings, Rasmussen and Hale;  
by request of Department of Labor & Industries

Creating a retrospective rating plan.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

There being no objection, the rules were suspended and Senate Bill No. 6048 was advanced to second reading.

There being no objection, the House advanced to the sixth order of business.

Speaker Ballard assumed the chair.

## **SECOND READING**

### **MOTIONS**

On motion of Representative Wolfe, Representatives Poulsen, Murray and Gombosky were excused. On motion of Representative Schoesler, Representatives Ballasiotes, McMorris and Mitchell were excused.

SENATE BILL NO. 6048, by Senators Haugen, Hochstatter, Loveland, T. Sheldon, Oke, Goings, Rasmussen and Hale; by request of Department of Labor & Industries

Creating a retrospective rating plan.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Clements and Kessler spoke in favor of passage of the bill.

Representative Conway spoke against the passage of the bill.

Representatives DeBolt and Fortunato spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Senate Bill No. 6048.

### **ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 6048 and the bill passed the House by the following vote: Yeas - 78, Nays - 14, Absent - 0, Excused - 6.

Voting yea: Representatives Alexander, Anderson, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fortunato, Grant, Haigh,

Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, Mielke, Miloscia, Morris, Mulliken, O'Brien, Ogden, Parlette, Pennington, Pflug, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Van Luven, Wensman, Wolfe, Mr. Speaker Ballard and Mr. Speaker Chopp - 78.

Voting nay: Representatives Campbell, Cody, Constantine, Conway, Cooper, Dickerson, Fisher, Keiser, Kenney, McIntire, Santos, Tokuda, Voloria and Wood - 14.

Excused: Representatives Ballasiotes, Gombosky, McMorris, Mitchell, Murray and Poulsen - 6.

Senate Bill No. 6048, having received the constitutional majority, was declared passed.

Speaker Ballard called upon Representative Pennington to preside.

### **MESSAGE FROM THE SENATE**

March 26, 1999

Mr. Speaker:

The Senate has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4408,

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 10:00 a.m., Monday, March 29, 1999, the 78<sup>th</sup> Legislative Day.

TIMOTHY A. MARTIN, Chief Clerk      CLYDE BALLARD, Speaker  
DEAN R. FOSTER, Chief Clerk      FRANK CHOPP, Speaker

SEVENTY-FIFTH DAY, MARCH 26, 1999

JOURNAL OF THE HOUSE

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**SEVENTY-EIGHTH DAY**

**MORNING SESSION**

House Chamber, Olympia, Monday, March 29, 1999

The House was called to order at 10:00 a.m. by Speaker Chopp. The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Nick Schmidt and Venus Kennedy. Speaker Chopp led the Chamber in Pledge of Alliance. Prayer was offered by Father Joy Pazhampassery, Mother of Mercy Chapel, Enumclaw and affiliated with Aleppey Diocese in India.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

**INTRODUCTIONS AND FIRST READING**

HB 2278 by Representatives Ericksen, Pflug, B. Chandler, Esser, Thomas, Pennington, Cox, Fortunato, Barlean, Cairnes, Benson, Carrell, Wensman, Huff, Mastin, D. Sommers, Schindler, Mulliken, Lisk, Delvin, Radcliff, K. Schmidt, Boldt, Clements, McDonald, Lambert, Ballasiotes, Talcott, Bush, Schoesler, Mielke, Sump, Buck, Parlette, Campbell, D. Schmidt, Mitchell, Alexander, Koster, G. Chandler, McMorris, Hankins, Skinner, DeBolt, Dunn and Van Luven

AN ACT Relating to sales and use tax exemptions for over-the-counter drugs; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and providing an effective date.

Referred to Committee on Finance.

HB 2279 by Representatives Cox, Barlean, Fortunato, Schindler, Thomas, Pennington, Pflug, Ericksen, Lisk, Cairnes, D. Sommers, Esser, Benson, Carrell, Mastin, Wensman, B. Chandler, Huff, Mitchell, Delvin, Boldt, Radcliff, K. Schmidt, Talcott, Mulliken, McDonald, Lambert, Ballasiotes, Koster, Parlette, Bush, Schoesler, Campbell, Sump, Buck, D. Schmidt, Mielke, Carlson, Clements, Alexander, G. Chandler, McMorris, Hankins, Skinner, DeBolt, Dunn and Van Luven

AN ACT Relating to reducing the inflationary adjustment for the state property tax levy to zero over time; and reenacting and amending RCW 84.55.005.

Referred to Committee on Finance.

#### MOTION

On motion of Representative Kessler, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

#### REPORTS OF STANDING COMMITTEES

March 25, 1999

ESSB 5175 Prime Sponsor, Senate Committee on Senate State & Local Government: Authorizing the donation of surplus computers and computer-related equipment to school districts and educational service districts. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 39.33 RCW to read as follows:

(1) An agency as defined in RCW 42.52.010 may donate to any school district or educational service district surplus computers and computer-related equipment.

(2) By September 1, 1999, the office of superintendent of public instruction and the department of general administration shall jointly develop guidelines and distribution standards for the purpose of implementing subsection (1) of this section. The guidelines and distribution standards shall include considerations for quality, school-district needs, and accountability, and shall give priority to meeting the computer-related needs of children with disabilities, including those disabilities that require the portability of laptop computers.

Sec. 2. RCW 43.19.1919 and 1997 c 264 s 2 are each amended to read as follows:

Except as provided in RCW 28A.335.180 (~~and~~), 43.19.1920, and section 1 of this act, the division of purchasing shall sell or exchange personal property belonging to the state for which the agency, office, department, or educational institution having custody thereof has no further use, at public or private sale, and cause the moneys realized from the sale of any such property to be paid into the fund from which such property was purchased or, if such fund no longer exists, into the state general fund: PROVIDED, Sales of capital assets may be made by the division of purchasing and a credit established in central stores for future purchases of capital items as provided for in RCW 43.19.190 through 43.19.1939, as now or hereafter amended: PROVIDED FURTHER, That personal property, excess to a state agency, including educational institutions, shall not be sold or disposed of prior to reasonable efforts by the division of purchasing to determine if other state agencies have a requirement for such personal property. Such determination shall follow sufficient notice to all state agencies to allow adequate time for them to make their needs known. Surplus items may be disposed of without prior notification to state agencies if it is determined by the director of general administration to be in the best interest of the state. The division of purchasing shall maintain a record of disposed surplus property, including date and method of disposal, identity of any recipient, and approximate value of the property: PROVIDED, FURTHER, That this section shall not apply to personal property acquired by a state organization under federal grants and contracts if in conflict with special title provisions contained in such grants or contracts.

This section does not apply to property under RCW 27.53.045.



**Sec. 3.** RCW 28A.335.180 and 1997 c 264 s 1 and 1997 c 104 s 1 are each reenacted and amended to read as follows:

(1) Notwithstanding any other provision of law, school districts, educational service districts, or any other state or local governmental agency concerned with education, when declaring texts and other books, equipment, materials or relocatable facilities as surplus, shall, prior to other disposal thereof, serve notice in writing in a newspaper of general circulation in the school district and to any public school district or private school in Washington state annually requesting such a notice, that the same is available for sale, rent, or lease to public school districts or approved private schools, at depreciated cost or fair market value, whichever is greater: PROVIDED, That students wishing to purchase texts pursuant to RCW 28A.320.230(2) shall have priority as to such texts. The notice requirement in this section does not apply to the sale or transfer of assistive devices under RCW 28A.335.205 or chapter 72.40 RCW. Such districts or agencies shall not otherwise sell, rent or lease such surplus property to any person, firm, organization, or nongovernmental agency for at least thirty days following publication of notice in a newspaper of general circulation in the school district.

(2) In lieu of complying with subsection (1) of this section, school districts and educational service districts may elect to grant surplus personal property to a federal, state, or local governmental entity, or to indigent persons, at no cost on the condition the property be used for preschool through twelfth grade educational purposes, or elect to loan surplus personal property to a nonreligious, nonsectarian private entity on the condition the property be used for the preschool through twelfth grade education of members of the public on a nondiscriminatory basis.

(3) The office of superintendent of public instruction may distribute surplus computers and computer-related equipment in accordance with section 1 of this act. The office of the superintendent of public instruction may provide information about the availability of those items to school districts and educational service districts. In any distribution of computers and computer-related equipment, the office shall give priority to school districts and educational service districts seeking computers for students with disabilities, including those disabilities that require the portability of laptop computers."

Signed by Representatives Quall, Democratic Co-Chair; Talcott, Republican Co-Chair; Haigh, Democratic Vice Chair; Schindler, Republican Vice Chair; Carlson; Cox; Keiser; Rockefeller; Santos; D. Schmidt; Schual-Berke; Stensen and Sump.

Voting yea: Representatives Quall, Talcott, Haigh, Schindler, Carlson, Cox, Keiser, Rockefeller, Santos, D. Schmidt, Schual-Berke, Stensen and Sump.  
Excused: Representative(s) Wensman.

Passed to Rules Committee for Second Reading.

March 25, 1999

SSB 5177 Prime Sponsor, Senate Committee on Education: Increasing the number of hours retired teachers or retired administrators can substitute teach and increasing the number of hours retired principals can serve as substitute principals. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 41.32.570 and 1997 c 254 s 5 are each amended to read as follows:

(1)(a) If a retiree enters employment with an employer sooner than one calendar month after his or her accrual date, the retiree's monthly retirement allowance will be reduced by five and one-half percent for every seven hours worked during that month. This reduction will be applied each month until the retiree remains absent from employment with an employer for one full calendar month.

(b) The benefit reduction provided in (a) of this subsection will accrue for a maximum of one hundred forty hours per month. Any monthly benefit reduction over one hundred percent will be applied to the benefit the retiree is eligible to receive in subsequent months.

(2) Any retired teacher or retired administrator who enters service in any public educational institution in Washington state and who has satisfied the break in employment requirement of subsection (1) of this section shall cease to receive pension payments while engaged in such service: PROVIDED, That service may be rendered up to five hundred twenty-five hours per school year without reduction of pension.

(3) In addition to the five hundred twenty-five hours of service permitted under subsection (2) of this section, a retired teacher or retired administrator may also serve only as a substitute teacher for up to an additional (~~(one hundred five)~~) three hundred fifty hours per school year without reduction of pension if:

(a) A school district, which is not a member of a multidistrict substitute cooperative, determines that it has exhausted or can reasonably anticipate that it will exhaust its list of qualified and available substitutes and the school board of the district adopts a resolution to make its substitute teachers who are retired teachers or retired administrators eligible for the additional (~~(one hundred five)~~) three hundred fifty hours of extended service once the list of qualified and available substitutes has been exhausted. The resolution by the school district shall state that the services of retired teachers and retired administrators are necessary to address the shortage of qualified and available substitutes. The resolution shall be valid only for the school year in which it is adopted. The district shall forward a copy of the resolution with a list of retired teachers and retired administrators who have been employed as substitute teachers to the department and may notify the retired teachers and retired administrators included on the list of their right to take advantage of the provisions of this subsection; or

(b) A multidistrict substitute cooperative determines that the school districts have exhausted or can reasonably anticipate that they will exhaust their list of qualified and available substitutes and each of the school boards adopts a resolution to make their substitute teachers who are retired teachers or retired administrators eligible for the extended service once the list of qualified and available substitutes has been exhausted. The resolutions by each of the school districts shall state that the services of retired teachers and retired administrators are necessary to address the shortage of qualified and available substitutes. The resolutions shall be valid only for the school year in which they are adopted. The cooperative shall forward a copy of the resolutions with a list of retired teachers and retired administrators who have been employed as substitute teachers to the department and may notify the retired teachers and retired administrators included on the list of their right to take advantage of the provisions of this subsection.

(4) In addition to the five hundred twenty-five hours of service permitted under subsection (2) of this section, a retired administrator (~~(or retired teacher)~~) may also serve as a substitute administrator up to an additional (~~(one hundred five)~~) three hundred fifty hours per school year without reduction of pension if a school district board of directors adopts a resolution declaring that the services of a retired administrator (~~(or retired teacher)~~) are necessary because it cannot find a replacement administrator to fill a vacancy. The resolution shall be valid only for the school year in which it is adopted. The district shall forward a copy of the resolution with the name of the retired administrator (~~(or retired teacher)~~) who has been employed as a substitute administrator to the department. However, a retired administrator (~~(or retired teacher)~~) may not serve more than a total of (~~(one hundred five)~~) three hundred fifty additional hours per school year pursuant to subsections (3) and (4) of this section.

(5) Subsection (2) of this section shall apply to all persons governed by the provisions of plan I, regardless of the date of their retirement, but shall apply only to benefits payable after June 11, 1986.

(6) Subsection (3) of this section shall apply to all persons governed by the provisions of plan I, regardless of the date of their retirement, but shall only apply to benefits payable after September 1, 1994."

Signed by Representatives Quall, Democratic Co-Chair; Talcott, Republican Co-Chair; Haigh, Democratic Vice Chair; Schindler, Republican Vice Chair; Carlson; Cox; Keiser; Rockefeller; Santos; D. Schmidt; Schual-Berke; Stensen and Sump.

Voting yea: Representatives Quall, Talcott, Haigh, Schindler, Carlson, Cox, Keiser, Rockefeller, Santos, D. Schmidt, Schual-Berke, Stensen and Sump.  
Excused: Representative(s) Wensman.

Passed to Rules Committee for Second Reading.

March 25, 1999

SB 5202 Prime Sponsor, Senator Loveland: Preventing convicted embezzlers from working for the county treasurer. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Mulliken, Republican Co-Chair; Scott, Democratic Co-Chair; Doumit, Democratic Vice Chair; Mielke, Republican Vice Chair; Edwards; Ericksen; Fisher and Fortunato.

Voting yea: Representatives Mulliken, Scott, Doumit, Mielke, Edwards, Ericksen, Fisher and Fortunato.

Passed to Rules Committee for Second Reading.

March 25, 1999

SSB 5213 Prime Sponsor, Senate Committee on Education: Requiring record checks for employees of approved private schools who have regularly scheduled unsupervised access to children. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended.

On page 2, line 2, after "required" insert "or authorized"

On page 2, after line 4, insert the following:

"(2) An approved private school is authorized to require the record check described in subsection (1) of this section through the Washington state patrol and the federal bureau of investigation for employees hired prior to July 1, 1999."

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

On page 2, line 6, after "required" insert "or authorized"

Signed by Representatives Quall, Democratic Co-Chair; Talcott, Republican Co-Chair; Haigh, Democratic Vice Chair; Schindler, Republican Vice Chair; Carlson; Cox; Keiser; Rockefeller; Santos; D. Schmidt; Schual-Berke; Stensen and Sump.

Voting yea: Representatives Quall, Talcott, Haigh, Schindler, Carlson, Cox, Keiser, Rockefeller, Santos, D. Schmidt, Schual-Berke, Stensen and Sump.  
Excused: Representative(s) Wensman.

Referred to Committee on Appropriations.

March 25, 1999

SB 5567 Prime Sponsor, Senator Hale: Using federal funds to reduce the outstanding debt of school districts within counties. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Mulliken, Republican Co-Chair; Scott, Democratic Co-Chair; Doumit, Democratic Vice Chair; Mielke, Republican Vice Chair; Edwards; Ericksen; Fisher and Fortunato.

Voting yea: Representatives Mulliken, Scott, Doumit, Mielke, Edwards, Ericksen, Fisher and Fortunato.

Passed to Rules Committee for Second Reading.

March 25, 1999

SSB 5838 Prime Sponsor, Senate Committee on Education: Permitting personal holiday leave sharing for school district employees. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Democratic Co-Chair; Talcott, Republican Co-Chair; Haigh, Democratic Vice Chair; Schindler, Republican Vice Chair; Carlson; Cox; Keiser; Rockefeller; Santos; D. Schmidt; Schual-Berke; Stensen and Sump.

Voting yea: Representatives Quall, Talcott, Haigh, Schindler, Carlson, Cox, Keiser, Rockefeller, Santos, D. Schmidt, Schual-Berke, Stensen and Sump.  
Excused: Representative(s) Wensman.

Passed to Rules Committee for Second Reading.

#### MOTION

On motion of Representative Kessler, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House advanced to the eleventh order of business.

#### MOTION

On motion of Representative Kessler, the House adjourned until 9:55 a.m., Tuesday, March 30, 1999, the 79<sup>th</sup> Legislative Day.

TIMOTHY A. MARTIN, Chief Clerk      CLYDE BALLARD, Speaker  
DEAN R. FOSTER, Chief Clerk      FRANK CHOPP, Speaker

SEVENTY-EIGHTH DAY, MARCH 29, 1999

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## SEVENTY-NINTH DAY

### MORNING SESSION

House Chamber, Olympia, Tuesday, March 30, 1999

The House was called to order at 9:55 a.m. by Speaker Ballard.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

### MESSAGE FROM THE SENATE

March 29, 1999

Mr. Speaker:

The President has signed:

SENATE BILL NO. 6048,

and the same is herewith transmitted.

Tony M. Cook, Secretary

### REPORTS OF STANDING COMMITTEES

March 26, 1999

SB 5255 Prime Sponsor, Jacobsen: Changing Washington conservation corps provisions. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.220.020 and 1994 c 264 s 32 are each amended to read as follows:

The Washington conservation corps is hereby created, to be implemented by the following state departments: The employment security department, the department of ecology, the department of fish and wildlife, the department of natural resources, (~~the department of agriculture,~~) and the state parks and recreation commission.

**Sec. 2.** RCW 43.220.030 and 1987 c 367 s 1 are each amended to read as follows:  
Program goals of the Washington conservation corps include:

(1) Conservation, rehabilitation, and enhancement of the state's natural, historic, environmental, and recreational resources with emphasis given to projects which address the following state-wide priorities:

- (a) Timber, fish and wildlife management plan;
  - (b) Watershed management plan;
  - (c) ~~((1989 centennial celebration and))~~ Eco-tourism and heritage tourism;
  - (d) ~~((Puget Sound))~~ State-wide water quality;
  - (e) United States-Canada fisheries treaty;
  - (f) Public access to and environmental education about stewardship of natural resources ~~((through recreational facilities))~~ on state lands;
  - (g) Recreational trails;
  - (h) Salmon recovery and volunteer initiatives;
- (2) Development of the state's youth resources through meaningful work experiences;
- (3) Making outdoor and historic resources of the state available for public enjoyment;
- (4) Teaching of the workings of natural, environmental, and biological systems, as well as basic employment skills;
- (5) Assisting agencies in carrying out statutory assignments with limited funding resources; and
- (6) Providing needed public services in both urban and rural settings with emphasis in a distressed area or areas.

**Sec. 3.** RCW 43.220.040 and 1987 c 367 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

- (1) "Public lands" means any lands or waters, or interests therein, owned or administered by any agency or instrumentality of the state, federal, or local government.
- (2) "Corps" means the Washington conservation corps.
- (3) "Corps member" means an individual enrolled in the Washington conservation corps.
- (4) "Corps member leaders" or "specialists" means members of the corps who serve in leadership or training capacities or who provide specialized services other than or in addition to the types of work and services that are performed by the corps members in general.
- (5) "Council" means the Washington conservation corps coordinating council.
- (6) "Crew supervisor" means temporary, project, or permanent state employees who supervise corps members and coordinate work project design and completion.
- (7) "Distressed area" has the meaning as defined in RCW 43.168.020.

**Sec. 4.** RCW 43.220.060 and 1987 c 505 s 44 are each amended to read as follows:

- (1) Each state department identified in RCW 43.220.020 shall have the following powers and duties to carry out its functions relative to the Washington conservation corps:
  - (a) Recruiting and employing staff ~~((and))~~, corps members, corps member leaders, and specialists;
  - (b) ~~((Adopting criteria for the selection of applicants to the program from among the enrollees of the youth employment exchange program;~~
  - ~~((e)))~~ Executing agreements for furnishing the services of the ~~((employment conservation program))~~ corps to carry out conservation corps programs to any federal, state, or local public agency, any local organization as specified in this chapter in concern with the overall objectives of the conservation corps;
  - ~~((d)))~~ (c) Applying for and accepting grants or contributions of funds from any private source;
  - ~~((e)))~~ (d) Determining a preference for those projects which will provide long-term benefits to the public, will provide productive training and work experiences to the members involved, will be labor-intensive, may result in payments to the state for services performed, and can be promptly completed; and
  - ~~((f)))~~ (e) Entering into agreements with community colleges within the state's community and technical college system and other educational institutions or independent nonprofit agencies to provide special education in basic skills, including reading, writing, and mathematics for those conservation

corps members who may benefit by participation in such classes. Classes shall be scheduled after corps working hours. Participation by members is not mandatory but shall be strongly encouraged. The participation shall be a primary factor in determining whether the opportunity for corps membership beyond one year shall be offered. Instruction related to the specific role of the department in resource conservation shall also be offered, either in a classroom setting or as is otherwise appropriate.

(2) The assignment of corps members shall not result in the displacement of currently employed workers, including partial displacement such as reduction in hours of nonovertime work, wages, or other employment benefits. Supervising agencies that participate in the program may not terminate, lay-off, or reduce the working hours of any employee for the purpose of using a corps member with available funds. In circumstances where substantial efficiencies or a public purpose may result, supervising agencies may use corps members to carry out essential agency work or contractual functions without displacing current employees.

(3) Facilities, supplies, instruments, and tools of the supervising agency shall be made available for use by the conservation corps to the extent that such use does not conflict with the normal duties of the agency. The agency may purchase, rent, or otherwise acquire other necessary tools, facilities, supplies, and instruments.

**Sec. 5.** RCW 43.220.070 and 1995 c 399 s 112 are each amended to read as follows:

(1) Conservation corps members shall be unemployed residents of the state between eighteen and twenty-five years of age at the time of enrollment who are citizens or lawful permanent residents of the United States. The age requirements may be waived for corps leaders and specialists with special leadership or occupational skills; such members shall be given special responsibility for providing leadership, character development, and sense of community responsibility to the corps members, groups, and work crews to which they are assigned. The upper age requirement may be waived for residents who have a sensory or mental handicap. Special effort shall be made to recruit minority and disadvantaged youth who meet selection criteria of the conservation corps. Preference shall be given to youths residing in areas, both urban and rural, in which there exists substantial unemployment exceeding the state average unemployment rate.

(2) The legislature finds that people with developmental disabilities would benefit from experiencing a meaningful work experience, and learning the value of labor and of membership in a productive society.

The legislature urges state agencies that are participating in the Washington conservation corps program to consider for enrollment in the program people who have developmental disabilities, as defined in RCW 71A.10.020.

If an agency chooses to enroll people with developmental disabilities in its Washington conservation corps program, the agency may apply to the United States department of labor, employment standards administration for a special subminimum wage certificate in order to be allowed to pay enrollees with developmental disabilities according to their individual levels of productivity.

(3) Corps members shall not be considered state employees. Other provisions of law relating to civil service, hours of work, rate of compensation, sick leave, unemployment compensation, state retirement plans, and vacation leave do not apply to the Washington conservation corps except for the crew (~~leaders~~) supervisors, who shall be project employees, and the administrative and supervisory personnel.

(4) Enrollment shall be for a period of six months which may be extended for ~~((an))~~ additional ~~((six months))~~ six-month periods by mutual agreement of the corps and the corps member, not to exceed two years. Corps members shall be reimbursed at the minimum wage rate established by state or federal law, whichever is higher, which may be increased by up to five percent for each additional six-month period worked: PROVIDED, That if agencies elect to run a residential program, the appropriate costs for room and board shall be deducted from the corps member's paycheck as provided in chapter 43.220 RCW.

(5) Corps members are to be available at all times for emergency response services coordinated through the department of community, trade, and economic development or other public agency.



Duties may include sandbagging and flood cleanup, search and rescue, and other functions in response to emergencies.

**Sec. 6.** RCW 43.220.120 and 1994 c 264 s 34 are each amended to read as follows:

(1) There is established a conservation corps within the department of fish and wildlife.  
(2) Specific work project areas of the (~~game~~) fish and wildlife conservation corps may include the following:

- (a) Habitat development;
- (b) Land clearing;
- (c) Construction projects;
- (d) Noxious weed control;
- (e) Brush cutting;
- (f) Reader board construction;
- (g) Painting;
- (h) Cleaning and repair of rearing ponds;
- (i) Fishtrap construction;
- (j) Brush clearance;
- (k) Spawning channel restoration;
- (l) Log removal;
- (m) Nest box maintenance and cleaning;
- (n) Fence building;
- (o) Winter game feeding and herding;
- (p) Stream rehabilitation;
- (q) Fish hatchery operation and maintenance;
- (r) Fish tagging; and
- (s) Such other projects as the director of fish and wildlife may determine. If appropriate facilities are available, the director of fish and wildlife may authorize carrying out projects which involve overnight stays.

NEW SECTION. **Sec. 7.** A new section is added to chapter 43.220 RCW to read as follows:

(1) An amount not to exceed five percent of the funds available for the Washington conservation corps may be expended on agency administrative costs. Agency administrative costs are indirect expenses such as personnel, payroll, contract administration, fiscal services, and other overhead costs.

(2) An amount not to exceed twenty percent of the funds available for the Washington conservation corps may be expended for costs included in subsection (1) of this section and program support costs. Program support costs include, but are not limited to, program planning, development of reports, job and career training, uniforms and equipment, and standard office space and utilities. Program support costs do not include direct scheduling and supervision of corps members.

(3) A minimum of eighty percent of the funds available for the Washington conservation corps shall be expended for corps member salaries and benefits and for direct supervision of corps members.

NEW SECTION. **Sec. 8.** The following acts or parts of acts are each repealed:

(1) RCW 43.220.050 (Coordination by youth employment exchange--Powers and duties) and 1983 1st ex.s. c 40 s 5;

(2) RCW 43.220.220 (Use of funds for enrollees and members from distressed areas--Youth employment exchange--Evaluation of projects--Training plan) and 1985 c 230 s 2;

(3) RCW 43.220.240 (Staff support--Administration) and 1985 c 230 s 4;

(4) RCW 43.131.383 (Conservation corps--Termination) and 1993 c 516 s 13;

(5) RCW 43.131.384 (Conservation corps--Repeal) and 1993 c 516 s 14;

(6) RCW 43.220.150 (Conservation corps established in department of agriculture--Work project areas) and 1983 1st ex.s. c 40 s 15; and

(7) RCW 43.220.230 (Limitation on use of funds) and 1990 c 71 s 3 & 1985 c 230 s 3.

NEW SECTION. **Sec. 9.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Signed by Representatives Buck, Republican Co-Chair; Regala, Democratic Co-Chair; Anderson, Democratic Vice Chair; Sump, Republican Vice Chair; G. Chandler; Doumit; Eickmeyer; Ericksen; Rockefeller and Stensen.

Voting yea: Representatives Buck, Regala, Anderson, Sump, G. Chandler, Doumit, Eickmeyer, Ericksen, Rockefeller, and Stensen.

Excused: Representative(s) Clements and Pennington.

Referred to Committee on Appropriations.

There being no objection, the bill listed on the day's committee reports under the fifth order of business was referred to the committees so designated.

#### **SIGNED BY THE SPEAKERS**

Speakers announced they were signing:

SENATE BILL NO. 6048,

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 1:00 p.m., Wednesday, March 31, 1999, the 80<sup>th</sup> Legislative Day.

TIMOTHY A. MARTIN, Chief Clerk      CLYDE BALLARD, Speaker  
DEAN R. FOSTER, Chief Clerk      FRANK CHOPP, Speaker

SEVENTY-NINTH DAY, MARCH 30, 1999

JOURNAL OF THE HOUSE

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

**EIGHTIETH DAY**

**AFTERNOON SESSION**

House Chamber, Olympia, Wednesday, March 31, 1999

The House was called to order at 1:00 p.m. by Speaker Pro Tempore Ogden. The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Sherilyn Small and Lia Labrant. Prayer was offered by Representative Dave Quall.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

**REPORTS OF STANDING COMMITTEES**

SB 5122 Prime Sponsor, Fairley: Recovering industrial insurance benefits payments. Reported by  
Committee on Commerce & Labor March 29, 1999

MAJORITY recommendation: Do pass. Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Hurst; Lisk; McIntire and McMorris.

Voting yea: Representatives Clements, Conway, B. Chandler, Wood, Hurst, Lisk, McIntire and McMorris.

Passed to Rules Committee for Second Reading.

SSB 5352 Prime Sponsor, Committee on Senate State & Local Government: Removing the term limit for members of boundary review boards. Reported by Committee on Local Government March 29, 1999

MAJORITY recommendation: Do pass. Signed by Representatives Mulliken, Republican Co-Chair; Scott, Democratic Co-Chair; Ericksen; Fisher and Fortunato.

MINORITY recommendation: Do not pass. Signed by Representative Mielke, Republican Vice Chair.

Voting yea: Representatives Mulliken, Scott, Ericksen, Fisher and Fortunato.

Voting nay: Representative(s) Mielke.

Excused: Representative(s) Doumit and Edwards.

Passed to Rules Committee for Second Reading.

March 29, 1999

SB 5442 Prime Sponsor, Kline: Increasing the defined amount of "nominal deposit" affecting real estate brokers. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Hurst; Lisk; McIntire and McMorris.

Voting yea: Representatives Clements, Conway, B. Chandler, Wood, Hurst, Lisk and McIntire.

Excused: Representative(s) McMorris.

Passed to Rules Committee for Second Reading.

March 29, 1999

SB 5648 Prime Sponsor, Haugen: Providing consistency in definitions regarding businesses furnishing lodging. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Hurst; Lisk; McIntire and McMorris.

Voting yea: Representatives Clements, Conway, B. Chandler, Wood, Hurst, Lisk, McIntire and McMorris.

Passed to Rules Committee for Second Reading.

March 29, 1999

SB 5667 Prime Sponsor, West: Increasing the number of untaxed complimentary tickets available for boxing, kickboxing, martial arts, and wrestling. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Hurst; Lisk; McIntire and McMorris.

Voting yea: Representatives Clements, Conway, B. Chandler, Wood, Hurst, Lisk, McIntire and McMorris.

Referred to Committee on Finance.

March 29, 1999

ESSB 5668 Prime Sponsor, Committee on Education: Regarding criminal records checks for volunteers who have regularly scheduled unsupervised access to children. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Democratic Co-Chair; Talcott, Republican Co-Chair; Haigh, Democratic Vice Chair; Schindler, Republican Vice Chair; Carlson; Cox; Keiser; Rockefeller; Santos; D. Schmidt; Schual-Berke; Stensen; Sump and Wensman.

Voting yea: Representatives Quall, Talcott, Haigh, Schindler, Carlson, Cox, Keiser, Rockefeller, Santos, D. Schmidt, Schual-Berke, Stensen, Sump and Wensman.

Passed to Rules Committee for Second Reading.

March 29, 1999

SSB 5669 Prime Sponsor, Committee on Senate Labor & Workforce Development: Regulating conversion vending units and medical units. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Hurst; Lisk; McIntire and McMorris.

Voting yea: Representatives Clements, Conway, B. Chandler, Wood, Hurst, Lisk, McIntire and McMorris.

Passed to Rules Committee for Second Reading.

March 29, 1999

SB 5760 Prime Sponsor, Goings: Allowing unincorporated territory adjacent to a fire protection district to be annexed. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Mulliken, Republican Co-Chair; Scott, Democratic Co-Chair; Mielke, Republican Vice Chair; Ericksen; Fisher and Fortunato.

Voting yea: Representatives Mulliken, Scott, Mielke, Ericksen, Fisher and Fortunato.  
Excused: Representative(s) Doumit and Edwards.

Passed to Rules Committee for Second Reading.

March 29, 1999

ESB 5816 Prime Sponsor, Haugen: Enabling counties planning under chapter 36.70A RCW to create nine lots in a short subdivision within a designated urban growth area. Reported by Committee on Local Government

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 58.17.020 and 1995 c 32 s 2 are each amended to read as follows:

As used in this chapter, unless the context or subject matter clearly requires otherwise, the words or phrases defined in this section shall have the indicated meanings.

(1) "Subdivision" is the division or redivision of land into five or more lots, tracts, parcels, sites, or divisions for the purpose of sale, lease, or transfer of ownership, except as provided in subsection (6) of this section.

(2) "Plat" is a map or representation of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, streets and alleys, or other divisions and dedications.

(3) "Dedication" is the deliberate appropriation of land by an owner for any general and public uses, reserving to himself or herself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted. The intention to dedicate shall be evidenced by the owner by the presentment for filing of a final plat or short plat showing the dedication thereon; and, the acceptance by the public shall be evidenced by the approval of such plat for filing by the appropriate governmental unit.

A dedication of an area of less than two acres for use as a public park may include a designation of a name for the park, in honor of a deceased individual of good character.

(4) "Preliminary plat" is a neat and approximate drawing of a proposed subdivision showing the general layout of streets and alleys, lots, blocks, and other elements of a subdivision consistent with the requirements of this chapter. The preliminary plat shall be the basis for the approval or disapproval of the general layout of a subdivision.

(5) "Final plat" is the final drawing of the subdivision and dedication prepared for filing for record with the county auditor and containing all elements and requirements set forth in this chapter and in local regulations adopted under this chapter.

(6) "Short subdivision" is the division or redivision of land into four or fewer lots, tracts, parcels, sites, or divisions for the purpose of sale, lease, or transfer of ownership(~~(= PROVIDED, That)~~). However, the legislative authority of any city or town may by local ordinance increase the number of lots, tracts, or parcels to be regulated as short subdivisions to a maximum of nine. The legislative authority of any county planning under RCW 36.70A.040 that has adopted a comprehensive plan and development regulations in compliance with chapter 36.70A RCW may by ordinance increase the number of lots, tracts, or parcels to be regulated as short subdivisions to a maximum of nine in any urban growth area.

(7) "Binding site plan" means a drawing to a scale specified by local ordinance which: (a) Identifies and shows the areas and locations of all streets, roads, improvements, utilities, open spaces, and any other matters specified by local regulations; (b) contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land as are established by the local government body having authority to approve the site plan; and (c) contains provisions making any development be in conformity with the site plan.

(8) "Short plat" is the map or representation of a short subdivision.

(9) "Lot" is a fractional part of divided lands having fixed boundaries, being of sufficient area and dimension to meet minimum zoning requirements for width and area. The term shall include tracts or parcels.

(10) "Block" is a group of lots, tracts, or parcels within well defined and fixed boundaries.

(11) "County treasurer" shall be as defined in chapter 36.29 RCW or the office or person assigned such duties under a county charter.

(12) "County auditor" shall be as defined in chapter 36.22 RCW or the office or person assigned such duties under a county charter.

(13) "County road engineer" shall be as defined in chapter 36.40 RCW or the office or person assigned such duties under a county charter.

(14) "Planning commission" means that body as defined in chapter((s)) 36.70, 35.63, or 35A.63 RCW as designated by the legislative body to perform a planning function or that body assigned such duties and responsibilities under a city or county charter.

(15) "County commissioner" shall be as defined in chapter 36.32 RCW or the body assigned such duties under a county charter."

Correct the title.

Signed by Representatives Mulliken, Republican Co-Chair; Scott, Democratic Co-Chair; Mielke, Republican Vice Chair; Ericksen and Fortunato.

MINORITY recommendation: Do not pass. Signed by Representative Fisher.

Voting yea: Representatives Mulliken, Scott, Mielke, Ericksen and Fortunato.

Voting nay: Representative(s) Fisher.

Excused: Representative(s) Doumit and Edwards.

Passed to Rules Committee for Second Reading.

#### MOTION

On motion of Representative Kessler, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

#### RESOLUTION

HOUSE RESOLUTION NO. 99-4632, by Representatives Kastama, McDonald and Campbell

WHEREAS, The annual Puyallup Valley Daffodil Festival is a cherished tradition for the people of Pierce County and the Northwest; and

WHEREAS, 1999 marks the 66th annual Daffodil Festival; and

WHEREAS, The Festival began in 1926 as a simple garden party in Sumner, and grew steadily each year until 1934 when flowers, which previously had been largely discarded in favor of bulbs, were used to decorate cars and bicycles for a short parade through Tacoma; and

WHEREAS, The Festival's 1999 events are ongoing, and will culminate in the April 17th Grand Floral Street Parade, winding its way from downtown Tacoma to the communities of Puyallup, Sumner, and Orting; and

WHEREAS, This year's Festival royalty includes princesses Hanna Benton, Eatonville High School; Rochelle Bolvin, Rogers High School; Kamaleah Brown, Washington High School; Nadine Coury, Stadium High School; Maylynn Eleno, Lakes High School; Semmelle Ford, Wilson High School; Nikki Grajeda, Franklin Pierce High School; Sarah Jones, Fife High School; Jeana Little, Sumner High School; Lori Maddox, Bethel High School; Jennifer Matteson, Mt. Tahoma High School; Amanda Maus, Clover Park High School; Tina Park, Spanaway Lake High School; Sarah Pitsch, Foss High School; Bunnary Por, Lincoln High School; Sarah Sheridan, Curtis High School; Meighan Steele, Orting High School; Nickole White Eagle, Chief Leschi High School; and Alison Yurovchak, Puyallup High School;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State House of Representatives do hereby recognize and honor the many contributions made to our state by the Puyallup Valley Daffodil Festival and its organizers over the past 66 years; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted immediately by the Co-Chief Clerks of the House of Representatives to the 1999 Puyallup Valley Daffodil Festival Officers and to the Members of the Festival Royalty.

Representative Kastama moved adoption of the resolution.

Representatives Kastama and McDonald spoke in favor of the adoption of the resolution.

House Resolution No. 99-4632 was adopted.

#### SPEAKER'S PRIVILEGE

The Speaker (Representative Ogden presiding) introduced Daffodil Festival Queen Jeana Little, her mother, Festival Royalty and organizers.

There being no objection, the House advanced to the eleventh order of business.

#### MOTION

On motion of Representative Kessler, the House adjourned until 10:00 a.m., Thursday, April 1, 1999, the 81<sup>st</sup> Legislative Day.

TIMOTHY A. MARTIN, Chief Clerk      CLYDE BALLARD, Speaker  
DEAN R. FOSTER, Chief Clerk      FRANK CHOPP, Speaker



EIGHTIETH DAY, MARCH 31, 1999

JOURNAL OF THE HOUSE

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## **EIGHTY-FIRST DAY**

### **MORNING SESSION**

House Chamber, Olympia, Thursday, April 1, 1999

The House was called to order at 10:00 a.m. by Speaker Ballard. The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Garrett Mondini and Sarah Schwartz. Prayer was offered by Pastor David Blum, Church of the Nazarene, Otis Orchards.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

### **MESSAGE FROM THE SENATE**

March 31, 1999

Mr. Speaker:

The Senate has passed:

ENGROSSED SENATE CONCURRENT RESOLUTION NO. 8402,

and the same is herewith transmitted.

Tony M. Cook, Secretary

### **INTRODUCTIONS AND FIRST READING**

HCR 4410 by Representatives Mitchell, Murray, Esser, Edmonds, Alexander, Lambert, Stensen and Bush

Creating a commission on legislative building renovation.

Referred to Committee on Capital Budget.

ESCR 8402 by Senators Franklin, Winsley, Fairley, Wojahn, Thibaudeau, Rasmussen, Jacobsen, Shin, Kohl-Welles, Spanel, Fraser, Gardner, Snyder, Kline, B. Sheldon, Prentice, Goings, Patterson, Loveland, Costa and McAuliffe

Recommending establishment of an interagency task force to conduct a study of contingent work force issues.

Referred to Committee on Commerce & Labor.

#### MOTION

On motion of Representative Lisk, the resolutions listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

#### REPORTS OF STANDING COMMITTEES

March 31, 1999

HB 1165 Prime Sponsor, Representative Murray: Making appropriations and authorizing expenditures for capital improvements. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Mitchell, Republican Co-Chair; Murray, Democratic Co-Chair; Edmonds, Democratic Vice Chair; Esser, Republican Vice Chair; Alexander; Anderson; Barlean; Bush; Constantine; Dunshee; Hankins; Koster; Lantz; Mastin; Miloscia; O'Brien; Ogden and Schoesler.

Voting yea: Representatives Mitchell, Murray, Edmonds, Esser, Alexander, Anderson, Barlean, Bush, Constantine, Dunshee, Hankins, Koster, Lantz, Mastin, Miloscia, O'Brien, Ogden and Schoesler.

March 31, 1999

HB 1166 Prime Sponsor, Representative Murray: Issuing general obligation bonds. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Mitchell, Republican Co-Chair; Murray, Democratic Co-Chair; Edmonds, Democratic Vice Chair; Esser, Republican Vice Chair; Alexander; Anderson; Barlean; Bush; Constantine; Dunshee; Hankins; Koster; Lantz; Mastin; Miloscia; O'Brien; Ogden and Schoesler.

Voting yea: Representatives Mitchell, Murray, Edmonds, Esser, Alexander, Anderson, Barlean, Bush, Constantine, Dunshee, Hankins, Koster, Lantz, Mastin, Miloscia, O'Brien, Ogden and Schoesler.

March 31, 1999

SSB 5046 Prime Sponsor, Senate Committee on Human Services & Corrections: Revising hearing procedures for defendants receiving mental health evaluations. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

Voting yea: Representatives Ballasiotes, O'Brien, Cairnes, Lovick, B. Chandler, Constantine, Kagi and Koster.

Passed to Rules Committee for Second Reading.

March 31, 1999

SSB 5048 Prime Sponsor, Senate Committee on Human Services & Corrections: Making technical corrections to chapters 10.77 and 71.05 RCW. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

Voting yea: Representatives Ballasiotes, O'Brien, Cairnes, Lovick, B. Chandler, Constantine, Kagi and Koster.

Passed to Rules Committee for Second Reading.

March 30, 1999

SSB 5066 Prime Sponsor, Senate Committee on Senate State & Local Government: Imposing a penalty for state agencies that fail to meet legislative reporting requirements. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Campbell, Republican Vice Chair; Miloscia, Democratic Vice Chair; Haigh; Lambert and D. Schmidt.

MINORITY recommendation: Do not pass. Signed by Representative Dunshee.

Voting yea: Representatives McMorris, Romero, Campbell, Miloscia, Haigh, Lambert and D. Schmidt.

Voting nay: Representative(s) Dunshee.

Passed to Rules Committee for Second Reading.

March 30, 1999

SB 5095 Prime Sponsor, Senate Thibaudeau: Clarifying that public corporations, commissions, and authorities are public agencies for purposes of the open public meetings act. Reported by Committee on State Government

MAJORITY recommendation: Do pass as amended.

On page 1, after the enacting clause strike the remainder of the bill, and insert:

"NEW SECTION. Sec. 1. A new section is added to chapter 35.21 RCW to read as follows:

A public corporation, commission, or authority created under this chapter, and officers and multi-member governing body thereof, are subject to general laws regulating local governments, multi-member governing bodies, and local governmental officials, including, but not limited to, the requirement to be audited by the state auditor and various accounting requirements provided under chapter 43.09 RCW, the open public record requirements of chapter 42.17 RCW, the prohibition on using its facilities for campaign purposes under RCW 42.17.130, the open public meetings law of chapter 42.30 RCW, the code of ethics for municipal officers under chapter 42.23 RCW, and the local government whistleblower law under chapter 42.41 RCW."

Correct the title.

Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Campbell, Republican Vice Chair; Miloscia, Democratic Vice Chair; Dunshee; Haigh; Lambert and D. Schmidt.

Voting yea: Representatives McMorris, Romero, Campbell, Miloscia, Dunshee, Haigh, Lambert and D. Schmidt.

Passed to Rules Committee for Second Reading.

March 31, 1999

SB 5178 Prime Sponsor, Senator McAuliffe: Correcting references to the third grade standardized achievement test. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Democratic Co-Chair; Talcott, Republican Co-Chair; Haigh, Democratic Vice Chair; Schindler, Republican Vice Chair; Carlson; Cox; Keiser; Rockefeller; Santos; D. Schmidt; Schual-Berke and Stensen.

Voting yea: Representatives Quall, Talcott, Haigh, Schindler, Carlson, Cox, Keiser, Rockefeller, Santos, D. Schmidt, Schual-Berke and Stensen.  
Excused: Representative(s) Sump and Wensman.

Passed to Rules Committee for Second Reading.

March 31, 1999

SB 5194 Prime Sponsor, Senator Brown: Changing information technology management provisions. Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: Do pass. Signed by Representatives Crouse, Republican Co-Chair; Poulsen, Democratic Co-Chair; DeBolt, Republican Vice Chair; Ruderman, Democratic Vice Chair; Bush; Cooper; Delvin; Kastama; McDonald; Mielke; Morris; Reardon; Thomas and Wolfe.

Voting yea: Representatives Crouse, Poulsen, DeBolt, Ruderman, Bush, Cooper, Delvin, Kastama, McDonald, Mielke, Morris, Reardon, Thomas and Wolfe.

Referred to Committee on Appropriations.

March 30, 1999

SSB 5215 Prime Sponsor, Senate Committee on Education: Extending veterans' exemptions from higher education tuition. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Carlson, Republican Co-Chair; Kenney, Democratic Co-Chair; Lantz, Democratic Vice Chair; Radcliff, Republican Vice Chair; Dunn; Edmonds; Esser and Gombosky.

Voting yea: Representatives Carlson, Kenney, Lantz, Radcliff, Dunn, Edmonds, Esser and Gombosky.

Referred to Committee on Appropriations.

March 29, 1999

SSB 5219 Prime Sponsor, Senate Committee on Senate State & Local Government: Allowing port district annexations. Reported by Committee on Local Government

MAJORITY recommendation: Do pass as amended.

On page 1, after the enacting clause, strike the remainder of the bill, and insert the following:  
"NEW SECTION. Sec. 1. The legislature intends annexation procedures set forth in sections 2 through 5 of this act to be alternative methods available to port districts that are less than county-wide. The legislature does not intend the alternative procedures to supersede any other method authorized by chapter 53.04 RCW or other law for annexation of territory to a port district.

NEW SECTION. Sec. 2. A port district that is less than county-wide, and that is located in a county with a population of less than ninety thousand and located in the Interstate 5 corridor, may petition for annexation of an area that is contiguous to its boundaries, is not located within the boundaries of any other port district, and contains no registered voters. The petition must be in writing, addressed to and filed with the port commission, and signed by the owners of not less than seventy-five percent of the property value in the area to be annexed, according to the assessed value for general taxation. The petition must contain a legal description of the property according to government legal subdivisions or legal plats, or a sufficient metes and bounds description, and must be accompanied by a plat outlining the boundaries of the property to be annexed.

NEW SECTION. Sec. 3. If a petition meeting the requirements set forth in section 2 of this act is filed with the commission, the commission shall determine a date, time, and location for a hearing on the petition and shall provide public notice of that hearing and its nature by publishing the notice in one issue of a newspaper of general circulation in the district and by posting the notice in three public places within the territory proposed for annexation. The commission may require proof of a petition's authenticity before complying with notice requirements imposed by this section and may require the signers of a petition to bear the costs of publishing and posting notice.

NEW SECTION. Sec. 4. At the hearing, the commission may determine to annex all or any portion of the proposed area described in the petition. Following the hearing, the commission shall by resolution approve or disapprove annexation. Upon passage of the resolution, the commission shall file, with the board of county commissioners of the county in which the annexed property is located, a certified copy of the resolution. On the date fixed in the resolution, the area annexed becomes part of the district.

NEW SECTION. Sec. 5. (1) By a majority vote of the commission, and with the written consent of all the owners of the property to be annexed, a port commission of a district that is less than county-wide, and that is located in a county with a population of less than ninety thousand and located in the Interstate 5 corridor, may annex, for industrial development or other port district purposes, property contiguous to the district's boundaries and not located within the boundaries of any other port district.

(2) The written consent required by subsection (1) of this section must contain a full and correct legal description of the property to be annexed, must include the signature of all owners of the property to be annexed, and must be addressed to and filed with the commission.

(3) If the commission approves annexation under this section, it shall do so by resolution and shall file a certified copy of the resolution with the board of county commissioners of the county in which the annexed property is located. Upon the date fixed in the resolution, the area annexed becomes part of the district.

NEW SECTION. Sec. 6. No property within the territory annexed under sections 2 through 5 of this act may be taxed or assessed for the payment of any outstanding indebtedness of the port district as it existed before the annexation unless another law requires the tax or assessment."

Signed by Representatives Mulliken, Republican Co-Chair; Scott, Democratic Co-Chair; Mielke, Republican Vice Chair; Ericksen; Fisher and Fortunato.

Voting yea: Representatives Mulliken, Scott, Mielke, Ericksen, Fisher and Fortunato.  
Excused: Representative(s) Doumit and Edwards.

Passed to Rules Committee for Second Reading.

March 29, 1999

SSB 5231 Prime Sponsor, Senate Committee on Senate State & Local Government: Revising the duties of the county treasurer pertaining to management of debt. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Mulliken, Republican Co-Chair; Scott, Democratic Co-Chair; Mielke, Republican Vice Chair; Ericksen; Fisher and Fortunato.

Voting yea: Representatives Mulliken, Scott, Mielke, Ericksen, Fisher and Fortunato.  
Excused: Representative(s) Doumit and Edwards.

Passed to Rules Committee for Second Reading.

March 30, 1999

SB 5278 Prime Sponsor, Senator Kohl-Welles: Changing provisions relating to foreign degree-granting institutions' branch campuses. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Carlson, Republican Co-Chair; Kenney, Democratic Co-Chair; Lantz, Democratic Vice Chair; Radcliff, Republican Vice Chair; Dunn; Edmonds; Esser and Gombosky.

Voting yea: Representatives Carlson, Kenney, Lantz, Radcliff, Dunn, Edmonds, Esser and Gombosky.

Passed to Rules Committee for Second Reading.

March 30, 1999

ESSB 5348 Prime Sponsor, Senate Committee on Senate State & Local Government: Reorganizing the state library commission. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Campbell, Republican Vice Chair; Miloscia, Democratic Vice Chair; Dunshee; Haigh; Lambert and D. Schmidt.

Voting yea: Representatives McMorris, Romero, Campbell, Miloscia, Dunshee, Haigh, Lambert and D. Schmidt.

Passed to Rules Committee for Second Reading.

March 29, 1999

SSB 5364 Prime Sponsor, Senate Committee on Senate Commerce, Trade, Housing & Financial Institutions: Administering and designating liquor licenses. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 66.08.180 and 1997 c 451 s 3 and 1997 c 321 s 57 are each reenacted and amended to read as follows:

Except as provided in RCW 66.24.290(1), moneys in the liquor revolving fund shall be distributed by the board at least once every three months in accordance with RCW 66.08.190, 66.08.200 and 66.08.210: PROVIDED, That the board shall reserve from distribution such amount not exceeding five hundred thousand dollars as may be necessary for the proper administration of this title.

(1) All license fees, penalties and forfeitures derived under this act from ~~((class H))~~ spirits, beer, and wine restaurant; spirits, beer, and wine private club; and sports entertainment facility licenses or ~~((class H))~~ spirits, beer, and wine restaurant; spirits, beer, and wine private club; and sports entertainment facility licensees shall every three months be disbursed by the board as follows:

(a) Three hundred thousand dollars per biennium, to the University of Washington for the forensic investigations council to conduct the state toxicological laboratory pursuant to RCW 68.50.107; and

(b) Of the remaining funds:

(i) 6.06 percent to the University of Washington and 4.04 percent to Washington State University for alcoholism and drug abuse research and for the dissemination of such research; and

(ii) 89.9 percent to the general fund to be used by the department of social and health services solely to carry out the purposes of RCW 70.96A.050;

(2) The first fifty-five dollars per license fee provided in RCW 66.24.320 and 66.24.330 up to a maximum of one hundred fifty thousand dollars annually shall be disbursed every three months by the board to the general fund to be used for juvenile alcohol and drug prevention programs for kindergarten through third grade to be administered by the superintendent of public instruction;

(3) Twenty percent of the remaining total amount derived from license fees pursuant to RCW 66.24.320, 66.24.330, 66.24.350, and 66.24.360, shall be transferred to the general fund to be used by the department of social and health services solely to carry out the purposes of RCW 70.96A.050; and

(4) One-fourth cent per liter of the tax imposed by RCW 66.24.210 shall every three months be disbursed by the board to Washington State University solely for wine and wine grape research, extension programs related to wine and wine grape research, and resident instruction in both wine grape production and the processing aspects of the wine industry in accordance with RCW 28B.30.068. The director of financial management shall prescribe suitable accounting procedures to ensure that the funds transferred to the general fund to be used by the department of social and health services and appropriated are separately accounted for.

**Sec. 2.** RCW 66.08.220 and 1949 c 5 s 11 are each amended to read as follows:

The board shall set aside in a separate account in the liquor revolving fund an amount equal to ten percent of its gross sales of liquor to ~~((class H))~~ spirits, beer, and wine restaurant; spirits, beer, and wine private club; and sports entertainment facility licensees, less the fifteen percent discount provided for in RCW 66.24.440; and the moneys in said separate account shall be distributed in accordance with the provisions of RCW 66.08.190, 66.08.200 and 66.08.210: PROVIDED, HOWEVER, That no election unit in which the sale of liquor under ~~((class H))~~ spirits, beer, and wine restaurant; spirits, beer, and wine private club; and sports entertainment facility licenses is unlawful shall be entitled to share in the distribution of moneys from such separate account.

**Sec. 3.** RCW 66.12.110 and 1975-'76 2nd ex.s. c 20 s 1 are each amended to read as follows:



A person twenty-one years of age or over may bring into the state from without the United States, free of tax and markup, for his personal or household use such alcoholic beverages as have been declared and permitted to enter the United States duty free under federal law.

Such entry of alcoholic beverages in excess of that herein provided may be authorized by the board upon payment of an equivalent markup and tax as would be applicable to the purchase of the same or similar liquor at retail from a Washington state liquor store. The board shall adopt appropriate regulations pursuant to chapter 34.05 RCW for the purpose of carrying out the provisions of this section. The board may issue a ~~((class-H))~~ spirits, beer, and wine private club license to a charitable or nonprofit corporation of the state of Washington, the majority of the officers and directors of which are United States citizens and the minority of the officers and directors of which are citizens of the Dominion of Canada, and where the location of the premises for such ~~((class-H))~~ spirits, beer, and wine private club license is not more than ten miles south of the border between the United States and the province of British Columbia.

**Sec. 4.** RCW 66.24.185 and 1997 c 321 s 4 are each amended to read as follows:

(1) There shall be a license for bonded wine warehouses which shall authorize the storage of bottled wine only. Under this license a licensee may maintain a warehouse for the storage of wine off the premises of a winery.

(2) The board shall adopt similar qualifications for a bonded wine warehouse license as required for obtaining a domestic winery license as specified in RCW 66.24.010 and 66.24.170. A licensee must be a sole proprietor, a partnership, a limited liability company, or a corporation. One or more domestic wineries may operate as a partnership, corporation, business co-op, or agricultural co-op for the purposes of obtaining a bonded wine warehouse license.

(3) All bottled wine shipped to a bonded wine warehouse from a winery or another bonded wine warehouse shall remain under bond and no tax imposed under RCW 66.24.210 shall be due, unless the wine is removed from bond and shipped to a licensed Washington wine distributor. Wine may be removed from a bonded wine warehouse only for the purpose of being (a) exported from the state, (b) shipped to a licensed Washington wine distributor, or (c) returned to a winery or bonded wine warehouse.

(4) Warehousing of wine by any person other than (a) a licensed domestic winery or a bonded wine warehouse licensed under the provisions of this section, (b) a licensed Washington wine distributor, (c) a licensed Washington wine importer, (d) a wine certificate of approval holder (W7), or (e) the liquor control board, is prohibited.

(5) A license applicant shall hold a federal permit for a bonded wine cellar and may be required to post a continuing wine tax bond ~~((in the amount of five thousand dollars in a form prescribed))~~ of such an amount and in such a form as may be required by the board prior to the issuance of a bonded wine warehouse license. The fee for this license shall be one hundred dollars per annum.

(6) The board shall adopt rules requiring a bonded wine warehouse to be physically secure, zoned for the intended use and physically separated from any other use.

(7) Every licensee shall submit to the board a monthly report of movement of bottled wines to and from a bonded wine warehouse in a form prescribed by the board. The board may adopt other necessary procedures by which bonded wine warehouses are licensed and regulated.

**Sec. 5.** RCW 66.24.450 and 1998 c 126 s 9 and 1998 c 114 s 1 are each reenacted and amended to read as follows:

(1) No club shall be entitled to a spirits, beer, and wine private club license:

(a) Unless such private club has been in continuous operation for at least one year immediately prior to the date of its application for such license;

(b) Unless the private club premises be constructed and equipped, conducted, managed, and operated to the satisfaction of the board and in accordance with this title and the regulations made thereunder;

(c) Unless the board shall have determined pursuant to any regulations made by it with respect to private clubs, that such private club is a bona fide private club; it being the intent of this section that license shall not be granted to a club which is, or has been, primarily formed or activated to obtain a

license to sell liquor, but solely to a bona fide private club, where the sale of liquor is incidental to the main purposes of the spirits, beer, and wine private club, as defined in RCW 66.04.010(7).

(2) The annual fee for a spirits, beer, and wine private club license, whether inside or outside of an incorporated city or town, is seven hundred twenty dollars per year.

(3) The board may issue an endorsement to the (~~full-service~~) spirits, beer, and wine private club license that allows up to forty nonclub, member-sponsored events using club liquor. Visitors and guests may attend these events only by invitation of the sponsoring member or members. These events may not be open to the general public. The fee for the endorsement shall be an annual fee of nine hundred dollars. Upon the board's request, the holder of the endorsement must provide the board or the board's designee with the following information at least seventy-two hours prior to the event: The date, time, and location of the event; the name of the sponsor of the event; and a brief description of the purpose of the event.

**Sec. 6.** RCW 66.24.580 and 1996 c 224 s 2 are each amended to read as follows:

(1) A public house license allows the licensee:

(a) To annually manufacture no less than two hundred fifty gallons and no more than two thousand four hundred barrels of beer on the licensed premises;

(b) To sell product, that is produced on the licensed premises, at retail on the licensed premises for consumption on the licensed premises;

(c) To sell beer or wine not of its own manufacture for consumption on the licensed premises if the beer or wine has been purchased from a licensed beer or wine wholesaler;

(d) To hold other classes of retail licenses at other locations without being considered in violation of RCW 66.28.010;

(e) To apply for and, if qualified and upon the payment of the appropriate fee, be licensed as a (~~class H~~) spirits, beer, and wine restaurant to do business at the same location. This fee is in addition to the fee charged for the basic public house license.

(2) While the holder of a public house license is not to be considered in violation of the prohibitions of ownership or interest in a retail license in RCW 66.28.010, the remainder of RCW 66.28.010 applies to such licensees.

(3) A public house licensee must pay all applicable taxes on production as are required by law, and all appropriate taxes must be paid for any product sold at retail on the licensed premises.

(4) The employees of the licensee must comply with the provisions of mandatory server training in RCW 66.20.300 through 66.20.350.

(5) The holder of a public house license may not hold a wholesaler's or importer's license, act as the agent of another manufacturer, wholesaler, or importer, or hold a brewery or winery license.

(6) The annual license fee for a public house is one thousand dollars.

(7) The holder of a public house license may hold other licenses at other locations if the locations are approved by the board.

(8) Existing holders of annual retail liquor licenses may apply for and, if qualified, be granted a public house license at one or more of their existing liquor licensed locations without discontinuing business during the application or construction stages.

**Sec. 7.** RCW 66.28.220 and 1993 c 21 s 3 are each amended to read as follows:

The board shall adopt rules requiring retail licensees to affix appropriate identification on all containers of four gallons or more of malt liquor for the purpose of tracing the purchasers of such containers. The rules may provide for identification to be done on a state-wide basis or on the basis of smaller geographical areas.

The board shall develop and make available forms for the declaration and receipt required by RCW 66.28.200. The board may charge (~~class E~~) grocery store licensees for the costs of providing the forms and that money collected for the forms shall be deposited into the liquor revolving fund for use by the board, without further appropriation, to continue to administer the cost of the keg registration program.

It is unlawful for any person to sell or offer for sale kegs or other containers containing four gallons or more of malt liquor to consumers who are not licensed under chapter 66.24 RCW if the kegs or containers are not identified in compliance with rules adopted by the board.

**Sec. 8.** RCW 66.40.030 and 1994 c 55 s 1 are each amended to read as follows:

Within any unit referred to in RCW 66.40.010, there may be held a separate election upon the question of whether the sale of liquor under ~~((class H))~~ spirits, beer, and wine restaurant; spirits, beer, and wine private club; and sports entertainment facility licenses, shall be permitted within such unit. The conditions and procedure for holding such election shall be those prescribed by RCW 66.40.020, 66.40.040, 66.40.100, 66.40.110 and 66.40.120. Whenever a majority of qualified voters voting upon said question in any such unit shall have voted "against the sale of liquor under ~~((class H))~~ spirits, beer, and wine restaurant; spirits, beer, and wine private club; and sports entertainment facility licenses", the county auditor shall file with the liquor control board a certificate showing the result of the canvass at such election; and after ninety days from and after the date of the canvass, it shall not be lawful for licensees to maintain and operate premises within the election unit licensed under ~~((class H))~~ spirits, beer, and wine restaurant; spirits, beer, and wine private club; and sports entertainment facility licenses. The addition after an election under this section of new territory to a city, town, or county, by annexation, disincorporation, or otherwise, shall not extend the prohibition against the sale of liquor under ~~((class H))~~ spirits, beer, and wine restaurant; spirits, beer, and wine private club; and sports entertainment facility licenses to the new territory. Elections held under RCW 66.40.010, 66.40.020, 66.40.040, 66.40.100, 66.40.110, 66.40.120 and 66.40.140, shall be limited to the question of whether the sale of liquor by means other than under ~~((class H))~~ spirits, beer, and wine restaurant; spirits, beer, and wine private club; and sports entertainment facility licenses shall be permitted within such election unit.

**Sec. 9.** RCW 66.40.130 and 1949 c 5 s 13 are each amended to read as follows:

Ninety days after December 2, 1948, ~~((class H))~~ spirits, beer, and wine restaurant; spirits, beer, and wine private club; and sports entertainment facility licenses may be issued in any election unit in which the sale of liquor is then lawful. No ~~((class H))~~ spirits, beer, and wine restaurant; spirits, beer, and wine private club; and sports entertainment facility license shall be issued in any election unit in which the sale of liquor is forbidden as the result of an election held under RCW 66.40.010, 66.40.020, 66.40.040, 66.40.100, 66.40.110, 66.40.120 and 66.40.140, unless a majority of the qualified electors in such election unit voting upon this initiative at the general election in November, 1948, vote in favor of this initiative, or unless at a subsequent general election in which the question of whether the sale of liquor under ~~((class H))~~ spirits, beer, and wine restaurant; spirits, beer, and wine private club; and sports entertainment facility licenses shall be permitted within such unit is submitted to the electorate, as provided in RCW 66.40.030, a majority of the qualified electors voting upon such question vote "for the sale of liquor under ~~((class H))~~ spirits, beer, and wine restaurant; spirits, beer, and wine private club; and sports entertainment facility licenses."

**Sec. 10.** RCW 66.44.190 and 1997 c 321 s 62 are each amended to read as follows:

Except at the faculty center as so designated by the university board of regents to the Washington state liquor control board who may issue a ~~((class H))~~ spirits, beer, and wine private club license therefor, it shall be unlawful to sell any intoxicating liquors, with or without a license on the grounds of the University of Washington, otherwise known and described as follows: Fractional section 16, township 25 north, range 4 east of Willamette Meridian except to the extent allowed under banquet permits issued pursuant to RCW 66.24.481.

**Sec. 11.** RCW 66.44.340 and 1986 c 5 s 1 are each amended to read as follows:

Employers holding ~~((class E and/or F))~~ grocery store or beer and/or wine specialty shop licenses exclusively are permitted to allow their employees, between the ages of eighteen and twenty-one years, to sell, stock, and handle beer or wine in, on or about any establishment holding a ~~((class E and/or class F))~~ grocery store or beer and/or wine specialty shop license exclusively: PROVIDED, That there is an adult twenty-one years of age or older on duty supervising the sale of liquor at the

licensed premises: PROVIDED, That minor employees may make deliveries of beer and/or wine purchased from licensees holding (~~(class E and/or class F)~~) grocery store or beer and/or wine specialty shop licenses exclusively, when delivery is made to cars of customers adjacent to such licensed premises but only, however, when the minor employee is accompanied by the purchaser.

**Sec. 12.** RCW 66.44.350 and 1988 c 160 s 1 are each amended to read as follows:

Notwithstanding provisions of RCW 66.44.310, employees, eighteen years of age or over, of (~~(class A, C, D and/or H)~~) beer and/or wine restaurant; beer and/or wine private club; snack bar; spirits, beer, and wine restaurant; spirits, beer, and wine private club; and sports entertainment facility licensees (~~(eighteen years of age and over)~~) may take orders for, serve and sell liquor in any part of the licensed premises except cocktail lounges, bars, or other areas classified by the Washington state liquor control board as off-limits to persons under twenty-one years of age: PROVIDED, That such employees may enter such restricted areas to perform work assignments including picking up liquor for service in other parts of the licensed premises, performing clean up work, setting up and arranging tables, delivering supplies, delivering messages, serving food, and seating patrons: PROVIDED FURTHER, That such employees shall remain in the areas off-limits to minors no longer than is necessary to carry out their aforementioned duties: PROVIDED FURTHER, That such employees shall not be permitted to perform activities or functions of a bartender.

**Sec. 13.** RCW 68.50.107 and 1995 c 398 s 10 are each amended to read as follows:

There shall be established in conjunction with the University of Washington Medical School and under the authority of the state forensic investigations council a state toxicological laboratory under the direction of the state toxicologist whose duty it will be to perform all necessary toxicologic procedures requested by all coroners, medical examiners, and prosecuting attorneys. The state forensic investigations council shall appoint a toxicologist as state toxicologist. The laboratory shall be funded by disbursement from the (~~(class H)~~) spirits, beer, and wine restaurant; spirits, beer, and wine private club; and sports entertainment facility license fees as provided in RCW 66.08.180 and by appropriation from the death investigations account as provided in RCW 43.79.445.

**Sec. 14.** RCW 66.24.290 and 1997 c 451 s 1 and 1997 c 321 s 16 are each reenacted and amended to read as follows:

(1) Any microbrewer or domestic brewery or beer distributor licensed under this title may sell and deliver beer to holders of authorized licenses direct, but to no other person, other than the board; and every such brewery or beer distributor shall report all sales to the board monthly, pursuant to the regulations, and shall pay to the board as an added tax for the privilege of manufacturing and selling the beer within the state a tax of one dollar and thirty cents per barrel of thirty-one gallons on sales to licensees within the state and on sales to licensees within the state of bottled and canned beer shall pay a tax computed in gallons at the rate of one dollar and thirty cents per barrel of thirty-one gallons. Any brewery or beer distributor whose applicable tax payment is not postmarked by the twentieth day following the month of sale will be assessed a penalty at the rate of two percent per month or fraction thereof. Beer shall be sold by breweries and distributors in sealed barrels or packages. The moneys collected under this subsection shall be distributed as follows: (a) Three-tenths of a percent shall be distributed to border areas under RCW 66.08.195; and (b) of the remaining moneys: (i) Twenty percent shall be distributed to counties in the same manner as under RCW 66.08.200; and (ii) eighty percent shall be distributed to incorporated cities and towns in the same manner as under RCW 66.08.210.

(2) An additional tax is imposed on all beer subject to tax under subsection (1) of this section. The additional tax is equal to two dollars per barrel of thirty-one gallons. All revenues collected during any month from this additional tax shall be deposited in the violence reduction and drug enforcement account under RCW 69.50.520 by the twenty-fifth day of the following month.

(3)(a) An additional tax is imposed on all beer subject to tax under subsection (1) of this section. The additional tax is equal to ninety-six cents per barrel of thirty-one gallons through June 30, 1995, two dollars and thirty-nine cents per barrel of thirty-one gallons for the period July 1, 1995,

through June 30, 1997, and four dollars and seventy-eight cents per barrel of thirty-one gallons thereafter.

(b) The additional tax imposed under this subsection does not apply to the sale of the first sixty thousand barrels of beer each year by breweries that are entitled to a reduced rate of tax under 26 U.S.C. Sec. 5051, as existing on July 1, 1993, or such subsequent date as may be provided by the board by rule consistent with the purposes of this exemption.

(c) All revenues collected from the additional tax imposed under this subsection (3) shall be deposited in the health services account under RCW 43.72.900.

(4) An additional tax is imposed on all beer that is subject to tax under subsection (1) of this section that is in the first sixty thousand barrels of beer by breweries that are entitled to a reduced rate of tax under 26 U.S.C. Sec. 5051, as existing on July 1, 1993, or such subsequent date as may be provided by the board by rule consistent with the purposes of the exemption under subsection (3)(b) of this section. The additional tax is equal to one dollar and forty-eight and two-tenths cents per barrel of thirty-one gallons. By the twenty-fifth day of the following month, three percent of the revenues collected from this additional tax shall be distributed to border areas under RCW 66.08.195 and the remaining moneys shall be transferred to the state general fund.

(5) The board may make refunds for all taxes paid on beer exported from the state for use outside the state.

(6) The board may require filing with the board of a bond to be approved by it, in such amount as the board may fix, securing the payment of the tax. If any licensee fails to pay the tax when due, the board may forthwith suspend or cancel his or her license until all taxes are paid.

(7) The tax imposed under this section shall not apply to "strong beer" as defined in this title.

**Sec. 15.** RCW 66.24.425 and 1998 c 126 s 7 are each amended to read as follows:

(1) The board may, in its discretion, issue a spirits, beer, and wine restaurant license to a business which qualifies as a "restaurant" as that term is defined in RCW 66.24.410 in all respects except that the business does not serve the general public but, through membership qualification, selectively restricts admission to the business. For purposes of RCW 66.24.400 and 66.24.420, all licenses issued under this section shall be considered spirits, beer, and wine restaurant licenses and shall be subject to all requirements, fees, and qualifications in this title, or in rules adopted by the board, as are applicable to spirits, beer, and wine restaurant licenses generally except that no service to the general public may be required.

(2) No license shall be issued under this section to a business:

(a) Which shall not have been in continuous operation for at least one year immediately prior to the date of its application; or

(b) Which denies membership or admission to any person because of race, creed, color, national origin, sex, or the presence of any sensory, mental, or physical handicap.

(3) The board may issue an endorsement to the spirits, beer, and wine restaurant license issued under this section that allows up to forty nonclub, member-sponsored events using club liquor. Visitors and guests may attend these events only by invitation of the sponsoring member or members. These events may not be open to the general public. The fee for the endorsement shall be an annual fee of nine hundred dollars. Upon the board's request, the holder of the endorsement must provide the board or the board's designee with the following information at least seventy-two hours prior to the event: The date, time, and location of the event; the name of the sponsor of the event; and a brief description of the purpose of the event.

NEW SECTION. **Sec. 16.** RCW 66.24.300 (Refunds for taxes paid on exported beer--Bond securing tax payment) and 1995 c 232 s 5, 1951 c 93 s 1, & 1937 c 217 s 2 are each repealed."

Correct the title.

Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Hurst; Lisk; McIntire and McMorris.

Voting yea: Representatives Clements, Conway, B. Chandler, Wood, Hurst, Lisk, McIntire and McMorris.

Passed to Rules Committee for Second Reading.

March 29, 1999

SB 5365 Prime Sponsor, Senator Prentice: Regulating the preparation and sale of dietary supplements containing alcohol. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Hurst; Lisk; McIntire and McMorris.

Voting yea: Representatives Clements, Conway, B. Chandler, Wood, Hurst, Lisk, McIntire and McMorris.

Passed to Rules Committee for Second Reading.

March 29, 1999

SB 5385 Prime Sponsor, Senator Shin: Providing an alternative method for dissolution of cultural arts, stadium and convention districts. Reported by Committee on Local Government

MAJORITY recommendation: Do pass as amended.

On page 1, after the enacting clause, strike the remainder of the bill and insert the following:  
"Sec. 1. RCW 67.38.160 and 1982 1st ex.s. c 22 s 16 are each amended to read as follows:

A cultural arts, stadium and convention district established in accordance with this chapter shall be dissolved and its affairs liquidated by either of the following methods:

(1) When so directed by a majority of persons in the district voting on such question. An election placing such question before the voters may be called in the following manner:

~~((4))~~ (a) By resolution of the cultural arts, stadium and convention district governing authority;

~~((2))~~ (b) By resolution of the county legislative body or bodies with the concurrence therein by resolution of the city council of a component city; or

~~((3))~~ (c) By petition calling for such election signed by at least ten percent of the qualified voters residing within the district filed with the auditor of the county wherein the largest portion of the district is located. The auditor shall examine the same and certify to the sufficiency of the signatures thereon: PROVIDED, That to be validated, signatures must have been collected within a ninety-day period as designated by the petition sponsors.

With dissolution of the district, any outstanding obligations and bonded indebtedness of the district shall be satisfied or allocated by mutual agreement to the county or counties and component cities of the cultural arts, stadium and convention district.

(2) By submission of a petition signed by at least two-thirds of the legislative bodies who have representatives on the district governing body for an order of dissolution to the superior court of a county of the district. All of the signatures must have been collected within one hundred twenty days of the date of submission to the court. The procedures for dissolution provided in RCW 53.48.030 through 53.48.120 shall apply, except that the balance of any assets, after payment of all costs and expenses, shall be divided among the county or counties and component cities of the district on a per capita basis. Any duties to be performed by a county official pursuant to RCW 53.48.030 through 53.48.120 shall be performed by the relevant official of the county in which the petition for dissolution is filed."

Signed by Representatives Mulliken, Republican Co-Chair; Scott, Democratic Co-Chair; Mielke, Republican Vice Chair; Ericksen; Fisher and Fortunato.

Voting yea: Representatives Mulliken, Scott, Mielke, Ericksen, Fisher and Fortunato.  
Excused: Representative(s) Doumit and Edwards.

Passed to Rules Committee for Second Reading.

March 30, 1999

SB 5402 Prime Sponsor, Senator Haugen: Concerning the compensation of the forest practices appeals board. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Buck, Republican Co-Chair; Regala, Democratic Co-Chair; Anderson, Democratic Vice Chair; Sump, Republican Vice Chair; Doumit; Eickmeyer; Ericksen; Pennington; Rockefeller and Stensen.

MINORITY recommendation: Without recommendation. Signed by Representative Clements.

Voting yea: Representatives Buck, Regala, Anderson, Sump, Doumit, Eickmeyer, Ericksen, Pennington, Rockefeller and Stensen.

Voting nay: Representative(s) Clements.

Excused: Representative(s) G. Chandler.

Passed to Rules Committee for Second Reading.

March 30, 1999

SB 5514 Prime Sponsor, Senator Shin: Changing Washington award for vocational excellence provisions. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Carlson, Republican Co-Chair; Kenney, Democratic Co-Chair; Lantz, Democratic Vice Chair; Radcliff, Republican Vice Chair; Dunn; Edmonds; Esser and Gombosky.

Voting yea: Representatives Carlson, Kenney, Lantz, Radcliff, Dunn, Edmonds, Esser and Gombosky.

Passed to Rules Committee for Second Reading.

March 31, 1999

SB 5538 Prime Sponsor, Senator Costa: Clarifying sentencing requirements for certain crimes. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

Voting yea: Representatives Ballasiotes, O'Brien, Cairnes, Lovick, B. Chandler, Constantine, Kagi and Koster.

Referred to Committee on Appropriations.

March 29, 1999

SB 5628 Prime Sponsor, Senator Gardner: Modifying license duration and continuing education requirements for accountants. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 18.04.025 and 1994 c 211 s 1401 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the board of accountancy created by RCW 18.04.035.

(2) "Certified public accountant" or "CPA" means a person holding a certified public accountant certificate.

(3) "State" includes the states of the United States, the District of Columbia, Puerto Rico, Guam, and the United States Virgin Islands.

(4) "Reports on financial statements" means any reports or opinions prepared by certified public accountants, based on services performed in accordance with generally accepted auditing standards, standards for attestation engagements, or standards for accounting and review services as to whether the presentation of information used for guidance in financial transactions or for accounting for or assessing the status or performance of commercial and noncommercial enterprises, whether public, private, or governmental, conforms with generally accepted accounting principles or other comprehensive bases of accounting.

(5) The "practice of public accounting" means performing or offering to perform by a person or firm holding itself out to the public as a licensee, for a client or potential client, one or more kinds of services involving the use of accounting or auditing skills, including the issuance of "audit reports," "review reports," or "compilation reports" on financial statements, or one or more kinds of management advisory, or consulting services, or the preparation of tax returns, or the furnishing of advice on tax matters. The "practice of public accounting" shall not include practices that are permitted under the provisions of RCW 18.04.350(6) by persons or firms not required to be licensed under this chapter.

(6) "Firm" means a sole proprietorship, a corporation, or a partnership. "Firm" also means a limited liability company formed under chapter 25.15 RCW.

(7) "CPE" means continuing professional education.

(8) "Certificate" means a certificate as a certified public accountant issued under this chapter, or a corresponding certificate issued by another state or foreign jurisdiction that is recognized in accordance with the reciprocity provisions of RCW 18.04.180 and 18.04.183.

(9) "Licensee" means the holder of a valid license issued under this chapter.

(10) "License" means a ((biennial)) license to practice public accountancy issued to an individual or firm under this chapter.

(11) "Quality assurance review" means a process established by and conducted at the direction of the board of study, appraisal, or review of one or more aspects of the professional work of a person or firm in the practice of public accountancy, by a person or persons who hold certificates and who are not affiliated with the person or firm being reviewed.

(12) "Quality review" means a study, appraisal, or review of one or more aspects of the professional work of a person or firm in the practice of public accountancy, by a person or persons who hold certificates and who are not affiliated with the person or firm being reviewed, including a peer review, or any internal review or inspection intended to comply with quality control policies and procedures, but not including the "quality assurance review" under subsection (11) of this section.

(13) "Review committee" means any person carrying out, administering or overseeing a quality review authorized by the reviewee.

(14) "Rule" means any rule adopted by the board under authority of this chapter.

(15) "Holding out" means any representation to the public by the use of restricted titles as set forth in RCW 18.04.345 by a person or firm that the person or firm is a certified public accountant and



that the person or firm offers to perform any professional services to the public as a certified public accountant. "Holding out" shall not affect or limit a person not required to hold a certificate under this chapter or a person or firm not required to hold a license under this chapter from engaging in practices identified in RCW 18.04.350(6).

**Sec. 2.** RCW 18.04.105 and 1992 c 103 s 7 are each amended to read as follows:

(1) The certificate of "certified public accountant" shall be granted by the board to any person:

(a) Who is of good character. Good character, for purposes of this section, means lack of a history of dishonest or felonious acts. The board may refuse to grant a certificate on the ground of failure to satisfy this requirement only if there is a substantial connection between the lack of good character of the applicant and the professional responsibilities of a certified public accountant and if the finding by the board of lack of good character is supported by a preponderance of evidence. When an applicant is found to be unqualified for a certificate because of a lack of good character, the board shall furnish the applicant a statement containing the findings of the board and a notice of the applicant's right of appeal;

(b) Who has met the educational standards established by rule as the board determines to be appropriate;

The board may, in its discretion, waive the educational requirements for any person if it is satisfied through review of documentation of successful completion of an equivalency examination that the person's educational qualifications are an acceptable substitute for the requirements of (b) of this subsection; and

(c) Who has passed a written examination.

(2) The examination described in subsection (1)(c) of this section shall be in writing, shall be held twice a year, and shall test the applicant's knowledge of the subjects of accounting and auditing, and other related fields the board may specify by rule. The time for holding the examination is fixed by the board and may be changed from time to time. The board shall prescribe by rule the methods of applying for and taking the examination, including methods for grading papers and determining a passing grade required of an applicant for a certificate. The board shall to the extent possible see to it that the grading of the examination, and the passing grades, are uniform with those applicable to all other states. The board may make use of all or a part of the uniform certified public accountant examination and advisory grading service of the American Institute of Certified Public Accountants and may contract with third parties to perform administrative services with respect to the examination as the board deems appropriate to assist it in performing its duties under this chapter.

(3) An applicant is required to pass all sections of the examination provided for in subsection (2) of this section in order to qualify for a certificate. If at a given sitting of the examination an applicant passes two or more but not all sections, then the applicant shall be given credit for those sections that he or she passed, and need not take those sections again: PROVIDED, That:

(a) The applicant took all sections of the examination at that sitting;

(b) The applicant attained a minimum grade of fifty on each section not passed at that sitting;

(c) The applicant passes the remaining sections of the examination within six consecutive examinations given after the one at which the first sections were passed;

(d) At each subsequent sitting at which the applicant seeks to pass additional sections, the applicant takes all sections not yet passed; and

(e) In order to receive credit for passing additional sections in a subsequent sitting, the applicant attains a minimum grade of fifty on sections written but not passed on the sitting.

(4) The board may waive or defer any of the requirements of subsection (3) of this section for candidates transferring conditional CPA exam credits from other states or for qualifying reciprocity certification applicants who met the conditioning requirements of the state or foreign jurisdiction issuing their original certificate.

(5) The board shall charge each applicant an examination fee for the initial examination under subsection (1) of this section, or for reexamination under subsection (3) of this section for each subject in which the applicant is reexamined. The applicable fee shall be paid by the person at the time he or she applies for examination, reexamination, or evaluation of educational qualifications. Fees for examination, reexamination, or evaluation of educational qualifications shall be determined by the

board under chapter 18.04 RCW. There is established in the state treasury an account to be known as the certified public accountants' account. All fees received from candidates to take any or all sections of the certified public accountant examination shall be used only for costs related to the examination.

(6) Persons who on June 30, 1986, held certified public accountant certificates previously issued under the laws of this state shall not be required to obtain additional certificates under this chapter, but shall otherwise be subject to this chapter. Certificates previously issued shall, for all purposes, be considered certificates issued under this chapter and subject to its provisions.

(7) A certificate of a "certified public accountant" under this chapter is issued (~~(on a biennial basis)~~) every three years with renewal subject to requirements of continuing professional education and payment of fees, prescribed by the board.

(8) The board shall adopt rules providing for continuing professional education for certified public accountants. The rules shall:

(a) Provide that a certified public accountant shall verify to the board that he or she has completed at least an accumulation of (~~(eighty)~~) one hundred twenty hours of continuing professional education during the last (~~(two-year)~~) three-year period to maintain the certificate;

(b) Establish continuing professional education requirements;

(c) Establish when newly certificated public accountants shall verify that they have completed the required continuing professional education; (~~and~~)

(d) Provide that failure to furnish verification of the completion of the continuing professional education requirement shall make the certificate invalid and subject to reinstatement, unless the board determines that the failure was due to retirement, reasonable cause, or excusable neglect; and

(e) Provide for transition from existing to new continuing professional education requirements.

(9) The board may adopt by rule new CPE standards that differ from those in subsection (8) of this section or RCW 18.04.215 if the new standards are consistent with the continuing professional education standards of other states so as to provide to the greatest extent possible, consistent national standards.

**Sec. 3.** RCW 18.04.183 and 1992 c 103 s 18 are each amended to read as follows:

The board shall grant a certificate or license as a certified public accountant to a holder of a permit, license, or certificate issued by a foreign country's board, agency, or institute, provided that:

(1) The foreign country where the foreign permit, license, or certificate was issued is a party to an agreement on trade with the United States that encourages the mutual recognition of licensing and certification requirements for the provision of covered services by the parties under the trade agreement; and

(2) Such foreign country's board, agency, or institute makes similar provision to allow a person who holds a valid certificate issued by this state to obtain such foreign country's comparable permit, license, or certificate; and

(3) The foreign permit, license, or certificate:

(a) Was duly issued by such foreign country's board, agency, or institute that regulates the practice of public accountancy; and

(b) Is in good standing at the time of the application; and

(c) Was issued upon the basis of educational, examination, and ethical requirements substantially equivalent currently or at the time of issuance of the foreign permit, license, or certificate to those in this state; and

(4) The applicant has within the (~~(twenty-four)~~) thirty-six months prior to application completed an accumulation of (~~(eighty)~~) one hundred twenty hours of continuing professional education as required under RCW 18.04.105(8). The board shall provide for transition from existing to new continuing professional education requirements; and

(5) If the application is for a certificate:

(a) The applicant's foreign permit, license, or certificate was the type of permit, license, or certificate requiring the most stringent qualifications if, in the foreign country, more than one type of permit, license, or certificate is issued. This state's board shall decide which are the most stringent qualifications; and

(b) The applicant has passed a written examination or its equivalent, approved by the board, that tests knowledge in the areas of United States accounting principles, auditing standards, commercial law, income tax law, and Washington state rules of professional ethics; or

(6) If the application is for a certificate and license:

(a) The requirements of subsections (1) through (5) of this section are satisfied; and

(b) The applicant has within the five years prior to applying for the certificate and license under this section, demonstrated, in accordance with the rules issued by the board, one year of public accounting experience, within the foreign country where the foreign permit, license, or certificate was issued, equivalent to the experience required under RCW 18.04.215(1)(a) or such other experience or employment which the board in its discretion regards as substantially equivalent.

The board may adopt by rule new CPE standards that differ from those in subsection (4) of this section or RCW 18.04.215 if the new standards are consistent with the continuing professional education standards of other states so as to provide to the greatest extent possible, consistent national standards.

**Sec. 4.** RCW 18.04.185 and 1986 c 295 s 7 are each amended to read as follows:

(1) Application for certification as certified public accountants by persons who are not residents of this state constitutes appointment of the secretary of state as an agent for service of process in any action or proceeding against the applicants arising from any transaction, activity, or operation connected with or incidental to the practice of public accounting in this state by nonresident holders of certified public accountant certificates.

(2) Application for a (~~biennial~~) license to practice public accounting in this state by a certified public accountant or CPA firm who holds a license or permit to practice issued by another state constitutes the appointment of the secretary of state as an agent for service of process in any action or proceeding against the applicant arising from any transaction or operation connected with or incidental to the practice of public accounting in this state by the holder of the (~~biennial~~) license to practice.

**Sec. 5.** RCW 18.04.195 and 1994 c 211 s 1402 are each amended to read as follows:

(1) A sole proprietorship engaged in this state in the practice of public accounting shall license (~~biennially~~) every three years with the board as a firm.

(a) The principal purpose and business of the firm shall be to furnish services to the public which are consistent with this chapter and the rules of the board.

(b) The person shall be a certified public accountant holding a license to practice under RCW 18.04.215.

(c) Each resident licensee in charge of an office of the sole proprietorship engaged in this state in the practice of public accounting shall be a certified public accountant holding a license to practice under RCW 18.04.215.

(2) A partnership engaged in this state in the practice of public accounting shall license (~~biennially~~) every three years with the board as a partnership of certified public accountants, and shall meet the following requirements:

(a) The principal purpose and business of the partnership shall be to furnish services to the public which are consistent with this chapter and the rules of the board;

(b) At least one general partner of the partnership shall be a certified public accountant holding a license to practice under RCW 18.04.215;

(c) Each resident licensee in charge of an office of the partnership in this state and each resident partner personally engaged within this state in the practice of public accounting shall be a certified public accountant holding a license to practice under RCW 18.04.215.

(3) A corporation organized for the practice of public accounting and engaged in this state in the practice of public accounting shall license (~~biennially~~) every three years with the board as a corporation of certified public accountants and shall meet the following requirements:

(a) The principal purpose and business of the corporation shall be to furnish services to the public which are consistent with this chapter and the rules of the board; and

(b) Each shareholder of the corporation shall be a certified public accountant of some state holding a license to practice and shall be principally employed by the corporation or actively engaged

in its business. No other person may have any interest in the stock of the corporation. The principal officer of the corporation and any officer or director having authority over the practice of public accounting by the corporation shall be a certified public accountant of some state holding a license to practice;

(c) At least one shareholder of the corporation shall be a certified public accountant holding a license to practice under RCW 18.04.215;

(d) Each resident licensee in charge of an office of the corporation in this state and each shareholder or director personally engaged within this state in the practice of public accounting shall be a certified public accountant holding a license to practice under RCW 18.04.215;

(e) A written agreement shall bind the corporation or its shareholders to purchase any shares offered for sale by, or not under the ownership or effective control of, a qualified shareholder, and bind any holder not a qualified shareholder to sell the shares to the corporation or its qualified shareholders. The agreement shall be noted on each certificate of corporate stock. The corporation may purchase any amount of its stock for this purpose, notwithstanding any impairment of capital, as long as one share remains outstanding; and

(f) The corporation shall comply with any other rules pertaining to corporations practicing public accounting in this state as the board may prescribe.

(4) A limited liability company engaged in this state in the practice of public accounting shall license ~~((biennially))~~ every three years with the board as a limited liability company of certified public accountants, and shall meet the following requirements:

(a) The principal purpose and business of the limited liability company shall be to furnish services to the public which are consistent with this chapter and the rules of the board;

(b) At least one manager of the limited liability company shall be a certified public accountant holding a license to practice under RCW 18.04.215;

(c) Each resident manager or member in charge of an office of the limited liability company in this state and each resident manager or member personally engaged within this state in the practice of public accounting shall be a certified public accountant holding a license to practice under RCW 18.04.215.

(5) Application for a license as a firm shall be made upon the affidavit of the proprietor or person designated as managing partner or shareholder for Washington. This person shall be a certified public accountant holding a license to practice under RCW 18.04.215. The board shall determine in each case whether the applicant is eligible for a license. A partnership or corporation which is licensed to practice under RCW 18.04.215 may use the designation "certified public accountants" or "CPAs" in connection with its partnership or corporate name. The board shall be given notification within ninety days after the admission or withdrawal of a partner or shareholder engaged in this state in the practice of public accounting from any partnership or corporation so licensed.

(6) Fees for the license as a firm and for notification of the board of the admission or withdrawal of a partner or shareholder shall be determined by the board. Fees shall be paid by the firm at the time the license application form or notice of admission or withdrawal of a partner or shareholder is filed with the board.

**Sec. 6.** RCW 18.04.205 and 1992 c 103 s 9 are each amended to read as follows:

(1) Each office established or maintained in this state for the practice of public accounting in this state by a certified public accountant, or a partnership or corporation of certified public accountants, shall register with the board under this chapter ~~((biennially))~~ every three years.

(2) Each office shall be under the direct supervision of a resident licensee holding a license under RCW 18.04.215 who may be a sole proprietor, partner, principal shareholder, or a staff employee.

(3) The board shall by rule prescribe the procedure to be followed to register and maintain offices established in this state for the practice of public accounting.

(4) Fees for the registration of offices shall be determined by the board. Fees shall be paid by the applicant at the time the registration form is filed with the board.

**Sec. 7.** RCW 18.04.215 and 1992 c 103 s 10 are each amended to read as follows:

(1) (~~Biennial~~) Three-year licenses shall be issued by the board:

(a) To holders of certificates as certified public accountants who have demonstrated, in accordance with rules issued by the board, one year of public accounting experience, or such other experience or employment which the board in its discretion regards as substantially equivalent and who, if their certificate was issued more than forty-eight months prior to application under this section, submit to the board satisfactory proof of having completed an accumulation of (~~eighty~~) one hundred twenty hours of continuing professional education during the (~~twenty-four~~) thirty-six months preceding the application;

(b) To firms under RCW 18.04.195, if all offices of the firm in this state are maintained and registered as required under RCW 18.04.205.

(2) The board shall, by rule, provide for a system of certificate and license renewal. Applicants for issuance or renewal of certificates or licenses shall, at the time of filing their applications, list with the board all states and foreign jurisdictions in which they hold or have applied for certificates, permits or licenses to practice.

(3) A certified public accountant who holds a permit or license issued by another state, and applies for a license in this state, may practice in this state from the date of filing a completed application with the board, until the board has acted upon the application provided the application is made prior to holding out as a certified public accountant in this state and no sanctions or investigations, deemed by the board to be pertinent to public accountancy, by other jurisdictions or agencies are in process.

(4) A certified public accountant shall submit to the board satisfactory proof of having completed an accumulation of (~~eighty~~) one hundred twenty hours of continuing education recognized and approved by the board during the preceding (~~two~~) three years. Failure to furnish this evidence as required shall make the certificate invalid and subject to reinstatement procedures, unless the board determines the failure to have been due to retirement, reasonable cause, or excusable neglect.

The board in its discretion may renew a certificate or license despite failure to furnish evidence of compliance with requirements of continuing professional education upon condition that the applicant follow a particular program of continuing professional education. In issuing rules and individual orders with respect to continuing professional education requirements, the board, among other considerations, may rely upon guidelines and pronouncements of recognized educational and professional associations, may prescribe course content, duration, and organization, and may take into account the accessibility of continuing education to applicants and instances of individual hardship.

(5) Fees for issuance or renewal of certificates and licenses in this state shall be determined by the board under chapter 18.04 RCW. Fees shall be paid by the applicant at the time the application form is filed with the board. The board, by rule, may provide for proration of fees for certificates and licenses issued between normal renewal dates.

**Sec. 8.** RCW 18.04.345 and 1992 c 103 s 14 are each amended to read as follows:

(1) No person may assume or use the designation "certified public accountant" or "CPA" or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that the person is a certified public accountant or CPA unless the person holds a valid certificate as a certified public accountant.

(2) No person may hold himself or herself out to the public and assume or use the designation "certified public accountant" or "CPA" or any other title, designation, words, letters, abbreviation, sign, card, or (~~device [device]~~) device tending to indicate that the person is a certified public accountant or CPA unless the person holds a valid certificate as a certified public accountant and holds a valid license to practice under RCW 18.04.215.

(3) No firm may hold itself out to the public, or assume or use the designation "certified public accountant" or "CPA" or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that the firm is composed of certified public accountants or CPAs, unless the firm is licensed under RCW 18.04.195, holds a valid license to practice under RCW 18.04.215, and all offices of the firm in this state for the practice of public accounting are maintained and registered under RCW 18.04.205.

(4) No person, partnership, or corporation may hold himself, herself, or itself out to the public, or assume or use along, or in connection with his, hers, or its name, or any other name the title or designation "certified accountant," "chartered accountant," "licensed accountant," "licensed public accountant," "public accountant," or any other title or designation likely to be confused with "certified public accountant" or any of the abbreviations "CA," "LA," "LPA," or "PA," or similar abbreviations likely to be confused with "CPA." However, nothing in this chapter prohibits use of the title "accountant" by any person regardless of whether the person has been granted a certificate or holds a license under this chapter.

(5) No person may sign, affix, or associate his or her name or any trade or assumed name used by the person in his or her business to any report designated as an "audit," "review," or "compilation," unless the person holds a ((biennial)) license to practice under RCW 18.04.215 and all of the person's offices in this state for the practice of public accounting are maintained and licensed under RCW 18.04.205.

(6) No person may sign, affix, or associate a firm name to any report designated as an "audit," "review," or "compilation," unless the firm is licensed under RCW 18.04.195 and 18.04.215, and all of its offices in this state for the practice of public accounting are maintained and registered under RCW 18.04.205.

(7) No person, partnership, or corporation not holding a license to practice under RCW 18.04.215 may hold himself, herself, or itself out to the public as an "auditor" with or without any other description or designation by use of such word on any sign, card, letterhead, or in any advertisement or directory.

(8) No person may assume or use the designation "certified public accountant" or "CPA" in conjunction with names indicating or implying that there is a partnership or corporation, if there is in fact no bona fide partnership or corporation registered under RCW 18.04.195.

(9) No person, partnership, or corporation holding a license under RCW 18.04.215 may hold himself, herself, or itself out to the public in conjunction with the designation "and Associates" or "and Assoc." unless he or she has in fact a partner or employee who holds a license under RCW 18.04.215."

Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Hurst; Lisk; McIntire and McMorris.

Voting yea: Representatives Clements, Conway, B. Chandler, Wood, Hurst, Lisk, McIntire and McMorris.

Passed to Rules Committee for Second Reading.

March 29, 1999

SB 5731 Prime Sponsor, Senator Snyder: Revising provisions regulating municipal officers' interest in contracts. Reported by Committee on Local Government

MAJORITY recommendation: Do pass as amended.

On page 3, at the beginning of line 27, strike all of subsection (6)(e)

Signed by Representatives Mulliken, Republican Co-Chair; Scott, Democratic Co-Chair; Mielke, Republican Vice Chair; Ericksen; Fisher and Fortunato.

Voting yea: Representatives Mulliken, Scott, Mielke, Ericksen, Fisher and Fortunato.  
Excused: Representative(s) Doumit and Edwards.

Passed to Rules Committee for Second Reading.

March 30, 1999

ESSB 5743 Prime Sponsor, Senator Committee on Higher Education: Improving community and technical colleges' contributions to economic development. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature recognizes that certain tuition policies may have an adverse impact on the unique role of community colleges.

Therefore, it is the intent of the legislature to eliminate impediments to the ability of community colleges to meet the diverse needs of students and business interests.

**Sec. 2.** RCW 28B.15.100 and 1998 c 75 s 1 are each amended to read as follows:

(1) The governing boards of the state universities, the regional universities, The Evergreen State College, and the community colleges shall charge to and collect from each of the students registering at the particular institution for any quarter or semester such tuition fees and services and activities fees, and other fees as such board shall in its discretion determine. The total of all fees shall be rounded to the nearest whole dollar amount: PROVIDED, That such tuition fees for other than the summer term shall be in the amounts for the respective institutions as otherwise set forth in RCW 28B.15.067.

(2) Part-time students shall be charged tuition and services and activities fees proportionate to full-time student rates established for residents and nonresidents: PROVIDED, That except for students registered at community colleges, students registered for fewer than two credit hours shall be charged tuition and services and activities fees at the rate established for two credit hours: PROVIDED FURTHER, That, subject to the limitations of RCW 28B.15.910, residents of Idaho or Oregon who are enrolled in community college district number twenty for six or fewer credits during any quarter or semester may be exempted from payment of all or a portion of the nonresident tuition fees differential upon a declaration by the higher education coordinating board that it finds Washington residents from the community college district are afforded substantially equivalent treatment by such other states.

(3) Full-time students registered for more than eighteen credit hours shall be charged an additional operating fee for each credit hour in excess of eighteen hours at the applicable established per credit hour tuition fee rate for part-time students: PROVIDED, That, subject to the limitations of RCW 28B.15.910, the governing boards of the state universities and the community colleges may exempt all or a portion of the additional charge, for students who are registered exclusively in first professional programs in medicine, dental medicine, veterinary medicine, doctor of pharmacy, or law, or who are registered exclusively in required courses in vocational preparatory programs."

Correct the title.

Signed by Representatives Carlson, Republican Co-Chair; Kenney, Democratic Co-Chair; Lantz, Democratic Vice Chair; Radcliff, Republican Vice Chair; Dunn; Edmonds; Esser and Gombosky.

Voting yea: Representatives Carlson, Kenney, Lantz, Radcliff, Dunn, Edmonds, Esser and Gombosky.

Passed to Rules Committee for Second Reading.

March 29, 1999

ESB 5779 Prime Sponsor, Senator Kline: Requiring additional crime prevention training for employees of evening retail establishments. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Hurst; Lisk; McIntire and McMorris.

Voting yea: Representatives Clements, Conway, B. Chandler, Wood, Hurst, Lisk, McIntire and McMorris.

Referred to Committee on Appropriations.

March 30, 1999

SB 5806 Prime Sponsor, Senator Haugen: Requiring the adjutant general to adopt rules relating to automatic location identification. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Campbell, Republican Vice Chair; Miloscia, Democratic Vice Chair; Dunshee; Haigh; Lambert and D. Schmidt.

Voting yea: Representatives McMorris, Romero, Campbell, Miloscia, Dunshee, Haigh, Lambert and D. Schmidt.

Passed to Rules Committee for Second Reading.

March 31, 1999

SSB 6008 Prime Sponsor, Senate Committee on Human Services & Corrections: Creating youth courts. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

Voting yea: Representatives Ballasiotes, O'Brien, Cairnes, Lovick, B. Chandler, Constantine, Kagi and Koster.

Referred to Committee on Appropriations.

March 30, 1999

SSB 6052 Prime Sponsor, Senate Committee on Senate Natural Resources, Parks & Recreation: Assisting volunteers in hunter safety programs. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Buck, Republican Co-Chair; Regala, Democratic Co-Chair; Sump, Republican Vice Chair; Doumit; Eickmeyer; Ericksen; Rockefeller and Stensen.

MINORITY recommendation: Without recommendation. Signed by Representatives Clements and Pennington.

Voting yea: Representatives Buck, Regala, Anderson, Sump, Doumit, Eickmeyer, Ericksen, Rockefeller and Stensen.

Voting nay: Representative(s) Clements and Pennington.

Excused: Representative(s) G. Chandler.



Passed to Rules Committee for Second Reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the rules were suspended and House Bill No. 1165 and House Bill No. 1166 were placed on the second reading calendar.

There being no objection, the House advanced to the sixth order of business.

## **SECOND READING**

HOUSE BILL NO. 1165, by Representatives Murray, Mitchell, Radcliff, Hankins and O'Brien; by request of Governor Locke

Making appropriations and authorizing expenditures for capital improvements.

The bill was read the second time. There being no objection, Substitute House Bill No. 1165 was substituted for House Bill No. 1165 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1165 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Murray, Mitchell, Veloria, Esser and Edmonds spoke in favor of passage of the bill.

## **MOTIONS**

On motion of Representative Wolfe, Representative Edwards and Scott were excused. On motion of Representative Schoesler, Representative Barlean was excused.

Speaker Ballard stated the question before the House to be final passage of Substitute House Bill No. 1165.

## **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1165 and the bill passed the House by the following vote: Yeas - 93, Nays - 2, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 93.

Voting nay: Representatives Dunn and Koster - 2.

Excused: Representatives Barlean, Edwards and Scott - 3.

Substitute House Bill No. 1165, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1166, by Representatives Murray, Mitchell, Hankins and O'Brien; by request of Governor Locke

Issuing general obligation bonds.

The bill was read the second time. There being no objection, Substitute House Bill No. 1166 was substituted for House Bill No. 1166 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1166 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Murray and Mitchell spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute House Bill No. 1166.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1166 and the bill passed the House by the following vote: Yeas - 94, Nays - 1, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 94.

Voting nay: Representative Koster - 1.

Excused: Representatives Barlean, Edwards and Scott - 3.

Substitute House Bill No. 1166, having received the constitutional majority, was declared passed.

There being no objection, the Rules Committee was relieved of House Bill No. 1991, and the bill was placed on the second reading calendar.

HOUSE BILL NO. 1991, by Representatives Murray and Mitchell

Consolidating statutes that authorize the board of regents of the University of Washington to control university property.

The bill was read the second time. There being no objection, Substitute House Bill No. 1991 was substituted for House Bill No. 1991 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1991 was read the second time.

Representative Constantine moved the adoption of amendment (134):

On page 1, line 11, after "powers" insert "now or"

On page 4, line 18, after "university" insert "consistent with the purpose of the donors of the metropolitan tract"

On page 4, line 19, after "appurtenances" strike "to," and insert "thereto"

Representatives Constantine and Mitchell spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Mitchell and Murray spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1991.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1991 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Barlean, Edwards and Scott - 3.

Engrossed Substitute House Bill No. 1991, having received the constitutional majority, was declared passed.

There being no objection, the House advanced to the eleventh order of business.

#### MOTION

On motion of Representative Lisk, the House adjourned until 10:00 a.m., Friday, April 2, 1999, the 82<sup>nd</sup> Legislative Day.

TIMOTHY A. MARTIN, Chief Clerk      CLYDE BALLARD, Speaker  
DEAN R. FOSTER, Chief Clerk      FRANK CHOPP, Speaker

EIGHTY-FIRST DAY, APRIL 1, 1999

JOURNAL OF THE HOUSE

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

## **EIGHTY-SECOND DAY**

### **MORNING SESSION**

House Chamber, Olympia, Friday, April 2, 1999

The House was called to order at 10:00 a.m. by Speaker Chopp. The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages James Turner and John Rooper. Prayer was offered by Pastor Randall Burtis, Neighborhood Christian Church, Olympia.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

### **RESOLUTION**

HOUSE RESOLUTION NO. 99-4644, by Representatives Dunshee, Scott, Lovick, Radcliff, Cooper, Reardon, D. Schmidt, Dunn, Thomas and Koster

WHEREAS, Raintree Steck-Vaughn, a national publishing company, sponsors a nationwide Young Publish-A-Book Competition to stimulate interest in reading and writing among children; and

WHEREAS, This year's theme, "Enter the World of Technology" drew eight thousand participants nationwide in the second through fifth grades; and

WHEREAS, The 1998 Grand Prize Winner is Chad Merkley of Snohomish, Washington, a third grade student at Evergreen Academy in Bothell; and

WHEREAS, Chad spent countless hours, weekends, and early mornings working on the book; and

WHEREAS, Chad's book, "Too Many Me's," explores the impacts, both good and bad, of technology on our lives in a way that is easy for kids to understand and relate to; and

WHEREAS, The main character in Chad's book, Albert, is named after his favorite grandfather; and

WHEREAS, Chad's book will be illustrated and published nationwide and books will be donated to his school's library;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives honor Chad Merkley for his significant contribution to the world of children's book publishing; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to Chad's parents, Jerry and Amber Merkley, and to his school, Evergreen Academy.

Representative Dunshee moved adoption of the resolution.

Representatives Dunshee, Koster, Lovick, D. Schmidt, spoke in favor of the adoption of the resolution.

House Resolution No. 99-4644 was adopted.

### **INTRODUCTIONS AND FIRST READING**

HB 2280 by Representatives Campbell, O'Brien, Barlean, Constantine, Ballasiotes, Cairnes, Kagi, Lovick, B. Chandler, Koster, Bush, Dunn, Haigh, Schual-Berke, Benson, Ruderman and Edmonds

AN ACT Relating to the raw fur and products that include the raw fur of dogs and cats; adding a new section to chapter 9.08 RCW; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 2281 by Representatives Huff, H. Sommers, Benson and D. Sommers

AN ACT Relating to the effective dates of state and employer pension contribution rates adopted by the pension funding council under RCW 41.45.060; and adding a new section to chapter 41.45 RCW.

Referred to Committee on Appropriations.

HB 2282 by Representatives Lovick, Ericksen, Reardon, Thomas, Dunshee, Huff, DeBolt, Sullivan, Haigh, Schoesler, Ruderman, G. Chandler, Clements, Kessler, Lisk, Benson, Morris, Esser, Constantine, Dunn, Buck, Ballasiotes, Schindler, O'Brien, Bush, Alexander, Carlson, Quall, Wensman, Parlette, Pflug, Talcott and Linville

AN ACT Relating to the sales and use taxation of printed material; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Finance.

### **MOTION**

On motion of Representative Kessler, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

### **REPORTS OF STANDING COMMITTEES**

March 31, 1999

HB 1125 Prime Sponsor, Representative Fisher: Funding transportation for the 1999-01 biennium.  
Reported by Committee on Transportation

MAJORITY recommendation: Do pass substitute. Signed by Representatives Fisher, Democratic Co-Chair; K. Schmidt, Republican Co-Chair; Cooper, Democratic 1st Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; Buck; G. Chandler; DeBolt; Haigh; Hatfield; Hurst; Lovick; McDonald; Mielke; Mitchell; Murray; Ogden; Pflug; Radcliff; Romero; Schindler; Schual-Berke; Skinner and Wood.

MINORITY recommendation: Do not pass. Signed by Representative Morris.

Voting yea: Representatives Fisher, K. Schmidt, Cooper, Ericksen, Hankins, Buck, G. Chandler, DeBolt, Fortunato, Haigh, Hatfield, Hurst, Lovick, McDonald, Mielke, Mitchell, Murray, Ogden, Pflug, Radcliff, Romero, Schindler, Schual-Berke, Skinner and Wood.

Voting nay: Representative(s) Morris.

Excused: Representative(s) Edwards and Scott.

April 2, 1999

SSB 5001 Prime Sponsor, Senate Committee on Senate Natural Resources, Parks & Recreation:  
Authorizing hunting of cougar with the aid of dogs. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that increased human population has resulted in growth and development into areas previously wild in nature. This growth is leading to an inevitable interaction between wild animals and humans. These interactions may threaten homes, property, pets, and livestock, and may even be life threatening. The legislature further finds that the population levels of both black bear and cougar have experienced steady growth in recent years. These populations, though fluctuating, have the potential to reach unmanageable levels.

**Sec. 2.** RCW 77.16.360 and 1997 c 1 s 1 are each amended to read as follows:

(1) Notwithstanding the provisions of RCW (~~77.12.240 and 77.12.265 or other provisions of law~~) 77.36.020 or 77.36.030, it is unlawful to take, hunt, or attract black bear with the aid of bait.

(a) Nothing in this subsection shall be construed to prohibit the killing of black bear with the aid of bait by employees or agents of county, state, or federal agencies while acting in their official capacities for the purpose of protecting livestock, domestic animals, private property, or the public safety.

(b) Nothing in this subsection shall be construed to prevent the establishment and operation of feeding stations for black bear in order to prevent damage to commercial timberland.

(c) Nothing in this subsection shall be construed to prohibit the director from issuing a permit or memorandum of understanding to a public agency, university, or scientific or educational institution for the use of bait to attract black bear for scientific purposes.

(d) As used in this subsection, "bait" means a substance placed, exposed, deposited, distributed, scattered, or otherwise used for the purpose of attracting black bears to an area where one or more persons hunt or intend to hunt them.

(2) Notwithstanding RCW (~~77.12.240 or any other provisions of law~~) 77.36.020 or 77.36.030, it is unlawful to hunt or pursue black bear, cougar, bobcat, or lynx with the aid of a dog or dogs.

(a) Nothing in this subsection shall be construed to prohibit the killing of black bear, cougar, bobcat, or lynx with the aid of a dog or dogs by employees or agents of county, state, or federal agencies while acting in their official capacities for the purpose of protecting livestock, domestic animals, private property, or the public safety. (~~(A dog or dogs may be used by the owner or tenant of real property consistent with a permit issued and conditioned by the director under RCW 77.12.265.)~~)

(b) Nothing in this subsection shall be construed to prohibit the director from issuing a permit or memorandum of understanding to a public agency, university, or scientific or educational institution for the use of a dog or dogs for the pursuit of black bear, cougar, bobcat, or lynx for scientific purposes.

(3) Notwithstanding subsection (2) of this section:

(a) The commission shall authorize the use of dogs only in selected areas within a game management unit or units to address a specific cougar population or public safety need. This authority may only be exercised after the commission has determined that no other practical alternative to the use

of dogs exists, and after the commission has adopted a rule or rules describing the conditions in which dogs may be used. Conditions which may warrant the use of dogs within a game management unit include, but are not limited to, confirmed cougar/human safety incidents, confirmed cougar/livestock or pet depredations, and the number of cougar capture attempts and relocations;

(b) The director may authorize the use of dogs with a permit issued pursuant to RCW 77.12.240.

(4) A person who violates subsection (1) or (2) of this section is guilty of a gross misdemeanor. In addition to appropriate criminal penalties, the director shall revoke the hunting license of a person who violates subsection (1) or (2) of this section and a hunting license shall not be issued for a period of five years following the revocation. Following a subsequent violation of subsection (1) or (2) of this section by the same person, a hunting license shall not be issued to the person at any time.

NEW SECTION. Sec. 3. The secretary of state shall submit this act to the people for their adoption and ratification, or rejection, at the next general election to be held in this state, in accordance with Article II, section 1 of the state Constitution and the laws adopted to facilitate its operation."

Correct the title.

Signed by Representatives Buck, Republican Co-Chair; Anderson, Democratic Vice Chair; Sump, Republican Vice Chair; G. Chandler; Clements; Doumit; Eickmeyer; Ericksen and Pennington.

MINORITY recommendation: Do not pass. Signed by Representatives Regala, Democratic Co-Chair; Rockefeller and Stensen.

Voting yea: Representatives Buck, Anderson, Sump, G. Chandler, Clements, Doumit, Eickmeyer, Ericksen and Pennington.

Voting nay: Representative(s) Regala, Rockefeller and Stensen.

Referred to Committee on Appropriations.

March 30, 1999

SB 5005 Prime Sponsor, Senator Loveland: Allowing signing of safer routes to tourist-oriented businesses. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Democratic Co-Chair; K. Schmidt, Republican Co-Chair; Cooper, Democratic 1st Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; Buck; G. Chandler; DeBolt; Fortunato; Haigh; Hatfield; Hurst; Lovick; McDonald; Mielke; Mitchell; Morris; Murray; Ogden; Pflug; Radcliff; Romero; Schindler; Schual-Berke; Scott; Skinner and Wood.

Voting yea: Representatives Fisher, K. Schmidt, Cooper, Ericksen, Hankins, Buck, DeBolt, Fortunato, Haigh, Hatfield, Hurst, Lovick, McDonald, Mielke, Mitchell, Morris, Pflug, Radcliff, Romero, Schindler, Schual-Berke, Scott, Skinner and Wood.

Excused: Representative(s) Edwards, G. Chandler, Murray and Ogden.

Passed to Rules Committee for Second Reading.

April 2, 1999



SSB 5010 Prime Sponsor, Senate Committee on Human Services & Corrections: Providing disciplinary sanctions for sexual misconduct by employees of custodial agencies. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

Voting yea: Representatives Ballasiotes, O'Brien, Cairnes, Lovick, B. Chandler, Constantine, Kagi and Koster.

Passed to Rules Committee for Second Reading.

April 2, 1999

SSB 5011 Prime Sponsor, Senate Committee on Human Services & Corrections: Changing provisions relating to dangerous mentally ill offenders. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

Voting yea: Representatives Ballasiotes, O'Brien, Cairnes, Lovick, B. Chandler, Constantine, Kagi and Koster.

Referred to Committee on Appropriations.

April 1, 1999

SB 5012 Prime Sponsor, Senator Prentice: Administering the pollution liability insurance program trust account. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Benson, Republican Co-Chair; Hatfield, Democratic Co-Chair; Bush, Republican Vice Chair; McIntire, Democratic Vice Chair; Cairnes; DeBolt; Keiser; Quall; Santos; Sullivan and Talcott.

Voting yea: Representatives Benson, Hatfield, Bush, McIntire, Cairnes, DeBolt, Keiser, Santos, Sullivan and Talcott.

Excused: Representative(s) Barlean and Quall.

Passed to Rules Committee for Second Reading.

March 31, 1999

SB 5015 Prime Sponsor, Senator Long: Changing provisions relating to community mental health services. Reported by Committee on Children & Family Services

MAJORITY recommendation: Do pass. Signed by Representatives D. Sommers, Republican Co-Chair; Tokuda, Democratic Co-Chair; Boldt, Republican Vice Chair; Kagi, Democratic Vice Chair; Campbell; Carrell; Dickerson; Eickmeyer; Kastama and Pflug.

Voting yea: Representatives D. Sommers, Tokuda, Boldt, Kagi, Campbell, Carrell, Dickerson, Eickmeyer, Kastama and Pflug.

Passed to Rules Committee for Second Reading.

April 2, 1999

SB 5020 Prime Sponsor, Senator Snyder: Allowing dealers of recreational licenses to collect a fee of at least two dollars for each license sold. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that recreational license dealers are private businesses that provide the service of license sales in every part of the state. The dealers who sell recreational fishing and hunting licenses for the department of fish and wildlife perform a valuable public service function for those members of the public who purchase licenses as well as a revenue generating function for the department. The modernized fishing and hunting license format will require additional investments by license dealers in employee training and public education.

**Sec. 2.** RCW 77.32.050 and 1998 c 191 s 10 are each amended to read as follows:

All recreational licenses, permits, tags, and stamps required by ~~((this chapter))~~ Titles 75 and 77 RCW and raffle tickets authorized under chapter 77.12 RCW shall be issued under the authority of the commission. The commission shall adopt rules for the issuance of recreational licenses, permits, tags, stamps, and raffle tickets, and for the collection, payment, and handling of license fees, terms and conditions to govern dealers, and dealers' fees. A transaction fee on recreational licenses may be set by the commission and collected from licensees. The department may authorize all or part of such fee to be paid directly to a contractor providing automated licensing system services. Fees retained by dealers shall be uniform throughout the state. The department shall authorize dealers to collect and retain dealer fees of at least two dollars for purchase of a standard hunting or fishing recreational license document, except that the commission may set a lower dealer fee for issuance of tags or when a licensee buys a license that involves a stamp or display card format rather than a standard department licensing document form.

**Sec. 3.** RCW 75.25.092 and 1998 c 191 s 2 are each amended to read as follows:

(1) A personal use shellfish and seaweed license is required for all persons other than residents or nonresidents under fifteen years of age to fish for, take, dig for, or possess seaweed or shellfish for personal use from state waters or offshore waters including national park beaches.

(2) The fees for annual personal use shellfish and seaweed licenses are:

(a) For a resident fifteen years of age or older, seven dollars;

(b) For a nonresident fifteen years of age or older, twenty dollars; and

(c) For a senior, five dollars.

(3) The license fee for a two-day personal use shellfish and seaweed license is six dollars for residents or nonresidents fifteen years of age or older.

NEW SECTION. **Sec. 4.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Signed by Representatives Buck, Republican Co-Chair; Regala, Democratic Co-Chair; Anderson, Democratic Vice Chair; G. Chandler; Clements; Doumit; Eickmeyer; Ericksen; Pennington; Rockefeller and Stensen.

MINORITY recommendation: Without recommendation. Signed by Representative Sump, Republican Vice Chair.

Voting yea: Representatives Buck, Regala, Anderson, G. Chandler, Clements, Doumit, Eickmeyer, Ericksen, Pennington, Rockefeller and Stensen.

Voting nay: Representative(s) Sump.

Referred to Committee on Appropriations.

April 2, 1999

SSB 5027 Prime Sponsor, Senate Committee on Senate Judiciary: Providing for control of dangerous dogs. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

Voting yea: Representatives Ballasiotes, O'Brien, Cairnes, Lovick, B. Chandler, Constantine, Kagi and Koster.

Referred to Committee on Appropriations.

April 1, 1999

ESB 5036 Prime Sponsor, Senator McCaslin: Adding a judge to the superior courts of Okanogan and Grant counties. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Esser; Kastama; Lantz; Lovick; McDonald and Schindler.

Voting yea: Representatives Carrell, Constantine, Hurst, Lambert, Cox, Dickerson, Esser, Kastama, Lantz, Lovick, McDonald and Schindler.

Referred to Committee on Appropriations.

April 1, 1999

SB 5037 Prime Sponsor, Senator McCaslin: Creating a new court of appeals position for Pierce county. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Esser; Kastama; Lantz; Lovick; McDonald and Schindler.

Voting yea: Representatives Carrell, Constantine, Hurst, Lambert, Cox, Dickerson, Esser, Kastama, Lantz, Lovick, McDonald and Schindler.

Referred to Committee on Appropriations.

April 1, 1999

SB 5040 Prime Sponsor, Senator Fairley: Modifying standards and requirements for the operation and inspection of boilers and other pressure vessels. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 70.79.010 and 1951 c 32 s 1 are each amended to read as follows:

There is hereby created within this state a board of boiler rules, which shall hereafter be referred to as the board, consisting of five members who shall be appointed to the board by the governor, one for a term of one year, one for a term of two years, one for a term of three years, and two for a term of four years. At the expiration of their respective terms of office, they, or their successors identifiable with the same interests respectively as hereinafter provided, shall be appointed for terms of four years each. The governor may at any time remove any member of the board for inefficiency or neglect of duty in office. Upon the death or incapacity of any member the governor shall fill the vacancy for the remainder of the vacated term with a representative of the same interests with which his or her predecessor was identified. Of these five appointed members, one shall be representative of owners and users of boilers and unfired pressure vessels within the state, one shall be representative of the boiler or unfired pressure vessel manufacturers within the state, one shall be a representative of a boiler insurance company licensed to do business within the state, one shall be a mechanical engineer on the faculty of a recognized engineering college or a graduate mechanical engineer having equivalent experience, and one shall be representative of the boilermakers (~~or practical steam~~), stationary operating engineers, or pressure vessel operators. The board shall elect one of its members to serve as (~~chairman~~) chair and, at the call of the (~~chairman~~) chair, the board shall meet at least four times each year at the state capitol or other place designated by the board.

**Sec. 2.** RCW 70.79.030 and 1972 ex.s. c 86 s 1 are each amended to read as follows:

The board shall formulate definitions(~~(,)~~) and rules(~~(, and regulations)~~) for the safe and proper construction, installation, repair, use, and operation of boilers and for the safe and proper construction, installation, and repair of unfired pressure vessels in this state. The definitions(~~(,)~~) and rules(~~(, and regulations)~~) so formulated shall be based upon, and, at all times, follow the (~~generally~~) nationally or internationally accepted (~~(nationwide)~~) engineering standards, formulae, and practices established and pertaining to boiler and unfired pressure vessel construction and safety, and the board may by resolution adopt (~~(an)~~) existing published codifications thereof, (~~known as "The Boiler Construction Code of the American Society of Mechanical Engineers", with the amendments and interpretations thereto made and approved by the council of the society, and may likewise adopt the amendments and interpretations subsequently made and published by the same authority;~~) and when so adopted the same shall be deemed incorporated into, and to constitute a part or the whole of the definitions(~~(,)~~) and rules(~~(, and regulations)~~) of the board. Amendments and interpretations to the code (~~(so adopted)~~) shall be (~~(adopted)~~) enforceable immediately upon being (~~(promulgated)~~) adopted, to the end that the definitions(~~(,)~~) and rules(~~(, and regulations)~~) shall at all times follow (~~(the generally)~~) nationally or internationally accepted (~~(nationwide)~~) engineering standards(~~(: PROVIDED,)~~). However, (~~(That)~~) all rules (~~(and regulations promulgated)~~) adopted by the board(~~(, including any or all of the boiler construction code of the American society of mechanical engineers with amendments and interpretations thereof,)~~) shall be adopted in compliance with the Administrative Procedure Act, chapter 34.05 RCW, as now or hereafter amended. (~~(All boilers and unfired pressure vessels subject to the jurisdiction of the board, which have been constructed or installed in accordance with the code of the American society of mechanical engineers shall be prima facie evidence of compliance with those provisions of this chapter and the rules of the board.)~~)

**Sec. 3.** RCW 70.79.080 and 1996 c 72 s 1 are each amended to read as follows:

This chapter shall not apply to the following boilers, unfired pressure vessels and domestic hot water tanks:

- (1) Boilers and unfired pressure vessels under federal regulation or operated by any railroad subject to the provisions of the interstate commerce act;
- (2) Unfired pressure vessels meeting the requirements of the interstate commerce commission for shipment of liquids or gases under pressure;
- (3) Air tanks located on vehicles operating under the rules of other state authorities and used for carrying passengers, or freight;
- (4) Air tanks installed on the right of way of railroads and used directly in the operation of trains;
- (5) Unfired pressure vessels having a volume of five cubic feet or less when not located in places of public assembly;
- (6) Unfired pressure vessels designed for a pressure not exceeding fifteen pounds per square inch gauge when not located in place of public assembly;
- (7) Tanks used in connection with heating water for domestic and/or residential purposes;
- (8) Boilers and unfired pressure vessels in cities having ordinances which are enforced and which have requirements equal to or higher than those provided for under this chapter, covering the installation, operation, maintenance and inspection of boilers and unfired pressure vessels;
- (9) Tanks containing water with no air cushion and no direct source of energy that operate at ~~((ambient))~~ a temperature of one hundred thirty degrees Fahrenheit or less;
- (10) Electric boilers:
  - (a) Having a tank volume of not more than one and one-half cubic feet;
  - (b) Having a maximum allowable working pressure of eighty pounds per square inch or less, with a pressure relief system to prevent excess pressure; and
  - (c) If constructed after June 10, 1994, constructed to American society of mechanical engineers code, or approved or otherwise certified by a nationally recognized or recognized foreign testing laboratory or construction code, including but not limited to Underwriters Laboratories, Edison Testing Laboratory, or Instituto Superiore Per La Prevenzione E La Sicurezza Del Lavoro;
- (11) Electrical switchgear and control apparatus that have no external source of energy to maintain pressure and are located in restricted access areas under the control of an electric utility;
- (12) Regardless of location, unfired pressure vessels and hot water heaters less than one and one-half cubic feet (11.25 gallons) in volume with a safety valve setting of one hundred fifty pounds per square inch gauge (psig) or less, or less than six inches in diameter and less than five cubic feet (37.5 gallons) in volume with a safety valve set at any pressure, or less than fifteen psig containing substances other than steam, lethal substances, or liquids with low flash points.

**Sec. 4.** RCW 70.79.090 and 1988 c 254 s 20 are each amended to read as follows:

The following boilers and unfired pressure vessels shall be exempt from the requirements of RCW 70.79.220 and 70.79.240 through 70.79.330:

- (1) Boilers or unfired pressure vessels located on farms and used solely for agricultural purposes;
- (2) Unfired pressure vessels that are part of fertilizer applicator rigs designed and used exclusively for fertilization in the conduct of agricultural operations;
- (3) Steam boilers used exclusively for heating purposes carrying a pressure of not more than fifteen pounds per square inch gauge and which are located in private residences or in apartment houses of less than six families;
- (4) Hot water heating boilers carrying a pressure of not more than thirty pounds per square inch and which are located in private residences or in apartment houses of less than six families;
- (5) Approved pressure vessels (hot water heaters listed by a nationally recognized testing agency), with approved safety devices including a pressure relief valve, with a nominal water containing capacity of one hundred twenty gallons or less having a heat input of two hundred thousand b.t.u.'s per hour or less, used for hot water supply at pressure of one hundred sixty pounds per square inch or less, and at temperatures of two hundred ~~ten~~ degrees Fahrenheit or less: PROVIDED, HOWEVER, That such pressure vessels are not installed in schools, child care centers, public and

private hospitals, nursing and boarding homes, churches, public buildings owned or leased and maintained by the state or any political subdivision thereof, and assembly halls;

(6) Unfired pressure vessels containing only water under pressure for domestic supply purposes, including those containing air, the compression of which serves only as a cushion or airlift pumping systems, when located in private residences or in apartment houses of less than six families;

(7) Unfired pressure vessels containing liquified petroleum gases.

**Sec. 5.** RCW 70.79.130 and 1951 c 32 s 13 are each amended to read as follows:

In addition to the deputy boiler inspectors authorized by RCW 70.79.120, the chief inspector shall, upon the request of any company authorized to insure against loss from explosion of boilers and unfired pressure vessels in this state, or upon the request of any company operating boilers or unfired pressure vessels in this state, issue to any inspectors of said company commissions as special inspectors, provided that each such inspector before receiving his or her commission shall satisfactorily pass the examination provided for in RCW 70.79.170, or, in lieu of such examination, shall hold a certificate of competency as an inspector of boilers and unfired pressure vessels for a state that has a standard of examination substantially equal to that of this state or a certificate as an inspector of boilers and unfired pressure vessels from the national board of boiler and pressure vessel inspectors. A commission as a special inspector for a company operating boilers or unfired pressure vessels in this state shall be issued only if, in addition to meeting the requirements stated herein, the inspector is continuously employed by the company for the purpose of making inspections of boilers or unfired pressure vessels used, or to be used, by such company.

**Sec. 6.** RCW 70.79.140 and 1951 c 32 s 14 are each amended to read as follows:

Special inspectors shall receive no salary from, nor shall any of their expenses be paid by the state, and the continuance of a special inspector's commission shall be conditioned upon his or her continuing in the employ of a boiler insurance company duly authorized as aforesaid or upon continuing in the employ of a company operating boilers or unfired pressure vessels in this state and upon his or her maintenance of the standards imposed by this chapter.

**Sec. 7.** RCW 70.79.150 and 1951 c 32 s 15 are each amended to read as follows:

Special inspectors shall inspect all boilers and unfired pressure vessels insured or (~~all unfired pressure vessels~~) operated by their respective companies and, when so inspected, the owners and users of such insured boilers and unfired pressure vessels shall be exempt from the payment to the state of the inspection fees as provided for in RCW 70.79.330.

**Sec. 8.** RCW 70.79.160 and 1951 c 32 s 16 are each amended to read as follows:

Each company employing special inspectors shall, within thirty days following each internal boiler or unfired pressure vessel inspection made by such inspectors, file a report of such inspection with the chief inspector upon appropriate forms (~~as promulgated by the American society of mechanical engineers~~). Reports of external inspections shall not be required except when such inspections disclose that the boiler or unfired pressure vessel is in dangerous condition.

**Sec. 9.** RCW 70.79.280 and 1951 c 32 s 27 are each amended to read as follows:

All boilers and all unfired pressure vessels to be installed in this state after the (~~twelve months~~) twelve-month period from the date upon which the rules (~~and regulations~~) of the board shall become effective shall be inspected during construction as required by the applicable rules (~~and regulations~~) of the board by an inspector authorized to inspect boilers and unfired pressure vessels in this state, or, if constructed outside of the state, by an inspector holding a certificate from the national board of boiler and pressure vessel inspectors, or a certificate of competency as an inspector of boilers and unfired pressure vessels for a state that has a standard of examination substantially equal to that of this state as provided in RCW 70.79.170.

**Sec. 10.** RCW 70.79.310 and 1951 c 32 s 30 are each amended to read as follows:

The chief inspector, or his or her authorized representative, may at any time suspend an inspection certificate when, in his or her opinion, the boiler or unfired pressure vessel for which it was issued(~~(,)~~) cannot be operated without menace to the public safety, or when the boiler or unfired pressure vessel is found not to comply with the rules (~~((and regulations))~~) herein provided. A special inspector shall have corresponding powers with respect to inspection certificates for boilers or unfired pressure vessels insured or (~~((unfired pressure vessels))~~) operated by the company employing him or her. Such suspension of an inspection certificate shall continue in effect until such boiler or unfired pressure vessel shall have been made to conform to the rules (~~((and regulations))~~) of the board, and until said inspection certificate shall have been reinstated."

Correct the title.

Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Hurst; Lisk; McIntire and McMorris.

Voting yea: Representatives Clements, Conway, B. Chandler, Wood, Hurst, Lisk, McIntire and McMorris.

Passed to Rules Committee for Second Reading.

April 2, 1999

ESB 5044 Prime Sponsor, Senator Brown: Changing the membership of air pollution control authority boards of directors. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 70.94.100 and 1991 c 199 s 704 are each amended to read as follows:

(1) The governing body of each authority shall be known as the board of directors.

(2) Except as provided in subsection (3) of this section, in the case of an authority comprised of one county the board shall be comprised of two appointees of the city selection committee, at least one of whom shall represent the city having the most population in the county, and two representatives to be designated by the board of county commissioners. In the case of an authority comprised of two, three, four, or five counties, the board shall be comprised of one appointee from each county, who shall represent the city having the most population in such county, to be designated by the mayor and city council of such city, and one representative from each county to be designated by the board of county commissioners of each county making up the authority. In the case of an authority comprised of six or more counties, the board shall be comprised of one representative from each county to be designated by the board of county commissioners of each county making up the authority, and three appointees, one each from the three largest cities within the local authority's jurisdiction to be appointed by the mayor and city council of such city.

(3) In the case of an authority comprised of one county that has a population over three hundred fifty thousand and that is located east of the crest of the Cascades, the board shall be comprised of: One appointee of the legislative authority of the most populous city in the county, representing the city; two appointees of the city selection committee, each of whom must be a resident of any city in the county other than the most populous city in the county; and two representatives to be designated by the legislative authority of the county, at least one of whom must be a resident of an unincorporated, rural area of the county.

(4) If the board of an authority otherwise would consist of an even number, the members selected as above provided shall agree upon and elect an additional member who shall be either a

member of the (~~governing body~~) legislative authority of one of the towns, cities, or counties comprising the authority, or a private citizen residing in the authority.

~~((4))~~ (5) The terms of office of board members shall be four years.

~~((5))~~ (6) Wherever a member of a board has a potential conflict of interest in an action before the board, the member shall declare to the board the nature of the potential conflict prior to participating in the action review. The board shall, if the potential conflict of interest, in the judgment of a majority of the board, may prevent the member from a fair and objective review of the case, remove the member from participation in the action."

Correct the title.

Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Koster, Republican Vice Chair; Anderson; B. Chandler; Delvin; Fortunato; Grant; Reardon; Schoesler; Stensen; Sump and Wood.

Voting yea: Representatives G. Chandler, Linville, Cooper, Koster, Anderson, B. Chandler, Delvin, Fortunato, Grant, Reardon, Schoesler, Stensen, Sump and Wood.

Passed to Rules Committee for Second Reading.

March 2, 1999

SSB 5047 Prime Sponsor, Senate Committee on Human Services & Corrections: Changing the standards for information sharing among mental health professionals. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

Voting Yea: Representatives Ballasiotes, O'Brien, Cairnes, Lovick, B. Chandler, Constantine, Kagi and Koster.

Passed to Committee on Rules for second reading.

April 2, 1999

SSB

Committee Report

5064 Prime Sponsor, Senate Committee on Transportation: Protecting certain public transportation information. Reported by Committee on State Government

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 42.17.310 and 1998 c 69 s 1 are each amended to read as follows:

(1) The following are exempt from public inspection and copying:

(a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients.

(b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (i) be prohibited to such persons by



RCW 84.08.210, 82.32.330, 84.40.020, or 84.40.340 or (ii) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer.

(d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(e) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim or witness indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.

(f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

(g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

(h) Valuable formulae, designs, drawings, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.

(l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.

(m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (i) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (ii) highway construction or improvement as required by RCW 47.28.070.

(n) Railroad company contracts filed prior to July 28, 1991, with the utilities and transportation commission under RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter.

(o) Financial and commercial information and records supplied by private persons pertaining to export services provided pursuant to chapter 43.163 RCW and chapter 53.31 RCW, and by persons pertaining to export projects pursuant to RCW 43.23.035.

(p) Financial disclosures filed by private vocational schools under chapters 28B.85 and 28C.10 RCW.

(q) Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095 that a court has determined are confidential under RCW 80.04.095.

(r) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency.

(s) Membership lists or lists of members or owners of interests of units in timeshare projects, subdivisions, camping resorts, condominiums, land developments, or common-interest communities

affiliated with such projects, regulated by the department of licensing, in the files or possession of the department.

(t) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.

(u) The residential addresses and residential telephone numbers of employees or volunteers of a public agency which are held by the agency in personnel records, employment or volunteer rosters, or mailing lists of employees or volunteers.

(v) The residential addresses and residential telephone numbers of the customers of a public utility contained in the records or lists held by the public utility of which they are customers, except that this information may be released to the division of child support or the agency or firm providing child support enforcement for another state under Title IV-D of the federal social security act, for the establishment, enforcement, or modification of a support order.

(w)(i) The federal social security number of individuals governed under chapter 18.130 RCW maintained in the files of the department of health, except this exemption does not apply to requests made directly to the department from federal, state, and local agencies of government, and national and state licensing, credentialing, investigatory, disciplinary, and examination organizations; (ii) the current residential address and current residential telephone number of a health care provider governed under chapter 18.130 RCW maintained in the files of the department, if the provider requests that this information be withheld from public inspection and copying, and provides to the department an accurate alternate or business address and business telephone number. On or after January 1, 1995, the current residential address and residential telephone number of a health care provider governed under RCW 18.130.140 maintained in the files of the department shall automatically be withheld from public inspection and copying unless the provider specifically requests the information be released, and except as provided for under RCW 42.17.260(9).

(x) Information obtained by the board of pharmacy as provided in RCW 69.45.090.

(y) Information obtained by the board of pharmacy or the department of health and its representatives as provided in RCW 69.41.044, 69.41.280, and 18.64.420.

(z) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW.

(aa) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information.

(bb) Financial and valuable trade information under RCW 51.36.120.

(cc) Client records maintained by an agency that is a domestic violence program as defined in RCW 70.123.020 or 70.123.075 or a rape crisis center as defined in RCW 70.125.030.

(dd) Information that identifies a person who, while an agency employee: (i) Seeks advice, under an informal process established by the employing agency, in order to ascertain his or her rights in connection with a possible unfair practice under chapter 49.60 RCW against the person; and (ii) requests his or her identity or any identifying information not be disclosed.

(ee) Investigative records compiled by an employing agency conducting a current investigation of a possible unfair practice under chapter 49.60 RCW or of a possible violation of other federal, state, or local laws prohibiting discrimination in employment.

(ff) Business related information protected from public inspection and copying under RCW 15.86.110.

(gg) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW.

(hh) Information and documents created specifically for, and collected and maintained by a quality improvement committee pursuant to RCW 43.70.510, regardless of which agency is in possession of the information and documents.

(ii) Personal information in files maintained in a data base created under RCW 43.07.360.

(jj) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010.

(kk) Names of individuals residing in emergency or transitional housing that are furnished to the department of revenue or a county assessor in order to substantiate a claim for property tax exemption under RCW 84.36.043.

(ll) The names, residential addresses, residential telephone numbers, and other individually identifiable records held by an agency in relation to a vanpool, carpool, or other ride-sharing program or service. However, these records may be disclosed to other persons who apply for ride-matching services and who need that information in order to identify potential riders or drivers with whom to share rides.

(mm) The personally identifying information of current or former participants or applicants in a paratransit or other transit service operated for the benefit of persons with disabilities or elderly persons.

(nn) The personally identifying information of persons who acquire and use transit passes and other fare payment media including, but not limited to, stored value smart cards and magnetic strip cards, except that an agency may disclose this information to a person, employer, educational institution, or other entity that is responsible, in whole or in part, for payment of the cost of acquiring or using a transit pass or other fare payment media, or to the news media when reporting on public transportation or public safety. This information may also be disclosed at the agency's discretion to governmental agencies or groups concerned with public transportation or public safety.

(oo) Proprietary financial and commercial information that the submitting entity, with review by the department of health, specifically identifies at the time it is submitted and that is provided to or obtained by the department of health in connection with an application for, or the supervision of, an antitrust exemption sought by the submitting entity under RCW 43.72.310. If a request for such information is received, the submitting entity must be notified of the request. Within ten business days of receipt of the notice, the submitting entity shall provide a written statement of the continuing need for confidentiality, which shall be provided to the requester. Upon receipt of such notice, the department of health shall continue to treat information designated under this section as exempt from disclosure. If the requester initiates an action to compel disclosure under this chapter, the submitting entity must be joined as a party to demonstrate the continuing need for confidentiality.

~~((mm))~~ (pp) Records maintained by the board of industrial insurance appeals that are related to appeals of crime victims' compensation claims filed with the board under RCW 7.68.110.

~~((oo))~~ (qq) Financial and commercial information supplied by or on behalf of a person, firm, corporation, or entity under chapter 28B.95 RCW relating to the purchase or sale of tuition units and contracts for the purchase of multiple tuition units.

(2) Except for information described in subsection (1)(c)(i) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this section are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

**NEW SECTION. Sec. 2.** A new section is added to chapter 47.04 RCW to read as follows:

The department, a county, city, town, any other public entity, and any private entity under the public-private transportation initiatives authorized under chapter 47.46 RCW, that provides transit,

high-speed ground transportation, high capacity transportation service, ferry service, toll facilities, or other public transportation service or facilities may only use personally identifiable information obtained from the use of electronic toll payments, transit passes, or other fare media such as magnetic strip cards or stored value cards for billing purposes. This information may not be used to track or monitor individual use of the public transportation facilities or service, except for billing purposes and to provide statistical compilations and reports that do not identify an individual."

Correct the title.

Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Campbell, Republican Vice Chair; Miloscia, Democratic Vice Chair; Dunshee; Haigh and D. Schmidt.

MINORITY recommendation: Without recommendation. Signed by Representative Lambert.

Voting yea: Representatives McMorris, Romero, Campbell, Miloscia, Dunshee, Haigh and D. Schmidt.

Voting nay: Representative(s) Lambert.

Passed to Rules Committee for Second Reading.

April 2, 1999

SSB 5074 Prime Sponsor, Senate Committee on Senate Judiciary: Establishing the crime of mail theft or receipt of stolen mail. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Authorized depository" means a mailbox, post office box, or rural box used by postal customers to deposit outgoing mail or used by the postal service to deliver incoming mail.

(2) "Letter box" means a receptacle that is used for a specific address intended or used for the receipt or delivery of mail on a mail route.

(3)(a) "Mail" means a letter, card, parcel, or other material that:

(i) Is sent or delivered by means of the postal service;

(ii) Has postage affixed by the postal customer or postal service; and

(iii) Is placed in an authorized depository or mail receptacle.

(b) "Mail" includes articles contained in mail.

(4) "Mail receptacle" means a place used by the postal service or postal customers to place outgoing mail or receive incoming mail.

(5) "Postage" means a postal service stamp, permit imprint, meter strip, or other authorized indication of prepayment for service provided by the postal service for collection and delivery of mail.

(6) "Postal service" means the United States postal service.

(7) The phrase "of another" does not include persons with whom the defendant has a familial, parental, spousal, employment, or other relationship that would otherwise reasonably allow the defendant to take, dispose of, or otherwise intercept the person's mail.

NEW SECTION. Sec. 2. (1) A person commits the crime of obstruction of mail if the person intentionally obstructs or unreasonably delays:

(a) The passage of the mail; or

(b) A carrier or conveyance carrying the mail.

(2) Obstruction of mail is a gross misdemeanor.

**NEW SECTION. Sec. 3.** (1) A person commits the crime of destruction of letter boxes if the person knowingly and maliciously:

- (a) Tears down or destroys a letter box belonging to another; or
  - (b) Breaks open a letter box belonging to another.
- (2) Destruction of letter boxes is a gross misdemeanor.

**NEW SECTION. Sec. 4.** (1) A person commits the crime of destruction of mail if the person knowingly and maliciously injures, destroys, or defaces mail of another that has been deposited in an authorized depository.

(2) Destruction of mail is a class C felony.

**NEW SECTION. Sec. 5.** (1) A person commits the crime of mail theft or receipt of stolen mail if the person knowingly:

- (a) Takes, or by fraud or deception, obtains mail of another from a mail receptacle, authorized depository, or mail carrier;
  - (b) Secretes, embezzles, or destroys mail of another;
  - (c) Takes, or by fraud or deception, obtains mail of another that has been left for collection on or adjacent to an authorized depository or mail receptacle; or
  - (d) Buys, receives, conceals, or unlawfully possesses mail of another knowing that the mail was taken, obtained, or embezzled as described in this subsection.
- (2) Mail theft or receipt of stolen mail is a class C felony.

**NEW SECTION. Sec. 6.** In a prosecution under this chapter, it is a defense that the defendant acted under an honest claim of right in that:

- (1) The defendant was unaware that the property was that of another person;
- (2) The defendant reasonably believed that the defendant was entitled to the property involved or had a right to acquire or dispose of it as the defendant did; or
- (3) The property involved was that of the defendant's minor child or spouse, unless the parties were not living together as husband and wife and were residing in, and intended to continually reside in, separate abodes at the time of the alleged offense.

**NEW SECTION. Sec. 7.** Sections 1 through 6 of this act constitute a new chapter in Title 9A RCW.

**Sec. 8.** RCW 9.94A.320 and 1998 c 290 s 4, 1998 c 219 s 4, 1998 c 82 s 1, and 1998 c 78 s 1 are each reenacted and amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

XV Aggravated Murder 1 (RCW 10.95.020)

XIV Murder 1 (RCW 9A.32.030)  
Homicide by abuse (RCW 9A.32.055)  
Malicious explosion 1 (RCW 70.74.280(1))

XIII Murder 2 (RCW 9A.32.050)  
Malicious explosion 2 (RCW 70.74.280(2))  
Malicious placement of an explosive 1 (RCW 70.74.270(1))

XII Assault 1 (RCW 9A.36.011)  
Assault of a Child 1 (RCW 9A.36.120)

Rape 1 (RCW 9A.44.040)  
Rape of a Child 1 (RCW 9A.44.073)  
Malicious placement of an imitation device 1 (RCW  
70.74.272(1)(a))

XI Rape 2 (RCW 9A.44.050)  
Rape of a Child 2 (RCW 9A.44.076)  
Manslaughter 1 (RCW 9A.32.060)

X Kidnapping 1 (RCW 9A.40.020)  
Child Molestation 1 (RCW 9A.44.083)  
Malicious explosion 3 (RCW 70.74.280(3))  
Over 18 and deliver heroin, a narcotic from Schedule I or II, or  
flunitrazepam from Schedule IV to someone under 18  
(RCW 69.50.406)  
Leading Organized Crime (RCW 9A.82.060(1)(a))  
Indecent Liberties (with forcible compulsion) (RCW  
9A.44.100(1)(a))  
Manufacture of methamphetamine (RCW 69.50.401(a)(1)(ii))

IX Assault of a Child 2 (RCW 9A.36.130)  
Robbery 1 (RCW 9A.56.200)  
Explosive devices prohibited (RCW 70.74.180)  
Malicious placement of an explosive 2 (RCW 70.74.270(2))  
Over 18 and deliver narcotic from Schedule III, IV, or V or a  
nonnarcotic, except flunitrazepam, from Schedule I-V  
to someone under 18 and 3 years junior (RCW  
69.50.406)  
Controlled Substance Homicide (RCW 69.50.415)  
Sexual Exploitation (RCW 9.68A.040)  
Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))  
Vehicular Homicide, by being under the influence of  
intoxicating liquor or any drug (RCW 46.61.520)  
Homicide by Watercraft, by being under the influence of  
intoxicating liquor or any drug (RCW 88.12.029)

VIII Arson 1 (RCW 9A.48.020)  
Promoting Prostitution 1 (RCW 9A.88.070)  
Selling for profit (controlled or counterfeit) any controlled  
substance (RCW 69.50.410)  
Manufacture, deliver, or possess with intent to deliver heroin  
or cocaine (RCW 69.50.401(a)(1)(i))  
Deliver or possess with intent to deliver methamphetamine  
(RCW 69.50.401(a)(1)(ii))  
Manufacture, deliver, or possess with intent to deliver  
amphetamine (RCW 69.50.401(a)(1)(ii))  
Possession of ephedrine or pseudoephedrine with intent to  
manufacture methamphetamine (RCW 69.50.440)  
Vehicular Homicide, by the operation of any vehicle in a  
reckless manner (RCW 46.61.520)  
Homicide by Watercraft, by the operation of any vessel in a  
reckless manner (RCW 88.12.029)  
Manslaughter 2 (RCW 9A.32.070)

VII Burglary 1 (RCW 9A.52.020)

Vehicular Homicide, by disregard for the safety of others  
(RCW 46.61.520)

Homicide by Watercraft, by disregard for the safety of others  
(RCW 88.12.029)

Introducing Contraband 1 (RCW 9A.76.140)

Indecent Liberties (without forcible compulsion) (RCW  
9A.44.100(1) (b) and (c))

Child Molestation 2 (RCW 9A.44.086)

Dealing in depictions of minor engaged in sexually explicit  
conduct (RCW 9.68A.050)

Sending, bringing into state depictions of minor engaged in  
sexually explicit conduct (RCW 9.68A.060)

Involving a minor in drug dealing (RCW 69.50.401(f))

Drive-by Shooting (RCW 9A.36.045)

Unlawful Possession of a Firearm in the first degree (RCW  
9.41.040(1)(a))

Malicious placement of an explosive 3 (RCW 70.74.270(3))

VI Bribery (RCW 9A.68.010)

Rape of a Child 3 (RCW 9A.44.079)

Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)

Malicious placement of an imitation device 2 (RCW  
70.74.272(1)(b))

Incest 1 (RCW 9A.64.020(1))

Manufacture, deliver, or possess with intent to deliver narcotics  
from Schedule I or II (except heroin or cocaine) or  
flunitrazepam from Schedule IV (RCW  
69.50.401(a)(1)(i))

Intimidating a Judge (RCW 9A.72.160)

Bail Jumping with Murder 1 (RCW 9A.76.170(2)(a))

Theft of a Firearm (RCW 9A.56.300)

V Persistent prison misbehavior (RCW 9.94.070)

Criminal Mistreatment 1 (RCW 9A.42.020)

Abandonment of dependent person 1 (RCW 9A.42.060)

Rape 3 (RCW 9A.44.060)

Sexual Misconduct with a Minor 1 (RCW 9A.44.093)

Child Molestation 3 (RCW 9A.44.089)

Kidnapping 2 (RCW 9A.40.030)

Extortion 1 (RCW 9A.56.120)

Incest 2 (RCW 9A.64.020(2))

Perjury 1 (RCW 9A.72.020)

Extortionate Extension of Credit (RCW 9A.82.020)

Advancing money or property for extortionate extension of  
credit (RCW 9A.82.030)

Extortionate Means to Collect Extensions of Credit (RCW  
9A.82.040)

Rendering Criminal Assistance 1 (RCW 9A.76.070)

Bail Jumping with class A Felony (RCW 9A.76.170(2)(b))

Sexually Violating Human Remains (RCW 9A.44.105)

Delivery of imitation controlled substance by person eighteen  
or over to person under eighteen (RCW 69.52.030(2))

Possession of a Stolen Firearm (RCW 9A.56.310)

#### IV Residential Burglary (RCW 9A.52.025)

- Theft of Livestock 1 (RCW 9A.56.080)
- Robbery 2 (RCW 9A.56.210)
- Assault 2 (RCW 9A.36.021)
- Escape 1 (RCW 9A.76.110)
- Arson 2 (RCW 9A.48.030)
- Commercial Bribery (RCW 9A.68.060)
- Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)
- Malicious Harassment (RCW 9A.36.080)
- Threats to Bomb (RCW 9.61.160)
- Willful Failure to Return from Furlough (RCW 72.66.060)
- Hit and Run--Injury Accident (RCW 46.52.020(4))
- Hit and Run with Vessel--Injury Accident (RCW 88.12.155(3))
- Vehicular Assault (RCW 46.61.522)
- Assault by Watercraft (RCW 88.12.032)
- Manufacture, deliver, or possess with intent to deliver narcotics from Schedule III, IV, or V or nonnarcotics from Schedule I-V (except marijuana, amphetamine, methamphetamines, or flunitrazepam) (RCW 69.50.401(a)(1) (iii) through (v))
- Influencing Outcome of Sporting Event (RCW 9A.82.070)
- Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))
- Knowingly Trafficking in Stolen Property (RCW 9A.82.050(2))

#### III Criminal Gang Intimidation (RCW 9A.46.120)

- Criminal Mistreatment 2 (RCW 9A.42.030)
- Abandonment of dependent person 2 (RCW 9A.42.070)
- Extortion 2 (RCW 9A.56.130)
- Unlawful Imprisonment (RCW 9A.40.040)
- Assault 3 (RCW 9A.36.031)
- Assault of a Child 3 (RCW 9A.36.140)
- Custodial Assault (RCW 9A.36.100)
- Unlawful possession of firearm in the second degree (RCW 9.41.040(1)(b))
- Harassment (RCW 9A.46.020)
- Promoting Prostitution 2 (RCW 9A.88.080)
- Willful Failure to Return from Work Release (RCW 72.65.070)
- Burglary 2 (RCW 9A.52.030)
- Introducing Contraband 2 (RCW 9A.76.150)
- Communication with a Minor for Immoral Purposes (RCW 9.68A.090)
- Patronizing a Juvenile Prostitute (RCW 9.68A.100)
- Escape 2 (RCW 9A.76.120)
- Perjury 2 (RCW 9A.72.030)
- Bail Jumping with class B or C Felony (RCW 9A.76.170(2)(c))
- Intimidating a Public Servant (RCW 9A.76.180)
- Tampering with a Witness (RCW 9A.72.120)
- Manufacture, deliver, or possess with intent to deliver marijuana (RCW 69.50.401(a)(1)(iii))



Delivery of a material in lieu of a controlled substance (RCW 69.50.401(c))  
Manufacture, distribute, or possess with intent to distribute an imitation controlled substance (RCW 69.52.030(1))  
Recklessly Trafficking in Stolen Property (RCW 9A.82.050(1))  
Theft of livestock 2 (RCW 9A.56.080)  
Securities Act violation (RCW 21.20.400)

II Mail Theft or Receipt of Stolen Mail (section 5 of this act)

Unlawful Practice of Law (RCW 2.48.180)  
Malicious Mischief 1 (RCW 9A.48.070)  
Possession of Stolen Property 1 (RCW 9A.56.150)  
Theft 1 (RCW 9A.56.030)  
Class B Felony Theft of Rental, Leased, or Lease-purchased Property (RCW 9A.56.096(4))  
Trafficking in Insurance Claims (RCW 48.30A.015)  
Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))  
Health Care False Claims (RCW 48.80.030)  
Possession of controlled substance that is either heroin or narcotics from Schedule I or II or flunitrazepam from Schedule IV (RCW 69.50.401(d))  
Possession of phencyclidine (PCP) (RCW 69.50.401(d))  
Create, deliver, or possess a counterfeit controlled substance (RCW 69.50.401(b))  
Computer Trespass 1 (RCW 9A.52.110)  
Escape from Community Custody (RCW 72.09.310)

I Destruction of Mail (section 4 of this act)

Theft 2 (RCW 9A.56.040)  
Class C Felony Theft of Rental, Leased, or Lease-purchased Property (RCW 9A.56.096(4))  
Possession of Stolen Property 2 (RCW 9A.56.160)  
Forgery (RCW 9A.60.020)  
Taking Motor Vehicle Without Permission (RCW 9A.56.070)  
Vehicle Prowl 1 (RCW 9A.52.095)  
Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)  
Malicious Mischief 2 (RCW 9A.48.080)  
Reckless Burning 1 (RCW 9A.48.040)  
Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)  
Unlawful Use of Food Stamps (RCW 9.91.140 (2) and (3))  
False Verification for Welfare (RCW 74.08.055)  
Forged Prescription (RCW 69.41.020)  
Forged Prescription for a Controlled Substance (RCW 69.50.403)  
Possess Controlled Substance that is a Narcotic from Schedule III, IV, or V or Non-narcotic from Schedule I-V (except phencyclidine or flunitrazepam) (RCW 69.50.401(d))

**Sec. 10.** RCW 13.40.0357 and 1998 c 290 s 5 are each amended to read as follows:

**DESCRIPTION AND OFFENSE CATEGORY**

| JUVENILE<br>DISPOSITION<br>OFFENSE<br>CATEGORY | DESCRIPTION (RCW CITATION) | JUVENILE DISPOSITION<br>CATEGORY FOR<br>ATTEMPT,<br>BAILJUMP,<br>CONSPIRACY,<br>OR SOLICITATION |
|--|----------------------------|---|
|--|----------------------------|---|

**Arson and Malicious Mischief**

|   |  |    |
|---|--|----|
| A | Arson 1 (9A.48.020)                                  | B+ |
| B | Arson 2 (9A.48.030)                                  | C  |
| C | Reckless Burning 1 (9A.48.040)                       | D  |
| D | Reckless Burning 2 (9A.48.050)                       | E  |
| B | Malicious Mischief 1 (9A.48.070)                     | C  |
| C | Malicious Mischief 2 (9A.48.080)                     | D  |
| D | Malicious Mischief 3 (< \$50 is E class) (9A.48.090) | E  |
| E | Tampering with Fire Alarm Apparatus (9.40.100)       | E  |
| A | Possession of Incendiary Device (9.40.120)           | B+ |

**Assault and Other Crimes  
Involving Physical Harm**

|    |                                       |    |
|----|---------------------------------------|----|
| A  | Assault 1 (9A.36.011)                 | B+ |
| B+ | Assault 2 (9A.36.021)                 | C+ |
| C+ | Assault 3 (9A.36.031)                 | D+ |
| D+ | Assault 4 (9A.36.041)                 | E  |
| B+ | Drive-By Shooting (9A.36.045)         | C+ |
| D+ | Reckless Endangerment (9A.36.050)     | E  |
| C+ | Promoting Suicide Attempt (9A.36.060) | D+ |
| D+ | Coercion (9A.36.070)                  | E  |
| C+ | Custodial Assault (9A.36.100)         | D+ |

**Burglary and Trespass**

|    |  |    |
|----|--|----|
| B+ | Burglary 1 (9A.52.020)                     | C+ |
| B  | Residential Burglary (9A.52.025)           | C  |
| B  | Burglary 2 (9A.52.030)                     | C  |
| D  | Burglary Tools (Possession of) (9A.52.060) | E  |
| D  | Criminal Trespass 1 (9A.52.070)            | E  |
| E  | Criminal Trespass 2 (9A.52.080)            | E  |
| C  | Vehicle Prowling 1 (9A.52.095)             | D  |
| D  | Vehicle Prowling 2 (9A.52.100)             | E  |

**Drugs**

|    |  |    |
|----|--|----|
| E  | Possession/Consumption of Alcohol (66.44.270)  | E  |
| C  | Illegally Obtaining Legend Drug (69.41.020)  | D  |
| C+ | Sale, Delivery, Possession of Legend Drug with Intent to Sell (69.41.030)  | D+ |
| E  | Possession of Legend Drug (69.41.030)  | E  |
| B+ | Violation of Uniform Controlled Substances Act - Narcotic, Methamphetamine, or Flunitrazepam Sale (69.50.401(a)(1) (i) | B+ |

or (ii))

|    |   |    |
|----|---|----|
| C  | Violation of Uniform Controlled Substances Act - Nonnarcotic Sale (69.50.401(a)(1)(iii))  | C  |
| E  | Possession of Marihuana < 40 grams (69.50.401(e))   | E  |
| C  | Fraudulently Obtaining Controlled Substance (69.50.403)   | C  |
| C+ | Sale of Controlled Substance for Profit (69.50.410)   | C+ |
| E  | Unlawful Inhalation (9.47A.020)   | E  |
| B  | Violation of Uniform Controlled Substances Act - Narcotic, Methamphetamine, or Flunitrazepam Counterfeit Substances (69.50.401(b)(1) (i) or (ii)) | B  |
| C  | Violation of Uniform Controlled Substances Act - Nonnarcotic Counterfeit Substances (69.50.401(b)(1) (iii), (iv), (v))                            | C  |
| C  | Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.401(d))  | C  |
| C  | Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.401(c))  | C  |

#### **Firearms and Weapons**

|    |  |   |
|----|--|---|
| B  | Theft of Firearm (9A.56.300)                                 | C |
| B  | Possession of Stolen Firearm (9A.56.310)                     | C |
| E  | Carrying Loaded Pistol Without Permit (9.41.050)             | E |
| C  | Possession of Firearms by Minor (< 18) (9.41.040(1)(b)(iii)) | C |
| D+ | Possession of Dangerous Weapon (9.41.250)                    | E |
| D  | Intimidating Another Person by use of Weapon (9.41.270)      | E |

#### **Homicide**

|    |                                |    |
|----|--------------------------------|----|
| A+ | Murder 1 (9A.32.030)           | A  |
| A+ | Murder 2 (9A.32.050)           | B+ |
| B+ | Manslaughter 1 (9A.32.060)     | C+ |
| C+ | Manslaughter 2 (9A.32.070)     | D+ |
| B+ | Vehicular Homicide (46.61.520) | C+ |

#### **Kidnapping**

|    |                                   |    |
|----|-----------------------------------|----|
| A  | Kidnap 1 (9A.40.020)              | B+ |
| B+ | Kidnap 2 (9A.40.030)              | C+ |
| C+ | Unlawful Imprisonment (9A.40.040) | D+ |

#### **Obstructing Governmental Operation**

|    |   |    |
|----|---|----|
| D  | Obstructing a Law Enforcement Officer (9A.76.020) | E  |
| E  | Resisting Arrest (9A.76.040)                      | E  |
| B  | Introducing Contraband 1 (9A.76.140)              | C  |
| C  | Introducing Contraband 2 (9A.76.150)              | D  |
| E  | Introducing Contraband 3 (9A.76.160)              | E  |
| B+ | Intimidating a Public Servant (9A.76.180)         | C+ |
| B+ | Intimidating a Witness (9A.72.110)                | C+ |

#### **Public Disturbance**

|    |                                 |    |
|----|---------------------------------|----|
| C+ | Riot with Weapon (9A.84.010)    | D+ |
| D+ | Riot Without Weapon (9A.84.010) | E  |

|   |                                 |   |
|---|---------------------------------|---|
| E | Failure to Disperse (9A.84.020) | E |
| E | Disorderly Conduct (9A.84.030)  | E |

**Sex Crimes**

|    |   |    |
|----|---|----|
| A  | Rape 1 (9A.44.040)                                | B+ |
| A- | Rape 2 (9A.44.050)                                | B+ |
| C+ | Rape 3 (9A.44.060)                                | D+ |
| A- | Rape of a Child 1 (9A.44.073)                     | B+ |
| B+ | Rape of a Child 2 (9A.44.076)                     | C+ |
| B  | Incest 1 (9A.64.020(1))                           | C  |
| C  | Incest 2 (9A.64.020(2))                           | D  |
| D+ | Indecent Exposure (Victim < 14) (9A.88.010)       | E  |
| E  | Indecent Exposure (Victim 14 or over) (9A.88.010) | E  |
| B+ | Promoting Prostitution 1 (9A.88.070)              | C+ |
| C+ | Promoting Prostitution 2 (9A.88.080)              | D+ |
| E  | O & A (Prostitution) (9A.88.030)                  | E  |
| B+ | Indecent Liberties (9A.44.100)                    | C+ |
| A- | Child Molestation 1 (9A.44.083)                   | B+ |
| B  | Child Molestation 2 (9A.44.086)                   | C+ |

**Theft, Robbery, Extortion, and Forgery**

|          |   |          |
|----------|---|----------|
| B        | Theft 1 (9A.56.030)   | C        |
| C        | Theft 2 (9A.56.040)   | D        |
| D        | Theft 3 (9A.56.050)   | E        |
| B        | Theft of Livestock (9A.56.080)                                      | C        |
| C        | Forgery (9A.60.020)   | D        |
| A        | Robbery 1 (9A.56.200)   | B+       |
| B+       | Robbery 2 (9A.56.210)   | C+       |
| B+       | Extortion 1 (9A.56.120)   | C+       |
| C+       | Extortion 2 (9A.56.130)   | D+       |
| <u>C</u> | <u>Mail Theft or Receipt of Stolen Mail (section 5 of this act)</u> | <u>D</u> |
| <u>D</u> | <u>Destruction of Mail (section 4 of this act)</u>                  | <u>E</u> |
| B        | Possession of Stolen Property 1 (9A.56.150)                         | C        |
| C        | Possession of Stolen Property 2 (9A.56.160)                         | D        |
| D        | Possession of Stolen Property 3 (9A.56.170)                         | E        |
| C        | Taking Motor Vehicle Without Owner's Permission (9A.56.070)         | D        |

**Motor Vehicle Related Crimes**

|   |   |   |
|---|---|---|
| E | Driving Without a License (46.20.005)                   | E |
| C | Hit and Run - Injury (46.52.020(4))                     | D |
| D | Hit and Run-Attended (46.52.020(5))                     | E |
| E | Hit and Run-Unattended (46.52.010)                      | E |
| C | Vehicular Assault (46.61.522)                           | D |
| C | Attempting to Elude Pursuing Police Vehicle (46.61.024) | D |
| E | Reckless Driving (46.61.500)                            | E |

|              |   |    |
|--------------|---|----|
| D            | Driving While Under the Influence (46.61.502 and 46.61.504)                                       | E  |
| <b>Other</b> |   |    |
| B            | Bomb Threat (9.61.160)  | C  |
| C            | Escape 1 <sup>1</sup> (9A.76.110)   | C  |
| C            | Escape 2 <sup>1</sup> (9A.76.120)   | C  |
| D            | Escape 3 (9A.76.130)  | E  |
| E            | Obscene, Harassing, Etc., Phone Calls (9.61.230)  | E  |
| A            | Other Offense Equivalent to an Adult Class A Felony   | B+ |
| B            | Other Offense Equivalent to an Adult Class B Felony   | C  |
| C            | Other Offense Equivalent to an Adult Class C Felony   | D  |
| D            | Other Offense Equivalent to an Adult Gross Misdemeanor  | E  |
| E            | Other Offense Equivalent to an Adult Misdemeanor  | E  |
| V            | Violation of Order of Restitution, Community Supervision, or Confinement (13.40.200) <sup>2</sup> | V  |

<sup>1</sup>Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses and the standard range is established as follows:

- 1st escape or attempted escape during 12-month period - 4 weeks confinement
- 2nd escape or attempted escape during 12-month period - 8 weeks confinement
- 3rd and subsequent escape or attempted escape during 12-month period - 12 weeks confinement

<sup>2</sup>If the court finds that a respondent has violated terms of an order, it may impose a penalty of up to 30 days of confinement.

### JUVENILE SENTENCING STANDARDS

This schedule must be used for juvenile offenders. The court may select sentencing option A, B, or C.

#### OPTION A JUVENILE OFFENDER SENTENCING GRID STANDARD RANGE

A+ 180 WEEKS TO AGE 21 YEARS

A 103 WEEKS TO 129 WEEKS

A- 15-36 |52-65 |80-100 |103-129  
WEEKS |WEEKS |WEEKS |WEEKS  
EXCEPT |||  
30-40 |||  
WEEKS FOR |||  
15-17 |||  
YEAR OLDS |||

Current B+ 15-36 |52-65 |80-100 |103-129  
Offense WEEKS |WEEKS |WEEKS |WEEKS  
Category \_\_\_\_

B LOCAL | |52-65  
SANCTIONS (LS) |15-36 WEEKS |WEEKS

C+ LS |

|15-36 WEEKS

C LS |15-36 WEEKS

Local Sanctions: |

0 to 30 Days \_

D+ LS 0 to 12 Months Community Supervision

0 to 150 Hours Community Service

D LS \$0 to \$500 Fine

E LS

0 1 2 3 4 or more

PRIOR ADJUDICATIONS

NOTE: References in the grid to days or weeks mean periods of confinement.

(1) The vertical axis of the grid is the current offense category. The current offense category is determined by the offense of adjudication.

(2) The horizontal axis of the grid is the number of prior adjudications included in the juvenile's criminal history. Each prior felony adjudication shall count as one point. Each prior violation, misdemeanor, and gross misdemeanor adjudication shall count as 1/4 point. Fractional points shall be rounded down.

(3) The standard range disposition for each offense is determined by the intersection of the column defined by the prior adjudications and the row defined by the current offense category.

(4) RCW 13.40.180 applies if the offender is being sentenced for more than one offense.

(5) A current offense that is a violation is equivalent to an offense category of E. However, a disposition for a violation shall not include confinement.

**OR**

**OPTION B**

**CHEMICAL DEPENDENCY DISPOSITION ALTERNATIVE**

If the juvenile offender is subject to a standard range disposition of local sanctions or 15 to 36 weeks of confinement and has not committed an A- or B+ offense, the court may impose a disposition under RCW 13.40.160(5) and 13.40.165.

**OR**

**OPTION C**

**MANIFEST INJUSTICE**

If the court determines that a disposition under option A or B would effectuate a manifest injustice, the court shall impose a disposition outside the standard range under RCW 13.40.160(2)."

Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

Voting yea: Representatives Ballasiotes, O'Brien, Cairnes, Lovick, B. Chandler, Constantine, Kagi and Koster.

Referred to Committee on Appropriations.

March 31, 1999

SB 5084 Prime Sponsor, Senator Hargrove: Modifying the procedure for determining the administrative costs allowed for the community public health and safety networks. Reported by Committee on Children & Family Services

MAJORITY recommendation: Do pass. Signed by Representatives D. Sommers, Republican Co-Chair; Tokuda, Democratic Co-Chair; Boldt, Republican Vice Chair; Kagi, Democratic Vice Chair; Campbell; Carrell; Dickerson; Eickmeyer; Kastama and Pflug.

Voting yea: Representatives D. Sommers, Tokuda, Boldt, Kagi, Campbell, Carrell, Dickerson, Eickmeyer, Kastama and Pflug.

Referred to Committee on Appropriations.

April 2, 1999

SSB 5094 Prime Sponsor, Senate Committee on Senate Natural Resources, Parks & Recreation: Concerning personal flotation devices. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 88.12.115 and 1993 c 244 s 14 are each amended to read as follows:

(1) No person may operate or permit the operation of a vessel on the waters of the state without a personal flotation device on board for each person on the vessel. Each personal flotation device shall be in serviceable condition, of an appropriate size, and readily accessible.

(2) Except as provided in RCW 88.12.015, a violation of subsection (1) of this section is an infraction under chapter 7.84 RCW if the vessel is not carrying passengers for hire.

(3) A violation of subsection (1) of this section is a misdemeanor punishable under RCW 9.92.030, if the vessel is carrying passengers for hire.

(4) No person shall operate a vessel under nineteen feet in length on the waters of this state with a child twelve years old and under, unless the child is wearing a personal flotation device that meets or exceeds the United States coast guard approval standards of the appropriate size, while the vessel is underway. For the purposes of this section, a personal flotation device is not considered readily accessible for children twelve years old and under unless the device is worn by the child while the vessel is underway. The personal flotation device must be worn at all times by a child twelve years old and under whenever the vessel is underway and the child is on an open deck or open cockpit of the vessel. The following circumstances are excepted:

(a) While a child is below deck or in the cabin of a boat with an enclosed cabin; and

(b) While a child is on a United States coast guard inspected passenger-carrying vessel operating on the navigable waters of the United States.

(5) Except as provided in RCW 88.12.015, a violation of subsection (4) of this section is an infraction under chapter 7.84 RCW. Enforcement of subsection (4) of this section by law enforcement officers may be accomplished as a primary action, and need not be accompanied by the suspected violation of some other offense."

Correct the title.

Signed by Representatives Buck, Republican Co-Chair; Regala, Democratic Co-Chair; Anderson, Democratic Vice Chair; Sump, Republican Vice Chair; Clements; Doumit; Eickmeyer; Rockefeller and Stensen.

MINORITY recommendation: Do not pass. Signed by Representatives G. Chandler; Ericksen and Pennington.

Voting yea: Representatives Buck, Regala, Anderson, Sump, Clements, Doumit, Eickmeyer, Rockefeller and Stensen.

Voting nay: Representative(s) G. Chandler, Ericksen and Pennington.

Passed to Rules Committee for Second Reading.

April 2, 1999

SSB 5103 Prime Sponsor, Senate Committee on Senate Environmental Quality & Water Resources: Changing provisions relating to the state's coastal zone program. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass. Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Koster, Republican Vice Chair; Anderson; B. Chandler; Delvin; Fortunato; Grant; Reardon; Schoesler; Stensen; Sump and Wood.

Voting yea: Representatives G. Chandler, Linville, Cooper, Koster, Anderson, B. Chandler, Delvin, Fortunato, Grant, Reardon, Schoesler, Stensen, Sump and Wood.

Passed to Rules Committee for Second Reading.

April 2, 1999

SB 5105 Prime Sponsor, Senator Eide: Changing the definition of public water system. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass. Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Koster, Republican Vice Chair; Anderson; B. Chandler; Delvin; Fortunato; Grant; Reardon; Schoesler; Stensen; Sump and Wood.

Voting yea: Representatives G. Chandler, Linville, Cooper, Koster, Anderson, B. Chandler, Delvin, Fortunato, Grant, Reardon, Schoesler, Stensen, Sump and Wood.

Passed to Rules Committee for Second Reading.

April 2, 1999

2SSB 5108 Prime Sponsor, Senate Committee on Ways & Means: Creating a task force on missing and exploited children. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9.68A.011 and 1989 c 32 s 1 are each amended to read as follows:

Unless the context clearly indicates otherwise, the definitions in this section apply throughout this chapter.

(1) To "photograph" means to make a print, negative, slide, digital image, motion picture, or videotape. A "photograph" means ~~((any))~~ anything tangible ~~((item))~~ or intangible produced by photographing.



(2) "Visual or printed matter" means any photograph or other material that contains a reproduction of a photograph.

(3) "Sexually explicit conduct" means actual or simulated:

(a) Sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex or between humans and animals;

(b) Penetration of the vagina or rectum by any object;

(c) Masturbation;

(d) Sadomasochistic abuse for the purpose of sexual stimulation of the viewer;

(e) Exhibition of the genitals or unclothed pubic or rectal areas of any minor, or the unclothed breast of a female minor, for the purpose of sexual stimulation of the viewer;

(f) Defecation or urination for the purpose of sexual stimulation of the viewer; and

(g) Touching of a person's clothed or unclothed genitals, pubic area, buttocks, or breast area for the purpose of sexual stimulation of the viewer.

(4) "Minor" means any person under eighteen years of age.

(5) "Live performance" means any play, show, skit, dance, or other exhibition performed or presented to or before an audience of one or more, with or without consideration."

Correct the title.

Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

Voting yea: Representatives Ballasiotes, O'Brien, Cairnes, Lovick, B. Chandler, Constantine, Kagi and Koster.

Passed to Rules Committee for Second Reading.

April 1, 1999

ESB 5109 Prime Sponsor, Senator Patterson: Creating limited immunity for school districts. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended.

On page 2, line 2, after "this act." insert "Nothing in section 3 of this act, including a school district's failure to require a private nonprofit group to have liability insurance, broadens the scope of a school district's liability."

Signed by Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Esser; Kastama; Lantz; Lovick; McDonald and Schindler.

Voting yea: Representatives Carrell, Constantine, Hurst, Lambert, Cox, Dickerson, Esser, Kastama, Lantz, Lovick, McDonald and Schindler.

Passed to Rules Committee for Second Reading.

April 1, 1999

ESSB 5111 Prime Sponsor, Senate Committee on Health & Long-Term Care: Prohibiting health insurance discrimination on the basis of genetic information. Reported by Committee on Health Care

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 48.43.005 and 1997 c 231 s 202 and 1997 c 55 s 1 are each reenacted and amended to read as follows:

Unless otherwise specifically provided, the definitions in this section apply throughout this chapter.

(1) "Adjusted community rate" means the rating method used to establish the premium for health plans adjusted to reflect actuarially demonstrated differences in utilization or cost attributable to geographic region, age, family size, and use of wellness activities.

(2) "Basic health plan" means the plan described under chapter 70.47 RCW, as revised from time to time.

(3) "Basic health plan model plan" means a health plan as required in RCW 70.47.060(2)(d).

(4) "Basic health plan services" means that schedule of covered health services, including the description of how those benefits are to be administered, that are required to be delivered to an enrollee under the basic health plan, as revised from time to time.

(5) "Certification" means a determination by a review organization that an admission, extension of stay, or other health care service or procedure has been reviewed and, based on the information provided, meets the clinical requirements for medical necessity, appropriateness, level of care, or effectiveness under the auspices of the applicable health benefit plan.

(6) "Concurrent review" means utilization review conducted during a patient's hospital stay or course of treatment.

(7) "Covered person" or "enrollee" means a person covered by a health plan including an enrollee, subscriber, policyholder, beneficiary of a group plan, or individual covered by any other health plan.

(8) "Dependent" means, at a minimum, the enrollee's legal spouse and unmarried dependent children who qualify for coverage under the enrollee's health benefit plan.

(9) "Eligible employee" means an employee who works on a full-time basis with a normal work week of thirty or more hours. The term includes a self-employed individual, including a sole proprietor, a partner of a partnership, and may include an independent contractor, if the self-employed individual, sole proprietor, partner, or independent contractor is included as an employee under a health benefit plan of a small employer, but does not work less than thirty hours per week and derives at least seventy-five percent of his or her income from a trade or business through which he or she has attempted to earn taxable income and for which he or she has filed the appropriate internal revenue service form. Persons covered under a health benefit plan pursuant to the consolidated omnibus budget reconciliation act of 1986 shall not be considered eligible employees for purposes of minimum participation requirements of chapter 265, Laws of 1995.

(10) "Emergency medical condition" means the emergent and acute onset of a symptom or symptoms, including severe pain, that would lead a prudent layperson acting reasonably to believe that a health condition exists that requires immediate medical attention, if failure to provide medical attention would result in serious impairment to bodily functions or serious dysfunction of a bodily organ or part, or would place the person's health in serious jeopardy.

(11) "Emergency services" means otherwise covered health care services medically necessary to evaluate and treat an emergency medical condition, provided in a hospital emergency department.

(12) "Enrollee point-of-service cost-sharing" means amounts paid to health carriers directly providing services, health care providers, or health care facilities by enrollees and may include copayments, coinsurance, or deductibles.

(13) "Genetic information" means information about genes, gene products, or inherited characteristics known to be directly associated with hereditary disease.

(14) "Genetic services" means health services to obtain, assess, and interpret genetic information for diagnostic and therapeutic purposes and for genetic education and counseling.

(15) "Grievance" means a written complaint submitted by or on behalf of a covered person regarding: (a) Denial of payment for medical services or nonprovision of medical services included in

the covered person's health benefit plan, or (b) service delivery issues other than denial of payment for medical services or nonprovision of medical services, including dissatisfaction with medical care, waiting time for medical services, provider or staff attitude or demeanor, or dissatisfaction with service provided by the health carrier.

~~((14))~~ (16) "Health care facility" or "facility" means hospices licensed under chapter 70.127 RCW, hospitals licensed under chapter 70.41 RCW, rural health care facilities as defined in RCW 70.175.020, psychiatric hospitals licensed under chapter 71.12 RCW, nursing homes licensed under chapter 18.51 RCW, community mental health centers licensed under chapter 71.05 or 71.24 RCW, kidney disease treatment centers licensed under chapter 70.41 RCW, ambulatory diagnostic, treatment, or surgical facilities licensed under chapter 70.41 RCW, drug and alcohol treatment facilities licensed under chapter 70.96A RCW, and home health agencies licensed under chapter 70.127 RCW, and includes such facilities if owned and operated by a political subdivision or instrumentality of the state and such other facilities as required by federal law and implementing regulations.

~~((15))~~ (17) "Health care provider" or "provider" means:

(a) A person regulated under Title 18 or chapter 70.127 RCW, to practice health or health-related services or otherwise practicing health care services in this state consistent with state law; or

(b) An employee or agent of a person described in (a) of this subsection, acting in the course and scope of his or her employment.

~~((16))~~ (18) "Health care service" means that service offered or provided by health care facilities and health care providers relating to the prevention, cure, or treatment of illness, injury, or disease.

~~((17))~~ (19) "Health carrier" or "carrier" means a disability insurer regulated under chapter 48.20 or 48.21 RCW, a health care service contractor as defined in RCW 48.44.010, or a health maintenance organization as defined in RCW 48.46.020.

~~((18))~~ (20) "Health plan" or "health benefit plan" means any policy, contract, or agreement offered by a health carrier to provide, arrange, reimburse, or pay for health care services except the following:

- (a) Long-term care insurance governed by chapter 48.84 RCW;
- (b) Medicare supplemental health insurance governed by chapter 48.66 RCW;
- (c) Limited health care services offered by limited health care service contractors in accordance with RCW 48.44.035;
- (d) Disability income;
- (e) Coverage incidental to a property/casualty liability insurance policy such as automobile personal injury protection coverage and homeowner guest medical;
- (f) Workers' compensation coverage;
- (g) Accident only coverage;
- (h) Specified disease and hospital confinement indemnity when marketed solely as a supplement to a health plan;
- (i) Employer-sponsored self-funded health plans;
- (j) Dental only and vision only coverage; and
- (k) Plans deemed by the insurance commissioner to have a short-term limited purpose or duration, or to be a student-only plan that is guaranteed renewable while the covered person is enrolled as a regular full-time undergraduate or graduate student at an accredited higher education institution, after a written request for such classification by the carrier and subsequent written approval by the insurance commissioner.

~~((19))~~ (21) "Material modification" means a change in the actuarial value of the health plan as modified of more than five percent but less than fifteen percent.

~~((20))~~ (22) "Open enrollment" means the annual sixty-two day period during the months of July and August during which every health carrier offering individual health plan coverage must accept onto individual coverage any state resident within the carrier's service area regardless of health condition who submits an application in accordance with RCW 48.43.035(1).

~~((21))~~ (23) "Preexisting condition" means any medical condition, illness, or injury that existed any time prior to the effective date of coverage.

~~((22))~~ (24) "Premium" means all sums charged, received, or deposited by a health carrier as consideration for a health plan or the continuance of a health plan. Any assessment or any "membership," "policy," "contract," "service," or similar fee or charge made by a health carrier in consideration for a health plan is deemed part of the premium. "Premium" shall not include amounts paid as enrollee point-of-service cost-sharing.

~~((23))~~ (25) "Review organization" means a disability insurer regulated under chapter 48.20 or 48.21 RCW, health care service contractor as defined in RCW 48.44.010, or health maintenance organization as defined in RCW 48.46.020, and entities affiliated with, under contract with, or acting on behalf of a health carrier to perform a utilization review.

~~((24))~~ (26) "Small employer" means any person, firm, corporation, partnership, association, political subdivision except school districts, or self-employed individual that is actively engaged in business that, on at least fifty percent of its working days during the preceding calendar quarter, employed no more than fifty eligible employees, with a normal work week of thirty or more hours, the majority of whom were employed within this state, and is not formed primarily for purposes of buying health insurance and in which a bona fide employer-employee relationship exists. In determining the number of eligible employees, companies that are affiliated companies, or that are eligible to file a combined tax return for purposes of taxation by this state, shall be considered an employer. Subsequent to the issuance of a health plan to a small employer and for the purpose of determining eligibility, the size of a small employer shall be determined annually. Except as otherwise specifically provided, a small employer shall continue to be considered a small employer until the plan anniversary following the date the small employer no longer meets the requirements of this definition. The term "small employer" includes a self-employed individual or sole proprietor. The term "small employer" also includes a self-employed individual or sole proprietor who derives at least seventy-five percent of his or her income from a trade or business through which the individual or sole proprietor has attempted to earn taxable income and for which he or she has filed the appropriate internal revenue service form 1040, schedule C or F, for the previous taxable year.

~~((25))~~ (27) "Utilization review" means the prospective, concurrent, or retrospective assessment of the necessity and appropriateness of the allocation of health care resources and services of a provider or facility, given or proposed to be given to an enrollee or group of enrollees.

~~((26))~~ (28) "Wellness activity" means an explicit program of an activity consistent with department of health guidelines, such as, smoking cessation, injury and accident prevention, reduction of alcohol misuse, appropriate weight reduction, exercise, automobile and motorcycle safety, blood cholesterol reduction, and nutrition education for the purpose of improving enrollee health status and reducing health service costs.

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

(1) A health carrier may not deny or cancel health plan coverage, or vary the premiums, terms, or conditions for health plan coverage, for an individual or a family member of an individual:

(a) On the basis of genetic information; or

(b) Because the individual or family member of an individual has requested or received genetic services.

(2)(a) A health carrier may not request or require an individual to whom the carrier provides health plan coverage, or an individual who desires the carrier to provide health plan coverage, to disclose to the carrier genetic information about the individual or family member of the individual.

(b) A health carrier may not disclose genetic information about an individual without the prior written authorization of the individual or legal representative of the individual. Authorization is required for each disclosure and must include an identification of the person to whom the disclosure is to be made.

(c) Nothing in this section shall:

(i) Supersede the provisions of chapter 70.02 RCW with regards to disclosures of genetic information for research purposes approved by an institutional review board;

(ii) Supersede federal provisions relating to researchers operating pursuant to the federal "common rule" at 21 C.F.R. Secs. 50 and 56 and 45 C.F.R. Sec. 46; or

(iii) Prevent the creation, use, or release of anonymized data or data that has been encrypted or encoded to protect the identity of the individual.

(d) A health carrier may disclose information pertaining to the occurrence of a disease in an individual for use by the health carrier, within its organization, for the purpose of providing health care to the individual, assembling a family history, and alerting other family members of the prevalence of a hereditary disease derived from genetic information with the explicit consent of the affected family member. If consent cannot be obtained, the health carrier may still alert other family members of the prevalence of a hereditary disease by making anonymous the source of the information.

(e) This section does not prohibit or otherwise limit newborn screening activities under chapter 70.83 RCW.

(3) The insurance commissioner shall enforce the requirements established under subsections (1) and (2) of this section.

(4) A person may bring a civil action:

(a) To enjoin any act or practice that violates subsection (1) or (2) of this section;

(b) To obtain other appropriate equitable relief: (i) To redress such violations; or (ii) to enforce subsection (1) or (2) of this section; or

(c) To obtain other legal relief, including monetary damages.

(5) The insurance commissioner may adopt rules necessary or appropriate to carry out this section.

(6) Nothing in this section requires a health plan to provide benefits to a particular participant or beneficiary."

Correct the title.

Signed by Representatives Cody, Democratic Co-Chair; Parlette, Republican Co-Chair; Pflug, Republican Vice Chair; Schual-Berke, Democratic Vice Chair; Alexander; Boldt; Campbell; Conway; Edmonds and Ruderman.

MINORITY recommendation: Do not pass. Signed by Representative Mulliken.

Voting yea: Representatives Cody, Parlette, Pflug, Schual-Berke, Alexander, Boldt, Campbell, Conway, Edmonds and Ruderman.

Voting nay: Representative(s) Mulliken.

Excused: Representative(s) Edwards.

Passed to Rules Committee for Second Reading.

April 1, 1999

SB 5114 Prime Sponsor, Senator Honeyford: Exempting certain hospitals from annual inspections.

Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Democratic Co-Chair; Parlette, Republican Co-Chair; Pflug, Republican Vice Chair; Schual-Berke, Democratic Vice Chair; Alexander; Boldt; Campbell; Conway; Edmonds; Mulliken and Ruderman.

Voting yea: Representatives Cody, Parlette, Pflug, Schual-Berke, Alexander, Boldt, Campbell, Conway, Edmonds, Mulliken and Ruderman.

Excused: Representative(s) Edwards.

Passed to Rules Committee for Second Reading.

April 2, 1999

SSB 5115 Prime Sponsor, Senate Committee on Senate Labor & Workforce Development: Changing judicial review of public employment relations commission proceedings. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 34.05.518 and 1995 c 382 s 5 are each amended to read as follows:

(1) A final decision of the public employment relations commission in an adjudicative proceeding under this chapter is directly reviewable by the consent of the court of appeals. Review shall be initiated by filing a notice of appeal with the court of appeals, at the appellant's option, for the division containing (a) Thurston county, (b) the county where the public employer is located, or (c) the county where the appellant resides or has its principal place of business.

(2) The final decision of ~~((an))~~ any other administrative agency in an adjudicative proceeding under this chapter may be directly reviewed by the court of appeals either (a) upon certification by the superior court pursuant to subsection (3) of this section or (b) if the final decision is from an environmental board as defined in subsection ~~((3))~~ (4) of this section, upon acceptance by the court of appeals after a certificate of appealability has been filed by the environmental board that rendered the final decision.

~~((2))~~ (3) For direct review upon certification by the superior court, an application for direct review must be filed with the superior court within thirty days of the filing of the petition for review in superior court. The superior court may certify a case for direct review only if the judicial review is limited to the record of the agency proceeding and the court finds that:

- (a) Fundamental and urgent issues affecting the future administrative process or the public interest are involved which require a prompt determination;
- (b) Delay in obtaining a final and prompt determination of such issues would be detrimental to any party or the public interest;
- (c) An appeal to the court of appeals would be likely regardless of the determination in superior court; and
- (d) The appellate court's determination in the proceeding would have significant precedential value.

Procedures for certification shall be established by court rule.

~~((3))~~ (4)(a) For the purposes of direct review of final decisions of environmental boards, environmental boards include those boards identified in RCW 43.21B.005 and growth management hearings boards as identified in RCW 36.70A.250.

(b) An environmental board may issue a certificate of appealability if it finds that delay in obtaining a final and prompt determination of the issues would be detrimental to any party or the public interest and either:

- (i) Fundamental and urgent state-wide or regional issues are raised; or
- (ii) The proceeding is likely to have significant precedential value.

~~((4))~~ (5) The environmental board shall state in the certificate of appealability which criteria it applied, explain how that criteria was met, and file with the certificate a copy of the final decision.

~~((5))~~ (6) For an appellate court to accept direct review of a final decision of an environmental board, it shall consider the same criteria outlined in subsection ~~((3))~~ (4) of this section.

~~((6))~~ (7) The procedures for direct review of final decisions of environmental boards include:

(a) Within thirty days after filing the petition for review with the superior court, a party may file an application for direct review with the superior court and serve the appropriate environmental board and all parties of record. The application shall request the environmental board to file a certificate of appealability.

(b) If an issue on review is the jurisdiction of the environmental board, the board may file an application for direct review on that issue.

(c) The environmental board shall have thirty days to grant or deny the request for a certificate of appealability and its decision shall be filed with the superior court and served on all parties of record.

(d) If a certificate of appealability is issued, the parties shall have fifteen days from the date of service to file a notice of discretionary review in the superior court, and the notice shall include a copy of the certificate of appealability and a copy of the final decision.

(e) If the appellate court accepts review, the certificate of appealability shall be transmitted to the court of appeals as part of the certified record.

(f) If a certificate of appealability is denied, review shall be by the superior court. The superior court's decision may be appealed to the court of appeals.

**Sec. 2.** RCW 34.05.514 and 1995 c 347 s 113 and 1995 c 292 s 9 are each reenacted and amended to read as follows:

(1) Except as provided in subsection (2) of this section and RCW 34.05.518(1) and 34.05.570(2), proceedings for review under this chapter shall be instituted by paying the fee required under RCW 36.18.020 and filing a petition in the superior court, at the petitioner's option, for (a) Thurston county, (b) the county of the petitioner's residence or principal place of business, or (c) in any county where the property owned by the petitioner and affected by the contested decision is located.

(2) For proceedings involving institutions of higher education, the petition shall be filed either in the county in which the principal office of the institution involved is located or in the county of a branch campus if the action involves such branch."

Correct the title.

Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; Wood, Democratic Vice Chair; Hurst and McIntire.

MINORITY recommendation: Do not pass. Signed by Representatives B. Chandler, Republican Vice Chair; Lisk and McMorris.

Voting yea: Representatives Clements, Conway, Wood, Hurst and McIntire.

Voting nay: Representative(s) B. Chandler, Lisk and McMorris.

Passed to Rules Committee for Second Reading.

March 31, 1999

SSB 5121 Prime Sponsor, Senate Committee on Senate Natural Resources, Parks & Recreation:  
Establishing a carbon storage program. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Buck, Republican Co-Chair; Regala, Democratic Co-Chair; Anderson, Democratic Vice Chair; Doumit; Eickmeyer; Ericksen; Rockefeller and Stensen.

MINORITY recommendation: Do not pass. Signed by Representatives Sump, Republican Vice Chair; G. Chandler; Clements and Pennington.

Voting yea: Representatives Buck, Regala, Anderson, Doumit, Eickmeyer, Ericksen, Rockefeller and Stensen.

Voting nay: Representatives Sump, G. Chandler, Clements and Pennington.

Referred to Committee on Appropriations.

April 1, 1999

SB 5125 Prime Sponsor, Senator Loveland: Giving direction to the commission on pesticide registration. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 15.92.090 and 1995 c 390 s 1 are each amended to read as follows:

(1) A commission on pesticide registration is established. The commission shall be composed of twelve voting members appointed by the governor as follows:

(a) Eight members from the following segments of the state's agricultural industry as nominated by a state-wide private agricultural association or agricultural commodity commission formed under Title 15 RCW: (i) The tree fruit industry; (ii) hop growers; (iii) potato growers; (iv) wheat growers; (v) vegetable and seed growers; (vi) berry growers; (vii) wine grape growers; and (viii) the nursery and landscape industry. Although members are appointed from various segments of the agriculture industry, they are appointed to represent and advance the interests of the industry as a whole.

(b) One member from each of the following: (i) Forest protection industry; (ii) food processors; (iii) agricultural chemical industry; and (iv) professional pesticide applicators. One member shall be appointed for each such segment of the industry and shall be nominated by a state-wide, private association of that segment of the industry. The representative of the agricultural chemical industry shall be involved in the manufacture of agricultural crop protection products.

The following shall be ex officio, nonvoting members of the commission: The coordinator of the interregional project number four at Washington State University; the director of the department of ecology or the director's designee; the director of the department of agriculture or the director's designee; the director of the department of labor and industries or the director's designee; and the secretary of the department of health or the secretary's designee.

(2) Each voting member of the commission shall serve a term of three years. However, the first appointments in the first year shall be made by the governor for one, two, and three-year terms so that, in subsequent years, approximately one-third of the voting members shall be appointed each year. The governor shall assign the initial one, two, and three-year terms to members by lot. A vacancy shall be filled by appointment for the unexpired term in the same manner provided for an appointment to the full term. No member of the commission may be removed by the governor during his or her term of office unless for cause of incapacity, incompetence, neglect of duty, or malfeasance in office. Each member of the commission shall receive travel expenses in accordance with RCW 43.03.050 and 43.03.060 for attending meetings of the commission and for performing special duties, in the way of official commission business, specifically assigned to the person by the commission. The voting members of the commission serve without compensation from the state other than such travel expenses.

(3) Nominations for the initial appointments to the commission under subsection (1) of this section shall be submitted by September 1, 1995. The governor shall make initial appointments to the commission by October 15, 1995.

(4) The commission shall elect a chair from among its voting members each calendar year. After its original organizational meeting, the commission shall meet at the call of the chair. A majority of the voting members of the commission constitutes a quorum and an official action of the commission may be taken by a majority vote of the ~~((voting members))~~ quorum.

**Sec. 2.** RCW 15.92.095 and 1995 c 390 s 2 are each amended to read as follows:

(1) ~~((The following apply))~~ This subsection applies to the use of ((state moneys appropriated to Washington State University specifically and expressly for studies or activities regarding the registration of pesticides)) state appropriations made to or legislatively intended for the commission on pesticide registration and to any other moneys appropriated by the state and received by the commission on pesticide registration:



(a) The moneys may not be expended without the express approval of the commission on pesticide registration;

(b) The moneys may be used for: (i) Evaluations, studies, or investigations approved by the commission on pesticide registration regarding the registration or reregistration of pesticides for minor crops or minor uses or regarding the availability of pesticides for emergency uses. These evaluations, studies, or investigations may be conducted by the food and environmental quality laboratory or may be secured by the commission from other qualified laboratories, researchers, or contractors by contract, which contracts may include, but are not limited to, those purchasing the use of proprietary information; (ii) evaluations, studies, or investigations approved by the commission regarding research, implementation, and demonstration of any aspect of integrated pest management and pesticide resistance management programs; (iii) the tracking system described in RCW 15.92.060; and ~~((iii))~~ (iv) the support of the commission on pesticide registration and its activities; and

(c) Not less than twenty-five percent of such moneys shall be dedicated to studies or investigations concerning the registration or use of pesticides for crops that are not among the top twenty agricultural commodities in production value produced in the state, as determined annually by the Washington agricultural statistics service.

(2) The commission on pesticide registration shall establish priorities to guide it in approving the use of moneys for evaluations, studies, and investigations under this section. Each biennium, the commission shall prepare a contingency plan for providing funding for laboratory studies or investigations that are necessary to pesticide registrations or related processes that will address emergency conditions for agricultural crops that are not generally predicted at the beginning of the biennium.

**Sec. 3.** RCW 15.92.100 and 1995 c 390 s 3 are each amended to read as follows:

The commission on pesticide registration shall:

(1) Provide guidance to the food and environmental quality laboratory established in RCW 15.92.050 regarding the laboratory's studies, investigations, and evaluations concerning the registration of pesticides for use in this state for minor crops and minor uses and concerning the availability of pesticides for emergency uses;

(2) Encourage agricultural organizations to assist in providing funding, in-kind services, or materials for laboratory studies and investigations concerning the registration of pesticides and research, implementation, and demonstration of any aspect of integrated pest management and pesticide resistance management programs for minor crops and minor uses that would benefit the organizations;

(3) Provide guidance to the laboratory regarding a program for: Tracking the availability of effective pesticides for minor crops, minor uses, and emergency uses; providing this information to organizations of agricultural producers; and maintaining close contact between the laboratory, the department of agriculture, and organizations of agricultural producers regarding the need for research to support the registration of pesticides for minor crops and minor uses and the availability of pesticides for emergency uses;

(4) Ensure that the activities of the commission and the laboratory are coordinated with the activities of other laboratories in the Pacific Northwest, the United States department of agriculture, and the United States environmental protection agency to maximize the effectiveness of regional efforts to assist in the registration of pesticides for minor crops and minor uses and in providing for the availability of pesticides for emergency uses for the region and the state; and

(5) Ensure that prior to approving any residue study that there is written confirmation of registrant support and willingness or ability to add the given minor crop to its label including any restrictions or guidelines the registrant intends to impose."

On page 1, line 2 of the title, after "registration;" strike the remainder of the title and insert "and amending RCW 15.92.090, 15.92.095, and 15.92.100."

Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Koster, Republican Vice Chair; Anderson; B. Chandler; Delvin; Fortunato; Grant; Reardon; Schoesler; Stensen; Sump and Wood.

Voting yea: Representatives G. Chandler, Linville, Cooper, Koster, Anderson, B. Chandler, Delvin, Fortunato, Grant, Reardon, Schoesler, Stensen, Sump and Wood.

Passed to Rules Committee for Second Reading.

April 1, 1999

SB 5127 Prime Sponsor, Senator Kohl-Welles: Prohibiting law enforcement officers from conducting investigations of abuse or neglect concerning a child for which the officer is a parent, guardian, or foster parent. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended.

On page 2, line 1, strike "within the preceding six months"

Signed by Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Esser; Kastama; Lantz; Lovick; McDonald and Schindler.

Voting yea: Representatives Carrell, Constantine, Hurst, Lambert, Cox, Dickerson, Esser, Kastama, Lantz, Lovick, McDonald and Schindler.

Passed to Rules Committee for Second Reading.

April 1, 1999

SSB 5134 Prime Sponsor, Senate Committee on Senate Judiciary: Removing barriers faced by persons entitled to foreign protection orders. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended.

On page 8, beginning on line 1, strike all of section 11

On page 14, line 12, after "through" strike "11 and 17" and insert "10 and 16"

Renumber the remaining sections consecutively and correct internal references accordingly.

Signed by Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Esser; Kastama; Lantz; Lovick; McDonald and Schindler.

Voting yea: Representatives Carrell, Constantine, Hurst, Lambert, Cox, Dickerson, Esser, Kastama, Lantz, Lovick, McDonald and Schindler.

Referred to Committee on Appropriations.

April 1, 1999

ESB 5141 Prime Sponsor, Senator Thibaudeau: Allowing the department of health to charge a fee for newborn screening services. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Democratic Co-Chair; Parlette, Republican Co-Chair; Pflug, Republican Vice Chair; Schual-Berke,

Democratic Vice Chair; Alexander; Boldt; Campbell; Conway; Edmonds; Mulliken and Ruderman.

Voting yea: Representatives Cody, Parlette, Pflug, Schual-Berke, Alexander, Boldt, Campbell, Conway, Edmonds, Mulliken and Ruderman.

Excused: Representative(s) Edwards.

Referred to Committee on Appropriations.

April 1, 1999

SSB 5147 Prime Sponsor, Senate Committee on Senate Labor & Workforce Development: Prescribing procedures for payment of industrial insurance awards after death. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 51.32.040 and 1996 c 47 s 1 are each amended to read as follows:

(1) Except as provided in RCW 43.20B.720 and 74.20A.260, no money paid or payable under this title shall, before the issuance and delivery of the check or warrant, be assigned, charged, or taken in execution, attached, garnished, or pass or be paid to any other person by operation of law, any form of voluntary assignment, or power of attorney. Any such assignment or charge is void unless the transfer is to a financial institution at the request of a worker or other beneficiary and made in accordance with RCW 51.32.045.

(2)(a) If any worker suffers (i) a permanent partial injury and dies from some other cause than the accident which produced the injury before he or she receives payment of the award for the permanent partial injury or (ii) any other injury before he or she receives payment of any monthly installment covering any period of time before his or her death, the amount of the permanent partial disability award or the monthly payment, or both, shall be paid to the surviving spouse or the child or children if there is no surviving spouse. If there is no surviving spouse and no child or children, the award or the amount of the monthly payment shall be paid by the department or self-insurer and distributed consistent with the terms of the decedent's will or, if the decedent dies intestate, consistent with the terms of RCW 11.04.015.

(b) If any worker suffers an injury and dies from it before he or she receives payment of any monthly installment covering time loss for any period of time before his or her death, the amount of the monthly payment shall be paid to the surviving spouse or the child or children if there is no surviving spouse. If there is no surviving spouse and no child or children, the amount of the monthly payment shall be paid by the department or self-insurer and distributed consistent with the terms of the decedent's will or, if the decedent dies intestate, consistent with the terms of RCW 11.04.015.

(c) Any application for compensation under this subsection (2) shall be filed with the department or self-insuring employer within one year of the date of death. The department or self-insurer may satisfy its responsibilities under this subsection (2) by sending any payment due in the name of the decedent and to the last known address of the decedent.

(3)(a) Any worker or beneficiary receiving benefits under this title who is subsequently confined in, or who subsequently becomes eligible for benefits under this title while confined in, any institution under conviction and sentence shall have all payments of the compensation canceled during the period of confinement. After discharge from the institution, payment of benefits due afterward shall be paid if the worker or beneficiary would, except for the provisions of this subsection (3), otherwise be entitled to them.

(b) If any prisoner is injured in the course of his or her employment while participating in a work or training release program authorized by chapter 72.65 RCW and is subject to the provisions of this title, he or she is entitled to payments under this title, subject to the requirements of chapter 72.65

RCW, unless his or her participation in the program has been canceled, or unless he or she is returned to a state correctional institution, as defined in RCW 72.65.010(3), as a result of revocation of parole or new sentence.

(c) If the confined worker has any beneficiaries during the confinement period during which benefits are canceled under (a) or (b) of this subsection, they shall be paid directly the monthly benefits which would have been paid to the worker for himself or herself and the worker's beneficiaries had the worker not been confined.

(4) Any lump sum benefits to which a worker would otherwise be entitled but for the provisions of this section shall be paid on a monthly basis to his or her beneficiaries.

**Sec. 2.** RCW 51.48.110 and 1986 c 56 s 1 are each amended to read as follows:

Where death results from the injury or occupational disease and the deceased leaves no beneficiaries, a self-insurer shall pay into the supplemental pension fund the sum of ten thousand dollars, less any amount that the self-insurer paid under RCW 51.32.040(2) as payment due for the period of time before the worker's death."

Correct the title.

Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Hurst; Lisk and McMorris.

Voting yea: Representatives Clements, Conway, B. Chandler, Wood, Hurst, Lisk, McIntire and McMorris.

Referred to Committee on Appropriations.

April 2, 1999

SSB 5148 Prime Sponsor, Senate Committee on Senate Environmental Quality & Water Resources:  
Changing permit assistance center provisions. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 90.60.010 and 1995 c 347 s 601 are each amended to read as follows:  
The legislature hereby finds and declares:

(1) Washington's environmental protection programs have established strict standards to reduce pollution and protect the public health and safety and the environment. The single-purpose programs instituted to achieve these standards have been successful in many respects, and have produced significant gains in protecting Washington's environment in the face of substantial population growth.

(2) Continued progress to achieve the environmental standards in the face of continued population growth will require greater coordination between the single-purpose environmental programs and more efficient operation of these programs overall. Pollution must be prevented and controlled and not simply transferred to another media or another place. This goal can only be achieved by maintaining the current environmental protection standards and by greater integration of the existing programs.

(3) As the number of environmental laws and regulations have grown in Washington, so have the number of permits required of business and government. This regulatory burden has significantly added to the cost and time needed to obtain essential permits in Washington. The increasing number of individual permits and permit authorities has generated the continuing potential for conflict, overlap, and duplication between the various state, local, and federal permits.

(4) The purpose of this chapter is to institute new, efficient procedures that will assist businesses and public agencies in complying with the environmental quality laws in an expedited fashion, without reducing protection of public health and safety and the environment.

(5) Those procedures need to provide a permit process that promotes effective dialogue and ensures ease in the transfer and clarification of technical information, while preventing duplication. It is necessary that the procedures establish a process for preliminary and ongoing meetings between the applicant, the coordinating permit agency, and the participating permit agencies, but do not preclude the applicant or participating permit agencies from individually coordinating with each other.

(6) It is necessary, to the maximum extent practicable, that the procedures established in this chapter ensure that the coordinated permit agency process and applicable permit requirements and criteria are integrated and run concurrently, rather than consecutively.

(7) It is necessary to provide a reliable and consolidated source of information concerning federal, state, and local environmental and land use laws and procedures that apply to any given proposal.

(8) It is the intent of this chapter to provide an optional process by which a project proponent may obtain active coordination of all applicable regulatory and land-use permitting procedures. This process is not to replace individual laws, or diminish the substantive decision-making role of individual jurisdictions. Rather it is to provide predictability, administrative consolidation, and, where possible, consolidation of appeal processes.

(9) It is also the intent of this chapter (~~(to provide)~~) that by providing an optional coordinated permit process, measures are taken by the parties that promote the public's trust and confidence in the underlying permit process, including providing consolidated, effective, and easier opportunities for members of the public to receive information and present their views about proposed projects.

**Sec. 2.** RCW 90.60.020 and 1995 c 347 s 602 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Center" means the permit assistance center established in the (~~(commission [department])~~) department by RCW 90.60.030.

(2) "Coordinating permit agency" means the permit agency that has the greatest overall jurisdiction over a project.

(3) "Department" means the department of ecology.

(4) "Participating permit agency" means a permit agency, other than the coordinating permit agency, that is responsible for the issuance of a permit for a project.

(5) "Parties" collectively means the coordinating permit agency, permit agency, and participating permit agency.

(6) "Permit" means any license, certificate, registration, permit, or other form of authorization required by a permit agency to engage in a particular activity.

~~((6))~~ (7) "Permit agency" means:

(a) The department of ecology, an air pollution control authority, the department of natural resources, the department of fish and wildlife, and the department of health; and

(b) Any other state or federal agency or county, city, or town that participates at the request of the permit applicant and upon the agency's agreement to be subject to this chapter.

~~((7))~~ (8) "Project" means an activity, the conduct of which requires permits from one or more permit agencies.

**Sec. 3.** RCW 90.60.030 and 1997 c 429 s 35 are each amended to read as follows:

(1) The permit assistance center is established within the department. The center shall:

~~((4))~~ (a) Publish and keep current one or more handbooks containing lists and explanations of all permit laws. To the extent possible, the handbook shall include relevant federal and tribal laws. A state agency or local government shall provide a reasonable number of copies of application forms, statutes, ordinances, rules, handbooks, and other informational material requested by the center and shall otherwise fully cooperate with the center. The center shall seek the cooperation of relevant federal agencies and tribal governments;

~~((2))~~ (b) Establish, and make known, a point of contact for distribution of the handbook and advice to the public as to its interpretation in any given case;

~~((3))~~ (c) Work closely and cooperatively with the business license center in providing efficient and nonduplicative service to the public;

~~((4))~~ (d) Seek the assignment of employees from the permit agencies (~~(listed under RCW 90.60.020(6)(a))~~) as defined in this chapter to serve on a rotating basis in staffing the center;

~~((5))~~ (e) Collect and disseminate information to public and private entities on federal, state, local, and tribal government programs that rely on private professional expertise to assist governmental agencies in project permit review; and

~~((6))~~ (f) Provide (~~(an annual)~~) a biennial report to the legislature (~~(on potential conflicts and perceived inconsistencies among existing statutes. The first report shall be submitted to the appropriate standing committees of the house of representatives and senate by December 1, 1996.)~~) that:

(i) Includes statutory and other recommendations for streamlining and coordinating environmental permitting in Washington;

(ii) Summarizes the results of the center's efforts to measure performance and outcomes over time;

(iii) Summarizes, evaluates, and makes statutory and other recommendations for improving the center's and permitting agencies' efforts to provide public notice efficiently and for promoting effective public participation in permitting processes;

(iv) Details efforts on the part of the center, the department, and the parties to promote the public's trust and confidence in the permitting process. Examples of such efforts include, but are not limited to, the development of statutory and other policies and procedures, guidance, roles, and responsibilities; and

(v) Shows revenues generated by the center's services, and the center's budget and expenditures.

(2) The department shall prioritize the expenditure of general fund moneys allotted to the center to provide a set of services to the applicants of small projects.

**Sec. 4.** RCW 90.60.100 and 1995 c 347 s 610 are each amended to read as follows:

(1) The (~~(coordinating permit agency)~~) parties may enter into a written cost-reimbursement agreement with the applicant to recover from the applicant the reasonable costs incurred by the (~~(coordinating permit agency)~~) parties in carrying out the requirements of this chapter, as well as the requirements of other relevant laws, as they relate to permit coordination, environmental review, application review, technical studies, and permit processing.

(2) The (~~(coordinating permit agency may recover only the costs of performing those coordinated permit services and)~~) written cost-reimbursement agreement shall be negotiated with the permit applicant (~~(in)~~) following the meeting required pursuant to RCW 90.60.070. Permit agencies may assign work to current staff, temporary staff, or technical consultants in order to carry out the work covered by the written cost-reimbursement agreement or the work remaining for the permit agency as a result of the coordinated permit process. The billing process shall provide for accurate time and cost accounting and may include a billing cycle that provides for progress payments.

NEW SECTION. **Sec. 5.** The following acts or parts of acts are each repealed:

(1) RCW 43.131.387 (Permit assistance center--Termination) and 1995 c 347 s 617; and

(2) RCW 43.131.388 (Permit assistance center--Repeal) and 1995 c 347 s 618.

NEW SECTION. **Sec. 6.** The permit assistance center terminates June 30, 2003.

NEW SECTION. **Sec. 7.** Section 5 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect June 29, 1999."

Correct the title.

Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Koster, Republican Vice Chair; Anderson; B. Chandler; Delvin; Fortunato; Grant; Reardon; Schoesler; Stensen; Sump and Wood.

Voting yea: Representatives G. Chandler, Linville, Cooper, Koster, Anderson, B. Chandler, Delvin, Fortunato, Grant, Reardon, Schoesler, Stensen, Sump and Wood.

Referred to Committee on Appropriations.

April 1, 1999

SSB 5149 Prime Sponsor, Senate Committee on Health & Long-Term Care: Revising provisions relating to occupational therapy. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Democratic Co-Chair; Parlette, Republican Co-Chair; Pflug, Republican Vice Chair; Alexander; Campbell; Conway and Edmonds.

Voting yea: Representatives Cody, Parlette, Pflug, Alexander, Campbell, Conway and Edmonds.

Excused: Representative(s) Schual-Berke, Boldt, Edwards, Mulliken and Ruderman.

Passed to Rules Committee for Second Reading.

April 2, 1999

SB 5152 Prime Sponsor, Senator Kline: Clarifying who are appointed personnel for the purpose of public employees' collective bargaining. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 41.56.030 and 1995 c 273 s 1 are each amended to read as follows:

As used in this chapter:

(1) "Public employer" means any officer, board, commission, council, or other person or body acting on behalf of any public body governed by this chapter, or any subdivision of such public body. For the purposes of this section, the public employer of district court or superior court employees for wage-related matters is the respective county legislative authority, or person or body acting on behalf of the legislative authority, and the public employer for nonwage-related matters is the judge or judge's designee of the respective district court or superior court.

(2) "Public employee" means any employee of a public employer except any person (a) elected by popular vote, or (b) appointed to office pursuant to statute, ordinance or resolution for a specified term of office as a member of a multimember board, commission, or committee, whether appointed by the executive head or body of the public employer, or (c) whose duties as deputy, administrative assistant or secretary necessarily imply a confidential relationship to (i) the executive head or body of the applicable bargaining unit, or (ii) any person elected by popular vote, or (iii) any person appointed to office pursuant to statute, ordinance or resolution for a specified term of office as a member of a multimember board, commission, or committee, whether appointed by the executive head or body of the public employer, or (d) who is a court commissioner or a court magistrate of superior court, district court, or a department of a district court organized under chapter 3.46 RCW, or (e) who is a personal assistant to a district court judge, superior court judge, or court commissioner. For the purpose of ~~((d))~~ (e) of this subsection, no more than one assistant for each judge or commissioner may be excluded from a bargaining unit.

(3) "Bargaining representative" means any lawful organization which has as one of its primary purposes the representation of employees in their employment relations with employers.

(4) "Collective bargaining" means the performance of the mutual obligations of the public employer and the exclusive bargaining representative to meet at reasonable times, to confer and negotiate in good faith, and to execute a written agreement with respect to grievance procedures and collective negotiations on personnel matters, including wages, hours and working conditions, which may be peculiar to an appropriate bargaining unit of such public employer, except that by such obligation neither party shall be compelled to agree to a proposal or be required to make a concession unless otherwise provided in this chapter. In the case of the Washington state patrol, "collective bargaining" shall not include wages and wage-related matters.

(5) "Commission" means the public employment relations commission.

(6) "Executive director" means the executive director of the commission.

(7) "Uniformed personnel" means: (a)(i) Until July 1, 1997, law enforcement officers as defined in RCW 41.26.030 employed by the governing body of any city or town with a population of seven thousand five hundred or more and law enforcement officers employed by the governing body of any county with a population of thirty-five thousand or more; (ii) beginning on July 1, 1997, law enforcement officers as defined in RCW 41.26.030 employed by the governing body of any city or town with a population of two thousand five hundred or more and law enforcement officers employed by the governing body of any county with a population of ten thousand or more; (b) correctional employees who are uniformed and nonuniformed, commissioned and noncommissioned security personnel employed in a jail as defined in RCW 70.48.020(5), by a county with a population of seventy thousand or more, and who are trained for and charged with the responsibility of controlling and maintaining custody of inmates in the jail and safeguarding inmates from other inmates; (c) general authority Washington peace officers as defined in RCW 10.93.020 employed by a port district in a county with a population of one million or more; (d) security forces established under RCW 43.52.520; (e) fire fighters as that term is defined in RCW 41.26.030; (f) employees of a port district in a county with a population of one million or more whose duties include crash fire rescue or other fire fighting duties; (g) employees of fire departments of public employers who dispatch exclusively either fire or emergency medical services, or both; or (h) employees in the several classes of advanced life support technicians, as defined in RCW 18.71.200, who are employed by a public employer.

(8) "Institution of higher education" means the University of Washington, Washington State University, Central Washington University, Eastern Washington University, Western Washington University, The Evergreen State College, and the various state community colleges.

**Sec. 2.** RCW 36.27.040 and 1975 1st ex.s. c 19 s 2 are each amended to read as follows:

The prosecuting attorney may appoint one or more deputies who shall have the same power in all respects as their principal. Each appointment shall be in writing, signed by the prosecuting attorney, and filed in the county auditor's office. Each deputy thus appointed shall have the same qualifications required of the prosecuting attorney, except that such deputy need not be a resident of the county in which he serves. The prosecuting attorney may appoint one or more special deputy prosecuting attorneys upon a contract or fee basis whose authority shall be limited to the purposes stated in the writing signed by the prosecuting attorney and filed in the county auditor's office. Such special deputy prosecuting attorney shall be admitted to practice as an attorney before the courts of this state but need not be a resident of the county in which he serves and shall not be under the legal disabilities attendant upon prosecuting attorneys or their deputies except to avoid any conflict of interest with the purpose for which he has been engaged by the prosecuting attorney. The prosecuting attorney shall be responsible for the acts of his deputies and may revoke appointments at will.

Two or more prosecuting attorneys may agree that one or more deputies for any one of them may serve temporarily as deputy for any other of them on terms respecting compensation which are acceptable to said prosecuting attorneys. Any such deputy thus serving shall have the same power in all respects as if he were serving permanently.

The provisions of chapter 39.34 RCW shall not apply to such agreements.

The provisions of RCW 41.56.030(2) shall not be interpreted to permit a prosecuting attorney to alter the at-will relationship established between the prosecuting attorney and his or her appointed



deputies by this section for a period of time exceeding his or her term of office. Neither shall the provisions of RCW 41.56.030(2) require a prosecuting attorney to alter the at-will relationship established by this section."

Correct the title.

Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; Wood, Democratic Vice Chair; Hurst; Lisk and McIntire.

MINORITY recommendation: Without recommendation. Signed by Representatives B. Chandler, Republican Vice Chair and McMorris.

Voting yea: Representatives Clements, Conway, Wood, Hurst, Lisk and McIntire.

Voting nay: Representative(s) B. Chandler and McMorris.

Passed to Rules Committee for Second Reading.

April 1, 1999

SSB 5153 Prime Sponsor, Senate Committee on Transportation: Modifying provisions concerning the freight mobility strategic investment board. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 47.06A.020 and 1998 c 175 s 3 are each amended to read as follows:

(1) The board shall:

(a) Adopt rules and procedures necessary to implement the freight mobility strategic investment program;

(b) Solicit from public entities proposed projects that meet eligibility criteria established in accordance with subsection (4) of this section; and

(c) Review and evaluate project applications based on criteria established under this section, and prioritize and select projects comprising a portfolio to be funded in part with grants from state funds appropriated for the freight mobility strategic investment program. In determining the appropriate level of state funding for a project, the board shall ensure that state funds are allocated to leverage the greatest amount of partnership funding possible. After selecting projects comprising the portfolio, the board shall submit them as part of its budget request to the office of financial management and the legislature. The board shall ensure that projects submitted as part of the portfolio are not more appropriately funded with other federal, state, or local government funding mechanisms or programs. The board shall reject those projects that appear to improve overall general mobility with limited enhancement for freight mobility.

The board shall provide periodic progress reports on its activities to the (~~governor~~) office of financial management and the legislative transportation committee.

(2) The board may:

(a) Accept from any state or federal agency, loans or grants for the financing of any transportation project and enter into agreements with any such agency concerning the loans or grants;

(b) Provide technical assistance to project applicants;

(c) Accept any gifts, grants, or loans of funds, property, or financial, or other aid in any form from any other source on any terms and conditions which are not in conflict with this chapter;

(d) Adopt rules under chapter 34.05 RCW as necessary to carry out the purposes of this chapter; and

(e) Do all things necessary or convenient to carry out the powers expressly granted or implied under this chapter.

(3) The board shall designate strategic freight corridors within the state. The board shall update the list of designated strategic corridors not less than every two years, and shall establish a method of collecting and verifying data, including information on city and county-owned roadways.

(4) From June 11, 1998, through the biennium ending June 30, 2001, the board shall utilize threshold project eligibility criteria that, at a minimum, includes the following:

(a) The project must be on a strategic freight corridor;

(b) The project must meet one of the following conditions:

(i) It is primarily aimed at reducing identified barriers to freight movement with only incidental benefits to general or personal mobility; or

(ii) It is primarily aimed at increasing capacity for the movement of freight with only incidental benefits to general or personal mobility; or

(iii) It is primarily aimed at mitigating the impact on communities of increasing freight movement, including roadway/railway conflicts; and

(c) The project must have a total public benefit/total public cost ratio of equal to or greater than one.

(5) From June 11, 1998, through the biennium ending June 30, 2001, the board shall use the multicriteria analysis and scoring framework for evaluating and ranking eligible freight mobility and freight mitigation projects developed by the freight mobility project prioritization committee and contained in the January 16, 1998, report entitled "Project Eligibility, Priority and Selection Process for a Strategic Freight Investment Program." The prioritization process shall measure the degree to which projects address important program objectives and shall generate a project score that reflects a project's priority compared to other projects. The board shall assign scoring points to each criterion that indicate the relative importance of the criterion in the overall determination of project priority. After June 30, 2001, the board may supplement and refine the initial project priority criteria and scoring framework developed by the freight mobility project prioritization committee as expertise and experience is gained in administering the freight mobility program.

(6) It is the intent of the legislature that each freight mobility project contained in the project portfolio submitted by the board utilize the greatest amount of nonstate funding possible. The board shall adopt rules that give preference to projects that contain the greatest levels of financial participation from nonprogram fund sources. The board shall consider twenty percent as the minimum partnership contribution, but shall also ensure that there are provisions allowing exceptions for projects that are located in areas where minimal local funding capacity exists or where the magnitude of the project makes the adopted partnership contribution financially unfeasible.

(7) The board shall develop and recommend policies that address operational improvements that primarily benefit and enhance freight movement, including, but not limited to, policies that reduce congestion in truck lanes at border crossings and weigh stations and provide for access to ports during nonpeak hours.

**Sec. 2.** RCW 47.06A.030 and 1998 c 175 s 4 are each amended to read as follows:

(1) The freight mobility strategic investment board is created. The board shall convene by July 1, 1998.

(2) The board is composed of twelve members. The following members are appointed by the governor for terms of four years, except that five members initially are appointed for terms of two years: (a) Two members, one of whom is from a city located within or along a strategic freight corridor, appointed from a list of at least four persons nominated by the association of Washington cities or its successor; (b) two members, one of whom is from a county having a strategic freight corridor within its boundaries, appointed from a list of at least four persons nominated by the Washington state association of counties or its successor; (c) two members, one of whom is from a port district located within or along a strategic freight corridor, appointed from a list of at least four persons nominated by the Washington public ports association or its successor; (d) one member representing the office of financial management; (e) one member appointed as a representative of the trucking industry; (f) one member appointed as a representative of the railroads; (g) the secretary of the department of transportation; (h) one member representing the steamship industry; and (i) one member of the general public. In appointing the general public member, the governor shall endeavor to appoint

a member with special expertise in relevant fields such as public finance, freight transportation, or public works construction. The governor shall appoint the general public member as chair of the board. In making appointments to the board, the governor shall ensure that each geographic region of the state is represented.

(3) Members of the board (~~((may not receive compensation. Reimbursement for))~~) shall be reimbursed for reasonable and customary travel (~~((and other))~~) expenses (~~((shall be provided by each respective organization that a member represents on the board))~~) as provided in RCW 43.03.050 and 43.03.060.

(4) If a vacancy on the board occurs by death, resignation, or otherwise, the governor shall fill the vacant position for the unexpired term. Each vacancy in a position appointed from lists provided by the associations and departments under subsection (2) of this section must be filled from a list of at least four persons nominated by the relevant association or associations.

(5) The appointments made in subsection (2) of this section are not subject to confirmation.

**Sec. 3.** RCW 47.06A.040 and 1998 c 175 s 5 are each amended to read as follows:

The board (~~((shall))~~), at its option, may either appoint an executive director, who shall serve at its pleasure and whose salary shall be set by the board (~~((Staff support to the board shall initially be provided by the department of transportation, the transportation improvement board, and the county road administration board or their successor agencies. The board shall develop a plan that provides for administration and staffing of the program and present this plan to the office of financial management and the legislative transportation committee by December 31, 1998))~~) or make provisions ensuring the responsibilities of the executive director are carried out by an existing transportation-related state agency or by private contract. Staff support to the board shall be provided by the department of transportation, the transportation improvement board, and the county road administration board, or their successor agencies."

Signed by Representatives Fisher, Democratic Co-Chair; K. Schmidt, Republican Co-Chair; Cooper, Democratic 1st Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; Buck; G. Chandler; DeBolt; Fortunato; Haigh; Hatfield; Hurst; Lovick; McDonald; Mitchell; Morris; Murray; Ogden; Pflug; Radcliff; Romero; Schindler; Schual-Berke; Skinner and Wood.

Voting yea: Representatives Fisher, K. Schmidt, Cooper, Ericksen, Hankins, G. Chandler, DeBolt, Fortunato, Haigh, Hatfield, Hurst, Lovick, McDonald, Mitchell, Morris, Murray, Ogden, Pflug, Radcliff, Romero, Schindler, Schual-Berke, Skinner and Wood.

Excused: Representative(s) Edwards, Buck, Mielke and Scott.

Passed to Rules Committee for Second Reading.

April 1, 1999

SSB 5154 Prime Sponsor, Senate Committee on Senate Judiciary: Limiting the liability of electric utilities. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 64.12 RCW to read as follows:

(1) An electric utility is immune from liability under RCW 64.12.030, 64.12.040, and 4.24.630 and any claims for general or special damages, including claims of emotional distress, for cutting or removing vegetation located on or originating from land or property adjacent to electric facilities that:

(a) Has come in contact with or caused damage to electric facilities;

(b) Poses an imminent hazard to the general public health, safety, or welfare and the electric utility makes a reasonable effort under the circumstances to obtain an agreement from the resident or property owner present on the property to trim or remove such hazard. If necessary, the electric utility may act without an agreement where no such person is present or to protect life, property, or to restore electrical service; or

(c) Poses a potential threat to damage electric facilities and the electric utility attempts written notice by mail to the last known address of record indicating the intent to act or remove vegetation and secures agreement from the affected property owner of record for the cutting, removing, and disposition of the vegetation. Such notice shall include a brief statement of the need and nature of the work intended that will impact the owner's property or vegetation, a good faith estimate of the time frame in which such work will occur, and how the utility can be contacted regarding the cutting or removal of vegetation. If the affected property owner fails to respond to a notice from the electric utility within two weeks of the date the electric utility provided notice, the electric utility may secure agreement from a resident of the affected property for the cutting, removing, and disposition of vegetation.

(2)(a) A hazard to the general public health, safety, or welfare is deemed to exist when:

(i) Vegetation has encroached upon electric facilities by overhanging or growing in such close proximity to overhead electric facilities that it constitutes an electrical hazard under applicable electrical construction codes or state and federal health and safety regulations governing persons who are employed or retained by, or on behalf of, an electric utility to construct, maintain, inspect, and repair electric facilities or to trim or remove vegetation; or

(ii) Vegetation is visibly diseased, dead, or dying and has been determined by a qualified forester or certified arborist employed or retained by, or on behalf of, an electric utility to be of such proximity to electric facilities that trimming or removal of the vegetation is necessary to avoid contact between the vegetation and electric facilities.

(b) The factors to be considered in determining the extent of trimming required to remove a hazard to the general public health, safety, or welfare may include normal tree growth, the combined movement of trees and conductors under adverse weather conditions, voltage, and sagging of conductors at elevated temperatures.

(3) A potential threat to damage electric facilities exists when vegetation is of such size, condition, and proximity to electric facilities that it can be reasonably expected to cause damage to electric facilities and, based upon this standard, the vegetation has been determined to pose a potential threat by a qualified forester or certified arborist employed or retained by or on behalf of an electric utility.

(4) For the purposes of this section:

(a) "Electric facilities" means lines, conduits, ducts, poles, wires, pipes, conductors, cables, cross-arms, receivers, transmitters, transformers, instruments, machines, appliances, instrumentalities, and all devices and apparatus used, operated, owned, or controlled by an electric utility, for the purposes of manufacturing, transforming, transmitting, distributing, selling, or furnishing electricity.

(b) "Electric utility" means an electrical company, as defined under RCW 80.04.010, a municipal electric utility formed under Title 35 RCW, a public utility district formed under Title 54 RCW, an irrigation district formed under chapter 87.03 RCW, a cooperative formed under chapter 23.86 RCW, and a mutual corporation or association formed under chapter 24.06 RCW, that is engaged in the business of distributing electricity in the state.

(c) "Vegetation" means trees, timber, or shrubs.

**Sec. 2.** RCW 4.24.630 and 1994 c 280 s 1 are each amended to read as follows:

(1) Every person who goes onto the land of another and who removes timber, crops, minerals, or other similar valuable property from the land, or wrongfully causes waste or injury to the land, or wrongfully injures personal property or improvements to real estate on the land, is liable to the injured party for treble the amount of the damages caused by the removal, waste, or injury. For purposes of this section, a person acts "wrongfully" if the person intentionally and unreasonably commits the act or acts while knowing, or having reason to know, that he or she lacks authorization to so act. Damages recoverable under this section include, but are not limited to, damages for the market value of the

property removed or injured, and for injury to the land, including the costs of restoration. In addition, the person is liable for reimbursing the injured party for the party's reasonable costs, including but not limited to investigative costs and reasonable attorneys' fees and other litigation-related costs.

(2) This section does not apply in any case where liability for damages is provided under RCW 64.12.030, 79.01.756, 79.01.760, ~~(( $\epsilon$ ))~~ 79.40.070, or where there is immunity from liability under section 1 of this act.

NEW SECTION. **Sec. 3.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

Signed by Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Esser; Kastama; Lantz; Lovick; McDonald and Schindler.

Voting yea: Representatives Carrell, Constantine, Hurst, Lambert, Cox, Dickerson, Esser, Kastama, Lantz, Lovick, McDonald and Schindler.

Passed to Rules Committee for Second Reading.

April 1, 1999

SB 5170 Prime Sponsor, Senator Haugen: Changing provisions for school district name changes.  
Reported by Committee on Education

MAJORITY recommendation: Do pass as amended.

On page 1, line 9, after "(a)" strike "Either ten" and insert "Ten"  
On page 1, line 12, before "the board" strike "or" and insert "and"  
On page 1, line 14, after "petition" strike "or" and insert "and"

Signed by Representatives Quall, Democratic Co-Chair; Talcott, Republican Co-Chair; Haigh, Democratic Vice Chair; Schindler, Republican Vice Chair; Carlson; Cox; Keiser; Rockefeller; Santos; D. Schmidt; Schual-Berke; Stensen and Wensman.

Voting yea: Representatives Quall, Talcott, Haigh, Schindler, Carlson, Cox, Keiser, Rockefeller, Santos, D. Schmidt, Schual-Berke, Stensen and Wensman.  
Excused: Representative(s) Sump.

Passed to Rules Committee for Second Reading.

April 1, 1999

2SSB 5171 Prime Sponsor, Senate Committee on Transportation: Regulating Washington state patrol employment agreements. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; Wood, Democratic Vice Chair; Hurst; Lisk and McIntire.

MINORITY recommendation: Do not pass. Signed by Representatives B. Chandler, Republican Vice Chair and McMorris.

Voting yea: Representatives Clements, Conway, Wood, Hurst, Lisk and McIntire.  
Voting nay: Representative(s) B. Chandler and McMorris.

Passed to Rules Committee for Second Reading.

March 31, 1999

SSB 5179 Prime Sponsor, Senate Committee on Senate Natural Resources, Parks & Recreation:  
Creating Title 79A RCW, Public Recreational Lands. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

## **'PART I DEFINITIONS**

NEW SECTION. **Sec. 101.** The definitions in this section apply throughout this title unless the context clearly requires otherwise.

- (1) "Commission" means the state parks and recreation commission.
- (2) "Chair" means the member of the commission elected pursuant to RCW 43.51.030 (as recodified by this act).
- (3) "Director" and "director of the state parks and recreation commission" mean the director of parks and recreation or the director's designee.
- (4) "Recreation" means those activities of a voluntary and leisure time nature that aid in promoting entertainment, pleasure, play, relaxation, or instruction.
- (5) "Natural forest" means a forest that faithfully represents, or is meant to become representative of, its unaltered state.

## **PART II GENERAL POLICIES**

**Sec. 201.** RCW 43.51.020 and 1984 c 287 s 82 are each amended to read as follows:

There is hereby created a "state parks and recreation commission" consisting of seven ~~((electors))~~ citizens of the state. The members of the commission shall be appointed by the governor by and with the advice and consent of the senate and shall serve for a term of six years, expiring on December 31st of even-numbered years, and until their successors are appointed. In case of a vacancy, the governor shall fill the vacancy for the unexpired term of the commissioner whose office has become vacant.

~~((The commissioners incumbent as of August 11, 1969, shall serve as follows: Those commissioners whose terms expire December 31, 1970, shall serve until December 31, 1970; the elector appointed to succeed to the office, the term for which expired December 31, 1968, shall serve until December 31, 1974; the terms of three of the four remaining commissioners shall each expire on December 31, 1972.~~

~~To assure that no more than the terms of three members will expire simultaneously on December 31st in any one even-numbered year, the term of not more than one commissioner incumbent on August 11, 1969, as designated by the governor, who was either appointed or reappointed to serve until December 31, 1972, shall be increased by the governor by two years, and said term shall expire December 31, 1974.)~~

In making the appointments to the commission, the governor shall choose ~~((electors))~~ citizens who understand park and recreation needs and interests. No person shall serve if he or she holds any elective or full-time appointive state, county, or municipal office. Members of the commission shall be compensated in accordance with RCW 43.03.240 and in addition shall be allowed their travel expenses

incurred while absent from their usual places of residence in accordance with RCW 43.03.050 and 43.03.060.

Payment of expenses pertaining to the operation of the commission shall be made upon vouchers certified to by such persons as shall be designated by the commission.

**Sec. 202.** RCW 43.51.030 and 1965 c 8 s 43.51.030 are each amended to read as follows:

The commission shall elect one of its members as (~~chairman~~) chair. The commission may be convened at such times as the (~~chairman~~) chair deems necessary, and a majority shall constitute a quorum for the transaction of business.

### **PART III DUTIES AND POWERS OF THE COMMISSION**

NEW SECTION. **Sec. 301.** In addition to whatever other duties may exist in law or be imposed in the future, it is the duty of the commission to:

- (1) Implement integrated pest management practices and regulate pests as required by RCW 17.15.020;
- (2) Take steps necessary to control spartina and purple loosestrife as required by RCW 17.26.020;
- (3) Participate in the implementation of chapter 19.02 RCW;
- (4) Coordinate planning and provide staffing and administrative assistance to the Lewis and Clark trail committee as required by RCW 27.34.340;
- (5) Administer those portions of chapter 46.10 RCW not dealing with registration and licensing of snowmobiles as required by RCW 46.10.210;
- (6) Consult and participate in the scenic and recreational highway system as required by chapter 47.39 RCW; and
- (7) Develop, prepare, and distribute information relating to marine oil recycling tanks and sewage holding tank pumping stations, in cooperation with other departments, as required by chapter 88.02 RCW.

The commission has the power reasonably necessary to carry out these duties.

**Sec. 302.** RCW 43.51.040 and 1989 c 175 s 106 are each amended to read as follows:

The commission shall:

- (1) Have the care, charge, control, and supervision of all parks and parkways acquired or set aside by the state for park or parkway purposes.
- (2) Adopt policies, (~~promulgate~~) and adopt, issue, and enforce rules pertaining to the use, care, and administration of state parks and parkways. The commission shall cause a copy of the rules to be kept posted in a conspicuous place in every state park to which they are applicable, but failure to post or keep any rule posted shall be no defense to any prosecution for the violation thereof.
- (3) Permit the use of state parks and parkways by the public under such rules as shall be adopted.
- (4) Clear, drain, grade, seed, and otherwise improve or beautify parks and parkways, and erect structures, buildings, fireplaces, and comfort stations and build and maintain paths, trails, and roadways through or on parks and parkways.
- (5) Grant concessions or leases in state parks and parkways, upon such rentals, fees, or percentage of income or profits and for such terms, in no event longer than forty years, and upon such conditions as shall be approved by the commission: PROVIDED, That leases exceeding a twenty-year term shall require a unanimous vote of the commission: PROVIDED FURTHER, That if, during the term of any concession or lease, it is the opinion of the commission that it would be in the best interest of the state, the commission may, with the consent of the concessionaire or lessee, alter and amend the terms and conditions of such concession or lease: PROVIDED FURTHER, That television station leases shall be subject to the provisions of RCW 43.51.063 (as recodified by this act), only: PROVIDED FURTHER, That the rates of such concessions or leases shall be renegotiated at five-year

intervals. No concession shall be granted which will prevent the public from having free access to the scenic attractions of any park or parkway.

(6) Employ such assistance as it deems necessary.

(7) By majority vote of its authorized membership select and purchase or obtain options upon, lease, or otherwise acquire for and in the name of the state such tracts of land, including shore and tide lands, for park and parkway purposes as it deems proper. If the commission cannot acquire any tract at a price it deems reasonable, it may, by majority vote of its authorized membership, obtain title thereto, or any part thereof, by condemnation proceedings conducted by the attorney general as provided for the condemnation of rights of way for state highways. Option agreements executed under authority of this ~~((subdivision))~~ subsection shall be valid only if:

(a) The cost of the option agreement does not exceed one dollar; and

(b) Moneys used for the purchase of the option agreement are from (i) funds appropriated therefor, or (ii) funds appropriated for undesignated land acquisitions, or (iii) funds deemed by the commission to be in excess of the amount necessary for the purposes for which they were appropriated; and

(c) The maximum amount payable for the property upon exercise of the option does not exceed the appraised value of the property.

(8) Cooperate with the United States, or any county or city of this state, in any matter pertaining to the acquisition, development, redevelopment, renovation, care, control, or supervision of any park or parkway, and enter into contracts in writing to that end. All parks or parkways, to which the state contributed or in whose care, control, or supervision the state participated pursuant to the provisions of this section, shall be governed by the provisions hereof.

**Sec. 303.** RCW 43.51.045 and 1984 c 82 s 1 are each amended to read as follows:

(1) The commission shall:

(a) Manage timber and land under its jurisdiction to maintain and enhance aesthetic and recreational values;

(b) Apply modern conservation practices to maintain and enhance aesthetic, recreational, and ecological resources; and

(c) Designate and preserve certain forest areas throughout the state as natural forests or natural areas for interpretation, study, and preservation purposes.

(2) Trees may be removed from state parks:

(a) When hazardous to persons, property, or facilities;

(b) As part of a park maintenance or development project, or conservation practice;

(c) As part of a road or utility easement; or

(d) When damaged by a catastrophic forest event.

(3) Tree removal under subsection (2) of this section shall be done by commission personnel, unless the personnel lack necessary expertise. Except in emergencies and when feasible, significant trees shall be removed only after they have been marked or appraised by a professional forester. The removal of significant trees from a natural forest may take place only after a public hearing has been held, except in emergencies.

(4) When feasible, felled timber shall be left on the ground for natural purposes or used for park purposes including, but not limited to, building projects, trail mulching, and firewood. In natural forest areas, first consideration shall be given to leaving timber on the ground for natural purposes.

(5) The commission may issue permits to individuals under RCW 4.24.210 and 43.51.065 (as recodified by this act) for the removal of wood debris from state parks for personal firewood use.

(6) Only timber that qualifies for cutting or removal under subsection (2) of this section may be sold. Timber shall be sold only when surplus to the needs of the park.

(7) Net revenue derived from timber sales shall be deposited in the state parks renewal and stewardship account created in RCW 43.51.275 (as recodified by this act).

**Sec. 304.** RCW 43.51.046 and 1991 c 11 s 1 are each amended to read as follows:

(1) ~~((By July 1, 1992,))~~ ~~The ((state parks and recreation))~~ commission shall provide waste reduction and recycling information in each state park campground and day-use area.



(2) (~~By July 1, 1993,~~) The commission shall provide recycling receptacles in the day-use and campground areas of at least ~~(fifteen)~~ forty state parks. The receptacles shall be clearly marked for the disposal of at least two of the following recyclable materials: Aluminum, glass, newspaper, plastic, and tin. The commission shall endeavor to provide recycling receptacles in parks that are near urban centers or in heavily used parks.

(3) The commission shall provide daily maintenance of such receptacles from April through September of each year.

(4) (~~Beginning July 1, 1993, the commission shall provide recycling receptacles in at least five additional state parks per biennium until the total number of state parks having recycling receptacles reaches forty.~~

~~(5))~~) The commission is authorized to enter into agreements with any person, company, or nonprofit organization to provide for the collection and transport of recyclable materials and related activities under this section.

**Sec. 305.** RCW 43.51.055 and 1997 c 74 s 1 are each amended to read as follows:

(1) The commission shall grant to any person who meets the eligibility requirements specified in this section a senior citizen's pass which shall (a) entitle such person, and members of his or her camping unit, to a fifty percent reduction in the campsite rental fee prescribed by the commission, and (b) entitle such person to free admission to any state park.

(2) The commission shall grant a senior citizen's pass to any person who applies for the same and who meets the following requirements:

(a) The person is at least sixty-two years of age; and

(b) The person is a domiciliary of the state of Washington and meets reasonable residency requirements prescribed by the commission; and

(c) The person and his or her spouse have a combined income which would qualify the person for a property tax exemption pursuant to RCW 84.36.381, as now law or hereafter amended. The financial eligibility requirements of this subparagraph (c) shall apply regardless of whether the applicant for a senior citizen's pass owns taxable property or has obtained or applied for such property tax exemption.

(3) Each senior citizen's pass granted pursuant to this section is valid so long as the senior citizen meets the requirements of subsection (2)(b) of this section. Notwithstanding, any senior citizen meeting the eligibility requirements of this section may make a voluntary donation for the upkeep and maintenance of state parks.

(4) A holder of a senior citizen's pass shall surrender the pass upon request of a commission employee when the employee has reason to believe the holder fails to meet the criteria in subsection (2)(a), (b), or (c) of this section. The holder shall have the pass returned upon providing proof to the satisfaction of the director of the parks and recreation commission that the holder does meet the eligibility criteria for obtaining the senior citizen's pass.

(5) Any resident of Washington who is disabled as defined by the social security administration and who receives social security benefits for that disability, or any other benefits for that disability from any other governmental or nongovernmental source, or who is entitled to benefits for permanent disability under RCW 71A.10.020(~~(2))~~ (3) due to unemployability full time at the minimum wage, or who is legally blind or profoundly deaf, or who has been issued a card, decal, or special license plate for a permanent disability under RCW 46.16.381 shall be entitled to receive, regardless of age and upon making application therefor, a disability pass at no cost to the holder. The pass shall (a) entitle such person, and members of his or her camping unit, to a fifty percent reduction in the campsite rental fee prescribed by the commission, and (b) entitle such person to free admission to any state park.

(6) A card, decal, or special license plate issued for a permanent disability under RCW 46.16.381 may serve as a pass for the holder to entitle that person and members of the person's camping unit to a fifty percent reduction in the campsite rental fee prescribed by the commission, and to allow the holder free admission to state parks.

(7) Any resident of Washington who is a veteran and has a service-connected disability of at least thirty percent shall be entitled to receive a lifetime veteran's disability pass at no cost to the holder. The pass shall (a) entitle such person, and members of his or her camping unit, to free use of

any campsite within any state park; (b) entitle such person to free admission to any state park; and (c) entitle such person to an exemption from any reservation fees.

(8) All passes issued pursuant to this section shall be valid at all parks any time during the year: PROVIDED, That the pass shall not be valid for admission to concessionaire operated facilities.

(9) This section shall not affect or otherwise impair the power of the commission to continue or discontinue any other programs it has adopted for senior citizens.

(10) The commission shall adopt such rules ~~((and regulations))~~ as it finds appropriate for the administration of this section. Among other things, such rules ~~((and regulations))~~ shall prescribe a definition of "camping unit" which will authorize a reasonable number of persons traveling with the person having a pass to stay at the campsite rented by such person, a minimum Washington residency requirement for applicants for a senior citizen's pass and an application form to be completed by applicants for a senior citizen's pass.

**Sec. 306.** RCW 43.51.061 and 1969 ex.s. c 31 s 2 are each amended to read as follows:

~~((Notwithstanding any other provisions of this chapter or of other laws))~~ No provision of law relating to the commission~~((,))~~ shall prevent the commission ~~((may delegate))~~ from delegating to the director ~~((of parks and recreation))~~ such powers and duties of the commission as they may deem proper.

**Sec. 307.** RCW 43.51.060 and 1995 c 211 s 3 are each amended to read as follows:

The commission may:

(1) Make rules and regulations for the proper administration of its duties;

(2) Accept any grants of funds made with or without a matching requirement by the United States, or any agency thereof, for purposes in keeping with the purposes of this chapter; accept gifts, bequests, devises and endowments for purposes in keeping with such purposes; enter into cooperative agreements with and provide for private nonprofit groups to use state park property and facilities to raise money to contribute gifts, grants, and support to the commission for the purposes of this chapter. The commission may assist the nonprofit group in a cooperative effort by providing necessary agency personnel and services, if available. However, none of the moneys raised may inure to the benefit of the nonprofit group, except in furtherance of its purposes to benefit the commission as provided in this chapter. The agency and the private nonprofit group shall agree on the nature of any project to be supported by such gift or grant prior to the use of any agency property or facilities for raising money. Any such gifts may be in the form of recreational facilities developed or built in part or in whole for public use on agency property, provided that the facility is consistent with the purposes of the agency;

(3) Require certification by the commission of all parks and recreation workers employed in state aided or state controlled programs;

(4) Act jointly, when advisable, with the United States, any other state agencies, institutions, departments, boards, or commissions in order to carry out the objectives and responsibilities of this chapter;

(5) Grant franchises and easements for any legitimate purpose on parks or parkways, for such terms and subject to such conditions and considerations as the commission shall specify;

(6) Charge such fees for services, utilities, and use of facilities as the commission shall deem proper;

(7) Enter into agreements whereby individuals or companies may rent undeveloped parks or parkway land for grazing, agricultural, or mineral development purposes upon such terms and conditions as the commission shall deem proper, for a term not to exceed ten years;

(8) Determine the qualifications of and employ a director of parks and recreation who shall receive a salary as fixed by the governor in accordance with the provisions of RCW 43.03.040~~((, and upon his recommendation, a supervisor of recreation,))~~ and determine the qualifications and salary of and employ such other persons as may be needed to carry out the provisions hereof; and

(9) Without being limited to the powers hereinbefore enumerated, the commission shall have such other powers as in the judgment of a majority of its members are deemed necessary to effectuate the purposes of this chapter: PROVIDED, That the commission shall not have power to supervise directly any local park or recreation district, and no funds shall be made available for such purpose.

## PART IV DUTIES OF THE DIRECTOR

NEW SECTION. **Sec. 401.** In addition to other duties the commission may from time to time impose, it is the duty of the director to:

- (1) Ensure the control of weeds in parks to the extent required by RCW 17.04.160 and 17.10.205; and
- (2) Participate in the operations of the environmental enhancement and job creation task force under chapter 43.21J RCW.

The director has the power reasonably necessary to carry out these duties.

**Sec. 402.** RCW 43.51.052 and 1997 c 137 s 2 are each amended to read as follows:

- (1) The parks improvement account is hereby established in the state treasury.
- (2) The ~~((parks and recreation))~~ commission shall deposit all moneys received from the sale of interpretive, recreational, and historical literature and materials in this account. Moneys in the account may be spent only for development, production, and distribution costs associated with literature and materials.
- (3) Disbursements from the account shall be on the authority of the director ~~((of the parks and recreation commission))~~, or the director's designee. The account is subject to the allotment procedure provided under chapter 43.88 RCW. No appropriation is required for disbursement of moneys to be used for support of further production of materials provided for in RCW 43.51.050(2) (as recodified by this act). The director may transfer a portion of the moneys in this account to the state parks renewal and stewardship account and may expend moneys so transferred for any purpose provided for in RCW 43.51.275 (as recodified by this act).

## PART V PROHIBITED ACTS AND PENALTIES

**Sec. 501.** RCW 46.61.587 and 1984 c 258 s 329 are each amended to read as follows:

Any violation of RCW 43.51.320 (as recodified by this act) or 46.61.585 or any rule ~~((promulgated))~~ adopted by the parks and recreation commission to enforce the provisions thereof ~~((shall be punished by a fine of not more than twenty five dollars))~~ is a civil infraction as provided in chapter 7.84 RCW.

**Sec. 502.** RCW 7.84.010 and 1993 c 244 s 2 are each amended to read as follows:

The legislature declares that decriminalizing certain offenses contained in Titles 75, 76, 77, ~~((and))~~ 79, and 79A RCW and chapter ~~((s))~~ 43.30 ~~((, 43.51, and 88.12))~~ RCW and any rules adopted pursuant to those titles and chapters would promote the more efficient administration of those titles and chapters. The purpose of this chapter is to provide a just, uniform, and efficient procedure for adjudicating those violations which, in any of these titles and chapters or rules adopted under these chapters or titles, are declared not to be criminal offenses. The legislature respectfully requests the supreme court to prescribe any rules of procedure necessary to implement this chapter.

**Sec. 503.** RCW 7.84.020 and 1993 c 244 s 3 are each amended to read as follows:

Unless the context clearly requires otherwise, the definition in this section applies throughout this chapter.

"Infraction" means an offense which, by the terms of Title 75, 76, 77, ~~((or))~~ 79, or 79A RCW or chapter 43.30 ~~((, 43.51, or 88.12))~~ RCW and rules adopted under these titles and chapters, is declared not to be a criminal offense and is subject to the provisions of this chapter.

## PART VI PROCEDURES FOR DISPOSAL OF PARK LAND

**Sec. 601.** RCW 43.51.210 and 1998 c 42 s 1 are each amended to read as follows:

Whenever the (~~state parks and recreation~~) commission finds that any land under its control cannot advantageously be used for park purposes, it is authorized to dispose of such land by the method provided in this section or by the method provided in RCW 43.51.200 (as recodified by this act). If such lands are school or other grant lands, control thereof shall be relinquished by resolution of the commission to the proper state officials. If such lands were acquired under restrictive conveyances by which the state may hold them only so long as they are used for park purposes, they may be returned to the donor or grantors by the commission. All other such lands may be either sold by the commission to the highest bidder or exchanged for other lands of equal value by the commission, and all conveyance documents shall be executed by the governor. All such exchanges shall be accompanied by a transfer fee, to be set by the commission and paid by the other party to the transfer; such fee shall be paid into the parkland acquisition account established under RCW 43.51.200 as recodified by this act. Sealed bids on all sales shall be solicited at least twenty days in advance of the sale date by an advertisement appearing at least (~~in three~~) once a week for two consecutive (~~issues of~~) weeks in a newspaper of general circulation in the county in which the land to be sold is located. If the commission feels that no bid received adequately reflects the fair value of the land to be sold, it may reject all bids, and may call for new bids. All proceeds derived from the sale of such park property shall be paid into the park land acquisition account. All land considered for exchange shall be evaluated by the commission to determine its adaptability to park usage. The equal value of all lands exchanged shall first be determined by the appraisals to the satisfaction of the commission(~~(=~~ PROVIDED, That)). No sale or exchange of state park lands shall be made without the unanimous consent of the commission.

## **PART VII VOLUNTEERS**

NEW SECTION. Sec. 701. The commission shall cooperate in implementing and operating the conservation corps as required by chapter 43.220 RCW.

**Sec. 702.** RCW 43.220.160 and 1983 1st ex.s. c 40 s 16 are each amended to read as follows:

(1) There is established a conservation corps within the state parks and recreation commission.  
(2) Specific work project areas of the state parks and recreation conservation corps may include the following:

- (a) Restoration or development of park facilities;
- (b) Trail construction and maintenance;
- (c) Litter control;
- (d) Park and land rehabilitation;
- (e) Fire suppression;
- (f) Road repair; and
- (g) Other projects as the state parks and recreation commission may determine. If

(~~appropriation~~) appropriate facilities are available, the state parks and recreation commission may authorize carrying out projects which involve overnight stays.

## **PART VIII SCENIC RIVER SYSTEM**

**Sec. 801.** RCW 79.72.020 and 1994 c 264 s 64 are each amended to read as follows:

The definitions set forth in this section apply throughout this chapter unless the context clearly requires otherwise.

- (1) (~~"Department"~~) "Commission" means the state parks and recreation commission.
- (2) "Committee of participating agencies" or "committee" means a committee composed of the executive head, or the executive's designee, of each of the state departments of ecology, fish and wildlife, natural resources, and transportation, the state parks and recreation commission, the interagency committee for outdoor recreation, the Washington state association of counties, and the association of Washington cities. In addition, the governor shall appoint two public members of the

committee. Public members of the committee shall be compensated in accordance with RCW 43.03.220 and shall receive reimbursement for their travel expenses as provided in RCW 43.03.050 and 43.03.060.

When a specific river or river segment of the state's scenic river system is being considered by the committee, a representative of each participating local government associated with that river or river segment shall serve as a member of the committee.

(3) "Participating local government" means the legislative authority of any city or county, a portion of whose territorial jurisdiction is bounded by or includes a river or river segment of the state's scenic river system.

(4) "River" means a flowing body of water or a section, segment, or portion thereof.

(5) "River area" means a river and the land area in its immediate environs as established by the participating agencies not exceeding a width of one-quarter mile landward from the streamway on either side of the river.

(6) "Scenic easement" means the negotiated right to control the use of land, including the air space above the land, for the purpose of protecting the scenic view throughout the visual corridor.

(7) "Streamway" means that stream-dependent corridor of single or multiple, wet or dry, channel or channels within which the usual seasonal or stormwater run-off peaks are contained, and within which environment the flora, fauna, soil, and topography is dependent on or influenced by the height and velocity of the fluctuating river currents.

(8) "System" means all the rivers and river areas in the state designated by the legislature for inclusion as scenic rivers but does not include tributaries of a designated river unless specifically included by the legislature. The inclusion of a river in the system does not mean that other rivers or tributaries in a drainage basin shall be required to be part of the management program developed for the system unless the rivers and tributaries within the drainage basin are specifically designated for inclusion by the legislature.

(9) "Visual corridor" means that area which can be seen in a normal summer month by a person of normal vision walking either bank of a river included in the system. The visual corridor shall not exceed the river area.

**Sec. 802.** RCW 79.72.030 and 1977 ex.s. c 161 s 3 are each amended to read as follows:

(1) The ((department)) commission shall develop and adopt management policies for publicly owned or leased land on the rivers designated by the legislature as being a part of the state's scenic river system and within the associated river areas. The ((department)) commission may adopt ((regulations)) rules identifying river classifications which reflect the characteristics common to various segments of scenic rivers and may adopt management policies consistent with local government's shoreline management master plans appropriate for each such river classification. All such policies shall be subject to review by the committee of participating agencies. Once such a policy has been approved by a majority vote of the committee members, it shall be adopted by the ((department)) commission in accordance with the provisions of chapter 34.05 RCW, as now or hereafter amended. Any variance with such a policy by any public agency shall be authorized only by the approval of the committee of participating agencies by majority vote, and shall be made only to alleviate unusual hardships unique to a given segment of the system.

(2) Any policies developed pursuant to subsection (1) of this section shall include management plans for protecting ecological, economic, recreational, aesthetic, botanical, scenic, geological, hydrological, fish and wildlife, historical, cultural, archaeological, and scientific features of the rivers designated as being in the system. Such policies shall also include management plans to encourage any nonprofit group, organization, association, person, or corporation to develop and adopt programs for the purpose of increasing fish propagation.

(3) The committee of participating agencies shall, by two-thirds majority vote, identify on a river by river basis any publicly owned or leased lands which could be included in a river area of the system but which are developed in a manner unsuitable for land to be managed as part of the system. The ((department)) commission shall exclude lands so identified from the provisions of any management policies implementing the provisions of this chapter.

(4) The committee of participating agencies, by majority vote, shall determine the boundaries which shall define the river area associated with any included river. With respect to the rivers named in RCW 79.72.080 (as recodified by this act), the committee shall make such determination, and those determinations authorized by subsection (3) of this section, within one year of September 21, 1977.

(5) Before making a decision regarding the river area to be included in the system, a variance in policy, or the excluding of land from the provisions of the management policies, the committee shall hold hearings in accord with chapter 34.05 RCW, with at least one public hearing to be held in the general locale of the river under consideration. The ~~((department))~~ commission shall cause to be published in a newspaper of general circulation in the area which includes the river or rivers to be considered, a description, including a map showing such river or rivers, of the material to be considered at the public hearing. Such notice shall appear at least twice in the time period between two and four weeks prior to the public hearing.

(6) Meetings of the committee shall be called by the ~~((department))~~ commission or by written petition signed by five or more of the committee members. The ~~((chairman))~~ chair of the ~~((parks and recreation))~~ commission or the ~~((chairman's))~~ chair's designee shall serve as the ~~((chairman))~~ chair of any meetings of the committee held to implement the provisions of this chapter.

The committee shall seek and receive comments from the public regarding potential additions to the system, shall initiate studies, and may, through the ~~((department))~~ commission, submit to any session of the legislature proposals for additions to the state scenic river system. These proposals shall be accompanied by a detailed report on the factors which, in the committee's judgment, make an area a worthy addition to the system.

**Sec. 803.** RCW 79.72.040 and 1989 c 175 s 169 are each amended to read as follows:

(1) The management program for the system shall be administered by the ~~((department))~~ commission. The ~~((department))~~ commission shall have the responsibility for coordinating the development of the program between affected state agencies and participating local governments, and shall develop and adopt rules, in accord with chapter 34.05 RCW, the Administrative Procedure Act, for each portion of the system, which shall implement the management policies. In developing rules for a specific river in the system, the ~~((department))~~ commission shall hold at least one public hearing in the general locale of the river under consideration. The hearing may constitute the hearing required by chapter 34.05 RCW. The ~~((department))~~ commission shall cause a brief summary of the proposed rules to be published twice in a newspaper of general circulation in the area that includes the river to be considered in the period of time between two and four weeks prior to the public hearing. In addition to the foregoing required publication, the ~~((department))~~ commission shall also provide notice of the hearings, rules, and decisions of the ~~((department))~~ commission to radio and television stations and major local newspapers in the areas that include the river to be considered.

(2) In addition to any other powers granted to carry out the intent of this chapter, the ~~((department))~~ commission is authorized, subject to approval by majority vote of the members of the committee, to: (a) Purchase, within the river area, real property in fee or any lesser right or interest in real property including, but not limited to scenic easements and future development rights, visual corridors, wildlife habitats, unique ecological areas, historical sites, camping and picnic areas, boat launching sites, and/or easements abutting the river for the purpose of preserving or enhancing the river or facilitating the use of the river by the public for fishing, boating and other water related activities; and (b) purchase, outside of a river area, public access to the river area.

The right of eminent domain shall not be utilized in any purchase made pursuant to this section.

(3) The ~~((department))~~ commission is further authorized to: (a) Acquire by gift, devise, grant, or dedication the fee, an option to purchase, a right of first refusal or any other lesser right or interest in real property and upon acquisition such real property shall be held and managed within the scenic river system; and (b) accept grants, contributions, or funds from any agency, public or private, or individual for the purposes of this chapter.

(4) The ~~((department))~~ commission is hereby vested with the power to obtain injunctions and other appropriate relief against violations of any provisions of this chapter and any rules adopted under this section or agreements made under the provisions of this chapter.

**Sec. 804.** RCW 79.72.050 and 1977 ex.s. c 161 s 5 are each amended to read as follows:

(1) All state government agencies and local governments are hereby directed to pursue policies with regard to their respective activities, functions, powers, and duties which are designed to conserve and enhance the conditions of rivers which have been included in the system, in accordance with the management policies and the rules ~~((and regulations))~~ adopted by the ~~((department))~~ commission for such rivers. Local agencies are directed to pursue such policies with respect to all lands in the river area owned or leased by such local agencies. Nothing in this chapter shall authorize the modification of a shoreline management plan adopted by a local government and approved by the state pursuant to chapter 90.58 RCW without the approval of the department of ecology and local government. The policies adopted pursuant to this chapter shall be integrated, as fully as possible, with those of the shoreline management act of 1971.

(2) Nothing in this chapter shall grant to the committee of participating agencies or the ~~((department))~~ commission the power to restrict the use of private land without either the specific written consent of the owner thereof or the acquisition of rights in real property authorized by RCW 79.72.040 (as recodified by this act).

(3) Nothing in this chapter shall prohibit the department of natural resources from exercising its full responsibilities and obligations for the management of state trust lands.

**Sec. 805.** RCW 79.72.070 and 1988 c 36 s 58 are each amended to read as follows:

Nothing contained in this chapter shall affect the authority of the department of ~~((fisheries and the department of))~~ fish and wildlife to construct facilities or make improvements to facilitate the passage or propagation of fish nor shall anything in this chapter be construed to interfere with the powers, duties, and authority of the department of ~~((fisheries or the department of))~~ fish and wildlife to regulate, manage, conserve, and provide for the harvest of fish or wildlife within any area designated as being in the state's scenic river system~~((: PROVIDED, That))~~. No hunting shall be permitted in any state park.

## **PART IX ACQUIRING AND DEVELOPING PARK HOLDINGS**

**Sec. 901.** RCW 43.51.070 and 1965 c 8 s 43.51.070 are each amended to read as follows:

The commission may receive and accept donations of lands for state park purposes, and shall ~~((have))~~ be responsible for the management and control of all lands so acquired. It may from time to time recommend to the legislature the acquisition of lands for park purposes by purchase or condemnation.

**Sec. 902.** RCW 43.51.110 and 1965 c 8 s 43.51.110 are each amended to read as follows:

The commissioner of public lands may, upon his or her own motion, and shall, when directed so to do by the ~~((state parks and recreation))~~ commission, withdraw from sale any land held by the state and not acquired directly from the United States with reservations as to the manner of sale thereof and the purposes for which it may be sold, and certify to the commission that such land is withheld from sale pursuant to the terms of this section.

All such land shall be under the care, charge, control, and supervision of the ~~((state parks and recreation))~~ commission, and after appraisal in such manner as the commission directs may be exchanged for land of equal value ~~((abutting upon a public highway))~~, and to this end the ~~((chairman))~~ chair and secretary of the commission may execute deeds of conveyance in the name of the state.

**Sec. 903.** RCW 43.51.140 and 1982 c 156 s 2 are each amended to read as follows:

Any such individual, group, organization, agency, club, or association desiring to obtain such permit shall make application therefor in writing to the commission, describing the lands proposed to be improved and stating the nature of the proposed improvement. Prior to granting a permit, the commission shall determine that the applicants are ~~((persons of good standing in the community in which they reside))~~ likely to actually improve the park, parkway, or land subject to the application.

**Sec. 904.** RCW 43.51.220 and 1965 c 8 s 43.51.220 are each amended to read as follows:

To encourage the development of the Puget Sound country as a recreational boating area, the commission is authorized to establish landing, launch ramp, and other facilities for small pleasure boats at places on Puget Sound frequented by such boats and where the commission shall find such facilities will be of greatest advantage to the users of pleasure boats. The commission is authorized to acquire land or to make use of lands belonging to the state for such purposes, and to construct the necessary floats, launch ramp, and other desirable structures and to make such further development of any area used in connection therewith as in the judgment of the commission is best calculated to facilitate the public enjoyment thereof.

**Sec. 905.** RCW 43.51.237 and 1997 c 150 s 3 are each amended to read as follows:

(1) The commission shall develop a cost-effective plan to identify historic archaeological resources in at least one state park containing a military fort located in Puget Sound. The plan shall include the use of a professional archaeologist and volunteer citizens. ~~((By December 1, 1997, the commission shall submit a brief report to the appropriate standing committees of the legislature on how the plan will be implemented and the cost of the plan.))~~

(2) Any park land that is made available for use by recreational metal detectors under this section shall count toward the requirements established in RCW 43.51.235 (as recodified by this act).

**Sec. 906.** RCW 43.51.270 and 1995 c 211 s 4 are each amended to read as follows:

(1) The department of natural resources and the ~~((state parks and recreation))~~ commission shall have authority to negotiate ~~((a))~~ sales to the ~~((state parks and recreation))~~ commission, for park and outdoor recreation purposes, of trust lands at fair market value.

(2) The department of natural resources and the ~~((state parks and recreation))~~ commission shall negotiate a sale to the ~~((state parks and recreation))~~ commission of the lands and timber thereon identified in the joint study under section 4, chapter 163, Laws of 1985, and commonly referred to as the Point Lawrence trust property, San Juan county — on the extreme east point of Orcas Island. Timber conservation and management practices provided for in RCW 43.51.045 and 43.51.395 (as recodified by this act) shall govern the management of land and timber transferred under this subsection as of the effective date of the transfer, upon payment for the property, and nothing in this chapter shall be construed as restricting or otherwise modifying the department of natural resources' management, control, or use of such land and timber until such date.

NEW SECTION. **Sec. 907.** The commission is authorized to evaluate and acquire land under RCW 79.01.612 in cooperation with the department of natural resources.

NEW SECTION. **Sec. 908.** The commission may select land held by the department of natural resources for acquisition under RCW 79.08.102 (as recodified by this act) et seq.

## **PART X SPECIAL PARKS--YAKIMA RIVER CONSERVATION AREA**

**Sec. 1001.** RCW 43.51.948 and 1977 ex.s. c 75 s 2 are each amended to read as follows:

For the purposes of RCW 43.51.946 through 43.51.956 (as recodified by this act), the Yakima river conservation area is to contain no more than the area delineated in appendix D on pages D-3, D-4, D-6, D-7, D-9, and D-10 of the report entitled "The Yakima River Regional Greenway" which resulted from the Yakima river study authorized in section 170, chapter 269, Laws of 1975, first extraordinary session. This area is also defined as sections 12 and 17, township 13 north, range 18 east totaling approximately 18.0 acres, sections 7, 17, 18, 20, 21, 28, 29, 32, 33, township 13 north, range 19 east totaling approximately 936.0 acres, and sections 4, 5, 8, 9, 17, township 12 north, range 19 east totaling approximately 793.7 acres.

## **PART XI SPECIAL PARKS--SEASHORE CONSERVATION AREA**



**Sec. 1101.** RCW 43.51.720 and 1988 c 75 s 6 are each amended to read as follows:

Recreation management plans shall not prohibit or restrict public vehicles operated in the performance of official duties ~~((or))~~, vehicles responding to an emergency, or vehicles specially authorized by the director or the director's designee.

**Sec. 1102.** RCW 43.51.730 and 1988 c 75 s 8 are each amended to read as follows:

In preparing, adopting, or approving a recreation management plan, local jurisdictions and the commission shall consult with the ~~((department of fisheries, the))~~ department of fish and wildlife and the United States fish and wildlife service.

**Sec. 1103.** RCW 43.51.750 and 1988 c 75 s 12 are each amended to read as follows:

Any individual, partnership, corporation, association, organization, cooperative, local government, or state agency aggrieved by a decision of the commission under ~~((RCW 43.51.695 through 43.51.765))~~ this chapter may appeal under chapter 34.05 RCW.

## **PART XII YOUTH DEVELOPMENT AND CONSERVATION CORPS**

**Sec. 1201.** RCW 43.51.510 and 1965 c 8 s 43.51.510 are each amended to read as follows:

There is hereby created and established a youth development and conservation division within the ~~((state parks and recreation))~~ commission ~~((hereafter referred to as the "commission"))~~. The commission shall appoint such supervisory personnel as necessary to carry out the purposes of RCW 43.51.500 through 43.51.570 (as recodified by this act).

**Sec. 1202.** RCW 43.51.540 and 1982 c 70 s 1 are each amended to read as follows:

(1) The minimum compensation shall be at the rate of twenty-five dollars per week, except that up to the minimum state wage may be paid on the basis of assigned leadership responsibilities or special skills.

(2) Enrollees shall be furnished quarters, subsistence, medical and hospital services, transportation, equipment, as the commission may deem necessary and appropriate for their needs. Such quarters, subsistence, and equipment may be furnished by any governmental or public agency.

(3) The compensation of enrollees of any program under this chapter may be paid biweekly.

## **PART XIII UNDERWATER PARKS**

**Sec. 1301.** RCW 43.51.432 and 1994 c 264 s 20 are each amended to read as follows:

The ~~((state parks and recreation))~~ commission may establish a system of underwater parks to provide for diverse recreational diving opportunities and to conserve and protect unique marine resources of the state of Washington. In establishing and maintaining an underwater park system, the commission may:

(1) Plan, construct, and maintain underwater parks;

(2) Acquire property and enter management agreements with other units of state government for the management of lands, tidelands, and bedlands as underwater parks;

(3) Construct artificial reefs and other underwater features to enhance marine life and recreational uses of an underwater park;

(4) Accept gifts and donations for the benefit of underwater parks;

(5) Facilitate private efforts to construct artificial reefs and underwater parks;

(6) Work with the federal government, local governments and other appropriate agencies of state government, including but not limited to: The department of natural resources, the department of fish and wildlife and the natural heritage council to carry out the purposes of ~~((RCW 43.51.430 through 43.51.438))~~ this chapter; and

(7) Contract with other state agencies or local governments for the management of an underwater park unit.

**PART XIV  
SPECIAL PARKS--WINTER RECREATION AREAS**

**Sec. 1401.** RCW 43.51.290 and 1990 c 136 s 2 and 1990 c 49 s 2 are each reenacted and amended to read as follows:

In addition to its other powers, duties, and functions the ~~((state parks and recreation))~~ commission may:

(1) Plan, construct, and maintain suitable facilities for winter recreational activities on lands administered or acquired by the commission or as authorized on lands administered by other public agencies or private landowners by agreement;

(2) Provide and issue upon payment of the proper fee, under RCW 43.51.300 (as recodified by this act), 43.51.320 (as recodified by this act), and 46.61.585, with the assistance of such authorized agents as may be necessary for the convenience of the public, special permits to park in designated winter recreational area parking spaces;

(3) Administer the snow removal operations for all designated winter recreational area parking spaces; and

(4) Compile, publish, and distribute maps indicating such parking spaces, adjacent trails, and areas and facilities suitable for winter recreational activities.

The commission may contract with any public or private agency for the actual conduct of such duties, but shall remain responsible for the proper administration thereof. The commission is not liable for unintentional injuries to users of lands administered for winter recreation purposes under this section or under RCW 46.10.210, whether the lands are administered by the commission, by other public agencies, or by private landowners through agreement with the commission. Nothing in this section prevents the liability of the commission for injuries sustained by a user by reason of a known dangerous artificial latent condition for which warning signs have not been conspicuously posted. A road covered with snow and groomed for the purposes of winter recreation consistent with this chapter and chapter 46.10 RCW shall not be presumed to be a known dangerous artificial latent condition for the purposes of this chapter.

**PART XV  
RECREATIONAL VESSELS**

**Sec. 1501.** RCW 88.12.015 and 1993 c 244 s 6 are each amended to read as follows:

(1) ~~((It is a misdemeanor, punishable under RCW 9.92.030, for any person to commit))~~ A violation of this chapter designated as an infraction ((under this chapter)) is a misdemeanor, punishable under RCW 9.92.030, if ((during a period of three hundred sixty five days the person has previously committed two infractions for violating the same provision under this chapter and if the violation is also committed during such period and is of the same provision as the previous violations)) the current violation is the person's third violation of the same provision of this chapter during the past three hundred sixty-five days.

(2) A violation designated in this chapter as a civil infraction shall constitute a ~~((misdemeanor until the violation is included in a civil infraction monetary schedule adopted by rule by the state supreme court))~~ civil infraction pursuant to chapter 7.84 RCW.

**Sec. 1502.** RCW 88.12.165 and 1984 c 183 s 3 are each amended to read as follows:

(1) All reports made to the commission pursuant to RCW ~~((88.12.130))~~ 88.12.155 and 43.51.400 (as recodified by this act) shall be without prejudice to the person who makes the report and shall be for the confidential usage of governmental agencies, except as follows:

(a) Statistical information which shall be made public;

(b) The names and addresses of the operator and owner and the registration number or name of the vessel as documented which was involved in an accident or casualty and the names and addresses of any witnesses which, if reported, shall be disclosed upon written request to any person involved in a reportable accident, or, for a reportable casualty, to any member of a decedent's family or the personal representatives of the family.

(2) A report made to the commission pursuant to RCW (~~(88.12.130)~~) 88.12.155 and 43.51.400 (as recodified by this act) or copy thereof shall not be used in any trial, civil or criminal, arising out of an accident or casualty, except that solely to prove a compliance or failure to comply with the report requirements of RCW (~~(88.12.130)~~) 88.12.155 and 43.51.400 (as recodified by this act), a certified statement which indicates that a report has or has not been made to the commission shall be provided upon demand to any court or upon written request to any person who has or claims to have made a report.

**Sec. 1503.** RCW 88.12.175 and 1987 c 427 s 1 are each amended to read as follows:

Law enforcement authorities, fire departments, or search and rescue units of any city or county government shall provide to the commission a report, prepared by the local government agency regarding any boating accident occurring within their jurisdiction resulting in a death or injury requiring hospitalization. Such report shall be provided to the commission within ten days of the occurrence of the accident. The results of any investigation of the accident conducted by the city or county governmental agency shall be included in the report provided to the commission. At the earliest opportunity, but in no case more than forty-eight hours after becoming aware of an accident, the agency shall notify the commission of the accident. The commission shall have authority to investigate any boating accident. The results of any investigation conducted by the commission shall be made available to the local government for further processing. This provision does not eliminate the requirement for a boating accident report by the operator required under RCW (~~(88.12.130)~~) 88.12.155 (as recodified by this act).

The report of a county coroner, or any public official assuming the functions of a coroner, concerning the death of any person resulting from a boating accident, shall be submitted to the commission within one week of completion. Information in such report may be, together with information in other such reports, incorporated into the state boating accident report provided for in RCW 43.51.400(~~(5)~~) (4) (as recodified by this act), and shall be for the confidential usage of governmental agencies as provided in RCW (~~(88.12.140)~~) 88.12.165 (as recodified by this act).

**Sec. 1504.** RCW 88.12.195 and 1993 c 244 s 20 are each amended to read as follows:

Such notice as is required by RCW 88.12.185 (as recodified by this act) shall be given personally, or in writing; if in writing, it shall be served upon the owner, or may be sent by mail to the post office where such owner usually receives his or her letters. Such notice shall inform the party where the vessel was taken up, and where it may be found, and what amount the taker-up or finder demands for his or her charges.

**Sec. 1505.** RCW 88.12.205 and 1993 c 244 s 21 are each amended to read as follows:

(1) In all cases where the notice required by RCW 88.12.185 (as recodified by this act) is not given personally, it shall be the duty of the taker-up to post up at the post office nearest the place where such vessel may be taken up, a written notice of the taking up of such vessel(~~(, which)~~). The written notice shall contain a description of the (~~(same)~~) vessel, with the name, if any is painted thereon, also the place where taken up, the place where the property may be found, and the charge for taking the same up.

(2) If the taker-up is traveling upon waters of the state, such notice shall additionally be posted up at the first post office he or she shall pass after the taking up(~~(; and)~~).

(3) In all cases, (~~(he or she)~~) the person who took up the vessel shall at the time when, and place where, he or she posts up such notice, also mail a copy of such notice, directed to the postmaster of each post office on waters of the state, and within fifty miles of the place where such vessel is taken up.

**Sec. 1506.** RCW 88.12.295 and 1989 c 393 s 1 are each amended to read as follows:

The legislature finds that the waters of Washington state provide a unique and valuable recreational resource to large and growing numbers of boaters. Proper stewardship of, and respect for, these waters requires that, while enjoying them for their scenic and recreational benefits, boaters must exercise care to assure that such activities do not contribute to the despoliation of these waters, and that

watercraft be operated in a safe and responsible manner. The legislature has specifically addressed the topic of access to clean and safe waterways by requiring the 1987 boating safety study and by establishing the Puget Sound (~~(water quality authority)~~) action team.

The legislature finds that there is a need to educate Washington's boating community about safe and responsible actions on our waters and to increase the level and visibility of the enforcement of boating laws. To address the incidence of fatalities and injuries due to recreational boating on our state's waters, local and state efforts directed towards safe boating must be stimulated. To provide for safe waterways and public enjoyment, portions of the watercraft excise tax and boat registration fees should be made available for boating safety and other boating recreation purposes.

In recognition of the need for clean waterways, and in keeping with the Puget Sound action team's water quality (~~(authority's 1987 management)~~) work plan, the legislature finds that adequate opportunities for responsible disposal of boat sewage must be made available. There is hereby established a five-year initiative to install sewage pumpout or sewage dump stations at appropriate marinas.

To assure the use of these sewage facilities, a boater environmental education program must accompany the five-year initiative and continue to educate boaters about boat wastes and aquatic resources.

The legislature also finds that, in light of the increasing numbers of boaters utilizing state waterways, a program to acquire and develop sufficient waterway access facilities for boaters must be undertaken.

To support boating safety, environmental protection and education, and public access to our waterways, the legislature declares that a portion of the income from boating-related activities, as specified in RCW 82.49.030 and 88.02.040, should support these efforts.

**Sec. 1507.** RCW 88.12.305 and 1994 c 264 s 81 are each amended to read as follows:

The commission, in consultation with the departments of ecology, fish and wildlife, natural resources, social and health services, and the Puget Sound (~~(water quality authority)~~) action team shall conduct a literature search and analyze pertinent studies to identify areas which are polluted or environmentally sensitive within the state's waters. Based on this review the commission shall designate appropriate areas as polluted or environmentally sensitive, for the purposes of chapter 393, Laws of 1989 only.

**Sec. 1508.** RCW 88.12.365 and 1993 c 244 s 36 are each amended to read as follows:

The commission shall, in consultation with interested parties, review progress on installation of sewage pumpout and dump units, the boater environmental education program, and the boating safety program. (~~(The commission shall report its findings to the legislature by December 1994.)~~)

**Sec. 1509.** RCW 88.12.385 and 1989 c 393 s 14 are each amended to read as follows:

The commission shall adopt rules as are necessary to carry out all sections of (~~(this act)~~) chapter 393, Laws of 1989 except for RCW (~~(88.12.410,)~~) 88.12.335 (as recodified by this act) and 82.49.030(, and 88.12.450(1)). The commission shall comply with all applicable provisions of chapter 34.05 RCW in adopting the rules.

## PART XVI RECODIFICATION

NEW SECTION. **Sec. 1601.** The following sections are recodified as a new title in the Revised Code of Washington to be codified as Title 79A RCW:

RCW 43.51.020, RCW 43.51.030, RCW 43.51.040, RCW 43.51.045, RCW 43.51.046, RCW 43.51.048, RCW 43.51.050, RCW 43.51.052, RCW 43.51.055, RCW 43.51.060, RCW 43.51.061, RCW 43.51.062, RCW 43.51.063, RCW 43.51.065, RCW 43.51.070, RCW 43.51.090, RCW 43.51.100, RCW 43.51.110, RCW 43.51.112, RCW 43.51.1121, RCW 43.51.113, RCW 43.51.114, RCW 43.51.120, RCW 43.51.130, RCW 43.51.140, RCW 43.51.150, RCW 43.51.160, RCW 43.51.170, RCW 43.51.180, RCW 43.51.200, RCW 43.51.210, RCW 43.51.215, RCW 43.51.220,

RCW 43.51.235, RCW 43.51.237, RCW 43.51.240, RCW 43.51.250, RCW 43.51.270, RCW 43.51.275, RCW 43.51.285, RCW 43.51.290, RCW 43.51.300, RCW 43.51.310, RCW 43.51.320, RCW 43.51.321, RCW 43.51.330, RCW 43.51.340, RCW 43.51.350, RCW 43.51.360, RCW 43.51.365, RCW 43.51.370, RCW 43.51.375, RCW 43.51.380, RCW 43.51.385, RCW 43.51.395, RCW 43.51.400, RCW 43.51.405, RCW 43.51.407, RCW 43.51.409, RCW 43.51.411, RCW 43.51.415, RCW 43.51.417, RCW 43.51.419, RCW 43.51.420, RCW 43.51.430, RCW 43.51.432, RCW 43.51.434, RCW 43.51.436, RCW 43.51.438, RCW 43.51.440, RCW 43.51.442, RCW 43.51.444, RCW 43.51.446, RCW 43.51.448, RCW 43.51.450, RCW 43.51.452, RCW 43.51.454, RCW 43.51.456, RCW 43.51.500, RCW 43.51.510, RCW 43.51.530, RCW 43.51.540, RCW 43.51.550, RCW 43.51.560, RCW 43.51.570, RCW 43.51.580, RCW 43.51.590, RCW 43.51.650, RCW 43.51.655, RCW 43.51.660, RCW 43.51.665, RCW 43.51.670, RCW 43.51.675, RCW 43.51.685, RCW 43.51.695, RCW 43.51.700, RCW 43.51.705, RCW 43.51.710, RCW 43.51.715, RCW 43.51.720, RCW 43.51.725, RCW 43.51.730, RCW 43.51.735, RCW 43.51.740, RCW 43.51.745, RCW 43.51.750, RCW 43.51.755, RCW 43.51.760, RCW 43.51.765, RCW 43.51.900, RCW 43.51.910, RCW 43.51.920, RCW 43.51.930, RCW 43.51.940, RCW 43.51.942, RCW 43.51.943, RCW 43.51.944, RCW 43.51.945, RCW 43.51.946, RCW 43.51.947, RCW 43.51.948, RCW 43.51.949, RCW 43.51.950, RCW 43.51.951, RCW 43.51.952, RCW 43.51.953, RCW 43.51.954, RCW 43.51.955, RCW 43.51.956, RCW 43.98.010, RCW 43.98.020, RCW 43.98.030, RCW 43.98.040, RCW 43.98.050, RCW 43.98.060, RCW 43.98.070, RCW 43.98.080, RCW 43.98.090, RCW 43.98A.005, RCW 43.98A.010, RCW 43.98A.020, RCW 43.98A.030, RCW 43.98A.040, RCW 43.98A.050, RCW 43.98A.060, RCW 43.98A.070, RCW 43.98A.080, RCW 43.98A.090, RCW 43.98A.100, RCW 43.98A.900, RCW 43.98B.005, RCW 43.98B.010, RCW 43.98B.020, RCW 43.98B.030, RCW 43.98B.900, RCW 43.98B.910, RCW 43.98B.920, RCW 43.99.010, RCW 43.99.020, RCW 43.99.025, RCW 43.99.030, RCW 43.99.040, RCW 43.99.050, RCW 43.99.060, RCW 43.99.070, RCW 43.99.080, RCW 43.99.095, RCW 43.99.100, RCW 43.99.110, RCW 43.99.120, RCW 43.99.124, RCW 43.99.126, RCW 43.99.130, RCW 43.99.135, RCW 43.99.142, RCW 43.99.146, RCW 43.99.150, RCW 43.99.170, RCW 43.99.800, RCW 43.99.810, RCW 43.99.820, RCW 43.99.830, RCW 43.99.900, RCW 43.99.910, RCW 67.18.005, RCW 67.18.010, RCW 67.18.020, RCW 67.18.030, RCW 67.18.040, RCW 67.18.050, RCW 67.18.900, RCW 67.32.010, RCW 67.32.020, RCW 67.32.030, RCW 67.32.040, RCW 67.32.050, RCW 67.32.060, RCW 67.32.070, RCW 67.32.080, RCW 67.32.090, RCW 67.32.100, RCW 67.32.110, RCW 67.32.130, RCW 67.32.140, RCW 70.88.010, RCW 70.88.020, RCW 70.88.030, RCW 70.88.040, RCW 70.88.050, RCW 70.88.060, RCW 70.88.070, RCW 70.88.080, RCW 70.88.090, RCW 70.88.100, RCW 70.117.010, RCW 70.117.015, RCW 70.117.020, RCW 70.117.025, RCW 70.117.030, RCW 70.117.040, RCW 77.12.720, RCW 77.12.730, RCW 77.12.740, RCW 79.08.102, RCW 79.08.104, RCW 79.08.106, RCW 79.08.1062, RCW 79.08.1064, RCW 79.08.1066, RCW 79.08.1069, RCW 79.08.1072, RCW 79.08.1074, RCW 79.08.1078, RCW 79.08.109, RCW 79.72.010, RCW 79.72.020, RCW 79.72.030, RCW 79.72.040, RCW 79.72.050, RCW 79.72.060, RCW 79.72.070, RCW 79.72.080, RCW 79.72.090, RCW 79.72.100, RCW 79.72.900, RCW 88.12.010, RCW 88.12.015, RCW 88.12.020, RCW 88.12.025, RCW 88.12.029, RCW 88.12.032, RCW 88.12.033, RCW 88.12.035, RCW 88.12.045, RCW 88.12.055, RCW 88.12.065, RCW 88.12.075, RCW 88.12.085, RCW 88.12.095, RCW 88.12.105, RCW 88.12.115, RCW 88.12.125, RCW 88.12.135, RCW 88.12.145, RCW 88.12.155, RCW 88.12.165, RCW 88.12.175, RCW 88.12.185, RCW 88.12.195, RCW 88.12.205, RCW 88.12.215, RCW 88.12.218, RCW 88.12.222, RCW 88.12.225, RCW 88.12.227, RCW 88.12.230, RCW 88.12.232, RCW 88.12.235, RCW 88.12.245, RCW 88.12.250, RCW 88.12.255, RCW 88.12.260, RCW 88.12.265, RCW 88.12.275, RCW 88.12.276, RCW 88.12.278, RCW 88.12.279, RCW 88.12.285, RCW 88.12.295, RCW 88.12.305, RCW 88.12.315, RCW 88.12.325, RCW 88.12.335, RCW 88.12.345, RCW 88.12.355, RCW 88.12.365, RCW 88.12.375, RCW 88.12.385, RCW 88.12.500, RCW 88.12.505, RCW 88.27.010, RCW 88.27.020, RCW 88.27.030, RCW 88.27.040, RCW 88.27.050, RCW 88.27.900, RCW 90.56.090

**PART XVII  
REPEALED SECTIONS**

**NEW SECTION. Sec. 1701.** The following acts or parts of acts are each repealed:

- (1) RCW 43.51.010 (Definitions) and 1965 c 8 s 43.51.010;
- (2) RCW 79.08.108 (Exchange of lands to secure state park lands) and 1988 c 128 s 61 & 1953 c 96 s 1;
- (3) RCW 43.51.047 (Sale of timber) and 1995 c 211 s 2 & 1984 c 82 s 3;
- (4) RCW 43.51.080 (Parks in island counties) and 1965 c 8 s 43.51.080;
- (5) RCW 43.51.545 (Compensation--Biweekly payment of compensation authorized) and 1965 ex.s. c 48 s 3;
- (6) RCW 43.51.260 (Acquisition of Wallace Falls property authorized) and 1969 c 41 s 1 & 1965 c 146 s 2;
- (7) RCW 43.51.355 (Authority of commission to implement RCW 43.51.350) and 1977 ex.s. c 266 s 2;
- (8) RCW 43.51.230 (Lease with option to purchase parental school facilities) and 1965 c 8 s 43.51.230; and
- (9) RCW 88.12.395 (Committee to adopt rules) and 1989 c 393 s 15.

## **PART XVIII CODIFICATION DIRECTIVE**

**NEW SECTION. Sec. 1801.** Sections 101, 301, 401, 701, 907, and 908 of this act are each added to Title 79A RCW, created in section 1601 of this act.

## **PART XIX SEVERABILITY**

**NEW SECTION. Sec. 1901.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 2 of the title, after "commission;" strike the remainder of the title and insert "amending RCW 43.51.020, 43.51.030, 43.51.040, 43.51.045, 43.51.046, 43.51.055, 43.51.061, 43.51.060, 43.51.052, 46.61.587, 7.84.010, 7.84.020, 43.51.210, 43.220.160, 79.72.020, 79.72.030, 79.72.040, 79.72.050, 79.72.070, 43.51.070, 43.51.110, 43.51.140, 43.51.220, 43.51.237, 43.51.270, 43.51.948, 43.51.720, 43.51.730, 43.51.750, 43.51.510, 43.51.540, 43.51.432, 88.12.015, 88.12.165, 88.12.175, 88.12.195, 88.12.205, 88.12.295, 88.12.305, 88.12.365, and 88.12.385; reenacting and amending RCW 43.51.290; adding a new title to the Revised Code of Washington to be codified as Title 79A RCW; recodifying RCW 43.51.020, 43.51.030, 43.51.040, 43.51.045, 43.51.046, 43.51.048, 43.51.050, 43.51.052, 43.51.055, 43.51.060, 43.51.061, 43.51.062, 43.51.063, 43.51.065, 43.51.070, 43.51.090, 43.51.100, 43.51.110, 43.51.112, 43.51.1121, 43.51.113, 43.51.114, 43.51.120, 43.51.130, 43.51.140, 43.51.150, 43.51.160, 43.51.170, 43.51.180, 43.51.200, 43.51.210, 43.51.215, 43.51.220, 43.51.235, 43.51.237, 43.51.240, 43.51.250, 43.51.270, 43.51.275, 43.51.285, 43.51.290, 43.51.300, 43.51.310, 43.51.320, 43.51.321, 43.51.330, 43.51.340, 43.51.350, 43.51.360, 43.51.365, 43.51.370, 43.51.375, 43.51.380, 43.51.385, 43.51.395, 43.51.400, 43.51.405, 43.51.407, 43.51.409, 43.51.411, 43.51.415, 43.51.417, 43.51.419, 43.51.420, 43.51.430, 43.51.432, 43.51.434, 43.51.436, 43.51.438, 43.51.440, 43.51.442, 43.51.444, 43.51.446, 43.51.448, 43.51.450, 43.51.452, 43.51.454, 43.51.456, 43.51.500, 43.51.510, 43.51.530, 43.51.540, 43.51.550, 43.51.560, 43.51.570, 43.51.580, 43.51.590, 43.51.650, 43.51.655, 43.51.660, 43.51.665, 43.51.670, 43.51.675, 43.51.685, 43.51.695, 43.51.700, 43.51.705, 43.51.710, 43.51.715, 43.51.720, 43.51.725, 43.51.730, 43.51.735, 43.51.740, 43.51.745, 43.51.750, 43.51.755, 43.51.760, 43.51.765, 43.51.900, 43.51.910, 43.51.920, 43.51.930, 43.51.940, 43.51.942, 43.51.943, 43.51.944, 43.51.945, 43.51.946, 43.51.947, 43.51.948, 43.51.949, 43.51.950, 43.51.951, 43.51.952, 43.51.953, 43.51.954, 43.51.955, 43.51.956, 43.98.010, 43.98.020, 43.98.030, 43.98.040, 43.98.050, 43.98.060, 43.98.070, 43.98.080, 43.98.090, 43.98A.005,

43.98A.010, 43.98A.020, 43.98A.030, 43.98A.040, 43.98A.050, 43.98A.060, 43.98A.070, 43.98A.080, 43.98A.090, 43.98A.100, 43.98A.900, 43.98B.005, 43.98B.010, 43.98B.020, 43.98B.030, 43.98B.900, 43.98B.910, 43.98B.920, 43.99.010, 43.99.020, 43.99.025, 43.99.030, 43.99.040, 43.99.050, 43.99.060, 43.99.070, 43.99.080, 43.99.095, 43.99.100, 43.99.110, 43.99.120, 43.99.124, 43.99.126, 43.99.130, 43.99.135, 43.99.142, 43.99.146, 43.99.150, 43.99.170, 43.99.800, 43.99.810, 43.99.820, 43.99.830, 43.99.900, 43.99.910, 67.18.005, 67.18.010, 67.18.020, 67.18.030, 67.18.040, 67.18.050, 67.18.900, 67.32.010, 67.32.020, 67.32.030, 67.32.040, 67.32.050, 67.32.060, 67.32.070, 67.32.080, 67.32.090, 67.32.100, 67.32.110, 67.32.130, 67.32.140, 70.88.010, 70.88.020, 70.88.030, 70.88.040, 70.88.050, 70.88.060, 70.88.070, 70.88.080, 70.88.090, 70.88.100, 70.117.010, 70.117.015, 70.117.020, 70.117.025, 70.117.030, 70.117.040, 77.12.720, 77.12.730, 77.12.740, 79.08.102, 79.08.104, 79.08.106, 79.08.1062, 79.08.1064, 79.08.1066, 79.08.1069, 79.08.1072, 79.08.1074, 79.08.1078, 79.08.109, 79.72.010, 79.72.020, 79.72.030, 79.72.040, 79.72.050, 79.72.060, 79.72.070, 79.72.080, 79.72.090, 79.72.100, 79.72.900, 88.12.010, 88.12.015, 88.12.020, 88.12.025, 88.12.029, 88.12.032, 88.12.033, 88.12.035, 88.12.045, 88.12.055, 88.12.065, 88.12.075, 88.12.085, 88.12.095, 88.12.105, 88.12.115, 88.12.125, 88.12.135, 88.12.145, 88.12.155, 88.12.165, 88.12.175, 88.12.185, 88.12.195, 88.12.205, 88.12.215, 88.12.218, 88.12.222, 88.12.225, 88.12.227, 88.12.230, 88.12.232, 88.12.235, 88.12.245, 88.12.250, 88.12.255, 88.12.260, 88.12.265, 88.12.275, 88.12.276, 88.12.278, 88.12.279, 88.12.285, 88.12.295, 88.12.305, 88.12.315, 88.12.325, 88.12.335, 88.12.345, 88.12.355, 88.12.365, 88.12.375, 88.12.385, 88.12.500, 88.12.505, 88.27.010, 88.27.020, 88.27.030, 88.27.040, 88.27.050, 88.27.900, and 90.56.090; repealing RCW 43.51.010, 79.08.108, 43.51.047, 43.51.080, 43.51.545, 43.51.260, 43.51.355, 43.51.230, and 88.12.395; and prescribing penalties."

Signed by Representatives Buck, Republican Co-Chair; Regala, Democratic Co-Chair; Anderson, Democratic Vice Chair; Sump, Republican Vice Chair; G. Chandler; Clements; Doumit; Eickmeyer; Ericksen; Pennington and Stensen.

Voting yea: Representatives Buck, Regala, Anderson, Sump, G. Chandler, Clements, Eickmeyer, Ericksen, Pennington, Rockefeller and Stensen.  
Excused: Representative(s) Doumit.

Passed to Rules Committee for Second Reading.

March 30, 1999

SSB 5185 Prime Sponsor, Senate Committee on Transportation: Adjusting limits for highway work by state forces. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Democratic Co-Chair; K. Schmidt, Republican Co-Chair; Cooper, Democratic 1st Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; Buck; G. Chandler; DeBolt; Fortunato; Haigh; Hatfield; Hurst; Lovick; McDonald; Mielke; Mitchell; Morris; Murray; Ogden; Pflug; Radcliff; Romero; Schindler; Schual-Berke; Scott; Skinner and Wood.

Voting yea: Representatives Fisher, K. Schmidt, Cooper, Ericksen, Hankins, Buck, G. Chandler, DeBolt, Fortunato, Haigh, Hatfield, Hurst, Lovick, McDonald, Mielke, Mitchell, Morris, Murray, Pflug, Radcliff, Romero, Schindler, Schual-Berke, Scott, Skinner and Wood.  
Excused: Representative(s) Edwards and Ogden.

Passed to Rules Committee for Second Reading.

March 30, 1999

SSB 5191 Prime Sponsor, Senate Committee on Transportation: Penalizing motor carriers that operate without a permit. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Democratic Co-Chair; K. Schmidt, Republican Co-Chair; Cooper, Democratic 1st Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; Buck; G. Chandler; Haigh; Hatfield; Hurst; Lovick; McDonald; Mitchell; Morris; Murray; Ogden; Radcliff; Romero; Schual-Berke; Scott; Skinner and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives DeBolt; Fortunato; Mielke; Pflug and Schindler.

Voting yea: Representatives Fisher, K. Schmidt, Cooper, Ericksen, Hankins, Buck, G. Chandler, Fortunato, Haigh, Hatfield, Hurst, Lovick, McDonald, Mitchell, Morris, Murray, Radcliff, Romero, Schual-Berke, Scott, Skinner and Wood.

Voting nay: Representative(s) DeBolt, Mielke, Pflug and Schindler.

Excused: Representative(s) Edwards and Ogden.

Passed to Rules Committee for Second Reading.

April 1, 1999

ESSB 5195 Prime Sponsor, Senate Committee on Senate Judiciary: Protecting employee benefits. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Cox; Dickerson; Esser; Kastama; Lantz; Lovick and McDonald.

MINORITY recommendation: Without recommendation. Signed by Representatives Lambert, Republican Vice Chair and Schindler.

Voting yea: Representatives Carrell, Constantine, Hurst, Cox, Dickerson, Esser, Kastama, Lantz, Lovick and McDonald.

Voting nay: Representative(s) Lambert and Schindler.

Passed to Rules Committee for Second Reading.

April 1, 1999

SB 5196 Prime Sponsor, Senator Johnson: Resolving trust and estate disputes. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Esser; Kastama; Lantz; Lovick; McDonald and Schindler.

Voting yea: Representatives Carrell, Constantine, Hurst, Lambert, Cox, Dickerson, Esser, Kastama, Lantz, Lovick, McDonald and Schindler.

Passed to Rules Committee for Second Reading.



April 1, 1999

SSB 5197 Prime Sponsor, Senate Committee on Senate Judiciary: Making technical corrections to the disclaimer statute. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Esser; Kastama; Lantz; Lovick; McDonald and Schindler.

Voting yea: Representatives Carrell, Constantine, Hurst, Lambert, Cox, Dickerson, Esser, Kastama, Lantz, Lovick, McDonald and Schindler.

Passed to Rules Committee for Second Reading.

April 1, 1999

SB 5198 Prime Sponsor, Senator Johnson: Comporting with Internal Revenue Code language. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Esser; Kastama; Lantz; Lovick; McDonald and Schindler.

Voting yea: Representatives Carrell, Constantine, Hurst, Lambert, Cox, Dickerson, Esser, Kastama, Lantz, Lovick, McDonald and Schindler.

Passed to Rules Committee for Second Reading.

April 1, 1999

SSB 5199 Prime Sponsor, Senate Committee on Health & Long-Term Care: Modifying provisions that concern the control and prevention of tuberculosis. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Democratic Co-Chair; Parlette, Republican Co-Chair; Pflug, Republican Vice Chair; Schual-Berke, Democratic Vice Chair; Alexander; Boldt; Campbell; Conway; Edmonds; Mulliken and Ruderman.

Voting yea: Representatives Cody, Parlette, Pflug, Schual-Berke, Boldt, Campbell, Conway, Edmonds, Mulliken and Ruderman.

Excused: Representative(s) Alexander and Edwards.

Passed to Rules Committee for Second Reading.

April 1, 1999

SB 5200 Prime Sponsor, Senator Thibaudeau: Removing the termination of the secretary of health's authority for administrative procedure. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Democratic Co-Chair; Parlette, Republican Co-Chair; Pflug, Republican Vice Chair; Schual-Berke, Democratic Vice Chair; Alexander; Boldt; Campbell; Conway; Edmonds; Mulliken and Ruderman.

Voting yea: Representatives Cody, Parlette, Pflug, Schual-Berke, Boldt, Campbell, Conway, Edmonds, Mulliken and Ruderman.

Excused: Representative(s) Alexander and Edwards.

Passed to Rules Committee for Second Reading.

April 2, 1999

ESSB 5208 Prime Sponsor, Senate Committee on Senate Environmental Quality & Water Resources:  
Changing labeling requirements for specialty fertilizers. Reported by Committee on  
Agriculture & Ecology

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 15.54.340 and 1998 c 36 s 6 are each amended to read as follows:

(1) Any commercial fertilizer distributed in this state shall have placed on or affixed to the package a label setting forth in clearly legible and conspicuous form the following information:

(a) The net weight;

(b) The product name, brand, and grade. The grade is not required if no primary nutrients are claimed;

(c) The guaranteed analysis;

(d) The name and address of the registrant or licensee. The name and address of the manufacturer, if different from the registrant or licensee, may also be stated;

(e) Any information required under WAC 296-62-054;

(f) At a minimum, one of the following labeling statements: ("This product has been registered with the Washington State Department of Agriculture. When applied as directed, this fertilizer meets the Washington standards for arsenic, cadmium, cobalt, mercury, molybdenum, lead, nickel, selenium, and zinc. You have the right to receive specific information about Washington standards from the distributor of this product.";

~~(g) After July 1, 1999, the label must also state:)~~

(i) "Information received by the Washington State Department of Agriculture regarding the components in this product is available on the internet at [http://www.wa.gov/agr/\(\(-\)\)](http://www.wa.gov/agr/((-)))"; or

(ii) "Information regarding the contents and levels of metals in this product is available on the internet at <http://www.wa.gov/agr/>"; or

(iii) "Information regarding the contents and levels of metals in this product is available on the internet at <http://www.state-regulatory-information-xx.com>". Each registrant must substitute a unique alpha numeric identifier for "xx". This statement may be used only if the registrant establishes and maintains the internet site and the internet site meets the following criteria:

(A) There is no advertising or company-specific information on the site;

(B) There is a clearly visible, direct hyperlink to the department's internet site specified in (f)(i) and (ii) of this subsection (1); and

(C) Any other criteria adopted by the director by rule; and

~~((H))~~ (g) Other information as required by the department by rule.

(2) If a commercial fertilizer is distributed in bulk, a written or printed statement of the information required by subsection (1) of this section shall accompany delivery and be supplied to the purchaser at the time of delivery.

(3) Each delivery of a customer-formula fertilizer shall be subject to containing those ingredients specified by the purchaser, which ingredients shall be shown on the statement or invoice with the amount contained therein, and a record of all invoices of customer-formula grade mixes shall be kept by the registrant or licensee for a period of twelve months and shall be available to the department upon request: PROVIDED, That each such delivery shall be accompanied by either a statement, invoice, a delivery slip, or a label if bagged, containing the following information: The net

weight; the brand; the guaranteed analysis which may be stated to the nearest tenth of a percent or to the next lower whole number; the name and address of the registrant or licensee, or manufacturer, or both; and the name and address of the purchaser.

~~((4) Any person who distributes a commercial fertilizer in this state shall make available to the purchaser on request, a copy of standards for metals established in RCW 15.54.800.))~~

NEW SECTION. **Sec. 2.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 1999."

On page 1, line 1 of the title, after "language;" strike the remainder of the title and insert "amending RCW 15.54.340; providing an effective date; and declaring an emergency."

Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Koster, Republican Vice Chair; Anderson; B. Chandler; Delvin; Fortunato; Grant; Reardon; Schoesler; Stensen; Sump and Wood.

Voting yea: Representatives G. Chandler, Linville, Cooper, Koster, Anderson, B. Chandler, Delvin, Fortunato, Grant, Reardon, Schoesler, Stensen, Sump and Wood.

Passed to Rules Committee for Second Reading.

March 31, 1999

2SSB 5210 Prime Sponsor, Senate Committee on Ways & Means: Altering shelter care laws.  
Reported by Committee on Children & Family Services

MAJORITY recommendation: Do pass. Signed by Representatives D. Sommers, Republican Co-Chair; Tokuda, Democratic Co-Chair; Boldt, Republican Vice Chair; Kagi, Democratic Vice Chair; Campbell; Dickerson; Eickmeyer and Kastama.

MINORITY recommendation: Do not pass. Signed by Representative Carrell.

Voting yea: Representatives D. Sommers, Tokuda, Boldt, Kagi, Campbell, Dickerson, Eickmeyer and Kastama.

Voting nay: Representative(s) Carrell.

Excused: Representative(s) Pflug.

Passed to Rules Committee for Second Reading.

April 1, 1999

SB 5211 Prime Sponsor, Senator Costa: Clarifying the jurisdiction over drunk drivers. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Esser; Kastama; Lantz; Lovick; McDonald and Schindler.

Voting yea: Representatives Carrell, Constantine, Hurst, Lambert, Cox, Dickerson, Esser, Kastama, Lantz, Lovick, McDonald and Schindler.

Passed to Rules Committee for Second Reading.

April 2, 1999

SSB 5212 Prime Sponsor, Senate Committee on Education: Providing for school safety plans.  
Reported by Committee on Education

MAJORITY recommendation: Do pass as amended.

On page 4, line 5, after "schools" insert "The plans should coordinate crisis management with local law enforcement, fire departments, and local emergency management agencies"

Signed by Representatives Quall, Democratic Co-Chair; Talcott, Republican Co-Chair; Haigh, Democratic Vice Chair; Keiser; Rockefeller; Santos; Schual-Berke and Stensen.

MINORITY recommendation: Without recommendation. Signed by Representatives Cox; D. Schmidt; Sump and Wensman.

Voting yea: Representatives Quall, Talcott, Haigh, Keiser, Rockefeller, Santos, Schual-Berke and Stensen.

Voting nay: Representative(s) Schindler, Cox, D. Schmidt, Sump and Wensman.

Excused: Representative(s) Carlson.

Referred to Committee on Appropriations.

April 1, 1999

SSB 5214 Prime Sponsor, Senate Committee on Education: Providing for additional investigations when a student is charged with possession of a firearm on school facilities. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended.

On page 2, beginning on line 18, strike everything through line 35 and insert the following:

"Upon the arrest of a person at least ten years of age and not more than twenty years of age for violating subsection (1)(a) of this section, the person shall be detained and confined in a juvenile or adult correctional facility for seventy-two hours, unless the person is released from custody sooner by a court after a determination regarding probable cause or on probation bond. Within forty-eight hours of the arrest, the person shall be evaluated by a psychiatrist or psychologist to determine if the person suffers from a mental disorder and is a threat to himself or herself or others. If the psychiatrist or psychologist so recommends, the person shall also be evaluated for chemical dependency within seventy-two hours of the arrest and in accordance with 70.96A RCW. The results of each evaluation shall be sent immediately to the court, and the court shall consider those results in making any determination about the person."

Signed by Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Esser; Kastama; Lantz; Lovick; McDonald and Schindler.

Voting yea: Representatives Carrell, Constantine, Hurst, Lambert, Cox, Dickerson, Esser, Kastama, Lantz, Lovick, McDonald and Schindler.

Referred to Committee on Appropriations.

April 2, 1999

SB 5233 Prime Sponsor, Senator Patterson: Exempting specified positions within the department of corrections from civil service laws. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Campbell, Republican Vice Chair; Miloscia, Democratic Vice Chair; Dunshee; Haigh; Lambert and D. Schmidt.

Voting yea: Representatives McMorris, Romero, Campbell, Miloscia, Dunshee, Haigh, Lambert and D. Schmidt.

Passed to Rules Committee for Second Reading.

April 2, 1999

SSB 5234 Prime Sponsor, Senate Committee on Senate Judiciary: Defining the crime of custodial sexual misconduct. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

Voting yea: Representatives Ballasiotes, O'Brien, Cairnes, Lovick, B. Chandler, Constantine, Kagi and Koster.

Passed to Rules Committee for Second Reading.

April 1, 1999

SB 5240 Prime Sponsor, Senator Costa: Repealing the requirement to maintain a registry for handicapped children. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Democratic Co-Chair; Parlette, Republican Co-Chair; Pflug, Republican Vice Chair; Schual-Berke, Democratic Vice Chair; Alexander; Boldt; Campbell; Conway; Edmonds; Mulliken and Ruderman.

Voting yea: Representatives Cody, Parlette, Pflug, Schual-Berke, Boldt, Campbell, Conway, Edmonds, Mulliken and Ruderman.

Excused: Representative(s) Alexander and Edwards.

Passed to Rules Committee for Second Reading.

April 2, 1999

SSB 5248 Prime Sponsor, Senate Committee on Senate Commerce, Trade, Housing & Financial Institutions and Insurance: Negotiating state-wide custody contracts. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Campbell, Republican Vice Chair; Miloscia, Democratic Vice Chair; Dunshee; Haigh; Lambert and D. Schmidt.

Voting yea: Representatives McMorris, Romero, Campbell, Miloscia, Dunshee, Haigh, Lambert and D. Schmidt.

Passed to Rules Committee for Second Reading.

April 2, 1999

SB 5253 Prime Sponsor, Senator Benton: Preventing a registered sex offender from holding a real estate license. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Hurst; Lisk; McIntire and McMorris.

Voting yea: Representatives Clements, Conway, B. Chandler, Wood, Hurst, Lisk, McIntire and McMorris.

Passed to Rules Committee for Second Reading.

April 1, 1999

SB 5258 Prime Sponsor, Senator Snyder: Authorizing the state investment board to directly order actions relating to securities. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Benson, Republican Co-Chair; Hatfield, Democratic Co-Chair; Bush, Republican Vice Chair; McIntire, Democratic Vice Chair; Cairnes; DeBolt; Keiser; Quall; Santos; Sullivan and Talcott.

Voting yea: Representatives Benson, Hatfield, Bush, McIntire, Cairnes, DeBolt, Keiser, Santos, Sullivan and Talcott.  
Excused: Representative(s) Barlean and Quall.

Passed to Rules Committee for Second Reading.

April 1, 1999

SB 5262 Prime Sponsor, Senator Thibaudeau: Allowing unregulated persons to perform sleep monitoring tasks. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Democratic Co-Chair; Parlette, Republican Co-Chair; Pflug, Republican Vice Chair; Schual-Berke, Democratic Vice Chair; Alexander; Boldt; Campbell; Conway; Edmonds; Mulliken and Ruderman.

Voting yea: Representatives Cody, Parlette, Pflug, Schual-Berke, Boldt, Campbell, Conway, Edmonds, Mulliken and Ruderman.  
Excused: Representative(s) Alexander and Edwards.

Passed to Rules Committee for Second Reading.

March 30, 1999

SSB 5274 Prime Sponsor, Senate Committee on Transportation: Allowing a regional transit authority to establish fines for certain civil infractions. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Democratic Co-Chair; K. Schmidt, Republican Co-Chair; Cooper, Democratic 1st Vice Chair; Ericksen,

Republican Vice Chair; Hankins, Republican Vice Chair; Buck; G. Chandler; DeBolt; Fortunato; Haigh; Hatfield; Hurst; Lovick; McDonald; Mielke; Mitchell; Morris; Murray; Ogden; Pflug; Radcliff; Romero; Schindler; Schual-Berke; Scott; Skinner and Wood.

Voting yea: Representatives Fisher, K. Schmidt, Cooper, Ericksen, Hankins, Buck, G. Chandler, DeBolt, Fortunato, Haigh, Hatfield, Hurst, Lovick, McDonald, Mielke, Mitchell, Morris, Murray, Pflug, Radcliff, Romero, Schindler, Schual-Berke, Scott, Skinner and Wood.  
Excused: Representative(s) Edwards and Ogden.

Passed to Rules Committee for Second Reading.

March 30, 1999

SB 5275 Prime Sponsor, Senator Bauer: Regarding Lewis and Clark bicentennial advisory committee.  
Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Campbell, Republican Vice Chair; Miloscia, Democratic Vice Chair; Dunshee; Haigh; Lambert and D. Schmidt.

Voting yea: Representatives McMorris, Romero, Campbell, Miloscia, Dunshee, Haigh, Lambert and D. Schmidt

Passed to Rules Committee for Second Reading.

April 2, 1999

SSB 5277 Prime Sponsor, Senate Committee on Higher Education: Creating programs for child care at institutions of higher education. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Carlson, Republican Co-Chair; Kenney, Democratic Co-Chair; Lantz, Democratic Vice Chair; Radcliff, Republican Vice Chair; Edmonds and Gombosky.

MINORITY recommendation: Without recommendation. Signed by Representatives Dunn and Esser.

Voting yea: Representatives Carlson, Kenney, Lantz, Radcliff, Edmonds and Gombosky.  
Voting nay: Representative(s) Dunn and Esser.

Referred to Committee on Appropriations.

March 31, 1999

SSB 5279 Prime Sponsor, Senate Committee on Human Services & Corrections: Regulating the placement of children in mental health treatment by the department of social and health services. Reported by Committee on Children & Family Services

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** It is the intent of the legislature that minor children in the care and custody of the department of social and health services under chapter 13.34 RCW be provided the most

appropriate possible mental health care consistent with the child's best interests, family reconciliation, the child's medical need for mental health treatment, available state and community resources, and professional standards of medical care. The legislature intends that admission of such minors for mental health hospitalization be made pursuant to the criteria and standards for mental health services for minors established in chapter 71.34 RCW, and that minor children in the care and custody of the department in need of mental health hospitalization shall retain all rights set forth therein. The legislature specifically intends that this act may not be construed to affect the standards or procedures established for the involuntary commitment of minors under chapter 71.34 RCW.

**NEW SECTION. Sec. 2.** A new section is added to chapter 13.34 RCW to read as follows:

The department shall obtain the prior consent of a child's parent, legal guardian, or legal custodian before a dependent child is admitted into an inpatient mental health treatment facility. If the child's parent, legal guardian, or legal custodian is unavailable or does not agree with the proposed admission, the department shall request a hearing and provide notice to all interested parties to seek prior approval of the juvenile court before such admission. In the event that an emergent situation creating a risk of substantial harm to the health and welfare of a child in the custody of the department does not allow time for the department to obtain prior approval or to request a court hearing before consenting to the admission of the child into an inpatient mental health hospital, the department shall seek court approval by requesting that a hearing be set on the first available court date.

**NEW SECTION. Sec. 3.** A new section is added to chapter 13.34 RCW to read as follows:

A dependent child who is admitted to an inpatient mental health facility shall be placed in a facility, with available treatment space, that is closest to the family home, unless the department, in consultation with the admitting authority finds that admission in the facility closest to the child's home would jeopardize the health or safety of the child.

**NEW SECTION. Sec. 4.** A new section is added to chapter 13.34 RCW to read as follows:

For minors who cannot consent to the release of their records with the department because they are not old enough to consent to treatment, or, if old enough, lack the capacity to consent, or if the minor is receiving treatment involuntarily with a provider the department has authorized to provide mental health treatment under section 2 of this act, the department shall disclose, upon the treating physician's request, all relevant records, including the minor's passport, in the department's possession that the treating physician determines contain information required for treatment of the minor. The treating physician shall maintain all records received from the department in a manner that distinguishes the records from any other records in the minor's file with the treating physician and the department records may not be disclosed by the treating physician to any other person or entity absent a court order."

Correct the title.

Signed by Representatives D. Sommers, Republican Co-Chair; Tokuda, Democratic Co-Chair; Boldt, Republican Vice Chair; Kagi, Democratic Vice Chair; Campbell; Dickerson; Eickmeyer; Kastama and Pflug.

MINORITY recommendation: Do not pass. Signed by Representative Carrell.

Voting yea: Representatives D. Sommers, Tokuda, Boldt, Kagi, Campbell, Dickerson, Eickmeyer, Kastama and Pflug.

Voting nay: Representative(s) Carrell.

Passed to Rules Committee for Second Reading.

April 2, 1999



ESSB 5290 Prime Sponsor, Senate Committee on Senate Environmental Quality & Water Resources:  
Changing the freshwater aquatic weeds management program by clarifying funding and  
creating an advisory committee. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.21A.660 and 1996 c 190 s 1 are each amended to read as follows:

Funds in the freshwater aquatic weeds account may be appropriated to the department of  
ecology to develop a freshwater aquatic weeds management program ~~((t))~~. Funds shall be expended  
as follows:

(1) ~~((Issue))~~ No less than two-thirds of the appropriated funds shall be issued as grants to (a)  
cities, counties, tribes, special purpose districts, and state agencies to prevent, remove, reduce, or  
manage excessive freshwater aquatic weeds; (b) fund demonstration or pilot projects consistent with the  
purposes of this section; and (c) fund hydrilla eradication activities in waters of the state. Except for  
hydrilla eradication activities, such grants shall only be issued for lakes, rivers, or streams with a  
public boat launching ramp or which are designated by the department of fish and wildlife for fly-  
fishing. The department shall give preference to projects having matching funds or in-kind services;  
and

(2) No more than one-third of the appropriated funds shall be expended to:

(a) Develop public education programs relating to preventing the propagation and spread of  
freshwater aquatic weeds; and

~~((3))~~ (b) Provide technical assistance to local governments and citizen groups~~((;~~

~~(4) Fund demonstration or pilot projects consistent with the purposes of this section; and~~

~~(5) Fund hydrilla eradication activities in waters of the state)).~~

NEW SECTION. **Sec. 2.** A new section is added to chapter 43.21A RCW to read as follows:

(1) The department shall appoint an advisory committee to oversee the freshwater aquatic  
weeds management program.

(2) The advisory committee shall include representatives from the following groups:

(a) Recreational boaters interested in freshwater aquatic weed management;

(b) Residents adjacent to lakes, rivers, or streams with public boat launch facilities;

(c) Local governments;

(d) Scientific specialists;

(e) Pesticide registrants, as defined in RCW 15.58.030(34);

(f) Certified pesticide applicators, as defined in RCW 17.21.020(5), who specialize in the use  
of aquatic pesticides; and

(g) If chapter . . . , Laws of 1999 (Senate Bill No. 5315) is enacted by June 30, 1999, the  
aquatic nuisance species coordinating committee.

(3) The advisory committee shall review and provide recommendations to the department on  
freshwater aquatic weeds management program activities and budget and establish criteria for grants  
funded from the freshwater aquatic weeds account."

Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair;  
Cooper, Democratic Vice Chair; Koster, Republican Vice Chair; Anderson; B. Chandler;  
Delvin; Fortunato; Grant; Reardon; Schoesler; Stensen; Sump and Wood.

Voting yea: Representatives G. Chandler, Linville, Cooper, Koster, Anderson, B. Chandler,  
Delvin, Fortunato, Grant, Reardon, Schoesler, Stensen, Sump and Wood.

Referred to Committee on Appropriations.

April 1, 1999

ESSB 5300 Prime Sponsor, Senate Committee on Senate State & Local Government: Amending and adding provisions affecting cities and towns. Reported by Committee on Local Government

MAJORITY recommendation: Do pass as amended.

On page 13, after line 26, insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 35.21 RCW to read as follows:

(1) The legislature finds that companies who engage in business activities in multiple local jurisdictions are unduly burdened by double, triple, and sometimes even quadruple taxation of the same business income. The legislature further finds that this multiple taxation of the same business income by local jurisdictions is significantly impairing the ability of the state to solidify and enhance its competitive position to attract new businesses and retain existing businesses. The legislature further finds that this multiple taxation is the result of a lack of a method to fairly and equitably apportion business income to various local jurisdictions for the purpose of taxation. It is, therefore, the intent of the legislature to establish a consistent, fair, and equitable method of allocating and apportioning business income among various local jurisdictions for the purpose of taxation. This method is intended to produce an apportionment and allocation system that avoids multiple taxation of the same business income, provides taxpayers with certainty in the determination of their tax liability, and allows for fair division of gross income of businesses between and among local jurisdictions.

(2) The definitions in this subsection apply throughout this section unless the content clearly requires otherwise:

(a) "Gross receipts tax" means a tax which is imposed on or measured by the gross volume of business, in terms of gross receipts or in other terms, and in the determination of which the deductions allowed would not constitute an income tax or value added tax and which is also not, pursuant to law or custom, separately stated from the sales price.

(b) "Local jurisdiction" means any city, town, county, municipal district or corporation, political subdivision, Indian reservation, or federal area located in the state of Washington.

(3)(a) All state and federal constitutional provisions and laws pertaining to interstate commerce shall be duly applicable to intrastate commerce, including, but not limited to, apportioning or allocating gross income when a person is engaged in business both within and without a local jurisdiction, establishing nexus for purposes of exerting a local jurisdiction tax, and providing a multiple activities tax credit similar to that provided in RCW 82.04.440.

(b) Under no circumstances shall the total tax measure apportioned or allocated to the applicable local jurisdictions exceed the total tax measure computed for the purpose of state taxation.

(4) The following specific guidelines shall be applied by any local jurisdiction with respect to any locally imposed gross receipts tax:

(a) For the purposes of imposing a gross receipts tax on extracting, manufacturing, or processing for hire activities, the activities shall be subject to tax in the local jurisdiction where the activities occur. If the activities occur in more than one local jurisdiction, the activities shall be consistently, equitably, and reasonably apportioned between or among those local jurisdictions.

(b) For the purposes of imposing a gross receipts tax on retail or wholesale sales, all sales shall be subject to tax in the local jurisdiction where the sales take place. The following provisions are to be followed in determining where a sale takes place:

(i) A retail or wholesale sale consisting solely of the sale of tangible personal property shall be deemed to have occurred at the retail or wholesale outlet at or from which delivery is made to the purchaser. The term retail or wholesale outlet shall not include a sales office unless purchasers regularly visit the sales office to place orders. Dock sales or other sales of tangible personal property where the purchaser takes possession of the tangible personal property shall be deemed to have occurred where the purchaser takes possession of the tangible personal property regardless of where the purchaser may ultimately transport the tangible personal property. Where a common carrier, a private carrier, or a seller's own transport is used to deliver tangible personal property, other than from a retail or wholesale outlet, the sale of tangible personal property shall be deemed to have occurred at the

location where the common carrier delivers the tangible personal property to the purchaser regardless of who pays the carrier and notwithstanding any other terms of sale.

(ii) A retail or wholesale sale consisting essentially of the performance of professional business or professional services shall be deemed to have occurred at the place at which such services were primarily performed, except that for the performance of a tow truck service, as defined in RCW 46.55.010 the retail or wholesale sale shall be deemed to have occurred at the place of the business of the tow truck service.

(iii) A retail or wholesale sale consisting of the rental of tangible personal property shall be deemed to have occurred, in the case of rental involving periodic rental payments, in the primary place of use by the lessee during the period covered by each payment and, in all other cases, at the place of first use by the lessee.

(iv) A retail sale within the scope of RCW 82.04.050(2), and a retail sale of tangible personal property to be installed by the seller shall be deemed to have occurred at the place where the labor and services involved were primarily performed.

(c) For the purposes of imposing a gross receipts tax on any person rendering services as defined under RCW 82.04.290, the services shall be subject to tax in the local jurisdiction where the services were primarily performed. If the person rendering services performs substantial service activities in more than one local jurisdiction, the person shall apportion to each local jurisdiction that portion of the total gross income which is derived from services rendered in each local jurisdiction. Where apportionment cannot be accurately made by separate accounting methods, the person shall apportion to each local jurisdiction that proportion of the total gross income which is derived from services which the cost of performing the services within a local jurisdiction bears to the total cost of performing the services in all local jurisdictions.

(5) The following credits shall be allowed for persons performing multiple activities in multiple local jurisdictions:

(a) Every person engaged in manufacturing activities shall be allowed a credit against the measure of tax of any manufacturing gross receipts tax imposed by a local jurisdiction for any portion of the measure of tax which has been previously subjected to a local jurisdiction gross receipts tax on either extracting or manufacturing activities.

(b) Every person engaged in making retail or wholesale sales shall be allowed a credit against the measure of tax of any retailing or wholesaling gross receipts tax imposed by a local jurisdiction for any portion of the measure of tax which has been previously subjected to a local jurisdiction gross receipts tax on either extracting or previously performed manufacturing activities."

Correct the title.

Signed by Representatives Mulliken, Republican Co-Chair; Doumit, Democratic Vice Chair; Mielke, Republican Vice Chair; Ericksen; Fisher and Fortunato.

Voting yea: Representatives Mulliken, Doumit, Mielke, Ericksen, Fisher and Fortunato.  
Excused: Representative(s) Scott and Edwards.

Passed to Rules Committee for Second Reading.

April 1, 1999

SB 5301 Prime Sponsor, Senator Heavey: Modernizing traffic offense processing. Reported by  
Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Esser; Kastama; Lantz; Lovick; McDonald and Schindler.

Voting yea: Representatives Carrell, Constantine, Hurst, Lambert, Cox, Dickerson, Esser, Kastama, Lantz, Lovick, McDonald and Schindler.

Passed to Rules Committee for Second Reading.

April 2, 1999

SSB 5304 Prime Sponsor, Senate Committee on Senate Judiciary: Making violations of the liquor code misdemeanor offenses. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 66.28.230 and 1989 c 271 s 232 are each amended to read as follows:

~~(((1) Except as provided in subsection (2) of this section, the violation of any provisions of RCW 66.28.200 through 66.28.220 is punishable by a fine of not more than five hundred dollars.~~

~~(2))) Except as provided in RCW 66.44.270, a person who intentionally furnishes a keg or other container containing four or more gallons of malt liquor to a ((minor is liable, on conviction, for a first offense for a penalty of not more than five hundred dollars, or for imprisonment for not more than two months, or both; for a second offense for a penalty of not more than five hundred dollars or imprisonment for not more than six months, or both; and for a third or subsequent offense for a penalty of not more than five hundred dollars or imprisonment for more than one year, or both)) person under the age of twenty-one years is guilty of a gross misdemeanor punishable under RCW 9.92.020.~~

NEW SECTION. **Sec. 2.** A new section is added to chapter 66.28 RCW to read as follows:

The violation of any provisions of RCW 66.28.200 through 66.28.230 is a gross misdemeanor punishable under RCW 9.92.020.

**Sec. 3.** RCW 66.44.100 and 1981 1st ex.s. c 5 s 21 are each amended to read as follows:

Except as permitted by this title, no person shall open the package containing liquor or consume liquor in a public place. Every person who violates any provision of this section shall be guilty of a ~~((misdemeanor, and on conviction therefor shall be fined not more than one hundred dollars))~~ class 3 civil infraction under chapter 7.80 RCW.

NEW SECTION. **Sec. 4.** RCW 66.44.320 (Sales of liquor to minors a violation) and 1973 1st ex.s. c 209 s 19, 1933 c 2 s 1, & 1929 c 200 s 1 are each repealed.

NEW SECTION. **Sec. 5.** This act applies to crimes committed on or after the effective date of this act."

Correct the title.

Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Hurst; Lisk; McIntire and McMorris.

Voting yea: Representatives Clements, Conway, B. Chandler, Wood, Hurst, Lisk, McIntire and McMorris.

Passed to Rules Committee for Second Reading.

April 2, 1999

SB 5307 Prime Sponsor, Senator Jacobsen: Concerning reclamation of underground mine tailings.  
Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 78.44.031 and 1997 c 142 s 1 are each amended to read as follows:

Unless the context clearly indicates otherwise, the definitions in this section apply throughout this chapter.

(1) "Approved subsequent use" means the post surface-mining land use contained in an approved reclamation plan and approved by the local land use authority.

(2) "Completion of surface mining" means the cessation of mining and directly related activities in any segment of a surface mine that occurs when essentially all minerals that can be taken under the terms of the reclamation permit have been depleted except minerals required to accomplish reclamation according to the approved reclamation plan.

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

(4) "Determination" means any action by the department including permit issuance, reporting, reclamation plan approval or modification, permit transfers, orders, fines, or refusal to issue permits.

(5) "Disturbed area" means any place where activities clearly in preparation for, or during, surface mining have physically disrupted, covered, compacted, moved, or otherwise altered the characteristics of soil, bedrock, vegetation, or topography that existed prior to such activity. Disturbed areas may include but are not limited to: Working faces, water bodies created by mine-related excavation, pit floors, the land beneath processing plant and stock pile sites, spoil pile sites, and equipment staging areas. Disturbed areas shall also include aboveground waste rock sites and tailing facilities, and other surface manifestations of underground mines.

Disturbed areas do not include:

(a) Surface mine access roads unless these have characteristics of topography, drainage, slope stability, or ownership that, in the opinion of the department, make reclamation necessary; ~~(and)~~

(b) Lands that have been reclaimed to all standards outlined in this chapter, rules of the department, any applicable SEPA document, and the approved reclamation plan; and

(c) Subsurface aspects of underground mines, such as portals, tunnels, shafts, pillars, and stopes.

(6) "Miner" means any person or persons, any partnership, limited partnership, or corporation, or any association of persons, including every public or governmental agency engaged in surface mining (~~from the surface~~).

(7) "Minerals" means clay, coal, gravel, industrial minerals, metallic substances, peat, sand, stone, topsoil, and any other similar solid material or substance to be excavated from natural deposits on or in the earth for commercial, industrial, or construction use.

(8) "Operations" means all mine-related activities, exclusive of reclamation, that include, but are not limited to activities that affect noise generation, air quality, surface and ground water quality, quantity, and flow, glare, pollution, traffic safety, ground vibrations, and/or significant or substantial impacts commonly regulated under provisions of land use or other permits of local government and local ordinances, or other state laws.

Operations specifically include:

(a) The mining or extraction of rock, stone, gravel, sand, earth, and other minerals;

(b) Blasting, equipment maintenance, sorting, crushing, and loading;

(c) On-site mineral processing including asphalt or concrete batching, concrete recycling, and other aggregate recycling;

(d) Transporting minerals to and from the mine, on site road maintenance, road maintenance for roads used extensively for surface mining activities, traffic safety, and traffic control.

(9) "Overburden" means the earth, rock, soil, and topsoil that lie above mineral deposits.

(10) "Permit holder" means any person or persons, any partnership, limited partnership, or corporation, or any association of persons, either natural or artificial, including every public or

governmental agency engaged in surface mining and/or the operation of surface mines, whether individually, jointly, or through subsidiaries, agents, employees, operators, or contractors who holds a state reclamation permit.

(11) "Reclamation" means rehabilitation for the appropriate future use of disturbed areas resulting from surface mining including areas under associated mineral processing equipment (~~and~~), areas under stockpiled materials, and aboveground waste rock and tailing facilities, and all other surface disturbances associated with underground mines. Although both the need for and the practicability of reclamation will control the type and degree of reclamation in any specific surface mine, the basic objective shall be to reestablish on a perpetual basis the vegetative cover, soil stability, and water conditions appropriate to the approved subsequent use of the surface mine and to prevent or mitigate future environmental degradation.

(12) "Reclamation setbacks" include those lands along the margins of surface mines wherein minerals and overburden shall be preserved in sufficient volumes to accomplish reclamation according to the approved plan and the minimum reclamation standards. Maintenance of reclamation setbacks may not preclude other mine-related activities within the reclamation setback.

(13) "Recycling" means the reuse of minerals or rock products.

(14) "Screening" consists of vegetation, berms or other topography, fencing, and/or other screens that may be required to mitigate impacts of surface mining on adjacent properties and/or the environment.

(15) "Segment" means any portion of the surface mine that, in the opinion of the department:

(a) Has characteristics of topography, drainage, slope stability, ownership, mining development, or mineral distribution, that make reclamation necessary;

(b) Is not in use as part of surface mining and/or related activities; and

(c) Is larger than seven acres and has more than five hundred linear feet of working face except as provided in a segmental reclamation agreement approved by the department.

(16) "SEPA" means the state environmental policy act, chapter 43.21C RCW and rules adopted thereunder.

(17)(a) "Surface mine" means any area or areas in close proximity to each other, as determined by the department, where extraction of minerals (~~from the surface~~) results in:

(i) More than three acres of disturbed area;

(ii) Surface mined slopes greater than thirty feet high and steeper than 1.0 foot horizontal to 1.0 foot vertical; or

(iii) More than one acre of disturbed area within an eight acre area, when the disturbed area results from mineral prospecting or exploration activities.

(b) Surface mines include areas where mineral extraction from the surface or subsurface occurs by the auger method or by reworking mine refuse or tailings, when (~~these activities~~) the disturbed area exceeds the size or height thresholds listed in (a) of this subsection.

(c) Surface mining occurs when operations have created or are intended to create a surface mine as defined by this subsection.

(d) Surface mining shall exclude excavations or grading used:

(i) Primarily for on-site construction, on-site road maintenance, or on-site landfill construction;

(ii) For the purpose of public safety or restoring the land following a natural disaster;

(iii) For the purpose of removing stockpiles;

(iv) For forest or farm road construction or maintenance on site or on contiguous lands;

(v) Primarily for public works projects if the mines are owned or primarily operated by counties with 1993 populations of less than twenty thousand persons, and if each mine has less than seven acres of disturbed area; and

(vi) For sand authorized by RCW 43.51.685(~~and~~

~~(vii) For underground mines~~).

(18) "Topsoil" means the naturally occurring upper part of a soil profile, including the soil horizon that is rich in humus and capable of supporting vegetation together with other sediments within four vertical feet of the ground surface.

NEW SECTION. **Sec. 2.** A new section is added to chapter 78.44 RCW to read as follows:

Surface disturbances caused by an underground metals mining and milling operation are subject to the requirements of this chapter if the operation is proposed after June 30, 1999. An operation is proposed when an agency is presented with an application for an operation or expansion of an existing operation having a probable significant adverse environmental impact under chapter 43.21C RCW. The department of ecology shall retain authority for reclamation of surface disturbances caused by an underground operation operating at any time prior to June 30, 1999, unless the operator requests that authority for reclamation of surface disturbances caused by such operation be transferred to the department under the requirements of this chapter.

NEW SECTION. **Sec. 3.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

Signed by Representatives Buck, Republican Co-Chair; Regala, Democratic Co-Chair; Anderson, Democratic Vice Chair; Sump, Republican Vice Chair; G. Chandler; Clements; Doumit; Eickmeyer; Ericksen; Pennington; Rockefeller and Stensen.

Voting yea: Representatives Buck, Regala, Anderson, Sump, G. Chandler, Clements, Doumit, Eickmeyer, Ericksen, Pennington, Rockefeller and Stensen.

Passed to Rules Committee for Second Reading.

April 2, 1999

SSB 5312 Prime Sponsor, Senate Committee on Health & Long-Term Care: Providing for the prevention of workplace violence in health care settings. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that:

(1) Violence is an escalating problem in many health care settings in this state and across the nation;

(2) Based on an analysis of workers' compensation claims, the department of labor and industries reports that health care employees face the highest rate of workplace violence in Washington state;

(3) The actual incidence of workplace violence in health care settings is likely to be greater than documented because of failure to report or failure to maintain records of incidents that are reported;

(4) Patients, visitors, and health care employees should be assured a reasonably safe and secure environment in health care settings; and

(5) Many health care settings have undertaken efforts to assure that patients, visitors, and employees are safe from violence, but additional personnel training and appropriate safeguards may be needed to prevent workplace violence and minimize the risk and dangers affecting people in health care settings.

NEW SECTION. **Sec. 2.** For purposes of this chapter:

(1) "Health care setting" means:

(a) Hospitals as defined in RCW 70.41.020;

(b) Home health, hospice, and home care agencies under chapter 70.127 RCW, subject to section 8 of this act;

(c) Evaluation and treatment facilities as defined in RCW 71.05.020(8); and

(d) Community mental health programs as defined in RCW 71.24.025(8).

(2) "Department" means the department of labor and industries.

(3) "Employee" means an employee as defined in RCW 49.17.020.

(4) "Violence" or "violent act" means any physical assault or verbal threat of physical assault against an employee of a health care setting.

**NEW SECTION. Sec. 3.** (1) By July 1, 2000, each health care setting shall develop and implement a plan to reasonably prevent and protect employees from violence at the setting. The plan shall address security considerations related to the following items, as appropriate to the particular setting, based upon the hazards identified in the assessment required under subsection (2) of this section:

(a) The physical attributes of the health care setting;

(b) Staffing, including security staffing;

(c) Personnel policies;

(d) First aid and emergency procedures;

(e) The reporting of violent acts; and

(f) Employee education and training.

(2) Before the development of the plan required under subsection (1) of this section, each health care setting shall conduct a security and safety assessment to identify existing or potential hazards for violence and determine the appropriate preventive action to be taken. The assessment shall include, but is not limited to, a measure of the frequency of, and an identification of the causes for and consequences of, violent acts at the setting during at least the preceding five years or for the years records are available for assessments involving home health, hospice, and home care agencies.

(3) In developing the plan required by subsection (1) of this section, the health care setting may consider any guidelines on violence in the workplace or in health care settings issued by the department of health, the department of social and health services, the department of labor and industries, the federal occupational safety and health administration, medicare, and health care setting accrediting organizations.

**NEW SECTION. Sec. 4.** By July 1, 2001, and on a regular basis thereafter, as set forth in the plan developed under section 3 of this act, each health care setting shall provide violence prevention training to all its affected employees as determined by the plan. The training shall occur within ninety days of the employee's initial hiring date unless he or she is a temporary or sporadic employee. The training may vary by the plan and may include, but is not limited to, classes, videotapes, brochures, verbal training, or other verbal or written training that is determined to be appropriate under the plan. The training shall address the following topics, as appropriate to the particular setting and to the duties and responsibilities of the particular employee being trained, based upon the hazards identified in the assessment required under section 3 of this act:

(1) General safety procedures;

(2) Personal safety procedures;

(3) The violence escalation cycle;

(4) Violence-predicting factors;

(5) Obtaining patient history from a patient with violent behavior;

(6) Verbal and physical techniques to de-escalate and minimize violent behavior;

(7) Strategies to avoid physical harm;

(8) Restraining techniques;

(9) Appropriate use of medications as chemical restraints;

(10) Documenting and reporting incidents;

(11) The process whereby employees affected by a violent act may debrief;

(12) Any resources available to employees for coping with violence; and

(13) The health care setting's workplace violence prevention plan.



**NEW SECTION. Sec. 5.** Beginning no later than July 1, 2000, each health care setting shall keep a record of any violent act against an employee, a patient, or a visitor occurring at the setting. At a minimum, the record shall include:

- (1) The health care setting's name and address;
  - (2) The date, time, and specific location at the health care setting where the act occurred;
  - (3) The name, job title, department or ward assignment, and staff identification or social security number of the victim if an employee;
  - (4) A description of the person against whom the act was committed as:
    - (a) A patient;
    - (b) A visitor;
    - (c) An employee; or
    - (d) Other;
  - (5) A description of the person committing the act as:
    - (a) A patient;
    - (b) A visitor;
    - (c) An employee; or
    - (d) Other;
  - (6) A description of the type of violent act as a:
    - (a) Threat of assault with no physical contact;
    - (b) Physical assault with contact but no physical injury;
    - (c) Physical assault with mild soreness, surface abrasions, scratches, or small bruises;
    - (d) Physical assault with major soreness, cuts, or large bruises;
    - (e) Physical assault with severe lacerations, a bone fracture, or a head injury; or
    - (f) Physical assault with loss of limb or death;
  - (7) An identification of any body part injured;
  - (8) A description of any weapon used;
  - (9) The number of employees in the vicinity of the act when it occurred; and
  - (10) A description of actions taken by employees and the health care setting in response to the act.
- Each record shall be kept for at least five years following the act reported, during which time it shall be available for inspection by the department upon request.

**NEW SECTION. Sec. 6.** Failure of a health care setting to comply with this chapter shall subject the setting to citation under chapter 49.17 RCW.

**NEW SECTION. Sec. 7.** A health care setting needing assistance to comply with this chapter may contact the federal department of labor or the state department of labor and industries for assistance. The state departments of labor and industries, social and health services, and health shall collaborate with representatives of health care settings to develop technical assistance and training seminars on plan development and implementation, and shall coordinate their assistance to health care settings.

**NEW SECTION. Sec. 8.** It is the intent of the legislature that any violence protection and prevention plan developed under this chapter be appropriate to the setting in which it is to be implemented. To that end, the legislature recognizes that not all professional health care is provided in a facility or other formal setting, such as a hospital. Many services are provided by home health, hospice, and home care agencies. The legislature finds that it is inappropriate and impractical for these agencies to address workplace violence in the same manner as other, facility-based, health care settings. When enforcing this chapter as to home health, hospice, and home care agencies, the department shall allow agencies sufficient flexibility in recognition of the unique circumstances in which these agencies deliver services.

**NEW SECTION. Sec. 9.** Sections 2 through 8 of this act constitute a new chapter in Title 49 RCW."

Correct the title.

Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; Wood, Democratic Vice Chair; Hurst; Lisk; McIntire and McMorris.

MINORITY recommendation: Do not pass. Signed by Representative B. Chandler, Republican Vice Chair.

Voting yea: Representatives Clements, Conway, Wood, Hurst, Lisk, McIntire and McMorris.  
Voting nay: Representative(s) B. Chandler.

Passed to Rules Committee for Second Reading.

April 1, 1999

SSB 5313 Prime Sponsor, Senator Senate Committee on Health & Long-Term Care: Limiting the scope of mental health record audits. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Democratic Co-Chair; Parlette, Republican Co-Chair; Pflug, Republican Vice Chair; Alexander; Campbell; Conway and Edmonds.

Voting yea: Representatives Cody, Parlette, Pflug, Alexander, Campbell, Conway and Edmonds.

Excused: Representative(s) Schual-Berke, Boldt, Edwards, Mulliken and Ruderman.

Passed to Rules Committee for Second Reading.

March 31, 1999

ESB 5330 Prime Sponsor, Senator Brown: Treating active military personnel as residents for purposes of higher education tuition. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28B.15.012 and 1997 c 433 s 2 are each amended to read as follows:

Whenever used in chapter 28B.15 RCW:

(1) The term "institution" shall mean a public university, college, or community college within the state of Washington.

(2) The term "resident student" shall mean:

(a) A financially independent student who has had a domicile in the state of Washington for the period of one year immediately prior to the time of commencement of the first day of the semester or quarter for which the student has registered at any institution and has in fact established a bona fide domicile in this state primarily for purposes other than educational;

(b) A dependent student, if one or both of the student's parents or legal guardians have maintained a bona fide domicile in the state of Washington for at least one year immediately prior to commencement of the semester or quarter for which the student has registered at any institution;

(c) A student classified as a resident based upon domicile by an institution on or before May 31, 1982, who was enrolled at a state institution during any term of the 1982-1983 academic year, so long as such student's enrollment (excepting summer sessions) at an institution in this state is continuous;

(d) Any student who has spent at least seventy-five percent of both his or her junior and senior years in high schools in this state, whose parents or legal guardians have been domiciled in the state for a period of at least one year within the five-year period before the student graduates from high school, and who enrolls in a public institution of higher education within six months of leaving high school, for as long as the student remains continuously enrolled for three quarters or two semesters in any calendar year;

(e) A student who is on active military duty stationed in the state;

(f) A student who is the spouse or a dependent of a person who is on active military duty stationed in the state;

~~((g))~~ (g) A student of an out-of-state institution of higher education who is attending a Washington state institution of higher education pursuant to a home tuition agreement as described in RCW 28B.15.725; or

~~((h))~~ (h) A student who meets the requirements of RCW 28B.15.0131: PROVIDED, That a nonresident student enrolled for more than six hours per semester or quarter shall be considered as attending for primarily educational purposes, and for tuition and fee paying purposes only such period of enrollment shall not be counted toward the establishment of a bona fide domicile of one year in this state unless such student proves that the student has in fact established a bona fide domicile in this state primarily for purposes other than educational.

(3) The term "nonresident student" shall mean any student who does not qualify as a "resident student" under the provisions of RCW 28B.15.012 and 28B.15.013. Except for students qualifying under subsection (2)~~((g))~~ (g) of this section, a nonresident student shall include:

(a) A student attending an institution with the aid of financial assistance provided by another state or governmental unit or agency thereof, such nonresidency continuing for one year after the completion of such semester or quarter.

(b) A person who is not a citizen of the United States of America who does not have permanent or temporary resident status or does not hold "Refugee-Parolee" or "Conditional Entrant" status with the United States immigration and naturalization service or is not otherwise permanently residing in the United States under color of law and who does not also meet and comply with all the applicable requirements in RCW 28B.15.012 and 28B.15.013.

(4) The term "domicile" shall denote a person's true, fixed and permanent home and place of habitation. It is the place where the student intends to remain, and to which the student expects to return when the student leaves without intending to establish a new domicile elsewhere. The burden of proof that a student, parent or guardian has established a domicile in the state of Washington primarily for purposes other than educational lies with the student.

(5) The term "dependent" shall mean a person who is not financially independent. Factors to be considered in determining whether a person is financially independent shall be set forth in rules and regulations adopted by the higher education coordinating board and shall include, but not be limited to, the state and federal income tax returns of the person and/or the student's parents or legal guardian filed for the calendar year prior to the year in which application is made and such other evidence as the board may require.

**Sec. 2.** RCW 28B.15.014 and 1997 c 433 s 3 are each amended to read as follows:

Subject to the limitations of RCW 28B.15.910, the governing boards of the state universities, the regional universities, The Evergreen State College, and the community colleges may exempt the following nonresidents from paying all or a portion of the nonresident tuition fees differential:

(1) Any person who resides in the state of Washington and who holds a graduate service appointment designated as such by a public institution of higher education or is employed for an academic department in support of the instructional or research programs involving not less than twenty hours per week during the term such person shall hold such appointment.

(2) Any faculty member, classified staff member or administratively exempt employee holding not less than a half time appointment at an institution who resides in the state of Washington, and the dependent children and spouse of such persons.

(3) ~~((Active-duty military personnel stationed in the state of Washington.~~

~~(4))~~) Any immigrant refugee and the spouse and dependent children of such refugee, if the refugee (a) is on parole status, or (b) has received an immigrant visa, or (c) has applied for United States citizenship.

~~((5))~~) (4) Any dependent of a member of the United States congress representing the state of Washington."

Correct the title.

Signed by Representatives Carlson, Republican Co-Chair; Kenney, Democratic Co-Chair; Lantz, Democratic Vice Chair; Radcliff, Republican Vice Chair; Dunn; Edmonds; Esser and Gombosky.

Voting yea: Representatives Carlson, Kenney, Lantz, Radcliff, Dunn, Edmonds, Esser and Gombosky.

Referred to Committee on Appropriations.

March 31, 1999

2SSB 5331 Prime Sponsor, Senate Committee on Ways & Means: Establishing public utility tax credits for weatherization and energy assistance programs. Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: Do pass. Signed by Representatives Crouse, Republican Co-Chair; Poulsen, Democratic Co-Chair; Ruderman, Democratic Vice Chair; Bush; Cooper; Delvin; Kastama; McDonald; Morris; Reardon and Wolfe.

MINORITY recommendation: Do not pass. Signed by Representatives DeBolt, Republican Vice Chair; Mielke and Thomas.

Voting yea: Representatives Crouse, Poulsen, Ruderman, Bush, Cooper, Delvin, Kastama, McDonald, Morris, Reardon and Wolfe.

Voting nay: Representative(s) DeBolt, Mielke and Thomas.

Referred to Committee on Finance.

March 31, 1999

SB 5343 Prime Sponsor, Senator Jacobsen: Requiring that school information be included in the passport provided to foster parents. Reported by Committee on Children & Family Services

MAJORITY recommendation: Do pass as amended.

On page 1, line 4, strike section 1 and insert the following:

**"NEW SECTION Sec.1.** A new section is added to chapter 28A.150 RCW to read as follows:

If information is requested under RCW 74.13.285, the school shall provide to the department of social and health services as soon as possible, the student's academic records, including the student's official transcript, placement history, information pertaining to disciplinary actions, and other records or information that may be pertinent to the student's future academic placements."

Signed by Representatives D. Sommers, Republican Co-Chair; Tokuda, Democratic Co-Chair; Boldt, Republican Vice Chair; Kagi, Democratic Vice Chair; Campbell; Carrell; Dickerson; Eickmeyer; Kastama and Pflug.

Voting yea: Representatives D. Sommers, Tokuda, Boldt, Kagi, Campbell, Carrell, Dickerson, Eickmeyer, Kastama and Pflug.

Passed to Rules Committee for Second Reading.

April 1, 1999

E2SSB 5345 Prime Sponsor, Senate Committee on Ways & Means: Creating the school district credit enhancement program. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that implementation of the credit enhancement program provided for in this chapter can provide substantial savings to the taxpayers of the state of Washington with minimal cost or risk to the state government. The guaranty provided by pledging the credit of the state to the payment of voter-approved school district general obligation bonds will encourage lower interest rates, and therefore lower taxes, for such bonds than school districts alone can command, despite the excellent credit history of such obligations. Any such guarantee does not remove the debt obligation of the school district and is not state debt.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Bond" means any voted general obligation bond issued by a school district, holding a certificate issued pursuant to this chapter for such a bond.

(2) "Credit enhancement program" means the school district bond guaranty established by this chapter.

(3) "General obligation bond" means any bond, note, warrant, certificate of indebtedness, or other obligation of a district that constitutes an indebtedness within the meaning of any applicable constitutional or statutory debt limitations.

(4) "Paying agent" means the paying agent selected, from time to time, for a bond issue pursuant to state law.

(5) "Refunding bond" means any general obligation bond issued by a district for the purpose of refunding its outstanding general obligation bonds.

(6) "School district" or "district" means any school district existing now or later under the laws of the state.

NEW SECTION. Sec. 3. (1)(a) The full faith, credit, and taxing power of the state is pledged to guarantee full and timely payment of the principal of and interest on bonds as such payments become due. However, in the event of any acceleration of the due date of the principal by reason of mandatory redemption or acceleration resulting from default, the payments guaranteed shall be made in the amounts and at the times as payments of principal would have been due had there not been any acceleration.

(b) This guaranty does not extend to the payment of any redemption premium.

(c) Reference to this chapter by its title on the face of any bond conclusively establishes the guaranty provided to that bond under the provisions of this chapter.

(2)(a) The state pledges to and agrees with the owners of any bonds that the state will not alter, impair, or limit the rights vested by the credit enhancement program with respect to the bonds until the bonds, together with applicable interest, are fully paid and discharged. However, this chapter does not preclude an alteration, impairment, or limitation if full provision is made by law for the payment of the bonds.

(b) Each district may refer to this pledge and undertaking by the state in its bonds.

(3) Only validly issued bonds issued after the effective date of this section may be guaranteed under this chapter.

**NEW SECTION. Sec. 4.** (1)(a) Any district, by resolution of its board of directors, may request that the state treasurer issue a certificate evidencing the state's guaranty, under this chapter, of its bonds.

(b) After reviewing the request, if the state treasurer determines that the district is eligible under rules adopted by the state finance committee, the state treasurer shall promptly issue the certificate as to specific bonds of the district and provide it to the requesting district.

(c)(i) The district receiving the certificate and all other persons may rely on the certificate as evidencing the guaranty for bonds issued within one year from and after the date of the certificate, without making further inquiry during that year.

(ii) The certificate of eligibility is valid for one year even if the state treasurer later determines that the school district is ineligible.

(2) Any district that chooses to forego the benefits of the guaranty provided by this chapter for a particular issue of bonds may do so by not referring to this chapter on the face of its bonds.

(3) Any district that has bonds, the principal of or interest on which has been paid, in whole or in part, by the state under this chapter, may not issue any additional bonds guaranteed by this chapter until:

(a) All payment obligations of the district to the state under the credit enhancement program are satisfied; and

(b) The state treasurer and the state superintendent of public instruction each certify in writing, to be kept on file by the state treasurer and the state superintendent of public instruction, that the district is fiscally solvent.

(4) The state finance committee may establish by rule fees sufficient to cover the costs of administering this chapter.

**NEW SECTION. Sec. 5.** (1)(a) The county treasurer for each district with outstanding, unpaid bonds shall transfer money sufficient for each scheduled debt service payment to its paying agent on or before any principal or interest payment date for the bonds.

(b) A county treasurer who is unable to transfer a scheduled debt service payment to the paying agent on the transfer date shall immediately notify the paying agent and the state treasurer by:

(i) Telephone;

(ii) A writing sent by facsimile or electronic transmission; and

(iii) A writing sent by first class United States mail.

(2) If sufficient funds are not transferred to the paying agent as required by subsection (1) of this section, the paying agent shall immediately notify the state treasurer of that failure by:

(a) Telephone;

(b) A writing sent by facsimile or electronic transmission; and

(c) A writing sent by first class United States mail.

(3)(a) If sufficient money to pay the scheduled debt service payment have not been so transferred to the paying agent, the state treasurer shall, forthwith, transfer sufficient money to the paying agent to make the scheduled debt service payment.

(b) The payment by the state treasurer:

(i) Discharges the obligation of the issuing district to its bond owners for the payment, but does not retire any bond that has matured. The terms of that bond remain in effect until the state is repaid; and

(ii) Transfers the rights represented by the general obligation of the district from the bond owners to the state.

(c) The district shall repay to the state the money so transferred as provided in this chapter.

**NEW SECTION. Sec. 6.** (1) Any district that has issued bonds for which the state has made all or part of a debt service payment shall:

(a) Reimburse all money drawn by the state treasurer on its behalf;

(b) Pay interest to the state on all money paid by the state from the date that money was drawn to the date the state is repaid at a rate to be prescribed by rule by the state finance committee; and

(c) Pay all penalties required by this chapter.

(2)(a) The state treasurer shall establish the reimbursement interest rate after considering the circumstances of any prior draws by the district on the state, market interest and penalty rates, and the cost of funds or opportunity cost of investments, if any, that were required to be borrowed or liquidated by the state to make payment on the bonds.

(b) The state treasurer may, after considering the circumstances giving rise to the failure of the district to make payment on its bonds in a timely manner, impose on the district a penalty of not more than five percent of the amount paid by the state pursuant to its guaranty for each instance in which a payment by the state is made.

(3)(a)(i) If the state treasurer determines that amounts obtained under this chapter will not reimburse the state in full within one year from the state's payment of a district's scheduled debt service payment, the state treasurer may pursue any legal action, including mandamus, against the district to compel it to meet its repayment obligations to the state.

(ii) In pursuing its rights under (a)(i) of this subsection, the state shall have the same substantive and procedural rights as would a holder of the bonds of a district. If and to the extent that the state has made payments to the holders of bonds of a district under section 5 of this act and has not been reimbursed by the district, the state shall be subrogated to the rights of those bond holders.

(iii) The state treasurer may also direct the district and the appropriate county officials to restructure and revise the collection of taxes for the payment of bonds on which the state treasurer has made payments under this chapter and, to the extent permitted by law, may require that the proceeds of such taxes be applied to the district's obligations to the state if all outstanding obligations of the school district payable from such taxes are fully paid or their payment is fully provided for.

(b) The district shall pay the fees, expenses, and costs incurred by the state in recovering amounts paid under the guaranty authorized by this chapter.

**NEW SECTION. Sec. 7.** In order to effect the provisions of Article VIII, section 1(e) of the state Constitution, Senate Joint Resolution No. 8206, the legislature shall make provision for such amounts as may be required to make timely payments under the state school district credit enhancement program under this chapter in each and every biennial appropriations act.

**NEW SECTION. Sec. 8.** The state finance committee may adopt, under chapter 34.05 RCW, all rules necessary and appropriate for the implementation and administration of this chapter.

**Sec. 9.** RCW 39.42.060 and 1997 c 220 s 220 (Referendum Bill No. 48) are each amended to read as follows:

No bonds, notes, or other evidences of indebtedness for borrowed money shall be issued by the state which will cause the aggregate debt contracted by the state to exceed that amount for which payments of principal and interest in any fiscal year would require the state to expend more than seven percent of the arithmetic mean of its general state revenues, as defined in section 1(c) of Article VIII of the Washington state Constitution for the three immediately preceding fiscal years as certified by the treasurer in accordance with RCW 39.42.070. It shall be the duty of the state finance committee to compute annually the amount required to pay principal of and interest on outstanding debt. In making such computation, the state finance committee shall include all borrowed money represented by bonds, notes, or other evidences of indebtedness which are secured by the full faith and credit of the state or are required to be paid, directly or indirectly, from general state revenues and which are incurred by the state, any department, authority, public corporation or quasi public corporation of the state, any state university or college, or any other public agency created by the state but not by counties, cities, towns, school districts, or other municipal corporations, and shall include debt incurred pursuant to section 3 of Article VIII of the Washington state Constitution, but shall exclude the following:

- (1) Obligations for the payment of current expenses of state government;
- (2) Indebtedness incurred pursuant to RCW 39.42.080 or 39.42.090;
- (3) Principal of and interest on bond anticipation notes;

- (4) Any indebtedness which has been refunded;
- (5) Financing contracts entered into under chapter 39.94 RCW;
- (6) Indebtedness authorized or incurred before July 1, 1993, pursuant to statute which requires that the state treasury be reimbursed, in the amount of the principal of and the interest on such indebtedness, from money other than general state revenues or from the special excise tax imposed pursuant to chapter 67.40 RCW;
- (7) Indebtedness authorized and incurred after July 1, 1993, pursuant to statute that requires that the state treasury be reimbursed, in the amount of the principal of and the interest on such indebtedness, from (a) moneys outside the state treasury, except higher education operating fees, (b) higher education building fees, (c) indirect costs recovered from federal grants and contracts, and (d) fees and charges associated with hospitals operated or managed by institutions of higher education;
- (8) Any agreement, promissory note, or other instrument entered into by the state finance committee under RCW 39.42.030 in connection with its acquisition of bond insurance, letters of credit, or other credit support instruments for the purpose of guaranteeing the payment or enhancing the marketability, or both, of any state bonds, notes, or other evidence of indebtedness; ~~((and))~~
- (9) Indebtedness incurred for the purposes identified in RCW 43.99N.020; and
- (10) Indebtedness incurred for the purposes of the school district bond guaranty established by chapter 39.-- RCW (sections 1 through 8 of this act).

To the extent necessary because of the constitutional or statutory debt limitation, priorities with respect to the issuance or guaranteeing of bonds, notes, or other evidences of indebtedness by the state shall be determined by the state finance committee.

NEW SECTION. Sec. 10. This act takes effect January 1, 2000, if the proposed amendment to Article VIII, section 1 of the state Constitution, guaranteeing the general obligation debt of school districts, is validly submitted to and is approved and ratified by the voters at the next general election. If the proposed amendment is not approved and ratified, this act is void in its entirety.

NEW SECTION. Sec. 11. Sections 1 through 8 of this act constitute a new chapter in Title 39 RCW."

Correct the title.

Signed by Representatives Mitchell, Republican Co-Chair; Murray, Democratic Co-Chair; Edmonds, Democratic Vice Chair; Esser, Republican Vice Chair; Anderson; Barlean; Constantine; Dunshee; Hankins; Koster; Lantz; Mastin; Miloscia; O'Brien; Ogden and Schoesler.

Voting yea: Representatives Mitchell, Murray, Edmonds, Esser, Anderson, Barlean, Constantine, Hankins, Lantz, Mastin, Miloscia, O'Brien, Ogden and Schoesler.

Excused: Representative(s) Alexander, Bush, Dunshee and Koster.

Passed to Rules Committee for Second Reading.

April 1, 1999

SB 5347 Prime Sponsor, Senator Rasmussen: Extending the period of time to expend funds from the fruit and vegetable district fund. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass. Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Koster, Republican Vice Chair; Anderson; B. Chandler; Delvin; Grant; Reardon; Schoesler; Stensen; Sump and Wood.



Voting yea: Representatives G. Chandler, Linville, Cooper, Koster, Anderson, B. Chandler, Delvin, Fortunato, Grant, Reardon, Schoesler, Stensen, Sump and Wood.

Passed to Rules Committee for Second Reading.

March 30, 1999

SB 5358 Prime Sponsor, Senator Benton: Eliminating motorcycle handlebar height restrictions.  
Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended.

On page 1, beginning on line 4, strike all of section 1 and insert the following:

"**Sec. 1.** RCW 46.61.611 and 1967 c 232 s 6 are each amended to read as follows:

No person shall operate on a public highway a motorcycle in which the handlebars or grips are more than ((fifteen)) thirty inches higher than the seat or saddle for the operator."

Correct the title.

Signed by Representatives Fisher, Democratic Co-Chair; K. Schmidt, Republican Co-Chair; Cooper, Democratic 1st Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; Buck; G. Chandler; DeBolt; Fortunato; Haigh; Hatfield; Hurst; Lovick; McDonald; Mielke; Mitchell; Morris; Murray; Ogden; Pflug; Radcliff; Romero; Schindler; Schual-Berke; Scott; Skinner and Wood.

Voting yea: Representatives Fisher, K. Schmidt, Cooper, Ericksen, Hankins, Buck, G. Chandler, DeBolt, Fortunato, Haigh, Hatfield, Hurst, Lovick, McDonald, Mielke, Mitchell, Morris, Murray, Ogden, Pflug, Radcliff, Romero, Schindler, Schual-Berke, Scott, Skinner and Wood.  
Excused: Representative(s) Edwards.

Passed to Rules Committee for Second Reading.

April 1, 1999

ESB 5371 Prime Sponsor, Senator Jacobsen: Developing intercity passenger rail service. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Democratic Co-Chair; K. Schmidt, Republican Co-Chair; Cooper, Democratic 1st Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; Buck; G. Chandler; DeBolt; Fortunato; Hatfield; Hurst; Lovick; McDonald; Mitchell; Morris; Murray; Ogden; Pflug; Romero; Schindler; Schual-Berke and Skinner.

Voting yea: Representatives Fisher, K. Schmidt, Cooper, Ericksen, Hankins, Buck, G. Chandler, DeBolt, Fortunato, Haigh, Hatfield, Hurst, Lovick, McDonald, Mitchell, Morris, Murray, Ogden, Pflug, Radcliff, Romero, Schindler, Schual-Berke, Skinner and Wood.  
Excused: Representative(s) Edwards, Mielke and Scott.

Passed to Rules Committee for Second Reading.

April 1, 1999

SB 5382 Prime Sponsor, Senator T. Sheldon: Strengthening the Scenic Vistas Act. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Democratic Co-Chair; K. Schmidt, Republican Co-Chair; Cooper, Democratic 1st Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; G. Chandler; Haigh; Hatfield; Hurst; Lovick; Mitchell; Morris; Murray; Ogden; Pflug; Radcliff; Romero; Schual-Berke; Skinner and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Buck; DeBolt; Fortunato; McDonald and Schindler.

Voting yea: Representatives Fisher, K. Schmidt, Cooper, Ericksen, Hankins, G. Chandler, Haigh, Hatfield, Hurst, Lovick, Mitchell, Morris, Murray, Ogden, Pflug, Radcliff, Romero, Schual-Berke, Skinner and Wood.

Voting nay: Representative(s) DeBolt, Fortunato, McDonald and Schindler.

Excused: Representative(s) Edwards, Buck, Mielke and Scott.

Passed to Rules Committee for Second Reading.

March 30, 1999

SB 5384 Prime Sponsor, Senator Heavey: Phasing in lightweight tire studs. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended.

On page 2, beginning on line 16, strike all material through page 3, line 12.

Signed by Representatives Fisher, Democratic Co-Chair; K. Schmidt, Republican Co-Chair; Cooper, Democratic 1st Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; Buck; G. Chandler; Fortunato; Haigh; Hatfield; Hurst; Lovick; McDonald; Mielke; Mitchell; Morris; Murray; Ogden; Pflug; Romero; Schindler; Schual-Berke; Scott; Skinner and Wood.

MINORITY recommendation: Without recommendation. Signed by Representative DeBolt.

Voting yea: Representatives Fisher, K. Schmidt, Cooper, Ericksen, Hankins, Buck, G. Chandler, Fortunato, Haigh, Hatfield, Hurst, Lovick, McDonald, Mielke, Mitchell, Morris, Murray, Ogden, Pflug, Radcliff, Romero, Schindler, Schual-Berke, Scott, Skinner and Wood.

Voting nay: Representative(s) DeBolt.

Excused: Representative(s) Edwards.

Passed to Rules Committee for Second Reading.

April 2, 1999

SSB 5387 Prime Sponsor, Senate Committee on Senate Commerce, Trade, Housing & Financial Institutions: Expanding the definition of economic development activities. Reported by Committee on Economic Development, Housing & Trade

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 43.163.010 and 1994 c 238 s 1 and 1994 c 92 s 498 are each reenacted and amended to read as follows:

As used in this chapter, the following words and terms have the following meanings, unless the context requires otherwise:

(1) "Authority" means the Washington economic development finance authority created under RCW 43.163.020 or any board, body, commission, department or officer succeeding to the principal functions of the authority or to whom the powers conferred upon the authority shall be given by law;

(2) "Bonds" means any bonds, notes, debentures, interim certificates, conditional sales or lease financing agreements, lines of credit, forward purchase agreements, investment agreements, and other banking or financial arrangements, guaranties, or other obligations issued by or entered into by the authority. Such bonds may be issued on either a tax-exempt or taxable basis;

(3) "Borrower" means one or more public or private persons or entities acting as lessee, purchaser, mortgagor, or borrower who has obtained or is seeking to obtain financing either from the authority or from an eligible banking organization that has obtained or is seeking to obtain funds from the authority to finance a project. A borrower may include a party who transfers the right of use and occupancy to another party by lease, sublease or otherwise, or a party who is seeking or has obtained a financial guaranty from the authority;

(4) "Eligible banking organization" means any organization subject to regulation by the director of the department of financial institutions, any national bank, federal savings and loan association, and federal credit union located within this state;

(5) "Eligible export transaction" means any preexport or export activity by a person or entity located in the state of Washington involving a sale for export and product sale which, in the judgment of the authority: (a) Will create or maintain employment in the state of Washington, (b) will obtain a material percent of its value from manufactured goods or services made, processed or occurring in Washington, and (c) could not otherwise obtain financing on reasonable terms from an eligible banking organization;

(6) "Eligible farmer" means any person who is a resident of the state of Washington and whose specific acreage qualifying for receipts from the federal department of agriculture under its conservation reserve program is within the state of Washington;

(7) "Eligible person" means an individual, partnership, corporation, or joint venture carrying on business, or proposing to carry on business within the state and is seeking financial assistance under RCW 43.163.210;

(8) "Financial assistance" means the infusion of capital to persons for use in the development and exploitation of specific inventions and products;

(9) "Financing document" means an instrument executed by the authority and one or more persons or entities pertaining to the issuance of or security for bonds, or the application of the proceeds of bonds or other funds of, or payable to, the authority. A financing document may include, but need not be limited to, a lease, installment sale agreement, conditional sale agreement, mortgage, loan agreement, trust agreement or indenture, security agreement, letter or line of credit, reimbursement agreement, insurance policy, guaranty agreement, or currency or interest rate swap agreement. A financing document also may be an agreement between the authority and an eligible banking organization which has agreed to make a loan to a borrower;

(10) "Plan" means the general plan of economic development finance objectives developed and adopted by the authority, and updated from time to time, as required under RCW 43.163.090;

(11) "Economic development activities" means activities related to: Manufacturing, processing, research, production, assembly, tooling, warehousing, airports, docks and wharves, mass commuting facilities, high-speed intercity rail facilities, public broadcasting, pollution control, solid waste, federally qualified hazardous waste facilities, energy generating, conservation, or transmission facilities, and sports facilities and industrial parks, and activities conducted within a federally designated enterprise or empowerment zone or geographic area of similar nature. "Economic development activities" does not include the construction of a parking facility, unless the parking facility is a component of an eligible economic development activity financed under this chapter;

(12) "Project costs" means costs of:

(a) Acquisition, lease, construction, reconstruction, remodeling, refurbishing, rehabilitation, extension, and enlargement of land, rights to land, buildings, structures, docks, wharves, fixtures, machinery, equipment, excavations, paving, landscaping, utilities, approaches, roadways and parking, handling and storage areas, and similar ancillary facilities, and any other real or personal property included in an economic development activity;

(b) Architectural, engineering, consulting, accounting, and legal costs related directly to the development, financing, acquisition, lease, construction, reconstruction, remodeling, refurbishing, rehabilitation, extension, and enlargement of an activity included under subsection (11) of this section, including costs of studies assessing the feasibility of an economic development activity;

(c) Finance costs, including the costs of credit enhancement and discounts, if any, the costs of issuing revenue bonds, and costs incurred in carrying out any financing document;

(d) Start-up costs, working capital, capitalized research and development costs, capitalized interest during construction and during the eighteen months after estimated completion of construction, and capitalized debt service or repair and replacement or other appropriate reserves;

(e) The refunding of any outstanding obligations incurred for any of the costs outlined in this subsection; and

(f) Other costs incidental to any of the costs listed in this section;

(13) "Product" means a product, device, technique, or process that is or may be exploitable commercially. "Product" does not refer to pure research, but shall be construed to apply to products, devices, techniques, or processes that have advanced beyond the theoretic stage and are readily capable of being, or have been, reduced to practice;

(14) "Financing agreements" means, and includes without limitation, a contractual arrangement with an eligible person whereby the authority obtains rights from or in an invention or product or proceeds from an invention or product in exchange for the granting of financial and other assistance to the person.

**NEW SECTION. Sec. 2.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Signed by Representatives Van Luven, Republican Co-Chair; Veloria, Democratic Co-Chair; Dunn, Republican Vice Chair; Eickmeyer, Democratic Vice Chair; Ballasiotes; Gombosky; Miloscia; Morris; Radcliff; Skinner; D. Sommers and Wolfe.

Voting yea: Representatives Van Luven, Veloria, Dunn, Eickmeyer, Ballasiotes, Gombosky, Miloscia, Morris, Radcliff, Skinner, D. Sommers and Wolfe.

Referred to Committee on Capital Budget.

April 1, 1999

SSB 5399 Prime Sponsor, Senate Committee on Senate Judiciary: Changing provisions relating to traffic offenses. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Esser; Kastama; Lantz; Lovick; McDonald and Schindler.

Voting yea: Representatives Carrell, Constantine, Hurst, Lambert, Cox, Dickerson, Esser, Kastama, Lantz, Lovick, McDonald and Schindler.

Passed to Rules Committee for Second Reading.

April 1, 1999

SSB 5418 Prime Sponsor, Senate Committee on Education: Changing school accountability and assistance provisions. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"PART 1  
OVERSIGHT OF THE ACCOUNTABILITY SYSTEM**

NEW SECTION. Sec. 101. COMMISSION FORMED AND MEMBERS APPOINTED. (1) The Washington commission on educational accountability is established.

(2) The commission shall consist of seven members selected as follows:

(a) One member shall be appointed by but shall not be the superintendent of public instruction;

(b) Two members shall be appointed by the governor;

(c) Two members shall be appointed by but shall not be members of the house of representatives. The two members, one nominated by each major caucus, shall be appointed by the speaker of the house of representatives; and

(d) Two members shall be appointed by but shall not be members of the senate. The two members, one nominated by each major caucus, shall be appointed by the president of the senate.

(3) The commission shall appoint a chair from among the commission members.

(4) Appointees shall be individuals who are supportive of educational improvement, who have a positive record of service, and who will devote sufficient time to the responsibilities of the commission to ensure that the objectives of the commission are achieved.

(5) Each appointing authority shall appoint its initial commission members by July 1, 1999.

The first meeting of the commission shall be convened by the superintendent of public instruction no later than July 30, 1999.

(6) Members shall serve for terms of four years, with the terms expiring on June 30th of the fourth year of the term. However, in the case of the initial members, one of the members appointed by the governor shall serve for a three-year term and both members appointed by the house of representatives shall serve for two-year terms, with each of the terms expiring on June 30th of the applicable year.

(7) Each appointing authority shall fill any vacancies in appointments that may occur.

NEW SECTION. Sec. 102. COMMISSION'S POWERS AND DUTIES. The powers and duties of the Washington commission on educational accountability shall include, but are not limited to the following:

(1) The adoption and revision of performance improvement goals by subject and grade level, as assessed by the Washington assessment of student learning. The goals shall be in addition to and may revise any goals adopted in RCW 28A.630.887 (as recodified by this act). However, before each goal is implemented, the commission shall present the goal to the education and fiscal committees of the house of representatives and the senate for the committees' review and comment;

(2) The adoption of objective, systematic criteria to identify successful and failed schools and school districts;

(3) The recommendation to the superintendent of public instruction of schools and school districts to be recognized for two types of accomplishments, student achievement and improvements in student achievement;

(4) The identification of schools and school districts in which state intervention measures will be needed and the identification of a range of appropriate intervention strategies as authorized by law.

At the request of the commission, the superintendent shall intervene in the school or school district and take corrective actions as authorized by law;

(5) The identification of appropriate choice options within and outside the school district for students attending failed schools. The options shall include, but need not be limited to vocational education opportunities;

(6) The identification of performance incentive systems that have improved student achievement;

(7) The adoption of performance standards to determine whether a student has met the standard on the Washington assessment of student learning, and the determination of any performance levels above and below the standard. The commission shall set such performance standards and levels in consultation with the superintendent of public instruction and after consideration of any recommendations that may be developed by any advisory committees that may be established for this purpose;

(8) The annual review of the assessment reporting system to ensure fairness, accuracy, timeliness, and equity of opportunity, especially with regard to schools with special circumstances and unique populations of students, and a recommendation to the superintendent of public instruction of any improvements needed to the system;

(9) The recommendation to the superintendent of public instruction of criteria for use in the determination of schools which might receive any funds appropriated for short-term, intensive, tailored assistance under section 402 of this act;

(10) The adoption of necessary rules;

(11) The establishment of advisory committees, which may include persons who are not members of the commission;

(12) The hiring of necessary staff and the determination of the staff's duties and compensation. However, the office of the superintendent of public instruction shall provide staff support to the commission until the commission has hired its own staff, and shall provide most of the technical assistance and logistical support needed by the commission thereafter;

(13) The receipt of per diem and travel allowances as permitted under RCW 43.03.050 and 43.03.060; and

(14) The holding of meetings and public hearings, including hearings on possible state interventions.

**NEW SECTION. Sec. 103. COMMISSION'S REPORT ON ACCOUNTABILITY POLICIES.** By September 5, 2000, the Washington commission on educational accountability shall recommend accountability policies to the governor, the superintendent of public instruction, and the education and fiscal committees of the house of representatives and senate. The policies shall include, but need not be limited to:

(1) A graduated series of increasingly intensive school district and state intervention strategies for schools in which low-performance persists over an identified period of time, including options for budgeting and personnel.

(a) The strategies shall be formulated in accordance with the assumption that school districts have primary responsibility for intervening in schools with relatively large numbers of students who are not achieving the essential academic learning requirements. However, if after a period of time, school district intervention is not successful, state intervention may be necessary.

(b) The strategies shall also be formulated in accordance with the assumption that the longer low performance persists, the less control and decision-making authority a school shall retain.

(c) In its deliberations, the commission may consider intervention strategies underway in Washington and other states, such as the type of graduated intervention system adopted by the Seattle school district;

(2) Additional assistance measures for students and schools;

(3) Rewards for successful schools and school districts; and

(4) Any statutory changes necessary to give the superintendent of public instruction the authority to implement, in a school or school district, the state intervention strategies identified in subsection (1) of this section.

**PART 2**  
**ACCOUNTABILITY GOALS, INCLUDING GOALS IN READING AND**  
**MATHEMATICS**

NEW SECTION. Sec. 201. MID-TERM GOAL FOR ACCOUNTABILITY SYSTEM. The mid-term goal of the state's accountability system is that eighty percent or more of all public school students state-wide meet the state standards on the Washington assessment of student learning within a decade after the administration of each assessment is required state-wide.

**Sec. 202.** RCW 28A.630.887 and 1998 c 319 s 101 are each amended to read as follows:

(1) ~~((By December 15, 1998,))~~ Each school district board of directors shall:

(a) Select the reading standard results on either the 1997 or 1998 fourth grade Washington assessment of student learning as the school district's initial baseline reading standard. Districts may select the 1997 results only if all of the elementary schools with fourth grade students administered the assessment;

(b) By December 15, 2000, select the mathematics standard results on either the 1998 or 1999 fourth grade Washington assessment of student learning as the school district's fourth grade baseline mathematics standard;

(c) Establish ~~((a))~~ three-year, district-wide goals to increase, by the end of the 2000-01 school year, the percentage of students who meet or exceed the reading standard, and by the 2002-03 school year, the percentage of students who meet or exceed the mathematics standard on the fourth grade Washington assessment of student learning. The three-year percentage increase goal in each subject may not be less than the district's total percentage of students who did not meet the baseline ~~((reading))~~ standard in each subject multiplied by twenty-five percent;

~~((e))~~ (d) Specify the annual district-wide percentage improvement increments to meet the ~~((three-year))~~ goals; and

~~((d))~~ (e) Direct each elementary school to establish ~~((a))~~ three-year goals for its fourth grade students, subject to approval by the board. The aggregate of the elementary school goals must meet or exceed the district-wide goals established by the board.

(2) Each school district board of directors shall:

(a) ~~((Report biannually to parents in writing and to the community in a public meeting the following information:~~

~~(i) District wide and school level three year goals;~~

~~(ii) Student performance relative to the goals; and~~

~~(iii) District wide and school level plans to achieve the reading goal in kindergarten through fourth grade, including grade level expectations, curriculum and instruction, parental or guardian involvement, and resources available to parents and guardians to help students meet the reading standard;~~

~~(b) Report annually to the superintendent of public instruction and in a news release to the local media the district's progress toward meeting the district wide and school level goals; and~~

~~(c) Include the reported information in each school's annual school performance report under RCW 28A.320.205.~~

~~(3) By December 1, 2000, the superintendent of public instruction shall report to the education committees of the house of representatives and the senate on the progress that has been made in achieving the three year reading goal, and provide recommendations to the legislature on setting reading goals for the next three years.~~

~~(4) This section expires July 1, 2006.)~~ By December 15, 2000, select the reading standard results on either the 1998, 1999, or 2000 seventh grade Washington assessment of student learning as the school district's seventh grade baseline reading standard;

(b) By December 15, 2001, select the mathematics standard results on either the 2000 or 2001 seventh grade Washington assessment of student learning as the school district's seventh grade baseline mathematics standard;

(c) Establish three-year district-wide goals to increase, by the end of the 2002-03 school year, the percentage of students who meet or exceed the reading standard, and by the end of the 2003-04

school year, the percentage of students who meet or exceed the mathematics standard, on the seventh grade Washington assessment of student learning. The percentage increase goal in each subject may not be less than the district's total percentage of students who did not meet the baseline standard in each subject multiplied by twenty-five percent;

(d) Specify the annual district-wide percentage improvement increments necessary to meet the goals; and

(e) Direct each middle or junior high school, as appropriate, to establish reading and mathematics goals for its seventh grade students, subject to approval by the board. The aggregate of the middle or junior high school goals must meet or exceed the district-wide goals established by the board in each subject.

(3) Schools and school districts in which ten or fewer students are eligible to be assessed in a grade level are not required to establish numerical improvement goals and performance relative to the goals.

### **PART 3 REPORTING RESULTS**

**Sec. 301.** RCW 28A.630.889 and 1998 c 319 s 301 are each amended to read as follows:

(1) By September 10, 1998, and by September 10th each year thereafter, the superintendent of public instruction shall:

(a) Report to schools, school districts, and the legislature on the results of the ~~((fourth grade))~~ Washington assessment of student learning; and

(b) Post individual school results of the ~~((fourth grade))~~ Washington assessment of student learning on the superintendent of public instruction's internet world-wide web site.

(2) The reports shall include the assessment results by school and school district, and include changes over time. Results shall be reported as follows:

(a) The percentage of students meeting the standards;

(b) The percentage of students performing at each level of the assessment; and

(c) A learning improvement index that shows changes in student performance within the different levels of student learning reported on the Washington assessment of student learning.

(3) Data regarding the different characteristics of schools, such as poverty levels, percent of English as a second language students, dropout rates, attendance, percent of students in special education, and student mobility shall also be reported so that districts and schools can learn from the improvement efforts of other schools and districts with similar characteristics.

(4) To protect the privacy of students, the results of schools and districts that test fewer than ten students in a grade level shall not be reported. In addition, in order to ensure that results are reported accurately, the superintendent of public instruction shall maintain the confidentiality of state-wide data files until the superintendent determines that the data are complete and accurate.

(5) The superintendent of public instruction shall monitor the percentage and number of special education and limited English-proficient students exempted from taking the assessments by schools and school districts to ensure the exemptions are in compliance with exemption guidelines.

(6) By December 1, 2000, and by December 31st annually thereafter, the superintendent of public instruction shall report to the education committees of the house of representatives and the senate on the progress that has been made in achieving the reading and mathematics goals under RCW 28A.630.887 (as recodified by this act) and any additional goals adopted by the commission on educational accountability.

~~((2) This section expires July 1, 2006.)~~

**NEW SECTION. Sec. 302. SCHOOL DISTRICT REPORTS ON PROGRESS TOWARD PERFORMANCE GOALS.** Each school district board of directors shall:

(1)(a) Annually report to parents and to the community in a public meeting and annually report in writing the following information:

(i) District-wide and school-level three-year goals;

(ii) Student performance relative to the goals; and



(iii) District-wide and school-level plans to achieve the goals, including curriculum and instruction, parental or guardian involvement, and resources available to parents and guardians to help students meet the state standards;

(b) Report annually in a news release to the local media the district's progress toward meeting the district-wide and school-level goals; and

(c) Include the school-level goals, student performance relative to the goals, and a summary of school-level plans to achieve the goals in each school's annual school performance report under RCW 28A.320.205.

(2) School districts in which ten or fewer students in the district or in a school in the district are eligible to be assessed in a grade level are not required to report numerical improvement goals and performance relative to the goals, but are required to report to parents and the community their plans to improve student achievement.

**Sec. 303.** RCW 28A.320.205 and 1993 c 336 s 1006 are each amended to read as follows:

(1) Beginning with the 1994-95 school year, to provide the local community and electorate with access to information on the educational programs in the schools in the district, each school shall publish annually a school performance report and deliver the report to each parent with children enrolled in the school and make the report available to the community served by the school. The annual performance report shall be in a form that can be easily understood and be used by parents, guardians, and other members of the community who are not professional educators to make informed educational decisions. As data from the assessments in RCW 28A.630.885 (as recodified by this act) becomes available, the annual performance report should enable parents, educators, and school board members to determine whether students in the district's schools are attaining mastery of the student learning goals under RCW 28A.150.210, and other important facts about the schools' performance in assisting students to learn. The annual report shall make comparisons to a school's performance in preceding years and shall ~~((project goals in performance categories))~~ include school level goals under RCW 28A.630.887 (as recodified by this act), student performance relative to the goals and the percentage of students performing at each level of the assessment, a comparison of student performance at each level of the assessment to the previous year's performance, and information regarding school-level plans to achieve the goals.

(2) The annual performance report shall include, but not be limited to: (a) A brief statement of the mission of the school and the school district; (b) enrollment statistics including student demographics; (c) expenditures per pupil for the school year; (d) a summary of student scores on all mandated tests, and a comparison of those scores with comparable Washington schools of similar demographic characteristics; (e) a concise annual budget report; (f) student attendance, graduation, and dropout rates; (g) information regarding the use and condition of the school building or buildings; (h) a brief description of the ~~((restructuring))~~ learning improvement plans for the school; (i) school safety indicators, including but not limited to, the number of suspensions and of violent incidents a year at the school and at school-sponsored events; (j) information on the credentials of teachers in the school, including, but not limited to, the number of teachers with advanced degrees, the number teaching out of their endorsement areas, the average number of years teachers in the school have been teaching, and the number of teachers who have passed Washington's teacher assessments; (k) the types of choice options available to students at the school, including vocational education opportunities; and (l) an invitation to all parents and citizens to participate in school activities.

(3) The superintendent of public instruction shall develop by June 30, 1994, and update periodically, a model report form, which shall also be adapted for computers, that schools may use to meet the requirements of subsections (1) and (2) of this section. In order to make school performance reports broadly accessible to the public, the superintendent of public instruction, to the extent feasible, shall make information on each school's report available on or through the superintendent's internet web site.

#### PART 4 ASSISTANCE FOR SCHOOLS AND DISTRICTS

**NEW SECTION. Sec. 401. ACCOUNTABILITY IMPLEMENTATION FUNDS.** (1) To the extent funds are appropriated, the office of the superintendent of public instruction annually shall allocate accountability implementation funds to school districts. The purposes of the funds are to: Develop and update student learning improvement plans; implement curriculum materials and instructional strategies; provide staff professional development to implement the selected curricula and instruction; develop and implement assessment strategies and training in assessment scoring; and fund other activities intended to improve student learning for all students, including students with diverse needs. Activities funded by the allocations must be consistent with the school or district improvement plan, designed to improve the ability of teachers and other instructional certificated and classified staff to assist students in meeting the essential academic learning requirements, and designed to achieve state and local accountability goals.

(2) To be eligible for allocations in the 1999-2000 school year, school district superintendents and principals must certify that activities funded by accountability implementation funds will be in accordance with the requirements of this act. To be eligible for funds in the 2000-01 school year and thereafter, school district superintendents and school principals must certify that they have analyzed the use of state, federal, and local funds used for professional development and planning and that these funds will be used in an effective manner to improve student learning.

(3) Schools receiving funds shall develop, update as needed, and keep on file a school student learning improvement plan to achieve the student learning goals and essential academic learning requirements and to implement the assessment system as it is developed. The plan shall delineate how the accountability implementation funds will be used to accomplish the requirements of this section. The plan shall be made available to the public and to others upon request.

(4) The amount of allocations shall be determined in the omnibus appropriations act.

(5) The state schools for the deaf and blind are eligible to receive allocations under this section.

(6) The superintendent of public instruction may adopt timelines and rules as necessary under chapter 34.05 RCW to administer the program, and require that schools and districts submit reports regarding the use of the funds.

**NEW SECTION. Sec. 402. HELPING CORPS AND TARGETED ASSISTANCE FUNDS.**

(1) In order to increase the availability and quality of technical assistance state-wide, the superintendent of public instruction, subject to available funding, may employ school improvement coordinators and school improvement specialists to provide assistance to schools and districts. The improvement specialists shall serve on a rotating basis and shall not be permanent employees.

(2) The types of assistance provided by the improvement coordinators and specialists may include, but need not be limited to:

(a) Assistance to schools to use student performance data and develop improvement plans based on those data;

(b) Consultation with schools and districts concerning their performance on the Washington assessment of student learning and other assessments;

(c) Consultation concerning curricula that aligns with the essential academic learning requirements and the Washington assessment of student learning and that meets the needs of diverse learners;

(d) Assistance in the identification and implementation of research-based instructional practices;

(e) Staff training that emphasizes effective instructional strategies and classroom-based assessment;

(f) Assistance in developing and implementing family and community involvement programs; and

(g) Other assistance to schools and school districts intended to improve student learning.

(3) To the extent funds are appropriated, the superintendent of public instruction shall grant funds to schools for short-term, intensive, tailored assistance to develop and implement comprehensive improvement plans that are based on reliable research and effective practices. Recommendations regarding the criteria for granting funds shall be made by the Washington commission on educational accountability to the superintendent of public instruction. Priority for funds shall be given to schools that need to improve student achievement substantially. The funds under this section are intended to

stimulate comprehensive, school-wide change, rather than a piecemeal, fragmented approach to school improvement. Grant funds may not be awarded unless the following conditions are met:

(a) School districts must seek comprehensive recommendations from a helping corps technical assistance team formed by the superintendent of public instruction;

(b) Comprehensive improvement plans must be consistent with the recommendations of a helping corps technical assistance team formed by the superintendent of public instruction; and

(c) The coordinator or director of the helping corps technical assistance team must certify that the comprehensive improvement plan is consistent with the technical assistance team recommendations.

(4) To be considered comprehensive, plans must integrate, in a coherent manner, the following components:

(a) Effective, research-based methods and strategies;

(b) Comprehensive design with aligned components;

(c) High quality and continuous teacher and staff professional development and training;

(d) Measurable goals and benchmarks;

(e) Support within the school;

(f) Family and community involvement;

(g) External technical support and assistance;

(h) Measures to improve school security and supportive learning environments;

(i) Evaluation strategies; and

(j) Coordination of available federal, state, local, and private resources.

(5) When determining grant recipients, the following criteria shall be considered:

(a) Results of the Washington assessment of student learning;

(b) Student achievement evidence from district or other state assessments;

(c) The level of improvement in student achievement over time;

(d) Whether the criteria in subsection (4) of this section have been met; and

(e) The likelihood that the proposed application will lead to a plan and actions that will result in improved student achievement.

(6) Subject to available funding, individual grants shall be awarded for a period of two years.

(7) Grant applications shall be approved by the school district board of directors before submission of the application to the superintendent of public instruction.

## **PART 5 TRANSFER OF DUTIES AND MATERIALS**

**NEW SECTION. Sec. 501. SUPERINTENDENT OF PUBLIC INSTRUCTION'S DUTIES FOR STANDARDS AND ASSESSMENTS.** (1) The superintendent of public instruction shall identify the knowledge and skills all public school students need to know and be able to do based on the student learning goals in RCW 28A.150.210 to develop student assessments and implement the accountability recommendations and requests of the commission on academic achievement.

(2) The superintendent of public instruction shall periodically revise the essential academic learning requirements, as needed, based on the student learning goals in RCW 28A.150.210. Goals one and two shall be considered primary. To the maximum extent possible, the superintendent shall integrate goal four and the knowledge and skill areas in the other goals in the essential academic learning requirements.

(3) In consultation with the commission on educational accountability, the superintendent of public instruction shall maintain and continue to develop and revise a state-wide academic assessment system for use in the elementary, middle, and high school years designed to determine if each student has mastered the essential academic learning requirements identified in subsection (1) of this section. The academic assessment system shall include a variety of assessment methods, including criterion-referenced and performance-based measures.

(4) The assessment system shall be designed so that the results under the assessment system are used by educators as tools to evaluate instructional practices, and to initiate appropriate educational support for students who have not mastered the essential academic learning requirements at the appropriate periods in the student's educational development.

(5) To the maximum extent possible, the superintendent shall integrate knowledge and skill areas in development of the assessments.

(6) Assessments for goals three and four of RCW 28A.150.210 shall be integrated in the essential academic learning requirements and assessments for goals one and two.

(7) The superintendent shall develop assessments that are directly related to the essential academic learning requirements, and are not biased toward persons with different learning styles, racial or ethnic backgrounds, or on the basis of gender.

(8) The superintendent shall consider methods to address the unique needs of special education students when developing the assessments under this section.

(9) The superintendent shall consider methods to address the unique needs of highly capable students when developing the assessments under this section.

**NEW SECTION. Sec. 502.** COMMISSION ON STUDENT LEARNING--TRANSFER OF POWERS. (1) Beginning on July 1, 1999, the powers, duties, and functions of the commission on student learning are hereby transferred to the superintendent of public instruction. All references to the commission on student learning in the Revised Code of Washington shall be construed to mean the superintendent of public instruction when addressing the duties, activities, or functions regarding the essential academic learning requirements, the standards, or the assessments addressed under this act.

(2) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the commission on student learning shall be delivered to the custody of the superintendent of public instruction. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the commission on student learning shall be made available to the commission on educational accountability or the superintendent of public instruction, as appropriate.

(3) The transfer of the powers, duties, functions, and personnel of the commission on student learning shall not affect the validity of any act performed before the effective date of this section.

## **PART 6 MISCELLANEOUS**

**NEW SECTION. Sec. 601.** ANALYSIS OF FOURTH GRADE MATHEMATICS ASSESSMENT. By August 1, 2000, the superintendent of public instruction shall complete an objective analysis of the fourth grade mathematics assessment. The analysis shall include, but need not be limited to, the student developmental level required to achieve the fourth grade standard successfully and the extent to which the assessment measures a student's computational skills, problem-solving skills, math communications skills, and a breakdown of other skills assessed. The analysis shall include the percentage of items that: Require students to use computational skills without the use of technology; require the use of technology to complete an item; measure mathematics communication skills; measure problem-solving skills; and measure other skills included in the mathematics assessment. The superintendent of public instruction shall consult recognized experts with differing views on the instruction of mathematics, and report the results of the analysis to the governor and the education committees of the house of representatives and the senate by August 15, 2000.

**NEW SECTION. Sec. 602.** SLIG'S REPEALED. RCW 28A.300.138 (Student learning improvement grants) and 1994 c 245 s 1 & 1993 c 336 s 301 are each repealed.

**NEW SECTION. Sec. 603.** REPEALERS. The following acts or parts of acts are each repealed:

- (1). 1998 c 225 s 3 (uncodified);
- (2). 1995 c 209 s 3 (uncodified); and
- (3). 1995 c 209 s 2 & 1992 c 141 s 203 (uncodified).

**NEW SECTION. Sec. 604.** PART HEADINGS AND SECTION CAPTIONS NOT LAW. Part headings and section captions used in this act are not any part of the law.

NEW SECTION. Sec. 605. NEW ACCOUNTABILITY CHAPTER CREATED. Sections 101 through 103, 201, 302, 401, 402, and 501 of this act constitute a new chapter in Title 28A RCW.

NEW SECTION. Sec. 606. RECODIFICATIONS. The following sections are each recodified as new sections in the chapter created in section 605 of this act:

RCW 28A.320.205  
RCW 28A.630.887  
RCW 28A.630.889  
RCW 28A.630.883  
RCW 28A.630.885  
RCW 28A.630.945  
RCW 28A.630.950  
RCW 28A.630.951  
RCW 28A.630.952  
RCW 28A.630.953  
RCW 28A.630.954

NEW SECTION. Sec. 607. EMERGENCY CLAUSE. (1) Section 101 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 1999.

(2) Sections 502 and 603 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

NEW SECTION. Sec. 608. NULL AND VOID CLAUSES. (1) If specific funding for the purposes of section 101 of this act, referencing section 101 of this act by bill or chapter and section number, is not provided by June 30, 1999, in the omnibus appropriations act, section 101 of this act is null and void.

(2) If specific funding for the purposes of section 102 of this act, referencing section 102 of this act by bill or chapter and section number, is not provided by June 30, 1999, in the omnibus appropriations act, section 102 of this act is null and void.

(3) If specific funding for the purposes of section 103 of this act, referencing section 103 of this act by bill or chapter and section number, is not provided by June 30, 1999, in the omnibus appropriations act, section 103 of this act is null and void.

(4) If specific funding for the purposes of section 401 of this act, referencing section 401 of this act by bill or chapter and section number, is not provided by June 30, 1999, in the omnibus appropriations act, section 401 of this act is null and void.

(5) If specific funding for the purposes of section 402 of this act, referencing section 402 of this act by bill or chapter and section number, is not provided by June 30, 1999, in the omnibus appropriations act, section 402 of this act is null and void.

NEW SECTION. Sec. 609. SEVERABILITY CLAUSE. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

Signed by Representatives Quall, Democratic Co-Chair; Talcott, Republican Co-Chair; Haigh, Democratic Vice Chair; Schindler, Republican Vice Chair; Carlson; Cox; Keiser; Rockefeller; Santos; D. Schmidt; Schual-Berke; Stensen and Wensman.

Voting yea: Representatives Quall, Talcott, Haigh, Schindler, Carlson, Cox, Keiser, Rockefeller, Santos, D. Schmidt, Stensen and Wensman.

Excused: Representative(s) Schual-Berke and Sump.

Referred to Committee on Appropriations.

April 2, 1999

E2SSB 5421 Prime Sponsor, Senate Committee on Ways & Means: Enhancing supervision of offenders. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 9.94A.010 and 1981 c 137 s 1 are each amended to read as follows:

The purpose of this chapter is to make the criminal justice system accountable to the public by developing a system for the sentencing of felony offenders which structures, but does not eliminate, discretionary decisions affecting sentences, and to ~~((add a new chapter to Title 9 RCW designed to))~~:

- (1) Ensure that the punishment for a criminal offense is proportionate to the seriousness of the offense and the offender's criminal history;
- (2) Promote respect for the law by providing punishment which is just;
- (3) Be commensurate with the punishment imposed on others committing similar offenses;
- (4) Protect the public;
- (5) Offer the offender an opportunity to improve him or herself; ~~((and))~~
- (6) Make frugal use of the state's and local governments' resources; and
- (7) Reduce the risk of reoffending by offenders in the community.

**Sec. 2.** RCW 9.94A.030 and 1998 c 290 s 3 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Collect," or any derivative thereof, "collect and remit," or "collect and deliver," when used with reference to the department of corrections, means that the department, either directly or through a collection agreement authorized by RCW 9.94A.145, is responsible for monitoring and enforcing the offender's sentence with regard to the legal financial obligation, receiving payment thereof from the offender, and, consistent with current law, delivering daily the entire payment to the superior court clerk without depositing it in a departmental account.

(2) "Commission" means the sentencing guidelines commission.

(3) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

(4) "Community custody" means that portion of an ~~((inmate's))~~ offender's sentence of confinement in lieu of earned ~~((early))~~ release time or imposed pursuant to RCW 9.94A.120 ~~(5), (6), (7), (8), ((or)) (10), or (11), or RCW 9.94A.383,~~ served in the community subject to controls placed on the ~~((inmate's))~~ offender's movement and activities by the department of corrections. For offenders placed on community custody for crimes committed on or after July 1, 2000, the department shall assess the offender's risk of reoffense and may establish and modify conditions of community custody, in addition to those imposed by the court, based upon the risk to community safety.

(5) "Community custody range" means the minimum and maximum period of community custody included as part of a sentence under RCW 9.94A.120(11), as established by the sentencing guidelines commission or the legislature under RCW 9.94A.040, for crimes committed on or after July 1, 2000.

(6) "Community placement" means that period during which the offender is subject to the conditions of community custody and/or postrelease supervision, which begins either upon completion of the term of confinement (postrelease supervision) or at such time as the offender is transferred to community custody in lieu of earned ~~((early))~~ release. Community placement may consist of entirely community custody, entirely postrelease supervision, or a combination of the two.

~~((6))~~ (7) "Community service" means compulsory service, without compensation, performed for the benefit of the community by the offender.

~~((7))~~ (8) "Community supervision" means a period of time during which a convicted offender is subject to crime-related prohibitions and other sentence conditions imposed by a court pursuant to this chapter or RCW 16.52.200(6) or 46.61.524. For first-time offenders, the supervision may include crime-related prohibitions and other conditions imposed pursuant to RCW 9.94A.120(5). For purposes of the interstate compact for out-of-state supervision of parolees and probationers, RCW 9.95.270, community supervision is the functional equivalent of probation and should be considered the same as probation by other states.

~~((8))~~ (9) "Confinement" means total or partial confinement as defined in this section.

~~((9))~~ (10) "Conviction" means an adjudication of guilt pursuant to Titles 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

~~((10))~~ (11) "Court-ordered legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington for legal financial obligations which may include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction. Upon conviction for vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal financial obligations may also include payment to a public agency of the expense of an emergency response to the incident resulting in the conviction, subject to the provisions in RCW 38.52.430.

~~((11))~~ (12) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct. However, affirmative acts necessary to monitor compliance with the order of a court may be required by the department.

~~((12))~~ (13) "Criminal history" means the list of a defendant's prior convictions and juvenile adjudications, whether in this state, in federal court, or elsewhere. The history shall include, where known, for each conviction (a) whether the defendant has been placed on probation and the length and terms thereof; and (b) whether the defendant has been incarcerated and the length of incarceration.

~~((13))~~ (14) "Day fine" means a fine imposed by the sentencing judge that equals the difference between the offender's net daily income and the reasonable obligations that the offender has for the support of the offender and any dependents.

~~((14))~~ (15) "Day reporting" means a program of enhanced supervision designed to monitor the defendant's daily activities and compliance with sentence conditions, and in which the defendant is required to report daily to a specific location designated by the department or the sentencing judge.

~~((15))~~ (16) "Department" means the department of corrections.

~~((16))~~ (17) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community supervision, the number of actual hours or days of community service work, or dollars or terms of a legal financial obligation. The fact that an offender through "earned ~~((early))~~ release" can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

~~((17))~~ (18) "Disposable earnings" means that part of the earnings of an individual remaining after the deduction from those earnings of any amount required by law to be withheld. For the purposes of this definition, "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonuses, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy a court-ordered legal financial obligation, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

~~((18))~~ (19) "Drug offense" means:

(a) Any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.401(d)) or forged prescription for a controlled substance (RCW 69.50.403);

(b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or

(c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection.

~~((19))~~ (20) "Escape" means:

(a) Escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), willful failure to return from work release (RCW 72.65.070), or willful failure to be available for supervision by the department while in community custody (RCW 72.09.310); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection.

~~((20))~~ (21) "Felony traffic offense" means:

(a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), or felony hit-and-run injury-accident (RCW 46.52.020(4)); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection.

~~((21))~~ (22) "Fines" means the requirement that the offender pay a specific sum of money over a specific period of time to the court.

~~((22))~~ (23) "First-time offender" means any person who is convicted of a felony (a) not classified as a violent offense or a sex offense under this chapter, or (b) that is not the manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance classified in Schedule I or II that is a narcotic drug or flunitrazepam classified in Schedule IV, nor the manufacture, delivery, or possession with intent to deliver methamphetamine, its salts, isomers, and salts of its isomers as defined in RCW 69.50.206(d)(2), nor the selling for profit of any controlled substance or counterfeit substance classified in Schedule I, RCW 69.50.204, except leaves and flowering tops of marijuana, who previously has never been convicted of a felony in this state, federal court, or another state, and who has never participated in a program of deferred prosecution for a felony offense.

~~((23))~~ (24) "Home detention" means a program of partial confinement available to offenders wherein the offender is confined in a private residence subject to electronic surveillance.

(25) "Most serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies, as now existing or hereafter amended:

(a) Any felony defined under any law as a class A felony or criminal solicitation of or criminal conspiracy to commit a class A felony;

(b) Assault in the second degree;

(c) Assault of a child in the second degree;

(d) Child molestation in the second degree;

(e) Controlled substance homicide;

(f) Extortion in the first degree;

(g) Incest when committed against a child under age fourteen;

(h) Indecent liberties;

(i) Kidnapping in the second degree;

(j) Leading organized crime;

(k) Manslaughter in the first degree;

(l) Manslaughter in the second degree;

(m) Promoting prostitution in the first degree;

(n) Rape in the third degree;

(o) Robbery in the second degree;

(p) Sexual exploitation;

(q) Vehicular assault;

(r) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(s) Any other class B felony offense with a finding of sexual motivation, as "sexual motivation" is defined under this section;



(t) Any other felony with a deadly weapon verdict under RCW 9.94A.125;

(u) Any felony offense in effect at any time prior to December 2, 1993, that is comparable to a most serious offense under this subsection, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a most serious offense under this subsection;

(v)(i) A prior conviction for indecent liberties under RCW 9A.88.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st ex. sess. as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b), and (c) as it existed from July 1, 1979, until June 11, 1986, and RCW 9A.44.100(1) (a), (b), and (d) as it existed from June 11, 1986, until July 1, 1988;

(ii) A prior conviction for indecent liberties under RCW 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988, if: (A) The crime was committed against a child under the age of fourteen; or (B) the relationship between the victim and perpetrator is included in the definition of indecent liberties under RCW 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27, 1997, or RCW 9A.44.100(1) (d) or (e) as it existed from July 25, 1993, through July 27, 1997.

~~((24))~~ (26) "Nonviolent offense" means an offense which is not a violent offense.

~~((25))~~ (27) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case is under superior court jurisdiction under RCW 13.04.030 or has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.

~~((26))~~ (28) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention or work crew has been ordered by the court, in an approved residence, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release, home detention, work crew, and a combination of work crew and home detention as defined in this section.

~~((27))~~ (29) "Persistent offender" is an offender who:

(a)(i) Has been convicted in this state of any felony considered a most serious offense; and

(ii) Has, before the commission of the offense under (a) of this subsection, been convicted as an offender on at least two separate occasions, whether in this state or elsewhere, of felonies that under the laws of this state would be considered most serious offenses and would be included in the offender score under RCW 9.94A.360; provided that of the two or more previous convictions, at least one conviction must have occurred before the commission of any of the other most serious offenses for which the offender was previously convicted; or

(b)(i) Has been convicted of: (A) Rape in the first degree, rape of a child in the first degree, child molestation in the first degree, rape in the second degree, rape of a child in the second degree, or indecent liberties by forcible compulsion; (B) murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, or burglary in the first degree, with a finding of sexual motivation; or (C) an attempt to commit any crime listed in this subsection ~~((27))~~ (29)(b)(i); and

(ii) Has, before the commission of the offense under (b)(i) of this subsection, been convicted as an offender on at least one occasion, whether in this state or elsewhere, of an offense listed in (b)(i) of this subsection. A conviction for rape of a child in the first degree constitutes a conviction under subsection ~~((27))~~ (29)(b)(i) only when the offender was sixteen years of age or older when the offender committed the offense. A conviction for rape of a child in the second degree constitutes a conviction under subsection ~~((27))~~ (29)(b)(i) only when the offender was eighteen years of age or older when the offender committed the offense.

~~((28))~~ (30) "Postrelease supervision" is that portion of an offender's community placement that is not community custody.

~~((29))~~ (31) "Restitution" means the requirement that the offender pay a specific sum of money over a specific period of time to the court as payment of damages. The sum may include both public and private costs. The imposition of a restitution order does not preclude civil redress.

~~((30))~~ (32) "Risk assessment" means the application of an objective instrument supported by research and adopted by the department for the purpose of assessing an offender's risk of reoffense,

taking into consideration the nature of the harm done by the offender, place and circumstances of the offender related to risk, the offender's relationship to any victim, and any information provided to the department by victims. The results of a risk assessment shall not be based on unconfirmed or unconfirmable allegations.

~~((33))~~ (33) "Serious traffic offense" means:

(a) Driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502), actual physical control while under the influence of intoxicating liquor or any drug (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or

(b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.

~~((34))~~ (34) "Serious violent offense" is a subcategory of violent offense and means:

(a) Murder in the first degree, homicide by abuse, murder in the second degree, manslaughter in the first degree, assault in the first degree, kidnapping in the first degree, or rape in the first degree, assault of a child in the first degree, or an attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

~~((32))~~ (35) "Sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

~~((33))~~ (36) "Sex offense" means:

(a) A felony that is a violation of chapter 9A.44 RCW or RCW 9A.64.020 or 9.68A.090 or a felony that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes;

(b) A felony with a finding of sexual motivation under RCW 9.94A.127 or 13.40.135; or

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection.

~~((34))~~ (37) "Sexual motivation" means that one of the purposes for which the defendant committed the crime was for the purpose of his or her sexual gratification.

~~((35))~~ (38) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

~~((36))~~ (39) "Transition training" means written and verbal instructions and assistance provided by the department to the offender during the two weeks prior to the offender's successful completion of the work ethic camp program. The transition training shall include instructions in the offender's requirements and obligations during the offender's period of community custody.

~~((37))~~ (40) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged.

~~((38))~~ (41) "Violent offense" means:

(a) Any of the following felonies, as now existing or hereafter amended: Any felony defined under any law as a class A felony or an attempt to commit a class A felony, criminal solicitation of or criminal conspiracy to commit a class A felony, manslaughter in the first degree, manslaughter in the second degree, indecent liberties if committed by forcible compulsion, kidnapping in the second degree, arson in the second degree, assault in the second degree, assault of a child in the second degree, extortion in the first degree, robbery in the second degree, drive-by shooting, vehicular assault, and vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under (a) or (b) of this subsection.

~~((39))~~ (42) "Work crew" means a program of partial confinement consisting of civic improvement tasks for the benefit of the community of not less than thirty-five hours per week that complies with RCW 9.94A.135. The civic improvement tasks shall have minimal negative impact on

existing private industries or the labor force in the county where the service or labor is performed. The civic improvement tasks shall not affect employment opportunities for people with developmental disabilities contracted through sheltered workshops as defined in RCW 82.04.385. Only those offenders sentenced to a facility operated or utilized under contract by a county or the state, or sanctioned under RCW 9.94A.205, are eligible to participate on a work crew. Offenders sentenced for a sex offense as defined in subsection ~~((33))~~ (36) of this section are not eligible for the work crew program.

~~((40))~~ (43) "Work ethic camp" means an alternative incarceration program designed to reduce recidivism and lower the cost of corrections by requiring offenders to complete a comprehensive array of real-world job and vocational experiences, character-building work ethics training, life management skills development, substance abuse rehabilitation, counseling, literacy training, and basic adult education.

~~((41))~~ (44) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school. Participation in work release shall be conditioned upon the offender attending work or school at regularly defined hours and abiding by the rules of the work release facility.

~~((42) "Home detention" means a program of partial confinement available to offenders wherein the offender is confined in a private residence subject to electronic surveillance.)~~

**Sec. 3.** RCW 9.94A.040 and 1997 c 365 s 2 and 1997 c 338 s 3 are each reenacted and amended to read as follows:

(1) A sentencing guidelines commission is established as an agency of state government.

(2) The legislature finds that the commission, having accomplished its original statutory directive to implement this chapter, and having expertise in sentencing practice and policies, shall:

(a) Evaluate state sentencing policy, to include whether the sentencing ranges and standards are consistent with and further:

(i) The purposes of this chapter as defined in RCW 9.94A.010; and

(ii) The intent of the legislature to emphasize confinement for the violent offender and alternatives to confinement for the nonviolent offender.

The commission shall provide the governor and the legislature with its evaluation and recommendations under this subsection not later than December 1, 1996, and every two years thereafter;

(b) Recommend to the legislature revisions or modifications to the standard sentence ranges, state sentencing policy, prosecuting standards, and other standards. If implementation of the revisions or modifications would result in exceeding the capacity of correctional facilities, then the commission shall accompany its recommendation with an additional list of standard sentence ranges which are consistent with correction capacity;

(c) Study the existing criminal code and from time to time make recommendations to the legislature for modification;

(d)(i) Serve as a clearinghouse and information center for the collection, preparation, analysis, and dissemination of information on state and local adult and juvenile sentencing practices; (ii) develop and maintain a computerized adult and juvenile sentencing information system by individual superior court judge consisting of offender, offense, history, and sentence information entered from judgment and sentence forms for all adult felons; and (iii) conduct ongoing research regarding adult and juvenile sentencing guidelines, use of total confinement and alternatives to total confinement, plea bargaining, and other matters relating to the improvement of the adult criminal justice system and the juvenile justice system;

(e) Assume the powers and duties of the juvenile disposition standards commission after June 30, 1996;

(f) Evaluate the effectiveness of existing disposition standards and related statutes in implementing policies set forth in RCW 13.40.010 generally, specifically review the guidelines relating to the confinement of minor and first offenders as well as the use of diversion, and review the application of current and proposed juvenile sentencing standards and guidelines for potential adverse impacts on the sentencing outcomes of racial and ethnic minority youth;

(g) Solicit the comments and suggestions of the juvenile justice community concerning disposition standards, and make recommendations to the legislature regarding revisions or modifications of the standards. The evaluations shall be submitted to the legislature on December 1 of each odd-numbered year. The department of social and health services shall provide the commission with available data concerning the implementation of the disposition standards and related statutes and their effect on the performance of the department's responsibilities relating to juvenile offenders, and with recommendations for modification of the disposition standards. The office of the administrator for the courts shall provide the commission with available data on diversion and dispositions of juvenile offenders under chapter 13.40 RCW; and

(h) Not later than December 1, 1997, and at least every two years thereafter, based on available information, report to the governor and the legislature on:

- (i) Racial disproportionality in juvenile and adult sentencing;
- (ii) The capacity of state and local juvenile and adult facilities and resources; and
- (iii) Recidivism information on adult and juvenile offenders.

(3) Each of the commission's recommended standard sentence ranges shall include one or more of the following: Total confinement, partial confinement, community supervision, community service, and a fine.

(4) The standard sentence ranges of total and partial confinement under this chapter are subject to the following limitations:

(a) If the maximum term in the range is one year or less, the minimum term in the range shall be no less than one-third of the maximum term in the range, except that if the maximum term in the range is ninety days or less, the minimum term may be less than one-third of the maximum;

(b) If the maximum term in the range is greater than one year, the minimum term in the range shall be no less than seventy-five percent of the maximum term in the range, except that for murder in the second degree in seriousness category XIII under RCW 9.94A.310, the minimum term in the range shall be no less than fifty percent of the maximum term in the range; and

(c) The maximum term of confinement in a range may not exceed the statutory maximum for the crime as provided in RCW 9A.20.021.

(5)(a) Not later than December 31, 1999, the commission shall propose to the legislature community custody ranges to be included in sentences under RCW 9.94A.120(11) for crimes committed on or after July 1, 2000. Not later than December 31st of each year, the commission may propose modifications to the ranges. The ranges shall be based on the principles in RCW 9.94A.010, and shall take into account the funds available to the department for community custody. The minimum term in each range shall not be less than one-half of the maximum term.

(b) The legislature may, by enactment of a legislative bill, adopt or modify the community custody ranges proposed by the commission. If the legislature fails to adopt or modify the ranges in its next regular session after they are proposed, the proposed ranges shall take effect without legislative approval for crimes committed on or after July 1st of the year after they were proposed.

(6) The commission shall exercise its duties under this section in conformity with chapter 34.05 RCW.

**Sec. 4.** RCW 9.94A.110 and 1998 c 260 s 2 are each amended to read as follows:

Before imposing a sentence upon a defendant, the court shall conduct a sentencing hearing. The sentencing hearing shall be held within forty court days following conviction. Upon the motion of either party for good cause shown, or on its own motion, the court may extend the time period for conducting the sentencing hearing.

Except in cases where the defendant shall be sentenced to a term of total confinement for life without the possibility of release or, when authorized by RCW 10.95.030 for the crime of aggravated murder in the first degree, sentenced to death, the court may order the department to complete a risk assessment report. If available before sentencing, the report shall be provided to the court.

The court shall, at the time of plea or conviction, order the department to complete a presentence report before imposing a sentence upon a defendant who has been convicted of a felony sexual offense. The department of corrections shall give priority to presentence investigations for sexual offenders. If the court determines that the defendant may be a mentally ill person as defined in

RCW 71.24.025, although the defendant has not established that at the time of the crime he or she lacked the capacity to commit the crime, was incompetent to commit the crime, or was insane at the time of the crime, the court shall order the department to complete a presentence report before imposing a sentence.

The court shall consider the risk assessment report and presentence reports, if any, including any victim impact statement and criminal history, and allow arguments from the prosecutor, the defense counsel, the offender, the victim, the survivor of the victim, or a representative of the victim or survivor, and an investigative law enforcement officer as to the sentence to be imposed.

If the court is satisfied by a preponderance of the evidence that the defendant has a criminal history, the court shall specify the convictions it has found to exist. All of this information shall be part of the record. Copies of all risk assessment reports and presentence reports presented to the sentencing court and all written findings of facts and conclusions of law as to sentencing entered by the court shall be sent to the department by the clerk of the court at the conclusion of the sentencing and shall accompany the offender if the offender is committed to the custody of the department. Court clerks shall provide, without charge, certified copies of documents relating to criminal convictions requested by prosecuting attorneys.

**Sec. 5.** RCW 9.94A.120 and 1998 c 260 s 3 are each amended to read as follows:

When a person is convicted of a felony, the court shall impose punishment as provided in this section.

(1) Except as authorized in subsections (2), (4), (5), (6), and (8) of this section, the court shall impose a sentence within the sentence range for the offense.

(2) The court may impose a sentence outside the standard sentence range for that offense if it finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(3) Whenever a sentence outside the standard range is imposed, the court shall set forth the reasons for its decision in written findings of fact and conclusions of law. A sentence outside the standard range shall be a determinate sentence.

(4) A persistent offender shall be sentenced to a term of total confinement for life without the possibility of parole or, when authorized by RCW 10.95.030 for the crime of aggravated murder in the first degree, sentenced to death, notwithstanding the maximum sentence under any other law. An offender convicted of the crime of murder in the first degree shall be sentenced to a term of total confinement not less than twenty years. An offender convicted of the crime of assault in the first degree or assault of a child in the first degree where the offender used force or means likely to result in death or intended to kill the victim shall be sentenced to a term of total confinement not less than five years. An offender convicted of the crime of rape in the first degree shall be sentenced to a term of total confinement not less than five years. The foregoing minimum terms of total confinement are mandatory and shall not be varied or modified as provided in subsection (2) of this section. In addition, all offenders subject to the provisions of this subsection shall not be eligible for community custody, earned (~~early~~) release time, furlough, home detention, partial confinement, work crew, work release, or any other form of early release as defined under RCW 9.94A.150 (1), (2), (3), (5), (7), or (8), or any other form of authorized leave of absence from the correctional facility while not in the direct custody of a corrections officer or officers during such minimum terms of total confinement except in the case of an offender in need of emergency medical treatment or for the purpose of commitment to an inpatient treatment facility in the case of an offender convicted of the crime of rape in the first degree.

(5)(a) In sentencing a first-time offender the court may waive the imposition of a sentence within the sentence range and impose a sentence which may include up to ninety days of confinement in a facility operated or utilized under contract by the county and a requirement that the offender refrain from committing new offenses. The sentence may also include (~~up to two years of community supervision~~) a term of community supervision or community custody as specified in (b) of this subsection, which, in addition to crime-related prohibitions, may include requirements that the offender perform any one or more of the following:

(~~(a)~~) (i) Devote time to a specific employment or occupation;

~~((b))~~ (ii) Undergo available outpatient treatment for up to ~~((two years))~~ the period specified in (b) of this subsection, or inpatient treatment not to exceed the standard range of confinement for that offense;

~~((c))~~ (iii) Pursue a prescribed, secular course of study or vocational training;

~~((d))~~ (iv) Remain within prescribed geographical boundaries and notify ~~((the court or))~~ the community corrections officer prior to any change in the offender's address or employment;

~~((e))~~ (v) Report as directed to ~~((the court and))~~ a community corrections officer; or

~~((f))~~ (vi) Pay all court-ordered legal financial obligations as provided in RCW 9.94A.030 and/or perform community service work.

(b) The terms and statuses applicable to sentences under (a) of this subsection are:

(i) For sentences imposed on or after the effective date of this section, for crimes committed before July 1, 2000, up to one year of community supervision. If treatment is ordered, the period of community supervision may include up to the period of treatment, but shall not exceed two years; and

(ii) For crimes committed on or after July 1, 2000, up to one year of community custody unless treatment is ordered, in which case the period of community custody may include up to the period of treatment, but shall not exceed two years. Any term of community custody imposed under this subsection (5) is subject to conditions and sanctions as authorized in this subsection (5) and in subsection (11)(b) and (c) of this section.

(c) The department shall discharge from community supervision any offender sentenced under this subsection (5) before the effective date of this section who has served at least one year of community supervision and has completed any treatment ordered by the court.

(6)(a) An offender is eligible for the special drug offender sentencing alternative if:

(i) The offender is convicted of the manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance classified in Schedule I or II that is a narcotic drug or a felony that is, under chapter 9A.28 RCW or RCW 69.50.407, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes, and the violation does not involve a sentence enhancement under RCW 9.94A.310 (3) or (4);

(ii) The offender has no prior convictions for a felony in this state, another state, or the United States; and

(iii) The offense involved only a small quantity of the particular controlled substance as determined by the judge upon consideration of such factors as the weight, purity, packaging, sale price, and street value of the controlled substance.

(b) If the midpoint of the standard range is greater than one year and the sentencing judge determines that the offender is eligible for this option and that the offender and the community will benefit from the use of the special drug offender sentencing alternative, the judge may waive imposition of a sentence within the standard range and impose a sentence that must include a period of total confinement in a state facility for one-half of the midpoint of the standard range. During incarceration in the state facility, offenders sentenced under this subsection shall undergo a comprehensive substance abuse assessment and receive, within available resources, treatment services appropriate for the offender. The treatment services shall be designed by the division of alcohol and substance abuse of the department of social and health services, in cooperation with the department of corrections. If the midpoint of the standard range is twenty-four months or less, no more than three months of the sentence may be served in a work release status. The court shall also impose one year of concurrent community custody and community supervision that must include appropriate outpatient substance abuse treatment, crime-related prohibitions including a condition not to use illegal controlled substances, and a requirement to submit to urinalysis or other testing to monitor that status. The court may require that the monitoring for controlled substances be conducted by the department or by a treatment alternatives to street crime program or a comparable court or agency-referred program. The offender may be required to pay thirty dollars per month while on community custody to offset the cost of monitoring. In addition, the court shall impose three or more of the following conditions:

(i) Devote time to a specific employment or training;

(ii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer before any change in the offender's address or employment;

(iii) Report as directed to a community corrections officer;

- (iv) Pay all court-ordered legal financial obligations;
- (v) Perform community service work;
- (vi) Stay out of areas designated by the sentencing judge.

(c) If the offender violates any of the sentence conditions in (b) of this subsection, the department shall impose sanctions administratively, with notice to the prosecuting attorney and the sentencing court. Upon motion of the court or the prosecuting attorney, a violation hearing shall be held by the court. If the court finds that conditions have been willfully violated, the court may impose confinement consisting of up to the remaining one-half of the midpoint of the standard range. All total confinement served during the period of community custody shall be credited to the offender, regardless of whether the total confinement is served as a result of the original sentence, as a result of a sanction imposed by the department, or as a result of a violation found by the court. The term of community supervision shall be tolled by any period of time served in total confinement as a result of a violation found by the court.

(d) The department shall determine the rules for calculating the value of a day fine based on the offender's income and reasonable obligations which the offender has for the support of the offender and any dependents. These rules shall be developed in consultation with the administrator for the courts, the office of financial management, and the commission.

(7) If a sentence range has not been established for the defendant's crime, the court shall impose a determinate sentence which may include not more than one year of confinement~~((7))~~; community service work; until July 1, 2000, a term of community supervision not to exceed one year((7)) and on and after July 1, 2000, a term of community custody not to exceed one year, subject to conditions and sanctions as authorized in subsection (11)(b) and (c) of this section; and/or other legal financial obligations. The court may impose a sentence which provides more than one year of confinement if the court finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(8)(a)(i) When an offender is convicted of a sex offense other than a violation of RCW 9A.44.050 or a sex offense that is also a serious violent offense and has no prior convictions for a sex offense or any other felony sex offenses in this or any other state, the sentencing court, on its own motion or the motion of the state or the defendant, may order an examination to determine whether the defendant is amenable to treatment.

The report of the examination shall include at a minimum the following: The defendant's version of the facts and the official version of the facts, the defendant's offense history, an assessment of problems in addition to alleged deviant behaviors, the offender's social and employment situation, and other evaluation measures used. The report shall set forth the sources of the evaluator's information.

The examiner shall assess and report regarding the defendant's amenability to treatment and relative risk to the community. A proposed treatment plan shall be provided and shall include, at a minimum:

- (A) Frequency and type of contact between offender and therapist;
- (B) Specific issues to be addressed in the treatment and description of planned treatment modalities;
- (C) Monitoring plans, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members and others;
- (D) Anticipated length of treatment; and
- (E) Recommended crime-related prohibitions.

The court on its own motion may order, or on a motion by the state shall order, a second examination regarding the offender's amenability to treatment. The evaluator shall be selected by the party making the motion. The defendant shall pay the cost of any second examination ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost.

(ii) After receipt of the reports, the court shall consider whether the offender and the community will benefit from use of this special sex offender sentencing alternative and consider the victim's opinion whether the offender should receive a treatment disposition under this subsection. If the court determines that this special sex offender sentencing alternative is appropriate, the court shall then impose a sentence within the sentence range. If this sentence is less than eleven years of

confinement, the court may suspend the execution of the sentence and impose the following conditions of suspension:

(A) The court shall place the defendant on community custody for the length of the suspended sentence or three years, whichever is greater, and require the offender to comply with any conditions imposed by the department of corrections under subsection ~~((14))~~ (15) of this section;

(B) The court shall order treatment for any period up to three years in duration. The court in its discretion shall order outpatient sex offender treatment or inpatient sex offender treatment, if available. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment. The offender shall not change sex offender treatment providers or treatment conditions without first notifying the prosecutor, the community corrections officer, and the court, and shall not change providers without court approval after a hearing if the prosecutor or community corrections officer object to the change. In addition, as conditions of the suspended sentence, the court may impose other sentence conditions including up to six months of confinement, not to exceed the sentence range of confinement for that offense, crime-related prohibitions, and requirements that the offender perform any one or more of the following:

(I) Devote time to a specific employment or occupation;

(II) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;

(III) Report as directed to the court and a community corrections officer;

(IV) Pay all court-ordered legal financial obligations as provided in RCW 9.94A.030, perform community service work, or any combination thereof; or

(V) Make recoupment to the victim for the cost of any counseling required as a result of the offender's crime; and

(C) Sex offenders sentenced under this special sex offender sentencing alternative are not eligible to accrue any earned ~~((early))~~ release time while serving a suspended sentence.

(iii) The sex offender therapist shall submit quarterly reports on the defendant's progress in treatment to the court and the parties. The report shall reference the treatment plan and include at a minimum the following: Dates of attendance, defendant's compliance with requirements, treatment activities, the defendant's relative progress in treatment, and any other material as specified by the court at sentencing.

(iv) At the time of sentencing, the court shall set a treatment termination hearing for three months prior to the anticipated date for completion of treatment. Prior to the treatment termination hearing, the treatment professional and community corrections officer shall submit written reports to the court and parties regarding the defendant's compliance with treatment and monitoring requirements, and recommendations regarding termination from treatment, including proposed community supervision conditions. Either party may request and the court may order another evaluation regarding the advisability of termination from treatment. The defendant shall pay the cost of any additional evaluation ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost. At the treatment termination hearing the court may: (A) Modify conditions of community custody, and either (B) terminate treatment, or (C) extend treatment for up to the remaining period of community custody.

(v) If a violation of conditions occurs during community custody, the department shall either impose sanctions as provided for in RCW 9.94A.205(2)(a) or refer the violation to the court and recommend revocation of the suspended sentence as provided for in (a)(vi) of this subsection.

(vi) The court may revoke the suspended sentence at any time during the period of community custody and order execution of the sentence if: (A) The defendant violates the conditions of the suspended sentence, or (B) the court finds that the defendant is failing to make satisfactory progress in treatment. All confinement time served during the period of community custody shall be credited to the offender if the suspended sentence is revoked.

(vii) Except as provided in (a)(viii) of this subsection, after July 1, 1991, examinations and treatment ordered pursuant to this subsection shall only be conducted by sex offender treatment providers certified by the department of health pursuant to chapter 18.155 RCW.

(viii) A sex offender therapist who examines or treats a sex offender pursuant to this subsection (8) does not have to be certified by the department of health pursuant to chapter 18.155 RCW if the



court finds that: (A) The offender has already moved to another state or plans to move to another state for reasons other than circumventing the certification requirements; (B) no certified providers are available for treatment within a reasonable geographical distance of the offender's home; and (C) the evaluation and treatment plan comply with this subsection (8) and the rules adopted by the department of health.

(ix) For purposes of this subsection (8), "victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a result of the crime charged. "Victim" also means a parent or guardian of a victim who is a minor child unless the parent or guardian is the perpetrator of the offense.

(x) If the defendant was less than eighteen years of age when the charge was filed, the state shall pay for the cost of initial evaluation and treatment.

(b) When an offender commits any felony sex offense on or after July 1, 1987, and is sentenced to a term of confinement of more than one year but less than six years, the sentencing court may, on its own motion or on the motion of the offender or the state, request the department of corrections to evaluate whether the offender is amenable to treatment and the department may place the offender in a treatment program within a correctional facility operated by the department.

Except for an offender who has been convicted of a violation of RCW 9A.44.040 or 9A.44.050, if the offender completes the treatment program before the expiration of his or her term of confinement, the department of corrections may request the court to convert the balance of confinement to community supervision and to place conditions on the offender including crime-related prohibitions and requirements that the offender perform any one or more of the following:

- (i) Devote time to a specific employment or occupation;
- (ii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;
- (iii) Report as directed to the court and a community corrections officer;
- (iv) Undergo available outpatient treatment.

If the offender violates any of the terms of his or her community supervision, the court may order the offender to serve out the balance of his or her community supervision term in confinement in the custody of the department of corrections.

Nothing in this subsection (8)(b) shall confer eligibility for such programs for offenders convicted and sentenced for a sex offense committed prior to July 1, 1987. This subsection (8)(b) does not apply to any crime committed after July 1, 1990.

(c) Offenders convicted and sentenced for a sex offense committed prior to July 1, 1987, may, subject to available funds, request an evaluation by the department of corrections to determine whether they are amenable to treatment. If the offender is determined to be amenable to treatment, the offender may request placement in a treatment program within a correctional facility operated by the department. Placement in such treatment program is subject to available funds.

(d) Within the funds available for this purpose, the department shall develop and monitor transition and relapse prevention strategies, including risk assessment and release plans, to reduce risk to the community after sex offenders' terms of confinement in the custody of the department.

(9)(a)(i) When a court sentences a person to a term of total confinement to the custody of the department of corrections for an offense categorized as a sex offense or a serious violent offense committed after July 1, 1988, but before July 1, 1990, assault in the second degree, assault of a child in the second degree, any crime against a person where it is determined in accordance with RCW 9.94A.125 that the defendant or an accomplice was armed with a deadly weapon at the time of commission, or any felony offense under chapter 69.50 or 69.52 RCW not sentenced under subsection (6) of this section, committed on or after July 1, 1988, but before the effective date of this section, the court shall in addition to the other terms of the sentence, sentence the offender to a one-year term of community placement beginning either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned (~~early~~) release in accordance with RCW 9.94A.150 (1) and (2). When the court sentences an offender under this subsection to the statutory maximum period of confinement then the community placement portion of the sentence shall consist entirely of such community custody to which the offender may become eligible, in accordance

with RCW 9.94A.150 (1) and (2). Any period of community custody actually served shall be credited against the community placement portion of the sentence.

(ii) Except for persons sentenced under (b) of this subsection or subsection (10)(a) of this section, when a court sentences a person to a term of total confinement to the custody of the department of corrections for a violent offense, any crime against a person under RCW 9.94A.440(2), or any felony offense under chapter 69.50 or 69.52 RCW not sentenced under subsection (6) of this section, committed on or after the effective date of this section but before July 1, 2000, the court shall in addition to the other terms of the sentence, sentence the offender to a one-year term of community placement beginning either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned release in accordance with RCW 9.94A.150 (1) and (2). When the court sentences the offender under this subsection (9)(a)(ii) to the statutory maximum period of confinement, then the community placement portion of the sentence shall consist entirely of such community custody to which the offender may become eligible, in accordance with RCW 9.94A.150 (1) and (2). Any period of community custody actually served shall be credited against the community placement portion of the sentence.

(b) When a court sentences a person to a term of total confinement to the custody of the department of corrections for an offense categorized as a sex offense committed on or after July 1, 1990, but before June 6, 1996, or a serious violent offense, vehicular homicide, or vehicular assault, committed on or after July 1, 1990, but before July 1, 2000, the court shall in addition to other terms of the sentence, sentence the offender to community placement for two years or up to the period of earned ((early)) release awarded pursuant to RCW 9.94A.150 (1) and (2), whichever is longer. The community placement shall begin either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned ((early)) release in accordance with RCW 9.94A.150 (1) and (2). When the court sentences an offender under this subsection to the statutory maximum period of confinement then the community placement portion of the sentence shall consist entirely of the community custody to which the offender may become eligible, in accordance with RCW 9.94A.150 (1) and (2). Any period of community custody actually served shall be credited against the community placement portion of the sentence. Unless a condition is waived by the court, the terms of community placement for offenders sentenced pursuant to this section shall include the following conditions:

- (i) The offender shall report to and be available for contact with the assigned community corrections officer as directed;
- (ii) The offender shall work at department of corrections-approved education, employment, and/or community service;
- (iii) The offender shall not possess or consume controlled substances except pursuant to lawfully issued prescriptions;
- (iv) The offender shall pay supervision fees as determined by the department of corrections;
- (v) The residence location and living arrangements are subject to the prior approval of the department of corrections during the period of community placement; and
- (vi) The offender shall submit to affirmative acts necessary to monitor compliance with the orders of the court as required by the department.

(c) As a part of any sentence imposed under (a) or (b) of this subsection, the court may also order any of the following special conditions:

- (i) The offender shall remain within, or outside of, a specified geographical boundary;
- (ii) The offender shall not have direct or indirect contact with the victim of the crime or a specified class of individuals;
- (iii) The offender shall participate in crime-related treatment or counseling services;
- (iv) The offender shall not consume alcohol;
- (v) The offender shall comply with any crime-related prohibitions; or
- (vi) For an offender convicted of a felony sex offense against a minor victim after June 6, 1996, the offender shall comply with any terms and conditions of community placement imposed by the department of corrections relating to contact between the sex offender and a minor victim or a child of similar age or circumstance as a previous victim.

(d) Prior to transfer to, or during, community placement, any conditions of community placement may be removed or modified so as not to be more restrictive by the sentencing court, upon recommendation of the department of corrections.

(10)(a) When a court sentences a person to the custody of the department of corrections for an offense categorized as a sex offense committed on or after June 6, 1996, but before July 1, 2000, the court shall, in addition to other terms of the sentence, sentence the offender to community custody for three years or up to the period of earned (~~early~~) release awarded pursuant to RCW 9.94A.150 (1) and (2), whichever is longer. The community custody shall begin either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned (~~early~~) release in accordance with RCW 9.94A.150 (1) and (2).

(b) Unless a condition is waived by the court, the terms of community custody shall be the same as those provided for in subsection (9)(b) of this section and may include those provided for in subsection (9)(c) of this section. As part of any sentence that includes a term of community custody imposed under this subsection, the court shall also require the offender to comply with any conditions imposed by the department of corrections under subsection (~~(14)~~) (15) of this section.

(c) At any time prior to the completion of a sex offender's term of community custody, if the court finds that public safety would be enhanced, the court may impose and enforce an order extending any or all of the conditions imposed pursuant to this section for a period up to the maximum allowable sentence for the crime as it is classified in chapter 9A.20 RCW, regardless of the expiration of the offender's term of community custody. If a violation of a condition extended under this subsection occurs after the expiration of the offender's term of community custody, it shall be deemed a violation of the sentence for the purposes of RCW 9.94A.195 and may be punishable as contempt of court as provided for in RCW 7.21.040.

(11)(a) When a court sentences a person to the custody of the department of corrections for a sex offense, a violent offense, any crime against a person under RCW 9.94A.440(2), or a felony offense under chapter 69.50 or 69.52 RCW not sentenced under subsection (6) of this section, committed on or after July 1, 2000, the court shall in addition to the other terms of the sentence, sentence the offender to community custody for the community custody range or up to the period of earned release awarded pursuant to RCW 9.94A.150 (1) and (2), whichever is longer. The community custody shall begin either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned release in accordance with RCW 9.94A.150 (1) and (2).

(b) Unless a condition is waived by the court, the conditions of community custody shall include those provided for in subsection (9)(b)(i) through (vi) of this section. The conditions may also include those provided for in subsection (9)(c)(i) through (vi) of this section. The court may also order the offender to participate in rehabilitative programs or otherwise perform affirmative conduct reasonably related to the circumstances of the offense, the offender's risk of reoffending, or the safety of the community, and the department shall enforce such conditions pursuant to (f) of this subsection. As part of any sentence that includes a term of community custody imposed under this subsection, the court shall also require the offender to comply with any conditions imposed by the department of corrections under subsection (15) of this section. The department shall assess the offender's risk of reoffense and may establish and modify additional conditions of the offender's community custody based upon the risk to community safety. The department may not impose conditions that are contrary to those ordered by the court and may not contravene or decrease court imposed conditions. The department shall notify the offender in writing of any such conditions or modifications. In setting, modifying, and enforcing conditions of community custody, the department shall be deemed to be performing a quasi-judicial function.

(c) If an offender violates conditions imposed by the court or the department pursuant to this subsection during community custody, the department may transfer the offender to a more restrictive confinement status and impose other available sanctions as provided in RCW 9.94A.205 and 9.94A.207.

(d) Except for terms of community custody under subsection (8) of this section, the department shall discharge the offender from community custody on a date determined by the department, which

the department may modify, based on risk and performance of the offender, within the range or at the end of the period of earned release, whichever is later.

(e) At any time prior to the completion or termination of a sex offender's term of community custody, if the court finds that public safety would be enhanced, the court may impose and enforce an order extending any or all of the conditions imposed pursuant to this section for a period up to the maximum allowable sentence for the crime as it is classified in chapter 9A.20 RCW, regardless of the expiration of the offender's term of community custody. If a violation of a condition extended under this subsection occurs after the expiration of the offender's term of community custody, it shall be deemed a violation of the sentence for the purposes of RCW 9.94A.195 and may be punishable as contempt of court as provided for in RCW 7.21.040. If the court extends a condition beyond the expiration of the term of community custody, the department is not responsible for supervision of the offender's compliance with the condition.

(f) Within the funds available for community custody, the department shall determine conditions and duration of community custody on the basis of risk to community safety, and shall supervise offenders during community custody on the basis of risk to community safety and conditions imposed by the court. The secretary shall adopt rules to implement the provisions of this subsection (11)(f).

(g) By the close of the next business day after receiving notice of a condition imposed or modified by the department, an offender may request an administrative review under rules adopted by the department. The condition shall remain in effect unless the reviewing officer finds that it is not reasonably related to any of the following: (i) The crime of conviction; (ii) the offender's risk of reoffending; or (iii) the safety of the community.

(12) If the court imposes a sentence requiring confinement of thirty days or less, the court may, in its discretion, specify that the sentence be served on consecutive or intermittent days. A sentence requiring more than thirty days of confinement shall be served on consecutive days. Local jail administrators may schedule court-ordered intermittent sentences as space permits.

~~((12))~~ (13) If a sentence imposed includes payment of a legal financial obligation, the sentence shall specify the total amount of the legal financial obligation owed, and shall require the offender to pay a specified monthly sum toward that legal financial obligation. Restitution to victims shall be paid prior to any other payments of monetary obligations. Any legal financial obligation that is imposed by the court may be collected by the department, which shall deliver the amount paid to the county clerk for credit. The offender's compliance with payment of legal financial obligations shall be supervised by the department for ten years following the entry of the judgment and sentence or ten years following the offender's release from total confinement. All monetary payments ordered shall be paid no later than ten years after the last date of release from confinement pursuant to a felony conviction or the date the sentence was entered unless the superior court extends the criminal judgment an additional ten years. If the legal financial obligations including crime victims' assessments are not paid during the initial ten-year period, the superior court may extend jurisdiction under the criminal judgment an additional ten years as provided in RCW 9.94A.140, 9.94A.142, and 9.94A.145. If jurisdiction under the criminal judgment is extended, the department is not responsible for supervision of the offender during the subsequent period. Independent of the department, the party or entity to whom the legal financial obligation is owed shall have the authority to utilize any other remedies available to the party or entity to collect the legal financial obligation. Nothing in this section makes the department, the state, or any of its employees, agents, or other persons acting on their behalf liable under any circumstances for the payment of these legal financial obligations. If an order includes restitution as one of the monetary assessments, the county clerk shall make disbursements to victims named in the order.

~~((13))~~ (14) Except as provided under RCW 9.94A.140(1) and 9.94A.142(1), a court may not impose a sentence providing for a term of confinement or community supervision ~~((or))~~ community placement, or community custody which exceeds the statutory maximum for the crime as provided in chapter 9A.20 RCW.

~~((14))~~ (15) All offenders sentenced to terms involving community supervision, community service, community placement, community custody, or legal financial obligation shall be under the supervision of the department of corrections and shall follow explicitly the instructions and conditions

of the department of corrections. The department may require an offender to perform affirmative acts it deems appropriate to monitor compliance with the conditions of the sentence imposed.

(a) The instructions shall include, at a minimum, reporting as directed to a community corrections officer, remaining within prescribed geographical boundaries, notifying the community corrections officer of any change in the offender's address or employment, and paying the supervision fee assessment.

(b) For offenders sentenced to terms involving community custody for crimes committed on or after June 6, 1996, the department may include, in addition to the instructions in (a) of this subsection, any appropriate conditions of supervision, including but not limited to, prohibiting the offender from having contact with any other specified individuals or specific class of individuals. For offenders sentenced to terms of community custody for crimes committed on or after July 1, 2000, the department may additionally require the offender to participate in rehabilitative programs or otherwise perform affirmative conduct, and to obey all laws.

The conditions authorized under this subsection (~~((14))~~) (15)(b) may be imposed by the department prior to or during an offender's community custody term. If a violation of conditions imposed by the court or the department pursuant to subsection (10) of this section occurs during community custody, it shall be deemed a violation of community placement for the purposes of RCW 9.94A.207 and shall authorize the department to transfer an offender to a more restrictive confinement status as provided in RCW 9.94A.205. At any time prior to the completion of (~~(a sex)~~) an offender's term of community custody, the department may recommend to the court that any or all of the conditions imposed by the court or the department pursuant to subsection (10) or (11) of this section be continued beyond the expiration of the offender's term of community custody as authorized in subsection (10)(c) or (11)(e) of this section.

The department may require offenders to pay for special services rendered on or after July 25, 1993, including electronic monitoring, day reporting, and telephone reporting, dependent upon the offender's ability to pay. The department may pay for these services for offenders who are not able to pay.

~~((15))~~ (16) All offenders sentenced to terms involving community supervision, community service, community custody, or community placement under the supervision of the department of corrections shall not own, use, or possess firearms or ammunition. Offenders who own, use, or are found to be in actual or constructive possession of firearms or ammunition shall be subject to the appropriate violation process and sanctions. "Constructive possession" as used in this subsection means the power and intent to control the firearm or ammunition. "Firearm" as used in this subsection means a weapon or device from which a projectile may be fired by an explosive such as gunpowder.

~~((16))~~ (17) The sentencing court shall give the offender credit for all confinement time served before the sentencing if that confinement was solely in regard to the offense for which the offender is being sentenced.

~~((17))~~ (18) A departure from the standards in RCW 9.94A.400 (1) and (2) governing whether sentences are to be served consecutively or concurrently is an exceptional sentence subject to the limitations in subsections (2) and (3) of this section, and may be appealed by the defendant or the state as set forth in RCW 9.94A.210 (2) through (6).

~~((18))~~ (19) The court shall order restitution whenever the offender is convicted of a felony that results in injury to any person or damage to or loss of property, whether the offender is sentenced to confinement or placed under community supervision, unless extraordinary circumstances exist that make restitution inappropriate in the court's judgment. The court shall set forth the extraordinary circumstances in the record if it does not order restitution.

~~((19))~~ (20) As a part of any sentence, the court may impose and enforce an order that relates directly to the circumstances of the crime for which the offender has been convicted, prohibiting the offender from having any contact with other specified individuals or a specific class of individuals for a period not to exceed the maximum allowable sentence for the crime, regardless of the expiration of the offender's term of community supervision or community placement.

~~((20))~~ (21) The court may order an offender whose sentence includes community placement or community supervision to undergo a mental status evaluation and to participate in available outpatient mental health treatment, if the court finds that reasonable grounds exist to believe that the

offender is a mentally ill person as defined in RCW 71.24.025, and that this condition is likely to have influenced the offense. An order requiring mental status evaluation or treatment must be based on a presentence report and, if applicable, mental status evaluations that have been filed with the court to determine the offender's competency or eligibility for a defense of insanity. The court may order additional evaluations at a later date if deemed appropriate.

~~((21))~~ (22) In any sentence of partial confinement, the court may require the defendant to serve the partial confinement in work release, in a program of home detention, on work crew, or in a combined program of work crew and home detention.

~~((22))~~ (23) All court-ordered legal financial obligations collected by the department and remitted to the county clerk shall be credited and paid where restitution is ordered. Restitution shall be paid prior to any other payments of monetary obligations.

(24)(a) Sex offender examinations and treatment ordered as a special condition of community placement or community custody under this section shall be conducted only by sex offender treatment providers certified by the department of health under chapter 18.155 RCW unless the court finds that: (i) The offender has already moved to another state or plans to move to another state for reasons other than circumventing the certification requirements; (ii) no certified providers are available for treatment within a reasonable geographic distance of the offender's home, as determined in rules adopted by the secretary; or (iii) the treatment provider is employed by the department. Any noncertified provider who provides treatment due to the circumstances described in (a)(ii) of this subsection shall consult with a certified provider during the offender's period of treatment to ensure compliance with the rules adopted by the department of health. The frequency and content of the consultation shall be based on the recommendation of the certified provider.

(b) A sex offender's failure to participate in treatment required as a condition of community placement or community custody is a violation that will not be excused on the basis that no treatment provider was located within a reasonable geographic distance of the offender's home.

**Sec. 6.** RCW 9.94A.145 and 1997 c 121 s 5 and 1997 c 52 s 3 are each reenacted and amended to read as follows:

(1) Whenever a person is convicted of a felony, the court may order the payment of a legal financial obligation as part of the sentence. The court must on either the judgment and sentence or on a subsequent order to pay, designate the total amount of a legal financial obligation and segregate this amount among the separate assessments made for restitution, costs, fines, and other assessments required by law. On the same order, the court is also to set a sum that the offender is required to pay on a monthly basis towards satisfying the legal financial obligation. If the court fails to set the offender monthly payment amount, the department shall set the amount. Upon receipt of an offender's monthly payment, after restitution is satisfied, the county clerk shall distribute the payment proportionally among all other fines, costs, and assessments imposed, unless otherwise ordered by the court.

(2) If the court determines that the offender, at the time of sentencing, has the means to pay for the cost of incarceration, the court may require the offender to pay for the cost of incarceration at a rate of fifty dollars per day of incarceration. Payment of other court-ordered financial obligations, including all legal financial obligations and costs of supervision shall take precedence over the payment of the cost of incarceration ordered by the court. All funds recovered from offenders for the cost of incarceration in the county jail shall be remitted to the county and the costs of incarceration in a prison shall be remitted to the department of corrections.

(3) The court may add to the judgment and sentence or subsequent order to pay a statement that a notice of payroll deduction is to be immediately issued. If the court chooses not to order the immediate issuance of a notice of payroll deduction at sentencing, the court shall add to the judgment and sentence or subsequent order to pay a statement that a notice of payroll deduction may be issued or other income-withholding action may be taken, without further notice to the offender if a monthly court-ordered legal financial obligation payment is not paid when due, and an amount equal to or greater than the amount payable for one month is owed.

If a judgment and sentence or subsequent order to pay does not include the statement that a notice of payroll deduction may be issued or other income-withholding action may be taken if a monthly legal financial obligation payment is past due, the department may serve a notice on the

offender stating such requirements and authorizations. Service shall be by personal service or any form of mail requiring a return receipt.

(4) All legal financial obligations that are ordered as a result of a conviction for a felony, may also be enforced in the same manner as a judgment in a civil action by the party or entity to whom the legal financial obligation is owed. Restitution collected through civil enforcement must be paid through the registry of the court and must be distributed proportionately according to each victim's loss when there is more than one victim. The judgment and sentence shall identify the party or entity to whom restitution is owed so that the state, party, or entity may enforce the judgment. If restitution is ordered pursuant to RCW 9.94A.140(3) or 9.94A.142(3) to a victim of rape of a child and the victim's child born from the rape, the Washington state child support registry shall be identified as the party to whom payments must be made. Restitution obligations arising from the rape of a child in the first, second, or third degree that result in the pregnancy of the victim may be enforced for the time periods provided under RCW 9.94A.140(3) and 9.94A.142(3). All other legal financial obligations may be enforced at any time during the ten-year period following the offender's release from total confinement or within ten years of entry of the judgment and sentence, whichever period is longer. Prior to the expiration of the initial ten-year period, the superior court may extend the criminal judgment an additional ten years for payment of legal financial obligations including crime victims' assessments. If jurisdiction under the criminal judgment is extended, the department is not responsible for supervision of the offender during the subsequent period. Independent of the department, the party or entity to whom the legal financial obligation is owed shall have the authority to utilize any other remedies available to the party or entity to collect the legal financial obligation.

(5) In order to assist the court in setting a monthly sum that the offender must pay during the period of supervision, the offender is required to report to the department for purposes of preparing a recommendation to the court. When reporting, the offender is required, under oath, to truthfully and honestly respond to all questions concerning present, past, and future earning capabilities and the location and nature of all property or financial assets. The offender is further required to bring any and all documents as requested by the department.

(6) After completing the investigation, the department shall make a report to the court on the amount of the monthly payment that the offender should be required to make towards a satisfied legal financial obligation.

(7) During the period of supervision, the department may make a recommendation to the court that the offender's monthly payment schedule be modified so as to reflect a change in financial circumstances. If the department sets the monthly payment amount, the department may modify the monthly payment amount without the matter being returned to the court. Also, during the period of supervision, the offender may be required at the request of the department to report to the department for the purposes of reviewing the appropriateness of the collection schedule for the legal financial obligation. During this reporting, the offender is required under oath to truthfully and honestly respond to all questions concerning earning capabilities and the location and nature of all property or financial assets. Also, the offender is required to bring any and all documents as requested by the department in order to prepare the collection schedule.

(8) After the judgment and sentence or payment order is entered, the department shall for any period of supervision be authorized to collect the legal financial obligation from the offender. Any amount collected by the department shall be remitted daily to the county clerk for the purposes of disbursements. The department is authorized to accept credit cards as payment for a legal financial obligation, and any costs incurred related to accepting credit card payments shall be the responsibility of the offender.

(9) The department or any obligee of the legal financial obligation may seek a mandatory wage assignment for the purposes of obtaining satisfaction for the legal financial obligation pursuant to RCW 9.94A.2001.

(10) The requirement that the offender pay a monthly sum towards a legal financial obligation constitutes a condition or requirement of a sentence and the offender is subject to the penalties as provided in RCW 9.94A.200 for noncompliance.

(11) The county clerk shall provide the department with individualized monthly billings for each offender with an unsatisfied legal financial obligation and shall provide the department with notice of payments by such offenders no less frequently than weekly.

(12) The department may arrange for the collection of unpaid legal financial obligations through the county clerk, or through another entity if the clerk does not assume responsibility for collection. The costs for collection services shall be paid by the offender.

**Sec. 7.** RCW 9.94A.170 and 1993 c 31 s 2 are each amended to read as follows:

(1) A term of confinement (~~(, including community custody,)~~) ordered in a sentence pursuant to this chapter shall be tolled by any period of time during which the offender has absented (~~(him)~~) himself or herself from confinement without the prior approval of the entity in whose custody the offender has been placed. A term of partial confinement shall be tolled during any period of time spent in total confinement pursuant to a new conviction or pursuant to sanctions for violation of sentence conditions on a separate felony conviction.

(2) A term of (~~(supervision, including postrelease supervision)~~) community custody ordered in a sentence pursuant to this chapter shall be tolled by any period of time during which the offender has absented himself or herself from supervision without prior approval of the entity under whose (~~(supervision)~~) community custody the offender has been placed.

(3) Any period of (~~(supervision)~~) community custody shall be tolled during any period of time the offender is in confinement for any reason. However, if an offender is detained pursuant to RCW 9.94A.207 or 9.94A.195 and is later found not to have violated a condition or requirement of (~~(supervision)~~) community custody, time spent in confinement due to such detention shall not toll (~~(to the)~~) the period of (~~(supervision)~~) community custody.

(4) For confinement or (~~(supervision)~~) community custody sentences, the date for the tolling of the sentence shall be established by the entity responsible for the confinement or (~~(supervision)~~) community custody.

**Sec. 8.** RCW 9.94A.205 and 1996 c 275 s 3 are each amended to read as follows:

(1) If an (~~(inmate)~~) offender violates any condition or requirement of community custody, the department may transfer the (~~(inmate)~~) offender to a more restrictive confinement status to serve up to the remaining portion of the sentence, less credit for any period actually spent in community custody or in detention awaiting disposition of an alleged violation and subject to the limitations of subsection (2) of this section.

(2)(a) For a sex offender sentenced to a term of community custody under RCW 9.94A.120(8) who violates any condition of community custody, the department may impose a sanction of up to sixty days' confinement in a local correctional facility for each violation. If the department imposes a sanction, the department shall submit within seventy-two hours a report to the court and the prosecuting attorney outlining the violation or violations and the sanctions imposed.

(b) For a sex offender sentenced to a term of community custody under RCW 9.94A.120(10) who violates any condition of community custody after having completed his or her maximum term of total confinement, including time served on community custody in lieu of earned (~~(early)~~) release, the department may impose a sanction of up to sixty days in a local correctional facility for each violation.

(c) For an offender sentenced to a term of community custody under RCW 9.94A.120 (5), (7), or (11), or under RCW 9.94A.383, for a crime committed on or after July 1, 2000, who violates any condition of community custody after having completed his or her maximum term of total confinement, including time served on community custody in lieu of earned release, the department may impose a sanction of up to sixty days in total confinement for each violation. The department may impose sanctions such as work release, home detention with electronic monitoring, work crew, community service, inpatient treatment, daily reporting, curfew, educational or counseling sessions, supervision enhanced through electronic monitoring, or any other sanctions available in the community.

(d) For an offender sentenced to a term of community custody under RCW 9.94A.120(9)(a)(ii) who violates any condition of community custody after having completed his or her maximum term of total confinement, including time served on community custody in lieu of earned release, the department may impose a sanction of up to sixty days in total confinement for each violation. The



department may impose sanctions such as work release, home detention with electronic monitoring, work crew, community service, inpatient treatment, daily reporting, curfew, educational or counseling sessions, supervision enhanced through electronic monitoring, or any other sanctions available in the community.

(3) If an (~~inmate~~) offender is accused of violating any condition or requirement of community custody, he or she is entitled to a hearing before the department prior to the imposition of sanctions. The hearing shall be considered as (~~inmate~~) offender disciplinary proceedings and shall not be subject to chapter 34.05 RCW. The department shall develop hearing procedures and a structure of graduated sanctions.

(4) The hearing procedures required under subsection (3) of this section shall be developed by rule and include the following:

(a) Hearing officers shall report through a chain of command separate from that of community corrections officers.

(b) The department shall provide the offender with written notice of the violation, the evidence relied upon, and the reasons the particular sanction was imposed. The notice shall include a statement of the rights specified in this subsection, and the offender's right to file a personal restraint petition under court rules after the final decision of the department.

(c) The hearing shall be held unless waived by the offender, and shall be electronically recorded. For offenders not in total confinement, the hearing shall be held within fifteen working days, but not less than twenty-four hours, after notice of the violation. For offenders in total confinement, the hearing shall be held within five working days, but not less than twenty-four hours, after notice of the violation.

(d) The offender shall have the right to be present at the hearing, to have the assistance of an advisor appointed by the hearing officer if there is a language or communications barrier, to testify or remain silent, to call witnesses and present documentary evidence, and to question witnesses who appear and testify.

(e) The sanction shall take effect if affirmed by the hearing officer. Within seven days after the hearing officer's decision, the offender may appeal the decision to a panel of three reviewing officers designated by the secretary or by the secretary's designee. The sanction shall be reversed or modified if a majority of the panel finds that the sanction was not reasonably related to any of the following: (i) The crime of conviction; (ii) the violation committed; (iii) the offender's risk of reoffending; or (iv) the safety of the community.

(5) For purposes of this section, no finding of a violation of conditions may be based on unconfirmed or unconfirmable allegations.

**Sec. 9.** RCW 9.94A.207 and 1996 c 275 s 4 are each amended to read as follows:

(1) The secretary may issue warrants for the arrest of any offender who violates a condition of community placement or community custody. The arrest warrants shall authorize any law enforcement or peace officer or community corrections officer of this state or any other state where such offender may be located, to arrest the offender and place him or her in total confinement pending disposition of the alleged violation. The department shall compensate the local jurisdiction at the office of financial management's adjudicated rate, in accordance with RCW 70.48.440. A community corrections officer, if he or she has reasonable cause to believe an offender in community placement or community custody has violated a condition of community placement or community custody, may suspend the person's community placement or community custody status and arrest or cause the arrest and detention in total confinement of the offender, pending the determination of the secretary as to whether the violation has occurred. The community corrections officer shall report to the secretary all facts and circumstances and the reasons for the action of suspending community placement or community custody status. A violation of a condition of community placement or community custody shall be deemed a violation of the sentence for purposes of RCW 9.94A.195. The authority granted to community corrections officers under this section shall be in addition to that set forth in RCW 9.94A.195.

(2) Inmates, as defined in RCW 72.09.015, who have been transferred to community custody and who are detained in a local correctional facility are the financial responsibility of the department of

corrections, except as provided in subsection (3) of this section. The community custody inmate shall be removed from the local correctional facility, except as provided in subsection (3) of this section, not later than eight days, excluding weekends and holidays, following admittance to the local correctional facility and notification that the inmate is available for movement to a state correctional institution.

(3) The department may negotiate with local correctional authorities for an additional period of detention; however, sex offenders sanctioned for community custody violations under RCW 9.94A.205(2) to a term of confinement shall remain in the local correctional facility for the complete term of the sanction. For confinement sanctions imposed under RCW 9.94A.205(2)(a), the local correctional facility shall be financially responsible. For confinement sanctions imposed under RCW 9.94A.205(2)(b), the department of corrections shall be financially responsible for that portion of the sanction served during the time in which the sex offender is on community custody in lieu of earned (~~early~~) release, and the local correctional facility shall be financially responsible for that portion of the sanction served by the sex offender after the time in which the sex offender is on community custody in lieu of earned (~~early~~) release. The department, in consultation with the Washington association of sheriffs and police chiefs and those counties in which the sheriff does not operate a correctional facility, shall establish a methodology for determining the department's local correctional facilities bed utilization rate, for each county in calendar year 1998, for offenders being held for violations of conditions of community custody, community placement, or community supervision. For confinement sanctions imposed under RCW 9.94A.205(2) (c) or (d), the local correctional facility shall continue to be financially responsible to the extent of the calendar year 1998 bed utilization rate. If the department's use of bed space in local correctional facilities of any county for confinement sanctions imposed on offenders sentenced to a term of community custody under RCW 9.94A.205(2) (c) and (d) exceeds the 1998 bed utilization rate for the county, the department shall compensate the county for the excess use at the per diem rate equal to the lowest rate charged by the county under its contract with a municipal government during the year in which the use occurs.

**Sec. 10.** RCW 9.94A.383 and 1988 c 143 s 23 are each amended to read as follows:

On all sentences of confinement for one year or less, the court may impose up to one year of community (~~supervision~~) custody, subject to conditions and sanctions as authorized in RCW 9.94A.120(11) (b) and (c). An offender shall be on community (~~supervision~~) custody as of the date of sentencing. However, during the time for which the offender is in total or partial confinement pursuant to the sentence or a violation of the sentence, the period of community (~~supervision~~) custody shall toll.

**Sec. 11.** RCW 9.94A.440 and 1996 c 93 s 2 are each amended to read as follows:

(1) Decision not to prosecute.

STANDARD: A prosecuting attorney may decline to prosecute, even though technically sufficient evidence to prosecute exists, in situations where prosecution would serve no public purpose, would defeat the underlying purpose of the law in question or would result in decreased respect for the law.

GUIDELINE/COMMENTARY:

Examples

The following are examples of reasons not to prosecute which could satisfy the standard.

(a) Contrary to Legislative Intent - It may be proper to decline to charge where the application of criminal sanctions would be clearly contrary to the intent of the legislature in enacting the particular statute.

(b) Antiquated Statute - It may be proper to decline to charge where the statute in question is antiquated in that:

- (i) It has not been enforced for many years; and
- (ii) Most members of society act as if it were no longer in existence; and
- (iii) It serves no deterrent or protective purpose in today's society; and
- (iv) The statute has not been recently reconsidered by the legislature.

This reason is not to be construed as the basis for declining cases because the law in question is unpopular or because it is difficult to enforce.

(c) De Minimus Violation - It may be proper to decline to charge where the violation of law is only technical or insubstantial and where no public interest or deterrent purpose would be served by prosecution.

(d) Confinement on Other Charges - It may be proper to decline to charge because the accused has been sentenced on another charge to a lengthy period of confinement; and

(i) Conviction of the new offense would not merit any additional direct or collateral punishment;

(ii) The new offense is either a misdemeanor or a felony which is not particularly aggravated; and

(iii) Conviction of the new offense would not serve any significant deterrent purpose.

(e) Pending Conviction on Another Charge - It may be proper to decline to charge because the accused is facing a pending prosecution in the same or another county; and

(i) Conviction of the new offense would not merit any additional direct or collateral punishment;

(ii) Conviction in the pending prosecution is imminent;

(iii) The new offense is either a misdemeanor or a felony which is not particularly aggravated; and

(iv) Conviction of the new offense would not serve any significant deterrent purpose.

(f) High Disproportionate Cost of Prosecution - It may be proper to decline to charge where the cost of locating or transporting, or the burden on, prosecution witnesses is highly disproportionate to the importance of prosecuting the offense in question. This reason should be limited to minor cases and should not be relied upon in serious cases.

(g) Improper Motives of Complainant - It may be proper to decline charges because the motives of the complainant are improper and prosecution would serve no public purpose, would defeat the underlying purpose of the law in question or would result in decreased respect for the law.

(h) Immunity - It may be proper to decline to charge where immunity is to be given to an accused in order to prosecute another where the accused's information or testimony will reasonably lead to the conviction of others who are responsible for more serious criminal conduct or who represent a greater danger to the public interest.

(i) Victim Request - It may be proper to decline to charge because the victim requests that no criminal charges be filed and the case involves the following crimes or situations:

(i) Assault cases where the victim has suffered little or no injury;

(ii) Crimes against property, not involving violence, where no major loss was suffered;

(iii) Where doing so would not jeopardize the safety of society.

Care should be taken to insure that the victim's request is freely made and is not the product of threats or pressure by the accused.

The presence of these factors may also justify the decision to dismiss a prosecution which has been commenced.

#### Notification

The prosecutor is encouraged to notify the victim, when practical, and the law enforcement personnel, of the decision not to prosecute.

(2) Decision to prosecute.

#### (a) STANDARD:

Crimes against persons will be filed if sufficient admissible evidence exists, which, when considered with the most plausible, reasonably foreseeable defense that could be raised under the evidence, would justify conviction by a reasonable and objective fact-finder. With regard to offenses prohibited by RCW 9A.44.040, 9A.44.050, 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, 9A.44.089, and 9A.64.020 the prosecutor should avoid pre-filing agreements or diversions intended to place the accused in a program of treatment or counseling, so that treatment, if determined to be beneficial, can be provided pursuant to RCW 9.94A.120(8).

Crimes against property/other crimes will be filed if the admissible evidence is of such convincing force as to make it probable that a reasonable and objective fact-finder would convict after hearing all the admissible evidence and the most plausible defense that could be raised.

See table below for the crimes within these categories.

## CATEGORIZATION OF CRIMES FOR PROSECUTING STANDARDS

### CRIMES AGAINST PERSONS

Aggravated Murder  
1st Degree Murder  
2nd Degree Murder  
1st Degree Kidnaping  
1st Degree Assault  
1st Degree Assault of a Child  
1st Degree Rape  
1st Degree Robbery  
1st Degree Rape of a Child  
1st Degree Arson  
2nd Degree Kidnaping  
2nd Degree Assault  
2nd Degree Assault of a Child  
2nd Degree Rape  
2nd Degree Robbery  
1st Degree Burglary  
1st Degree Manslaughter  
2nd Degree Manslaughter  
1st Degree Extortion  
Indecent Liberties  
Incest  
2nd Degree Rape of a Child  
Vehicular Homicide  
Vehicular Assault  
3rd Degree Rape  
3rd Degree Rape of a Child  
1st Degree Child Molestation  
2nd Degree Child Molestation  
3rd Degree Child Molestation  
2nd Degree Extortion  
1st Degree Promoting Prostitution  
Intimidating a Juror  
Communication with a Minor  
Intimidating a Witness  
Intimidating a Public Servant  
Bomb Threat (if against person)  
3rd Degree Assault  
3rd Degree Assault of a Child  
Unlawful Imprisonment  
Promoting a Suicide Attempt  
Riot (if against person)  
Stalking  
Custodial Assault  
No-Contact Order-Domestic Violence Pretrial (RCW 10.99.040(4) (b) and (c))  
No-Contact Order-Domestic Violence Sentence (RCW 10.99.050(2))  
Protection Order-Domestic Violence Civil (RCW 26.50.110 (4) and (5))

### CRIMES AGAINST PROPERTY/OTHER CRIMES

2nd Degree Arson  
1st Degree Escape  
2nd Degree Burglary

1st Degree Theft  
1st Degree Perjury  
1st Degree Introducing Contraband  
1st Degree Possession of Stolen Property  
Bribery  
Bribing a Witness  
Bribe received by a Witness  
Bomb Threat (if against property)  
1st Degree Malicious Mischief  
2nd Degree Theft  
2nd Degree Escape  
2nd Degree Introducing Contraband  
2nd Degree Possession of Stolen Property  
2nd Degree Malicious Mischief  
1st Degree Reckless Burning  
Taking a Motor Vehicle without Authorization  
Forgery  
2nd Degree Perjury  
2nd Degree Promoting Prostitution  
Tampering with a Witness  
Trading in Public Office  
Trading in Special Influence  
Receiving/Granting Unlawful Compensation  
Bigamy  
Eluding a Pursuing Police Vehicle  
Willful Failure to Return from Furlough  
Escape from Community Custody  
Riot (if against property)  
Thefts of Livestock

#### ALL OTHER UNCLASSIFIED FELONIES

Selection of Charges/Degree of Charge

~~((4))~~ (i) The prosecutor should file charges which adequately describe the nature of defendant's conduct. Other offenses may be charged only if they are necessary to ensure that the charges:

~~((a))~~ (A) Will significantly enhance the strength of the state's case at trial; or

~~((b))~~ (B) Will result in restitution to all victims.

~~((2))~~ (ii) The prosecutor should not overcharge to obtain a guilty plea. Overcharging includes:

~~((a))~~ (A) Charging a higher degree;

~~((b))~~ (B) Charging additional counts.

This standard is intended to direct prosecutors to charge those crimes which demonstrate the nature and seriousness of a defendant's criminal conduct, but to decline to charge crimes which are not necessary to such an indication. Crimes which do not merge as a matter of law, but which arise from the same course of conduct, do not all have to be charged.

#### (b) GUIDELINES/COMMENTARY:

##### (i) Police Investigation

A prosecuting attorney is dependent upon law enforcement agencies to conduct the necessary factual investigation which must precede the decision to prosecute. The prosecuting attorney shall ensure that a thorough factual investigation has been conducted before a decision to prosecute is made. In ordinary circumstances the investigation should include the following:

~~((4))~~ (A) The interviewing of all material witnesses, together with the obtaining of written statements whenever possible;

~~((2))~~ (B) The completion of necessary laboratory tests; and  
~~((3))~~ (C) The obtaining, in accordance with constitutional requirements, of the suspect's version of the events.

If the initial investigation is incomplete, a prosecuting attorney should insist upon further investigation before a decision to prosecute is made, and specify what the investigation needs to include.

(ii) Exceptions

In certain situations, a prosecuting attorney may authorize filing of a criminal complaint before the investigation is complete if:

~~((1))~~ (A) Probable cause exists to believe the suspect is guilty; and  
~~((2))~~ (B) The suspect presents a danger to the community or is likely to flee if not apprehended; or

~~((3))~~ (C) The arrest of the suspect is necessary to complete the investigation of the crime.

In the event that the exception to the standard is applied, the prosecuting attorney shall obtain a commitment from the law enforcement agency involved to complete the investigation in a timely manner. If the subsequent investigation does not produce sufficient evidence to meet the normal charging standard, the complaint should be dismissed.

(iii) Investigation Techniques

The prosecutor should be fully advised of the investigatory techniques that were used in the case investigation including:

~~((1))~~ (A) Polygraph testing;  
~~((2))~~ (B) Hypnosis;  
~~((3))~~ (C) Electronic surveillance;  
~~((4))~~ (D) Use of informants.

(iv) Pre-Filing Discussions with Defendant

Discussions with the defendant or his/her representative regarding the selection or disposition of charges may occur prior to the filing of charges, and potential agreements can be reached.

(v) Pre-Filing Discussions with Victim(s)

Discussions with the victim(s) or victims' representatives regarding the selection or disposition of charges may occur before the filing of charges. The discussions may be considered by the prosecutor in charging and disposition decisions, and should be considered before reaching any agreement with the defendant regarding these decisions.

NEW SECTION. Sec. 12. A new section is added to chapter 72.09 RCW to read as follows:

Except as specifically prohibited by other law, and for purposes of determining, modifying, or monitoring compliance with conditions of community custody, community placement, or community supervision as authorized under RCW 9.94A.120 and 9.94A.383, the department:

(1) Shall have access to all relevant records and information in the possession of public agencies relating to offenders, including police reports, prosecutors' statements of probable cause, complete criminal history information, psychological evaluations and psychiatric hospital reports, sex offender treatment program reports, and juvenile records; and

(2) May require periodic reports from providers of treatment or other services required by the court or the department, including progress reports, evaluations and assessments, and reports of violations of conditions imposed by the court or the department.

NEW SECTION. Sec. 13. A new section is added to chapter 72.09 RCW to read as follows:

To the extent practicable, the department shall deploy community corrections staff on the basis of geographic areas in which offenders under the department's jurisdiction are located, and shall establish a systematic means of assessing risk to the safety of those communities.

NEW SECTION. Sec. 14. The secretary of corrections may adopt rules to implement sections 1 through 13 of this act.

NEW SECTION. **Sec. 15.** The Washington state institute for public policy shall, subject to available resources, conduct a study on the effect of the use of community custody under this act on recidivism and other relevant outcomes. By January 1, 2000, the institute shall, subject to available resources, report to the legislature on the design for the study. By January 1st of each year thereafter, the institute shall, subject to available resources, report to the legislature on the progress and findings of the study. By January 1, 2010, the institute shall, subject to available resources, provide to the legislature a final report on the findings of the study.

NEW SECTION. **Sec. 16.** Nothing in this act shall be construed to create an immunity or defense from liability for personal injury or wrongful death based solely on availability of funds.

NEW SECTION. **Sec. 17.** This act may be known and cited as the offender accountability act.

NEW SECTION. **Sec. 18.** Section 10 of this act takes effect July 1, 2000, and applies only to offenses committed on or after July 1, 2000.

NEW SECTION. **Sec. 19.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 20.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 1999, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

Voting yea: Representatives Ballasiotes, O'Brien, Cairnes, Lovick, B. Chandler, Constantine, Kagi and Koster.

Referred to Committee on Appropriations.

April 2, 1999

ESSB 5424 Prime Sponsor, Senate Committee on Senate Environmental Quality & Water Resources:  
Allowing the use of certain commercially approved herbicides for aquatic plant management.  
Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass. Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Koster, Republican Vice Chair; B. Chandler; Delvin; Fortunato; Grant; Reardon; Schoesler; Stensen; Sump and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Cooper, Democratic Vice Chair and Anderson.

Voting yea: Representatives G. Chandler, Linville, Koster, B. Chandler, Delvin, Fortunato, Grant, Reardon, Schoesler, Stensen, Sump and Wood.

Voting nay: Representative(s) Cooper and Anderson.

Referred to Committee on Appropriations.

April 1, 1999

ESB 5437 Prime Sponsor, Senator Thibaudeau: Reimbursing podiatric physicians and surgeons.  
Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Democratic Co-Chair; Parlette, Republican Co-Chair; Pflug, Republican Vice Chair; Schual-Berke, Democratic Vice Chair; Alexander; Boldt; Campbell; Conway; Edmonds; Mulliken and Ruderman.

Voting yea: Representatives Cody, Parlette, Pflug, Schual-Berke, Boldt, Campbell, Conway, Edmonds, Mulliken and Ruderman.

Excused: Representative(s) Alexander and Edwards.

Passed to Rules Committee for Second Reading.

April 2, 1999

2SSB 5452 Prime Sponsor, Senate Committee on Ways & Means: Authorizing the creation of public facilities districts. Reported by Committee on Economic Development, Housing & Trade

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislative authority of any town or city located in a county with a population of less than one million may create a public facilities district. The legislative authorities of any contiguous group of towns or cities located in a county or counties each with a population of less than one million may enter an agreement under chapter 39.34 RCW for the creation and joint operation of a public facilities district.

(2) A public facilities district shall be coextensive with the boundaries of the city or town or contiguous group of cities or towns that created the district.

(3)(a) A public facilities district created by a single city or town shall be governed by a board of directors consisting of five members selected as follows: (i) Two members appointed by the legislative authority of the city or town; and (ii) three members appointed by legislative authority based on recommendations from local organizations. The members appointed under (a)(i) of this subsection, shall not be members of the legislative authority of the city or town. The members appointed under (a)(ii) of this subsection, shall be based on recommendations received from local organizations that may include, but are not limited to the local chamber of commerce, local economic development council, and local labor council. The members shall serve four-year terms. Of the initial members, one must be appointed for a one-year term, one must be appointed for a two-year term, one must be appointed for a three-year term, and the remainder must be appointed for four-year terms.

(b) A public facilities district created by contiguous group of cities and towns shall be governed by a board of directors consisting of seven members selected as follows: (i) Three members appointed by the legislative authorities of the cities and towns; and (ii) four members appointed by the legislative authority based on recommendations from local organizations. The members appointed under (b)(i) of this subsection shall not be members of the legislative authorities of the cities and towns. The members appointed under (b)(ii) of this subsection, shall be based on recommendations received from local organizations that include, but are not limited to the local chamber of commerce, local economic development council, local labor council, and a neighborhood organization that is directly affected by the location of the regional center in their area. The members of the board of directors shall be appointed in accordance with the terms of the agreement under chapter 39.34 RCW for the joint operation of the district and shall serve four-year terms. Of the initial members, one must be appointed for a one-year term, one must be appointed for a two-year term, one must be appointed for a three-year term, and the remainder must be appointed for four-year terms.



(4) A public facilities district is a municipal corporation, an independent taxing "authority" within the meaning of Article VII, section 1 of the state Constitution, and a "taxing district" within the meaning of Article VII, section 2 of the state Constitution.

(5) A public facilities district shall constitute a body corporate and shall possess all the usual powers of a corporation for public purposes as well as all other powers that may now or hereafter be specifically conferred by statute, including, but not limited to, the authority to hire employees, staff, and services, to enter into contracts, and to sue and be sued.

(6) A public facilities district may acquire and transfer real and personal property by lease, sublease, purchase, or sale. No direct or collateral attack on any metropolitan facilities district purported to be authorized or created in conformance with this chapter may be commenced more than thirty days after creation by the city legislative authority.

**NEW SECTION. Sec. 2.** (1) A public facilities district is authorized to acquire, construct, own, remodel, maintain, equip, reequip, repair, finance, and operate one or more regional centers. For purposes of this chapter, "regional center" means a convention, conference, or special events center, or any combination of facilities, and related parking facilities, serving a regional population constructed, improved, or rehabilitated after the effective date of this section at a cost of at least ten million dollars, including debt service. "Regional center" also includes an existing convention, conference, or special events center, and related parking facilities, serving a regional population, that is improved or rehabilitated after the effective date of this section where the costs of improvement or rehabilitation are at least ten million dollars, including debt service. A regional center is conclusively presumed to serve a regional population if state and local government investment in the construction, improvement, or rehabilitation of the regional center is equal to or greater than ten million dollars.

(2) A public facilities district may impose charges and fees for the use of its facilities, and may accept and expend or use gifts, grants, and donations for the purpose of a regional center.

(3) A public facilities district may impose charges, fees, and taxes authorized in section 4 of this act, and use revenues derived therefrom for the purpose of paying principal and interest payments on bonds issued by the public facilities district to construct a regional center.

(4) Notwithstanding the establishment of a career, civil, or merit service system, a public facilities district may contract with a public or private entity for the operation or management of its public facilities.

(5) A public facilities district is authorized to use the supplemental alternative public works contracting procedures set forth in chapter 39.10 RCW in connection with the design, construction, reconstruction, remodel, or alteration of any regional center.

**NEW SECTION. Sec. 3.** (1) To carry out the purpose of this chapter, a public facilities district may issue general obligation bonds, not to exceed an amount, together with any outstanding nonvoter-approved general obligation indebtedness, equal to one-half of one percent of the value of the taxable property within the district, as the term "value of the taxable property" is defined in RCW 39.36.015. A facilities district additionally may issue general obligation bonds for capital purposes only, together with any outstanding general obligation indebtedness, not to exceed an amount equal to one and one-fourth percent of the value of the taxable property within the district, as the term "value of the taxable property" is defined in RCW 39.36.015, when authorized by the voters of the public facilities district pursuant to Article VIII, section 6 of the state Constitution, and to provide for the retirement thereof by taxes authorized in this act.

(2) General obligation bonds may be issued with a maturity of up to thirty years, and shall be issued and sold in accordance with the provisions of chapter 39.46 RCW.

(3) The general obligation bonds may be payable from the operating revenues of the public facilities district in addition to the tax receipts of the district.

**NEW SECTION. Sec. 4.** (1) The board of directors of the public facilities district may impose the following for the purpose of funding a regional center:

- (a) Charges and fees for the use of any of its facilities;
- (b) Admission charges under section 10 of this act;

(c) Vehicle parking charges under section 11 of this act; and

(d) Sales and use taxes authorized under RCW 82.14.048 and section 13 of this act.

(2) The board may accept and expend or use gifts, grants, and donations for the purpose of a regional center. The revenue from the charges, fees, and taxes imposed under this section shall be used only for the purposes authorized by this chapter.

**NEW SECTION. Sec. 5.** The board of directors of the public facilities district shall adopt a resolution that may be amended from time to time that shall establish the basic requirements governing methods and amounts of reimbursement payable to such district officials and employees for travel and other business expenses incurred on behalf of the district. The resolution shall, among other things, establish procedures for approving such expenses; the form of the travel and expense voucher; and requirements governing the use of credit cards issued in the name of the district. The resolution may also establish procedures for payment of per diem to board members. The state auditor shall, as provided by general law, cooperate with the public facilities district in establishing adequate procedures for regulating and auditing the reimbursement of all such expenses.

**NEW SECTION. Sec. 6.** The board of directors of the public facilities district shall have authority to authorize the expenditure of funds for the public purposes of preparing and distributing information to the general public and promoting, advertising, improving, developing, operating, and maintaining a regional center. Nothing contained in this section may be construed to authorize preparation and distribution of information to the general public for the purpose of influencing the outcome of a district election.

**NEW SECTION. Sec. 7.** The public facilities district may secure services by means of an agreement with a service provider. The public facilities district shall publish notice, establish criteria, receive and evaluate proposals, and negotiate with respondents under requirements set forth by district resolution.

**NEW SECTION. Sec. 8.** In addition to provisions contained in chapter 39.04 RCW, the public facilities district is authorized to follow procedures contained in RCW 43.19.1906 and 43.19.1911 for all purchases, contracts for purchase, and sales.

**NEW SECTION. Sec. 9.** (1) A public facilities district may issue revenue bonds to fund revenue-generating facilities, or portions of facilities, which it is authorized to provide or operate. Whenever revenue bonds are to be issued, the board of directors of the district shall create or have created a special fund or funds from which, along with any reserves created pursuant to RCW 39.44.140, the principal and interest on such revenue bonds shall exclusively be payable. The board may obligate the district to set aside and pay into the special fund or funds a fixed proportion or a fixed amount of the revenues from the public improvements, projects, or facilities, and all related additions, that are funded by the revenue bonds. This amount or proportion shall be a lien and charge against these revenues, subject only to operating and maintenance expenses. The board shall have due regard for the cost of operation and maintenance of the public improvements, projects, or facilities, or additions, that are funded by the revenue bonds, and shall not set aside into the special fund or funds a greater amount or proportion of the revenues that in its judgment will be available over and above the cost of maintenance and operation and the amount or proportion, if any, of the revenue so previously pledged. The board may also provide that revenue bonds payable out of the same source or sources of revenue may later be issued on a parity with any revenue bonds being issued and sold.

(2) Revenue bonds issued under this section shall not be an indebtedness of the district issuing the bonds, and the interest and principal on the bonds shall only be payable from the revenues lawfully pledged to meet the principal and interest requirements and any reserves created under RCW 39.44.140. The owner or bearer of a revenue bond or any interest coupon issued under this section shall not have any claim against the district arising from the bond or coupon except for payment from the revenues lawfully pledged to meet the principal and interest requirements and any reserves created

under RCW 39.44.140. The substance of the limitations included in this subsection shall be plainly printed, written, or engraved on each bond issued under this section.

(3) Revenue bonds with a maturity in excess of thirty years shall not be issued. The board of directors of the district shall by resolution determine for each revenue bond issue the amount, date, form, terms, conditions, denominations, maximum fixed or variable interest rate or rates, maturity or maturities, redemption rights, registration privileges, manner of execution, manner of sale, callable provisions, if any, and covenants including the refunding of existing revenue bonds. Facsimile signatures may be used on the bonds and any coupons. Refunding revenue bonds may be issued in the same manner as revenue bonds are issued.

**NEW SECTION. Sec. 10.** A public facility district may levy and fix a tax of not more than one cent on twenty cents or fraction thereof to be paid by the person who pays an admission charge to a regional center. This includes a tax on persons who are admitted free of charge or at reduced rates if other persons pay a charge or a regular higher charge for the same privileges or accommodations.

The term "admission charge" includes:

- (1) A charge made for season tickets or subscriptions;
- (2) A cover charge, or a charge made for use of seats and tables reserved or otherwise, and other similar accommodations;
- (3) A charge made for food and refreshment if free entertainment, recreation, or amusement is provided;
- (4) A charge made for rental or use of equipment or facilities for purposes of recreation or amusement; if the rental of the equipment or facilities is necessary to the enjoyment of a privilege for which a general admission is charged, the combined charges shall be considered as the admission charge;
- (5) Automobile parking charges if the amount of the charge is determined according to the number of passengers in the automobile.

**NEW SECTION. Sec. 11.** A public facility district may levy and fix a tax on any vehicle parking charges imposed at any parking facility that is owned or leased by the public facility district as part of a regional center. No county or city or town within which the regional center is located may impose a tax of the same or similar kind on any vehicle parking charges at the facility. For the purposes of this section, "vehicle parking charges" means only the actual parking charges exclusive of taxes and service charges and the value of any other benefit conferred. The tax authorized under this section shall be at the rate of not more than ten percent.

**Sec. 12.** RCW 82.14.048 and 1995 c 396 s 6 are each amended to read as follows:

The governing board of a public facilities district under chapter 36.100 RCW or chapter 35.-- RCW (sections 1 through 11 of this act) may submit an authorizing proposition to the voters of the district, and if the proposition is approved by a majority of persons voting, fix and impose a sales and use tax in accordance with the terms of this chapter.

The tax authorized in this section shall be in addition to any other taxes authorized by law and shall be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the public facilities district. The rate of tax shall ~~((equal one-tenth))~~ not exceed two-tenths of one percent of the selling price in the case of a sales tax, or value of the article used, in the case of a use tax.

Moneys received from any tax imposed under this section shall be used for the purpose of providing funds for the costs associated with the financing, design, acquisition, construction, equipping, operating, maintaining, remodeling, repairing, and reequipping of its public facilities.

No tax may be collected under this section by a public facilities district under chapter 35.-- RCW (sections 1 through 11 of this act) before August 1, 2000, and no tax in excess of one-tenth of one percent may be collected under this section by a public facilities district under chapter 36.100 RCW before August 1, 2000.

**NEW SECTION. Sec. 13.** A new section is added to chapter 82.14 RCW to read as follows:

(1) Except as provided in subsection (6) of this section, the governing body of a public facilities district created under chapter 35.-- RCW (sections 1 through 11 of this act) or chapter 36.100 RCW that commences construction of a new regional center, or improvement or rehabilitation of an existing new regional center, before January 1, 2003, may impose a sales and use tax in accordance with the terms of this chapter. The tax is in addition to other taxes authorized by law and shall be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the public facilities district. The rate of tax shall not exceed 0.033 percent of the selling price in the case of a sales tax or value of the article used in the case of a use tax.

(2) The tax imposed under subsection (1) of this section shall be deducted from the amount of tax otherwise required to be collected or paid over to the department of revenue under chapter 82.08 or 82.12 RCW. The department of revenue shall perform the collection of such taxes on behalf of the county at no cost to the public facilities district.

(3) No tax may be collected under this section before August 1, 2000. The tax imposed in this section shall expire when the bonds issued for the construction of the regional center and related parking facilities are retired, but not more than twenty-five years after the tax is first collected.

(4) Moneys collected under this section shall only be used for the purposes set forth in section 2 of this act and must be matched with an amount from other public or private sources equal to thirty-three percent of the amount collected under this section.

(5) The combined total tax levied under this section shall not be greater than 0.033 percent. If both a public facilities district created under chapter 35.-- RCW (sections 1 through 11 of this act) and a public facilities district created under chapter 36.100 RCW impose a tax under this section, the tax imposed by a public facilities district created under chapter 35.-- RCW (sections 1 through 11 of this act) shall be credited against the tax imposed by a public facilities district created under chapter 36.100 RCW.

(6) A public facilities district created under chapter 36.100 RCW is not eligible to impose the tax under this section if the public facilities district has imposed the sales and use tax under RCW 82.14.0485.

**Sec. 14.** RCW 82.14.050 and 1991 sp.s. c 13 s 34 are each amended to read as follows:

The counties, cities, and transportation authorities under RCW 82.14.045 and public facilities districts under chapter 36.100 RCW and chapter 35.-- RCW (sections 1 through 11 of this act) shall contract, prior to the effective date of a resolution or ordinance imposing a sales and use tax, the administration and collection to the state department of revenue, which shall deduct a percentage amount, as provided by contract, not to exceed two percent of the taxes collected for administration and collection expenses incurred by the department. The remainder of any portion of any tax authorized by this chapter which is collected by the department of revenue shall be deposited by the state department of revenue in the local sales and use tax account hereby created in the state treasury. Moneys in the local sales and use tax account may be spent only for distribution to counties, cities, transportation authorities, and public facilities districts imposing a sales and use tax. All administrative provisions in chapters 82.03, 82.08, 82.12, and 82.32 RCW, as they now exist or may hereafter be amended, shall, insofar as they are applicable to state sales and use taxes, be applicable to taxes imposed pursuant to this chapter. Except as provided in RCW 43.08.190, all earnings of investments of balances in the local sales and use tax account shall be credited to the local sales and use tax account and distributed to the counties, cities, transportation authorities, and public facilities districts monthly.

**Sec. 15.** RCW 36.100.060 and 1995 1st sp.s. c 14 s 4 are each amended to read as follows:

(1) To carry out the purpose of this chapter, a public facilities district may issue general obligation bonds, not to exceed an amount, together with any outstanding nonvoter approved general obligation indebtedness, equal to one-half of one percent of the value of taxable property within the district, as the term "value of taxable property" is defined in RCW 39.36.015. A facilities district additionally may issue general obligation bonds for capital purposes only, together with any outstanding general obligation indebtedness, not to exceed an amount equal to one and one-fourth percent of the value of the taxable property within the district, as the term "value of taxable property" is defined in

RCW 39.36.015, when authorized by the voters of the public facilities district pursuant to Article VIII, section 6 of the state Constitution, and to provide for the retirement thereof by excess property tax levies as provided in this chapter.

(2) General obligation bonds may be issued with a maturity of up to thirty years, and shall be issued and sold in accordance with the provisions of chapter 39.46 RCW.

(3) The general obligation bonds may be payable from the operating revenues of the public facilities district in addition to the tax receipts of the district.

(4) The excise tax imposed pursuant to RCW 36.100.040 shall terminate upon final payment of all bonded indebtedness for its public facilities, except that the excise tax may be reauthorized by a public vote, in the same manner as originally authorized, for funding of additional public facilities or a regional center.

**Sec. 16.** RCW 36.100.030 and 1995 1st sp.s. c 14 s 3 are each amended to read as follows:

(1) A public facilities district is authorized to acquire, construct, own, remodel, maintain, equip, reequip, repair, and operate sports facilities, entertainment facilities, ~~((or))~~ convention facilities, or ~~((any combination of such facilities))~~ regional centers as defined in section 2 of this act, together with contiguous parking facilities. The taxes that are provided for in this chapter may only be imposed for these purposes.

(2) A public facilities district may enter into agreements under chapter 39.34 RCW for the joint provision and operation of such facilities and may enter into contracts under chapter 39.34 RCW where any party to the contract provides and operates such facilities for the other party or parties to the contract.

(3) Notwithstanding the establishment of a career, civil, or merit service system, a public facility [facilities] district may contract with a public or private entity for the operation or management of its public facilities.

(4) A public facilities district is authorized to use the supplemental alternative public works contracting procedures set forth in chapter 39.10 RCW in connection with the design, construction, reconstruction, remodel, or alteration of any of its public facilities.

(5) A public facilities district may impose charges and fees for the use of its facilities, and may accept and expend or use gifts, grants, and donations.

NEW SECTION. **Sec. 17.** A new section is added to chapter 36.100 RCW to read as follows:

A public facility district may levy and fix a tax of not more than one cent on twenty cents or fraction thereof to be paid by the person who pays an admission charge to a regional center, as defined in section 2 of this act. This includes a tax on persons who are admitted free of charge or at reduced rates if other persons pay a charge or a regular higher charge for the same privileges or accommodations.

The term "admission charge" includes:

(1) A charge made for season tickets or subscriptions;

(2) A cover charge, or a charge made for use of seats and tables reserved or otherwise, and other similar accommodations;

(3) A charge made for food and refreshment if free entertainment, recreation, or amusement is provided;

(4) A charge made for rental or use of equipment or facilities for purposes of recreation or amusement; if the rental of the equipment or facilities is necessary to the enjoyment of a privilege for which a general admission is charged, the combined charges shall be considered as the admission charge;

(5) Automobile parking charges if the amount of the charge is determined according to the number of passengers in the automobile.

NEW SECTION. **Sec. 18.** A new section is added to chapter 36.100 RCW to read as follows:

A public facility district may levy and fix a tax on any vehicle parking charges imposed at any parking facility that is owned or leased by the public facility district as part of a regional center, as defined in section 2 of this act. No county or city or town within which the regional center is located

may impose a tax of the same or similar kind on any vehicle parking charges at the facility. For the purposes of this section, "vehicle parking charges" means only the actual parking charges exclusive of taxes and service charges and the value of any other benefit conferred. The tax authorized under this section shall be at the rate of not more than ten percent.

**Sec. 19.** RCW 35.21.280 and 1995 3rd sp.s. c 1 s 202 are each amended to read as follows:

Every city and town may levy and fix a tax of not more than one cent on twenty cents or fraction thereof to be paid by the person who pays an admission charge to any place: PROVIDED, No city or town shall impose such tax on persons paying an admission to any activity of any elementary or secondary school or any public facility of a public facility district under chapter 35.-- RCW (sections 1 through 11 of this act) or chapter 36.100 RCW for which a tax is imposed under section 10 or 17 of this act. This includes a tax on persons who are admitted free of charge or at reduced rates to any place for which other persons pay a charge or a regular higher charge for the same privileges or accommodations. A city that is located in a county with a population of one million or more may not levy a tax on events in stadia constructed on or after January 1, 1995, that are owned by a public facilities district under chapter 36.100 RCW and that have seating capacities over forty thousand. The city or town may require anyone who receives payment for an admission charge to collect and remit the tax to the city or town.

The term "admission charge" includes:

- (1) A charge made for season tickets or subscriptions;
- (2) A cover charge, or a charge made for use of seats and tables reserved or otherwise, and other similar accommodations;
- (3) A charge made for food and refreshment in any place where free entertainment, recreation or amusement is provided;
- (4) A charge made for rental or use of equipment or facilities for purposes of recreation or amusement; if the rental of the equipment or facilities is necessary to the enjoyment of a privilege for which a general admission is charged, the combined charges shall be considered as the admission charge;
- (5) Automobile parking charges if the amount of the charge is determined according to the number of passengers in the automobile.

**Sec. 20.** RCW 36.38.010 and 1997 c 220 s 301 (Referendum Bill No. 48) are each amended to read as follows:

(1) Any county may by ordinance enacted by its county legislative authority, levy and fix a tax of not more than one cent on twenty cents or fraction thereof to be paid for county purposes by persons who pay an admission charge to any place, including a tax on persons who are admitted free of charge or at reduced rates to any place for which other persons pay a charge or a regular higher charge for the same or similar privileges or accommodations; and require that one who receives any admission charge to any place shall collect and remit the tax to the county treasurer of the county: PROVIDED, No county shall impose such tax on persons paying an admission to any activity of any elementary or secondary school or any public facility of a public facility district under chapter 35.-- RCW (sections 1 through 11 of this act) or chapter 36.100 RCW for which a tax is imposed under section 10 or 17 of this act.

(2) As used in this chapter, the term "admission charge" includes a charge made for season tickets or subscriptions, a cover charge, or a charge made for use of seats and tables, reserved or otherwise, and other similar accommodations; a charge made for food and refreshments in any place where any free entertainment, recreation, or amusement is provided; a charge made for rental or use of equipment or facilities for purpose of recreation or amusement, and where the rental of the equipment or facilities is necessary to the enjoyment of a privilege for which a general admission is charged, the combined charges shall be considered as the admission charge. It shall also include any automobile parking charge where the amount of such charge is determined according to the number of passengers in any automobile.

(3) Subject to subsections (4) and (5) of this section, the tax herein authorized shall not be exclusive and shall not prevent any city or town within the taxing county, when authorized by law,

from imposing within its corporate limits a tax of the same or similar kind: PROVIDED, That whenever the same or similar kind of tax is imposed by any such city or town, no such tax shall be levied within the corporate limits of such city or town by the county.

(4) Notwithstanding subsection (3) of this section, the legislative authority of a county with a population of one million or more may exclusively levy taxes on events in baseball stadiums constructed on or after January 1, 1995, that are owned by a public facilities district under chapter 36.100 RCW and that have seating capacities over forty thousand at the rates of:

(a) Not more than one cent on twenty cents or fraction thereof, to be used for the purpose of paying the principal and interest payments on bonds issued by a county to construct a baseball stadium as defined in RCW 82.14.0485. If the revenue from the tax exceeds the amount needed for that purpose, the excess shall be placed in a contingency fund which may only be used to pay unanticipated capital costs on the baseball stadium, excluding any cost overruns on initial construction; and

(b) Not more than one cent on twenty cents or fraction thereof, to be used for the purpose of paying the principal and interest payments on bonds issued by a county to construct a baseball stadium as defined in RCW 82.14.0485. The tax imposed under this subsection (4)(b) shall expire when the bonds issued for the construction of the baseball stadium are retired, but not later than twenty years after the tax is first collected.

(5) Notwithstanding subsection (3) of this section, the legislative authority of a county that has created a public stadium authority to develop a stadium and exhibition center under RCW 36.102.050 may levy and fix a tax on charges for admission to events in a stadium and exhibition center, as defined in RCW 36.102.010, constructed in the county on or after January 1, 1998, that is owned by a public stadium authority under chapter 36.102 RCW. The tax shall be exclusive and shall preclude the city or town within which the stadium and exhibition center is located from imposing a tax of the same or similar kind on charges for admission to events in the stadium and exhibition center, and shall preclude the imposition of a general county admissions tax on charges for admission to events in the stadium and exhibition center. For the purposes of this subsection, "charges for admission to events" means only the actual admission charge, exclusive of taxes and service charges and the value of any other benefit conferred by the admission. The tax authorized under this subsection shall be at the rate of not more than one cent on ten cents or fraction thereof. Revenues collected under this subsection shall be deposited in the stadium and exhibition center account under RCW 43.99N.060 until the bonds issued under RCW 43.99N.020 for the construction of the stadium and exhibition center are retired. After the bonds issued for the construction of the stadium and exhibition center are retired, the tax authorized under this section shall be used exclusively to fund repair, reequipping, and capital improvement of the stadium and exhibition center. The tax under this subsection may be levied upon the first use of any part of the stadium and exhibition center but shall not be collected at any facility already in operation as of July 17, 1997.

**Sec. 21.** RCW 82.29A.130 and 1997 c 220 s 202 (Referendum Bill No. 48) are each amended to read as follows:

The following leasehold interests shall be exempt from taxes imposed pursuant to RCW 82.29A.030 and 82.29A.040:

(1) All leasehold interests constituting a part of the operating properties of any public utility which is assessed and taxed as a public utility pursuant to chapter 84.12 RCW.

(2) All leasehold interests in facilities owned or used by a school, college or university which leasehold provides housing for students and which is otherwise exempt from taxation under provisions of RCW 84.36.010 and 84.36.050.

(3) All leasehold interests of subsidized housing where the fee ownership of such property is vested in the government of the United States, or the state of Washington or any political subdivision thereof but only if income qualification exists for such housing.

(4) All leasehold interests used for fair purposes of a nonprofit fair association that sponsors or conducts a fair or fairs which receive support from revenues collected pursuant to RCW 67.16.100 and allocated by the director of the department of agriculture where the fee ownership of such property is vested in the government of the United States, the state of Washington or any of its political subdivisions: PROVIDED, That this exemption shall not apply to the leasehold interest of any

sublessee of such nonprofit fair association if such leasehold interest would be taxable if it were the primary lease.

(5) All leasehold interests in any property of any public entity used as a residence by an employee of that public entity who is required as a condition of employment to live in the publicly owned property.

(6) All leasehold interests held by enrolled Indians of lands owned or held by any Indian or Indian tribe where the fee ownership of such property is vested in or held in trust by the United States and which are not subleased to other than to a lessee which would qualify pursuant to this chapter, RCW 84.36.451 and 84.40.175.

(7) All leasehold interests in any real property of any Indian or Indian tribe, band, or community that is held in trust by the United States or is subject to a restriction against alienation imposed by the United States: PROVIDED, That this exemption shall apply only where it is determined that contract rent paid is greater than or equal to ninety percent of fair market rental, to be determined by the department of revenue using the same criteria used to establish taxable rent in RCW 82.29A.020(2)(b).

(8) All leasehold interests for which annual taxable rent is less than two hundred fifty dollars per year. For purposes of this subsection leasehold interests held by the same lessee in contiguous properties owned by the same lessor shall be deemed a single leasehold interest.

(9) All leasehold interests which give use or possession of the leased property for a continuous period of less than thirty days: PROVIDED, That for purposes of this subsection, successive leases or lease renewals giving substantially continuous use of possession of the same property to the same lessee shall be deemed a single leasehold interest: PROVIDED FURTHER, That no leasehold interest shall be deemed to give use or possession for a period of less than thirty days solely by virtue of the reservation by the public lessor of the right to use the property or to allow third parties to use the property on an occasional, temporary basis.

(10) All leasehold interests under month-to-month leases in residential units rented for residential purposes of the lessee pending destruction or removal for the purpose of constructing a public highway or building.

(11) All leasehold interests in any publicly owned real or personal property to the extent such leasehold interests arises solely by virtue of a contract for public improvements or work executed under the public works statutes of this state or of the United States between the public owner of the property and a contractor.

(12) All leasehold interests that give use or possession of state adult correctional facilities for the purposes of operating correctional industries under RCW 72.09.100.

(13) All leasehold interests used to provide organized and supervised recreational activities for disabled persons of all ages in a camp facility and for public recreational purposes by a nonprofit organization, association, or corporation that would be exempt from property tax under RCW 84.36.030(1) if it owned the property. If the publicly owned property is used for any taxable purpose, the leasehold excise taxes set forth in RCW 82.29A.030 and 82.29A.040 shall be imposed and shall be apportioned accordingly.

(14) All leasehold interests in the public or entertainment areas of a baseball stadium with natural turf and a retractable roof or canopy that is in a county with a population of over one million, that has a seating capacity of over forty thousand, and that is constructed on or after January 1, 1995. "Public or entertainment areas" include ticket sales areas, ramps and stairs, lobbies and concourses, parking areas, concession areas, restaurants, hospitality and stadium club areas, kitchens or other work areas primarily servicing other public or entertainment areas, public rest room areas, press and media areas, control booths, broadcast and production areas, retail sales areas, museum and exhibit areas, scoreboards or other public displays, storage areas, loading, staging, and servicing areas, seating areas and suites, the playing field, and any other areas to which the public has access or which are used for the production of the entertainment event or other public usage, and any other personal property used for these purposes. "Public or entertainment areas" does not include locker rooms or private offices exclusively used by the lessee.

(15) All leasehold interests in the public or entertainment areas of a stadium and exhibition center, as defined in RCW 36.102.010, that is constructed on or after January 1, 1998. For the



purposes of this subsection, "public or entertainment areas" has the same meaning as in subsection (14) of this section, and includes exhibition areas.

(16) All leasehold interests in public facilities districts, as provided in chapter 36.100 RCW or chapter 35.-- RCW (sections 1 through 11 of this act).

NEW SECTION. Sec. 22. Sections 1 through 11 of this act constitute a new chapter in Title 35 RCW.

NEW SECTION. Sec. 23. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 2 of the title, after "centers;" strike the remainder of the title and insert "amending RCW 82.14.048, 82.14.050, 36.100.060, 36.100.030, 35.21.280, 36.38.010, and 82.29A.130; adding a new section to chapter 82.14 RCW; adding new sections to chapter 36.100 RCW; and adding a new chapter to Title 35 RCW."

Signed by Representatives Van Luven, Republican Co-Chair; Veloria, Democratic Co-Chair; Dunn, Republican Vice Chair; Eickmeyer, Democratic Vice Chair; Ballasiotes; Gombosky; Miloscia; Morris; Radcliff; Skinner; D. Sommers and Wolfe.

Voting yea: Representatives Van Luven, Veloria, Dunn, Eickmeyer, Ballasiotes, Gombosky, Miloscia, Morris, Radcliff, Skinner, D. Sommers and Wolfe.

Referred to Committee on Finance.

April 1, 1999

SSB 5457 Prime Sponsor, Senate Committee on Human Services & Corrections: Revising provisions relating to conditions involving diversion agreements for juveniles. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Esser; Kastama; Lantz; Lovick; McDonald and Schindler.

Voting yea: Representatives Carrell, Constantine, Hurst, Lambert, Cox, Dickerson, Esser, Kastama, Lantz, Lovick, McDonald and Schindler.

Passed to Rules Committee for Second Reading.

April 2, 1999

SSB 5482 Prime Sponsor, Senate Committee on Health & Long-Term Care: Regulating disclosure of medical and health research records. Reported by Committee on State Government

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 42.17 RCW to read as follows:  
The disclosure of personal information, that is otherwise subject to public disclosure under this chapter, from driver's license and identocard records to a health research organization requesting this

information for purposes of soliciting voluntary participation, or tracking current participants, in a qualified medical or health research project is deemed to be required to protect the public health, safety, and welfare and shall be considered a permissible use under the driver's privacy protection act of 1994, 18 U.S.C. Sec. 2721.

For purposes of this section: (1) "Health research organization" means a nonprofit corporation that is exempt under 501(c)(3) of the internal revenue code and authorized under federal or state law to conduct health or medical research; (2) "personal information" means name, residential addresses, county of residence, date of birth, gender, eye color, height, weight, and date of last activity; and (3) "qualified medical or health research project" means a medical or health research project that has been reviewed and approved by an institutional review board, as defined in RCW 70.02.010."

Correct the title.

Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Miloscia, Democratic Vice Chair; Haigh and D. Schmidt.

MINORITY recommendation: Do not pass. Signed by Representatives Campbell, Republican Vice Chair; Dunshee and Lambert.

Voting yea: Representatives McMorris, Romero, Miloscia, Haigh and D. Schmidt.  
Voting nay: Representative(s) Campbell, Dunshee, and Lambert.

Passed to Rules Committee for Second Reading.

April 1, 1999

ESB 5485 Prime Sponsor, Senator Thibaudeau: Regulating certain tobacco product manufacturers.  
Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Democratic Co-Chair; Parlette, Republican Co-Chair; Pflug, Republican Vice Chair; Schual-Berke, Democratic Vice Chair; Alexander; Boldt; Campbell; Conway; Edmonds; Mulliken and Ruderman.

Voting yea: Representatives Cody, Parlette, Pflug, Schual-Berke, Boldt, Campbell, Conway, Edmonds, Mulliken and Ruderman.  
Excused: Representative(s) Alexander and Edwards.

Passed to Rules Committee for Second Reading.

April 1, 1999

SB 5499 Prime Sponsor, Senator Wojahn: Making modifications to the home health, hospice, and home care agency licensure law. Reported by Committee on Health Care

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 70.127.010 and 1993 c 42 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) (~~"Branch office" means a location or site from which a home health, hospice, or home care agency provides services within a portion of the total geographic area served by the parent agency.~~

~~The branch office is part of the agency and is located sufficiently close to share administration, supervision, and services.~~

~~(2))~~ (2) "Department" means the department of health.

~~((3))~~ (2) "Home care agency" means a private or public agency or organization that administers or provides home care services directly or through a contract arrangement to ill, disabled, or infirm persons in places of temporary or permanent residence.

~~((4))~~ (3) "Home care services" means personal care services, homemaker services, respite care services, or any other nonmedical services provided to ill, disabled, or infirm persons which services enable these persons to remain in their own residences consistent with their desires, abilities, and safety.

~~((5))~~ (4) "Home health agency" means a private or public agency or organization that administers or provides home health aide services or two or more home health services directly or through a contract arrangement to ill, disabled, or infirm persons in places of temporary or permanent residence. A private or public agency or organization that administers or provides nursing services only may elect to be designated a home health agency for purposes of licensure.

~~((6))~~ (5) "Home health services" means health or medical services provided to ill, disabled, or infirm persons. These services may be of an acute or maintenance care nature, and include but are not limited to nursing services, home health aide services, physical therapy services, occupational therapy services, speech therapy services, respiratory therapy services, nutritional services, medical social services, and medical supplies or equipment services.

~~((7))~~ (6) "Home health aide services" means services provided by a home health agency or a hospice agency under the supervision of a registered nurse, physical therapist, occupational therapist, or speech therapist. Such care includes ambulation and exercise, assistance with self-administered medications, reporting changes in patients' conditions and needs, completing appropriate records, and personal care or homemaker services.

~~((8))~~ (7) "Homemaker services" means services that assist ill, disabled, or infirm persons with household tasks essential to achieving adequate household and family management.

~~((9))~~ (8) "Hospice agency" means a private or public agency or organization administering or providing hospice care directly or through a contract arrangement to terminally ill persons in places of temporary or permanent residence by using an interdisciplinary team composed of at least nursing, social work, physician, and pastoral or spiritual counseling.

~~((10))~~ (9) "Hospice care" means: (a) Palliative care provided to a terminally ill person in a place of temporary or permanent residence that alleviates physical symptoms, including pain, as well as alleviates the emotional and spiritual discomfort associated with dying; and (b) bereavement care provided to the family of a terminally ill person that alleviates the emotional and spiritual discomfort associated with the death of a family member. Hospice care may include health and medical services and personal care, respite, or homemaker services. Family means individuals who are important to and designated by the patient, and who need not be relatives.

~~((11))~~ (10) "Ill, disabled, or infirm persons" means persons who need home health, hospice, or home care services in order to maintain themselves in their places of temporary or permanent residence.

~~((12))~~ (11) "Personal care services" means services that assist ill, disabled, or infirm persons with dressing, feeding, and personal hygiene to facilitate self-care.

~~((13))~~ (12) "Public or private agency or organization" means an entity that employs or contracts with two or more persons who provide care in the home.

~~((14))~~ (13) "Respite care services" means services that assist or support the primary care giver on a scheduled basis.

(14) "Service area" means the geographic area in which the department has given prior approval to a licensee to provide home health, hospice, or home care services.

**Sec. 2.** RCW 70.127.080 and 1993 c 42 s 4 are each amended to read as follows:

(1) An applicant for a home health, hospice, or home care agency license shall:

(a) File a written application on a form provided by the department;

(b) Demonstrate ability to comply with this chapter and the rules adopted under this chapter;

(c) Cooperate with on-site review conducted by the department prior to licensure or renewal except as provided in RCW 70.127.085;

(d) Provide evidence of and maintain professional liability insurance in the amount of one hundred thousand dollars per occurrence or adequate self-insurance as approved by the department. This subsection shall not apply to hospice agency applicants that provide hospice care without receiving compensation for delivery of services;

(e) Provide evidence of and maintain public liability and property damage insurance coverage in the sum of fifty thousand dollars for injury or damage to property per occurrence and fifty thousand dollars for injury or damage, including death, to any one person and one hundred thousand dollars for injury or damage, including death, to more than one person, or evidence of adequate self-insurance for public liability and property damage as approved by the department. This subsection shall not apply to hospice agency applicants that provide hospice care without receiving compensation for delivery of services;

(f) Provide such proof as the department may require concerning organizational structure, and the identity of the applicant, officers, directors, partners, managing employees, or owners of ten percent or more of the applicant's assets;

(g) File with the department for approval a ((list of the counties)) description of the service area in which the applicant will operate and a description of how the applicant intends to provide management and supervision of services throughout the service area. The department shall adopt rules necessary to establish criteria for approval that are related to appropriate management and supervision of services throughout the service area. In developing the rules, the department may not establish criteria that:

(i) Limit the number or type of agencies in any service area; or

(ii) Limit the number of persons any agency may serve within its service area unless the criteria are related to the need for trained and available staff to provide services within the service area;

(h) File with the department a list of the services offered;

(i) Pay to the department a license fee as provided in RCW 70.127.090; and

(j) Provide any other information that the department may reasonably require.

(2) A certificate of need under chapter 70.38 RCW is not required for licensure.

(3) A license or renewal shall not be granted pursuant to this chapter if the applicant, officers, directors, partners, managing employees, or owners of ten percent or more of the applicant's assets, within the last five years have been found in a civil or criminal proceeding to have committed any act which reasonably relates to the person's fitness to establish, maintain, or administer an agency or to provide care in the home of another.

~~((4) A separate license is not required for a branch office.))~~

**Sec. 3.** RCW 70.127.090 and 1993 c 42 s 5 are each amended to read as follows:

An application for a license or any renewal shall be accompanied by a fee as established by the department under RCW 43.70.250. The department shall adopt by rule licensure fees ((shall be)) based on a sliding scale using such factors as the number of agency full-time equivalents, ((with agencies with the highest number of full-time equivalents paying the highest fee. Full-time equivalent is a measurement based on a forty-hour work week and is applicable to paid agency employees or contractors)) geographic area served, number of locations, or type and volume of services provided. For agencies receiving a licensure survey that requires more than ~~((one))~~ two on-site reviews by the department per licensure period, an additional fee ~~((of fifty percent of the base licensure fee))~~ as determined by the department by rule shall be charged for each additional on-site review. The department shall charge a reasonable fee for processing changes in ownership. The department may set different licensure fees for each licensure category.

**Sec. 4.** RCW 70.127.110 and 1988 c 245 s 12 are each amended to read as follows:

The department shall adopt rules providing for the combination of applications and licenses, and the reduction of individual license fees if an applicant applies for more than one category of license under this chapter. The department shall provide for combined licensure inspections and audits for

licensees holding more than one license under this chapter. The department may prorate licensure fees to facilitate combined licensure inspections and audits.

NEW SECTION. Sec. 5. The department of health shall submit a report to the health care committees of the legislature with recommendations for any changes needed to the home health, hospice, and home care licensure law, chapter 70.127 RCW, in order to allow the department to regulate this fast-growing and evolving industry. The report, at a minimum, shall specifically address the following questions:

(1) Does the scope of the licensure law need to be revised in order to enhance protection for persons receiving home health, hospice, and home care services?

(2) Does the department of health need additional compliance strategies in order to provide protection for persons receiving home health, hospice, and home care services?

(3) Does chapter 70.126 RCW need to be retained in statute, or is it simply duplicative and confusing?

A report shall be submitted by November 1, 1999, together with any recommendations for legislation necessary to implement the findings and recommendations of the department of health. The department of health shall prepare the report with existing funds."

Correct the title.

Signed by Representatives Cody, Democratic Co-Chair; Parlette, Republican Co-Chair; Pflug, Republican Vice Chair; Alexander; Campbell; Conway and Edmonds.

Voting yea: Representatives Cody, Parlette, Pflug, Alexander, Campbell, Conway and Edmonds.

Excused: Representative(s) Schual-Berke, Boldt, Edwards, Mulliken and Ruderman.

Passed to Rules Committee for Second Reading.

April 2, 1999

ESSB 5508 Prime Sponsor, Senate Committee on Senate Natural Resources, Parks & Recreation:  
Increasing harvest data accuracy for the recreational crab fishery. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that the department of fish and wildlife manages the recreational crab fishery through an imprecise system of catch estimation. Increased harvest data accuracy is needed for the recreational crab fishery and this goal can be accomplished through the establishment of a crab catch record card system.

The department shall utilize data from the crab catch record cards in preparing catch reports and in catch-sharing negotiations.

NEW SECTION. Sec. 2. A new section is added to chapter 77.32 RCW to read as follows:  
A crab catch record card is required to fish for and harvest Dungeness crabs (*Cancer magister*) in the recreational fishery. The crab catch record card shall be administered under the rules of the commission.

NEW SECTION. Sec. 3. This act takes effect on July 15, 1999."

Correct the title.

Signed by Representatives Buck, Republican Co-Chair; Regala, Democratic Co-Chair; Anderson, Democratic Vice Chair; Sump, Republican Vice Chair; G. Chandler; Clements; Doumit; Eickmeyer; Ericksen; Pennington; Rockefeller and Stensen.

Voting yea: Representatives Buck, Regala, Anderson, Sump, G. Chandler, Clements, Doumit, Eickmeyer, Ericksen, Pennington, Rockefeller and Stensen.

Referred to Committee on Appropriations.

April 1, 1999

ESSB 5512 Prime Sponsor, Senate Committee on Health & Long-Term Care: Requiring health plans that cover prescription drugs to cover the cost of prescription contraceptives. Reported by Committee on Health Care

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert:

""NEW SECTION. **Sec. 1.** The legislature finds that: (1) many health carriers cover prescription drugs and devices but exclude prescription contraceptives and contraceptive devices; and (2) women of child-bearing age spend significantly more than men on out-of-pocket health care costs, with contraceptives and reproductive health care services accounting for most of this disparity.

The legislature intends to further the goal of eliminating sex discrimination in health benefits for women.

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

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Prescription contraceptive drugs and devices" means prescription contraceptive drugs and devices approved by the federal food and drug administration, including oral contraceptives, intrauterine devices (IUDs), injectables, hormonal implants, diaphragms, cervical caps, and emergency contraception; however it does not include drugs used to terminate a confirmed pregnancy.

(b) "Outpatient contraceptive services" means services necessary for the effective use of contraception, including provider office consultations for family planning purposes, examinations, procedures for inserting, removing, or dispensing prescription contraceptive methods, and laboratory services provided on an outpatient basis and related to the use of contraceptive methods, including natural family planning.

(2) Health carriers shall not exclude or restrict an enrollee's access to:

(a) Prescription contraceptive drugs and devices approved by the federal food and drug administration if the enrollee's health plan provides benefits for prescription drugs; or

(b) Outpatient contraceptive services, if the enrollee's health plan provides benefits for outpatient health services.

(3) Except as provided in subsection (4) of this section, a health carrier shall not create or impose disincentives for utilization of the benefits required by subsection (2) of this section.

(4) Nothing in this section shall be construed as:

(a) Preventing a health carrier from imposing deductibles, coinsurance, other cost-sharing requirements, or other limitations in relation to providing prescription contraceptive drugs and devices, or outpatient contraceptive services, provided that such deductible, coinsurance, other cost-sharing requirement, or other limitation is not greater than or different from the deductible, coinsurance, other cost-sharing requirement, or other limitation for other prescription drugs, devices, or outpatient health care services covered under the plan;

(b) Requiring a health carrier to cover experimental or investigative prescription contraceptive drugs and devices, or outpatient contraceptive services, except to the extent that a plan provides

coverage for other experimental or investigative prescription drugs, devices, or outpatient health care services; or

(c) Allowing a health carrier to limit a health care provider's ability to prescribe contraceptive drugs for medical purposes such as decreasing risk of ovarian cysts or eliminating symptoms of menopause.

(5) This section applies to health plans issued or renewed on or after the effective date of this section.

**NEW SECTION. Sec. 3.** A new section is added to chapter 48.43 RCW to read as follows:

(1) The legislature recognizes that every individual possesses a fundamental right to exercise their religious beliefs. The legislature further recognizes that in developing public policy, conflicting religious beliefs must be respected. Therefore, while recognizing the right of religious objection to participating in the provision of contraceptive health care services, the state shall also recognize the right of individuals to access the prescription contraceptive drugs and devices and outpatient contraceptive health care services required by this section and section 2 of this act.

(2)(a) No individual health care provider, religiously sponsored health carrier, or health care facility may be required by law or contract in any circumstances to participate in the provision of or payment for prescription contraceptive drugs and devices and outpatient contraceptive services if they object to doing so for reason of conscience or religion. No person may be discriminated against in employment or professional privileges because of such an objection.

(b) The provisions of (a) of this subsection are not intended to result in an enrollee being denied timely access to prescription contraceptive drugs and devices and outpatient contraceptive services.

(3)(a) Health carriers that are not religiously sponsored shall allow enrollees whose health care provider or plan-designated health care facility declines to participate in the provision of contraceptive health care services to use another health care provider or health care facility with whom the plan contracts to ensure timely access to qualified providers within the local community. If all of the providers or facilities with whom the carrier contracts within the enrollee's local community decline to participate in the provision of contraceptive health care services, the carrier shall contract with a provider or facility within the enrollee's local community that will provide such services.

(b) Each religiously sponsored health carrier that invokes the religious exemption provided under subsection (2)(a) of this section shall: (i) Provide written notice to enrollees upon enrollment with the plan, listing the contraceptive health services they refuse to cover for reason of conscience or religion; (ii) provide written information describing how an enrollee may directly access prescription drugs and devices and outpatient contraceptive health care services in an expeditious manner; and (iii) ensure that enrollees refused services under this section have prompt access to the information developed under (b)(ii) of this subsection.

(4)(a) No individual or religious organization may be required to purchase coverage for contraceptive health care services if they object to doing so for reason of conscience or religion. The provision of this subsection shall not result in an enrollee being denied coverage of, and timely access to, prescription contraceptive drugs and devices and outpatient contraceptive services.

(b) Health carriers that are not religiously sponsored shall allow religious organizations opposed to contraceptive health services to refuse to pay for coverage of such benefits in a group plan. Health carriers shall allow enrollees in a health plan exempted under this subsection to directly purchase coverage of prescription drugs and devices and outpatient contraceptive services from the carrier. The enrollee's cost of purchasing such coverage shall not exceed the enrollee's pro rata share of the price the group purchaser would have paid for such coverage had the group plan not invoked a religious exemption.

(5) Nothing in this section requires a health carrier, health care facility, or health care provider to provide any health care services without appropriate payment of premium or fee.

**NEW SECTION. Sec. 4.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Signed by Representatives Cody, Democratic Co-Chair; Parlette, Republican Co-Chair; Pflug, Republican Vice Chair; Schual-Berke, Democratic Vice Chair; Alexander; Conway; Edmonds and Ruderman.

MINORITY recommendation: Do not pass. Signed by Representatives Boldt; Campbell and Mulliken.

Voting yea: Representatives Cody, Parlette, Pflug, Schual-Berke, Alexander, Conway, Edmonds and Ruderman.

Voting nay: Representative(s) Boldt, Campbell and Mulliken.

Excused: Representative(s) Edwards.

Referred to Committee on Appropriations.

March 31, 1999

SSB 5513 Prime Sponsor, Senate Committee on Human Services & Corrections: Augmenting provisions for execution witnesses. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine and Koster.

MINORITY recommendation: Without recommendation. Signed by Representative Kagi.

Voting yea: Representatives Ballasiotes, O'Brien, Cairnes, Lovick, B. Chandler, Constantine and Koster.

Voting nay: Representative(s) Kagi.

Passed to Rules Committee for Second Reading.

April 2, 1999

ESSB 5533 Prime Sponsor, Senate Committee on Senate Labor & Workforce Development: Creating a state work force investment board. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28C.18.010 and 1996 c 99 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this title.

(1) "Board" means the (~~(work force training and education coordinating))~~ workforce development board.

(2) "Director" means the director of the (~~(work force training and education coordinating))~~ workforce development board.

(3) (~~("Training system" means programs and courses of secondary vocational education, technical college programs and courses, community college vocational programs and courses, private career school and college programs and courses, employer sponsored training, adult basic education programs and courses, programs and courses funded by the job training partnership act, programs and courses funded by the federal vocational act, programs and courses funded under the federal adult education act, publicly funded programs and courses for adult literacy education, and apprenticeships, and programs and courses offered by private and public nonprofit organizations that are representative~~)



of communities or significant segments of communities and provide job training or adult literacy services-)) "Operating agencies" means those state agencies responsible for the governance and management of state and federal workforce development programs.

(4) "Workforce development system" means public and private programs that use state or federal funds to prepare workers for employment, upgrade worker skills, retrain workers, or provide employment or retention services for workers or employers. "Workforce development system" includes, but is not limited to, secondary vocational education, community and technical college vocational education, private career school and college vocational programs, employer-sponsored training, work-related adult basic education and literacy programs, programs funded by Title 1B of the federal workforce investment act, activities funded under the federal Wagner-Peyser act, programs funded by the federal vocational education act, work-related programs funded under the adult education and family literacy act, publicly funded programs for work-related adult literacy, education, and apprenticeships, the one-stop system, the state job skills program, timber retraining benefits, the work-related components of the vocational rehabilitation program authorized under Title IV of the workforce investment act, P.L. 105-220, the department of services for the blind, and programs offered by private and public nonprofit organizations that are representative of communities or significant segments of communities and provide job training or work-related adult literacy services.

(5) ~~((Work force))~~ Workforce skills" means skills developed through applied learning that strengthen and reinforce an individual's academic knowledge, critical thinking, problem solving, and work ethic and, thereby, develop the employability, occupational skills, and management of home and work responsibilities necessary for economic independence.

~~((5))~~ (6) "Vocational education" means organized educational programs offering a sequence of courses which are directly related to the preparation or retraining of individuals in paid or unpaid employment in current or emerging occupations requiring other than a baccalaureate or advanced degree. ((Such programs shall include competency based applied learning which contributes to an individual's academic knowledge, higher order reasoning, and problem solving skills, work attitudes, general employability skills, and the occupational specific skills necessary for economic independence as a productive and contributing member of society-)) Such term also includes applied technology education.

~~((6))~~ (7) "Adult basic education" means ((instruction designed to achieve mastery of skills in reading, writing, oral communication, and computation at a level sufficient to allow the individual to function effectively as a parent, worker, and citizen in the United States, commensurate with that individual's actual ability level, and includes English as a second language and preparation and testing service for the general education development exam)) (a) adult education and literacy services, including workforce literacy services; (b) family literacy services; and (c) English literacy services as defined in P.L. 105-220, Title II, that enable eligible adults to speak, read, and write in the English language, compute, solve problems, and relate effectively with others in order to exercise the rights and responsibilities of a family member, worker, and community member.

(8) "Local workforce development councils" means the same as defined in P.L. 105-220, Sec. 117 and are responsible for performing the duties of that section as well as developing a local area unified plan for state purposes as defined in this chapter.

**Sec. 2.** RCW 28C.18.020 and 1991 c 238 s 3 are each amended to read as follows:

(1) There is hereby created the ~~((work force training and education coordinating))~~ workforce development board as a state agency ~~((and as the successor agency to the state board for vocational education. Once the coordinating board has convened, all references to the state board for vocational education in the Revised Code of Washington shall be construed to mean the work force training and education coordinating board, except that reference to the state board for vocational education in RCW 49.04.030 shall mean the state board for community and technical colleges)).~~

(2)(a) The board shall consist of ~~((nine))~~ eighteen voting members appointed by the governor with the consent of the senate, as follows: ~~((Three))~~ Five representatives of business, ~~((three))~~ five representatives of labor, a representative of private career schools, a representative of community-based organizations, a representative of local elected officials, and, serving as ex officio members, the superintendent of public instruction, the executive director of the state board for community and

technical colleges, ~~((and))~~ the commissioner of the employment security department, the secretary of the department of social and health services, and the director of the department of community, trade, and economic development. ~~((The chair of the board shall be a nonvoting member selected by the governor with the consent of the senate, and shall serve at the pleasure of the governor. In selecting the chair, the governor shall seek a person who understands the future economic needs of the state and nation and the role that the state's training system has in meeting those needs.))~~ Each ~~((voting))~~ member of the board may appoint a designee to function in his or her place with the right to vote. Representatives of business and labor must constitute a majority of those casting votes on any given vote. In ~~((making appointments to))~~ recruiting members for the board, the governor shall seek to ensure geographic, ethnic, and gender diversity and balance. The governor shall also seek to ensure diversity and balance by ~~((the appointment of))~~ recruiting persons with disabilities.

(b) The business representatives shall be selected from among nominations provided by ((a)) state-wide business organizations representing a cross-section of industries and small businesses. One of the business representatives will serve as the chair of the board on a rotating basis with one of the labor representatives. However, the governor may request, and the organization shall provide, an additional list or lists from which the governor shall select the business representatives. ~~((The nominations and selections))~~ Recruitment shall reflect the cultural diversity of the state, including women, people with disabilities, and racial and ethnic minorities, and diversity in sizes of businesses.

(c) The labor representatives shall be selected from among nominations provided by state-wide labor organizations. One of the labor representatives will serve as the chair of the board on a rotating basis with one of the business representatives. However, the governor may request, and the organizations shall provide, an additional list or lists from which the governor shall select the labor representatives. ~~((The nominations and selections))~~ Recruitment shall reflect the cultural diversity of the state, including women, people with disabilities, and racial and ethnic minorities.

(d) The private career school representative shall be selected from among nominations provided by a state-wide organization representing a cross-section of private career schools. However, the governor may request, and the organization shall provide, an additional list or lists from which the governor shall select the private career school representative.

(e) The community-based organizations' representative shall be selected from among nominations provided by a state-wide organization representing community-based organizations. However, the governor may request, and the organization shall provide, an additional list or lists from which the governor shall select the community-based organizations' representative.

(f) Each business member may cast a proxy vote or votes for any business member who is not present and who authorizes in writing the present member to cast such vote.

~~((e))~~ (g) Each labor member may cast a proxy vote for any labor member who is not present and who authorizes in writing the present member to cast such vote.

~~((f))~~ The chair shall appoint to the board one nonvoting member to represent racial and ethnic minorities, women, and people with disabilities. The nonvoting member appointed by the chair shall serve for a term of four years with the term expiring on June 30th of the fourth year of the term.

~~((g))~~ (h) The business members of the board shall serve for terms of four years, the terms expiring on June 30th of the fourth year of the term except that in the case of initial members, one shall be appointed to a two-year term and one appointed to a three-year term.

~~((h))~~ (i) The labor members of the board shall serve for terms of four years, the terms expiring on June 30th of the fourth year of the term except that in the case of initial members, one shall be appointed to a two-year term and one appointed to a three-year term.

~~((i))~~ (j) The private career school, community-based organization, and local elected officials representatives shall serve for terms of four years, the terms expiring on June 30th of the fourth year of the term except that in the case of initial members, one shall be appointed to a two-year term and one appointed to a three-year term.

(k) Any vacancies among board members representing business ~~((or)),~~ labor, private career schools, or community-based organizations shall be filled by the governor with nominations provided by state-wide organizations representing business ~~((or)),~~ labor, private career schools, or community-based organizations respectively.

~~((f))~~ (1) The board shall adopt bylaws and shall meet at least bimonthly and at such other times as determined by the chair who shall give reasonable prior notice to the members or at the request of a majority of the ~~((voting))~~ members.

~~((k))~~ (m) Members of the board shall be compensated in accordance with RCW 43.03.040 and shall receive travel expenses in accordance with RCW 43.03.050 and 43.03.060.

~~((l))~~ The board shall be formed and ready to assume its responsibilities under this chapter by October 1, 1991.

~~((m))~~ (n) The director of the board shall be appointed by the governor ~~((from a list of three names submitted by a committee made up of the business and labor members of the board. However, the governor may request, and the committee shall provide, an additional list or lists from which the governor shall select the director. The lists compiled by the committee shall not be subject to public disclosure. The governor may dismiss the director only with the approval of a majority vote of the board. The board, by a majority vote, may dismiss the director with the approval)),~~ shall serve at the pleasure of the governor, and shall be confirmed by the senate.

~~((3))~~ The state board for vocational education is hereby abolished and its powers, duties, and functions are hereby transferred to the work force training and education coordinating board. All references to the director or the state board for vocational education in the Revised Code of Washington shall be construed to mean the director or the work force training and education coordinating board.)

**Sec. 3.** RCW 28C.18.030 and 1996 c 99 s 3 are each amended to read as follows:

The purpose of the board is to ~~((provide planning, coordination, evaluation, monitoring, and policy analysis for the state training system as a whole, and advice to the governor and legislature concerning the state training system, in cooperation with the state training system and the higher education coordinating board))~~ develop policies that create an integrated state workforce development system that links people to jobs, allows them access to training and education, and provides an opportunity to move up the job ladder over their lifetime. The board shall plan, promote cooperation, measure performance, evaluate, and provide policy analysis for the state workforce development system as a whole, and advise the governor concerning the state's workforce development system in cooperation with the operating agencies of the workforce development system.

**Sec. 4.** RCW 28C.18.040 and 1994 c 154 s 307 are each amended to read as follows:

(1) The director shall serve as chief executive officer of the board who shall administer the provisions of this chapter, employ such personnel as may be necessary to implement the purposes of this chapter, and utilize staff of existing operating agencies to the fullest extent possible.

~~((2))~~ ~~The director shall not be the chair of the board.~~

~~((3))~~ Subject to the approval of the board, the director shall appoint necessary deputy and assistant directors and other staff who shall be exempt from the provisions of chapter 41.06 RCW. The director's appointees shall serve at the director's pleasure on such terms and conditions as the director determines but subject to chapter 42.52 RCW.

~~((4))~~ (3) The director shall appoint and employ such other employees as may be required for the proper discharge of the functions of the board.

~~((5))~~ The director shall, as permissible under P.L. 101-392, as amended, integrate the staff of the council on vocational education, and contract with the state board for community and technical colleges for assistance for adult basic skills and literacy policy development and planning as required by P.L. 100-297, as amended.)

**Sec. 5.** RCW 28C.18.050 and 1995 c 130 s 3 are each amended to read as follows:

(1) The board shall be designated as the state workforce investment board described in P.L. 105-220, the workforce investment act of 1998, and shall perform such functions as necessary to comply with federal directives pertaining to this law. In order to comply with the regulations of P.L. 105-220, the governor may designate the board membership structure of the workforce training and education coordinating board as it existed as of December 31, 1997, as the workforce investment board specifically to carry out the provisions of P.L. 105-220.

(2) The board shall be designated as the state board of vocational education as provided for in P.L. ((98-524)) 105-332, as amended, and shall perform such functions as is necessary to comply with federal directives pertaining to the provisions of such law. The board shall establish a subcommittee to study and make recommendations to the board on the use of funds provided under P.L. 105-332. The subcommittee membership shall consist of the superintendent of public instruction, the executive director of the state board for community and technical colleges, two members who are business representatives, and two members who are labor representatives.

~~((2))~~ (3) The board shall perform the functions of the human resource investment council as provided for in the federal job training partnership act, P.L. 97-300, as amended.

~~((3))~~ (4) The board shall provide policy advice for any federal act pertaining to ((work force)) workforce development that is not required by state or federal law to be provided by another state body.

~~((4))~~ (5) Upon enactment of new federal initiatives relating to ((work force)) workforce development, the board shall advise the governor and the legislature on mechanisms for integrating the federal initiatives into the state's ((work force)) workforce development system and make recommendations on the legislative or administrative measures necessary to streamline and coordinate state efforts to meet federal guidelines.

~~((5))~~ (6) The board shall ((monitor)) review for consistency with the state ((comprehensive plan for work force training and education the policies and plans established by the state job training coordinating council)) unified plan, the policies and plans established by the advisory council on adult education, and the Washington state plan for adult literacy and basic ((education)) skills, and provide guidance for making such policies and plans consistent with the state ((comprehensive)) unified plan for ((work force training and education)) workforce development system.

(7) The board shall perform the functions of the job training coordinating council until July 1, 2000.

(8) Recommend to the governor the performance accountability system required by P.L. 105-220 or successor legislation.

(9) For the purposes of P.L. 105-332, the superintendent of public instruction shall have operating responsibility for secondary education and the state board for community and technical colleges shall have operating responsibility for postsecondary vocational and technical education.

**Sec. 6.** RCW 28C.18.060 and 1996 c 99 s 4 are each amended to read as follows:

The board, in cooperation with the operating agencies of the state ((training)) development system and private career schools and colleges shall:

~~(1) ((Concentrate its major efforts on planning, coordination evaluation, policy analysis, and recommending improvements to the state's training system.~~

~~(2) Advocate for the state training system and for meeting the needs of employers and the work force for work force education and training.~~

~~(3) Establish and maintain an inventory of the programs of the state training system, and related state programs, and perform a biennial assessment of the vocational education, training, and adult basic education and literacy needs of the state; identify ongoing and strategic education needs; and assess the extent to which employment, training, vocational and basic education, rehabilitation services, and public assistance services represent a consistent, integrated approach to meet such needs.~~

~~(4) Develop and maintain a state comprehensive plan for work force training and education, including but not limited to, goals, objectives, and priorities for the state training system, and review the state training system for consistency with the state comprehensive plan. In developing the state comprehensive plan for work force training and education, the board shall use, but shall not be limited to: Economic, labor market, and populations trends reports in office of financial management forecasts; joint office of financial management and employment security department labor force, industry employment, and occupational forecasts; the results of scientifically based outcome, net-impact and cost-benefit evaluations; the needs of employers as evidenced in formal employer surveys and other employer input; and the needs of program participants and workers as evidenced in formal surveys and other input from program participants and the labor community.~~

~~(5) In consultation with the higher education coordinating board, review and make recommendations to the office of financial management and the legislature on operating and capital facilities budget requests for operating agencies of the state training system for purposes of consistency with the state comprehensive plan for work force training and education.~~

~~(6) Provide for coordination among the different operating agencies and components of the state training system at the state level and at the regional level.~~

~~(7) Develop a consistent and reliable data base on vocational education enrollments, costs, program activities, and job placements from publicly funded vocational education programs in this state.~~

~~(8) Establish standards for data collection and maintenance for the operating agencies of the state training system in a format that is accessible to use by the board. The board shall require a minimum of common core data to be collected by each operating agency of the state training system.~~

~~The board shall develop requirements for minimum common core data in consultation with the office of financial management and the operating agencies of the training system.~~

~~(9) Establish minimum standards for program evaluation for the operating agencies of the state training system, including, but not limited to, the use of common survey instruments and procedures for measuring perceptions of program participants and employers of program participants, and monitor such program evaluation.~~

~~(10) Every two years administer scientifically based outcome evaluations of the state training system, including, but not limited to, surveys of program participants, surveys of employers of program participants, and matches with employment security department payroll and wage files. Every five years administer scientifically based net impact and cost benefit evaluations of the state training system.~~

~~(11) In cooperation with the employment security department, provide for the improvement and maintenance of quality and utility in occupational information and forecasts for use in training system planning and evaluation. Improvements shall include, but not be limited to, development of state based occupational change factors involving input by employers and employees, and delineation of skill and training requirements by education level associated with current and forecasted occupations.~~

~~(12) Provide for the development of common course description formats, common reporting requirements, and common definitions for operating agencies of the training system.~~

~~(13) Provide for effectiveness and efficiency reviews of the state training system.~~

~~(14) In cooperation with the higher education coordinating board, facilitate transfer of credit policies and agreements between institutions of the state training system, and encourage articulation agreements for programs encompassing two years of secondary work force education and two years of postsecondary work force education.~~

~~(15) In cooperation with the higher education coordinating board, facilitate transfer of credit policies and agreements between private training institutions and institutions of the state training system.~~

~~(16) Participate in the development of coordination criteria for activities under the job training partnership act with related programs and services provided by state and local education and training agencies.~~

~~(17) Make recommendations to the commission of student assessment, the state board of education, and the superintendent of public instruction, concerning basic skill competencies and essential core competencies for K-12 education. Basic skills for this purpose shall be reading, writing, computation, speaking, and critical thinking, essential core competencies for this purpose shall be English, math, science/technology, history, geography, and critical thinking. The board shall monitor the development of and provide advice concerning secondary curriculum which integrates vocational and academic education.~~

~~(18) Establish and administer programs for marketing and outreach to businesses and potential program participants.~~

~~(19) Facilitate the location of support services, including but not limited to, child care, financial aid, career counseling, and job placement services, for students and trainees at institutions in the state training system, and advocate for support services for trainees and students in the state training system.~~

~~(20) Facilitate private sector assistance for the state training system, including but not limited to: Financial assistance, rotation of private and public personnel, and vocational counseling.~~

~~(21) Facilitate programs for school to work transition that combine classroom education and on the job training in industries and occupations without a significant number of apprenticeship programs.~~

~~(22) Encourage and assess progress for the equitable representation of racial and ethnic minorities, women, and people with disabilities among the students, teachers, and administrators of the state training system. Equitable, for this purpose, shall mean substantially proportional to their percentage of the state population in the geographic area served. This function of the board shall in no way lessen more stringent state or federal requirements for representation of racial and ethnic minorities, women, and people with disabilities.~~

~~(23) Participate in the planning and policy development of governor set aside grants under P.L. 97-300, as amended.~~

~~(24) Administer veterans' programs, licensure of private vocational schools, the job skills program, and the Washington award for vocational excellence.~~

~~(25) Allocate funding from the state job training trust fund.~~

~~(26) Work with the director of community, trade, and economic development to ensure coordination between work force training priorities and that department's economic development efforts.~~

~~(27) Adopt rules as necessary to implement this chapter.~~

~~The board may delegate to the director any of the functions of this section.))~~ Establish and maintain an inventory of the programs of the state workforce development system and ensure that information is provided to consumers and policymakers at the state and local level in order to enable them to make informed choices.

(2) Assess employer and worker needs for workforce training and the gap between their needs and the public and private supply of workforce training. The assessments of employer and worker needs shall include state-wide surveys of employers and workers. The survey sample must be statistically representative of the state's employer and employee population.

(3) Analyze the future employment needs of employers and develop strategies to ensure that Washington residents are prepared to meet those needs. The board shall work with industry, labor, and business associations, the operating agencies, and the department of community, trade, and economic development, and local workforce investment councils, to develop demand driven and targeted industry strategies to build a world class workforce.

(4) Develop and maintain a state unified plan for the workforce development system. The unified plan shall include assessments of the state's employment opportunities and skills needs, the current and future workforce, and the current workforce development system; and include goals, objectives, and strategies for improving the workforce development system and a description of the performance measurement system for workforce development.

(5) Work in collaboration with local workforce development councils to develop the state unified plan. Local workforce development councils shall provide input to the board in the development of the state unified plan which articulate their local strategy and needs.

(6) Work in partnership with the training related components of the temporary assistance for needy families program, community service employment under Title V of the older Americans act, and the retraining component of the workers' compensation vocational rehabilitation program; training activities carried out through contracts with the United States department of housing and urban development; and community services block grants authorized under the national community service act, to integrate these programs into the unified planning. The governor may approve inclusion of these programs into the workforce development system.

(7) Review and make recommendations to the governor concerning the program plans of the operating agencies of the state workforce development system regarding consistency with the unified plan.

(8) Recommend to the governor strategies to assure coordination and avoid duplication among the programs of the workforce development system.

(9) Design and implement a performance measurement system for workforce development in cooperation with the operating agencies and with the review of the joint legislative audit and review committee. The performance measurement system for the workforce development system shall be coordinated with the state's accountability system for K-12 education. The performance measurement system includes:

(a) Minimum standards for performance measurement for the state workforce development system including, but not limited to, the use of common survey instruments and common performance indicators;

(b) Standards for data collection and maintenance for the operating agencies of the state workforce development system. The board shall require a minimum of common core data to be collected by each operating agency of the state workforce development system;

(c) Evaluations of the state workforce development system including, but not limited to, outcome, net impact, and cost-benefit evaluations, surveys of program participants, surveys of employers of program participants, and matches with employment security department payroll and wage files, the outcomes of which shall be reported on a regular basis to the governor and the legislature;

(d) Standards for measuring the performance of local training providers to enable consumers to make informed choices and gain access to services they need;

(e) Recommendations to the governor regarding expected performance levels using the performance measurement system established under this section; and

(f) Information provided to the governor and the legislature on the outcomes of workforce development programs. Such information shall include, but not be limited to, program results in the following areas: Participant competencies, employment, wages and earnings, and receipt of public assistance; customer satisfaction, including employer customers who have hired program participants; and the public cost per benefit received.

(10) Measure the performance of the workforce development system using the performance measurement system established in subsection (9) of this section. Operating agencies shall establish and implement rewards for exceptional programs and corrective actions for programs failing to meet minimum performance standards as defined in subsection (9)(a) of this section. Operating agencies shall report to the board annually beginning December 31, 2001, on corrective action taken and rewards granted. Beginning July 1, 2002, the board shall report to the governor and the legislature on operating agencies' actions to reward exceptional programs and to correct and improve programs that fail to meet standards established in subsection (9)(a) of this section.

(11) Establish an incentive fund for workforce development, using federal funding for workforce development programs, and allocate dollars from the incentive fund to reward local workforce development councils and programs that produce exemplary results.

(12) Review the plans of local workforce development councils for consistency with the state unified plan and recommend to the governor whether local plans should be approved. The board shall provide technical assistance to local workforce development councils as necessary.

(13) Work with local workforce development councils and state operating agencies to implement a one stop delivery system that is seamless and consumer-based.

(14) For the purposes of enabling individuals to make smooth transitions into the workforce and back and forth between workforce development programs and employment, make recommendations regarding generic workplace skills that individuals need in order to meet employer expectations.

(15) Administer veterans' programs, licensure of private vocational schools, and the Washington award for vocational excellence.

(16) Work with the director of community, trade, and economic development to ensure coordination between workforce training priorities and that department's economic development efforts.

(17) Work in collaboration with local workforce development councils, business organizations, and economic development councils to create a coordinated and responsive system of outreach for small business.

(18) Consult with the programs and the customers of programs in the workforce development system in performing the board's duties.

(19) Adopt rules as necessary to implement this chapter.

The board may delegate to the director any of the functions of this section.

**NEW SECTION. Sec. 7.** A new section is added to chapter 28C.18 RCW to read as follows:

There are hereby created local workforce development councils to serve functions including, but not limited to, those specified for local workforce development councils under P.L. 105-220. The governor, in partnership with the state board, shall establish criteria for use by chief elected officials in the local areas for appointment of members of the local councils. Local workforce development councils shall:

(1) In partnership with chief local elected officials, develop and maintain a local unified plan for the workforce development system including but not limited to the local plan required by P.L. 105-220 Title I. The unified plan shall include assessments of local employment opportunities and skills needs, the current and future workforce, the current workforce development system, and financial resources; and include goals, objectives, and strategies for the local workforce development system, including a system-wide financial strategy for implementing the plan. Local workforce development councils shall submit their unified plans to the governor for approval and the plan should be consistent with the state unified plan.

(2) Conduct oversight over the local one stop system under P.L. 105-220 Title 1(b).

(3) Coordinate workforce development activities at the local level and ensure a linkage with local economic development strategies.

(4) Provide for a coordinated and responsive system of outreach to employers to include the establishment of public-private partnerships of local brokers to connect small businesses to workforce training programs and resources. Brokers may include industry and trade associations, chambers of commerce, central labor councils, and other labor organizations. Broker services may include communicating small business needs to training providers, pooling the specific training needs of several small employers to create cost-effective demand, and supporting the growth of apprenticeship programs.

(5) Identify eligible providers of training services.

(6) Assess the planning process to identify quality improvements.

(7) Execute a master partnership agreement with local elected officials that establishes the working relationships and specifies responsibilities of each body in the partnership.

**Sec. 8.** RCW 50.38.050 and 1993 c 62 s 5 are each amended to read as follows:

The department shall have the following duties:

(1) Oversight and management of a state-wide comprehensive labor market and occupational supply and demand information system, including development of a five-year employment forecast for state and labor market areas;

(2) Produce local labor market information packages for the state's counties, including special studies and job impact analyses in support of state and local employment, training, education, and job creation programs, especially activities that prevent job loss, reduce unemployment, and create jobs;

(3) Coordinate with the office of financial management and the office of the forecast council to improve employment estimates by enhancing data on corporate officers, improving business establishment listings, expanding sample for employment estimates, and developing business entry/exit analysis relevant to the generation of occupational and economic forecasts; ~~((and))~~

(4) In cooperation with the office of financial management, produce long-term industry and occupational employment forecasts. These forecasts shall be consistent with the official economic and revenue forecast council biennial economic and revenue forecasts; and

(5) Provide labor market information needed for the state workforce development board to fulfill its duties under RCW 28C.04.060.

**Sec. 9.** RCW 50.67.010 and 1991 c 238 s 14 are each amended to read as follows:



~~(1) ((There is hereby created the Washington state job training coordinating council for so long as a state council is required by federal law or regulation as a condition for receipt of federal funds. The council shall perform all duties of state job training coordinating council as specified in the federal job training partnership act, P.L. 97-300, as amended, including the preparation of a coordination and special services plan for a two-year period, consistent with the state comprehensive plan for work force training and education prepared by the work force training and education coordinating board as provided for in RCW 28C.18.060.~~

~~(2) The work force training and education coordinating board shall monitor the need for the council as described in subsection (1) of this section, and, if that need no longer exists, propose legislation to terminate the council.-) The duties of the job training coordinating council described in section 122 of P.L. 97-300 shall be performed by the workforce development board until July 1, 2000.~~

(2) This section expires July 1, 2000.

**NEW SECTION. Sec. 10.** The department is responsible to prepare the following elements for the program plan required by the workforce investment act of 1998 (P.L. 105-220) which include:

- (1) Detailed plans required under section 8 of the Wagner-Peyser act (29 U.S.C. 49g);
- (2) Assurances that the state will provide, in accordance with section 184 of the workforce investment act, for fiscal control and fund accounting procedures that are necessary to ensure the proper disbursement of, and accounting for, funds paid to the state through the allotments made under sections 127 and 132 of the workforce investment act;
- (3)(a) A description of the methods and factors the state will use in distributing funds to local areas for youth activities and adult employment and training activities under sections 128(b)(3)(B) and 133(b)(3)(B) of the workforce investment act, including:
  - (i) A description of how the individuals and entities represented on the workforce development board were involved in determining such methods and factors of distribution; and
  - (ii) A description of how that state consulted with chief elected officials in local areas throughout the state in determining such distribution; and
- (b) Assurances that the funds will be distributed equitably throughout the state, and that no local areas will suffer significant shifts in funding from year to year; and
- (c) A description of the formula prescribed by the governor pursuant to section 133(b)(2)(B) of the workforce investment act for the allocation of funds to local areas for dislocated worker employment and training activities;
- (4) With respect to the one stop delivery systems described in section 134(c) of the workforce investment act, a description of the operational strategy of the state for assisting local areas in development and implementation of fully operational one stop delivery systems in the state;
- (5) A description of the competitive process to be used by the state to award grants and contracts in the state for activities carried out under the workforce investment act;
- (6) With respect to the employment and training activities authorized in section 134 of the workforce investment act:
  - (a) The employment and training activities that will be carried out with the funds received by the state through the allotment made under section 132 of the workforce investment act;
  - (b) How the state will provide rapid response activities to dislocated workers from funds reserved under section 133(a)(2) of the workforce investment act for such purposes, including the designation of an identifiable state rapid response dislocated worker unit to carry out state-wide rapid response activities; and
  - (c) With other state operating agencies, how the state will serve the employment and training needs of dislocated workers, including displaced homemakers; low-income individuals, including recipients of public assistance; individuals training for nontraditional employment; and other individuals with multiple barriers to employment, including older individuals and individuals with disabilities; and
- (7) With respect to youth activities authorized in section 129 of the workforce investment act, information:
  - (a) Describing the state strategy for providing comprehensive services to eligible youth, particularly those eligible youth who are recognized as having significant barriers to employment;

(b) Describing how that state will coordinate the youth activities carried out in the state under section 129 of the workforce investment act with the services provided by job corps centers in the state, where such centers exist; and

(c) Describing how the state will coordinate youth activities described in subparagraph (C) of the workforce investment act with activities carried out through the youth opportunity grants under section 169 of the workforce investment act.

**NEW SECTION.** **Sec. 11.** The department shall receive federal funds authorized under the workforce investment act of 1998 (P.L. 105-220) Title 1B and recommend to the governor the allocation of the funds to support this chapter, chapter 28C.18 RCW, and the workforce investment act.

**Sec. 12.** RCW 50.13.060 and 1997 c 409 s 605 and 1997 c 58 s 1004 are each reenacted and amended to read as follows:

(1) Governmental agencies, including law enforcement agencies, prosecuting agencies, and the executive branch, whether state, local, or federal shall have access to information or records deemed private and confidential under this chapter if the information or records are needed by the agency for official purposes and:

(a) The agency submits an application in writing to the employment security department for the records or information containing a statement of the official purposes for which the information or records are needed and specific identification of the records or information sought from the department; and

(b) The director, commissioner, chief executive, or other official of the agency has verified the need for the specific information in writing either on the application or on a separate document; and

(c) The agency requesting access has served a copy of the application for records or information on the individual or employing unit whose records or information are sought and has provided the department with proof of service. Service shall be made in a manner which conforms to the civil rules for superior court. The requesting agency shall include with the copy of the application a statement to the effect that the individual or employing unit may contact the public records officer of the employment security department to state any objections to the release of the records or information. The employment security department shall not act upon the application of the requesting agency until at least five days after service on the concerned individual or employing unit. The employment security department shall consider any objections raised by the concerned individual or employing unit in deciding whether the requesting agency needs the information or records for official purposes.

(2) The requirements of subsections (1) and (9) of this section shall not apply to the state legislative branch. The state legislature shall have access to information or records deemed private and confidential under this chapter, if the legislature or a legislative committee finds that the information or records are necessary and for official purposes. If the employment security department does not make information or records available as provided in this subsection, the legislature may exercise its authority granted by chapter 44.16 RCW.

(3) In cases of emergency the governmental agency requesting access shall not be required to formally comply with the provisions of subsection (1) of this section at the time of the request if the procedures required by subsection (1) of this section are complied with by the requesting agency following the receipt of any records or information deemed private and confidential under this chapter. An emergency is defined as a situation in which irreparable harm or damage could occur if records or information are not released immediately.

(4) The requirements of subsection (1)(c) of this section shall not apply to governmental agencies where the procedures would frustrate the investigation of possible violations of criminal laws or to the release of employing unit names, addresses, number of employees, and aggregate employer wage data for the purpose of state governmental agencies preparing small business economic impact statements under chapter 19.85 RCW or preparing cost-benefit analyses under RCW 34.05.328(1)(c). Information provided by the department and held to be private and confidential under state or federal

laws must not be misused or released to unauthorized parties. A person who misuses such information or releases such information to unauthorized parties is subject to the sanctions in RCW 50.13.080.

(5) Governmental agencies shall have access to certain records or information, limited to such items as names, addresses, social security numbers, and general information about benefit entitlement or employer information possessed by the department, for comparison purposes with records or information possessed by the requesting agency to detect improper or fraudulent claims, or to determine potential tax liability or employer compliance with registration and licensing requirements. In those cases the governmental agency shall not be required to comply with subsection (1)(c) of this section, but the requirements of the remainder of subsection (1) of this section must be satisfied.

(6) Governmental agencies may have access to certain records and information, limited to employer information possessed by the department for purposes authorized in chapter 50.38 RCW. Access to these records and information is limited to only those individuals conducting authorized statistical analysis, research, and evaluation studies. Only in cases consistent with the purposes of chapter 50.38 RCW are government agencies not required to comply with subsection (1)(c) of this section, but the requirements of the remainder of subsection (1) of this section must be satisfied. Information provided by the department and held to be private and confidential under state or federal laws shall not be misused or released to unauthorized parties subject to the sanctions in RCW 50.13.080.

(7) Disclosure to governmental agencies of information or records obtained by the employment security department from the federal government shall be governed by any applicable federal law or any agreement between the federal government and the employment security department where so required by federal law. When federal law does not apply to the records or information state law shall control.

(8) The department may provide information for purposes of statistical analysis and evaluation of the WorkFirst program or any successor state welfare program((~~7~~)) to the department of social and health services, the office of financial management, and other governmental entities with oversight or evaluation responsibilities for the program ((~~shall have access to employer wage information on clients in the program whose names and social security numbers are provided to the department~~)) in accordance with RCW 43.20A.080. The confidential information provided by the department shall remain the property of the department and may be used by the authorized requesting agencies only for statistical analysis, research, and evaluation purposes as provided in RCW 74.08A.410 and 74.08A.420. The department of social and health services ((~~is~~)), the office of financial management, or other governmental entities with oversight or evaluation responsibilities for the program are not required to comply with subsection (1)(c) of this section, but the requirements of the remainder of subsection (1) of this section and applicable federal laws and regulations must be satisfied. The confidential information used for evaluation and analysis of welfare reform supplied to the authorized requesting entities with regard to the WorkFirst program or any successor state welfare program are exempt from public inspection and copying under RCW 42.17.310.

(9) The disclosure of any records or information by a governmental agency which has obtained the records or information under this section is prohibited unless the disclosure is directly connected to the official purpose for which the records or information were obtained.

(10) In conducting periodic salary or fringe benefit studies pursuant to law, the department of personnel shall have access to records of the employment security department as may be required for such studies. For such purposes, the requirements of subsection (1)(c) of this section need not apply.

(11) To promote the reemployment of job seekers, the commissioner may enter into data-sharing contracts with partners of the one-stop career development system. The contracts shall provide for the transfer of data only to the extent that the transfer is necessary for the efficient provisions of work force programs, including but not limited to public labor exchange, unemployment insurance, worker training and retraining, vocational rehabilitation, vocational education, adult education, transition from public assistance, and support services. The transfer of information under contracts with one-stop partners is exempt from subsection (1)(c) of this section.

(12) To facilitate improved operation and evaluation of state programs, the commissioner may enter into data-sharing contracts with other state agencies only to the extent that such transfer is

necessary for the efficient operation or evaluation of outcomes for those programs. The transfer of information by contract under this subsection is exempt from subsection (1)(c) of this section.

(13) The misuse or unauthorized release of records or information by any person or organization to which access is permitted by this chapter subjects the person or organization to a civil penalty of five thousand dollars and other applicable sanctions under state and federal law. Suit to enforce this section shall be brought by the attorney general and the amount of any penalties collected shall be paid into the employment security department administrative contingency fund. The attorney general may recover reasonable attorneys' fees for any action brought to enforce this section.

**Sec. 13.** RCW 42.17.310 and 1998 c 69 s 1 are each amended to read as follows:

(1) The following are exempt from public inspection and copying:

(a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients.

(b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (i) be prohibited to such persons by RCW 84.08.210, 82.32.330, 84.40.020, or 84.40.340 or (ii) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer.

(d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(e) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim or witness indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.

(f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

(g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

(h) Valuable formulae, designs, drawings, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.

(l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.

(m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (i) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (ii) highway construction or improvement as required by RCW 47.28.070.

(n) Railroad company contracts filed prior to July 28, 1991, with the utilities and transportation commission under RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter.

(o) Financial and commercial information and records supplied by private persons pertaining to export services provided pursuant to chapter 43.163 RCW and chapter 53.31 RCW, and by persons pertaining to export projects pursuant to RCW 43.23.035.

(p) Financial disclosures filed by private vocational schools under chapters 28B.85 and 28C.10 RCW.

(q) Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095 that a court has determined are confidential under RCW 80.04.095.

(r) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency.

(s) Membership lists or lists of members or owners of interests of units in timeshare projects, subdivisions, camping resorts, condominiums, land developments, or common-interest communities affiliated with such projects, regulated by the department of licensing, in the files or possession of the department.

(t) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.

(u) The residential addresses and residential telephone numbers of employees or volunteers of a public agency which are held by the agency in personnel records, employment or volunteer rosters, or mailing lists of employees or volunteers.

(v) The residential addresses and residential telephone numbers of the customers of a public utility contained in the records or lists held by the public utility of which they are customers, except that this information may be released to the division of child support or the agency or firm providing child support enforcement for another state under Title IV-D of the federal social security act, for the establishment, enforcement, or modification of a support order.

(w)(i) The federal social security number of individuals governed under chapter 18.130 RCW maintained in the files of the department of health, except this exemption does not apply to requests made directly to the department from federal, state, and local agencies of government, and national and state licensing, credentialing, investigatory, disciplinary, and examination organizations; (ii) the current residential address and current residential telephone number of a health care provider governed under chapter 18.130 RCW maintained in the files of the department, if the provider requests that this information be withheld from public inspection and copying, and provides to the department an accurate alternate or business address and business telephone number. On or after January 1, 1995, the current residential address and residential telephone number of a health care provider governed under RCW 18.130.140 maintained in the files of the department shall automatically be withheld from public inspection and copying unless the provider specifically requests the information be released, and except as provided for under RCW 42.17.260(9).

(x) Information obtained by the board of pharmacy as provided in RCW 69.45.090.

(y) Information obtained by the board of pharmacy or the department of health and its representatives as provided in RCW 69.41.044, 69.41.280, and 18.64.420.

(z) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW.

(aa) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information.

(bb) Financial and valuable trade information under RCW 51.36.120.

(cc) Client records maintained by an agency that is a domestic violence program as defined in RCW 70.123.020 or 70.123.075 or a rape crisis center as defined in RCW 70.125.030.

(dd) Information that identifies a person who, while an agency employee: (i) Seeks advice, under an informal process established by the employing agency, in order to ascertain his or her rights

in connection with a possible unfair practice under chapter 49.60 RCW against the person; and (ii) requests his or her identity or any identifying information not be disclosed.

(ee) Investigative records compiled by an employing agency conducting a current investigation of a possible unfair practice under chapter 49.60 RCW or of a possible violation of other federal, state, or local laws prohibiting discrimination in employment.

(ff) Business related information protected from public inspection and copying under RCW 15.86.110.

(gg) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW.

(hh) Information and documents created specifically for, and collected and maintained by a quality improvement committee pursuant to RCW 43.70.510, regardless of which agency is in possession of the information and documents.

(ii) Personal information in files maintained in a data base created under RCW 43.07.360.

(jj) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010.

(kk) Names of individuals residing in emergency or transitional housing that are furnished to the department of revenue or a county assessor in order to substantiate a claim for property tax exemption under RCW 84.36.043.

(ll) The names, residential addresses, residential telephone numbers, and other individually identifiable records held by an agency in relation to a vanpool, carpool, or other ride-sharing program or service. However, these records may be disclosed to other persons who apply for ride-matching services and who need that information in order to identify potential riders or drivers with whom to share rides.

(mm) Proprietary financial and commercial information that the submitting entity, with review by the department of health, specifically identifies at the time it is submitted and that is provided to or obtained by the department of health in connection with an application for, or the supervision of, an antitrust exemption sought by the submitting entity under RCW 43.72.310. If a request for such information is received, the submitting entity must be notified of the request. Within ten business days of receipt of the notice, the submitting entity shall provide a written statement of the continuing need for confidentiality, which shall be provided to the requester. Upon receipt of such notice, the department of health shall continue to treat information designated under this section as exempt from disclosure. If the requester initiates an action to compel disclosure under this chapter, the submitting entity must be joined as a party to demonstrate the continuing need for confidentiality.

(nn) Records maintained by the board of industrial insurance appeals that are related to appeals of crime victims' compensation claims filed with the board under RCW 7.68.110.

(oo) Financial and commercial information supplied by or on behalf of a person, firm, corporation, or entity under chapter 28B.95 RCW relating to the purchase or sale of tuition units and contracts for the purchase of multiple tuition units.

(pp) Records maintained by the employment security department and subject to chapter 50.13 RCW if provided to another individual or organization for operational, research, or evaluation purposes.

(qq) Individually identifiable information received by the work force training and education coordinating board for research or evaluation purposes.

(2) Except for information described in subsection (1)(c)(i) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this section are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such

records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

**NEW SECTION. Sec. 14.** Training and placement activities of the WorkFirst program or any successor program shall be included in the state workforce development system by July 1, 2001.

**NEW SECTION. Sec. 15.** The joint legislative audit and review committee shall conduct a performance audit of the state workforce development system including but not limited to outcome, net impact, and cost-benefit evaluations. A performance audit may include, where practical and feasible, surveys of program participants and employers, and analyses of employment outcomes for participants.

The joint legislative audit and review committee shall prepare an interim report of its performance audit findings by December 1, 2003, and a final report by December 1, 2004, and deliver the reports to the appropriate committees of the legislature. The operating agencies of the workforce development system, the workforce development board, and the private career schools and colleges shall provide administrative, program, and client data to the joint legislative audit and review committee for this performance audit.

**NEW SECTION. Sec. 16.** The following acts or parts of acts are each repealed:

- (1) RCW 28C.18.070 (Intent--"Program" clarified) and 1995 c 130 s 1;
- (2) RCW 28C.18.080 (Comprehensive plan--Contents--Updates--Agency operating plans--Reports to the legislature) and 1997 c 369 s 5 & 1995 c 130 s 2;
- (3) RCW 28C.18.090 (Additional board duties--Program evaluation by operating agencies) and 1995 c 130 s 4;
- (4) RCW 28C.18.100 (Assessments by board--Biennial report to legislature and governor) and 1995 c 130 s 5;
- (5) RCW 28C.18.110 (Identification of policies and methods to promote efficiency and sharing of resources--Report to governor and legislature) and 1995 c 130 s 6;
- (6) RCW 50.67.020 (Membership of council--Assistance to work force training and education coordinating board) and 1991 c 238 s 15; and
- (7) RCW 50.67.030 (Washington youthbuild program--Council to advise) and 1994 sp.s. c 3 s 8.

**NEW SECTION. Sec. 17.** Sections 10 and 11 of this act constitute a new chapter in Title 50 RCW.

**NEW SECTION. Sec. 18.** If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

**NEW SECTION. Sec. 19.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 20.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; Wood, Democratic Vice Chair; Hurst; Lisk and McIntire.

MINORITY recommendation: Without recommendation. Signed by Representatives B. Chandler, Republican Vice Chair and McMorris.

Voting yea: Representatives Clements, Conway, Wood, Hurst, Lisk and McIntire.  
Voting nay: Representative(s) B. Chandler and McMorris.

Referred to Committee on Appropriations.

April 2, 1999

2SSB 5536 Prime Sponsor, Senate Committee on Ways & Means: Creating a pilot project for a municipal watershed on state trust lands. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass. Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Koster, Republican Vice Chair; Anderson; B. Chandler; Delvin; Fortunato; Grant; Reardon; Schoesler; Stensen; Sump and Wood.

Voting yea: Representatives G. Chandler, Linville, Cooper, Koster, Anderson, B. Chandler, Delvin, Fortunato, Grant, Reardon, Schoesler, Stensen, Sump and Wood.

Referred to Committee on Appropriations.

April 1, 1999

SSB 5547 Prime Sponsor, Senate Committee on Education: Providing medical assistance in public schools. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28A.210.260 and 1994 sp.s. c 9 s 720 are each amended to read as follows:

Public school districts and private schools which conduct any of grades kindergarten through the twelfth grade may provide for the administration of oral medication of any nature to students who are in the custody of the school district or school at the time of administration, but are not required to do so by this section, subject to the following conditions:

(1) The board of directors of the public school district or the governing board of the private school or, if none, the chief administrator of the private school shall adopt policies which address the designation of employees who may administer oral medications to students, the acquisition of parent requests and instructions, and the acquisition of dentist and physician requests and instructions regarding students who require medication for more than fifteen consecutive school days, the identification of the medication to be administered, the means of safekeeping medications with special attention given to the safeguarding of legend drugs as defined in chapter 69.41 RCW, and the means of maintaining a record of the administration of such medication;

(2) The board of directors shall seek advice from one or more licensed physicians or nurses in the course of developing the foregoing policies;

(3) The public school district or private school is in receipt of a written, current and unexpired request from a parent, or a legal guardian, or other person having legal control over the student to administer the medication to the student;

(4) The public school district or the private school is in receipt of (a) a written, current and unexpired request from a licensed physician or dentist for administration of the medication, as there



exists a valid health reason which makes administration of such medication advisable during the hours when school is in session or the hours in which the student is under the supervision of school officials, and (b) written, current and unexpired instructions from such physician or dentist regarding the administration of prescribed medication to students who require medication for more than fifteen consecutive work days;

(5) The medication is administered by an employee designated by or pursuant to the policies adopted pursuant to subsection (1) of this section and in substantial compliance with the prescription of a physician or dentist or the written instructions provided pursuant to subsection (4) of this section;

(6) The medication is first examined by the employee administering the same to determine in his or her judgment that it appears to be in the original container and to be properly labeled; ~~((and))~~

(7) The board of directors shall designate a professional person licensed pursuant to chapter 18.71 RCW or chapter 18.79 RCW as it applies to registered nurses and advanced registered nurse practitioners, to train and supervise the designated school district personnel in proper medication procedures; and

(8)(a) School district employees employed by the district before the effective date of this section and not licensed under chapter 18.79 or 18.88A RCW may file with the district a written letter of refusal to administer oral medications to students.

(b) School district employees employed or transferred by the district after the effective date of this section and not licensed under chapter 18.79 or 18.88A RCW may file with the district a written letter of refusal to administer oral medications to students unless the employee's job description specifically includes the administration of oral medications.

(c) A written letter of refusal filed under (a) or (b) of this subsection shall be retained by the district and may not serve as grounds for employee dismissal or termination of employment.

**Sec. 2.** RCW 28A.210.280 and 1994 sp.s. c 9 s 721 are each amended to read as follows:

(1) Public school districts and private schools that offer classes for any of grades kindergarten through twelve may provide for clean, intermittent bladder catheterization of students, or assisted self-catheterization of students pursuant to RCW 18.79.290, if the catheterization is provided for in substantial compliance with:

(a) Rules adopted by the state nursing care quality assurance commission and the instructions of a registered nurse or advanced registered nurse practitioner issued under such rules; and

(b) Written policies of the school district or private school which shall be adopted in order to implement this section and shall be developed in accordance with such requirements of chapters 41.56 and 41.59 RCW as may be applicable.

~~(2) ((This section does not require school districts to provide intermittent bladder catheterization of students.))~~ (a) School district employees employed by the district before the effective date of this section and not licensed under chapter 18.79 or 18.88A RCW may file with the district a written letter of refusal to administer clean intermittent bladder catheterizations of students.

(b) School district employees employed or transferred by the district after the effective date of this section and not licensed under chapter 18.79 or 18.88A RCW may file with the district a written letter of refusal to administer clean intermittent bladder catheterizations of students unless the employee's job description specifically includes the administration of such catheterizations.

(c) A written letter of refusal filed under (a) or (b) of this subsection shall be retained by the district and may not serve as grounds for employee dismissal or termination of employment.

Signed by Representatives Quall, Democratic Co-Chair; Talcott, Republican Co-Chair; Haigh, Democratic Vice Chair; Schindler, Republican Vice Chair; Carlson; Cox; Keiser; Rockefeller; Santos; D. Schmidt; Schual-Berke; Stensen and Wensman.

Voting yea: Representatives Quall, Talcott, Haigh, Schindler, Carlson, Cox, Keiser, Rockefeller, Santos, D. Schmidt, Stensen and Wensman.

Excused: Representative(s) Schual-Berke and Sump.

Referred to Committee on Appropriations.

April 2, 1999

SSB 5553 Prime Sponsor, Senate Committee on Senate Commerce, Trade, Housing & Financial Institutions: Regulating professional athletics. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 67.08 RCW to read as follows:  
The department shall set license and renewal fees by rule, but the fees collected do not have to offset the cost of the program as required under RCW 43.24.086.

**Sec. 2.** RCW 67.08.002 and 1997 c 205 s 1 are each amended to read as follows:  
Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Amateur" means a person who engages in athletic activities as a pastime and not as a professional.

(2) "Boxing" means a contest in which the contestants exchange blows with their fists, but does not include professional wrestling.

(3) "Department" means the department of licensing.

(4) "Director" means the director of the department of licensing or the director's designee.

(5) "Event" includes, but is not limited to, a boxing, wrestling, or martial arts contest, sparring, fisticuffs, match, show, or exhibition.

(6) "Event physician" means the physician licensed under RCW 67.08.100 and who is responsible for the activities described in RCW 67.08.090.

(7) "Face value" means the dollar value of a ticket or order, which value must reflect the dollar amount that the customer is required to pay or, for a complimentary ticket, would have been required to pay to purchase a ticket with equivalent seating priority, in order to view the event.

~~((7))~~ (8) "Gross receipts" means ~~((the sale of souvenirs, programs, and other concessions received by the promoter; and))~~ the face value of all tickets sold and complimentary tickets redeemed.

~~((8))~~ (9) "Kickboxing" means a type of boxing in which blows are delivered with the hand and any part of the leg below the hip, including the foot.

~~((9))~~ (10) "Martial arts" means a type of boxing including sumo, judo, karate, kung fu, taekwon do, pankration, muay thai, or other forms of full-contact martial arts or self-defense conducted on a full-contact basis.

~~((10))~~ (11) "Physician" means a person licensed under chapter 18.57, 18.36A, or 18.71 RCW as a physician or a person holding an osteopathic or allopathic physician license under the laws of any jurisdiction in which the person resides.

(12) "Professional" means a person who has received or competed for money or other articles of value for participating in an event.

~~((11))~~ (13) "Promoter" means a person, and includes any officer, director, employee, or stockholder of a corporate promoter, who produces, arranges, stages, holds, or gives an event in this state involving a professional boxing, martial arts, or wrestling event, or shows or causes to be shown in this state a closed circuit telecast of a match involving a professional participant whether or not the telecast originates in this state.

~~((12)) "Tough man/rough man contest or competition" means an event that utilizes unlicensed, untrained, or otherwise licensed participants who engage in unsanctioned activities that do not comply with this chapter, including a full contact, tournament style martial arts contest, match, show, or exhibition in which contestants compete more than once per day.~~

~~((13))~~ (14) "Wrestling exhibition" or "wrestling show" means a form of sports entertainment in which the participants display their skills in a physical struggle against each other in the ring and either the outcome may be predetermined or the participants do not necessarily strive to win, or both.

**Sec. 3.** RCW 67.08.015 and 1997 c 205 s 3 are each amended to read as follows:

(1) In the interest of ensuring the safety and welfare of the participants, the department shall have power and it shall be its duty to direct, supervise, and control all boxing, martial arts, and wrestling events conducted within this state and an event may not be held in this state except in accordance with the provisions of this chapter. The department may, in its discretion, issue and for cause deny, revoke, or suspend a license to promote, conduct, or hold boxing, kickboxing, martial arts, or wrestling events where an admission fee is charged by any person, club, corporation, organization, association, or fraternal society.

(2) All boxing, kickboxing, martial arts, or wrestling events that:

(a) Are conducted by any common school, college, or university, whether public or private, or by the official student association thereof, whether on or off the school, college, or university grounds, where all the participating contestants are bona fide students enrolled in any common school, college, or university, within or without this state; or

(b) Are entirely amateur events promoted on a nonprofit basis or for charitable purposes; are not subject to the licensing provisions of this chapter. A boxing, martial arts, kickboxing, or wrestling event may not be conducted within the state except under a license issued in accordance with this chapter and the rules of the department except as provided in this section.

(3) The director shall prohibit events unless all of the contestants are either licensed under this chapter or trained by an amateur or professional sanctioning body recognized by the department.

**Sec. 4.** RCW 67.08.050 and 1997 c 205 s 6 are each amended to read as follows:

(1) Any promoter shall within seven days prior to the holding of any event file with the department a statement setting forth the name of each licensee who is a potential participant, his or her manager or managers, and such other information as the department may require. Participant changes regarding a wrestling event may be allowed after notice to the department, if the new participant holds a valid license under this chapter. The department may stop any wrestling event in which a participant is not licensed under this chapter.

(2) Upon the termination of any event the promoter shall file with the designated department representative a written report, duly verified as the department may require showing the number of tickets sold for the event, the price charged for the tickets and the gross proceeds thereof, and such other and further information as the department may require. The promoter shall pay to the department at the time of filing the report under this section a tax equal to five percent of such gross receipts. However, the tax may not be less than twenty-five dollars. The five percent of such gross receipts shall be immediately paid by the department into the state general fund.

(3) A complimentary ticket may not have a face value of less than the least expensive ticket available for sale to the general public. ~~((It must include charges and fees, such as dinner, gratuity, parking, surcharges, or other charges or fees that are charged to and must be paid by the customer in order to view the event.))~~ The number of untaxed complimentary tickets shall be limited to five percent of the total tickets sold per event location, not to exceed three hundred tickets. All complimentary tickets exceeding this exemption shall be subject to taxation.

**Sec. 5.** RCW 67.08.080 and 1997 c 205 s 8 are each amended to read as follows:

A boxing~~((, kickboxing, or martial art[s]))~~ event held in this state may not be for more than ten rounds and no one round of any bout shall be scheduled for longer than three minutes and there shall be not less than one minute intermission between each round. In the event of bouts involving state, regional, national, or world championships the department may grant an extension of no more than two additional rounds to allow total bouts of twelve rounds. A contestant in any boxing event under this chapter may not be permitted to wear gloves weighing less than eight ounces. The director shall adopt rules to assure clean and sportsmanlike conduct on the part of all contestants and officials, and the orderly and proper conduct of the event in all respects, and to otherwise make rules consistent with this chapter, but such rules shall apply only to events held under the provisions of this chapter. The director may adopt rules with respect to round and bout limitations and clean and sportsmanlike conduct for kickboxing, martial arts, or wrestling events.

**Sec. 6.** RCW 67.08.090 and 1997 c 205 s 9 are each amended to read as follows:

(1) Each contestant for boxing, kickboxing, or martial arts events shall be examined within twenty-four hours before the contest by ~~((a-competent))~~ an event physician ~~((appointed))~~ licensed by the department. The event physician shall report in writing and over his or her signature before the event the physical condition of each and every contestant to the inspector present at such contest. No contestant whose physical condition is not approved by the ~~((examining))~~ event physician shall be permitted to participate in any event. Blank forms ~~((of))~~ for event physicians' reports shall be provided by the department and all questions upon such blanks shall be answered in full. The ~~((examining))~~ event physician shall be paid a fee and travel expenses by the promoter.

(2) The department may require that ~~((a))~~ an event physician be present at a wrestling event. The promoter shall pay ~~((any))~~ the event physician present at a wrestling event. A boxing, kickboxing, or martial arts event may not be held unless ~~((a-licensed))~~ an event physician ~~((of))~~ licensed by the department ~~((or his or her duly appointed representative))~~ is present throughout the event.

(3) Any ~~((practicing))~~ physician ~~((and surgeon))~~ licensed under RCW 67.08.100 may be selected by the department as the ~~((examining))~~ event physician. ~~((Such))~~ The event physician present at ~~((such))~~ any contest shall have authority to stop any event when in the event physician's opinion it would be dangerous to a contestant to continue, and in such event it shall be the event physician's duty to stop the event.

(4) The department may have a participant in a wrestling event examined by ~~((a))~~ an event physician ~~((appointed))~~ licensed by the department prior to the event. A participant in a wrestling event whose condition is not approved by the ~~((examining))~~ event physician shall not be permitted to participate in the event.

(5) Each contestant for boxing, kickboxing, martial arts, or wrestling events may be subject to a random urinalysis or chemical test within twenty-four hours before or after a contest. An applicant or licensee who refuses or fails to submit to the urinalysis or chemical test is subject to disciplinary action under RCW 67.08.240. If the urinalysis or chemical test is positive for substances prohibited by rules adopted by the director, disciplinary action shall be taken under RCW 67.08.240.

**Sec. 7.** RCW 67.08.100 and 1997 c 205 s 10 and 1997 c 58 s 864 are each reenacted and amended to read as follows:

(1) The department upon receipt of a properly completed application and payment of a nonrefundable fee, may grant an annual license to an applicant for the following: (a) Promoter; (b) manager; (c) boxer; (d) second; (e) wrestling participant; (f) inspector~~((s))~~; (g) judge; (h) timekeeper; (i) announcer~~((s))~~; ~~((and))~~ (j) event physician~~((s))~~; (k) referee; (l) matchmaker; (m) kickboxer; and (n) martial arts participant.

(2) The application for the following types of licenses shall include a physical performed by a physician, as defined in RCW 67.08.002, which was performed by the physician with a time period preceding the application as specified by rule: (a) Boxer; (b) wrestling participant; (c) kickboxer; (d) martial arts participant; and (e) referee.

(3) Any license may be revoked, suspended, or denied by the director for a violation of this chapter or a rule adopted by the director.

~~((3))~~ (4) No person shall participate or serve in any of the above capacities unless licensed as provided in this chapter.

~~((4))~~ (5) The referees, judges, timekeepers, event physicians, and inspectors for any boxing event shall be designated by the department from among licensed officials.

~~((5))~~ (6) The referee for any wrestling event shall be provided by the promoter and shall be licensed as a wrestling participant.

~~((6))~~ (7) The department shall immediately suspend the license or certificate of a person who has been certified pursuant to RCW 74.20A.320 by the department of social and health services as a person who is not in compliance with a support order ~~((or a residential or visitation order))~~. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the department's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order.

~~((7))~~ (8) A person may not be issued a license if the person has an unpaid fine outstanding to the department.

~~((8))~~ (9) A person may not be issued a license unless they are at least eighteen years of age.

~~((9))~~ (10) This section shall not apply to contestants or participants in events at which only amateurs are engaged in contests and/or fraternal organizations and/or veterans' organizations chartered by congress or the defense department or any recognized amateur sanctioning body recognized by the department, holding and promoting athletic events and where all funds are used primarily for the benefit of their members. Upon request of the department, a promoter, contestant, or participant shall provide sufficient information to reasonably determine whether this chapter applies.

**Sec. 8.** RCW 67.08.110 and 1997 c 205 s 11 are each amended to read as follows:

(1) Any person or any member of any group of persons or corporation promoting boxing events who shall participate directly or indirectly in the purse or fee of any manager of any boxers or any boxer and any licensee who shall conduct or participate in any sham or fake boxing event shall be subject to license suspension, revocation, or fine and such revoked, suspended, or fined licensee shall not be entitled to receive any license issued under this chapter.

(2) A manager of any boxer, kickboxer, or martial arts participant who allows any person or any group of persons or corporation promoting boxing, kickboxing, or martial arts events to participate directly or indirectly in the purse or fee, or any boxer, kickboxer, or martial arts participant or other licensee who conducts or participates in any sham or fake boxing, kickboxing, or martial arts event is subject to disciplinary action under RCW 67.08.240.

**Sec. 9.** RCW 67.08.120 and 1997 c 205 s 12 are each amended to read as follows:

Any ~~((unlicensed participant contestant))~~ applicant or licensee who violates any rule of the department shall be fined, suspended, revoked, or any combination thereof, by order of the director. Assessed fines shall not exceed five ~~((hundred))~~ thousand dollars for each violation of this chapter or any rule of the department.

**Sec. 10.** RCW 67.08.160 and 1989 c 127 s 2 are each amended to read as follows:

A promoter shall have an ambulance or paramedical unit present at the ~~((arena in case a serious injury occurs unless an ambulance or paramedical unit is located within five miles of the arena and that unit is on call for such an occurrence))~~ event location."

Correct the title.

Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Hurst; Lisk; McIntire and McMorris.

Voting yea: Representatives Clements, Conway, B. Chandler, Wood, Hurst, Lisk, McIntire and McMorris.

Passed to Rules Committee for Second Reading.

March 31, 1999

E2SSB 5557 Prime Sponsor, Senate Committee on Ways & Means: Providing residential placement and transitional living services to street youth. Reported by Committee on Children & Family Services

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** This act may be referred to as the homeless youth prevention, protection, and education act, or the HOPE act. Every day many youth in this state seek shelter out on the street. A nurturing nuclear family does not exist for them, and state-sponsored alternatives such as foster homes do not meet the demand and isolate youth, who feel like outsiders in families not their own. The legislature recognizes the need to develop placement alternatives for dependent youth ages sixteen to eighteen, who are living on the street. The HOPE act is an effort to engage youth and provide them access to services through development of life skills in a setting that supports them. Nothing in this act shall constitute an entitlement.

**Sec. 2.** RCW 74.15.020 and 1998 c 269 s 3 are each amended to read as follows:

For the purpose of chapter 74.15 RCW and RCW 74.13.031, and unless otherwise clearly indicated by the context thereof, the following terms shall mean:

(1) "Agency" means any person, firm, partnership, association, corporation, or facility which receives children, expectant mothers, or persons with developmental disabilities for control, care, or maintenance outside their own homes, or which places, arranges the placement of, or assists in the placement of children, expectant mothers, or persons with developmental disabilities for foster care or placement of children for adoption, and shall include the following irrespective of whether there is compensation to the agency or to the children, expectant mothers or persons with developmental disabilities for services rendered:

(a) "Child day-care center" means an agency which regularly provides care for a group of children for periods of less than twenty-four hours;

(b) "Child-placing agency" means an agency which places a child or children for temporary care, continued care, or for adoption;

(c) "Community facility" means a group care facility operated for the care of juveniles committed to the department under RCW 13.40.185. A county detention facility that houses juveniles committed to the department under RCW 13.40.185 pursuant to a contract with the department is not a community facility;

(d) "Crisis residential center" means an agency which is a temporary protective residential facility operated to perform the duties specified in chapter 13.32A RCW, in the manner provided in RCW 74.13.032 through 74.13.036;

(e) "Family day-care provider" means a child day-care provider who regularly provides child day care for not more than twelve children in the provider's home in the family living quarters;

(f) "Foster-family home" means an agency which regularly provides care on a twenty-four hour basis to one or more children, expectant mothers, or persons with developmental disabilities in the family abode of the person or persons under whose direct care and supervision the child, expectant mother, or person with a developmental disability is placed;

(g) "Group-care facility" means an agency, other than a foster-family home, which is maintained and operated for the care of a group of children on a twenty-four hour basis;

(h) "HOPE center" means an agency licensed by the secretary to provide temporary residential placement and other services to street youth. A street youth may remain in a HOPE center for thirty days while services are arranged and permanent placement is coordinated. No street youth may stay longer than thirty days unless approved by the department and any additional days approved by the department must be based on the unavailability of a long-term placement option. A street youth whose parent wants him or her returned to home may remain in a HOPE center until his or her parent arranges return of the youth, not longer. All other street youth must have court approval under chapter 13.34 or 13.32A RCW to remain in a HOPE center up to thirty days;

(i) "Maternity service" means an agency which provides or arranges for care or services to expectant mothers, before or during confinement, or which provides care as needed to mothers and their infants after confinement;

~~((+))~~ (j) "Service provider" means the entity that operates a community facility.

(2) "Agency" shall not include the following:

(a) Persons related to the child, expectant mother, or person with developmental disability in the following ways:

- (i) Any blood relative, including those of half-blood, and including first cousins, nephews or nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great-great;
  - (ii) Stepfather, stepmother, stepbrother, and stepsister;
  - (iii) A person who legally adopts a child or the child's parent as well as the natural and other legally adopted children of such persons, and other relatives of the adoptive parents in accordance with state law;
  - (iv) Spouses of any persons named in (i), (ii), or (iii) of this subsection (2)(a), even after the marriage is terminated; or
  - (v) Extended family members, as defined by the law or custom of the Indian child's tribe or, in the absence of such law or custom, a person who has reached the age of eighteen and who is the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent who provides care in the family abode on a twenty-four-hour basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4);
- (b) Persons who are legal guardians of the child, expectant mother, or persons with developmental disabilities;
- (c) Persons who care for a neighbor's or friend's child or children, with or without compensation, where: (i) The person providing care for periods of less than twenty-four hours does not conduct such activity on an ongoing, regularly scheduled basis for the purpose of engaging in business, which includes, but is not limited to, advertising such care; or (ii) the parent and person providing care on a twenty-four-hour basis have agreed to the placement in writing and the state is not providing any payment for the care;
- (d) Parents on a mutually cooperative basis exchange care of one another's children;
- (e) A person, partnership, corporation, or other entity that provides placement or similar services to exchange students or international student exchange visitors or persons who have the care of an exchange student in their home;
- (f) Nursery schools or kindergartens which are engaged primarily in educational work with preschool children and in which no child is enrolled on a regular basis for more than four hours per day;
- (g) Schools, including boarding schools, which are engaged primarily in education, operate on a definite school year schedule, follow a stated academic curriculum, accept only school-age children and do not accept custody of children;
- (h) Seasonal camps of three months' or less duration engaged primarily in recreational or educational activities;
- (i) Hospitals licensed pursuant to chapter 70.41 RCW when performing functions defined in chapter 70.41 RCW, nursing homes licensed under chapter 18.51 RCW and boarding homes licensed under chapter 18.20 RCW;
- (j) Licensed physicians or lawyers;
- (k) Facilities providing care to children for periods of less than twenty-four hours whose parents remain on the premises to participate in activities other than employment;
- (l) Facilities approved and certified under chapter 71A.22 RCW;
- (m) Any agency having been in operation in this state ten years prior to June 8, 1967, and not seeking or accepting moneys or assistance from any state or federal agency, and is supported in part by an endowment or trust fund;
- (n) Persons who have a child in their home for purposes of adoption, if the child was placed in such home by a licensed child-placing agency, an authorized public or tribal agency or court or if a replacement report has been filed under chapter 26.33 RCW and the placement has been approved by the court;
- (o) An agency operated by any unit of local, state, or federal government or an agency, located within the boundaries of a federally recognized Indian reservation, licensed by the Indian tribe;
- (p) An agency located on a federal military reservation, except where the military authorities request that such agency be subject to the licensing requirements of this chapter.
- (3) "Department" means the state department of social and health services.
- (4) "Juvenile" means a person under the age of twenty-one who has been sentenced to a term of confinement under the supervision of the department under RCW 13.40.185.

(5) "Probationary license" means a license issued as a disciplinary measure to an agency that has previously been issued a full license but is out of compliance with licensing standards.

(6) "Requirement" means any rule, regulation, or standard of care to be maintained by an agency.

(7) "Secretary" means the secretary of social and health services.

(8) "Street youth" means a person under the age of eighteen who lives outdoors or in another unsafe location not intended for occupancy by the minor and who is not residing with his or her parent or at his or her legally authorized residence.

(9) "Transitional living services" means at a minimum, to the extent funds are available, the following:

(a) Educational services, including basic literacy and computational skills training, either in local alternative or public high schools or in a high school equivalency program that leads to obtaining a high school equivalency degree;

(b) Assistance and counseling related to obtaining vocational training or higher education, job readiness, job search assistance, and placement programs;

(c) Counseling and instruction in life skills such as money management, home management, consumer skills, parenting, health care, access to community resources, and transportation and housing options;

(d) Individual and group counseling;

(e) Recognizing and facilitating long-term relationships with significant adults; and

(f) Establishing networks with federal agencies and state and local organizations such as the United States department of labor, employment and training administration programs including the job training partnership act which administers private industry councils and the job corps; vocational rehabilitation; and volunteer programs.

Transitional living services shall be tailored to meet the needs of the individual youth. If a youth demonstrates a consistent unwillingness to participate in the acquisition of transitional living skills and services, a reassessment shall be done of the youth's appropriateness for the program.

**NEW SECTION. Sec. 3.** A new section is added to chapter 74.15 RCW to read as follows:

The secretary shall establish HOPE centers that provide no more than seventy-five beds across the state and may establish HOPE centers by contract, within funds appropriated by the legislature specifically for this purpose. HOPE centers shall be operated in a manner to reasonably assure that street youth placed there will not run away. Street youth may leave a HOPE center during the course of the day to attend school or other necessary appointments, but the street youth must be accompanied by an administrator or an administrator's designee. The street youth must provide the administration with specific information regarding his or her destination and expected time of return to the HOPE center. Any street youth who runs away from a HOPE center shall not be readmitted unless specifically authorized by the street youth's placement and liaison specialist, and the placement and liaison specialist shall document with specific factual findings an appropriate basis for readmitting any street youth to a HOPE center. HOPE centers are required to have the following:

(1) A license issued by the secretary;

(2) A professional with a master's degree in counseling, social work, or related field and at least one year of experience working with street youth or a bachelor of arts degree in social work or a related field and five years of experience working with street youth. This professional staff person may be contractual or a part-time employee, but must be available to work with street youth in a HOPE center at a ratio of one to every fifteen youth staying in a HOPE center. This professional shall be known as a placement and liaison specialist. Preference shall be given to those professionals cross-credentialed in mental health and chemical dependency. The placement and liaison specialist shall:

(a) Conduct an assessment of the street youth that includes a determination of the street youth's legal status regarding residential placement;

(b) Facilitate the street youth's return to his or her legally authorized residence at the earliest possible date or initiate processes to arrange legally authorized appropriate placement. Any street youth who may meet the definition of dependent child under RCW 13.34.030 must be referred to the department. The department shall determine whether a dependency petition should be filed under



chapter 13.34 RCW. A shelter care hearing must be held within seventy-two hours to authorize out-of-home placement for any youth the department determines is appropriate for out-of-home placement under chapter 13.34 RCW. All of the provisions of chapter 13.32A RCW must be followed for children in need of services or at-risk youth;

(c) Interface with other relevant resources and system representatives to secure long-term residential placement and other needed services for the street youth;

(d) Be assigned immediately to each youth and meet with the youth within eight hours of the youth receiving HOPE center services;

(e) Develop a therapeutic relationship with the youth that enables the specialist to help the street youth navigate the social service and child welfare systems;

(f) Facilitate a physical examination of any street youth who has not seen a physician within one year prior to residence at a HOPE center and facilitate evaluation by a county-designated mental health professional, a chemical dependency specialist, or both if appropriate; and

(g) Arrange an educational assessment to measure the street youth's competency level in reading, writing, and basic mathematics, and that will measure learning disabilities or special needs;

(3) Staff trained in development needs of street youth as determined by the secretary, including an administrator who is a professional with a master's degree in counseling, social work, or a related field and at least one year of experience working with street youth, or a bachelor of arts degree in social work or a related field and five years of experience working with street youth, who must work with the placement and liaison specialist to provide appropriate services on site;

(4) A data collection system that measures outcomes for the population served, and enables research and evaluation that can be used for future program development and service delivery. Data collection systems must have confidentiality rules and protocols developed by the secretary;

(5) Notification requirements that meet the notification requirements of chapter 13.32A RCW.

The youth's arrival date and time must be logged at intake by HOPE center staff. The staff must immediately notify law enforcement and dependency caseworkers if a street youth runs away from a HOPE center. A child may be transferred to a secure facility as defined in RCW 13.32A.030 whenever the staff reasonably believes that a street youth is likely to leave the HOPE center and not return after full consideration of the factors set forth in RCW 13.32A.130(2)(a) (i) and (ii). The street youth's temporary placement in the HOPE center must be authorized by the court or the secretary if the youth is a dependent of the state under chapter 13.34 RCW or the department is responsible for the youth under chapter 13.32A RCW, or by the youth's parent or legal custodian, until such time as the parent can retrieve the youth who is returning to home;

(6) HOPE centers must identify to the department any street youth it serves who is not returning promptly to home. The department then must contact the missing children's clearinghouse identified in chapter 13.60 RCW and either report the youth's location or report that the youth is the subject of a dependency action and the parent should receive notice from the department; and

(7) Services that provide counseling and education to the street youth.

**NEW SECTION. Sec. 4.** A new section is added to chapter 74.15 RCW to read as follows:

The secretary is authorized to license HOPE centers that meet statutory and rule requirements created by the secretary. The secretary is authorized to develop rules necessary to carry out the provisions of this act. The secretary may rely upon existing licensing provisions in development of licensing requirements for HOPE centers, as are appropriate to carry out the intent of this act. HOPE centers shall be required to adhere to departmental regulations prohibiting the use of alcohol, tobacco, controlled substances, violence, and sexual activity between residents.

**NEW SECTION. Sec. 5.** A new section is added to chapter 13.60 RCW to read as follows:

The department of social and health services shall develop a procedure for reporting missing children information to the missing children clearinghouse on children who are receiving departmental services in each of its administrative regions. The purpose of this procedure is to link parents to missing children. When the department has obtained information that a minor child has been located at a facility funded by the department, the department shall notify the clearinghouse and the child's legal

custodian, advising the custodian of the child's whereabouts or that the child is subject to a dependency action. The department shall inform the clearinghouse when reunification occurs.

**NEW SECTION. Sec. 6.** The Washington institute for public policy shall review the effectiveness of the procedures established in section 5 of this act. The study shall include: (1) The number of legal custodians who utilize the clearinghouse; (2) the number of children who are located after the department's procedures are operational; (3) the impediments to effective utilization of the procedures and what steps may be taken to reduce or eliminate the impediments; (4) the methods of public education regarding the availability of the program and how to increase public awareness of the program.

The review shall be submitted to the legislature and the governor not later than December 1, 2001.

**NEW SECTION. Sec. 7.** A new section is added to chapter 74.15 RCW to read as follows: The department shall provide technical assistance in preparation of grant proposals for HOPE centers to nonprofit organizations unfamiliar with and inexperienced in submission of requests for proposals to the department.

**NEW SECTION. Sec. 8.** A new section is added to chapter 74.15 RCW to read as follows: The department shall consider prioritizing, on an ongoing basis, the awarding of contracts for HOPE centers to providers who have not traditionally been awarded contracts with the department.

**NEW SECTION. Sec. 9.** The department of social and health services shall seek any necessary federal waivers for federal funding of the programs created under this act. The department shall pursue federal funding sources for the programs created under this act, and report to the legislature any statutory barriers to federal funding.

**NEW SECTION. Sec. 10.** The Washington state institute for public policy shall review the effectiveness of the HOPE centers. The study shall include the characteristics of the youth being served, the services offered to participating youth, the success of permanent placement of youth, the number of youth participating in each program, educational achievement of participants, employment history of participants, the outcomes for youth who have progressed through the programs, and other measures that the institute deems helpful in determining the measurable outcomes of this act.

The review shall be submitted to the legislature and the governor not later than December 1, 2001.

**NEW SECTION. Sec. 11.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 12.** Within funds specifically appropriated by the legislature, HOPE center beds referenced in section 3 of this act shall be phased in at the rate of twenty-five percent each year beginning January 1, 2000, until the maximum is attained.

**NEW SECTION. Sec 13.** Section 3 of this act takes effect January 1, 2000.

**NEW SECTION. Sec. 14.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 1999, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives D. Sommers, Republican Co-Chair; Tokuda, Democratic Co-Chair; Boldt, Republican Vice Chair; Kagi, Democratic Vice Chair; Campbell; Carrell; Dickerson; Eickmeyer; Kastama and Pflug.

Voting yea: D. Sommers, Tokuda, Boldt, Kagi, Campbell, Carrell, Dickerson, Eickmeyer, Kastama and Pflug.

Referred to the Committee on Appropriations.

April 2, 1999

ESB 5564 Prime Sponsor, Senator Gardner: Taxation of park trailers and travel trailers. Reported by Committee on Economic Development, Housing & Trade

MAJORITY recommendation: Do pass. Signed by Representatives Van Luven, Republican Co-Chair; Veloria, Democratic Co-Chair; Dunn, Republican Vice Chair; Eickmeyer, Democratic Vice Chair; Ballasiotes; Gombosky; Miloscia; Morris; Radcliff; Skinner; D. Sommers and Wolfe.

Voting yea: Representatives Van Luven, Veloria, Dunn, Eickmeyer, Ballasiotes, Gombosky, Miloscia, Morris, Radcliff, Skinner, D. Sommers and Wolfe.

Referred to Committee on Finance.

April 2, 1999

SB 5570 Prime Sponsor, Senator Costa: Expanding the definition of vehicular assault. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

Voting yea: Representatives Ballasiotes, O'Brien, Cairnes, Lovick, B. Chandler, Constantine, Kagi and Koster.

Referred to Committee on Appropriations.

April 1, 1999

SSB 5573 Prime Sponsor, Senate Committee on Senate Judiciary: Improving criminal history record dispositions. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Esser; Kastama; Lantz; Lovick; McDonald and Schindler.

Voting yea: Representatives Carrell, Constantine, Hurst, Lambert, Cox, Dickerson, Esser, Kastama, Lantz, Lovick, McDonald and Schindler.

Passed to Rules Committee for Second Reading.

April 1, 1999

SB 5579 Prime Sponsor, Senator Loveland: Allowing solid rubber tires on farm machinery. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Democratic Co-Chair; K. Schmidt, Republican Co-Chair; Cooper, Democratic 1st Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; Buck; G. Chandler; DeBolt; Fortunato; Haigh; Hatfield; Hurst; Lovick; McDonald; Mitchell; Morris; Murray; Ogden; Pflug; Radcliff; Romero; Schindler; Schual-Berke; Skinner and Wood.

Voting yea: Representatives Fisher, K. Schmidt, Cooper, Ericksen, Hankins, G. Chandler, DeBolt, Fortunato, Haigh, Hatfield, Hurst, Lovick, McDonald, Mitchell, Morris, Murray, Ogden, Pflug, Radcliff, Romero, Schindler, Schual-Berke, Skinner and Wood.

Excused: Representative(s) Edwards, Buck, Mielke and Scott.

Passed to Rules Committee for Second Reading.

April 2, 1999

E2SSB 5594 Prime Sponsor, Senate Committee on Ways & Means: Enhancing economic vitality. Reported by Committee on Economic Development, Housing & Trade

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that while Washington's economy is currently prospering, economic growth continues to be uneven, particularly as between metropolitan and rural areas. This has created in effect two Washingtons. One afflicted by inadequate infrastructure to support and attract investment, another suffering from congestion and soaring housing prices. In order to address these problems, the legislature intends to use resources strategically to build on our state's strengths while addressing threats to our prosperity.

## **PART I HOUSING**

NEW SECTION. **Sec. 101.** A new section is added to chapter 43.63A RCW to read as follows:

The department shall establish and administer a "one-stop clearinghouse" to coordinate state assistance for growers and nonprofit organizations in developing housing for agricultural employees. Growers, housing authorities, and nonprofit organizations shall have direct access to the one-stop clearinghouse. The department one-stop clearinghouse shall provide assistance on planning and design, building codes, temporary worker housing regulations, financing options, and management to growers and nonprofit organizations interested in farmworker construction. The department one-stop clearinghouse shall also provide educational materials and services to local government authorities on Washington state law concerning farmworker housing.

## **PART II RURAL DEVELOPMENT COUNCIL**

NEW SECTION. **Sec. 201.** A new section is added to chapter 43.31 RCW to read as follows:

(1) The rural development council executive committee and the department are authorized to establish a successor organization to the rural development council executive committee created under RCW 43.31.855. The purpose of the successor organization is, at least in part, to improve the delivery

and accessibility of public and private resources for meeting the needs of rural communities in Washington.

(2) For purposes of this section, "successor organization" means a private nonprofit corporation created specifically to assume responsibility for administering funds provided by the federal government and other sources to carry out the purpose state in subsection (1) of this section. A successor organization must qualify as a tax-exempt nonprofit corporation under section 501(c) of the federal internal revenue code.

(3) This section expires June 30, 2002.

**NEW SECTION. Sec. 202.** A new section is added to chapter 43.31 RCW to read as follows:

(1) The executive committee and the department are authorized to take all steps reasonably necessary and proper to effect the orderly transition of the rural development council executive committee to the successor organization. This authorization includes, but is not necessarily limited to, the authority to:

(a) Transfer any equipment, records, other assets, or contracts for services to the successor organization under appropriate terms and conditions, including reasonable compensation for assets acquired with state funds;

(b) Assist in the establishment of a successor organization, including entering into contracts preparatory to the establishment of the organization; and

(c) Unless otherwise provided by agreement, assign to the successor organization any membership agreements, contracts, license, and other duties and obligations related to the rural development council.

(2) This section expires June 30, 2002.

**Sec. 203.** RCW 42.52.080 and 1994 c 154 s 108 are each amended to read as follows:

(1) No former state officer or state employee may, within a period of one year from the date of termination of state employment, accept employment or receive compensation from an employer if:

(a) The officer or employee, during the two years immediately preceding termination of state employment, was engaged in the negotiation or administration on behalf of the state or agency of one or more contracts with that employer and was in a position to make discretionary decisions affecting the outcome of such negotiation or the nature of such administration;

(b) Such a contract or contracts have a total value of more than ten thousand dollars; and

(c) The duties of the employment with the employer or the activities for which the compensation would be received include fulfilling or implementing, in whole or in part, the provisions of such a contract or contracts or include the supervision or control of actions taken to fulfill or implement, in whole or in part, the provisions of such a contract or contracts. This subsection shall not be construed to prohibit a state officer or state employee from accepting employment with a state employee organization.

(2) No person who has served as a state officer or state employee may, within a period of two years following the termination of state employment, have a direct or indirect beneficial interest in a contract or grant that was expressly authorized or funded by specific legislative or executive action in which the former state officer or state employee participated.

(3) No former state officer or state employee may accept an offer of employment or receive compensation from an employer if the officer or employee knows or has reason to believe that the offer of employment or compensation was intended, in whole or in part, directly or indirectly, to influence the officer or employee or as compensation or reward for the performance or nonperformance of a duty by the officer or employee during the course of state employment.

(4) No former state officer or state employee may accept an offer of employment or receive compensation from an employer if the circumstances would lead a reasonable person to believe the offer has been made, or compensation given, for the purpose of influencing the performance or nonperformance of duties by the officer or employee during the course of state employment.

(5) No former state officer or state employee may at any time subsequent to his or her state employment assist another person, whether or not for compensation, in any transaction involving the state in which the former state officer or state employee at any time participated during state

employment. This subsection shall not be construed to prohibit any employee or officer of a state employee organization from rendering assistance to state officers or state employees in the course of employee organization business.

(6) As used in this section, "employer" means a person as defined in RCW 42.52.010 or any other entity or business that the person owns or in which the person has a controlling interest. For purposes of subsection (1) of this section, the term "employer" does not include a successor organization to the rural development council under chapter 43.31 RCW.

**NEW SECTION. Sec. 204.** A new section is added to chapter 43.31 RCW to read as follows: Notwithstanding anything to the contrary in chapter 41.06 RCW or any other provision of law, the department may contract to provide funding to a successor organization under section 201 of this act to carry out activities of the organization that are consistent with the department's powers and duties. All moneys for contracts entered into under this section are subject to appropriation.

**NEW SECTION. Sec. 205.** The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 2000:

- (1). RCW 43.31.855 (Rural development council) and 1997 c 377 s 1;
- (2). RCW 43.31.857 (Rural development council--Financial contributions encouraged) and 1997 c 377 s 2; and
- (3). 1997 c 377 s 3 (uncodified).

### **PART III ECONOMIC VITALITY COMMITTEE**

**NEW SECTION. Sec. 301.** (1) The legislature shall establish an ad hoc economic development group to analyze potential economic development projects of state-wide significance and recommend appropriate administrative or legislative actions.

(2) The group shall include one representative each from the department of community, trade, and economic development, the department of agriculture, and the department of revenue as well as two representatives from rural economic development councils appointed by the legislature.

(3) The group shall promote economic development and business diversification throughout the state with special attention given to the economic difficulties of rural counties.

(4) In order to expedite coordinated responses, the governor may direct the group to meet on an emergency basis when projects of state-wide significance arise.

(5) The department of community, trade, and economic development shall establish criteria to determine whether a project meets the standards of a "project of state-wide significance." These criteria may include such economic indicators as local unemployment and personal income levels and project scope indicators such as the assessed value of the project in relation to the assessed value of the county.

### **PART IV DISTRESSED COUNTY ASSISTANCE ACCOUNT**

**Sec. 401.** RCW 82.14.380 and 1998 c 321 s 10 (Referendum Bill No. 49) are each amended to read as follows:

(1) The distressed county assistance account is created in the state treasury. Into this account shall be placed a portion of all motor vehicle excise tax receipts as provided in RCW 82.44.110. At such times as distributions are made under RCW 82.44.150, the state treasurer shall distribute the funds in the distressed county assistance account to each county imposing the sales and use tax authorized under RCW 82.14.370 as of January 1, 1999, in the same proportions as distributions of the tax imposed under RCW 82.14.370 for these counties for the previous quarter.

(2) Funds distributed from the distressed county assistance account shall be expended by the counties for criminal justice and other purposes.

**PART V**  
**DISTRESSED AREA SALES AND USE TAX DEFERRAL**

**Sec. 501.** RCW 82.60.020 and 1996 c 290 s 4 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Applicant" means a person applying for a tax deferral under this chapter.

(2) "Department" means the department of revenue.

(3) "Eligible area" means(~~(a) A county in which the average level of unemployment for the three years before the year in which an application is filed under this chapter exceeds the average state unemployment for those years by twenty percent; (b) a county that has a median household income that is less than seventy five percent of the state median household income for the previous three years; (c) a metropolitan statistical area, as defined by the office of federal statistical policy and standards, United States department of commerce, in which the average level of unemployment for the calendar year immediately preceding the year in which an application is filed under this chapter exceeds the average state unemployment for such calendar year by twenty percent; (d) a designated community empowerment zone approved under RCW 43.63A.700 or a county containing such a community empowerment zone; (e) a town with a population of less than twelve hundred persons in those counties that are not covered under (a) of this subsection that are timber impact areas as defined in RCW 43.31.601; (f) a county designated by the governor as an eligible area under RCW 82.60.047; or (g) a county that is contiguous to a county that qualifies as an eligible area under (a) or (f) of this subsection~~)) a county with fewer than one hundred persons per square mile as determined annually by the office of financial management and published by the department of revenue effective for the period July 1st through June 30th.

(4)(a) "Eligible investment project" means(~~(i)~~

~~(i)) an investment project in an eligible area as defined in subsection (3)((a), (b), (c), (e), or (f)) of this section(~~(i)~~~~

~~(ii) That portion of an investment project in an eligible area as defined in subsection (3)(d) or (g) of this section which is directly utilized to create at least one new full time qualified employment position for each three hundred thousand dollars of investment on which a deferral is requested in an application approved before July 1, 1994, and for each seven hundred fifty thousand dollars of investment on which a deferral is requested in an application approved after June 30, 1994).~~

(b) The lessor/owner of a qualified building is not eligible for a deferral unless the underlying ownership of the buildings, machinery, and equipment vests exclusively in the same person, or unless the lessor by written contract agrees to pass the economic benefit of the deferral to the lessee in the form of reduced rent payments.

(c) (~~For purposes of (a)(ii) of this subsection:~~

~~(i) The department shall consider the entire investment project, including any investment in machinery and equipment that otherwise qualifies for exemption under RCW 82.08.02565 or 82.12.02565, for purposes of determining the portion of the investment project that qualifies for deferral as an eligible investment project; and~~

~~(ii) The number of new full time qualified employment positions created by an investment project shall be deemed to be reduced by the number of full time employment positions maintained by the recipient in any other community in this state that are displaced as a result of the investment project.~~

~~(d)) "Eligible investment project" does not include any portion of an investment project undertaken by a light and power business as defined in RCW 82.16.010(5), other than that portion of a cogeneration project that is used to generate power for consumption within the manufacturing site of which the cogeneration project is an integral part, or investment projects which have already received deferrals under this chapter.~~

(5) "Investment project" means an investment in qualified buildings or qualified machinery and equipment, including labor and services rendered in the planning, installation, and construction of the project.

(6) "Manufacturing" means ~~((all activities of a commercial or industrial nature wherein labor or skill is applied, by hand or machinery, to materials so that as a result thereof a new, different, or useful substance or article of tangible personal property is produced for sale or commercial or industrial use and shall include the production or fabrication of specially made or custom made articles))~~ the same as defined in RCW 82.04.120. "Manufacturing" also includes computer programming, the production of computer software, and other computer-related services, and the activities performed by research and development laboratories and commercial testing laboratories.

(7) "Person" has the meaning given in RCW 82.04.030.

(8) "Qualified buildings" means construction of new structures, and expansion or renovation of existing structures for the purpose of increasing floor space or production capacity used for manufacturing and research and development activities, including plant offices and warehouses or other facilities for the storage of raw material or finished goods if such facilities are an essential or an integral part of a factory, mill, plant, or laboratory used for manufacturing or research and development. If a building is used partly for manufacturing or research and development and partly for other purposes, the applicable tax deferral shall be determined by apportionment of the costs of construction under rules adopted by the department.

(9) ~~("Qualified employment position" means a permanent full-time employee employed in the eligible investment project during the entire tax year.~~

~~((10))~~ "Qualified machinery and equipment" means all new industrial and research fixtures, equipment, and support facilities that are an integral and necessary part of a manufacturing or research and development operation. "Qualified machinery and equipment" includes: Computers; software; data processing equipment; laboratory equipment; manufacturing components such as belts, pulleys, shafts, and moving parts; molds, tools, and dies; operating structures; and all equipment used to control or operate the machinery.

~~((11))~~ (10) "Recipient" means a person receiving a tax deferral under this chapter.

~~((12))~~ (11) "Research and development" means the development, refinement, testing, marketing, and commercialization of a product, service, or process before commercial sales have begun. As used in this subsection, "commercial sales" excludes sales of prototypes or sales for market testing if the total gross receipts from such sales of the product, service, or process do not exceed one million dollars.

**Sec. 502.** RCW 82.60.040 and 1997 c 156 s 5 are each amended to read as follows:

(1) The department shall issue a sales and use tax deferral certificate for state and local sales and use taxes due under chapters 82.08, 82.12, and 82.14 RCW on each eligible investment project that

~~((a)) is located in an eligible area as defined in RCW 82.60.020((3)(a), (b), (c), (e), or (f));~~  
~~((b) is located in an eligible area as defined in RCW 82.60.020(3)(g) if seventy five percent of the new qualified employment positions are to be filled by residents of a contiguous county that is an eligible area as defined in RCW 82.60.020(3)(a) or (f); or~~  
~~((c) is located in an eligible area as defined in RCW 82.60.020(3)(d) if seventy five percent of the new qualified employment positions are to be filled by residents of a designated community empowerment zone approved under RCW 43.63A.700 located within the county in which the eligible investment project is located)).~~

(2) The department shall keep a running total of all deferrals granted under this chapter during each fiscal biennium.

(3) This section expires July 1, 2004.

**Sec. 503.** RCW 82.60.070 and 1995 1st sp.s. c 3 s 9 are each amended to read as follows:

(1) ~~((Each recipient of a deferral granted under this chapter prior to July 1, 1994, shall submit a report to the department on December 31st of each year during the repayment period until the tax deferral is repaid.))~~ Each recipient of a deferral granted under this chapter after June 30, 1994, shall submit a report to the department on December 31st of the year in which the investment project is certified by the department as having been operationally completed, and on December 31st of each of the seven succeeding calendar years. The report shall contain information, as required by the



department, from which the department may determine whether the recipient is meeting the requirements of this chapter. If the recipient fails to submit a report or submits an inadequate report, the department may declare the amount of deferred taxes outstanding to be immediately assessed and payable.

(2) If, on the basis of a report under this section or other information, the department finds that an investment project is not eligible for tax deferral under this chapter (~~for reasons other than failure to create the required number of qualified employment positions~~), the amount of deferred taxes outstanding for the project shall be immediately due.

(3) (~~If, on the basis of a report under this section or other information, the department finds that an investment project for which a deferral has been granted under this chapter prior to July 1, 1994, has been operationally complete for three years and has failed to create the required number of qualified employment positions, the department shall assess interest, but not penalties, on the deferred taxes for the project. The interest shall be assessed at the rate provided for delinquent excise taxes, shall be assessed retroactively to the date of deferral, and shall accrue until the deferred taxes are repaid.~~

(4) (~~If, on the basis of a report under this section or other information, the department finds that an investment project for which a deferral has been granted under this chapter after June 30, 1994, has been operationally complete for three years and has failed to create the required number of qualified employment positions, the amount of taxes not eligible for deferral shall be immediately due. The department shall assess interest at the rate provided for delinquent excise taxes, but not penalties, retroactively to the date of deferral.~~

(5) (~~If, on the basis of a report under this section or other information, the department finds that an investment project qualifying for deferral under RCW 82.60.040(1) (b) or (c) has failed to comply with any requirement of RCW 82.60.045 for any calendar year for which reports are required under subsection (1) of this section, twelve and one half percent of the amount of deferred taxes shall be immediately due. The department shall assess interest at the rate provided for delinquent excise taxes, but not penalties, retroactively to the date of deferral.~~

(6) Notwithstanding any other subsection of this section, deferred taxes need not be repaid on machinery and equipment for lumber and wood products industries, and sales of or charges made for labor and services, of the type which qualifies for exemption under RCW 82.08.02565 or 82.12.02565 to the extent the taxes have not been repaid before July 1, 1995.

(7) (4) Notwithstanding any other subsection of this section, deferred taxes on the following need not be repaid:

(a) Machinery and equipment, and sales of or charges made for labor and services, which at the time of purchase would have qualified for exemption under RCW 82.08.02565; and

(b) Machinery and equipment which at the time of first use would have qualified for exemption under RCW 82.12.02565.

## PART VI DISTRESSED AREA BUSINESS AND OCCUPATION TAX JOB CREDIT

**Sec. 601.** RCW 82.62.010 and 1996 c 290 s 5 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Applicant" means a person applying for a tax credit under this chapter.

(2) "Department" means the department of revenue.

(3) "Eligible area" means(~~(a) A county in which the average level of unemployment for the three years before the year in which an application is filed under this chapter exceeds the average state unemployment for those years by twenty percent; (b) a county that has a median household income that is less than seventy five percent of the state median household income for the previous three years; (c) a metropolitan statistical area, as defined by the office of federal statistical policy and standards, United States department of commerce, in which the average level of unemployment for the calendar year immediately preceding the year in which an application is filed under this chapter exceeds the average state unemployment for such calendar year by twenty percent; (d) a designated community~~

~~empowerment zone approved under RCW 43.63A.700; or (e) subcounty areas in those counties that are not covered under (a) of this subsection that are timber impact areas as defined in RCW 43.31.601)) an area as defined in RCW 82.60.020.~~

(4)(a) "Eligible business project" means manufacturing or research and development activities which are conducted by an applicant in an eligible area at a specific facility, provided the applicant's average full-time qualified employment positions at the specific facility will be at least fifteen percent greater in the year for which the credit is being sought than the applicant's average full-time qualified employment positions at the same facility in the immediately preceding year.

(b) "Eligible business project" does not include any portion of a business project undertaken by a light and power business as defined in RCW 82.16.010(5) or that portion of a business project creating qualified full-time employment positions outside an eligible area or those recipients of a sales tax deferral under chapter 82.61 RCW.

(5) "Manufacturing" means ~~((all activities of a commercial or industrial nature wherein labor or skill is applied, by hand or machinery, to materials so that as a result thereof a new, different, or useful substance or article of tangible personal property is produced for sale or commercial or industrial use and shall include the production or fabrication of specially made or custom made articles))~~ the same as defined in RCW 82.04.120. "Manufacturing" also includes computer programming, the production of computer software, and other computer-related services, and the activities performed by research and development laboratories and commercial testing laboratories.

(6) "Person" has the meaning given in RCW 82.04.030.

(7) "Qualified employment position" means a permanent full-time employee employed in the eligible business project during the entire tax year.

(8) "Tax year" means the calendar year in which taxes are due.

(9) "Recipient" means a person receiving tax credits under this chapter.

(10) "Research and development" means the development, refinement, testing, marketing, and commercialization of a product, service, or process before commercial sales have begun. As used in this subsection, "commercial sales" excludes sales of prototypes or sales for market testing if the total gross receipts from such sales of the product, service, or process do not exceed one million dollars.

**Sec. 602.** RCW 82.62.030 and 1997 c 366 s 5 are each amended to read as follows:

(1) A person shall be allowed a credit against the tax due under chapter 82.04 RCW as provided in this section. ~~((For an application approved before January 1, 1996, the credit shall equal one thousand dollars for each qualified employment position directly created in an eligible business project. For an application approved on or after January 1, 1996, the credit shall equal two thousand dollars for each qualified employment position directly created in an eligible business project. For an application approved on or after July 1, 1997,))~~ The credit shall equal: (a) Four thousand dollars for each qualified employment position with wages and benefits greater than forty thousand dollars annually that is directly created in an eligible business~~((For an application approved on or after July 1, 1997, the credit shall equal))~~ and (b) two thousand dollars for each qualified employment position with wages and benefits less than or equal to forty thousand dollars annually that is directly created in an eligible business.

(2) The department shall keep a running total of all credits granted under this chapter during each fiscal year. The department shall not allow any credits which would cause the tabulation to exceed ~~((five million five hundred thousand dollars in fiscal year 1998 or 1999 or))~~ seven million five hundred thousand dollars in any fiscal year ~~((thereafter))~~. If all or part of an application for credit is disallowed under this subsection, the disallowed portion shall be carried over for approval the next fiscal year. However, the applicant's carryover into the next fiscal year is only permitted if the tabulation for the next fiscal year does not exceed the cap for that fiscal year as of the date on which the department has disallowed the application.

(3) No recipient may use the tax credits to decertify a union ~~((or to displace existing jobs in any community in the state))~~.

(4) No recipient may receive a tax credit on taxes which have not been paid during the taxable year.

**PART VII**  
**TECHNOLOGY-BASED BUSINESSES**  
**Software**

NEW SECTION. **Sec. 701.** It is the intent of the legislature to attract and retain technology-based businesses in distressed counties. Section 702 of this act provides a tax incentive to those businesses that develop or manufacture software in distressed counties. Encouragement of these types of business will stimulate the information technology industry and be of benefit to the state economy in general. To further the impact and benefit of this program, this incentive is limited to those counties of the state that are characterized by unemployment or low income. The legislature finds that providing this targeted incentive will both increase its effectiveness and create a high technology work force in distressed counties.

NEW SECTION. **Sec. 702.** A new section is added to chapter 82.04 RCW to read as follows:

(1) Subject to the limits and provisions of this section, a credit is authorized against the tax otherwise due under this chapter for persons engaged in a distressed county in the business of manufacturing or programming of software, as those terms are defined in this section.

(2) A person who partially or totally relocates a business from one distressed county to another distressed county is eligible for any qualifying new jobs created as a result of the relocation but is not eligible to receive credit for the jobs moved from one county to the other.

(3)(a) To qualify for the credit, the qualifying activity of the person must be conducted in a distressed county and the qualified employment position must be located in the distressed county.

(b) If an activity is conducted both from a distressed county and outside of a distressed county, the credit is available if at least ninety percent of the qualifying activity takes place within a distressed county. If the qualifying activity is a service taxable activity, the place where the work is performed is the place at which the activity is conducted.

(4)(a) The credit under this section shall equal one thousand dollars for each qualified employment position created after July 1, 1999, in an eligible area. A credit is earned for the calendar year the person is hired to fill the position. Additionally a credit is earned for each year the position is maintained over the subsequent consecutive years, up to six years. The county must meet the definition of a distressed county at the time the position is filled. If the county does not have a distressed county status the following year or years, the position is still eligible for the remaining years if all other conditions are met.

(b) Credit may not be taken for hiring of persons into positions that exist before July 1, 1999. Credit is authorized for new employees hired for new positions created on or after July 1, 1999. New positions filled by existing employees are eligible for the credit under this section only if the position vacated by the existing employee is filled by a new hire. A business that is a sole proprietorship without any employees is equivalent to one employee position and this type of business is eligible to receive credit for one position.

(c) If a position is filled before July 1st, this position is eligible for the full yearly credit. If it is filled after June 30th, this position is eligible for half of the credit.

(d) A person that has engaged in qualifying activities in the distressed county before the effective date of this section qualifies for the credit under this section for positions created and filled after the effective date of this section.

(5) No application is necessary for the tax credit. The person must keep records necessary for the department to verify eligibility under this section. This information includes information relating to description of qualifying activity engaged in the distressed county and outside the distressed county by the person as well as detailed records on positions and employees. The department shall, in consultation with a representative group of affected taxpayers, develop a method of segregating activity and related income so that those persons who engage in multiple activities can determine eligibility for credit under this section.

(6) If at any time the department finds that a person is not eligible for tax credit under this section, the amount of taxes for which a credit has been claimed shall be immediately due. The department shall assess interest, but not penalties, on the taxes for which the person is not eligible.

The interest shall be assessed at the rate provided for delinquent excise taxes under chapter 82.32 RCW, shall be assessed retroactively to the date the tax credit was taken, and shall accrue until the taxes for which a credit has been used are repaid.

(7) The credit under this section may be used against any tax due under this chapter, but in no case may a credit earned during one calendar year be carried over to be credited against taxes incurred in a subsequent calendar year. A person is not eligible to receive a credit under this section if the person is receiving credit for the same position under chapter 82.62 RCW or RCW 82.04.44525. No refunds may be granted for credits under this section.

(8) County eligibility under this section shall be based on the same list as published by the department under chapter 82.60 RCW. The eligibility period is from July 1st of each year to June 30th of the next year.

(9) A person taking tax credits under this section shall make an annual report to the department. The report shall be in a letter form and shall include the following information: Number of positions for which credit is being claimed, type of position for which credit is being claimed, type of activity in which the person is engaged in the county, and how long the person has been located in the county. The report must be filed by January 30th of each year for which credit was claimed during the previous year.

(10) Transfer of ownership does not affect credit eligibility; however, the credit is available to the successor for remaining periods in the seven years only if the eligibility conditions of this section are met.

(11) As used in this section:

(a) "Distressed county" means an eligible area as defined in RCW 82.60.020.

(b) "Manufacturing" means the same as "to manufacture" under RCW 82.04.120.

Manufacturing includes the activities of both manufacturers and processors for hire.

(c) "Programming" means the activities that involve the creation or modification of software, as that term is defined in this chapter, and that are taxable as a service under RCW 82.04.290(2) or as a retail sale under RCW 82.04.050.

(d) "Qualifying activity" means manufacturing or programming of software.

(e) "Qualified employment position" means a permanent full-time position doing programming of software or manufacturing of software. This excludes administrative, professional, service, executive, and other similar positions. If an employee is either voluntarily or involuntarily separated from employment, the employment position is considered filled on a full-time basis if the employer is either training or actively recruiting a replacement employee. Full-time means a position for at least thirty-five hours a week.

(f) "Software" has the same meaning as defined in RCW 82.04.215.

## **PART VIII ELECTRIC UTILITIES**

**NEW SECTION. Sec. 801.** The legislature finds that it is necessary to employ multiple approaches to revitalize the economy of Washington state's rural areas. The legislature also finds that where possible, Washington state should develop programs which can complement other private, state, and federal programs. It is the intent of section 802 of this act to complement such rural economic development efforts by creating a public utility tax offset program to help establish locally based electric utility revolving fund programs to be used for economic development and job creation.

**NEW SECTION. Sec. 802.** A new section is added to chapter 82.16 RCW to read as follows:

(1) The following definitions apply to this section:

(a) "Qualifying project" means a project designed to achieve job creation or business retention, to add or upgrade nonelectrical infrastructure, to add or upgrade health and safety facilities, to accomplish energy and water use efficiency improvements, including renewable energy development, or to add or upgrade emergency services in any designated qualifying rural area.

(b) "Qualifying rural area" means:

(i) An eligible area as defined in RCW 82.60.020; or

(ii) Any geographic area in the state that receives electricity from a light and power business with fewer than twenty-six meters per mile of distribution line as determined and published by the department of revenue effective July 1st of each year. The department shall use current data provided by the electricity industry.

(c) "Electric utility rural economic development revolving fund" means a fund devoted exclusively to funding qualifying projects in qualifying rural areas.

(d) "Local board" is a board of directors with at least, but not limited to, three members who have been appointed by the sponsoring electric utility to oversee and direct the activities of the electric utility rural economic development revolving fund.

(e) "Geographic area" means any portion of a light and power business' service territory, either in whole or any subdivision thereof.

(2) A light and power business with fewer than twenty-six active meters per mile of distribution line in any geographic area in the state shall be allowed a credit against taxes due under this chapter in an amount equal to fifty percent of contributions made in any calendar year directly to an electric utility rural economic development revolving fund. The credit under this section shall not exceed one hundred thousand dollars per calendar year. The credit may not exceed the tax that would otherwise be due under this chapter. Refunds shall not be granted in the place of credits and excess expenditures shall not be carried over to subsequent years.

(3) The right to claim tax credits under this section expires December 31, 2005. However any credits claimed prior to that date remain available for use indefinitely, subject to restrictions set forth in subsection (6) of this section.

(4) To qualify for the credit in subsection (2) of this section, the light and power business shall establish an electric utility rural economic development revolving fund which is governed by a local board whose members shall reside in the qualifying rural area served by the light and power business. The local board shall have authority to determine all criteria and conditions for the expenditure of funds from the electric utility rural economic development fund, and for the terms and conditions of repayment.

(5) Any funds repaid to the electric utility rural economic development fund by recipients shall be made available for additional qualifying projects.

(6) If at any time the electric utility rural economic development fund is dissolved, any moneys claimed as a tax credit under this section shall either be granted to a qualifying project or refunded to the state within two years of termination.

(7) The total amount of credits granted under this section shall not exceed seven hundred fifty thousand dollars in any fiscal year.

## **PART IX COMMUNITY EMPOWERMENT ZONES**

NEW SECTION. **Sec. 901.** A new section is added to chapter 82.60 RCW to read as follows:

(1) For the purposes of this section:

(a) "Eligible area" also means a designated community empowerment zone approved under RCW 43.63A.700.

(b) "Eligible investment project" also means an investment project in an eligible area as defined in this section.

(2) In addition to the provisions of RCW 82.60.040, the department shall issue a sales and use tax deferral certificate for state and local sales and use taxes due under chapters 82.08, 82.12, and 82.14 RCW, on each eligible investment project that is located in an eligible area, if the applicant establishes that at the time the project is operationally complete:

(a) The applicant will hire at least one qualified employment position for each seven hundred fifty thousand dollars of investment on which a deferral is requested; and

(b) The positions will be filled by persons who at the time of hire are residents of the community empowerment zone in which the project is located. As used in this subsection, "resident" means the person makes his or her home in the community empowerment zone. A mailing address

alone is insufficient to establish that a person is a resident for the purposes of this section. The persons must be hired after the date the application is filed with the department.

(3) All other provisions and eligibility requirements of this chapter apply to applicants eligible under this section.

(4) If a person does not meet the requirements of this section by the end of the calendar year following the year in which the project is certified as operationally complete, all deferred taxes are immediately due.

**NEW SECTION. Sec. 902.** A new section is added to chapter 82.62 RCW to read as follows:

(1) For the purposes of this section "eligible area" also means a designated community empowerment zone approved under RCW 43.63A.700.

(2) An eligible business project located within an eligible area as defined in this section qualifies for a credit under this chapter for those employees who at the time of hire are residents of the community empowerment zone in which the project is located, if the fifteen percent threshold is met. As used in this subsection, "resident" means the person makes his or her home in the community empowerment zone. A mailing address alone is insufficient to establish that a person is a resident for the purposes of this section.

(3) All other provisions and eligibility requirements of this chapter apply to applicants eligible under this section.

## PART X REPEALED SECTIONS

**Sec. 1001.** RCW 43.131.386 and 1997 c 367 s 19 are each amended to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 2001:

- (1) RCW 43.31.601 and 1997 c 367 s 1, 1995 c 226 s 1, 1992 c 21 s 2, & 1991 c 314 s 2;
- (2) RCW 43.31.641 and 1997 c 367 s 6, 1995 c 226 s 4, 1993 c 280 s 50, & 1991 c 314 s 7;
- (3) RCW 50.22.090 and ~~((1995 c 226 s 5, 1993 c 316 s 10, 1992 c 47 s 2, & 1991 c 315 s 4))~~  
1997 c 367 s 4;
- (4) ~~((RCW 43.160.212 and 1996 c 168 s 4, 1995 c 226 s 6, & 1993 c 316 s 5;~~  
~~(5)))~~ RCW 43.63A.021 and 1997 c 367 s 5 & 1995 c 226 s 11;
- ~~((6)))~~ (5) RCW 43.63A.600 and 1995 c 226 s 12, 1994 c 114 s 1, 1993 c 280 s 77, & 1991 c 315 s 23;
- ~~((7)))~~ (6) RCW 43.63A.440 and 1997 c 367 s 7, 1995 c 226 s 13, 1993 c 280 s 74, & 1989 c 424 s 7;
- ~~((8))~~ ~~RCW 43.160.200 and 1995 c 226 s 16, 1993 c 320 s 7, 1993 c 316 s 4, & 1991 c 314 s 23;~~  
~~(9)))~~ (7) RCW 28B.50.258 and 1995 c 226 s 18 & 1991 c 315 s 16;
- ~~((10)))~~ (8) RCW 28B.50.262 and 1995 c 226 s 19 & 1994 c 282 s 3;
- ~~((11)))~~ (9) RCW 28B.80.570 and 1997 c 367 s 14, 1995 c 226 s 20, 1992 c 21 s 6, & 1991 c 315 s 18;
- ~~((12)))~~ (10) RCW 28B.80.575 and 1995 c 269 s 1001, 1995 c 226 s 21, & 1991 c 315 s 19;
- ~~((13)))~~ (11) RCW 28B.80.580 and 1997 c 367 s 15, 1995 c 226 s 22, 1993 sp.s. c 18 s 34, 1992 c 231 s 31, & 1991 c 315 s 20;
- ~~((14)))~~ (12) RCW 28B.80.585 and 1995 c 226 s 23 & 1991 c 315 s 21;
- ~~((15)))~~ (13) RCW 43.17.065 and 1995 c 226 s 24, 1993 c 280 s 37, 1991 c 314 s 28, & 1990 1st ex.s. c 17 s 77;
- ~~((16)))~~ (14) RCW 43.20A.750 and ~~((1995 c 226 s 25, 1993 c 280 s 38, 1992 c 21 s 4, & 1991 c 153 s 28))~~ 1997 c 367 s 16;
- ~~((17)))~~ (15) RCW 43.168.140 and 1995 c 226 s 28 & 1991 c 314 s 20;
- ~~((18)))~~ (16) RCW 50.12.270 and 1997 c 367 s 17, 1995 c 226 s 30, & 1991 c 315 s 3;
- ~~((19)))~~ (17) RCW 50.70.010 and 1995 c 226 s 31, 1992 c 21 s 1, & 1991 c 315 s 5; and
- ~~((20)))~~ (18) RCW 50.70.020 and 1995 c 226 s 32 & 1991 c 315 s 6.

NEW SECTION. **Sec. 1002.** RCW 43.160.212 (Rural natural resources impact areas--Loans for public works facilities) and 1996 c 168 s 4, 1995 c 226 s 6, 1993 c 316 s 5, 1992 c 21 s 8, & 1991 c 314 s 26 are each repealed.

NEW SECTION. **Sec. 1003.** 1997 c 367 s 11, 1995 c 226 s 8, 1993 c 316 s 7, & 1991 c 314 s 33 (uncodified) are each repealed.

## **PART XI MISCELLANEOUS**

NEW SECTION. **Sec. 1101.** Part headings and subheadings used in this act are not any part of the law.

NEW SECTION. **Sec. 1102.** Sections 1, 101, 201 through 205, 301, 401, 501 through 503, 601, 602, 701, 702, 801, 802, 901, 902, and 1001 through 1003 of this act take effect August 1, 1999.

NEW SECTION. **Sec. 1103.** Sections 501 through 503, 601, and 602 of this act do not affect any existing right acquired or liability or obligation under the sections amended or repealed in those sections or any rule or order adopted under those sections, nor does it affect any proceeding instituted under those sections.

NEW SECTION. **Sec. 1104.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "vitality;" strike the remainder of the title and insert "amending RCW 42.52.080, 82.14.380, 82.60.020, 82.60.040, 82.60.070, 82.62.010, 82.62.030, and 43.131.386; adding a new section to chapter 43.63A RCW; adding new sections to chapter 43.31 RCW; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.16 RCW; adding a new section to chapter 82.60 RCW; adding a new section to chapter 82.62 RCW; creating new sections; repealing RCW 43.31.855, 43.31.857, and 43.160.212; repealing 1997 c 377 s 3 (uncodified); repealing 1997 c 367 s 11, 1995 c 226 s 8, 1993 c 316 s 7, and 1991 c 314 s 33 (uncodified); providing an effective date; and providing expiration dates."

Signed by Representatives Van Luven, Republican Co-Chair; Veloria, Democratic Co-Chair; Dunn, Republican Vice Chair; Eickmeyer, Democratic Vice Chair; Ballasiotes; Gombosky; Miloscia; Morris; Radcliff; Skinner; D. Sommers and Wolfe.

Voting yea: Representatives Van Luven, Veloria, Dunn, Eickmeyer, Ballasiotes, Gombosky, Miloscia, Morris, Radcliff, Skinner, D. Sommers and Wolfe.

Referred to Committee on Finance.

April 2, 1999

E2SSB 5598 Prime Sponsor, Senate Committee on Ways & Means: Creating the Washington's promise scholarship program. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature intends to strengthen the link between postsecondary education and K-12 education by creating the Washington promise scholarship program

for academically successful high school graduates. The legislature finds that, increasingly, an individual's economic viability is contingent on postsecondary educational opportunities, yet the state's full financial obligation is eliminated after the twelfth grade. Students who work hard in kindergarten through twelfth grade and successfully complete high school with high academic marks may not have the financial ability to attend college because they cannot obtain financial aid or the financial aid is insufficient.

**NEW SECTION. Sec. 2.** The higher education coordinating board shall design the Washington promise scholarship program based on the following parameters:

(1) Scholarships shall be awarded to students who graduate from high school or its equivalent and who meet both academic and financial eligibility criteria.

(a) The academic eligibility criteria shall be as follows: (i) Students graduating from public high schools in the years 1999, 2000, 2001, and 2002 must be in the top fifteen percent of their graduating class; (ii) beginning with the graduating class of 2003, students must pass all parts of the Washington assessment of student learning on their first attempt when they take it as tenth graders; (iii) beginning with the graduating class of 2001, the board shall outline criteria extending eligibility for scholarships to graduates of private high schools approved under chapter 28A.195 RCW and participants in home-based instruction as provided for in chapter 28A.200 RCW.

(b) To meet the financial eligibility criteria, a student's family income shall not exceed one hundred thirty-five percent of the state median family income adjusted for family size, except as otherwise determined in subsection (2) of this section.

(2) Promise scholarships are not intended to supplant any scholarship or tax program related to postsecondary education. If the board finds that promise scholarships supplant any federal scholarship or tax program, then the board shall adjust the financial eligibility criteria to the level necessary to avoid supplanting.

(3) The amount of promise scholarships shall be determined by the availability of funds, but should not exceed the equivalent of two years' worth of tuition at the resident, full-time, community college tuition rate. Awards for the second year of the scholarship shall be made only to students who successfully complete their first year of postsecondary education. In determining the amount of scholarships, the board shall give the highest priority to awarding scholarships to the maximum number of potential eligible recipients.

(4) By July 15th of each year, beginning in 1999, the board shall determine the amount of the scholarships, after taking into consideration the availability of funds.

(5) The form of the scholarships shall be as follows:

(a) For eligible students graduating from high school in the years 1999, 2000, 2001, and 2002, the scholarships shall be in the form of grants;

(b) Beginning with the graduating class of 2003, the scholarships shall be in the form of tuition units purchased through the advanced college tuition payment program under chapter 28B.95 RCW. In addition to the provisions in chapter 28B.95 RCW, tuition units granted to students by the higher education coordinating board for the Washington promise scholarship program are subject to the following additional restrictions: (i) The units may not be transferred to another individual or family member under RCW 28B.95.030; (ii) the units may not be used to pay tuition at an out-of-state institution of higher education under RCW 28B.95.050; and (iii) refunds for units shall not be provided to scholarship recipients under RCW 28B.95.090 or 28B.95.110.

(6) The scholarships may only be used at accredited institutions of higher education in the state of Washington.

(7) The scholarships must be used within ten years of being awarded.

(8) The scholarships may be used for college-related expenses, including but not limited to, tuition, room and board, books, and materials.

**NEW SECTION. Sec. 3.** (1) The higher education coordinating board, with the assistance of the institutions of higher education and the office of the superintendent of public instruction, shall evaluate the impact and the effectiveness of the Washington promise scholarship program. The evaluation shall include, but not be limited to: (a) An analysis of what other financial assistance



promise scholarship recipients are receiving through other federal, state, and institutional programs, including grants, work study, tuition waivers, tax credits, and loan programs; (b) an analysis of whether the implementation of the promise scholarship has had an impact on student indebtedness; and (c) an evaluation of what types of students are successfully completing high school but do not have the financial ability to attend college because they cannot obtain financial aid or the financial aid is insufficient. By November 1, 2000, the board shall report its findings and make recommendations to the governor and the legislature.

(2) This section expires December 31, 2000.

**NEW SECTION. Sec. 4.** The scholarships will be awarded only in those academic years for which the higher education coordinating board verifies that the financial aid program in RCW 28B.10.800 through 28B.10.824 has been funded to reach the goal of providing financial aid to all eligible students up to sixty-five percent of median family income.

**NEW SECTION. Sec. 5.** The higher education coordinating board, with the assistance of the office of the superintendent of public instruction, shall implement and administer the Washington promise scholarship program described in section 2 of this act as follows:

(1) The first scholarships shall be awarded to eligible students enrolling in postsecondary education in academic year 1999-2000.

(2) The office of the superintendent of public instruction shall provide the information to the higher education coordinating board that is necessary for implementation of the program.

(a) For students graduating from high school in the years 1999, 2000, 2001, and 2002, the office of the superintendent of public instruction shall provide the higher education coordinating board with the names, addresses, and unique numeric identifiers for students in the top fifteen percent of each respective high school graduating class in Washington state. This shall be done by June 30th of each year.

(b) Beginning with the 2000-01 school year, the office of the superintendent of public instruction shall provide the names of tenth grade students who pass the Washington assessment of student learning on their first attempt to the higher education coordinating board to assist the higher education coordinating board in awarding scholarships. This shall be done by July 15th of each summer following the receipt of assessment scores to enable students to use the scholarship upon completion of twelfth grade.

(c) All student data should be considered confidential and used solely for the purposes of providing scholarships to eligible students.

(3) The higher education coordinating board may adopt rules to implement this chapter.

**NEW SECTION. Sec. 6.** (1) The Washington promise scholarship account is created in the custody of the state treasurer. The account shall be a discrete nontreasury account retaining its interest earnings in accordance with RCW 43.79A.040.

(2) The higher education coordinating board shall deposit in the account all money received for the program. The account shall be self-sustaining and consist of funds appropriated by the legislature for the Washington promise scholarship program, private contributions to the program, and receipts from refunds of tuition and fees.

(3) Expenditures from the account shall be used for scholarships to eligible students.

(4) With the exception of the operating costs associated with the management of the account by the treasurer's office as authorized in chapter 43.79A RCW, the account shall be credited with all investment income earned by the account.

(5) Disbursements from the account are exempt from appropriations and the allotment provisions of chapter 43.88 RCW.

(6) Disbursements from the account shall be made only on the authorization of the higher education coordinating board.

**Sec. 7.** RCW 43.79A.040 and 1998 c 268 s 1 are each amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury.

(2) All income received from investment of the treasurer's trust fund shall be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4)(a) Monthly, the state treasurer shall distribute the earnings credited to the investment income account to the state general fund except under (b) and (c) of this subsection.

(b) The following accounts and funds shall receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The Washington promise scholarship account, the Washington advanced college tuition payment program account, the agricultural local fund, the American Indian scholarship endowment fund, the Washington international exchange scholarship endowment fund, the energy account, the fair fund, the game farm alternative account, the grain inspection revolving fund, the rural rehabilitation account, the stadium and exhibition center account, the youth athletic facility grant account, the self-insurance revolving fund, the sulfur dioxide abatement account, and the children's trust fund. However, the earnings to be distributed shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(c) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advanced right of way revolving fund, the advanced environmental mitigation revolving account, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

**Sec. 8.** RCW 28B.95.040 and 1997 c 289 s 4 are each amended to read as follows:

(1)(a) The governing body may, at its discretion, allow an organization to purchase tuition units for future use as scholarships. Such organizations electing to purchase tuition units for this purpose must enter into a contract with the governing body which, at a minimum, ensures that the scholarship shall be freely given by the purchaser to a scholarship recipient. For such purchases, the purchaser need not name a beneficiary until four months before the date when the tuition units are first expected to be used.

(b) The governing body shall formulate and adopt such rules as are necessary to determine which organizations may qualify to purchase tuition units for scholarships under this section. The governing body also may consider additional rules for the use of tuition units if purchased as scholarships.

(c) The governing body may establish a scholarship fund with moneys from the Washington advanced college tuition payment program account. A scholarship fund established under this authority shall be administered by the higher education coordinating board and shall be provided to students who demonstrate financial need. Financial need is not a criterion that any other organization need consider when using tuition units as scholarships. The board also may establish its own corporate-sponsored scholarship fund under this chapter.

(2) Tuition units purchased by the higher education coordinating board for the Washington promise scholarship program under chapter 28B.-- RCW (sections 1, 2, and 4 through 6 of this act) are subject to the following additional rules:

(a) The units may not be transferred to another individual or family member under RCW 28B.95.030;

(b) The units may not be used to pay tuition at an out-of-state institution of higher education under RCW 28B.95.050; and

(c) Refunds for units shall not be provided to scholarship recipients under RCW 28B.95.090 or 28B.95.110.

NEW SECTION. Sec. 9. Sections 1, 2, and 4 through 6 of this act constitute a new chapter in Title 28B RCW.

NEW SECTION. Sec. 10. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Signed by Representatives Carlson, Republican Co-Chair; Kenney, Democratic Co-Chair; Lantz, Democratic Vice Chair; Radcliff, Republican Vice Chair; Dunn; Edmonds; Esser and Gombosky.

Voting yea: Representatives Carlson, Kenney, Lantz, Radcliff, Dunn, Edmonds, Esser and Gombosky.

Referred to Committee on Appropriations.

April 2, 1999

ESSB 5599 Prime Sponsor, Senate Committee on Senate Commerce, Trade, Housing & Financial Institutions: Regulating temporary worker housing. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Campbell, Republican Vice Chair; Haigh; Lambert and D. Schmidt.

MINORITY recommendation: Without recommendation. Signed by Representatives Miloscia, Democratic Vice Chair and Dunshee.

Voting yea: Representatives McMorris, Romero, Campbell, Haigh, Lambert and D. Schmidt.  
Voting nay: Representative(s) Miloscia and Dunshee.

Referred to Committee on Appropriations.

April 2, 1999

SSB 5604 Prime Sponsor, Senate Committee on Health & Long-Term Care: Identifying health care facility workers. Reported by Committee on Health Care

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 70.41 RCW to read as follows:  
All persons employed by, volunteering with, contracting with, leasing space from, or otherwise providing health care services directly to patients at a health care facility shall wear identification badges. The badge must display the person's first name, or first and last name, or initials or a numeric

identifier, and the title of his or her profession under Title 18 RCW, or job title, if the person is not a regulated health care professional. The badge must indicate if the person is a delegatee nursing assistant delegated tasks under chapter 18.88A RCW. The badge must be worn on the person's clothing so that it is visible and readable. For the purposes of this section, "health care facility" means a hospital, pharmacy, diagnostic or treatment center, neuropsychiatric or mental health facility, or long-term care facility required to be licensed under chapter 18.20, 18.51, 72.36, or 70.128 RCW or a home health, hospice, or home care agency licensed under chapter 70.127 RCW, or contracted assisted living services under RCW 74.39A.010, or in-home independent care provider, but not including veterinary medical facilities. A health care facility that maintains an established identification badge policy covering persons under this section is exempt from the provisions of this section. For the purposes of this section "person" includes but is not limited to health care provider, staff member, and all other employees, both professional and nonprofessional, as well as volunteers. It does not include visitors or family members in adult family homes who do not regularly provide services to residents, nor does "person" include veterinarians, licensed under chapter 18.92 RCW, or their employees.

The health care facility administrator or his or her designee is responsible for assuring that all persons comply with this section."

On page 1, line 1 of the title, after "identification;" strike the remainder of the title and insert "and adding a new section to chapter 70.41 RCW."

Signed by Representatives Cody, Democratic Co-Chair; Parlette, Republican Co-Chair; Pflug, Republican Vice Chair; Schual-Berke, Democratic Vice Chair; Alexander; Conway; Edmonds and Ruderman.

MINORITY recommendation: Do not pass. Signed by Representatives Boldt; Campbell and Mulliken.

Voting yea: Representatives Cody, Parlette, Pflug, Schual-Berke, Alexander, Conway, Edmonds and Ruderman.

Voting nay: Representative(s) Boldt, Campbell and Mulliken.

Excused: Representative(s) Edwards.

Referred to Committee on Appropriations.

April 1, 1999

SB 5606 Prime Sponsor, Senator Heavey: Providing procedures for discipline and termination of administrative appeals judges in the environmental hearings office. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Esser; Kastama; Lantz; Lovick; McDonald and Schindler.

Voting yea: Representatives Carrell, Constantine, Hurst, Lambert, Cox, Dickerson, Esser, Kastama, Lantz, Lovick, McDonald and Schindler.

Passed to Rules Committee for Second Reading.

April 2, 1999

SSB 5609 Prime Sponsor, Senate Committee on Ways & Means: Making awards for state employees' suggestions. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Campbell, Republican Vice Chair; Miloscia, Democratic Vice Chair; Dunshee; Haigh; Lambert and D. Schmidt.

Voting yea: Representatives McMorris, Romero, Campbell, Miloscia, Dunshee, Haigh, Lambert and D. Schmidt.

Passed to Rules Committee for Second Reading.

April 1, 1999

ESSB 5610 Prime Sponsor, Senate Committee on Transportation: Authorizing the director of the department of licensing to impose a civil penalty for a violation of chapter 46.70 RCW. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended.

On page 2, line 4, beginning with "receipt" strike everything through "issue" on line 5 and insert "issuance of a final order"

Signed by Representatives Fisher, Democratic Co-Chair; K. Schmidt, Republican Co-Chair; Cooper, Democratic 1st Vice Chair; Hankins, Republican Vice Chair; Buck; G. Chandler; DeBolt; Haigh; Hatfield; Hurst; Lovick; McDonald; Mitchell; Morris; Murray; Ogden; Pflug; Radcliff; Romero; Schual-Berke; Skinner and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Ericksen, Republican Vice Chair; Fortunato and Schindler.

Voting yea: Representatives K. Schmidt, Cooper, Hankins, G. Chandler, DeBolt, Fortunato, Haigh, Hatfield, Hurst, Lovick, McDonald, Mitchell, Morris, Murray, Ogden, Pflug, Radcliff, Romero, Schual-Berke, Skinner and Wood.

Voting nay: Representative(s) Ericksen and Schindler.

Excused: Representative(s) Fisher, Edwards, Buck, Mielke and Scott.

Passed to Rules Committee for Second Reading.

April 2, 1999

ESB 5613 Prime Sponsor, Senator Jacobsen: Identifying a state-wide salmon recovery strategy. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 75.46.005 and 1998 c 246 s 1 are each amended to read as follows:

The legislature finds that repeated attempts to improve salmonid fish runs throughout the state of Washington have failed to avert listings of salmon and steelhead runs as threatened or endangered under the federal endangered species act (16 U.S.C. Sec. 1531 et seq.). These listings threaten the sport, commercial, and tribal fishing industries as well as the economic well-being and vitality of vast areas of the state. It is the intent of the legislature to begin activities required for the recovery of salmon stocks as soon as possible, although the legislature understands that successful recovery efforts may not be realized for many years because of the life cycle of salmon and the complex array of natural and human-caused problems they face.

The legislature finds that it is in the interest of the citizens of the state of Washington for the state to retain primary responsibility for managing the natural resources of the state, rather than abdicate those responsibilities to the federal government, and that the state may best accomplish this objective by integrating local and regional recovery activities into a state-wide plan that can make the most effective use of provisions of federal laws allowing for a state lead in salmon recovery. The legislature also finds that a state-wide salmon recovery plan must be developed and implemented through an active public involvement process in order to ensure public participation in, and support for, salmon recovery. The legislature also finds that there is a substantial link between the provisions of the federal endangered species act and the federal clean water act (33 U.S.C. Sec. 1251 et seq.). The legislature further finds that habitat restoration is a vital component of salmon recovery efforts. Therefore, it is the intent of the legislature to specifically address salmon habitat restoration in a coordinated manner and to develop a structure that allows for the coordinated delivery of federal, state, and local assistance to communities for habitat projects that will assist in the recovery and enhancement of salmon stocks.

The legislature also finds that credible scientific review and oversight is essential for any salmon recovery effort to be successful. The legislature finds that it is important to monitor the overall health of the salmon resource to determine if recovery efforts are providing expected returns. It is also important to monitor the effectiveness of the state's overall salmon recovery efforts to secure federal acceptance of the state's approach to salmon recovery. In addition, it is important to monitor salmon restoration projects to determine their effectiveness. Adaptive management cannot exist without monitoring. For these reasons, the legislature believes that a coordinated and integrated monitoring process should be developed in the salmon recovery office for use by local recovery efforts. The role of the salmon recovery office should be to develop and provide to entities involved in salmon recovery, data quality objectives, a range of acceptable parameters to monitor, acceptable data formats, data calibration and coordination, a method of storing and retrieving data, and analysis and interpretation of data. The role of local recovery efforts should be to collect monitoring data in compliance with the recommended data quality objectives, parameters, and formats, and to provide such data to the state salmon recovery office for storage.

The legislature therefore finds that a coordinated framework for responding to the salmon crisis is needed immediately. To that end, the salmon recovery office should be created within the governor's office to provide overall coordination of the state's response; an independent science team is needed to provide scientific review and oversight; the appropriate local or tribal government should provide local leadership in identifying and sequencing habitat restoration projects to be funded by state agencies; habitat restoration projects should be implemented without delay; and a strong locally based effort to restore salmon habitat should be established by providing a framework to allow citizen volunteers to work effectively.

**Sec. 2.** RCW 75.46.010 and 1998 c 246 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Adaptive management" means reliance on scientific methods to test the results of actions taken so that the management and related policy can be changed promptly and appropriately.

(2) "Critical pathways methodology" means a project scheduling and management process for examining interactions between habitat projects and salmonid species, prioritizing habitat projects, and assuring positive benefits from habitat projects.

(3) "Habitat project list" is the list of projects resulting from the critical pathways methodology under RCW 75.46.070(2). Each project on the list must have a written agreement from the landowner on whose land the project will be implemented. Projects include habitat restoration projects, habitat protection projects, habitat projects that improve water quality, habitat projects that protect water quality, habitat-related mitigation projects, fish passage projects, fish screening projects, and habitat project corrective maintenance and monitoring activities. Projects also include construction of side channels, offstream rearing enhancement, improvement in overwintering habitat, and creation of acclimation ponds.

(4) "Habitat work schedule" means those projects from the habitat project list that will be implemented during the current funding cycle. The schedule shall also include a list of the entities and individuals implementing projects, the start date, duration, estimated date of completion, estimated cost, and funding sources for the projects.

(5) "Limiting factors" means conditions that limit the ability of habitat to fully sustain populations of salmon. These factors are primarily fish passage barriers and degraded estuarine areas, riparian corridors, stream channels, and wetlands.

(6) "Project sponsor" is a county, city, special district, tribal government, a combination of such governments through interlocal agreements provided under chapter 39.34 RCW, a nonprofit organization, or one or more private citizens.

(7) "Salmon" includes all species of the family Salmonidae which are capable of self-sustaining, natural production.

(8) "Salmon recovery plan" means a state plan developed in response to a proposed or actual listing under the federal endangered species act that addresses limiting factors including, but not limited to harvest, hatchery, hydropower, habitat, and other factors of decline.

(9) "Tribe" or "tribes" means federally recognized Indian tribes.

(10) "WRIA" means a water resource inventory area established in chapter 173-500 WAC as it existed on January 1, 1997.

(11) "Owner" means the person holding title to the land or the person under contract with the owner to lease or manage the legal owner's property.

**Sec. 3.** RCW 75.46.040 and 1998 c 246 s 5 are each amended to read as follows:

(1) The salmon recovery office is created within the office of the governor to coordinate state strategy to allow for salmon recovery to healthy sustainable population levels with productive commercial and recreational fisheries. The primary purpose of the office is to coordinate and assist in the development of salmon recovery plans for evolutionarily significant units, ~~((and))~~ to submit those plans to the appropriate tribal governments, and to submit a consolidated plan to the appropriate federal agencies ~~((in response to the federal endangered species act))~~. The salmon recovery office is also responsible for collecting, storing, and sharing data in accordance with RCW 75.46.050(5). The salmon recovery office shall track the expenditure of funds for salmon habitat projects and activities in accordance with section 12 of this act. The governor's salmon recovery office may also:

(a) Act as liaison to local governments, the state congressional delegation, the United States congress, federally recognized tribes, and the federal executive branch agencies for issues related to the state's endangered species act salmon recovery plans; and

(b) Provide the biennial state of the salmon report to the legislature pursuant to RCW 75.46.030.

(2) This section expires June 30, 2006.

**Sec. 4.** RCW 75.46.050 and 1998 c 246 s 6 are each amended to read as follows:

(1) The governor shall request the national academy of sciences, the American fisheries society, or a comparable institution to screen candidates to serve as members on the independent science panel. The institution that conducts the screening of the candidates shall submit a list of the nine most qualified candidates to the governor, the speaker of the house of representatives, and the majority leader of the senate. The candidates shall reflect expertise in habitat requirements of salmon, protection and restoration of salmon populations, artificial propagation of salmon, hydrology, or geomorphology.

(2) The speaker of the house of representatives and the majority leader in the senate shall each remove one name from the nomination list. The governor shall consult with tribal representatives and the governor shall appoint five scientists from the remaining names on the nomination list.

(3) The members of the independent science panel shall serve four-year terms. Vacant positions on the panel shall be filled in the same manner as the original appointments. Members shall serve no more than two full terms. The independent science panel members shall elect the chair of the panel among themselves every two years. ~~((The members of the independent science panel shall be compensated as provided in RCW 43.03.250 and reimbursed for travel expenses in accordance with~~

~~RCW 43.03.050 and 43.03.060.-)~~ Based upon available funding, the governor's salmon recovery office may contract for services with members of the independent science panel for compensation under chapter 39.29 RCW.

(4) The independent science panel shall be governed by generally accepted guidelines and practices governing the activities of independent science boards such as the national academy of sciences. The purpose of the independent science panel is to help ensure that sound science is used in salmon recovery efforts. The governor's salmon recovery office shall request review of salmon recovery plans by the science review panel. The science review panel does not have the authority to review individual projects or project lists developed under RCW 75.46.060, 75.46.070, and 75.46.080 or to make policy decisions.

(5) The independent science panel, in conjunction with the salmon recovery office, shall recommend standardized monitoring indicators and data quality guidelines for use by entities involved in salmon recovery activities across the state. The panel shall also recommend electronic formats that will allow data to be provided to the state salmon recovery office for storage and to be shared across the state in a salmon monitoring network.

(6) State salmon monitoring data provided by lead entities, regional fisheries enhancement groups, and others, shall be included in the salmon and steelhead inventory and assessment project.

(7) The independent science panel, in conjunction with the salmon recovery office, shall also recommend criteria for the systematic and periodic evaluation of monitoring data in order for the state to be able to answer critical questions about the effectiveness of the state's salmon recovery efforts.

(8) The recommendations on monitoring as required in this section shall be provided in a report to the governor and to the legislature by the independent science panel, in conjunction with the salmon recovery office, by December 31, 2000. The report shall also include recommendations on the level of effort needed to sustain monitoring of salmon projects and other recovery efforts, and any other recommendations on monitoring deemed important by the independent science panel, in conjunction with the salmon recovery office.

(9) The independent science panel shall submit its findings to the legislature and the governor.

**Sec. 5.** RCW 75.46.060 and 1998 c 246 s 7 are each amended to read as follows:

(1)(a) Counties, cities, and tribal governments must jointly designate, by ~~((official))~~ resolution or by letters of support, the area for which a habitat ~~((restoration))~~ project list is to be developed and the lead entity that is to be responsible for submitting the habitat ~~((restoration))~~ project list. No project included on a habitat ~~((restoration))~~ project list shall be considered mandatory in nature and no private landowner may be forced or coerced into participation in any respect. The lead entity may be a county, city, conservation district, special district, tribal government, or other entity.

(b) The lead entity shall establish a committee that consists of representative interests of counties, cities, conservation districts, tribes, environmental groups, business interests, landowners, citizens, volunteer groups, regional fish enhancement groups, and other ~~((restoration))~~ habitat interests. The purpose of the committee is to provide a citizen-based evaluation of the projects proposed to promote salmon habitat ~~((restoration))~~. The interagency review team may provide the lead entity with organizational models that may be used in establishing the committees.

(c) The committee shall compile a list of habitat ~~((restoration))~~ projects, establish priorities for individual projects, define the sequence for project implementation, and submit these activities as the habitat ~~((restoration))~~ project list. The committee shall also identify potential federal, state, local, and private funding sources.

(2) The area covered by the habitat project list must be based, at a minimum, on a WRIA, combination of WRIsAs, ~~((an evolutionarily significant unit,))~~ or any other area as agreed to by the counties, cities, and tribes in resolutions or in letters of support meeting the requirements of this subsection. Preference will be given to projects in an area that contain a salmon species that is listed or proposed for listing under the federal endangered species act.

**Sec. 6.** RCW 75.46.070 and 1998 c 246 s 8 are each amended to read as follows:

(1) Critical pathways methodology shall be used to develop a habitat project list and a habitat work schedule that ensures salmon ~~((restoration))~~ recovery activities will be prioritized and



implemented in a logical sequential manner that produces habitat capable of sustaining healthy populations of salmon.

(2) The critical pathways methodology shall:

(a) Include a limiting factors analysis for salmon in streams, rivers, tributaries, estuaries, and subbasins in the region. The technical advisory group shall have responsibility for the limiting factors analysis;

(b) Identify local habitat projects that sponsors are willing to undertake. The projects identified must have a written agreement from the landowner on which the project is to be implemented. Project sponsors shall have the lead responsibility for this task;

(c) Identify how projects will be monitored and evaluated. The project sponsor, in consultation with the technical advisory group and the appropriate landowner, shall have responsibility for this task; ~~((and))~~

(d) Include a review of monitoring data, evaluate project performance, and make recommendations to the committee established under RCW 75.46.060 and to the interagency review team. The technical advisory group has responsibility for this task; and

(e) Describe the adaptive management strategy that will be used. The committee established under RCW 75.46.060 shall have responsibility for this task. If a committee has not been formed, the technical advisory group shall have the responsibility for this task.

(3) The habitat work ~~((list))~~ schedule shall include all projects developed pursuant to subsection (2) of this section as well as any other salmon habitat ~~((restoration))~~ project implemented in the region, including habitat preservation projects funded through the Washington wildlife and recreation program, the conservation reserve enhancement program, and other conservancy programs. The habitat work ~~((list))~~ schedule shall also include the start date, duration, estimated date of completion, estimated cost, and, if appropriate, the affected salmonid species of each project. Each schedule shall be updated on an annual basis to depict new activities.

**Sec. 7.** RCW 75.46.080 and 1998 c 246 s 9 are each amended to read as follows:

(1) Representatives from the conservation commission, the department of transportation, the interagency committee on outdoor recreation, the department of ecology, the department of natural resources, and the department of fish and wildlife shall establish an interagency review team. Except as provided in subsection ~~((6))~~ (7) of this section, habitat ~~((restoration))~~ project lists shall be submitted to the interagency review team by January 1st ~~((and July 1st))~~ of each year beginning in 1999. All projects submitted for funding must have been selected through a watershed-wide scientific evaluation. No projects required as mitigation or a condition of permitting are eligible for funding.

(2) If no lead entity has been formed under RCW 75.46.060, the interagency review team shall rank, prioritize, and dispense funds for habitat ~~((restoration))~~ projects by giving preference to the projects that:

(a) Are based upon the limiting factors analysis identified under RCW 75.46.070;

(b) Provide a greater benefit to salmon recovery based upon the information contained in the department of fish and wildlife salmonid stock inventory and any comparable science-based assessment;

~~((b))~~ (c) Will be implemented in a more critical area based upon the stock status information contained in the department of fish and wildlife salmonid stock inventory and any comparable science-based assessment;

~~((c))~~ (d) Will benefit listed species and other fish species;

(e) Will preserve high quality salmonid habitat through less than fee simple acquisition;

(f) Are the most cost-effective;

~~((d))~~ (g) Have the greatest matched, or in-kind funding; and

~~((e))~~ (h) Will be implemented by a sponsor with a successful record of project implementation.

(3) If a lead entity established under RCW 75.46.060 has been formed, the interagency review team shall evaluate the habitat project list~~((s and))~~ for funding based upon the criteria contained in subsection (2) of this section. The interagency review team may remove, but not add, projects from a habitat project list. The interagency review team shall give preference to projects that are on a project

list submitted by a lead entity. The interagency review team may also provide block grants to the lead entity subject to available funding.

(4) The interagency review team shall apply the criteria established in subsection (2) of this section in a manner that results in the highest priority being given to critical fish stocks. The criteria shall be applied in this manner in areas where there is a lead entity established and in areas where no lead entity has been established.

(5) The interagency review team shall provide a summary of funding for ~~((habitat))~~ restoration project lists to the governor and to the legislature by December 1st of each year.

~~((5))~~ (6) The interagency review team may annually establish a maximum amount of funding available for any individual project, subject to available funding. The interagency review team shall attempt to assure a geographical balance in assigning priorities to projects.

~~((6))~~ (7) For fiscal year 1998, the department of fish and wildlife, the conservation commission, and the department of transportation may authorize, subject to appropriations, expenditures for projects that have been developed to restore salmon habitat before completion of the project lists required in RCW 75.46.060(2).

~~((7) Where a lead entity has been established pursuant to RCW 75.46.060, the interagency review team may provide block grants to the lead entity, subject to available funding.)~~

**Sec. 8.** RCW 75.46.100 and 1998 c 246 s 11 are each amended to read as follows:

The sea grant program at the University of Washington is authorized to provide technical assistance to volunteer groups and other project sponsors in designing and ~~((performing))~~ implementing habitat ~~((restoration))~~ projects that address the limiting factors analysis ~~((of regional habitat work plans))~~ required under RCW 75.46.070. The cost for such assistance may be covered on a fee-for-service basis.

**Sec. 9.** RCW 75.46.130 and 1998 c 246 s 17 are each amended to read as follows:

Only those funds appropriated for the habitat ~~((restoration))~~ projects under this chapter are subject to the requirements of RCW 75.46.080.

NEW SECTION. Sec. 10. The salmon recovery account is created in the state treasury. Funds shall be deposited into the account as the legislature directs or appropriates to the account. Any federal money, the primary purpose of which is for restoration and recovery of salmonid stocks that have been listed or are proposed for listing under the federal endangered species act (16 U.S.C. Sec. 1531 et seq.), shall be deposited into the account. Moneys in the account may be spent only after appropriation and may be used only for funding salmon habitat projects as provided in RCW 75.46.080.

NEW SECTION. Sec. 11. All grant recipients receiving allocations from the interagency review team under RCW 75.46.080 shall report to the salmon recovery office. The salmon recovery office shall determine appropriate reporting dates. The reports required under this section shall include project and program outcomes based on objective criteria established by the salmon recovery office to enable it to review whether the goals and objectives of salmon restoration and recovery are being met.

NEW SECTION. Sec. 12. (1) The salmon recovery office shall track the expenditure of all funds of any kind appropriated by the legislature for salmon habitat projects and activities, including funds appropriated to state agencies or allocated by federal agencies for salmon restoration and recovery. In order to track expenditures in the most economical manner, the salmon recovery office shall use a tracking model currently in general use by state agencies. The tracking model shall use, to the extent practicable, information and data presently available to state agencies. The tracking model shall include, to the extent practicable, multibenefit state capital projects that have multiple purposes, including features that benefit salmon habitat. The salmon recovery office's review of all allocations and expenditures made under this chapter shall include:

(a) Detail on the purpose of the expenditure, recipients, work performed, or projects undertaken;

- (b) An explanation of how the work or projects relate to identified limiting factors or a proposed or adopted recovery plan for the area;
  - (c) Other data related to salmon restoration that is produced from the review and a description of data that would be helpful to collect in the future; and
  - (d) Recommendations for changes in funding levels, data collection, priorities, or other matters related to salmon recovery.
- (2) The salmon recovery office shall prepare a report detailing the results of the review and shall submit it to the fiscal committees of the senate and house of representatives by January 1, 2001, and thereafter each January 1st in odd-numbered years.
- (3) The report required under subsection (2) of this section shall be included in the state of the salmon report required under RCW 75.46.030.

**Sec. 13.** RCW 76.12.110 and 1998 c 347 s 55 are each amended to read as follows:

There is created a forest development account in the state treasury. The state treasurer shall keep an account of all sums deposited therein and expended or withdrawn therefrom. Any sums placed in the account shall be pledged for the purpose of paying interest and principal on the bonds issued by the department, and for the purchase of land for growing timber. Any bonds issued shall constitute a first and prior claim and lien against the account for the payment of principal and interest. No sums for the above purposes shall be withdrawn or paid out of the account except upon approval of the department.

Appropriations may be made by the legislature from the forest development account to the department for the purpose of carrying on the activities of the department on state forest lands, lands managed on a sustained yield basis as provided for in RCW 79.68.040, and for reimbursement of expenditures that have been made or may be made from the resource management cost account in the management of state forest lands. ~~((For the 1997-99 fiscal biennium, moneys from the account shall be distributed as directed in the omnibus appropriations act to the beneficiaries of the revenues derived from state forest lands. Funds that accrue to the state from such a distribution shall be deposited into the salmon recovery account, hereby created in the state treasury. Funds appropriated from the salmon recovery account shall be used for efforts to restore endangered anadromous fish stocks.))~~

NEW SECTION. **Sec. 14.** Sections 10 through 12 of this act are each added to chapter 75.46 RCW.

NEW SECTION. **Sec. 15.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Signed by Representatives Buck, Republican Co-Chair; Regala, Democratic Co-Chair; Anderson, Democratic Vice Chair; Doumit; Eickmeyer; Ericksen; Rockefeller and Stensen.

MINORITY recommendation: Do not pass. Signed by Representatives Sump, Republican Vice Chair; G. Chandler; Clements and Pennington.

Voting yea: Representatives Buck, Regala, Anderson, Doumit, Eickmeyer, Ericksen, Rockefeller and Stensen.

Voting nay: Representative(s) Sump, G. Chandler, Clements and Pennington.

Referred to Committee on Appropriations.

April 2, 1999

SB 5614 Prime Sponsor, Senator Hochstatter: Concerning the issuance of citations under the Washington industrial safety and health act. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Hurst; Lisk; McIntire and McMorris.

Voting yea: Representatives Clements, Conway, B. Chandler, Wood, Hurst, Lisk, McIntire and McMorris.

Passed to Rules Committee for Second Reading.

April 1, 1999

SSB 5615 Prime Sponsor, Senate Committee on Transportation: Deleting reference to obsolete transportation accounts. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Democratic Co-Chair; K. Schmidt, Republican Co-Chair; Cooper, Democratic 1st Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; Buck; G. Chandler; Fortunato; Haigh; Hatfield; Hurst; Lovick; McDonald; Mitchell; Morris; Murray; Ogden; Pflug; Radcliff; Romero; Schindler; Schual-Berke; Skinner and Wood.

Voting yea: Representatives Fisher, K. Schmidt, Cooper, Ericksen, Hankins, G. Chandler, DeBolt, Fortunato, Haigh, Hatfield, Hurst, Lovick, McDonald, Mitchell, Morris, Murray, Ogden, Pflug, Radcliff, Romero, Schindler, Schual-Berke, Skinner and Wood.

Excused: Representative(s) Edwards, Buck, Mielke and Scott.

Passed to Rules Committee for Second Reading.

April 2, 1999

SSB 5619 Prime Sponsor, Senate Committee on Senate Natural Resources, Parks & Recreation: Modifying the forest fire protection assessment process. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 76.04.610 and 1993 c 36 s 1 are each amended to read as follows:

(1) If any owner of forest land within a forest protection zone neglects or fails to provide adequate fire protection as required by RCW 76.04.600, the department shall provide such protection and shall annually impose the following assessments on each parcel of such land: (a) A flat fee assessment of fourteen dollars and fifty cents; and (b) twenty-two cents on each acre exceeding fifty acres. Assessors may, at their option, collect the assessment on tax exempt lands. If the assessor elects not to collect the assessment, the department may bill the landowner directly.

(2) An owner who has paid assessments on two or more parcels, each containing fewer than fifty acres and each within the same county, may obtain the following refund:

(a) If all the parcels together contain less than fifty acres, then the refund is equal to the flat fee assessments paid, reduced by the total of (i) fourteen dollars and (ii) the total of the amounts retained by the county from such assessments under subsection ~~((5))~~ (6) of this section.

(b) If all the parcels together contain fifty or more acres, then the refund is equal to the flat fee assessments paid, reduced by the total of (i) fourteen dollars, (ii) twenty-two cents for each acre

exceeding fifty acres, and (iii) the total of the amounts retained by the county from such assessments under subsection ~~((5))~~ (6) of this section.

Applications for refunds shall be submitted to the department on a form prescribed by the department and in the same year in which the assessments were paid. The department may not provide refunds to applicants who do not provide verification that all assessments and property taxes on the property have been paid. Applications may be made by mail.

(3) In addition to the procedures under subsection (2) of this section, property owners with parcels in a county subject to a forest fire protection assessment may apply to the department on an application listing the parcels owned. Property owners with the following number of parcels may apply to the department in the year indicated:

| <u>Year</u>                | <u>Number of Parcels</u>  |
|----------------------------|---------------------------|
| <u>2000</u>                | <u>10 or more parcels</u> |
| <u>2001</u>                | <u>8 or more parcels</u>  |
| <u>2002</u>                | <u>6 or more parcels</u>  |
| <u>2003</u>                | <u>4 or more parcels</u>  |
| <u>2004 and thereafter</u> | <u>2 or more parcels</u>  |

There shall be one application per county. The department shall compute the correct assessment and allocate one parcel to use to collect the assessment. The county shall then only bill the forest fire protection assessment on the one identified parcel. The landowner is responsible for notifying the department of any changes in parcel ownership.

(4) Beginning January 1, 1991, under the administration and at the discretion of the department up to two hundred thousand dollars per year of this assessment shall be used in support of those rural fire districts assisting the department in fire protection services on forest lands.

~~((4))~~ (5) For the purpose of this chapter, the department may divide the forest lands of the state, or any part thereof, into districts, for fire protection and assessment purposes, may classify lands according to the character of timber prevailing, and the fire hazard existing, and place unprotected lands under the administration of the proper district. Amounts paid or contracted to be paid by the department for protection of forest lands from funds at its disposal shall be a lien upon the property protected, unless reimbursed by the owner within ten days after October 1st of the year in which they were incurred. The department shall be prepared to make statement thereof, upon request, to a forest owner whose own protection has not been previously approved as to its adequacy, the department shall report the same to the assessor of the county in which the property is situated. The assessor shall extend the amounts upon the tax rolls covering the property, and upon authorization from the department shall levy the forest protection assessment against the amounts of unimproved land as shown in each ownership on the county assessor's records. The assessor may then segregate on the records to provide that the improved land and improvements thereon carry the millage levy designed to support the rural fire protection districts as provided for in RCW 52.16.170.

~~((5))~~ (6) The amounts assessed shall be collected at the time, in the same manner, by the same procedure, and with the same penalties attached that general state and county taxes on the same property are collected, except that errors in assessments may be corrected at any time by the department certifying them to the treasurer of the county in which the land involved is situated. Assessments shall be known and designated as assessments of the year in which the amounts became reimbursable. Upon the collection of assessments the county treasurer shall place fifty cents of the total assessments paid on a parcel for fire protection into the county current expense fund to defray the costs of listing, billing, and collecting these assessments. The treasurer shall then transmit the balance to the department. Collections shall be applied against expenses incurred in carrying out the provisions of this section, including necessary and reasonable administrative costs incurred by the department in the enforcement of these provisions. The department may also expend sums collected from owners of forest lands or received from any other source for necessary administrative costs in connection with the enforcement of RCW 76.04.660.

~~((6))~~ (7) When land against which forest protection assessments are outstanding is acquired for delinquent taxes and sold at public auction, the state shall have a prior lien on the proceeds of sale

over and above the amount necessary to satisfy the county's delinquent tax judgment. The county treasurer, in case the proceeds of sale exceed the amount of the delinquent tax judgment, shall immediately remit to the department the amount of the outstanding forest protection assessments.

~~((7))~~ (8) All nonfederal public bodies owning or administering forest land included in a forest protection zone shall pay the forest protection assessments provided in this section and the special forest fire suppression account assessments under RCW 76.04.630. The forest protection assessments and special forest fire suppression account assessments shall be payable by nonfederal public bodies from available funds within thirty days following receipt of the written notice from the department which is given after October 1st of the year in which the protection was provided. Unpaid assessments shall not be a lien against the nonfederal publicly owned land but shall constitute a debt by the nonfederal public body to the department and shall be subject to interest charges at the legal rate.

~~((8))~~ (9) A public body, having failed to previously pay the forest protection assessments required of it by this section, which fails to suppress a fire on or originating from forest lands owned or administered by it, shall be liable for the costs of suppression incurred by the department or its agent and shall not be entitled to reimbursement of costs incurred by the public body in the suppression activities.

~~((9))~~ (10) The department may adopt rules to implement this section, including, but not limited to, rules on levying and collecting forest protection assessments."

Signed by Representatives Buck, Republican Co-Chair; Regala, Democratic Co-Chair; Anderson, Democratic Vice Chair; Sump, Republican Vice Chair; G. Chandler; Clements; Doumit; Eickmeyer; Ericksen; Pennington; Rockefeller and Stensen.

Voting yea: Representatives Buck, Regala, Anderson, Sump, G. Chandler, Clements, Doumit, Eickmeyer, Ericksen, Pennington, Rockefeller and Stensen.

Passed to Rules Committee for Second Reading.

March 31, 1999

SSB 5626 Prime Sponsor, Senate Committee on Education: Changing disbursement of medicaid incentive payments to school districts. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 74.09.5255 and 1994 c 180 s 6 are each amended to read as follows:

Of the projected federal medicaid and private insurance revenue collected under RCW 74.09.5249, twenty percent, after deduction for billing fees, shall be for incentive payments to first class school districts and fifty percent, after deduction for billing fees, shall be for incentive payments to second class school districts. Incentive payments shall only be used by districts for children with disabilities.

**Sec. 2.** RCW 74.09.5255 and 1999 c . . . s 1 (section 1 of this act) are each amended to read as follows:

Of the projected federal medicaid and private insurance revenue collected under RCW 74.09.5249, ~~((twenty))~~ one-half of the percent of potential medicaid eligible students billed by the school district as calculated by the superintendent multiplied by the federal portion of medicaid payments, after deduction for billing fees, shall be for incentive payments to ~~((first class school districts and fifty percent, after deduction for billing fees, shall be for incentive payments to second class school))~~ districts. Incentive payments shall only be used by districts for children with disabilities.

**Sec. 3.** RCW 74.09.5256 and 1994 c 180 s 7 are each amended to read as follows:

(1) Districts shall reassign medicaid payments to be received under RCW 74.09.5249 through 74.09.5253, 74.09.5254 and 74.09.5255, and this section to the superintendent of public instruction.

(2) The superintendent of public instruction shall receive medicaid payments from the department of social and health services for all state and federal moneys under Title XIX of the federal social security act due to districts for medical assistance provided in the district's special education program.

(3) The superintendent shall use reports from the department of social and health services, the state billing agent, districts acting as their own billing agent, and firms to calculate the appropriate amounts of incentive payments and state special education program moneys due each district.

(4) Moneys received by the superintendent of public instruction shall be disbursed for the following purposes:

(a) Reimbursement to the department of social and health services for the state-funded portion of medicaid payments;

(b) Reimbursement for billing agent's fees, including those of districts acting as their own agent and billing fees of firms;

(c) Incentive payments to first class school districts equal to twenty percent of the federal portion of medicaid payments after deduction for billing fees; ~~((and))~~

(d) Incentive payments to second class school districts equal to fifty percent of the federal portion of medicaid payments after deduction of billing fees; and

(e) The remainder shall be distributed to districts as part of state allocations for the special education program provided under RCW 28A.150.390.

(5) With respect to private insurer funds received by districts, the superintendent of public instruction shall reduce state special education program allocations to ~~((the))~~ first class districts by eighty percent of the amount received, after deduction for billing fees and to second class districts by fifty percent of the amount received, after deduction for billing fees.

**Sec. 4.** RCW 74.09.5256 and 1999 c . . . s 3 (section 3 of this act) are each amended to read as follows:

(1) Districts shall reassign medicaid payments to be received under RCW 74.09.5249 through 74.09.5253, 74.09.5254 and 74.09.5255, and this section to the superintendent of public instruction.

(2) The superintendent of public instruction shall receive medicaid payments from the department of social and health services for all state and federal moneys under Title XIX of the federal social security act due to districts for medical assistance provided in the district's special education program.

(3) The superintendent shall use reports from the department of social and health services, the state billing agent, districts acting as their own billing agent, and firms to calculate the appropriate amounts of incentive payments and state special education program moneys due each district.

(4) Moneys received by the superintendent of public instruction shall be disbursed for the following purposes:

(a) Reimbursement to the department of social and health services for the state-funded portion of medicaid payments;

(b) Reimbursement for billing agent's fees, including those of districts acting as their own agent and billing fees of firms;

(c) Incentive payments to ~~((first class))~~ each school district~~((s))~~ equal to ~~((twenty))~~ one-half of the percent of potential medicaid eligible students billed by the school district as calculated by the superintendent multiplied by the federal portion of medicaid payments after deduction for billing fees; and

~~((d))~~ ~~((Incentive payments to second class school districts equal to fifty percent of the federal portion of medicaid payments after deduction of billing fees; and~~

~~((e)))~~ The remainder shall be distributed to districts as part of state allocations for the special education program provided under RCW 28A.150.390.

(5) With respect to private insurer funds received by districts, the superintendent of public instruction shall reduce state special education program allocations to ~~((first class))~~ districts by ~~((eighty percent of the amount received))~~ one minus the percent calculated by the superintendent in subsection

~~(4)(c) of this section, after deduction for billing fees ((and to second class districts by fifty percent of the amount received, after deduction for billing fees)).~~

NEW SECTION. Sec. 5. (1) Sections 1 and 3 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately.

(2) Sections 2 and 4 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect July 1, 1999."

Correct the title.

Signed by Representatives Quall, Democratic Co-Chair; Talcott, Republican Co-Chair; Haigh, Democratic Vice Chair; Schindler, Republican Vice Chair; Carlson; Cox; Keiser; Rockefeller; Santos; D. Schmidt; Schual-Berke; Stensen; Sump and Wensman.

Voting yea: Representatives Quall, Talcott, Haigh, Schindler, Carlson, Cox, Keiser, Rockefeller, Santos, D. Schmidt, Schual-Berke, Stensen, Sump and Wensman.

Referred to Committee on Appropriations.

April 2, 1999

ESB 5631 Prime Sponsor, Senator Wojahn: Increasing the amount of allowable vocational rehabilitation benefits. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 51.32.095 and 1996 c 151 s 1 and 1996 c 59 s 1 are each reenacted and amended to read as follows:

(1) One of the primary purposes of this title is to enable the injured worker to become employable at gainful employment. To this end, the department or self-insurers shall utilize the services of individuals and organizations, public or private, whose experience, training, and interests in vocational rehabilitation and retraining qualify them to lend expert assistance to the supervisor of industrial insurance in such programs of vocational rehabilitation as may be reasonable to make the worker employable consistent with his or her physical and mental status. Where, after evaluation and recommendation by such individuals or organizations and prior to final evaluation of the worker's permanent disability and in the sole opinion of the supervisor or supervisor's designee, whether or not medical treatment has been concluded, vocational rehabilitation is both necessary and likely to enable the injured worker to become employable at gainful employment, the supervisor or supervisor's designee may, in his or her sole discretion, pay or, if the employer is a self-insurer, direct the self-insurer to pay the cost as provided in subsection (3) of this section.

(2) When in the sole discretion of the supervisor or the supervisor's designee vocational rehabilitation is both necessary and likely to make the worker employable at gainful employment, then the following order of priorities shall be used:

- (a) Return to the previous job with the same employer;
- (b) Modification of the previous job with the same employer including transitional return to work;
- (c) A new job with the same employer in keeping with any limitations or restrictions;
- (d) Modification of a new job with the same employer including transitional return to work;
- (e) Modification of the previous job with a new employer;
- (f) A new job with a new employer or self-employment based upon transferable skills;



- (g) Modification of a new job with a new employer;
- (h) A new job with a new employer or self-employment involving on-the-job training;
- (i) Short-term retraining and job placement.

(3)(a) Except as provided in (b) of this subsection, costs for vocational rehabilitation benefits allowed by the supervisor or supervisor's designee under subsection (1) of this section may include the cost of books, tuition, fees, supplies, equipment, transportation, child or dependent care, and other necessary expenses for any such worker in an amount not to exceed three thousand dollars in any fifty-two week period except as authorized by RCW 51.60.060, and the cost of continuing the temporary total disability compensation under RCW 51.32.090 while the worker is actively and successfully undergoing a formal program of vocational rehabilitation. ~~((Such))~~

(b) Beginning with vocational rehabilitation plans approved on or after the effective date of this section, costs for vocational rehabilitation benefits allowed by the supervisor or supervisor's designee under subsection (1) of this section may include the cost of books, tuition, fees, supplies, equipment, child or dependent care, and other necessary expenses for any such worker in an amount not to exceed four thousand dollars in any fifty-two week period except as authorized by RCW 51.60.060, and the cost of transportation and continuing the temporary total disability compensation under RCW 51.32.090 while the worker is actively and successfully undergoing a formal program of vocational rehabilitation.

(c) The expenses allowed under (a) or (b) of this subsection may include training fees for on-the-job training and the cost of furnishing tools and other equipment necessary for self-employment or reemployment(~~(= PROVIDED, That such)~~). However, compensation or payment of retraining with job placement expenses under (a) or (b) of this subsection may not be authorized for a period of more than fifty-two weeks(~~(= PROVIDED FURTHER)~~), except that such period may, in the sole discretion of the supervisor after his or her review, be extended for an additional fifty-two weeks or portion thereof by written order of the supervisor.

(d) In cases where the worker is required to reside away from his or her customary residence, the reasonable cost of board and lodging shall also be paid. ~~((Said))~~

(e) Costs paid under this subsection shall be chargeable to the employer's cost experience or shall be paid by the self-insurer as the case may be.

(4) In addition to the vocational rehabilitation expenditures provided for under subsection (3) of this section, an additional five thousand dollars may, upon authorization of the supervisor or the supervisor's designee, be expended for: (a) Accommodations for an injured worker that are medically necessary for the worker to participate in an approved retraining plan; and (b) accommodations necessary to perform the essential functions of an occupation in which an injured worker is seeking employment, consistent with the retraining plan or the recommendations of a vocational evaluation. The injured worker's attending physician must verify the necessity of the modifications or accommodations. The total expenditures authorized in this subsection and the expenditures authorized under RCW 51.32.250 shall not exceed five thousand dollars.

(5) The department shall establish criteria to monitor the quality and effectiveness of rehabilitation services provided by the individuals and organizations used under subsection (1) of this section. The state fund shall make referrals for vocational rehabilitation services based on these performance criteria.

(6) The department shall engage in, where feasible and cost-effective, a cooperative program with the state employment security department to provide job placement services under this section.

(7) The benefits in this section shall be provided for the injured workers of self-insured employers. Self-insurers shall report both benefits provided and benefits denied under this section in the manner prescribed by the department by rule adopted under chapter 34.05 RCW. The director may, in his or her sole discretion and upon his or her own initiative or at any time that a dispute arises under this section, promptly make such inquiries as circumstances require and take such other action as he or she considers will properly determine the matter and protect the rights of the parties.

(8) Except as otherwise provided in this section, the benefits provided for in this section are available to any otherwise eligible worker regardless of the date of industrial injury. However, claims shall not be reopened solely for vocational rehabilitation purposes.

NEW SECTION. **Sec. 2.** The department of labor and industries shall conduct a cost-benefit analysis of the benefit increase authorized in RCW 51.32.095(3)(b). The analysis must include an examination of utilization of the benefit increase, including the number of claims in which vocational rehabilitation benefits are used more than once, and vocational results, including return-to-work and long-term wage replacement outcomes. The department shall report the results of the analysis to the workers' compensation advisory committee and the appropriate committees of the legislature by November 1, 2001.

NEW SECTION. **Sec. 3.** Section 1 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 1999."

Correct the title.

Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Hurst; Lisk and McIntire.

Voting yea: Representatives Clements, Conway, B. Chandler, Wood, Hurst, Lisk and McIntire.

Excused: Representative(s) McMorris.

Referred to Committee on Appropriations.

April 1, 1999

SSB 5634 Prime Sponsor, Senate Committee on Education: Requiring school districts to adopt policies for the retention and promotion of students. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that it is critical for the success of the public school system and for the greatest achievement of each individual student that all educators hold, and act upon, high expectations for the academic achievement of every student. The state's education reforms emphasize higher standards and performance, not just "seat time" in school. No student should graduate from high school with a diploma if the student is unable to read. Promoting students from grade to grade without demonstrating appropriate competencies does no service to them.

NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.320 RCW to read as follows:

(1) By the beginning of the 2000-01 school year, all school boards shall adopt a policy, or amend any existing local policy if necessary, regarding promotion and retention of students.

(2) The district policy shall be adopted at a public meeting of the school board and shall:

(a) Provide for parental notification when a student is identified as being at risk of retention.

This notice shall be provided as early in the school year, and as early in their school careers, as practicable. The policy shall provide a student's parent or guardian the opportunity to consult with the teacher or teachers responsible for the decision to promote or retain the student; and

(b) Indicate the manner in which opportunities for remedial instruction are available to students who are recommended for retention or who are identified as being at risk for retention."

Signed by Representatives Quall, Democratic Co-Chair; Talcott, Republican Co-Chair; Haigh, Democratic Vice Chair; Schindler, Republican Vice Chair; Carlson; Cox; Keiser; Rockefeller; Santos; D. Schmidt; Schual-Berke; Stensen and Wensman.

Voting yea: Representatives Quall, Talcott, Haigh, Schindler, Carlson, Cox, Keiser, Rockefeller, Santos, D. Schmidt, Stensen and Wensman.  
Excused: Representative(s) Schual-Berke and Sump.

Passed to Rules Committee for Second Reading.

March 31, 1999

SSB 5638 Prime Sponsor, Senate Committee on Senate Natural Resources, Parks & Recreation:  
Correcting fish and wildlife enforcement code provisions. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 77.15.030 and 1998 c 190 s 4 are each amended to read as follows:

Where it is unlawful to hunt, take, fish, ~~((or))~~ possess, or traffic in big game or protected or endangered fish or wildlife, then each individual animal unlawfully taken or possessed is a separate offense.

**Sec. 2.** RCW 77.15.400 and 1998 c 190 s 9 are each amended to read as follows:

(1) A person is guilty of unlawful hunting of ~~((game))~~ wild birds in the second degree if the person:

(a) Hunts for, takes, or possesses a ~~((game))~~ wild bird and the person does not have and possess all licenses, tags, stamps, and permits required under this title;

(b) Maliciously destroys, takes, or harms the eggs or nests of a game bird except when authorized by permit; ~~((or))~~

(c) Violates any rule of the commission or director regarding seasons, bag or possession limits but less than two times the bag or possession limit, closed areas ~~((including game reserves))~~, closed times, or other rule addressing the manner or method of hunting or possession of ~~((game))~~ wild birds; or

(d) Possesses a wild bird taken during a closed season for that wild bird or taken from a closed area for that wild bird.

(2) A person is guilty of unlawful hunting of ~~((game))~~ wild birds in the first degree if the person ~~((hunts game birds and the person))~~ takes or possesses two times or more than the possession or bag limit for ~~((such))~~ game birds allowed by rule of the commission or director.

(3)(a) Unlawful hunting of ~~((game))~~ wild birds in the second degree is a misdemeanor.

(b) Unlawful hunting of ~~((game))~~ wild birds in the first degree is a gross misdemeanor.

**Sec. 3.** RCW 77.15.410 and 1998 c 190 s 10 are each amended to read as follows:

(1) A person is guilty of unlawful hunting of big game in the second degree if the person:

(a) Hunts for, takes, or possesses big game and the person does not have and possess all licenses, tags, or permits required under this title; ~~((or))~~

(b) Violates any rule of the commission or director regarding seasons, bag or possession limits, closed areas including game reserves, closed times, or any other rule governing the hunting, taking, or possession of big game; or

(c) Possesses big game taken during a closed season for that big game or taken from a closed area for that big game.

(2) A person is guilty of unlawful hunting of big game in the first degree if the person was previously convicted of any crime under this title involving unlawful hunting, killing, possessing, or taking big game, and within five years of the date that the prior conviction was entered the person:

(a) Hunts for big game and~~((or))~~

~~(a) The person~~) does not have and possess all licenses, tags, or permits required under this title; ~~((or))~~

(b) ~~((The act was))~~ Acts in violation of any rule of the commission or director regarding seasons, bag or possession limits, closed areas including game reserves, or closed times; or

(c) Possesses big game taken during a closed season for that big game or taken from a closed area for that big game.

(3)(a) Unlawful hunting of big game in the second degree is a gross misdemeanor.

(b) Unlawful hunting of big game in the first degree is a class C felony. Upon conviction, the department shall revoke all licenses or tags involved in the crime and the department shall order the person's hunting privileges suspended for two years.

**Sec. 4.** RCW 77.15.430 and 1998 c 190 s 11 are each amended to read as follows:

(1) A person is guilty of unlawful hunting of ~~((game))~~ wild animals in the second degree if the person:

(a) Hunts for, takes, or possesses a ~~((game))~~ wild animal that is not classified as big game, and does not have and possess all licenses, tags, or permits required by this title; ~~((or))~~

(b) Violates any rule of the commission or director regarding seasons, bag or possession limits but less than two times the bag or possession limit, closed areas including game reserves, closed times, or other rule addressing the manner or method of hunting or possession of ~~((game))~~ wild animals not classified as big game; or

(c) Possesses a wild animal that is not classified as big game taken during a closed season for that wild animal or from a closed area for that wild animal.

(2)~~((a))~~ A person is guilty of unlawful hunting of ~~((game))~~ wild animals in the first degree if the person ~~((hunts a game animal that is not classified as big game; and~~

~~(b) The person~~) takes or possesses two times or more than the possession or bag limit for ~~((such game))~~ wild animals that are not classified as big game animals as allowed by rule of the commission or director.

(3)(a) Unlawful hunting of ~~((game))~~ wild animals in the second degree is a misdemeanor.

(b) Unlawful hunting of ~~((game))~~ wild animals in the first degree is a gross misdemeanor.

**Sec. 5.** RCW 77.15.170 and 1998 c 190 s 21 are each amended to read as follows:

(1) A person is guilty of waste of fish and wildlife in the second degree if:

(a) The person kills, takes, or possesses fish, shellfish, or wildlife and the value of the fish, shellfish, or wildlife is greater than twenty dollars but less than two hundred fifty dollars; and

(b) The person recklessly allows such fish, shellfish, or wildlife to be wasted.

(2) A person is guilty of waste of fish and wildlife in the first degree if:

(a) The person kills, takes, or possesses ~~((food))~~ fish, shellfish, ~~((game fish, game birds,))~~ or ~~((game animals))~~ wildlife having a value of two hundred fifty dollars or more or wildlife classified as big game; and

(b) The person recklessly allows such fish, shellfish, or wildlife to be wasted.

(3)(a) Waste of fish and wildlife in the second degree is a misdemeanor.

(b) Waste of fish and wildlife in the first degree is a gross misdemeanor. Upon conviction, the department shall revoke any license or tag used in the crime and shall order suspension of the person's privileges to engage in the activity in which the person committed waste of fish and wildlife in the first degree for a period of one year.

(4) It is prima facie evidence of waste if a processor purchases or engages a quantity of food fish, shellfish, or game fish that cannot be processed within sixty hours after the food fish, game fish, or shellfish are taken from the water, unless the food fish, game fish, or shellfish are preserved in good marketable condition.

**Sec. 6.** RCW 77.15.230 and 1998 c 190 s 26 are each amended to read as follows:

(1) A person is guilty of unlawful use of department lands or facilities if the person enters upon, uses, or remains upon department-owned or department-controlled lands or facilities in violation of any rule of the department.

(2) Unlawful use of department lands or facilities is a misdemeanor.

**Sec. 7.** RCW 77.15.460 and 1998 c 190 s 28 are each amended to read as follows:

(1) A person is guilty of unlawful possession of a loaded firearm in a motor vehicle if:

(a) The person carries, transports, conveys, possesses, or controls a rifle or shotgun in or on a motor vehicle; and

(b) The rifle or shotgun contains shells or cartridges in the magazine or chamber, or is a muzzle-loading firearm that is loaded and capped or primed.

(2) A person is guilty of unlawful use of a loaded firearm if the person negligently shoots a firearm from, across, or along the maintained portion of a public highway.

(3) Unlawful possession of a loaded firearm in a motor vehicle or unlawful use of a loaded firearm is a misdemeanor.

(4) This section does not apply if the person:

(a) Is a law enforcement officer who is authorized to carry a firearm and is on duty within the officer's respective jurisdiction;

(b) Possesses a disabled hunter's permit as provided by RCW 77.32.237 and complies with all rules of the department concerning hunting by persons with disabilities.

(5) For purposes of this section, a firearm shall not be considered loaded if the detachable clip or magazine is not inserted in or attached to the firearm.

**Sec. 8.** RCW 77.15.600 and 1998 c 190 s 32 are each amended to read as follows:

(1) A person is guilty of engaging in commercial wildlife activity without a license if the person:

(a) Deals in raw furs for commercial purposes and does not hold a fur dealer license required by chapter 77.32 RCW; or

(b) Practices taxidermy for ~~((profit))~~ commercial purposes and does not hold a taxidermy license required by chapter 77.32 RCW~~((; or~~

~~(c) Operates a game farm without a license required by chapter 77.32 RCW)).~~

(2) Engaging in commercial wildlife activities without a license is a gross misdemeanor.

**Sec. 9.** RCW 77.15.190 and 1998 c 190 s 34 are each amended to read as follows:

(1) A person is guilty of unlawful trapping if the person:

(a) Sets out traps that are capable of taking wild animals, game animals, or furbearing mammals and does not possess all licenses, tags, or permits required under this title; ~~((or))~~

(b) Violates any rule of the commission or director regarding seasons, bag or possession limits, closed areas including game reserves, closed times, or any other rule governing the trapping of wild animals; or

(c) Fails to identify the owner of the traps or devices by neither (i) attaching a metal tag with the owner's department-assigned identification number or the name and address of the trapper legibly written in numbers or letters not less than one-eighth inch in height nor (ii) inscribing into the metal of the trap such number or name and address.

(2) Unlawful trapping is a misdemeanor.

**Sec. 10.** RCW 77.15.550 and 1998 c 190 s 40 are each amended to read as follows:

(1) A person is guilty of violating commercial fishing area or time in the second degree if the person acts for commercial purposes and takes, fishes for, possesses, delivers, or receives food fish or shellfish:

(a) At a time not authorized by statute or rule; ~~((or))~~

(b) From an area that was closed to the taking of such food fish or shellfish for commercial purposes by statute or rule; or

(c) If such fish or shellfish do not conform to the special restrictions or physical descriptions established by rule of the department.

(2) A person is guilty of violating commercial fishing area or time in the first degree if the person commits the act described by subsection (1) of this section and:

- (a) The person acted with knowledge that the area or time was not open to the taking or fishing of food fish or shellfish for commercial purposes; and
- (b) The violation involved two hundred fifty dollars or more worth of food fish or shellfish.
- (3)(a) Violating commercial fishing area or time in the second degree is a gross misdemeanor.
- (b) Violating commercial fishing area or time in the first degree is a class C felony.

**Sec. 11.** RCW 77.15.670 and 1998 c 190 s 60 are each amended to read as follows:

(1) A person is guilty of ~~((unlawful hunting or fishing when))~~ violating a suspension of department privileges ((are revoked or suspended)) in the second degree if the person ~~((hunts or fishes and the person's privilege to engage in such hunting or fishing))~~ engages in any activity that is licensed by the department and the person's privileges to engage in that activity were revoked or suspended by any court or the department.

(2) A person is guilty of ~~((unlawful hunting or fishing when))~~ violating a suspension of department privileges ((are revoked or suspended)) in the first degree if the person commits the act described by subsection (1) of this section and:

- (a) The suspension of privileges that was violated was a permanent suspension;
- (b) The person takes or possesses more than two hundred fifty dollars' worth of unlawfully taken food fish, wildlife, game fish, seaweed, or shellfish; or
- (c) The violation involves the hunting, taking, or possession of fish or wildlife classified as endangered or threatened or big game.

(3)(a) ~~((Unlawful hunting or fishing when))~~ Violating a suspension of department privileges ((are revoked or suspended)) in the second degree is a gross misdemeanor. Upon conviction, the department shall order permanent suspension of the person's privileges to engage in such hunting or fishing activities.

(b) ~~((Unlawful hunting or fishing when))~~ Violating a suspension of department privileges ((are revoked or suspended)) in the first degree is a class C felony. Upon conviction, the department shall order permanent suspension of all privileges to hunt, fish, trap, or take wildlife, food fish, or shellfish.

(4) As used in this section, hunting includes trapping with a trapping license.

**Sec. 12.** RCW 77.16.070 and 1980 c 78 s 75 are each amended to read as follows:

~~((It is unlawful to hunt))~~ (1) A person is guilty of hunting while under the influence of intoxicating liquor or drugs if the person hunts wild animals or wild birds while under the influence of intoxicating liquor or drugs.

(2) Hunting while under the influence of intoxicating liquor or drugs is a gross misdemeanor.

NEW SECTION. **Sec. 13.** The following acts or parts of acts are each repealed:

(1) RCW 77.15.200 (Furbearing animal traps--Failure to identify--Penalty) and 1998 c 190 s 23; and

(2) RCW 77.32.094 (Validity of licenses issued by department of fisheries and department of wildlife) and 1994 c 255 s 14."

Correct the title.

Signed by Representatives Buck, Republican Co-Chair; Regala, Democratic Co-Chair; Anderson, Democratic Vice Chair; Sump, Republican Vice Chair; G. Chandler; Clements; Doumit; Eickmeyer; Ericksen; Pennington; Rockefeller and Stensen.

Voting yea: Representatives Buck, Regala, Anderson, Sump, G. Chandler, Clements, Doumit, Eickmeyer, Ericksen, Pennington, Rockefeller and Stensen.

Passed to Rules Committee for Second Reading.

April 2, 1999

SSB 5640 Prime Sponsor, Senate Committee on Senate State & Local Government: Studying primary dates and speeding counting. Reported by Committee on State Government

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A task force to study and make recommendations regarding the date for primary elections as provided in this act is established.

NEW SECTION. **Sec. 2.** The legislature finds that:

(1) The current statute relating to the timing of the primary election may not allow adequate time for absentee voters, especially military personnel living overseas, to review the candidates and issues appearing on the general election ballot before casting their votes;

(2) The proliferation of permanent absentee voters presents increasing difficulties for county auditors to canvass ballots in a timely way, which in turn may adversely affect the general election campaign of a candidate involved in a close primary race; and

(3) A delay in counting votes and processing ballots negatively impacts the public's right to timely election results and thus harms our electoral process.

Therefore, the mission of the task force includes, but is not limited to, a review of issues relating to the timing of the primary election, the canvassing of ballots, and the certification of election results. The task force shall consider alternates to the current statutes that relate to these issues, and shall provide recommendations accordingly.

NEW SECTION. **Sec. 3.** The task force membership consists of the following thirteen members:

(1) Three citizen members from across the state, appointed jointly by the secretary of state, the president of the senate, and the co-speakers of the house of representatives;

(2) Two members of the senate, one from each of the largest two caucuses, appointed by the president of the senate, and two members of the house of representatives, one from each of the largest two caucuses, appointed by the co-speakers of the house of representatives;

(3) The secretary of state or the secretary's designee;

(4) Three county elections officials designated by the Association of County Officials; and

(5) A representative of each major political party in the state, appointed by the chair of the state central committee for the party.

NEW SECTION. **Sec. 4.** The task force shall report its recommendations to the governor, the secretary of state, and the appropriate standing committees of the senate and house of representatives no later than December 1, 1999. The task force terminates on December 31, 1999.

**Sec. 5.** RCW 29.62.020 and 1995 c 139 s 2 are each amended to read as follows:

(1) ~~((No later than the tenth day after a special election or primary and no later than the fifteenth day after a general election, the county auditor shall convene the county canvassing board to process the absentee ballots and canvass the votes cast at that primary or election.))~~ At least every third day after a special election, primary, or general election and before certification of the election results, excepting Sundays and legal holidays, the county auditor shall convene the county canvassing board to process absentee ballots and canvass the votes cast at that special election, primary, or general election. Each time the canvassing board is convened before its final canvass of ballots, the canvassing board shall process all but fifty absentee ballots in the possession of the county auditor that have not been processed and were either received by the auditor on or before the day before the close of the polls on the day of the election or primary for which they were issued or that bear a date of mailing on or before the election or primary for which they are issued. The tabulation of votes that results from that day's canvass must be made available to the general public immediately upon completion of the canvass.

(2) On the tenth day after a special election or a primary and on the fifteenth day after a general election, the canvassing board shall complete the canvass and certify the results. Each absentee ballot that was returned before the closing of the polls on the date of the primary or election for which it was issued, and each absentee ballot with a date of mailing on or before the date of the primary or election for which it was issued and received on or before the date on which the primary or election is certified, shall be included in the canvass report.

~~((2))~~ (3) At the request of any caucus of the state legislature, the county auditor shall transmit copies of all unofficial returns of state and legislative primaries or elections prepared by or for the county canvassing board to either the secretary of the senate or the chief clerk of the house.

## PART I ABSENTEE VOTING

**Sec. 6.** RCW 29.36.010 and 1991 c 81 s 29 are each amended to read as follows:

ABSENTEE BALLOT VOTING. Any registered voter of the state or any out-of-state voter, overseas voter, or service voter may vote by absentee ballot in any general election, special election, or primary in the manner provided in this chapter. Out-of-state voters, overseas voters, and service voters are authorized to cast the same ballots, including those for special elections, as a registered voter of the state would receive under this chapter.

~~((1) Except as provided in subsections (2) and (3) of this section, in RCW 29.36.013, and in RCW 29.36.170, a registered voter or elector desiring to cast an absentee ballot must request the absentee ballot from his or her county auditor no earlier than forty five days nor later than the day before any election or primary. Except as provided in subsection (3) of this section and in RCW 29.36.170, the request may be made orally in person, by telephone, or in writing. An application or request for an absentee ballot made under the authority of any federal statute or regulation shall be considered and given the same effect as a request for an absentee ballot under this chapter.~~

~~(2) For any registered voter, a request for an absentee ballot for a primary shall be honored as a request for an absentee ballot for the following general election if the voter so indicates in his or her request. For any out of state voter, overseas voter, or service voter, a request for an absentee ballot for a primary election shall also be honored as a request for an absentee ballot for the following general election.~~

~~(3) A voter admitted to a hospital no earlier than five days before a primary or election and confined to the hospital on election day may apply by messenger for an absentee ballot on the day of the primary or election if a signed statement from the hospital administrator, or designee, verifying the voter's date of admission and status as a patient in the hospital on the day of the primary or election is attached to the voter's written application for an absentee ballot.~~

~~(4) In a voter's request for an absentee ballot, the voter shall state the address to which the absentee ballot should be sent. A request for an absentee ballot from an out of state voter, overseas voter, or service voter shall state the address of that elector's last residence for voting purposes in the state of Washington and either a written application or the oath on the return envelope shall include a declaration of the other qualifications of the applicant as an elector of this state. A request for an absentee ballot from any other voter shall state the address at which that voter is currently registered to vote in the state of Washington or the county auditor shall verify such information from the voter registration records of the county.~~

~~(5) A request for an absentee ballot from a registered voter who is within this state shall be made directly to the auditor of the county in which the voter is registered. An absentee ballot request from a registered voter who is temporarily outside this state or from an out of state voter, overseas voter, or service voter may be made either to the appropriate county auditor or to the secretary of state, who shall promptly forward the request to the appropriate county auditor. No person, organization, or association may distribute absentee ballot applications within this state that contain any return address other than that of the appropriate county auditor.~~

~~(6) A person may request an absentee ballot for use by the person as a registered voter and may request an absentee ballot on behalf of any member of that person's immediate family who is a registered voter for use by the family member. As a means of ensuring that a person who requests an~~



~~absentee ballot is requesting the ballot for only that person or a member of the person's immediate family, the secretary of state shall adopt rules prescribing the circumstances under which an auditor: May require a person who requests an absentee ballot to identify the date of birth of the voter for whom the ballot is requested; and may deny a request which is not accompanied by this information.))~~

NEW SECTION. Sec. 7. A new section is added to chapter 29.36 RCW to read as follows:

**REQUEST FOR SINGLE ABSENTEE BALLOT.** (1) Except as otherwise provided by law, a registered voter or out-of-state voter, overseas voter, or service voter desiring to cast an absentee ballot at a single election or primary must request the absentee ballot from his or her county auditor no earlier than ninety days nor later than the day of the election or primary at which the person seeks to vote. Except as otherwise provided by law, the request may be made orally in person, by telephone, electronically, or in writing. An application or request for an absentee ballot made under the authority of a federal statute or regulation will be considered and given the same effect as a request for an absentee ballot under this chapter.

(2) A voter requesting an absentee ballot for a primary may also request an absentee ballot for the following general election. A request by an out-of-state voter, overseas voter, or service voter for an absentee ballot for a primary election will be considered as a request for an absentee ballot for the following general election.

(3) In requesting an absentee ballot, the voter shall state the address to which the absentee ballot should be sent. A request for an absentee ballot from an out-of-state voter, overseas voter, or service voter must include the address of the last residence for voting purposes in the state of Washington and either a written application or the oath on the return envelope must include a declaration of the other qualifications of the applicant as an elector of this state. A request for an absentee ballot from any other voter must state the address at which that voter is currently registered to vote in the state of Washington or the county auditor shall verify that information from the voter registration records of the county.

(4) A request for an absentee ballot from a registered voter who is within this state must be made directly to the auditor of the county in which the voter is registered. An absentee ballot request from a registered voter who is temporarily outside this state or from an out-of-state voter, overseas voter, or service voter may be made either to the appropriate county auditor or to the secretary of state, who shall promptly forward the request to the appropriate county auditor. No person, organization, or association may distribute absentee ballot applications within this state that contain a return address other than that of the appropriate county auditor.

NEW SECTION. Sec. 8. A new section is added to chapter 29.36 RCW to read as follows:

**REQUESTING ABSENTEE BALLOT FOR FAMILY MEMBER.** A registered voter may request an absentee ballot on behalf of and for use by a member of his or her immediate family who is also a registered voter. As a means of ensuring that a person who requests an absentee ballot is requesting the ballot for only that person or a member of the person's immediate family, the secretary of state shall adopt rules prescribing the circumstances under which an auditor may require a person who requests an absentee ballot to identify the date of birth of the voter for whom the ballot is requested and under what circumstances the auditor may deny a request that is not accompanied by this information.

**Sec. 9.** RCW 29.36.013 and 1993 c 418 s 1 are each amended to read as follows:

**REQUEST FOR ONGOING ABSENTEE VOTER STATUS.** Any registered voter may apply, in writing, for status as an ongoing absentee voter. Each qualified applicant shall automatically receive an absentee ballot for each ensuing election or primary for which ~~((he or she))~~ the voter is entitled to vote and need not submit a separate request for each election. Ballots received from ongoing absentee voters shall be validated, processed, and tabulated in the same manner as other absentee ballots.

Status as an ongoing absentee voter shall be terminated upon any of the following events:

- (1) The written request of the voter;
- (2) The death or disqualification of the voter;
- (3) The cancellation of the voter's registration record; ~~((or))~~

- (4) The return of an ongoing absentee ballot as undeliverable; or
- (5) A voter being placed on inactive status.

**Sec. 10.** RCW 29.36.170 and 1991 c 81 s 35 are each amended to read as follows:

**SPECIAL ABSENTEE BALLOT.** (1) As provided in this section, county auditors shall provide special absentee ballots to be used for state primary or state general elections. An auditor shall provide a special absentee ballot ((shall)) only ((be provided)) to a registered voter who completes an application stating that((=

~~(a) The voter believes that she or he will be residing or stationed or working outside the continental United States; and~~

~~(b) The voter believes that))~~ she or he will be unable to vote and return a regular absentee ballot by normal mail delivery within the period provided for regular absentee ballots.

The application for a special absentee ballot may not be filed earlier than ninety days before the applicable state primary or general election. The special absentee ballot ((shall)) will list the offices and measures, if known, scheduled to appear on the state primary or general election ballot. The voter may use the special absentee ballot to write in the name of any eligible candidate for each office and vote on any measure.

(2) With any special absentee ballot issued under this section, the county auditor shall include a listing of any candidates who have filed before the time of the application for offices that will appear on the ballot at that primary or election and a list of any issues that have been referred to the ballot before the time of the application.

(3) Write-in votes on special absentee ballots ((shall)) must be counted in the same manner provided by law for the counting of other write-in votes. The county auditor shall process and canvass the special absentee ballots provided under this section in the same manner as other absentee ballots under chapters 29.36 and 29.62 RCW.

(4) A voter who requests a special absentee ballot under this section may also request an absentee ballot under ~~((RCW 29.36.010))~~ section 7(4) of this act. If the regular absentee ballot is properly voted and returned, the special absentee ballot ~~((shall be deemed))~~ is void, and the county auditor shall reject it in whole when special absentee ballots are canvassed.

**Sec. 11.** RCW 29.36.030 and 1991 c 81 s 31 are each amended to read as follows:

**ISSUANCE OF ABSENTEE BALLOT.** (1) The county auditor shall issue an absentee ballot for the primary or election for which it was requested, or for the next occurring primary or election when ongoing absentee status has been requested if the information contained in a request for an absentee ballot or ongoing absentee status received by the county auditor is complete and correct and the applicant is qualified to vote under federal or state law((= the county auditor shall issue an absentee ballot for the primary or election for which the absentee ballot was requested)). Otherwise, the county auditor shall notify the applicant of the reason or reasons why the request cannot be accepted. Whenever two or more candidates have filed for the position of precinct committee officer for the same party in the same precinct at a general election held in an even-numbered year, the contest for that position must be presented to absentee voters from that precinct by either including the contest on the regular absentee ballot or a separate absentee ballot.

~~((At each general election in an even-numbered year, each absentee voter shall also be given a separate ballot containing the names of the candidates that have filed for the office of precinct committee officer unless fewer than two candidates have filed for the same political party in the absentee voter's precinct. The ballot shall provide space for writing in the name of additional candidates.~~

~~When mailing an absentee ballot to a registered voter temporarily outside the state or to an out-of-state voter, overseas voter, or service voter, the county auditor shall send a)~~ (2) A registered voter may obtain a replacement ballot if the ballot is destroyed, spoiled, lost, or not received by the voter. The voter may obtain the ballot by telephone request, by mail, electronically, or in person. The county auditor shall keep a record of each replacement ballot provided under this subsection.

(3) A copy of the state voters' and candidates' pamphlet must be sent to registered voters temporarily outside the state, out-of-state voters, overseas voters, and service voters along with the

absentee ballot if such a pamphlet has been prepared for the primary or election. The county auditor shall mail all absentee ballots and related material to voters outside the territorial limits of the United States and the District of Columbia under 39 U.S.C. 3406.

**Sec. 12.** RCW 29.36.035 and 1984 c 27 s 2 are each amended to read as follows:

DELIVERY OF ABSENTEE BALLOT. The delivery of an absentee ballot for any primary or election shall be subject to the following qualifications:

(1) Only the registered voter (~~(, himself)~~) personally, or a member of ~~((his))~~ the registered voter's immediate family may pick up an absentee ballot for the voter at the office of the issuing officer unless the voter is ~~((hospitalized))~~ a resident of a health care facility, as defined by RCW 70.37.020(3), on election day and applies by messenger (~~(in accordance with RCW 29.36.010))~~ for an absentee ballot (~~(on the day of the primary or election))~~). In this latter case, the messenger may pick up the ~~((hospitalized))~~ voter's absentee ballot.

(2) Except as noted in subsection (1) ~~((above))~~ of this section, the issuing officer shall mail or deliver the absentee ballot directly to each applicant.

~~((3) No absentee ballot shall be issued on the day of the primary or election concerned, except as provided by RCW 29.36.010, for a voter confined to a hospital on the day of a primary or election.-))~~

**Sec. 13.** RCW 29.36.045 and 1987 c 346 s 12 are each amended to read as follows:

ENVELOPES AND INSTRUCTIONS. The county auditor shall send each absentee voter a ballot, a security envelope in which to seal the ballot after voting, a larger envelope in which to return the security envelope, and instructions on how to mark the ballot and how to return it to the county auditor. The larger return envelope ~~((shall))~~ must contain a declaration by the absentee voter reciting his or her qualifications and stating that he or she has not voted in any other jurisdiction at this election, together with a summary of the penalties for any violation of any of the provisions of this chapter. The return envelope ~~((shall))~~ must provide space for the voter to indicate the date on which the ballot was voted and for the voter to sign the oath. A summary of the applicable penalty provisions of this chapter ~~((shall))~~ must be printed on the return envelope immediately adjacent to the space for the voter's signature. The signature of the voter on the return envelope ~~((shall))~~ must affirm and attest to the statements regarding the qualifications of that voter and to the validity of the ballot. For out-of-state voters, overseas voters, and service voters, the signed declaration on the return envelope constitutes the equivalent of a voter registration for the election or primary for which the ballot has been issued. The voter ~~((shall))~~ must be instructed to either return the ballot to the county auditor by whom it was issued or attach sufficient first class postage, if applicable, and mail the ballot to the appropriate county auditor no later than the day of the election or primary for which the ballot was issued.

NEW SECTION. **Sec. 14.** A new section is added to chapter 29.36 RCW to read as follows:

DEFINITIONS. For purposes of canvassing and counting absentee ballots:

(1) "Initial processing" means all steps taken to prepare absentee ballots for tabulation, except for the reading of ballots by an electronic vote tallying system. Initial processing includes, but is not limited to, verification of signatures on return envelopes; removal of security envelopes from the return envelopes; removal of ballots from the security envelopes; manual inspection for damage, for write-in votes, and for incorrect or incomplete marks; duplication of damaged and write-in ballots; and other preparation of ballots for final processing.

(2) "Final processing" means the reading of ballots by an electronic vote tallying system, but does not include tabulation.

(3) "Tabulation" means the production of returns of votes cast regarding candidates or measures in a form that can be read by a person, whether as precinct totals, partial cumulative totals, or final cumulative totals.

NEW SECTION. **Sec. 15.** A new section is added to chapter 29.36 RCW to read as follows:

OBSERVERS. (1) Before initial processing of absentee ballots, the county auditor shall notify the county chair of each major political party of the time and date on which absentee processing will begin, and shall request that each major political party appoint official observers to observe the processing and tabulation of absentee ballots. If a major political party has appointed observers, the observers may be present for initial processing, final processing, or tabulation, if they so choose, but failure to appoint or attend does not preclude the processing or tabulation of absentee ballots.

(2) The auditor shall adopt administrative procedures for the initial and final processing of absentee ballots. Copies of these administrative procedures must be made available to the political party observers, and to the public upon request.

**Sec. 16.** RCW 29.36.060 and 1991 c 81 s 32 are each amended to read as follows:

**PROCESSING ABSENTEE BALLOTS.** ~~((The opening and subsequent processing of return envelopes for any primary or election may begin on or after the tenth day prior to such primary or election. The opening of the security envelopes and tabulation of absentee ballots shall not commence until after 8:00 o'clock p.m. on the day of the primary or election.~~

~~After opening the return envelopes, the county canvassing board shall place all of the ballot envelopes in containers that can be secured with numbered seals. These sealed containers shall be stored in a secure location until after 8:00 o'clock p.m. of the day of the primary or election. Absentee ballots that are to be tabulated on an electronic vote tallying system may be taken from the inner envelopes and all the normal procedural steps may be performed to prepare these ballots for tabulation before sealing the containers.))~~

(1) Before opening a returned absentee ballot, the canvassing board, or its designated representatives, shall examine the postmark, statement, and signature on ((each)) the return envelope ((containing)) that contains the security envelope and absentee ballot. They shall verify that the voter's signature on the return envelope is the same as the signature of that voter in the registration files ((for that voter)) of the county. For ((absentee)) registered voters ((other than out of state voters, overseas voters, and service voters, if the postmark is illegible)) casting absentee ballots, the date on the return envelope to which the voter ((attests shall)) has attested determines the validity, as to the time of voting((, of)) for that absentee ballot ((under this chapter)) if the postmark is missing or is illegible. For out-of-state voters, overseas voters, and service voters, the date on the return envelope to which the voter has attested determines the validity as to the time of voting for that absentee ballot. For any absentee ((voter)) ballot, a variation between the signature of the voter on the return envelope and the signature of that voter in the registration files due to the substitution of initials or the use of common nicknames is permitted so long as the surname and handwriting are clearly the same.

(2) Absentee ballot return envelopes for a primary or election may be opened for initial processing on or after the tenth day before that primary or election.

(3) After opening the return envelopes, the county canvassing board shall either:

(a) Place all of the security envelopes containing the absentee ballots in containers, and secure the containers with numbered seals; or

(b) In the case of absentee ballots that will be tabulated on an electronic vote tallying system, open the security envelopes, perform the initial processing, place the absentee ballots in containers, and keep the containers in secure storage until the ballots are ready for final processing.

(4) The canvassing board, or its designated representatives, shall establish audit procedures that insure that the absentee ballots are kept in secure storage during the initial processing period.

(5) The absentee ballots must not be removed from secure storage until final processing begins. Final processing may not begin before 7:00 a.m. on the day of the primary or election. In counties using electronic vote tallying systems, the absentee ballots must be tabulated under continuous observation of representatives of the major political parties, and all other security provisions required by the secretary of state under RCW 29.04.210 and 29.36.150. No results from tabulation of absentee ballots may be produced or distributed until after 8:00 p.m. on the day of the primary or election.

**Sec. 17.** RCW 29.36.070 and 1990 c 262 s 2 are each amended to read as follows:

**COUNTING ABSENTEE BALLOTS.** The absentee ballots ~~((shall be grouped and counted by))~~ must be reported at a minimum on a congressional and legislative district ((without regard to))

basis. Absentee ballots may be counted by congressional or legislative basis or by individual precinct, except as required under RCW 29.62.090(2).

These returns ~~((shall))~~ must be added to the total of the votes cast at the polling places.

**Sec. 18.** RCW 29.36.075 and 1988 c 181 s 3 are each amended to read as follows:

PROCESSING DETAILS. ~~((In counties that do not tabulate absentee ballots on electronic vote tallying systems, canvassing boards may not tabulate or record votes cast by absentee ballots on any uncontested office except write in votes for candidates for the office of precinct committee person who have filed valid declarations of candidacy under RCW 29.04.180. "Uncontested office" means an office where only one candidate has filed a valid declaration of candidacy either during the regular filing period or as a write in candidate under RCW 29.04.180.))~~

Each registered voter casting an absentee ballot ~~((shall))~~ will be credited with voting on his or her voter registration record. Absentee ballots ~~((shall))~~ must be retained for the same length of time and in the same manner as ballots cast at the precinct polling places.

**Sec. 19.** RCW 29.36.097 and 1991 c 81 s 33 are each amended to read as follows:

ABSENTEE BALLOT RECORDS. Each county auditor shall maintain in his or her office, open for public inspection and copying, a record of the requests he or she has received for absentee ballots ~~((under this chapter)),~~ a listing of all ongoing absentee voters, and a daily cumulative listing of the names of voters whose absentee ballots have been returned before each primary and election.

The information from the requests ~~((shall))~~ must be recorded and lists of this information ~~((shall))~~ must be available no later than ~~((twenty four hours))~~ the next business day after their receipt. Lists of ongoing absentee voters must be available at all times.

This information about absentee voters ~~((shall))~~ requesting ballots will be available according to the date of the requests and by legislative district. It ~~((shall))~~ must include the name of each applicant, the address and precinct in which the voter maintains a voting residence, the date on which an absentee ballot was issued to this voter, if applicable, the type of absentee ballot, and the address to which the ballot was or is to be mailed, if applicable, and the names of the voters whose absentee ballots have been returned.

The auditor shall make copies of these records available to the public in either paper or electronic format for the actual cost of production or copying.

**Sec. 20.** RCW 29.36.100 and 1987 c 346 s 18 are each amended to read as follows:

CHALLENGED ABSENTEE BALLOTS. The qualifications of any absentee voter may be challenged at the time the signature on the return envelope is verified and the ballot is processed by the canvassing board. The board has the authority to determine the legality of any absentee ballot challenged under this section. Challenged ballots must be handled in accordance with chapter 29.10 RCW.

**Sec. 21.** RCW 29.36.150 and 1993 c 417 s 7 are each amended to read as follows:

The secretary of state shall adopt rules implementing this chapter, including rules to:

(1) Establish standards and procedures to prevent fraud and to facilitate the accurate processing and canvassing of absentee ballots ~~((and mail ballots));~~

(2) Establish standards and procedures to guarantee the secrecy of absentee ballots ~~((and mail ballots));~~

(3) Provide uniformity among the counties of the state in the conduct of absentee voting ~~((and mail ballot elections));~~ ~~((and))~~

(4) Facilitate the operation of the provisions of this chapter regarding out-of-state voters, overseas voters, and service voters;

(5) Provide flexible requirements for persons confined in health care facilities to apply for and receive absentee ballots; and

(6) Provide standards for electronic requests for absentee ballots.

The secretary of state shall produce and furnish envelopes and instructions for out-of-state voters, overseas voters, and service voters to the county auditors.

**Sec. 22.** RCW 29.36.160 and 1994 c 269 s 2 are each amended to read as follows:

A person who willfully violates any provision of this chapter regarding the assertion or declaration of qualifications to receive or cast an absentee ballot ~~((;))~~ or unlawfully casts a vote by absentee ballot ~~((; or willfully violates any provision regarding the conduct of mail ballot primaries or elections under RCW 29.36.120 through 29.36.139))~~ is guilty of a class C felony punishable under RCW 9A.20.021. Except as provided in chapter 29.85 RCW a person who willfully violates any other provision of this chapter is guilty of a misdemeanor.

NEW SECTION. **Sec. 23.** A new section is added to chapter 29.54 RCW to read as follows:

The secretary of state shall adopt rules providing for posters summarizing election crimes and maximum penalties to be displayed prominently in all locations where absentee ballots and ballots picked up from precincts are processed and tabulated.

## PART II MAIL BALLOTS

**Sec. 24.** RCW 29.36.120 and 1994 c 269 s 1 and 1994 c 57 s 48 are each reenacted and amended to read as follows:

MAIL BALLOT PRECINCTS. ~~(((1) At any primary or election, general or special,)~~) The county auditor may ~~((; in))~~ designate any precinct having fewer than two hundred active registered voters at the time of closing of voter registration as provided in RCW 29.07.160 ~~((; conduct the voting in that precinct by))~~ as a mail ballot precinct. ~~((For any precinct having fewer than two hundred active registered voters where voting at a primary or a general election is conducted by mail ballot, the county auditor shall, not less than fifteen days prior to the date of that primary or general election, mail or deliver to each active and inactive registered voter within that precinct a notice that the voting in that precinct will be by mail ballot, an application form for a mail ballot, and a postage prepaid envelope, preaddressed to the issuing officer. A mail ballot shall be issued to each voter who returns a properly executed application to the county auditor no later than the day of that primary or general election. For all subsequent mail ballot elections in that precinct the application is valid so long as the voter remains active and qualified to vote.))~~ The county auditor shall notify each registered voter by mail that for all future primaries and elections the voting in his or her precinct will be by mail ballot only. In determining the number of registered voters in a precinct for the purposes of this section, persons who are ongoing absentee voters under RCW 29.36.013 (as recodified by this act) shall not be counted. Nothing in this section may be construed as altering the vote tallying requirements of RCW 29.62.090.

~~((At any nonpartisan special election not being held in conjunction with a state primary or general election, the county, city, town, or district requesting the election pursuant to RCW 29.13.010 or 29.13.020 may also request that the election be conducted by mail ballot. The county auditor may honor the request or may determine that the election is not to be conducted by mail ballot. The decision of the county auditor in this regard is final.~~

~~In no instance shall any special election be conducted by mail ballot in any precinct with two hundred or more active registered voters if candidates for partisan office are to be voted upon.~~

~~For all special elections not being held in conjunction with a state primary or state general election where voting is conducted by mail ballot, the county auditor shall, not less than fifteen days prior to the date of such election, mail or deliver to each active registered voter a mail ballot and an envelope, preaddressed to the issuing officer.))~~ As soon as ballots are available, the county auditor shall mail or deliver a ballot and an envelope, preaddressed to the issuing officer, to each active registered voter. The auditor shall send each inactive voter either a ballot or an application to receive a ballot. The auditor shall determine which of the two is to be sent. If the inactive voter returns a voted ballot, the ballot shall be counted and the voter's status restored to active. If the inactive voter completes and returns an application, a ballot shall be sent and the voter's status restored to active.

~~(((2) For a two-year period beginning on June 9, 1994, and ending two years after June 9, 1994, the county auditor may conduct the voting in any precinct by mail for any primary or election, partisan or nonpartisan, using the procedures set forth in RCW 29.36.120 through 29.36.139.)~~

If the precinct exceeds two hundred registered voters, or the auditor determines to return to a polling place election environment, the auditor shall notify each registered voter, by mail, of this and shall provide the address of the polling place to be used.

**Sec. 25.** RCW 29.36.121 and 1994 c 57 s 49 are each amended to read as follows:

MAIL BALLOT SPECIAL ELECTIONS. ~~((4))~~ At any nonpartisan special election not being held in conjunction with a state primary or general election, the county, city, town, or district requesting the election pursuant to RCW 29.13.010 or 29.13.020 may also request that the special election be conducted by mail ballot. The county auditor may honor the request or may determine that the election is not to be conducted by mail ballot. The decision of the county auditor in this regard is final.

~~((2) In an odd-numbered year, the county auditor may conduct by mail ballot a primary or a special election concurrently with the primary:~~

~~(a) For any office or ballot measure of a special purpose district which is entirely within the county;~~

~~(b) For any office or ballot measure of a special purpose district which lies in the county and one or more other counties if the auditor first secures the concurrence of the county auditors of those other counties to conduct the primary in this manner district-wide; and~~

~~(c) For any ballot measure or nonpartisan office of a county, city, or town if the auditor first secures the concurrence of the legislative authority of the county, city, or town involved.~~

~~A primary in an odd-numbered year may not be conducted by mail ballot in any precinct with two hundred or more active registered voters if a partisan office or state office or state ballot measure is to be voted upon at that primary in the precinct.~~

~~(3))~~ For all special elections not being held in conjunction with a state primary or state general election where voting is conducted by mail ballot, the county auditor shall, not less than fifteen days before the date of such election, mail or deliver to each registered voter a mail ballot ~~((and an envelope, preaddressed to the issuing officer. The county auditor shall notify an election jurisdiction for which a primary is to be held that the primary will be conducted by mail ballot))~~. The auditor shall handle inactive voters in the same manner as inactive voters in mail ballot precincts.

~~((4) To the extent they are not inconsistent with subsections (1) through (3) of this section, the laws governing the conduct of mail ballot special elections apply to nonpartisan primaries conducted by mail ballot.)~~

For a special election conducted by mail ballot, the county auditor shall include with the ballot a clear explanation of the qualifications necessary to vote in that election and shall also advise a voter with questions about his or her eligibility to contact the county auditor. This explanation may be provided on the ballot envelope, provided on an enclosed insert, or printed directly on the ballot itself. If this information is included, vote by mail special election ballots may be forwarded to voters in the same manner as absentee ballots. If the information is not included in the instructions, the envelope must clearly indicate that the ballot is not to be forwarded and that return postage is guaranteed.

NEW SECTION. Sec. 26. ODD-YEAR PRIMARIES BY MAIL. In an odd-numbered year, the county auditor may conduct a primary or a special election by mail ballot concurrently with the primary:

(1) For an office or ballot measure of a special purpose district that is entirely within the county;

(2) For an office or ballot measure of a special purpose district that lies in the county and one or more other counties if the auditor first secures the concurrence of the county auditors of those other counties to conduct the primary in this manner district-wide; and

(3) For a ballot measure or nonpartisan office of a county, city, or town if the auditor first secures the concurrence of the legislative authority of the county, city, or town involved.

The county auditor shall notify an election jurisdiction for which a primary is to be held that the primary will be conducted by mail ballot.

A primary in an odd-numbered year may not be conducted by mail ballot in a precinct with two hundred or more active registered voters if a partisan office or state office or state ballot measure is to be voted upon at that primary in the precinct.

To the extent they are not inconsistent with other provisions of law, the laws governing the conduct of mail ballot special elections apply to nonpartisan primaries conducted by mail ballot.

**Sec. 27.** RCW 29.36.124 and 1983 1st ex.s. c 71 s 3 are each amended to read as follows:

DEPOSITING BALLOTS FOR MAIL BALLOT ELECTIONS. ~~((1))~~ If a county auditor conducts an election by mail, the county auditor shall designate the county auditor's office ~~((or a central location in the district in which the election is conducted))~~ as the single place to obtain a replacement ballot. The county auditor also shall designate one or more places for the deposit of ballots not returned by mail. The places designated under this section shall be open on the date of the election for a period of at least thirteen hours, beginning at 7:00 a.m. and ending at 8:00 p.m., and at any other times designated by the county auditor.

~~((2) A registered voter may obtain a replacement ballot as provided in this subsection if the ballot is destroyed, spoiled, lost, or not received by the voter. A registered voter seeking a replacement ballot shall sign a sworn statement that the ballot was destroyed, spoiled, lost, or not received and shall present the statement to the county auditor no later than the day of the election. Each spoiled ballot must be returned to the county auditor before a new one is issued. The county auditor shall keep a record of each replacement ballot provided under this subsection.))~~

**Sec. 28.** RCW 29.36.126 and 1993 c 417 s 4 are each amended to read as follows:

RETURN OF VOTED BALLOT BY VOTER. ~~((Upon receipt of the mail ballot, the voter shall mark it, sign the return identification envelope supplied with the ballot, and comply with the instructions provided with the ballot. The voter may return the marked ballot to the county auditor. The ballot must be returned))~~ The voter shall return the ballot to the county auditor in the return identification envelope. If mailed, a ballot must be postmarked not later than the date of the primary or election. Otherwise, the ballot must be deposited at the office of the county auditor or the designated place of deposit not later than 8:00 p.m. on the date of the primary or election.

**Sec. 29.** RCW 29.36.130 and 1993 c 417 s 5 are each amended to read as follows:

BALLOT CONTENTS--COUNTING. All mail ballots authorized by RCW 29.36.120 or 29.36.121 ~~((shall))~~ (as recodified by this act) or section 26 of this act must contain the same offices, names of nominees or candidates, and propositions to be voted upon, including precinct offices, as if the ballot had been voted in person at the polling place. Except as otherwise provided ~~((in this chapter))~~ by law, mail ballots ~~((shall))~~ must be ~~((issued and canvassed))~~ treated in the same manner as absentee ballots issued ~~((pursuant to))~~ at the request of the voter. ~~((The county canvassing board, at the request of the county auditor, may direct that mail ballots be counted on the day of the election. If such count is made, it must be done in secrecy in the presence of the canvassing board or their authorized representatives and the results not revealed to any unauthorized person until 8:00 p.m. or later if the auditor so directs.))~~ If electronic vote tallying devices are used, political party observers ~~((shall be afforded))~~ must be given the opportunity to be present, and a test of the equipment must be performed as required by RCW 29.33.350 ~~((prior to the count of))~~ before tabulating ballots. Political party observers may select at random ballots to be counted manually as provided by RCW 29.54.025. Any violation of the secrecy of ~~((such))~~ the count ~~((shall be))~~ is subject to the same penalties as provided for in RCW 29.85.225.

NEW SECTION. **Sec. 30.** RULES. The secretary of state shall adopt rules to:

- (1) Establish standards and procedures to prevent fraud and to facilitate the accurate processing and canvassing of mail ballots;
  - (2) Establish standards and procedures to guarantee the secrecy of mail ballots;
  - (3) Provide uniformity among the counties of the state in the conduct of mail ballot elections;
- and



(4) Provide for requests for a replacement ballot at a mail ballot election to be made electronically.

The secretary of state shall produce and furnish envelopes and instructions for mail ballot elections for all out-of-state, overseas voters, and service voters.

NEW SECTION. Sec. 31. PENALTY. A person who willfully violates any provision of this chapter regarding the conduct of mail ballot primaries or elections is guilty of a class C felony punishable under RCW 9A.20.021.

### **PART III POLLING PLACE REGULATIONS**

**Sec. 32.** RCW 29.36.050 and 1987 c 346 s 13 are each amended to read as follows:

A registered voter shall not be allowed to vote a regular ballot in the precinct in which he or she is registered at any election or primary for which that voter has ~~((east))~~ requested an absentee ballot or if the voter is an ongoing absentee voter. A registered voter who has requested an absentee ballot for a primary or special or general election or who is an ongoing absentee voter but chooses to vote at the voter's precinct polling place in that primary or election ~~((shall cast a ballot in the manner prescribed by RCW 29.10.127 for challenged ballots))~~ must be issued and allowed to cast a special ballot. The canvassing board shall not count the ballot if it finds that the voter has also voted by absentee ballot in that primary or election.

**Sec. 33.** RCW 29.54.085 and 1990 c 59 s 33 are each amended to read as follows:

(1) The ballots picked up from the precincts during the polling hours may be ~~((counted))~~ initially and finally processed, but not tabulated, before the polls have closed. ~~((Election returns from the count of these ballots))~~ Results of paper ballots that were tabulated at precinct polling sites before the close of polls under RCW 29.54.018 must be held in secrecy until the polls have been closed ((as provided by RCW 29.54.018)).

(2) Upon breaking the seals and opening the ballot containers from the precincts or opening the inner security envelopes for absentee ballots, all voted ballots shall be manually inspected for damage, write-in votes, and incorrect or incomplete marks. If it is found that any ballot is damaged or has incorrect or incomplete marks so that it cannot properly be counted by the vote tallying system, a true duplicate copy shall be made of the ~~((damaged))~~ original ballot in the presence of witnesses and substituted for the ~~((damaged))~~ original ballot. All ~~((damaged))~~ original ballots for which a true duplicate copy has been made shall be kept by the county auditor until sixty days after the primary or election. Ballots may not be enhanced, except that where a voter makes a write-in vote but fails to otherwise mark a ballot indicating that a write-in vote has been made, the ballot may be enhanced by making the mark indicating that a write-in vote has been made.

Notice of the making of true duplicate copies of original ballots or enhancing ballots, as authorized in this subsection, shall be made in the same manner as notice of a special meeting is made under RCW 42.30.080 and shall also be made to the chair of the county central committee of each major political party in the county.

(3) The returns produced by the vote tallying system, to which have been added the counts of questioned ballots, write-in votes, and absentee votes, constitute the official returns of the primary or election in that county.

### **PART IV TECHNICAL**

NEW SECTION. Sec. 34. The following acts or parts of acts are each repealed:

(1) RCW 29.36.122 (Special election by mail--Sending ballots to voters) and 1994 c 57 s 50, 1993 c 417 s 3, & 1983 1st ex.s. c 71 s 2; and

(2) RCW 29.36.139 (Mail ballots--Counting requirements--Challenge) and 1993 c 417 s 6 & 1983 1st ex.s. c 71 s 6.

NEW SECTION. **Sec. 35.** (1) RCW 29.36.010, 29.36.013, 29.36.170, 29.36.030, 29.36.035, 29.36.045, 29.36.060, 29.36.070, 29.36.075, 29.36.097, 29.36.100, 29.36.150, and 29.36.160 are each recodified within chapter 29.36 RCW, in the order shown in this act, along with sections 7, 8, 14, and 15 of this act.

(2) RCW 29.36.120, 29.36.121, 29.36.124, 29.36.126, and 29.36.130 are each recodified, and, along with sections 26, 30, and 31 of this act, constitute a new chapter in Title 29 RCW.

(3) RCW 29.36.050 is recodified as a new section in chapter 29.51 RCW.

NEW SECTION. **Sec. 36.** Section captions and part headings used in this act are not part of the law."

Correct the title.

Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Campbell, Republican Vice Chair; Miloscia, Democratic Vice Chair; Dunshee; Haigh; Lambert and D. Schmidt.

Voting yea: Representatives McMorris, Romero, Campbell, Miloscia, Dunshee, Haigh, Lambert and D. Schmidt.

Passed to Rules Committee for Second Reading.

April 2, 1999

SB 5643 Prime Sponsor, Senator Gardner: Revising laws on the state voters' pamphlet. Reported by Committee on State Government

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The secretary of state shall, whenever at least one state-wide measure or office is scheduled to appear on the general election ballot, print and distribute a voters' pamphlet.

The secretary of state shall distribute the voters' pamphlet to each household in the state, to public libraries, and to any other locations he or she deems appropriate. The secretary of state shall also produce taped or Braille transcripts of the voters' pamphlet, publicize their availability, and mail without charge a copy to any person who requests one.

The secretary of state may make the material required to be distributed by this chapter available to the public in electronic form. The secretary of state may provide the material in electronic form to computer bulletin boards, print and broadcast news media, community computer networks, and similar services at the cost of reproduction or transmission of the data.

NEW SECTION. **Sec. 2.** The voters' pamphlet must contain:

(1) Information about each ballot measure initiated by or referred to the voters for their approval or rejection as required by section 5 of this act;

(2) In even-numbered years, statements, if submitted, advocating the candidacies of nominees for the office of president and vice-president of the United States, United States senator, United States representative, governor, lieutenant governor, secretary of state, state treasurer, state auditor, attorney general, commissioner of public lands, superintendent of public instruction, insurance commissioner, state senator, state representative, justice of the supreme court, judge of the court of appeals, or judge of the superior court. Candidates may also submit a campaign mailing address and telephone number and a photograph not more than five years old and of a size and quality that the secretary of state determines to be suitable for reproduction in the voters' pamphlet;

(3) In odd-numbered years, if any office voted upon state-wide appears on the ballot due to a vacancy, then statements and photographs for candidates for any vacant office listed in subsection (2) of this section must appear;

(4) In even-numbered years, a section explaining how voters may participate in the election campaign process; the address and telephone number of the public disclosure commission established under RCW 42.17.350; and a summary of the disclosure requirements that apply when contributions are made to candidates and political committees;

(5) In even-numbered years the name, address, and telephone number of each political party with nominees listed in the pamphlet, if filed with the secretary of state by the state committee of a major political party or the presiding officer of the convention of a minor political party;

(6) In each odd-numbered year immediately before a year in which a president of the United States is to be nominated and elected, information explaining the precinct caucus and convention process used by each major political party to elect delegates to its national presidential candidate nominating convention. The pamphlet must also provide a description of the statutory procedures by which minor political parties are formed and the statutory methods used by the parties to nominate candidates for president;

(7) In even-numbered years, a description of the office of precinct committee officer and its duties;

(8) An application form for an absentee ballot;

(9) A brief statement explaining the deletion and addition of language for proposed measures under section 6 of this act;

(10) Any additional information pertaining to elections as may be required by law or in the judgment of the secretary of state is deemed informative to the voters.

**NEW SECTION. Sec. 3.** (1) Explanatory statements prepared by the attorney general under section 5 (3) and (4) of this act must be written in clear and concise language, avoiding legal and technical terms when possible, and filed with the secretary of state.

(2) When the explanatory statement for a measure initiated by petition is filed with the secretary of state, the secretary of state shall immediately provide the text of the explanatory statement to the person proposing the measure and any others who have made written request for notification of the exact language of the explanatory statement. When the explanatory statement for a measure referred to the ballot by the legislature is filed with the secretary of state, the secretary of state shall immediately provide the text of the explanatory statement to the presiding officer of the senate and the presiding officer of the house of representatives and any others who have made written request for notification of the exact language of the explanatory statement.

(3) A person dissatisfied with the explanatory statement may appeal to the superior court of Thurston County within five days of the filing date. A copy of the petition and a notice of the appeal must be served on the secretary of state and the attorney general. The court shall examine the measure, the explanatory statement, and objections, and may hear arguments. The court shall render its decision and certify to and file with the secretary of state an explanatory statement it determines will meet the requirements of this chapter.

The decision of the superior court is final, and its explanatory statement is the established explanatory statement. The appeal must be heard without costs to either party.

**NEW SECTION. Sec. 4.** Committees shall write and submit arguments advocating the approval or rejection of each state-wide ballot issue and rebuttals of those arguments. The secretary of state, the presiding officer of the senate, and the presiding officer of the house of representatives shall appoint the initial two members of each committee. In making these committee appointments the secretary of state and presiding officers of the senate and house of representatives shall consider legislators, sponsors of initiatives and referendums, and other interested groups known to advocate or oppose the ballot measure.

The initial two members may select up to four additional members, and the committee shall elect a chairperson. The remaining committee member or members may fill vacancies through appointment.

After the committee submits its initial argument statements to the secretary of state, the secretary of state shall transmit the statements to the opposite committee. The opposite committee may then prepare rebuttal arguments. Rebuttals may not interject new points.

The voters' pamphlet may contain only argument statements prepared according to this section. Arguments may contain graphs and charts supported by factual statistical data and pictures or other illustrations. Cartoons or caricatures are not permitted.

**NEW SECTION. Sec. 5.** The secretary of state shall determine the format and layout of the voters' pamphlet. The secretary of state shall print the pamphlet in clear, readable type on a size, quality, and weight of paper that in the judgment of the secretary of state best serves the voters. The pamphlet must contain a table of contents. Federal and state offices must appear in the pamphlet in the same sequence as they appear on the ballot. Measures and arguments must be printed in the order specified by RCW 29.79.300.

The voters' pamphlet must provide the following information for each state-wide issue on the ballot:

- (1) The legal identification of the measure by serial designation or number;
- (2) The official ballot title of the measure;
- (3) A statement prepared by the attorney general explaining the law as it presently exists;
- (4) A statement prepared by the attorney general explaining the effect of the proposed measure if it becomes law;
- (5) The total number of votes cast for and against the measure in the senate and house of representatives, if the measure has been passed by the legislature;
- (6) An argument advocating the voters' approval of the measure together with any statement in rebuttal of the opposing argument;
- (7) An argument advocating the voters' rejection of the measure together with any statement in rebuttal of the opposing argument;
- (8) Each argument or rebuttal statement must be followed by the names of the committee members who submitted them, and may be followed by a telephone number that citizens may call to obtain information on the ballot measure;
- (9) The full text of each measure.

**NEW SECTION. Sec. 6.** State-wide ballot measures that amend existing law must be printed in the voters' pamphlet so that language proposed for deletion is enclosed by double parentheses and has a line through it. Proposed new language must be underlined. A statement explaining the deletion and addition of language must appear as follows: "Any language in double parentheses with a line through it is existing state law and will be taken out of the law if this measure is approved by voters. Any underlined language does not appear in current state law but will be added to the law if this measure is approved by voters."

**NEW SECTION. Sec. 7.** The secretary of state shall adopt rules setting deadlines for submitting candidate statements, candidate photographs, arguments, rebuttals, and explanatory statements. The secretary of state shall also adopt rules setting deadlines for filing ballot titles for referendum bills or constitutional amendments if none have been provided by the legislature.

**NEW SECTION. Sec. 8.** (1) If in the opinion of the secretary of state any argument or statement offered for inclusion in the voters' pamphlet in support of or opposition to a measure or candidate contains obscene matter or matter that is otherwise prohibited by law from distribution through the mail, the secretary may petition the superior court of Thurston County for a judicial determination that the argument or statement may be rejected for publication or edited to delete the matter. The court shall not enter such an order unless it concludes that the matter is obscene or otherwise prohibited for distribution through the mail.

(2)(a) A person who believes that he or she may be defamed by an argument or statement offered for inclusion in the voters' pamphlet in support of or opposition to a measure or candidate may

petition the superior court of Thurston County for a judicial determination that the argument or statement may be rejected for publication or edited to delete the defamatory statement.

(b) The court shall not enter such an order unless it concludes that the statement is untrue and that the petitioner has a very substantial likelihood of prevailing in a defamation action.

(c) An action under this subsection (2) must be filed and served no later than the tenth day after the deadline for the submission of the argument or statement to the secretary of state.

(d) If the secretary of state notifies a person named or identified in an argument or statement of the contents of the argument or statement within three days after the deadline for submission to the secretary, then neither the state nor the secretary is liable for damages resulting from publication of the argument or statement unless the secretary publishes the argument or statement in violation of an order entered under this section. Nothing in this section creates a duty on the part of the secretary of state to identify, locate, or notify the person.

(3) Parties to a dispute under this section may agree to resolve the dispute by rephrasing the argument or statement, even if the deadline for submission to the secretary has elapsed, unless the secretary determines that the process of publication is too far advanced to permit the change. The secretary shall promptly provide any such revision to any committee entitled to submit a rebuttal argument. If that committee has not yet submitted its rebuttal, its deadline to submit a rebuttal is extended by five days. If it has submitted a rebuttal, it may revise it to address the change within five days of the filing of the revised argument with the secretary.

(4) In an action under this section the committee or candidate must be named as a defendant, and may be served with process by certified mail directed to the address contained in the secretary's records for that party. The secretary of state shall be a nominal party to an action brought under subsection (2) of this section, solely for the purpose of determining the content of the voters' pamphlet. The superior court shall give such an action priority on its calendar.

**NEW SECTION.** **Sec. 9.** (1) An argument or statement submitted to the secretary of state for publication in the voters' pamphlet is not available for public inspection or copying until:

(a) In the case of candidate statements, (i) all statements by all candidates who have filed for a particular office have been received, except those who informed the secretary that they will not submit statements, or (ii) the deadline for submission of statements has elapsed;

(b) In the case of arguments supporting or opposing a measure, (i) the arguments on both sides have been received, unless a committee was not appointed for one side, or (ii) the deadline for submission of arguments has elapsed; and

(c) In the case of rebuttal arguments, (i) the rebuttals on both sides have been received, unless a committee was not appointed for one side, or (ii) the deadline for submission of arguments has elapsed.

(2) Nothing in this section prohibits the secretary from releasing information under section 8(2)(d) of this act.

**NEW SECTION.** **Sec. 10.** All photographs of candidates submitted for publication must conform to standards established by the secretary of state by rule. No photograph may reveal clothing or insignia suggesting the holding of a public office.

**NEW SECTION.** **Sec. 11.** (1) The maximum number of words for statements submitted by candidates is as follows: State representative, one hundred words; state senator, judge of the superior court, judge of the court of appeals, justice of the supreme court, and all state offices voted upon throughout the state, except that of governor, two hundred words; president and vice-president, United States senator, United States representative, and governor, three hundred words.

(2) Arguments written by committees under section 3 of this act may not exceed two hundred fifty words in length.

(3) Rebuttal arguments written by committees may not exceed seventy-five words in length.

(4) The secretary of state shall allocate space in the pamphlet based on the number of candidates or nominees for each office.

**NEW SECTION. Sec. 12.** The secretary of state, as chief election officer, shall adopt rules consistent with this chapter to facilitate and clarify procedures related to the voters' pamphlet.

**NEW SECTION. Sec. 13.** The following acts or parts of acts are each repealed:

(1) RCW 29.80.010 and 1987 c 295 s 17, 1984 c 54 s 1, 1977 ex.s. c 361 s 106, 1975-'76 2nd ex.s. c 4 s 2, 1973 c 4 s 8, & 1965 c 9 s 29.80.010;

(2) RCW 29.80.020 and 1984 c 54 s 2, 1971 ex.s. c 145 s 1, 1971 c 81 s 78, & 1965 c 9 s 29.80.020;

(3) RCW 29.80.030 and 1979 ex.s. c 57 s 4 & 1965 c 9 s 29.80.030;

(4) RCW 29.80.040 and 1984 c 54 s 3, 1971 ex.s. c 145 s 2, & 1965 c 9 s 29.80.040;

(5) RCW 29.80.050 and 1971 ex.s. c 145 s 3 & 1965 c 9 s 29.80.050;

(6) RCW 29.80.060 and 1965 c 9 s 29.80.060;

(7) RCW 29.80.070 and 1965 c 9 s 29.80.070;

(8) RCW 29.80.080 and 1981 c 243 s 1;

(9) RCW 29.80.090 and 1984 c 54 s 7;

(10) RCW 29.81.010 and 1984 c 54 s 4, 1973 1st ex.s. c 143 s 1, & 1965 c 9 s 29.81.010;

(11) RCW 29.81.011 and 1984 c 54 s 5;

(12) RCW 29.81.012 and 1984 c 54 s 6 & 1969 ex.s. c 72 s 1;

(13) RCW 29.81.014 and 1977 c 56 s 1;

(14) RCW 29.81.020 and 1973 1st ex.s. c 143 s 2 & 1965 c 9 s 29.81.020;

(15) RCW 29.81.030 and 1973 1st ex.s. c 143 s 3 & 1965 c 9 s 29.81.030;

(16) RCW 29.81.040 and 1973 1st ex.s. c 143 s 4, 1971 ex.s. c 145 s 4, & 1965 c 9 s 29.81.040;

(17) RCW 29.81.042 and 1973 1st ex.s. c 143 s 6;

(18) RCW 29.81.043 and 1973 1st ex.s. c 143 s 7;

(19) RCW 29.81.050 and 1973 1st ex.s. c 143 s 5 & 1965 c 9 s 29.81.050;

(20) RCW 29.81.052 and 1973 1st ex.s. c 143 s 8;

(21) RCW 29.81.053 and 1973 1st ex.s. c 143 s 9;

(22) RCW 29.81.060 and 1965 c 9 s 29.81.060;

(23) RCW 29.81.070 and 1965 c 9 s 29.81.070;

(24) RCW 29.81.080 and 1965 c 9 s 29.81.080;

(25) RCW 29.81.090 and 1979 ex.s. c 57 s 5 & 1965 c 9 s 29.81.090;

(26) RCW 29.81.100 and 1973 c 4 s 9, 1971 ex.s. c 145 s 5, & 1965 c 9 s 29.81.100;

(27) RCW 29.81.110 and 1965 c 9 s 29.81.110;

(28) RCW 29.81.120 and 1971 ex.s. c 145 s 6 & 1965 c 9 s 29.81.120;

(29) RCW 29.81.130 and 1965 c 9 s 29.81.130;

(30) RCW 29.81.140 and 1971 ex.s. c 145 s 7 & 1965 c 9 s 29.81.140;

(31) RCW 29.81.150 and 1965 c 9 s 29.81.150;

(32) RCW 29.81.160 and 1965 c 9 s 29.81.160; and

(33) RCW 29.81.180 and 1981 c 243 s 2.

**NEW SECTION. Sec. 14.** Sections 1 through 12 of this act are added to chapter 29.81 RCW."

Correct the title.

Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Campbell, Republican Vice Chair; Miloscia, Democratic Vice Chair; Dunshee; Haigh; Lambert and D. Schmidt.

Voting yea: Representatives McMorris, Romero, Campbell, Miloscia, Dunshee, Haigh, Lambert and D. Schmidt.

Passed to Rules Committee for Second Reading.

March 30, 1999

ESB 5649 Prime Sponsor, Senator Haugen: Regulating security for long-term impounds. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 77.15.030 and 1998 c 190 s 4 are each amended to read as follows:

Where it is unlawful to hunt, take, fish, ~~((or))~~ possess, or traffic in big game or protected or endangered fish or wildlife, then each individual animal unlawfully taken or possessed is a separate offense.

**Sec. 2.** RCW 77.15.400 and 1998 c 190 s 9 are each amended to read as follows:

(1) A person is guilty of unlawful hunting of ~~((game))~~ wild birds in the second degree if the person:

(a) Hunts for, takes, or possesses a ~~((game))~~ wild bird and the person does not have and possess all licenses, tags, stamps, and permits required under this title;

(b) Maliciously destroys, takes, or harms the eggs or nests of a game bird except when authorized by permit; ~~((or))~~

(c) Violates any rule of the commission or director regarding seasons, bag or possession limits but less than two times the bag or possession limit, closed areas ~~((including game reserves))~~, closed times, or other rule addressing the manner or method of hunting or possession of ~~((game))~~ wild birds; or

(d) Possesses a wild bird taken during a closed season for that wild bird or taken from a closed area for that wild bird.

(2) A person is guilty of unlawful hunting of ~~((game))~~ wild birds in the first degree if the person ~~((hunts game birds and the person))~~ takes or possesses two times or more than the possession or bag limit for ~~((such))~~ game birds allowed by rule of the commission or director.

(3)(a) Unlawful hunting of ~~((game))~~ wild birds in the second degree is a misdemeanor.

(b) Unlawful hunting of ~~((game))~~ wild birds in the first degree is a gross misdemeanor.

**Sec. 3.** RCW 77.15.410 and 1998 c 190 s 10 are each amended to read as follows:

(1) A person is guilty of unlawful hunting of big game in the second degree if the person:

(a) Hunts for, takes, or possesses big game and the person does not have and possess all licenses, tags, or permits required under this title; ~~((or))~~

(b) Violates any rule of the commission or director regarding seasons, bag or possession limits, closed areas including game reserves, closed times, or any other rule governing the hunting, taking, or possession of big game; or

(c) Possesses big game taken during a closed season for that big game or taken from a closed area for that big game.

(2) A person is guilty of unlawful hunting of big game in the first degree if the person was previously convicted of any crime under this title involving unlawful hunting, killing, possessing, or taking big game, and within five years of the date that the prior conviction was entered the person:

(a) Hunts for big game and ~~((~~

~~((The person))~~ does not have and possess all licenses, tags, or permits required under this title; ~~((or))~~

(b) ~~((The act was))~~ Acts in violation of any rule of the commission or director regarding seasons, bag or possession limits, closed areas including game reserves, or closed times; or

(c) Possesses big game taken during a closed season for that big game or taken from a closed area for that big game.

(3)(a) Unlawful hunting of big game in the second degree is a gross misdemeanor.

(b) Unlawful hunting of big game in the first degree is a class C felony. Upon conviction, the department shall revoke all licenses or tags involved in the crime and the department shall order the person's hunting privileges suspended for two years.

**Sec. 4.** RCW 77.15.430 and 1998 c 190 s 11 are each amended to read as follows:

(1) A person is guilty of unlawful hunting of ~~((game))~~ wild animals in the second degree if the person:

(a) Hunts for, takes, or possesses a ~~((game))~~ wild animal that is not classified as big game, and does not have and possess all licenses, tags, or permits required by this title; ~~((or))~~

(b) Violates any rule of the commission or director regarding seasons, bag or possession limits but less than two times the bag or possession limit, closed areas including game reserves, closed times, or other rule addressing the manner or method of hunting or possession of ~~((game))~~ wild animals not classified as big game; or

(c) Possesses a wild animal that is not classified as big game taken during a closed season for that wild animal or from a closed area for that wild animal.

(2)~~((a))~~ A person is guilty of unlawful hunting of ~~((game))~~ wild animals in the first degree if the person ~~((hunts a game animal that is not classified as big game; and~~

~~((the person))~~ takes or possesses two times or more than the possession or bag limit for ~~((such game))~~ wild animals that are not classified as big game animals as allowed by rule of the commission or director.

(3)(a) Unlawful hunting of ~~((game))~~ wild animals in the second degree is a misdemeanor.

(b) Unlawful hunting of ~~((game))~~ wild animals in the first degree is a gross misdemeanor.

**Sec. 5.** RCW 77.15.170 and 1998 c 190 s 21 are each amended to read as follows:

(1) A person is guilty of waste of fish and wildlife in the second degree if:

(a) The person kills, takes, or possesses fish, shellfish, or wildlife and the value of the fish, shellfish, or wildlife is greater than twenty dollars but less than two hundred fifty dollars; and

(b) The person recklessly allows such fish, shellfish, or wildlife to be wasted.

(2) A person is guilty of waste of fish and wildlife in the first degree if:

(a) The person kills, takes, or possesses ~~((food))~~ fish, shellfish, ~~((game fish, game birds,))~~ or ~~((game animals))~~ wildlife having a value of two hundred fifty dollars or more or wildlife classified as big game; and

(b) The person recklessly allows such fish, shellfish, or wildlife to be wasted.

(3)(a) Waste of fish and wildlife in the second degree is a misdemeanor.

(b) Waste of fish and wildlife in the first degree is a gross misdemeanor. Upon conviction, the department shall revoke any license or tag used in the crime and shall order suspension of the person's privileges to engage in the activity in which the person committed waste of fish and wildlife in the first degree for a period of one year.

(4) It is prima facie evidence of waste if a processor purchases or engages a quantity of food fish, shellfish, or game fish that cannot be processed within sixty hours after the food fish, game fish, or shellfish are taken from the water, unless the food fish, game fish, or shellfish are preserved in good marketable condition.

**Sec. 6.** RCW 77.15.230 and 1998 c 190 s 26 are each amended to read as follows:

(1) A person is guilty of unlawful use of department lands or facilities if the person enters upon, uses, or remains upon department-owned or department-controlled lands or facilities in violation of any rule of the department.

(2) Unlawful use of department lands or facilities is a misdemeanor.

**Sec. 7.** RCW 77.15.460 and 1998 c 190 s 28 are each amended to read as follows:

(1) A person is guilty of unlawful possession of a loaded firearm in a motor vehicle if:

(a) The person carries, transports, conveys, possesses, or controls a rifle or shotgun in or on a motor vehicle; and



(b) The rifle or shotgun contains shells or cartridges in the magazine or chamber, or is a muzzle-loading firearm that is loaded and capped or primed.

(2) A person is guilty of unlawful use of a loaded firearm if the person negligently shoots a firearm from, across, or along the maintained portion of a public highway.

(3) Unlawful possession of a loaded firearm in a motor vehicle or unlawful use of a loaded firearm is a misdemeanor.

(4) This section does not apply if the person:

(a) Is a law enforcement officer who is authorized to carry a firearm and is on duty within the officer's respective jurisdiction;

(b) Possesses a disabled hunter's permit as provided by RCW 77.32.237 and complies with all rules of the department concerning hunting by persons with disabilities.

(5) For purposes of this section, a firearm shall not be considered loaded if the detachable clip or magazine is not inserted in or attached to the firearm.

**Sec. 8.** RCW 77.15.600 and 1998 c 190 s 32 are each amended to read as follows:

(1) A person is guilty of engaging in commercial wildlife activity without a license if the person:

(a) Deals in raw furs for commercial purposes and does not hold a fur dealer license required by chapter 77.32 RCW; or

(b) Practices taxidermy for ~~((profit))~~ commercial purposes and does not hold a taxidermy license required by chapter 77.32 RCW~~((; or~~

~~(c) Operates a game farm without a license required by chapter 77.32 RCW)).~~

(2) Engaging in commercial wildlife activities without a license is a gross misdemeanor.

**Sec. 9.** RCW 77.15.190 and 1998 c 190 s 34 are each amended to read as follows:

(1) A person is guilty of unlawful trapping if the person:

(a) Sets out traps that are capable of taking wild animals, game animals, or furbearing mammals and does not possess all licenses, tags, or permits required under this title; ~~((or))~~

(b) Violates any rule of the commission or director regarding seasons, bag or possession limits, closed areas including game reserves, closed times, or any other rule governing the trapping of wild animals; or

(c) Fails to identify the owner of the traps or devices by neither (i) attaching a metal tag with the owner's department-assigned identification number or the name and address of the trapper legibly written in numbers or letters not less than one-eighth inch in height nor (ii) inscribing into the metal of the trap such number or name and address.

(2) Unlawful trapping is a misdemeanor.

**Sec. 10.** RCW 77.15.550 and 1998 c 190 s 40 are each amended to read as follows:

(1) A person is guilty of violating commercial fishing area or time in the second degree if the person acts for commercial purposes and takes, fishes for, possesses, delivers, or receives food fish or shellfish:

(a) At a time not authorized by statute or rule; ~~((or))~~

(b) From an area that was closed to the taking of such food fish or shellfish for commercial purposes by statute or rule; or

(c) If such fish or shellfish do not conform to the special restrictions or physical descriptions established by rule of the department.

(2) A person is guilty of violating commercial fishing area or time in the first degree if the person commits the act described by subsection (1) of this section and:

(a) The person acted with knowledge that the area or time was not open to the taking or fishing of food fish or shellfish for commercial purposes; and

(b) The violation involved two hundred fifty dollars or more worth of food fish or shellfish.

(3)(a) Violating commercial fishing area or time in the second degree is a gross misdemeanor.

(b) Violating commercial fishing area or time in the first degree is a class C felony.

**Sec. 11.** RCW 77.15.570 and 1998 c 190 s 49 are each amended to read as follows:

(1) Except as provided in subsection (3) of this section, it is unlawful for a person who is not a treaty Indian fisherman to participate in the taking of fish or shellfish in a treaty Indian fishery, or to be on board a vessel, or associated equipment, operating in a treaty Indian fishery. A violation of this subsection is a gross misdemeanor.

(2) A person who violates subsection (1) of this section with the intent of acting for commercial purposes, including any sale of catch, control of catch, profit from catch, or payment for fishing assistance, is guilty of a class C felony. Upon conviction, the department shall order revocation of any license and a one-year suspension of all commercial fishing privileges requiring a license under chapter 75.28 or 75.30 RCW.

(3)(a) The spouse, forebears, siblings, children, and grandchildren of a treaty Indian fisherman may assist the fisherman in exercising treaty Indian fishing rights when the treaty Indian fisherman is present at the fishing site and the assistance is authorized in writing by the treaty fisherman's tribe.

(b) Other treaty Indian fishermen with off-reservation treaty fishing rights in the same usual and accustomed places, whether or not the fishermen are members of the same tribe or another treaty tribe, may assist a treaty Indian fisherman in exercising treaty Indian fishing rights when the treaty Indian fisherman is present at the fishing site.

(c) Biologists approved by the department may be on board a vessel operating in a treaty Indian fishery.

(4) For the purposes of this section:

(a) "Treaty Indian fisherman" means a person who may exercise treaty Indian fishing rights as determined under *United States v. Washington*, 384 F. Supp. 312 (W.D. Wash. 1974), or *Sohappy v. Smith*, 302 F. Supp. 899 (D. Oregon 1969), and post-trial orders of those courts;

(b) "Treaty Indian fishery" means a fishery open to only treaty Indian fishermen by tribal or federal regulation;

(c) "To participate" and its derivatives mean an effort to operate a vessel or fishing equipment, provide immediate supervision in the operation of a vessel or fishing equipment, or otherwise assist in the fishing operation, to claim possession of a share of the catch, or to represent that the catch was lawfully taken in an Indian fishery.

(5) A violation of this section constitutes illegal fishing and is subject to the suspensions provided for commercial fishing violations.

**Sec. 12.** RCW 77.15.670 and 1998 c 190 s 60 are each amended to read as follows:

(1) A person is guilty of ~~((unlawful hunting or fishing when))~~ violating a suspension of department privileges ((are revoked or suspended)) in the second degree if the person ~~((hunts or fishes and the person's privilege to engage in such hunting or fishing))~~ engages in any activity that is licensed by the department and the person's privileges to engage in that activity were revoked or suspended by any court or the department.

(2) A person is guilty of ~~((unlawful hunting or fishing when))~~ violating a suspension of department privileges ((are revoked or suspended)) in the first degree if the person commits the act described by subsection (1) of this section and:

(a) The suspension of privileges that was violated was a permanent suspension;

(b) The person takes or possesses more than two hundred fifty dollars' worth of unlawfully taken food fish, wildlife, game fish, seaweed, or shellfish; or

(c) The violation involves the hunting, taking, or possession of fish or wildlife classified as endangered or threatened or big game.

(3)(a) ~~((Unlawful hunting or fishing when))~~ Violating a suspension of department privileges ((are revoked or suspended)) in the second degree is a gross misdemeanor. Upon conviction, the department shall order permanent suspension of the person's privileges to engage in such hunting or fishing activities.

(b) ~~((Unlawful hunting or fishing when))~~ Violating a suspension of department privileges ((are revoked or suspended)) in the first degree is a class C felony. Upon conviction, the department shall order permanent suspension of all privileges to hunt, fish, trap, or take wildlife, food fish, or shellfish.

(4) As used in this section, hunting includes trapping with a trapping license.

**Sec. 13.** RCW 77.16.070 and 1980 c 78 s 75 are each amended to read as follows:  
~~((It is unlawful to hunt))~~ (1) A person is guilty of hunting while under the influence of intoxicating liquor or drugs if the person hunts wild animals or wild birds while under the influence of intoxicating liquor or drugs.

(2) Hunting while under the influence of intoxicating liquor or drugs is a gross misdemeanor.

**NEW SECTION. Sec. 14.** The following acts or parts of acts are each repealed:

(1) RCW 77.15.200 (Furbearing animal traps--Failure to identify--Penalty) and 1998 c 190 s 23; and

(2) RCW 77.32.094 (Validity of licenses issued by department of fisheries and department of wildlife) and 1994 c 255 s 14."

Correct the title.

Signed by Representatives Fisher, Democratic Co-Chair; K. Schmidt, Republican Co-Chair; Cooper, Democratic 1st Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; Buck; G. Chandler; DeBolt; Fortunato; Haigh; Hatfield; Hurst; Lovick; McDonald; Mielke; Mitchell; Morris; Murray; Ogden; Pflug; Radcliff; Romero; Schindler; Schual-Berke; Scott; Skinner and Wood.

Voting yea: Representatives Fisher, K. Schmidt, Cooper, Ericksen, Hankins, Buck, G. Chandler, DeBolt, Fortunato, Haigh, Hatfield, Hurst, Lovick, McDonald, Mielke, Mitchell, Morris, Murray, Ogden, Pflug, Radcliff, Romero, Schindler, Schual-Berke, Scott, Skinner and Wood.

Excused: Representative(s) Edwards.

Passed to Rules Committee for Second Reading.

April 1, 1999

SB 5652 Prime Sponsor, Senator Bauer: Increasing statutory limits on appraiser fees in eminent domain proceedings. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Democratic Co-Chair; K. Schmidt, Republican Co-Chair; Cooper, Democratic 1st Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; Buck; G. Chandler; DeBolt; Fortunato; Haigh; Hatfield; Hurst; Lovick; McDonald; Mitchell; Morris; Murray; Ogden; Pflug; Radcliff; Romero; Schindler; Schual-Berke; Skinner and Wood.

Voting yea: Representatives Fisher, K. Schmidt, Cooper, Ericksen, Hankins, G. Chandler, DeBolt, Fortunato, Haigh, Hatfield, Hurst, Lovick, McDonald, Mitchell, Morris, Murray, Ogden, Pflug, Radcliff, Romero, Schindler, Schual-Berke, Skinner and Wood.

Excused: Representative(s) Edwards, Buck, Mielke and Scott.

Passed to Rules Committee for Second Reading.

April 2, 1999

E2SSB 5658 Prime Sponsor, Senate Committee on Ways & Means: Changing shellfish provisions. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Buck, Republican Co-Chair; Regala, Democratic Co-Chair; Anderson, Democratic Vice Chair; Sump, Republican Vice Chair; G. Chandler; Clements; Doumit; Eickmeyer; Ericksen; Pennington; Rockefeller and Stensen.

Voting yea: Representatives Buck, Regala, Anderson, Sump, G. Chandler, Clements, Doumit, Eickmeyer, Ericksen, Pennington, Rockefeller and Stensen.

Passed to Rules Committee for Second Reading.

March 31, 1999

SB 5664 Prime Sponsor, Senator Costa: Renaming, with regard to adult and juvenile offenders, "community service" as "community restitution." Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 7.80.130 and 1987 c 456 s 21 are each amended to read as follows:

(1) An order entered after the receipt of a response which does not contest the determination, or after it has been established at a hearing that the civil infraction was committed, or after a hearing for the purpose of explaining mitigating circumstances is civil in nature.

(2) The court may waive, reduce, or suspend the monetary penalty prescribed for the civil infraction. If the court determines that a person has insufficient funds to pay the monetary penalty, the court may order performance of a number of hours of community ((~~service~~)) restitution in lieu of a monetary penalty, at the rate of the then state minimum wage per hour.

**Sec. 2.** RCW 7.80.160 and 1989 c 373 s 12 are each amended to read as follows:

(1) A person who fails to sign a notice of civil infraction is guilty of a misdemeanor.

(2) Any person willfully violating his or her written and signed promise to appear in court or his or her written and signed promise to respond to a notice of civil infraction is guilty of a misdemeanor regardless of the disposition of the notice of civil infraction. A written promise to appear in court or a written promise to respond to a notice of civil infraction may be complied with by an appearance by counsel.

(3) A person who willfully fails to pay a monetary penalty or to perform community ((~~service~~)) restitution as required by a court under this chapter may be found in contempt of court as provided in chapter 7.21 RCW.

**Sec. 3.** RCW 7.84.110 and 1987 c 380 s 11 are each amended to read as follows:

(1) An order entered after the receipt of a response which does not contest the determination, or after it has been established at a hearing that the infraction was committed, or after a hearing for the purpose of explaining mitigating circumstances, is civil in nature.

(2) The court may, in its discretion, waive, reduce, or suspend the monetary penalty prescribed for the infraction. At the person's request, the court may order performance of a number of hours of community ((~~service~~)) restitution in lieu of a monetary penalty, at the rate of the then state minimum wage per hour.

**Sec. 4.** RCW 7.84.130 and 1987 c 380 s 13 are each amended to read as follows:

(1) Failure to pay a monetary penalty assessed by a court under the provisions of this chapter is a misdemeanor under chapter 9A.20 RCW.

(2) Failure to complete community ((~~service~~)) restitution ordered by a court under the provisions of this chapter is a misdemeanor under chapter 9A.20 RCW.

**Sec. 5.** RCW 9.94A.030 and 1998 c 290 s 3 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Collect," or any derivative thereof, "collect and remit," or "collect and deliver," when used with reference to the department of corrections, means that the department is responsible for monitoring and enforcing the offender's sentence with regard to the legal financial obligation, receiving payment thereof from the offender, and, consistent with current law, delivering daily the entire payment to the superior court clerk without depositing it in a departmental account.

(2) "Commission" means the sentencing guidelines commission.

(3) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

(4) "Community custody" means that portion of an inmate's sentence of confinement in lieu of earned early release time or imposed pursuant to RCW 9.94A.120 (6), (8), or (10) served in the community subject to controls placed on the inmate's movement and activities by the department of corrections.

(5) "Community placement" means that period during which the offender is subject to the conditions of community custody and/or postrelease supervision, which begins either upon completion of the term of confinement (postrelease supervision) or at such time as the offender is transferred to community custody in lieu of earned early release. Community placement may consist of entirely community custody, entirely postrelease supervision, or a combination of the two.

(6) "Community ((service)) restitution" means compulsory service, without compensation, performed for the benefit of the community by the offender.

(7) "Community supervision" means a period of time during which a convicted offender is subject to crime-related prohibitions and other sentence conditions imposed by a court pursuant to this chapter or RCW 16.52.200(6) or 46.61.524. For first-time offenders, the supervision may include crime-related prohibitions and other conditions imposed pursuant to RCW 9.94A.120(5). For purposes of the interstate compact for out-of-state supervision of parolees and probationers, RCW 9.95.270, community supervision is the functional equivalent of probation and should be considered the same as probation by other states.

(8) "Confinement" means total or partial confinement as defined in this section.

(9) "Conviction" means an adjudication of guilt pursuant to Titles 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

(10) "Court-ordered legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington for legal financial obligations which may include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction. Upon conviction for vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal financial obligations may also include payment to a public agency of the expense of an emergency response to the incident resulting in the conviction, subject to the provisions in RCW 38.52.430.

(11) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct. However, affirmative acts necessary to monitor compliance with the order of a court may be required by the department.

(12) "Criminal history" means the list of a defendant's prior convictions and juvenile adjudications, whether in this state, in federal court, or elsewhere. The history shall include, where known, for each conviction (a) whether the defendant has been placed on probation and the length and terms thereof; and (b) whether the defendant has been incarcerated and the length of incarceration.

(13) "Day fine" means a fine imposed by the sentencing judge that equals the difference between the offender's net daily income and the reasonable obligations that the offender has for the support of the offender and any dependents.

(14) "Day reporting" means a program of enhanced supervision designed to monitor the defendant's daily activities and compliance with sentence conditions, and in which the defendant is required to report daily to a specific location designated by the department or the sentencing judge.

(15) "Department" means the department of corrections.

(16) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community supervision, the number of actual hours or days of community ((service)) restitution work, or dollars or terms of a legal financial obligation. The fact that an offender through "earned early release" can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

(17) "Disposable earnings" means that part of the earnings of an individual remaining after the deduction from those earnings of any amount required by law to be withheld. For the purposes of this definition, "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonuses, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy a court-ordered legal financial obligation, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

(18) "Drug offense" means:

(a) Any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.401(d)) or forged prescription for a controlled substance (RCW 69.50.403);

(b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or

(c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection.

(19) "Escape" means:

(a) Escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), willful failure to return from work release (RCW 72.65.070), or willful failure to be available for supervision by the department while in community custody (RCW 72.09.310); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection.

(20) "Felony traffic offense" means:

(a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), or felony hit-and-run injury-accident (RCW 46.52.020(4)); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection.

(21) "Fines" means the requirement that the offender pay a specific sum of money over a specific period of time to the court.

(22) "First-time offender" means any person who is convicted of a felony (a) not classified as a violent offense or a sex offense under this chapter, or (b) that is not the manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance classified in Schedule I or II that is a narcotic drug or flunitrazepam classified in Schedule IV, nor the manufacture, delivery, or possession with intent to deliver methamphetamine, its salts, isomers, and salts of its isomers as defined in RCW 69.50.206(d)(2), nor the selling for profit of any controlled substance or counterfeit substance classified in Schedule I, RCW 69.50.204, except leaves and flowering tops of marihuana, who previously has never been convicted of a felony in this state, federal court, or another state, and who has never participated in a program of deferred prosecution for a felony offense.

(23) "Most serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies, as now existing or hereafter amended:

(a) Any felony defined under any law as a class A felony or criminal solicitation of or criminal conspiracy to commit a class A felony;

(b) Assault in the second degree;

(c) Assault of a child in the second degree;

(d) Child molestation in the second degree;

- (e) Controlled substance homicide;
  - (f) Extortion in the first degree;
  - (g) Incest when committed against a child under age fourteen;
  - (h) Indecent liberties;
  - (i) Kidnapping in the second degree;
  - (j) Leading organized crime;
  - (k) Manslaughter in the first degree;
  - (l) Manslaughter in the second degree;
  - (m) Promoting prostitution in the first degree;
  - (n) Rape in the third degree;
  - (o) Robbery in the second degree;
  - (p) Sexual exploitation;
  - (q) Vehicular assault;
  - (r) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;
  - (s) Any other class B felony offense with a finding of sexual motivation, as "sexual motivation" is defined under this section;
  - (t) Any other felony with a deadly weapon verdict under RCW 9.94A.125;
  - (u) Any felony offense in effect at any time prior to December 2, 1993, that is comparable to a most serious offense under this subsection, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a most serious offense under this subsection;
  - (v)(i) A prior conviction for indecent liberties under RCW 9A.88.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st Representative \* was excused. sess. as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b), and (c) as it existed from July 1, 1979, until June 11, 1986, and RCW 9A.44.100(1) (a), (b), and (d) as it existed from June 11, 1986, until July 1, 1988;
  - (ii) A prior conviction for indecent liberties under RCW 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988, if: (A) The crime was committed against a child under the age of fourteen; or (B) the relationship between the victim and perpetrator is included in the definition of indecent liberties under RCW 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27, 1997, or RCW 9A.44.100(1) (d) or (e) as it existed from July 25, 1993, through July 27, 1997.
- (24) "Nonviolent offense" means an offense which is not a violent offense.
- (25) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case is under superior court jurisdiction under RCW 13.04.030 or has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.
- (26) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention or work crew has been ordered by the court, in an approved residence, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release, home detention, work crew, and a combination of work crew and home detention as defined in this section.
- (27) "Persistent offender" is an offender who:
- (a)(i) Has been convicted in this state of any felony considered a most serious offense; and
  - (ii) Has, before the commission of the offense under (a) of this subsection, been convicted as an offender on at least two separate occasions, whether in this state or elsewhere, of felonies that under the laws of this state would be considered most serious offenses and would be included in the offender score under RCW 9.94A.360; provided that of the two or more previous convictions, at least one conviction must have occurred before the commission of any of the other most serious offenses for which the offender was previously convicted; or
  - (b)(i) Has been convicted of: (A) Rape in the first degree, rape of a child in the first degree, child molestation in the first degree, rape in the second degree, rape of a child in the second degree, or indecent liberties by forcible compulsion; (B) murder in the first degree, murder in the second degree,

homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, or burglary in the first degree, with a finding of sexual motivation; or (C) an attempt to commit any crime listed in this subsection (27)(b)(i); and

(ii) Has, before the commission of the offense under (b)(i) of this subsection, been convicted as an offender on at least one occasion, whether in this state or elsewhere, of an offense listed in (b)(i) of this subsection. A conviction for rape of a child in the first degree constitutes a conviction under subsection (27)(b)(i) only when the offender was sixteen years of age or older when the offender committed the offense. A conviction for rape of a child in the second degree constitutes a conviction under subsection (27)(b)(i) only when the offender was eighteen years of age or older when the offender committed the offense.

(28) "Postrelease supervision" is that portion of an offender's community placement that is not community custody.

(29) "Restitution" means the requirement that the offender pay a specific sum of money over a specific period of time to the court as payment of damages. The sum may include both public and private costs. The imposition of a restitution order does not preclude civil redress.

(30) "Serious traffic offense" means:

(a) Driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502), actual physical control while under the influence of intoxicating liquor or any drug (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or

(b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.

(31) "Serious violent offense" is a subcategory of violent offense and means:

(a) Murder in the first degree, homicide by abuse, murder in the second degree, manslaughter in the first degree, assault in the first degree, kidnapping in the first degree, or rape in the first degree, assault of a child in the first degree, or an attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

(32) "Sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

(33) "Sex offense" means:

(a) A felony that is a violation of chapter 9A.44 RCW or RCW 9A.64.020 or 9.68A.090 or a felony that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes;

(b) A felony with a finding of sexual motivation under RCW 9.94A.127 or 13.40.135; or

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection.

(34) "Sexual motivation" means that one of the purposes for which the defendant committed the crime was for the purpose of his or her sexual gratification.

(35) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

(36) "Transition training" means written and verbal instructions and assistance provided by the department to the offender during the two weeks prior to the offender's successful completion of the work ethic camp program. The transition training shall include instructions in the offender's requirements and obligations during the offender's period of community custody.

(37) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged.

(38) "Violent offense" means:

(a) Any of the following felonies, as now existing or hereafter amended: Any felony defined under any law as a class A felony or an attempt to commit a class A felony, criminal solicitation of or criminal conspiracy to commit a class A felony, manslaughter in the first degree, manslaughter in the second degree, indecent liberties if committed by forcible compulsion, kidnapping in the second



degree, arson in the second degree, assault in the second degree, assault of a child in the second degree, extortion in the first degree, robbery in the second degree, drive-by shooting, vehicular assault, and vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under (a) or (b) of this subsection.

(39) "Work crew" means a program of partial confinement consisting of civic improvement tasks for the benefit of the community of not less than thirty-five hours per week that complies with RCW 9.94A.135. The civic improvement tasks shall have minimal negative impact on existing private industries or the labor force in the county where the service or labor is performed. The civic improvement tasks shall not affect employment opportunities for people with developmental disabilities contracted through sheltered workshops as defined in RCW 82.04.385. Only those offenders sentenced to a facility operated or utilized under contract by a county or the state are eligible to participate on a work crew. Offenders sentenced for a sex offense as defined in subsection (33) of this section are not eligible for the work crew program.

(40) "Work ethic camp" means an alternative incarceration program designed to reduce recidivism and lower the cost of corrections by requiring offenders to complete a comprehensive array of real-world job and vocational experiences, character-building work ethics training, life management skills development, substance abuse rehabilitation, counseling, literacy training, and basic adult education.

(41) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school. Participation in work release shall be conditioned upon the offender attending work or school at regularly defined hours and abiding by the rules of the work release facility.

(42) "Home detention" means a program of partial confinement available to offenders wherein the offender is confined in a private residence subject to electronic surveillance.

**Sec. 6.** RCW 9.94A.040 and 1997 c 365 s 2 and 1997 c 338 s 3 are each reenacted and amended to read as follows:

(1) A sentencing guidelines commission is established as an agency of state government.

(2) The legislature finds that the commission, having accomplished its original statutory directive to implement this chapter, and having expertise in sentencing practice and policies, shall:

(a) Evaluate state sentencing policy, to include whether the sentencing ranges and standards are consistent with and further:

(i) The purposes of this chapter as defined in RCW 9.94A.010; and

(ii) The intent of the legislature to emphasize confinement for the violent offender and alternatives to confinement for the nonviolent offender.

The commission shall provide the governor and the legislature with its evaluation and recommendations under this subsection not later than December 1, 1996, and every two years thereafter;

(b) Recommend to the legislature revisions or modifications to the standard sentence ranges, state sentencing policy, prosecuting standards, and other standards. If implementation of the revisions or modifications would result in exceeding the capacity of correctional facilities, then the commission shall accompany its recommendation with an additional list of standard sentence ranges which are consistent with correction capacity;

(c) Study the existing criminal code and from time to time make recommendations to the legislature for modification;

(d)(i) Serve as a clearinghouse and information center for the collection, preparation, analysis, and dissemination of information on state and local adult and juvenile sentencing practices; (ii) develop and maintain a computerized adult and juvenile sentencing information system by individual superior court judge consisting of offender, offense, history, and sentence information entered from judgment

and sentence forms for all adult felons; and (iii) conduct ongoing research regarding adult and juvenile sentencing guidelines, use of total confinement and alternatives to total confinement, plea bargaining, and other matters relating to the improvement of the adult criminal justice system and the juvenile justice system;

(e) Assume the powers and duties of the juvenile disposition standards commission after June 30, 1996;

(f) Evaluate the effectiveness of existing disposition standards and related statutes in implementing policies set forth in RCW 13.40.010 generally, specifically review the guidelines relating to the confinement of minor and first offenders as well as the use of diversion, and review the application of current and proposed juvenile sentencing standards and guidelines for potential adverse impacts on the sentencing outcomes of racial and ethnic minority youth;

(g) Solicit the comments and suggestions of the juvenile justice community concerning disposition standards, and make recommendations to the legislature regarding revisions or modifications of the standards. The evaluations shall be submitted to the legislature on December 1 of each odd-numbered year. The department of social and health services shall provide the commission with available data concerning the implementation of the disposition standards and related statutes and their effect on the performance of the department's responsibilities relating to juvenile offenders, and with recommendations for modification of the disposition standards. The office of the administrator for the courts shall provide the commission with available data on diversion and dispositions of juvenile offenders under chapter 13.40 RCW; and

(h) Not later than December 1, 1997, and at least every two years thereafter, based on available information, report to the governor and the legislature on:

(i) Racial disproportionality in juvenile and adult sentencing;

(ii) The capacity of state and local juvenile and adult facilities and resources; and

(iii) Recidivism information on adult and juvenile offenders.

(3) Each of the commission's recommended standard sentence ranges shall include one or more of the following: Total confinement, partial confinement, community supervision, community ~~(service)~~ restitution, and a fine.

(4) The standard sentence ranges of total and partial confinement under this chapter are subject to the following limitations:

(a) If the maximum term in the range is one year or less, the minimum term in the range shall be no less than one-third of the maximum term in the range, except that if the maximum term in the range is ninety days or less, the minimum term may be less than one-third of the maximum;

(b) If the maximum term in the range is greater than one year, the minimum term in the range shall be no less than seventy-five percent of the maximum term in the range, except that for murder in the second degree in seriousness category XIII under RCW 9.94A.310, the minimum term in the range shall be no less than fifty percent of the maximum term in the range; and

(c) The maximum term of confinement in a range may not exceed the statutory maximum for the crime as provided in RCW 9A.20.021.

(5) The commission shall exercise its duties under this section in conformity with chapter 34.05 RCW.

**Sec. 7.** RCW 9.94A.120 and 1998 c 260 s 3 are each amended to read as follows:

When a person is convicted of a felony, the court shall impose punishment as provided in this section.

(1) Except as authorized in subsections (2), (4), (5), (6), and (8) of this section, the court shall impose a sentence within the sentence range for the offense.

(2) The court may impose a sentence outside the standard sentence range for that offense if it finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(3) Whenever a sentence outside the standard range is imposed, the court shall set forth the reasons for its decision in written findings of fact and conclusions of law. A sentence outside the standard range shall be a determinate sentence.

(4) A persistent offender shall be sentenced to a term of total confinement for life without the possibility of parole or, when authorized by RCW 10.95.030 for the crime of aggravated murder in the first degree, sentenced to death, notwithstanding the maximum sentence under any other law. An offender convicted of the crime of murder in the first degree shall be sentenced to a term of total confinement not less than twenty years. An offender convicted of the crime of assault in the first degree or assault of a child in the first degree where the offender used force or means likely to result in death or intended to kill the victim shall be sentenced to a term of total confinement not less than five years. An offender convicted of the crime of rape in the first degree shall be sentenced to a term of total confinement not less than five years. The foregoing minimum terms of total confinement are mandatory and shall not be varied or modified as provided in subsection (2) of this section. In addition, all offenders subject to the provisions of this subsection shall not be eligible for community custody, earned early release time, furlough, home detention, partial confinement, work crew, work release, or any other form of early release as defined under RCW 9.94A.150 (1), (2), (3), (5), (7), or (8), or any other form of authorized leave of absence from the correctional facility while not in the direct custody of a corrections officer or officers during such minimum terms of total confinement except in the case of an offender in need of emergency medical treatment or for the purpose of commitment to an inpatient treatment facility in the case of an offender convicted of the crime of rape in the first degree.

(5) In sentencing a first-time offender the court may waive the imposition of a sentence within the sentence range and impose a sentence which may include up to ninety days of confinement in a facility operated or utilized under contract by the county and a requirement that the offender refrain from committing new offenses. The sentence may also include up to two years of community supervision, which, in addition to crime-related prohibitions, may include requirements that the offender perform any one or more of the following:

- (a) Devote time to a specific employment or occupation;
- (b) Undergo available outpatient treatment for up to two years, or inpatient treatment not to exceed the standard range of confinement for that offense;
- (c) Pursue a prescribed, secular course of study or vocational training;
- (d) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;
- (e) Report as directed to the court and a community corrections officer; or
- (f) Pay all court-ordered legal financial obligations as provided in RCW 9.94A.030 and/or perform community (~~service~~) restitution work.

(6)(a) An offender is eligible for the special drug offender sentencing alternative if:

(i) The offender is convicted of the manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance classified in Schedule I or II that is a narcotic drug or a felony that is, under chapter 9A.28 RCW or RCW 69.50.407, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes, and the violation does not involve a sentence enhancement under RCW 9.94A.310 (3) or (4);

(ii) The offender has no prior convictions for a felony in this state, another state, or the United States; and

(iii) The offense involved only a small quantity of the particular controlled substance as determined by the judge upon consideration of such factors as the weight, purity, packaging, sale price, and street value of the controlled substance.

(b) If the midpoint of the standard range is greater than one year and the sentencing judge determines that the offender is eligible for this option and that the offender and the community will benefit from the use of the special drug offender sentencing alternative, the judge may waive imposition of a sentence within the standard range and impose a sentence that must include a period of total confinement in a state facility for one-half of the midpoint of the standard range. During incarceration in the state facility, offenders sentenced under this subsection shall undergo a comprehensive substance abuse assessment and receive, within available resources, treatment services appropriate for the offender. The treatment services shall be designed by the division of alcohol and substance abuse of the department of social and health services, in cooperation with the department of corrections. If the midpoint of the standard range is twenty-four months or less, no more than three

months of the sentence may be served in a work release status. The court shall also impose one year of concurrent community custody and community supervision that must include appropriate outpatient substance abuse treatment, crime-related prohibitions including a condition not to use illegal controlled substances, and a requirement to submit to urinalysis or other testing to monitor that status. The court may require that the monitoring for controlled substances be conducted by the department or by a treatment alternatives to street crime program or a comparable court or agency-referred program. The offender may be required to pay thirty dollars per month while on community custody to offset the cost of monitoring. In addition, the court shall impose three or more of the following conditions:

(i) Devote time to a specific employment or training;  
(ii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer before any change in the offender's address or employment;

(iii) Report as directed to a community corrections officer;

(iv) Pay all court-ordered legal financial obligations;

(v) Perform community ((~~service~~)) restitution work;

(vi) Stay out of areas designated by the sentencing judge.

(c) If the offender violates any of the sentence conditions in (b) of this subsection, the department shall impose sanctions administratively, with notice to the prosecuting attorney and the sentencing court. Upon motion of the court or the prosecuting attorney, a violation hearing shall be held by the court. If the court finds that conditions have been willfully violated, the court may impose confinement consisting of up to the remaining one-half of the midpoint of the standard range. All total confinement served during the period of community custody shall be credited to the offender, regardless of whether the total confinement is served as a result of the original sentence, as a result of a sanction imposed by the department, or as a result of a violation found by the court. The term of community supervision shall be tolled by any period of time served in total confinement as a result of a violation found by the court.

(d) The department shall determine the rules for calculating the value of a day fine based on the offender's income and reasonable obligations which the offender has for the support of the offender and any dependents. These rules shall be developed in consultation with the administrator for the courts, the office of financial management, and the commission.

(7) If a sentence range has not been established for the defendant's crime, the court shall impose a determinate sentence which may include not more than one year of confinement, community ((~~service~~)) restitution work, a term of community supervision not to exceed one year, and/or other legal financial obligations. The court may impose a sentence which provides more than one year of confinement if the court finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(8)(a)(i) When an offender is convicted of a sex offense other than a violation of RCW 9A.44.050 or a sex offense that is also a serious violent offense and has no prior convictions for a sex offense or any other felony sex offenses in this or any other state, the sentencing court, on its own motion or the motion of the state or the defendant, may order an examination to determine whether the defendant is amenable to treatment.

The report of the examination shall include at a minimum the following: The defendant's version of the facts and the official version of the facts, the defendant's offense history, an assessment of problems in addition to alleged deviant behaviors, the offender's social and employment situation, and other evaluation measures used. The report shall set forth the sources of the evaluator's information.

The examiner shall assess and report regarding the defendant's amenability to treatment and relative risk to the community. A proposed treatment plan shall be provided and shall include, at a minimum:

(A) Frequency and type of contact between offender and therapist;

(B) Specific issues to be addressed in the treatment and description of planned treatment modalities;

(C) Monitoring plans, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members and others;

(D) Anticipated length of treatment; and

(E) Recommended crime-related prohibitions.

The court on its own motion may order, or on a motion by the state shall order, a second examination regarding the offender's amenability to treatment. The evaluator shall be selected by the party making the motion. The defendant shall pay the cost of any second examination ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost.

(ii) After receipt of the reports, the court shall consider whether the offender and the community will benefit from use of this special sex offender sentencing alternative and consider the victim's opinion whether the offender should receive a treatment disposition under this subsection. If the court determines that this special sex offender sentencing alternative is appropriate, the court shall then impose a sentence within the sentence range. If this sentence is less than eleven years of confinement, the court may suspend the execution of the sentence and impose the following conditions of suspension:

(A) The court shall place the defendant on community custody for the length of the suspended sentence or three years, whichever is greater, and require the offender to comply with any conditions imposed by the department of corrections under subsection (14) of this section;

(B) The court shall order treatment for any period up to three years in duration. The court in its discretion shall order outpatient sex offender treatment or inpatient sex offender treatment, if available. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment. The offender shall not change sex offender treatment providers or treatment conditions without first notifying the prosecutor, the community corrections officer, and the court, and shall not change providers without court approval after a hearing if the prosecutor or community corrections officer object to the change. In addition, as conditions of the suspended sentence, the court may impose other sentence conditions including up to six months of confinement, not to exceed the sentence range of confinement for that offense, crime-related prohibitions, and requirements that the offender perform any one or more of the following:

(I) Devote time to a specific employment or occupation;

(II) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;

(III) Report as directed to the court and a community corrections officer;

(IV) Pay all court-ordered legal financial obligations as provided in RCW 9.94A.030, perform community ((service)) restitution work, or any combination thereof; or

(V) Make recoupment to the victim for the cost of any counseling required as a result of the offender's crime; and

(C) Sex offenders sentenced under this special sex offender sentencing alternative are not eligible to accrue any earned early release time while serving a suspended sentence.

(iii) The sex offender therapist shall submit quarterly reports on the defendant's progress in treatment to the court and the parties. The report shall reference the treatment plan and include at a minimum the following: Dates of attendance, defendant's compliance with requirements, treatment activities, the defendant's relative progress in treatment, and any other material as specified by the court at sentencing.

(iv) At the time of sentencing, the court shall set a treatment termination hearing for three months prior to the anticipated date for completion of treatment. Prior to the treatment termination hearing, the treatment professional and community corrections officer shall submit written reports to the court and parties regarding the defendant's compliance with treatment and monitoring requirements, and recommendations regarding termination from treatment, including proposed community supervision conditions. Either party may request and the court may order another evaluation regarding the advisability of termination from treatment. The defendant shall pay the cost of any additional evaluation ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost. At the treatment termination hearing the court may: (A) Modify conditions of community custody, and either (B) terminate treatment, or (C) extend treatment for up to the remaining period of community custody.

(v) If a violation of conditions occurs during community custody, the department shall either impose sanctions as provided for in RCW 9.94A.205(2)(a) or refer the violation to the court and recommend revocation of the suspended sentence as provided for in (a)(vi) of this subsection.

(vi) The court may revoke the suspended sentence at any time during the period of community custody and order execution of the sentence if: (A) The defendant violates the conditions of the suspended sentence, or (B) the court finds that the defendant is failing to make satisfactory progress in treatment. All confinement time served during the period of community custody shall be credited to the offender if the suspended sentence is revoked.

(vii) Except as provided in (a)(viii) of this subsection, after July 1, 1991, examinations and treatment ordered pursuant to this subsection shall only be conducted by sex offender treatment providers certified by the department of health pursuant to chapter 18.155 RCW.

(viii) A sex offender therapist who examines or treats a sex offender pursuant to this subsection (8) does not have to be certified by the department of health pursuant to chapter 18.155 RCW if the court finds that: (A) The offender has already moved to another state or plans to move to another state for reasons other than circumventing the certification requirements; (B) no certified providers are available for treatment within a reasonable geographical distance of the offender's home; and (C) the evaluation and treatment plan comply with this subsection (8) and the rules adopted by the department of health.

(ix) For purposes of this subsection (8), "victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a result of the crime charged. "Victim" also means a parent or guardian of a victim who is a minor child unless the parent or guardian is the perpetrator of the offense.

(x) If the defendant was less than eighteen years of age when the charge was filed, the state shall pay for the cost of initial evaluation and treatment.

(b) When an offender commits any felony sex offense on or after July 1, 1987, and is sentenced to a term of confinement of more than one year but less than six years, the sentencing court may, on its own motion or on the motion of the offender or the state, request the department of corrections to evaluate whether the offender is amenable to treatment and the department may place the offender in a treatment program within a correctional facility operated by the department.

Except for an offender who has been convicted of a violation of RCW 9A.44.040 or 9A.44.050, if the offender completes the treatment program before the expiration of his or her term of confinement, the department of corrections may request the court to convert the balance of confinement to community supervision and to place conditions on the offender including crime-related prohibitions and requirements that the offender perform any one or more of the following:

- (i) Devote time to a specific employment or occupation;
- (ii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;
- (iii) Report as directed to the court and a community corrections officer;
- (iv) Undergo available outpatient treatment.

If the offender violates any of the terms of his or her community supervision, the court may order the offender to serve out the balance of his or her community supervision term in confinement in the custody of the department of corrections.

Nothing in this subsection (8)(b) shall confer eligibility for such programs for offenders convicted and sentenced for a sex offense committed prior to July 1, 1987. This subsection (8)(b) does not apply to any crime committed after July 1, 1990.

(c) Offenders convicted and sentenced for a sex offense committed prior to July 1, 1987, may, subject to available funds, request an evaluation by the department of corrections to determine whether they are amenable to treatment. If the offender is determined to be amenable to treatment, the offender may request placement in a treatment program within a correctional facility operated by the department. Placement in such treatment program is subject to available funds.

(9)(a) When a court sentences a person to a term of total confinement to the custody of the department of corrections for an offense categorized as a sex offense or a serious violent offense committed after July 1, 1988, but before July 1, 1990, assault in the second degree, assault of a child in the second degree, any crime against a person where it is determined in accordance with RCW 9.94A.125 that the defendant or an accomplice was armed with a deadly weapon at the time of commission, or any felony offense under chapter 69.50 or 69.52 RCW not sentenced under subsection (6) of this section, committed on or after July 1, 1988, the court shall in addition to the other terms of

the sentence, sentence the offender to a one-year term of community placement beginning either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned early release in accordance with RCW 9.94A.150 (1) and (2). When the court sentences an offender under this subsection to the statutory maximum period of confinement then the community placement portion of the sentence shall consist entirely of such community custody to which the offender may become eligible, in accordance with RCW 9.94A.150 (1) and (2). Any period of community custody actually served shall be credited against the community placement portion of the sentence.

(b) When a court sentences a person to a term of total confinement to the custody of the department of corrections for an offense categorized as a sex offense committed on or after July 1, 1990, but before June 6, 1996, a serious violent offense, vehicular homicide, or vehicular assault, committed on or after July 1, 1990, the court shall in addition to other terms of the sentence, sentence the offender to community placement for two years or up to the period of earned early release awarded pursuant to RCW 9.94A.150 (1) and (2), whichever is longer. The community placement shall begin either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned early release in accordance with RCW 9.94A.150 (1) and (2). When the court sentences an offender under this subsection to the statutory maximum period of confinement then the community placement portion of the sentence shall consist entirely of the community custody to which the offender may become eligible, in accordance with RCW 9.94A.150 (1) and (2). Any period of community custody actually served shall be credited against the community placement portion of the sentence. Unless a condition is waived by the court, the terms of community placement for offenders sentenced pursuant to this section shall include the following conditions:

- (i) The offender shall report to and be available for contact with the assigned community corrections officer as directed;
- (ii) The offender shall work at department of corrections-approved education, employment, and/or community ((service)) restitution;
- (iii) The offender shall not possess or consume controlled substances except pursuant to lawfully issued prescriptions;
- (iv) The offender shall pay supervision fees as determined by the department of corrections;
- (v) The residence location and living arrangements are subject to the prior approval of the department of corrections during the period of community placement; and
- (vi) The offender shall submit to affirmative acts necessary to monitor compliance with the orders of the court as required by the department.

(c) As a part of any sentence imposed under (a) or (b) of this subsection, the court may also order any of the following special conditions:

- (i) The offender shall remain within, or outside of, a specified geographical boundary;
- (ii) The offender shall not have direct or indirect contact with the victim of the crime or a specified class of individuals;
- (iii) The offender shall participate in crime-related treatment or counseling services;
- (iv) The offender shall not consume alcohol;
- (v) The offender shall comply with any crime-related prohibitions; or
- (vi) For an offender convicted of a felony sex offense against a minor victim after June 6, 1996, the offender shall comply with any terms and conditions of community placement imposed by the department of corrections relating to contact between the sex offender and a minor victim or a child of similar age or circumstance as a previous victim.

(d) Prior to transfer to, or during, community placement, any conditions of community placement may be removed or modified so as not to be more restrictive by the sentencing court, upon recommendation of the department of corrections.

(10)(a) When a court sentences a person to the custody of the department of corrections for an offense categorized as a sex offense committed on or after June 6, 1996, the court shall, in addition to other terms of the sentence, sentence the offender to community custody for three years or up to the period of earned early release awarded pursuant to RCW 9.94A.150 (1) and (2), whichever is longer. The community custody shall begin either upon completion of the term of confinement or at such time

as the offender is transferred to community custody in lieu of earned early release in accordance with RCW 9.94A.150 (1) and (2).

(b) Unless a condition is waived by the court, the terms of community custody shall be the same as those provided for in subsection (9)(b) of this section and may include those provided for in subsection (9)(c) of this section. As part of any sentence that includes a term of community custody imposed under this subsection, the court shall also require the offender to comply with any conditions imposed by the department of corrections under subsection (14) of this section.

(c) At any time prior to the completion of a sex offender's term of community custody, if the court finds that public safety would be enhanced, the court may impose and enforce an order extending any or all of the conditions imposed pursuant to this section for a period up to the maximum allowable sentence for the crime as it is classified in chapter 9A.20 RCW, regardless of the expiration of the offender's term of community custody. If a violation of a condition extended under this subsection occurs after the expiration of the offender's term of community custody, it shall be deemed a violation of the sentence for the purposes of RCW 9.94A.195 and may be punishable as contempt of court as provided for in RCW 7.21.040.

(11) If the court imposes a sentence requiring confinement of thirty days or less, the court may, in its discretion, specify that the sentence be served on consecutive or intermittent days. A sentence requiring more than thirty days of confinement shall be served on consecutive days. Local jail administrators may schedule court-ordered intermittent sentences as space permits.

(12) If a sentence imposed includes payment of a legal financial obligation, the sentence shall specify the total amount of the legal financial obligation owed, and shall require the offender to pay a specified monthly sum toward that legal financial obligation. Restitution to victims shall be paid prior to any other payments of monetary obligations. Any legal financial obligation that is imposed by the court may be collected by the department, which shall deliver the amount paid to the county clerk for credit. The offender's compliance with payment of legal financial obligations shall be supervised by the department for ten years following the entry of the judgment and sentence or ten years following the offender's release from total confinement. All monetary payments ordered shall be paid no later than ten years after the last date of release from confinement pursuant to a felony conviction or the date the sentence was entered unless the superior court extends the criminal judgment an additional ten years. If the legal financial obligations including crime victims' assessments are not paid during the initial ten-year period, the superior court may extend jurisdiction under the criminal judgment an additional ten years as provided in RCW 9.94A.140, 9.94A.142, and 9.94A.145. If jurisdiction under the criminal judgment is extended, the department is not responsible for supervision of the offender during the subsequent period. Independent of the department, the party or entity to whom the legal financial obligation is owed shall have the authority to utilize any other remedies available to the party or entity to collect the legal financial obligation. Nothing in this section makes the department, the state, or any of its employees, agents, or other persons acting on their behalf liable under any circumstances for the payment of these legal financial obligations. If an order includes restitution as one of the monetary assessments, the county clerk shall make disbursements to victims named in the order.

(13) Except as provided under RCW 9.94A.140(1) and 9.94A.142(1), a court may not impose a sentence providing for a term of confinement or community supervision or community placement which exceeds the statutory maximum for the crime as provided in chapter 9A.20 RCW.

(14) All offenders sentenced to terms involving community supervision, community ~~(service)~~ restitution, community placement, or legal financial obligation shall be under the supervision of the department of corrections and shall follow explicitly the instructions and conditions of the department of corrections. The department may require an offender to perform affirmative acts it deems appropriate to monitor compliance with the conditions of the sentence imposed.

(a) The instructions shall include, at a minimum, reporting as directed to a community corrections officer, remaining within prescribed geographical boundaries, notifying the community corrections officer of any change in the offender's address or employment, and paying the supervision fee assessment.

(b) For offenders sentenced to terms involving community custody for crimes committed on or after June 6, 1996, the department may include, in addition to the instructions in (a) of this subsection,



any appropriate conditions of supervision, including but not limited to, prohibiting the offender from having contact with any other specified individuals or specific class of individuals. The conditions authorized under this subsection (14)(b) may be imposed by the department prior to or during an offender's community custody term. If a violation of conditions imposed by the court or the department pursuant to subsection (10) of this section occurs during community custody, it shall be deemed a violation of community placement for the purposes of RCW 9.94A.207 and shall authorize the department to transfer an offender to a more restrictive confinement status as provided in RCW 9.94A.205. At any time prior to the completion of a sex offender's term of community custody, the department may recommend to the court that any or all of the conditions imposed by the court or the department pursuant to subsection (10) of this section be continued beyond the expiration of the offender's term of community custody as authorized in subsection (10)(c) of this section.

The department may require offenders to pay for special services rendered on or after July 25, 1993, including electronic monitoring, day reporting, and telephone reporting, dependent upon the offender's ability to pay. The department may pay for these services for offenders who are not able to pay.

(15) All offenders sentenced to terms involving community supervision, community ~~(service)~~ restitution, or community placement under the supervision of the department of corrections shall not own, use, or possess firearms or ammunition. Offenders who own, use, or are found to be in actual or constructive possession of firearms or ammunition shall be subject to the appropriate violation process and sanctions. "Constructive possession" as used in this subsection means the power and intent to control the firearm or ammunition. "Firearm" as used in this subsection means a weapon or device from which a projectile may be fired by an explosive such as gunpowder.

(16) The sentencing court shall give the offender credit for all confinement time served before the sentencing if that confinement was solely in regard to the offense for which the offender is being sentenced.

(17) A departure from the standards in RCW 9.94A.400 (1) and (2) governing whether sentences are to be served consecutively or concurrently is an exceptional sentence subject to the limitations in subsections (2) and (3) of this section, and may be appealed by the defendant or the state as set forth in RCW 9.94A.210 (2) through (6).

(18) The court shall order restitution whenever the offender is convicted of a felony that results in injury to any person or damage to or loss of property, whether the offender is sentenced to confinement or placed under community supervision, unless extraordinary circumstances exist that make restitution inappropriate in the court's judgment. The court shall set forth the extraordinary circumstances in the record if it does not order restitution.

(19) As a part of any sentence, the court may impose and enforce an order that relates directly to the circumstances of the crime for which the offender has been convicted, prohibiting the offender from having any contact with other specified individuals or a specific class of individuals for a period not to exceed the maximum allowable sentence for the crime, regardless of the expiration of the offender's term of community supervision or community placement.

(20) The court may order an offender whose sentence includes community placement or community supervision to undergo a mental status evaluation and to participate in available outpatient mental health treatment, if the court finds that reasonable grounds exist to believe that the offender is a mentally ill person as defined in RCW 71.24.025, and that this condition is likely to have influenced the offense. An order requiring mental status evaluation or treatment must be based on a presentence report and, if applicable, mental status evaluations that have been filed with the court to determine the offender's competency or eligibility for a defense of insanity. The court may order additional evaluations at a later date if deemed appropriate.

(21) In any sentence of partial confinement, the court may require the defendant to serve the partial confinement in work release, in a program of home detention, on work crew, or in a combined program of work crew and home detention.

(22) All court-ordered legal financial obligations collected by the department and remitted to the county clerk shall be credited and paid where restitution is ordered. Restitution shall be paid prior to any other payments of monetary obligations.

**Sec. 8.** RCW 9.94A.200 and 1998 c 260 s 4 are each amended to read as follows:

(1) If an offender violates any condition or requirement of a sentence, the court may modify its order of judgment and sentence and impose further punishment in accordance with this section.

(2) In cases where conditions from a second or later sentence of community supervision begin prior to the term of the second or later sentence, the court shall treat a violation of such conditions as a violation of the sentence of community supervision currently being served.

(3) If an offender fails to comply with any of the requirements or conditions of a sentence the following provisions apply:

(a)(i) Following the violation, if the offender and the department make a stipulated agreement, the department may impose sanctions such as work release, home detention with electronic monitoring, work crew, community ((~~service~~)) restitution, inpatient treatment, daily reporting, curfew, educational or counseling sessions, supervision enhanced through electronic monitoring, jail time, or other sanctions available in the community.

(ii) Within seventy-two hours of signing the stipulated agreement, the department shall submit a report to the court and the prosecuting attorney outlining the violation or violations, and sanctions imposed. Within fifteen days of receipt of the report, if the court is not satisfied with the sanctions, the court may schedule a hearing and may modify the department's sanctions. If this occurs, the offender may withdraw from the stipulated agreement.

(iii) If the offender fails to comply with the sanction administratively imposed by the department, the court may take action regarding the original noncompliance. Offender failure to comply with the sanction administratively imposed by the department may be considered an additional violation.

(b) In the absence of a stipulated agreement, or where the court is not satisfied with the department's sanctions as provided in (a) of this subsection, the court, upon the motion of the state, or upon its own motion, shall require the offender to show cause why the offender should not be punished for the noncompliance. The court may issue a summons or a warrant of arrest for the offender's appearance;

(c) The state has the burden of showing noncompliance by a preponderance of the evidence. If the court finds that the violation has occurred, it may order the offender to be confined for a period not to exceed sixty days for each violation, and may (i) convert a term of partial confinement to total confinement, (ii) convert community ((~~service~~)) restitution obligation to total or partial confinement, (iii) convert monetary obligations, except restitution and the crime victim penalty assessment, to community ((~~service~~)) restitution hours at the rate of the state minimum wage as established in RCW 49.46.020 for each hour of community ((~~service~~)) restitution, or (iv) order one or more of the penalties authorized in (a)(i) of this subsection. Any time served in confinement awaiting a hearing on noncompliance shall be credited against any confinement order by the court;

(d) If the court finds that the violation was not willful, the court may modify its previous order regarding payment of legal financial obligations and regarding community ((~~service~~)) restitution obligations; and

(e) If the violation involves a failure to undergo or comply with mental status evaluation and/or outpatient mental health treatment, the community corrections officer shall consult with the treatment provider or proposed treatment provider. Enforcement of orders concerning outpatient mental health treatment must reflect the availability of treatment and must pursue the least restrictive means of promoting participation in treatment. If the offender's failure to receive care essential for health and safety presents a risk of serious physical harm or probable harmful consequences, the civil detention and commitment procedures of chapter 71.05 RCW shall be considered in preference to incarceration in a local or state correctional facility.

(4) The community corrections officer may obtain information from the offender's mental health treatment provider on the offender's status with respect to evaluation, application for services, registration for services, and compliance with the supervision plan, without the offender's consent, as described under RCW 71.05.630.

(5) An offender under community placement or community supervision who is civilly detained under chapter 71.05 RCW, and subsequently discharged or conditionally released to the community, shall be under the supervision of the department of corrections for the duration of his or her period of

community placement or community supervision. During any period of inpatient mental health treatment that falls within the period of community placement or community supervision, the inpatient treatment provider and the supervising community corrections officer shall notify each other about the offender's discharge, release, and legal status, and shall share other relevant information.

(6) Nothing in this section prohibits the filing of escape charges if appropriate.

**Sec. 9.** RCW 9.94A.380 and 1988 c 157 s 4 and 1988 c 155 s 3 are each reenacted and amended to read as follows:

Alternatives to total confinement are available for offenders with sentences of one year or less. These alternatives include the following sentence conditions that the court may order as substitutes for total confinement: (1) One day of partial confinement may be substituted for one day of total confinement; (2) in addition, for offenders convicted of nonviolent offenses only, eight hours of community ((~~service~~)) restitution may be substituted for one day of total confinement, with a maximum conversion limit of two hundred forty hours or thirty days. Community ((~~service~~)) restitution hours must be completed within the period of community supervision or a time period specified by the court, which shall not exceed twenty-four months, pursuant to a schedule determined by the department.

For sentences of nonviolent offenders for one year or less, the court shall consider and give priority to available alternatives to total confinement and shall state its reasons in writing on the judgment and sentence form if the alternatives are not used.

**Sec. 10.** RCW 9.94A.400 and 1998 c 235 s 2 are each amended to read as follows:

(1)(a) Except as provided in (b) or (c) of this subsection, whenever a person is to be sentenced for two or more current offenses, the sentence range for each current offense shall be determined by using all other current and prior convictions as if they were prior convictions for the purpose of the offender score: PROVIDED, That if the court enters a finding that some or all of the current offenses encompass the same criminal conduct then those current offenses shall be counted as one crime. Sentences imposed under this subsection shall be served concurrently. Consecutive sentences may only be imposed under the exceptional sentence provisions of RCW 9.94A.120 and 9.94A.390(2)(g) or any other provision of RCW 9.94A.390. "Same criminal conduct," as used in this subsection, means two or more crimes that require the same criminal intent, are committed at the same time and place, and involve the same victim. This definition applies in cases involving vehicular assault or vehicular homicide even if the victims occupied the same vehicle.

(b) Whenever a person is convicted of two or more serious violent offenses, as defined in RCW 9.94A.030, arising from separate and distinct criminal conduct, the sentence range for the offense with the highest seriousness level under RCW 9.94A.320 shall be determined using the offender's prior convictions and other current convictions that are not serious violent offenses in the offender score and the sentence range for other serious violent offenses shall be determined by using an offender score of zero. The sentence range for any offenses that are not serious violent offenses shall be determined according to (a) of this subsection. All sentences imposed under (b) of this subsection shall be served consecutively to each other and concurrently with sentences imposed under (a) of this subsection.

(c) If an offender is convicted under RCW 9.41.040 for unlawful possession of a firearm in the first or second degree and for the felony crimes of theft of a firearm or possession of a stolen firearm, or both, then the offender shall serve consecutive sentences for each conviction of the felony crimes listed in this subsection, and for each firearm unlawfully possessed.

(2)(a) Except as provided in (b) of this subsection, whenever a person while under sentence of felony commits another felony and is sentenced to another term of confinement, the latter term shall not begin until expiration of all prior terms.

(b) Whenever a second or later felony conviction results in community supervision with conditions not currently in effect, under the prior sentence or sentences of community supervision the court may require that the conditions of community supervision contained in the second or later sentence begin during the immediate term of community supervision and continue throughout the duration of the consecutive term of community supervision.

(3) Subject to subsections (1) and (2) of this section, whenever a person is sentenced for a felony that was committed while the person was not under sentence of a felony, the sentence shall run

concurrently with any felony sentence which has been imposed by any court in this or another state or by a federal court subsequent to the commission of the crime being sentenced unless the court pronouncing the current sentence expressly orders that they be served consecutively.

(4) Whenever any person granted probation under RCW 9.95.210 or 9.92.060, or both, has the probationary sentence revoked and a prison sentence imposed, that sentence shall run consecutively to any sentence imposed pursuant to this chapter, unless the court pronouncing the subsequent sentence expressly orders that they be served concurrently.

(5) However, in the case of consecutive sentences, all periods of total confinement shall be served before any partial confinement, community (~~(service)~~) restitution, community supervision, or any other requirement or conditions of any of the sentences. Except for exceptional sentences as authorized under RCW 9.94A.120(2), if two or more sentences that run consecutively include periods of community supervision, the aggregate of the community supervision period shall not exceed twenty-four months.

**Sec. 11.** RCW 9.95.340 and 1986 c 125 s 3 are each amended to read as follows:

Any funds in the hands of the department of corrections, or which may come into its hands, which belong to discharged prisoners, inmates assigned to work/training release facilities, parolees or persons convicted of a felony and granted probation who absconded, or whose whereabouts are unknown, shall be deposited in the community (~~(services)~~) restitution revolving fund. Said funds shall be used to defray the expenses of clothing and other necessities and for transporting discharged prisoners, inmates assigned to work/training release facilities, parolees and persons convicted of a felony and granted probation who are without means to secure the same. All payments disbursed from these funds shall be repaid, whenever possible, by discharged prisoners, inmates assigned to work/training release facilities, parolees and persons convicted of a felony and granted probation for whose benefit they are made. Whenever any money belonging to such persons is so paid into the revolving fund, it shall be repaid to them in accordance with law if a claim therefor is filed with the department of corrections within five years of deposit into said fund and upon a clear showing of a legal right of such claimant to such money.

**Sec. 12.** RCW 9.95.360 and 1986 c 125 s 5 are each amended to read as follows:

The department of corrections shall create, maintain, and administer outside the state treasury a permanent revolving fund to be known as the "community (~~(services)~~) restitution revolving fund" into which shall be deposited all moneys received by it under RCW 9.95.310 through 9.95.370 and any appropriation made for the purposes of RCW 9.95.310 through 9.95.370. All expenditures from this revolving fund shall be made by check or voucher signed by the secretary of corrections or his or her designee. The community (~~(services)~~) restitution revolving fund shall be deposited by the department of corrections in such banks or financial institutions as it may select which shall give to the department a surety bond executed by a surety company authorized to do business in this state, or collateral eligible as security for deposit of state funds in at least the full amount of deposit.

**Sec. 13.** RCW 10.98.040 and 1985 c 201 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Arrest and fingerprint form" means the reporting form prescribed by the identification, child abuse, vulnerable adult abuse, and criminal history section to initiate compiling arrest and identification information.

(2) "Chief law enforcement officer" includes the sheriff or director of public safety of a county, the chief of police of a city or town, and chief officers of other law enforcement agencies operating within the state.

(3) "Department" means the department of corrections.

(4) "Disposition" means the conclusion of a criminal proceeding at any stage it occurs in the criminal justice system. Disposition includes but is not limited to temporary or permanent outcomes such as charges dropped by police, charges not filed by the prosecuting attorney, deferred prosecution,

defendant absconded, charges filed by the prosecuting attorney pending court findings such as not guilty, dismissed, guilty, or guilty--case appealed to higher court.

(5) "Disposition report" means the reporting form prescribed by the identification, child abuse, vulnerable adult abuse, and criminal history section to report the legal procedures taken after completing an arrest and fingerprint form. The disposition report shall include but not be limited to the following types of information:

- (a) The type of disposition;
- (b) The statutory citation for the arrests;
- (c) The sentence structure if the defendant was convicted of a felony;
- (d) The state identification number; and
- (e) Identification information and other information that is prescribed by the identification, child abuse, vulnerable adult abuse, and criminal history section.

(6) "Fingerprints" means the fingerprints taken from arrested or charged persons under the procedures prescribed by the Washington state patrol identification, child abuse, vulnerable adult abuse, and criminal history section.

(7) "Prosecuting attorney" means the public or private attorney prosecuting a criminal case.

(8) "Section" refers to the Washington state patrol section on identification, child abuse, vulnerable adult abuse, and criminal history.

(9) "Sentence structure" means itemizing the components of the felony sentence. The sentence structure shall include but not be limited to the total or partial confinement sentenced, and whether the sentence is prison or jail, community supervision, fines, restitution, or community ((~~service~~)) restitution.

**Sec. 14.** RCW 13.40.020 and 1997 c 338 s 10 are each amended to read as follows:

For the purposes of this chapter:

(1) "Community-based rehabilitation" means one or more of the following: Employment; attendance of information classes; literacy classes; counseling, outpatient substance abuse treatment programs, outpatient mental health programs, anger management classes, education or outpatient treatment programs to prevent animal cruelty, or other services; or attendance at school or other educational programs appropriate for the juvenile as determined by the school district. Placement in community-based rehabilitation programs is subject to available funds;

(2) Community-based sanctions may include one or more of the following:

- (a) A fine, not to exceed five hundred dollars;
- (b) Community ((~~service~~)) restitution not to exceed one hundred fifty hours of ((~~service~~))

community restitution;

(3) "Community ((~~service~~)) restitution" means compulsory service, without compensation, performed for the benefit of the community by the offender as punishment for committing an offense. Community ((~~service~~)) restitution may be performed through public or private organizations or through work crews;

(4) "Community supervision" means an order of disposition by the court of an adjudicated youth not committed to the department or an order granting a deferred disposition. A community supervision order for a single offense may be for a period of up to two years for a sex offense as defined by RCW 9.94A.030 and up to one year for other offenses. As a mandatory condition of any term of community supervision, the court shall order the juvenile to refrain from committing new offenses. As a mandatory condition of community supervision, the court shall order the juvenile to comply with the mandatory school attendance provisions of chapter 28A.225 RCW and to inform the school of the existence of this requirement. Community supervision is an individualized program comprised of one or more of the following:

- (a) Community-based sanctions;
- (b) Community-based rehabilitation;
- (c) Monitoring and reporting requirements;
- (d) Posting of a probation bond;

(5) "Confinement" means physical custody by the department of social and health services in a facility operated by or pursuant to a contract with the state, or physical custody in a detention facility

operated by or pursuant to a contract with any county. The county may operate or contract with vendors to operate county detention facilities. The department may operate or contract to operate detention facilities for juveniles committed to the department. Pretrial confinement or confinement of less than thirty-one days imposed as part of a disposition or modification order may be served consecutively or intermittently, in the discretion of the court;

(6) "Court," when used without further qualification, means the juvenile court judge(s) or commissioner(s);

(7) "Criminal history" includes all criminal complaints against the respondent for which, prior to the commission of a current offense:

(a) The allegations were found correct by a court. If a respondent is convicted of two or more charges arising out of the same course of conduct, only the highest charge from among these shall count as an offense for the purposes of this chapter; or

(b) The criminal complaint was diverted by a prosecutor pursuant to the provisions of this chapter on agreement of the respondent and after an advisement to the respondent that the criminal complaint would be considered as part of the respondent's criminal history. A successfully completed deferred adjudication that was entered before July 1, 1998, or a deferred disposition shall not be considered part of the respondent's criminal history;

(8) "Department" means the department of social and health services;

(9) "Detention facility" means a county facility, paid for by the county, for the physical confinement of a juvenile alleged to have committed an offense or an adjudicated offender subject to a disposition or modification order. "Detention facility" includes county group homes, inpatient substance abuse programs, juvenile basic training camps, and electronic monitoring;

(10) "Diversion unit" means any probation counselor who enters into a diversion agreement with an alleged youthful offender, or any other person, community accountability board, or other entity except a law enforcement official or entity, with whom the juvenile court administrator has contracted to arrange and supervise such agreements pursuant to RCW 13.40.080, or any person, community accountability board, or other entity specially funded by the legislature to arrange and supervise diversion agreements in accordance with the requirements of this chapter. For purposes of this subsection, "community accountability board" means a board comprised of members of the local community in which the juvenile offender resides. The superior court shall appoint the members. The boards shall consist of at least three and not more than seven members. If possible, the board should include a variety of representatives from the community, such as a law enforcement officer, teacher or school administrator, high school student, parent, and business owner, and should represent the cultural diversity of the local community;

(11) "Foster care" means temporary physical care in a foster family home or group care facility as defined in RCW 74.15.020 and licensed by the department, or other legally authorized care;

(12) "Institution" means a juvenile facility established pursuant to chapters 72.05 and 72.16 through 72.20 RCW;

(13) "Intensive supervision program" means a parole program that requires intensive supervision and monitoring, offers an array of individualized treatment and transitional services, and emphasizes community involvement and support in order to reduce the likelihood a juvenile offender will commit further offenses;

(14) "Juvenile," "youth," and "child" mean any individual who is under the chronological age of eighteen years and who has not been previously transferred to adult court pursuant to RCW 13.40.110 or who is otherwise under adult court jurisdiction;

(15) "Juvenile offender" means any juvenile who has been found by the juvenile court to have committed an offense, including a person eighteen years of age or older over whom jurisdiction has been extended under RCW 13.40.300;

(16) "Local sanctions" means one or more of the following: (a) 0-30 days of confinement; (b) 0-12 months of community supervision; (c) 0-150 hours of community ~~(service)~~ restitution; or (d) \$0-\$500 fine;

(17) "Manifest injustice" means a disposition that would either impose an excessive penalty on the juvenile or would impose a serious, and clear danger to society in light of the purposes of this chapter;

(18) "Monitoring and reporting requirements" means one or more of the following: Curfews; requirements to remain at home, school, work, or court-ordered treatment programs during specified hours; restrictions from leaving or entering specified geographical areas; requirements to report to the probation officer as directed and to remain under the probation officer's supervision; and other conditions or limitations as the court may require which may not include confinement;

(19) "Offense" means an act designated a violation or a crime if committed by an adult under the law of this state, under any ordinance of any city or county of this state, under any federal law, or under the law of another state if the act occurred in that state;

(20) "Probation bond" means a bond, posted with sufficient security by a surety justified and approved by the court, to secure the offender's appearance at required court proceedings and compliance with court-ordered community supervision or conditions of release ordered pursuant to RCW 13.40.040 or 13.40.050. It also means a deposit of cash or posting of other collateral in lieu of a bond if approved by the court;

(21) "Respondent" means a juvenile who is alleged or proven to have committed an offense;

(22) "Restitution" means financial reimbursement by the offender to the victim, and shall be limited to easily ascertainable damages for injury to or loss of property, actual expenses incurred for medical treatment for physical injury to persons, lost wages resulting from physical injury, and costs of the victim's counseling reasonably related to the offense if the offense is a sex offense. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses. Nothing in this chapter shall limit or replace civil remedies or defenses available to the victim or offender;

(23) "Secretary" means the secretary of the department of social and health services.

"Assistant secretary" means the assistant secretary for juvenile rehabilitation for the department;

(24) "Services" means services which provide alternatives to incarceration for those juveniles who have pleaded or been adjudicated guilty of an offense or have signed a diversion agreement pursuant to this chapter;

(25) "Sex offense" means an offense defined as a sex offense in RCW 9.94A.030;

(26) "Sexual motivation" means that one of the purposes for which the respondent committed the offense was for the purpose of his or her sexual gratification;

(27) "Surety" means an entity licensed under state insurance laws or by the state department of licensing, to write corporate, property, or probation bonds within the state, and justified and approved by the superior court of the county having jurisdiction of the case;

(28) "Violation" means an act or omission, which if committed by an adult, must be proven beyond a reasonable doubt, and is punishable by sanctions which do not include incarceration;

(29) "Violent offense" means a violent offense as defined in RCW 9.94A.030.

**Sec. 15.** RCW 13.40.0357 and 1998 c 290 s 5 are each amended to read as follows:

**DESCRIPTION AND OFFENSE CATEGORY**

| JUVENILE DISPOSITION OFFENSE CATEGORY | DESCRIPTION (RCW CITATION) | JUVENILE DISPOSITION CATEGORY FOR ATTEMPT, BAILJUMP, CONSPIRACY, OR SOLICITATION |
|---------------------------------------|----------------------------|--|
|---------------------------------------|----------------------------|--|

**Arson and Malicious Mischief**

|   |                                  |   |
|---|----------------------------------|---|
| A | Arson 1 (9A.48.020)              | B |
|   |                                  | + |
| B | Arson 2 (9A.48.030)              | C |
| C | Reckless Burning 1 (9A.48.040)   | D |
| D | Reckless Burning 2 (9A.48.050)   | E |
| B | Malicious Mischief 1 (9A.48.070) | C |

|   |   |   |
|---|---|---|
| C | Malicious Mischief 2 (9A.48.080)                    | D |
| D | Malicious Mischief 3 (<\$50 is E class) (9A.48.090) | E |
| E | Tampering with Fire Alarm Apparatus (9.40.100)      | E |
| A | Possession of Incendiary Device (9.40.120)          | B |
|   |   | + |

**Assault and Other Crimes  
Involving Physical Harm**

|    |                                       |   |
|----|---------------------------------------|---|
| A  | Assault 1 (9A.36.011)                 | B |
|    |                                       | + |
| B+ | Assault 2 (9A.36.021)                 | C |
|    |                                       | + |
| C+ | Assault 3 (9A.36.031)                 | D |
|    |                                       | + |
| D+ | Assault 4 (9A.36.041)                 | E |
| B+ | Drive-By Shooting (9A.36.045)         | C |
|    |                                       | + |
| D+ | Reckless Endangerment (9A.36.050)     | E |
| C+ | Promoting Suicide Attempt (9A.36.060) | D |
|    |                                       | + |
| D+ | Coercion (9A.36.070)                  | E |
| C+ | Custodial Assault (9A.36.100)         | D |
|    |                                       | + |

**Burglary and Trespass**

|    |   |   |
|----|---|---|
| B+ | Burglary 1 (9A.52.020)                    | C |
|    |   | + |
| B  | Residential Burglary (9A.52.025)          | C |
| B  | Burglary 2 (9A.52.030)                    | C |
| D  | Burglary Tools (Possession of)(9A.52.060) | E |
| D  | Criminal Trespass 1 (9A.52.070)           | E |
| E  | Criminal Trespass 2 (9A.52.080)           | E |
| C  | Vehicle Prowling 1 (9A.52.095)            | D |
| D  | Vehicle Prowling 2 (9A.52.100)            | E |

**Drugs**

|    |   |   |
|----|---|---|
| E  | Possession/Consumption of Alcohol (66.44.270)   | E |
| C  | Illegally Obtaining Legend Drug (69.41.020)   | D |
| C+ | Sale, Delivery, Possession of Legend Drug with Intent to Sell (69.41.030)   | D |
|    |   | + |
| E  | Possession of Legend Drug (69.41.030)   | E |
| B+ | Violation of Uniform Controlled Substances Act -<br>Narcotic, Methamphetamine, or Flunitrazepam Sale<br>(69.50.401(a)(1) (i) or (ii)) | B |
|    |   | + |
| C  | Violation of Uniform Controlled Substances Act -<br>Nonnarcotic Sale (69.50.401(a)(1)(iii))   | C |
| E  | Possession of Marihuana <40 grams (69.50.401(e))  | E |
| C  | Fraudulently Obtaining Controlled Substance (69.50.403)   | C |



|    |   |   |
|----|---|---|
| C+ | Sale of Controlled Substance for Profit (69.50.410)   | C |
|    |   | + |
| E  | Unlawful Inhalation (9.47A.020)   | E |
| B  | Violation of Uniform Controlled Substances Act -<br>Narcotic, Methamphetamine, or Flunitrazepam<br>Counterfeit Substances (69.50.401(b)(1) (i) or (ii)) | B |
| C  | Violation of Uniform Controlled Substances Act -<br>Nonnarcotic Counterfeit Substances (69.50.401(b)(1) (iii),<br>(iv), (v))                            | C |
| C  | Violation of Uniform Controlled Substances Act -<br>Possession of a Controlled Substance (69.50.401(d))   | C |
| C  | Violation of Uniform Controlled Substances Act -<br>Possession of a Controlled Substance (69.50.401(c))   | C |

#### **Firearms and Weapons**

|    |  |   |
|----|--|---|
| B  | Theft of Firearm (9A.56.300)                                   | C |
| B  | Possession of Stolen Firearm (9A.56.310)                       | C |
| E  | Carrying Loaded Pistol Without Permit (9.41.050)               | E |
| C  | Possession of Firearms by Minor (<18)<br>(9.41.040(1)(b)(iii)) | C |
| D+ | Possession of Dangerous Weapon (9.41.250)                      | E |
| D  | Intimidating Another Person by use of Weapon (9.41.270)        | E |

#### **Homicide**

|    |                                |   |
|----|--------------------------------|---|
| A+ | Murder 1 (9A.32.030)           | A |
| A+ | Murder 2 (9A.32.050)           | B |
|    |                                | + |
| B+ | Manslaughter 1 (9A.32.060)     | C |
|    |                                | + |
| C+ | Manslaughter 2 (9A.32.070)     | D |
|    |                                | + |
| B+ | Vehicular Homicide (46.61.520) | C |
|    |                                | + |

#### **Kidnapping**

|    |                                   |   |
|----|-----------------------------------|---|
| A  | Kidnap 1 (9A.40.020)              | B |
|    |                                   | + |
| B+ | Kidnap 2 (9A.40.030)              | C |
|    |                                   | + |
| C+ | Unlawful Imprisonment (9A.40.040) | D |
|    |                                   | + |

#### **Obstructing Governmental Operation**

|    |   |   |
|----|---|---|
| D  | Obstructing a Law Enforcement Officer (9A.76.020) | E |
| E  | Resisting Arrest (9A.76.040)                      | E |
| B  | Introducing Contraband 1 (9A.76.140)              | C |
| C  | Introducing Contraband 2 (9A.76.150)              | D |
| E  | Introducing Contraband 3 (9A.76.160)              | E |
| B+ | Intimidating a Public Servant (9A.76.180)         | C |
|    |   | + |

|    |   |   |
|----|---|---|
| B+ | Intimidating a Witness (9A.72.110)                | C |
|    |   | + |
|    | <b>Public Disturbance</b>                         |   |
| C+ | Riot with Weapon (9A.84.010)                      | D |
|    |   | + |
| D+ | Riot Without Weapon (9A.84.010)                   | E |
| E  | Failure to Disperse (9A.84.020)                   | E |
| E  | Disorderly Conduct (9A.84.030)                    | E |
|    | <b>Sex Crimes</b>                                 |   |
| A  | Rape 1 (9A.44.040)                                | B |
|    |   | + |
| A- | Rape 2 (9A.44.050)                                | B |
|    |   | + |
| C+ | Rape 3 (9A.44.060)                                | D |
|    |   | + |
| A- | Rape of a Child 1 (9A.44.073)                     | B |
|    |   | + |
| B+ | Rape of a Child 2 (9A.44.076)                     | C |
|    |   | + |
| B  | Incest 1 (9A.64.020(1))                           | C |
| C  | Incest 2 (9A.64.020(2))                           | D |
| D+ | Indecent Exposure (Victim <14) (9A.88.010)        | E |
| E  | Indecent Exposure (Victim 14 or over) (9A.88.010) | E |
| B+ | Promoting Prostitution 1 (9A.88.070)              | C |
|    |   | + |
| C+ | Promoting Prostitution 2 (9A.88.080)              | D |
|    |   | + |
| E  | O & A (Prostitution) (9A.88.030)                  | E |
| B+ | Indecent Liberties (9A.44.100)                    | C |
|    |   | + |
| A- | Child Molestation 1 (9A.44.083)                   | B |
|    |   | + |
| B  | Child Molestation 2 (9A.44.086)                   | C |
|    |   | + |
|    | <b>Theft, Robbery, Extortion, and Forgery</b>     |   |
| B  | Theft 1 (9A.56.030)                               | C |
| C  | Theft 2 (9A.56.040)                               | D |
| D  | Theft 3 (9A.56.050)                               | E |
| B  | Theft of Livestock (9A.56.080)                    | C |
| C  | Forgery (9A.60.020)                               | D |
| A  | Robbery 1 (9A.56.200)                             | B |
|    |   | + |
| B+ | Robbery 2 (9A.56.210)                             | C |
|    |   | + |
| B+ | Extortion 1 (9A.56.120)                           | C |
|    |   | + |

|                                     |   |   |
|-------------------------------------|---|---|
| C+                                  | Extortion 2 (9A.56.130)   | D |
|                                     |   | + |
| B                                   | Possession of Stolen Property 1 (9A.56.150)   | C |
| C                                   | Possession of Stolen Property 2 (9A.56.160)   | D |
| D                                   | Possession of Stolen Property 3 (9A.56.170)   | E |
| C                                   | Taking Motor Vehicle Without Owner's Permission (9A.56.070)                                       | D |
| <b>Motor Vehicle Related Crimes</b> |   |   |
| E                                   | Driving Without a License (46.20.005)   | E |
| C                                   | Hit and Run - Injury (46.52.020(4))   | D |
| D                                   | Hit and Run-Attended (46.52.020(5))   | E |
| E                                   | Hit and Run-Unattended (46.52.010)  | E |
| C                                   | Vehicular Assault (46.61.522)   | D |
| C                                   | Attempting to Elude Pursuing Police Vehicle (46.61.024)   | D |
| E                                   | Reckless Driving (46.61.500)  | E |
| D                                   | Driving While Under the Influence (46.61.502 and 46.61.504)                                       | E |
| <b>Other</b>                        |   |   |
| B                                   | Bomb Threat (9.61.160)  | C |
| C                                   | Escape 1 <sup>1</sup> (9A.76.110)   | C |
| C                                   | Escape 2 <sup>1</sup> (9A.76.120)   | C |
| D                                   | Escape 3 (9A.76.130)  | E |
| E                                   | Obscene, Harassing, Etc., Phone Calls (9.61.230)  | E |
| A                                   | Other Offense Equivalent to an Adult Class A Felony   | B |
|                                     |   | + |
| B                                   | Other Offense Equivalent to an Adult Class B Felony   | C |
| C                                   | Other Offense Equivalent to an Adult Class C Felony   | D |
| D                                   | Other Offense Equivalent to an Adult Gross Misdemeanor  | E |
| E                                   | Other Offense Equivalent to an Adult Misdemeanor  | E |
| V                                   | Violation of Order of Restitution, Community Supervision, or Confinement (13.40.200) <sup>2</sup> | V |

<sup>1</sup>Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses and the standard range is established as follows:

- 1st escape or attempted escape during 12-month period - 4 weeks confinement
- 2nd escape or attempted escape during 12-month period - 8 weeks confinement
- 3rd and subsequent escape or attempted escape during 12-month period - 12 weeks confinement

<sup>2</sup>If the court finds that a respondent has violated terms of an order, it may impose a penalty of up to 30 days of confinement.

### **JUVENILE SENTENCING STANDARDS**

This schedule must be used for juvenile offenders. The court may select sentencing option A, B, or C.

#### **OPTION A**

**JUVENILE OFFENDER SENTENCING GRID  
STANDARD RANGE**

A+ 180 WEEKS TO AGE 21 YEARS

A 103 WEEKS TO 129 WEEKS

A- 15-36 |52-65 |80-100 |103-129  
WEEKS |WEEKS |WEEKS |WEEKS  
EXCEPT |||  
30-40 |||  
WEEKS FOR |||  
15-17 |||  
YEAR OLDS |||

Current B+ 15-36 |52-65 |80-100 |103-129  
Offense WEEKS |WEEKS |WEEKS |WEEKS  
Category \_\_\_\_

B LOCAL | |52-65  
SANCTIONS (LS) |15-36 WEEKS |WEEKS

C+ LS |  
|15-36 WEEKS

C LS |15-36 WEEKS  
Local Sanctions: |  
0 to 30 Days \_  
D+ LS 0 to 12 Months Community Supervision  
0 to 150 Hours Community ((Service)) Restitution  
D LS \$0 to \$500 Fine

E LS

0 1 2 3 4 or more  
PRIOR ADJUDICATIONS

NOTE: References in the grid to days or weeks mean periods of confinement.

(1) The vertical axis of the grid is the current offense category. The current offense category is determined by the offense of adjudication.

(2) The horizontal axis of the grid is the number of prior adjudications included in the juvenile's criminal history. Each prior felony adjudication shall count as one point. Each prior violation, misdemeanor, and gross misdemeanor adjudication shall count as 1/4 point. Fractional points shall be rounded down.

(3) The standard range disposition for each offense is determined by the intersection of the column defined by the prior adjudications and the row defined by the current offense category.

(4) RCW 13.40.180 applies if the offender is being sentenced for more than one offense.

(5) A current offense that is a violation is equivalent to an offense category of E. However, a disposition for a violation shall not include confinement.

**OR**

**OPTION B**

## CHEMICAL DEPENDENCY DISPOSITION ALTERNATIVE

If the juvenile offender is subject to a standard range disposition of local sanctions or 15 to 36 weeks of confinement and has not committed an A- or B+ offense, the court may impose a disposition under RCW 13.40.160(5) and 13.40.165.

OR

### OPTION C MANIFEST INJUSTICE

If the court determines that a disposition under option A or B would effectuate a manifest injustice, the court shall impose a disposition outside the standard range under RCW 13.40.160(2).

**Sec. 16.** RCW 13.40.080 and 1997 c 338 s 70 are each amended to read as follows:

(1) A diversion agreement shall be a contract between a juvenile accused of an offense and a diversionary unit whereby the juvenile agrees to fulfill certain conditions in lieu of prosecution. Such agreements may be entered into only after the prosecutor, or probation counselor pursuant to this chapter, has determined that probable cause exists to believe that a crime has been committed and that the juvenile committed it. Such agreements shall be entered into as expeditiously as possible.

(2) A diversion agreement shall be limited to one or more of the following:

(a) Community ((~~service~~)) restitution not to exceed one hundred fifty hours, not to be performed during school hours if the juvenile is attending school;

(b) Restitution limited to the amount of actual loss incurred by the victim;

(c) Attendance at up to ten hours of counseling and/or up to twenty hours of educational or informational sessions at a community agency. The educational or informational sessions may include sessions relating to respect for self, others, and authority; victim awareness; accountability; self-worth; responsibility; work ethics; good citizenship; literacy; and life skills. For purposes of this section, "community agency" may also mean a community-based nonprofit organization, if approved by the diversion unit. The state shall not be liable for costs resulting from the diversionary unit exercising the option to permit diversion agreements to mandate attendance at up to ten hours of counseling and/or up to twenty hours of educational or informational sessions;

(d) A fine, not to exceed one hundred dollars. In determining the amount of the fine, the diversion unit shall consider only the juvenile's financial resources and whether the juvenile has the means to pay the fine. The diversion unit shall not consider the financial resources of the juvenile's parents, guardian, or custodian in determining the fine to be imposed; and

(e) Requirements to remain during specified hours at home, school, or work, and restrictions on leaving or entering specified geographical areas.

(3) In assessing periods of community ((~~service~~)) restitution to be performed and restitution to be paid by a juvenile who has entered into a diversion agreement, the court officer to whom this task is assigned shall consult with the juvenile's custodial parent or parents or guardian and victims who have contacted the diversionary unit and, to the extent possible, involve members of the community. Such members of the community shall meet with the juvenile and advise the court officer as to the terms of the diversion agreement and shall supervise the juvenile in carrying out its terms.

(4)(a) A diversion agreement may not exceed a period of six months and may include a period extending beyond the eighteenth birthday of the divertee.

(b) If additional time is necessary for the juvenile to complete restitution to the victim, the time period limitations of this subsection may be extended by an additional six months.

(c) If the juvenile has not paid the full amount of restitution by the end of the additional six-month period, then the juvenile shall be referred to the juvenile court for entry of an order establishing the amount of restitution still owed to the victim. In this order, the court shall also determine the terms and

conditions of the restitution, including a payment plan extending up to ten years if the court determines that the juvenile does not have the means to make full restitution over a shorter period. For the purposes of this subsection (4)(c), the juvenile shall remain under the court's jurisdiction for a maximum term of ten years after the juvenile's eighteenth birthday. Prior to the expiration of the initial ten-year period, the juvenile court may extend the judgment for restitution an additional ten years. The court may not require the juvenile to pay full or partial restitution if the juvenile reasonably satisfies the court that he or she does not have the means to make full or partial restitution and could not reasonably acquire the means to pay the restitution over a ten-year period. The county clerk shall make disbursements to victims named in the order. The restitution to victims named in the order shall be paid prior to any payment for other penalties or monetary assessments. A juvenile under obligation to pay restitution may petition the court for modification of the restitution order.

(5) The juvenile shall retain the right to be referred to the court at any time prior to the signing of the diversion agreement.

(6) Divertees and potential divertees shall be afforded due process in all contacts with a diversionary unit regardless of whether the juveniles are accepted for diversion or whether the diversion program is successfully completed. Such due process shall include, but not be limited to, the following:

(a) A written diversion agreement shall be executed stating all conditions in clearly understandable language;

(b) Violation of the terms of the agreement shall be the only grounds for termination;

(c) No divertee may be terminated from a diversion program without being given a court hearing, which hearing shall be preceded by:

(i) Written notice of alleged violations of the conditions of the diversion program; and

(ii) Disclosure of all evidence to be offered against the divertee;

(d) The hearing shall be conducted by the juvenile court and shall include:

(i) Opportunity to be heard in person and to present evidence;

(ii) The right to confront and cross-examine all adverse witnesses;

(iii) A written statement by the court as to the evidence relied on and the reasons for termination, should that be the decision; and

(iv) Demonstration by evidence that the divertee has substantially violated the terms of his or her diversion agreement.

(e) The prosecutor may file an information on the offense for which the divertee was diverted:

(i) In juvenile court if the divertee is under eighteen years of age; or

(ii) In superior court or the appropriate court of limited jurisdiction if the divertee is eighteen years of age or older.

(7) The diversion unit shall, subject to available funds, be responsible for providing interpreters when juveniles need interpreters to effectively communicate during diversion unit hearings or negotiations.

(8) The diversion unit shall be responsible for advising a divertee of his or her rights as provided in this chapter.

(9) The diversion unit may refer a juvenile to community-based counseling or treatment programs.

(10) The right to counsel shall inure prior to the initial interview for purposes of advising the juvenile as to whether he or she desires to participate in the diversion process or to appear in the juvenile court. The juvenile may be represented by counsel at any critical stage of the diversion process, including intake interviews and termination hearings. The juvenile shall be fully advised at the intake of his or her right to an attorney and of the relevant services an attorney can provide. For the purpose of this section, intake interviews mean all interviews regarding the diversion agreement process.

The juvenile shall be advised that a diversion agreement shall constitute a part of the juvenile's criminal history as defined by RCW 13.40.020(~~(9)~~) (7). A signed acknowledgment of such advisement shall be obtained from the juvenile, and the document shall be maintained by the diversionary unit together with the diversion agreement, and a copy of both documents shall be delivered to the prosecutor

if requested by the prosecutor. The supreme court shall promulgate rules setting forth the content of such advisement in simple language.

(11) When a juvenile enters into a diversion agreement, the juvenile court may receive only the following information for dispositional purposes:

- (a) The fact that a charge or charges were made;
- (b) The fact that a diversion agreement was entered into;
- (c) The juvenile's obligations under such agreement;
- (d) Whether the alleged offender performed his or her obligations under such agreement; and
- (e) The facts of the alleged offense.

(12) A diversionary unit may refuse to enter into a diversion agreement with a juvenile. When a diversionary unit refuses to enter a diversion agreement with a juvenile, it shall immediately refer such juvenile to the court for action and shall forward to the court the criminal complaint and a detailed statement of its reasons for refusing to enter into a diversion agreement. The diversionary unit shall also immediately refer the case to the prosecuting attorney for action if such juvenile violates the terms of the diversion agreement.

(13) A diversionary unit may, in instances where it determines that the act or omission of an act for which a juvenile has been referred to it involved no victim, or where it determines that the juvenile referred to it has no prior criminal history and is alleged to have committed an illegal act involving no threat of or instance of actual physical harm and involving not more than fifty dollars in property loss or damage and that there is no loss outstanding to the person or firm suffering such damage or loss, counsel and release or release such a juvenile without entering into a diversion agreement. A diversion unit's authority to counsel and release a juvenile under this subsection shall include the authority to refer the juvenile to community-based counseling or treatment programs. Any juvenile released under this subsection shall be advised that the act or omission of any act for which he or she had been referred shall constitute a part of the juvenile's criminal history as defined by RCW 13.40.020~~((9))~~ (7). A signed acknowledgment of such advisement shall be obtained from the juvenile, and the document shall be maintained by the unit, and a copy of the document shall be delivered to the prosecutor if requested by the prosecutor. The supreme court shall promulgate rules setting forth the content of such advisement in simple language. A juvenile determined to be eligible by a diversionary unit for release as provided in this subsection shall retain the same right to counsel and right to have his or her case referred to the court for formal action as any other juvenile referred to the unit.

(14) A diversion unit may supervise the fulfillment of a diversion agreement entered into before the juvenile's eighteenth birthday and which includes a period extending beyond the divertee's eighteenth birthday.

(15) If a fine required by a diversion agreement cannot reasonably be paid due to a change of circumstance, the diversion agreement may be modified at the request of the divertee and with the concurrence of the diversion unit to convert an unpaid fine into community ~~((service))~~ restitution. The modification of the diversion agreement shall be in writing and signed by the divertee and the diversion unit. The number of hours of community ~~((service))~~ restitution in lieu of a monetary penalty shall be converted at the rate of the prevailing state minimum wage per hour.

(16) Fines imposed under this section shall be collected and paid into the county general fund in accordance with procedures established by the juvenile court administrator under RCW 13.04.040 and may be used only for juvenile services. In the expenditure of funds for juvenile services, there shall be a maintenance of effort whereby counties exhaust existing resources before using amounts collected under this section.

**Sec. 17.** RCW 13.40.160 and 1997 c 338 s 25 and 1997 c 265 s 1 are each reenacted and amended to read as follows:

(1) The standard range disposition for a juvenile adjudicated of an offense is determined according to RCW 13.40.0357.

(a) When the court sentences an offender to a local sanction as provided in RCW 13.40.0357 option A, the court shall impose a determinate disposition within the standard ranges, except as provided in subsections (2), (4), and (5) of this section. The disposition may be comprised of one or more local sanctions.

(b) When the court sentences an offender to a standard range as provided in RCW 13.40.0357 option A that includes a term of confinement exceeding thirty days, commitment shall be to the department for the standard range of confinement, except as provided in subsections (2), (4), and (5) of this section.

(2) If the court concludes, and enters reasons for its conclusion, that disposition within the standard range would effectuate a manifest injustice the court shall impose a disposition outside the standard range, as indicated in option C of RCW 13.40.0357. The court's finding of manifest injustice shall be supported by clear and convincing evidence.

A disposition outside the standard range shall be determinate and shall be comprised of confinement or community supervision, or a combination thereof. When a judge finds a manifest injustice and imposes a sentence of confinement exceeding thirty days, the court shall sentence the juvenile to a maximum term, and the provisions of RCW 13.40.030(2) shall be used to determine the range. A disposition outside the standard range is appealable under RCW 13.40.230 by the state or the respondent. A disposition within the standard range is not appealable under RCW 13.40.230.

(3) Where a respondent is found to have committed an offense for which the respondent declined to enter into a diversion agreement, the court shall impose a term of community supervision limited to the conditions allowed in a diversion agreement as provided in RCW 13.40.080(2).

(4) When a juvenile offender is found to have committed a sex offense, other than a sex offense that is also a serious violent offense as defined by RCW 9.94A.030, and has no history of a prior sex offense, the court, on its own motion or the motion of the state or the respondent, may order an examination to determine whether the respondent is amenable to treatment.

The report of the examination shall include at a minimum the following: The respondent's version of the facts and the official version of the facts, the respondent's offense history, an assessment of problems in addition to alleged deviant behaviors, the respondent's social, educational, and employment situation, and other evaluation measures used. The report shall set forth the sources of the evaluator's information.

The examiner shall assess and report regarding the respondent's amenability to treatment and relative risk to the community. A proposed treatment plan shall be provided and shall include, at a minimum:

- (a)(i) Frequency and type of contact between the offender and therapist;
- (ii) Specific issues to be addressed in the treatment and description of planned treatment modalities;
- (iii) Monitoring plans, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members, legal guardians, or others;
- (iv) Anticipated length of treatment; and
- (v) Recommended crime-related prohibitions.

The court on its own motion may order, or on a motion by the state shall order, a second examination regarding the offender's amenability to treatment. The evaluator shall be selected by the party making the motion. The defendant shall pay the cost of any second examination ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost.

After receipt of reports of the examination, the court shall then consider whether the offender and the community will benefit from use of this special sex offender disposition alternative and consider the victim's opinion whether the offender should receive a treatment disposition under this section. If the court determines that this special sex offender disposition alternative is appropriate, then the court shall impose a determinate disposition within the standard range for the offense, or if the court concludes, and enters reasons for its conclusions, that such disposition would cause a manifest injustice, the court shall impose a disposition under option C, and the court may suspend the execution of the disposition and place



the offender on community supervision for at least two years. As a condition of the suspended disposition, the court may impose the conditions of community supervision and other conditions, including up to thirty days of confinement and requirements that the offender do any one or more of the following:

- (b)(i) Devote time to a specific education, employment, or occupation;
- (ii) Undergo available outpatient sex offender treatment for up to two years, or inpatient sex offender treatment not to exceed the standard range of confinement for that offense. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment. The respondent shall not change sex offender treatment providers or treatment conditions without first notifying the prosecutor, the probation counselor, and the court, and shall not change providers without court approval after a hearing if the prosecutor or probation counselor object to the change;
- (iii) Remain within prescribed geographical boundaries and notify the court or the probation counselor prior to any change in the offender's address, educational program, or employment;
- (iv) Report to the prosecutor and the probation counselor prior to any change in a sex offender treatment provider. This change shall have prior approval by the court;
- (v) Report as directed to the court and a probation counselor;
- (vi) Pay all court-ordered legal financial obligations, perform community ((~~service~~)) restitution, or any combination thereof;
- (vii) Make restitution to the victim for the cost of any counseling reasonably related to the offense;
- (viii) Comply with the conditions of any court-ordered probation bond; or
- (ix) The court shall order that the offender may not attend the public or approved private elementary, middle, or high school attended by the victim or the victim's siblings. The parents or legal guardians of the offender are responsible for transportation or other costs associated with the offender's change of school that would otherwise be paid by the school district. The court shall send notice of the disposition and restriction on attending the same school as the victim or victim's siblings to the public or approved private school the juvenile will attend, if known, or if unknown, to the approved private schools and the public school district board of directors of the district in which the juvenile resides or intends to reside. This notice must be sent at the earliest possible date but not later than ten calendar days after entry of the disposition.

The sex offender treatment provider shall submit quarterly reports on the respondent's progress in treatment to the court and the parties. The reports shall reference the treatment plan and include at a minimum the following: Dates of attendance, respondent's compliance with requirements, treatment activities, the respondent's relative progress in treatment, and any other material specified by the court at the time of the disposition.

At the time of the disposition, the court may set treatment review hearings as the court considers appropriate.

Except as provided in this subsection (4), after July 1, 1991, examinations and treatment ordered pursuant to this subsection shall only be conducted by sex offender treatment providers certified by the department of health pursuant to chapter 18.155 RCW. A sex offender therapist who examines or treats a juvenile sex offender pursuant to this subsection does not have to be certified by the department of health pursuant to chapter 18.155 RCW if the court finds that: (A) The offender has already moved to another state or plans to move to another state for reasons other than circumventing the certification requirements; (B) no certified providers are available for treatment within a reasonable geographical distance of the offender's home; and (C) the evaluation and treatment plan comply with this subsection (4) and the rules adopted by the department of health.

If the offender violates any condition of the disposition or the court finds that the respondent is failing to make satisfactory progress in treatment, the court may revoke the suspension and order execution of the disposition or the court may impose a penalty of up to thirty days' confinement for violating conditions of the disposition. The court may order both execution of the disposition and up to

thirty days' confinement for the violation of the conditions of the disposition. The court shall give credit for any confinement time previously served if that confinement was for the offense for which the suspension is being revoked.

For purposes of this section, "victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged. "Victim" may also include a known parent or guardian of a victim who is a minor child unless the parent or guardian is the perpetrator of the offense.

A disposition entered under this subsection (4) is not appealable under RCW 13.40.230.

(5) If the juvenile offender is subject to a standard range disposition of local sanctions or 15 to 36 weeks of confinement and has not committed an A- or B+ offense, the court may impose the disposition alternative under RCW 13.40.165.

(6) RCW 13.40.193 shall govern the disposition of any juvenile adjudicated of possessing a firearm in violation of RCW 9.41.040(1)(b)(iii) or any crime in which a special finding is entered that the juvenile was armed with a firearm.

(7) Whenever a juvenile offender is entitled to credit for time spent in detention prior to a dispositional order, the dispositional order shall specifically state the number of days of credit for time served.

(8) Except as provided under subsection (4) or (5) of this section or RCW 13.40.127, the court shall not suspend or defer the imposition or the execution of the disposition.

(9) In no case shall the term of confinement imposed by the court at disposition exceed that to which an adult could be subjected for the same offense.

**Sec. 18.** RCW 13.40.165 and 1997 c 338 s 26 are each amended to read as follows:

(1) When a juvenile offender is subject to a standard range disposition of local sanctions or 15 to 36 weeks of confinement and has not committed an A- or B+ offense, the court, on its own motion or the motion of the state or the respondent if the evidence shows that the offender may be chemically dependent, may order an examination by a chemical dependency counselor from a chemical dependency treatment facility approved under chapter 70.96A RCW to determine if the youth is chemically dependent and amenable to treatment.

(2) The report of the examination shall include at a minimum the following: The respondent's version of the facts and the official version of the facts, the respondent's offense history, an assessment of drug-alcohol problems and previous treatment attempts, the respondent's social, educational, and employment situation, and other evaluation measures used. The report shall set forth the sources of the examiner's information.

(3) The examiner shall assess and report regarding the respondent's amenability to treatment and relative risk to the community. A proposed treatment plan shall be provided and shall include, at a minimum:

- (a) Whether inpatient and/or outpatient treatment is recommended;
- (b) Availability of appropriate treatment;
- (c) Monitoring plans, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members, legal guardians, or others;
- (d) Anticipated length of treatment;
- (e) Recommended crime-related prohibitions; and
- (f) Whether the respondent is amenable to treatment.

(4) The court on its own motion may order, or on a motion by the state shall order, a second examination regarding the offender's amenability to treatment. The evaluator shall be selected by the party making the motion. The defendant shall pay the cost of any examination ordered under this subsection (4) or subsection (1) of this section unless the court finds that the offender is indigent and no third party insurance coverage is available, in which case the state shall pay the cost.

(5)(a) After receipt of reports of the examination, the court shall then consider whether the offender and the community will benefit from use of this chemical dependency disposition alternative and

consider the victim's opinion whether the offender should receive a treatment disposition under this section.

(b) If the court determines that this chemical dependency disposition alternative is appropriate, then the court shall impose the standard range for the offense, suspend execution of the disposition, and place the offender on community supervision for up to one year. As a condition of the suspended disposition, the court shall require the offender to undergo available outpatient drug/alcohol treatment and/or inpatient drug/alcohol treatment. For purposes of this section, the sum of confinement time and inpatient treatment may not exceed ninety days. As a condition of the suspended disposition, the court may impose conditions of community supervision and other sanctions, including up to thirty days of confinement, one hundred fifty hours of community ((~~service~~)) restitution, and payment of legal financial obligations and restitution.

(6) The drug/alcohol treatment provider shall submit monthly reports on the respondent's progress in treatment to the court and the parties. The reports shall reference the treatment plan and include at a minimum the following: Dates of attendance, respondent's compliance with requirements, treatment activities, the respondent's relative progress in treatment, and any other material specified by the court at the time of the disposition.

At the time of the disposition, the court may set treatment review hearings as the court considers appropriate.

If the offender violates any condition of the disposition or the court finds that the respondent is failing to make satisfactory progress in treatment, the court may revoke the suspension and order execution of the disposition. The court shall give credit for any confinement time previously served if that confinement was for the offense for which the suspension is being revoked.

(7) For purposes of this section, "victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the offense charged.

(8) Whenever a juvenile offender is entitled to credit for time spent in detention prior to a dispositional order, the dispositional order shall specifically state the number of days of credit for time served.

(9) In no case shall the term of confinement imposed by the court at disposition exceed that to which an adult could be subjected for the same offense.

(10) A disposition under this section is not appealable under RCW 13.40.230.

**Sec. 19.** RCW 13.40.180 and 1981 c 299 s 14 are each amended to read as follows:

Where a disposition is imposed on a youth for two or more offenses, the terms shall run consecutively, subject to the following limitations:

(1) Where the offenses were committed through a single act or omission, omission, or through an act or omission which in itself constituted one of the offenses and also was an element of the other, the aggregate of all the terms shall not exceed one hundred fifty percent of the term imposed for the most serious offense;

(2) The aggregate of all consecutive terms shall not exceed three hundred percent of the term imposed for the most serious offense; and

(3) The aggregate of all consecutive terms of community supervision shall not exceed two years in length, or require payment of more than two hundred dollars in fines or the performance of more than two hundred hours of community ((~~service~~)) restitution.

**Sec. 20.** RCW 13.40.200 and 1997 c 338 s 31 are each amended to read as follows:

(1) When a respondent fails to comply with an order of restitution, community supervision, penalty assessments, or confinement of less than thirty days, the court upon motion of the prosecutor or its own motion, may modify the order after a hearing on the violation.

(2) The hearing shall afford the respondent the same due process of law as would be afforded an adult probationer. The court may issue a summons or a warrant to compel the respondent's appearance. The state shall have the burden of proving by a preponderance of the evidence the fact of the violation.

The respondent shall have the burden of showing that the violation was not a willful refusal to comply with the terms of the order. If a respondent has failed to pay a fine, penalty assessments, or restitution or to perform community ((~~service~~)) restitution hours, as required by the court, it shall be the respondent's burden to show that he or she did not have the means and could not reasonably have acquired the means to pay the fine, penalty assessments, or restitution or perform community ((~~service~~)) restitution.

(3) If the court finds that a respondent has willfully violated the terms of an order pursuant to subsections (1) and (2) of this section, it may impose a penalty of up to thirty days' confinement. Penalties for multiple violations occurring prior to the hearing shall not be aggregated to exceed thirty days' confinement. Regardless of the number of times a respondent is brought to court for violations of the terms of a single disposition order, the combined total number of days spent by the respondent in detention shall never exceed the maximum term to which an adult could be sentenced for the underlying offense.

(4) If a respondent has been ordered to pay a fine or monetary penalty and due to a change of circumstance cannot reasonably comply with the order, the court, upon motion of the respondent, may order that the unpaid fine or monetary penalty be converted to community ((~~service~~)) restitution. The number of hours of community ((~~service~~)) restitution in lieu of a monetary penalty or fine shall be converted at the rate of the prevailing state minimum wage per hour. The monetary penalties or fines collected shall be deposited in the county general fund. A failure to comply with an order under this subsection shall be deemed a failure to comply with an order of community supervision and may be proceeded against as provided in this section.

(5) When a respondent has willfully violated the terms of a probation bond, the court may modify, revoke, or retain the probation bond as provided in RCW 13.40.054.

**Sec. 21.** RCW 13.40.205 and 1990 c 3 s 103 are each amended to read as follows:

(1) A juvenile sentenced to a term of confinement to be served under the supervision of the department shall not be released from the physical custody of the department prior to the release date established under RCW 13.40.210 except as otherwise provided in this section.

(2) A juvenile serving a term of confinement under the supervision of the department may be released on authorized leave from the physical custody of the department only if consistent with public safety and if:

(a) Sixty percent of the minimum term of confinement has been served; and

(b) The purpose of the leave is to enable the juvenile:

(i) To visit the juvenile's family for the purpose of strengthening or preserving family relationships;

(ii) To make plans for parole or release which require the juvenile's personal appearance in the community and which will facilitate the juvenile's reintegration into the community; or

(iii) To make plans for a residential placement out of the juvenile's home which requires the juvenile's personal appearance in the community.

(3) No authorized leave may exceed seven consecutive days. The total of all pre-minimum term authorized leaves granted to a juvenile prior to final discharge from confinement shall not exceed thirty days.

(4) Prior to authorizing a leave, the secretary shall require a written leave plan, which shall detail the purpose of the leave and how it is to be achieved, the address at which the juvenile shall reside, the identity of the person responsible for supervising the juvenile during the leave, and a statement by such person acknowledging familiarity with the leave plan and agreeing to supervise the juvenile and to notify the secretary immediately if the juvenile violates any terms or conditions of the leave. The leave plan shall include such terms and conditions as the secretary deems appropriate and shall be signed by the juvenile.

(5) Upon authorizing a leave, the secretary shall issue to the juvenile an authorized leave order which shall contain the name of the juvenile, the fact that the juvenile is on leave from a designated facility, the time period of the leave, and the identity of an appropriate official of the department to

contact when necessary. The authorized leave order shall be carried by the juvenile at all times while on leave.

(6) Prior to the commencement of any authorized leave, the secretary shall give notice of the leave to the appropriate law enforcement agency in the jurisdiction in which the juvenile will reside during the leave period. The notice shall include the identity of the juvenile, the time period of the leave, the residence of the juvenile during the leave, and the identity of the person responsible for supervising the juvenile during the leave.

(7) The secretary may authorize a leave, which shall not exceed forty-eight hours plus travel time, to meet an emergency situation such as a death or critical illness of a member of the juvenile's family. The secretary may authorize a leave, which shall not exceed the period of time medically necessary, to obtain medical care not available in a juvenile facility maintained by the department. In cases of emergency or medical leave the secretary may waive all or any portions of subsections (2)(a), (3), (4), (5), and (6) of this section.

(8) If requested by the juvenile's victim or the victim's immediate family, the secretary shall give notice of any leave to the victim or the victim's immediate family.

(9) A juvenile who violates any condition of an authorized leave plan may be taken into custody and returned to the department in the same manner as an adult in identical circumstances.

(10) Notwithstanding the provisions of this section, a juvenile placed in minimum security status may participate in work, educational, community ((service)) restitution, or treatment programs in the community up to twelve hours a day if approved by the secretary. Such a release shall not be deemed a leave of absence.

(11) Subsections (6), (7), and (8) of this section do not apply to juveniles covered by RCW 13.40.215.

**Sec. 22.** RCW 13.40.210 and 1997 c 338 s 32 are each amended to read as follows:

(1) The secretary shall, except in the case of a juvenile committed by a court to a term of confinement in a state institution outside the appropriate standard range for the offense(s) for which the juvenile was found to be guilty established pursuant to RCW 13.40.030, set a release or discharge date for each juvenile committed to its custody. The release or discharge date shall be within the prescribed range to which a juvenile has been committed except as provided in RCW 13.40.320 concerning offenders the department determines are eligible for the juvenile offender basic training camp program. Such dates shall be determined prior to the expiration of sixty percent of a juvenile's minimum term of confinement included within the prescribed range to which the juvenile has been committed. The secretary shall release any juvenile committed to the custody of the department within four calendar days prior to the juvenile's release date or on the release date set under this chapter. Days spent in the custody of the department shall be tolled by any period of time during which a juvenile has absented himself or herself from the department's supervision without the prior approval of the secretary or the secretary's designee.

(2) The secretary shall monitor the average daily population of the state's juvenile residential facilities. When the secretary concludes that in-residence population of residential facilities exceeds one hundred five percent of the rated bed capacity specified in statute, or in absence of such specification, as specified by the department in rule, the secretary may recommend reductions to the governor. On certification by the governor that the recommended reductions are necessary, the secretary has authority to administratively release a sufficient number of offenders to reduce in-residence population to one hundred percent of rated bed capacity. The secretary shall release those offenders who have served the greatest proportion of their sentence. However, the secretary may deny release in a particular case at the request of an offender, or if the secretary finds that there is no responsible custodian, as determined by the department, to whom to release the offender, or if the release of the offender would pose a clear danger to society. The department shall notify the committing court of the release at the time of release if any such early releases have occurred as a result of excessive in-residence population. In no event shall an offender adjudicated of a violent offense be granted release under the provisions of this subsection.

(3)(a) Following the juvenile's release under subsection (1) of this section, the secretary may require the juvenile to comply with a program of parole to be administered by the department in his or her community which shall last no longer than eighteen months, except that in the case of a juvenile sentenced for rape in the first or second degree, rape of a child in the first or second degree, child molestation in the first degree, or indecent liberties with forcible compulsion, the period of parole shall be twenty-four months and, in the discretion of the secretary, may be up to thirty-six months when the secretary finds that an additional period of parole is necessary and appropriate in the interests of public safety or to meet the ongoing needs of the juvenile. A parole program is mandatory for offenders released under subsection (2) of this section. The decision to place an offender on parole shall be based on an assessment by the department of the offender's risk for reoffending upon release. The department shall prioritize available parole resources to provide supervision and services to offenders at moderate to high risk for reoffending.

(b) The secretary shall, for the period of parole, facilitate the juvenile's reintegration into his or her community and to further this goal shall require the juvenile to refrain from possessing a firearm or using a deadly weapon and refrain from committing new offenses and may require the juvenile to: (i) Undergo available medical, psychiatric, drug and alcohol, sex offender, mental health, and other offense-related treatment services; (ii) report as directed to a parole officer and/or designee; (iii) pursue a course of study, vocational training, or employment; (iv) notify the parole officer of the current address where he or she resides; (v) be present at a particular address during specified hours; (vi) remain within prescribed geographical boundaries; (vii) submit to electronic monitoring; (viii) refrain from using illegal drugs and alcohol, and submit to random urinalysis when requested by the assigned parole officer; (ix) refrain from contact with specific individuals or a specified class of individuals; (x) meet other conditions determined by the parole officer to further enhance the juvenile's reintegration into the community; (xi) pay any court-ordered fines or restitution; and (xii) perform community ~~((service))~~ restitution. Community ~~((service))~~ restitution for the purpose of this section means compulsory service, without compensation, performed for the benefit of the community by the offender. Community ~~((service))~~ restitution may be performed through public or private organizations or through work crews.

(c) The secretary may further require up to twenty-five percent of the highest risk juvenile offenders who are placed on parole to participate in an intensive supervision program. Offenders participating in an intensive supervision program shall be required to comply with all terms and conditions listed in (b) of this subsection and shall also be required to comply with the following additional terms and conditions: (i) Obey all laws and refrain from any conduct that threatens public safety; (ii) report at least once a week to an assigned community case manager; and (iii) meet all other requirements imposed by the community case manager related to participating in the intensive supervision program. As a part of the intensive supervision program, the secretary may require day reporting.

(d) After termination of the parole period, the juvenile shall be discharged from the department's supervision.

(4)(a) The department may also modify parole for violation thereof. If, after affording a juvenile all of the due process rights to which he or she would be entitled if the juvenile were an adult, the secretary finds that a juvenile has violated a condition of his or her parole, the secretary shall order one of the following which is reasonably likely to effectuate the purpose of the parole and to protect the public: (i) Continued supervision under the same conditions previously imposed; (ii) intensified supervision with increased reporting requirements; (iii) additional conditions of supervision authorized by this chapter; (iv) except as provided in (a)(v) of this subsection, imposition of a period of confinement not to exceed thirty days in a facility operated by or pursuant to a contract with the state of Washington or any city or county for a portion of each day or for a certain number of days each week with the balance of the days or weeks spent under supervision; and (v) the secretary may order any of the conditions or may return the offender to confinement for the remainder of the sentence range if the offense for which the offender was sentenced is rape in the first or second degree, rape of a child in the first or second degree, child

molestation in the first degree, indecent liberties with forcible compulsion, or a sex offense that is also a serious violent offense as defined by RCW 9.94A.030.

(b) If the department finds that any juvenile in a program of parole has possessed a firearm or used a deadly weapon during the program of parole, the department shall modify the parole under (a) of this subsection and confine the juvenile for at least thirty days. Confinement shall be in a facility operated by or pursuant to a contract with the state or any county.

(5) A parole officer of the department of social and health services shall have the power to arrest a juvenile under his or her supervision on the same grounds as a law enforcement officer would be authorized to arrest the person.

(6) If so requested and approved under chapter 13.06 RCW, the secretary shall permit a county or group of counties to perform functions under subsections (3) through (5) of this section.

**Sec. 23.** RCW 13.40.250 and 1997 c 338 s 36 are each amended to read as follows:

A traffic or civil infraction case involving a juvenile under the age of sixteen may be diverted in accordance with the provisions of this chapter or filed in juvenile court.

(1) If a notice of a traffic or civil infraction is filed in juvenile court, the juvenile named in the notice shall be afforded the same due process afforded to adult defendants in traffic infraction cases.

(2) A monetary penalty imposed upon a juvenile under the age of sixteen who is found to have committed a traffic or civil infraction may not exceed one hundred dollars. At the juvenile's request, the court may order performance of a number of hours of community ((~~service~~)) restitution in lieu of a monetary penalty, at the rate of the prevailing state minimum wage per hour.

(3) A diversion agreement entered into by a juvenile referred pursuant to this section shall be limited to thirty hours of community ((~~service~~)) restitution, or educational or informational sessions.

(4) If a case involving the commission of a traffic or civil infraction or offense by a juvenile under the age of sixteen has been referred to a diversion unit, an abstract of the action taken by the diversion unit may be forwarded to the department of licensing in the manner provided for in RCW 46.20.270(2).

**Sec. 24.** RCW 28A.225.090 and 1998 c 296 s 39 are each amended to read as follows:

(1) A court may order a child subject to a petition under RCW 28A.225.035 to:

(a) Attend the child's current school;

(b) If there is space available and the program can provide educational services appropriate for the child, order the child to attend another public school, an alternative education program, center, a skill center, dropout prevention program, or another public educational program;

(c) Attend a private nonsectarian school or program including an education center. Before ordering a child to attend an approved or certified private nonsectarian school or program, the court shall: (i) Consider the public and private programs available; (ii) find that placement is in the best interest of the child; and (iii) find that the private school or program is willing to accept the child and will not charge any fees in addition to those established by contract with the student's school district. If the court orders the child to enroll in a private school or program, the child's school district shall contract with the school or program to provide educational services for the child. The school district shall not be required to contract for a weekly rate that exceeds the state general apportionment dollars calculated on a weekly basis generated by the child and received by the district. A school district shall not be required to enter into a contract that is longer than the remainder of the school year. A school district shall not be required to enter into or continue a contract if the child is no longer enrolled in the district;

(d) Be referred to a community truancy board, if available; or

(e) Submit to testing for the use of controlled substances or alcohol based on a determination that such testing is appropriate to the circumstances and behavior of the child and will facilitate the child's compliance with the mandatory attendance law.

(2) If the child fails to comply with the court order, the court may order the child to be punished by detention, as provided in RCW 7.21.030(2)(e), or may impose alternatives to detention such as

community (~~service~~) restitution. Failure by a child to comply with an order issued under this subsection shall not be punishable by detention for a period greater than that permitted pursuant to a civil contempt proceeding against a child under chapter 13.32A RCW.

(3) Any parent violating any of the provisions of either RCW 28A.225.010 or 28A.225.080 shall be fined not more than twenty-five dollars for each day of unexcused absence from school. It shall be a defense for a parent charged with violating RCW 28A.225.010 to show that he or she exercised reasonable diligence in attempting to cause a child in his or her custody to attend school or that the child's school did not perform its duties as required in RCW 28A.225.020. The court may order the parent to provide community (~~service~~) restitution instead of imposing a fine. Any fine imposed pursuant to this section may be suspended upon the condition that a parent charged with violating RCW 28A.225.010 shall participate with the school and the child in a supervised plan for the child's attendance at school or upon condition that the parent attend a conference or conferences scheduled by a school for the purpose of analyzing the causes of a child's absence.

**Sec. 25.** RCW 35.21.209 and 1984 c 24 s 1 are each amended to read as follows:

The legislative authority of a city or town may purchase liability insurance in an amount it deems reasonable to protect the city or town, its officers, and employees against liability for the wrongful acts of offenders or injury or damage incurred by offenders in the course of court-ordered community (~~service~~) restitution, and may elect to treat offenders as employees and/or workers under Title 51 RCW.

**Sec. 26.** RCW 35A.21.220 and 1984 c 24 s 2 are each amended to read as follows:

The legislative authority of a code city may purchase liability insurance in an amount it deems reasonable to protect the code city, its officers, and employees against liability for the wrongful acts of offenders or injury or damage incurred by offenders in the course of court-ordered community (~~service~~) restitution, and may elect to treat offenders as employees and/or workers under Title 51 RCW.

**Sec. 27.** RCW 36.16.139 and 1984 c 24 s 3 are each amended to read as follows:

The legislative authority of a county may purchase liability insurance in an amount it deems reasonable to protect the county, its officers, and employees against liability for the wrongful acts of offenders or injury or damage incurred by offenders in the course of community (~~service~~) restitution imposed by court order or pursuant to RCW 13.40.080. The legislative authority of a county may elect to treat offenders as employees and/or workers under Title 51 RCW.

**Sec. 28.** RCW 43.51.048 and 1996 c 263 s 3 are each amended to read as follows:

(1) The commission shall establish a policy and procedures for supervising and evaluating community (~~service~~) restitution activities that may be imposed under RCW 70.93.060(3) including a description of what constitutes satisfactory completion of community (~~service~~) restitution.

(2) The commission shall inform each state park of the policy and procedures regarding community (~~service~~) restitution activities, and each state park shall then notify the commission as to whether or not the park elects to participate in the community (~~service~~) restitution program. The commission shall transmit a list notifying the district courts of each state park that elects to participate.

**Sec. 29.** RCW 46.16.381 and 1998 c 294 s 1 are each amended to read as follows:

(1) The director shall grant special parking privileges to any person who has a disability that limits or impairs the ability to walk and meets one of the following criteria, as determined by a licensed physician:

- (a) Cannot walk two hundred feet without stopping to rest;
- (b) Is severely limited in ability to walk due to arthritic, neurological, or orthopedic condition;
- (c) Is so severely disabled, that the person cannot walk without the use of or assistance from a brace, cane, another person, prosthetic device, wheelchair, or other assistive device;
- (d) Uses portable oxygen;



(e) Is restricted by lung disease to such an extent that forced expiratory respiratory volume, when measured by spirometry is less than one liter per second or the arterial oxygen tension is less than sixty mm/hg on room air at rest;

(f) Impairment by cardiovascular disease or cardiac condition to the extent that the person's functional limitations are classified as class III or IV under standards accepted by the American Heart Association; or

(g) Has a disability resulting from an acute sensitivity to automobile emissions which limits or impairs the ability to walk. The personal physician of the applicant shall document that the disability is comparable in severity to the others listed in this subsection.

(2) The applications for disabled parking permits and temporary disabled parking permits are official state documents. Knowingly providing false information in conjunction with the application is a gross misdemeanor punishable under chapter 9A.20 RCW. The following statement must appear on each application form immediately below the physician's signature and immediately below the applicant's signature: "A disabled parking permit may be issued only for a medical necessity that severely affects mobility (RCW 46.16.381). Knowingly providing false information on this application is a gross misdemeanor. The penalty is up to one year in jail and a fine of up to \$5,000 or both."

(3) Persons who qualify for special parking privileges are entitled to receive from the department of licensing a removable windshield placard bearing the international symbol of access and an individual serial number, along with a special identification card bearing the photograph, name, and date of birth of the person to whom the placard is issued, and the placard's serial number. The department shall design the placard to be displayed when the vehicle is parked by suspending it from the rearview mirror, or in the absence of a rearview mirror the card may be displayed on the dashboard of any vehicle used to transport the disabled person. Instead of regular motor vehicle license plates, disabled persons are entitled to receive special license plates bearing the international symbol of access for one vehicle registered in the disabled person's name. Disabled persons who are not issued the special license plates are entitled to receive a second special placard upon submitting a written request to the department. Persons who have been issued the parking privileges and who are using a vehicle or are riding in a vehicle displaying the special license plates or placard may park in places reserved for mobility disabled persons. The director shall adopt rules providing for the issuance of special placards and license plates to public transportation authorities, nursing homes licensed under chapter 18.51 RCW, boarding homes licensed under chapter 18.20 RCW, senior citizen centers, private nonprofit agencies as defined in chapter 24.03 RCW, and vehicles registered with the department as cabulances that regularly transport disabled persons who have been determined eligible for special parking privileges provided under this section. The director may issue special license plates for a vehicle registered in the name of the public transportation authority, nursing home, boarding homes, senior citizen center, private nonprofit agency, or cabulance service if the vehicle is primarily used to transport persons with disabilities described in this section. Public transportation authorities, nursing homes, boarding homes, senior citizen centers, private nonprofit agencies, and cabulance services are responsible for insuring that the special placards and license plates are not used improperly and are responsible for all fines and penalties for improper use.

(4) Whenever the disabled person transfers or assigns his or her interest in the vehicle, the special license plates shall be removed from the motor vehicle. If another vehicle is acquired by the disabled person and the vehicle owner qualifies for a special plate, the plate shall be attached to the vehicle, and the director shall be immediately notified of the transfer of the plate. If another vehicle is not acquired by the disabled person, the removed plate shall be immediately surrendered to the director.

(5) The special license plate shall be renewed in the same manner and at the time required for the renewal of regular motor vehicle license plates under this chapter. No special license plate may be issued to a person who is temporarily disabled. A person who has a condition expected to improve within six months may be issued a temporary placard for a period not to exceed six months. If the condition exists after six months a new temporary placard shall be issued upon receipt of a new certification from the disabled person's physician. The permanent parking placard and photo identification card of a disabled person shall be renewed at least every five years, as required by the director, by satisfactory proof of the

right to continued use of the privileges. In the event of the permit holder's death, the parking placard and photo identification card must be immediately surrendered to the department. The department shall match and purge its disabled permit data base with available death record information at least every twelve months.

(6) Each person who has been issued a permanent disabled parking permit on or before July 1, 1998, must renew the permit no later than July 1, 2003, subject to a schedule to be set by the department, or the permit will expire.

(7) Additional fees shall not be charged for the issuance of the special placards or the photo identification cards. No additional fee may be charged for the issuance of the special license plates except the regular motor vehicle registration fee and any other fees and taxes required to be paid upon registration of a motor vehicle.

(8) Any unauthorized use of the special placard, special license plate, or photo identification card is a traffic infraction with a monetary penalty of two hundred fifty dollars.

(9) It is a parking infraction, with a monetary penalty of two hundred fifty dollars for a person to make inaccessible the access aisle located next to a space reserved for physically disabled persons. The clerk of the court shall report all violations related to this subsection to the department.

(10) It is a parking infraction, with a monetary penalty of two hundred fifty dollars for any person to park a vehicle in a parking place provided on private property without charge or on public property reserved for physically disabled persons without a special license plate or placard. If a person is charged with a violation, the person shall not be determined to have committed an infraction if the person produces in court or before the court appearance the special license plate or placard required under this section. A local jurisdiction providing nonmetered, on-street parking places reserved for physically disabled persons may impose by ordinance time restrictions of no less than four hours on the use of these parking places. A local jurisdiction may impose by ordinance time restrictions of no less than four hours on the use of nonreserved, on-street parking spaces by vehicles displaying the special parking placards. All time restrictions must be clearly posted.

(11) The penalties imposed under subsections (9) and (10) of this section shall be used by that local jurisdiction exclusively for law enforcement. The court may also impose an additional penalty sufficient to reimburse the local jurisdiction for any costs it may have incurred in removal and storage of the improperly parked vehicle.

(12) Except as provided by subsection (2) of this section, it is a traffic infraction with a monetary penalty of two hundred fifty dollars for any person willfully to obtain a special license plate, placard, or photo identification card in a manner other than that established under this section.

(13)(a) A law enforcement agency authorized to enforce parking laws may appoint volunteers, with a limited commission, to issue notices of infractions for violations of this section or RCW 46.61.581. Volunteers must be at least twenty-one years of age. The law enforcement agency appointing volunteers may establish any other qualifications the agency deems desirable.

(b) An agency appointing volunteers under this section must provide training to the volunteers before authorizing them to issue notices of infractions.

(c) A notice of infraction issued by a volunteer appointed under this subsection has the same force and effect as a notice of infraction issued by a police officer for the same offense.

(d) A police officer or a volunteer may request a person to show the person's photo identification card or special parking placard when investigating the possibility of a violation of this section. If the request is refused, the person in charge of the vehicle may be issued a notice of infraction for a violation of this section.

(14) For second or subsequent violations of this section, in addition to a monetary fine, the violator must complete a minimum of forty hours of:

(a) Community ~~((service))~~ restitution for a nonprofit organization that serves the disabled community or persons having disabling diseases; or

(b) Any other community ~~((service))~~ restitution that may sensitize the violator to the needs and obstacles faced by persons who have disabilities.

(15) The court may not suspend more than one-half of any fine imposed under subsection (8), (9), (10), or (12) of this section.

**Sec. 30.** RCW 46.20.031 and 1995 c 219 s 1 are each amended to read as follows:

The department shall not issue a driver's license hereunder:

- (1) To any person who is under the age of sixteen years;
- (2) To any person whose license has been suspended during such suspension, nor to any person whose license has been revoked, except as provided in RCW 46.20.311;
- (3) To any person who has been evaluated by a program approved by the department of social and health services as being an alcoholic, drug addict, alcohol abuser, and/or drug abuser: PROVIDED, That a license may be issued if the department determines that such person has been granted a deferred prosecution, pursuant to chapter 10.05 RCW, or is satisfactorily participating in or has successfully completed an alcohol or drug abuse treatment program approved by the department of social and health services and has established control of his or her alcohol and/or drug abuse problem;
- (4) To any person who has previously been adjudged to be mentally ill or insane, or to be incompetent due to any mental disability or disease, and who has not at the time of application been restored to competency by the methods provided by law: PROVIDED, HOWEVER, That no person so adjudged shall be denied a license for such cause if the superior court should find him able to operate a motor vehicle with safety upon the highways during such incompetency;
- (5) To any person who is required by this chapter to take an examination, unless such person shall have successfully passed such examination;
- (6) To any person who is required under the laws of this state to deposit proof of financial responsibility and who has not deposited such proof;
- (7) To any person when the department has good and substantial evidence to reasonably conclude that such person by reason of physical or mental disability would not be able to operate a motor vehicle with safety upon the highways; subject to review by a court of competent jurisdiction;
- (8) To a person when the department has been notified by a court that the person has violated his or her written promise to appear, respond, or comply regarding a notice of infraction issued for a violation of RCW 46.55.105, unless the department has received notice from the court showing that the person has been found not to have committed the violation of RCW 46.55.105, or that the person has paid all monetary penalties owing, including completion of community ~~((service))~~ restitution, and that the court is satisfied that the person has made restitution as provided by RCW 46.55.105(2).

**Sec. 31.** RCW 46.30.020 and 1991 sp.s. c 25 s 1 are each amended to read as follows:

(1)(a) No person may operate a motor vehicle subject to registration under chapter 46.16 RCW in this state unless the person is insured under a motor vehicle liability policy with liability limits of at least the amounts provided in RCW 46.29.090, is self-insured as provided in RCW 46.29.630, is covered by a certificate of deposit in conformance with RCW 46.29.550, or is covered by a liability bond of at least the amounts provided in RCW 46.29.090. Written proof of financial responsibility for motor vehicle operation must be provided on the request of a law enforcement officer in the format specified under RCW 46.30.030.

(b) A person who drives a motor vehicle that is required to be registered in another state that requires drivers and owners of vehicles in that state to maintain insurance or financial responsibility shall, when requested by a law enforcement officer, provide evidence of financial responsibility or insurance as is required by the laws of the state in which the vehicle is registered.

(c) When asked to do so by a law enforcement officer, failure to display an insurance identification card as specified under RCW 46.30.030 creates a presumption that the person does not have motor vehicle insurance.

(d) Failure to provide proof of motor vehicle insurance is a traffic infraction and is subject to penalties as set by the supreme court under RCW 46.63.110 or community ~~((service))~~ restitution.

(2) If a person cited for a violation of subsection (1) of this section appears in person before the court and provides written evidence that at the time the person was cited, he or she was in compliance with the financial responsibility requirements of subsection (1) of this section, the citation shall be dismissed. In lieu of personal appearance, a person cited for a violation of subsection (1) of this section may, before the date scheduled for the person's appearance before the court, submit by mail to the court written evidence that at the time the person was cited, he or she was in compliance with the financial responsibility requirements of subsection (1) of this section, in which case the citation shall be dismissed without cost, except that the court may assess court administrative costs of twenty-five dollars at the time of dismissal.

(3) The provisions of this chapter shall not govern:

(a) The operation of a motor vehicle registered under RCW 46.16.305(1), governed by RCW 46.16.020, or registered with the Washington utilities and transportation commission as common or contract carriers; or

(b) The operation of a motorcycle as defined in RCW 46.04.330, a motor-driven cycle as defined in RCW 46.04.332, or a moped as defined in RCW 46.04.304.

(4) RCW 46.29.490 shall not be deemed to govern all motor vehicle liability policies required by this chapter but only those certified for the purposes stated in chapter 46.29 RCW.

**Sec. 32.** RCW 46.63.120 and 1979 ex.s. c 136 s 14 are each amended to read as follows:

(1) An order entered after the receipt of a response which does not contest the determination, or after it has been established at a hearing that the infraction was committed, or after a hearing for the purpose of explaining mitigating circumstances is civil in nature.

(2) The court may include in the order the imposition of any penalty authorized by the provisions of this chapter for the commission of an infraction. The court may, in its discretion, waive, reduce, or suspend the monetary penalty prescribed for the infraction. At the person's request the court may order performance of a number of hours of community ((~~service~~)) restitution in lieu of a monetary penalty, at the rate of the then state minimum wage per hour.

**Sec. 33.** RCW 51.12.045 and 1986 c 193 s 1 are each amended to read as follows:

Offenders performing community ((~~services~~)) restitution pursuant to court order or under RCW 13.40.080 may be deemed employees and/or workers under this title at the option of the state, county, city, town, or nonprofit organization under whose authorization the ((~~services are~~)) community restitution is performed. Any premiums or assessments due under this title for community ((~~services~~)) restitution work shall be the obligation of and be paid for by the state agency, county, city, town, or nonprofit organization for which the offender performed the community ((~~services~~)) restitution. Coverage commences when a state agency, county, city, town, or nonprofit organization has given notice to the director that it wishes to cover offenders performing community ((~~services~~)) restitution before the occurrence of an injury or contraction of an occupational disease.

**Sec. 34.** RCW 66.20.200 and 1994 c 201 s 1 are each amended to read as follows:

It shall be unlawful for the owner of a card of identification to transfer the card to any other person for the purpose of aiding such person to procure alcoholic beverages from any licensee or store employee. Any person who shall permit his or her card of identification to be used by another or transfer such card to another for the purpose of aiding such transferee to obtain alcoholic beverages from a licensee or store employee or gain admission to a premises or portion of a premises classified by the board as off-limits to persons under twenty-one years of age, shall be guilty of a misdemeanor punishable as provided by RCW 9A.20.021, except that a minimum fine of two hundred fifty dollars shall be imposed and any sentence requiring community ((~~service~~)) restitution shall require not fewer than twenty-five hours of ((~~such service~~)) community restitution. Any person not entitled thereto who unlawfully procures or has issued or transferred to him or her a card of identification, and any person who possesses a card of identification not issued to him or her, and any person who makes any false statement on any

certification card required by RCW 66.20.190, as now or hereafter amended, to be signed by him or her, shall be guilty of a misdemeanor punishable as provided by RCW 9A.20.021, except that a minimum fine of two hundred fifty dollars shall be imposed and any sentence requiring community ~~((service))~~ restitution shall require not fewer than twenty-five hours of ~~((such service))~~ community restitution.

**Sec. 35.** RCW 66.44.291 and 1987 c 101 s 1 are each amended to read as follows:

Every person between the ages of eighteen and twenty, inclusive, who is convicted of a violation of RCW 66.44.290 is guilty of a misdemeanor punishable as provided by RCW 9A.20.021, except that a minimum fine of two hundred fifty dollars shall be imposed and any sentence requiring community ~~((service))~~ restitution shall require not fewer than twenty-five hours of ~~((such service))~~ community restitution.

**Sec. 36.** RCW 66.44.325 and 1987 c 101 s 2 are each amended to read as follows:

Any person who transfers in any manner an identification of age to a minor for the purpose of permitting such minor to obtain alcoholic beverages shall be guilty of a misdemeanor punishable as provided by RCW 9A.20.021, except that a minimum fine of two hundred fifty dollars shall be imposed and any sentence requiring community ~~((service))~~ restitution shall require not fewer than twenty-five hours of ~~((such service))~~ community restitution. PROVIDED, That corroborative testimony of a witness other than the minor shall be a condition precedent to conviction.

**Sec. 37.** RCW 69.50.425 and 1989 c 271 s 105 are each amended to read as follows:

A person who is convicted of a misdemeanor violation of any provision of this chapter shall be punished by imprisonment for not less than twenty-four consecutive hours, and by a fine of not less than two hundred fifty dollars. On a second or subsequent conviction, the fine shall not be less than five hundred dollars. These fines shall be in addition to any other fine or penalty imposed. Unless the court finds that the imposition of the minimum imprisonment will pose a substantial risk to the defendant's physical or mental well-being or that local jail facilities are in an overcrowded condition, the minimum term of imprisonment shall not be suspended or deferred. If the court finds such risk or overcrowding exists, it shall sentence the defendant to a minimum of forty hours of community ~~((service))~~ restitution. If a minimum term of imprisonment is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based. Unless the court finds the person to be indigent, the minimum fine shall not be suspended or deferred.

**Sec. 38.** RCW 70.93.060 and 1997 c 159 s 1 are each amended to read as follows:

(1) No person shall throw, drop, deposit, discard, or otherwise dispose of litter upon any public property in the state or upon private property in this state not owned by him or her or in the waters of this state whether from a vehicle or otherwise including but not limited to any public highway, public park, beach, campground, forest land, recreational area, trailer park, highway, road, street, or alley except:

(a) When the property is designated by the state or its agencies or political subdivisions for the disposal of garbage and refuse, and the person is authorized to use such property for that purpose;

(b) Into a litter receptacle in a manner that will prevent litter from being carried away or deposited by the elements upon any part of said private or public property or waters.

(2)(a) Except as provided in subsection (4) of this section, it is a class 3 civil infraction as provided in RCW 7.80.120 for a person to litter in an amount less than or equal to one cubic foot.

(b) It is a class 1 civil infraction as provided in RCW 7.80.120 for a person to litter in an amount greater than one cubic foot. Unless suspended or modified by a court, the person shall also pay a litter cleanup fee of twenty-five dollars per cubic foot of litter. The court may, in addition to or in lieu of part or all of the cleanup fee, order the person to pick up and remove litter from the property, with prior permission of the legal owner or, in the case of public property, of the agency managing the property.

(3) If the violation occurs in a state park, the court shall, in addition to any other penalties assessed, order the person to perform twenty-four hours of community ~~((service))~~ restitution in the state

park where the violation occurred if the state park has stated an intent to participate as provided in RCW 43.51.048(2).

(4) It is a class 1 civil infraction as provided in RCW 7.80.120 for a person to discard, in violation of this section, a cigarette, cigar, or other tobacco product that is capable of starting a fire.

**Sec. 39.** RCW 70.93.250 and 1998 c 257 s 10 and 1998 c 245 s 128 are each reenacted and amended to read as follows:

(1) The department shall provide funding to local units of government to establish, conduct, and evaluate community ((~~service~~)) restitution and other programs for waste reduction, litter and illegal dump cleanup, and recycling. Programs eligible for funding under this section shall include, but not be limited to, programs established pursuant to RCW 72.09.260.

(2) Funds may be offered for costs associated with community waste reduction, litter cleanup and prevention, and recycling activities. The funding program must be flexible, allowing local governments to use funds broadly to meet their needs to reduce waste, control litter and illegal dumping, and promote recycling. Local governments are required to contribute resources or in-kind services. The department shall evaluate funding requests from local government according to the same criteria as those developed in RCW 70.93.220, provide funds according to the effectiveness and efficiency of local government litter control programs, and monitor the results of all local government programs under this section.

(3) Local governments shall report information as requested by the department in funding agreements entered into by the department and a local government. The department shall report to the appropriate standing committees of the legislature by December of even-numbered years on the effectiveness of local government waste reduction, litter, and recycling programs funded under this section.

**Sec. 40.** RCW 70.155.080 and 1998 c 133 s 2 are each amended to read as follows:

(1) A person under the age of eighteen who purchases or attempts to purchase, possesses, or obtains or attempts to obtain cigarettes or tobacco products commits a class 3 civil infraction under chapter 7.80 RCW and is subject to a fine as set out in chapter 7.80 RCW or participation in up to four hours of community ((~~service~~)) restitution, or both. The court may also require participation in a smoking cessation program. This provision does not apply if a person under the age of eighteen, with parental authorization, is participating in a controlled purchase as part of a liquor control board, law enforcement, or local health department activity.

(2) Municipal and district courts within the state have jurisdiction for enforcement of this section.

**Sec. 41.** RCW 72.09.060 and 1989 c 185 s 3 are each amended to read as follows:

The department of corrections may be organized into such divisions or offices as the secretary may determine, but shall include divisions for (1) correctional industries, (2) prisons and other custodial institutions and (3) probation, parole, community ((~~service~~)) restitution, restitution, and other nonincarcerative sanctions. The secretary shall have at least one person on his or her staff who shall have the responsibility for developing a program which encourages the use of volunteers, for citizen advisory groups, and for similar public involvement programs in the corrections area. Minimum qualification for staff assigned to public involvement responsibilities shall include previous experience in working with volunteers or volunteer agencies.

**Sec. 42.** RCW 72.09.100 and 1995 1st sp.s. c 19 s 33 are each amended to read as follows:

It is the intent of the legislature to vest in the department the power to provide for a comprehensive inmate work program and to remove statutory and other restrictions which have limited work programs in the past. For purposes of establishing such a comprehensive program, the legislature recommends that the department consider adopting any or all, or any variation of, the following classes of work programs:

(1) CLASS I: FREE VENTURE INDUSTRIES. The employer model industries in this class shall be operated and managed in total or in part by any profit or nonprofit organization pursuant to an agreement between the organization and the department. The organization shall produce goods or services for sale to both the public and private sector.

The customer model industries in this class shall be operated and managed by the department to provide Washington state manufacturers or businesses with products or services currently produced or provided by out-of-state or foreign suppliers. The correctional industries board of directors shall review these proposed industries before the department contracts to provide such products or services. The review shall include an analysis of the potential impact of the proposed products and services on the Washington state business community and labor market.

The department of corrections shall supply appropriate security and custody services without charge to the participating firms.

Inmates who work in free venture industries shall do so at their own choice. They shall be paid a wage comparable to the wage paid for work of a similar nature in the locality in which the industry is located, as determined by the director of correctional industries. If the director cannot reasonably determine the comparable wage, then the pay shall not be less than the federal minimum wage.

An inmate who is employed in the class I program of correctional industries shall not be eligible for unemployment compensation benefits pursuant to any of the provisions of Title 50 RCW until released on parole or discharged.

(2) CLASS II: TAX REDUCTION INDUSTRIES. Industries in this class shall be state-owned and operated enterprises designed to reduce the costs for goods and services for tax-supported agencies and for nonprofit organizations. The industries selected for development within this class shall, as much as possible, match the available pool of inmate work skills and aptitudes with the work opportunities in the free community. The industries shall be closely patterned after private sector industries but with the objective of reducing public support costs rather than making a profit. The products and services of this industry, including purchased products and services necessary for a complete product line, may be sold to public agencies, to nonprofit organizations, and to private contractors when the goods purchased will be ultimately used by a public agency or a nonprofit organization. Clothing manufactured by an industry in this class may be donated to nonprofit organizations that provide clothing free of charge to low-income persons. Correctional industries products and services shall be reviewed by the correctional industries board of directors before offering such products and services for sale to private contractors. The board of directors shall conduct a yearly marketing review of the products and services offered under this subsection. Such review shall include an analysis of the potential impact of the proposed products and services on the Washington state business community. To avoid waste or spoilage and consequent loss to the state, when there is no public sector market for such goods, byproducts and surpluses of timber, agricultural, and animal husbandry enterprises may be sold to private persons, at private sale. Surplus byproducts and surpluses of timber, agricultural and animal husbandry enterprises that cannot be sold to public agencies or to private persons may be donated to nonprofit organizations. All sales of surplus products shall be carried out in accordance with rules prescribed by the secretary.

Security and custody services shall be provided without charge by the department of corrections.

Inmates working in this class of industries shall do so at their own choice and shall be paid for their work on a gratuity scale which shall not exceed the wage paid for work of a similar nature in the locality in which the industry is located and which is approved by the director of correctional industries.

Subject to approval of the correctional industries board, provisions of RCW 41.06.380 prohibiting contracting out work performed by classified employees shall not apply to contracts with Washington state businesses entered into by the department of corrections through class II industries.

(3) CLASS III: INSTITUTIONAL SUPPORT INDUSTRIES. Industries in this class shall be operated by the department of corrections. They shall be designed and managed to accomplish the following objectives:

(a) Whenever possible, to provide basic work training and experience so that the inmate will be able to qualify for better work both within correctional industries and the free community. It is not

intended that an inmate's work within this class of industries should be his or her final and total work experience as an inmate.

(b) Whenever possible, to provide forty hours of work or work training per week.

(c) Whenever possible, to offset tax and other public support costs.

Supervising, management, and custody staff shall be employees of the department.

All able and eligible inmates who are assigned work and who are not working in other classes of industries shall work in this class.

Except for inmates who work in work training programs, inmates in this class shall be paid for their work in accordance with an inmate gratuity scale. The scale shall be adopted by the secretary of corrections.

(4) CLASS IV: COMMUNITY WORK INDUSTRIES. Industries in this class shall be operated by the department of corrections. They shall be designed and managed to provide services in the inmate's resident community at a reduced cost. The services shall be provided to public agencies, to persons who are poor or infirm, or to nonprofit organizations.

Inmates in this program shall reside in facilities owned by, contracted for, or licensed by the department of corrections. A unit of local government shall provide work supervision services without charge to the state and shall pay the inmate's wage.

The department of corrections shall reimburse participating units of local government for liability and workers compensation insurance costs.

Inmates who work in this class of industries shall do so at their own choice and shall receive a gratuity which shall not exceed the wage paid for work of a similar nature in the locality in which the industry is located.

(5) CLASS V: COMMUNITY ((~~SERVICE~~)) RESTITUTION PROGRAMS. Programs in this class shall be subject to supervision by the department of corrections. The purpose of this class of industries is to enable an inmate, placed on community supervision, to work off all or part of a community ((~~service~~)) restitution order as ordered by the sentencing court.

Employment shall be in a community ((~~service~~)) restitution program operated by the state, local units of government, or a nonprofit agency.

To the extent that funds are specifically made available for such purposes, the department of corrections shall reimburse nonprofit agencies for workers compensation insurance costs.

**Sec. 43.** RCW 72.09.260 and 1990 c 66 s 2 are each amended to read as follows:

(1) The department shall assist local units of government in establishing community ((~~service~~)) restitution programs for litter cleanup. Community ((~~service~~)) restitution litter cleanup programs must include the following: (a) Procedures for documenting the number of community ((~~service~~)) restitution hours worked in litter cleanup by each offender; (b) plans to coordinate litter cleanup activities with local governmental entities responsible for roadside and park maintenance; (c) insurance coverage for offenders during litter cleanup activities pursuant to RCW 51.12.045; (d) provision of adequate safety equipment and, if needed, weather protection gear; and (e) provision for including felons and misdemeanants in the program.

(2) Community ((~~service~~)) restitution programs established under this section shall involve, but not be limited to, persons convicted of nonviolent, drug-related offenses.

(3) Nothing in this section shall diminish the department's authority to place offenders in community ((~~service~~)) restitution programs or to determine the suitability of offenders for specific programs.

(4) As used in this section, "litter cleanup" includes cleanup and removal of solid waste that is illegally dumped.

**Sec. 44.** RCW 72.65.090 and 1986 c 125 s 6 are each amended to read as follows:

The department may provide transportation for work release participants to the designated places of housing under the work release plan, and may supply suitable clothing and such other equipment,



supplies and other necessities as may be reasonably needed for the implementation of the plans adopted for such participation from the community ((services)) restitution revolving fund as established in RCW 9.95.360: PROVIDED, That costs and expenditures incurred for this purpose may be deducted by the department from the earnings of the participants and deposited in the community ((services)) restitution revolving fund.

**Sec. 45.** RCW 72.65.100 and 1986 c 125 s 7 are each amended to read as follows:

The secretary is authorized to make rules and regulations for the administration of the provisions of this chapter to administer the work release program. In addition, the department shall:

- (1) Supervise and consult with work release participants;
- (2) Locate available employment or vocational training opportunities for qualified work release participants;
- (3) Effect placement of work release participants under the program;
- (4) Collect, account for and make disbursement from earnings of work release participants under the provisions of this chapter, including accounting for all inmate debt in the community ((services)) restitution revolving fund. RCW 9.95.370 applies to inmates assigned to work/training release facilities who receive assistance as provided in RCW 9.95.310, 9.95.320, 72.65.050, and 72.65.090;
- (5) Promote public understanding and acceptance of the work release program.

All state agencies shall cooperate with the department in the administration of the work release program as provided by this chapter."

Correct the title.

Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

Voting yea: Representatives Ballasiotes, O'Brien, Cairnes, Lovick, B. Chandler, Constantine, Kagi and Koster.

Passed to Rules Committee for Second Reading.

March 30, 1999

SSB 5666 Prime Sponsor, Senate Committee on Transportation: Simplifying acquisitions procedures for wreckers. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended.

On page 1, line 15, after "(2)" strike everything through "remanufacture." on line 18, and insert "Core" means a major component part received by a vehicle wrecker in exchange for a like part sold by the wrecker, is not resold as a major component part except for scrap metal value or for remanufacture, and the wrecker maintains records for three years from the date of acquisition to identify the name of the person from whom the core was received."

Signed by Representatives Fisher, Democratic Co-Chair; K. Schmidt, Republican Co-Chair; Cooper, Democratic 1st Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; Buck; G. Chandler; DeBolt; Haigh; Hatfield; Hurst; Lovick; McDonald; Mielke; Mitchell; Morris; Murray; Ogden; Pflug; Romero; Schindler; Schual-Berke; Scott; Skinner and Wood.

Voting yea: Representatives Fisher, K. Schmidt, Cooper, Ericksen, Hankins, Buck, G. Chandler, DeBolt, Fortunato, Haigh, Hatfield, Hurst, Lovick, McDonald, Mielke, Mitchell, Morris, Murray, Ogden, Pflug, Radcliff, Romero, Schindler, Schual-Berke, Scott, Skinner and Wood.

Excused: Representative(s) Edwards.

Passed to Rules Committee for Second Reading.

April 1, 1999

SB 5670 Prime Sponsor, Senator Snyder: Creating criteria for the issuance of water quality permits for the treatment of noxious weeds. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass as amended.

On page 1, line 11, after "as" strike "defined in 40 C.F.R. Sec. 172.3" and insert "described in 40 C.F.R. Sec. 172.3(c)(2)"

On page 2, line 23, after "as" strike "defined in 40 C.F.R. Sec. 172.3" and insert "described in 40 C.F.R. Sec. 172.3(c)(2)"

On page 3, line 14, after "as" strike "defined in 40 C.F.R. Sec. 172.3" and insert "described in 40 C.F.R. Sec. 172.3(c)(2)"

Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Koster, Republican Vice Chair; B. Chandler; Delvin; Fortunato; Grant; Reardon; Schoesler; Stensen; Sump and Wood.

Voting yea: Representatives G. Chandler, Linville, Cooper, Koster, Anderson, B. Chandler, Delvin, Fortunato, Grant, Reardon, Schoesler, Stensen, Sump and Wood.

Passed to Rules Committee for Second Reading.

April 1, 1999

SSB 5671 Prime Sponsor, Senate Committee on Senate Judiciary: Changing provisions relating to anarchy and sabotage. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 9.05.030 and 1992 c 7 s 2 are each amended to read as follows:

Whenever two or more persons assemble for the purpose of (~~advocating or teaching the doctrines of criminal anarchy~~) committing criminal sabotage, as defined in RCW (~~9.05.010~~) 9.05.060, such an assembly is unlawful, and every person voluntarily and knowingly participating therein by his or her presence, aid, or instigation, shall be punished by imprisonment in a state correctional facility for not more than ten years, or by a fine of not more than five thousand dollars, or both.

**Sec. 2.** RCW 9.05.060 and 1919 c 173 s 1 are each amended to read as follows:

(1) Whoever, with intent that his or her act shall, or with reason to believe that it may, injure, interfere with, interrupt, supplant, nullify, impair, or obstruct the owner's or operator's management, operation, or control of any agricultural, stockraising, lumbering, mining, quarrying, fishing, manufacturing, transportation, mercantile, or building enterprise, or any other public or private business

or commercial enterprise, wherein ((persons are)) any person is employed for wage, shall willfully ((injure)) damage or destroy, or attempt or threaten to ((injure)) damage or destroy, any property whatsoever, or shall ((wilfully derange, or attempt or threaten to derange,)) unlawfully take or retain, or attempt or threaten unlawfully to take or retain, possession or control of any property, instrumentality, machine, mechanism, or appliance used in such business or enterprise, shall be guilty of criminal sabotage.

(2) Criminal sabotage is a felony.

**Sec. 3.** RCW 9.05.090 and 1919 c 173 s 4 are each amended to read as follows:

RCW 9.05.030 and 9.05.060 (~~through 9.05.080~~) shall not be construed to repeal or amend any existing penal statute.

NEW SECTION. **Sec. 4.** The following acts or parts of acts are each repealed:

(1) RCW 9.05.010 (Criminal anarchy defined) and 1941 c 215 s 1, 1909 c 249 s 310, & 1903 c 45 s 1;

(2) RCW 9.05.020 (Advocating criminal anarchy--Penalty) and 1992 c 7 s 1, 1941 c 215 s 2, 1909 c 249 s 311, & 1903 c 45 s 2;

(3) RCW 9.05.040 (Permitting premises to be used for assemblages of anarchists) and 1909 c 249 s 315;

(4) RCW 9.05.050 (Evidence--Self-incrimination) and 1909 c 249 s 316;

(5) RCW 9.05.070 (Interference with owner's control) and 1919 c 173 s 2;

(6) RCW 9.05.080 (Penalty for advocating sabotage) and 1919 c 173 s 3;

(7) RCW 9.05.100 (Displaying emblems of seditious and anarchistic groups) and 1919 c 181 s 1;

(8) RCW 9.05.110 (Possession of emblems unlawful) and 1919 c 181 s 2;

(9) RCW 9.05.120 (Penalty) and 1919 c 181 s 3;

(10) RCW 9.05.130 (Searches and seizures) and 1919 c 181 s 4;

(11) RCW 9.05.140 (Exceptions) and 1919 c 181 s 5;

(12) RCW 9.05.150 (Publishing matter inciting breach of peace) and 1909 c 249 s 312; and

(13) RCW 9.05.160 (Liability of editors and others) and 1909 c 249 s 313 & 1905 c 45 s 3."

Correct the title.

Signed by Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Esser; Kastama; Lantz; Lovick; McDonald and Schindler.

MINORITY recommendation: Do not pass. Signed by Representative Dickerson.

Voting yea: Representatives Carrell, Constantine, Hurst, Lambert, Cox, Esser, Kastama, Lantz, Lovick, McDonald and Schindler.

Voting nay: Representative(s) Dickerson.

Passed to Rules Committee for Second Reading.

April 2, 1999

SSB 5672 Prime Sponsor, Senate Committee on Senate State & Local Government: Retaliating against a whistleblower. Reported by Committee on State Government

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 42.40.050 and 1992 c 118 s 3 are each amended to read as follows:

(1) Any person who is a whistleblower, as defined in RCW 42.40.020, and who ((as a result of being a whistleblower)) has been subjected to workplace reprisal or retaliatory action ((has)) is presumed to have established a cause of action for the remedies provided under chapter 49.60 RCW. For the purpose of this section "reprisal or retaliatory action" means but is not limited to any of the following:

~~((1))~~ (a) Denial of adequate staff to perform duties;

~~((2))~~ (b) Frequent staff changes;

~~((3))~~ (c) Frequent and undesirable office changes;

~~((4))~~ (d) Refusal to assign meaningful work;

~~((5))~~ (e) Unwarranted and unsubstantiated letters of reprimand or unsatisfactory performance evaluations;

~~((6))~~ (f) Demotion;

~~((7))~~ (g) Reduction in pay;

~~((8))~~ (h) Denial of promotion;

~~((9))~~ (i) Suspension;

~~((10))~~ (j) Dismissal;

~~((11))~~ (k) Denial of employment; ~~((and))~~

~~((12))~~ (l) A supervisor or superior encouraging coworkers to behave in a hostile manner toward the whistleblower; and

(m) A change in the physical location of the employee's workplace or a change in the basic nature of the employee's job, if either are in opposition to the employee's expressed wish.

(2) The agency presumed to have taken retaliatory action under subsection (1) of this section may rebut that presumption by proving by a preponderance of the evidence that the agency action or actions were justified by reasons unrelated to the employee's status as a whistleblower.

(3) Nothing in this section prohibits an agency from making any decision exercising its authority to terminate, suspend, or discipline an employee who engages in workplace reprisal or retaliatory action against a whistleblower. However, the agency also shall implement any order under chapter 49.60 RCW (other than an order of suspension if the agency has terminated the retaliator)."

Correct the title.

Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Campbell, Republican Vice Chair; Miloscia, Democratic Vice Chair; Dunshee; Haigh; Lambert and D. Schmidt.

Voting yea: Representatives McMorris, Romero, Campbell, Miloscia, Dunshee, Haigh, Lambert and D. Schmidt.

Passed to Rules Committee for Second Reading.

April 1, 1999

SSB 5679 Prime Sponsor, Senate Committee on Senate State & Local Government: Changing grant and loan eligibility requirements for counties, cities, and towns planning under the growth management act. Reported by Committee on Local Government

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.17.250 and 1991 sp.s. c 32 s 25 are each amended to read as follows:

(1) Whenever a state agency is considering awarding grants or loans for a county, city, or town planning under RCW 36.70A.040 to finance public facilities, it shall consider whether the county, city, or town ((that is)) requesting the grant or loan ((is a party to a county wide planning policy under RCW 36.70A.210 relating to the type of public facility for which the grant or loan is sought, and shall accord additional preference to the county, city, or town if such county wide planning policy exists)) has adopted a comprehensive plan and development regulations as required by RCW 36.70A.040.

(2) When reviewing competing requests from counties, cities, or towns planning under RCW 36.70A.040, a state agency considering awarding grants or loans for public facilities shall accord additional preference to those counties, cities, or towns that have adopted a comprehensive plan and development regulations as required by RCW 36.70A.040. For the purposes of the preference accorded in this section, a county, city, or town planning under RCW 36.70A.040 is deemed to have satisfied the requirements for adopting a comprehensive plan and development regulations specified in RCW 36.70A.040 if the county, city, or town:

(a) Adopts or has adopted a comprehensive plan and development regulations within the time periods specified in RCW 36.70A.040;

(b) Adopts or has adopted a comprehensive plan and development regulations before submitting a request for a grant or loan if the county, city, or town failed to adopt a comprehensive plan and/or development regulations within the time periods specified in RCW 36.70A.040; or

(c) Demonstrates substantial progress toward adopting a comprehensive plan or development regulations within the time periods specified in RCW 36.70A.040. A county, city, or town that is more than six months out of compliance with the time periods specified in RCW 36.70A.040 shall not be deemed to demonstrate substantial progress for purposes of this section.

(3) The preference specified in subsection (2) of this section applies only to competing requests for grants or loans from counties, cities, or towns planning under RCW 36.70A.040. A request from a county, city, or town planning under RCW 36.70A.040 shall be accorded no additional preference based on subsection (2) of this section over a request from a county, city, or town not planning under RCW 36.70A.040.

(4) Whenever a state agency is considering awarding grants or loans ((to a special district)) for public facilities to a special district requesting funding for a proposed facility located in a county, city, or town planning under RCW 36.70A.040, it shall consider whether the county, city, or town in whose planning jurisdiction the proposed facility is located ((is a party to a county wide planning policy under RCW 36.70A.210 relating to the type of public facility for which the grant or loan is sought)) has adopted a comprehensive plan and development regulations as required by RCW 36.70A.040 and shall apply the preference specified in subsection (2) of this section and restricted in subsection (3) of this section.

NEW SECTION. Sec. 2. This act does not affect any existing right acquired or liability or obligation incurred under the section amended in this act or under any rule or order adopted under that section, nor does it affect any proceeding instituted under that section."

Correct the title.

Signed by Representatives Mulliken, Republican Co-Chair; Doumit, Democratic Vice Chair; Mielke, Republican Vice Chair; Ericksen; Fisher and Fortunato.

Voting yea: Representatives Mulliken, Doumit, Mielke, Ericksen, Fisher and Fortunato.  
Excused: Representative(s) Scott and Edwards.

Passed to Rules Committee for Second Reading.

April 1, 1999

SB 5702 Prime Sponsor, Senator Thibaudeau: Changing physician assistant licensing and practice requirements. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Democratic Co-Chair; Parlette, Republican Co-Chair; Pflug, Republican Vice Chair; Alexander; Campbell; Conway and Edmonds.

Voting yea: Representatives Cody, Parlette, Pflug, Alexander, Campbell, Conway and Edmonds.  
Excused: Representative(s) Schual-Berke, Boldt, Edwards, Mulliken and Ruderman.

Passed to Rules Committee for Second Reading.

April 2, 1999

SB 5703 Prime Sponsor, Senator Hargrove: Allowing for the use of funds to dredge marine recreation land. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.99.080 and 1995 c 166 s 5 are each amended to read as follows:

Moneys transferred to the recreation resource account from the marine fuel tax refund account may be used when appropriated by the legislature, as well as any federal or other funds now or hereafter available, to pay the necessary administrative and coordinative costs of the interagency committee for outdoor recreation established by RCW 43.99.110. All moneys so transferred, except those appropriated as aforesaid, shall be divided into two equal shares and shall be used to benefit watercraft recreation in this state as follows:

(1) One share as grants to state agencies for (a) acquisition of title to, or any interests or rights in, marine recreation land, (b) capital improvement of marine recreation land, including periodic dredging in accordance with subsection (3) of this section, if needed, to maintain or make the facility more useful, or (c) matching funds in any case where federal or other funds are made available on a matching basis for purposes described in (a) or (b) of this subsection;

(2) One share as grants to public bodies to help finance (a) acquisition of title to, or any interests or rights in, marine recreation land, or (b) capital improvement of marine recreation land, including periodic dredging in accordance with subsection (3) of this section, if needed, to maintain or make the facility more useful. A public body is authorized to use a grant, together with its own contribution, as matching funds in any case where federal or other funds are made available for purposes described in (a) or (b) of this subsection. The committee may prescribe further terms and conditions for the making of grants in order to carry out the purposes of this chapter.

(3) For the purposes of this section, "periodic dredging" is limited to dredging of materials that have been deposited in a channel due to unforeseen events. This dredging should extend the expected usefulness of the facility for at least five years."

Correct the title.

Signed by Representatives Buck, Republican Co-Chair; Regala, Democratic Co-Chair; Anderson, Democratic Vice Chair; Sump, Republican Vice Chair; G. Chandler; Clements; Doumit; Eickmeyer; Ericksen; Pennington; Rockefeller and Stensen.

Voting yea: Representatives Buck, Regala, Anderson, Sump, G. Chandler, Clements, Doumit, Eickmeyer, Ericksen, Pennington, Rockefeller and Stensen.

Passed to Rules Committee for Second Reading.

March 30, 1999

SSB 5706 Prime Sponsor, Senate Committee on Transportation: Decriminalizing license fraud and establishing a license fraud task force in the Washington state patrol. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature recognizes that there are residents of this state who intentionally register motor vehicles in other states to evade payment of taxes and fees required by the laws of this state. This results in a substantial loss of revenue to the state. It is the intent of the legislature to decriminalize license fraud and impose stronger civil penalties upon residents who defraud the state, thereby enhancing compliance with state registration laws and increasing state revenues. To further enhance enforcement and collection efforts, the legislature intends to create a license fraud task force within the Washington state patrol.

NEW SECTION. Sec. 2. The task force consists of staff from the Washington state patrol, the department of revenue, and the attorney general's office. The task force personnel are:

- (1) One Washington state patrol sergeant, who has overall responsibility to coordinate the task force;
- (2) Three Washington state patrol detectives, to investigate license fraud;
- (3) One department of revenue tax discovery agent, to assess and recover delinquent tax, penalties, and interest;
- (4) One assistant attorney general, to provide legal services to the task force; and
- (5) One clerical support person, for administrative support for the task force as a whole.

NEW SECTION. Sec. 3. A penalty assessed pursuant to RCW 46.16.010 (1)(a) and (2), 47.68.255, or 82.48.020 is due and payable when the person incurring it receives a notice in writing from the state patrol stating the violation and advising the person that the penalty is due. The state patrol may, upon written application for review received within fifteen days from the date of the penalty assessment, remit or mitigate a penalty. Procedures for these actions are governed by chapter 34.05 RCW. The penalty notice has the effect of an agency order.

Sec. 4. RCW 46.16.010 and 1997 c 328 s 2 and 1997 c 241 s 13 are each reenacted and amended to read as follows:

(1) It is ~~((unlawful))~~ a violation for a person to operate any vehicle over and along a public highway of this state without first having obtained and having in full force and effect a current and proper vehicle license and display vehicle license number plates therefor as by this chapter provided. ~~((Failure to make initial registration before operation on the highways of this state is a misdemeanor, and any person convicted thereof shall be punished by a fine of no less than three hundred thirty dollars, no part of which may be suspended or deferred.))~~

(a) Failure to make initial registration of a vehicle before operating it on the highways of this state is a violation of this section. Anyone who violates this section is liable for a penalty of three hundred

fifty dollars for each violation in addition to all other penalties provided by law. Persons violating this subsection shall make payment as prescribed in subsection (2)(b) of this section.

(b) Failure to renew an expired registration before operation on the highways of this state is a traffic infraction, which shall not be resolved through the civil process instituted under this act.

(2)(a) The licensing of a vehicle in another state by a resident of this state, as defined in RCW 46.16.028, ~~((evading))~~ to avoid the payment of any tax or license fee imposed in connection with registration, is a ~~((gross misdemeanor punishable as follows:))~~ violation of this section, and violators are liable for a monetary penalty not less than one thousand dollars but not more than ten thousand dollars for each violation.

~~((a) For a first offense, up to one year in the county jail and a fine equal to twice the amount of delinquent taxes and fees, no part of which may be suspended or deferred;))~~

(b) ~~((For a second or subsequent offense, up to one year in the county jail and a fine equal to four times the amount of delinquent taxes and fees, no part of which may be suspended or deferred;))~~ The penalty provided in subsection (1)(a) of this section and this subsection is due and payable when the person incurring it receives a notice in writing from the state patrol describing the violation and advising the person that the penalty is due. The state patrol may, upon written application for review, received within fifteen days, remit or mitigate a penalty provided for in this section or discontinue an action to recover the penalty upon such terms it deems proper and may ascertain the facts in a manner and under rules it deems proper. If the amount of the penalty is not paid to the state patrol within fifteen days after receipt of the notice imposing the penalty, or application for remission or mitigation has not been made within fifteen days after the violator has received notice of the disposition of the application, the attorney general shall bring an action in the name of the state of Washington in the superior court of Thurston county or of any other county in which the violator resides or does business, to recover the penalty, administrative fees, and attorneys' fees and costs incurred in recovering the penalties. All penalties recovered under this section shall be paid into the state treasury and credited to the state patrol highway account of the motor vehicle fund for the license fraud task force.

~~(c) ~~((For fines levied under (b) of this subsection, an amount equal to the avoided taxes and fees owed shall be deposited in the vehicle licensing fraud account created in the state treasury;~~~~

~~(d))~~ The avoided taxes and fees shall be deposited and distributed in the same manner as if the taxes and fees were properly paid in a timely fashion.

(3) These provisions shall not apply to the following vehicles:

(a) Electric-assisted bicycles;

(b) Farm vehicles if operated within a radius of fifteen miles of the farm where principally used or garaged, farm tractors and farm implements including trailers designed as cook or bunk houses used exclusively for animal herding temporarily operating or drawn upon the public highways, and trailers used exclusively to transport farm implements from one farm to another during the daylight hours or at night when such equipment has lights that comply with the law;

(c) Spray or fertilizer applicator rigs designed and used exclusively for spraying or fertilization in the conduct of agricultural operations and not primarily for the purpose of transportation, and nurse rigs or equipment auxiliary to the use of and designed or modified for the fueling, repairing, or loading of spray and fertilizer applicator rigs and not used, designed, or modified primarily for the purpose of transportation;

(d) Fork lifts operated during daylight hours on public highways adjacent to and within five hundred feet of the warehouses which they serve: PROVIDED FURTHER, That these provisions shall not apply to vehicles used by the state parks and recreation commission exclusively for park maintenance and operations upon public highways within state parks;

(e) "Special highway construction equipment" defined as follows: Any vehicle which is designed and used primarily for grading of highways, paving of highways, earth moving, and other construction work on highways and which is not designed or used primarily for the transportation of persons or property on a public highway and which is only incidentally operated or moved over the highway. It includes, but is not limited to, road construction and maintenance machinery so designed and used such as



portable air compressors, air drills, asphalt spreaders, bituminous mixers, bucket loaders, track laying tractors, ditchers, leveling graders, finishing machines, motor graders, paving mixers, road rollers, scarifiers, earth moving scrapers and carryalls, lighting plants, welders, pumps, power shovels and draglines, self-propelled and tractor-drawn earth moving equipment and machinery, including dump trucks and tractor-dump trailer combinations which either (i) are in excess of the legal width, or (ii) which, because of their length, height, or unladen weight, may not be moved on a public highway without the permit specified in RCW 46.44.090 and which are not operated laden except within the boundaries of the project limits as defined by the contract, and other similar types of construction equipment, or (iii) which are driven or moved upon a public highway only for the purpose of crossing such highway from one property to another, provided such movement does not exceed five hundred feet and the vehicle is equipped with wheels or pads which will not damage the roadway surface.

Exclusions:

"Special highway construction equipment" does not include any of the following:

Dump trucks originally designed to comply with the legal size and weight provisions of this code notwithstanding any subsequent modification which would require a permit, as specified in RCW 46.44.090, to operate such vehicles on a public highway, including trailers, truck-mounted transit mixers, cranes and shovels, or other vehicles designed for the transportation of persons or property to which machinery has been attached.

(4) The following vehicles, whether operated solo or in combination, are exempt from license registration and displaying license plates as required by this chapter:

(a) A converter gear used to convert a semitrailer into a trailer or a two-axle truck or tractor into a three or more axle truck or tractor or used in any other manner to increase the number of axles of a vehicle. Converter gear includes an auxiliary axle, booster axle, dolly, and jeep axle.

(b) A tow dolly that is used for towing a motor vehicle behind another motor vehicle. The front or rear wheels of the towed vehicle are secured to and rest on the tow dolly that is attached to the towing vehicle by a tow bar.

**Sec. 5.** RCW 47.68.240 and 1993 c 238 s 3 are each amended to read as follows:

Any person violating any of the provisions of this chapter, or any of the rules, regulations, or orders issued pursuant thereto, shall be guilty of a misdemeanor and shall be punished as provided under chapter 9A.20 RCW, except that any person violating any of the provisions of RCW 47.68.220~~(-)~~ or 47.68.230~~(- or 47.68.255)~~ shall be guilty of a gross misdemeanor which shall be punished as provided under chapter 9A.20 RCW. In addition to, or in lieu of, the penalties provided in this section, or as a condition to the suspension of a sentence which may be imposed pursuant thereto, for violations of RCW 47.68.220 and 47.68.230, the court in its discretion may prohibit the violator from operating an aircraft within the state for such period as it may determine but not to exceed one year. Violation of the duly imposed prohibition of the court may be treated as a separate offense under this section or as a contempt of court.

**Sec. 6.** RCW 47.68.255 and 1996 c 184 s 3 are each amended to read as follows:

(1) A person who is required to register an aircraft under this chapter and who registers an aircraft in another state or foreign country ~~((evading))~~ avoiding the Washington aircraft ~~((excise tax is guilty of a gross misdemeanor))~~ taxes, commits a violation of this section and is liable for those unpaid taxes and for a monetary penalty not less than one thousand dollars but not more than ten thousand dollars for each violation. ~~((For a second or subsequent offense, the person convicted is also subject to a fine equal to four times the amount of avoided taxes and fees, no part of which may be suspended or deferred. Excise taxes owed and fines assessed shall be deposited in the manner provided under RCW 46.16.010(2)-))~~

(2) The penalty provided in this section is due and payable when the person incurring it receives a notice in writing from the state patrol describing the violation and advising the person that the penalty is due. The state patrol may, upon written application for review, received within fifteen days, remit or mitigate a penalty provided for in this section or discontinue an action to recover the penalty upon such

terms it deems proper and may ascertain the facts in a manner and under rules it deems proper. If the amount of the penalty is not paid to the state patrol within fifteen days after receipt of the notice imposing the penalty, or application for remission or mitigation has not been made within fifteen days after the violator has received notice of the disposition of the application, the attorney general shall bring an action in the name of the state of Washington in the superior court of Thurston county or of any other county in which the violator does business, to recover the penalty, administrative fees, and attorneys' fees. All penalties recovered under this section shall be paid into the state treasury and credited to the state patrol highway account of the motor vehicle fund for the license fraud task force. The department of revenue may assess and collect the unpaid excise tax under chapter 82.32 RCW, including the penalties and interest provided in chapter 82.32 RCW.

**Sec. 7.** RCW 82.48.020 and 1993 c 238 s 5 are each amended to read as follows:

(1) An annual excise tax is hereby imposed for the privilege of using any aircraft in the state. A current certificate of air worthiness with a current inspection date from the appropriate federal agency and/or the purchase of aviation fuel shall constitute the necessary evidence of aircraft use or intended use. The tax shall be collected annually or under a staggered collection schedule as required by the secretary by rule. No additional tax shall be imposed under this chapter upon any aircraft upon the transfer of ownership thereof, if the tax imposed by this chapter with respect to such aircraft has already been paid for the year in which transfer of ownership occurs. A violation of this subsection is a misdemeanor punishable as provided under chapter 9A.20 RCW.

(2)(a) Persons who are required to register aircraft under chapter 47.68 RCW and who register aircraft in another state or foreign country and avoid the Washington aircraft ~~((excise tax are liable for such unpaid excise tax))~~ taxes, violate this section and are liable for a monetary penalty of not less than one thousand dollars but not more than ten thousand dollars for each violation. ~~((A violation of this subsection is a gross misdemeanor.))~~

(b) The penalty provided in this section is due and payable when the person incurring it receives a notice in writing from the state patrol describing the violation and advising the person that the penalty is due. The state patrol may, upon written application for review, received within fifteen days, remit or mitigate a penalty provided for in this section or discontinue an action to recover the penalty upon such terms it deems proper and may ascertain the facts in a manner and under rules it deems proper. If the amount of the penalty is not paid to the state patrol within fifteen days after receipt of the notice imposing the penalty, or application for remission or mitigation has not been made within fifteen days after the violator has received notice of the disposition of the application, the attorney general shall bring an action in the name of the state of Washington in the superior court of Thurston county or of any other county in which the violator resides or does business, to recover the penalty, administrative fees, and attorneys' fees. In all such actions, the procedure and rules of evidence are the same as an ordinary civil action except as otherwise provided in this chapter. All penalties recovered under this section shall be paid into the state treasury and credited to the state patrol highway account of the motor vehicle fund for the license fraud task force.

(3) The department of revenue may assess and collect the unpaid excise tax under chapter 82.32 RCW, including the penalties and interest provided in chapter 82.32 RCW.

~~((3))~~ (4) Except as provided under subsections (1) and (2) of this section, a violation of this chapter is a misdemeanor punishable as provided in chapter 9A.20 RCW.

**Sec. 8.** RCW 82.49.010 and 1993 c 238 s 6 are each amended to read as follows:

(1) An excise tax is imposed for the privilege of using a vessel upon the waters of this state, except vessels exempt under RCW 82.49.020. The annual amount of the excise tax is one-half of one percent of fair market value, as determined under this chapter, or five dollars, whichever is greater. Violation of this subsection is a misdemeanor.

(2)(a) A person~~((s))~~ who ~~((are))~~ is required under chapter 88.02 RCW to register a vessel in this state and who registers the vessel in another state or foreign country and avoids the Washington

~~watercraft ((excise tax are guilty of a gross misdemeanor and are liable for such unpaid excise tax)) taxes, violates this section and is liable for those taxes and a monetary penalty not less than one thousand dollars but not more than ten thousand dollars for each violation. ((The department of revenue may assess and collect the unpaid excise tax under chapter 82.32 RCW, including the penalties and interest provided in chapter 82.32 RCW.))~~

(b) The penalty provided in this section is due and payable when the person incurring it receives a notice in writing from the state patrol describing the violation and advising the person that the penalty is due. The state patrol may, upon written application for review, received within fifteen days, remit or mitigate a penalty provided for in this section or discontinue an action to recover the penalty upon such terms it deems proper and may ascertain the facts in a manner and under rules it deems proper. If the amount of the penalty is not paid to the state patrol within fifteen days after receipt of the notice imposing the penalty, or application for remission or mitigation has not been made within fifteen days after the violator has received notice of the disposition of the application, the attorney general shall bring an action in the name of the state of Washington in the superior court of Thurston county or of any other county in which the violator resides or does business, to recover the penalty, administrative fees, and attorneys' fees. All penalties recovered under this section shall be paid into the state treasury and credited to the state patrol highway account of the motor vehicle fund for the license fraud task force.

(3) The excise tax upon a vessel registered for the first time in this state shall be imposed for a twelve-month period, including the month in which the vessel is registered, unless the director of licensing extends or diminishes vessel registration periods for the purpose of staggered renewal periods under RCW 88.02.050. A vessel is registered for the first time in this state when the vessel was not registered in this state for the immediately preceding registration year, or when the vessel was registered in another jurisdiction for the immediately preceding year. The excise tax on vessels required to be registered in this state on June 30, 1983, shall be paid by June 30, 1983.

**Sec. 9.** RCW 82.50.400 and 1993 c 238 s 7 are each amended to read as follows:

(1) An annual excise tax is imposed on the owner of any travel trailer or camper for the privilege of using such travel trailer or camper in this state. The excise tax hereby imposed shall be due and payable to the department of licensing or its agents at the time of registration of a travel trailer or camper. Whenever an application is made to the department of licensing or its agents for a license for a travel trailer or camper there shall be collected, in addition to the amount of the license fee or renewal license fee, the amount of the excise tax imposed by this chapter, and no dealer's license or license plates, and no license or license plates for a travel trailer or camper may be issued unless such tax is paid in full. No additional tax shall be imposed under this chapter upon any travel trailer or camper upon the transfer of ownership thereof, if the tax imposed by this chapter with respect to such travel trailer or camper has already been paid for the registration year or fractional part thereof in which such transfer occurs. Violation of this subsection is a ~~((misdemeanor))~~ violation of RCW 46.16.010 (1)(a) and (2), and penalties apply.

(2) Persons who are required to license travel trailers or campers under chapter 46.16 RCW and who license travel trailers or campers in another state or foreign country to avoid the Washington travel trailer or camper tax are ~~((guilty of a gross misdemeanor and are liable for such unpaid excise tax))~~ in violation of RCW 46.16.010 (1)(a) and (2), and penalties apply. The department of revenue may assess and collect the unpaid excise tax under chapter 82.32 RCW, including the penalties and interest provided in chapter 82.32 RCW.

**Sec. 10.** RCW 88.02.118 and 1996 c 184 s 4 are each amended to read as follows:

(1)(a) It is a ((gross misdemeanor punishable as provided under chapter 9A.20 RCW)) violation for any person owning a vessel subject to taxation under chapter 82.49 RCW to register a vessel in another state to avoid Washington state vessel ((excise tax)) taxes required under chapter 82.49 RCW or to obtain a vessel dealer's registration for the purpose of ((evading excise tax)) avoiding taxes on vessels under chapter 82.49 RCW. ((For a second or subsequent offense, the person convicted is also subject to a

~~fine equal to four times the amount of avoided taxes and fees, no part of which may be suspended or deferred. Excise taxes owed and fines assessed shall be deposited in the manner provided under RCW 46.16.010(2).)~~

(b) The monetary penalty is not less than one thousand dollars but not more than ten thousand dollars for each violation.

(2) The penalty provided in this section is due and payable when the person incurring it receives a notice in writing from the state patrol describing the violation and advising the person that the penalty is due. The state patrol may, upon written application for review, received within fifteen days, remit or mitigate a penalty provided for in this section or discontinue an action to recover the penalty upon such terms it deems proper and may ascertain the facts in a manner and under rules it deems proper. If the amount of the penalty is not paid to the state patrol within fifteen days after receipt of the notice imposing the penalty, or application for remission or mitigation has not been made within fifteen days after the violator has received notice of the disposition of the application, the attorney general shall bring an action in the name of the state of Washington in the superior court of Thurston county or of any other county in which the violator resides or does business, to recover the penalty, administrative fees, and attorneys' fees. In all such actions, the procedure and rules of evidence are the same as an ordinary civil action except as otherwise provided in this chapter. All penalties recovered under this section shall be paid into the state treasury and credited to the state patrol highway account of the motor vehicle fund for the license fraud task force.

**Sec. 11.** RCW 82.32.090 and 1996 c 149 s 15 are each amended to read as follows:

(1) If payment of any tax due on a return to be filed by a taxpayer is not received by the department of revenue by the due date, there shall be assessed a penalty of five percent of the amount of the tax; and if the tax is not received on or before the last day of the month following the due date, there shall be assessed a total penalty of ten percent of the amount of the tax; and if the tax is not received on or before the last day of the second month following the due date, there shall be assessed a total penalty of twenty percent of the amount of the tax. No penalty so added shall be less than five dollars.

(2) If payment of any tax assessed by the department of revenue is not received by the department by the due date specified in the notice, or any extension thereof, the department shall add a penalty of ten percent of the amount of the additional tax found due. No penalty so added shall be less than five dollars.

(3) If a warrant be issued by the department of revenue for the collection of taxes, increases, and penalties, there shall be added thereto a penalty of five percent of the amount of the tax, but not less than ten dollars.

(4) If the department finds that all or any part of a deficiency resulted from the disregard of specific written instructions as to reporting or tax liabilities, the department shall add a penalty of ten percent of the amount of the additional tax found due because of the failure to follow the instructions. A taxpayer disregards specific written instructions when the department of revenue has informed the taxpayer in writing of the taxpayer's tax obligations and the taxpayer fails to act in accordance with those instructions unless the department has not issued final instructions because the matter is under appeal pursuant to this chapter or departmental regulations. The department shall not assess the penalty under this section upon any taxpayer who has made a good faith effort to comply with the specific written instructions provided by the department to that taxpayer. Specific written instructions may be given as a part of a tax assessment, audit, determination, or closing agreement, provided that such specific written instructions shall apply only to the taxpayer addressed or referenced on such documents. Any specific written instructions by the department of revenue shall be clearly identified as such and shall inform the taxpayer that failure to follow the instructions may subject the taxpayer to the penalties imposed by this subsection.

(5)(a) If the department finds that all or any part of the deficiency resulted from an intent to evade the tax payable hereunder, a further penalty of fifty percent of the additional tax found to be due shall be added.

(b) There is a rebuttable presumption of a tax deficiency and intent to avoid and evade the tax under the motor vehicle excise tax under chapter 82.44 RCW, the aircraft excise tax under chapter 82.48 RCW, the watercraft excise tax under chapter 82.49 RCW, the trailers and campers excise tax under chapter 82.50 RCW, or use tax under chapter 82.12 RCW, if there is a finding resulting from a proceeding brought under RCW 46.16.010, 47.68.255, 82.48.020, 82.49.010, or 88.02.118, that the person failed to properly register or license a motor vehicle, an aircraft, a watercraft, a trailer, or a camper.

(6) The aggregate of penalties imposed under subsections (1), (2), and (3) of this section shall not exceed thirty-five percent of the tax due, or twenty dollars, whichever is greater. This subsection does not prohibit or restrict the application of other penalties authorized by law.

(7) The department of revenue may not impose both the evasion penalty and the penalty for disregarding specific written instructions on the same tax found to be due.

(8) For the purposes of this section, "return" means any document a person is required by the state of Washington to file to satisfy or establish a tax or fee obligation that is administered or collected by the department of revenue, and that has a statutorily defined due date."

Correct the title.

Signed by Representatives Fisher, Democratic Co-Chair; K. Schmidt, Republican Co-Chair; Cooper, Democratic 1st Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; Buck; G. Chandler; Haigh; Hatfield; Hurst; Lovick; McDonald; Mielke; Mitchell; Morris; Murray; Ogden; Radcliff; Romero; Schindler; Schual-Berke; Scott and Skinner.

Voting yea: Representatives Fisher, K. Schmidt, Cooper, Ericksen, Hankins, Buck, G. Chandler, DeBolt, Fortunato, Haigh, Hatfield, Hurst, Lovick, McDonald, Mielke, Mitchell, Morris, Murray, Ogden, Pflug, Radcliff, Romero, Schindler, Schual-Berke, Scott, Skinner and Wood.

Excused: Representative(s) Edwards.

Passed to Rules Committee for Second Reading.

April 2, 1999

ESSB 5712 Prime Sponsor, Senate Committee on Senate Commerce, Trade, Housing & Financial Institutions: Regulating motel liquor licenses. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Hurst; Lisk; McIntire and McMorris.

Voting yea: Representatives Clements, Conway, B. Chandler, Wood, Hurst, Lisk, McIntire and McMorris.

Referred to Committee on Appropriations.

April 2, 1999

ESB 5720 Prime Sponsor, Senator Shin: Promoting cooperative real estate research. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 18.85 RCW to read as follows:

(1) A fee of ten dollars is created and shall be assessed on each real estate broker, associate broker, and salesperson originally licensed after October 1, 1999, and upon each renewal of a license with an expiration date after October 1, 1999, including renewals of inactive licenses.

(2) This section expires September 30, 2005.

**NEW SECTION. Sec. 2.** A new section is added to chapter 18.85 RCW to read as follows:

(1) The Washington real estate research account is created in the state treasury. All receipts from the fee under section 1 of this act shall be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the purposes of section 3 of this act.

(2) This section expires September 30, 2005.

**NEW SECTION. Sec. 3.** A new section is added to chapter 18.85 RCW to read as follows:

(1) The purpose of a real estate research center in Washington state is to provide credible research, value-added information, education services, and project-oriented research to real estate licensees, real estate consumers, real estate service providers, institutional customers, public agencies, and communities in Washington state and the Pacific Northwest region. The center may:

(a) Conduct studies and research on affordable housing and strategies to meet the affordable housing needs of the state;

(b) Conduct studies in all areas directly or indirectly related to real estate and urban or rural economics and economically isolated communities;

(c) Disseminate findings and results of real estate research conducted at or by the center or elsewhere, using a variety of dissemination media;

(d) Supply research results and educational expertise to the Washington state real estate commission to support its regulatory functions, as requested;

(e) Prepare information of interest to real estate consumers and make the information available to the general public, universities, or colleges, and appropriate state agencies;

(f) Encourage economic growth and development within the state of Washington;

(g) Support the professional development and continuing education of real estate licensees in Washington; and

(h) Study and recommend changes in state statutes relating to real estate.

(2) The director shall establish a memorandum of understanding with an institution of higher learning that establishes a real estate research center for the purposes under subsection (1) of this section.

(3) This section expires September 30, 2005."

Correct the title.

Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Hurst; Lisk; McIntire and McMorris.

Voting yea: Representatives Clements, Conway, B. Chandler, Wood, Hurst, Lisk, McIntire and McMorris.

Referred to Committee on Appropriations.

April 1, 1999

SSB 5728 Prime Sponsor, Senate Committee on State & Local Government: Determining the validity of proposed bond issues. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended.

On page 3, beginning on line 14, strike everything through "detainer." on line 20

Signed by Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Esser; Kastama; Lantz; Lovick; McDonald and Schindler.

Voting yea: Representatives Carrell, Constantine, Hurst, Lambert, Cox, Dickerson, Esser, Kastama, Lantz, Lovick, McDonald and Schindler.

Passed to Rules Committee for Second Reading.

April 2, 1999

SB 5734 Prime Sponsor, Senator Bauer: Recognizing the sixteenth day of April as Mother Joseph day.  
Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Campbell, Republican Vice Chair; Miloscia, Democratic Vice Chair; Dunshee; Haigh; Lambert and D. Schmidt.

Voting yea: Representatives McMorris, Romero, Campbell, Miloscia, Dunshee, Haigh, Lambert and D. Schmidt.

Passed to Rules Committee for Second Reading.

March 30 1999

SB 5741 Prime Sponsor, Senator Morton: Permitting trucks under 16,001 pounds to bypass scales.  
Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Democratic Co-Chair; K. Schmidt, Republican Co-Chair; Cooper, Democratic 1st Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; Buck; G. Chandler; DeBolt; Fortunato; Haigh; Hatfield; Hurst; Lovick; McDonald; Mielke; Mitchell; Morris; Murray; Ogden; Pflug; Radcliff; Romero; Schindler; Schual-Berke; Scott; Skinner and Wood.

Voting yea: Representatives Fisher, K. Schmidt, Cooper, Ericksen, Hankins, Buck, G. Chandler, DeBolt, Fortunato, Haigh, Hatfield, Hurst, Lovick, McDonald, Mielke, Mitchell, Morris, Murray, Pflug, Radcliff, Romero, Schindler, Schual-Berke, Scott, Skinner and Wood.

Excused: Representative(s) Edwards and Ogden.

Passed to Rules Committee for Second Reading.

April 1, 1999

SSB 5744 Prime Sponsor, Senate Committee on Human Services & Corrections: Ordering a proposal to provide for representation of parties in child dependency and termination proceedings. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended.

On page 1, beginning on line 6, after "representation for" strike "indigent criminal defendants and"

On page 1, line 13, after "defense costs in" strike "criminal trial proceedings and in"

Signed by Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Lambert, Republican Vice Chair; Cox; Esser; Lantz; McDonald and Schindler.

MINORITY recommendation: Do not pass. Signed by Representatives Hurst, Democratic Vice Chair; Dickerson; Kastama and Lovick.

Voting yea: Representatives Carrell, Constantine, Lambert, Cox, Esser, Lantz, McDonald and Schindler.

Voting nay: Representative(s) Hurst, Dickerson, Kastama, and Lovick.

Passed to Rules Committee for Second Reading.

April 1, 1999

SSB 5745 Prime Sponsor, Senate Committee on Senate Commerce, Trade, Housing & Financial Institutions: Reducing the tax on bingo and raffles. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Lisk and McMorris.

MINORITY recommendation: Do not pass. Signed by Representatives Hurst and McIntire.

Voting yea: Representatives Clements, Conway, B. Chandler, Wood, Lisk and McMorris.

Voting nay: Representative(s) Hurst and McIntire.

Passed to Rules Committee for Second Reading.

April 2, 1999

SSB 5762 Prime Sponsor, Senate Committee on Senate Commerce, Trade, Housing & Financial Institutions: Amending cosmetology laws. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended.

On page 9, after line 8, insert the following:

"Sec. 6. RCW 18.16.080 and 1984 c 208 s 19 are each amended to read as follows:

(1) Nothing in this chapter prohibits any person authorized under the laws of this state from performing any service for which the person may be licensed, nor prohibits any person from performing services as an electrologist if that person has been otherwise certified, registered, or trained as an electrologist.

(2) This chapter does not apply to persons employed in the care or treatment of patients in hospitals or employed in the care of residents of nursing homes and similar residential care facilities.

(3) This chapter does not apply to persons who provide services described under this chapter when the services are incidental to those provided:



(a) Through licensed home health, hospice, or home care agencies;  
(b) By individual providers under contract with the department of social and health services under chapter 74.09 or 74.39A RCW; or  
(c) By personal aides providing services under chapter \_\_\_\_\_ (House Bill No. 1880), Laws of 1999."

Renumber the sections consecutively, correct internal references accordingly and correct the title.

Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Hurst; Lisk; McIntire and McMorris.

Voting yea: Representatives Clements, Conway, B. Chandler, Wood, Hurst, Lisk, McIntire and McMorris.

Passed to Rules Committee for Second Reading.

April 1, 1999

2SSB 5766 Prime Sponsor, Senate Committee on Ways & Means: Modifying the duties of a long-term care ombudsman. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Democratic Co-Chair; Parlette, Republican Co-Chair; Pflug, Republican Vice Chair; Schual-Berke, Democratic Vice Chair; Alexander; Boldt; Campbell; Conway; Edmonds; Mulliken and Ruderman.

Voting yea: Representatives Cody, Parlette, Pflug, Schual-Berke, Boldt, Campbell, Conway, Edmonds, Mulliken and Ruderman.

Excused: Representative(s) Alexander and Edwards.

Passed to Rules Committee for Second Reading.

April 2, 1999

SB 5772 Prime Sponsor, Senator Gardner: Strengthening confidentiality for victims of domestic violence. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Campbell, Republican Vice Chair; Miloscia, Democratic Vice Chair; Dunshee; Haigh; Lambert and D. Schmidt.

Voting yea: Representatives McMorris, Romero, Campbell, Miloscia, Dunshee, Haigh, Lambert and D. Schmidt.

Passed to Rules Committee for Second Reading.

April 1, 1999

SB 5777 Prime Sponsor, Senator Prentice: Addressing payment for denturist services. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Democratic Co-Chair; Parlette, Republican Co-Chair; Pflug, Republican Vice Chair; Alexander; Campbell; Conway and Edmonds.

Voting yea: Representatives Cody, Parlette, Pflug, Alexander, Campbell, Conway and Edmonds.  
Excused: Representative(s) Schual-Berke, Boldt, Edwards, Mulliken and Ruderman.

Passed to Rules Committee for Second Reading.

April 1, 1999

SSB 5793 Prime Sponsor, Senate Committee on Health & Long-Term Care: Protecting information related to sexually transmitted diseases and HIV. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Democratic Co-Chair; Parlette, Republican Co-Chair; Pflug, Republican Vice Chair; Schual-Berke, Democratic Vice Chair; Alexander; Boldt; Campbell; Conway; Edmonds; Mulliken and Ruderman.

Voting yea: Representatives Cody, Parlette, Pflug, Schual-Berke, Boldt, Campbell, Conway, Edmonds, Mulliken and Ruderman.

Excused: Representative(s) Alexander and Edwards.

Referred to Committee on Appropriations.

March 31, 1999

ESB 5798 Prime Sponsor, Senator Fairley: Assisting needy families. Reported by Committee on Children & Family Services

MAJORITY recommendation: Do pass. Signed by Representatives D. Sommers, Republican Co-Chair; Tokuda, Democratic Co-Chair; Boldt, Republican Vice Chair; Kagi, Democratic Vice Chair; Campbell; Carrell; Dickerson; Eickmeyer; Kastama and Pflug.

Voting yea: Representatives D. Sommers, Tokuda, Boldt, Kagi, Campbell, Carrell, Dickerson, Eickmeyer, Kastama and Pflug.

Referred to Committee on Appropriations.

April 2, 1999

ESSB 5803 Prime Sponsor, Senate Committee on Senate Agriculture & Rural Economic Development: Changing dairy nutrient management provisions. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that a number of issues have arisen in regard to the dairy nutrient management program that have not been settled without direct legislative involvement. The legislature finds that continued cooperation is needed to resolve issues relating to the dairy nutrient management program.

The legislature intends to further the goal of establishing a reasonable and effective program that provides clear and consistent expectations. The legislature finds that retention of productive dairy farms and maintaining the quality of state waters are of utmost importance to the state.

**NEW SECTION. Sec. 2.** By January 30, 2000, the department of ecology shall publish and send an informational guide to all registered dairy farms in the state that explains the expectations of the department when conducting an inspection. The guide shall be titled "How to Survive a Dairy Nutrient Inspection."

**NEW SECTION. Sec. 3.** (1) A dairy nutrient management task force is created. The task force shall be comprised of eleven members, who are appointed as follows:

(a) Two members of the house of representatives, one from each major caucus, appointed by the co-speakers of the house of representatives;

(b) Two members of the senate, one from each major caucus, appointed by the president of the senate;

(c) A representative of the department of ecology, appointed by the director of ecology;

(d) A representative of the state conservation commission, appointed by its executive secretary;

(e) A representative of local conservation districts, appointed by the president of a state-wide association of conservation districts;

(f) Three active dairy farmers, appointed by a state-wide organization representing dairy farmers in the state, who shall be from different regions and different sizes of dairy operations; and

(g) A representative of an environmental interest organization with familiarity and expertise in water quality issues, appointed by agreement of the co-speakers of the house of representatives and the president of the senate.

(2) The task force shall conduct a review of the dairy nutrient management program administered by the department of ecology, the conservation commission, and local conservation districts. The task force shall include but not be limited to examination of the following topics:

(a) Compliance with the deadlines established in chapter 262, Laws of 1998, for the development, implementation, and approval of dairy nutrient management plans, or deadlines established under other state water quality laws;

(b) Better assurance of consistency in interpretations between staff that conduct inspections, and between inspectors and staff that design and approve dairy nutrient management plans;

(c) What constitutes waters of the state for purposes of the dairy nutrient management program;

(d) Clarification of what constitutes a violation, including a review of the federal environmental protection agency guidance manual, and whether there must be an actual discharge and/or exceedance of state water quality standards;

(e) Clarification as to the circumstances under which dairy operations are responsible to control flood waters arising from outside of the dairy operation to prevent mixing with dairy nutrients including flood waters that arise during major flood events;

(f) Clarification of the criteria applicable to dairy operations as to what constitutes a potential to pollute under RCW 90.48.120;

(g) A review of materials provided by state agencies to dairy farmers regarding dairy nutrient management inspections;

(h) Review changes in any standards utilized in the development and approval of dairy nutrient management plans; and

(i) The adequacy of funding to implement the dairy nutrient management program.

(3) By December 10, 1999, the task force shall:

(a) Provide recommendations to the department of ecology, to the conservation commission, and to local conservation districts for improvements in the implementation of the dairy nutrient management program; and

(b) Provide recommendations to the legislature on statutory changes to clarify and improve the operation of various facets of the program.

(4) The task force shall convene as soon as possible upon appointment of its members. The task force shall elect a chair and adopt rules for conducting the business of the task force. Staff support for the task force shall be provided by the department of ecology.

(5) This section expires December 31, 1999."

Correct the title.

Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Koster, Republican Vice Chair; Anderson; B. Chandler; Delvin; Fortunato; Grant; Reardon; Schoesler; Stensen; Sump and Wood.

Voting yea: Representatives G. Chandler, Linville, Cooper, Koster, Anderson, B. Chandler, Delvin, Fortunato, Grant, Reardon, Schoesler, Stensen, Sump and Wood.

Passed to Rules Committee for Second Reading.

April 2, 1999

SSB 5810 Prime Sponsor, Senate Committee on Senate Environmental Quality & Water Resources: Allowing for public access to an artesian well in specified cities. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass. Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Anderson; Grant; Reardon; Stensen and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Koster, Republican Vice Chair; B. Chandler; Delvin; Fortunato; Schoesler and Sump.

Voting yea: Representatives G. Chandler, Linville, Cooper, Anderson, Grant, Reardon, Stensen and Wood.

Voting nay: Representative(s) Koster, B. Chandler, Delvin, Fortunato, Schoesler and Sump.

Passed to Rules Committee for Second Reading.

April 2, 1999

ESSB 5812 Prime Sponsor, Senate Committee on Health & Long-Term Care: Requiring prompt payment of health care claims. Reported by Committee on Health Care

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that there is a need for a consistent and enforceable claims payment standard for the provision of health care services by health care facilities and providers to enrollees of carrier health plans and enrollees and beneficiaries of public programs.

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

(1) For the purposes of this section:

(a) "Payer" means any group or individual disability insurer regulated under chapter 48.20 or 48.21 RCW, a health care service contractor regulated under chapter 48.44 RCW, a health maintenance organization regulated under chapter 48.46 RCW, self-insured entities subject to the jurisdiction of the state of Washington, the department of labor and industries operating under Title 51 RCW, except as authorized under RCW 51.14.020, the department of social and health services operating under chapter 74.09 RCW, and the Washington state health care authority as established pursuant to chapter 41.05 RCW and as authorized pursuant to chapter 70.47 RCW.

(b) "Clean claim" means a claim that has no defect or impropriety, including any lack of any required substantiating documentation, or particular circumstances requiring special treatment that prevents timely payments from being made on the claim under this law.

(c) "Provider" means "health care facility" or "facility," "health care provider" or "provider" as defined in RCW 48.43.005, and services licensed under chapter 18.73 RCW.

(2)(a) For health services provided to covered persons, a payer shall pay providers as soon as practical but subject to the following minimum standards: (i) Ninety-five percent of the monthly volume of clean claims shall be paid within thirty days of receipt by the responsible payer or agent; and (ii) ninety-five percent of the monthly volume of all claims shall be paid or denied within sixty days of receipt by the responsible payer or agent, except as agreed to in writing by the parties on a claim-by-claim basis. Denial of a claim must be communicated to the provider and must include the reason the claim was denied.

(b) The receipt date of a claim is the date the responsible payer or its agent receives either written or electronic notice of the claim.

(3) Any payer failing to pay claims within the standard established under subsection (2) of this section shall pay interest on undenied and unpaid clean claims more than sixty-one days old until the payer meets the standard under subsection (2) of this section. Interest shall be assessed at the rate of one percent per month, and shall be calculated monthly as simple interest prorated for any portion of a month. The payer shall add the interest payable to the amount of the unpaid claim without the necessity of the provider submitting an additional claim. Any interest paid under this section shall not be applied by the payer to an enrollee's deductible, copayment, coinsurance, or any similar obligation of the enrollee.

(4) This section does not apply to claims where there is substantial evidence of fraud or misrepresentation by providers or patients, or instances where the payer has not been granted access to information under the provider's control.

(5) Providers and payers are not required to comply with this section if the failure to comply is occasioned by an act of God, bankruptcy, act of a governmental authority responding to an act of God or other emergency; or the result of a strike, lockout, or other labor dispute.

(6) The insurance commissioner is prohibited from adopting rules regarding this section.

**NEW SECTION. Sec. 3.** The department of health shall establish a committee composed of three representatives from payers, three representatives from providers, and one representative from the department of health. The committee shall study trends and issues and make recommendations regarding future legislative, regulatory, or private solutions, including electronic billings, that will promote timely and accurate payment of health claims.

**Sec. 4.** RCW 51.36.080 and 1998 c 245 s 104 are each amended to read as follows:

(1) All fees and medical charges under ~~((this title))~~ chapter 51.14 RCW shall conform to the fee schedule established by the director and shall be paid within sixty days of receipt by the department of a proper billing in the form prescribed by department rule or sixty days after the claim is allowed by final order or judgment, if an otherwise proper billing is received by the department prior to final adjudication of claim allowance. The department shall pay interest at the rate of one percent per month, but at least one dollar per month, whenever the payment period exceeds the applicable sixty-day period on all proper fees and medical charges.

Beginning in fiscal year 1987, interest payments under this subsection may be paid only from funds appropriated to the department for administrative purposes.

Nothing in this (~~section~~) subsection may be construed to require the payment of interest on any billing, fee, or charge if the industrial insurance claim on which the billing, fee, or charge is predicated is ultimately rejected or the billing, fee, or charge is otherwise not allowable.

(2) Payment for claims for nonself-insured medical charges shall comply with the provisions set forth in section 2 of this act.

(3) In establishing fees for medical and other health care services under this title, the director shall consider the director's duty to purchase health care in a prudent, cost-effective manner without unduly restricting access to necessary care by persons entitled to the care. With respect to workers admitted as hospital inpatients on or after July 1, 1987, the director shall pay for inpatient hospital services on the basis of diagnosis-related groups, contracting for services, or other prudent, cost-effective payment method, which the director shall establish by rules adopted in accordance with chapter 34.05 RCW.

~~((2))~~ (4) The director may establish procedures for selectively or randomly auditing the accuracy of fees and medical billings submitted to the department under this title.

NEW SECTION. Sec. 5. Sections 1, 2, and 4 of this act take effect September 1, 2000.

NEW SECTION. Sec. 6. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

Signed by Representatives Cody, Democratic Co-Chair; Parlette, Republican Co-Chair; Pflug, Republican Vice Chair; Schual-Berke, Democratic Vice Chair; Alexander; Campbell; Mulliken and Ruderman.

MINORITY recommendation: Do not pass. Signed by Representatives Boldt; Conway and Edmonds.

Voting yea: Representatives Cody, Parlette, Pflug, Schual-Berke, Alexander, Campbell, Mulliken and Ruderman.

Voting nay: Representative(s) Boldt, Conway and Edmonds.

Excused: Representative(s) Edwards.

Referred to Committee on Appropriations.

April 1, 1999

ESSB 5813 Prime Sponsor, Senate Committee on Health & Long-Term Care: Requiring third-party payors to designate a licensed medical director for its coverage decisions. Reported by Committee on Health Care

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert:

""NEW SECTION. Sec. 1. A new section is added to chapter 48.43 RCW to read as follows:

Any carrier that offers a health plan and any self-insured health plan subject to the jurisdiction of Washington state shall designate a medical director who is licensed under chapter 18.57 or 18.71 RCW. Provided that a naturopathic or complimentary alternative medical plan may have a medical director licensed under 18.36A RCW.

**Sec. 2.** RCW 51.04.020 and 1994 c 164 s 24 are each amended to read as follows:

The director shall:

- (1) Establish and adopt rules governing the administration of this title;
- (2) Ascertain and establish the amounts to be paid into and out of the accident fund;
- (3) Regulate the proof of accident and extent thereof, the proof of death and the proof of relationship and the extent of dependency;
- (4) Supervise the medical, surgical, and hospital treatment to the intent that it may be in all cases efficient and up to the recognized standard of modern surgery;
- (5) Issue proper receipts for moneys received and certificates for benefits accrued or accruing;
- (6) Investigate the cause of all serious injuries and report to the governor from time to time any violations or laxity in performance of protective statutes or regulations coming under the observation of the department;
- (7) Compile statistics which will afford reliable information upon which to base operations of all divisions under the department;
- (8) Make an annual report to the governor of the workings of the department;
- (9) Be empowered to enter into agreements with the appropriate agencies of other states relating to conflicts of jurisdiction where the contract of employment is in one state and injuries are received in the other state, and insofar as permitted by the Constitution and laws of the United States, to enter into similar agreements with the provinces of Canada; and
- (10) Designate a medical director who is licensed under chapter 18.57 or 18.71 RCW.

**Sec. 3.** RCW 74.09.050 and 1979 c 141 s 335 are each amended to read as follows:

The secretary shall appoint such professional personnel and other assistants and employees, including professional medical screeners, as may be reasonably necessary to carry out the provisions of this chapter. The medical screeners shall be supervised by one or more physicians who shall be appointed by the secretary or his designee. The secretary shall appoint a medical director who is licensed under chapter 18.57 or 18.71 RCW.

NEW SECTION. **Sec. 4.** A new section is added to chapter 41.05 RCW to read as follows:

The administrator shall designate a medical director who is licensed under chapter 18.57 or 18.71 RCW."

Signed by Representatives Cody, Democratic Co-Chair; Parlette, Republican Co-Chair; Pflug, Republican Vice Chair; Alexander; Campbell; Conway and Edmonds.

Voting yea: Representatives Cody, Parlette, Pflug, Alexander, Campbell, Conway and Edmonds.  
Excused: Representative(s) Schual-Berke, Boldt, Edwards, Mulliken and Ruderman.

Passed to Rules Committee for Second Reading.

April 2, 1999

2SSB 5821 Prime Sponsor, Senate Committee on Ways & Means: Regulating designers of on-site wastewater treatment systems. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended.

On page 5, after line 13, insert the following:

"(4) The board shall immediately suspend the license or practice permit of a person who has been certified pursuant to RCW 74.20A.320 by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for a license under this chapter during the suspension, reissuance of the license or certificate shall be automatic upon the department's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the child support order. The procedure in RCW 74.20A.320 is the exclusive administrative remedy for contesting the establishment of noncompliance with a child support order, and suspension of a license under this subsection, and satisfies the requirements of RCW 34.05.422."

Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Hurst; Lisk; McIntire and McMorris.

Voting yea: Representatives Clements, Conway, B. Chandler, Wood, Hurst, Lisk, McIntire and McMorris.

Referred to Committee on Appropriations.

April 1, 1999

E2SSB 5825 Prime Sponsor, Senate Committee on Ways & Means: Changing student assessments.

Reported by Committee on Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"PART 1  
SECOND GRADE ACCURACY AND FLUENCY ASSESSMENT**

**Sec. 101.** RCW 28A.300.310 and 1997 c 262 s 2 are each amended to read as follows:

(1) The superintendent of public instruction shall identify a collection of ~~((tests))~~ reading passages and assessment procedures that can be used to measure second grade oral reading accuracy and fluency skills. The purpose of the second grade reading ~~((test))~~ assessment is to provide information to parents, teachers, and school administrators on the level of acquisition of oral reading accuracy and fluency skills of each student at the beginning of second grade. The assessment procedures and each of the ~~((tests))~~ reading passages in the collection must:

- (a) Provide a reliable and valid measure of ~~((a))~~ a student's oral reading accuracy and fluency skills;
- (b) Be able to be individually administered;
- (c) Have been approved by a panel of nationally recognized professionals in the area of beginning reading, whose work has been published in peer-reviewed education research journals, and professionals in the area of measurement and assessment; and
- (d) Assess student skills in recognition of letter sounds, phonemic awareness, word recognition, and reading connected text. Text used for the test of fluency must be ordered in relation to difficulty.

(2) The superintendent of public instruction shall select ~~((tests))~~ reading passages for use by schools and school districts participating in pilot projects under RCW 28A.300.320 during the 1997-98 school year. The final collection must be selected by June 30, 1998. The superintendent of public



instruction may add reading passages to the initial list if the passages are comparable in format to the initial passages approved by the expert panel in subsection (1) of this section.

(3) The superintendent of public instruction shall develop a per-pupil cost for ~~((each of))~~ the ~~((tests))~~ assessments in the collection that details the costs for administering the assessments, booklets, scoring ~~((services))~~, and training required to reliably administer the test. To the extent funds are appropriated, the superintendent of public instruction shall pay for the cost of administering and scoring the assessments, booklets or other ~~((testing))~~ assessment material, ~~((scoring services,))~~ and training required to administer the test.

**Sec. 102.** RCW 28A.300.320 and 1998 c 319 s 201 are each amended to read as follows:

(1) The superintendent of public instruction shall create a pilot project to identify which second grade reading ~~((tests))~~ assessments selected under RCW 28A.300.310 will be included in the final collection of ~~((tests))~~ assessments that must be available by June 30, 1998.

(2) Schools and school districts may voluntarily participate in the second grade reading test pilot projects in the 1997-98 school year. Schools and school districts voluntarily participating in the pilot project test are not required to have the results available by the fall parent-teacher conference.

(3)(a) Starting in the 1998-99 school year, school districts must select ~~((a test))~~ an assessment from the collection adopted by the superintendent of public instruction. Selection must be at the entire school district level ~~((and must remain in place at that school district for at least three years))~~.

(b) The second grade reading ~~((test))~~ assessment selected by the school district must be administered annually in the fall beginning with the 1998-99 school year. Students who score substantially below grade level when ~~((tested))~~ assessed in the fall shall be ~~((tested))~~ assessed at least one more time during the second grade. ~~((Test))~~ Assessment performance deemed to be "substantially below grade level" is to be determined for each ~~((test))~~ passage in the collection by the superintendent of public instruction ~~((during the pilot year of 1997-98))~~.

(c) If a student, while taking the ~~((test))~~ assessment, reaches a point at which the student's performance will be considered "substantially below grade level" regardless of the student's performance on the remainder of the ~~((test))~~ assessment, the ~~((test))~~ assessment may be discontinued.

(d) Each school must have the ~~((test))~~ assessment results available by the fall parent-teacher conference. Schools must notify parents about the second grade reading ~~((test))~~ assessment during the conferences, inform the parents of their students' performance on the ~~((test))~~ assessment, identify actions the school intends to take to improve the child's reading skills, and provide parents with strategies to help the parents improve their child's score.

## PART 2

### CHANGES TO THIRD GRADE BASIC SKILLS NORM-REFERENCED TEST

**Sec. 201.** RCW 28A.230.190 and 1998 c 319 s 202 are each amended to read as follows:

(1) School districts shall ~~((test))~~ assess students for second grade reading accuracy and fluency skills starting in the 1998-99 school year as provided in RCW 28A.300.320.

(2) The superintendent of public instruction shall prepare and conduct, with the assistance of school districts, a norm-referenced standardized achievement test to be given annually to all pupils in grade three. The test shall assess students' basic skills in reading and mathematics ~~((, and shall focus upon appropriate input variables))~~. Results of such tests and relevant student, school, and district characteristics shall be compiled annually by the superintendent of public instruction, who shall make those results available annually to the public, to the legislature, to all local school districts, and subsequently to parents of those children tested. The results shall allow parents to ascertain the achievement levels ~~((and input variables))~~ of their children as compared with the other students within the district, the state, and ~~((, if applicable,))~~ the nation.

~~((3) The superintendent of public instruction shall report annually to the legislature on the achievement levels of students in grade three.))~~

**PART 3**  
**SIXTH GRADE BASIC SKILLS NORM-REFERENCED TEST**

NEW SECTION. Sec. 301. A new section is added to chapter 28A.230 RCW to read as follows:

The superintendent of public instruction shall prepare and conduct, with the assistance of school districts, a norm-referenced standardized achievement test to be given annually to all pupils in grade six. The test shall assess students' basic skills in reading/language arts and mathematics. Results of such tests and relevant student, school, and district characteristics shall be compiled by the superintendent of public instruction, who shall make those results available annually to the public, to the legislature, to all local school districts, and subsequently to parents of those children tested. The results shall allow parents to ascertain the achievement levels of their children as compared with the other students within the district, the state, and the nation.

**PART 4**  
**NINTH GRADE NORM-REFERENCED TEST  
AND INTEREST INVENTORY**

**Sec. 401.** RCW 28A.230.230 and 1990 c 101 s 2 are each amended to read as follows:

(1) The superintendent of public instruction shall prepare and conduct, with the assistance of school districts, an annual assessment of all students in the ~~((eighth))~~ ninth grade. The purposes of the assessment are to assist students, parents, and teachers in the planning and selection of appropriate high school courses for students and to provide information about students' current academic proficiencies both in the basic skills of reading~~((;))~~/language arts and mathematics, ((and language,)) and in the reasoning and thinking skills essential for successful entry into those courses required for high school graduation. The assessment ~~((shall))~~ may also include the collection of information about students' interests and plans for high school and beyond and may include the collection of other related student and school information. The superintendent of public instruction shall make the results of the assessment and relevant student, school, and district characteristics available annually to the public, to the legislature, and to all school districts, which shall in turn make them available to students, parents, and teachers in a timely fashion ~~((and in a manner consistent with the purposes of RCW 28A.230.220 through 28A.230.260)).~~

(2) Upon request, the superintendent of public instruction shall make available to requesting school districts an inventory used to collect information about students' interests and plans for high school and beyond for use by students in the eighth grade. To the extent funds are appropriated, the superintendent shall provide the inventory, tabulation services, and reporting at no cost or at reduced cost to school districts.

**PART 5**  
**WASHINGTON ASSESSMENT OF STUDENT LEARNING - SCIENCE,  
SOCIAL STUDIES, ARTS, HEALTH, AND FITNESS ASSESSMENTS**

**Sec. 501.** RCW 28A.630.885 and 1998 c 225 s 1 are each amended to read as follows:

(1) The Washington commission on student learning is hereby established. The primary purposes of the commission are to identify the knowledge and skills all public school students need to know and be able to do based on the student learning goals in RCW 28A.150.210, to develop student assessment and school accountability systems, to review current school district data reporting requirements and make recommendations on what data is necessary for the purposes of accountability and meeting state information needs, and to take other steps necessary to develop a performance-based education system. The commission shall include three members of the state board of education, three members appointed by the governor before July 1, 1992, and five members appointed no later than June 1, 1993, by the governor elected in the November 1992 election. The governor shall appoint a chair from the commission

members, and fill any vacancies in gubernatorial appointments that may occur. The state board of education shall fill any vacancies of state board of education appointments that may occur. In making the appointments, educators, business leaders, and parents shall be represented, and nominations from state-wide education, business, and parent organizations shall be requested. Efforts shall be made to ensure that the commission reflects the racial and ethnic diversity of the state's K-12 student population and that the major geographic regions in the state are represented. Appointees shall be qualified individuals who are supportive of educational restructuring, who have a positive record of service, and who will devote sufficient time to the responsibilities of the commission to ensure that the objectives of the commission are achieved.

(2) The commission shall establish advisory committees. Membership of the advisory committees shall include, but not necessarily be limited to, professionals from the office of the superintendent of public instruction and the state board of education, and other state and local educational practitioners and student assessment specialists.

(3) The commission, with the assistance of the advisory committees, shall:

(a) Develop essential academic learning requirements based on the student learning goals in RCW 28A.150.210. Essential academic learning requirements shall be developed, to the extent possible, for each of the student learning goals in RCW 28A.150.210. Goals one and two shall be considered primary. Essential academic learning requirements for RCW 28A.150.210(1), goal one, and the mathematics component of RCW 28A.150.210(2), goal two, shall be completed no later than March 1, 1995. Essential academic learning requirements that incorporate the remainder of RCW 28A.150.210 (2), (3), and (4), goals two, three, and four, shall be completed no later than March 1, 1996. To the maximum extent possible, the commission shall integrate goal four and the knowledge and skill areas in the other goals in the development of the essential academic learning requirements;

(b)(i) The commission ~~and superintendent of public instruction~~ shall ~~((present to the state board of education and superintendent of public instruction))~~ develop a state-wide academic assessment system for use in the elementary, middle, and high school years designed to determine if each student has ~~((mastered))~~ learned the essential academic learning requirements identified in (a) of this subsection. The academic assessment system shall include a variety of assessment methods, including criterion-referenced and performance-based measures. Performance standards for determining if a student has successfully completed an assessment shall be ~~((initially))~~ determined by the commission and the superintendent of public instruction in consultation with the advisory committees required in subsection (2) of this section.

(ii) The assessment system shall be designed so that the results under the assessment system are used by educators as tools to evaluate instructional practices, and to initiate appropriate educational support for students who have not ~~((mastered))~~ learned the essential academic learning requirements at the appropriate periods in the student's educational development.

(iii) Assessments measuring the essential academic learning requirements ~~((developed for RCW 28A.150.210(1) and the mathematics component of RCW 28A.150.210(2) referred to in this section as reading, writing, communications, and mathematics shall be developed and initially implemented by the commission before transferring the assessment system to the superintendent of public instruction on June 30, 1999. The elementary assessments for reading, writing, communications, and mathematics shall be available for use by school districts no later than the 1996-97 school year, the middle school assessment no later than the 1997-98 school year, and the high school assessment no later than the 1998-99 school year, unless the legislature takes action to delay or prevent implementation of the assessment system and essential academic learning requirements. Assessments measuring the essential academic learning requirements developed for the science component of RCW 28A.150.210(2) at the middle school and high school levels shall be available for use by districts no later than the 1998-99 school year))~~ shall be available for voluntary use by school districts and shall be required to be administered by school districts according to the following schedule unless the legislature takes action to delay or prevent implementation of the assessment system and essential academic learning requirements.

### Assessments Assessments

**available for required to be  
voluntary use administered  
(School years) (School years)**

**Reading, Writing,  
Communication, Mathematics**

- Elementary school 1996-97 1997-98
- Middle school 1997-98 2000-01
- High school 1998-99 1999-00

**Science**

- Middle and high school 1999-00 2000-01
- Elementary school 2001-02 2004-05

**Social Studies**

- Elementary, middle, 2002-03 2005-06  
and high school

**Arts**

- Middle and high school 2003-04 2006-07
- Elementary school 2003-04 2007-08

**Health, Fitness**

- Middle and high school 2003-04 2006-07
- Elementary school 2003-04 2007-08

The completed assessments and assessments still in development shall be transferred by the commission on student learning to the superintendent of public instruction by June 30, 1999(~~(, unless the legislature takes action to delay implementation of the assessment system and essential academic learning requirements. The superintendent shall continue the development of assessments on the following schedule: The history, civics, and geography assessments at the middle and high school levels shall be available for use by districts no later than the 2000-01 school year; the arts assessment for middle and high school levels shall be available for use by districts no later than the 2000-01 school year; and the health and fitness assessments for middle and high school levels shall be available no later than the 2001-02 school year. The elementary science assessment shall be available for use by districts not later than the 2001-02 school year. The commission or the superintendent, as applicable, shall upon request, provide opportunities for the education committees of the house of representatives and the senate to review the assessments and proposed modifications to the essential academic learning requirements before the modifications are adopted. By December 15, 1998, the commission on student learning shall recommend to the appropriate committees of the legislature a revised timeline for implementing these assessments and when the school districts should be required to participate. All school districts shall be required to participate in the history, civics, geography, arts, health, fitness, and elementary science assessments in the third year after the assessments are available to school districts)).~~

(iv) To the maximum extent possible, the commission and the superintendent of public instruction shall integrate knowledge and skill areas in development of the assessments.

~~((iv)) Assessments for goals three and four of RCW 28A.150.210 shall be integrated in the essential academic learning requirements and assessments for goals one and two. ((Before the 1997-98 school year, the elementary assessment system in reading, writing, communications, and mathematics shall be optional. School districts that desire to participate before the 1997-98 school year shall notify the commission on student learning in a manner determined by the commission. Beginning in the 1997-98 school year, school districts shall be required to participate in the elementary assessment system for reading, writing, communications, and mathematics. Before the 2000-01 school year, participation by~~

~~school districts in the middle school and high school assessment system for reading, writing, communications, mathematics, and science shall be optional. School districts that desire to participate before the 1998-99 school year shall notify the commission on student learning in a manner determined by the commission on student learning. Schools that desire to participate after the 1998-99 school year, shall notify the superintendent of public instruction in a manner determined by the superintendent. Beginning in the 2000-01 school year, all school districts shall be required to participate in the assessment system for reading, writing, communications, mathematics, and science.))~~

(v) The commission on student learning may modify the essential academic learning requirements and the assessments ~~((for reading, writing, communications, mathematics, and science))~~, as needed, before June 30, 1999. The superintendent of public instruction may modify the essential academic learning requirements and the assessments, as needed, after June 30, 1999. The commission and superintendent shall, upon request, provide opportunities for the education committees of the house of representatives and the senate to review the assessments and proposed modifications to the essential academic learning requirements before the modifications are adopted.

(vi) The commission and the superintendent of public instruction shall develop assessments that are directly related to the essential academic learning requirements, and are not biased toward persons with different learning styles, racial or ethnic backgrounds, or on the basis of gender;

(c) After a determination is made by the state board of education that the high school assessment system has been implemented and that it is sufficiently reliable and valid, successful completion of the high school assessment shall lead to a certificate of mastery. The certificate of mastery shall be obtained by most students at about the age of sixteen, and is evidence that the student has successfully mastered the essential academic learning requirements during his or her educational career. The certificate of mastery shall be required for graduation but shall not be the only requirement for graduation. The commission shall make recommendations to the state board of education regarding the relationship between the certificate of mastery and high school graduation requirements. Upon achieving the certificate of mastery, schools shall provide students with the opportunity to pursue career and educational objectives through educational pathways that emphasize integration of academic and vocational education. Educational pathways may include, but are not limited to, programs such as work-based learning, school-to-work transition, tech prep, vocational-technical education, running start, and preparation for technical college, community college, or university education. Any middle school, junior high school, or high school using educational pathways shall ensure that all participating students will continue to have access to the courses and instruction necessary to meet admission requirements at baccalaureate institutions. Students shall be allowed to enter the educational pathway of their choice. Before accepting a student into an educational pathway, the school shall inform the student's parent of the pathway chosen, the opportunities available to the student through the pathway, and the career objectives the student will have exposure to while pursuing the pathway. Parents and students dissatisfied with the opportunities available through the selected educational pathway shall be provided with the opportunity to transfer the student to any other pathway provided in the school. Schools may not develop educational pathways that retain students in high school beyond the date they are eligible to graduate, and may not require students who transfer between pathways to complete pathway requirements beyond the date the student is eligible to graduate;

(d) Consider methods to address the unique needs of special education students when developing the assessments in (b) and (c) of this subsection;

(e) Consider methods to address the unique needs of highly capable students when developing the assessments in (b) and (c) of this subsection;

(f) Develop recommendations on the time, support, and resources, including technical assistance, needed by schools and school districts to help students achieve the essential academic learning requirements. These recommendations shall include an estimate for the legislature, superintendent of public instruction, and governor on the expected cost of implementing the academic assessment system;

(g) Develop recommendations for consideration by the higher education coordinating board for adopting college and university entrance requirements for public school students that are consistent with the essential academic learning requirements and the certificate of mastery;

(h) Review current school district data reporting requirements for the purposes of accountability and meeting state information needs. The commission on student learning shall report recommendations to the joint select committee on education restructuring by September 15, 1996, on:

(i) What data is necessary to compare how school districts are performing before the essential academic learning requirements and the assessment system are implemented with how school districts are performing after the essential academic learning requirements and the assessment system are implemented; and

(ii) What data is necessary pertaining to school district reports under the accountability systems developed by the commission on student learning under this section;

(i) Recommend to the legislature, governor, state board of education, and superintendent of public instruction:

(i) A state-wide accountability system to monitor and evaluate accurately and fairly at elementary, middle, and high schools the level of learning occurring in individual schools and school districts with regard to the goals included in RCW 28A.150.210 (1) through (4). The accountability system must assess each school individually against its own baseline, schools with similar characteristics, and schools state-wide. The system shall include school-site, school district, and state-level accountability reports;

(ii) A school assistance program to help schools and school districts that are having difficulty helping students meet the essential academic learning requirements as measured by performance on the elementary, middle school, and high school assessments;

(iii) A system to intervene in schools and school districts in which significant numbers of students persistently fail to learn the essential academic learning requirements or meet the standards established for the elementary, middle school, and high school assessments; and

(iv) An awards program to provide incentives to school staff to help their students learn the essential academic learning requirements, with each school being assessed individually against its own baseline, schools with similar characteristics, and the state-wide average. Incentives shall be based on the rate of percentage change of students achieving the essential academic learning requirements and progress on meeting the state-wide average. School staff shall determine how the awards will be spent.

The commission shall make recommendations regarding a state-wide accountability system for reading in grades kindergarten through four by November 1, 1997. Recommendations for an accountability system in the other subject areas and grade levels shall be made no later than June 30, 1999;

(j) Report annually by December 1st to the legislature, the governor, the superintendent of public instruction, and the state board of education on the progress, findings, and recommendations of the commission; and

(k) Make recommendations to the legislature and take other actions necessary or desirable to help students meet the student learning goals.

(4) The commission shall coordinate its activities with the state board of education and the office of the superintendent of public instruction.

(5) The commission shall seek advice broadly from the public and all interested educational organizations in the conduct of its work, including holding periodic regional public hearings.

(6) The commission shall select an entity to provide staff support and the office of the superintendent of public instruction shall provide administrative oversight and be the fiscal agent for the commission. The commission may direct the office of the superintendent of public instruction to enter into subcontracts, within the commission's resources, with school districts, teachers, higher education faculty, state agencies, business organizations, and other individuals and organizations to assist the commission in its deliberations.

(7) Members of the commission shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(8)(a) By September 30, 1997, the commission on student learning, the state board of education, and the superintendent of public instruction shall jointly present recommendations to the education committees of the house of representatives and the senate regarding the high school assessments, the certificate of mastery, and high school graduation requirements.

In preparing recommendations, the commission on student learning shall convene an ad hoc working group to address questions, including:

(i) What type of document shall be used to identify student performance and achievement and how will the document be described?

(ii) Should the students be required to pass the high school assessments in all skill and content areas, or only in select skill and content areas, to graduate?

(iii) How will the criteria for establishing the standards for passing scores on the assessments be determined?

(iv) What timeline should be used in phasing-in the assessments as a graduation requirement?

(v) What options may be used in demonstrating how the results of the assessments will be displayed in a way that is meaningful to students, parents, institutions of higher education, and potential employers?

(vi) Are there other or additional methods by which the assessments could be used to identify achievement such as endorsements, standards of proficiency, merit badges, or levels of achievement?

(vii) Should the assessments and certificate of mastery be used to satisfy college or university entrance criteria for public school students? If yes, how should these methods be phased-in?

(b) The ad hoc working group shall report its recommendations to the commission on student learning, the state board of education, and the superintendent of public instruction by June 15, 1997. The commission shall report the ad hoc working group's recommendations to the education committees of the house of representatives and senate by July 15, 1997. Final recommendations of the commission on student learning, the state board of education, and the superintendent of public instruction shall be presented to the education committees of the house of representatives and the senate by September 30, 1997.

(9) The Washington commission on student learning shall expire on June 30, 1999.

## PART 6 MISCELLANEOUS

NEW SECTION. **Sec. 601.** Part headings used in this act are not any part of the law.

**Sec. 602.** RCW 28A.230.250 and 1990 c 101 s 4 are each amended to read as follows:

The superintendent of public instruction shall coordinate both the procedures and the content of the ~~((eighth and eleventh grade assessments))~~ tests and assessments required by the state to maximize the value of the information provided to students as they progress ~~((from eighth grade through high school))~~ and to teachers and parents about students' talents, interests, and academic needs or deficiencies so that appropriate programs can be provided to enhance the likelihood of students' success both in ~~((terms of high))~~ school ~~((graduation))~~ and beyond ~~((high school))~~.

**Sec. 603.** RCW 28A.230.195 and 1992 c 141 s 401 are each amended to read as follows:

(1) If students' scores on the test or assessments under RCW 28A.230.190, 28A.230.230, and ~~((28A.230.240))~~ 28A.630.885 indicate that students need help in identified areas, the school district shall ~~((adjust the curriculum in the identified areas))~~ evaluate its instructional practices and make appropriate adjustments.

(2) Each school district shall notify the parents of each student of their child's performance on the test and assessments conducted under this chapter.

NEW SECTION. Sec. 604. The following acts or parts of acts are each repealed:  
(1) RCW 28A.230.210 (Washington life skills test--Development and review--Use by school districts) and 1984 c 278 s 11;  
(2) RCW 28A.230.220 (High school and beyond assessment program) and 1990 c 101 s 1; and  
(3) RCW 28A.230.240 (Annual assessment of eleventh grade students) and 1990 c 101 s 3.

NEW SECTION. Sec. 605. The following acts or parts of acts are each repealed:  
(1) 1998 c 225 s 3 (uncodified);  
(2) 1995 c 209 s 3 (uncodified); and  
(3) 1995 c 209 s 2 & 1992 c 141 s 203 (uncodified).

NEW SECTION. Sec. 606. Section 605 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 1 of the title, after "assessments;" strike the remainder of the title and insert "amending RCW 28A.300.310, 28A.300.320, 28A.230.190, 28A.230.230, 28A.630.885, 28A.230.250, and 28A.230.195; adding a new section to chapter 28A.230 RCW; creating a new section; repealing RCW 28A.230.210, 28A.230.220, and 28A.230.240; repealing 1998 c 225 s 3 (uncodified); repealing 1995 c 209 s 3 (uncodified); repealing 1995 c 209 s 2 and 1992 c 141 s 203 (uncodified); and declaring an emergency."

Signed by Representatives Quall, Democratic Co-Chair; Talcott, Republican Co-Chair; Haigh, Democratic Vice Chair; Schindler, Republican Vice Chair; Carlson; Cox; Keiser; Rockefeller; Santos; D. Schmidt; Schual-Berke; Stensen and Wensman.

Voting yea: Representatives Quall, Talcott, Haigh, Schindler, Carlson, Cox, Keiser, Rockefeller, Santos, D. Schmidt, Stensen and Wensman.  
Excused: Representative(s) Schual-Berke and Sump.

Referred to Committee on Appropriations.

March 30, 1999

SSB 5828 Prime Sponsor, Senate Committee on Senate State & Local Government: Presenting a gift of life award. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Campbell, Republican Vice Chair; Miloscia, Democratic Vice Chair; Dunshee; Haigh; Lambert and D. Schmidt.

Voting yea: Representatives McMorris, Romero, Campbell, Miloscia, Dunshee, Haigh, Lambert and D. Schmidt.

Passed to Rules Committee for Second Reading.

April 1, 1999

SB 5829 Prime Sponsor, Senator Thibaudeau: Allowing providers of occupational therapy and physical therapy to become shareholders in a professional services corporation. Reported by Committee on Health Care



MAJORITY recommendation: Do pass. Signed by Representatives Cody, Democratic Co-Chair; Parlette, Republican Co-Chair; Pflug, Republican Vice Chair; Alexander; Campbell; Conway and Edmonds.

Voting yea: Representatives Cody, Parlette, Pflug, Alexander, Campbell, Conway and Edmonds.  
Excused: Representative(s) Schual-Berke, Boldt, Edwards, Mulliken and Ruderman.

Passed to Rules Committee for Second Reading.

April 2, 1999

ESB 5843 Prime Sponsor, Senator Prentice: Concerning the housing finance commission. Reported by Committee on Economic Development, Housing & Trade

MAJORITY recommendation: Do pass. Signed by Representatives Van Luven, Republican Co-Chair; Veloria, Democratic Co-Chair; Dunn, Republican Vice Chair; Eickmeyer, Democratic Vice Chair; Ballasiotes; Gombosky; Miloscia; Morris; Radcliff; Skinner; D. Sommers and Wolfe.

Voting yea: Representatives Van Luven, Veloria, Dunn, Eickmeyer, Ballasiotes, Gombosky, Miloscia, Morris, Radcliff, Skinner, D. Sommers and Wolfe.

Referred to Committee on Capital Budget.

April 2, 1999

SB 5862 Prime Sponsor, Senator Gardner: Protecting records of strategy discussions. Reported by Committee on State Government

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 42.17.310 and 1998 c 69 s 1 are each amended to read as follows:

(1) The following are exempt from public inspection and copying:

(a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients.

(b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (i) be prohibited to such persons by RCW 84.08.210, 82.32.330, 84.40.020, or 84.40.340 or (ii) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer.

(d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(e) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim or witness indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the public disclosure

commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.

(f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

(g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

(h) Valuable formulae, designs, drawings, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.

(l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.

(m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (i) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (ii) highway construction or improvement as required by RCW 47.28.070.

(n) Railroad company contracts filed prior to July 28, 1991, with the utilities and transportation commission under RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter.

(o) Financial and commercial information and records supplied by private persons pertaining to export services provided pursuant to chapter 43.163 RCW and chapter 53.31 RCW, and by persons pertaining to export projects pursuant to RCW 43.23.035.

(p) Financial disclosures filed by private vocational schools under chapters 28B.85 and 28C.10 RCW.

(q) Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095 that a court has determined are confidential under RCW 80.04.095.

(r) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency.

(s) Membership lists or lists of members or owners of interests of units in timeshare projects, subdivisions, camping resorts, condominiums, land developments, or common-interest communities affiliated with such projects, regulated by the department of licensing, in the files or possession of the department.

(t) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.

(u) The residential addresses and residential telephone numbers of employees or volunteers of a public agency which are held by the agency in personnel records, employment or volunteer rosters, or mailing lists of employees or volunteers.

(v) The residential addresses and residential telephone numbers of the customers of a public utility contained in the records or lists held by the public utility of which they are customers, except that this information may be released to the division of child support or the agency or firm providing child

support enforcement for another state under Title IV-D of the federal social security act, for the establishment, enforcement, or modification of a support order.

(w)(i) The federal social security number of individuals governed under chapter 18.130 RCW maintained in the files of the department of health, except this exemption does not apply to requests made directly to the department from federal, state, and local agencies of government, and national and state licensing, credentialing, investigatory, disciplinary, and examination organizations; (ii) the current residential address and current residential telephone number of a health care provider governed under chapter 18.130 RCW maintained in the files of the department, if the provider requests that this information be withheld from public inspection and copying, and provides to the department an accurate alternate or business address and business telephone number. On or after January 1, 1995, the current residential address and residential telephone number of a health care provider governed under RCW 18.130.140 maintained in the files of the department shall automatically be withheld from public inspection and copying unless the provider specifically requests the information be released, and except as provided for under RCW 42.17.260(9).

(x) Information obtained by the board of pharmacy as provided in RCW 69.45.090.

(y) Information obtained by the board of pharmacy or the department of health and its representatives as provided in RCW 69.41.044, 69.41.280, and 18.64.420.

(z) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW.

(aa) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information.

(bb) Financial and valuable trade information under RCW 51.36.120.

(cc) Client records maintained by an agency that is a domestic violence program as defined in RCW 70.123.020 or 70.123.075 or a rape crisis center as defined in RCW 70.125.030.

(dd) Information that identifies a person who, while an agency employee: (i) Seeks advice, under an informal process established by the employing agency, in order to ascertain his or her rights in connection with a possible unfair practice under chapter 49.60 RCW against the person; and (ii) requests his or her identity or any identifying information not be disclosed.

(ee) Investigative records compiled by an employing agency conducting a current investigation of a possible unfair practice under chapter 49.60 RCW or of a possible violation of other federal, state, or local laws prohibiting discrimination in employment.

(ff) Business related information protected from public inspection and copying under RCW 15.86.110.

(gg) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW.

(hh) Information and documents created specifically for, and collected and maintained by a quality improvement committee pursuant to RCW 43.70.510, regardless of which agency is in possession of the information and documents.

(ii) Personal information in files maintained in a data base created under RCW 43.07.360.

(jj) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010.

(kk) Names of individuals residing in emergency or transitional housing that are furnished to the department of revenue or a county assessor in order to substantiate a claim for property tax exemption under RCW 84.36.043.

(ll) The names, residential addresses, residential telephone numbers, and other individually identifiable records held by an agency in relation to a vanpool, carpool, or other ride-sharing program or

service. However, these records may be disclosed to other persons who apply for ride-matching services and who need that information in order to identify potential riders or drivers with whom to share rides.

(mm) Proprietary financial and commercial information that the submitting entity, with review by the department of health, specifically identifies at the time it is submitted and that is provided to or obtained by the department of health in connection with an application for, or the supervision of, an antitrust exemption sought by the submitting entity under RCW 43.72.310. If a request for such information is received, the submitting entity must be notified of the request. Within ten business days of receipt of the notice, the submitting entity shall provide a written statement of the continuing need for confidentiality, which shall be provided to the requester. Upon receipt of such notice, the department of health shall continue to treat information designated under this section as exempt from disclosure. If the requester initiates an action to compel disclosure under this chapter, the submitting entity must be joined as a party to demonstrate the continuing need for confidentiality.

(nn) Records maintained by the board of industrial insurance appeals that are related to appeals of crime victims' compensation claims filed with the board under RCW 7.68.110.

(oo) Financial and commercial information supplied by or on behalf of a person, firm, corporation, or entity under chapter 28B.95 RCW relating to the purchase or sale of tuition units and contracts for the purchase of multiple tuition units.

(pp) Before and during the course of any collective bargaining, labor negotiations, or grievance or mediation proceedings records that would reveal the strategy or position being taken by an agency.

(2) Except for information described in subsection (1)(c)(i) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this section are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld."

Correct the title.

Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Campbell, Republican Vice Chair; Miloscia, Democratic Vice Chair; Dunshee; Haigh; Lambert and D. Schmidt.

Voting yea: Representatives McMorris, Romero, Campbell, Miloscia, Dunshee, Haigh, Lambert and D. Schmidt.

Passed to Rules Committee for Second Reading.

April 1, 1999

SSB 5864 Prime Sponsor, Senate Committee on Health & Long-Term Care: Allowing a health maintenance organization to return an individual to his or her nursing care facility. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Democratic Co-Chair; Parlette, Republican Co-Chair; Pflug, Republican Vice Chair; Schual-Berke, Democratic Vice Chair; Alexander; Boldt; Campbell; Conway; Edmonds; Mulliken and Ruderman.

Voting yea: Representatives Cody, Parlette, Pflug, Schual-Berke, Boldt, Campbell, Conway, Edmonds, Mulliken and Ruderman.

Excused: Representative(s) Alexander and Edwards.

Passed to Rules Committee for Second Reading.

April 2, 1999

ESSB 5866 Prime Sponsor, Senate Committee on Senate Environmental Quality & Water Resources:

Eliminating component registration of fertilizer products. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 15.54.325 and 1998 c 36 s 4 are each amended to read as follows:

(1) No person may distribute in this state a commercial fertilizer until it has been registered with the department by the producer, importer, or packager of that product. A bulk fertilizer does not require registration if all commercial fertilizer products contained in the final product are registered.

(2) An application for registration shall be made on a form furnished by the department and shall be accompanied by a fee of twenty-five dollars for each product. Labels for each product shall accompany the application. All companies planning to mix customer-formula fertilizers shall include the statement "customer-formula grade mixes" under the column headed "product name" on the product registration application form. All customer-formula fertilizers sold under one brand name shall be considered one product.

(3) An application for registration shall include the following:

(a) The product name;

(b) The brand and grade;

(c) The guaranteed analysis;

(d) Name, address, and phone number of the registrant;

(e) Labels for each product being registered;

(f) Identification of those products that are (i) waste-derived fertilizers, (ii) micronutrient fertilizers, or (iii) fertilizer materials containing phosphate;

(g) ~~(Identification of the fertilizer components in the commercial fertilizer product and verification that all the components are registered. If any of the components are not registered, then the application must include))~~ The concentration of each metal, for which standards are established under RCW 15.54.800, in each ((fertilizer component, for which standards are established under RCW 15.54.800)) product being registered, unless the product is anhydrous ammonia, a solution derived solely from dissolving ammonia in water, a customer-formula fertilizer containing only registered commercial fertilizers, or a packaged commercial fertilizer whose plant nutrient content is present in the form of a single chemical compound which is registered in compliance with this chapter;

(h) Waste-derived fertilizers and micronutrient fertilizers shall include at a minimum, information to ensure the product complies with chapter 70.105 RCW and the resource conservation and recovery act, 42 U.S.C. Sec. 6901 et seq.; and

(i) Any other information required by the department by rule.

(4) If an application for renewal of the product registration provided for in this section is not filed prior to July 1st of any one year, a penalty of ten dollars per product shall be assessed and added to the original fee and shall be paid by the applicant before the renewal registration shall be issued. The assessment of this late collection fee shall not prevent the department from taking any other action as provided for in this chapter. The penalty shall not apply if the applicant furnishes an affidavit that he or she has not distributed this commercial fertilizer subsequent to the expiration of his or her prior registration.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 1999."

Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Koster, Republican Vice Chair; Anderson; B. Chandler; Delvin; Fortunato; Grant; Reardon; Schoesler; Stensen; Sump and Wood.

Voting yea: Representatives G. Chandler, Linville, Cooper, Koster, Anderson, B. Chandler, Delvin, Fortunato, Grant, Reardon, Schoesler, Stensen, Sump and Wood.

Passed to Rules Committee for Second Reading.

April 1, 1999

SB 5869 Prime Sponsor, Senator Prentice: Regulating service contracts. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Benson, Republican Co-Chair; Hatfield, Democratic Co-Chair; Bush, Republican Vice Chair; McIntire, Democratic Vice Chair; Cairnes; DeBolt; Keiser; Quall; Santos; Sullivan and Talcott.

Voting yea: Representatives Benson, Hatfield, Bush, McIntire, Cairnes, DeBolt, Keiser, Santos, Sullivan and Talcott.

Excused: Representative(s) Barlean and Quall.

Passed to Rules Committee for Second Reading.

April 2, 1999

ESB 5897 Prime Sponsor, Senator Costa: Informing purchasers of cigarettes of adverse health consequences and whether the cigarettes were manufactured for consumption within the United States. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended.

On page 5, line 37, after "shall be" strike "sold only for export from the United States to the highest bidder who meets all applicable state and federal requirements to export such cigarettes or"

Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Hurst; Lisk; McIntire and McMorris.

Voting yea: Representatives Clements, Conway, B. Chandler, Wood, Hurst, Lisk, McIntire and McMorris.

Passed to Rules Committee for Second Reading.

March 31, 1999

SSB 5902 Prime Sponsor, Senate Committee on Higher Education: Changing higher education financial aid provisions. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended.

On page 1, beginning on line 15, strike all material through line 17.

Re-letter the subsections consecutively and correct any internal references accordingly.

Signed by Representatives Carlson, Republican Co-Chair; Kenney, Democratic Co-Chair; Lantz, Democratic Vice Chair; Radcliff, Republican Vice Chair; Dunn; Edmonds; Esser and Gombosky.

Voting yea: Representatives Carlson, Kenney, Lantz, Radcliff, Dunn, Edmonds, Esser and Gombosky.

Referred to Committee on Appropriations.

April 2, 1999

ESSB 5909 Prime Sponsor, Senate Committee on Senate Labor & Workforce Development: Modifying the job skills program. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; Wood, Democratic Vice Chair; Hurst; McIntire and McMorris.

MINORITY recommendation: Do not pass. Signed by Representatives B. Chandler, Republican Vice Chair and Lisk.

Voting yea: Representatives Clements, Conway, Wood, Hurst, McIntire and McMorris.

Voting nay: Representative(s) B. Chandler and Lisk.

Referred to Committee on Appropriations.

April 1, 1999

SB 5911 Prime Sponsor, Senator Eide: Changing school director eligibility provisions. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 28A.315 RCW to read as follows:

Notwithstanding RCW 42.12.010(4), a school director elected from a director district may continue to serve as a director from the district even though the director no longer resides in the director district, but continues to reside in the school district, under the following conditions:

(1) If, as a result of redrawing the director district boundaries, the director no longer resides in the director district, the director shall retain his or her position for the remainder of his or her term of office; and

(2) If, as a result of the director changing his or her place of residence the director no longer resides in the director district, the director shall retain his or her position until a successor is elected and assumes office as follows: (a) If the change in residency occurs after the opening of the regular filing period provided under RCW 29.15.020, in the year two years after the director was elected to office, the director shall remain in office for the remainder of his or her term of office; or (b) if the change in residency occurs prior to the opening of the regular filing period provided under RCW 29.15.020, in the year two years after the director was elected to office, the director shall remain in office until a successor assumes office who has been elected to serve the remainder of the unexpired term of office at the school district general election held in that year."

Correct the title.

Signed by Representatives Quall, Democratic Co-Chair; Talcott, Republican Co-Chair; Haigh, Democratic Vice Chair; Schindler, Republican Vice Chair; Carlson; Cox; Keiser; Rockefeller; Santos; D. Schmidt; Schual-Berke; Stensen and Wensman.

Voting yea: Representatives Quall, Talcott, Haigh, Schindler, Carlson, Cox, Keiser, Rockefeller, Santos, D. Schmidt, Schual-Berke, Stensen and Wensman.

Excused: Representative(s) Sump.

Passed to Rules Committee for Second Reading.

April 2, 1999

SB 5915 Prime Sponsor, Senator Patterson: Removing language requiring obsolete or unwanted reports.  
Reported by Committee on State Government

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 4.24.5502 and 1997 c 364 s 7 are each amended to read as follows:

~~((1))~~ The department of corrections, the department of social and health services, and the indeterminate sentence review board shall jointly develop, by September 1, 1997, a consistent approach to risk assessment for the purposes of implementing chapter 364, Laws of 1997, including consistent standards for classifying sex offenders into risk levels I, II, and III.

~~((2))~~ The department of social and health services, the department of corrections, and the indeterminate sentence review board shall each prepare and deliver to the legislature, by December 1, 1998, a report indicating the number of sex offenders released after July 27, 1997, and classified in each level of risk category. The reports shall also include information on the number, jurisdictions, and circumstances where the risk level classification made by a local law enforcement agency or official for specific sex offenders differed from the risk level classification made by the department or the indeterminate sentence review board for the same offender.)

**Sec. 2.** RCW 13.40.460 and 1997 c 386 s 54 are each amended to read as follows:



The secretary, assistant secretary, or the secretary's designee shall manage and administer the department's juvenile rehabilitation responsibilities, including but not limited to the operation of all state institutions or facilities used for juvenile rehabilitation.

The secretary or assistant secretary shall:

(1) Prepare a biennial budget request sufficient to meet the confinement and rehabilitative needs of the juvenile rehabilitation program, as forecast by the office of financial management;

(2) Create by rule a formal system for inmate classification. This classification system shall consider:

(a) Public safety;

(b) Internal security and staff safety;

(c) Rehabilitative resources both within and outside the department;

(d) An assessment of each offender's risk of sexually aggressive behavior as provided in RCW 13.40.470; and

(e) An assessment of each offender's vulnerability to sexually aggressive behavior as provided in RCW 13.40.470;

(3) Develop agreements with local jurisdictions to develop regional facilities with a variety of custody levels;

(4) Adopt rules establishing effective disciplinary policies to maintain order within institutions;

(5) Develop a comprehensive diagnostic evaluation process to be used at intake, including but not limited to evaluation for substance addiction or abuse, literacy, learning disabilities, fetal alcohol syndrome or effect, attention deficit disorder, and mental health;

(6) Develop placement criteria: and

(a) To avoid assigning youth who present a moderate or high risk of sexually aggressive behavior to the same sleeping quarters as youth assessed as vulnerable to sexual victimization under RCW 13.40.470(1)(c); and

(b) To avoid placing a juvenile offender on parole status who has been assessed as a moderate to high risk for sexually aggressive behavior in a department community residential program with another child who is: (i) Dependent under chapter 13.34 RCW, or an at-risk youth or child in need of services under chapter 13.32A RCW; and (ii) not also a juvenile offender on parole status; and

(7) Develop a plan to implement, by July 1, 1995:

(a) Substance abuse treatment programs for all state juvenile rehabilitation facilities and institutions;

(b) Vocational education and instruction programs at all state juvenile rehabilitation facilities and institutions; and

(c) An educational program to establish self-worth and responsibility in juvenile offenders. This educational program shall emphasize instruction in character-building principles such as: Respect for self, others, and authority; victim awareness; accountability; work ethics; good citizenship; and life skills(~~and~~

~~(8) Study, in conjunction with the superintendent of public instruction, educators, and superintendents of state facilities for juvenile offenders, the feasibility and value of consolidating within a single entity the provision of educational services to juvenile offenders committed to state facilities. The assistant secretary shall report his or her findings to the legislature by December 1, 1995)).~~

**Sec. 3.** RCW 18.20.230 and 1998 c 272 s 2 are each amended to read as follows:

(1) The department of social and health services shall review, in coordination with the department of health, the nursing care quality assurance commission, adult family home providers, boarding home providers, in-home personal care providers, and long-term care consumers and advocates, training standards for administrators and resident caregiving staff. ~~((The departments and the commission shall submit to the appropriate committees of the house of representatives and the senate by December 1, 1998, specific recommendations on training standards and the delivery system, including necessary statutory changes and funding requirements.))~~ Any proposed enhancements shall be consistent with this section,

shall take into account and not duplicate other training requirements applicable to boarding homes and staff, and shall be developed with the input of boarding home and resident representatives, health care professionals, and other vested interest groups. Training standards and the delivery system shall be relevant to the needs of residents served by the boarding home and recipients of long-term in-home personal care services and shall be sufficient to ensure that administrators and caregiving staff have the skills and knowledge necessary to provide high quality, appropriate care.

(2) The recommendations on training standards and the delivery system developed under subsection (1) of this section shall be based on a review and consideration of the following: Quality of care; availability of training; affordability, including the training costs incurred by the department of social and health services and private providers; portability of existing training requirements; competency testing; practical and clinical course work; methods of delivery of training; standards for management and caregiving staff training; and necessary enhancements for special needs populations and resident rights training. Residents with special needs include, but are not limited to, residents with a diagnosis of mental illness, dementia, or developmental disability.

~~((3) The department of social and health services shall report to the appropriate committees of the house of representatives and the senate by December 1, 1998, on the cost of implementing the proposed training standards for state-funded residents, and on the extent to which that cost is covered by existing state payment rates.))~~

**Sec. 4.** RCW 41.05.021 and 1997 c 274 s 1 are each amended to read as follows:

(1) The Washington state health care authority is created within the executive branch. The authority shall have an administrator appointed by the governor, with the consent of the senate. The administrator shall serve at the pleasure of the governor. The administrator may employ up to seven staff members, who shall be exempt from chapter 41.06 RCW, and any additional staff members as are necessary to administer this chapter. The administrator may delegate any power or duty vested in him or her by this chapter, including authority to make final decisions and enter final orders in hearings conducted under chapter 34.05 RCW. The primary duties of the authority shall be to: Administer state employees' insurance benefits and retired or disabled school employees' insurance benefits; administer the basic health plan pursuant to chapter 70.47 RCW; study state-purchased health care programs in order to maximize cost containment in these programs while ensuring access to quality health care; and implement state initiatives, joint purchasing strategies, and techniques for efficient administration that have potential application to all state-purchased health services. The authority's duties include, but are not limited to, the following:

(a) To administer health care benefit programs for employees and retired or disabled school employees as specifically authorized in RCW 41.05.065 and in accordance with the methods described in RCW 41.05.075, 41.05.140, and other provisions of this chapter;

(b) To analyze state-purchased health care programs and to explore options for cost containment and delivery alternatives for those programs that are consistent with the purposes of those programs, including, but not limited to:

(i) Creation of economic incentives for the persons for whom the state purchases health care to appropriately utilize and purchase health care services, including the development of flexible benefit plans to offset increases in individual financial responsibility;

(ii) Utilization of provider arrangements that encourage cost containment, including but not limited to prepaid delivery systems, utilization review, and prospective payment methods, and that ensure access to quality care, including assuring reasonable access to local providers, especially for employees residing in rural areas;

(iii) Coordination of state agency efforts to purchase drugs effectively as provided in RCW 70.14.050;

(iv) Development of recommendations and methods for purchasing medical equipment and supporting services on a volume discount basis; and

(v) Development of data systems to obtain utilization data from state-purchased health care programs in order to identify cost centers, utilization patterns, provider and hospital practice patterns, and procedure costs, utilizing the information obtained pursuant to RCW 41.05.031;

(c) To analyze areas of public and private health care interaction;

(d) To provide information and technical and administrative assistance to the board;

(e) To review and approve or deny applications from counties, municipalities, and other political subdivisions of the state to provide state-sponsored insurance or self-insurance programs to their employees in accordance with the provisions of RCW 41.04.205, setting the premium contribution for approved groups as outlined in RCW 41.05.050;

(f) To appoint a health care policy technical advisory committee as required by RCW 41.05.150;

(g) To establish billing procedures and collect funds from school districts and educational service districts under RCW 28A.400.400 in a way that minimizes the administrative burden on districts; and

(h) To promulgate and adopt rules consistent with this chapter as described in RCW 41.05.160.

(2) On and after January 1, 1996, the public employees' benefits board may implement strategies to promote managed competition among employee health benefit plans. Strategies may include but are not limited to:

(a) Standardizing the benefit package;

(b) Soliciting competitive bids for the benefit package;

(c) Limiting the state's contribution to a percent of the lowest priced qualified plan within a geographical area;

(d) Monitoring the impact of the approach under this subsection with regards to: Efficiencies in health service delivery, cost shifts to subscribers, access to and choice of managed care plans state-wide, and quality of health services. The health care authority shall also advise on the value of administering a benchmark employer-managed plan to promote competition among managed care plans. ~~((The health care authority shall report its findings and recommendations to the legislature by January 1, 1997.~~

~~(3) The health care authority shall, no later than July 1, 1996, submit to the appropriate committees of the legislature, proposed methods whereby, through the use of a voucher type process, state employees may enroll with any health carrier to receive employee benefits. Such methods shall include the employee option of participating in a health care savings account, as set forth in Title 48 RCW.))~~

**Sec. 5.** RCW 43.06.400 and 1987 c 472 s 16 are each amended to read as follows:

Beginning in January~~(-)~~ 1984, and in January of every ~~((even numbered))~~ fourth year thereafter, the department of revenue shall submit to the legislature prior to the regular session a listing of the amount of reduction for the current and next biennium in the revenues of the state or the revenues of local government collected by the state as a result of tax exemptions. The listing shall include an estimate of the revenue lost from the tax exemption, the purpose of the tax exemption, the persons, organizations, or parts of the population which benefit from the tax exemption, and whether or not the tax exemption conflicts with another state program. The listing shall include but not be limited to the following revenue sources:

(1) Real and personal property tax exemptions under Title 84 RCW;

(2) Business and occupation tax exemptions, deductions, and credits under chapter 82.04 RCW;

(3) Retail sales and use tax exemptions under chapters 82.08, 82.12, and 82.14 RCW;

(4) Public utility tax exemptions and deductions under chapter 82.16 RCW;

(5) Food fish and shellfish tax exemptions under chapter 82.27 RCW;

(6) Leasehold excise tax exemptions under chapter 82.29A RCW;

(7) Motor vehicle and special fuel tax exemptions and refunds under chapters 82.36 and 82.38 RCW;

(8) Aircraft fuel tax exemptions under chapter 82.42 RCW;

(9) Motor vehicle excise tax exclusions under chapter 82.44 RCW; and

(10) Insurance premiums tax exemptions under chapter 48.14 RCW.

The department of revenue shall prepare the listing required by this section with the assistance of any other agencies or departments as may be required.

The department of revenue shall present the listing to the ways and means committees of each house in public hearings.

Beginning in January((-)) 1984, and every four years thereafter the governor is requested to review the report from the department of revenue and may submit recommendations to the legislature with respect to the repeal or modification of any tax exemption. The ways and means committees of each house and the appropriate standing committee of each house shall hold public hearings and take appropriate action on the recommendations submitted by the governor.

As used in this section, "tax exemption" means an exemption, exclusion, or deduction from the base of a tax; a credit against a tax; a deferral of a tax; or a preferential tax rate.

**Sec. 6.** RCW 43.20A.375 and 1988 c 49 s 2 are each amended to read as follows:

The state advisory committee shall have the following powers and duties:

(1) To serve in an advisory capacity to the secretary on all matters pertaining to the department of social and health services.

(2) To acquaint themselves fully with the operations of the department and periodically recommend such changes to the secretary as they deem advisable.

(3) To review and make recommendations as to the continued operation, possible consolidation, or elimination of department advisory committees including those required by federal law or specifically created by statute. The review shall include review of the statement of purpose for each advisory committee and the time frames during which the committee is accountable to achieve its stated purposes. ~~((The state advisory committee shall conduct the review and report to the appropriate legislative committees no later than January 1, 1989.))~~

(4) To encourage public awareness and understanding of the department of social and health services and the department's programs and services.

(5) To develop agendas to foster periodic meetings with and communication between representatives of program-specific advisory committees.

(6) To encourage each regional advisory committee established under RCW 43.20A.360 to send a representative to regular state advisory committee meetings to foster communication between the regional advisory committees and: (a) The state advisory committee, and (b) headquarters of the department.

**Sec. 7.** RCW 43.20A.870 and 1997 c 386 s 47 are each amended to read as follows:

The department shall prepare an annual quality assurance report that shall include but is not limited to: (1) Performance outcomes regarding health and safety of children in the children's services system; (2) children's length of stay in out-of-home placement from each date of referral; (3) adherence to permanency planning timelines; and (4) the response time on child protective services investigations differentiated by risk level determined at intake. ~~((The report shall be provided to the governor and legislature not later than July 1.))~~

**Sec. 8.** RCW 43.41.195 and 1994 sp.s. c 7 s 319 are each amended to read as follows:

(1) The office of financial management, in consultation with affected parties, shall establish a fund distribution formula for determining allocations to the community networks authorized under RCW 70.190.130. The formula shall reflect the local needs assessment for at-risk children and consider:

(a) The number of arrests and convictions for juvenile violent offenses;

(b) The number of arrests and convictions for crimes relating to juvenile drug offenses and alcohol-related offenses;

(c) The number of teen pregnancies and parents;

(d) The number of child and teenage suicides and attempted suicides; and

(e) The high school graduation rate.

(2) In developing the formula, the office of financial management shall reserve five percent of the funds for the purpose of rewarding community networks.

(3) The reserve fund shall be used by the council to reward community networks that show exceptional reductions in: State-funded out-of-home placements, violent criminal acts by juveniles, substance abuse, teen pregnancy and male parentage, teen suicide attempts, or school dropout rates.

~~((4) The office of financial management shall submit the distribution formula to the family policy council and to the appropriate committees of the legislature by December 20, 1994.))~~

**Sec. 9.** RCW 43.59.150 and 1998 c 165 s 3 are each amended to read as follows:

(1) The Washington state traffic safety commission shall establish a program for improving bicycle and pedestrian safety, and shall cooperate with the stakeholders and independent representatives to form an advisory committee to develop programs and create public private partnerships which promote bicycle and pedestrian safety. ~~((The traffic safety commission shall report and make recommendations to the legislative transportation committee and the fiscal committees of the house of representatives and the senate by December 1, 1998, regarding the conclusions of the advisory committee.))~~

(2) The bicycle and pedestrian safety account is created in the state treasury. To the extent that private contributions are received by the traffic safety commission for the purposes of bicycle and pedestrian safety programs established under this section, the appropriations from the highway safety account for this purpose shall lapse.

**Sec. 10.** RCW 43.88.067 and 1995 c 403 s 905 are each amended to read as follows:

The office of financial management shall create a report annually ~~((to the legislature))~~ on the amount of fees and other expenses awarded during the preceding fiscal year pursuant to RCW 4.84.340 through 4.84.360. The report shall describe the number, nature, and amount of the awards, the claims involved in the controversy, and other relevant information that may aid the legislature in evaluating the scope and impact of the awards.

**Sec. 11.** RCW 43.180.070 and 1983 c 161 s 7 are each amended to read as follows:

The commission shall adopt a general plan of housing finance objectives to be implemented by the commission during the period of the plan. The commission shall adopt a plan no later than December 15, 1983. The commission may exercise the powers authorized under this chapter prior to the adoption of the initial plan. In developing the plan, the commission shall consider and set objectives for:

- (1) The use of funds for single-family and multifamily housing;
- (2) The use of funds for new construction, rehabilitation, including refinancing of existing debt, and home purchases;
- (3) The housing needs of low-income and moderate-income persons and families, and of elderly or mentally or physically handicapped persons;
- (4) The use of funds in coordination with federal, state, and local housing programs for low-income persons;
- (5) The use of funds in urban, rural, suburban, and special areas of the state;
- (6) The use of financing assistance to stabilize and upgrade declining urban neighborhoods;
- (7) The use of financing assistance for economically depressed areas, areas of minority concentration, reservations, and in mortgage-deficient areas;
- (8) The geographical distribution of bond proceeds so that the benefits of the housing programs provided under this chapter will be available to address demand on a fair basis throughout the state;
- (9) The use of financing assistance for implementation of cost-effective energy efficiency measures in dwellings.

The plan shall include an estimate of the amount of bonds the commission will issue during the term of the plan and how bond proceeds will be expended.

The plan shall be adopted by resolution of the commission following at least one public hearing thereon, notice of which shall be made by mailing to the clerk of the governing body of each county and

by publication in the Washington State Register no more than forty and no less than twenty days prior to the hearing. A draft of the plan shall be made available not less than thirty days prior to any such public hearing. At least every two years, the commission shall report to the legislature regarding implementation of the plan.

~~((Prior to December 31, 1983, the commission shall submit the plan to the chief clerk of the house and secretary of the senate for transmittal to and review by the appropriate standing committees.))~~  
The commission may periodically update the plan. ~~((Proposed changes of the plan shall be submitted to the chief clerk of the house and secretary of the senate for transmittal to and review by the appropriate standing committees. This submittal of proposed changes shall occur at least fourteen days before final adoption of the changes by the commission.))~~

The commission shall adopt rules designed to result in the use of bond proceeds in a manner consistent with the plan. These rules shall be adopted and in full force and effect by February 1, 1984. The commission may periodically update its rules.

The commission is not required to adopt a plan or rules for the use of the proceeds of bonds issued prior to February, 1984. This section is designed to deal only with the use of bond proceeds and nothing in this section shall be construed as a limitation on the commission's authority to issue bonds.

**Sec. 12.** RCW 43.200.080 and 1991 sp.s. c 13 s 60 are each amended to read as follows:

The director of ecology shall, in addition to the powers and duties otherwise imposed by law, have the following special powers and duties:

(1) To fulfill the responsibilities of the state under the lease between the state of Washington and the federal government executed September 10, 1964, covering one thousand acres of land lying within the Hanford reservation near Richland, Washington. The department of ecology may sublease to private or public entities all or a portion of the land for specific purposes or activities which are determined, after public hearing, to be in agreement with the terms of the lease and in the best interests of the citizens of the state consistent with any criteria that may be developed as a requirement by the legislature;

(2) To assume the responsibilities of the state under the perpetual care agreement between the state of Washington and the federal government executed July 29, 1965 and the sublease between the state of Washington and the site operator of the Hanford low-level radioactive waste disposal facility. In order to finance perpetual surveillance and maintenance under the agreement and ensure site closure under the sublease, the department of ecology shall impose and collect fees from parties holding radioactive materials for waste management purposes. The fees shall be established by rule adopted under chapter 34.05 RCW and shall be an amount determined by the department of ecology to be necessary to defray the estimated liability of the state. Such fees shall reflect equity between the disposal facilities of this and other states. A site closure account and a perpetual surveillance and maintenance account is hereby created in the state treasury. The site closure account shall be exclusively available to reimburse, to the extent that moneys are available in the account, the site operator for its costs plus a reasonable profit as agreed by the operator and the state, or to reimburse the state licensing agency and any agencies under contract to the state licensing agency for their costs in final closure and decommissioning of the Hanford low-level radioactive waste disposal facility. If a balance remains in the account after satisfactory performance of closure and decommissioning, this balance shall be transferred to the perpetual surveillance and maintenance account. The perpetual surveillance and maintenance account shall be used exclusively by the state to meet post-closure surveillance and maintenance costs, or for otherwise satisfying surveillance and maintenance obligations. Appropriations are required to permit expenditures and payment of obligations from the site closure account and the perpetual surveillance and maintenance account. All moneys, including earnings from the investment of balances in the site closure and the perpetual surveillance and maintenance account, less the allocation to the state treasurer's service ~~((account [fund]))~~ fund, pursuant to RCW 43.08.190 accruing under the authority of this section shall be directed to the site closure account until December 31, 1992. Thereafter receipts including earnings from the investment of balances in the site closure and the perpetual surveillance and maintenance account, less the allocation to the state treasurer's service ~~((account [fund]))~~ fund, pursuant to RCW 43.08.190 shall be

directed to the site closure account and the perpetual surveillance and maintenance account as specified by the department. Additional moneys specifically appropriated by the legislature or received from any public or private source may be placed in the site closure account and the perpetual surveillance and maintenance account;

(3) To assure maintenance of such insurance coverage by state licensees, lessees, or sublessees as will adequately, in the opinion of the director, protect the citizens of the state against nuclear accidents or incidents that may occur on privately or state-controlled nuclear facilities;

(4) To institute a user permit system and issue site use permits, consistent with regulatory practices, for generators, packagers, or brokers using the Hanford low-level radioactive waste disposal facility. The costs of administering the user permit system shall be borne by the applicants for site use permits. The site use permit fee shall be set at a level that is sufficient to fund completely the executive and legislative participation in activities related to the Northwest Interstate Compact on Low-Level Radioactive Waste Management;

(5) To make application for or otherwise pursue any federal funds to which the state may be eligible, through the federal resource conservation and recovery act or any other federal programs, for the management, treatment or disposal, and any remedial actions, of wastes that are both radioactive and hazardous at all Hanford low-level radioactive waste disposal facilities; and

(6) To develop contingency plans for duties and options for the department and other state agencies related to the Hanford low-level radioactive waste disposal facility based on various projections of annual levels of waste disposal. These plans shall include an analysis of expected revenue to the state in various taxes and funds related to low-level radioactive waste disposal and the resulting implications that any increase or decrease in revenue may have on state agency duties or responsibilities. The plans shall be updated annually. ~~((The department shall report annually on the plans and on the balances in the site closure and perpetual surveillance accounts to the energy and utilities committees of the senate and the house of representatives.))~~

**Sec. 13.** RCW 47.06B.030 and 1998 c 173 s 3 are each amended to read as follows:

The council shall:

(1) Develop standards and strategies for coordinating special needs transportation;

(2) Identify and develop, fund as resources are made available, and monitor coordinated transportation pilot projects;

(3) Disseminate and encourage the widespread implementation of successful demonstration projects;

(4) Identify and address barriers to transportation coordination;

(5) Recommend to the legislature changes in law to assist coordination of transportation services;

(6) Act as an information clearinghouse and advocate for coordinated transportation;

(7) Petition the office of financial management to make whatever changes are deemed necessary to identify transportation costs in all executive agency budgets(;

~~(8) Report to the legislature by December 1, 1998, on council activities including, but not limited to, what demonstration projects have been undertaken, how coordination affected service levels, and whether these efforts produced savings that allowed expansion of services. Reports must be made once every two years thereafter, and other times as the council deems necessary)).~~

**Sec. 14.** RCW 70.24.107 and 1997 c 345 s 6 are each amended to read as follows:

The department of health and the department of corrections shall each adopt rules to implement chapter 345, Laws of 1997. ~~((The department of health and the department of corrections shall also report to the legislature by January 1, 1998, on the following: (1) Changes made in rules and department of corrections and local jail policies and procedures to implement chapter 345, Laws of 1997; and (2) a summary of the number of times and the circumstances under which individual corrections staff and jail staff members were informed that a particular offender or detainee had a sexually transmitted disease or other communicable disease.))~~ The department of health and the department of corrections shall

cooperate with local jail administrators to obtain the information from local jail administrators that is necessary to comply with this section.

**Sec. 15.** RCW 75.08.510 and 1998 c 250 s 2 are each amended to read as follows:

The department shall mark appropriate coho salmon that are released from department operated hatcheries and rearing ponds in such a manner that the fish are externally recognizable as hatchery origin salmon by fishers for the purpose of maximized catch while sustaining wild and hatchery reproduction.

The department shall mark all appropriate chinook salmon targeted for contribution to the Washington catch that are released from department operated hatcheries and rearing ponds in such a manner that the fish are externally recognizable as hatchery origin salmon by fishers.

The goal of the marking program is: (1) The annual marking by June 30, 1997, of all appropriate hatchery origin coho salmon produced by the department with marking to begin with the 1994 Puget Sound coho brood; and (2) the annual marking by June 30, 1999, of all appropriate hatchery origin chinook salmon produced by the department with marking to begin with the 1998 chinook brood. The department may experiment with different methods for marking hatchery salmon with the primary objective of maximum survival of hatchery marked fish, maximum contribution to fisheries, and minimum cost consistent with the other goals.

The department shall coordinate with other entities that are producing hatchery chinook and coho salmon for release into public waters to enable the broadest application of the marking program to all hatchery produced chinook and coho salmon. The department shall work with the treaty Indian tribes in order to reach mutual agreement on the implementation of the mass marking program. ~~((The department shall report to the appropriate legislative committees by January 1, 1999, on the progress made in reaching mutual agreement with the treaty Indian tribes and any Pacific coast state or province to achieve the goal of coast-wide marking of chinook and coho salmon.))~~ The ultimate goal of the program is the coast-wide marking of appropriate hatchery origin chinook and coho salmon, and the protection of all wild chinook and coho salmon, where appropriate.

**Sec. 16.** RCW 80.36.600 and 1998 c 337 s 1 are each amended to read as follows:

(1) The commission shall plan and prepare to implement a program for the preservation and advancement of universal telecommunications service which shall not take effect until the legislature approves the program. The purpose of the universal service program is to benefit telecommunications ratepayers in the state by minimizing implicit sources of support and maximizing explicit sources of support that are specific, sufficient, competitively neutral, and technologically neutral to support basic telecommunications services for customers of telecommunications companies in high-cost locations.

(2) In preparing a universal service program for approval by the legislature, the commission shall:

(a) Estimate the cost of supporting all lines located in high-cost locations and the cost of supporting one primary telecommunications line for each residential or business customer located in high-cost locations;

(b) Determine the assessments that must be made on all telecommunications carriers, and the manner of collection, to provide support for:

(i) All residential and business lines located in high-cost locations;

(ii) Only one primary line for each residential or business customer located in high-cost locations;

(c) Designate those telecommunications carriers serving high-cost locations that are eligible to receive support for the benefit of their customers in those locations;

(d) Adopt or prepare to adopt all necessary rules for administration of the program; and

(e) Provide a schedule of all fees and payments proposed or expected to be proposed by the commission under subsection ~~((4))~~ (3)(d) of this section.

(3) ~~((The commission shall report by November 1, 1998, to the legislature on these steps taken to prepare for implementation and shall inform the legislature of the estimated cost to support all lines located in high-cost locations and the estimated cost to support only one primary line for each residential or business customer located in high-cost locations under a universal service program.~~



~~(4))~~ Once a program is approved by the legislature and subsequently established, the following provisions apply unless otherwise directed by the legislature:

(a) All transfers of money necessary to provide the support shall be outside the state treasury and not be subject to appropriation;

(b) The commission may delegate to the commission secretary or other staff the authority to resolve disputes or make other decisions necessary to the administration of the program;

(c) The commission may contract with an independent program administrator subject to the direction and control of the commission and may authorize the establishment of an account or accounts in independent financial institutions should that be necessary for administration of the program;

(d) The expenses of an independent program administrator shall be authorized by the commission and shall be paid out of contributions by the telecommunications carriers participating in the program;

(e) The commission may require the carriers participating in the program, as part of their contribution, to pay into the public service revolving fund the costs of the commission attributable to supervision and administration of the program that are not otherwise recovered through fees paid to the commission.

~~((5))~~ (4) The commission shall establish standards for review or testing of all telecommunications carriers' compliance with the program for the purpose of ensuring the support received by a telecommunications carrier is used only for the purposes of the program and that each telecommunications carrier is making its proper contribution to the program. The commission may conduct the review or test, or contract with an independent administrator or other person to conduct the review or test.

~~((6))~~ (5) The commission shall coordinate administration of the program with any federal universal service program and may administer the federal fund in conjunction with the state program if so authorized by federal law.

~~((7))~~ (6) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Telecommunications carrier" has the same meaning as defined in 47 U.S.C. Sec. 153(44).

(b) "Basic telecommunications services" means the following services:

(i) Single-party service;

(ii) Voice grade access to the public switched network;

(iii) Support for local usage;

(iv) Dual tone multifrequency signaling (touch-tone);

(v) Access to emergency services (911);

(vi) Access to operator services;

(vii) Access to interexchange services;

(viii) Access to directory assistance; and

(ix) Toll limitation services.

(c) "High-cost location" means a location where the cost of providing telecommunications services is greater than a benchmark established by the commission by rule.

~~((8))~~ (7) Each telecommunications carrier that provides intrastate telecommunications services shall provide whatever information the commission may reasonably require in order to fulfill the commission's responsibilities under subsection (2) of this section.

**NEW SECTION. Sec. 17.** The following acts or parts of acts are each repealed:

(1) RCW 48.85.050 and 1995 1st sp.s. c 18 s 80 & 1993 c 492 s 462; and

(2) RCW 75.46.020 and 1998 c 246 s 3."

Correct the title.

Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Campbell, Republican Vice Chair; Miloscia, Democratic Vice Chair; Dunshee; Haigh; Lambert and D. Schmidt.

Voting yea: Representatives McMorris, Romero, Campbell, Miloscia, Dunshee, Haigh, Lambert and D. Schmidt.

Passed to Rules Committee for Second Reading.

April 2, 1999

SSB 5921 Prime Sponsor, Senate Committee on Senate Judiciary: Requiring the disclosure of fire protection and building safety information. Reported by Committee on Economic Development, Housing & Trade

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 59.18.060 and 1991 c 154 s 2 are each amended to read as follows:

The landlord will at all times during the tenancy keep the premises fit for human habitation, and shall in particular:

(1) Maintain the premises to substantially comply with any applicable code, statute, ordinance, or regulation governing their maintenance or operation, which the legislative body enacting the applicable code, statute, ordinance or regulation could enforce as to the premises rented if such condition substantially endangers or impairs the health or safety of the tenant;

(2) Maintain the roofs, floors, walls, chimneys, fireplaces, foundations, and all other structural components in reasonably good repair so as to be usable and capable of resisting any and all normal forces and loads to which they may be subjected;

(3) Keep any shared or common areas reasonably clean, sanitary, and safe from defects increasing the hazards of fire or accident;

(4) Provide a reasonable program for the control of infestation by insects, rodents, and other pests at the initiation of the tenancy and, except in the case of a single family residence, control infestation during tenancy except where such infestation is caused by the tenant;

(5) Except where the condition is attributable to normal wear and tear, make repairs and arrangements necessary to put and keep the premises in as good condition as it by law or rental agreement should have been, at the commencement of the tenancy;

(6) Provide reasonably adequate locks and furnish keys to the tenant;

(7) Maintain all electrical, plumbing, heating, and other facilities and appliances supplied by him in reasonably good working order;

(8) Maintain the dwelling unit in reasonably weathertight condition;

(9) Except in the case of a single family residence, provide and maintain appropriate receptacles in common areas for the removal of ashes, rubbish, and garbage, incidental to the occupancy and arrange for the reasonable and regular removal of such waste;

(10) Except where the building is not equipped for the purpose, provide facilities adequate to supply heat and water and hot water as reasonably required by the tenant;

(11)(a) Provide a written notice to all tenants disclosing fire safety and protection information. The landlord or his or her authorized agent must provide a written notice to the tenant that the dwelling unit is equipped with a smoke detection device as required in RCW 48.48.140. The notice shall inform the tenant of the tenant's responsibility to maintain the smoke detection device in proper operating condition and of penalties for failure to comply with the provisions of RCW 48.48.140(3). The notice

must be signed by the landlord or the landlord's authorized agent and tenant with copies provided to both parties. Further, except with respect to a single-family residence, the written notice must also disclose the following:

(i) Whether the smoke detection device is hard-wired or battery operated;

(ii) Whether the building has a fire sprinkler system;

(iii) Whether the building has a fire alarm system;

(iv) Whether the building has a smoking policy, and what that policy is;

(v) Whether the building has an emergency notification plan for the occupants and, if so, provide a copy to the occupants;

(vi) Whether the building has an emergency relocation plan for the occupants and, if so, provide a copy to the occupants; and

(vii) Whether the building has an emergency evacuation plan for the occupants and, if so, provide a copy to the occupants.

(b) The written notice must be provided to new tenants at the time the lease or rental agreement is signed, and must be provided to current tenants as soon as possible, but not later than January 1, 2000; and

(12) Designate to the tenant the name and address of the person who is the landlord by a statement on the rental agreement or by a notice conspicuously posted on the premises. The tenant shall be notified immediately of any changes by certified mail or by an updated posting. If the person designated in this section does not reside in the state where the premises are located, there shall also be designated a person who resides in the county who is authorized to act as an agent for the purposes of service of notices and process, and if no designation is made of a person to act as agent, then the person to whom rental payments are to be made shall be considered such agent((-));

No duty shall devolve upon the landlord to repair a defective condition under this section, nor shall any defense or remedy be available to the tenant under this chapter, where the defective condition complained of was caused by the conduct of such tenant, his family, invitee, or other person acting under his control, or where a tenant unreasonably fails to allow the landlord access to the property for purposes of repair. When the duty imposed by subsection (1) of this section is incompatible with and greater than the duty imposed by any other provisions of this section, the landlord's duty shall be determined pursuant to subsection (1) of this section."

Correct the title.

Signed by Representatives Van Luven, Republican Co-Chair; Veloria, Democratic Co-Chair; Dunn, Republican Vice Chair; Eickmeyer, Democratic Vice Chair; Ballasiotes; Gombosky; Miloscia; Radcliff; Skinner; D. Sommers and Wolfe.

Voting yea: Representatives Van Luven, Veloria, Dunn, Eickmeyer, Ballasiotes, Gombosky, Miloscia, Morris, Radcliff, Skinner, D. Sommers and Wolfe.

Passed to Rules Committee for Second Reading.

April 1, 1999

SSB 5928 Prime Sponsor, Senate Committee on Senate Judiciary: Extending immunity from liability to those who communicate a complaint or information to self-regulatory agencies. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Esser; Kastama; Lantz; Lovick; McDonald and Schindler.

Voting yea: Representatives Carrell, Constantine, Hurst, Lambert, Cox, Dickerson, Esser, Kastama, Lantz, Lovick, McDonald and Schindler.

Passed to Rules Committee for Second Reading.

April 2, 1999

E2SSB 5931 Prime Sponsor, Senate Committee on Ways & Means: Requiring electronic filing and publication of campaign finance and lobbyist reports. Reported by Committee on State Government

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 42.17 RCW to read as follows:

(1) It is the intent of the legislature to ensure that the commission provide the general public timely access to all contribution and expenditure reports submitted by candidates, continuing political committees, bona fide political parties, lobbyists, and lobbyists' employers. The legislature finds that failure to comply with this chapter's requirements for full and timely disclosure threatens to undermine our electoral process.

(2) Beginning January 1, 2001, the commission shall establish goals that all reports, copies of reports, or copies of the data or information included in reports, filed under RCW 42.17.040, 42.17.065, 42.17.080, 42.17.100, 42.17.105, 42.17.150, 42.17.170, 42.17.175, and 42.17.180, that are:

(a) Submitted electronically via modem, satellite, or the Internet, shall be accessible in the commission's office and via the commission's web site within two business days of the commission's receipt of the report; and

(b) Submitted in any format or via any method other than those listed in (a) of this subsection, shall be accessible in the commission's office and via the commission's web site within four business days of the actual physical receipt of the report and not the technical date of filing as provided under RCW 42.17.420.

NEW SECTION. Sec. 2. A new section is added to chapter 42.17 RCW to read as follows:

(1) The commission shall appoint an executive director who shall perform such duties and have such powers as the commission, consistent with this chapter, may prescribe and delegate to implement and enforce this chapter efficiently and effectively. The commission shall set the compensation of the executive director within the limits established by the committee on agency officials' salaries under RCW 43.03.028. The commission may not delegate its authority to adopt, amend, or rescind rules; nor may it delegate authority to determine whether an actual violation of this chapter has occurred or to assess penalties for such violations. The commission shall prepare an annual performance review of the executive director.

(2) The executive director shall appoint an assistant executive director for information services, who is responsible for maintaining and enhancing the collection of and public access to information through electronic means.

(3) The executive director and the assistant executive director for information services are responsible for ensuring that the requirements regarding public disclosure set forth in section 1 of this act are met.

Sec. 3. RCW 42.17.370 and 1995 c 397 s 17 are each amended to read as follows:

The commission is empowered to:

(1) Adopt, (~~promulgate,~~) amend, and rescind suitable administrative rules to carry out the policies and purposes of this chapter, which rules shall be adopted under chapter 34.05 RCW. Any rule relating to campaign finance, political advertising, or related forms that would otherwise take effect after June 30th of a general election year shall take effect no earlier than the day following the general election in that year;

~~(2) ((Appoint and set, within the limits established by the committee on agency officials' salaries under RCW 43.03.028, the compensation of an executive director who shall perform such duties and have such powers as the commission may prescribe and delegate to implement and enforce this chapter efficiently and effectively. The commission shall not delegate its authority to adopt, amend, or rescind rules nor shall it delegate authority to determine whether an actual violation of this chapter has occurred or to assess penalties for such violations;~~

~~(3))~~ Prepare and publish such reports and technical studies as in its judgment will tend to promote the purposes of this chapter, including reports and statistics concerning campaign financing, lobbying, financial interests of elected officials, and enforcement of this chapter;

~~((4))~~ (3) Make from time to time, on its own motion, audits and field investigations;

~~((5))~~ (4) Make public the time and date of any formal hearing set to determine whether a violation has occurred, the question or questions to be considered, and the results thereof;

~~((6))~~ (5) Administer oaths and affirmations, issue subpoenas, and compel attendance, take evidence and require the production of any books, papers, correspondence, memorandums, or other records relevant or material for the purpose of any investigation authorized under this chapter, or any other proceeding under this chapter;

~~((7))~~ (6) Adopt and promulgate a code of fair campaign practices;

~~((8))~~ (7) Relieve, by rule, candidates or political committees of obligations to comply with the provisions of this chapter relating to election campaigns, if they have not received contributions nor made expenditures in connection with any election campaign of more than one thousand dollars;

~~((9))~~ (8) Adopt rules prescribing reasonable requirements for keeping accounts of and reporting on a quarterly basis costs incurred by state agencies, counties, cities, and other municipalities and political subdivisions in preparing, publishing, and distributing legislative information. The term "legislative information," for the purposes of this subsection, means books, pamphlets, reports, and other materials prepared, published, or distributed at substantial cost, a substantial purpose of which is to influence the passage or defeat of any legislation. The state auditor in his or her regular examination of each agency under chapter 43.09 RCW shall review the rules, accounts, and reports and make appropriate findings, comments, and recommendations in his or her examination reports concerning those agencies;

~~((10))~~ (9) After hearing, by order approved and ratified by a majority of the membership of the commission, suspend or modify any of the reporting requirements of this chapter in a particular case if it finds that literal application of this chapter works a manifestly unreasonable hardship and if it also finds that the suspension or modification will not frustrate the purposes of the chapter. The commission shall find that a manifestly unreasonable hardship exists if reporting the name of an entity required to be reported under RCW 42.17.241(1)(g)(ii) would be likely to adversely affect the competitive position of any entity in which the person filing the report or any member of his or her immediate family holds any office, directorship, general partnership interest, or an ownership interest of ten percent or more. Any suspension or modification shall be only to the extent necessary to substantially relieve the hardship. The commission shall act to suspend or modify any reporting requirements only if it determines that facts exist that are clear and convincing proof of the findings required under this section. Requests for renewals of reporting modifications may be heard in a brief adjudicative proceeding as set forth in RCW 34.05.482 through 34.05.494 and in accordance with the standards established in this section. No initial request may be heard in a brief adjudicative proceeding and no request for renewal may be heard in a brief adjudicative proceeding if the initial request was granted more than three years previously or if the applicant is holding an office or position of employment different from the office or position held when the initial request was granted. The commission shall adopt administrative rules governing the proceedings. Any citizen has standing to bring an action in Thurston county superior court to contest the

propriety of any order entered under this section within one year from the date of the entry of the order;  
~~((and~~

~~((11))~~ (10) Revise, at least once every five years but no more often than every two years, the monetary reporting thresholds and reporting code values of this chapter. The revisions shall be only for the purpose of recognizing economic changes as reflected by an inflationary index recommended by the office of financial management. The revisions shall be guided by the change in the index for the period commencing with the month of December preceding the last revision and concluding with the month of December preceding the month the revision is adopted. As to each of the three general categories of this chapter (reports of campaign finance, reports of lobbyist activity, and reports of the financial affairs of elected and appointed officials), the revisions shall equally affect all thresholds within each category. Revisions shall be adopted as rules under chapter 34.05 RCW. The first revision authorized by this subsection shall reflect economic changes from the time of the last legislative enactment affecting the respective code or threshold through December 1985;

~~((12))~~ (11) Develop and provide to filers a system for certification of reports required under this chapter which are transmitted by facsimile or electronically to the commission. ~~((Implementation of the program is contingent on the availability of funds.))~~

NEW SECTION. Sec. 4. A new section is added to chapter 42.17 RCW to read as follows:

By July 1st of each year, the commission shall calculate the following performance measures, provide a copy of the performance measures to the governor and appropriate legislative committees, and make the performance measures available to the public:

(1) The average number of days that elapse between the commission's receipt of reports filed under RCW 42.17.040, 42.17.065, 42.17.080, and 42.17.100 and the time that the report, a copy of the report, or a copy of the data or information included in the report, is first accessible to the general public (a) in the commission's office, and (b) via the commission's web site;

(2) The average number of days that elapse between the commission's receipt of reports filed under RCW 42.17.105 and the time that the report, a copy of the report, or a copy of the data or information included in the report, is first accessible to the general public (a) in the commission's office, and (b) via the commission's web site;

(3) The average number of days that elapse between the commission's receipt of reports filed under RCW 42.17.150, 42.17.170, 42.17.175, and 42.17.180 and the time that the report, a copy of the report, or a copy of the data or information included in the report, is first accessible to the general public (a) in the commission's office, and (b) via the commission's web site;

(4) The percentage of candidates, categorized as state-wide, state legislative, or local, that have used each of the following methods to file reports under RCW 42.17.080 or 42.17.105: (a) Hard copy paper format; (b) electronic format via diskette; (c) electronic format via modem or satellite; (d) electronic format via the Internet; and (e) any other format or method;

(5) The percentage of continuing political committees that have used each of the following methods to file reports under RCW 42.17.065 or 42.17.105: (a) Hard copy paper format; (b) electronic format via diskette; (c) electronic format via modem or satellite; (d) electronic format via the Internet; and (e) any other format or method; and

(6) The percentage of lobbyists and lobbyists' employers that have used each of the following methods to file reports under RCW 42.17.150, 42.17.170, 42.17.175, or 42.17.180: (a) Hard copy paper format; (b) electronic format via diskette; (c) electronic format via modem or satellite; (d) electronic format via the Internet; and (e) any other format or method.

NEW SECTION. Sec. 5. A new section is added to chapter 42.17 RCW to read as follows:

(1) The commission shall develop an information technology plan consistent with plans or portfolios required by chapter 43.105 RCW.

(2) The plan must include, but not be limited to, the following:

(a) A baseline assessment of the agency's information technology resources and capabilities that will serve as the benchmark for subsequent planning and performance measures;

(b) A statement of the agency's mission, goals, and objectives for information technology, including goals and objectives for achieving electronic access to agency records, information, and services for at least the next five years;

(c) An explanation of how the agency's mission, goals, and objectives for information technology support and conform to the state strategic information technology plan;

(d) An implementation strategy to enhance electronic access to public records and information required to be filed with and disclosed by the commission. This implementation strategy must be assembled to include:

(i) Adequate public notice and opportunity for comment;

(ii) Consideration of a variety of electronic technologies, including those that help to transcend geographic locations, standard business hours, economic conditions of users, and disabilities;

(iii) Methods to educate agency employees, the public, and the news media in the effective use of agency technology;

(iv) Ways to simplify and improve public access to information held by the commission through electronic means;

(e) Projects and resources required to meet the objectives of the plan; and

(f) If feasible, estimated schedules and funding required to implement identified projects.

**NEW SECTION. Sec. 6.** A new section is added to chapter 42.17 RCW to read as follows:

In preparing the information technology plan, the commission shall consult with affected state agencies, the department of information services, and stakeholders in the commission's work, including representatives of political committees, bona fide political parties, news media, and the general public.

**NEW SECTION. Sec. 7.** A new section is added to chapter 42.17 RCW to read as follows:

The commission shall submit the information technology plan to the senate and house fiscal committees, the governor, the senate's state and local government committee, the house's state government committee, and the department of information services by January 1, 2000. It is the intent of the legislature that the commission thereafter comply with the requirements of chapter 43.105 RCW with respect to preparation and submission of biennial performance reports on the commission's information technology.

**NEW SECTION. Sec. 8.** A new section is added to chapter 42.17 RCW to read as follows:

The commission shall prepare and submit to the department of information services a biennial performance report in accordance with chapter 43.105 RCW.

The report must include:

(1) An evaluation of the agency's performance relating to information technology;

(2) An assessment of progress made toward implementing the agency information technology plan;

(3) An analysis of the commission's performance measures, set forth in section 4 of this act, that relate to the electronic filing of reports and timely public access to those reports via the commission's web site;

(4) A comprehensive description of the methods by which citizens may interact with the agency in order to obtain information and services from the commission; and

(5) An inventory of agency information services, equipment, and proprietary software.

**Sec. 9.** RCW 42.17.365 and 1993 c 2 s 29 are each amended to read as follows:

The commission shall conduct a sufficient number of audits and field investigations so as to provide a statistically valid finding regarding the degree of compliance with the provisions of this chapter by all required filers. Any documents, records, reports, computer files, papers, or materials provided to

the commission for use in conducting audits and investigations must be returned to the candidate, campaign, or political committee from which they were received within two weeks of the commission's receipt.

**Sec. 10.** RCW 42.17.367 and 1994 c 40 s 2 are each amended to read as follows:

By January 1, ~~((1995))~~ 2000, the ~~((public disclosure))~~ commission shall ~~((design a program for electronic access to public documents filed with the commission. The program may include on line access to the commission's magic and electronic bulletin board systems, providing information for the internet system, fax request service, automated telephone service, electronic filing of reports, and other service delivery options. Documents available in the program shall include, but are not limited to, public documents filed with the public disclosure commission, including, but not limited to, commission meeting schedules, financial affairs reports, contribution reports, expenditure reports, and gift reports. Implementation of the program is contingent on the availability of funds))~~ operate a web site or contract for the operation of a web site that allows access to reports, copies of reports, or copies of data and information submitted in reports, filed with the commission under RCW 42.17.040, 42.17.065, 42.17.080, 42.17.100, 42.17.105, 42.17.150, 42.17.170, 42.17.175, and 42.17.180. In addition, the commission shall attempt to make available via the web site other public records submitted to or generated by the commission that are required by this chapter to be available for public use or inspection.

**Sec. 11.** RCW 42.17.420 and 1995 c 397 s 18 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, when any application, report, statement, notice, or payment required to be made under the provisions of this chapter has been deposited postpaid in the United States mail properly addressed, it shall be deemed to have been received on the date of mailing. It shall be presumed that the date shown by the post office cancellation mark on the envelope is the date of mailing. The provisions of this section do not apply to reports required to be delivered under RCW 42.17.105 and 42.17.175.

(2) When a report is filed electronically with the commission, it is deemed to have been received on the file transfer date. The commission shall notify the filer of receipt of the electronically filed report. Such notification may be sent by mail, facsimile, or electronic mail. If the notification of receipt of the electronically filed report is not received by the filer, the filer may offer his or her own proof of sending the report, and such proof shall be treated as if it were a receipt sent by the commission. Electronic filing may be used for purposes of filing the special reports required to be delivered under RCW 42.17.105 and 42.17.175.

NEW SECTION. **Sec. 12.** A new section is added to chapter 42.17 RCW to read as follows:

(1) By July 1, 1999, the commission shall offer every candidate, public official, political committee, and party organization that is required to file reports under this chapter the option of filing financial affairs reports, contribution reports, and expenditure reports electronically by diskette or via modem, satellite, or the Internet.

(2) By January 1, 2001, the commission shall offer all lobbyists and lobbyists' employers required to file reports under RCW 42.17.150, 42.17.170, 42.17.175, or 42.17.180 the option of filing these reports electronically by diskette or via modem, satellite, or the Internet.

(3) The commission shall make available to each candidate, public official, political committee, lobbyist, lobbyist employer, and party organization an electronic copy of the appropriate reporting forms at no charge.

NEW SECTION. **Sec. 13.** A new section is added to chapter 42.17 RCW to read as follows:

Beginning January 1, 2000, each continuing political committee shall file all contribution reports and expenditure reports required by this chapter electronically by diskette or via modem, satellite, or the Internet. Failure by a continuing political committee to comply with this section is a violation of this chapter."



Correct the title.

Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Campbell, Republican Vice Chair; Miloscia, Democratic Vice Chair; Dunshee; Haigh and D. Schmidt.

MINORITY recommendation: Do not pass. Signed by Representative Lambert.

Voting yea: Representatives McMorris, Romero, Campbell, Miloscia, Dunshee, Haigh and D. Schmidt.

Voting nay: Representative(s) Lambert.

Referred to Committee on Appropriations.

March 31, 1999

SSB 5933 Prime Sponsor, Senate Committee on Senate Energy, Technology & Telecommunication: Providing for disclosure to consumers regarding the characteristics associated with their electric energy product. Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: Do pass as amended.

On page 7, beginning on line 21, strike all material through line 38.

Renumber the sections accordingly.

Signed by Representatives Crouse, Republican Co-Chair; Poulsen, Democratic Co-Chair; Ruderman, Democratic Vice Chair; Bush; Cooper; McDonald; Morris; Reardon; Thomas and Wolfe.

MINORITY recommendation: Do not pass. Signed by Representatives DeBolt, Republican Vice Chair; Delvin and Mielke.

Voting yea: Representatives Crouse, Poulsen, Ruderman, Bush, Cooper, Kastama, McDonald, Morris, Reardon, Thomas and Wolfe.

Voting nay: Representative(s) DeBolt, Delvin, and Mielke.

Passed to Rules Committee for Second Reading.

April 2, 1999

SB 5944 Prime Sponsor, Senator Haugen: Describing those lands eligible to be included in a city district aquatic lands management agreement. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Buck, Republican Co-Chair; Anderson, Democratic Vice Chair; G. Chandler; Clements; Doumit; Eickmeyer; Ericksen and Pennington.

MINORITY recommendation: Do not pass. Signed by Representatives Regala, Democratic Co-Chair; Rockefeller and Stensen.

Voting yea: Representatives Buck, Anderson, Sump, G. Chandler, Clements, Doumit, Eickmeyer, Ericksen and Pennington.

Voting nay: Representative(s) Regala, Rockefeller and Stensen.

Referred to Committee on Appropriations.

April 1, 1999

SB 5954 Prime Sponsor, Senator Kline: Claiming the proceeds recovered on behalf of recipients of state assistance. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Democratic Co-Chair; Parlette, Republican Co-Chair; Pflug, Republican Vice Chair; Alexander; Campbell; Conway and Edmonds.

Voting yea: Representatives Cody, Parlette, Pflug, Alexander, Campbell, Conway and Edmonds.  
Excused: Representative(s) Schual-Berke, Boldt, Edwards, Mulliken and Ruderman.

Passed to Rules Committee for Second Reading.

March 31, 1999

ESB 5962 Prime Sponsor, Senator Brown: Promoting electronic commerce through digital signatures. Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: Do pass as amended.

On page 4, line 35, after "government" strike "and a private person or entity"

On page 24, line 19, after "agencies" strike "." and insert "and"

On page 24, line 20, after "governments" strike ", and other entities and persons"

On page 24, line 31, strike "((~~or~~))" and insert "or"

On page 24, line 32, after "(4)" strike all material through "(5)" on line 35

On page 25, beginning on line 1, strike all material through line 8.

Renumber the sections accordingly and correct the title.

Signed by Representatives Crouse, Republican Co-Chair; Poulsen, Democratic Co-Chair; DeBolt, Republican Vice Chair; Ruderman, Democratic Vice Chair; Bush; Cooper; Delvin; Kastama; McDonald; Mielke; Morris; Reardon; Thomas and Wolfe.

Voting yea: Representatives Crouse, Poulsen, DeBolt, Ruderman, Bush, Cooper, Delvin, Kastama, McDonald, Mielke, Morris, Reardon, Thomas and Wolfe.

Passed to Rules Committee for Second Reading.

April 1, 1999

ESSB 5988 Prime Sponsor, Senate Committee on Education: Changing provisions relating to truancy.  
Reported by Committee on Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28A.225.010 and 1998 c 244 s 14 are each amended to read as follows:

(1) All parents in this state of any child eight years of age and under eighteen years of age shall cause such child to attend the public school of the district in which the child resides and such child shall have the responsibility to and therefore shall attend for the full time when such school may be in session unless:

(a) The child is attending an approved private school for the same time or is enrolled in an extension program as provided in RCW 28A.195.010(4);

(b) The child is receiving home-based instruction as provided in subsection ~~((4))~~ (5) of this section;

(c) The child is attending an education center as provided in chapter 28A.205 RCW;

(d) The school district superintendent of the district in which the child resides shall have excused such child from attendance because the child is physically or mentally unable to attend school, is attending a residential school operated by the department of social and health services, is incarcerated in an adult correctional facility, or has been temporarily excused upon the request of his or her parents for purposes agreed upon by the school authorities and the parent: PROVIDED, That such excused absences shall not be permitted if deemed to cause a serious adverse effect upon the student's educational progress: PROVIDED FURTHER, That students excused for such temporary absences may be claimed as full time equivalent students to the extent they would otherwise have been so claimed for the purposes of RCW 28A.150.250 and 28A.150.260 and shall not affect school district compliance with the provisions of RCW 28A.150.220; or

(e) The child is sixteen years of age or older and:

(i) The child is regularly and lawfully employed and either the parent agrees that the child should not be required to attend school or the child is emancipated in accordance with chapter 13.64 RCW;

(ii) The child has already met graduation requirements in accordance with state board of education rules and regulations; or

(iii) The child has received a certificate of educational competence under rules and regulations established by the state board of education under RCW 28A.305.190.

(2) If a parent enrolls a child six years of age and under eight years of age in the public school of the district in which the child resides, that parent has the responsibility to ensure the child attends, and the child has the responsibility to attend, for the full time when that school is in session, unless one of the exceptions in subsection (1) of this section is met. This subsection does not apply to a child enrolled in a public school part-time for the purpose of receiving ancillary services. An exception shall be made to this requirement for children whose parents formally remove them from enrollment in kindergarten if the child is less than eight years old.

(3) A parent for the purpose of this chapter means a parent, guardian, or person having legal custody of a child.

~~((3))~~ (4) An approved private school for the purposes of this chapter and chapter 28A.200 RCW shall be one approved under regulations established by the state board of education pursuant to RCW 28A.305.130.

~~((4))~~ (5) For the purposes of this chapter and chapter 28A.200 RCW, instruction shall be home-based if it consists of planned and supervised instructional and related educational activities, including a curriculum and instruction in the basic skills of occupational education, science, mathematics, language, social studies, history, health, reading, writing, spelling, and the development of an appreciation of art and music, provided for a number of hours equivalent to the total annual program hours per grade level

established for approved private schools under RCW 28A.195.010 and 28A.195.040 and if such activities are:

(a) Provided by a parent who is instructing his or her child only and are supervised by a certificated person. A certificated person for purposes of this chapter and chapter 28A.200 RCW shall be a person certified under chapter 28A.410 RCW. For purposes of this section, "supervised by a certificated person" means: The planning by the certificated person and the parent of objectives consistent with this subsection; a minimum each month of an average of one contact hour per week with the child being supervised by the certificated person; and evaluation of such child's progress by the certificated person. The number of children supervised by the certificated person shall not exceed thirty for purposes of this subsection; or

(b) Provided by a parent who is instructing his or her child only and who has either earned forty-five college level quarter credit hours or its equivalent in semester hours or has completed a course in home-based instruction at a postsecondary institution or a vocational-technical institute; or

(c) Provided by a parent who is deemed sufficiently qualified to provide home-based instruction by the superintendent of the local school district in which the child resides.

~~((5))~~ (6) The legislature recognizes that home-based instruction is less structured and more experiential than the instruction normally provided in a classroom setting. Therefore, the provisions of subsection ~~((4))~~ (5) of this section relating to the nature and quantity of instructional and related educational activities shall be liberally construed.

**Sec. 2.** RCW 28A.225.020 and 1996 c 134 s 2 are each amended to read as follows:

(1) If a child required to attend school under RCW 28A.225.010 fails to attend school without valid justification, the public school in which the child is enrolled shall:

(a) Inform the child's custodial parent, parents, or guardian by a notice in writing or by telephone whenever the child has failed to attend school after one unexcused absence within any month during the current school year. School officials shall inform the parent of the potential consequences of additional unexcused absences;

(b) Schedule a conference or conferences with the custodial parent, parents, or guardian and child at a time reasonably convenient for all persons included for the purpose of analyzing the causes of the child's absences after two unexcused absences within any month during the current school year. If a regularly scheduled parent-teacher conference day is to take place within thirty days of the second unexcused absence, then the school district may schedule this conference on that day; and

(c) Take steps to eliminate or reduce the child's absences. These steps shall include, where appropriate, adjusting the child's school program or school or course assignment, providing more individualized or remedial instruction, providing appropriate vocational courses or work experience, referring the child to a community truancy board, requiring the child to attend an alternative school or program, or assisting the parent or child to obtain supplementary services that might eliminate or ameliorate the cause or causes for the absence from school. If the child's parent does not attend the scheduled conference, the conference may be conducted with the student and school official. However, the parent shall be notified of the steps to be taken to eliminate or reduce the child's absence.

(2) For purposes of this chapter, an "unexcused absence" means that a child:

(a) Has failed to attend the majority of hours or periods in an average school day or has failed to comply with a more restrictive school district policy; and

(b) Has failed to meet the school district's policy for excused absences.

(3) If a child transfers from one school district to another, the receiving school or school district shall honor the attendance record including the unexcused absences accumulated at the previous school or from the previous school district.

**Sec. 3.** RCW 28A.225.030 and 1996 c 134 s 3 are each amended to read as follows:

(1) If a child is required to attend school under RCW 28A.225.010 and if the actions taken by a school district under RCW 28A.225.020 are not successful in substantially reducing an enrolled student's

absences from public school, not later than the seventh unexcused absence by a child within any month during the current school year or not later than the tenth unexcused absence during the current school year the school district shall file a petition and supporting affidavit for a civil action with the juvenile court alleging a violation of RCW 28A.225.010: (a) By the parent; (b) by the child; or (c) by the parent and the child. However, if the petition alleges a violation of RCW 28A.225.010(2), the petition shall only allege a violation by the parent. Except as provided in this subsection, no additional documents need be filed with the petition.

(2) The district shall not later than the fifth unexcused absence in a month:

(a) Enter into an agreement with a student and parent that establishes school attendance requirements;

(b) Refer a student to a community truancy board as defined in RCW 28A.225.025. The community truancy board shall enter into an agreement with the student and parent that establishes school attendance requirements and take other appropriate actions to reduce the child's absences; or

(c) File a petition under subsection (1) of this section.

(3) The petition may be filed by a school district employee who is not an attorney.

(4) If the school district fails to file a petition under this section, the parent of a child with five or more unexcused absences in any month during the current school year or upon the tenth unexcused absence during the current school year may file a petition with the juvenile court alleging a violation of RCW 28A.225.010.

(5) Petitions filed under this section may be served by certified mail, return receipt requested. If such service is unsuccessful, or the return receipt is not signed by the addressee, personal service is required.

**Sec. 4.** RCW 28A.225.035 and 1997 c 68 s 1 are each amended to read as follows:

(1) A petition for a civil action under RCW 28A.225.030 shall consist of a written notification to the court alleging that:

(a) The child has unexcused absences during the current school year;

(b) Actions taken by the school district have not been successful in substantially reducing the child's absences from school; and

(c) Court intervention and supervision are necessary to assist the school district or parent to reduce the child's absences from school.

(2) The petition shall set forth the name, age, school, and residence of the child and the names and residence of the child's parents.

(3) The petition shall set forth facts that support the allegations in this section and shall generally request relief available under this chapter and provide information about what the court might order under RCW 28A.225.090.

(4) (~~When a petition is filed under RCW 28A.225.030~~) Upon receipt of a petition and supporting affidavit from a school district alleging a violation of RCW 28A.225.010 by a child subject to this chapter, the juvenile court shall require that the child, if age eight or older, a parent, and a school representative appear before a truancy board as defined in RCW 28A.225.025, unless the respondent requests a hearing before the court.

(5) Within thirty days of receipt of the truancy referral, the truancy board shall meet with the child, a parent, and the school representative, and enter into an agreement regarding expectations and any actions necessary to address the truancy. The agreement shall be presented to the court for its approval. The court may approve the agreement without a separate hearing. The court shall approve the agreement by order or shall schedule a hearing. The court may, if the school district and community truancy board agree, permit the truancy board to provide continued supervision over the student and report on compliance with the agreement.

(6) Notwithstanding the provisions in subsection (4) of this section, if the juvenile court finds that a truancy board would not be the most effective means of addressing the underlying truancy due to extenuating circumstances, the juvenile court shall schedule a hearing at which the court shall consider

the petition. However, a hearing shall not be required if other actions by the court would substantially reduce the child's unexcused absences. When a hearing is held, the court shall:

- (a) Separately notify the child, the parent of the child, and the school district of the hearing;
- (b) Notify the parent and the child of their rights to present evidence at the hearing; and
- (c) Notify the parent and the child of the options and rights available under chapter 13.32A RCW.

~~((5))~~ (7) Except as provided in RCW 28A.225.030(1), the court may require the attendance of both the child and the parents at any hearing on a petition filed under RCW 28A.225.030.

~~((6))~~ (8) A school district is responsible for determining who shall represent the school district at hearings on a petition filed under RCW 28A.225.030.

(9) The court may permit the first hearing to be held without requiring that either party be represented by legal counsel, and to be held without a guardian ad litem for the child under RCW 4.08.050. At the request of the school district, the court ~~((may))~~ shall permit a school district representative who is not an attorney to represent the school district at any future hearings.

~~((7))~~ (10) If the allegations in the petition are established by a preponderance of the evidence, the court shall grant the petition and enter an order assuming jurisdiction to intervene for the period of time determined by the court, after considering the facts alleged in the petition and the circumstances of the juvenile, to most likely cause the juvenile to return to and remain in school while the juvenile is subject to this chapter. In no case may the order expire before the end of the school year in which it is entered.

~~((8))~~ (11) If the court assumes jurisdiction, the school district shall regularly report to the court any additional unexcused absences by the child.

~~((9))~~ (12) Community truancy boards and the courts shall coordinate, to the extent possible, proceedings and actions pertaining to children who are subject to truancy petitions and at-risk youth petitions in RCW 13.32A.191 or child in need of services petitions in RCW 13.32A.140.

(13) If after a juvenile court assumes jurisdiction in one county the child relocates to another county, the juvenile court in the receiving county shall, upon the request of a school district or parent, assume jurisdiction of the petition filed in the previous county.

**Sec. 5.** RCW 28A.225.090 and 1998 c 296 s 39 are each amended to read as follows:

(1) A court may order a child subject to a petition under RCW 28A.225.035 to:

(a) Attend the child's current school;

(b) If there is space available and the program can provide educational services appropriate for the child, order the child to attend another public school, an alternative education program, center, a skill center, dropout prevention program, or another public educational program;

(c) Attend a private nonsectarian school or program including an education center. Before ordering a child to attend an approved or certified private nonsectarian school or program, the court shall: (i) Consider the public and private programs available; (ii) find that placement is in the best interest of the child; and (iii) find that the private school or program is willing to accept the child and will not charge any fees in addition to those established by contract with the student's school district. If the court orders the child to enroll in a private school or program, the child's school district shall contract with the school or program to provide educational services for the child. The school district shall not be required to contract for a weekly rate that exceeds the state general apportionment dollars calculated on a weekly basis generated by the child and received by the district. A school district shall not be required to enter into a contract that is longer than the remainder of the school year. A school district shall not be required to enter into or continue a contract if the child is no longer enrolled in the district;

(d) Be referred to a community truancy board, if available; or

(e) Submit to testing for the use of controlled substances or alcohol based on a determination that such testing is appropriate to the circumstances and behavior of the child and will facilitate the child's compliance with the mandatory attendance law.

(2) If the child fails to comply with the court order, the court may order the child to be punished by detention, as provided in RCW 7.21.030(2)(e), or may impose alternatives to detention such as

community service. Failure by a child to comply with an order issued under this subsection shall not be punishable by detention for a period greater than that permitted pursuant to a civil contempt proceeding against a child under chapter 13.32A RCW.

(3) If the child continues to be truant after entering into a court-approved agreement with the truancy board under RCW 28A.225.035, or if the child fails to enter into an agreement with the truancy board, the truancy board shall return the matter to the juvenile court for a hearing. If upon entering an order the child continues to be truant, the juvenile court shall find the child in contempt and impose a remedial sanction in accordance with chapter 7.21 RCW designed to immediately return the child to school, including the actual imposition of detention. The court shall consider the fact that the child was provided ample opportunity to attend school with assistance from the truancy board.

(4) Any parent violating any of the provisions of either RCW 28A.225.010 or 28A.225.080 shall be fined not more than twenty-five dollars for each day of unexcused absence from school. It shall be a defense for a parent charged with violating RCW 28A.225.010 to show that he or she exercised reasonable diligence in attempting to cause a child in his or her custody to attend school or that the child's school did not perform its duties as required in RCW 28A.225.020. The court may order the parent to provide community service instead of imposing a fine. Any fine imposed pursuant to this section may be suspended upon the condition that a parent charged with violating RCW 28A.225.010 shall participate with the school and the child in a supervised plan for the child's attendance at school or upon condition that the parent attend a conference or conferences scheduled by a school for the purpose of analyzing the causes of a child's absence.

**Sec. 6.** RCW 28A.225.025 and 1996 c 134 s 9 are each amended to read as follows:

For purposes of this chapter, "community truancy board" means a board composed of members of the local community in which the child attends school. Juvenile courts shall establish and operate community truancy boards. However, establishment and operation of community truancy boards may be delegated to school districts with the agreement of both the court and the school district. The ~~((local school district boards of directors may create a community truancy board or))~~ juvenile courts may use other ~~((boards))~~ entities that exist or are created, such as diversion ~~((boards))~~ units. However, a diversion unit or other existing ~~((board))~~ entity must agree before it is used as a truancy board. ~~((Members of the board shall be selected from representatives of the community.))~~ Duties of a community truancy board shall include, but not be limited to, recommending methods for improving school attendance such as assisting the parent or the child to obtain supplementary services that might eliminate or ameliorate the causes for the absences or suggesting to the school district that the child enroll in another school, an alternative education program, an education center, a skill center, a dropout prevention program, or another public or private educational program.

NEW SECTION. **Sec. 7.** A new section is added to chapter 28A.300 RCW to read as follows:

The superintendent of public instruction shall provide, to the extent funds are appropriated, start-up grants for alternative programs and services that provide instruction and learning for truant, at-risk, and expelled students. Each grant application shall contain proposed performance indicators and an evaluation plan to measure the success of the program and its impact on improved student learning. Applications shall contain the applicant's plan for maintaining the program and services after the grant period.

NEW SECTION. **Sec. 8.** If funds are appropriated by the legislature for this specific purpose the superintendent of public instruction shall contract with the institute of public policy or a similar agency to: Evaluate the effectiveness of the petition process and community truancy boards in chapter 28A.225 RCW in reducing truancy; determine whether students who do return to school after being subject to court action have disciplinary actions such as suspensions or expulsions, establish patterns of improved attendance, are successful in their classes, and successfully complete their education program; and

determine the costs imposed on school districts by the petition process and other truancy-related procedural requirements required by the legislature in 1992 and thereafter.

The cost determination shall be submitted to the appropriate committees of the legislature by December 15, 1999. The evaluation shall be submitted to the appropriate committees of the legislature by December 15, 2000.

(4) This section expires December 31, 2000.

NEW SECTION. **Sec. 9.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

Signed by Representatives Quall, Democratic Co-Chair; Talcott, Republican Co-Chair; Haigh, Democratic Vice Chair; Schindler, Republican Vice Chair; Carlson; Cox; Keiser; Rockefeller; Santos; D. Schmidt; Schual-Berke; Stensen and Wensman.

Voting yea: Representatives Quall, Talcott, Haigh, Schindler, Carlson, Cox, Keiser, Rockefeller, Santos, D. Schmidt, Schual-Berke, Stensen and Wensman.

Excused: Representative(s) Sump.

Referred to Committee on Appropriations.

March 31, 1999

SSB 6001 Prime Sponsor, Senate Committee on Human Services & Corrections: Providing for the disclosure of information to the office of the family and children's ombudsman. Reported by Committee on Children & Family Services

MAJORITY recommendation: Do pass as amended.

On page 5, line 26 after "grants." insert " After notification to the legislative oversight committee, the office of the family and children's ombudsman shall have the power to subpoena records and documents in the possession or control of the department of social and health services that the ombudsman considers necessary in an investigation."

Signed by Representatives D. Sommers, Republican Co-Chair; Tokuda, Democratic Co-Chair; Boldt, Republican Vice Chair; Kagi, Democratic Vice Chair; Campbell; Carrell; Dickerson; Eickmeyer; Kastama and Pflug.

Voting yea: Representatives D. Sommers, Tokuda, Boldt, Kagi, Campbell, Carrell, Dickerson, Eickmeyer, Kastama and Pflug.

Passed to Rules Committee for Second Reading.

April 1, 1999

SSB 6009 Prime Sponsor, Senate Committee on Transportation: Authorizing nonphoto identification cards for disabled parking. Reported by Committee on Transportation



MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Democratic Co-Chair; K. Schmidt, Republican Co-Chair; Cooper, Democratic 1st Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; Buck; G. Chandler; Fortunato; Haigh; Hatfield; Hurst; Lovick; McDonald; Mitchell; Morris; Murray; Ogden; Pflug; Radcliff; Romero; Schindler; Schual-Berke; Skinner and Wood.

Voting yea: Representatives Fisher, K. Schmidt, Cooper, Ericksen, Hankins, Buck, G. Chandler, DeBolt, Fortunato, Haigh, Hatfield, Hurst, Lovick, McDonald, Mitchell, Morris, Murray, Ogden, Pflug, Radcliff, Romero, Schindler, Schual-Berke, Skinner and Wood.

Excused: Representative(s) Edwards, Mielke and Scott.

Passed to Rules Committee for Second Reading.

April 2, 1999

SB 6010 Prime Sponsor, Senator West: Creating operating fees waivers not supported by state general fund appropriations. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 28B.15 RCW to read as follows:

In addition to waivers granted under the authority of RCW 28B.15.910, the governing boards of the state universities, the regional universities, The Evergreen State College, and the community colleges may waive all or a portion of the operating fees for any student. State general fund appropriations shall not be provided to replace tuition and fees revenue forgone as a result of waivers granted under this section. The governing boards shall take public action to adopt rules for granting tuition waivers authorized under this section. Actions by governing boards of community colleges to grant waivers under this section shall be subject to rules of the state board for community and technical colleges.

NEW SECTION. Sec. 2. The higher education coordinating board, with the assistance of the institutions of higher education, shall evaluate the impact and the effectiveness of the new waiver authority granted under this act. The evaluation shall include, but not be limited to: (1) Information on how the institutions used their authority to waive tuition, including what rates were put into effect for categories of students or programs, and the impact on tuition revenue; and (2) an analysis of the impact of additional waivers on student enrollment patterns including changes in the proportion of resident students, changes in the proportion of undergraduate students and changes in the proportion of day-on-campus students. By November 1, 2000, the board shall report its findings and make recommendations to the governor and the legislature.

Sec. 3. RCW 28B.15.066 and 1995 1st sp.s. c 9 s 3 are each amended to read as follows:

It is the intent of the legislature that:

In making appropriations from the state's general fund to institutions of higher education, each appropriation shall conform to the following:

(1) The appropriation shall not be reduced by the amount of operating fees revenue estimated to be collected from students enrolled at the state-funded enrollment level specified in the omnibus biennial operating appropriations act;

(2) The appropriation shall not be reduced by the amount of operating fees revenue collected from students enrolled above the state-funded level, but within the over-enrollment limitations, specified in the omnibus biennial operating appropriations act; and

(3) The general fund state appropriation shall not be reduced by the amount of operating fees revenue collected as a result of waiving less operating fees revenue than the amounts authorized under RCW 28B.15.910. State general fund appropriations shall not be provided for revenue forgone as a result of or for waivers granted under section 1 of this act.

**Sec. 4.** RCW 28B.15.910 and 1998 c 346 s 904 are each amended to read as follows:

(1) For the purpose of providing state general fund support to public institutions of higher education, except for revenue waived under programs listed in subsection (3) of this section, and unless otherwise expressly provided in the omnibus state appropriations act, the total amount of operating fees revenue waived, exempted, or reduced by a state university, a regional university, The Evergreen State College, or the community colleges as a whole, shall not exceed the percentage of total gross authorized operating fees revenue set forth below. As used in this section, "gross authorized operating fees revenue" means the estimated gross operating fees revenue as estimated under RCW 82.33.020 or as revised by the office of financial management, before granting any waivers. This limitation applies to all tuition waiver programs established before or after July 1, 1992.

|                                   |            |
|-----------------------------------|------------|
| (a) University of Washington      | 21 percent |
| (b) Washington State University   | 20 percent |
| (c) Eastern Washington University | 11 percent |
| (d) Central Washington University | 8 percent  |
| (e) Western Washington University | 10 percent |
| (f) The Evergreen State College   | 6 percent  |
| (g) Community colleges as a whole | 35 percent |

(2) The limitations in subsection (1) of this section apply to waivers, exemptions, or reductions in operating fees contained in the following:

- (a) RCW 28B.10.265;
- (b) RCW 28B.15.014;
- (c) RCW 28B.15.100;
- (d) RCW 28B.15.225;
- (e) RCW 28B.15.380;
- (f) RCW 28B.15.520;
- (g) RCW 28B.15.526;
- (h) RCW 28B.15.527;
- (i) RCW 28B.15.543;
- (j) RCW 28B.15.545;
- (k) RCW 28B.15.555;
- (l) RCW 28B.15.556;
- (m) RCW 28B.15.615;
- (n) RCW 28B.15.620;
- (o) RCW 28B.15.628;
- (p) RCW 28B.15.730;
- (q) RCW 28B.15.740;
- (r) RCW 28B.15.750;
- (s) RCW 28B.15.756;
- (t) RCW 28B.50.259;

(u) RCW 28B.70.050;  
(v) RCW 28B.80.580; and  
(w) During the 1997-99 fiscal biennium, the western interstate commission for higher education undergraduate exchange program for students attending Eastern Washington University.

(3) The limitations in subsection (1) of this section do not apply to waivers, exemptions, or reductions in services and activities fees contained in the following:

- (a) RCW 28B.15.522;
- (b) RCW 28B.15.540; and
- (c) RCW 28B.15.558."

Correct the title.

Signed by Representatives Carlson, Republican Co-Chair; Kenney, Democratic Co-Chair; Lantz, Democratic Vice Chair; Radcliff, Republican Vice Chair; Dunn; Edmonds; Esser and Gombosky.

Voting yea: Representatives Carlson, Kenney, Lantz, Radcliff, Dunn, Edmonds, Esser and Gombosky.

Referred to Committee on Appropriations.

April 2, 1999

SB 6019 Prime Sponsor, Senator Rasmussen: Eliminating authority for crop credit associations.

Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass. Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Koster, Republican Vice Chair; Anderson; B. Chandler; Delvin; Grant; Reardon; Schoesler; Stensen; Sump and Wood.

Voting yea: Representatives G. Chandler, Linville, Cooper, Koster, Anderson, B. Chandler, Delvin, Fortunato, Grant, Reardon, Schoesler, Stensen, Sump and Wood.

Passed to Rules Committee for Second Reading.

April 1, 1999

ESSB 6020 Prime Sponsor, Senate Committee on Senate Labor & Workforce Development: Delaying implementation of the requirement to record social security numbers on license applications to assist in child support enforcement. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Esser; Kastama; Lantz; Lovick; McDonald and Schindler.

Voting yea: Representatives Carrell, Constantine, Hurst, Lambert, Cox, Dickerson, Esser, Kastama, Lantz, Lovick, McDonald and Schindler.

Passed to Rules Committee for Second Reading.

April 2, 1999

SB 6025 Prime Sponsor, Senator Bauer: Allowing purchases for resale by institutions of higher education without using the competitive bid process. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended.

On page 3, after line 17, strike all material through line 21, and insert  
"(7) Until December 31, 2000, purchases for resale by institutions of higher education to other than public agencies when such purchases are for the express purpose of supporting instructional programs and may best be executed through direct negotiation with one or more suppliers in order to meet the special needs of the institution."

Signed by Representatives Carlson, Republican Co-Chair; Kenney, Democratic Co-Chair; Lantz, Democratic Vice Chair; Radcliff, Republican Vice Chair; Dunn; Edmonds; Esser and Gombosky.

Voting yea: Representatives Carlson, Kenney, Lantz, Radcliff, Dunn, Edmonds, Esser and Gombosky.

Passed to Rules Committee for Second Reading.

April 1, 1999

SB 6030 Prime Sponsor, Senator Snyder: Expanding the designation of the Lewis and Clark Highway. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Democratic Co-Chair; K. Schmidt, Republican Co-Chair; Cooper, Democratic 1st Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; Buck; G. Chandler; DeBolt; Fortunato; Haigh; Hatfield; Hurst; Lovick; McDonald; Mitchell; Morris; Murray; Ogden; Pflug; Radcliff; Romero; Schindler; Schual-Berke; Skinner and Wood.

Voting yea: Representatives Fisher, K. Schmidt, Cooper, Ericksen, Hankins, G. Chandler, DeBolt, Fortunato, Haigh, Hatfield, Hurst, Lovick, McDonald, Mitchell, Morris, Murray, Ogden, Pflug, Radcliff, Romero, Schindler, Schual-Berke, Skinner and Wood.

Excused: Representative(s) Edwards, Buck, Mielke and Scott.

Passed to Rules Committee for Second Reading.

April 1, 1999

SJM 8000 Prime Sponsor, Senator Kohl-Welles: Requesting additional funds for prostate cancer research. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Democratic Co-Chair; Parlette, Republican Co-Chair; Pflug, Republican Vice Chair; Schual-Berke, Democratic Vice Chair; Alexander; Boldt; Campbell; Conway; Edmonds; Mulliken and Ruderman.

Voting yea: Representatives Cody, Parlette, Pflug, Schual-Berke, Boldt, Campbell, Conway, Edmonds, Mulliken and Ruderman.

Excused: Representative(s) Alexander and Edwards.

Passed to Rules Committee for Second Reading.

April 2, 1999

SJM 8010 Prime Sponsor, Senator Jacobsen: Requesting support for the full appropriation to fund state aquatic nuisance species management plans. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Buck, Republican Co-Chair; Regala, Democratic Co-Chair; Anderson, Democratic Vice Chair; Sump, Republican Vice Chair; G. Chandler; Clements; Doumit; Eickmeyer; Ericksen; Pennington; Rockefeller and Stensen.

Voting yea: Representatives Buck, Regala, Anderson, Sump, G. Chandler, Clements, Doumit, Eickmeyer, Ericksen, Pennington, Rockefeller and Stensen.

Passed to Rules Committee for Second Reading.

April 1, 1999

SJR 8206 Prime Sponsor, Senator Bauer: Guaranteeing school district debt. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass as amended.

On page 1, after line 2, strike all material through page 4, line 17, and insert the following:

"THAT, At the next general election to be held in this state the secretary of state shall submit to the qualified voters of the state for their approval and ratification, or rejection, an amendment to Article VIII, section 1 of the Constitution of the state of Washington to read as follows:

Article VIII, section 1. (a) The state may contract debt, the principal of which shall be paid and discharged within thirty years from the time of contracting thereof, in the manner set forth herein.

(b) The aggregate debt contracted by the state shall not exceed that amount for which payments of principal and interest in any fiscal year would require the state to expend more than nine percent of the arithmetic mean of its general state revenues for the three immediately preceding fiscal years as certified by the treasurer. The term "fiscal year" means that period of time commencing July 1 of any year and ending on June 30 of the following year.

(c) The term "general state revenues" when used in this section, shall include all state money received in the treasury from each and every source whatsoever except: (1) Fees and revenues derived from the ownership or operation of any undertaking, facility, or project; (2) Moneys received as gifts, grants, donations, aid, or assistance or otherwise from the United States or any department, bureau, or corporation thereof, or any person, firm, or corporation, public or private, when the terms and conditions of such gift, grant, donation, aid, or assistance require the application and disbursement of such moneys otherwise than for the general purposes of the state of Washington; (3) Moneys to be paid into and received from retirement system funds, and performance bonds and deposits; (4) Moneys to be paid into and received from trust funds including but not limited to moneys received from taxes levied for specific purposes and the several permanent and irreducible funds of the state and the moneys derived therefrom but excluding bond redemption funds; (5) Proceeds received from the sale of bonds or other evidences of indebtedness.

(d) In computing the amount required for payment of principal and interest on outstanding debt under this section, debt shall be construed to mean borrowed money represented by bonds, notes, or other evidences of indebtedness which are secured by the full faith and credit of the state or are required to be repaid, directly or indirectly, from general state revenues and which are incurred by the state, any department, authority, public corporation, or quasi public corporation of the state, any state university or college, or any other public agency created by the state but not by counties, cities, towns, school districts, or other municipal corporations, but shall not include obligations for the payment of current expenses of

state government, nor shall it include debt hereafter incurred pursuant to section 3 of this article, obligations guaranteed as provided for in subsection ~~((f))~~ (g) of this section, principal of bond anticipation notes or obligations issued to fund or refund the indebtedness of the Washington state building authority.

(e) The state may pledge the full faith, credit, and taxing power of the state to guarantee the voter approved general obligation debt of school districts in the manner authorized by the legislature. Any such guarantee does not remove the debt obligation of the school district and is not state debt.

~~(f)~~ (f) The state may, without limitation, fund or refund, at or prior to maturity, the whole or any part of any existing debt or of any debt hereafter contracted pursuant to section 1, section 2, or section 3 of this article, including any premium payable with respect thereto and interest thereon, or fund or refund, at or prior to maturity, the whole or any part of any indebtedness incurred or authorized prior to the effective date of this amendment by any entity of the type described in subsection ~~((g))~~ (h) of this section, including any premium payable with respect thereto and any interest thereon. Such funding or refunding shall not be deemed to be contracting debt by the state.

~~((f))~~ (g) Notwithstanding the limitation contained in subsection (b) of this section, the state may pledge its full faith, credit, and taxing power to guarantee the payment of any obligation payable from revenues received from any of the following sources: (1) Fees collected by the state as license fees for motor vehicles; (2) Excise taxes collected by the state on the sale, distribution or use of motor vehicle fuel; and (3) Interest on the permanent common school fund: *Provided*, That the legislature shall, at all times, provide sufficient revenues from such sources to pay the principal and interest due on all obligations for which said source of revenue is pledged.

~~((g))~~ (h) No money shall be paid from funds in custody of the treasurer with respect to any debt contracted after the effective date of this amendment by the Washington state building authority, the capitol committee, or any similar entity existing or operating for similar purposes pursuant to which such entity undertakes to finance or provide a facility for use or occupancy by the state or any agency, department, or instrumentality thereof.

~~((h))~~ (i) The legislature shall prescribe all matters relating to the contracting, funding or refunding of debt pursuant to this section, including: The purposes for which debt may be contracted; by a favorable vote of three-fifths of the members elected to each house, the amount of debt which may be contracted for any class of such purposes; the kinds of notes, bonds, or other evidences of debt which may be issued by the state; and the manner by which the treasurer shall determine and advise the legislature, any appropriate agency, officer, or instrumentality of the state as to the available debt capacity within the limitation set forth in this section. The legislature may delegate to any state officer, agency, or instrumentality any of its powers relating to the contracting, funding or refunding of debt pursuant to this section except its power to determine the amount and purposes for which debt may be contracted.

~~((i))~~ (j) The full faith, credit, and taxing power of the state of Washington are pledged to the payment of the debt created on behalf of the state pursuant to this section and the legislature shall provide by appropriation for the payment of the interest upon and installments of principal of all such debt as the same falls due, but in any event, any court of record may compel such payment.

~~((j))~~ (k) Notwithstanding the limitations contained in subsection (b) of this section, the state may issue certificates of indebtedness in such sum or sums as may be necessary to meet temporary deficiencies of the treasury, to preserve the best interests of the state in the conduct of the various state institutions, departments, bureaus, and agencies during each fiscal year; such certificates may be issued only to provide for appropriations already made by the legislature and such certificates must be retired and the debt discharged other than by refunding within twelve months after the date of incurrence.

~~((k))~~ (l) Bonds, notes, or other obligations issued and sold by the state of Washington pursuant to and in conformity with this article shall not be invalid for any irregularity or defect in the proceedings of the issuance or sale thereof and shall be incontestable in the hands of a bona fide purchaser or holder thereof."

Signed by Representatives Mitchell, Republican Co-Chair; Murray, Democratic Co-Chair; Edmonds, Democratic Vice Chair; Esser, Republican Vice Chair; Anderson; Barlean; Constantine; Dunshee; Hankins; Koster; Lantz; Mastin; Miloscia; O'Brien; Ogden and Schoesler.

Voting yea: Representatives Mitchell, Murray, Edmonds, Esser, Anderson, Barlean, Constantine, Dunshee, Hankins, Lantz, Mastin, Miloscia, O'Brien, Ogden and Schoesler.

Excused: Representative(s) Alexander, Bush and Koster.

Passed to Rules Committee for Second Reading.

April 1, 1999

SSCR 8406 Prime Sponsor, Senate Committee on Senate Judiciary: Resolving to determine whether or not the legislature should commence proceedings to remove Judge Grant Anderson from office. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended.

Beginning on page 1, line 1, strike all material through "resolution." on page 2, line 6, and insert the following:

"WHEREAS, On January 8, 1993, Grant Anderson was sworn in as a judge for the Superior Court of the State of Washington, Pierce County; and

WHEREAS, In 1989, then attorney Anderson became personal representative for the estate of Charles Hoffman, the assets of which estate included Pacific Lanes, Inc., owner of a Tacoma bowling alley; and

WHEREAS, In 1889, the people of the Territory of Washington ratified the Constitution of the State of Washington that established an independent and autonomous power of the legislature to remove a superior court judge from office under Article IV, Section 9, or to impeach and remove a superior court judge from office under Article V; and

WHEREAS, In 1989, the voters of Washington adopted Article IV, Section 31 of the State Constitution, establishing a Commission on Judicial Conduct to investigate alleged violations of rules of judicial conduct and to recommend disciplinary action to the State Supreme Court; and

WHEREAS, The Commission on Judicial Conduct concluded under a clear, cogent, and convincing evidence standard that Judge Anderson violated several Canons of the Code of Judicial Conduct concerning his actions as personal representative by: (1) Failing to remove himself as president of two corporations owned by the Hoffman estate while he served as a judge; (2) accepting compensation from the purchaser of an estate asset; and (3) failing to report such compensation to the Public Disclosure Commission; and

WHEREAS, On April 3, 1998, the Commission on Judicial Conduct ordered that Judge Anderson be censured; and recommended that the Supreme Court suspend Judge Anderson for four months without pay; and

WHEREAS, This matter is on appeal to the Supreme Court; and

WHEREAS, The Supreme Court heard oral arguments in the Anderson case on February 9, 1999, but has yet to render a decision; and

WHEREAS, The Supreme Court has authority under Article IV, Section 1 of the State Constitution to adopt the Commission's recommendations, to adopt other sanctions, or to remove Judge Anderson from office; and

WHEREAS, Out of respect for the constitutional process for judicial discipline enacted by the voters in 1989, and as a matter of comity, the legislature should withhold its judgment to exercise its constitutional powers of removal until the process established by the people has had a reasonable opportunity to run its course;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, the House of Representatives concurring, That the House and Senate Committees on Judiciary, either individually or jointly at their discretion, shall within two weeks of the release of the decision of the Supreme Court on the Judge Anderson matter, or no later than December 10, 1999, schedule a meeting of the committees to review the matter of Judge Anderson."

Signed by Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Esser; Kastama; Lantz; Lovick; McDonald and Schindler.

Voting yea: Representatives Carrell, Constantine, Hurst, Lambert, Cox, Dickerson, Esser, Kastama, Lantz, Lovick, McDonald and Schindler.

Passed to Rules Committee for Second Reading.

#### MOTION

On motion of Representative Kessler, the bills, memorials and resolutions listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the rules were suspended and House Bill No. 1125 was advanced to second reading.

There being no objection, the House advanced to the sixth order of business.

#### SECOND READING

HOUSE BILL NO. 1125, by Representatives Fisher, K. Schmidt, Radcliff, O'Brien, Fortunato, Eickmeyer, Hankins, Cooper, Murray, Wood and Mitchell; by request of Governor Locke

Funding transportation for the 1999-01 biennium.

The bill was read the second time. There being no objection, Substitute House Bill No. 1125 was substituted for House Bill No. 1125 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1125 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Fisher, K. Schmidt, Cooper, Radcliff, Wood, G. Chandler, DeBolt, Eickmeyer, Benson, Huff, Fortunato and Ogden spoke in favor of passage of the bill.

#### MOTION

On motion of Representative Wolfe, Representatives Edwards and Scott were excused.

Speaker Chopp stated the question before the House to be final passage of Substitute House Bill No. 1125.

#### ROLL CALL



The Clerk called the roll on the final passage of Substitute House Bill No. 1125 and the bill passed the House by the following vote: Yeas - 83, Nays - 13, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Doumit, Dunn, Dunshee, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Haigh, Hankins, Hatfield, Huff, Hurst, Kastama, Keiser, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McMorris, Mielke, Miloscia, Mitchell, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wood and Mr. Speaker Ballard - 83.

Voting nay: Representatives Cody, Dickerson, Edmonds, Grant, Kagi, Kenney, Kessler, McIntire, Morris, Quall, Santos, Wolfe and Mr. Speaker Chopp - 13.

Excused: Representatives Edwards and Scott - 2.

Substitute House Bill No. 1125, having received the constitutional majority, was declared passed.

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 9:55 a.m., Monday, April 5, 1999, the 85<sup>th</sup> Legislative Day.

TIMOTHY A. MARTIN, Chief Clerk    CLYDE BALLARD, Speaker  
DEAN R. FOSTER, Chief Clerk    FRANK CHOPP, Speaker

EIGHTY-SECOND DAY, APRIL 2, 1999

JOURNAL OF THE HOUSE

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

## **EIGHTY-FIFTH DAY**

### **MORNING SESSION**

House Chamber, Olympia, Monday, April 5, 1999

The House was called to order at 9:55 a.m. by Speaker Pro Tempore Pennington.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

### **INTRODUCTIONS AND FIRST READING**

HB 2283 by Representatives H. Sommers and Huff

AN ACT Relating to the learning assistance program; and amending RCW 28A.165.030.

Passed to Rules Committee for Second Reading.

There being no objection, the bill listed on the day's introduction sheet under the fourth order of business was referred to the committee so designated.

### **REPORTS OF STANDING COMMITTEES**

April 5, 1999

HB 1987 Prime Sponsor, Representative Schoesler: Authorizing tax exemptions and credits for structures and equipment used to reduce agricultural burning. Reported by Committee on Finance

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Agriculture & Ecology. Signed by Representatives Dunshee, Democratic Co-Chair; Thomas, Republican Co-Chair; Carrell, Republican Vice Chair; Reardon, Democratic Vice Chair; Cairnes; Conway; Cox; Dickerson; Pennington; Santos; Van Luven and Veloria.

Voting yea: Representatives Dunshee, Thomas, Carrell, Reardon, Cairnes, Conway, Cox, Dickerson, Pennington, Santos, Van Luven and Veloria.

Passed to Rules Committee for Second Reading.

April 5, 1999

HB 2152 Prime Sponsor, Representative Cody: Concerning long-term care payment rates. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Health Care be substituted therefor and the substitute bill do pass. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

Voice vote taken: 24 members present.

Passed to Rules Committee for Second Reading.

April 5, 1999

HB 2269 Prime Sponsor, Representative H. Sommers: Establishing the professional development program. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

Voting yea: Representatives Huff, H. Sommers, Alexander, Doumit, Schmidt, D., Barlean, Benson, Boldt, Carlson, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Lisk, Mastin, McIntire, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Tokuda and Wensman.

Passed to Rules Committee for Second Reading.

April 5, 1999

HB 2273 Prime Sponsor, Representative Haigh: Changing provisions relating to taxation of destroyed property. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dunshee, Democratic Co-Chair; Thomas, Republican Co-Chair; Carrell, Republican Vice Chair; Reardon, Democratic Vice Chair; Cairnes; Conway; Cox; Dickerson; Pennington; Santos; Van Luven and Veloria.

Voting yea: Representatives Dunshee, Thomas, Carrell, Reardon, Cairnes, Conway, Cox, Dickerson, Pennington, Santos, Van Luven and Veloria.

Passed to Rules Committee for Second Reading.

April 5, 1999

SSB 5001 Prime Sponsor, Senate Committee on Senate Natural Resources, Parks & Recreation: Authorizing hunting of cougar with the aid of dogs. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Natural Resources (For amendment, see Journal 82<sup>nd</sup> Day, April 2, 1999).

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that increased human population has resulted in growth and development into areas previously wild in nature. This growth is leading to an inevitable interaction between wild animals and humans. These interactions may threaten homes, property, pets, and livestock, and may even be life threatening. The legislature further finds that the population levels of both black bear and cougar have experienced steady growth in recent years. These populations, though fluctuating, have the potential to reach unmanageable levels.

**Sec. 2.** RCW 77.16.360 and 1997 c 1 s 1 are each amended to read as follows:

(1) Notwithstanding the provisions of RCW (~~77.12.240 and 77.12.265 or other provisions of law~~) 77.36.020 or 77.36.030, it is unlawful to take, hunt, or attract black bear with the aid of bait.

(a) Nothing in this subsection shall be construed to prohibit the killing of black bear with the aid of bait by employees or agents of county, state, or federal agencies while acting in their official capacities for the purpose of protecting livestock, domestic animals, private property, or the public safety.

(b) Nothing in this subsection shall be construed to prevent the establishment and operation of feeding stations for black bear in order to prevent damage to commercial timberland.

(c) Nothing in this subsection shall be construed to prohibit the director from issuing a permit or memorandum of understanding to a public agency, university, or scientific or educational institution for the use of bait to attract black bear for scientific purposes.

(d) As used in this subsection, "bait" means a substance placed, exposed, deposited, distributed, scattered, or otherwise used for the purpose of attracting black bears to an area where one or more persons hunt or intend to hunt them.

(2) Notwithstanding RCW (~~77.12.240 or any other provisions of law~~) 77.36.020 or 77.36.030, it is unlawful to hunt or pursue black bear, cougar, bobcat, or lynx with the aid of a dog or dogs.

(a) Nothing in this subsection shall be construed to prohibit the killing of black bear, cougar, bobcat, or lynx with the aid of a dog or dogs by employees or agents of county, state, or federal agencies while acting in their official capacities for the purpose of protecting livestock, domestic animals, private property, or the public safety. (~~(A dog or dogs may be used by the owner or tenant of real property consistent with a permit issued and conditioned by the director under RCW 77.12.265.)~~)

(b) Nothing in this subsection shall be construed to prohibit the director from issuing a permit or memorandum of understanding to a public agency, university, or scientific or educational institution for the use of a dog or dogs for the pursuit of black bear, cougar, bobcat, or lynx for scientific purposes.

(3) Notwithstanding subsection (2) of this section:

(a) The commission shall authorize the use of dogs only in selected areas within a game management unit or units to address a specific cougar population or public safety need. This authority may only be exercised after the commission has determined that no other practical alternative to the use of dogs exists, and after the commission has adopted a rule or rules describing the conditions in which dogs may be used. Conditions which may warrant the use of dogs within a game management unit include, but are not limited to, confirmed cougar/human safety incidents, confirmed cougar/livestock or pet depredations, and the number of cougar capture attempts and relocations;

(b) The director may authorize the use of dogs with a permit issued pursuant to RCW 77.12.240.

(4) A person who violates subsection (1) or (2) of this section is guilty of a gross misdemeanor. In addition to appropriate criminal penalties, the director shall revoke the hunting license of a person who violates subsection (1) or (2) of this section and a hunting license shall not be issued for a period of five years following the revocation. Following a subsequent violation of

subsection (1) or (2) of this section by the same person, a hunting license shall not be issued to the person at any time."

Correct the title.

Signed by Representatives Huff, Republican Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Benson; Boldt; Clements; Crouse; Gombosky; Grant; Kessler; Lambert; Linville; Lisk; Mastin; McMorris; Mulliken; Parlette and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives H. Sommers, Democratic Co-Chair; Barlean; Carlson; Cody; Kagi; Keiser; Kenney; McIntire; Regala; Rockefeller; Ruderman; Tokuda and Wensman.

Voting yea: Representatives Huff, Alexander, Doumit, Schmidt, D., Benson, Boldt, Clements, Crouse, Gombosky, Grant, Kessler, Lambert, Linville, Lisk, Mastin, McMorris, Mulliken, Parlette and Sullivan.

Voting nay: Representative(s) H. Sommers, Barlean, Carlson, Cody, Kagi, Keiser, Kenney, McIntire, Regala, Rockefeller, Ruderman, Tokuda and Wensman.

Passed to Rules Committee for Second Reading.

April 5, 1999

SB 5020 Prime Sponsor, Senator Snyder: Allowing dealers of recreational licenses to collect a fee of at least two dollars for each license sold. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Natural Resources. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Boldt; Carlson; Clements; Cody; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McIntire; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

MINORITY recommendation: Do not pass. Signed by Representatives Barlean; Benson; Crouse; McMorris; Mulliken and Parlette.

Voting yea: Representatives Huff, H. Sommers, Alexander, Doumit, Schmidt, D., Boldt, Carlson, Clements, Cody, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Lisk, Mastin, McIntire, Regala, Rockefeller, Ruderman, Sullivan, Tokuda and Wensman.

Voting nay: Representative(s) Barlean, Benson, Crouse, McMorris, Mulliken and Parlette.

Passed to Rules Committee for Second Reading.

April 5, 1999

SB 5021 Prime Sponsor, Senator Snyder: Exempting certain nonprofit organizations from property taxation. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Democratic Co-Chair; Thomas, Republican Co-Chair; Carrell, Republican Vice Chair; Reardon, Democratic Vice Chair; Cairnes; Conway; Cox; Dickerson; Pennington; Santos; Van Luven and Veloria.

Voting yea: Representatives Dunshee, Thomas, Carrell, Reardon, Cairnes, Conway, Cox, Dickerson, Pennington, Santos, Van Luven and Veloria.

Passed to Rules Committee for Second Reading.

April 5, 1999

SB 5024 Prime Sponsor, Senator Loveland: Responding to a supreme court ruling regarding property tax value averaging. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Democratic Co-Chair; Thomas, Republican Co-Chair; Carrell, Republican Vice Chair; Reardon, Democratic Vice Chair; Cairnes; Conway; Cox; Dickerson; Pennington; Santos; Van Luven and Veloria.

Voting yea: Representatives Dunshee, Thomas, Carrell, Reardon, Cairnes, Conway, Cox, Dickerson, Pennington, Santos, Van Luven and Veloria.

Passed to Rules Committee for Second Reading.

April 5, 1999

SSB 5029 Prime Sponsor, Senate Committee on Ways & Means: Establishing membership in the public employees' retirement system. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

Voice vote taken: 24 members present.

Passed to Rules Committee for Second Reading.

April 5, 1999

SSB 5030 Prime Sponsor, Senate Committee on Ways & Means: Adjusting the Washington state patrol surviving spouse retirement allowance. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

Voice vote taken: 26 members present.

Passed to Rules Committee for Second Reading.

April 5, 1999

ESB 5036 Prime Sponsor, Senator McCaslin: Adding a judge to the superior courts of Okanogan and Grant counties. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

Voice vote taken: 30 members present.

Passed to Rules Committee for Second Reading.

April 5, 1999

SB 5037 Prime Sponsor, Senator McCaslin: Creating a new court of appeals position for Pierce county. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

Voice vote taken: 31 members present.

Passed to Rules Committee for Second Reading.

April 5, 1999

SB 5060 Prime Sponsor, Senator Eide: Authorizing state highway bonds. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Democratic Co-Chair; K. Schmidt, Republican Co-Chair; Cooper, Democratic 1st Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; Buck; G. Chandler; DeBolt; Fortunato; Haigh; Hatfield; Hurst; Lovick; McDonald; Mielke; Mitchell; Ogden; Pflug; Radcliff; Schindler; Schual-Berke; Skinner and Wood.

Voting yea: Representatives Fisher, Schmidt, K, Cooper, Ericksen, Buck, Chandler, G., DeBolt, Fortunato, Haigh, Hatfield, Hurst, Lovick, McDonald, Mielke, Mitchell, Murray, Ogden, Pflug, Radcliff, Schindler, Schual-Berke, Skinner and Wood.

Excused: Representative(s) Edwards, Hankins, Morris, Romero, and Scott.

Passed to Rules Committee for Second Reading.

April 5, 1999

2SSB 5102 Prime Sponsor, Senate Committee on Ways & Means: Funding fire fighter training and pensions. Reported by Committee on Appropriations



MAJORITY recommendation: Do pass. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

Voting yea: Representatives Huff, H. Sommers, Alexander, Doumit, Schmidt, D., Barlean, Benson, Boldt, Carlson, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Lisk, Mastin, McIntire, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Tokuda and Wensman.

Passed to Rules Committee for Second Reading.

April 5, 1999

SSB 5134 Prime Sponsor, Senate Committee on Senate Judiciary: Removing barriers faced by persons entitled to foreign protection orders. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Judiciary (For amendment, see Journal 82<sup>nd</sup> Day, April 2, 1999). Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

Voting yea: Representatives Huff, H. Sommers, Alexander, Doumit, Schmidt, D., Barlean, Benson, Boldt, Carlson, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Lisk, Mastin, McIntire, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Tokuda and Wensman.

Passed to Rules Committee for Second Reading.

April 5, 1999

ESB 5141 Prime Sponsor, Senator Thibaudeau: Allowing the department of health to charge a fee for newborn screening services. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

Voting yea: Representatives Huff, H. Sommers, Alexander, Doumit, Schmidt, D., Barlean, Benson, Boldt, Carlson, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Lisk, Mastin, McIntire, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Tokuda and Wensman.

Passed to Rules Committee for Second Reading.

April 5, 1999

SSB 5147 Prime Sponsor, Senator Patterson: Prescribing procedures for payment of industrial insurance awards after death. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Commerce & Labor (For amendment, see Journal 82<sup>nd</sup> Day, April 2, 1999). Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

Voice vote: 31 members present.  
Passed to Rules Committee for Second Reading.

April 5, 1999

SB 5194 Prime Sponsor, Senator Brown: Changing information technology management provisions. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

MINORITY recommendation: Without recommendation. Signed by Representative Lisk.

Voting yea: Representatives Huff, H. Sommers, Alexander, Doumit, Schmidt, D., Barlean, Benson, Boldt, Carlson, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Mastin, McIntire, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Tokuda and Wensman.

Voting nay: Representative(s) Lisk.

Passed to Rules Committee for Second Reading.

April 5, 1999

SSB 5213 Prime Sponsor, Senate Committee on Education: Requiring record checks for employees of approved private schools who have regularly scheduled unsupervised access to children. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Education (For amendment, see Journal 78<sup>th</sup> Day, March 29, 1999). Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

MINORITY recommendation: Without recommendation. Signed by Representative Lambert.

Voting yea: Representatives Huff, H. Sommers, Alexander, Doumit, Schmidt, D., Barlean, Benson, Boldt, Carlson, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Linville, Lisk, Mastin, McIntire, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Tokuda and Wensman.

Voting nay: Representative(s) Lambert.

Passed to Rules Committee for Second Reading.

April 5, 1999

SSB 5214 Prime Sponsor, Senate Committee on Education: Providing for additional investigations when a student is charged with possession of a firearm on school facilities. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Judiciary (For amendment, see Journal 82<sup>nd</sup> Day, April 2, 1999).

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9.41.280 and 1996 c 295 s 13 are each amended to read as follows:

(1) It is unlawful for a person to carry onto, or to possess on, public or private elementary or secondary school premises, school-provided transportation, or areas of facilities while being used exclusively by public or private schools:

(a) Any firearm;

(b) Any other dangerous weapon as defined in RCW 9.41.250;

(c) Any device commonly known as "nun-chu-ka sticks", consisting of two or more lengths of wood, metal, plastic, or similar substance connected with wire, rope, or other means;

(d) Any device, commonly known as "throwing stars", which are multi-pointed, metal objects designed to embed upon impact from any aspect; or

(e) Any air gun, including any air pistol or air rifle, designed to propel a BB, pellet, or other projectile by the discharge of compressed air, carbon dioxide, or other gas.

(2) Any such person violating subsection (1) of this section is guilty of a gross misdemeanor. If any person is convicted of a violation of subsection (1)(a) of this section, the person shall have his or her concealed pistol license, if any revoked for a period of three years. Anyone convicted under this subsection is prohibited from applying for a concealed pistol license for a period of three years. The court shall send notice of the revocation to the department of licensing, and the city, town, or county which issued the license.

Any violation of subsection (1) of this section by elementary or secondary school students constitutes grounds for expulsion from the state's public schools in accordance with RCW 28A.600.010. An appropriate school authority shall promptly notify law enforcement and the student's parent or guardian regarding any allegation or indication of such violation.

Upon the arrest of a person at least ten years of age and not more than twenty years of age for violating subsection (1)(a) of this section, the person shall be detained and confined in a juvenile or adult correctional facility for seventy-two hours, unless the person is released from custody sooner by a court after a determination regarding probable cause or on probation bond. Within forty-eight hours of the arrest, the person shall be evaluated by a psychiatrist or psychologist to determine if the person suffers from a mental disorder and is a threat to himself or herself or others. If the psychiatrist or psychologist so recommends, the person shall also be evaluated for chemical dependency within seventy-two hours of the arrest and in accordance with chapter 70.96A RCW. The results of each evaluation shall be sent immediately to the court, and the court shall consider those results in making any determination about the person.

(3) Subsection (1) of this section does not apply to:

- (a) Any student or employee of a private military academy when on the property of the academy;
  - (b) Any person engaged in military, law enforcement, or school district security activities;
  - (c) Any person who is involved in a convention, showing, demonstration, lecture, or firearms safety course authorized by school authorities in which the firearms of collectors or instructors are handled or displayed;
  - (d) Any person while the person is participating in a firearms or air gun competition approved by the school or school district;
  - (e) Any person in possession of a pistol who has been issued a license under RCW 9.41.070, or is exempt from the licensing requirement by RCW 9.41.060, while picking up or dropping off a student;
  - (f) Any nonstudent at least eighteen years of age legally in possession of a firearm or dangerous weapon that is secured within an attended vehicle or concealed from view within a locked unattended vehicle while conducting legitimate business at the school;
  - (g) Any nonstudent at least eighteen years of age who is in lawful possession of an unloaded firearm, secured in a vehicle while conducting legitimate business at the school; or
  - (h) Any law enforcement officer of the federal, state, or local government agency.
- (4) Subsections (1)(c) and (d) of this section do not apply to any person who possesses nun-chu-ka sticks, throwing stars, or other dangerous weapons to be used in martial arts classes authorized to be conducted on the school premises.
- (5) Except as provided in subsection (3)(b), (c), (f), and (h) of this section, firearms are not permitted in a public or private school building.
- (6) "GUN-FREE ZONE" signs shall be posted around school facilities giving warning of the prohibition of the possession of firearms on school grounds.

**Sec. 2.** RCW 13.40.040 and 1997 c 338 s 13 are each amended to read as follows:

- (1) A juvenile may be taken into custody:
- (a) Pursuant to a court order if a complaint is filed with the court alleging, and the court finds probable cause to believe, that the juvenile has committed an offense or has violated terms of a disposition order or release order; or
  - (b) Without a court order, by a law enforcement officer if grounds exist for the arrest of an adult in identical circumstances. Admission to, and continued custody in, a court detention facility shall be governed by subsection (2) of this section; or
  - (c) Pursuant to a court order that the juvenile be held as a material witness; or
  - (d) Where the secretary or the secretary's designee has suspended the parole of a juvenile offender.
- (2) A juvenile may not be held in detention unless there is probable cause to believe that:
- (a) The juvenile has committed an offense or has violated the terms of a disposition order; and
    - (i) The juvenile will likely fail to appear for further proceedings; or
    - (ii) Detention is required to protect the juvenile from himself or herself; or
    - (iii) The juvenile is a threat to community safety; or
    - (iv) The juvenile will intimidate witnesses or otherwise unlawfully interfere with the administration of justice; or
    - (v) The juvenile has committed a crime while another case was pending; or
  - (b) The juvenile is a fugitive from justice; or
  - (c) The juvenile's parole has been suspended or modified; or
  - (d) The juvenile is a material witness.
- (3) Upon a finding that members of the community have threatened the health of a juvenile taken into custody, at the juvenile's request the court may order continued detention pending further order of the court.
- (4) Except as provided in RCW 9.41.280, a juvenile detained under this section may be released upon posting a probation bond set by the court. The juvenile's parent or guardian may sign for the probation bond. A court authorizing such a release shall issue an order containing a statement of conditions imposed upon the juvenile and shall set the date of his or her next court appearance. The

court shall advise the juvenile of any conditions specified in the order and may at any time amend such an order in order to impose additional or different conditions of release upon the juvenile or to return the juvenile to custody for failing to conform to the conditions imposed. In addition to requiring the juvenile to appear at the next court date, the court may condition the probation bond on the juvenile's compliance with conditions of release. The juvenile's parent or guardian may notify the court that the juvenile has failed to conform to the conditions of release or the provisions in the probation bond. If the parent notifies the court of the juvenile's failure to comply with the probation bond, the court shall notify the surety. As provided in the terms of the bond, the surety shall provide notice to the court of the offender's noncompliance. A juvenile may be released only to a responsible adult or the department of social and health services. Failure to appear on the date scheduled by the court pursuant to this section shall constitute the crime of bail jumping.

**Sec. 3.** RCW 28A.600.230 and 1989 c 271 s 246 are each amended to read as follows:

(1) A school principal, vice principal, or principal's designee may search a student, the student's possessions, and the student's locker, if the principal, vice principal, or principal's designee has reasonable grounds to suspect that the search will yield evidence of the student's violation of the law or school rules. A search is mandatory if there are reasonable grounds to suspect a student has illegally possessed a firearm in violation of RCW 9.41.280.

(2) Except as provided in subsection (3) of this section, the scope of the search is proper if the search is conducted as follows:

(a) The methods used are reasonably related to the objectives of the search; and

(b) Is not excessively intrusive in light of the age and sex of the student and the nature of the suspected infraction.

(3) A principal or vice principal or anyone acting under their direction may not subject a student to a strip search or body cavity search as those terms are defined in RCW 10.79.070.

NEW SECTION. **Sec. 4.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 1999, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Keiser; Kessler; Lambert; Linville; Lisk; Mastin; McMorris; Mulliken; Rockefeller; Ruderman; Sullivan and Wensman.

MINORITY recommendation: Do not pass. Signed by Representatives Kagi; Kenney; McIntire; Parlette; Regala and Tokuda.

Voting yea: Representatives Huff, H. Sommers, Alexander, Doumit, Schmidt, D., Barlean, Benson, Boldt, Carlson, Clements, Cody, Crouse, Gombosky, Grant, Keiser, Kessler, Lambert, Linville, Lisk, Mastin, McMorris, Mulliken, Rockefeller, Ruderman, Sullivan and Wensman.

Voting nay: Representative(s) Kagi, Kenney, McIntire, Parlette, Regala, and Tokuda.

Passed to Rules Committee for Second Reading.

April 5, 1999

SSB 5215 Prime Sponsor, Senate Committee on Education: Extending veterans' exemptions from higher education tuition. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

Voting yea: Representatives Huff, H. Sommers, Alexander, Doumit, Schmidt, D., Barlean, Benson, Boldt, Carlson, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Lisk, Mastin, McIntire, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Tokuda and Wensman.

Passed to Rules Committee for Second Reading.

April 5, 1999

SB 5255 Prime Sponsor, Senator Jacobsen: Changing Washington conservation corps provisions. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Natural Resources (For amendment, see Journal 79<sup>th</sup> Day, March 30, 1999). Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Boldt; Carlson; Clements; Cody; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McIntire; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

MINORITY recommendation: Without recommendation. Signed by Representatives Benson; Crouse and McMorris.

Voting yea: Representatives Huff, H. Sommers, Alexander, Doumit, Schmidt, D., Barlean, Benson, Boldt, Carlson, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Lisk, Mastin, McIntire, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Tokuda and Wensman.

Passed to Rules Committee for Second Reading.

April 5, 1999

SSB 5273 Prime Sponsor, Senate Committee on Transportation: Creating a scenic byways designation program. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended.

On page 3, beginning on line 28, after "(2)" insert "The criteria developed in subsection (1) of this section must not impose nor require regulation of privately owned lands or property rights. (3)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Signed by Representatives Fisher, Democratic Co-Chair; K. Schmidt, Republican Co-Chair; Cooper, Democratic 1st Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; G. Chandler; DeBolt; Fortunato; Haigh; Hatfield; Hurst; Lovick; McDonald; Mielke; Mitchell; Ogden; Pflug; Radcliff; Schindler; Schual-Berke; Skinner and Wood.

MINORITY recommendation: Without recommendation. Signed by Representative Buck.

Voting yea: Representatives Fisher, Schmidt, K, Cooper, Ericksen, Chandler, G., DeBolt, Fortunato, Haigh, Hatfield, Hurst, Lovick, McDonald, Mielke, Mitchell, Ogden, Pflug, Radcliff, Schindler, Schual-Berke, Skinner and Wood.

Voting nay: Representative(s) Buck.

Excused: Representative(s) Edwards, Hankins, Morris, Murray, Romero, and Scott.

Passed to Rules Committee for Second Reading.

April 5, 1999

ESSB 5290 Prime Sponsor, Senate Committee on Senate Environmental Quality & Water Resources: Changing the freshwater aquatic weeds management program by clarifying funding and creating an advisory committee. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Agriculture & Ecology (For amendment, see Journal 82<sup>nd</sup> Day, April 2, 1999). Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

Voting yea: Representatives Huff, H. Sommers, Alexander, Doumit, D. Schmidt, Barlean, Benson, Boldt, Carlson, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Lisk, Mastin, McIntire, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Tokuda and Wensman.

Passed to Rules Committee for Second Reading.

April 5, 1999

SB 5374 Prime Sponsor, Senator Heavey: Making corrective amendments to certain drivers' licensing laws. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended.

On page 1, line 6, strike all of section 1, renumber the remaining sections consecutively, and correct internal references accordingly.

On page 23, after line 21, insert the following:

"**Sec. 1.** RCW 46.20.041 and 1999 c 6 s 9 are each amended to read as follows:

(1) If the department has reason to believe that a person is suffering from a physical or mental disability or disease that may affect that person's ability to drive a motor vehicle, the department must evaluate whether the person is able to safely drive a motor vehicle. As part of the evaluation:

(a) The department shall permit the person to demonstrate personally that notwithstanding the disability or disease he or she is able to safely drive a motor vehicle.

(b) The department may require the person to obtain a statement signed by a licensed physician or other proper authority designated by the department certifying the person's condition.

(i) The ((certificate)) statement is for the confidential use of the director and the chief of the Washington state patrol and for other public officials designated by law. It is exempt from public inspection and copying notwithstanding chapter 42.17 RCW.

(ii) The ~~((certificate))~~ statement may not be offered as evidence in any court except when appeal is taken from the order of the director canceling or withholding a person's driving privilege. However, the department may make the ~~((certificate))~~ statement available to the director of the department of retirement systems for use in determining eligibility for or continuance of disability benefits and it may be offered and admitted as evidence in any administrative proceeding or court action concerning the disability benefits.

(2) On the basis of the evaluation the department may:

(a) Issue or renew a driver's license to the person without restrictions;

(b) Cancel or withhold the driving privilege from the person; or

(c) Issue a restricted driver's license to the person. The restrictions must be suitable to the licensee's driving ability. The restrictions may include:

(i) Special mechanical control devices on the motor vehicle operated by the licensee;

(ii) Limitations on the type of motor vehicle that the licensee may operate; or

(iii) Other restrictions determined by the department to be appropriate to assure the licensee's safe operation of a motor vehicle.

(3) The department may either issue a special restricted license or may set forth the restrictions upon the usual license form.

(4) The department may suspend or revoke a restricted license upon receiving satisfactory evidence of any violation of the restrictions. In that event the licensee is entitled to a driver improvement interview and a hearing as provided by RCW 46.20.322 or 46.20.328.

(5) Operating a motor vehicle in violation of the restrictions imposed in a restricted license is a traffic infraction.

**Sec. 2.** RCW 46.20.055 and 1999 c 6 s 11 are each amended to read as follows:

(1) **Driver's instruction permit.** ~~((a) A person who is at least fifteen and one-half years of age may apply to the department for a driver's instruction permit.))~~ The department may issue a driver's instruction permit ~~((after the))~~ with a photograph to an applicant who has successfully passed all parts of the examination other than the driving test, provided the information required by RCW 46.20.091, ~~((and))~~ paid a five-dollar fee~~((,-))~~, and meets the following requirements:

(a) Is at least fifteen and one-half years of age; or

(b) ~~((The department may issue a driver's instruction permit to an applicant who))~~ Is at least fifteen years of age ~~((if he or she))~~ and:

(i) Has submitted a proper application; and

(ii) Is enrolled in a traffic safety education program approved and accredited by the superintendent of public instruction that includes practice driving.

(2) **Nonphoto permit fee.** An applicant who meets the requirements of subsection (1) of this section other than payment of the five-dollar fee may obtain a driver's instruction permit without a photograph by paying a fee of four dollars.

(3) **Waiver of written examination for instruction permit.** The department may waive the written examination, if, at the time of application, an applicant is enrolled in:

(a) A traffic safety education course as defined by RCW 28A.220.020(2); or

(b) A course of instruction offered by a licensed driver training school as defined by RCW 46.82.280(1).

The department may require proof of registration in such a course as it deems necessary.

~~((3))~~ (4) **Effect of instruction permit.** A person holding a driver's instruction permit may drive a motor vehicle, other than a motorcycle, upon the public highways if:

(a) The person has immediate possession of the permit; and

(b) ~~((The seat beside the driver is occupied by))~~ An approved instructor, or a licensed driver with at least five years of driving experience, occupies the seat beside the driver.

~~((4))~~ (5) **Term of instruction permit.** A driver's instruction permit is valid for one year from the date of issue.

(a) The department may issue one additional one-year permit.

(b) The department may issue a third driver's permit if it finds after an investigation that the permittee is diligently seeking to improve driving proficiency.



**Sec. 3.** RCW 46.20.100 and 1999 c 6 s 16 are each amended to read as follows:

(1) **Application.** The application of a person under the age of eighteen years for a driver's license or a motorcycle endorsement must be signed by a parent or guardian with custody of the minor. If the (~~minor~~) person under the age of eighteen has no father, mother, or guardian, then the application must be signed by the minor's employer.

(2) **Traffic safety education requirement.** For a person under the age of eighteen years to obtain a driver's license he or she must meet the traffic safety education requirements of this subsection.

(a) To meet the traffic safety education requirement for a driver's license the applicant must satisfactorily complete a traffic safety education course as defined in RCW 28A.220.020. The course must meet the standards established by the office of the state superintendent of public instruction. The traffic safety education course may be provided by:

(i) A recognized secondary school; or  
(ii) A commercial driving enterprise that is annually approved by the office of the superintendent of public instruction.

(b) To meet the traffic safety education requirement for a motorcycle endorsement, the applicant must successfully complete a motorcycle safety education course that meets the standards established by the department of licensing.

(c) The department may waive the traffic safety education requirement for a driver's license if the applicant demonstrates to the department's satisfaction that:

(i) He or she was unable to take or complete a traffic safety education course;  
(ii) A need exists for the applicant to operate a motor vehicle; and  
(iii) He or she has the ability to operate a motor vehicle in such a manner as not to jeopardize the safety of persons or property(~~(, under rules adopted by)~~).

The department may adopt rules to implement this subsection (2)(c) in concert with the supervisor of the traffic safety education section of the office of the superintendent of public instruction.

(d) The department may waive the traffic safety education requirement if the applicant was licensed to drive a motor vehicle or motorcycle outside this state and provides proof that he or she has had education equivalent to that required under this subsection.

**Sec. 4.** RCW 46.20.117 and 1999 c 6 s 18 are each amended to read as follows:

(1) **Issuance.** The department shall issue (~~(a resident of the state of Washington)~~) an identicard, containing a picture, if (~~(he or she)~~) the applicant:

(a) Does not hold a valid Washington driver's license;  
(b) Proves his or her identity as required by RCW 46.20.035; and  
(c) Pays the required fee. The fee is four dollars unless an applicant is a recipient of continuing public assistance grants under Title 74 RCW, who is referred in writing by the secretary of social and health services. For those persons the fee must be the actual cost of production of the identicard.

(2) **Design and term.** The identicard must:

(a) Be distinctly designed so that it will not be confused with the official driver's license; and  
(b) Expire on the fifth anniversary of the applicant's birthdate after issuance.

(3) **Cancellation.** The department may cancel an identicard if the holder of the identicard used the card or allowed others to use the card in violation of RCW 46.20.336 (as recodified by chapter 6, Laws of 1999)."

Correct the title.

Signed by Representatives Fisher, Democratic Co-Chair; K. Schmidt, Republican Co-Chair; Cooper, Democratic 1st Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; Buck; G. Chandler; DeBolt; Fortunato; Haigh; Hatfield; Hurst; Lovick; McDonald; Mielke; Mitchell; Murray; Ogden; Pflug; Radcliff; Schindler; Schual-Berke; Skinner and Wood.

Voting yea: Representatives Fisher, Schmidt, K, Cooper, Ericksen, Buck, Chandler, G., DeBolt, Fortunato, Haigh, Hatfield, Hurst, Lovick, McDonald, Mielke, Mitchell, Murray, Ogden, Pflug, Radcliff, Schindler, Schual-Berke, Skinner and Wood.

Excused: Representative(s) Edwards, Hankins, Morris, Romero, and Scott.

Passed to Rules Committee for Second Reading.

April 5, 1999

SSB 5387 Prime Sponsor, Senate Committee on Senate Commerce, Trade, Housing & Financial Institutions: Expanding the definition of economic development activities. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass as amended by Committee on Economic Development, Housing & Trade (For amendment, see Journal 82<sup>nd</sup> Day, April 2, 1999). Signed by Representatives Mitchell, Republican Co-Chair; Murray, Democratic Co-Chair; Edmonds, Democratic Vice Chair; Esser, Republican Vice Chair; Alexander; Anderson; Barlean; Constantine; Dunshee; Hankins; Koster; Lantz; Mastin; Miloscia; O'Brien; Ogden and Schoesler.

Voting yea: Representatives Mitchell, Murray, Edmonds, Esser, Alexander, Anderson, Constantine, Dunshee, Hankins, Koster, Lantz, Miloscia, O'Brien, Ogden and Schoesler.

Excused: Representative(s) Barlean, Bush, Mastin.

Passed to Rules Committee for Second Reading.

April 5, 1999

SSB 5400 Prime Sponsor, Senate Committee on Ways & Means: Clarifying distributions to the office of municipal research. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

Voting yea: Representatives Huff, H. Sommers, Alexander, Doumit, Schmidt, D., Barlean, Benson, Boldt, Carlson, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Lisk, Mastin, McIntire, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Tokuda and Wensman.

Passed to Rules Committee for Second Reading.

April 5, 1999

SSB 5418 Prime Sponsor, Senate Committee on Education: Changing school accountability and assistance provisions. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Education (For amendment, see Journal 82<sup>nd</sup> Day, April 2, 1999). Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson;

Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

Voice Vote: 32 members present.

Passed to Rules Committee for Second Reading.

April 5, 1999

E2SSB 5421 Prime Sponsor, Senate Committee on Ways & Means: Enhancing supervision of offenders. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Criminal Justice & Corrections (For amendment, see Journal 82<sup>nd</sup> Day, April 2, 1999). Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

Voice Vote: 32 members present.

Passed to Rules Committee for Second Reading.

April 5, 1999

ESSB 5424 Prime Sponsor, Senate Committee on Senate Environmental Quality & Water Resources: Allowing the use of certain commercially approved herbicides for aquatic plant management. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that the environmental, recreational, and aesthetic values of many of the state's lakes are threatened by the invasion of noxious aquatic weeds. Once established, these noxious aquatic weeds can colonize the shallow shorelines of lakes with dense surface vegetation mats that degrade water quality, pose a threat to swimmers, and restrict use of lakes. Many commercially available herbicides have been demonstrated to be effective in controlling noxious aquatic weeds and do not pose a risk to the environment or public health. The purpose of this act is to allow the use of commercially available herbicides that have been approved by the environmental protection agency and the department of agriculture and subject to rigorous evaluation by the department of ecology through an environmental impact statement for the aquatic plant management program.

NEW SECTION. **Sec. 2.** A new section is added to chapter 90.48 RCW to read as follows:  
The department of ecology shall update the final supplemental environmental impact statement completed in 1992 for the aquatic plant management program to reflect new information on herbicides evaluated in 1992 and new, commercially available herbicides. The department shall maintain the currency of the information on herbicides and evaluate new herbicides as they become commercially available.

NEW SECTION. **Sec. 3.** A new section is added to chapter 90.48 RCW to read as follows:

(1) Subject to restrictions in this section, a government entity seeking to control a limited infestation of Eurasian water milfoil may use the pesticide 2,4-D to treat the milfoil infestation, without obtaining a permit under RCW 90.48.445, if the milfoil infestation is either recently documented or remaining after the application of other control measures, and is limited to twenty percent or less of the littoral zone of the lake. Any pesticide application made under this section must be made according to all label requirements for the product and must meet the public notice requirements of subsection (2) of this section.

(2) Before applying 2,4-D, the government entity shall: (a) Provide at least twenty-one days' notice to the department of ecology, the department of fish and wildlife, the department of agriculture, the department of health, and all lake residents; (b) post notices of the intent to apply 2,4-D at all public access points; and (c) place informational buoys around the treatment area.

(3) The department of fish and wildlife may impose timing restrictions on the use of 2,4-D to protect salmon and other fish and wildlife.

(4) The department may prohibit the use of 2,4-D if the department finds the product contains dioxin.

(5) Government entities using this section to apply 2,4-D may apply for funds from the freshwater aquatic weeds account consistent with the freshwater aquatic weeds management program as provided in RCW 43.21A.660.

(6) Government entities using this section shall consider development of long-term control strategies for eradication and control of the Eurasian water milfoil.

(7) For the purpose of this section, "government entities" includes cities, counties, state agencies, tribes, special purpose districts, and county weed boards.

NEW SECTION. **Sec. 4.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 1999, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

Voice vote: 32 members present.

Passed to Rules Committee for Second Reading.

April 5, 1999

SB 5432 Prime Sponsor, Senator Fraser: Authorizing charitable deductions from retirement allowances. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

Voice vote: 32 members present.

Passed to Rules Committee for Second Reading.

April 5, 1999

2SSB 5452 Prime Sponsor, Senate Committee on Ways & Means: Authorizing the creation of public facilities districts. Reported by Committee on Finance

MAJORITY recommendation: Do pass as amended by Committee on Finance and without amendment by Committee on Economic Development, Housing & Trade (For amendment, see Journal 82<sup>nd</sup> Day, April 2, 1999).

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislative authority of any town or city located in a county with a population of less than one million may create a public facilities district. The legislative authorities of any contiguous group of towns or cities located in a county or counties each with a population of less than one million may enter an agreement under chapter 39.34 RCW for the creation and joint operation of a public facilities district.

(2) A public facilities district shall be coextensive with the boundaries of the city or town or contiguous group of cities or towns that created the district.

(3)(a) A public facilities district created by a single city or town shall be governed by a board of directors consisting of five members selected as follows: (i) Two members appointed by the legislative authority of the city or town; and (ii) three members appointed by legislative authority based on recommendations from local organizations. The members appointed under (a)(i) of this subsection, shall not be members of the legislative authority of the city or town. The members appointed under (a)(ii) of this subsection, shall be based on recommendations received from local organizations that may include, but are not limited to the local chamber of commerce, local economic development council, and local labor council. The members shall serve four-year terms. Of the initial members, one must be appointed for a one-year term, one must be appointed for a two-year term, one must be appointed for a three-year term, and the remainder must be appointed for four-year terms.

(b) A public facilities district created by contiguous group of cities and towns shall be governed by a board of directors consisting of seven members selected as follows: (i) Three members appointed by the legislative authorities of the cities and towns; and (ii) four members appointed by the legislative authority based on recommendations from local organizations. The members appointed under (b)(i) of this subsection shall not be members of the legislative authorities of the cities and towns. The members appointed under (b)(ii) of this subsection, shall be based on recommendations received from local organizations that include, but are not limited to the local chamber of commerce, local economic development council, local labor council, and a neighborhood organization that is directly affected by the location of the regional center in their area. The members of the board of directors shall be appointed in accordance with the terms of the agreement under chapter 39.34 RCW for the joint operation of the district and shall serve four-year terms. Of the initial members, one must be appointed for a one-year term, one must be appointed for a two-year term, one must be appointed for a three-year term, and the remainder must be appointed for four-year terms.

(4) A public facilities district is a municipal corporation, an independent taxing "authority" within the meaning of Article VII, section 1 of the state Constitution, and a "taxing district" within the meaning of Article VII, section 2 of the state Constitution.

(5) A public facilities district shall constitute a body corporate and shall possess all the usual powers of a corporation for public purposes as well as all other powers that may now or hereafter be specifically conferred by statute, including, but not limited to, the authority to hire employees, staff, and services, to enter into contracts, and to sue and be sued.

(6) A public facilities district may acquire and transfer real and personal property by lease, sublease, purchase, or sale. No direct or collateral attack on any metropolitan facilities district purported to be authorized or created in conformance with this chapter may be commenced more than thirty days after creation by the city legislative authority.

NEW SECTION. Sec. 2. (1) A public facilities district is authorized to acquire, construct, own, remodel, maintain, equip, reequip, repair, finance, and operate one or more regional centers.

For purposes of this chapter, "regional center" means a convention, conference, or special events center, or any combination of facilities, and related parking facilities, serving a regional population constructed, improved, or rehabilitated after the effective date of this section at a cost of at least ten million dollars, including debt service. "Regional center" also includes an existing convention, conference, or special events center, and related parking facilities, serving a regional population, that is improved or rehabilitated after the effective date of this section where the costs of improvement or rehabilitation are at least ten million dollars, including debt service. A regional center is conclusively presumed to serve a regional population if state and local government investment in the construction, improvement, or rehabilitation of the regional center is equal to or greater than ten million dollars.

(2) A public facilities district may impose charges and fees for the use of its facilities, and may accept and expend or use gifts, grants, and donations for the purpose of a regional center.

(3) A public facilities district may impose charges, fees, and taxes authorized in section 4 of this act, and use revenues derived therefrom for the purpose of paying principal and interest payments on bonds issued by the public facilities district to construct a regional center.

(4) Notwithstanding the establishment of a career, civil, or merit service system, a public facilities district may contract with a public or private entity for the operation or management of its public facilities.

(5) A public facilities district is authorized to use the supplemental alternative public works contracting procedures set forth in chapter 39.10 RCW in connection with the design, construction, reconstruction, remodel, or alteration of any regional center.

**NEW SECTION. Sec. 3.** (1) To carry out the purpose of this chapter, a public facilities district may issue general obligation bonds, not to exceed an amount, together with any outstanding nonvoter-approved general obligation indebtedness, equal to one-half of one percent of the value of the taxable property within the district, as the term "value of the taxable property" is defined in RCW 39.36.015. A facilities district additionally may issue general obligation bonds for capital purposes only, together with any outstanding general obligation indebtedness, not to exceed an amount equal to one and one-fourth percent of the value of the taxable property within the district, as the term "value of the taxable property" is defined in RCW 39.36.015, when authorized by the voters of the public facilities district pursuant to Article VIII, section 6 of the state Constitution, and to provide for the retirement thereof by taxes authorized in this act.

(2) General obligation bonds may be issued with a maturity of up to thirty years, and shall be issued and sold in accordance with the provisions of chapter 39.46 RCW.

(3) The general obligation bonds may be payable from the operating revenues of the public facilities district in addition to the tax receipts of the district.

**NEW SECTION. Sec. 4.** (1) The board of directors of the public facilities district may impose the following for the purpose of funding a regional center:

(a) Charges and fees for the use of any of its facilities;

(b) Admission charges under section 10 of this act;

(c) Vehicle parking charges under section 11 of this act; and

(d) Sales and use taxes authorized under RCW 82.14.048 and section 13 of this act.

(2) The board may accept and expend or use gifts, grants, and donations for the purpose of a regional center. The revenue from the charges, fees, and taxes imposed under this section shall be used only for the purposes authorized by this chapter.

**NEW SECTION. Sec. 5.** The board of directors of the public facilities district shall adopt a resolution that may be amended from time to time that shall establish the basic requirements governing methods and amounts of reimbursement payable to such district officials and employees for travel and other business expenses incurred on behalf of the district. The resolution shall, among other things, establish procedures for approving such expenses; the form of the travel and expense voucher; and requirements governing the use of credit cards issued in the name of the district. The resolution may also establish procedures for payment of per diem to board members. The state auditor shall, as

provided by general law, cooperate with the public facilities district in establishing adequate procedures for regulating and auditing the reimbursement of all such expenses.

NEW SECTION. **Sec. 6.** The board of directors of the public facilities district shall have authority to authorize the expenditure of funds for the public purposes of preparing and distributing information to the general public and promoting, advertising, improving, developing, operating, and maintaining a regional center. Nothing contained in this section may be construed to authorize preparation and distribution of information to the general public for the purpose of influencing the outcome of a district election.

NEW SECTION. **Sec. 7.** The public facilities district may secure services by means of an agreement with a service provider. The public facilities district shall publish notice, establish criteria, receive and evaluate proposals, and negotiate with respondents under requirements set forth by district resolution.

NEW SECTION. **Sec. 8.** In addition to provisions contained in chapter 39.04 RCW, the public facilities district is authorized to follow procedures contained in RCW 43.19.1906 and 43.19.1911 for all purchases, contracts for purchase, and sales.

NEW SECTION. **Sec. 9.** (1) A public facilities district may issue revenue bonds to fund revenue-generating facilities, or portions of facilities, which it is authorized to provide or operate. Whenever revenue bonds are to be issued, the board of directors of the district shall create or have created a special fund or funds from which, along with any reserves created pursuant to RCW 39.44.140, the principal and interest on such revenue bonds shall exclusively be payable. The board may obligate the district to set aside and pay into the special fund or funds a fixed proportion or a fixed amount of the revenues from the public improvements, projects, or facilities, and all related additions, that are funded by the revenue bonds. This amount or proportion shall be a lien and charge against these revenues, subject only to operating and maintenance expenses. The board shall have due regard for the cost of operation and maintenance of the public improvements, projects, or facilities, or additions, that are funded by the revenue bonds, and shall not set aside into the special fund or funds a greater amount or proportion of the revenues that in its judgment will be available over and above the cost of maintenance and operation and the amount or proportion, if any, of the revenue so previously pledged. The board may also provide that revenue bonds payable out of the same source or sources of revenue may later be issued on a parity with any revenue bonds being issued and sold.

(2) Revenue bonds issued under this section shall not be an indebtedness of the district issuing the bonds, and the interest and principal on the bonds shall only be payable from the revenues lawfully pledged to meet the principal and interest requirements and any reserves created under RCW 39.44.140. The owner or bearer of a revenue bond or any interest coupon issued under this section shall not have any claim against the district arising from the bond or coupon except for payment from the revenues lawfully pledged to meet the principal and interest requirements and any reserves created under RCW 39.44.140. The substance of the limitations included in this subsection shall be plainly printed, written, or engraved on each bond issued under this section.

(3) Revenue bonds with a maturity in excess of thirty years shall not be issued. The board of directors of the district shall by resolution determine for each revenue bond issue the amount, date, form, terms, conditions, denominations, maximum fixed or variable interest rate or rates, maturity or maturities, redemption rights, registration privileges, manner of execution, manner of sale, callable provisions, if any, and covenants including the refunding of existing revenue bonds. Facsimile signatures may be used on the bonds and any coupons. Refunding revenue bonds may be issued in the same manner as revenue bonds are issued.

NEW SECTION. **Sec. 10.** A public facility district may levy and fix a tax of not more than one cent on twenty cents or fraction thereof to be paid by the person who pays an admission charge to a regional center. This includes a tax on persons who are admitted free of charge or at reduced rates if other persons pay a charge or a regular higher charge for the same privileges or accommodations.

The term "admission charge" includes:

- (1) A charge made for season tickets or subscriptions;
- (2) A cover charge, or a charge made for use of seats and tables reserved or otherwise, and other similar accommodations;
- (3) A charge made for food and refreshment if free entertainment, recreation, or amusement is provided;
- (4) A charge made for rental or use of equipment or facilities for purposes of recreation or amusement; if the rental of the equipment or facilities is necessary to the enjoyment of a privilege for which a general admission is charged, the combined charges shall be considered as the admission charge;
- (5) Automobile parking charges if the amount of the charge is determined according to the number of passengers in the automobile.

**NEW SECTION. Sec. 11.** A public facility district may levy and fix a tax on any vehicle parking charges imposed at any parking facility that is owned or leased by the public facility district as part of a regional center. No county or city or town within which the regional center is located may impose a tax of the same or similar kind on any vehicle parking charges at the facility. For the purposes of this section, "vehicle parking charges" means only the actual parking charges exclusive of taxes and service charges and the value of any other benefit conferred. The tax authorized under this section shall be at the rate of not more than ten percent.

**Sec. 12.** RCW 82.14.048 and 1995 c 396 s 6 are each amended to read as follows:

The governing board of a public facilities district under chapter 36.100 RCW or chapter 35.-- RCW (sections 1 through 11 of this act) may submit an authorizing proposition to the voters of the district, and if the proposition is approved by a majority of persons voting, fix and impose a sales and use tax in accordance with the terms of this chapter.

The tax authorized in this section shall be in addition to any other taxes authorized by law and shall be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the public facilities district. The rate of tax shall ~~((equal one-tenth))~~ not exceed two-tenths of one percent of the selling price in the case of a sales tax, or value of the article used, in the case of a use tax.

Moneys received from any tax imposed under this section shall be used for the purpose of providing funds for the costs associated with the financing, design, acquisition, construction, equipping, operating, maintaining, remodeling, repairing, and reequipping of its public facilities.

No tax may be collected under this section by a public facilities district under chapter 35.-- RCW (sections 1 through 11 of this act) before August 1, 2000, and no tax in excess of one-tenth of one percent may be collected under this section by a public facilities district under chapter 36.100 RCW before August 1, 2000.

**NEW SECTION. Sec. 13.** A new section is added to chapter 82.14 RCW to read as follows:

(1) Except as provided in subsection (6) of this section, the governing body of a public facilities district created under chapter 35.-- RCW (sections 1 through 11 of this act) or chapter 36.100 RCW that commences construction of a new regional center, or improvement or rehabilitation of an existing new regional center, before January 1, 2003, may impose a sales and use tax in accordance with the terms of this chapter. The tax is in addition to other taxes authorized by law and shall be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the public facilities district. The rate of tax shall not exceed 0.033 percent of the selling price in the case of a sales tax or value of the article used in the case of a use tax.

(2) The tax imposed under subsection (1) of this section shall be deducted from the amount of tax otherwise required to be collected or paid over to the department of revenue under chapter 82.08 or 82.12 RCW. The department of revenue shall perform the collection of such taxes on behalf of the county at no cost to the public facilities district.



(3) No tax may be collected under this section before August 1, 2000. The tax imposed in this section shall expire when the bonds issued for the construction of the regional center and related parking facilities are retired, but not more than twenty-five years after the tax is first collected.

(4) Moneys collected under this section shall only be used for the purposes set forth in section 2 of this act and must be matched with an amount from other public or private sources equal to thirty-three percent of the amount collected under this section, provided that amounts generated from nonvoter approved taxes authorized under chapter 35.-- RCW (sections 1 through 11 of this act) or nonvoter approved taxes authorized under chapter 36.100 RCW shall not constitute a public or private source. For the purpose of this section, public or private sources includes, but is not limited to cash or in-kind contributions used in all phases of the development or improvement of the regional center, land that is donated and used for the siting of the regional center, cash or in-kind contributions from public or private foundations, or amounts attributed to private sector partners as part of a public and private partnership agreement negotiated by the public facilities district.

(5) The combined total tax levied under this section shall not be greater than 0.033 percent. If both a public facilities district created under chapter 35.-- RCW (sections 1 through 11 of this act) and a public facilities district created under chapter 36.100 RCW impose a tax under this section, the tax imposed by a public facilities district created under chapter 35.-- RCW (sections 1 through 11 of this act) shall be credited against the tax imposed by a public facilities district created under chapter 36.100 RCW.

(6) A public facilities district created under chapter 36.100 RCW is not eligible to impose the tax under this section if the legislative authority of the county where the public facilities district is located has imposed a sales and use tax under RCW 82.14.0485 or 82.14.0494.

**Sec. 14.** RCW 82.14.050 and 1991 sp.s. c 13 s 34 are each amended to read as follows:

The counties, cities, and transportation authorities under RCW 82.14.045 and public facilities districts under chapter 36.100 RCW and chapter 35.-- RCW (sections 1 through 11 of this act) shall contract, prior to the effective date of a resolution or ordinance imposing a sales and use tax, the administration and collection to the state department of revenue, which shall deduct a percentage amount, as provided by contract, not to exceed two percent of the taxes collected for administration and collection expenses incurred by the department. The remainder of any portion of any tax authorized by this chapter which is collected by the department of revenue shall be deposited by the state department of revenue in the local sales and use tax account hereby created in the state treasury. Moneys in the local sales and use tax account may be spent only for distribution to counties, cities, transportation authorities, and public facilities districts imposing a sales and use tax. All administrative provisions in chapters 82.03, 82.08, 82.12, and 82.32 RCW, as they now exist or may hereafter be amended, shall, insofar as they are applicable to state sales and use taxes, be applicable to taxes imposed pursuant to this chapter. Except as provided in RCW 43.08.190, all earnings of investments of balances in the local sales and use tax account shall be credited to the local sales and use tax account and distributed to the counties, cities, transportation authorities, and public facilities districts monthly.

**Sec. 15.** RCW 36.100.060 and 1995 1st sp.s. c 14 s 4 are each amended to read as follows:

(1) To carry out the purpose of this chapter, a public facilities district may issue general obligation bonds, not to exceed an amount, together with any outstanding nonvoter approved general obligation indebtedness, equal to one-half of one percent of the value of taxable property within the district, as the term "value of taxable property" is defined in RCW 39.36.015. A facilities district additionally may issue general obligation bonds for capital purposes only, together with any outstanding general obligation indebtedness, not to exceed an amount equal to one and one-fourth percent of the value of the taxable property within the district, as the term "value of taxable property" is defined in RCW 39.36.015, when authorized by the voters of the public facilities district pursuant to Article VIII, section 6 of the state Constitution, and to provide for the retirement thereof by excess property tax levies as provided in this chapter.

(2) General obligation bonds may be issued with a maturity of up to thirty years, and shall be issued and sold in accordance with the provisions of chapter 39.46 RCW.

(3) The general obligation bonds may be payable from the operating revenues of the public facilities district in addition to the tax receipts of the district.

(4) The excise tax imposed pursuant to RCW 36.100.040 shall terminate upon final payment of all bonded indebtedness for its public facilities, except that the excise tax may be reauthorized by a public vote, in the same manner as originally authorized, for funding of additional public facilities or a regional center.

**Sec. 16.** RCW 36.100.030 and 1995 1st sp.s. c 14 s 3 are each amended to read as follows:

(1) A public facilities district is authorized to acquire, construct, own, remodel, maintain, equip, reequip, repair, and operate sports facilities, entertainment facilities, ~~((or))~~ convention facilities, or ~~((any combination of such facilities))~~ regional centers as defined in section 2 of this act, together with contiguous parking facilities. The taxes that are provided for in this chapter may only be imposed for these purposes.

(2) A public facilities district may enter into agreements under chapter 39.34 RCW for the joint provision and operation of such facilities and may enter into contracts under chapter 39.34 RCW where any party to the contract provides and operates such facilities for the other party or parties to the contract.

(3) Notwithstanding the establishment of a career, civil, or merit service system, a public facility [facilities] district may contract with a public or private entity for the operation or management of its public facilities.

(4) A public facilities district is authorized to use the supplemental alternative public works contracting procedures set forth in chapter 39.10 RCW in connection with the design, construction, reconstruction, remodel, or alteration of any of its public facilities.

(5) A public facilities district may impose charges and fees for the use of its facilities, and may accept and expend or use gifts, grants, and donations.

NEW SECTION. **Sec. 17.** A new section is added to chapter 36.100 RCW to read as follows:

A public facility district may levy and fix a tax of not more than one cent on twenty cents or fraction thereof to be paid by the person who pays an admission charge to a regional center, as defined in section 2 of this act. This includes a tax on persons who are admitted free of charge or at reduced rates if other persons pay a charge or a regular higher charge for the same privileges or accommodations.

The term "admission charge" includes:

- (1) A charge made for season tickets or subscriptions;
- (2) A cover charge, or a charge made for use of seats and tables reserved or otherwise, and other similar accommodations;
- (3) A charge made for food and refreshment if free entertainment, recreation, or amusement is provided;
- (4) A charge made for rental or use of equipment or facilities for purposes of recreation or amusement; if the rental of the equipment or facilities is necessary to the enjoyment of a privilege for which a general admission is charged, the combined charges shall be considered as the admission charge;
- (5) Automobile parking charges if the amount of the charge is determined according to the number of passengers in the automobile.

NEW SECTION. **Sec. 18.** A new section is added to chapter 36.100 RCW to read as follows:

A public facility district may levy and fix a tax on any vehicle parking charges imposed at any parking facility that is owned or leased by the public facility district as part of a regional center, as defined in section 2 of this act. No county or city or town within which the regional center is located may impose a tax of the same or similar kind on any vehicle parking charges at the facility. For the purposes of this section, "vehicle parking charges" means only the actual parking charges exclusive of taxes and service charges and the value of any other benefit conferred. The tax authorized under this section shall be at the rate of not more than ten percent.

**Sec. 19.** RCW 35.21.280 and 1995 3rd sp.s. c 1 s 202 are each amended to read as follows:

Every city and town may levy and fix a tax of not more than one cent on twenty cents or fraction thereof to be paid by the person who pays an admission charge to any place: PROVIDED, No city or town shall impose such tax on persons paying an admission to any activity of any elementary or secondary school or any public facility of a public facility district under chapter 35.-- RCW (sections 1 through 11 of this act) or chapter 36.100 RCW for which a tax is imposed under section 10 or 17 of this act. This includes a tax on persons who are admitted free of charge or at reduced rates to any place for which other persons pay a charge or a regular higher charge for the same privileges or accommodations. A city that is located in a county with a population of one million or more may not levy a tax on events in stadia constructed on or after January 1, 1995, that are owned by a public facilities district under chapter 36.100 RCW and that have seating capacities over forty thousand. The city or town may require anyone who receives payment for an admission charge to collect and remit the tax to the city or town.

The term "admission charge" includes:

- (1) A charge made for season tickets or subscriptions;
- (2) A cover charge, or a charge made for use of seats and tables reserved or otherwise, and other similar accommodations;
- (3) A charge made for food and refreshment in any place where free entertainment, recreation or amusement is provided;
- (4) A charge made for rental or use of equipment or facilities for purposes of recreation or amusement; if the rental of the equipment or facilities is necessary to the enjoyment of a privilege for which a general admission is charged, the combined charges shall be considered as the admission charge;
- (5) Automobile parking charges if the amount of the charge is determined according to the number of passengers in the automobile.

**Sec. 20.** RCW 36.38.010 and 1997 c 220 s 301 (Referendum Bill No. 48) are each amended to read as follows:

(1) Any county may by ordinance enacted by its county legislative authority, levy and fix a tax of not more than one cent on twenty cents or fraction thereof to be paid for county purposes by persons who pay an admission charge to any place, including a tax on persons who are admitted free of charge or at reduced rates to any place for which other persons pay a charge or a regular higher charge for the same or similar privileges or accommodations; and require that one who receives any admission charge to any place shall collect and remit the tax to the county treasurer of the county: PROVIDED, No county shall impose such tax on persons paying an admission to any activity of any elementary or secondary school or any public facility of a public facility district under chapter 35.-- RCW (sections 1 through 11 of this act) or chapter 36.100 RCW for which a tax is imposed under section 10 or 17 of this act.

(2) As used in this chapter, the term "admission charge" includes a charge made for season tickets or subscriptions, a cover charge, or a charge made for use of seats and tables, reserved or otherwise, and other similar accommodations; a charge made for food and refreshments in any place where any free entertainment, recreation, or amusement is provided; a charge made for rental or use of equipment or facilities for purpose of recreation or amusement, and where the rental of the equipment or facilities is necessary to the enjoyment of a privilege for which a general admission is charged, the combined charges shall be considered as the admission charge. It shall also include any automobile parking charge where the amount of such charge is determined according to the number of passengers in any automobile.

(3) Subject to subsections (4) and (5) of this section, the tax herein authorized shall not be exclusive and shall not prevent any city or town within the taxing county, when authorized by law, from imposing within its corporate limits a tax of the same or similar kind: PROVIDED, That whenever the same or similar kind of tax is imposed by any such city or town, no such tax shall be levied within the corporate limits of such city or town by the county.

(4) Notwithstanding subsection (3) of this section, the legislative authority of a county with a population of one million or more may exclusively levy taxes on events in baseball stadiums

constructed on or after January 1, 1995, that are owned by a public facilities district under chapter 36.100 RCW and that have seating capacities over forty thousand at the rates of:

(a) Not more than one cent on twenty cents or fraction thereof, to be used for the purpose of paying the principal and interest payments on bonds issued by a county to construct a baseball stadium as defined in RCW 82.14.0485. If the revenue from the tax exceeds the amount needed for that purpose, the excess shall be placed in a contingency fund which may only be used to pay unanticipated capital costs on the baseball stadium, excluding any cost overruns on initial construction; and

(b) Not more than one cent on twenty cents or fraction thereof, to be used for the purpose of paying the principal and interest payments on bonds issued by a county to construct a baseball stadium as defined in RCW 82.14.0485. The tax imposed under this subsection (4)(b) shall expire when the bonds issued for the construction of the baseball stadium are retired, but not later than twenty years after the tax is first collected.

(5) Notwithstanding subsection (3) of this section, the legislative authority of a county that has created a public stadium authority to develop a stadium and exhibition center under RCW 36.102.050 may levy and fix a tax on charges for admission to events in a stadium and exhibition center, as defined in RCW 36.102.010, constructed in the county on or after January 1, 1998, that is owned by a public stadium authority under chapter 36.102 RCW. The tax shall be exclusive and shall preclude the city or town within which the stadium and exhibition center is located from imposing a tax of the same or similar kind on charges for admission to events in the stadium and exhibition center, and shall preclude the imposition of a general county admissions tax on charges for admission to events in the stadium and exhibition center. For the purposes of this subsection, "charges for admission to events" means only the actual admission charge, exclusive of taxes and service charges and the value of any other benefit conferred by the admission. The tax authorized under this subsection shall be at the rate of not more than one cent on ten cents or fraction thereof. Revenues collected under this subsection shall be deposited in the stadium and exhibition center account under RCW 43.99N.060 until the bonds issued under RCW 43.99N.020 for the construction of the stadium and exhibition center are retired. After the bonds issued for the construction of the stadium and exhibition center are retired, the tax authorized under this section shall be used exclusively to fund repair, reequipping, and capital improvement of the stadium and exhibition center. The tax under this subsection may be levied upon the first use of any part of the stadium and exhibition center but shall not be collected at any facility already in operation as of July 17, 1997.

**Sec. 21.** RCW 82.29A.130 and 1997 c 220 s 202 (Referendum Bill No. 48) are each amended to read as follows:

The following leasehold interests shall be exempt from taxes imposed pursuant to RCW 82.29A.030 and 82.29A.040:

(1) All leasehold interests constituting a part of the operating properties of any public utility which is assessed and taxed as a public utility pursuant to chapter 84.12 RCW.

(2) All leasehold interests in facilities owned or used by a school, college or university which leasehold provides housing for students and which is otherwise exempt from taxation under provisions of RCW 84.36.010 and 84.36.050.

(3) All leasehold interests of subsidized housing where the fee ownership of such property is vested in the government of the United States, or the state of Washington or any political subdivision thereof but only if income qualification exists for such housing.

(4) All leasehold interests used for fair purposes of a nonprofit fair association that sponsors or conducts a fair or fairs which receive support from revenues collected pursuant to RCW 67.16.100 and allocated by the director of the department of agriculture where the fee ownership of such property is vested in the government of the United States, the state of Washington or any of its political subdivisions: PROVIDED, That this exemption shall not apply to the leasehold interest of any sublessee of such nonprofit fair association if such leasehold interest would be taxable if it were the primary lease.

(5) All leasehold interests in any property of any public entity used as a residence by an employee of that public entity who is required as a condition of employment to live in the publicly owned property.

(6) All leasehold interests held by enrolled Indians of lands owned or held by any Indian or Indian tribe where the fee ownership of such property is vested in or held in trust by the United States and which are not subleased to other than to a lessee which would qualify pursuant to this chapter, RCW 84.36.451 and 84.40.175.

(7) All leasehold interests in any real property of any Indian or Indian tribe, band, or community that is held in trust by the United States or is subject to a restriction against alienation imposed by the United States: PROVIDED, That this exemption shall apply only where it is determined that contract rent paid is greater than or equal to ninety percent of fair market rental, to be determined by the department of revenue using the same criteria used to establish taxable rent in RCW 82.29A.020(2)(b).

(8) All leasehold interests for which annual taxable rent is less than two hundred fifty dollars per year. For purposes of this subsection leasehold interests held by the same lessee in contiguous properties owned by the same lessor shall be deemed a single leasehold interest.

(9) All leasehold interests which give use or possession of the leased property for a continuous period of less than thirty days: PROVIDED, That for purposes of this subsection, successive leases or lease renewals giving substantially continuous use of possession of the same property to the same lessee shall be deemed a single leasehold interest: PROVIDED FURTHER, That no leasehold interest shall be deemed to give use or possession for a period of less than thirty days solely by virtue of the reservation by the public lessor of the right to use the property or to allow third parties to use the property on an occasional, temporary basis.

(10) All leasehold interests under month-to-month leases in residential units rented for residential purposes of the lessee pending destruction or removal for the purpose of constructing a public highway or building.

(11) All leasehold interests in any publicly owned real or personal property to the extent such leasehold interests arises solely by virtue of a contract for public improvements or work executed under the public works statutes of this state or of the United States between the public owner of the property and a contractor.

(12) All leasehold interests that give use or possession of state adult correctional facilities for the purposes of operating correctional industries under RCW 72.09.100.

(13) All leasehold interests used to provide organized and supervised recreational activities for disabled persons of all ages in a camp facility and for public recreational purposes by a nonprofit organization, association, or corporation that would be exempt from property tax under RCW 84.36.030(1) if it owned the property. If the publicly owned property is used for any taxable purpose, the leasehold excise taxes set forth in RCW 82.29A.030 and 82.29A.040 shall be imposed and shall be apportioned accordingly.

(14) All leasehold interests in the public or entertainment areas of a baseball stadium with natural turf and a retractable roof or canopy that is in a county with a population of over one million, that has a seating capacity of over forty thousand, and that is constructed on or after January 1, 1995. "Public or entertainment areas" include ticket sales areas, ramps and stairs, lobbies and concourses, parking areas, concession areas, restaurants, hospitality and stadium club areas, kitchens or other work areas primarily servicing other public or entertainment areas, public rest room areas, press and media areas, control booths, broadcast and production areas, retail sales areas, museum and exhibit areas, scoreboards or other public displays, storage areas, loading, staging, and servicing areas, seating areas and suites, the playing field, and any other areas to which the public has access or which are used for the production of the entertainment event or other public usage, and any other personal property used for these purposes. "Public or entertainment areas" does not include locker rooms or private offices exclusively used by the lessee.

(15) All leasehold interests in the public or entertainment areas of a stadium and exhibition center, as defined in RCW 36.102.010, that is constructed on or after January 1, 1998. For the purposes of this subsection, "public or entertainment areas" has the same meaning as in subsection (14) of this section, and includes exhibition areas.

(16) All leasehold interests in public facilities districts, as provided in chapter 36.100 RCW or chapter 35.-- RCW (sections 1 through 11 of this act).

NEW SECTION. **Sec. 22.** Sections 1 through 11 of this act constitute a new chapter in Title 35 RCW.

NEW SECTION. **Sec. 23.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 2 of the title, after "centers;" strike the remainder of the title and insert "amending RCW 82.14.048, 82.14.050, 36.100.060, 36.100.030, 35.21.280, 36.38.010, and 82.29A.130; adding a new section to chapter 82.14 RCW; adding new sections to chapter 36.100 RCW; and adding a new chapter to Title 35 RCW."

Signed by Representatives Dunshee, Democratic Co-Chair; Thomas, Republican Co-Chair; Reardon, Democratic Vice Chair; Cairnes; Conway; Cox; Dickerson; Pennington; Santos; Van Luven and Veloria.

MINORITY recommendation: Without recommendation. Signed by Representative Carrell, Republican Vice Chair.

Voting yea: Representatives Dunshee, Thomas, Reardon, Cairnes, Conway, Cox, Dickerson, Pennington, Santos, Van Luven and Veloria.

Voting nay: Representative(s) Carrell.

Passed to Rules Committee for Second Reading.

April 5, 1999

SSB 5495 Prime Sponsor, Senate Committee on Ways & Means: Modifying a restriction on regular property tax levies. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Democratic Co-Chair; Thomas, Republican Co-Chair; Reardon, Democratic Vice Chair; Cairnes; Conway; Cox; Dickerson; Pennington; Santos; Van Luven and Veloria.

MINORITY recommendation: Do not pass. Signed by Representative Carrell, Republican Vice Chair.

Voting yea: Representatives Dunshee, Thomas, Reardon, Cairnes, Conway, Cox, Dickerson, Pennington, Santos, Van Luven and Veloria.

Voting nay: Representative(s) Carrell.

Passed to Rules Committee for Second Reading.

April 5, 1999

SB 5502 Prime Sponsor, Senator Haugen: Reporting the salary survey of ferry employees. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 47.64.220 and 1989 c 327 s 2 are each amended to read as follows:

(1) Prior to collective bargaining, the marine employees' commission shall conduct a salary survey. The results of the survey shall be published in a report which shall be a public document comparing wages, hours, employee benefits, and conditions of employment of involved ferry employees with those of public and private sector employees in states along the west coast of the United States, including Alaska, and in British Columbia doing directly comparable but not necessarily identical work, giving consideration to factors peculiar to the area and the classifications involved. Such survey report shall be for the purpose of disclosing generally prevailing levels of compensation, benefits, and conditions of employment. It shall be used to guide generally but not to define or limit collective bargaining between the parties. The commission shall make such other findings of fact as the parties may request during bargaining or impasse.

(2) Except as provided in subsection (3) of this section, salary and employee benefit information collected from private employers that identifies a specific employer with the salary and employee benefit rates which that employer pays to its employees is not subject to public disclosure under chapter 42.17 RCW.

(3) A person or entity, having reason to believe that the salary survey results are inaccurate, may submit a petition to the state auditor requesting an audit of the data upon which the salary survey results are based. The state auditor shall review and analyze all data collected for the salary survey, including proprietary information, but is prohibited from disclosing the salary survey data to any other person or entity, except by court order.

NEW SECTION. Sec. 2. A new section is added to chapter 42.17 RCW to read as follows:  
Salary and employee benefit information collected under RCW 47.64.220(1) and described in RCW 47.64.220(2) is exempt from disclosure under this chapter except as provided in RCW 47.64.220.

NEW SECTION. Sec. 3. Section 1, chapter . . . , Laws of 1999 (section 1 of this act) is a clarification of existing law and applies retroactively."

Signed by Representatives Fisher, Democratic Co-Chair; K. Schmidt, Republican Co-Chair; Cooper, Democratic 1st Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; Buck; G. Chandler; DeBolt; Fortunato; Haigh; Hatfield; Hurst; Lovick; McDonald; Mielke; Mitchell; Murray; Ogden; Pflug; Radcliff; Schindler; Schual-Berke; Skinner and Wood.

Voting yea: Representatives Fisher, Schmidt, K, Cooper, Ericksen, Buck, Chandler, G., DeBolt, Fortunato, Haigh, Hatfield, Hurst, Lovick, McDonald, Mielke, Mitchell, Murray, Ogden, Pflug, Radcliff, Schindler, Schual-Berke, Skinner and Wood.

Excused: Representative(s) Edwards, Hankins, Morris, Romero, and Scott.

Passed to Rules Committee for Second Reading.

April 5, 1999

ESSB 5508 Prime Sponsor, Senate Committee on Senate Natural Resources, Parks & Recreation:  
Increasing harvest data accuracy for the recreational crab fishery. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Natural Resources (For amendment, see Journal 82<sup>nd</sup> Day, April 2, 1999).

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that the department of fish and wildlife manages the recreational crab fishery through an imprecise system of catch estimation. Increased harvest data accuracy is needed for the recreational crab fishery and this goal can be accomplished through the establishment of a crab catch record card system.

The department shall utilize data from the crab catch record cards in preparing catch reports and in catch-sharing negotiations.

NEW SECTION. **Sec. 2.** A new section is added to chapter 77.32 RCW to read as follows:  
A crab catch record card is required to fish for and harvest Dungeness crabs (*Cancer magister*) in the recreational fishery. The crab catch record card shall be administered under the rules of the commission.

NEW SECTION. **Sec. 3.** This act takes effect July 15, 1999.

NEW SECTION. **Sec. 4.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 1999, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

Voice vote: 32 members present.

Passed to Rules Committee for Second Reading.

April 5, 1999

2SSB 5536 Prime Sponsor, Senate Committee on Ways & Means: Creating a pilot project for a municipal watershed on state trust lands. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

Voice vote: 32 members present.

Passed to Rules Committee for Second Reading.

April 5, 1999

ESB 5564 Prime Sponsor, Senator Gardner: Taxation of park trailers and travel trailers. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Democratic Co-Chair; Thomas, Republican Co-Chair; Carrell, Republican Vice Chair; Cairnes; Conway; Cox; Dickerson; Pennington; Santos; Van Luven and Veloria.



MINORITY recommendation: Without recommendation. Signed by Representative Reardon, Democratic Vice Chair.

Voting yea: Representatives Dunshee, Thomas, Carrell, Cairnes, Conway, Cox, Dickerson, Pennington, Santos, Van Luven and Veloria.

Voting nay: Representative(s) Reardon.

Passed to Rules Committee for Second Reading.

April 5, 1999

E2SSB 5594 Prime Sponsor, Senate Committee on Ways & Means: Enhancing economic vitality.  
Reported by Committee on Finance

MAJORITY recommendation: Do pass as amended by Committee on Finance and without amendment by Committee on Economic Development, Housing & Trade (For amendment, see Journal 82<sup>nd</sup> Day, April 2, 1999).

Strike everything after the enacting clause and insert the following:

## **'PART I DISTRESSED AREA SALES AND USE TAX DEFERRAL**

**Sec. 101.** RCW 82.60.020 and 1996 c 290 s 4 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Applicant" means a person applying for a tax deferral under this chapter.

(2) "Department" means the department of revenue.

(3) "Eligible area" means(~~(a) A county in which the average level of unemployment for the three years before the year in which an application is filed under this chapter exceeds the average state unemployment for those years by twenty percent; (b) a county that has a median household income that is less than seventy five percent of the state median household income for the previous three years; (c) a metropolitan statistical area, as defined by the office of federal statistical policy and standards, United States department of commerce, in which the average level of unemployment for the calendar year immediately preceding the year in which an application is filed under this chapter exceeds the average state unemployment for such calendar year by twenty percent; (d) a designated community empowerment zone approved under RCW 43.63A.700 or a county containing such a community empowerment zone; (e) a town with a population of less than twelve hundred persons in those counties that are not covered under (a) of this subsection that are timber impact areas as defined in RCW 43.31.601; (f) a county designated by the governor as an eligible area under RCW 82.60.047; or (g) a county that is contiguous to a county that qualifies as an eligible area under (a) or (f) of this subsection~~) a county with fewer than one hundred persons per square mile as determined annually by the office of financial management and published by the department of revenue effective for the period July 1st through June 30th.

(4)(a) "Eligible investment project" means(~~(i)~~

~~(i)) an investment project in an eligible area as defined in subsection (3)((a), (b), (c), (e), or (f)) of this section(~~(i)~~~~

~~(ii) That portion of an investment project in an eligible area as defined in subsection (3)(d) or (g) of this section which is directly utilized to create at least one new full time qualified employment position for each three hundred thousand dollars of investment on which a deferral is requested in an application approved before July 1, 1994, and for each seven hundred fifty thousand dollars of investment on which a deferral is requested in an application approved after June 30, 1994).~~

(b) The lessor/owner of a qualified building is not eligible for a deferral unless the underlying ownership of the buildings, machinery, and equipment vests exclusively in the same person, or unless

the lessor by written contract agrees to pass the economic benefit of the deferral to the lessee in the form of reduced rent payments.

~~(c) ((For purposes of (a)(ii) of this subsection:~~

~~(i) The department shall consider the entire investment project, including any investment in machinery and equipment that otherwise qualifies for exemption under RCW 82.08.02565 or 82.12.02565, for purposes of determining the portion of the investment project that qualifies for deferral as an eligible investment project; and~~

~~(ii) The number of new full-time qualified employment positions created by an investment project shall be deemed to be reduced by the number of full-time employment positions maintained by the recipient in any other community in this state that are displaced as a result of the investment project.~~

~~(d)) "Eligible investment project" does not include any portion of an investment project undertaken by a light and power business as defined in RCW 82.16.010(5), other than that portion of a cogeneration project that is used to generate power for consumption within the manufacturing site of which the cogeneration project is an integral part, or investment projects which have already received deferrals under this chapter.~~

(5) "Investment project" means an investment in qualified buildings or qualified machinery and equipment, including labor and services rendered in the planning, installation, and construction of the project.

(6) "Manufacturing" means ~~((all activities of a commercial or industrial nature wherein labor or skill is applied, by hand or machinery, to materials so that as a result thereof a new, different, or useful substance or article of tangible personal property is produced for sale or commercial or industrial use and shall include the production or fabrication of specially made or custom-made articles))~~ the same as defined in RCW 82.04.120. "Manufacturing" also includes computer programming, the production of computer software, and other computer-related services, and the activities performed by research and development laboratories and commercial testing laboratories.

(7) "Person" has the meaning given in RCW 82.04.030.

(8) "Qualified buildings" means construction of new structures, and expansion or renovation of existing structures for the purpose of increasing floor space or production capacity used for manufacturing and research and development activities, including plant offices and warehouses or other facilities for the storage of raw material or finished goods if such facilities are an essential or an integral part of a factory, mill, plant, or laboratory used for manufacturing or research and development. If a building is used partly for manufacturing or research and development and partly for other purposes, the applicable tax deferral shall be determined by apportionment of the costs of construction under rules adopted by the department.

~~(9) ("Qualified employment position" means a permanent full-time employee employed in the eligible investment project during the entire tax year.~~

~~(10)) "Qualified machinery and equipment" means all new industrial and research fixtures, equipment, and support facilities that are an integral and necessary part of a manufacturing or research and development operation. "Qualified machinery and equipment" includes: Computers; software; data processing equipment; laboratory equipment; manufacturing components such as belts, pulleys, shafts, and moving parts; molds, tools, and dies; operating structures; and all equipment used to control or operate the machinery.~~

~~((11)) (10) "Recipient" means a person receiving a tax deferral under this chapter.~~

~~((12)) (11) "Research and development" means the development, refinement, testing, marketing, and commercialization of a product, service, or process before commercial sales have begun. As used in this subsection, "commercial sales" excludes sales of prototypes or sales for market testing if the total gross receipts from such sales of the product, service, or process do not exceed one million dollars.~~

**Sec. 102.** RCW 82.60.040 and 1997 c 156 s 5 are each amended to read as follows:

(1) The department shall issue a sales and use tax deferral certificate for state and local sales and use taxes due under chapters 82.08, 82.12, and 82.14 RCW on each eligible investment project that(~~=~~

~~(a)) is located in an eligible area as defined in RCW 82.60.020((3) (a), (b), (c), (e), or (f);~~  
~~(b) is located in an eligible area as defined in RCW 82.60.020(3)(g) if seventy five percent of~~  
~~the new qualified employment positions are to be filled by residents of a contiguous county that is an~~  
~~eligible area as defined in RCW 82.60.020(3) (a) or (f); or~~  
~~(c) is located in an eligible area as defined in RCW 82.60.020(3)(d) if seventy five percent of~~  
~~the new qualified employment positions are to be filled by residents of a designated community~~  
~~empowerment zone approved under RCW 43.63A.700 located within the county in which the eligible~~  
~~investment project is located)).~~

(2) The department shall keep a running total of all deferrals granted under this chapter during each fiscal biennium.

(3) This section expires July 1, 2004.

**Sec. 103.** RCW 82.60.070 and 1995 1st sp.s. c 3 s 9 are each amended to read as follows:

~~(1) ((Each recipient of a deferral granted under this chapter prior to July 1, 1994, shall submit a report to the department on December 31st of each year during the repayment period until the tax deferral is repaid.))~~ Each recipient of a deferral granted under this chapter after June 30, 1994, shall submit a report to the department on December 31st of the year in which the investment project is certified by the department as having been operationally completed, and on December 31st of each of the seven succeeding calendar years. The report shall contain information, as required by the department, from which the department may determine whether the recipient is meeting the requirements of this chapter. If the recipient fails to submit a report or submits an inadequate report, the department may declare the amount of deferred taxes outstanding to be immediately assessed and payable.

(2) If, on the basis of a report under this section or other information, the department finds that an investment project is not eligible for tax deferral under this chapter ~~((for reasons other than failure to create the required number of qualified employment positions)),~~ the amount of deferred taxes outstanding for the project shall be immediately due.

~~(3) ((If, on the basis of a report under this section or other information, the department finds that an investment project for which a deferral has been granted under this chapter prior to July 1, 1994, has been operationally complete for three years and has failed to create the required number of qualified employment positions, the department shall assess interest, but not penalties, on the deferred taxes for the project. The interest shall be assessed at the rate provided for delinquent excise taxes, shall be assessed retroactively to the date of deferral, and shall accrue until the deferred taxes are repaid.))~~

~~(4) If, on the basis of a report under this section or other information, the department finds that an investment project for which a deferral has been granted under this chapter after June 30, 1994, has been operationally complete for three years and has failed to create the required number of qualified employment positions, the amount of taxes not eligible for deferral shall be immediately due. The department shall assess interest at the rate provided for delinquent excise taxes, but not penalties, retroactively to the date of deferral.~~

~~(5) If, on the basis of a report under this section or other information, the department finds that an investment project qualifying for deferral under RCW 82.60.040(1) (b) or (c) has failed to comply with any requirement of RCW 82.60.045 for any calendar year for which reports are required under subsection (1) of this section, twelve and one half percent of the amount of deferred taxes shall be immediately due. The department shall assess interest at the rate provided for delinquent excise taxes, but not penalties, retroactively to the date of deferral.~~

~~(6))~~ Notwithstanding any other subsection of this section, deferred taxes need not be repaid on machinery and equipment for lumber and wood products industries, and sales of or charges made for labor and services, of the type which qualifies for exemption under RCW 82.08.02565 or 82.12.02565 to the extent the taxes have not been repaid before July 1, 1995.

~~((7))~~ (4) Notwithstanding any other subsection of this section, deferred taxes on the following need not be repaid:

(a) Machinery and equipment, and sales of or charges made for labor and services, which at the time of purchase would have qualified for exemption under RCW 82.08.02565; and

(b) Machinery and equipment which at the time of first use would have qualified for exemption under RCW 82.12.02565.

## PART II DISTRESSED AREA BUSINESS AND OCCUPATION TAX JOB CREDIT

**Sec. 201.** RCW 82.62.010 and 1996 c 290 s 5 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Applicant" means a person applying for a tax credit under this chapter.

(2) "Department" means the department of revenue.

(3) "Eligible area" means ~~((: (a) A county in which the average level of unemployment for the three years before the year in which an application is filed under this chapter exceeds the average state unemployment for those years by twenty percent; (b) a county that has a median household income that is less than seventy five percent of the state median household income for the previous three years; (c) a metropolitan statistical area, as defined by the office of federal statistical policy and standards, United States department of commerce, in which the average level of unemployment for the calendar year immediately preceding the year in which an application is filed under this chapter exceeds the average state unemployment for such calendar year by twenty percent; (d) a designated community empowerment zone approved under RCW 43.63A.700; or (e) subcounty areas in those counties that are not covered under (a) of this subsection that are timber impact areas as defined in RCW 43.31.601))~~ an area as defined in RCW 82.60.020.

(4)(a) "Eligible business project" means manufacturing or research and development activities which are conducted by an applicant in an eligible area at a specific facility, provided the applicant's average full-time qualified employment positions at the specific facility will be at least fifteen percent greater in the year for which the credit is being sought than the applicant's average full-time qualified employment positions at the same facility in the immediately preceding year.

(b) "Eligible business project" does not include any portion of a business project undertaken by a light and power business as defined in RCW 82.16.010(5) or that portion of a business project creating qualified full-time employment positions outside an eligible area or those recipients of a sales tax deferral under chapter 82.61 RCW.

(5) "Manufacturing" means ~~((all activities of a commercial or industrial nature wherein labor or skill is applied, by hand or machinery, to materials so that as a result thereof a new, different, or useful substance or article of tangible personal property is produced for sale or commercial or industrial use and shall include the production or fabrication of specially made or custom made articles))~~ the same as defined in RCW 82.04.120. "Manufacturing" also includes computer programming, the production of computer software, and other computer-related services, and the activities performed by research and development laboratories and commercial testing laboratories.

(6) "Person" has the meaning given in RCW 82.04.030.

(7) "Qualified employment position" means a permanent full-time employee employed in the eligible business project during the entire tax year.

(8) "Tax year" means the calendar year in which taxes are due.

(9) "Recipient" means a person receiving tax credits under this chapter.

(10) "Research and development" means the development, refinement, testing, marketing, and commercialization of a product, service, or process before commercial sales have begun. As used in this subsection, "commercial sales" excludes sales of prototypes or sales for market testing if the total gross receipts from such sales of the product, service, or process do not exceed one million dollars.

**Sec. 202.** RCW 82.62.030 and 1997 c 366 s 5 are each amended to read as follows:

(1) A person shall be allowed a credit against the tax due under chapter 82.04 RCW as provided in this section. ~~((For an application approved before January 1, 1996, the credit shall equal one thousand dollars for each qualified employment position directly created in an eligible business project. For an application approved on or after January 1, 1996, the credit shall equal two thousand dollars for each qualified employment position directly created in an eligible business project. For an~~

~~application approved on or after July 1, 1997,))~~ The credit shall equal: (a) Four thousand dollars for each qualified employment position with wages and benefits greater than forty thousand dollars annually that is directly created in an eligible business(~~(--For an application approved on or after July 1, 1997, the credit shall equal)~~) and (b) two thousand dollars for each qualified employment position with wages and benefits less than or equal to forty thousand dollars annually that is directly created in an eligible business.

(2) The department shall keep a running total of all credits granted under this chapter during each fiscal year. The department shall not allow any credits which would cause the tabulation to exceed (~~(five million five hundred thousand dollars in fiscal year 1998 or 1999 or)~~) seven million five hundred thousand dollars in any fiscal year (~~(thereafter)~~). If all or part of an application for credit is disallowed under this subsection, the disallowed portion shall be carried over for approval the next fiscal year. However, the applicant's carryover into the next fiscal year is only permitted if the tabulation for the next fiscal year does not exceed the cap for that fiscal year as of the date on which the department has disallowed the application.

(3) No recipient may use the tax credits to decertify a union or to displace existing jobs in any community in the state.

(4) No recipient may receive a tax credit on taxes which have not been paid during the taxable year.

### **PART III COMMUNITY EMPOWERMENT ZONES**

NEW SECTION. Sec. 301. A new section is added to chapter 82.60 RCW to read as follows:

(1) For the purposes of this section:

(a) "Eligible area" also means a designated community empowerment zone approved under RCW 43.63A.700.

(b) "Eligible investment project" also means an investment project in an eligible area as defined in this section.

(2) In addition to the provisions of RCW 82.60.040, the department shall issue a sales and use tax deferral certificate for state and local sales and use taxes due under chapters 82.08, 82.12, and 82.14 RCW, on each eligible investment project that is located in an eligible area, if the applicant establishes that at the time the project is operationally complete:

(a) The applicant will hire at least one qualified employment position for each seven hundred fifty thousand dollars of investment on which a deferral is requested; and

(b) The positions will be filled by persons who at the time of hire are residents of the community empowerment zone in which the project is located. As used in this subsection, "resident" means the person makes his or her home in the community empowerment zone. A mailing address alone is insufficient to establish that a person is a resident for the purposes of this section. The persons must be hired after the date the application is filed with the department.

(3) All other provisions and eligibility requirements of this chapter apply to applicants eligible under this section.

(4) If a person does not meet the requirements of this section by the end of the calendar year following the year in which the project is certified as operationally complete, all deferred taxes are immediately due.

NEW SECTION. Sec. 302. A new section is added to chapter 82.62 RCW to read as follows:

(1) For the purposes of this section "eligible area" also means a designated community empowerment zone approved under RCW 43.63A.700.

(2) An eligible business project located within an eligible area as defined in this section qualifies for a credit under this chapter for those employees who at the time of hire are residents of the community empowerment zone in which the project is located, if the fifteen percent threshold is met. As used in this subsection, "resident" means the person makes his or her home in the community empowerment zone. A mailing address alone is insufficient to establish that a person is a resident for the purposes of this section.

(3) All other provisions and eligibility requirements of this chapter apply to applicants eligible under this section.

#### **PART IV MISCELLANEOUS**

NEW SECTION. **Sec. 401.** Part headings and subheadings used in this act are not any part of the law.

NEW SECTION. **Sec. 402.** This act takes effect August 1, 1999.

NEW SECTION. **Sec. 403.** Sections 101 through 103, 201, and 202 of this act do not affect any existing right acquired or liability or obligation under the sections amended or repealed in those sections or any rule or order adopted under those sections, nor does it affect any proceeding instituted under those sections.

NEW SECTION. **Sec. 404.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "vitality;" strike the remainder of the title and insert "amending RCW 82.60.020, 82.60.040, 82.60.070, 82.62.010, and 82.62.030; adding a new section to chapter 82.60 RCW; adding a new section to chapter 82.62 RCW; creating new sections; providing an effective date; and providing an expiration date."

Signed by Representatives Dunshee, Democratic Co-Chair; Thomas, Republican Co-Chair; Carrell, Republican Vice Chair; Cairnes; Conway; Cox; Dickerson; Pennington; Santos; Van Luven and Veloria.

Voting yea: Representatives Dunshee, Thomas, Carrell, Reardon, Cairnes, Conway, Cox, Dickerson, Pennington, Santos, Van Luven and Veloria.

Passed to Rules Committee for Second Reading.

April 5, 1999

ESSB 5599 Prime Sponsor, Senate Committee on Senate Commerce, Trade, Housing & Financial Institutions and Insurance: Regulating temporary worker housing. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

Voice vote: 32 members present.

Passed to Rules Committee for Second Reading.

April 5, 1999

SSB 5626 Prime Sponsor, Senate Committee on Education: Changing disbursement of medicaid incentive payments to school districts. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Education (For amendment, see Journal 82<sup>nd</sup> Day, April 2, 1999). Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

Voice vote: 32 members present.

Passed to Rules Committee for Second Reading.

April 5, 1999

ESB 5631 Prime Sponsor, Senator Wojahn: Increasing the amount of allowable vocational rehabilitation benefits. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Commerce & Labor (For amendment, see Journal 82<sup>nd</sup> Day, April 2, 1999). Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

Voice vote: 32 members present.

Passed to Rules Committee for Second Reading.

April 5, 1999

ESSB 5661 Prime Sponsor, Senate Committee on Ways & Means: Providing clarification and administrative simplification for the leasehold excise tax. Reported by Committee on Finance

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 82.29A.010 and 1975-'76 2nd ex.s. c 61 s 1 are each amended to read as follows:

(1)(a) The legislature hereby recognizes that properties of the state of Washington, counties, school districts, and other municipal corporations are exempted by Article 7, section 1 of the state Constitution from property tax obligations, but that private lessees of such public properties receive substantial benefits from governmental services provided by units of government.

(b) The legislature further recognizes that a uniform method of taxation should apply to such leasehold interests in publicly owned property.

(c) The legislature finds that lessees of publicly owned property are entitled to those same governmental services and does hereby provide for a leasehold excise tax to fairly compensate governmental units for services rendered to such lessees of publicly owned property.

(2) The legislature further finds that experience gained by lessors, lessees, and the department of revenue since enactment of the leasehold excise tax under this chapter has shed light on areas in the

leasehold excise statutes that need explanation and clarification. The purpose of chapter . . ., Laws of 1999 (this act) is to make those changes.

**Sec. 2.** RCW 82.29A.020 and 1991 c 272 s 23 are each amended to read as follows:

As used in this chapter the following terms shall be defined as follows, unless the context otherwise requires:

(1) "Leasehold interest" shall mean an interest in publicly owned real or personal property which exists by virtue of any lease, permit, license, or any other agreement, written or verbal, between the public owner of the property and a person who would not be exempt from property taxes if that person owned the property in fee, granting possession and use, to a degree less than fee simple ownership: PROVIDED, That no interest in personal property (excluding land or buildings) which is owned by the United States, whether or not as trustee, or by any foreign government shall constitute a leasehold interest hereunder when the right to use such property is granted pursuant to a contract solely for the manufacture or production of articles for sale to the United States or any foreign government. The term "leasehold interest" shall include the rights of use or occupancy by others of property which is owned in fee or held in trust by a public corporation, commission, or authority created under RCW 35.21.730 or 35.21.660 if the property is listed on or is within a district listed on any federal or state register of historical sites. The term "leasehold interest" shall not include road or utility easements ~~((or))~~, rights of access, occupancy, or use granted solely for the purpose of removing materials or products purchased from a public owner or the lessee of a public owner, or rights of access, occupancy, or use granted solely for the purpose of natural energy resource exploration.

(2) "Taxable rent" shall mean contract rent as defined in subsection (a) of this subsection in all cases where the lease or agreement has been established or renegotiated through competitive bidding, or negotiated or renegotiated in accordance with statutory requirements regarding the rent payable, or negotiated or renegotiated under circumstances, established by public record, clearly showing that the contract rent was the maximum attainable by the lessor: PROVIDED, That after January 1, 1986, with respect to any lease which has been in effect for ten years or more without renegotiation, taxable rent may be established by procedures set forth in subsection (b) of this subsection. All other leasehold interests shall be subject to the determination of taxable rent under the terms of subsection (b) of this subsection.

For purposes of determining leasehold excise tax on any lands on the Hanford reservation subleased to a private or public entity by the department of ecology, taxable rent shall include only the annual cash rental payment made by such entity to the department of ecology as specifically referred to as rent in the sublease agreement between the parties and shall not include any other fees, assessments, or charges imposed on or collected by such entity irrespective of whether the private or public entity pays or collects such other fees, assessments, or charges as specified in the sublease agreement.

(a) "Contract rent" shall mean the amount of consideration due as payment for a leasehold interest, including: The total of cash payments made to the lessor or to another party for the benefit of the lessor according to the requirements of the lease or agreement, including any rents paid by a sublessee; expenditures for the protection of the lessor's interest when required by the terms of the lease or agreement; and expenditures for improvements to the property to the extent that such improvements become the property of the lessor. Where the consideration conveyed for the leasehold interest is made in combination with payment for concession or other rights granted by the lessor, only that portion of such payment which represents consideration for the leasehold interest shall be part of contract rent.

"Contract rent" shall not include: (i) Expenditures made by the lessee, which under the terms of the lease or agreement, are to be reimbursed by the lessor to the lessee or expenditures for improvements and protection made pursuant to a lease or an agreement which requires that the use of the improved property be open to the general public and that no profit will inure to the lessee from the lease; (ii) expenditures made by the lessee for the replacement or repair of facilities due to fire or other casualty including payments for insurance to provide reimbursement for losses or payments to a public or private entity for protection of such property from damage or loss or for alterations or additions made necessary by an action of government taken after the date of the execution of the lease or agreement; (iii) improvements added to publicly owned property by a sublessee under an agreement



executed prior to January 1, 1976, which have been taxed as personal property of the sublessee prior to January 1, 1976, or improvements made by a sublessee of the same lessee under a similar agreement executed prior to January 1, 1976, and such improvements shall be taxable to the sublessee as personal property; (iv) improvements added to publicly owned property if such improvements are being taxed as personal property to any person.

Any prepaid contract rent shall be considered to have been paid in the year due and not in the year actually paid with respect to prepayment for a period of more than one year. Expenditures for improvements with a useful life of more than one year which are included as part of contract rent shall be treated as prepaid contract rent and prorated over the useful life of the improvement or the remaining term of the lease or agreement if the useful life is in excess of the remaining term of the lease or agreement. Rent prepaid prior to January 1, 1976, shall be prorated from the date of prepayment.

With respect to a "product lease", the value ~~((of agricultural products received as rent shall be the value at the place of delivery as of the fifteenth day of the month of delivery; with respect to all other products received as contract rent, the value))~~ shall be that value determined at the time of sale under terms of the lease.

(b) If it shall be determined by the department of revenue, upon examination of a lessee's accounts or those of a lessor of publicly owned property, that a lessee is occupying or using publicly owned property in such a manner as to create a leasehold interest and that such leasehold interest has not been established through competitive bidding, or negotiated in accordance with statutory requirements regarding the rent payable, or negotiated under circumstances, established by public record, clearly showing that the contract rent was the maximum attainable by the lessor, the department may establish a taxable rent computation for use in determining the tax payable under authority granted in this chapter based upon the following criteria: (i) Consideration shall be given to rental being paid to other lessors by lessees of similar property for similar purposes over similar periods of time; (ii) consideration shall be given to what would be considered a fair rate of return on the market value of the property leased less reasonable deductions for any restrictions on use, special operating requirements or provisions for concurrent use by the lessor, another person or the general public.

(3) "Product lease" as used in this chapter shall mean a lease of property for use in the production of agricultural or marine products to the extent that such lease provides for the contract rent to be paid by the delivery of a stated percentage of the production of such agricultural or marine products to the credit of the lessor or the payment to the lessor of a stated percentage of the proceeds from the sale of such products.

(4) "Renegotiated" means a change in the lease agreement which changes the agreed time of possession, restrictions on use, the rate of the cash rental or of any other consideration payable by the lessee to or for the benefit of the lessor, other than any such change required by the terms of the lease or agreement. In addition "renegotiated" shall mean a continuation of possession by the lessee beyond the date when, under the terms of the lease agreement, the lessee had the right to vacate the premises without any further liability to the lessor.

(5) "City" means any city or town.

(6) "Products" includes natural resource products such as cut or picked evergreen foliage, Cascara bark, wild edible mushrooms, native ornamental trees and shrubs, ore and minerals, natural gas, geothermal water and steam, and forage removed through the grazing of livestock."

Signed by Representatives Dunshee, Democratic Co-Chair; Thomas, Republican Co-Chair; Carrell, Republican Vice Chair; Reardon, Democratic Vice Chair; Cairnes; Conway; Cox; Dickerson; Pennington; Santos; Van Luven and Veloria.

Voting yea: Representatives Dunshee, Thomas, Carrell, Reardon, Cairnes, Conway, Cox, Dickerson, Pennington, Santos, Van Luven and Veloria.

Passed to Rules Committee for Second Reading.

April 5, 1999

ESSB 5712 Prime Sponsor, Senate Committee on Senate Commerce, Trade, Housing & Financial Institutions and Insurance: Regulating motel liquor licenses. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

Voice vote: 32 members present.

Passed to Rules Committee for Second Reading.

April 5, 1999

ESB 5720 Prime Sponsor, Senator Shin: Promoting cooperative real estate research. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Commerce & Labor (For amendment, see Journal 82<sup>nd</sup> Day, April 2, 1999). Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

Voice vote: 32 members present.

Passed to Rules Committee for Second Reading.

April 5, 1999

SSB 5746 Prime Sponsor, Senate Committee on Ways & Means: Modifying certain exemption language for new and rehabilitated multiple-unit dwellings in urban centers. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Democratic Co-Chair; Thomas, Republican Co-Chair; Carrell, Republican Vice Chair; Reardon, Democratic Vice Chair; Cairnes; Conway; Cox; Dickerson; Pennington; Santos; Van Luven and Veloria.

Voting yea: Representatives Dunshee, Thomas, Carrell, Reardon, Cairnes, Conway, Cox, Dickerson, Pennington, Santos, Van Luven and Veloria.

Passed to Rules Committee for Second Reading.

April 5, 1999

SSB 5781 Prime Sponsor, Senate Committee on Transportation: Extending the commute trip tax reduction credit. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 82.04.4453 and 1996 c 128 s 1 are each amended to read as follows:

(1)(a) Employers in this state who are taxable under this chapter and provide financial incentives to their employees for ride sharing, for using public transportation, or for using nonmotorized commuting before June 30, ~~((2000))~~ 2006, shall be allowed a credit for amounts paid to or on behalf of employees for ride sharing in vehicles carrying two or more persons, for using public transportation, or for using nonmotorized commuting, not to exceed sixty dollars per employee per year. The credit shall be equal to the amount paid to or on behalf of each employee multiplied by fifty percent, but may not exceed sixty dollars per employee per year.

(b) Property managers who are taxable under this chapter and provide financial incentives to persons employed at a worksite managed by the property manager in this state for ride sharing, for using public transportation, or for using nonmotorized commuting before June 30, 2006, shall be allowed a credit for amounts paid to or on behalf of these persons for ride sharing in vehicles carrying two or more persons, for using public transportation, or for using nonmotorized commuting, not to exceed sixty dollars per person per year. A person may not take a credit under this section for amounts claimed for credit by other persons.

(c) For ride sharing in vehicles carrying two persons, the credit shall be equal to the amount paid to or on behalf of each employee multiplied by thirty percent, but may not exceed sixty dollars per employee per year. The credit may not exceed the amount of tax that would otherwise be due under this chapter.

(2) Application for tax credit under this chapter may only be made in the form and manner prescribed in rules adopted by the department.

(3) The credit shall be taken not more than once quarterly and not less than once annually against taxes due for the same calendar year in which the amounts for which credit is claimed were paid to or on behalf of employees for ride sharing, for using public transportation, or for using nonmotorized commuting and must be claimed by the due date of the last tax return for the calendar year in which the payment is made.

(4) The director shall on the 25th of February, May, August, and November of each year advise the state treasurer of the amount of credit taken during the preceding calendar quarter ending on the last day of December, March, June, and September, respectively.

(5) On the first of April, July, October, and January of each year, the state treasurer based upon information provided by the department shall deposit to the general fund a sum equal to the dollar amount of the credit provided under subsection (1) of this section from the air pollution control account ~~((to the general fund)), the transportation account, and the public transportation systems account.~~ The first draw on reimbursements to the general fund must be from the air pollution control account, and reimbursements must not exceed one and one-half million dollars in any calendar year for the tax credits claimed under RCW 82.04.4453 and 82.16.048. Reimbursements to the general fund in excess of that amount drawn from the air pollution control account must be drawn, subject to appropriation, in equal amounts from the transportation account and the public transportation systems account; but in no case may those amounts exceed three hundred seventy-five thousand dollars from each account in any calendar year.

(6) The commute trip reduction task force shall determine the effectiveness of this tax credit as part of its ongoing evaluation of the commute trip reduction law and report ~~((no later than December 1, 1997,))~~ to the legislative transportation committee and to the fiscal committees of the house of representatives and the senate. The report shall include information on the amount of tax credits claimed to date and recommendations on future funding for the tax credit program. The report shall be incorporated into the recommendations required in RCW 70.94.537(5).

(7) Any person who knowingly makes a false statement of a material fact in the application for a credit under subsection (1) of this section is guilty of a gross misdemeanor.

(8) A person may not receive credit for amounts paid to or on behalf of the same employee under both this section and RCW 82.16.048.

**Sec. 2.** RCW 82.16.048 and 1996 c 128 s 3 are each amended to read as follows:

(1)(a) Employers in this state who are taxable under this chapter and provide financial incentives to their employees for ride sharing, for using public transportation, or for using nonmotorized commuting before June 30, ~~((2000))~~ 2006, shall be allowed a credit for amounts paid to or on behalf of employees for ride sharing in vehicles carrying two or more persons, for using public transportation, or for using nonmotorized commuting, not to exceed sixty dollars per employee per year. The credit shall be equal to the amount paid to or on behalf of each employee multiplied by fifty percent, but may not exceed sixty dollars per employee per year.

(b) Property managers who are taxable under this chapter and provide financial incentives to persons employed at a worksite managed by the property manager in this state for ride sharing, for using public transportation, or for using nonmotorized commuting before June 30, 2006, shall be allowed a credit for amounts paid to or on behalf of these persons for ride sharing in vehicles carrying two or more persons, for using public transportation, or for using nonmotorized commuting, not to exceed sixty dollars per person per year. A person may not take a credit under this section for amounts claimed for credit by other persons.

(c) For ride sharing in vehicles carrying two persons, the credit shall be equal to the amount paid to or on behalf of each employee multiplied by thirty percent, but may not exceed sixty dollars per employee per year. The credit may not exceed the amount of tax that would otherwise be due under this chapter.

(2) Application for tax credit under this chapter may only be made in the form and manner prescribed in rules adopted by the department.

(3) The credit shall be taken not more than once quarterly and not less than once annually against taxes due for the same calendar year in which the amounts for which credit is claimed were paid to or on behalf of employees for ride sharing, for using public transportation, or for using nonmotorized commuting and must be claimed by the due date of the last tax return for the calendar year in which the payment is made.

(4) The director shall on the 25th of February, May, August, and November of each year advise the state treasurer of the amount of credit taken during the preceding calendar quarter ending on the last day of December, March, June, and September, respectively.

(5) On the first of April, July, October, and January of each year, the state treasurer based upon information provided by the department shall deposit to the general fund a sum equal to the dollar amount of the credit provided under subsection (1) of this section from the air pollution control account ~~((to the general fund))~~, the transportation account, and the public transportation systems account. The first draw on reimbursements to the general fund must be from the air pollution control account, and reimbursements must not exceed one and one-half million dollars in any calendar year for the tax credits claimed under RCW 82.04.4453 and 82.16.048. Reimbursements to the general fund in excess of that amount drawn from the air pollution control account must be drawn, subject to appropriation, in equal amounts from the transportation account and the public transportation systems account; but in no case may those amounts exceed three hundred seventy-five thousand dollars from each account in any calendar year.

(6) The commute trip reduction task force shall determine the effectiveness of this tax credit as part of its ongoing evaluation of the commute trip reduction law and report ~~((no later than December 1, 1997,))~~ to the legislative transportation committee and to the fiscal committees of the house of representatives and the senate. The report shall include information on the amount of tax credits claimed to date and recommendations on future funding for the tax credit program. The report shall be incorporated into the recommendations required in RCW 70.94.537(5).

(7) Any person who knowingly makes a false statement of a material fact in the application for a credit under subsection (1) of this section is guilty of a gross misdemeanor.

(8) A person may not receive credit for amounts paid to or on behalf of the same employee under both this section and RCW 82.04.4453.

**Sec. 3.** RCW 82.04.4454 and 1996 c 128 s 2 are each amended to read as follows:

(1) The department shall keep a running total of all credits granted under RCW 82.04.4453 and 82.16.048 during each calendar year, and shall disallow any credits that would cause the tabulation for any calendar year to exceed ~~((one))~~ two million ~~((five))~~ two hundred twenty-five thousand dollars, or

the amount provided from the air pollution control account and the appropriations from the transportation account and the public transportation systems account, whichever is less.

(2) No ~~((employer shall be))~~ person is eligible for tax credits under RCW 82.04.4453 and 82.16.048 in excess of one hundred thousand dollars in any calendar year.

(3) No ~~((employer shall be))~~ person is eligible for tax credits under RCW 82.04.4453 in excess of the amount of tax that would otherwise be due under this chapter.

(4) No portion of an application for credit disallowed under this section may be carried back or carried forward.

**Sec. 4.** RCW 82.16.049 and 1996 c 128 s 4 are each amended to read as follows:

(1) The department shall keep a running total of all credits granted under RCW 82.04.4453 and 82.16.048 during each calendar year, and shall disallow any credits that would cause the tabulation for any calendar year to exceed ~~((one))~~ two million ~~((five))~~ two hundred twenty-five thousand dollars, or the amount provided from the air pollution control account and the appropriations from the transportation account and the public transportation systems account, whichever is less.

(2) No ~~((employer shall be))~~ person is eligible for tax credits under RCW 82.04.4453 and 82.16.048 in excess of one hundred thousand dollars in any calendar year.

(3) No ~~((employer shall be))~~ person is eligible for tax credits under RCW 82.16.048 in excess of the amount of tax that would otherwise be due under this chapter.

(4) No portion of an application for credit disallowed under this section may be carried back or carried forward.

**Sec. 5.** RCW 82.44.180 and 1998 c 321 s 41 (Referendum Bill No. 49) are each amended to read as follows:

(1) The transportation fund is created in the state treasury. Revenues under RCW 82.44.110 and 82.50.510 shall be deposited into the fund as provided in those sections.

Moneys in the fund may be spent only after appropriation. Expenditures from the fund may be used only for transportation purposes and activities and operations of the Washington state patrol not directly related to the policing of public highways and that are not authorized under Article II, section 40 of the state Constitution.

~~(2) ((There is hereby created the central Puget Sound public transportation account within the transportation fund. Moneys deposited into the account under RCW 82.44.150(2)(b) shall be appropriated to the transportation improvement board and allocated by the transportation improvement board to public transportation projects within the region from which the funds are derived, solely for:~~

~~(a) Planning;~~

~~(b) Development of capital projects;~~

~~(c) Development of high capacity transportation systems as defined in RCW 81.104.015;~~

~~(d) Development of high occupancy vehicle lanes and related facilities as defined in RCW 81.100.020; and~~

~~(e) Public transportation system contributions required to fund projects under federal programs and those approved by the transportation improvement board from other fund sources.~~

~~(3))~~ There is hereby created the public transportation systems account within the transportation fund. Moneys deposited into the account under RCW 82.44.150(2)(b) and (c) shall be appropriated to the transportation improvement board and allocated by the transportation improvement board to public transportation projects submitted by the public transportation systems ~~((from which the funds are derived))~~ as defined by chapters 36.56, 36.57, and 36.57A RCW and RCW 35.84.060 and 81.112.030, and the Washington state ferry system, solely for:

(a) Planning;

(b) Development of capital projects;

(c) Development of high capacity transportation systems as defined in RCW 81.104.015;

(d) Development of high occupancy vehicle lanes and related facilities as defined in RCW 81.100.020;

(e) Other public transportation system-related roadway projects on state highways, county roads, or city streets; ~~((and))~~

(f) Public transportation system contributions required to fund projects under federal programs and those approved by the transportation improvement board from other fund sources; and  
(g) Reimbursement to the general fund of tax credits authorized under RCW 82.04.4453 and 82.16.048, subject to appropriation.

**Sec. 6.** 1996 c 128 s 7 (uncodified) is amended to read as follows:

- (1) This act takes effect July 1, 1996.
- (2) This act expires December 31, (~~2000~~) 2006.

**Sec. 7.** 1996 c 128 s 6 (uncodified) is amended to read as follows:  
This act shall expire December 31, (~~2000~~) 2006.

NEW SECTION. **Sec. 8.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions and takes effect July 1, 1999."

Correct the title.

Signed by Representatives Fisher, Democratic Co-Chair; K. Schmidt, Republican Co-Chair; Cooper, Democratic 1st Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; Buck; G. Chandler; DeBolt; Fortunato; Haigh; Hatfield; Hurst; Lovick; McDonald; Mitchell; Murray; Ogden; Pflug; Radcliff; Schindler; Schual-Berke; Skinner and Wood.

Voting yea: Representatives Fisher, Schmidt, K, Cooper, Ericksen, Buck, Chandler, G., DeBolt, Fortunato, Haigh, Hatfield, Hurst, Lovick, McDonald, Mielke, Mitchell, Murray, Ogden, Pflug, Radcliff, Schindler, Schual-Berke, Skinner and Wood.

Excused: Representative(s) Edwards, Hankins, Morris, Romero, and Scott.

Passed to Rules Committee for Second Reading.

April 5, 1999

ESB 5789 Prime Sponsor, Senator Bauer: Creating the K-20 educational network board. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.105.020 and 1993 c 280 s 78 are each amended to read as follows:

As used in this chapter, unless the context indicates otherwise, the following definitions shall apply:

- (1) "Department" means the department of information services;
- (2) "Board" means the information services board;
- (3) "Local governments" includes all municipal and quasi municipal corporations and political subdivisions, and all agencies of such corporations and subdivisions authorized to contract separately;
- (4) "Director" means the director of the department;
- (5) "Purchased services" means services provided by a vendor to accomplish routine, continuing, and necessary functions. This term includes, but is not limited to, services acquired for equipment maintenance and repair, operation of a physical plant, security, computer hardware and software installation and maintenance, data entry, keypunch services, programming services, and computer time-sharing;

(6) "Backbone network" means the shared high-density portions of the state's telecommunications transmission facilities. It includes specially conditioned high-speed communications carrier lines, multiplexors, switches associated with such communications lines, and any equipment and software components necessary for management and control of the backbone network;

(7) "Telecommunications" means the transmission of information by wire, radio, optical cable, electromagnetic, or other means;

(8) "Information processing" means the electronic capture, collection, storage, manipulation, transmission, retrieval, and presentation of information in the form of data, text, voice, or image and includes telecommunications and office automation functions;

(9) "Information services" means data processing, telecommunications, and office automation;

(10) "Equipment" means the machines, devices, and transmission facilities used in information processing, such as computers, word processors, terminals, telephones, and cables;

(11) "Proprietary software" means that software offered for sale or license;

(12) "Video telecommunications" means the electronic interconnection of two or more sites for the purpose of transmitting and/or receiving visual and associated audio information. Video telecommunications shall not include existing public television broadcast stations as currently designated by the department of community, trade, and economic development under chapter 43.330 RCW;

(13) "K-20 educational network board" or "K-20 board" means the K-20 educational network board created in section 2 of this act;

(14) "K-20 network technical steering committee" or "committee" means the K-20 network technical steering committee created in section 6 of this act;

(15) "K-20 network" means the network established in RCW 28D.02.070;

(16) "Educational sectors" means those institutions of higher education, school districts, and educational service districts that use the network for distance education, data transmission, and other uses permitted by the K-20 board.

**NEW SECTION. Sec. 2.** The K-20 educational network board is created. The purpose of the K-20 board is to ensure that the K-20 educational telecommunications network is operated in a way that serves the broad public interest above the interest of any network user.

(1) The K-20 board shall comprise eleven voting and seven nonvoting members as follows:

(a) Voting members shall include: A person designated by the governor; one member of each caucus of the senate, appointed by the president of the senate; one member of each caucus of the house of representatives, appointed by the speaker of the house of representatives; the superintendent of public instruction or his or her designee; the executive director of the higher education coordinating board or his or her designee; the executive director of the state board for community and technical colleges or his or her designee; the chair of the information services board, or his or her designee; the director of the department of information services or his or her designee; and one citizen member.

The citizen member shall be appointed to a four-year term by the governor with the consent of the senate. The governor shall appoint the citizen member of the K-20 board by July 30, 1999.

(b) Nonvoting members shall include one community or technical college president, appointed by the state board for technical and community colleges; one president of a public baccalaureate institution, appointed by the council of presidents; the state librarian; one educational service district superintendent, one school district superintendent, and one representative of an approved private school, appointed by the superintendent of public instruction; and one representative of independent baccalaureate institutions, appointed by the Washington association of independent colleges and universities.

(2) The director of the department of information services or his or her designee shall serve as chair of the K-20 board. The department of information services shall provide staffing to the K-20 board. A majority of the voting members of the K-20 board shall constitute a quorum for the transaction of business.

(3) The citizen member of the K-20 board shall be compensated in accordance with RCW 43.03.250.

NEW SECTION. **Sec. 3.** The new section is added to chapter 43.105 RCW to read as follows:

The K-20 board has the following powers and duties:

- (1) In cooperation with the educational sectors and other interested parties, to establish goals and measurable objectives for the network;
- (2) To ensure that the goals and measurable objectives of the network are the basis for any decisions or recommendations regarding the technical development and operation of the network;
- (3) To adopt, modify, and implement policies to facilitate network development, operation, and expansion. Such policies may include but need not be limited to the following issues: Quality of educational services; access to the network by recognized organizations and accredited institutions that deliver educational programming, including public libraries; prioritization of programming within limited resources; prioritization of access to the system and the sharing of technological advances; network security; identification and evaluation of emerging technologies for delivery of educational programs; future expansion or redirection of the system; network fee structures; and costs for the development and operation of the network;
- (4) To prepare and submit to the governor and the legislature a coordinated budget for network development, operation, and expansion. The budget shall include the recommendations of the K-20 board on any state funding requested for network transport and equipment, distance education facilities and hardware or software specific to the use of the network, and proposed new network end sites;
- (5) To adopt and monitor the implementation of a methodology to evaluate the effectiveness of the network in achieving the educational goals and measurable objectives;
- (6) To authorize the release of funds from the K-20 technology account under RCW 28D.02.060 (as recodified by this act) for network expenditures;
- (7) To establish by rule acceptable use policies governing user eligibility for participation in the K-20 network, acceptable uses of network resources, and procedures for enforcement of such policies. The K-20 board shall set forth appropriate procedures for enforcement of acceptable use policies, that may include suspension of network connections and removal of shared equipment for violations of network conditions or policies. However, the information services board shall have sole responsibility for the implementation of enforcement procedures relating to technical conditions of use.

NEW SECTION. **Sec. 4.** A new section is added to chapter 43.105 RCW to read as follows:  
Actions of the telecommunications oversight and policy committee in effect on June 30, 1999, shall remain in effect thereafter unless modified or repealed by the K-20 board.

**Sec. 5.** RCW 43.105.041 and 1996 c 171 s 8 and 1996 c 137 s 12 are each reenacted and amended to read as follows:

- (1) The board shall have the following powers and duties related to information services:
  - (a) To develop standards governing the acquisition and disposition of equipment, proprietary software and purchased services, and confidentiality of computerized data;
  - (b) To purchase, lease, rent, or otherwise acquire, dispose of, and maintain equipment, proprietary software, and purchased services, or to delegate to other agencies and institutions of state government, under appropriate standards, the authority to purchase, lease, rent, or otherwise acquire, dispose of, and maintain equipment, proprietary software, and purchased services: PROVIDED, That, agencies and institutions of state government are expressly prohibited from acquiring or disposing of equipment, proprietary software, and purchased services without such delegation of authority. The acquisition and disposition of equipment, proprietary software, and purchased services is exempt from RCW 43.19.1919 and, as provided in RCW 43.19.1901, from the provisions of RCW 43.19.190 through 43.19.200. This subsection (1)(b) does not apply to the legislative branch;
  - (c) To develop state-wide or interagency technical policies, standards, and procedures;
  - (d) To review and approve standards and common specifications for new or expanded telecommunications networks proposed by agencies, public postsecondary education institutions, educational service districts, or state-wide or regional providers of K-12 information technology services, and to assure the cost-effective development and incremental implementation of a state-wide video telecommunications system to serve: Public schools; educational service districts; vocational-



technical institutes; community colleges; colleges and universities; state and local government; and the general public through public affairs programming;

(e) To provide direction concerning strategic planning goals and objectives for the state. The board shall seek input from the legislature and the judiciary;

(f) To develop and implement a process for the resolution of appeals by:

(i) Vendors concerning the conduct of an acquisition process by an agency or the department;

or

(ii) A customer agency concerning the provision of services by the department or by other state agency providers;

(g) To establish policies for the periodic review by the department of agency performance which may include but are not limited to analysis of:

(i) Planning, management, control, and use of information services;

(ii) Training and education; and

(iii) Project management;

(h) To set its meeting schedules and convene at scheduled times, or meet at the request of a majority of its members, the chair, or the director; and

(i) To review and approve that portion of the department's budget requests that provides for support to the board.

(2) State-wide technical standards to promote and facilitate electronic information sharing and access are an essential component of acceptable and reliable public access service and complement content-related standards designed to meet those goals. The board shall:

(a) Establish technical standards to facilitate electronic access to government information and interoperability of information systems. Local governments are strongly encouraged to follow the standards established by the board; and

(b) Require agencies to consider electronic public access needs when planning new information systems or major upgrades of systems.

In developing these standards, the board is encouraged to include the state library, state archives, and appropriate representatives of state and local government.

(3)(a) The board, in consultation with the K-20 board, has the duty to govern, operate, and oversee the technical design, implementation, and operation of the K-20 network including, but not limited to, the following duties: Establishment and implementation of K-20 network technical policy, including technical standards and conditions of use; review and approval of network design; procurement of shared network services and equipment; and resolving user/provider disputes concerning technical matters. The board shall delegate general operational and technical oversight to the K-20 network technical steering committee as appropriate.

(b) The board has the authority to adopt rules under chapter 34.05 RCW to implement the provisions regarding the technical operations and conditions of use of the K-20 network.

**NEW SECTION. Sec. 6.** A new section is added to chapter 43.105 RCW to read as follows:  
The K-20 network technical steering committee is established, and shall report to the information services board.

(1) The committee consists of the following seven voting members: A representative of the higher education coordinating board, appointed by its executive director; a representative of the superintendent of public instruction, appointed by the superintendent of public instruction; a representative of the state board for community and technical colleges, appointed by its executive director; a representative of the educational services districts, appointed by that organization; a representative of the baccalaureate institutions, appointed by the council of presidents; a representative of the computer or telecommunications industry, appointed by the governor; and a representative of the department, appointed by the director. The committee includes as Representative \* was excused. officio, nonvoting members, a representative of the organization that operates the K-20 network under section 8 of this act, appointed by that organization; the state librarian; a representative of the independent nonprofit institutions of higher education, appointed by the Washington association of independent colleges and universities; and such additional Representative \* was excused. officio,

nonvoting members as may be appointed by the information services board. The committee shall select a chair from among its members.

(2) The committee shall have general operational and technical oversight over the K-20 network, as delegated by the information services board.

(3) The department shall supply necessary staff support to the committee.

**NEW SECTION. Sec. 7.** A new section is added to chapter 43.105 RCW to read as follows:

(1) In overseeing the technical aspects of the K-20 network, the information services board is not intended to duplicate the statutory responsibilities of the higher education coordinating board, the superintendent of public instruction, the information services board, the state librarian, or the governing boards of the institutions of higher education.

(2) The board may not interfere in any curriculum or legally offered programming offered over the network.

(3) The coordination of telecommunications planning for institutions of higher education as defined in RCW 28B.10.016 remains the responsibility of the higher education coordinating board under RCW 28B.80.600. The board may recommend, but not require, revisions to the higher education coordinating board's telecommunications plan.

(4) The responsibility to review and approve standards and common specifications for the network remains the responsibility of the information services board under RCW 43.105.041.

(5) The coordination of telecommunications planning for the common schools remains the responsibility of the superintendent of public instruction. Except as set forth in RCW 43.105.041(1)(d), the board may recommend, but not require, revisions to the superintendent's telecommunications plans.

**NEW SECTION. Sec. 8.** A new section is added to chapter 43.105 RCW to read as follows:

The department shall maintain, in consultation with the network users and the board, the K-20 operations cooperative, which shall be responsible for day-to-day network management, technical network status monitoring, technical problem response coordination, and other duties as agreed to by the department, the educational sectors, and the information services board. Funding for the K-20 operations cooperative shall be provided from the K-20 revolving fund under RCW 28D.02.065 (as recodified by this act).

**Sec. 9.** RCW 28D.02.060 and 1997 c 180 s 2 are each amended to read as follows:

The K-20 technology account is hereby created in the state treasury. The department of information services shall deposit into the account moneys received from legislative appropriations, gifts, grants, and endowments for the buildout and installation of the K-20 telecommunication system. The account shall be subject to appropriation and may be expended solely for the K-20 telecommunication system (~~approved by the committee under RCW 28D.02.010~~). Disbursements from the account shall be on authorization of the director of the department of information services with approval of the (~~committee under RCW 28D.02.010~~) board.

**Sec. 10.** RCW 28D.02.065 and 1997 c 180 s 1 are each amended to read as follows:

(1) The education technology revolving fund is created in the custody of the state treasurer. All receipts from billings under subsection (2) of this section must be deposited in the revolving fund. Only the director of the department of information services or the director's designee may authorize expenditures from the fund. The revolving fund shall be used (~~only~~) to pay for (~~the acquisition of~~) network operations, transport, equipment, software, supplies, and services, maintenance and depreciation of on-site data, and shared infrastructure, and other costs incidental to the (~~acquisition~~) development, operation, and administration of shared educational information technology services, telecommunications, and systems. The revolving fund shall not be used for the acquisition, maintenance, or operations of local (~~networks or~~) telecommunications infrastructure or the maintenance or depreciation of on-premises video equipment specific to a particular institution or group of institutions.

(2) The revolving fund and all disbursements from the revolving fund are subject to the allotment procedure under chapter 43.88 RCW, but an appropriation is not required for expenditures. The department of information services shall, in consultation with entities connected to the network under RCW 28D.02.070 (as recodified by this act) and subject to the review and approval of the office ~~((of))~~ of financial management, establish and implement a billing structure ~~((to assure that all network users pay an equitable share of the costs in relation to their usage of the network))~~ for network services identified in subsection (1) of this section.

**Sec. 11.** RCW 28D.02.070 and 1996 c 137 s 8 are each amended to read as follows:

The information services board shall prepare a technical plan for the design and construction of the K-20 telecommunication system. The board shall ensure that the technical plan adheres to the ~~((principles described in RCW 28D.02.020 and the))~~ goals and objectives established ~~((by the committee))~~ under RCW ~~((28D.02.010))~~ 43.105.041. The board shall provide formal project approval and oversight during the development and implementation of the K-20 telecommunications network. In approving the plan, the board shall conduct a request for proposal process. The technical plan shall be developed in phases as follows:

(1) Phase one shall provide a telecommunication backbone connecting educational service districts, the main campuses of public baccalaureate institutions, the branch campuses of public research institutions, and the main campuses of community colleges and technical colleges.

(2) Phase two shall provide for (a) connection to the network by entities that include, but need not be limited to: School districts, public higher education off-campus and extension centers, and branch campuses of community colleges and technical colleges, ~~((and independent nonprofit baccalaureate institutions,))~~ as prioritized by the ~~((K-20))~~ K-20 telecommunications oversight and policy committee, or as modified by the board; ~~((and))~~ (b) distance education facilities and components for entities listed in subsections (1) and (2) of this section; and (c) connection for independent nonprofit institutions of higher education, provided that:

(i) The K-20 board and each independent nonprofit institution of higher education to be connected agree in writing to terms and conditions of connectivity. The terms and conditions shall ensure, among other things, that the provision of K-20 services does not violate Article VIII, section 5 of the state Constitution and that the institution shall adhere to network policies; and

(ii) The K-20 board determines that inclusion of the independent nonprofit institutions of higher education will not significantly affect the network's eligibility for federal universal service fund discounts or subsidies.

(3) Subsequent phases may include, but need not be limited to, connections to public libraries, state and local governments, community resource centers, and the private sector.

NEW SECTION. **Sec. 12.** RCW 28D.02.060, 28D.02.065, and 28D.02.070 are each recodified as sections in chapter 43.105 RCW.

NEW SECTION. **Sec. 13.** The following acts or parts of acts are each repealed:

- (1) RCW 28D.02.005 (Intent--Finding) and 1996 c 137 s 1;
- (2) RCW 28D.02.010 (K-20 telecommunications oversight and policy committee) and 1996 c 137 s 2;
- (3) RCW 28D.02.020 (Design and implementation plan) and 1996 c 137 s 3;
- (4) RCW 28D.02.030 (Proposed location plan of higher education delivery sites) and 1996 c 137 s 4;
- (5) RCW 28D.02.040 (Proposed location plan of public education delivery sites) and 1996 c 137 s 5; and
- (6) RCW 28D.02.050 (Network governance structure--Recommendations of the higher education coordinating board and the superintendent of public instruction) and 1996 c 137 s 6.

NEW SECTION. **Sec. 14.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 1999."

Correct the title.

Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

Voice vote: 32 members present.

Passed to Rules Committee for Second Reading.

April 5, 1999

ESB 5798 Prime Sponsor, Senator Fairley: Assisting needy families. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

Voice vote: 32 members present.

Passed to Rules Committee for Second Reading.

April 5, 1999

ESSB 5812 Prime Sponsor, Senate Committee on Health & Long-Term Care: Requiring prompt payment of health care claims. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Health Care (For amendment, see Journal 82<sup>nd</sup> Day, April 2, 1999).

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that there is a need for a consistent and enforceable claims payment standard for the provision of health care services by health care facilities and providers to enrollees of carrier health plans and enrollees and beneficiaries of public programs.

**NEW SECTION. Sec. 2.** A new section is added to chapter 48.43 RCW to read as follows:  
(1) For the purposes of this section:  
(a) "Payer" means any group or individual disability insurer regulated under chapter 48.20 or 48.21 RCW, a health care service contractor regulated under chapter 48.44 RCW, a health maintenance organization regulated under chapter 48.46 RCW, self-insured entities subject to the jurisdiction of the state of Washington, except for self-insurers operating under chapter 51.14 RCW, the department of social and health services operating under chapter 74.09 RCW, and the Washington state health care authority as established pursuant to chapter 41.05 RCW and as authorized pursuant to chapter 70.47 RCW.

(b) "Clean claim" means a claim that has no defect or impropriety, including any lack of any required substantiating documentation, or particular circumstances requiring special treatment that prevents timely payments from being made on the claim under this law.

(c) "Provider" means "health care facility" or "facility," "health care provider" or "provider" as defined in RCW 48.43.005, and services licensed under chapter 18.73 RCW.

(2)(a) For health services provided to covered persons, a payer shall pay providers as soon as practical but subject to the following minimum standards: (i) Ninety-five percent of the monthly volume of clean claims shall be paid within thirty days of receipt by the responsible payer or agent; and (ii) ninety-five percent of the monthly volume of all claims shall be paid or denied within sixty days of receipt by the responsible payer or agent, except as agreed to in writing by the parties on a claim-by-claim basis. Denial of a claim must be communicated to the provider and must include the reason the claim was denied.

(b) The receipt date of a claim is the date the responsible payer or its agent receives either written or electronic notice of the claim.

(3) Any payer failing to pay claims within the standard established under subsection (2) of this section shall pay interest on undenied and unpaid clean claims more than sixty-one days old until the payer meets the standard under subsection (2) of this section. Interest shall be assessed at the rate of one percent per month, and shall be calculated monthly as simple interest prorated for any portion of a month. The payer shall add the interest payable to the amount of the unpaid claim without the necessity of the provider submitting an additional claim. Any interest paid under this section shall not be applied by the payer to an enrollee's deductible, copayment, coinsurance, or any similar obligation of the enrollee.

(4) This section does not apply to claims where there is substantial evidence of fraud or misrepresentation by providers or patients, or instances where the payer has not been granted access to information under the provider's control.

(5) Providers and payers are not required to comply with this section if the failure to comply is occasioned by an act of God, bankruptcy, act of a governmental authority responding to an act of God or other emergency; or the result of a strike, lockout, or other labor dispute.

(6) The insurance commissioner is prohibited from adopting rules regarding this section.

**NEW SECTION. Sec. 3.** The department of health shall establish a committee composed of three representatives from payers, three representatives from providers, and one representative from the department of health. The committee shall study trends and issues and make recommendations regarding future legislative, regulatory, or private solutions, including electronic billings, that will promote timely and accurate payment of health claims.

**Sec. 4.** RCW 51.36.080 and 1998 c 245 s 104 are each amended to read as follows:

(1) All fees and medical charges under this title shall conform to the fee schedule established by the director ~~((and))~~. At least ninety-five percent of the monthly volume of proper billings shall be paid within sixty days of receipt by the department of a proper billing in the form prescribed by department rule or sixty days after the claim is allowed by final order or judgment, if an otherwise proper billing is received by the department prior to final adjudication of claim allowance. The department shall pay interest at the rate of one percent per month, but at least one dollar per month, whenever the payment period exceeds the applicable sixty-day period on all proper fees and medical charges.

Beginning in fiscal year 1987, interest payments under this subsection may be paid only from funds appropriated to the department for administrative purposes.

Nothing in this section may be construed to require the payment of interest on any billing, fee, or charge if the industrial insurance claim on which the billing, fee, or charge is predicated is ultimately rejected or the billing, fee, or charge is otherwise not allowable.

In establishing fees for medical and other health care services, the director shall consider the director's duty to purchase health care in a prudent, cost-effective manner without unduly restricting access to necessary care by persons entitled to the care. With respect to workers admitted as hospital inpatients on or after July 1, 1987, the director shall pay for inpatient hospital services on the basis of

diagnosis-related groups, contracting for services, or other prudent, cost-effective payment method, which the director shall establish by rules adopted in accordance with chapter 34.05 RCW.

(2) The director may establish procedures for selectively or randomly auditing the accuracy of fees and medical billings submitted to the department under this title.

NEW SECTION. **Sec. 5.** Sections 1, 2, and 4 of this act take effect September 1, 2000.

NEW SECTION. **Sec. 6.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

Voice vote: 32 members present.

Passed to Rules Committee for Second Reading.

April 5, 1999

2SSB 5821 Prime Sponsor, Senate Committee on Ways & Means: Regulating designers of on-site wastewater treatment systems. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Commerce & Labor (For amendment, see Journal 82<sup>nd</sup> Day, April 2, 1999). Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

Voice vote: 32 members present.

Passed to Rules Committee for Second Reading.

April 5, 1999

SB 5837 Prime Sponsor, Senator Bauer: Allowing the chief administrative officer of a public utility district, port district, or county to join the retirement system. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** It is the intent of the legislature that retirement benefits represent a valuable element of the total compensation and benefits employees receive for their service. The value of these benefits is contained in the retirement income and cost-of-living adjustments provided to

employees who remain in public service until retirement. For the majority of public employees, this requires membership in the public employees' retirement system.

The legislature recognizes, however, that certain occupations display a pattern of interstate mobility which requires retirement benefits which are highly portable. Incumbents in these occupations gain little value from membership in the public employees' retirement system. In order to remove any barrier to employing qualified personnel in positions with high mobility, membership in the retirement system should be optional in those occupations.

**Sec. 2.** RCW 41.40.023 and 1997 c 254 s 11 are each amended to read as follows:

Membership in the retirement system shall consist of all regularly compensated employees and appointive and elective officials of employers, as defined in this chapter, with the following exceptions:

(1) Persons in ineligible positions;

(2) Employees of the legislature except the officers thereof elected by the members of the senate and the house and legislative committees, unless membership of such employees be authorized by the said committee;

(3)(a) Persons holding elective offices or persons appointed directly by the governor:

PROVIDED, That such persons shall have the option of applying for membership during such periods of employment: AND PROVIDED FURTHER, That any persons holding or who have held elective offices or persons appointed by the governor who are members in the retirement system and who have, prior to becoming such members, previously held an elective office, and did not at the start of such initial or successive terms of office exercise their option to become members, may apply for membership to be effective during such term or terms of office, and shall be allowed to establish the service credit applicable to such term or terms of office upon payment of the employee contributions therefor by the employee with interest as determined by the director and employer contributions therefor by the employer or employee with interest as determined by the director: AND PROVIDED FURTHER, That all contributions with interest submitted by the employee under this subsection shall be placed in the employee's individual account in the employee's savings fund and be treated as any other contribution made by the employee, with the exception that any contributions submitted by the employee in payment of the employer's obligation, together with the interest the director may apply to the employer's contribution, shall not be considered part of the member's annuity for any purpose except withdrawal of contributions;

(b) A member holding elective office who has elected to apply for membership pursuant to (a) of this subsection and who later wishes to be eligible for a retirement allowance shall have the option of ending his or her membership in the retirement system. A member wishing to end his or her membership under this subsection must file, on a form supplied by the department, a statement indicating that the member agrees to irrevocably abandon any claim for service for future periods served as an elected official. A member who receives more than fifteen thousand dollars per year in compensation for his or her elective service, adjusted annually for inflation by the director, is not eligible for the option provided by this subsection (3)(b);

(4) Employees holding membership in, or receiving pension benefits under, any retirement plan operated wholly or in part by an agency of the state or political subdivision thereof, or who are by reason of their current employment contributing to or otherwise establishing the right to receive benefits from any such retirement plan: PROVIDED, HOWEVER, In any case where the retirement system has in existence an agreement with another retirement system in connection with exchange of service credit or an agreement whereby members can retain service credit in more than one system, such an employee shall be allowed membership rights should the agreement so provide: AND PROVIDED FURTHER, That an employee shall be allowed membership if otherwise eligible while receiving survivor's benefits: AND PROVIDED FURTHER, That an employee shall not either before or after June 7, 1984, be excluded from membership or denied service credit pursuant to this subsection solely on account of: (a) Membership in the plan created under chapter 2.14 RCW; or (b) enrollment under the relief and compensation provisions or the pension provisions of the volunteer fire fighters' relief and pension fund under chapter 41.24 RCW;

(5) Patient and inmate help in state charitable, penal, and correctional institutions;

(6) "Members" of a state veterans' home or state soldiers' home;

(7) Persons employed by an institution of higher learning or community college, primarily as an incident to and in furtherance of their education or training, or the education or training of a spouse;

(8) Employees of an institution of higher learning or community college during the period of service necessary to establish eligibility for membership in the retirement plans operated by such institutions;

(9) Persons rendering professional services to an employer on a fee, retainer, or contract basis or when the income from these services is less than fifty percent of the gross income received from the person's practice of a profession;

(10) Persons appointed after April 1, 1963, by the liquor control board as agency vendors;

(11) Employees of a labor guild, association, or organization: PROVIDED, That elective officials and employees of a labor guild, association, or organization which qualifies as an employer within this chapter shall have the option of applying for membership;

(12) Retirement system retirees: PROVIDED, That following reemployment in an eligible position, a retiree may elect to prospectively become a member of the retirement system if otherwise eligible;

(13) Persons employed by or appointed or elected as an official of a first class city that has its own retirement system: PROVIDED, That any member elected or appointed to an elective office on or after April 1, 1971, shall have the option of continuing as a member of this system in lieu of becoming a member of the city system. A member who elects to continue as a member of this system shall pay the appropriate member contributions and the city shall pay the employer contributions at the rates prescribed by this chapter. The city shall also transfer to this system all of such member's accumulated contributions together with such further amounts as necessary to equal all employee and employer contributions which would have been paid into this system on account of such service with the city and thereupon the member shall be granted credit for all such service. Any city that becomes an employer as defined in RCW 41.40.010(4) as the result of an individual's election under this subsection shall not be required to have all employees covered for retirement under the provisions of this chapter. Nothing in this subsection shall prohibit a city of the first class with its own retirement system from: (a) Transferring all of its current employees to the retirement system established under this chapter, or (b) allowing newly hired employees the option of continuing coverage under the retirement system established by this chapter.

Notwithstanding any other provision of this chapter, persons transferring from employment with a first class city of over four hundred thousand population that has its own retirement system to employment with the state department of agriculture may elect to remain within the retirement system of such city and the state shall pay the employer contributions for such persons at like rates as prescribed for employers of other members of such system;

(14) Employees who (a) are not citizens of the United States, (b) do not reside in the United States, and (c) perform duties outside of the United States;

(15) Employees who (a) are not citizens of the United States, (b) are not covered by chapter 41.48 RCW, (c) are not excluded from membership under this chapter or chapter 41.04 RCW, (d) are residents of this state, and (e) make an irrevocable election to be excluded from membership, in writing, which is submitted to the director within thirty days after employment in an eligible position;

(16) Employees who are citizens of the United States and who reside and perform duties for an employer outside of the United States: PROVIDED, That unless otherwise excluded under this chapter or chapter 41.04 RCW, the employee may apply for membership (a) within thirty days after employment in an eligible position and membership service credit shall be granted from the first day of membership service, and (b) after this thirty-day period, but membership service credit shall be granted only if payment is made for the noncredited membership service under RCW 41.50.165(2), otherwise service shall be from the date of application;

(17) The city manager or chief administrative officer of a city or town, other than a retiree, who serves at the pleasure of an appointing authority: PROVIDED, That such persons shall have the option of applying for membership within thirty days from date of their appointment to such positions. Persons serving in such positions as of April 4, 1986, shall continue to be members in the retirement system unless they notify the director in writing prior to December 31, 1986, of their desire to



withdraw from membership in the retirement system. A member who withdraws from membership in the system under this section shall receive a refund of the member's accumulated contributions.

Persons serving in such positions who have not opted for membership within the specified thirty days, may do so by paying the amount required under RCW 41.50.165(2) for the period from the date of their appointment to the date of acceptance into membership;

(18) Persons serving as: (a) The chief administrative officer of a public utility district as defined in RCW 54.16.100; (b) the chief administrative officer of a port district formed under chapter 53.04 RCW; or (c) the chief administrative officer of a county who serves at the pleasure of an appointing authority: PROVIDED, That such persons shall have the option of applying for membership within thirty days from the date of their appointment to such positions. Persons serving in such positions as of the effective date of this act shall continue to be members in the retirement system unless they notify the director in writing prior to December 31, 1999, of their desire to withdraw from membership in the retirement system. A member who withdraws from membership in the system under this section shall receive a refund of the member's accumulated contributions upon termination of employment or as otherwise consistent with the plan's tax qualification status as defined in internal revenue code section 401.

Persons serving in such positions who have not opted for membership within the specified thirty days, may do so at a later date by paying the amount required under RCW 41.50.165(2) for the period from the date of their appointment to the date of acceptance into membership;

(19) Persons enrolled in state-approved apprenticeship programs, authorized under chapter 49.04 RCW, and who are employed by local governments to earn hours to complete such apprenticeship programs, if the employee is a member of a union-sponsored retirement plan and is making contributions to such a retirement plan or if the employee is a member of a Taft-Hartley retirement plan."

Correct the title.

Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

Voice vote: 32 members present.

Passed to Rules Committee for Second Reading.

April 5, 1999

ESB 5843 Prime Sponsor, Senator Prentice: Concerning the housing finance commission. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Mitchell, Republican Co-Chair; Murray, Democratic Co-Chair; Edmonds, Democratic Vice Chair; Esser, Republican Vice Chair; Alexander; Anderson; Barlean; Constantine; Dunshee; Hankins; Koster; Lantz; Mastin; Miloscia; O'Brien and Ogden.

MINORITY recommendation: Without recommendation. Signed by Representative Schoesler.

Voting yea: Representatives Mitchell, Murray, Edmonds, Esser, Alexander, Anderson, Constantine, Dunshee, Hankins, Koster, Lantz, Miloscia, O'Brien and Ogden.

Voting nay: Representative(s) Schoesler.

Excused: Representative(s) Barlean, Bush, and Mastin.

Passed to Rules Committee for Second Reading.

April 5, 1999

ESSB 5909 Prime Sponsor, Senate Committee on Senate Labor & Workforce Development:  
Modifying the job skills program. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

Voice vote: 32 members present.

Passed to Rules Committee for Second Reading.

April 5, 1999

E2SSB 5931 Prime Sponsor, Senate Committee on Ways & Means: Requiring electronic filing and publication of campaign finance and lobbyist reports. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on State Government (For amendment, see Journal 82<sup>nd</sup> Day, April 2, 1999).

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 42.17 RCW to read as follows:

(1) It is the intent of the legislature to ensure that the commission provide the general public timely access to all contribution and expenditure reports submitted by candidates, continuing political committees, bona fide political parties, lobbyists, and lobbyists' employers. The legislature finds that failure to comply with this chapter's requirements for full and timely disclosure threatens to undermine our electoral process.

(2) Beginning January 1, 2001, the commission shall establish goals that all reports, copies of reports, or copies of the data or information included in reports, filed under RCW 42.17.040, 42.17.065, 42.17.080, 42.17.100, 42.17.105, 42.17.150, 42.17.170, 42.17.175, and 42.17.180, that are:

(a) Submitted using the commission's electronic filing system shall be accessible in the commission's office within two business days of the commission's receipt of the report and shall be accessible on the commission's web site within seven business days of the commission's receipt of the report; and

(b) Submitted in any format or using any method other than as described in (a) of this subsection, shall be accessible in the commission's office within two business days of the actual physical receipt of the report, and not the technical date of filing as provided under RCW 42.17.420, and shall be accessible on the commission's web site within from fourteen to twenty-eight business days of the actual physical receipt of the report, and not the technical date of filing as provided under RCW 42.17.420, as specified in rule adopted by the commission.

NEW SECTION. Sec. 2. A new section is added to chapter 42.17 RCW to read as follows:

By July 1st of each year beginning in 2000, the commission shall calculate the following performance measures, provide a copy of the performance measures to the governor and appropriate legislative committees, and make the performance measures available to the public:

(1) The average number of days that elapse between the commission's receipt of reports filed under RCW 42.17.040, 42.17.065, 42.17.080, and 42.17.100 and the time that the report, a copy of the report, or a copy of the data or information included in the report, is first accessible to the general public (a) in the commission's office, and (b) via the commission's web site;

(2) The average number of days that elapse between the commission's receipt of reports filed under RCW 42.17.105 and the time that the report, a copy of the report, or a copy of the data or information included in the report, is first accessible to the general public (a) in the commission's office, and (b) via the commission's web site;

(3) The average number of days that elapse between the commission's receipt of reports filed under RCW 42.17.150, 42.17.170, 42.17.175, and 42.17.180 and the time that the report, a copy of the report, or a copy of the data or information included in the report, is first accessible to the general public (a) in the commission's office, and (b) via the commission's web site;

(4) The percentage of candidates, categorized as state-wide, state legislative, or local, that have used each of the following methods to file reports under RCW 42.17.080 or 42.17.105: (a) Hard copy paper format; (b) electronic format via diskette; (c) electronic format via modem or satellite; (d) electronic format via the Internet; and (e) any other format or method;

(5) The percentage of continuing political committees that have used each of the following methods to file reports under RCW 42.17.065 or 42.17.105: (a) Hard copy paper format; (b) electronic format via diskette; (c) electronic format via modem or satellite; (d) electronic format via the Internet; and (e) any other format or method; and

(6) The percentage of lobbyists and lobbyists' employers that have used each of the following methods to file reports under RCW 42.17.150, 42.17.170, 42.17.175, or 42.17.180: (a) Hard copy paper format; (b) electronic format via diskette; (c) electronic format via modem or satellite; (d) electronic format via the Internet; and (e) any other format or method.

**NEW SECTION. Sec. 3.** A new section is added to chapter 42.17 RCW to read as follows:

(1) The commission shall develop an information technology plan consistent with plans or portfolios required by chapter 43.105 RCW.

(2) The plan must include, but not be limited to, the following:

(a) A baseline assessment of the agency's information technology resources and capabilities that will serve as the benchmark for subsequent planning and performance measures;

(b) A statement of the agency's mission, goals, and objectives for information technology, including goals and objectives for achieving electronic access to agency records, information, and services for at least the next five years;

(c) An explanation of how the agency's mission, goals, and objectives for information technology support and conform to the state strategic information technology plan;

(d) An implementation strategy to enhance electronic access to public records and information required to be filed with and disclosed by the commission. This implementation strategy must be assembled to include:

(i) Adequate public notice and opportunity for comment;

(ii) Consideration of a variety of electronic technologies, including those that help to transcend geographic locations, standard business hours, economic conditions of users, and disabilities;

(iii) Methods to educate agency employees, the public, and the news media in the effective use of agency technology;

(iv) Ways to simplify and improve public access to information held by the commission through electronic means;

(e) Projects and resources required to meet the objectives of the plan; and

(f) If feasible, estimated schedules and funding required to implement identified projects.

**NEW SECTION. Sec. 4.** A new section is added to chapter 42.17 RCW to read as follows:

In preparing the information technology plan, the commission shall consult with affected state agencies, the department of information services, and stakeholders in the commission's work, including representatives of political committees, bona fide political parties, news media, and the general public.

**NEW SECTION. Sec. 5.** A new section is added to chapter 42.17 RCW to read as follows:

The commission shall submit the information technology plan to the senate and house of representatives fiscal committees, the governor, the senate state and local government committee, the house of representatives state government committee, and the department of information services by January 1, 2000. It is the intent of the legislature that the commission thereafter comply with the requirements of chapter 43.105 RCW with respect to preparation and submission of biennial performance reports on the commission's information technology.

**NEW SECTION. Sec. 6.** A new section is added to chapter 42.17 RCW to read as follows:

The commission shall prepare and submit to the department of information services a biennial performance report in accordance with chapter 43.105 RCW.

The report must include:

- (1) An evaluation of the agency's performance relating to information technology;
- (2) An assessment of progress made toward implementing the agency information technology plan;
- (3) An analysis of the commission's performance measures, set forth in section 4 of this act, that relate to the electronic filing of reports and timely public access to those reports via the commission's web site;
- (4) A comprehensive description of the methods by which citizens may interact with the agency in order to obtain information and services from the commission; and
- (5) An inventory of agency information services, equipment, and proprietary software.

**Sec. 7.** RCW 42.17.365 and 1993 c 2 s 29 are each amended to read as follows:

The commission shall conduct a sufficient number of audits and field investigations so as to provide a statistically valid finding regarding the degree of compliance with the provisions of this chapter by all required filers. Any documents, records, reports, computer files, papers, or materials provided to the commission for use in conducting audits and investigations must be returned to the candidate, campaign, or political committee from which they were received within two weeks of the commission's receipt.

**Sec. 8.** RCW 42.17.367 and 1994 c 40 s 2 are each amended to read as follows:

By January 1, ~~((1995))~~ 2000, the ~~((public disclosure))~~ commission shall ~~((design a program for electronic access to public documents filed with the commission. The program may include on line access to the commission's magic and electronic bulletin board systems, providing information for the internet system, fax request service, automated telephone service, electronic filing of reports, and other service delivery options. Documents available in the program shall include, but are not limited to, public documents filed with the public disclosure commission, including, but not limited to, commission meeting schedules, financial affairs reports, contribution reports, expenditure reports, and gift reports. Implementation of the program is contingent on the availability of funds))~~ operate a web site or contract for the operation of a web site that allows access to reports, copies of reports, or copies of data and information submitted in reports, filed with the commission under RCW 42.17.040, 42.17.065, 42.17.080, 42.17.100, and 42.17.105. By January 1, 2001, the web site shall allow access to reports, copies of reports, or copies of data and information submitted in reports, filed with the commission under RCW 42.17.150, 42.17.170, 42.17.175, and 42.17.180. In addition, the commission shall attempt to make available via the web site other public records submitted to or generated by the commission that are required by this chapter to be available for public use or inspection.

**Sec. 9.** RCW 42.17.420 and 1995 c 397 s 18 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, when any application, report, statement, notice, or payment required to be made under the provisions of this chapter has been deposited postpaid in the United States mail properly addressed, it shall be deemed to have been received on the date of mailing. It shall be presumed that the date shown by the post office cancellation mark on the envelope is the date of mailing. The provisions of this section do not apply to reports required to be delivered under RCW 42.17.105 and 42.17.175.

(2) When a report is filed electronically with the commission, it is deemed to have been received on the file transfer date. The commission shall notify the filer of receipt of the electronically filed report. Such notification may be sent by mail, facsimile, or electronic mail. If the notification of receipt of the electronically filed report is not received by the filer, the filer may offer his or her own proof of sending the report, and such proof shall be treated as if it were a receipt sent by the commission. Electronic filing may be used for purposes of filing the special reports required to be delivered under RCW 42.17.105 and 42.17.175.

NEW SECTION. Sec. 10. A new section is added to chapter 42.17 RCW to read as follows:

(1) By July 1, 1999, the commission shall offer every candidate, public official, political committee, and party organization that is required to file reports under this chapter the option of filing financial affairs reports, contribution reports, and expenditure reports electronically by diskette or via modem, satellite, or the Internet.

(2) By January 1, 2001, the commission shall offer all lobbyists and lobbyists' employers required to file reports under RCW 42.17.150, 42.17.170, 42.17.175, or 42.17.180 the option of filing these reports electronically by diskette or via modem, satellite, or the Internet.

(3) The commission shall make available to each candidate, public official, political committee, lobbyist, lobbyist employer, and party organization an electronic copy of the appropriate reporting forms at no charge.

NEW SECTION. Sec. 11. A new section is added to chapter 42.17 RCW to read as follows:

Beginning January 1, 2001, each continuing political committee, that expended ten thousand dollars or more in the preceding year or expects to expend ten thousand dollars or more in expenditures in the current year, shall file all contribution reports and expenditure reports required by this chapter electronically by diskette or via modem, satellite, or the Internet. Failure by a continuing political committee to comply with this section is a violation of this chapter.

NEW SECTION. Sec. 12. By September 1, 2000, the joint legislative audit and review committee shall have completed a performance audit of the duties and staffing of the public disclosure commission.

NEW SECTION. Sec. 13. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 1999, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

MINORITY recommendation: Without recommendation. Signed by Representative Lambert.

Voting yea: Representatives Huff, H. Sommers, Alexander, Doumit, Schmidt, D., Barlean, Benson, Boldt, Carlson, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler,

Linville, Lisk, Mastin, McIntire, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Tokuda and Wensman.

Voting nay: Representative(s) Lambert.

Passed to Rules Committee for Second Reading.

April 5, 1999

SB 5986 Prime Sponsor, Senator Goings: Paying duty connected death or disability benefits. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

Voting yea: Representatives Huff, H. Sommers, Alexander, Doumit, Schmidt, D., Barlean, Benson, Boldt, Carlson, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Lisk, Mastin, McIntire, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Tokuda and Wensman.

Passed to Rules Committee for Second Reading.

April 5, 1999

SB 5987 Prime Sponsor, Senator Goings: Withdrawing accumulated contributions under the law enforcement officers' and fire fighters' retirement system. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

Voting yea: Representatives Huff, H. Sommers, Alexander, Doumit, Schmidt, D., Barlean, Benson, Boldt, Carlson, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Lisk, Mastin, McIntire, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Tokuda and Wensman.

Passed to Rules Committee for Second Reading.

April 5, 1999

ESSB 5988 Prime Sponsor, Senate Committee on Education: Changing provisions relating to truancy. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Education (For amendment, see Journal 82<sup>nd</sup> Day, April 2, 1999).

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28A.225.010 and 1998 c 244 s 14 are each amended to read as follows:

(1) All parents in this state of any child eight years of age and under eighteen years of age shall cause such child to attend the public school of the district in which the child resides and such child shall have the responsibility to and therefore shall attend for the full time when such school may be in session unless:

(a) The child is attending an approved private school for the same time or is enrolled in an extension program as provided in RCW 28A.195.010(4);

(b) The child is receiving home-based instruction as provided in subsection (~~((4))~~) (5) of this section;

(c) The child is attending an education center as provided in chapter 28A.205 RCW;

(d) The school district superintendent of the district in which the child resides shall have excused such child from attendance because the child is physically or mentally unable to attend school, is attending a residential school operated by the department of social and health services, is incarcerated in an adult correctional facility, or has been temporarily excused upon the request of his or her parents for purposes agreed upon by the school authorities and the parent: PROVIDED, That such excused absences shall not be permitted if deemed to cause a serious adverse effect upon the student's educational progress: PROVIDED FURTHER, That students excused for such temporary absences may be claimed as full time equivalent students to the extent they would otherwise have been so claimed for the purposes of RCW 28A.150.250 and 28A.150.260 and shall not affect school district compliance with the provisions of RCW 28A.150.220; or

(e) The child is sixteen years of age or older and:

(i) The child is regularly and lawfully employed and either the parent agrees that the child should not be required to attend school or the child is emancipated in accordance with chapter 13.64 RCW;

(ii) The child has already met graduation requirements in accordance with state board of education rules and regulations; or

(iii) The child has received a certificate of educational competence under rules and regulations established by the state board of education under RCW 28A.305.190.

(2) If a parent enrolls a child six years of age and under eight years of age in the public school of the district in which the child resides, that parent has the responsibility to ensure the child attends, and the child has the responsibility to attend, for the full time when that school is in session, except for a child who is or will be home schooled under chapter 28A.200 RCW or unless one of the other exceptions in subsection (1) of this section is met. This subsection does not apply to a child enrolled in a public school part-time for the purpose of receiving ancillary services. An exception shall be made to this requirement for children whose parents formally remove them from enrollment in kindergarten if the child is less than eight years old.

(3) A parent for the purpose of this chapter means a parent, guardian, or person having legal custody of a child.

~~((3))~~ (4) An approved private school for the purposes of this chapter and chapter 28A.200 RCW shall be one approved under regulations established by the state board of education pursuant to RCW 28A.305.130.

~~((4))~~ (5) For the purposes of this chapter and chapter 28A.200 RCW, instruction shall be home-based if it consists of planned and supervised instructional and related educational activities, including a curriculum and instruction in the basic skills of occupational education, science, mathematics, language, social studies, history, health, reading, writing, spelling, and the development of an appreciation of art and music, provided for a number of hours equivalent to the total annual program hours per grade level established for approved private schools under RCW 28A.195.010 and 28A.195.040 and if such activities are:

(a) Provided by a parent who is instructing his or her child only and are supervised by a certificated person. A certificated person for purposes of this chapter and chapter 28A.200 RCW shall be a person certified under chapter 28A.410 RCW. For purposes of this section, "supervised by a certificated person" means: The planning by the certificated person and the parent of objectives

consistent with this subsection; a minimum each month of an average of one contact hour per week with the child being supervised by the certificated person; and evaluation of such child's progress by the certificated person. The number of children supervised by the certificated person shall not exceed thirty for purposes of this subsection; or

(b) Provided by a parent who is instructing his or her child only and who has either earned forty-five college level quarter credit hours or its equivalent in semester hours or has completed a course in home-based instruction at a postsecondary institution or a vocational-technical institute; or

(c) Provided by a parent who is deemed sufficiently qualified to provide home-based instruction by the superintendent of the local school district in which the child resides.

~~((5))~~ (6) The legislature recognizes that home-based instruction is less structured and more experiential than the instruction normally provided in a classroom setting. Therefore, the provisions of subsection ~~((4))~~ (5) of this section relating to the nature and quantity of instructional and related educational activities shall be liberally construed.

**Sec. 2.** RCW 28A.225.020 and 1996 c 134 s 2 are each amended to read as follows:

(1) If a child required to attend school under RCW 28A.225.010 fails to attend school without valid justification, the public school in which the child is enrolled shall:

(a) Inform the child's custodial parent, parents, or guardian by a notice in writing or by telephone whenever the child has failed to attend school after one unexcused absence within any month during the current school year. School officials shall inform the parent of the potential consequences of additional unexcused absences;

(b) Schedule a conference or conferences with the custodial parent, parents, or guardian and child at a time reasonably convenient for all persons included for the purpose of analyzing the causes of the child's absences after two unexcused absences within any month during the current school year. If a regularly scheduled parent-teacher conference day is to take place within thirty days of the second unexcused absence, then the school district may schedule this conference on that day; and

(c) Take steps to eliminate or reduce the child's absences. These steps shall include, where appropriate, adjusting the child's school program or school or course assignment, providing more individualized or remedial instruction, providing appropriate vocational courses or work experience, referring the child to a community truancy board, requiring the child to attend an alternative school or program, or assisting the parent or child to obtain supplementary services that might eliminate or ameliorate the cause or causes for the absence from school. If the child's parent does not attend the scheduled conference, the conference may be conducted with the student and school official. However, the parent shall be notified of the steps to be taken to eliminate or reduce the child's absence.

(2) For purposes of this chapter, an "unexcused absence" means that a child:

(a) Has failed to attend the majority of hours or periods in an average school day or has failed to comply with a more restrictive school district policy; and

(b) Has failed to meet the school district's policy for excused absences.

(3) If a child transfers from one school district to another, the receiving school or school district shall honor the attendance record including the unexcused absences accumulated at the previous school or from the previous school district.

**Sec. 3.** RCW 28A.225.030 and 1996 c 134 s 3 are each amended to read as follows:

(1) If a child is required to attend school under RCW 28A.225.010 and if the actions taken by a school district under RCW 28A.225.020 are not successful in substantially reducing an enrolled student's absences from public school, not later than the seventh unexcused absence by a child within any month during the current school year or not later than the tenth unexcused absence during the current school year the school district shall file a petition and supporting affidavit for a civil action with the juvenile court alleging a violation of RCW 28A.225.010: (a) By the parent; (b) by the child; or (c) by the parent and the child. However, if the petition alleges a violation of RCW 28A.225.010(2), the petition shall only allege a violation by the parent. Except as provided in this subsection, no additional documents need be filed with the petition.

(2) The district shall not later than the fifth unexcused absence in a month:



- (a) Enter into an agreement with a student and parent that establishes school attendance requirements;
- (b) Refer a student to a community truancy board as defined in RCW 28A.225.025. The community truancy board shall enter into an agreement with the student and parent that establishes school attendance requirements and take other appropriate actions to reduce the child's absences; or
- (c) File a petition under subsection (1) of this section.
- (3) The petition may be filed by a school district employee who is not an attorney.
- (4) If the school district fails to file a petition under this section, the parent of a child with five or more unexcused absences in any month during the current school year or upon the tenth unexcused absence during the current school year may file a petition with the juvenile court alleging a violation of RCW 28A.225.010.
- (5) Petitions filed under this section may be served by certified mail, return receipt requested. If such service is unsuccessful, or the return receipt is not signed by the addressee, personal service is required.

**Sec. 4.** RCW 28A.225.035 and 1997 c 68 s 1 are each amended to read as follows:

- (1) A petition for a civil action under RCW 28A.225.030 shall consist of a written notification to the court alleging that:
  - (a) The child has unexcused absences during the current school year;
  - (b) Actions taken by the school district have not been successful in substantially reducing the child's absences from school; and
  - (c) Court intervention and supervision are necessary to assist the school district or parent to reduce the child's absences from school.
- (2) The petition shall set forth the name, age, school, and residence of the child and the names and residence of the child's parents.
- (3) The petition shall set forth facts that support the allegations in this section and shall generally request relief available under this chapter and provide information about what the court might order under RCW 28A.225.090.
- (4) (~~When a petition is filed under RCW 28A.225.030~~) Upon receipt of a petition and supporting affidavit from a school district alleging a violation of RCW 28A.225.010 by a child subject to this chapter, the juvenile court shall require that the child, if age eight or older, a parent, and a school representative appear before a truancy board as defined in RCW 28A.225.025, unless the respondent requests a hearing before the court.
- (5) Within thirty days of receipt of the truancy referral, the truancy board shall meet with the child, a parent, and the school representative, and enter into an agreement regarding expectations and any actions necessary to address the truancy. The agreement shall be presented to the court for its approval. The court may approve the agreement without a separate hearing. The court shall approve the agreement by order or shall schedule a hearing. The court may, if the school district and community truancy board agree, permit the truancy board to provide continued supervision over the student and report on compliance with the agreement.
- (6) Notwithstanding the provisions in subsection (4) of this section, if the juvenile court finds that a truancy board would not be the most effective means of addressing the underlying truancy due to extenuating circumstances, the juvenile court shall schedule a hearing at which the court shall consider the petition. However, a hearing shall not be required if other actions by the court would substantially reduce the child's unexcused absences. When a hearing is held, the court shall:
  - (a) Separately notify the child, the parent of the child, and the school district of the hearing;
  - (b) Notify the parent and the child of their rights to present evidence at the hearing; and
  - (c) Notify the parent and the child of the options and rights available under chapter 13.32A RCW.
- ~~((5))~~ (7) Except as provided in RCW 28A.225.030(1) the court may require the attendance of both the child and the parents at any hearing on a petition filed under RCW 28A.225.030.
- ~~((6))~~ (8) A school district is responsible for determining who shall represent the school district at hearings on a petition filed under RCW 28A.225.030.

(9) The court may permit the first hearing to be held without requiring that either party be represented by legal counsel, and to be held without a guardian ad litem for the child under RCW 4.08.050. At the request of the school district, the court (~~may~~) shall permit a school district representative who is not an attorney to represent the school district at any future hearings.

~~((7))~~ (10) If the allegations in the petition are established by a preponderance of the evidence, the court shall grant the petition and enter an order assuming jurisdiction to intervene for the period of time determined by the court, after considering the facts alleged in the petition and the circumstances of the juvenile, to most likely cause the juvenile to return to and remain in school while the juvenile is subject to this chapter. In no case may the order expire before the end of the school year in which it is entered.

~~((8))~~ (11) If the court assumes jurisdiction, the school district shall regularly report to the court any additional unexcused absences by the child.

~~((9))~~ (12) Community truancy boards and the courts shall coordinate, to the extent possible, proceedings and actions pertaining to children who are subject to truancy petitions and at-risk youth petitions in RCW 13.32A.191 or child in need of services petitions in RCW 13.32A.140.

(13) If after a juvenile court assumes jurisdiction in one county the child relocates to another county, the juvenile court in the receiving county shall, upon the request of a school district or parent, assume jurisdiction of the petition filed in the previous county.

**Sec. 5.** RCW 28A.225.090 and 1998 c 296 s 39 are each amended to read as follows:

(1) A court may order a child subject to a petition under RCW 28A.225.035 to:

(a) Attend the child's current school;

(b) If there is space available and the program can provide educational services appropriate for the child, order the child to attend another public school, an alternative education program, center, a skill center, dropout prevention program, or another public educational program;

(c) Attend a private nonsectarian school or program including an education center. Before ordering a child to attend an approved or certified private nonsectarian school or program, the court shall: (i) Consider the public and private programs available; (ii) find that placement is in the best interest of the child; and (iii) find that the private school or program is willing to accept the child and will not charge any fees in addition to those established by contract with the student's school district. If the court orders the child to enroll in a private school or program, the child's school district shall contract with the school or program to provide educational services for the child. The school district shall not be required to contract for a weekly rate that exceeds the state general apportionment dollars calculated on a weekly basis generated by the child and received by the district. A school district shall not be required to enter into a contract that is longer than the remainder of the school year. A school district shall not be required to enter into or continue a contract if the child is no longer enrolled in the district;

(d) Be referred to a community truancy board, if available; or

(e) Submit to testing for the use of controlled substances or alcohol based on a determination that such testing is appropriate to the circumstances and behavior of the child and will facilitate the child's compliance with the mandatory attendance law.

(2) If the child fails to comply with the court order, the court may order the child to be punished by detention, as provided in RCW 7.21.030(2)(e), or may impose alternatives to detention such as community service. Failure by a child to comply with an order issued under this subsection shall not be punishable by detention for a period greater than that permitted pursuant to a civil contempt proceeding against a child under chapter 13.32A RCW.

(3) If the child continues to be truant after entering into a court-approved agreement with the truancy board under RCW 28A.225.035, or if the child fails to enter into an agreement with the truancy board, the truancy board shall return the matter to the juvenile court for a hearing. If upon entering an order the child continues to be truant, the juvenile court shall find the child in contempt and impose a remedial sanction in accordance with chapter 7.21 RCW designed to immediately return the child to school, including the actual imposition of detention. The court shall consider the fact that the child was provided ample opportunity to attend school with assistance from the truancy board.

(4) Any parent violating any of the provisions of either RCW 28A.225.010 or 28A.225.080 shall be fined not more than twenty-five dollars for each day of unexcused absence from school. It shall be a defense for a parent charged with violating RCW 28A.225.010 to show that he or she exercised reasonable diligence in attempting to cause a child in his or her custody to attend school or that the child's school did not perform its duties as required in RCW 28A.225.020. The court may order the parent to provide community service instead of imposing a fine. Any fine imposed pursuant to this section may be suspended upon the condition that a parent charged with violating RCW 28A.225.010 shall participate with the school and the child in a supervised plan for the child's attendance at school or upon condition that the parent attend a conference or conferences scheduled by a school for the purpose of analyzing the causes of a child's absence.

**Sec. 6.** RCW 28A.225.025 and 1996 c 134 s 9 are each amended to read as follows:

For purposes of this chapter, "community truancy board" means a board composed of members of the local community in which the child attends school. Juvenile courts shall establish and operate community truancy boards. However, establishment and operation of community truancy boards may be delegated to school districts with the agreement of both the court and the school district. The ~~((local school district boards of directors may create a community truancy board or))~~ juvenile courts may use other ~~((boards))~~ entities that exist or are created, such as diversion ~~((boards))~~ units. However, a diversion unit or other existing ~~((board))~~ entity must agree before it is used as a truancy board. ~~((Members of the board shall be selected from representatives of the community.))~~ Duties of a community truancy board shall include, but not be limited to, recommending methods for improving school attendance such as assisting the parent or the child to obtain supplementary services that might eliminate or ameliorate the causes for the absences or suggesting to the school district that the child enroll in another school, an alternative education program, an education center, a skill center, a dropout prevention program, or another public or private educational program.

NEW SECTION. **Sec. 7.** A new section is added to chapter 28A.300 RCW to read as follows:

The superintendent of public instruction shall provide, to the extent funds are appropriated, start-up grants for alternative programs and services that provide instruction and learning for truant, at-risk, and expelled students. Each grant application shall contain proposed performance indicators and an evaluation plan to measure the success of the program and its impact on improved student learning. Applications shall contain the applicant's plan for maintaining the program and services after the grant period.

NEW SECTION. **Sec. 8.** If funds are appropriated by the legislature for this specific purpose the superintendent of public instruction shall contract with the institute for public policy or a similar agency to: Evaluate the effectiveness of the petition process and community truancy boards in chapter 28A.225 RCW in reducing truancy; determine whether students who do return to school after being subject to court action have disciplinary actions such as suspensions or expulsions, establish patterns of improved attendance, are successful in their classes, and successfully complete their education program; and determine the costs imposed on school districts by the petition process and other truancy-related procedural requirements required by the legislature in 1992 and thereafter.

The cost determination shall be submitted to the appropriate committees of the legislature by December 15, 1999. The evaluation shall be submitted to the appropriate committees of the legislature by December 15, 2000.

This section expires December 31, 2000.

NEW SECTION. **Sec. 9.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

Voting yea: Representatives Huff, H. Sommers, Alexander, Doumit, Schmidt, D., Barlean, Benson, Boldt, Carlson, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Lisk, Mastin, McIntire, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Tokuda and Wensman.

Passed to Rules Committee for Second Reading.

April 5, 1999

SSB 6012 Prime Sponsor, Senate Committee on Ways & Means: Declaring monthly unit valuations for certain portfolios and funds managed by the state investment board. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

Voting yea: Representatives Huff, H. Sommers, Alexander, Doumit, Schmidt, D., Barlean, Benson, Boldt, Carlson, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Lisk, Mastin, McIntire, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Tokuda and Wensman.

Passed to Rules Committee for Second Reading.

April 5, 1999

SSB 6058 Prime Sponsor, Senate Committee on Ways & Means: Providing that growing or packing agricultural products is not a manufacturing activity for tax purposes. Reported by Committee on Finance

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that the recent appellate court decision in the case of *Valley Fruit v. Department of Revenue*, has created confusion regarding the taxability of apple growers, packers, and farmers and the availability of different exemptions for apple growers, packers, and farmers. It is the intent of the legislature to make clear that growing or packing any agricultural product, is not a manufacturing activity.

**Sec. 2.** RCW 82.04.120 and 1998 c 168 s 1 are each amended to read as follows:

"To manufacture" embraces all activities of a commercial or industrial nature wherein labor or skill is applied, by hand or machinery, to materials so that as a result thereof a new, different or useful substance or article of tangible personal property is produced for sale or commercial or industrial use, and shall include: (1) The production or fabrication of special made or custom made articles; and (2)

the production or fabrication of dental appliances, devices, restorations, substitutes, or other dental laboratory products by a dental laboratory or dental technician.

"To manufacture" shall not include: Conditioning of seed for use in planting; cubing hay or alfalfa; (~~or~~) activities which consist of cutting, grading, or ice glazing seafood which has been cooked, frozen, or canned outside this state; the growing, harvesting, or producing of agricultural products; or packing of agricultural products, including sorting, washing, rinsing, grading, waxing, treating with fungicide, packaging, chilling, or placing in controlled atmospheric storage.

**Sec. 3.** RCW 82.60.020 and 1996 c 290 s 4 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Applicant" means a person applying for a tax deferral under this chapter.

(2) "Department" means the department of revenue.

(3) "Eligible area" means: (a) A county in which the average level of unemployment for the three years before the year in which an application is filed under this chapter exceeds the average state unemployment for those years by twenty percent; (b) a county that has a median household income that is less than seventy-five percent of the state median household income for the previous three years; (c) a metropolitan statistical area, as defined by the office of federal statistical policy and standards, United States department of commerce, in which the average level of unemployment for the calendar year immediately preceding the year in which an application is filed under this chapter exceeds the average state unemployment for such calendar year by twenty percent; (d) a designated community empowerment zone approved under RCW 43.63A.700 or a county containing such a community empowerment zone; (e) a town with a population of less than twelve hundred persons in those counties that are not covered under (a) of this subsection that are timber impact areas as defined in RCW 43.31.601; (f) a county designated by the governor as an eligible area under RCW 82.60.047; or (g) a county that is contiguous to a county that qualifies as an eligible area under (a) or (f) of this subsection.

(4)(a) "Eligible investment project" means:

(i) An investment project in an eligible area as defined in subsection (3)(a), (b), (c), (e), or (f) of this section; or

(ii) That portion of an investment project in an eligible area as defined in subsection (3)(d) or (g) of this section which is directly utilized to create at least one new full-time qualified employment position for each three hundred thousand dollars of investment on which a deferral is requested in an application approved before July 1, 1994, and for each seven hundred fifty thousand dollars of investment on which a deferral is requested in an application approved after June 30, 1994.

(b) The lessor/owner of a qualified building is not eligible for a deferral unless the underlying ownership of the buildings, machinery, and equipment vests exclusively in the same person, or unless the lessor by written contract agrees to pass the economic benefit of the deferral to the lessee in the form of reduced rent payments.

(c) For purposes of (a)(ii) of this subsection:

(i) The department shall consider the entire investment project, including any investment in machinery and equipment that otherwise qualifies for exemption under RCW 82.08.02565 or 82.12.02565, for purposes of determining the portion of the investment project that qualifies for deferral as an eligible investment project; and

(ii) The number of new full-time qualified employment positions created by an investment project shall be deemed to be reduced by the number of full-time employment positions maintained by the recipient in any other community in this state that are displaced as a result of the investment project.

(d) "Eligible investment project" does not include any portion of an investment project undertaken by a light and power business as defined in RCW 82.16.010(5), other than that portion of a cogeneration project that is used to generate power for consumption within the manufacturing site of which the cogeneration project is an integral part, or investment projects which have already received deferrals under this chapter.

(5) "Investment project" means an investment in qualified buildings or qualified machinery and equipment, including labor and services rendered in the planning, installation, and construction of the project.

(6) "Manufacturing" means ~~((all activities of a commercial or industrial nature wherein labor or skill is applied, by hand or machinery, to materials so that as a result thereof a new, different, or useful substance or article of tangible personal property is produced for sale or commercial or industrial use and shall include the production or fabrication of specially made or custom made articles))~~ the same as defined in RCW 82.04.120. "Manufacturing" also includes computer programming, the production of computer software, and other computer-related services, and the activities performed by research and development laboratories and commercial testing laboratories.

(7) "Person" has the meaning given in RCW 82.04.030.

(8) "Qualified buildings" means construction of new structures, and expansion or renovation of existing structures for the purpose of increasing floor space or production capacity used for manufacturing and research and development activities, including plant offices and warehouses or other facilities for the storage of raw material or finished goods if such facilities are an essential or an integral part of a factory, mill, plant, or laboratory used for manufacturing or research and development. If a building is used partly for manufacturing or research and development and partly for other purposes, the applicable tax deferral shall be determined by apportionment of the costs of construction under rules adopted by the department.

(9) "Qualified employment position" means a permanent full-time employee employed in the eligible investment project during the entire tax year.

(10) "Qualified machinery and equipment" means all new industrial and research fixtures, equipment, and support facilities that are an integral and necessary part of a manufacturing or research and development operation. "Qualified machinery and equipment" includes: Computers; software; data processing equipment; laboratory equipment; manufacturing components such as belts, pulleys, shafts, and moving parts; molds, tools, and dies; operating structures; and all equipment used to control or operate the machinery.

(11) "Recipient" means a person receiving a tax deferral under this chapter.

(12) "Research and development" means the development, refinement, testing, marketing, and commercialization of a product, service, or process before commercial sales have begun. As used in this subsection, "commercial sales" excludes sales of prototypes or sales for market testing if the total gross receipts from such sales of the product, service, or process do not exceed one million dollars.

**Sec. 4.** RCW 82.62.010 and 1996 c 290 s 5 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Applicant" means a person applying for a tax credit under this chapter.

(2) "Department" means the department of revenue.

(3) "Eligible area" means: (a) A county in which the average level of unemployment for the three years before the year in which an application is filed under this chapter exceeds the average state unemployment for those years by twenty percent; (b) a county that has a median household income that is less than seventy-five percent of the state median household income for the previous three years; (c) a metropolitan statistical area, as defined by the office of federal statistical policy and standards, United States department of commerce, in which the average level of unemployment for the calendar year immediately preceding the year in which an application is filed under this chapter exceeds the average state unemployment for such calendar year by twenty percent; (d) a designated community empowerment zone approved under RCW 43.63A.700; or (e) subcounty areas in those counties that are not covered under (a) of this subsection that are timber impact areas as defined in RCW 43.31.601.

(4)(a) "Eligible business project" means manufacturing or research and development activities which are conducted by an applicant in an eligible area at a specific facility, provided the applicant's average full-time qualified employment positions at the specific facility will be at least fifteen percent greater in the year for which the credit is being sought than the applicant's average full-time qualified employment positions at the same facility in the immediately preceding year.

(b) "Eligible business project" does not include any portion of a business project undertaken by a light and power business as defined in RCW 82.16.010(5) or that portion of a business project creating qualified full-time employment positions outside an eligible area or those recipients of a sales tax deferral under chapter 82.61 RCW.

(5) "Manufacturing" means ~~((all activities of a commercial or industrial nature wherein labor or skill is applied, by hand or machinery, to materials so that as a result thereof a new, different, or useful substance or article of tangible personal property is produced for sale or commercial or industrial use and shall include the production or fabrication of specially made or custom made articles))~~ the same as defined in RCW 82.04.120. "Manufacturing" also includes computer programming, the production of computer software, and other computer-related services, and the activities performed by research and development laboratories and commercial testing laboratories.

(6) "Person" has the meaning given in RCW 82.04.030.

(7) "Qualified employment position" means a permanent full-time employee employed in the eligible business project during the entire tax year.

(8) "Tax year" means the calendar year in which taxes are due.

(9) "Recipient" means a person receiving tax credits under this chapter.

(10) "Research and development" means the development, refinement, testing, marketing, and commercialization of a product, service, or process before commercial sales have begun. As used in this subsection, "commercial sales" excludes sales of prototypes or sales for market testing if the total gross receipts from such sales of the product, service, or process do not exceed one million dollars.

**Sec. 5.** RCW 82.04.120 and 1999 c . . . s 2 (section 2 of this act) are each amended to read as follows:

"To manufacture" embraces all activities of a commercial or industrial nature wherein labor or skill is applied, by hand or machinery, to materials so that as a result thereof a new, different or useful substance or article of tangible personal property is produced for sale or commercial or industrial use, and shall include: (1) The production or fabrication of special made or custom made articles; and (2) the production or fabrication of dental appliances, devices, restorations, substitutes, or other dental laboratory products by a dental laboratory or dental technician.

"To manufacture" shall not include: Conditioning of seed for use in planting; cubing hay or alfalfa; activities which consist of cutting, grading, or ice glazing seafood which has been cooked, frozen, or canned outside this state; the growing, harvesting, or producing of agricultural products; ~~((or))~~ packing of agricultural products, including sorting, washing, rinsing, grading, waxing, treating with fungicide, packaging, chilling, or placing in controlled atmospheric storage; or activities which consist of the assembly of an article from pumping equipment, motor equipment, or compressor equipment, including starters, controls, couplings, blowers, and other accessories for such equipment, if some of the equipment and accessories are purchased from another person and the amount paid for the purchased equipment and accessories is at least eighty percent of the costs of the goods sold, based on materials, labor, and direct overhead.

NEW SECTION. **Sec. 6.** Sections 2 through 4 of this act are intended to clarify that this is the intent of the legislature both retroactively and prospectively.

NEW SECTION. **Sec. 7.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 8.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Signed by Representatives Dunshee, Democratic Co-Chair; Thomas, Republican Co-Chair; Carrell, Republican Vice Chair; Reardon, Democratic Vice Chair; Cairnes; Conway; Cox; Dickerson; Pennington; Santos; Van Luven and Veloria.

Voting yea: Representatives Dunshee, Thomas, Carrell, Reardon, Cairnes, Conway, Cox, Dickerson, Pennington, Santos, Van Luven and Veloria.

Passed to Rules Committee for Second Reading.

April 5, 1999

SSB 6063 Prime Sponsor, Senate Committee on Ways & Means: Authorizing the state investment board to invest and reinvest moneys in the emergency reserve fund. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

Voting yea: Representatives Huff, H. Sommers, Alexander, Doumit, Schmidt, D., Barlean, Benson, Boldt, Carlson, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Lisk, Mastin, McIntire, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Tokuda and Wensman.

Passed to Rules Committee for Second Reading.

April 5, 1999

SB 6065 Prime Sponsor, Senator Wojahn: Providing an excise tax exemption for property owned, operated, or controlled by a public corporation. Reported by Committee on Finance

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 35.21.755 and 1995 c 399 s 38 are each amended to read as follows:

(1) A public corporation, commission, or authority created pursuant to RCW 35.21.730 or 35.21.660 shall receive the same immunity or exemption from taxation as that of the city, town, or county creating the same: PROVIDED, That, except for (a) any property within a special review district established by ordinance prior to January 1, 1976, or listed on or which is within a district listed on any federal or state register of historical sites or (b) any property owned, operated, or controlled by a public corporation that is used primarily for low-income housing, or that is used as a convention center, performing arts center, public assembly hall, ((~~or~~)) public meeting place, public esplanade, street, public way, public open space, park, public utility corridor, or view corridor for the general public or (c) any blighted property owned, operated, or controlled by a public corporation that was acquired for the purpose of remediation and redevelopment of the property in accordance with an agreement or plan approved by the city, town, or county in which the property is located, any such public corporation, commission, or authority shall pay to the county treasurer an annual excise tax equal to the amounts which would be paid upon real property and personal property devoted to the purposes of such public corporation, commission, or authority were it in private ownership, and such real property and personal property is acquired and/or operated under RCW 35.21.730 through



35.21.755, and the proceeds of such excise tax shall be allocated by the county treasurer to the various taxing authorities in which such property is situated, in the same manner as though the property were in private ownership: PROVIDED FURTHER, That the provisions of chapter 82.29A RCW shall not apply to property within a special review district established by ordinance prior to January 1, 1976, or listed on or which is within a district listed on any federal or state register of historical sites and which is controlled by a public corporation, commission, or authority created pursuant to RCW 35.21.730 or 35.21.660, which was in existence prior to January 1, 1987: AND PROVIDED FURTHER, That property within a special review district established by ordinance prior to January 1, 1976, or property which is listed on any federal or state register of historical sites and controlled by a public corporation, commission, or authority created pursuant to RCW 35.21.730 or 35.21.660, which was in existence prior to January 1, 1976, shall receive the same immunity or exemption from taxation as if such property had been within a district listed on any such federal or state register of historical sites as of January 1, 1976, and controlled by a public corporation, commission, or authority created pursuant to RCW 35.21.730 or 35.21.660 which was in existence prior to January 1, 1976.

(2) As used in this section:

(a) "Low-income" means a total annual income, adjusted for family size, not exceeding fifty percent of the area median income.

(b) "Area median income" means:

(i) For an area within a standard metropolitan statistical area, the area median income reported by the United States department of housing and urban development for that standard metropolitan statistical area; or

(ii) For an area not within a standard metropolitan statistical area, the county median income reported by the department of community, trade, and economic development.

(c) "Blighted property" means property that is contaminated with hazardous substances as defined under RCW 70.105D.020(7)."

Signed by Representatives Dunshee, Democratic Co-Chair; Thomas, Republican Co-Chair; Carrell, Republican Vice Chair; Reardon, Democratic Vice Chair; Cairnes; Conway; Cox; Dickerson; Van Luven and Veloria.

MINORITY recommendation: Without recommendation. Signed by Representatives Pennington and Santos.

Voting yea: Representatives Dunshee, Thomas, Carrell, Reardon, Cairnes, Conway, Cox, Dickerson, Van Luven and Veloria.

Voting nay: Representative(s) Pennington and Santos.

Passed to Rules Committee for Second Reading.

April 5, 1999

SSJR 8208 Prime Sponsor, Senate Committee on Ways & Means: Authorizing investments as specified by the legislature. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after line 2 and insert the following:

"THAT, At the next general election to be held in this state the secretary of state shall submit to the qualified voters of the state for their approval and ratification, or rejection, an amendment to Article XXIX, section 1 of the Constitution of the state of Washington to read as follows:

Article XXIX, section 1. Notwithstanding the provisions of sections 5, and 7 of Article VIII and section 9 of Article XII or any other section or article of the Constitution of the state of

Washington, the moneys of any public pension or retirement fund (~~(☉)~~), industrial insurance trust fund, the health care trust fund, or the emergency reserve fund may be invested as authorized by law.

BE IT FURTHER RESOLVED, That the secretary of state shall cause notice of this constitutional amendment to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state."

Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan and Tokuda.

MINORITY recommendation: Do not pass. Signed by Representative Wensman.

Voting yea: Representatives Huff, H. Sommers, Alexander, Doumit, Schmidt, D., Barlean, Benson, Boldt, Carlson, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Lisk, Mastin, McIntire, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan and Tokuda.

Voting nay: Representative(s) Wensman.

Passed to Rules Committee for Second Reading.

There being no objection, the bills and resolution listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 9:00 a.m., Tuesday, April 6, 1999, the 86<sup>th</sup> Legislative Day.

TIMOTHY A. MARTIN, Chief Clerk      CLYDE BALLARD, Speaker  
DEAN R. FOSTER, Chief Clerk      FRANK CHOPP, Speaker

EIGHTY-FIFTH DAY, APRIL 5, 1999

JOURNAL OF THE HOUSE

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

**EIGHTY-SIXTH DAY**

**MORNING SESSION**

House Chamber, Olympia, Tuesday, April 6, 1999

The House was called to order at 9:00 a.m. by Speaker Chopp. The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Dan Nolte and David Olson. Prayer was offered by Rabbi James Mirel, Temple B'Nai Torah, Bellevue.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

**RESOLUTION**

HOUSE RESOLUTION NO. 99-4672, by Representatives McDonald, Delvin, McIntire, Mitchell, Fortunato, Wensman, Conway, Thomas, Constantine, Campbell and Esser

WHEREAS, April 6 has a special significance for all Americans, and especially those Americans of Scottish descent, because the Declaration of Arbroath, the Scottish Declaration of Independence, was signed on April 6, 1320, and the American Declaration of Independence was modeled after that inspirational document; and

WHEREAS, This resolution honors the major role that Scottish Americans played in the founding of this Nation, such as the fact that almost half of the signers of the Declaration of Independence were of Scottish descent, the governors in nine of the original thirteen states were of Scottish ancestry, and Scottish Americans successfully helped shape this country in its formative years and guide this Nation through its most troubled times; and

WHEREAS, This resolution recognizes the monumental achievements and invaluable contributions made by Scottish Americans such as Neil Armstrong, Alexander Graham Bell, Andrew Carnegie, Thomas Alva Edison, William Faulkner, Malcolm Forbes, Billy Graham, Alexander Hamilton, Washington Irving, John Paul Jones, John Marshall, Andrew Mellon, Samuel F.B. Morse, James Naismith, Edgar Allen Poe, Gilbert Stuart, Elizabeth Taylor, General Douglas MacArthur, and Arnold Palmer, to name a few; and

WHEREAS, This resolution commends the more than two hundred thousand organizations throughout the United States that honor Scottish heritage, tradition, and culture and that represent the hundreds of thousands of Americans of Scottish descent, residing in every state, including Washington; and

WHEREAS, These numerous individuals, clans, societies, clubs, and fraternal organizations do not let the great contributions of the Scottish people go unnoticed;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize April 6th as "National Tartan Day."

Representative McDonald moved adoption of the resolution.

Representative McDonald spoke in favor of the adoption of the resolution.

House Resolution No. 99-4672 was adopted.

#### SPEAKER'S PRIVILEGE

Speaker Chopp introduced Chuck Cook and his daughter Margo Palmer representing the Stewart Clan; Don Magruder representing Rob Roy Highland Ball put on by the MacGreagor Clan; Justice Sanders and his law clerk Katrina Kelly (a recent immigrant); and staff from the Office of the Secretary of State representing Ralph Munro, and asked the Chamber to acknowledge them.

There being no objection, the House advanced to the sixth order of business.

#### SECOND READING

SENATE BILL NO. 5005, by Senators Loveland, Haugen, Winsley and Rasmussen

Allowing signing of safer routes to tourist-oriented businesses.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

#### MOTIONS

On motion of Representative Schoesler, Representatives Barlean and Mielke were excused. On motion of Representative Wolfe, Representatives Edwards, Haigh, Miloscia and Scott were excused.

Representatives Hatfield and Hankins spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Senate Bill No. 5005.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5005 and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H.

Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 92.

Excused: Representatives Barlean, Edwards, Haigh, Mielke, Miloscia and Scott - 6.

Senate Bill No. 5005, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5015, by Senators Long, Hargrove, Winsley and Costa

Changing provisions relating to community mental health services.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ballasiotes and Tokuda spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Senate Bill No. 5015.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5015 and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 92.

Excused: Representatives Barlean, Edwards, Haigh, Mielke, Miloscia and Scott - 6.

Senate Bill No. 5015, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5046, by Senate Committee on Human Services & Corrections (originally sponsored by Senators Long, Hargrove and Costa)

Revising hearing procedures for defendants receiving mental health evaluations.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ballasiotes and O'Brien spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Substitute Senate Bill No. 5046.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5046 and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 92.

Excused: Representatives Barlean, Edwards, Haigh, Mielke, Miloscia and Scott - 6.

Substitute Senate Bill No. 5046, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5047, by Senate Committee on Human Services & Corrections (originally sponsored by Senators Long, Hargrove and Costa)

Changing the standards for information sharing among mental health professionals.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ballasiotes and O'Brien spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Substitute Senate Bill No. 5047.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5047 and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 92.

Excused: Representatives Barlean, Edwards, Haigh, Mielke, Miloscia and Scott - 6.

Substitute Senate Bill No. 5047, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5048, by Senate Committee on Human Services & Corrections (originally sponsored by Senators Long and Hargrove)

Making technical corrections to chapters 10.77 and 71.05 RCW.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ballasiotes and O'Brien spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Substitute Senate Bill No. 5048.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5048 and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 92.

Excused: Representatives Barlean, Edwards, Haigh, Mielke, Miloscia and Scott - 6.

Substitute Senate Bill No. 5048, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5058, by Senate Committee on Commerce, Trade, Housing & Financial Institutions (originally sponsored by Senators Prentice and Winsley; by request of Department of Financial Institutions)

Regulating certain financial institutions.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hatfield and Benson spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Substitute Senate Bill No. 5058.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5058 and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds,

Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 92.

Excused: Representatives Barlean, Edwards, Haigh, Mielke, Miloscia and Scott - 6.

Substitute Senate Bill No. 5058, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5095, by Senators Thibaudeau, Horn, Kohl-Welles, Patterson, Haugen, Prentice and Costa

Clarifying that public corporations, commissions, and authorities are public agencies for purposes of the open public meetings act.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on State Government was adopted. (For committee amendment(s), see Journal, 81<sup>st</sup> Day, April 1, 1999.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Romero and Campbell spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Senate Bill No. 5095, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5095, as amended by the House, and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 92.

Excused: Representatives Barlean, Edwards, Haigh, Mielke, Miloscia and Scott - 6.

Senate Bill No. 5095, as amended by the House, having received the constitutional majority, was declared passed.

There being no objection, the House deferred action on Senate Bill No. 5156, and the bill held its place on the second reading calendar.



ENGROSSED SUBSTITUTE SENATE BILL NO. 5175, by Senate Committee on State & Local Government (originally sponsored by Senators Patterson, Horn, Franklin, Eide, B. Sheldon, Finkbeiner, McCaslin, Goings, Oke, Winsley, Kohl-Welles, Fraser, Rasmussen, Costa and Benton; by request of Department of General Administration and Superintendent of Public Instruction)

Authorizing the donation of surplus computers and computer-related equipment to school districts and educational service districts.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Education was adopted. (For committee amendment(s), see Journal, 78<sup>th</sup> Day, March 29, 1999.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Fortunato and Quall spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5175, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5175, as amended by the House, and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 92.

Excused: Representatives Barlean, Edwards, Haigh, Mielke, Miloscia and Scott - 6.

Engrossed Substitute Senate Bill No. 5175, as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5179, by Senate Committee on Natural Resources, Parks & Recreation (originally sponsored by Senators Oke and Jacobsen)

Creating Title 79A RCW, Public Recreational Lands.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Natural Resources was adopted. (For committee amendment(s), see Journal, 82<sup>nd</sup> Day, April 2, 1999.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Anderson and Buck spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Substitute Senate Bill No. 5179, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5179, as amended by the House, and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 92.

Excused: Representatives Barlean, Edwards, Haigh, Mielke, Miloscia and Scott - 6.

Substitute Senate Bill No. 5179, as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5185, by Senate Committee on Transportation (originally sponsored by Senators Haugen, Benton, T. Sheldon, Finkbeiner, Goings, Gardner, Prentice, Sellar and Winsley)

Adjusting limits for highway work by state forces.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Romero and Ericksen spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Substitute Senate Bill No. 5185.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5185 and the bill passed the House by the following vote: Yeas - 91, Nays - 1, Absent - 0, Excused - 6.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H.

Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 91.

Voting nay: Representative Van Luven - 1.

Excused: Representatives Barlean, Edwards, Haigh, Mielke, Miloscia and Scott - 6.

Substitute Senate Bill No. 5185, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5202, by Senators Loveland, Hale and Winsley

Preventing convicted embezzlers from working for the county treasurer.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Mulliken and Doumit spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Senate Bill No. 5202.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5202 and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 92.

Excused: Representatives Barlean, Edwards, Haigh, Mielke, Miloscia and Scott - 6.

Senate Bill No. 5202, having received the constitutional majority, was declared passed.

SECOND SUBSTITUTE SENATE BILL NO. 5210, by Senate Committee on Ways & Means (originally sponsored by Senators Stevens, Hargrove, Long, Zarelli, Patterson and Franklin)

Altering shelter care laws.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Tokuda and D. Sommers spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Second Substitute Senate Bill No. 5210.

## ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5210 and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 92.

Excused: Representatives Barlean, Edwards, Haigh, Mielke, Miloscia and Scott - 6.

Second Substitute Senate Bill No. 5210, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5219, by Senate Committee on State & Local Government (originally sponsored by Senators Swecker, Zarelli, T. Sheldon and Snyder)

Allowing port district annexations.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Local Government was adopted. (For committee amendment(s), see Journal, 81<sup>st</sup> Day, April 1, 1999.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Alexander and Doumit spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Substitute Senate Bill No. 5219, as amended by the House.

## ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5219, as amended by the House, and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 92.

Excused: Representatives Barlean, Edwards, Haigh, Mielke, Miloscia and Scott - 6.

Substitute Senate Bill No. 5219, as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5231, by Senate Committee on State & Local Government (originally sponsored by Senators Hale, Winsley and Snyder)

Revising the duties of the county treasurer pertaining to management of debt.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Doumit and Fortunato spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Substitute Senate Bill No. 5231.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5231 and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 92.

Excused: Representatives Barlean, Edwards, Haigh, Mielke, Miloscia and Scott - 6.

Substitute Senate Bill No. 5231, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5274, by Senate Committee on Transportation (originally sponsored by Senators Goings, Horn, Haugen, Costa, Winsley, Heavey, McCaslin, Long and Prentice)

Allowing a regional transit authority to establish fines for certain civil infractions.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Lovick spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Substitute Senate Bill No. 5274.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5274 and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 92.

Excused: Representatives Barlean, Edwards, Haigh, Mielke, Miloscia and Scott - 6.

Substitute Senate Bill No. 5274, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5279, by Senate Committee on Human Services & Corrections (originally sponsored by Senators Kohl-Welles, Hargrove, Long, Fairley, Prentice and Winsley)

Regulating the placement of children in mental health treatment by the department of social and health services.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Children and Family Services were adopted. (For committee amendment(s), see Journal, 82<sup>nd</sup> Day, April 2, 1999.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Representative Schoesler, Representative Schindler was excused.

Representatives Tokuda and D. Sommers spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Substitute Senate Bill No. 5279, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5279, as amended by the House, and the bill passed the House by the following vote: Yeas - 91, Nays - 0, Absent - 0, Excused - 7.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers,

Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 91.

Excused: Representatives Barlean, Edwards, Haigh, Mielke, Miloscia, Schindler and Scott - 7.

Substitute Senate Bill No. 5279, as amended by the House, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5358, by Senators Benton, Snyder, Shin, Patterson, Costa, Rasmussen, Finkbeiner, Swecker, T. Sheldon, Sellar, Haugen, Hochstatter, Zarelli, Jacobsen, Heavey, Gardner, Prentice, Rossi, Horn and Stevens

Eliminating motorcycle handlebar height restrictions.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Transportation was adopted. (For committee amendment(s), see Journal, 82<sup>nd</sup> Day, April 2, 1999.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Pennington and Cooper spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Senate Bill No. 5358, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5358, as amended by the House, and the bill passed the House by the following vote: Yeas - 91, Nays - 0, Absent - 0, Excused - 7.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 91.

Excused: Representatives Barlean, Edwards, Haigh, Mielke, Miloscia, Schindler and Scott - 7.

Senate Bill No. 5358, as amended by the House, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5384, by Senators Heavey, Benton, Haugen and Horn; by request of Department of Transportation

Phasing in lightweight tire studs.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Transportation was adopted. (For committee amendment(s), see Journal, 82<sup>nd</sup> Day, April 2, 1999.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative K. Schmidt spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Senate Bill No. 5384, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5384, as amended by the House, and the bill passed the House by the following vote: Yeas - 89, Nays - 2, Absent - 0, Excused - 7.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 89.

Voting nay: Representatives Constantine and Poulsen - 2.

Excused: Representatives Barlean, Edwards, Haigh, Mielke, Miloscia, Schindler and Scott - 7.

Senate Bill No. 5384, as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5509, by Senate Committee on Commerce, Trade, Housing & Financial Institutions (originally sponsored by Senators Kline, Jacobsen, Heavey, Horn, Finkbeiner, Patterson, Franklin, Fairley, Prentice, Hochstatter, Bauer, Gardner, Costa, Eide, McDonald, B. Sheldon, Goings, McAuliffe, Kohl-Welles, Rasmussen and Oke)

Creating the Holocaust victims insurance relief act.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Radcliff, Schual-Berke, Benson and Dickerson spoke in favor of passage of the bill.

#### COLLOQUY

Representative Benson asked Representative Schual-Berke to yield to a question.

Representative Benson: "Regarding the phrase "related company" which appears at Section 3(3) in the definition of "insurer", this bill covers those American insurers which are "related" by



merger or acquisition to European insurers which sold policies which were in effect between 1933 and 1945. But does it cover American insurers whose only relationship to the affected insurers is through a policy of re-insurance purchased by the American company?"

Representative Schual-Berke: "No, this language, and language that may appear elsewhere in the bill, refers only to a relationship by merger or acquisition, by which a common ownership is created. A policy of re-insurance is a routine business transaction between separately-owned companies, and does not alone render this bill applicable to the American company."

Speaker Chopp stated the question before the House to be final passage of Substitute Senate Bill No. 5509.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5509 and the bill passed the House by the following vote: Yeas - 91, Nays - 0, Absent - 0, Excused - 7.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 91.

Excused: Representatives Barlean, Edwards, Haigh, Mielke, Miloscia, Schindler and Scott - 7.

Substitute Senate Bill No. 5509, having received the constitutional majority, was declared passed.

Speaker Chopp called upon Representative Ogden to preside.

SUBSTITUTE SENATE BILL NO. 5513, by Senate Committee on Human Services & Corrections (originally sponsored by Senators Costa, Long, Franklin, Zarelli, Heavey, Hargrove, T. Sheldon, Rossi and Shin)

Augmenting provisions for execution witnesses.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ballasiotes and O'Brien spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5513.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5513 and the bill passed the House by the following vote: Yeas - 83, Nays - 10, Absent - 0, Excused - 5.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Eickmeyer, Ericksen, Esser, Fortunato, Gombosky, Grant, Hankins, Hatfield, Huff, Hurst, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mitchell, Morris, Mulliken, O'Brien, Ogden, Parlette, Pennington, Pflug, Quall, Radcliff, Reardon, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 83.

Voting nay: Representatives Cody, Constantine, Edmonds, Fisher, Kagi, Lantz, Murray, Poulsen, Regala and Voloria - 10.

Excused: Representatives Edwards, Haigh, Mielke, Miloscia and Scott - 5.

Substitute Senate Bill No. 5513, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5525, by Senators Hargrove, Morton, T. Sheldon, Snyder, Oke, Winsley and Rasmussen

Revising provision for appointment of a county legislative authority member of the forest practices board.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Anderson and Ericksen spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Senate Bill No. 5525.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5525 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 93.

Excused: Representatives Edwards, Haigh, Mielke, Miloscia and Scott - 5.

Senate Bill No. 5525, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5567, by Senators Hale and Snyder

Using federal funds to reduce the outstanding debt of school districts within counties.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hankins and Doumit spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Senate Bill No. 5567.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5567 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 93.

Excused: Representatives Edwards, Haigh, Mielke, Miloscia and Scott - 5.

Senate Bill No. 5567, having received the constitutional majority, was declared passed.

The House deferred action on Senate Bill No. 5628, and the bill held its place on the second reading calendar.

SUBSTITUTE SENATE BILL NO. 5638, by Senate Committee on Natural Resources, Parks & Recreation (originally sponsored by Senators Hargrove, Oke, Morton and T. Sheldon; by request of Department of Fish and Wildlife)

Correcting fish and wildlife enforcement code provisions.

The bill was read the second time.

Representative Buck moved the adoption of the committee amendment(s) by the Committee on Natural Resources. (For committee amendment(s), see Journal, 82<sup>nd</sup> Day, April 2, 1999.)

Representative Buck moved the adoption of amendment (142) to the committee amendment:

On page 6, beginning on line 28, strike all of section 11

Renumber the remaining sections consecutively, correct any internal references accordingly, and correct the title

Representatives Buck and Regala spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Sump and Anderson spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5638, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5638, as amended by the House, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 93.

Excused: Representatives Edwards, Haigh, Mielke, Miloscia and Scott - 5.

Substitute Senate Bill No. 5638, as amended by the House, having received the constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5668, by Senate Committee on Education (originally sponsored by Senators West, T. Sheldon, Patterson, Heavey, Snyder, Oke, Costa and Rasmussen)

Regarding criminal records checks for volunteers who have regularly scheduled unsupervised access to children.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Talcott and Quall spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5668.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5668 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds,

Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 93.

Excused: Representatives Edwards, Haigh, Mielke, Miloscia and Scott - 5.

Engrossed Substitute Senate Bill No. 5668, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5669, by Senate Committee on Labor & Workforce Development (originally sponsored by Senators Snyder and Brown)

Regulating conversion vending units and medical units.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Wood and B. Chandler spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5669.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5669 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 93.

Excused: Representatives Edwards, Haigh, Mielke, Miloscia and Scott - 5.

Substitute Senate Bill No. 5669, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5706, by Senate Committee on Transportation (originally sponsored by Senators Bauer, Haugen, Sellar, Benton, Shin, Eide, Prentice, Oke, Rasmussen, Jacobsen and Winsley)

Decriminalizing license fraud and establishing a license fraud task force in the Washington state patrol.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Transportation was adopted. (For committee amendment(s), see Journal, 79<sup>th</sup> Day, March 30, 1999.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cooper and Radcliff spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5706, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5706, as amended by the House, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 93.

Excused: Representatives Edwards, Haigh, Mielke, Miloscia and Scott - 5.

Substitute Senate Bill No. 5706, as amended by the House, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5731, by Senator Snyder

Revising provisions regulating municipal officers' interest in contracts.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Local Government was adopted. (For committee amendment(s), see Journal, 81<sup>st</sup> Day, April 1, 1999.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Doumit spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Senate Bill No. 5731, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5731, as amended by the House, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 93.

Excused: Representatives Edwards, Haigh, Mielke, Miloscia and Scott - 5.

Senate Bill No. 5731, as amended by the House, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5741, by Senators Morton, Goings, Honeyford, T. Sheldon, Swecker, Deccio, Hochstatter, Benton, Zarelli, Long, Hale, Sheahan and Eide

Permitting trucks under 16,001 pounds to bypass scales.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Hurst spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Senate Bill No. 5741.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5741 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 93.

Excused: Representatives Edwards, Haigh, Mielke, Miloscia and Scott - 5.

Senate Bill No. 5741, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5806, by Senators Haugen, Hochstatter, Horn and Rasmussen; by request of Military Department

Requiring the adjutant general to adopt rules relating to automatic location identification.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Romero and Campbell spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Senate Bill No. 5806.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5806 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 93.

Excused: Representatives Edwards, Haigh, Mielke, Miloscia and Scott - 5.

Senate Bill No. 5806, having received the constitutional majority, was declared passed.

The House deferred action on Substitute Senate Bill No. 5828, and the bill held its place on the second reading calendar.

SUBSTITUTE SENATE BILL NO. 5838 by Senate Committee on Education (originally sponsored by Senator McAuliffe)

School employee leave sharing.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Talcott and Quall spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5838.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5838 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette,



Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 93.

Excused: Representatives Edwards, Haigh, Mielke, Miloscia and Scott - 5.

Substitute Senate Bill No. 5838, having received the constitutional majority, was declared passed.

#### NOTICES OF RECONSIDERATION

Representative Kessler, having voted on the prevailing side, gave notice of her intent to move for reconsideration of the vote on Senate Bill No. 5005 on the next working day.

Representative Mastin, having voted on the prevailing side, gave notice of his intent to move for reconsideration of the vote on Substitute Senate Bill No. 5513 on the next working day.

There being no objection, the House advanced to the eleventh order of business.

#### MOTION

On motion of Representative Kessler, the House adjourned until 9:00 a.m., Wednesday, April 7, 1999, the 87<sup>th</sup> Legislative Day.

TIMOTHY A. MARTIN, Chief Clerk      CLYDE BALLARD, Speaker  
DEAN R. FOSTER, Chief Clerk      FRANK CHOPP, Speaker

EIGHTY-SIXTH DAY, APRIL 6, 1999

JOURNAL OF THE HOUSE

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

**EIGHTY-SEVENTH DAY**

**MORNING SESSION**

House Chamber, Olympia, Wednesday, April 7, 1999

The House was called to order at 9:00 a.m. by Speaker Pro Tempore Pennington. The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Brandun Anderson and Emily Hunter. Prayer was offered by Pastor Bob Cassis, Olympia Christian Reform Church.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

**MESSAGE FROM THE SENATE**

April 6, 1999

Mr. Speaker:

The Senate has passed:

SUBSTITUTE HOUSE BILL NO. 1015,

SUBSTITUTE HOUSE BILL NO. 1016,

HOUSE BILL NO. 1018,

HOUSE BILL NO. 1106,

HOUSE BILL NO. 1139,

HOUSE BILL NO. 1216,

HOUSE BILL NO. 1221,

HOUSE BILL NO. 1297,

SUBSTITUTE HOUSE BILL NO. 1289,  
HOUSE BILL NO. 1388,  
HOUSE BILL NO. 1372,  
HOUSE BILL NO. 1425,  
ENGROSSED HOUSE BILL NO. 1459,  
SUBSTITUTE HOUSE BILL NO. 1490,  
HOUSE BILL NO. 1491,  
HOUSE BILL NO. 1584,  
HOUSE BILL NO. 1734,  
HOUSE BILL NO. 1819,  
SUBSTITUTE HOUSE BILL NO. 2071,  
HOUSE BILL NO. 2116,  
HOUSE BILL NO. 2181,  
HOUSE BILL NO. 2206,  
HOUSE JOINT MEMORIAL NO. 4004,  
HOUSE JOINT MEMORIAL NO. 4011,

and the same are herewith transmitted.

Tony M. Cook, Secretary

Speaker Ballard assumed the chair.

### **RESOLUTION**

HOUSE RESOLUTION NO. 99-4659, by Representatives Kenney, Carlson, Radcliff, Lantz, Gombosky, Edmonds, Esser, Dunn, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, B. Chandler, G. Chandler, Chopp, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Ericksen, Fisher, Fortunato, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kessler, Koster, Lambert, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe and Wood.

WHEREAS, The students selected for special recognition as Washington Scholars in 1999 have distinguished themselves as exceptional students, student leaders, and as talented and enthusiastic

participants in many diverse activities including art, debate, drama, honor societies, interscholastic sports, Junior Achievement, knowledge competitions, music, and student government; and

WHEREAS, These exemplary students have also contributed to the welfare of those less fortunate in their neighborhoods through volunteer efforts with community service organizations such as the United Way, Special Olympics, March of Dimes, Big Brothers, Big Sisters, community food drives, senior centers, scouting, and church groups; and

WHEREAS, The State of Washington benefits greatly from the accomplishments of these caring and gifted individuals, not only in their roles as students, but also as citizens, role models for other young people, and future leaders of our communities and our state; and

WHEREAS, Through the Washington Scholars Program, the Governor, the legislature, and the state's citizens have an opportunity to recognize and honor three outstanding seniors from each of the state's forty-nine legislative districts for the students' exceptional academic achievements, leadership abilities, and contributions to their communities;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives honor and congratulate the Washington Scholars for their hard work, dedication, contributions, and maturity in achieving this significant accomplishment; and

BE IT FURTHER RESOLVED, That the families of these students be commended for the encouragement and support they have provided to the scholars; and

BE IT FURTHER RESOLVED, That the principals, teachers, and classmates of these highly esteemed students be recognized for the important part they played in helping the scholars to learn, contribute, lead, and excel; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to each of the Washington Scholars selected in 1999.

Representative Kenney moved adoption of the resolution.

Representatives Kenney and Carlson spoke in favor of the adoption of the resolution.

House Resolution No. 99-4659 was adopted.

There being no objection, the House advanced to the sixth order of business.

## **SECOND READING**

ENGROSSED SENATE BILL NO. 5109, by Senators Patterson, McAuliffe, Prentice, Johnson, Hochstatter, Brown, Heavey, Kline, Finkbeiner, Benton, Winsley, Oke and Kohl-Welles

Creating limited immunity for school districts.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Judiciary (for committee amendment see Journal 82<sup>nd</sup> Day, April 2, 1999) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

## **MOTIONS**

On motion of Representative Schoesler, Representatives Buck and Van Luven were excused. On motion of Representative Wolfe, Representatives Scott, Edwards, Wood, Quall, Schual-Berke and Anderson were excused.

Representatives Constantine and McDonald spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Engrossed Senate Bill No. 5109, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5109, as amended by the House, and the bill passed the House by the following vote: Yeas - 90, Nays - 0, Absent - 0, Excused - 8.

Voting yea: Representatives Alexander, Ballasiotes, Barlean, Benson, Boldt, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Voloria, Wensman, Wolfe, Mr. Speaker Ballard and Mr. Speaker Chopp - 90.

Excused: Representatives Anderson, Buck, Edwards, Quall, Schual-Berke, Scott, Van Luven and Wood - 8.

Engrossed Senate Bill No. 5109, as amended by the House, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5114, by Senators Honeyford, Thibaudeau and Deccio

Exempting certain hospitals from annual inspections.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Representative Wolfe, Representative Lantz was excused.

Representatives Cody and Campbell spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Senate Bill No. 5114.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5114 and the bill passed the House by the following vote: Yeas - 89, Nays - 0, Absent - 0, Excused - 9.

Voting yea: Representatives Alexander, Ballasiotes, Barlean, Benson, Boldt, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden,

Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Voloria, Wensman, Wolfe, Mr. Speaker Ballard and Mr. Speaker Chopp - 89.

Excused: Representatives Anderson, Buck, Edwards, Lantz, Quall, Schual-Berke, Scott, Van Luven and Wood - 9.

Senate Bill No. 5114, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5125, by Senators Loveland, Rasmussen, Morton, Stevens, T. Sheldon and Honeyford

Giving direction to the commission on pesticide registration.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Agriculture and Ecology was adopted. (For committee amendment(s), see Journal, 82<sup>nd</sup> Day, April 2, 1999.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives G. Chandler and Cooper spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Senate Bill No. 5125 as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5125 as amended by the House, and the bill passed the House by the following vote: Yeas - 89, Nays - 0, Absent - 0, Excused - 9.

Voting yea: Representatives Alexander, Ballasiotes, Barlean, Benson, Boldt, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Voloria, Wensman, Wolfe, Mr. Speaker Ballard and Mr. Speaker Chopp - 89.

Excused: Representatives Anderson, Buck, Edwards, Lantz, Quall, Schual-Berke, Scott, Van Luven and Wood - 9.

Senate Bill No. 5125 as amended by the House, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5196, by Senators Johnson, Kline and Winsley

Resolving trust and estate disputes.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Esser and Hurst spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Senate Bill No. 5196.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5196 and the bill passed the House by the following vote: Yeas - 90, Nays - 0, Absent - 0, Excused - 8.

Voting yea: Representatives Alexander, Ballasiotes, Barlean, Benson, Boldt, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Voloria, Wensman, Wolfe, Mr. Speaker Ballard and Mr. Speaker Chopp - 90.

Excused: Representatives Anderson, Buck, Edwards, Quall, Schual-Berke, Scott, Van Luven and Wood - 8.

Senate Bill No. 5196, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5197, by Senate Committee on Judiciary (originally sponsored by Senators Johnson and Kline)

Making technical corrections to the disclaimer statute.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Carrell and Constantine spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute Senate Bill No. 5197.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5197 and the bill passed the House by the following vote: Yeas - 90, Nays - 0, Absent - 0, Excused - 8.

Voting yea: Representatives Alexander, Ballasiotes, Barlean, Benson, Boldt, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Skinner, D. Sommers, H.

Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Voloria, Wensman, Wolfe, Mr. Speaker Ballard and Mr. Speaker Chopp - 90.

Excused: Representatives Anderson, Buck, Edwards, Quall, Schual-Berke, Scott, Van Luven and Wood - 8.

Substitute Senate Bill No. 5197, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5198, by Senators Johnson and Kline

Comporting with Internal Revenue Code language.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Esser and Hurst spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Senate Bill No. 5198.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5198 and the bill passed the House by the following vote: Yeas - 90, Nays - 0, Absent - 0, Excused - 8.

Voting yea: Representatives Alexander, Ballasiotes, Barlean, Benson, Boldt, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Voloria, Wensman, Wolfe, Mr. Speaker Ballard and Mr. Speaker Chopp - 90.

Excused: Representatives Anderson, Buck, Edwards, Quall, Schual-Berke, Scott, Van Luven and Wood - 8.

Senate Bill No. 5198, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5211, by Senators Costa, Roach, Fairley, Goings, West and Winsley

Clarifying the jurisdiction over drunk drivers.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Constantine and Lambert spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Senate Bill No. 5211.



## ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5211 and the bill passed the House by the following vote: Yeas - 90, Nays - 0, Absent - 0, Excused - 8.

Voting yea: Representatives Alexander, Ballasiotes, Barlean, Benson, Boldt, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Voloria, Wensman, Wolfe, Mr. Speaker Ballard and Mr. Speaker Chopp - 90.

Excused: Representatives Anderson, Buck, Edwards, Quall, Schual-Berke, Scott, Van Luven and Wood - 8.

Senate Bill No. 5211, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5234, by Senate Committee on Judiciary (originally sponsored by Senators Long, Horn, Kline, Gardner, McCaslin, Zarelli, Roach, Hargrove, Kohl-Welles, Haugen, Franklin, Stevens, Thibaudeau, Oke, Winsley, Costa and Benton; by request of Department of Corrections)

Defining the crime of custodial sexual misconduct.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ballasiotes and O'Brien spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute Senate Bill No. 5234.

## ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5234 and the bill passed the House by the following vote: Yeas - 90, Nays - 0, Absent - 0, Excused - 8.

Voting yea: Representatives Alexander, Ballasiotes, Barlean, Benson, Boldt, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Voloria, Wensman, Wolfe, Mr. Speaker Ballard and Mr. Speaker Chopp - 90.

Excused: Representatives Anderson, Buck, Edwards, Quall, Schual-Berke, Scott, Van Luven and Wood - 8.

Substitute Senate Bill No. 5234, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5253, by Senators Benton, Prentice, Winsley, Shin, Deccio, Heavey, Rasmussen, West, T. Sheldon, Hale, Gardner, Rossi and Oke; by request of Department of Licensing

Preventing a registered sex offender from holding a real estate license.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Clements and Hurst spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Senate Bill No. 5253.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5253 and the bill passed the House by the following vote: Yeas - 90, Nays - 0, Absent - 0, Excused - 8.

Voting yea: Representatives Alexander, Ballasiotes, Barlean, Benson, Boldt, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Voloria, Wensman, Wolfe, Mr. Speaker Ballard and Mr. Speaker Chopp - 90.

Excused: Representatives Anderson, Buck, Edwards, Quall, Schual-Berke, Scott, Van Luven and Wood - 8.

Senate Bill No. 5253, having received the constitutional majority, was declared passed.

The House deferred action on Engrossed Substitute Senate Bill No. 5300, and the bill held its place on the second reading calendar.

SENATE BILL NO. 5307, by Senators Jacobsen, Swecker, Fraser and Kline; by request of Commissioner of Public Lands

Concerning reclamation of underground mine tailings.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Natural Resources was adopted. (For committee amendment(s), see Journal, 82<sup>nd</sup> Day, April 2, 1999.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Sump and Regala spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Senate Bill No. 5307, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5307, as amended by the House, and the bill passed the House by the following vote: Yeas - 90, Nays - 0, Absent - 0, Excused - 8.

Voting yea: Representatives Alexander, Ballasiotes, Barlean, Benson, Boldt, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Voloria, Wensman, Wolfe, Mr. Speaker Ballard and Mr. Speaker Chopp - 90.

Excused: Representatives Anderson, Buck, Edwards, Quall, Schual-Berke, Scott, Van Luven and Wood - 8.

Senate Bill No. 5307, as amended by the House, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5343, by Senators Jacobsen, Shin, Kohl-Welles, Costa, Thibaudeau and Gardner

Requiring that school information be included in the passport provided to foster parents.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Children and Family Services was adopted. (For committee amendment(s), see Journal, 82<sup>nd</sup> Day, April 2, 1999.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives D. Sommers and Tokuda spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Senate Bill No. 5343 as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5343 as amended by the House, and the bill passed the House by the following vote: Yeas - 91, Nays - 0, Absent - 0, Excused - 7.

Voting yea: Representatives Alexander, Ballasiotes, Barlean, Benson, Boldt, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero,

Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Veloria, Wensman, Wolfe, Mr. Speaker Ballard and Mr. Speaker Chopp - 91.

Excused: Representatives Anderson, Buck, Edwards, Quall, Scott, Van Luven and Wood - 7.

Senate Bill No. 5343 as amended by the House, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5347, by Senators Rasmussen, Honeyford, Prentice and Morton

Extending the period of time to expend funds from the fruit and vegetable district fund.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives B. Chandler and Cooper spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Senate Bill No. 5347.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5347 and the bill passed the House by the following vote: Yeas - 91, Nays - 0, Absent - 0, Excused - 7.

Voting yea: Representatives Alexander, Ballasiotes, Barlean, Benson, Boldt, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Veloria, Wensman, Wolfe, Mr. Speaker Ballard and Mr. Speaker Chopp - 91.

Excused: Representatives Anderson, Buck, Edwards, Quall, Scott, Van Luven and Wood - 7.

Senate Bill No. 5347, having received the constitutional majority, was declared passed.

The House deferred action on Senate Bill No. 5382 and Substitute Senate Bill No. 5399, and the bills held their places on the second reading calendar.

SENATE BILL NO. 5442, by Senators Kline, Roach and Wojahn

Increasing the defined amount of "nominal deposit" affecting real estate brokers.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Clements and Conway spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Senate Bill No. 5442.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5442 and the bill passed the House by the following vote: Yeas - 91, Nays - 0, Absent - 0, Excused - 7.

Voting yea: Representatives Alexander, Ballasiotes, Barlean, Benson, Boldt, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Veloria, Wensman, Wolfe, Mr. Speaker Ballard and Mr. Speaker Chopp - 91.

Excused: Representatives Anderson, Buck, Edwards, Quall, Scott, Van Luven and Wood - 7.

Senate Bill No. 5442, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5573, by Senate Committee on Judiciary (originally sponsored by Senators Horn, Johnson, Costa, Patterson and Winsley; by request of Washington State Patrol)

Improving criminal history record dispositions.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Carrell and Constantine spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute Senate Bill No. 5573.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5573 and the bill passed the House by the following vote: Yeas - 91, Nays - 0, Absent - 0, Excused - 7.

Voting yea: Representatives Alexander, Ballasiotes, Barlean, Benson, Boldt, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Veloria, Wensman, Wolfe, Mr. Speaker Ballard and Mr. Speaker Chopp - 91.

Excused: Representatives Anderson, Buck, Edwards, Quall, Scott, Van Luven and Wood - 7.

Substitute Senate Bill No. 5573, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5609, by Senate Committee on Ways & Means (originally sponsored by Senators Horn, Prentice, Winsley, Haugen and Costa; by request of Secretary of State)

Making awards for state employees' suggestions.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Campbell and Romero spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute Senate Bill No. 5609.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5609 and the bill passed the House by the following vote: Yeas - 91, Nays - 0, Absent - 0, Excused - 7.

Voting yea: Representatives Alexander, Ballasiotes, Barlean, Benson, Boldt, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Veloria, Wensman, Wolfe, Mr. Speaker Ballard and Mr. Speaker Chopp - 91.

Excused: Representatives Anderson, Buck, Edwards, Quall, Scott, Van Luven and Wood - 7.

Substitute Senate Bill No. 5609, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5634, by Senate Committee on Education (originally sponsored by Senators Finkbeiner, Zarelli, Hale, Oke, Deccio, Johnson, Hochstatter, Rossi, McDonald, Horn, Swecker and West)

Requiring school districts to adopt policies for the retention and promotion of students.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Education was adopted. (For committee amendment(s), see Journal, 82<sup>nd</sup> Day, April 2, 1999.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Carlson and Keiser spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute Senate Bill No. 5634, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5634, as amended by the House, and the bill passed the House by the following vote: Yeas - 91, Nays - 0, Absent - 0, Excused - 7.

Voting yea: Representatives Alexander, Ballasiotes, Barlean, Benson, Boldt, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Veloria, Wensman, Wolfe, Mr. Speaker Ballard and Mr. Speaker Chopp - 91.

Excused: Representatives Anderson, Buck, Edwards, Quall, Scott, Van Luven and Wood - 7.

Substitute Senate Bill No. 5634, as amended by the House, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5643, by Senators Gardner, Horn, McDonald and Oke; by request of Secretary of State

Revising laws on the state voters' pamphlet.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on State Government was adopted. (For committee amendment(s), see Journal, 82<sup>nd</sup> Day, April 2, 1999.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Campbell and Romero spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Senate Bill No. 5643 as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5643 as amended by the House, and the bill passed the House by the following vote: Yeas - 91, Nays - 0, Absent - 0, Excused - 7.

Voting yea: Representatives Alexander, Ballasiotes, Barlean, Benson, Boldt, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D.

Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Veloria, Wensman, Wolfe, Mr. Speaker Ballard and Mr. Speaker Chopp - 91.

Excused: Representatives Anderson, Buck, Edwards, Quall, Scott, Van Luven and Wood - 7.

Senate Bill No. 5643 as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5651, by Senate Committee on Natural Resources, Parks & Recreation (originally sponsored by Senators Winsley and Loveland)

Requiring a purchaser of timber by contract to provide proof of payment of all taxes before release of a performance bond.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Sump and Regala spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute Senate Bill No. 5651.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5651 and the bill passed the House by the following vote: Yeas - 91, Nays - 0, Absent - 0, Excused - 7.

Voting yea: Representatives Alexander, Ballasiotes, Barlean, Benson, Boldt, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Veloria, Wensman, Wolfe, Mr. Speaker Ballard and Mr. Speaker Chopp - 91.

Excused: Representatives Anderson, Buck, Edwards, Quall, Scott, Van Luven and Wood - 7.

Substitute Senate Bill No. 5651, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5652, by Senators Bauer and Sellar

Increasing statutory limits on appraiser fees in eminent domain proceedings.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives DeBolt and Cooper spoke in favor of passage of the bill.



Speaker Ballard stated the question before the House to be final passage of Senate Bill No. 5652.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5652 and the bill passed the House by the following vote: Yeas - 91, Nays - 0, Absent - 0, Excused - 7.

Voting yea: Representatives Alexander, Ballasiotes, Barlean, Benson, Boldt, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Veloria, Wensman, Wolfe, Mr. Speaker Ballard and Mr. Speaker Chopp - 91.

Excused: Representatives Anderson, Buck, Edwards, Quall, Scott, Van Luven and Wood - 7.

Senate Bill No. 5652, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5664, by Senators Costa, Long, Kline, Hargrove, Thibaudeau, Wojahn, Franklin and Jacobsen

Renaming, with regard to adult and juvenile offenders, "community service" as "community restitution."

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Criminal Justice and Corrections was adopted. (For committee amendment(s), see Journal, 82<sup>nd</sup> Day, April 2, 1999.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ballasiotes and Lovick spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Senate Bill No. 5664, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5664, as amended by the House, and the bill passed the House by the following vote: Yeas - 91, Nays - 0, Absent - 0, Excused - 7.

Voting yea: Representatives Alexander, Ballasiotes, Barlean, Benson, Boldt, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D.

Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Veloria, Wensman, Wolfe, Mr. Speaker Ballard and Mr. Speaker Chopp - 91.

Excused: Representatives Anderson, Buck, Edwards, Quall, Scott, Van Luven and Wood - 7.

Senate Bill No. 5664, as amended by the House, having received the constitutional majority, was declared passed.

The House deferred action on Senate Bill No. 5670 and Senate Bill No. 5734, and the bills held their places on the second reading calendar.

SENATE BILL NO. 5772, by Senators Gardner, T. Sheldon, Rasmussen, Swecker, Prentice, Costa, McCaslin, Wojahn, Spanel, Goings and Oke; by request of Secretary of State

Strengthening confidentiality for victims of domestic violence.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Representative Wolfe, Representative Regala was excused.

Representatives Campbell and Romero spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Senate Bill No. 5772.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5772 and the bill passed the House by the following vote: Yeas - 90, Nays - 0, Absent - 0, Excused - 8.

Voting yea: Representatives Alexander, Ballasiotes, Barlean, Benson, Boldt, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Veloria, Wensman, Wolfe, Mr. Speaker Ballard and Mr. Speaker Chopp - 90.

Excused: Representatives Anderson, Buck, Edwards, Quall, Regala, Scott, Van Luven and Wood - 8.

Senate Bill No. 5772, having received the constitutional majority, was declared passed.

The House deferred action on Engrossed Senate Bill No. 5897 and Senate Bill No. 5911, and the bills held their places on the second reading calendar.

SUBSTITUTE SENATE BILL NO. 5928, by Senate Committee on Judiciary (originally sponsored by Senator Prentice)

Extending immunity from liability to those who communicate a complaint or information to self-regulatory agencies.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Hurst spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute Senate Bill No. 5928.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5928 and the bill passed the House by the following vote: Yeas - 90, Nays - 0, Absent - 0, Excused - 8.

Voting yea: Representatives Alexander, Ballasiotes, Barlean, Benson, Boldt, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Voloria, Wensman, Wolfe, Mr. Speaker Ballard and Mr. Speaker Chopp - 90.

Excused: Representatives Anderson, Buck, Edwards, Quall, Regala, Scott, Van Luven and Wood - 8.

Substitute Senate Bill No. 5928, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5954, by Senators Kline, Eide and Thibaudeau; by request of Department of Social and Health Services

Claiming the proceeds recovered on behalf of recipients of state assistance.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Pflug spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Senate Bill No. 5954.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5954 and the bill passed the House by the following vote: Yeas - 90, Nays - 0, Absent - 0, Excused - 8.

Voting yea: Representatives Alexander, Ballasiotes, Barlean, Benson, Boldt, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway,

Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Voloria, Wensman, Wolfe, Mr. Speaker Ballard and Mr. Speaker Chopp - 90.

Excused: Representatives Anderson, Buck, Edwards, Quall, Regala, Scott, Van Luven and Wood - 8.

Senate Bill No. 5954, having received the constitutional majority, was declared passed.

The House deferred action on Senate Bill No. 6025, and the bill held its place on the second reading calendar.

SENATE BILL NO. 6030, by Senator Snyder

Expanding the designation of the Lewis and Clark Highway.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hankins and Cooper spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Senate Bill No. 6030.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6030 and the bill passed the House by the following vote: Yeas - 90, Nays - 0, Absent - 0, Excused - 8.

Voting yea: Representatives Alexander, Ballasiotes, Barlean, Benson, Boldt, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Voloria, Wensman, Wolfe, Mr. Speaker Ballard and Mr. Speaker Chopp - 90.

Excused: Representatives Anderson, Buck, Edwards, Quall, Regala, Scott, Van Luven and Wood - 8.

Senate Bill No. 6030, having received the constitutional majority, was declared passed.

There being no objection, the bills passed by the House were immediately transmitted to the Senate.

SENATE BILL NO. 5628, by Senators Gardner, Heavey, Shin, Prentice, Winsley and T. Sheldon

Modifying license duration and continuing education requirements for accountants.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Commerce & Labor was adopted. (For committee amendment(s), see Journal, 78<sup>th</sup> Day, March 29, 1999.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Carlson spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Senate Bill No. 5628, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5628, as amended by the House, and the bill passed the House by the following vote: Yeas - 90, Nays - 0, Absent - 0, Excused - 8.

Voting yea: Representatives Alexander, Ballasiotes, Barlean, Benson, Boldt, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Voloria, Wensman, Wolfe, Mr. Speaker Ballard and Mr. Speaker Chopp - 90.

Excused: Representatives Anderson, Buck, Edwards, Quall, Regala, Scott, Van Luven and Wood - 8.

Senate Bill No. 5628, as amended by the House, having received the constitutional majority, was declared passed.

### THIRD READING

On April 6, 1999, notice was given for a motion of reconsideration on Senate Bill No. 5005. There being no objection, the House immediately reconsidered Senate Bill No. 5005 and the bill was returned to second reading for purposes of amendment.

There being no objection, the House reverted to the sixth order of business.

### SECOND READING

SENATE BILL NO. 5005, by Senators Loveland, Haugen, Winsley and Rasmussen

Allowing signing of safer routes to tourist-oriented businesses.

Representative McMorris moved the adoption of amendment (144):

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 47.36.320 and 1986 c 114 s 2 are each amended to read as follows:

The department is authorized to erect and maintain specific information panels within the right of way of both the primary system and the scenic system to give the traveling public specific information as to gas, food, recreation, or lodging available off the primary or scenic highway accessible by way of highways intersecting the primary or scenic highway. Such specific information panels and tourist-oriented directional signs shall be permitted only at locations within the corporate limits of cities and towns and areas zoned for commercial or industrial uses where there is adequate distance between interchanges to ensure compliance with the provisions of Title 23 C.F.R. Secs. 655.308(a) and 655.309(a). Specific information panels shall include the words "GAS," "FOOD," "RECREATION," or "LODGING" and directional information and may contain one or more individual business signs maintained on the panel. The erection and maintenance of specific information panels along primary or scenic highways shall conform to the national standards promulgated by the United States secretary of transportation pursuant to sections 131 and 315 of Title 23 United States Code and rules adopted by the state department of transportation including the manual on uniform traffic control devices for streets and highways. A motorist service business located within one mile of a state highway shall not be permitted to display its name, brand, or trademark on a specific information panel unless its owner has first entered into an agreement with the department limiting the height of its on-premise signs at the site of its service installation to not more than fifteen feet higher than the roof of its main building.

The department shall adopt rules for the erection and maintenance of tourist-oriented directional signs with the following restrictions:

- (1) Where installed, they shall be placed in advance of the "GAS," "FOOD," "RECREATION," or "LODGING" specific information panels previously described in this section;
- (2) Signs shall not be placed to direct a motorist to an activity visible from the main traveled roadway;
- (3) Premises on which the qualified tourist-oriented business is located must be within fifteen miles of the state highway except as provided in RCW 47.36.330(3) (b) and (c), and necessary supplemental signing on local roads must be provided before the installation of the signs on the state highway.

The department shall charge reasonable fees for the display of individual business signs to defray the costs of their installation and maintenance.

**Sec. 2.** RCW 47.36.330 and 1985 c 142 s 3 are each amended to read as follows:

- (1) Not more than six business signs may be permitted on specific information panels authorized by RCW 47.36.310 and 47.36.320.
- (2) The maximum distance that eligible service facilities may be located on either side of an interchange or intersection to qualify for a business sign are as follows:
  - (a) On fully-controlled, limited access highways, gas, food, or lodging activities shall be located within three miles. Camping activities shall be within five miles.
  - (b) On highways with partial access control or no access control, gas, food, lodging, or camping activities shall be located within five miles.
- (3)
  - (a) If no eligible services are located within the distance limits prescribed in subsection (2) of this section, the distance limits shall be increased until an eligible service of a type being considered is reached, up to a maximum of fifteen miles.
  - (b) The department may erect and maintain signs on an alternate route that is longer than fifteen miles if it is safer and still provides reasonable and convenient travel to an eligible service.
  - (c) The department may erect and maintain signs on a route up to a maximum of twenty miles if it qualifies as an eligible service and is within a distressed area under the criteria of chapter 43.165 RCW.

Representative McMorris spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Representative Wolfe, Representative Linville was excused.

Speaker Ballard stated the question before the House to be final passage of Senate Bill No. 5005, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5005, as amended by the House, and the bill passed the House by the following vote: Yeas - 89, Nays - 0, Absent - 0, Excused - 9.

Voting yea: Representatives Alexander, Ballasiotes, Barlean, Benson, Boldt, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Voloria, Wensman, Wolfe, Mr. Speaker Ballard and Mr. Speaker Chopp - 89.

Excused: Representatives Anderson, Buck, Edwards, Linville, Quall, Regala, Scott, Van Luven and Wood - 9.

Senate Bill No. 5005, as amended by the House, having received the constitutional majority, was declared passed.

#### THIRD READING

On April 6, 1999, notice was given for a motion of reconsideration on Substitute Senate Bill No. 5513. There being no objection, the House immediately reconsidered Substitute Senate Bill No. 5513 and the bill was returned to second reading for purposes of amendment.

There being no objection, the House reverted to the sixth order of business.

#### SECOND READING

SUBSTITUTE SENATE BILL NO. 5513, by Senate Committee on Human Services & Corrections (originally sponsored by Senators Costa, Long, Franklin, Zarelli, Heavey, Hargrove, T. Sheldon, Rossi and Shin)

Augmenting provisions for execution witnesses.

The bill was read the second time.

Representative O'Brien moved the adoption of amendment (146):

On page 2, line 4, after "representatives." strike "The chief law enforcement officer of the jurisdiction where the crime was committed shall designate the law enforcement representatives." and

insert "The chief executive officer of the agency that investigated the crime shall designate the law enforcement representatives."

Representative O'Brien spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ballasiotes and O'Brien spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute Senate Bill No. 5513, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5513, as amended by the House, and the bill passed the House by the following vote: Yeas - 79, Nays - 11, Absent - 0, Excused - 8.

Voting yea: Representatives Alexander, Ballasiotes, Barlean, Benson, Boldt, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Eickmeyer, Ericksen, Esser, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Mitchell, Morris, Mulliken, O'Brien, Ogden, Parlette, Pennington, Pflug, Radcliff, Reardon, Rockefeller, Romero, Ruderman, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Wensman, Mr. Speaker Ballard and Mr. Speaker Chopp - 79.

Voting nay: Representatives Cody, Constantine, Edmonds, Fisher, Kagi, Miloscia, Murray, Poulsen, Santos, Voloria and Wolfe - 11.

Excused: Representatives Anderson, Buck, Edwards, Linville, Quall, Regala, Van Luven and Wood - 8.

Substitute Senate Bill No. 5513, as amended by the House, having received the constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 5897, by Senators Costa, Winsley, Thibaudeau and Oke; by request of Attorney General

Informing purchasers of cigarettes of adverse health consequences and whether the cigarettes were manufactured for consumption within the United States.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Commerce & Labor was adopted. (For committee amendment(s), see Journal, 71<sup>st</sup> Day, March 22, 1999.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Clements and Conway spoke in favor of passage of the bill.



Speaker Ballard stated the question before the House to be final passage of Engrossed Senate Bill No. 5897, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5897, as amended by the House, and the bill passed the House by the following vote: Yeas - 90, Nays - 0, Absent - 0, Excused - 8.

Voting yea: Representatives Alexander, Ballasiotes, Barlean, Benson, Boldt, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Voloria, Wensman, Wolfe, Mr. Speaker Ballard and Mr. Speaker Chopp - 90.

Excused: Representatives Anderson, Buck, Edwards, Linville, Quall, Regala, Van Luven and Wood - 8.

Engrossed Senate Bill No. 5897, as amended by the House, having received the constitutional majority, was declared passed.

Speaker Ballard called upon Representative Pennington to preside.

SUBSTITUTE SENATE BILL NO. 5399, by Senate Committee on Judiciary (originally sponsored by Senators Rossi, Kline, Costa and McCaslin)

Changing provisions relating to traffic offenses.

The bill was read the second time.

Representative Hurst moved the adoption of amendment (145):

On page 5, after line 2, insert the following:

"**Sec. 1.** RCW 46.20.308 and 1998 c 213 s 1, 1998 c 209 s 1, 1998 c 207 s 7, and 1998 c 41 s 4 are each reenacted and amended to read as follows:

(1) Any person who operates a motor vehicle within this state is deemed to have given consent, subject to the provisions of RCW 46.61.506, to a test or tests of his or her breath or blood for the purpose of determining the alcohol concentration or presence of any drug in his or her breath or blood if arrested for any offense where, at the time of the arrest, the arresting officer has reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug or was in violation of RCW 46.61.503.

(2) The test or tests of breath shall be administered at the direction of a law enforcement officer having reasonable grounds to believe the person to have been driving or in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or any drug or the person to have been driving or in actual physical control of a motor vehicle while having alcohol in a concentration in violation of RCW 46.61.503 in his or her system and being under the age of twenty-one. However, in those instances where the person is incapable due to physical injury, physical incapacity, or other physical limitation, of providing a breath sample or where the person is being treated in a hospital, clinic, doctor's office, emergency medical vehicle, ambulance, or other similar facility in which a breath testing instrument is not present or where the officer has reasonable grounds

to believe that the person is under the influence of a drug, a blood test shall be administered by a qualified person as provided in RCW 46.61.506(4). The officer shall inform the person of his or her right to refuse the breath or blood test, and of his or her right to have additional tests administered by any qualified person of his or her choosing as provided in RCW 46.61.506. The officer shall warn the driver that:

(a) His or her license, permit, or privilege to drive will be revoked or denied if he or she refuses to submit to the test;

(b) His or her license, permit, or privilege to drive will be suspended, revoked, or denied if the test is administered and the test indicates the alcohol concentration of the person's breath or blood is 0.08 or more, in the case of a person age twenty-one or over, or in violation of RCW 46.61.502, 46.61.503, or 46.61.504 in the case of a person under age twenty-one; and

(c) His or her refusal to take the test may be used in a criminal trial.

(3) Except as provided in this section, the test administered shall be of the breath only. If an individual is unconscious or is under arrest for the crime of vehicular homicide as provided in RCW 46.61.520 or vehicular assault as provided in RCW 46.61.522, or if an individual is under arrest for the crime of driving while under the influence of intoxicating liquor or drugs as provided in RCW 46.61.502, which arrest results from an accident in which there has been serious bodily injury to another person, a breath or blood test may be administered without the consent of the individual so arrested.

(4) Any person who is dead, unconscious, or who is otherwise in a condition rendering him or her incapable of refusal, shall be deemed not to have withdrawn the consent provided by subsection (1) of this section and the test or tests may be administered, subject to the provisions of RCW 46.61.506, and the person shall be deemed to have received the warnings required under subsection (2) of this section.

(5) If, following his or her arrest and receipt of warnings under subsection (2) of this section, the person arrested refuses upon the request of a law enforcement officer to submit to a test or tests of his or her breath or blood, no test shall be given except as authorized under subsection (3) or (4) of this section.

(6) If, after arrest and after the other applicable conditions and requirements of this section have been satisfied, a test or tests of the person's blood or breath is administered and the test results indicate that the alcohol concentration of the person's breath or blood is 0.08 or more if the person is age twenty-one or over, or is in violation of RCW 46.61.502, 46.61.503, or 46.61.504 if the person is under the age of twenty-one, or the person refuses to submit to a test, the arresting officer or other law enforcement officer at whose direction any test has been given, or the department, where applicable, if the arrest results in a test of the person's blood, shall:

(a) Serve notice in writing on the person on behalf of the department of its intention to suspend, revoke, or deny the person's license, permit, or privilege to drive as required by subsection (7) of this section;

(b) Serve notice in writing on the person on behalf of the department of his or her right to a hearing, specifying the steps he or she must take to obtain a hearing as provided by subsection (8) of this section;

(c) Mark the person's Washington state driver's license or permit to drive, if any, in a manner authorized by the department;

(d) Serve notice in writing that the marked license or permit, if any, is a temporary license that is valid for sixty days from the date of arrest or from the date notice has been given in the event notice is given by the department following a blood test, or until the suspension, revocation, or denial of the person's license, permit, or privilege to drive is sustained at a hearing pursuant to subsection (8) of this section, whichever occurs first. No temporary license is valid to any greater degree than the license or permit that it replaces; and

(e) Immediately notify the department of the arrest and transmit to the department within seventy-two hours, except as delayed as the result of a blood test, a sworn report or report under a declaration authorized by RCW 9A.72.085 that states:

(i) That the officer had reasonable grounds to believe the arrested person had been driving or was in actual physical control of a motor vehicle within this state while under the influence of

intoxicating liquor or drugs, or both, or was under the age of twenty-one years and had been driving or was in actual physical control of a motor vehicle while having an alcohol concentration in violation of RCW 46.61.503;

(ii) That after receipt of the warnings required by subsection (2) of this section the person refused to submit to a test of his or her blood or breath, or a test was administered and the results indicated that the alcohol concentration of the person's breath or blood was 0.08 or more if the person is age twenty-one or over, or was in violation of RCW 46.61.502, 46.61.503, or 46.61.504 if the person is under the age of twenty-one; and

(iii) Any other information that the director may require by rule.

(7) The department of licensing, upon the receipt of a sworn report or report under a declaration authorized by RCW 9A.72.085 under subsection (6)(e) of this section, shall suspend, revoke, or deny the person's license, permit, or privilege to drive or any nonresident operating privilege, as provided in RCW 46.20.3101, such suspension, revocation, or denial to be effective beginning sixty days from the date of arrest or from the date notice has been given in the event notice is given by the department following a blood test, or when sustained at a hearing pursuant to subsection (8) of this section, whichever occurs first.

(8) A person receiving notification under subsection (6)(b) of this section may, within thirty days after the notice has been given, request in writing a formal hearing before the department. The person shall pay a fee of one hundred dollars as part of the request. If the request is mailed, it must be postmarked within thirty days after receipt of the notification. Upon timely receipt of such a request for a formal hearing, including receipt of the required one hundred dollar fee, the department shall afford the person an opportunity for a hearing. The department may waive the required one hundred dollar fee if the person is an indigent as defined in RCW 10.101.010. Except as otherwise provided in this section, the hearing is subject to and shall be scheduled and conducted in accordance with RCW 46.20.329 and 46.20.332. The hearing shall be conducted in the county of the arrest, except that all or part of the hearing may, at the discretion of the department, be conducted by telephone or other electronic means. The hearing shall be held within sixty days following the arrest or following the date notice has been given in the event notice is given by the department following a blood test, unless otherwise agreed to by the department and the person, in which case the action by the department shall be stayed, and any valid temporary license marked under subsection (6)(c) of this section extended, if the person is otherwise eligible for licensing. For the purposes of this section, the scope of the hearing shall cover the issues of whether a law enforcement officer had reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or any drug or had been driving or was in actual physical control of a motor vehicle within this state while having alcohol in his or her system in a concentration in violation of RCW 46.61.503 and was under the age of twenty-one, whether the person was placed under arrest, and (a) whether the person refused to submit to the test or tests upon request of the officer after having been informed that such refusal would result in the revocation of the person's license, permit, or privilege to drive, or (b) if a test or tests were administered, whether the applicable requirements of this section were satisfied before the administration of the test or tests, whether the person submitted to the test or tests, or whether a test was administered without express consent as permitted under this section, and whether the test or tests indicated that the alcohol concentration of the person's breath or blood was 0.08 or more if the person was age twenty-one or over at the time of the arrest, or was in violation of RCW 46.61.502, 46.61.503, or 46.61.504 if the person was under the age of twenty-one at the time of the arrest. The sworn report or report under a declaration authorized by RCW 9A.72.085 submitted by a law enforcement officer is prima facie evidence that the officer had reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or drugs, or both, or the person had been driving or was in actual physical control of a motor vehicle within this state while having alcohol in his or her system in a concentration in violation of RCW 46.61.503 and was under the age of twenty-one and that the officer complied with the requirements of this section.

A hearing officer shall conduct the hearing, may issue subpoenas for the attendance of witnesses and the production of documents, and shall administer oaths to witnesses. The hearing officer shall not issue a subpoena for the attendance of a witness at the request of the person unless the

request is accompanied by the fee required by RCW 5.56.010 for a witness in district court. The sworn report or report under a declaration authorized by RCW 9A.72.085 of the law enforcement officer and any other evidence accompanying the report shall be admissible without further evidentiary foundation and the certifications authorized by the criminal rules for courts of limited jurisdiction shall be admissible without further evidentiary foundation. The person may be represented by counsel, may question witnesses, may present evidence, and may testify. The department shall order that the suspension, revocation, or denial either be rescinded or sustained.

(9) If the suspension, revocation, or denial is sustained after such a hearing, the person whose license, privilege, or permit is suspended, revoked, or denied has the right to file a petition in the superior court of the county of arrest to review the final order of revocation by the department in the same manner as an appeal from a decision of a court of limited jurisdiction. Notice of appeal must be filed within thirty days after the date the final order is served or the right to appeal is waived. Notwithstanding RCW 46.20.334, RALJ 1.1, or other statutes or rules referencing de novo review, the appeal shall be limited to a review of the record of the administrative hearing. The appellant must pay the costs associated with obtaining the record of the hearing before the hearing officer. The filing of the appeal does not stay the effective date of the suspension, revocation, or denial. A petition filed under this subsection must include the petitioner's grounds for requesting review. Upon granting petitioner's request for review, the court shall review the department's final order of suspension, revocation, or denial as expeditiously as possible. The review must be limited to a determination of whether the department has committed any errors of law. The superior court shall accept those factual determinations supported by substantial evidence in the record: (a) That were expressly made by the department; or (b) that may reasonably be inferred from the final order of the department. The superior court may reverse, affirm, or modify the decision of the department or remand the case back to the department for further proceedings. The decision of the superior court must be in writing and filed in the clerk's office with the other papers in the case. The court shall state the reasons for the decision. If judicial relief is sought for a stay or other temporary remedy from the department's action, the court shall not grant such relief unless the court finds that the appellant is likely to prevail in the appeal and that without a stay the appellant will suffer irreparable injury. If the court stays the suspension, revocation, or denial it may impose conditions on such stay.

(10) If a person whose driver's license, permit, or privilege to drive has been or will be suspended, revoked, or denied under subsection (7) of this section, other than as a result of a breath or blood test refusal, and who has not committed an offense within the last five years for which he or she was granted a deferred prosecution under chapter 10.05 RCW, petitions a court for a deferred prosecution on criminal charges arising out of the arrest for which action has been or will be taken under subsection (7) of this section, the court may direct the department to stay any actual or proposed suspension, revocation, or denial for at least forty-five days but not more than ninety days. If the court stays the suspension, revocation, or denial, it may impose conditions on such stay. If the person is otherwise eligible for licensing, the department shall issue a temporary license, or extend any valid temporary license marked under subsection (6) of this section, for the period of the stay. If a deferred prosecution treatment plan is not recommended in the report made under RCW 10.05.050, or if treatment is rejected by the court, or if the person declines to accept an offered treatment plan, or if the person violates any condition imposed by the court, then the court shall immediately direct the department to cancel the stay and any temporary marked license or extension of a temporary license issued under this subsection.

A suspension, revocation, or denial imposed under this section, other than as a result of a breath or blood test refusal, shall be stayed if the person is accepted for deferred prosecution as provided in chapter 10.05 RCW for the incident upon which the suspension, revocation, or denial is based. If the deferred prosecution is terminated, the stay shall be lifted and the suspension, revocation, or denial reinstated. If the deferred prosecution is completed, the stay shall be lifted and the suspension, revocation, or denial canceled.

(11) When it has been finally determined under the procedures of this section that a nonresident's privilege to operate a motor vehicle in this state has been suspended, revoked, or denied, the department shall give information in writing of the action taken to the motor vehicle administrator of the state of the person's residence and of any state in which he or she has a license."

Renumber the sections consecutively and correct the title and any internal references accordingly.

### **POINT OF ORDER**

Representative Carrell requested a Scope and Object ruling on amendment 145 to Substitute Senate Bill No. 5399.

The House deferred action on Substitute Senate Bill No. 5399, and the bill held its place on the second reading calendar.

There being no objection, the House advanced to the eleventh order of business.

### **MOTION**

On motion of Representative Lisk, the House adjourned until 10:00 a.m., Thursday, April 8, 1999, the 88<sup>th</sup> Legislative Day.

TIMOTHY A. MARTIN, Chief Clerk      CLYDE BALLARD, Speaker  
DEAN R. FOSTER, Chief Clerk      FRANK CHOPP, Speaker

EIGHTY-SEVENTH DAY, APRIL 7, 1999

JOURNAL OF THE HOUSE

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

## **EIGHTY-EIGHTH DAY**

### **MORNING SESSION**

House Chamber, Olympia, Thursday, April 8, 1999

The House was called to order at 10:00 a.m. by Speaker Pro Tempore Ogden. The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Ashlee Auman and Laura Gugino. Prayer was offered by Chaplain Allan Mackay, Whatcom County Fire Protection District #18, Sedro Wooley.

### **RESOLUTION**

HOUSE RESOLUTION NO. 99-4667, by Representatives Dickerson, Cooper, Hatfield, Conway, Edmonds, Morris, Kenney, Stensen, Linville, Wood and Veloria

WHEREAS, The Washington State Council of Firefighters Burn Foundation was founded in 1983; and

WHEREAS, Since that time, fifty thousand dollars in grants have been provided for burn research and education by the foundation; and

WHEREAS, All funds for these grants have been wholly generated by volunteer activities, including calendar sales and special events; and

WHEREAS, These grants have generated life-saving medical treatment for burn victims;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives honor the outstanding work of the Washington State Council of Firefighters Burn Foundation and the professional firefighters who risk their lives and give their time to aid burn victims; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to the Washington State Council of Firefighters Burn Foundation.

Representative Dickerson moved adoption of the resolution.

Representatives Dickerson, Cooper and Conway spoke in favor of the adoption of the resolution.

House Resolution No. 99-4667 was adopted.

### **SPEAKER'S PRIVILEGE**

Speaker Pro Tempore Ogden introduced Rod Hevlin, President of the Firefighters Burn Foundation, Mike Agular, Calendar creator, Terry Brown and Mike Segal, firefighters and Calendar participants.

Rod Hevlin, President of the Burn Foundation, addressed the Chamber.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

MESSAGES FROM THE SENATE

April 6, 1999

Mr. Speaker:

The President has signed:

SENATE BILL NO. 5015,  
SUBSTITUTE SENATE BILL NO. 5046,  
SUBSTITUTE SENATE BILL NO. 5047,  
SUBSTITUTE SENATE BILL NO. 5048,  
SUBSTITUTE SENATE BILL NO. 5058,  
SUBSTITUTE SENATE BILL NO. 5185,  
SENATE BILL NO. 5202,  
SECOND SUBSTITUTE SENATE BILL NO. 5210,  
SUBSTITUTE SENATE BILL NO. 5231,  
SUBSTITUTE SENATE BILL NO. 5274,  
SUBSTITUTE SENATE BILL NO. 5509,  
SENATE BILL NO. 5525,  
SENATE BILL NO. 5567,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5668,  
SUBSTITUTE SENATE BILL NO. 5669,  
SENATE BILL NO. 5741,  
SENATE BILL NO. 5806,  
SUBSTITUTE SENATE BILL NO. 5838,

and the same are herewith transmitted.

Tony M. Cook, Secretary



April 7, 1999

Mr. Speaker:

The Senate has passed:

HOUSE BILL NO. 1011,  
SUBSTITUTE HOUSE BILL NO. 1075,  
HOUSE BILL NO. 1092,  
SUBSTITUTE HOUSE BILL NO. 1149,  
ENGROSSED HOUSE BILL NO. 1232,  
HOUSE BILL NO. 1394,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1471,  
HOUSE BILL NO. 1542,  
SUBSTITUTE HOUSE BILL NO. 1560,  
HOUSE BILL NO. 1654,  
SECOND SUBSTITUTE HOUSE BILL NO. 1686,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1963,  
HOUSE BILL NO. 1996,  
HOUSE BILL NO. 2010,  
SUBSTITUTE HOUSE BILL NO. 2054,  
HOUSE JOINT MEMORIAL NO. 4008,  
HOUSE JOINT MEMORIAL NO. 4014,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 7, 1999

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5932,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

### **INTRODUCTIONS AND FIRST READING**

HB 2284 by Representatives Rockefeller, DeBolt, Skinner, Conway, Lantz, Kastama, Alexander, Haigh and Kessler

AN ACT Relating to property tax exemptions for senior citizens and persons retired for reasons of disability; and amending RCW 84.36.381, 84.36.383, and 84.38.020.

Referred to Committee on Finance.

### **MOTION**

On motion of Representative Morris, the bill listed on the day's introduction sheet under the fourth order of business was referred to the committee so designated.

There being no objection, the House advanced to the sixth order of business.

### **SECOND READING**

SENATE BILL NO. 5911, by Senators Eide, Hochstatter and McAuliffe

Changing school director eligibility provisions.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Education was adopted. (For committee amendment(s), see Journal, 82<sup>nd</sup> Day, April 2, 1999.)

### **MOTION**

On motion of Representative Wolfe, Representatives Edwards and Quall was excused.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives D. Schmidt, Stensen, McIntire, Haigh and Keiser spoke in favor of passage of the bill.

Representatives Conway, Cairnes, Conway (again), Bush and Cairnes (again) spoke against passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Senate Bill No. 5911, as amended by the House.

### **ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5911, as amended by the House, and the bill passed the House by the following vote: Yeas - 54, Nays - 42, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Ballasiotes, Carlson, Constantine, Cooper, Cox, Dickerson, Doumit, Dunshee, Edmonds, Eickmeyer, Esser, Fortunato, Grant, Haigh, Hatfield, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Lambert, Lantz, Linville, Lovick, Mastin, McDonald,

McIntire, Miloscia, Morris, Mulliken, Murray, O'Brien, Ogden, Poulsen, Radcliff, Regala, Rockefeller, Romero, Ruderman, Santos, D. Schmidt, Schual-Berke, Scott, H. Sommers, Stensen, Sullivan, Talcott, Tokuda, Veloria, Wolfe, Wood and Mr. Speaker Chopp - 54.

Voting nay: Representatives Alexander, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, B. Chandler, G. Chandler, Clements, Cody, Conway, Crouse, DeBolt, Delvin, Dunn, Ericksen, Fisher, Gombosky, Hankins, Huff, Koster, Lisk, McMorris, Mielke, Mitchell, Parlette, Pennington, Pflug, Reardon, Schindler, K. Schmidt, Schoesler, Skinner, D. Sommers, Sump, Thomas, Van Luven, Wensman and Mr. Speaker Ballard - 42.

Excused: Representatives Edwards and Quall - 2.

Senate Bill No. 5911, as amended by the House, having received the constitutional majority, was declared passed.

## **RESOLUTION**

HOUSE RESOLUTION NO. 99-4674, by Representatives Schoesler, Cox, D. Sommers, Skinner, D. Schmidt, Thomas, Hankins and Benson

WHEREAS, Robert F. Goldsworthy was born and raised on the family farm in Rosalia, Washington; and

WHEREAS, Robert F. Goldsworthy attended Rosalia High School and Washington State College, graduating with a degree in speech in 1939; and

WHEREAS, Robert F. Goldsworthy joined the Army Air Corps, and received his pilot's rating and commission as Second Lieutenant in 1940, and served as a flight instructor; and

WHEREAS, Robert F. Goldsworthy was assigned to a B-29 Heavy Bombardment Wing, and participated with great courage in the bombing offensive against mainland Japan, and was shot down over enemy territory on December 3, 1944; and

WHEREAS, Robert F. Goldsworthy endured the horrors of captivity as a Prisoner of War with dignity and honor until his release on August 29, 1945; and

WHEREAS, Robert F. Goldsworthy returned to active duty in 1951 in the Korean War, and remained active in the reserve forces until he retired in 1975, with the rank of Major General; and

WHEREAS, Robert F. Goldsworthy returned to Washington State, and was elected to the House of Representatives, serving the people of the Ninth District for sixteen years with distinction; and

WHEREAS, Representative Goldsworthy was chairman of the Appropriations Committee and the Republican Caucus, as well as serving as a member and chair on the Interim Budget Committee; and

WHEREAS, Representative Goldsworthy, upon retirement from the House, was appointed to the Higher Education Council; and

WHEREAS, Robert F. Goldsworthy belonged to many fraternal and military organizations, and was the State Commander of the Ex-Prisoners of War; and

WHEREAS, Robert F. Goldsworthy received the Legion of Merit for Exceptionally Meritorious Conduct in the Performance of Outstanding Services in 1975, and the Alumni Achievement Award from Washington State University in 1979; and

WHEREAS, Robert F. Goldsworthy is a father of two children, Robert Jr. and Jill, and the grandfather of five grandchildren; and

WHEREAS, Robert F. Goldsworthy has enjoyed extensive worldwide travel, and has become an oil painter of note; and

WHEREAS, Robert F. Goldsworthy has completed his oral history with the Washington State Oral History Program, to share his remarkable story of service to the State of Washington;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives honor and congratulate Robert F. Goldsworthy on the occasion of the publication of his oral history, April 8, 1999; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to Mr. Robert F. Goldsworthy.

Representative Schoesler moved adoption of the resolution.

Representatives Schoesler and Cox spoke in favor of the adoption of the resolution.

House Resolution No. 99-4674 was adopted.

### **SPEAKER'S PRIVILEGE**

The Speaker (Representative Ogden presiding) introduced Robert Goldsworthy, former member of the House of Representatives. Mr. Goldsworthy addressed the Chamber.

HOUSE BILL NO. 2152, by Representatives Cody, Parlette, Van Luven, Conway and Edmonds

Concerning long-term care payment rates.

The bill was read the second time. There being no objection, Substitute House Bill No. 2152 was substituted for House Bill No. 2152 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2152 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cody and Parlette spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Substitute House Bill No. 2152.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2152 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Edwards and Quall - 2.

Substitute House Bill No. 2152, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5037, by Senators McCaslin, Heavey and Rasmussen; by request of Board for Judicial Administration

Creating a new court of appeals position for Pierce county.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Esser and Constantine spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Senate Bill No. 5037.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5037 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Edwards and Quall - 2.

Senate Bill No. 5037, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5134, by Senate Committee on Judiciary (originally sponsored by Senators Wojahn, Long, Patterson, Roach, Costa, Thibaudeau, Goings, McAuliffe, Kline, Brown, McCaslin, Heavey, Johnson, Prentice, Snyder and Kohl-Welles)

Removing barriers faced by persons entitled to foreign protection orders.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Judiciary was adopted. (For committee amendment(s), see Journal, 82<sup>nd</sup> Day, April 2, 1999.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Constantine, Carrell and Lambert spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5134, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5134, as amended by the House, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Edwards and Quall - 2.

Substitute Senate Bill No. 5134, as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5153, by Senate Committee on Transportation (originally sponsored by Senators Haugen, Goings, Gardner, T. Sheldon, Rasmussen and Patterson; by request of Legislative Transportation Committee)

Modifying provisions concerning the freight mobility strategic investment board.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Transportation was adopted. (For committee amendment(s), see Journal, 82<sup>nd</sup> Day, April 2, 1999.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Fisher and Ericksen spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5153, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5153, as amended by the House, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Edwards and Quall - 2.

Substitute Senate Bill No. 5153, as amended by the House, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5178, by Senators McAuliffe, Winsley and Rasmussen

Correcting references to the third grade standardized achievement test.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Haigh and Talcott spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Senate Bill No. 5178.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5178 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Edwards and Quall - 2.

Senate Bill No. 5178, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5191, by Senate Committee on Transportation (originally sponsored by Senators Goings, Benton, Haugen, Sellar, Patterson, Winsley, T. Sheldon and Costa)

Penalizing motor carriers that operate without a permit.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cooper and K. Schmidt spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5191.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5191 and the bill passed the House by the following vote: Yeas - 86, Nays - 10, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Delvin, Dickerson, Doumit, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher,

Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 86.

Voting nay: Representatives Benson, Boldt, Crouse, DeBolt, Dunn, Fortunato, Koster, Mielke, Pennington and Schindler - 10.

Excused: Representatives Edwards and Quall - 2.

Substitute Senate Bill No. 5191, having received the constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5195, by Senate Committee on Judiciary (originally sponsored by Senators Heavey, Johnson, Kline and Winsley)

Protecting employee benefits.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hurst and Cox spoke in favor of passage of the bill.

Representative Lambert spoke against passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5195.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5195 and the bill passed the House by the following vote: Yeas - 81, Nays - 15, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Buck, Cairnes, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, DeBolt, Delvin, Dickerson, Doumit, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Miloscia, Mitchell, Morris, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, H. Sommers, Stensen, Sullivan, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 81.

Voting nay: Representatives Barlean, Benson, Boldt, Bush, Campbell, Crouse, Dunn, Fortunato, Koster, Lambert, Mielke, Mulliken, Schindler, D. Sommers and Sump - 15.

Excused: Representatives Edwards and Quall - 2.

Engrossed Substitute Senate Bill No. 5195, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5262, by Senators Thibaudeau and Deccio

Allowing unregulated persons to perform sleep monitoring tasks.



The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Pflug and Schual-Berke spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Senate Bill No. 5262.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5262 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Edwards and Quall - 2.

Senate Bill No. 5262, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5273, by Senate Committee on Transportation (originally sponsored by Senators Jacobsen, Haugen, Rasmussen, Gardner, Prentice, Patterson, Winsley and Fraser)

Creating a scenic byways designation program.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Transportation was adopted. (For committee amendment(s), see Journal, 85<sup>th</sup> Day, April 5, 1999.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives DeBolt and Wood spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5273, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5273, as amended by the House, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine,

Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Edwards and Quall - 2.

Substitute Senate Bill No. 5273, as amended by the House, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5301, by Senator Heavey

Modernizing traffic offense processing.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Constantine and McDonald spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Senate Bill No. 5301.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5301 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Edwards and Quall - 2.

Senate Bill No. 5301, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5313, by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Wojahn, Zarelli, Thibaudeau, Deccio and Winsley)

Limiting the scope of mental health record audits.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Schual-Berke and Pflug spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5313.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5313 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Edwards and Quall - 2.

Substitute Senate Bill No. 5313, having received the constitutional majority, was declared passed.

The House deferred action on Substitute Senate Bill No. 5352, and the bill held its place on the second reading calendar.

SUBSTITUTE SENATE BILL NO. 5215, by Senate Committee on Education (originally sponsored by Senators Bauer, Oke, Kohl-Welles, Roach, Winsley, T. Sheldon and Rasmussen)

Extending veterans' exemptions from higher education tuition.

The bill was read the second time.

There being no objection, amendment 160 was withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kenney and Carlson spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5215.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5215 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray,

O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Edwards and Quall - 2.

Substitute Senate Bill No. 5215, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5364, by Senate Committee on Commerce, Trade, Housing & Financial Institutions (originally sponsored by Senators Prentice, Winsley and Shin; by request of Liquor Control Board)

Administering and designating liquor licenses.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Commerce & Labor was adopted. (For committee amendment(s), see Journal, 81<sup>st</sup> Day, April 1, 1999.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Wood and Clements spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5364, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5364, as amended by the House, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Edwards and Quall - 2.

Substitute Senate Bill No. 5364, as amended by the House, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5365, by Senators Prentice and Winsley; by request of Liquor Control Board

Regulating the preparation and sale of dietary supplements containing alcohol.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Representative Wolfe, Representative McIntire was excused.

Representative Wood spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Senate Bill No. 5365.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5365 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Edwards, McIntire and Quall - 3.

Senate Bill No. 5365, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5402, by Senator Haugen

Concerning the compensation of the forest practices appeals board.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Buck and Regala spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Senate Bill No. 5402.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5402 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien,

Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Edwards, McIntire and Quall - 3.

Senate Bill No. 5402, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5614, by Senators Hochstatter, Oke, T. Sheldon and Heavey

Concerning the issuance of citations under the Washington industrial safety and health act.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Conway and B. Chandler spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Senate Bill No. 5614.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5614 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Edwards, McIntire and Quall - 3.

Senate Bill No. 5614, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5615, by Senate Committee on Transportation (originally sponsored by Senators Horn, Goings, Benton, Gardner, Sellar and Finkbeiner; by request of Legislative Transportation Committee)

Deleting reference to obsolete transportation accounts.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hurst and Mielke spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5615.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5615 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Edwards, McIntire and Quall - 3.

Substitute Senate Bill No. 5615, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5626, by Senate Committee on Education (originally sponsored by Senators Franklin, McAuliffe, Fairley, Kohl-Welles, Patterson, Costa, McCaslin, Kline, Wojahn and Rasmussen)

Changing disbursement of medicaid incentive payments to school districts.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Education was adopted. (For committee amendment(s), see Journal, 82<sup>nd</sup> Day, April 2, 1999.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives McMorris, Haigh, Carlson, Linville and Talcott spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5626, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5626, as amended by the House, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero,

Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Edwards, McIntire and Quall - 3.

Substitute Senate Bill No. 5626, as amended by the House, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5648, by Senator Haugen

Providing consistency in definitions regarding businesses furnishing lodging.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Clement and Conway spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Senate Bill No. 5648.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5648 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Edwards, McIntire and Quall - 3.

Senate Bill No. 5648, having received the constitutional majority, was declared passed.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5658, by Senate Committee on Ways & Means (originally sponsored by Senators Spanel, Hargrove and Snyder)

Changing shellfish provisions.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Anderson and Ericksen spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Engrossed Second Substitute Senate Bill No. 5658.



## ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5658 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Edwards, McIntire and Quall - 3.

Engrossed Second Substitute Senate Bill No. 5658, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5666, by Senate Committee on Transportation (originally sponsored by Senators Rasmussen, Long, Goings, Johnson and Haugen)

Simplifying acquisitions procedures for wreckers.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Transportation was adopted. (For committee amendment(s), see Journal, 82<sup>nd</sup> Day, April 2, 1999.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hankins and Wood spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5666, as amended by the House.

## ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5666, as amended by the House, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Edwards, McIntire and Quall - 3.

Substitute Senate Bill No. 5666, as amended by the House, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5702, by Senators Thibaudeau and Deccio

Changing physician assistant licensing and practice requirements.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Schual-Berke and Pflug spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Senate Bill No. 5702.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5702 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Edwards, McIntire and Quall - 3.

Senate Bill No. 5702, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5728, by Senate Committee on State & Local Government (originally sponsored by Senators Winsley, Haugen, McCaslin and Hale)

Determining the validity of proposed bond issues.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Judiciary was adopted. (For committee amendment(s), see Journal, 82<sup>nd</sup> Day, April 2, 1999.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Carrell and Constantine spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5728, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5728, as amended by the House, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Edwards, McIntire and Quall - 3.

Substitute Senate Bill No. 5728, as amended by the House, having received the constitutional majority, was declared passed.

SECOND SUBSTITUTE SENATE BILL NO. 5766, by Senate Committee on Ways & Means (originally sponsored by Senators Wojahn, Long, Franklin, Winsley, Rasmussen and Costa)

Modifying the duties of a long-term care ombudsman.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Pflug and Schual-Berke spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Second Substitute Senate Bill No. 5766.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5766 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Edwards, McIntire and Quall - 3.

Second Substitute Senate Bill No. 5766, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5777, by Senators Prentice and Winsley

Addressing payment for denturist services.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Pflug and Schual-Berke spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Senate Bill No. 5777.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5777 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Edwards, McIntire and Quall - 3.

Senate Bill No. 5777, having received the constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5803, by Senate Committee on Agriculture & Rural Economic Development (originally sponsored by Senators Rasmussen and Swecker)

Changing dairy nutrient management provisions.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Agriculture and Ecology was adopted. (For committee amendment(s), see Journal, 82<sup>nd</sup> Day, April 2, 1999.)

There being no objection, amendment 168 was withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Koster and Cooper spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5803, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5803, as amended by the House, and the bill passed the House by the following vote: Yeas - 94, Nays - 1, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 94.

Voting nay: Representative Dunshee - 1.

Excused: Representatives Edwards, McIntire and Quall - 3.

Engrossed Substitute Senate Bill No. 5803, as amended by the House, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5829, by Senators Thibaudeau and Loveland

Allowing providers of occupational therapy and physical therapy to become shareholders in a professional services corporation.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Pflug and Schual-Berke spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Senate Bill No. 5829.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5829 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Edwards, McIntire and Quall - 3.

Senate Bill No. 5829, having received the constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 5843, by Senators Prentice and Winsley

Concerning the housing finance commission.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Veloria, Esser and Edmonds spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Engrossed Senate Bill No. 5843.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5843 and the bill passed the House by the following vote: Yeas - 92, Nays - 3, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 92.

Voting nay: Representatives Benson, Fortunato and Schoesler - 3.

Excused: Representatives Edwards, McIntire and Quall - 3.

Engrossed Senate Bill No. 5843, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6009, by Senate Committee on Transportation (originally sponsored by Senators Oke and Haugen; by request of Department of Licensing)

Authorizing nonphoto identification cards for disabled parking.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Skinner and Wood spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 6009.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6009 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds,

Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Edwards, McIntire and Quall - 3.

Substitute Senate Bill No. 6009, having received the constitutional majority, was declared passed.

SENATE BILL NO. 6019, by Senator Rasmussen

Eliminating authority for crop credit associations.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cooper and Sump spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Senate Bill No. 6019.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6019 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Edwards, McIntire and Quall - 3.

Senate Bill No. 6019, having received the constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6020, by Senate Committee on Labor & Workforce Development (originally sponsored by Senators Hargrove, Fairley, Benton, Kohl-Welles, Zarelli, Swecker, Roach, McDonald, Rossi, Morton, Spanel, Thibaudeau, Hochstatter, T. Sheldon, Sheahan, Johnson, Prentice, Brown, Heavey, Stevens and Costa)

Delaying implementation of the requirement to record social security numbers on license applications to assist in child support enforcement.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lambert and Hurst spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 6020.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6020 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Edwards, McIntire and Quall - 3.

Engrossed Substitute Senate Bill No. 6020, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5156, by Senators Prentice and Winsley

Amending housing authority law.

The bill was read the second time.

There being no objection, amendments 158 and 143 were withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Senate Bill No. 5156.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5156 and the bill passed the House by the following vote: Yeas - 94, Nays - 1, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McMorris, Mielke, Miloscia, Mitchell, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H.



Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 94.

Voting nay: Representative Morris - 1.

Excused: Representatives Edwards, McIntire and Quall - 3.

Senate Bill No. 5156, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5012, by Senators Prentice, Winsley and Rasmussen; by request of Pollution Liability Insurance Agency

Administering the pollution liability insurance program trust account.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hatfield and Benson spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Senate Bill No. 5012.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5012 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Edwards, McIntire and Quall - 3.

Senate Bill No. 5012, having received the constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 5036, by Senators McCaslin and Heavey; by request of Board for Judicial Administration

Adding a judge to the superior courts of Okanogan and Grant counties.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Appropriation was placed before the House for purpose of amendment. (For committee amendment(s), see Journal, 85<sup>th</sup> Day, April 5, 1999.)

Representative Mulliken moved the adoption of amendment (162) to the committee amendment:

On page 1, line 9, after "Grant," strike "two" and insert "~~((two))~~ three"

On page 1, line 17, after "**Sec. 2.**" strike "The additional judicial position" and insert "(1) The additional judicial position for Grant county created by section 1 of this act is effective only if Grant county through its duly constituted legislative authority documents its approval of the additional position and its agreement that it will pay out of county funds, without reimbursement from the state, the expenses of the additional judicial position as provided by state law or the state Constitution.

(2) The additional judicial position for Okanogan county"

Correct the title.

Representatives Mulligan and Constantine spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Esser and Constantine spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Engrossed Senate Bill No. 5036, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5036, as amended by the House, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Edwards, McIntire and Quall - 3.

Engrossed Senate Bill No. 5036, as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5457, by Senate Committee on Human Services & Corrections (originally sponsored by Senators Costa, Zarelli, Hargrove and Long)

Revising provisions relating to conditions involving diversion agreements for juveniles.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lambert and Hurst spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5457.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5457 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Edwards, McIntire and Quall - 3.

Substitute Senate Bill No. 5457, having received the constitutional majority, was declared passed.

There being no objection, the House advanced to the eleventh order of business.

#### MOTION

On motion of Representative Morris, the House adjourned until 9:00 a.m., Friday, April 9, 1999, the 89<sup>th</sup> Legislative Day.

TIMOTHY A. MARTIN, Chief Clerk      CLYDE BALLARD, Speaker  
DEAN R. FOSTER, Chief Clerk      FRANK CHOPP, Speaker

EIGHTY-EIGHTH DAY, APRIL 8, 1999

JOURNAL OF THE HOUSE

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**EIGHTY-NINTH DAY**

**MORNING SESSION**

House Chamber, Olympia, Friday, April 9, 1999

The House was called to order at 9:00 a.m. by Speaker Pro Tempore Pennington. The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Robert Doane and Daniel Carmody. Prayer was offered by Deacon Lee Edtl, St. Rose Catholic Church, Longview.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

**MESSAGES FROM THE SENATE**

April 8, 1999

Mr. Speaker:

The President has signed:

SENATE BILL NO. 5114,

SENATE BILL NO. 5196,

SUBSTITUTE SENATE BILL NO. 5197,

SENATE BILL NO. 5198,

SENATE BILL NO. 5211,

SUBSTITUTE SENATE BILL NO. 5234,

SENATE BILL NO. 5253,

SENATE BILL NO. 5347,

SENATE BILL NO. 5442,  
SUBSTITUTE SENATE BILL NO. 5573,  
SUBSTITUTE SENATE BILL NO. 5609,  
SUBSTITUTE SENATE BILL NO. 5651,  
SENATE BILL NO. 5652,  
SENATE BILL NO. 5772,  
SUBSTITUTE SENATE BILL NO. 5928,  
SENATE BILL NO. 5954,  
SENATE BILL NO. 6030,

and the same are herewith transmitted.

Tony M. Cook, Secretary

April 8, 1999

Mr. Speaker:

The Senate has passed:

HOUSE BILL NO. 1027,  
SUBSTITUTE HOUSE BILL NO. 1041,  
HOUSE BILL NO. 1073,  
HOUSE BILL NO. 1175,  
HOUSE BILL NO. 1310,  
HOUSE BILL NO. 1331,  
HOUSE BILL NO. 1420,  
SUBSTITUTE HOUSE BILL NO. 1535,  
SECOND SUBSTITUTE HOUSE BILL NO. 1546,  
SUBSTITUTE HOUSE BILL NO. 1559,  
SUBSTITUTE HOUSE BILL NO. 1653,  
SUBSTITUTE HOUSE BILL NO. 1671,  
HOUSE BILL NO. 1766,

ENGROSSED HOUSE BILL NO. 1845,  
SUBSTITUTE HOUSE BILL NO. 1910,  
SUBSTITUTE HOUSE BILL NO. 2086,  
ENGROSSED HOUSE BILL NO. 2232,

and the same are herewith transmitted.

Tony M. Cook, Secretary

April 9, 1999

Mr. Speaker:

The Senate has passed:

ENGROSSED HOUSE BILL NO. 1894,

and the same is herewith transmitted.

Brad J. Hendrickson, Deputy Secretary

There being no objection, the House advanced to the sixth order of business.

### **SECOND READING**

SENATE BILL NO. 6025, by Senators Bauer, Horn and Patterson; by request of State Board for Community and Technical Colleges

Allowing purchases for resale by institutions of higher education without using the competitive bid process.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Higher Education was before the House for purpose of amendments. (For committee amendment(s), see Journal, 82<sup>nd</sup> Day, April 2, 1999.)

Representative Radcliff moved the adoption of amendment (152):

On page 1, line 5 of the amendment, after "(7)", strike "Until December 31, 2000, purchases" and insert "Purchases"

Representatives Radcliff, Carlson and Edmonds spoke in favor of the adoption of the amendment.

The amendment to the committee amendment was adopted.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Carlson and Kenney spoke in favor of passage of the bill.

#### MOTIONS

On motion of Representative Wolfe, Representatives Scott, Poulsen, Edwards, Quall, Santos and Dunshee were excused. On motion of Representative Schoesler, Representatives Alexander and Parlette were excused.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Senate Bill No. 6025, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6025, as amended by the House, and the bill passed the House by the following vote: Yeas - 90, Nays - 0, Absent - 0, Excused - 8.

Voting yea: Representatives Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Pennington, Pflug, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 90.

Excused: Representatives Alexander, Dunshee, Edwards, Parlette, Poulsen, Quall, Santos and Scott - 8.

Senate Bill No. 6025, as amended by the House, having received the constitutional majority, was declared passed.

Speaker Ballard assumed the chair.

#### **SIGNED BY THE SPEAKERS**

Speaker Ballard announced that he and Speaker Chopp were signing the following Senate bills:

SENATE BILL NO. 5015,

SUBSTITUTE SENATE BILL NO. 5046,

SUBSTITUTE SENATE BILL NO. 5047,

SUBSTITUTE SENATE BILL NO. 5048,

SUBSTITUTE SENATE BILL NO. 5058,

SENATE BILL NO. 5114,

SUBSTITUTE SENATE BILL NO. 5185,

SENATE BILL NO. 5196,

SUBSTITUTE SENATE BILL NO. 5197,  
SENATE BILL NO. 5198,  
SENATE BILL NO. 5202,  
SECOND SUBSTITUTE SENATE BILL NO. 5210,  
SENATE BILL NO. 5211,  
SUBSTITUTE SENATE BILL NO. 5231,  
SUBSTITUTE SENATE BILL NO. 5234,  
SENATE BILL NO. 5253,  
SUBSTITUTE SENATE BILL NO. 5274,  
SENATE BILL NO. 5347,  
SENATE BILL NO. 5442,  
SUBSTITUTE SENATE BILL NO. 5509,  
SENATE BILL NO. 5525,  
SENATE BILL NO. 5567,  
SUBSTITUTE SENATE BILL NO. 5573,  
SUBSTITUTE SENATE BILL NO. 5609,  
SUBSTITUTE SENATE BILL NO. 5651,  
SENATE BILL NO. 5652,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5668,  
SUBSTITUTE SENATE BILL NO. 5669,  
SENATE BILL NO. 5741,  
SENATE BILL NO. 5772,  
SENATE BILL NO. 5806,  
SUBSTITUTE SENATE BILL NO. 5838,  
SUBSTITUTE SENATE BILL NO. 5928,  
SENATE BILL NO. 5954,  
SENATE BILL NO. 6030,



The Speakers signed the following House bills:

HOUSE BILL NO. 1011,  
HOUSE BILL NO. 1018,  
SUBSTITUTE HOUSE BILL NO. 1075,  
HOUSE BILL NO. 1092,  
HOUSE BILL NO. 1106,  
HOUSE BILL NO. 1139,  
SUBSTITUTE HOUSE BILL NO. 1149,  
HOUSE BILL NO. 1216,  
HOUSE BILL NO. 1221,  
SUBSTITUTE HOUSE BILL NO. 1289,  
HOUSE BILL NO. 1297,  
HOUSE BILL NO. 1372,  
HOUSE BILL NO. 1394,  
HOUSE BILL NO. 1425,  
ENGROSSED HOUSE BILL NO. 1459,  
SUBSTITUTE HOUSE BILL NO. 1490,  
HOUSE BILL NO. 1491,  
HOUSE BILL NO. 1542,  
SUBSTITUTE HOUSE BILL NO. 1560,  
HOUSE BILL NO. 1584,  
HOUSE BILL NO. 1654,  
SECOND SUBSTITUTE HOUSE BILL NO. 1686,  
HOUSE BILL NO. 1734,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1963,  
HOUSE BILL NO. 2010,  
SUBSTITUTE HOUSE BILL NO. 2054,

SUBSTITUTE HOUSE BILL NO. 2071,

HOUSE BILL NO. 2116,

HOUSE BILL NO. 2181,

HOUSE BILL NO. 2206,

HOUSE JOINT MEMORIAL NO. 4004,

HOUSE JOINT MEMORIAL NO. 4011,

HOUSE JOINT MEMORIAL NO. 4014,

HOUSE CONCURRENT RESOLUTION NO. 4408,

Speaker Ballard called upon Representative Pennington to preside.

### **RESOLUTIONS**

HOUSE RESOLUTION NO. 99-4661, by Representatives Quall, Anderson, Morris, Thomas and Dunn

WHEREAS, Horse racing is a tradition-filled sport worthy of respect and preservation; and  
WHEREAS, Horse racing in Washington, the United States, and elsewhere has been subject to financial strain in recent years; and

WHEREAS, The popularity and financial viability of horse racing are in the interest of Washington citizens and posterity; and

WHEREAS, Mike Pegram, a resident of Mount Vernon, is an owner of prize winning thoroughbred horses; and

WHEREAS, Mike Pegram is an outspoken proponent of the horse racing industry who has been noted for his role in restimulating the public's interest in the sport; and

WHEREAS, Real Quiet, one of Mike Pegram's horses, won the Kentucky Derby and Preakness in 1998; and

WHEREAS, Real Quiet came within a nose-length of winning the 1998 Belmont Stakes and becoming the 12th horse in history to win all three races and the much-sought Triple Crown; and

WHEREAS, Mike Pegram, trainer Bob Baffert, jockey Gary Stevens, and Pegram-owned thoroughbreds Real Quiet and Silverbulletday all won coveted Eclipse Awards for 1998; and

WHEREAS, The House of Representatives wish to continue following in the footsteps of horse racing advocates like Mike Pegram by contributing its support to the tradition;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington voice its praise and support for Washington's horse racing industry and all of its participants including, but not limited to, thoroughbred owners, jockeys, trainers, facility operators, and fans; and

BE IT FURTHER RESOLVED, That the House of Representatives commend Mike Pegram for his generous support of horse racing and congratulate him on his outstanding successes; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to Mike Pegram.

Representative Morris moved adoption of the resolution.

Representatives Morris, Van Luven, Alexander and Wood spoke in favor of the adoption of the resolution.

House Resolution No. 99-4661 was adopted.

### **SPEAKER'S PRIVILEGE**

The Speaker (Representative Pennington presiding) introduced Mike Pegram and Max Bahr of Mount Vernon, and Ron Crockett of Emerald Downs and his wife and asked the Chamber to acknowledge them.

HOUSE RESOLUTION NO. 99-4660, by Representatives Quall, Morris, Anderson and Barlean

WHEREAS, The beautiful Skagit Valley is the tulip capital of the Northwest; and  
WHEREAS, Every April the tulips are in bloom, celebrating the beginning of spring; and  
WHEREAS, The Skagit Valley Tulip Festival begins the festival season in Washington State;  
and

WHEREAS, This year's 16th annual event will run from April 2nd through April 18th, focusing on the communities of Sedro Woolley, Burlington, Anacortes, La Conner, Mount Vernon, and Concrete; and

WHEREAS, Jeremy Timmer and Katie Rindal were chosen as this year's Skagit Valley Tulip Festival Ambassadors; and

WHEREAS, Nearly half a million people visited the Skagit Valley Tulip Festival last year, participating in the joy and excitement of this annual event, and contributing to the economy of the Skagit Valley; and

WHEREAS, This year's visitors will be greeted by more than one thousand five hundred acres of tulips reflecting all the colors of the rainbow, by the fullness of life in the valley, and its wonderful people; and

WHEREAS, This year's "Skagit Valley Tulip Festival" will be featured at the Canadian Tulip Festival in Ottawa, Ontario; and

WHEREAS, Highlights of the event include the Kiwanis Annual Salmon Barbeque, the Tulip Pedal Bike Ride, the Tulip 10k Slug Run/Walk, the Downtown Mount Vernon Street Fair, and much more;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives salute the six communities of the Skagit Valley, their chambers of commerce, Skagit Valley Tulip Festival Ambassadors, and the Tulip Festival Committee for their Skagit Valley Tulip Festival; and

BE IT FURTHER RESOLVED, That the House of Representatives commend the community leaders and corporate sponsors for the success of this important event and encourage citizens from across Washington State to take the time to enjoy this spectacular display; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to Audrey Smith, Tulip Festival Executive Director, and Jeremy Timmer and Katie Rindal, Skagit Valley Tulip Festival Ambassadors.

Representative Morris moved adoption of the resolution.

Representatives Morris, Van Luven, Anderson and Barlean spoke in favor of the adoption of the resolution.

House Resolution No. 99-4660 was adopted.

### **SPEAKER'S PRIVILEGE**

The Speaker (Representative Pennington presiding) introduced Tulip Ambassadors Jeremy Timmer and Katie Rindal who presented the Speaker with tulips. Also introduced were Audrey Smith, executive director of the Skagit Valley Tulip Festival and Jerry McInturff. The Chamber was asked to acknowledge them.

## INTRODUCTIONS AND FIRST READING

SSB 5932 by Senate Committee on Ways & Means (originally sponsored by Senators Loveland, Bauer, Rossi, West, Hale and Rasmussen)

Changing provisions relating to bond debt service payments from the community and technical college capital projects account.

Referred to Committee on Capital Budget.

There being no objection, the bill listed on the day's introduction sheet under the fourth order of business was referred to the committee so designated.

Speaker Ballard assumed the chair.

## SECOND READING

SENATE BILL NO. 5734, by Senators Bauer, Deccio, Franklin, Rasmussen, B. Sheldon, McAuliffe, Spanel, Rossi, Brown, Snyder, Fairley, Wojahn, Heavey, Thibaudeau, Shin, T. Sheldon, Eide, Goings, Loveland, Jacobsen, Prentice, Haugen, Fraser, Gardner, Kline and Kohl-Welles

Recognizing the sixteenth day of April as Mother Joseph day.

The bill was read the second time.

Representative Dunn moved the adoption of amendment (156):

On page 3, beginning on line 4, strike everything through line 7, and insert the following:  
"The legislature declares that the sixteenth day of April shall be recognized as Mother Joseph day and the fourth day of September as Marcus Whitman day, but neither shall be considered legal holidays for any purpose."

Representatives Dunn and Romero spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dunn, Ogden, Lantz, Talcott and Kenney spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Senate Bill No. 5734, as amended by the House.

## ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5734, as amended by the House, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick,

Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 93.

Excused: Representatives Edwards, Poulsen, Quall, Santos and Scott - 5.

Senate Bill No. 5734, as amended by the House, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2269, by Representatives H. Sommers and Huff

Establishing the professional development program.

The bill was read the second time. There being no objection, Substitute House Bill No. 2269 was substituted for House Bill No. 2269 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2269 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives H. Sommers and Huff spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute House Bill No. 2269.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2269 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 93.

Excused: Representatives Edwards, Poulsen, Quall, Santos and Scott - 5.

Substitute House Bill No. 2269, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5495, by Senate Committee on Ways & Means (originally sponsored by Senators Snyder and Zarelli)

Modifying a restriction on regular property tax levies.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Pennington and Reardon spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute Senate Bill No. 5495.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5495 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 93.

Excused: Representatives Edwards, Poulsen, Quall, Santos and Scott - 5.

Substitute Senate Bill No. 5495, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5499, by Senators Wojahn, Deccio, Franklin, Winsley, Costa, McAuliffe, Kline and Rasmussen

Making modifications to the home health, hospice, and home care agency licensure law.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Health Care was adopted. (For committee amendment(s), see Journal, 82<sup>nd</sup> Day, April 2, 1999.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Pflug and Schual-Berke spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Senate Bill No. 5499, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5499, as amended by the House, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff,

Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 93.

Excused: Representatives Edwards, Poulsen, Quall, Santos and Scott - 5.

Senate Bill No. 5499, as amended by the House, having received the constitutional majority, was declared passed.

The House deferred action on Engrossed Substitute Senate Bill No. 5866, and the bill held its place on the second reading calendar.

SUBSTITUTE SENATE BILL NO. 5010, by Senate Committee on Human Services & Corrections (originally sponsored by Senators Kohl-Welles, Hargrove, Long, Goings, Swecker, Winsley, Oke, Benton and Costa)

Providing disciplinary sanctions for sexual misconduct by employees of custodial agencies.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ballasiotes and O'Brien spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute Senate Bill No. 5010.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5010 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 93.

Excused: Representatives Edwards, Poulsen, Quall, Santos and Scott - 5.

Substitute Senate Bill No. 5010, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5030, by Senate Committee on Ways & Means (originally sponsored by Senators Long, Fraser, Winsley, Franklin, Bauer, Jacobsen, Roach, T. Sheldon, Johnson and Rasmussen; by request of Joint Committee on Pension Policy)

Adjusting the Washington state patrol surviving spouse retirement allowance.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Alexander and H. Sommers spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute Senate Bill No. 5030.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5030 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 93.

Excused: Representatives Edwards, Poulsen, Quall, Santos and Scott - 5.

Substitute Senate Bill No. 5030, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5064, by Senate Committee on Transportation (originally sponsored by Senators Haugen, Horn, Gardner, Benton, Long, Costa, B. Sheldon, Swecker, Patterson, Jacobsen, Shin, Oke, Morton, Eide, Spanel, Johnson, Goings, Sellar, Fraser, Thibaudeau, Franklin, Winsley, Rasmussen and McAuliffe)

Protecting certain public transportation information.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on State Government was adopted. (For committee amendment(s), see Journal, 82<sup>nd</sup> Day, April 2, 1999.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Miloscia and McMorris spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute Senate Bill No. 5064, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5064, as amended by the House, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.



Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 93.

Excused: Representatives Edwards, Poulsen, Quall, Santos and Scott - 5.

Substitute Senate Bill No. 5064, as amended by the House, having received the constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 5141, by Senators Thibaudeau, Deccio, Prentice and Winsley; by request of Department of Health

Allowing the department of health to charge a fee for newborn screening services.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Schual-Berke and Parlette spoke in favor of passage of the bill.

### COLLOQUY

Representative Parlette: "Representative Schual-Berke, can you please explain the use of the proceeds from the newborn screening fee resulting from Engrossed Senate Bill No. 5141?"

Representative Schual-Berke: "Yes, the Department of Health's bill is before us due to a loss of a federal grant affecting specialty genetics clinics at the University of Washington, Children's Hospital and Medical Center, Mary Bridge Children's Hospital, and the Odessa Brown Children's Clinic. These federal moneys went to help fund the clinics' key treatment and support services for families affected by sickle cell anemia and PKU. This bill gives the Department authority to charge a fee at birth which, by contract, will fund the continuation of the sickle cell anemia and PKU clinics. Based on the fiscal analysis, the fee will be set by the Department at \$3.50 per birth. Once established this fee can only be raised consistent with the limitations of Initiative 601 or by an act of the legislature."

Speaker Ballard stated the question before the House to be final passage of Engrossed Senate Bill No. 5141.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5141 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick,

Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 93.

Excused: Representatives Edwards, Poulsen, Quall, Santos and Scott - 5.

Engrossed Senate Bill No. 5141, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5147, by Senate Committee on Labor & Workforce Development (originally sponsored by Senator Patterson)

Prescribing procedures for payment of industrial insurance awards after death.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Commerce & Labor was adopted. (For committee amendment(s), see Journal, 82<sup>nd</sup> Day, April 2, 1999.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Conway and Clements spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute Senate Bill No. 5147, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5147, as amended by the House, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 93.

Excused: Representatives Edwards, Poulsen, Quall, Santos and Scott - 5.

Substitute Senate Bill No. 5147, as amended by the House, having received the constitutional majority, was declared passed.

The House deferred action on Substitute Senate Bill No. 5154, and the bill held its place on the second reading calendar.

SENATE BILL NO. 5194, by Senators Brown, Rossi, Fraser, Finkbeiner, Gardner and Winsley; by request of Department of Information Services

Changing information technology management provisions.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Wolfe spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Senate Bill No. 5194.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5194 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 93.

Excused: Representatives Edwards, Poulsen, Quall, Santos and Scott - 5.

Senate Bill No. 5194, having received the constitutional majority, was declared passed.

The House deferred action on Substitute Senate Bill No. 5213, and the bill held its place on the second reading calendar.

SENATE BILL NO. 5278, by Senators Kohl-Welles, Finkbeiner, Shin and Bauer

Changing provisions relating to foreign degree-granting institutions' branch campuses.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Carlson spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Senate Bill No. 5278.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5278 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds,

Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 93.

Excused: Representatives Edwards, Poulsen, Quall, Santos and Scott - 5.

Senate Bill No. 5278, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5401, by Senator Haugen

Repealing an obsolete provision pertaining to hydraulic project applications.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Sump and Regala spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Senate Bill No. 5401.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5401 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 93.

Excused: Representatives Edwards, Poulsen, Quall, Santos and Scott - 5.

Senate Bill No. 5401, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5418, by Senate Committee on Education (originally sponsored by Senators McAuliffe, Rasmussen, Patterson and Kohl-Welles; by request of Governor Locke, Superintendent of Public Instruction and Commission on Student Learning)

Changing school accountability and assistance provisions.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Education was adopted. (For committee amendment(s), see Journal, 82<sup>nd</sup> Day, April 2, 1999.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Talcott, Rockefeller and Keiser spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute Senate Bill No. 5418, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5418, as amended by the House, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 93.

Excused: Representatives Edwards, Poulsen, Quall, Santos and Scott - 5.

Substitute Senate Bill No. 5418, as amended by the House, having received the constitutional majority, was declared passed.

The House deferred action on Engrossed Substitute Senate Bill No. 5424, and the bill held its place on the second reading calendar.

SENATE BILL NO. 5432, by Senators Fraser, Winsley, Fairley, Hale, Long, Heavey, Franklin, Rasmussen, Prentice, Costa, Jacobsen, Bauer and Kohl-Welles

Authorizing charitable deductions from retirement allowances.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Carlson and Wolfe spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Senate Bill No. 5432.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5432 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff,

Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 93.

Excused: Representatives Edwards, Poulsen, Quall, Santos and Scott - 5.

Senate Bill No. 5432, having received the constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 5564, by Senators Gardner, Winsley, Spanel and Loveland

Taxation of park trailers and travel trailers.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Representative Wolfe, Representative Lovick was excused.

Representatives Thomas and Reardon spoke in favor of passage of the bill.

Representative Pennington spoke against passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Engrossed Senate Bill No. 5564.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5564 and the bill passed the House by the following vote: Yeas - 81, Nays - 11, Absent - 0, Excused - 6.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, DeBolt, Delvin, Dickerson, Doumit, Dunshee, Edmonds, Eickmeyer, Esser, Fisher, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Lambert, Lantz, Linville, Lisk, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Murray, O'Brien, Ogden, Parlette, Pflug, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 81.

Voting nay: Representatives Benson, Cox, Crouse, Dunn, Ericksen, Fortunato, Koster, Mastin, Mulliken, Pennington and Schindler - 11.

Excused: Representatives Edwards, Lovick, Poulsen, Quall, Santos and Scott - 6.

Engrossed Senate Bill No. 5564, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5619, by Senate Committee on Natural Resources, Parks & Recreation (originally sponsored by Senator Jacobsen; by request of Office of Financial Management)

Modifying the forest fire protection assessment process.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Natural Resources was adopted. (For committee amendment(s), see Journal, 82<sup>nd</sup> Day, April 2, 1999.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Sump and Regala spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute Senate Bill No. 5619, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5619, as amended by the House, and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 92.

Excused: Representatives Edwards, Lovick, Poulsen, Quall, Santos and Scott - 6.

Substitute Senate Bill No. 5619, as amended by the House, having received the constitutional majority, was declared passed.

#### RECONSIDERATION

There being no objection, the House immediately reconsidered the vote by which Engrossed Senate Bill No. 5564 passed the House.

Speaker Ballard stated the question before the House to be final passage of Engrossed Senate Bill No. 5564 on reconsideration.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5564, on reconsideration and the bill passed the House by the following vote: Yeas - 82, Nays - 10, Absent - 0, Excused - 6.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Boldt, Buck, Bush, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, DeBolt, Delvin, Dickerson, Doumit, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Lambert, Lantz, Linville, Lisk, Mastin, McIntire, McMorris, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pflug, Radcliff, Reardon, Regala, Rockefeller, Romero,

Ruderman, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 82.

Voting nay: Representatives Benson, Cairnes, Cox, Crouse, Dunn, Koster, McDonald, Mielke, Pennington and Schindler - 10.

Excused: Representatives Edwards, Lovick, Poulsen, Quall, Santos and Scott - 6.

Engrossed Senate Bill No. 5564, on reconsideration, having received the constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5661, by Senate Committee on Ways & Means (originally sponsored by Senators Rasmussen and Honeyford; by request of Department of Revenue)

Providing clarification and administrative simplification for the leasehold excise tax.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Finance was adopted. (For committee amendment(s), see Journal, 85<sup>th</sup> Day, April 5, 1999.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Cox spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5661, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5661, as amended by the House, and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 92.

Excused: Representatives Edwards, Lovick, Poulsen, Quall, Santos and Scott - 6.

Engrossed Substitute Senate Bill No. 5661, as amended by the House, having received the constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5712, by Senate Committee on Commerce, Trade, Housing & Financial Institutions (originally sponsored by Senators Prentice, Hale, Bauer, West and Winsley)

Regulating motel liquor licenses.



The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Conway and Clements spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5712.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5712 and the bill passed the House by the following vote: Yeas - 91, Nays - 1, Absent - 0, Excused - 6.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 91.

Voting nay: Representative Sullivan - 1.

Excused: Representatives Edwards, Lovick, Poulsen, Quall, Santos and Scott - 6.

Engrossed Substitute Senate Bill No. 5712, having received the constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 5720, by Senators Shin, Sheahan, Kohl-Welles, Finkbeiner, Prentice, Horn, T. Sheldon, Kline, Jacobsen, West and Oke

Promoting cooperative real estate research.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Commerce & Labor was adopted. (For committee amendment(s), see Journal, 82<sup>nd</sup> Day, April 2, 1999.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kenney and Carlson spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Engrossed Senate Bill No. 5720, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5720, as amended by the House, and the bill passed the House by the following vote: Yeas - 90, Nays - 2, Absent - 0, Excused - 6.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine,

Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Mastin, McDonald, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 90.

Voting nay: Representatives McIntire and Veloria - 2.

Excused: Representatives Edwards, Lovick, Poulsen, Quall, Santos and Scott - 6.

Engrossed Senate Bill No. 5720, as amended by the House, having received the constitutional majority, was declared passed.

There being no objection, the House deferred action on Substitute Senate Bill No. 5745, and the bill held its place on the second reading calendar.

SUBSTITUTE SENATE BILL NO. 5746, by Senate Committee on Ways & Means (originally sponsored by Senators Wojahn and Rasmussen)

Modifying certain exemption language for new and rehabilitated multiple-unit dwellings in urban centers.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Thomas and Reardon spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute Senate Bill No. 5746.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5746 and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 92.

Excused: Representatives Edwards, Lovick, Poulsen, Quall, Santos and Scott - 6.

Substitute Senate Bill No. 5746, having received the constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

April 9, 1999

Mr. Speaker:

The President has signed:

HOUSE BILL NO. 1011,  
HOUSE BILL NO. 1018,  
SUBSTITUTE HOUSE BILL NO. 1075,  
HOUSE BILL NO. 1092,  
HOUSE BILL NO. 1106,  
HOUSE BILL NO. 1139,  
SUBSTITUTE HOUSE BILL NO. 1149,  
HOUSE BILL NO. 1216,  
HOUSE BILL NO. 1221,  
SUBSTITUTE HOUSE BILL NO. 1289,  
HOUSE BILL NO. 1297,  
HOUSE BILL NO. 1372,  
HOUSE BILL NO. 1394,  
HOUSE BILL NO. 1425,  
ENGROSSED HOUSE BILL NO. 1459,  
SUBSTITUTE HOUSE BILL NO. 1490,  
HOUSE BILL NO. 1491,  
HOUSE BILL NO. 1542,  
SUBSTITUTE HOUSE BILL NO. 1560,  
HOUSE BILL NO. 1584,  
HOUSE BILL NO. 1654,  
SECOND SUBSTITUTE HOUSE BILL NO. 1686,  
HOUSE BILL NO. 1734,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1963,

HOUSE BILL NO. 2010,  
SUBSTITUTE HOUSE BILL NO. 2054,  
SUBSTITUTE HOUSE BILL NO. 2071,  
HOUSE BILL NO. 2116,  
HOUSE BILL NO. 2181,  
HOUSE BILL NO. 2206,  
HOUSE JOINT MEMORIAL NO. 4004,  
HOUSE JOINT MEMORIAL NO. 4011,  
HOUSE JOINT MEMORIAL NO. 4014,  
HOUSE CONCURRENT RESOLUTION NO. 4408,

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 10:00 a.m., Monday, April 12, 1999, the 92<sup>nd</sup> Legislative Day.

TIMOTHY A. MARTIN, Chief Clerk      CLYDE BALLARD, Speaker  
DEAN R. FOSTER, Chief Clerk      FRANK CHOPP, Speaker

EIGHTY-NINTH DAY, APRIL 9, 1999

JOURNAL OF THE HOUSE

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

**NINETY-SECOND DAY**

**MORNING SESSION**

House Chamber, Olympia, Monday, April 12, 1999

The House was called to order at 10:00 a.m. by Speaker Pro Tempore Ogden. The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Shauna Aron and Patricia Carter. The Speaker (Representative Ogden presiding) lead the Chamber in the Pledge of Alliance. Prayer was offered by Pastor Len Ericksen, Central Lutheran Church, Bellingham.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the sixth order of business.

**SECOND READING**

SUBSTITUTE SENATE BILL NO. 5781, by Senate Committee on Transportation (originally sponsored by Senators Eide, Swecker, Fraser and Costa; by request of Department of Ecology)

Extending the commute trip tax reduction credit.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Transportation was adopted. (For committee amendment(s), see Journal, 85<sup>th</sup> Day, April 5, 1999.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

**MOTION**

On motion of Representative Wolfe, Representatives Scott, Santos, Edwards, Quall and Miloscia were excused.

Representatives Fisher, K. Schmidt and McIntire spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5781, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5781, as amended by the House, and the bill passed the House by the following vote: Yeas - 85, Nays - 8, Absent - 0, Excused - 5.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Crouse, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Schindler, D. Schmidt, K. Schmidt, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Tokuda, Voloria, Wensman, Wolfe, Mr. Speaker Ballard and Mr. Speaker Chopp - 85.

Voting nay: Representatives Cox, DeBolt, Delvin, Gombosky, Schoesler, Thomas, Van Luven and Wood - 8.

Excused: Representatives Edwards, Miloscia, Quall, Santos and Scott - 5.

Substitute Senate Bill No. 5781, as amended by the House, having received the constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 5789, by Senators Bauer, West, Kohl-Welles, McAuliffe, Eide, Sheahan, Rossi, Rasmussen, Honeyford, Franklin, Patterson, Wojahn, Thibaudeau, Prentice, Jacobsen and Fraser

Creating the K-20 educational network board.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Appropriations was adopted. (For committee amendment(s), see Journal, 85<sup>th</sup> Day, April 5, 1999.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Huff and H. Sommers spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Engrossed Senate Bill No. 5789, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5789, as amended by the House, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Mitchell, Morris, Mulliken, Murray, O'Brien,

Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 93.

Excused: Representatives Edwards, Miloscia, Quall, Santos and Scott - 5.

Engrossed Senate Bill No. 5789, as amended by the House, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5837, by Senators Bauer, Long, Winsley, Jacobsen, Fraser, Roach, Rossi, Rasmussen and Oke

Allowing the chief administrative officer of a public utility district, port district, or county to join the retirement system.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Appropriations was adopted. (For committee amendment(s), see Journal, 85<sup>th</sup> Day, April 5, 1999.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Carlson and H. Sommers spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Senate Bill No. 5837, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5837, as amended by the House, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 93.

Excused: Representatives Edwards, Miloscia, Quall, Santos and Scott - 5.

Senate Bill No. 5837, as amended by the House, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5986, by Senators Kline, Goings, Roach, Benton, Patterson, Eide, Costa, Gardner, Rasmussen, B. Sheldon, Shin, Haugen, Heavey, Kohl-Welles, Fairley and Brown

Retiring under the law enforcement officers' and fire fighters' retirement system, plan 2.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Huff and H. Sommers spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Senate Bill No. 5986.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5986 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 93.

Excused: Representatives Edwards, Miloscia, Quall, Santos and Scott - 5.

Senate Bill No. 5986, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5987, by Senators Goings, Benton, Bauer, Hochstatter, Costa, Gardner and Rasmussen

Withdrawing accumulated contributions under the law enforcement officers' and fire fighters' retirement system.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Huff and H. Sommers spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Senate Bill No. 5987.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5987 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H.



Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 93.

Excused: Representatives Edwards, Miloscia, Quall, Santos and Scott - 5.

Senate Bill No. 5987, having received the constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5988, by Senate Committee on Education (originally sponsored by Senators McAuliffe, Eide, Long, Finkbeiner, Goings, Zarelli, Patterson, Hargrove, Gardner, Kline, Franklin, Kohl-Welles, B. Sheldon, Winsley and Rasmussen)

Changing provisions relating to truancy.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Appropriations was adopted. (For committee amendment(s), see Journal, 85<sup>th</sup> Day, April 5, 1999.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Keiser, Huff, Schual-Berke, Carrell, and Stensen spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5988, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5988, as amended by the House, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 93.

Excused: Representatives Edwards, Miloscia, Quall, Santos and Scott - 5.

Engrossed Substitute Senate Bill No. 5988, as amended by the House, having received the constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

April 9, 1999

Mr. Speaker:

The President has signed:

SENATE BILL NO. 5012,  
SENATE BILL NO. 5156,  
SENATE BILL NO. 5365,  
SENATE BILL NO. 5402,  
SUBSTITUTE SENATE BILL NO. 5457,  
SENATE BILL NO. 5614,  
SUBSTITUTE SENATE BILL NO. 5615,  
SENATE BILL NO. 5648,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5658,  
SENATE BILL NO. 5702,  
SECOND SUBSTITUTE SENATE BILL NO. 5766,  
SENATE BILL NO. 5777,  
SENATE BILL NO. 5829,  
ENGROSSED SENATE BILL NO. 5843,  
SUBSTITUTE SENATE BILL NO. 6009,  
SENATE BILL NO. 6019,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6020,

and the same are herewith transmitted.

Tony M. Cook, Secretary

April 9, 1999

Mr. Speaker:

The President has signed:

SENATE BILL NO. 5037,  
SENATE BILL NO. 5178,  
SUBSTITUTE SENATE BILL NO. 5191,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5195,  
SUBSTITUTE SENATE BILL NO. 5215,

SENATE BILL NO. 5262,

SENATE BILL NO. 5301,

SUBSTITUTE SENATE BILL NO. 5313,

and the same are herewith transmitted.

Tony M. Cook, Secretary

SUBSTITUTE SENATE BILL NO. 6012, by Senate Ways & Means (originally sponsored by Senators Long and Fraser

Declaring monthly unit valuations for certain portfolios and funds managed by the state investment board.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Huff and H. Sommers spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 6012.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6012 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 93.

Excused: Representatives Edwards, Miloscia, Quall, Santos and Scott - 5.

Substitute Senate Bill No. 6012, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6052, by Senate Committee on Natural Resources, Parks & Recreation (originally sponsored by Senators Jacobsen and Rasmussen)

Assisting volunteers in hunter safety programs.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Anderson and Sump spoke in favor of passage of the bill.

Representative Pennington spoke against the passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 6052.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6052 and the bill passed the House by the following vote: Yeas - 81, Nays - 12, Absent - 0, Excused - 5.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Buck, Bush, Cairnes, B. Chandler, G. Chandler, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sump, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 81.

Voting nay: Representatives Benson, Boldt, Campbell, Carlson, Carrell, Clements, Dunn, Koster, Mielke, Pennington, Sullivan and Talcott - 12.

Excused: Representatives Edwards, Miloscia, Quall, Santos and Scott - 5.

Substitute Senate Bill No. 6052, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6063, by Senate Committee on Ways & Means (originally sponsored by Senators Loveland, West, Snyder and Oke)

Authorizing the state investment board to invest and reinvest moneys in the emergency reserve fund.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives H. Sommers and Huff spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 6063.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6063 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero,

Ruderman, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 93.

Excused: Representatives Edwards, Miloscia, Quall, Santos and Scott - 5.

Substitute Senate Bill No. 6063, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE JOINT RESOLUTION NO. 8208, by Senate Committee on Ways & Means (originally sponsored by Senators Loveland, West and Snyder)

Authorizing investments as specified by the legislature.

The resolution was read the second time.

There being no objection, the committee amendment(s) by the Committee on Appropriations was adopted. (For committee amendment(s), see Journal, 85<sup>th</sup> Day, April 5, 1999.)

There being no objection, the rules were suspended, the second reading considered the third and the resolution was placed on final passage.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Substitute Senate Joint Resolution No. 8208, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Joint Resolution No. 8208, as amended by the House, and the resolution passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 93.

Excused: Representatives Edwards, Miloscia, Quall, Santos and Scott - 5.

Substitute Senate Joint Resolution No. 8208, as amended by the House, having received the constitutional two-thirds majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5348, by Senate Committee on State & Local Government (originally sponsored by Senators Gardner, Horn and Spanel; by request of Superintendent of Public Instruction and Washington State Library Commission)

Reorganizing the state library commission.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Romero and McMorris spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5348.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5348 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 94.

Excused: Representatives Edwards, Quall, Santos and Scott - 4.

Engrossed Substitute Senate Bill No. 5348, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5021, by Senators Snyder, Swecker, Winsley and Benton

Exempting certain nonprofit organizations from property taxation.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dunshee and Thomas spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Senate Bill No. 5021.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5021 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 94.

Excused: Representatives Edwards, Quall, Santos and Scott - 4.

Senate Bill No. 5021, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5105, by Senators Eide, Morton, Jacobsen and Winsley; by request of Department of Health

Changing the definition of public water system.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Linville and G. Chandler spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Senate Bill No. 5105.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5105 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 1, Excused - 4.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood and Mr. Speaker Ballard - 93.

Absent: Representative Mr. Speaker Chopp - 1.

Excused: Representatives Edwards, Quall, Santos and Scott - 4.

Senate Bill No. 5105, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5352, by Senate Committee on State & Local Government (originally sponsored by Senator McCaslin)

Removing the term limit for members of boundary review boards.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Doumit and Mulliken spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5352.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5352 and the bill passed the House by the following vote: Yeas - 82, Nays - 12, Absent - 0, Excused - 4.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Schindler, D. Schmidt, K. Schmidt, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 82.

Voting nay: Representatives Benson, Boldt, G. Chandler, Fortunato, Koster, Mielke, Parlette, Pennington, Schoesler, Sullivan, Sump and Talcott - 12.

Excused: Representatives Edwards, Quall, Santos and Scott - 4.

Substitute Senate Bill No. 5352, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5762, by Senate Committee on Commerce, Trade, Housing & Financial Institutions (originally sponsored by Senators Haugen and Goings; by request of Department of Licensing)

Amending cosmetology laws.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Commerce & Labor was adopted. (For committee amendment(s), see Journal, 82<sup>nd</sup> Day, April 2, 1999.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Clements and Conway spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5762, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5762, as amended by the House, and the bill failed to pass the House by the following vote: Yeas - 36, Nays - 58, Absent - 0, Excused - 4.

Voting yea: Representatives Anderson, Campbell, Carlson, Carrell, B. Chandler, Clements, Cox, Doumit, Dunshee, Edmonds, Eickmeyer, Gombosky, Grant, Haigh, Keiser, Kessler, Lantz, Linville, Lovick, McDonald, McMorris, Morris, O'Brien, Ogden, Reardon, Regala, Rockefeller, D. Schmidt, Schual-Berke, Skinner, Stensen, Sullivan, Talcott, Wolfe, Wood and Mr. Speaker Chopp - 36.

Voting nay: Representatives Alexander, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, G. Chandler, Cody, Constantine, Conway, Cooper, Crouse, DeBolt, Delvin, Dickerson, Dunn, Ericksen, Esser, Fisher, Fortunato, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Kenney, Koster, Lambert, Lisk, Mastin, McIntire, Mielke, Miloscia, Mitchell, Mulliken, Murray, Parlette, Pennington, Pflug, Poulsen, Radcliff, Romero, Ruderman, Schindler, K. Schmidt, Schoesler, D. Sommers, H. Sommers, Sump, Thomas, Tokuda, Van Luven, Voloria, Wensman and Mr. Speaker Ballard - 58.



Excused: Representatives Edwards, Quall, Santos and Scott - 4.

Substitute Senate Bill No. 5762, as amended by the House, having failed to receive the constitutional majority, was declared lost.

#### NOTICE OF RECONSIDERATION

Representative Conway, having voted on the prevailing side, gave notice of his intention to move for reconsideration of the vote by which Substitute Senate Bill No. 5762 failed to pass the House, on the next working day.

SENATE BILL NO. 5040, by Senators Fairley and Horn; by request of Department of Labor & Industries

Modifying standards and requirements for the operation and inspection of boilers and other pressure vessels.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Commerce & Labor was adopted. (For committee amendment(s), see Journal, 82<sup>nd</sup> Day, April 2, 1999.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Conway and Clements spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Senate Bill No. 5040, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5040, as amended by the House, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 94.

Excused: Representatives Edwards, Quall, Santos and Scott - 4.

Senate Bill No. 5040, as amended by the House, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5122, by Senators Fairley and Oke; by request of Department of Labor & Industries

Recovering industrial insurance benefits payments.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Clements and Conway spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Senate Bill No. 5122.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5122 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 1, Excused - 4.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood and Mr. Speaker Ballard - 93.

Absent: Representative Mr. Speaker Chopp - 1.

Excused: Representatives Edwards, Quall, Santos and Scott - 4.

Senate Bill No. 5122, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5233, by Senators Patterson, Horn, McCaslin, Kline, Gardner, Haugen and Winsley; by request of Department of Corrections

Exempting specified positions within the department of corrections from civil service laws.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Romero and McMorris spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Senate Bill No. 5233.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5233 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray,

O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 94.

Excused: Representatives Edwards, Quall, Santos and Scott - 4.

Senate Bill No. 5233, having received the constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5290, by Senate Committee on Environmental Quality & Water Resources (originally sponsored by Senators Fraser, Swecker, Winsley, Fairley, Franklin, Morton, Prentice, Spanel, Jacobsen, Honeyford, Oke and Rasmussen)

Changing the freshwater aquatic weeds management program by clarifying funding and creating an advisory committee.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Agriculture & Ecology was adopted. (For committee amendment(s), see Journal, 82<sup>nd</sup> Day, April 2, 1999.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cooper and G. Chandler spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5290, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5290, as amended by the House, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 94.

Excused: Representatives Edwards, Quall, Santos and Scott - 4.

Engrossed Substitute Senate Bill No. 5290, as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5304, by Senate Committee on Judiciary (originally sponsored by Senators Costa, Heavey, Fairley, Goings, McCaslin and West)

Making violations of the liquor code misdemeanor offenses.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Commerce & Labor was adopted. (For committee amendment(s), see Journal, 82<sup>nd</sup> Day, April 2, 1999.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives B. Chandler and Wood spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5304, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5304, as amended by the House, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 94.

Excused: Representatives Edwards, Quall, Santos and Scott - 4.

Substitute Senate Bill No. 5304, as amended by the House, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5502, by Senator Haugen; by request of Marine Employees' Commission

Reporting the salary survey of ferry employees.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Transportation was adopted. (For committee amendment(s), see Journal, 85<sup>th</sup> Day, April 5, 1999.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Fisher spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Senate Bill No. 5502, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5502, as amended by the House, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 94.

Excused: Representatives Edwards, Quall, Santos and Scott - 4.

Senate Bill No. 5502, as amended by the House, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5606, by Senators Heavey and McCaslin; by request of Environmental Hearings Office

Providing procedures for discipline and termination of administrative appeals judges in the environmental hearings office.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Constantine and Carrell spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Senate Bill No. 5606.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5606 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 94.

Excused: Representatives Edwards, Quall, Santos and Scott - 4.

Senate Bill No. 5606, having received the constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 5798, by Senators Fairley, Winsley and Franklin; by request of Department of Social and Health Services

Assisting needy families.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Tokuda and D. Sommers spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Engrossed Senate Bill No. 5798.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5798 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 94.

Excused: Representatives Edwards, Quall, Santos and Scott - 4.

Engrossed Senate Bill No. 5798, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6001, by Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, Long, Winsley and Rasmussen)

Providing for the disclosure of information to the office of the family and children's ombudsman.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Children & Family Services was adopted. (For committee amendment(s), see Journal, 82<sup>nd</sup> Day, April 2, 1999.)

There being no objection, amendments 157 and 151 were withdrawn.

Representative Boldt moved the adoption of amendment (175):

On page 2, line 12, after "~~((7))~~ (6)" insert the following:

"(a) Receive information from a legislator who is assisting a constituent at the constituent's request; (b) provide information to a legislator regarding a constituent if the constituent has given his or her written consent that the information be released to the legislator: PROVIDED, That any confidential information regarding a person other than the constituent shall be redacted: PROVIDED FURTHER, That the legislator shall maintain the confidentiality of any confidential information the legislator may receive regarding the constituent; and (c) notify the legislator that the constituent's case is ready to be closed;

(7)"

Renumber the remaining subsection consecutively and correct internal references accordingly.

Representatives Boldt, Lambert and Mastin spoke in favor of the adoption of the amendment.

Representatives Tokuda and Kastama spoke against the adoption of the amendment.

Division was demanded. The Speaker (Representative Ogden presiding) divided the House. The results of the division was 49-YEAS; 45-NAYS. Having failed to receive the necessary constitutional majority the amendment was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Tokuda spoke in favor of passage of the bill.

There being no objection, the House deferred further action on Substitute Senate Bill No. 6001, and the bill held its place on the third reading calendar.

SENATE BILL NO. 5020, by Senators Snyder and Winsley

Allowing dealers of recreational licenses to collect a fee of at least two dollars for each license sold.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Natural Resources was adopted. (For committee amendment(s), see Journal, 82<sup>nd</sup> Day, April 2, 1999.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Regala and Buck spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Senate Bill No. 5020, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5020, as amended by the House, and the bill passed the House by the following vote: Yeas - 63, Nays - 31, Absent - 0, Excused - 4.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Buck, Campbell, Carlson, Clements, Cody, Constantine, Conway, Cooper, Dickerson, Doumit, Dunshee, Edmonds, Eickmeyer, Esser, Fisher, Gombosky, Grant, Haigh, Hankins, Huff, Kagi, Kastama, Keiser, Kenney, Kessler, Lambert, Lantz, Linville, Lisk, Lovick, McDonald, McIntire, Miloscia, Mitchell, Morris, Murray, O'Brien, Ogden, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, H. Sommers, Stensen, Talcott, Thomas, Tokuda, Veloria, Wensman, Wolfe, Wood and Mr. Speaker Chopp - 63.

Voting nay: Representatives Barlean, Benson, Boldt, Bush, Cairnes, Carrell, B. Chandler, G. Chandler, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Fortunato, Hatfield, Hurst, Koster, Mastin, McMorris, Mielke, Mulliken, Parlette, Pennington, Pflug, Schindler, D. Sommers, Sullivan, Sump, Van Luven and Mr. Speaker Ballard - 31.

Excused: Representatives Edwards, Quall, Santos and Scott - 4.

Senate Bill No. 5020, as amended by the House, having received the constitutional majority, was declared passed.

SECOND SUBSTITUTE SENATE BILL NO. 5102, by Senate Committee on Ways & Means (originally sponsored by Senators Haugen, Snyder, Winsley, Goings, Gardner, T. Sheldon, Bauer, Rasmussen, Hale, McCaslin, Sellar, Swecker, Patterson, Morton, Prentice, Oke, Kohl-Welles and Costa)

Funding fire fighter training and pensions.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Doumit and Schoesler spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Second Substitute Senate Bill No. 5102.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5102 and the bill passed the House by the following vote: Yeas - 89, Nays - 5, Absent - 0, Excused - 4.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Rockefeller, Romero, Ruderman, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 89.

Voting nay: Representatives Conway, Fisher, Regala, Sullivan and Wolfe - 5.

Excused: Representatives Edwards, Quall, Santos and Scott - 4.

Second Substitute Senate Bill No. 5102, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5745, by Senate Committee on Commerce, Trade, Housing & Financial Institutions (originally sponsored by Senators Bauer, Honeyford, Wojahn, West and Long)

Reducing the tax on bingo and raffles.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Clements and Eickmeyer spoke in favor of passage of the bill.



The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5745.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5745 and the bill passed the House by the following vote: Yeas - 83, Nays - 11, Absent - 0, Excused - 4.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Doumit, Dunn, Dunshee, Eickmeyer, Ericksen, Esser, Fortunato, Gombosky, Grant, Haigh, Hankins, Huff, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Ruderman, Schindler, D. Schmidt, K. Schmidt, Schoesler, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Wensman, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 83.

Voting nay: Representatives Cody, Dickerson, Edmonds, Fisher, Hatfield, Hurst, McIntire, Romero, Schual-Berke, Veloria and Wolfe - 11.

Excused: Representatives Edwards, Quall, Santos and Scott - 4.

Substitute Senate Bill No. 5745, having received the constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5508, by Senate Committee on Natural Resources, Parks & Recreation (originally sponsored by Senators Spanel, Oke, Snyder, Jacobsen, Rossi and Rasmussen)

Increasing harvest data accuracy for the recreational crab fishery.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Appropriations was before the House for purpose of amendment. (For committee amendment(s), see Journal, 85<sup>th</sup> Day, April 5, 1999.)

Representative Regala moved the adoption of amendment (150):

On page 1, line 21 of the striking amendment, after "**Sec. 3.**" strike all material through "1999." and insert "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing institutions, and takes effect on July 15, 1999."

Correct the title.

Representative Regala spoke in favor of the adoption of the amendment.

The amendment to the committee amendment was adopted.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Regala and Ericksen spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5508, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5508, as amended by the House, and the bill passed the House by the following vote: Yeas - 89, Nays - 5, Absent - 0, Excused - 4.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Regala, Rockefeller, Romero, Ruderman, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 89.

Voting nay: Representatives Dunn, Koster, Morris, Reardon and Van Luven - 5.

Excused: Representatives Edwards, Quall, Santos and Scott - 4.

Engrossed Substitute Senate Bill No. 5508, as amended by the House, having received the constitutional majority, was declared passed.

There being no objection, the House advanced to the eleventh order of business.

#### MOTION

On motion of Representative Kessler, the House adjourned until 10:00 a. m., Tuesday, April 13, 1999, the 93<sup>rd</sup> Legislative Day.

TIMOTHY A. MARTIN, Chief Clerk      CLYDE BALLARD, Speaker  
DEAN R. FOSTER, Chief Clerk      FRANK CHOPP, Speaker

NINETY-SECOND DAY, APRIL 12, 1999

JOURNAL OF THE HOUSE

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**NINETY-THIRD DAY**

**MORNING SESSION**

House Chamber, Olympia, Tuesday, April 13, 1999

The House was called to order at 10:00 a.m. by Speaker Pro Tempore Pennington. The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Bianca Loomis and Zahra Jalalian. Prayer was offered by Pastor Frank Ericksen (Retired) Emmanuel Lutheran Church, Longview.

Speaker Ballard assumed the chair.

**MESSAGES FROM THE SENATE**

April 9, 1999

Mr. Speaker:

The Senate has passed:

SUBSTITUTE HOUSE BILL NO. 1133,

SUBSTITUTE HOUSE BILL NO. 1181,

HOUSE BILL NO. 1199,

HOUSE BILL NO. 1413,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1547,

HOUSE BILL NO. 1827,

HOUSE BILL NO. 2205,

and the same are herewith transmitted.

Tony M. Cook, Secretary

April 12, 1999

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5010,  
SUBSTITUTE SENATE BILL NO. 5030,  
ENGROSSED SENATE BILL NO. 5141,  
SENATE BILL NO. 5194,  
SENATE BILL NO. 5278,  
SENATE BILL NO. 5401,  
SENATE BILL NO. 5432,  
SUBSTITUTE SENATE BILL NO. 5495,  
ENGROSSED SENATE BILL NO. 5564,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5712,  
SUBSTITUTE SENATE BILL NO. 5746,

and the same are herewith transmitted.

Tony M. Cook, Secretary

April 13, 1999

Mr. Speaker:

The President has signed:

SENATE BILL NO. 5021,  
SENATE BILL NO. 5105,  
SENATE BILL NO. 5122,  
SENATE BILL NO. 5233,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5348,  
SUBSTITUTE SENATE BILL NO. 5352,

SENATE BILL NO. 5606,  
ENGROSSED SENATE BILL NO. 5798,

and the same are herewith transmitted.

Tony M. Cook, Secretary

**SIGNED BY THE SPEAKERS**

The Speakers announced they were signing:

HOUSE BILL NO. 1027,  
SUBSTITUTE HOUSE BILL NO. 1041,  
HOUSE BILL NO. 1073,  
SUBSTITUTE HOUSE BILL NO. 1133,  
HOUSE BILL NO. 1175,  
SUBSTITUTE HOUSE BILL NO. 1181,  
HOUSE BILL NO. 1199,  
HOUSE BILL NO. 1310,  
HOUSE BILL NO. 1331,  
HOUSE BILL NO. 1413,  
HOUSE BILL NO. 1420,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1471,  
SUBSTITUTE HOUSE BILL NO. 1535,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1547,  
SUBSTITUTE HOUSE BILL NO. 1559,  
SUBSTITUTE HOUSE BILL NO. 1653,  
SUBSTITUTE HOUSE BILL NO. 1671,  
HOUSE BILL NO. 1766,  
HOUSE BILL NO. 1819,  
ENGROSSED HOUSE BILL NO. 1845,  
SUBSTITUTE HOUSE BILL NO. 1910,

HOUSE BILL NO. 1996,  
SUBSTITUTE HOUSE BILL NO. 2086,  
HOUSE BILL NO. 2205,  
ENGROSSED HOUSE BILL NO. 2232,  
HOUSE JOINT MEMORIAL NO. 4008,  
SUBSTITUTE SENATE BILL NO. 5010,  
SENATE BILL NO. 5012,  
SUBSTITUTE SENATE BILL NO. 5030,  
SENATE BILL NO. 5037,  
ENGROSSED SENATE BILL NO. 5141,  
SENATE BILL NO. 5156,  
SENATE BILL NO. 5178,  
SUBSTITUTE SENATE BILL NO. 5191,  
SENATE BILL NO. 5194,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5195,  
SUBSTITUTE SENATE BILL NO. 5215,  
SENATE BILL NO. 5262,  
SENATE BILL NO. 5278,  
SENATE BILL NO. 5301,  
SUBSTITUTE SENATE BILL NO. 5313,  
SENATE BILL NO. 5365,  
SENATE BILL NO. 5401,  
SENATE BILL NO. 5402,  
SENATE BILL NO. 5432,  
SUBSTITUTE SENATE BILL NO. 5457,  
SUBSTITUTE SENATE BILL NO. 5495,  
ENGROSSED SENATE BILL NO. 5564,

SENATE BILL NO. 5614,  
SUBSTITUTE SENATE BILL NO. 5615,  
SENATE BILL NO. 5648,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5658,  
SENATE BILL NO. 5702,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5712,  
SUBSTITUTE SENATE BILL NO. 5746,  
SECOND SUBSTITUTE SENATE BILL NO. 5766,  
SENATE BILL NO. 5777,  
SENATE BILL NO. 5829,  
ENGROSSED SENATE BILL NO. 5843,  
SUBSTITUTE SENATE BILL NO. 6009,  
SENATE BILL NO. 6019,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6020,

Speaker Ballard called upon Representative Pennington to preside.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

**MESSAGE FROM THE SENATE**

April 12, 1999

Mr. Speaker:

The Senate has passed:

ENGROSSED SENATE CONCURRENT RESOLUTION NO. 8408,

SENATE CONCURRENT RESOLUTION NO. 8409,

and the same are herewith transmitted.

Tony M. Cook, Secretary

April 12, 1999

Mr. Speaker:

The Senate has passed:

SUBSTITUTE HOUSE BILL NO. 1013,  
SUBSTITUTE HOUSE BILL NO. 1069,  
HOUSE BILL NO. 1152,  
SUBSTITUTE HOUSE BILL NO. 1158,  
SUBSTITUTE HOUSE BILL NO. 1224,  
HOUSE BILL NO. 1238,  
SUBSTITUTE HOUSE BILL NO. 1324,  
HOUSE BILL NO. 1422,  
SUBSTITUTE HOUSE BILL NO. 1485,  
HOUSE BILL NO. 1495,  
SECOND SUBSTITUTE HOUSE BILL NO. 1729,  
SUBSTITUTE HOUSE BILL NO. 1777,  
SUBSTITUTE HOUSE BILL NO. 1864,  
HOUSE BILL NO. 2052,

and the same are herewith transmitted.

Tony M. Cook, Secretary

April 12, 1999

Mr. Speaker:

The Senate concurred in the House amendments to SENATE BILL NO. 5734, and passed the bill as amended by the House, and the same is herewith transmitted.

Tony M. Cook, Secretary

### **REPORTS OF STANDING COMMITTEES**

April 9, 1999

HB 2284 Prime Sponsor, Representative Rockefeller: Changing property tax exemption provisions.  
Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dunshee, Democratic Co-Chair; Thomas, Republican Co-Chair; Carrell, Republican Vice Chair; Reardon, Democratic Vice Chair; Cairnes; Conway; Cox; Pennington and Veloria.



MINORITY recommendation: Do not pass. Signed by Representative Dickerson.

Voting yea: Representatives Dunshee, Thomas, Carrell, Reardon, Cairnes, Conway, Cox, Pennington and Voloria.

Voting nay: Representative(s) Dickerson.

Excused: Representative(s) Santos and Van Luven.

Passed to Rules Committee for Second Reading.

There being no objection, the bill listed on the day's committee reports under the fifth order of business was referred to the committees so designated.

There being no objection, the House advanced to the sixth order of business.

## **SECOND READING**

SECOND SUBSTITUTE SENATE BILL NO. 5171, by Senate Committee on Ways & Means (originally sponsored by Senators Goings, Prentice and Rasmussen)

Regulating Washington State Patrol employment agreements.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Conway, Clements, Delvin and Hirst spoke in favor of passage of the bill.

There being no objection, Representatives Cox, Scott and Quall were excused.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Second Substitute Senate Bill No. 5171.

## **ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5171 and the bill passed the House by the following vote: Yeas - 92, Nays - 3, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lovick, Mastin, McDonald, McIntire, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 92.

Voting nay: Representatives B. Chandler, Lisk and McMorris - 3.

Excused: Representatives Cox, Quall and Scott - 3.

Second Substitute Senate Bill No. 5171, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5385, by Senators Shin, Prentice, Winsley, Jacobsen, Patterson, T. Sheldon, Benton, Finkbeiner, Snyder, Rasmussen, Goings, Haugen, Hargrove, Gardner, Heavey, Deccio and McAuliffe

Providing an alternative method for dissolution of cultural arts, stadium and convention districts.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Local Government was adopted. (For committee amendment(s), see Journal, 81<sup>st</sup> Day, April 11, 1999.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Mulliken and Doumit spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Senate Bill No. 5385, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5385, as amended by the House, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Cox, Quall and Scott - 3.

Senate Bill No. 5385, as amended by the House, having received the constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 5649, by Senators Haugen, Sellar and Goings

Regulating security for long-term impounds.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Transportation was adopted. (For committee amendment(s), see Journal, 82<sup>nd</sup> Day, April 2, 1999.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cooper and Ericksen spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Engrossed Senate Bill No. 5649, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5649, as amended by the House, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Cox, Quall and Scott - 3.

Engrossed Senate Bill No. 5649, as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5671, by Senate Committee on Judiciary (originally sponsored by Senators Kline, Fairley, Johnson and Thibaudeau)

Changing provisions relating to anarchy and sabotage.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Judiciary was adopted. (For committee amendment(s), see Journal, 82<sup>nd</sup> Day, April 2, 1999.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lambert, Constantine, Conway and Carrell spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5671, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5671, as amended by the House, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller,

Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Cox, Quall and Scott - 3.

Substitute Senate Bill No. 5671, as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5744, by Senate Committee on Human Services & Corrections (originally sponsored by Senators Haugen, Costa, Sheahan and Deccio)

Ordering a proposal to provide for representation of parties in child dependency and termination proceedings.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Judiciary was adopted. (For committee amendment(s), see Journal, 82<sup>nd</sup> Day, April 2, 1999.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Constantine and Schindler spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5744, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5744, as amended by the House, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Cox, Quall and Scott - 3.

Substitute Senate Bill No. 5744, as amended by the House, having received the constitutional majority, was declared passed.

SENATE BILL NO. 6065, by Senators Wojahn and Winsley

Providing an excise tax exemption for property owned, operated, or controlled by a public corporation.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Finance was adopted. (For committee amendment(s), see Journal, 85<sup>th</sup> Day, April 5, 1999.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Thomas and Reardon spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Senate Bill No. 6065, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6065, as amended by the House, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Cox, Quall and Scott - 3.

Senate Bill No. 6065, as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5213, by Senate Committee on Education (originally sponsored by Senators McAuliffe, Kohl-Welles and Costa)

Requiring record checks for employees of approved private schools who have regularly scheduled unsupervised access to children.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Education was not adopted. (For committee amendment(s), see Journal, 78<sup>th</sup> Day, March 29, 1999.)

Representative Schindler moved the adoption of amendment (185):

Strike everything after the enacting clause and insert the following:

""NEW SECTION. **Sec. 1.** A new section is added to chapter 28A.195 RCW to read as follows:

(1) The legislature finds additional safeguards are necessary to ensure safety of school children attending private schools in the state of Washington. Private schools approved under this chapter are authorized to require that employees who have regularly scheduled unsupervised access to children, whether current employees on the effective date of this act or applicants for employment on or after the effective date of this act, undergo a record check through the Washington state patrol criminal identification system under RCW 43.43.830 through 43.43.838, 10.97.030, and 10.97.050 and through the federal bureau of investigation. The record check shall include a fingerprint check using a

complete Washington state criminal identification fingerprint card. Employees or applicants for employment who have completed a record check in accordance with RCW 28A.410.010 shall not be required to undergo a record check under this section. The superintendent of public instruction shall provide a copy of the record report to the employee or applicant. If an employee or applicant has undergone a record check as authorized under this section, additional record checks shall not be required unless required by other provisions of law.

(2) The approved private school, the employee, or the applicant shall pay the costs associated with the record check authorized in this section.

(3) Applicants may be employed on a conditional basis pending completion of the investigation. If the employee or applicant has had a record check within the previous two years, the approved private school or contractor may waive any record check required by the approved private school under subsection (1) of this section.

NEW SECTION. **Sec. 2.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Representative Schindler spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Schindler and Keiser spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5213, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5213, as amended by the House, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Cox, Quall and Scott - 3.

Substitute Senate Bill No. 5213, as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5640, by Senate Committee on State & Local Government (originally sponsored by Senators Gardner and McCaslin; by request of Secretary of State)

Studying primary dates and speeding counting.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on State Government was adopted. (For committee amendment(s), see Journal, 82<sup>nd</sup> Day, April 2, 1999.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative D. Schmidt spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5640, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5640, as amended by the House, and the bill passed the House by the following vote: Yeas - 93, Nays - 2, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 93.

Voting nay: Representatives Dunn and Van Luven - 2.

Excused: Representatives Cox, Quall and Scott - 3.

Substitute Senate Bill No. 5640, as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5864, by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Fairley, Thibaudeau and Kohl-Welles)

Allowing a health maintenance organization to return an individual to his or her nursing care facility.

The bill was read the second time.

Representative Cody moved the adoption of amendment (186):

On page 1, line 18, after "legal" strike "guardian" and insert "representative as authorized in RCW 7.70.065"

Representative Cody spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, amendment 187 was withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Pflug and Schual-Berke spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5864, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5864, as amended by the House, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Cox, Quall and Scott - 3.

Substitute Senate Bill No. 5864, as amended by the House, having received the constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5610, by Senate Committee on Transportation (originally sponsored by Senators Prentice, Finkbeiner, T. Sheldon and Costa)

Authorizing the director of the department of licensing to impose a civil penalty for a violation of chapter 46.70 RCW.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Transportation was adopted. (For committee amendment(s), see Journal, 82<sup>nd</sup> Day, April 2, 1999.)

There being no objection, amendments 170 and 172 were withdrawn.

Representative Cairnes moved the adoption of amendment (174):

On page 2, line 8, after "vehicles" insert "that are each less than thirty years old"

Representatives Cairnes and Fisher spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, amendment 179 was withdrawn.

Representative Van Luven moved the adoption of amendment (189):



On page 2, line 8, after "vehicles" insert "provided however, that a person who has owned each vehicle for over twelve months prior to selling them is not engaged in the act of curbstoning."

Representative Van Luven spoke in favor of the adoption of the amendment.

Representatives Fisher, K. Schmidt and Mulliken spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Van Luven moved the adoption of amendment (190):

On page 2, line 8, after "selling" strike "five or more vehicles in a twelve- month period without holding a vehicle dealer license" and insert: "twelve or more vehicles that are each sold for over one thousand five hundred dollars in a twelve-month period without holding a vehicle dealer license"

Representatives Van Luven and Carrell spoke in favor of the adoption of the amendment.

Division was demanded. The Speaker (Representative Pennington presiding) divided the House. The results of the division was 15-YEAS; 80-NAYS. The amendment was not adopted.

Representative Van Luven moved the adoption of amendment (188):

On page 1, line 11, after the word "practice." add the following: "However, the director has the discretion, based upon the facts and circumstances, to determine whether a person is curbstoning as defined in subsection three of this section or simply selling vehicles in order to supplement his or her income."

Representatives Van Luven and Dunn spoke in favor of the adoption of the amendment.

Representatives Fisher and K. Schmidt spoke against the adoption of the amendment.

Division was demanded. The Speaker (Representative Pennington presiding) divided the House. The results of the division was 10-YEAS; 85-NAYS. The amendment was not adopted.

Representative Schoesler moved the adoption of the striking amendment (183):

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 46.70.115 and 1986 c 241 s 15 are each amended to read as follows:

(1) If it appears to the director that a person has engaged or is about to engage in an act or practice constituting a violation of this chapter, or a rule adopted or an order issued under this chapter, the director may issue an order directing the person to cease and desist from continuing the act or practice. Reasonable notice of and opportunity for a hearing shall be given. The director may issue a temporary order pending a hearing. The temporary order shall remain in effect until ten days after the hearing is held and shall become final if the person to whom the notice is addressed does not request a hearing within fifteen days after receipt of the notice.

(2) The director may levy and collect a civil penalty, in an amount not to exceed one thousand dollars for each violation, against a person found by the director to be curbstoning, as that term is defined in subsection (3) of this section. A person against whom a civil penalty has been imposed must receive reasonable notice and an opportunity for a hearing on the issue. The civil penalty is due ten days after receipt of the notice, or if a hearing is requested, within ten days after an order is entered upon a final adjudication of the issue.

(3) For the purposes of subsection (2) of this section, "curbstoning" means a person or firm engaged in buying and offering for sale, or buying and selling, five or more vehicles in a twelve-month period without holding a vehicle dealer license. For the purpose of subsections (1) and (2) of this section, "curbstoning" does not include the sale of equipment or vehicles used in farming as defined in RCW 46.04.183 and sold by a farmer as defined in RCW 46.04.182. An independent motor vehicle leasing company not otherwise doing business in the state or a motor vehicle dealer licensed by and located in any other state, either of which sells used motor vehicles at wholesale auctions to dealers licensed under this chapter or to dealers licensed by any other state, is not subject to taxes levied under chapter 82.04 RCW."

There being no objection, the House deferred action on Engrossed Substitute Senate Bill No. 5610, and the bill held its place on the second reading calendar.

### MESSAGES FROM THE SENATE

April 13, 1999

Mr. Speaker:

The President has signed:

SENATE BILL NO. 5734

and the same is herewith transmitted.

Tony M. Cook, Secretary

April 13, 1999

Mr. Speaker:

The President has signed:

SENATE BILL NO. 5986,

SENATE BILL NO. 5987,

SUBSTITUTE SENATE BILL NO. 6012,

SUBSTITUTE SENATE BILL NO. 6052,

SUBSTITUTE SENATE BILL NO. 6063,

and the same are herewith transmitted.

Tony M. Cook, Secretary

April 13, 1999

Mr. Speaker:

The President has signed:

SECOND SUBSTITUTE SENATE BILL NO. 5102,

SUBSTITUTE SENATE BILL NO. 5745,

and the same are herewith transmitted.

Tony M. Cook, Secretary

**SIGNED BY THE SPEAKERS**

The Speakers signed the following bill:

SENATE BILL NO. 5734,

There being no objection, the House immediately considered Engrossed Substitute Senate Bill No. 5610. The striking amendment (183) was before the House for purpose of amendments.

Representative Cairnes moved the adoption of amendment (200) to the striking amendment (183):

On page 1, line 29 after "vehicles" insert "that are each less than thirty years old"

Representative Cairnes spoke in favor of the adoption of the amendment.

The amendment was adopted.

The striking amendment (183) as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lovick and K. Schmidt spoke in favor of passage of the bill.

**MOTION**

On motion of Representative Wolfe, Speaker Chopp was excused.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5610, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5610, as amended by the House, and the bill passed the House by the following vote: Yeas - 91, Nays - 3, Absent - 0, Excused - 4.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H.

Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Veloria, Wensman, Wolfe, Wood and Mr. Speaker Ballard - 91.

Voting nay: Representatives Fortunato, Koster and Van Luven - 3.

Excused: Representatives Cox, Quall, Scott and Mr. Speaker Chopp - 4.

Engrossed Substitute Senate Bill No. 5610, as amended by the House, having received the constitutional majority, was declared passed.

SECOND SUBSTITUTE SENATE BILL NO. 5108, by Senate Committee on Ways & Means (originally sponsored by Senators Patterson, Johnson, Eide, Rossi, Prentice, T. Sheldon, Winsley, McAuliffe, Oke, Kohl-Welles and Costa; by request of Lieutenant Governor)

Creating a task force on missing and exploited children.

### **POINT OF ORDER**

Representative Thomas requested a scope and object ruling on the amendment by the Committee on Criminal Justice and Corrections (For committee amendment(s), see Journal, 82<sup>nd</sup> Day, April 2, 1999).

There being no objection, the House deferred action on Second Substitute Senate Bill No. 5108, and the bill held its place on the second reading calendar.

SENATE BILL NO. 5382, by Senators T. Sheldon, Horn, Haugen and Winsley; by request of Department of Transportation

Strengthening the Scenic Vistas Act.

The bill was read the second time.

Representative Mitchell moved the adoption of amendment (191):

On page 1, beginning on line 5, strike all of sections 1 through 4, renumber the remaining sections, and correct the title.

Representatives Mitchell and Fisher spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Mitchell spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Senate Bill No. 5382, as amended by the House.

### **ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5382, as amended by the House, and the bill passed the House by the following vote: Yeas - 85, Nays - 10, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine,

Conway, Cooper, DeBolt, Delvin, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, D. Schmidt, K. Schmidt, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 85.

Voting nay: Representatives Boldt, Buck, Crouse, Dunn, Koster, McMorris, Mielke, Schindler, Schoesler and Sump - 10.

Excused: Representatives Cox, Quall and Scott - 3.

Senate Bill No. 5382, as amended by the House, having received the constitutional majority, was declared passed.

SECOND SUBSTITUTE SENATE BILL NO. 5821, by Senate Committee on Ways & Means (originally sponsored by Senators Eide, Morton, Patterson, Swecker, McAuliffe and Fraser)

Regulating designers of on-site wastewater treatment systems.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Commerce & Labor was adopted. (For committee amendment(s), see Journal, 82<sup>nd</sup> Day, April 2, 1999.)

Representative Conway moved the adoption of amendment (164):

On page 5, after line 13, insert the following:

"(4) The board shall immediately suspend the license or practice permit of a person who has been certified pursuant to RCW 74.20A.320 by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for a license under this chapter during the suspension, reissuance of the license or certificate shall be automatic upon the department's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the child support order. The procedure in RCW 74.20A.320 is the exclusive administrative remedy for contesting the establishment of noncompliance with a child support order, and suspension of a license under this subsection, and satisfies the requirements of RCW 34.05.422."

Representatives Conway and Clements spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Clements and Conway spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Second Substitute Senate Bill No. 5821, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5821, as amended by the House, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Cox, Quall and Scott - 3.

Second Substitute Senate Bill No. 5821, as amended by the House, having received the constitutional majority, was declared passed.

The House deferred action on Engrossed Substitute Senate Bill No. 5866, and the bill held its place on the second reading calendar.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5594, by Senate Committee on Ways & Means (originally sponsored by Senators Rasmussen, T. Sheldon, Prentice, Fairley and Winsley; by request of Governor Locke)

Enhancing economic vitality.

The bill was read the second time. There being no objection, the amendment by the Committee on Finance was not adopted. (For amendment(s), see Journal, 85<sup>th</sup> Day, April 5, 1999.)

Representative Kessler moved the adoption of amendment (192):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that while Washington's economy is currently prospering, economic growth continues to be uneven, particularly as between metropolitan and rural areas. This has created in effect two Washingtons. One afflicted by inadequate infrastructure to support and attract investment, another suffering from congestion and soaring housing prices. In order to address these problems, the legislature intends to use resources strategically to build on our state's strengths while addressing threats to our prosperity.

## **PART I RURAL ECONOMIC DEVELOPMENT**

### **Enhanced Flexibility for Use of Community Economic Revitalization Board Funds**

**Sec. 101.** RCW 43.160.010 and 1996 c 51 s 1 are each amended to read as follows:

(1) The legislature finds that it is the public policy of the state of Washington to direct financial resources toward the fostering of economic development through the stimulation of investment and job opportunities and the retention of sustainable existing employment for the general welfare of the inhabitants of the state. Reducing unemployment and reducing the time citizens remain jobless is important for the economic welfare of the state. A valuable means of fostering economic development is the construction of public facilities which contribute to the stability and growth of the state's

economic base. Strengthening the economic base through issuance of industrial development bonds, whether single or umbrella, further serves to reduce unemployment. Consolidating issues of industrial development bonds when feasible to reduce costs additionally advances the state's purpose to improve economic vitality. Expenditures made for these purposes as authorized in this chapter are declared to be in the public interest, and constitute a proper use of public funds. A community economic revitalization board is needed which shall aid the development of economic opportunities. The general objectives of the board should include:

- (a) Strengthening the economies of areas of the state which have experienced or are expected to experience chronically high unemployment rates or below average growth in their economies;
- (b) Encouraging the diversification of the economies of the state and regions within the state in order to provide greater seasonal and cyclical stability of income and employment;
- (c) Encouraging wider access to financial resources for both large and small industrial development projects;
- (d) Encouraging new economic development or expansions to maximize employment;
- (e) Encouraging the retention of viable existing firms and employment; and
- (f) Providing incentives for expansion of employment opportunities for groups of state residents that have been less successful relative to other groups in efforts to gain permanent employment.

(2) The legislature also finds that the state's economic development efforts can be enhanced by, in certain instances, providing funds to improve state highways ~~((in the vicinity of new)), county roads, or city streets for industries considering locating or expanding in this state ((or existing industries that are considering significant expansion))~~.

(a) The legislature finds it desirable to provide a process whereby the need for diverse public works improvements necessitated by planned economic development can be addressed in a timely fashion and with coordination among all responsible governmental entities.

(b) ~~((It is the intent of the legislature to create an economic development account within the motor vehicle fund from which expenditures can be made by the department of transportation for state highway improvements necessitated by planned economic development.))~~ All ~~((such))~~ transportation improvements on state highways must first be approved by the state transportation commission and the community economic revitalization board in accordance with the procedures established by RCW 43.160.074 and 47.01.280. ~~((It is further the intent of the legislature that such improvements not jeopardize any other planned highway construction projects. The improvements are intended to be of limited size and cost, and to include such items as additional turn lanes, signalization, illumination, and safety improvements.))~~

(3) The legislature also finds that the state's economic development efforts can be enhanced by, in certain instances, providing funds to assist development of telecommunications infrastructure that supports business development, retention, and expansion in rural natural resources impact areas and rural counties of the state.

(4) The legislature also finds that the state's economic development efforts can be enhanced by providing funds to improve markets for those recyclable materials representing a large fraction of the waste stream. The legislature finds that public facilities which result in private construction of processing or remanufacturing facilities for recyclable materials are eligible for consideration from the board.

~~((4))~~ (5) The legislature finds that sharing economic growth state-wide is important to the welfare of the state. Rural counties and rural natural resources impact areas do not share in the economic vitality of the Puget Sound region. The ability of these communities to pursue business and job retention, expansion, and development opportunities depends on their capacity to ready necessary economic development project plans, sites, permits, and infrastructure for private investments. Project-specific planning, predevelopment, and infrastructure ((is one of several)) are critical ingredients ((that are critical)) for economic development. Rural counties and rural natural resources impact areas generally lack ((the infrastructure)) these necessary tools and resources to diversify and revitalize their economies. It is, therefore, the intent of the legislature to increase the ((availability of funds to help provide infrastructure to rural natural resource impact areas)) amount of funding available through the community economic revitalization board for rural counties and rural natural resources impact areas, and to authorize flexibility for available resources in these areas to help fund planning,

predevelopment, and construction costs of infrastructure and facilities and sites that foster economic vitality and diversification.

**Sec. 102.** RCW 43.160.020 and 1997 c 367 s 8 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the community economic revitalization board.

(2) "Bond" means any bond, note, debenture, interim certificate, or other evidence of financial indebtedness issued by the board pursuant to this chapter.

(3) "Department" means the department of community, trade, and economic development.

(4) "Financial institution" means any bank, savings and loan association, credit union, development credit corporation, insurance company, investment company, trust company, savings institution, or other financial institution approved by the board and maintaining an office in the state.

(5) "Industrial development facilities" means "industrial development facilities" as defined in RCW 39.84.020.

(6) "Industrial development revenue bonds" means tax-exempt revenue bonds used to fund industrial development facilities.

(7) "Local government" or "political subdivision" means any port district, county, city, town, special purpose district, and any other municipal corporations or quasi-municipal corporations in the state providing for public facilities under this chapter.

(8) "Sponsor" means any of the following entities which customarily provide service or otherwise aid in industrial or other financing and are approved as a sponsor by the board: A bank, trust company, savings bank, investment bank, national banking association, savings and loan association, building and loan association, credit union, insurance company, or any other financial institution, governmental agency, or holding company of any entity specified in this subsection.

(9) "Umbrella bonds" means industrial development revenue bonds from which the proceeds are loaned, transferred, or otherwise made available to two or more users under this chapter.

(10) "User" means one or more persons acting as lessee, purchaser, mortgagor, or borrower under a financing document and receiving or applying to receive revenues from bonds issued under this chapter.

(11) "Public facilities" means a project of a local government for the planning, acquisition, construction, repair, reconstruction, replacement, rehabilitation, or improvement of bridges, roads, domestic and industrial water, flood control, earth stabilization, sanitary sewer, storm sewer, railroad, electricity, telecommunications, transportation, natural gas, buildings or structures, and port facilities, all for the purpose of job creation, job retention, or job expansion.

(12) "Rural county" means a county with a population density of less than one hundred persons per square mile as determined by the office of financial management.

(13) "Rural natural resources impact area" means:

(a) A nonmetropolitan county, as defined by the 1990 decennial census, that meets three of the five criteria set forth in subsection ~~((13))~~ (14) of this section;

(b) A nonmetropolitan county with a population of less than forty thousand in the 1990 decennial census, that meets two of the five criteria as set forth in subsection ~~((13))~~ (14) of this section; or

(c) A nonurbanized area, as defined by the 1990 decennial census, that is located in a metropolitan county that meets three of the five criteria set forth in subsection ~~((13))~~ (14) of this section.

~~((13))~~ (14) For the purposes of designating rural natural resources impact areas, the following criteria shall be considered:

(a) A lumber and wood products employment location quotient at or above the state average;

(b) A commercial salmon fishing employment location quotient at or above the state average;

(c) Projected or actual direct lumber and wood products job losses of one hundred positions or more;

(d) Projected or actual direct commercial salmon fishing job losses of one hundred positions or more; and



(e) An unemployment rate twenty percent or more above the state average. The counties that meet these criteria shall be determined by the employment security department for the most recent year for which data is available. For the purposes of administration of programs under this chapter, the United States post office five-digit zip code delivery areas will be used to determine residence status for eligibility purposes. For the purpose of this definition, a zip code delivery area of which any part is ten miles or more from an urbanized area is considered nonurbanized. A zip code totally surrounded by zip codes qualifying as nonurbanized under this definition is also considered nonurbanized. The office of financial management shall make available a zip code listing of the areas to all agencies and organizations providing services under this chapter.

**Sec. 103.** RCW 43.160.060 and 1996 c 51 s 5 are each amended to read as follows:

The board is authorized to make direct loans to political subdivisions of the state for the purposes of assisting the political subdivisions in financing the cost of public facilities, including development of land and improvements for public facilities, project-specific environmental, capital facilities, land use, permitting, feasibility and marketing studies and plans; project design, site planning, and analysis; project debt and revenue impact analysis; as well as the construction, rehabilitation, alteration, expansion, or improvement of the facilities. A grant may also be authorized for purposes designated in this chapter, but only when, and to the extent that, a loan is not reasonably possible, given the limited resources of the political subdivision and the finding by the board that ~~((unique)) financial circumstances ((exist. The board shall not obligate more than twenty percent of its biennial appropriation as grants))~~ require grant assistance to enable the project to move forward.

Application for funds shall be made in the form and manner as the board may prescribe. In making grants or loans the board shall conform to the following requirements:

(1) The board shall not provide financial assistance:

(a) For a project the primary purpose of which is to facilitate or promote a retail shopping development or expansion.

(b) For any project that evidence exists would result in a development or expansion that would displace existing jobs in any other community in the state, except a project that would relocate a business from a nondistressed urban area to a rural county or rural natural resources impact area.

(c) For the acquisition of real property, including buildings and other fixtures which are a part of real property.

(d) For a construction project to any local government applicant that is not, at the time of application for financial assistance, in compliance with the provisions of chapter 36.70A RCW.

(2) The board shall only provide financial assistance:

(a) For those projects which would result in specific private developments or expansions (i) in manufacturing, production, food processing, assembly, warehousing, advanced technology, research and development, and industrial distribution; (ii) for processing recyclable materials or for facilities that support recycling, including processes not currently provided in the state, including but not limited to, de-inking facilities, mixed waste paper, plastics, yard waste, and problem-waste processing; (iii) for manufacturing facilities that rely significantly on recyclable materials, including but not limited to waste tires and mixed waste paper; (iv) which support the relocation of businesses from nondistressed urban areas to ~~((distressed))~~ rural counties or rural natural resources impact areas; or (v) which substantially support the trading of goods or services outside of the state's borders.

(b) For projects which it finds will improve the opportunities for the successful maintenance, establishment, or expansion of industrial or commercial plants or will otherwise assist in the creation or retention of long-term economic opportunities.

(c) When the application includes convincing evidence that a specific private development or expansion is ready to occur and will occur only if the public facility improvement is made.

(3) The board shall prioritize each proposed project according to:

(a) The relative benefits provided to the community by the jobs the project would create, not just the total number of jobs it would create after the project is completed and according to the unemployment rate in the area in which the jobs would be located~~((—As long as there is more demand for financial assistance than there are funds available, the board is instructed to fund projects in order of their priority)); and~~

(b) The rate of return of the state's investment, that includes the expected increase in state and local tax revenues associated with the project.

(4) A responsible official of the political subdivision shall be present during board deliberations and provide information that the board requests.

Before any financial assistance application is approved, the political subdivision seeking the assistance must demonstrate to the community economic revitalization board that no other timely source of funding is available to it at costs reasonably similar to financing available from the community economic revitalization board.

**Sec. 104.** RCW 43.160.070 and 1998 c 321 s 27 (Referendum Bill No. 49) are each amended to read as follows:

Public facilities financial assistance, when authorized by the board, is subject to the following conditions:

(1) The moneys in the public facilities construction loan revolving account and the distressed county public facilities construction loan account shall be used solely to fulfill commitments arising from financial assistance authorized in this chapter or, during the 1989-91 fiscal biennium, for economic development purposes as appropriated by the legislature. The total outstanding amount which the board shall dispense at any time pursuant to this section shall not exceed the moneys available from the accounts. The total amount of outstanding financial assistance in Pierce, King, and Snohomish counties shall never exceed sixty percent of the total amount of outstanding financial assistance disbursed by the board under this chapter without reference to financial assistance provided under RCW 43.160.220.

(2) On contracts made for public facilities loans the board shall determine the interest rate which loans shall bear. The interest rate shall not exceed ten percent per annum. The board may provide reasonable terms and conditions for repayment for loans, including partial forgiveness of loan principal and interest payments on projects located in rural counties or rural natural resources impact areas, as the board determines. The loans shall not exceed twenty years in duration.

(3) Repayments of loans made from the public facilities construction loan revolving account under the contracts for public facilities construction loans shall be paid into the public facilities construction loan revolving account. Repayments of loans made from the distressed county public facilities construction loan account under the contracts for public facilities construction loans shall be paid into the distressed county public facilities construction loan account. Repayments of loans from moneys from the new appropriation from the public works assistance account for the fiscal biennium ending June 30, 1999, shall be paid into the public works assistance account.

(4) When every feasible effort has been made to provide loans and loans are not possible, the board may provide grants upon finding that unique circumstances exist.

**Sec. 105.** RCW 43.160.076 and 1998 c 321 s 28 (Referendum Bill No. 49) and 1998 c 55 s 4 are each reenacted and amended to read as follows:

(1) Except as authorized to the contrary under subsection (2) of this section, from all funds available to the board for financial assistance in a biennium under this chapter without reference to financial assistance provided under RCW 43.160.220, the board shall spend at least seventy-five percent for financial assistance for projects in ~~((distressed))~~ rural counties or rural natural resources impact areas. ~~((For purposes of this section, the term "distressed counties" includes any county, in which the average level of unemployment for the three years before the year in which an application for financial assistance is filed, exceeds the average state unemployment for those years by twenty percent.))~~

(2) If at any time during the last six months of a biennium the board finds that the actual and anticipated applications for qualified projects in ~~((distressed))~~ rural counties or rural natural resources impact areas are clearly insufficient to use up the seventy-five percent allocation under subsection (1) of this section, then the board shall estimate the amount of the insufficiency and during the remainder of the biennium may use that amount of the allocation for financial assistance to projects not located in ~~((distressed))~~ rural counties or rural natural resources impact areas.

~~((3) This section expires June 30, 2000.))~~

**Sec. 106.** RCW 43.160.900 and 1993 c 320 s 8 are each amended to read as follows:

(1) The community economic revitalization board shall report to the appropriate standing committees of the legislature biennially on the implementation of this chapter. The report shall include information on the number of applications for community economic revitalization board assistance, the number and types of projects approved, the grant or loan amount awarded each project, the projected number of jobs created or retained by each project, the actual number of jobs created or retained by each project, the amount of state and local tax revenue generated by projects funded under this chapter, the number of delinquent loans, and the number of project terminations. The report may also include additional performance measures and recommendations for programmatic changes. The first report shall be submitted by December 1, 1994.

(2) The joint legislative audit and review committee shall conduct performance reviews on the effectiveness of the program administered by the board under this chapter. The committee may contract for services to conduct the performance reviews. The costs for the performance reviews shall be paid from repayments of principal and interest on loans made under this chapter. The performance reviews shall be submitted to the appropriate committees of the legislature by December 1, 2000, December 1, 2004, and December 1, 2008.

**Sec. 107.** RCW 43.160.200 and 1996 c 51 s 9 are each amended to read as follows:

(1) The economic development account is created within the public facilities construction loan revolving fund under RCW 43.160.080. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the purposes of RCW 43.160.010(~~((3))~~) (5) and this section. The account is subject to allotment procedures under chapter 43.88 RCW.

(2) Applications under this section for assistance from the economic development account are subject to all of the applicable criteria set forth under this chapter, as well as procedures and criteria established by the board, except as otherwise provided.

(3) Eligible applicants under this section are limited to political subdivisions of the state in rural natural resources impact areas (~~((that demonstrate, to the satisfaction of the board, the local economy's dependence on the forest products and salmon fishing industries))~~) and rural counties.

(4) Applicants must demonstrate that their request is part of an economic development plan consistent with applicable state planning requirements. Applicants must demonstrate that tourism projects have been approved by the local government. Industrial projects must be approved by the local government and the associate development organization.

(5) Publicly owned projects may be financed under this section upon proof by the applicant that the public project is a necessary component of, or constitutes in whole, a tourism project.

(6) Applications must demonstrate local match and participation. Such match may include: Land donation, other public or private funds or both, or other means of local commitment to the project.

(7) Board financing for project-specific environmental, capital facilities, land use, permitting, feasibility and marketing studies and plans; project engineering, design, and site planning and analysis; and project debt and revenue impact analysis shall not exceed (~~((twenty five))~~) fifty thousand dollars per study. Board funds for (~~((feasibility studies))~~) these purposes may be provided as a grant and require a (~~((dollar for dollar))~~) match (~~((with up to one half in kind match allowed))~~).

(8) Board financing for tourism projects shall not exceed two hundred fifty thousand dollars. Other public facility construction projects under this section shall not exceed (~~((five hundred thousand))~~) one million dollars. Loans with flexible terms and conditions to meet the needs of the applicants shall be provided. Grants may also be authorized, but only when, and to the extent that, a loan is not reasonably possible, given the limited resources of the political subdivision.

(9) The board shall develop guidelines for allowable local match and (~~((feasibility studies))~~) planning and predevelopment activities.

(10) The board may allow de minimis general system improvements to be funded if they are critically linked to the viability of the economic development project assisted under this section.

(11) Applications under this section need not demonstrate evidence that specific private development or expansion is ready to occur or will occur if funds are provided.

~~((11))~~ (12) The board shall establish guidelines for providing financial assistance under this section to ensure that the requirements of this chapter are complied with. The guidelines shall include:

(a) A process to equitably compare and evaluate applications from competing communities.

(b) Criteria to ensure that approved projects will have a high probability of success and are likely to provide long-term economic benefits to the community. The criteria shall include: (i) A minimum amount of local participation, determined by the board per application, to verify community support for the project; (ii) an analysis that establishes the project is feasible using standard economic principles; and (iii) an explanation from the applicant regarding how the project is consistent with the communities' economic strategy and goals.

(c) A method of evaluating the impact of the financial assistance on the economy of the community and whether the financial assistance achieved its purpose.

## **PART II HOUSING**

### **Increasing the Housing Finance Commission's Debt Limit**

**Sec. 201.** RCW 43.180.160 and 1996 c 310 s 2 are each amended to read as follows:

The total amount of outstanding indebtedness of the commission may not exceed ~~((two))~~ three billion dollars at any time. The calculation of outstanding indebtedness shall include the initial principal amount of an issue and shall not include interest that is either currently payable or that accrues as a part of the face amount of an issue payable at maturity or earlier redemption. Outstanding indebtedness shall not include notes or bonds as to which the obligation of the commission has been satisfied and discharged by refunding or for which payment has been provided by reserves or otherwise.

NEW SECTION. **Sec. 202.** A new section is added to chapter 43.63A RCW to read as follows:

The department shall establish and administer a "one-stop clearinghouse" to coordinate state assistance for growers and nonprofit organizations in developing housing for agricultural employees. Growers, housing authorities, and nonprofit organizations shall have direct access to the one-stop clearinghouse. The department one-stop clearinghouse shall provide assistance on planning and design, building codes, temporary worker housing regulations, financing options, and management to growers and nonprofit organizations interested in farmworker construction. The department one-stop clearinghouse shall also provide educational materials and services to local government authorities on Washington state law concerning farmworker housing.

## **PART III DISTRESSED AREA TAX INCENTIVES Distressed Area Sales and Use Tax Deferral**

**Sec. 301.** RCW 82.60.020 and 1996 c 290 s 4 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Applicant" means a person applying for a tax deferral under this chapter.

(2) "Department" means the department of revenue.

(3) "Eligible area" means: (a) A ~~((county in which the average level of unemployment for the three years before the year in which an application is filed under this chapter exceeds the average state unemployment for those years by twenty percent;~~ (b) a county that has a median household income that is less than seventy five percent of the state median household income for the previous three years; (c) a metropolitan statistical area, as defined by the office of federal statistical policy and standards, United States department of commerce, in which the average level of unemployment for the calendar year immediately preceding the year in which an application is filed under this chapter exceeds the average state unemployment for such calendar year by twenty percent; (d) a designated community

~~empowerment zone approved under RCW 43.63A.700 or a county containing such a community empowerment zone; (e) a town with a population of less than twelve hundred persons in those counties that are not covered under (a) of this subsection that are timber impact areas as defined in RCW 43.31.601; (f) a county designated by the governor as an eligible area under RCW 82.60.047; or (g) a county that is contiguous to a county that qualifies as an eligible area under (a) or (f) of this subsection)) county with fewer than one hundred persons per square mile as determined annually by the office of financial management and published by the department of revenue effective for the period July 1st through June 30th; or (b) an area within a county, which area: (i) Is composed of contiguous census tracts; (ii) has a minimum population of five thousand persons; (iii) has at least seventy percent of its families and unrelated individuals with incomes below eighty percent of the county's median income for families and unrelated individuals; and (iv) has an unemployment rate which is at least forty percent higher than the county's unemployment rate. For purposes of this definition, "families and unrelated individuals" has the same meaning that is ascribed to that term by the federal department of housing and urban development in its regulations authorizing action grants for economic development and neighborhood revitalization projects.~~

~~(4)(a) "Eligible investment project" means((=~~  
~~(i)) an investment project in an eligible area as defined in subsection (3)((a), (b), (c), (e), or~~  
~~(f)) of this section((; or~~

~~(ii) That portion of an investment project in an eligible area as defined in subsection (3)(d) or (g) of this section which is directly utilized to create at least one new full time qualified employment position for each three hundred thousand dollars of investment on which a deferral is requested in an application approved before July 1, 1994, and for each seven hundred fifty thousand dollars of investment on which a deferral is requested in an application approved after June 30, 1994)).~~

~~(b) The lessor/owner of a qualified building is not eligible for a deferral unless the underlying ownership of the buildings, machinery, and equipment vests exclusively in the same person, or unless the lessor by written contract agrees to pass the economic benefit of the deferral to the lessee in the form of reduced rent payments.~~

~~(c) ((For purposes of (a)(ii) of this subsection:~~

~~(i) The department shall consider the entire investment project, including any investment in machinery and equipment that otherwise qualifies for exemption under RCW 82.08.02565 or 82.12.02565, for purposes of determining the portion of the investment project that qualifies for deferral as an eligible investment project; and~~

~~(ii) The number of new full time qualified employment positions created by an investment project shall be deemed to be reduced by the number of full time employment positions maintained by the recipient in any other community in this state that are displaced as a result of the investment project.~~

~~(d)) "Eligible investment project" does not include any portion of an investment project undertaken by a light and power business as defined in RCW 82.16.010(5), other than that portion of a cogeneration project that is used to generate power for consumption within the manufacturing site of which the cogeneration project is an integral part, or investment projects which have already received deferrals under this chapter.~~

~~(5) "Investment project" means an investment in qualified buildings or qualified machinery and equipment, including labor and services rendered in the planning, installation, and construction of the project.~~

~~(6) "Manufacturing" means all activities of a commercial or industrial nature wherein labor or skill is applied, by hand or machinery, to materials so that as a result thereof a new, different, or useful substance or article of tangible personal property is produced for sale or commercial or industrial use and shall include the production or fabrication of specially made or custom made articles. "Manufacturing" also includes computer programming, the production of computer software, and other computer-related services, and the activities performed by research and development laboratories and commercial testing laboratories.~~

~~(7) "Person" has the meaning given in RCW 82.04.030.~~

~~(8) "Qualified buildings" means construction of new structures, and expansion or renovation of existing structures for the purpose of increasing floor space or production capacity used for~~

manufacturing and research and development activities, including plant offices and warehouses or other facilities for the storage of raw material or finished goods if such facilities are an essential or an integral part of a factory, mill, plant, or laboratory used for manufacturing or research and development. If a building is used partly for manufacturing or research and development and partly for other purposes, the applicable tax deferral shall be determined by apportionment of the costs of construction under rules adopted by the department.

~~(9) ("Qualified employment position" means a permanent full-time employee employed in the eligible investment project during the entire tax year.~~

~~(10))~~ "Qualified machinery and equipment" means all new industrial and research fixtures, equipment, and support facilities that are an integral and necessary part of a manufacturing or research and development operation. "Qualified machinery and equipment" includes: Computers; software; data processing equipment; laboratory equipment; manufacturing components such as belts, pulleys, shafts, and moving parts; molds, tools, and dies; operating structures; and all equipment used to control or operate the machinery.

~~((11))~~ (10) "Recipient" means a person receiving a tax deferral under this chapter.

~~((12))~~ (11) "Research and development" means the development, refinement, testing, marketing, and commercialization of a product, service, or process before commercial sales have begun. As used in this subsection, "commercial sales" excludes sales of prototypes or sales for market testing if the total gross receipts from such sales of the product, service, or process do not exceed one million dollars.

**Sec. 302.** RCW 82.60.040 and 1997 c 156 s 5 are each amended to read as follows:

(1) The department shall issue a sales and use tax deferral certificate for state and local sales and use taxes due under chapters 82.08, 82.12, and 82.14 RCW on each eligible investment project that

~~(a)) is located in an eligible area as defined in RCW 82.60.020((3) (a), (b), (c), (e), or (f); (b) is located in an eligible area as defined in RCW 82.60.020(3)(g) if seventy five percent of the new qualified employment positions are to be filled by residents of a contiguous county that is an eligible area as defined in RCW 82.60.020(3) (a) or (f); or~~

~~(c) is located in an eligible area as defined in RCW 82.60.020(3)(d) if seventy five percent of the new qualified employment positions are to be filled by residents of a designated community empowerment zone approved under RCW 43.63A.700 located within the county in which the eligible investment project is located)).~~

(2) The department shall keep a running total of all deferrals granted under this chapter during each fiscal biennium.

(3) This section expires July 1, 2004.

**Sec. 303.** RCW 82.60.070 and 1995 1st sp.s. c 3 s 9 are each amended to read as follows:

(1) ~~((Each recipient of a deferral granted under this chapter prior to July 1, 1994, shall submit a report to the department on December 31st of each year during the repayment period until the tax deferral is repaid.))~~ Each recipient of a deferral granted under this chapter after June 30, 1994, shall submit a report to the department on December 31st of the year in which the investment project is certified by the department as having been operationally completed, and on December 31st of each of the seven succeeding calendar years. The report shall contain information, as required by the department, from which the department may determine whether the recipient is meeting the requirements of this chapter. If the recipient fails to submit a report or submits an inadequate report, the department may declare the amount of deferred taxes outstanding to be immediately assessed and payable.

(2) If, on the basis of a report under this section or other information, the department finds that an investment project is not eligible for tax deferral under this chapter ~~((for reasons other than failure to create the required number of qualified employment positions)),~~ the amount of deferred taxes outstanding for the project shall be immediately due.

(3) ~~((If, on the basis of a report under this section or other information, the department finds that an investment project for which a deferral has been granted under this chapter prior to July 1,~~

~~1994, has been operationally complete for three years and has failed to create the required number of qualified employment positions, the department shall assess interest, but not penalties, on the deferred taxes for the project. The interest shall be assessed at the rate provided for delinquent excise taxes, shall be assessed retroactively to the date of deferral, and shall accrue until the deferred taxes are repaid.~~

~~(4) If, on the basis of a report under this section or other information, the department finds that an investment project for which a deferral has been granted under this chapter after June 30, 1994, has been operationally complete for three years and has failed to create the required number of qualified employment positions, the amount of taxes not eligible for deferral shall be immediately due. The department shall assess interest at the rate provided for delinquent excise taxes, but not penalties, retroactively to the date of deferral.~~

~~(5) If, on the basis of a report under this section or other information, the department finds that an investment project qualifying for deferral under RCW 82.60.040(1) (b) or (c) has failed to comply with any requirement of RCW 82.60.045 for any calendar year for which reports are required under subsection (1) of this section, twelve and one half percent of the amount of deferred taxes shall be immediately due. The department shall assess interest at the rate provided for delinquent excise taxes, but not penalties, retroactively to the date of deferral.~~

~~(6))~~ Notwithstanding any other subsection of this section, deferred taxes need not be repaid on machinery and equipment for lumber and wood products industries, and sales of or charges made for labor and services, of the type which qualifies for exemption under RCW 82.08.02565 or 82.12.02565 to the extent the taxes have not been repaid before July 1, 1995.

~~((7))~~ (4) Notwithstanding any other subsection of this section, deferred taxes on the following need not be repaid:

(a) Machinery and equipment, and sales of or charges made for labor and services, which at the time of purchase would have qualified for exemption under RCW 82.08.02565; and

(b) Machinery and equipment which at the time of first use would have qualified for exemption under RCW 82.12.02565.

NEW SECTION. Sec. 304. A new section is added to chapter 82.60 RCW to read as follows:

(1) For the purposes of this section:

(a) "Eligible area" also means a designated community empowerment zone approved under RCW 43.63A.700 or a county containing such a community empowerment zone.

(b) "Eligible investment project" also means an investment project in an eligible area as defined in this section.

(2) In addition to the provisions of RCW 82.60.040, the department shall issue a sales and use tax deferral certificate for state and local sales and use taxes due under chapters 82.08, 82.12, and 82.14 RCW, on each eligible investment project that is located in an eligible area, if the applicant establishes that at the time the project is operationally complete:

(a) The applicant will hire at least one qualified employment position for each two hundred fifty thousand dollars of investment on which a deferral is requested; and

(b) The positions will be filled by persons who at the time of hire are residents of the community empowerment zone in which the project is located. As used in this subsection, "resident" means the person makes his or her home in the community empowerment zone. A mailing address alone is insufficient to establish that a person is a resident for the purposes of this section. The persons must be hired after the date the application is filed with the department.

(3) All other provisions and eligibility requirements of this chapter apply to applicants eligible under this section.

(4) If a person does not meet the requirements of this section by the end of the calendar year following the year in which the project is certified as operationally complete, all deferred taxes are immediately due.

### **Distressed Area Business and Occupation Tax Job Credit**

**Sec. 305.** RCW 82.62.010 and 1996 c 290 s 5 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Applicant" means a person applying for a tax credit under this chapter.

(2) "Department" means the department of revenue.

(3) "Eligible area" means(~~(: (a) A county in which the average level of unemployment for the three years before the year in which an application is filed under this chapter exceeds the average state unemployment for those years by twenty percent; (b) a county that has a median household income that is less than seventy five percent of the state median household income for the previous three years; (c) a metropolitan statistical area, as defined by the office of federal statistical policy and standards, United States department of commerce, in which the average level of unemployment for the calendar year immediately preceding the year in which an application is filed under this chapter exceeds the average state unemployment for such calendar year by twenty percent; (d) a designated community empowerment zone approved under RCW 43.63A.700; or (e) subcounty areas in those counties that are not covered under (a) of this subsection that are timber impact areas as defined in RCW 43.31.601))~~ an area as defined in RCW 82.60.020.

(4)(a) "Eligible business project" means manufacturing or research and development activities which are conducted by an applicant in an eligible area at a specific facility, provided the applicant's average full-time qualified employment positions at the specific facility will be at least fifteen percent greater in the year for which the credit is being sought than the applicant's average full-time qualified employment positions at the same facility in the immediately preceding year.

(b) "Eligible business project" does not include any portion of a business project undertaken by a light and power business as defined in RCW 82.16.010(5) or that portion of a business project creating qualified full-time employment positions outside an eligible area or those recipients of a sales tax deferral under chapter 82.61 RCW.

(5) "Manufacturing" means all activities of a commercial or industrial nature wherein labor or skill is applied, by hand or machinery, to materials so that as a result thereof a new, different, or useful substance or article of tangible personal property is produced for sale or commercial or industrial use and shall include the production or fabrication of specially made or custom made articles. "Manufacturing" also includes computer programming, the production of computer software, and other computer-related services, and the activities performed by research and development laboratories and commercial testing laboratories.

(6) "Person" has the meaning given in RCW 82.04.030.

(7) "Qualified employment position" means a permanent full-time employee employed in the eligible business project during the entire tax year.

(8) "Tax year" means the calendar year in which taxes are due.

(9) "Recipient" means a person receiving tax credits under this chapter.

(10) "Research and development" means the development, refinement, testing, marketing, and commercialization of a product, service, or process before commercial sales have begun. As used in this subsection, "commercial sales" excludes sales of prototypes or sales for market testing if the total gross receipts from such sales of the product, service, or process do not exceed one million dollars.

**Sec. 306.** RCW 82.62.030 and 1997 c 366 s 5 are each amended to read as follows:

(1) A person shall be allowed a credit against the tax due under chapter 82.04 RCW as provided in this section. (~~For an application approved before January 1, 1996, the credit shall equal one thousand dollars for each qualified employment position directly created in an eligible business project. For an application approved on or after January 1, 1996, the credit shall equal two thousand dollars for each qualified employment position directly created in an eligible business project. For an application approved on or after July 1, 1997,)) The credit shall equal: (a) Four thousand dollars for each qualified employment position with wages and benefits greater than forty thousand dollars annually that is directly created in an eligible business((~~For an application approved on or after July 1, 1997, the credit shall equal~~) and (b) two thousand dollars for each qualified employment position with wages and benefits less than or equal to forty thousand dollars annually that is directly created in an eligible business.~~



(2) The department shall keep a running total of all credits granted under this chapter during each fiscal year. The department shall not allow any credits which would cause the tabulation to exceed (~~five million five hundred thousand dollars in fiscal year 1998 or 1999 or~~) seven million five hundred thousand dollars in any fiscal year (~~thereafter~~). If all or part of an application for credit is disallowed under this subsection, the disallowed portion shall be carried over for approval the next fiscal year. However, the applicant's carryover into the next fiscal year is only permitted if the tabulation for the next fiscal year does not exceed the cap for that fiscal year as of the date on which the department has disallowed the application.

(3) No recipient may use the tax credits to decertify a union or to displace existing jobs in any community in the state.

(4) No recipient may receive a tax credit on taxes which have not been paid during the taxable year.

**NEW SECTION. Sec. 307.** A new section is added to chapter 82.62 RCW to read as follows:

(1) For the purposes of this section "eligible area" also means a designated community empowerment zone approved under RCW 43.63A.700 or a county containing such a community empowerment zone.

(2) An eligible business project located within an eligible area as defined in this section qualifies for a credit under this chapter for those employees who at the time of hire are residents of the community empowerment zone in which the project is located, if the fifteen percent threshold is met. As used in this subsection, "resident" means the person makes his or her home in the community empowerment zone. A mailing address alone is insufficient to establish that a person is a resident for the purposes of this section.

(3) All other provisions and eligibility requirements of this chapter apply to applicants eligible under this section.

#### **PART IV ECONOMIC VITALITY COMMITTEE**

**NEW SECTION. Sec. 401.** (1) The legislature shall establish an ad hoc economic development group to analyze potential economic development projects of state-wide significance and recommend appropriate administrative or legislative actions.

(2) The group shall include one representative each from the department of community, trade, and economic development, the department of agriculture, and the department of revenue as well as two representatives from rural economic development councils appointed by the legislature.

(3) The group shall promote economic development and business diversification throughout the state with special attention given to the economic difficulties of rural counties.

(4) In order to expedite coordinated responses, the governor may direct the group to meet on an emergency basis when projects of state-wide significance arise.

(5) The department of community, trade, and economic development shall establish criteria to determine whether a project meets the standards of a "project of state-wide significance." These criteria may include such economic indicators as local unemployment and personal income levels and project scope indicators such as the assessed value of the project in relation to the assessed value of the county.

#### **PART V RURAL WASHINGTON LOAN FUND**

**NEW SECTION. Sec. 501.** (1) The legislature finds that:

(a) The economic health and well-being of the state is of substantial public concern, particularly in geographic areas of high unemployment, economic stagnation, and poverty;

(b) The consequences of minimal economic activity and persistent unemployment and underemployment are serious threats to the safety, health, and welfare of residents of these geographic areas, decreasing the value of private investments and jeopardizing the sources of public revenue;

(c) The economic and social interdependence of communities and the vitality of industrial and economic activity necessitates and partially depends upon preventing substantial dislocation of residents and rebuilding the diversification of the areas' economy;

(d) The ability to remedy problems in stagnant areas of the state is beyond the power and control of the regulatory process and influence of the state, and the ordinary operations of private enterprise, without additional governmental assistance, are insufficient to adequately remedy the problems of poverty and unemployment; and

(e) Revitalization of depressed communities requires stimulation of private investment, development of new business ventures, provision of capital to ventures sponsored by local organizations and capable of growth in the business markets, and assistance to viable, but underfinanced, small businesses in order to create and preserve jobs that are sustainable in the local economy.

(2) Therefore, the legislature declares there to be a substantial public purpose in providing capital to promote economic development and job creation in areas of economic stagnation, unemployment, and poverty. To accomplish this purpose, the legislature hereby creates the rural Washington loan fund and vests in the department of community, trade, and economic development the authority to spend federal funds to stimulate the economy of distressed areas.

**NEW SECTION. Sec. 502.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Department" means the department of community, trade, and economic development.

(2) "Director" means the director of community, trade, and economic development.

(3) "Disabled person" means a person with a physical or mental impairment that substantially limits a major life activity. The impairment must be material and medically cognizable or diagnosable. The impairment must also be permanent in that it is seldom significantly corrected by medical replacement, therapy, or surgical means. Impairment does not include drug or alcohol addiction or any negative effects brought on by the use of drugs or alcohol.

(4) "Distressed area" means: (a) A rural county; (b) a metropolitan statistical area, as defined by the office of federal statistical policy and standards, United States department of commerce, in which the average level of unemployment for the calendar year immediately preceding the year in which an application is filed under this chapter exceeds the average state unemployment for such calendar year by twenty percent; (c) an area within a county, which area: (i) Is composed of contiguous census tracts; (ii) has a minimum population of five thousand persons; (iii) has at least seventy percent of its families and unrelated individuals with incomes below eighty percent of the county's median income for families and unrelated individuals; and (iv) has an unemployment rate which is at least forty percent higher than the county's unemployment rate; or (d) a county designated as a rural natural resources impact area under RCW 43.31.601. For purposes of this subsection, "families and unrelated individuals" has the same meaning that is ascribed to that term by the federal department of housing and urban development in its regulations authorizing action grants for economic development and neighborhood revitalization projects.

(5) "Fund" means the rural Washington loan fund.

(6) "Local development organization" means a nonprofit organization which is organized to operate within an area, demonstrates a commitment to a long-standing effort for an economic development program, and makes a demonstrable effort to assist in the employment of unemployed or underemployed residents in an area.

(7) "Project" means the establishment of a new or expanded business in an area, which business, when completed, will provide employment opportunities. "Project" also means the retention of an existing business in an area, which business, when completed, will provide employment opportunities.

(8) "Rural county" means a county with a population density of fewer than one hundred persons per square mile, as determined by the office of financial management.

**NEW SECTION. Sec. 503.** Subject to the restrictions contained in this chapter, the department is authorized to approve applications of local governments for federal community

development block grant funds or other federal funds that the local governments would use to make loans to finance business projects within their jurisdictions. Applications approved by the department under this chapter must conform to applicable federal requirements.

**NEW SECTION. Sec. 504.** (1) The department may approve an application providing a loan for a project only if the department finds that the project:

(a) Will result in creation of employment opportunities, maintenance of threatened employment, or development or expansion of business ownership by disabled persons, minorities, and women;

(b) Has been approved by the director as conforming to federal rules and regulations governing the spending of federal community development block grant funds or other applicable federal funds;

(c) Will be of public benefit and for a public purpose, and that the benefits, including increased or maintained employment, improved standard of living, employment of disadvantaged workers, and development or expansion of business ownership by disabled persons, minorities, and women, will primarily accrue to residents of the area;

(d) Will probably be successful; and

(e) Would probably not be completed without the loan because other capital or financing at feasible terms is unavailable, or because the return on investment is inadequate.

(2)(a) The department shall, subject to applicable federal funding criteria, give priority to applications that capitalize or recapitalize an existing or new local revolving loan fund based on criteria established by the department.

(b) The department shall, subject to applicable federal funding criteria, give higher priority to economic development projects that contain provisions for child care.

(3) The department may not approve an application that fails to provide for adequate reporting or disclosure of financial data to the department. The department may require an annual or other periodic audit of the project books.

(4) The department may require that the project be managed in whole or in part by a local development organization and may prescribe a management fee to be paid to that organization by the recipient of the loan or grant.

(5) The department shall fix the terms and rates pertaining to its loans.

(6) If there is more demand for loans than funds available for lending, the department shall provide loans for those projects which will lead to the greatest amount of employment or benefit to a community. In determining the "greatest amount of employment or benefit," the department shall also consider the employment which would be saved by its loan and the benefit relative to the community, not just the total number of new jobs or jobs saved.

(7) To the extent permitted under federal law, the department shall require applicants to provide for the transfer of all payments of principal and interest on loans to the rural Washington loan fund created under this chapter. Under circumstances where federal law does not permit the department to require the transfer, the department shall give priority to applicants who on their own volition make commitments to provide for the transfer.

(8) The department may not approve any application to finance or help finance a shopping mall.

(9) For loans not made to minority and women-owned businesses and businesses owned by disabled persons, the department shall make at least eighty percent of the appropriated funds available to projects located in distressed areas, and may make up to twenty percent available to projects located in areas not designated as distressed.

(10) If an objection is raised to a project on the basis of unfair business competition, the department shall evaluate the potential impact of a project on similar businesses located in the local market area. The department may deny a grant if the department determines the proposed project is not likely to result in a net increase in employment within a local market area.

(11) For loans to minority and women-owned businesses and businesses owned by disabled persons that do not meet the credit criteria, the department may consider nontraditional credit standards to offset past discrimination that has precluded full participation of minority or women-owned businesses or businesses owned by disabled persons in the economy. For applicants with high potential

who do not meet the credit criteria, the department shall consider developing alternative borrowing methods. For applicants denied loans due to credit problems, the department shall provide financial counseling within available resources and provide referrals to credit rehabilitation services. In circumstances of competing applications, the department shall give priority to members of eligible groups which previously have been least served by this fund.

NEW SECTION. **Sec. 505.** The department is encouraged to work with local development organizations to promote applications for loans by the fund. The department shall also provide assistance to local development organizations and local governments to identify viable projects for consideration by the department. The department shall provide technical assistance to organizations that administer local revolving loan funds regarding practices to establish sustainable operations. The department shall adopt such rules and regulations as are appropriate to carry out its authority under this chapter.

NEW SECTION. **Sec. 506.** The department may receive and approve applications on a monthly basis but shall receive and approve applications on at least a quarterly basis for each fiscal year. The department shall make every effort to simplify the loan process for applicants. Department staff shall process and assist in the preparation of applications. Each application shall show in detail the nature of the project, the types and numbers of jobs to be created, wages to be paid to new employees, and methods of hiring unemployed persons from the local market area. Each application must contain a credit analysis of the business to receive the loan.

NEW SECTION. **Sec. 507.** The department shall make available an amount of federal community development block grant funds equal to the amount of state funds transferred or appropriated to the department for purposes of supplementing the department's block grant funds.

NEW SECTION. **Sec. 508.** The department may make grants of state funds to local governments that qualify as entitlement communities under the federal law authorizing community development block grants. These grants may be made only on condition that the entitlement community provide the department with assurances that the entitlement community will: (1) Spend the grant moneys for purposes and in a manner satisfying state constitutional requirements; (2) spend the grant moneys for purposes and in a manner satisfying federal requirements; and (3) spend at least the same amount of the grant for loans to businesses from the federal funds received by the entitlement community.

NEW SECTION. **Sec. 509.** There is established the rural Washington loan fund, which shall be an account in the state treasury. The rural Washington loan fund shall include revenue from the sources established by this chapter, appropriations by the legislature, federal funds, private contributions, all loan payments of principal and interest that are transferred under section 504 of this act, and all other sources. Moneys in the account may be spent only after legislative appropriation for loans or grants under this chapter. Any expenditures of federal moneys must conform to applicable federal law.

NEW SECTION. **Sec. 510.** (1) The department shall develop guidelines for rural Washington loan funds to be used to fund local economic development revolving loan funds. The department shall consider the selection process for grantees, loan quality criteria, legal and regulatory issues, and ways to minimize duplication between development loan funds and local economic development revolving loan funds.

(2) The department may make loans or grants from the rural Washington loan fund to local governments to capitalize new, or to recapitalize existing, economic development revolving loan funds in distressed areas.

**NEW SECTION. Sec. 511.** The department shall develop performance standards for judging the effectiveness of the program including, to the extent possible, examining the effectiveness of loans or grants with regard to:

- (1) Creation of jobs for individuals of low and moderate income;
- (2) Retention of existing employment;
- (3) Creation of new employment opportunities;
- (4) Diversification of the economic base of local communities;
- (5) Establishment of employee cooperatives;
- (6) Providing assistance in cases of employee buyouts of firms to prevent the loss of existing employment; and
- (7) The degree of risk assumed by the rural Washington loan fund, with emphasis on loans that did not receive financing from commercial lenders, but that are considered financially sound.

**NEW SECTION. Sec. 512.** Any funds appropriated by the legislature to the rural Washington loan fund for purposes of the timber recovery act shall be used for development loans in rural natural resources impact areas as defined in RCW 43.31.601.

**NEW SECTION. Sec. 513.** Subject to the restrictions contained in this chapter, the department is authorized to approve applications of minority and women-owned businesses for loans or loan guarantees from the fund. Applications approved by the department under this chapter must conform to applicable federal requirements. The department shall prioritize available funds for loan guarantees rather than loans when possible. The department may enter into agreements with other public or private lending institutions to develop a joint loan guarantee program for minority and women-owned businesses. If such a program is developed, the department may provide funds, in conjunction with the other organizations, to operate the program. This section does not preclude the department from making individual loan guarantees.

To the maximum extent practicable, the department shall make available to minority and women-owned businesses, on an equal basis, funds available under this section. The department shall submit to the appropriate committees of the senate and house of representatives quarterly reports that detail the number of loans approved and the characteristics of the recipients by ethnic and gender groups.

**NEW SECTION. Sec. 514.** The department may receive gifts, grants, or endowments from public or private sources that are made from time to time, in trust or otherwise, for the use and benefit of the purposes of this chapter, and the department may spend gifts, grants, or endowments or income from the public or private sources according to their terms, unless the receipt of the gifts, grants, or endowments violates RCW 42.17.710.

## PART VI REPEALED SECTIONS

**Sec. 601.** RCW 43.131.386 and 1997 c 367 s 19 are each amended to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 2001:

- (1) RCW 43.31.601 and 1997 c 367 s 1, 1995 c 226 s 1, 1992 c 21 s 2, & 1991 c 314 s 2;
- (2) RCW 43.31.641 and 1997 c 367 s 6, 1995 c 226 s 4, 1993 c 280 s 50, & 1991 c 314 s 7;
- (3) RCW 50.22.090 and ~~((1995 c 226 s 5, 1993 c 316 s 10, 1992 c 47 s 2, & 1991 c 315 s 4))~~  
1997 c 367 s 4;
- (4) ~~((RCW 43.160.212 and 1996 c 168 s 4, 1995 c 226 s 6, & 1993 c 316 s 5;~~  
~~(5)))~~ RCW 43.63A.021 and 1997 c 367 s 5 & 1995 c 226 s 11;
- ~~((6)))~~ (5) RCW 43.63A.600 and 1995 c 226 s 12, 1994 c 114 s 1, 1993 c 280 s 77, & 1991 c 315 s 23;
- ~~((7)))~~ (6) RCW 43.63A.440 and 1997 c 367 s 7, 1995 c 226 s 13, 1993 c 280 s 74, & 1989 c 424 s 7;

~~((8)) RCW 43.160.200 and 1995 c 226 s 16, 1993 c 320 s 7, 1993 c 316 s 4, & 1991 c 314 s 23;~~  
~~((9)) (7) RCW 28B.50.258 and 1995 c 226 s 18 & 1991 c 315 s 16;~~  
~~((10)) (8) RCW 28B.50.262 and 1995 c 226 s 19 & 1994 c 282 s 3;~~  
~~((11)) (9) RCW 28B.80.570 and 1997 c 367 s 14, 1995 c 226 s 20, 1992 c 21 s 6, & 1991 c 315 s 18;~~  
~~((12)) (10) RCW 28B.80.575 and 1995 c 269 s 1001, 1995 c 226 s 21, & 1991 c 315 s 19;~~  
~~((13)) (11) RCW 28B.80.580 and 1997 c 367 s 15, 1995 c 226 s 22, 1993 sp.s. c 18 s 34, 1992 c 231 s 31, & 1991 c 315 s 20;~~  
~~((14)) (12) RCW 28B.80.585 and 1995 c 226 s 23 & 1991 c 315 s 21;~~  
~~((15)) (13) RCW 43.17.065 and 1995 c 226 s 24, 1993 c 280 s 37, 1991 c 314 s 28, & 1990 1st ex.s. c 17 s 77;~~  
~~((16)) (14) RCW 43.20A.750 and ((1995 c 226 s 25, 1993 c 280 s 38, 1992 c 21 s 4, & 1991 c 153 s 28)) 1997 c 367 s 16;~~  
~~((17)) (15) RCW 43.168.140 and 1995 c 226 s 28 & 1991 c 314 s 20;~~  
~~((18)) (16) RCW 50.12.270 and 1997 c 367 s 17, 1995 c 226 s 30, & 1991 c 315 s 3;~~  
~~((19)) (17) RCW 50.70.010 and 1995 c 226 s 31, 1992 c 21 s 1, & 1991 c 315 s 5; and~~  
~~((20)) (18) RCW 50.70.020 and 1995 c 226 s 32 & 1991 c 315 s 6.~~

**NEW SECTION. Sec. 602.** RCW 43.160.212 (Rural natural resources impact areas--Loans for public works facilities) and 1996 c 168 s 4, 1995 c 226 s 6, 1993 c 316 s 5, 1992 c 21 s 8, & 1991 c 314 s 26 are each repealed.

**NEW SECTION. Sec. 603.** 1997 c 367 s 11, 1995 c 226 s 8, 1993 c 316 s 7, & 1991 c 314 s 33 (uncodified) are each repealed.

**NEW SECTION. Sec. 604.** The following acts or parts of acts are each repealed:

- (1). RCW 43.168.010 (Legislative findings and declaration) and 1985 c 164 s 1;
- (2). RCW 43.168.020 (Definitions) and 1996 c 290 s 3, 1995 c 226 s 27, 1993 c 280 s 56, 1991 c 314 s 19, 1988 c 42 s 18, 1987 c 461 s 2, & 1985 c 164 s 2;
- (3). RCW 43.168.031 (State development loan fund committee--Terminated June 30, 1994--Powers and duties transferred) and 1995 c 399 s 92 & 1988 c 186 s 7;
- (4). RCW 43.168.040 (Approval of applications for federal community development block grant funds for projects) and 1987 c 461 s 3 & 1985 c 164 s 4;
- (5). RCW 43.168.050 (Application approval--Conditions and limitations) and 1993 c 512 s 12, 1990 1st ex.s. c 17 s 74, 1989 c 430 s 9, 1987 c 461 s 4, 1986 c 204 s 2, & 1985 c 164 s 5;
- (6). RCW 43.168.060 (Staff support and other duties of department--Rules) and 1985 c 164 s 6;
- (7). RCW 43.168.070 (Processing of applications--Contents of applications) and 1993 c 512 s 14, 1987 c 461 s 5, & 1985 c 164 s 7;
- (8). RCW 43.168.090 (Availability of funds for committee use) and 1985 c 164 s 9;
- (9). RCW 43.168.100 (Entitlement community grants--Conditions) and 1993 c 512 s 15, 1986 c 204 s 1, & 1985 c 164 s 10;
- (10). RCW 43.168.110 (Washington state development loan fund) and 1992 c 235 s 11 & 1985 c 164 s 11;
- (11). RCW 43.168.120 (Guidelines for use of funds for existing economic development revolving loan funds--Grants to local governments to assist existing economic development revolving loan funds) and 1987 c 461 s 6;
- (12). RCW 43.168.130 (Development of performance standards) and 1998 c 245 s 52 & 1987 c 461 s 7;
- (13). RCW 43.168.140 (Rural natural resources impact areas) and 1995 c 226 s 28 & 1991 c 314 s 20;
- (14). RCW 43.168.150 (Minority and women-owned businesses--Application process--Joint loan guarantee program) and 1993 c 512 s 13; and

(15). RCW 43.168.900 (Severability--1985 c 164) and 1985 c 164 s 15.

## **PART VII MISCELLANEOUS**

NEW SECTION. **Sec. 701.** Part headings and subheadings used in this act are not any part of the law.

NEW SECTION. **Sec. 702.** Sections 501 through 514 of this act constitute a new chapter in Title 43 RCW.

NEW SECTION. **Sec. 703.** This act takes effect August 1, 1999.

NEW SECTION. **Sec. 704.** Sections 301 through 303, 305, and 306 of this act do not affect any existing right acquired or liability or obligation under the sections amended or repealed in those sections or any rule or order adopted under those sections, nor does it affect any proceeding instituted under those sections.

NEW SECTION. **Sec. 705.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "vitality;" strike the remainder of the title and insert "amending RCW 43.160.010, 43.160.020, 43.160.060, 43.160.070, 43.160.900, 43.160.200, 43.180.160, 82.60.020, 82.60.040, 82.60.070, 82.62.010, 82.62.030, and 43.131.386; reenacting and amending RCW 43.160.076; adding a new section to chapter 43.63A RCW; adding a new section to chapter 82.60 RCW; adding a new section to chapter 82.62 RCW; adding a new chapter to Title 43 RCW; creating new sections; repealing RCW 43.160.212, 43.168.010, 43.168.020, 43.168.031, 43.168.040, 43.168.050, 43.168.060, 43.168.070, 43.168.090, 43.168.100, 43.168.110, 43.168.120, 43.168.130, 43.168.140, 43.168.150, and 43.168.900; repealing 1997 c 367 s 11, 1995 c 226 s 8, 1993 c 316 s 7, and 1991 c 314 s 33 (uncodified); providing an effective date; and providing an expiration date."

Representatives Kessler, DeBolt, Eickmeyer, Veloria and Alexander spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Mulliken, Conway, Kessler, Van Luven, McIntire, Eickmeyer, Clements, Morris spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Engrossed Second Substitute Senate Bill No. 5594, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5594, as amended by the House, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Cox, Quall and Scott - 3.

Engrossed Second Substitute Senate Bill No. 5594, as amended by the House, having received the constitutional majority, was declared passed.

There being no objection, the House advanced to the eleventh order of business.

#### MOTION

On motion of Representative Lisk, the House adjourned until 10:00 a.m., Wednesday, April 14, 1999, the 94<sup>th</sup> Legislative Day.

TIMOTHY A. MARTIN, Chief Clerk      CLYDE BALLARD, Speaker  
DEAN R. FOSTER, Chief Clerk      FRANK CHOPP, Speaker



NINETY-THIRD DAY, APRIL 13, 1999

JOURNAL OF THE HOUSE

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## **NINETY-FOURTH DAY**

### **MORNING SESSION**

House Chamber, Olympia, Wednesday, April 14, 1999

The House was called to order at 10:00 a.m. by Speaker Chopp. The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Adam Pflug and Joel Nielson. Prayer was offered by Pastor Craig Wood, Westwood Baptist Church, Olympia.

### **RESOLUTIONS**

HOUSE RESOLUTION NO. 99-4665, by Representatives G. Chandler, Regala, Esser, Skinner, Carlson, D. Schmidt, Thomas, Hankins, Benson, Fortunato, Dunn and Pflug

WHEREAS, In 1957, the Washington State Legislature designated Washington Arbor Day to be celebrated by the citizens of the state on the second Wednesday in April of each year; and

WHEREAS, Arbor Day is a day dedicated to recognizing the state tree, the western hemlock, and state flower, the rhododendron; and

WHEREAS, Arbor Day is a traditional day for the planting of trees by Washington citizens, which has been celebrated in Washington since 1917, when Governor Ernest Lister conducted the first official observance; and

WHEREAS, Nurseries, orchards, tree farms, public and private forests, horticultural and home orchards, and gardens all add to the beauty, economy, and vigor of our state; and

WHEREAS, Arbor Day focuses community attention on planting trees while educating school children and all of Washington's citizens about the value of trees and plants in our neighborhoods, communities, and environment; and

WHEREAS, Arbor Day focuses on the special role that trees play in the state's agricultural and timber-based economy, the importance of continued regeneration of our renewable resources, and the significance of trees in habitat for our state's wildlife; and

WHEREAS, There is renewed interest in increasing the abundance of trees and shrubs along the state's rivers and streams as a means to improve salmon habitat;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives proclaim April 14, 1999, as Arbor Day and encourage residents to plant a tree or shrub and celebrate this day as a day to plant and nurture trees and all plant life in Washington.

Representative Regala moved adoption of the resolution.

Representatives Regala, G. Chandler, Lantz and Fortunato spoke in favor of the adoption of the resolution.

House Resolution No. 99-4665 was adopted.

## **SPEAKER'S PRIVILEGE**

Speaker Chopp introduced Bruce Briggs and his family and asked the Chamber to acknowledge the Briggs' contribution to Arbor Day.

### HOUSE RESOLUTION NO. 99-4669, by Representatives K. Schmidt, Rockefeller and Dunn

WHEREAS, Athletics is one of the most effective ways for girls and women to develop leadership skills, self-discipline, initiative, and confidence; and

WHEREAS, The Spartans, a girls basketball team from Bainbridge Island High School in Bainbridge Island, Washington, on Saturday, March 13, 1999, won the Girls 3A State Basketball Championship in the Kingdome when it beat the girls basketball team of Meadowdale by a final score of 49-41; and

WHEREAS, On Saturday, March 13, 1999, with the score tied 33-33 and just 6:55 remaining in the state title game of the Class 3A girls basketball tournament, Britt Themann scored thirteen of her game-high twenty-seven points in the fourth quarter, by making all the big shots, grabbing every important rebound, and making every free throw except one in those final moments, thus leading Bainbridge past previously undefeated Meadowdale High School from Edmonds, Washington; and

WHEREAS, High school sophomore Alexis Kimball, displayed mighty athletic ability by dropping a deft baby hook that gave the Spartans a 13-9 lead after one quarter; and

WHEREAS, High school senior Liz McCloskey sank a nineteen-footer to return the lead to the struggling Spartans at 16-15; and

WHEREAS, Katie Chamberlin, dubbed the "Heart and Soul" of the Spartans, has shown great devotion to her team and the sport of basketball, cheering the girls on during the season; and

WHEREAS, Britt Themann, Fab Rezayat, Alexis Kimball, Nicole Hebner, Liz McCloskey, Meghan Smith, Emily Pierce, and Jenny Ray, members of the Spartans, displayed team spirit, talent, and accomplishments that are a source of inspiration and pride to their families and coaches, and the students of Bainbridge Island High School; and

WHEREAS, Coach Penny Gienger and assistant coach Korrie Beemer, through their sheer determination, hard work, and diligence, have become role models to the young women players of the team; and

WHEREAS, As a result of the dedication of the team members and their coaches, the Spartans earned a season record of 24-2, and their first title since 1988;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize these young women and their coaches for their achievements; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to the members and coaches of the Spartans Basketball Team.

Representative K. Schmidt moved adoption of the resolution.

Representatives K. Schmidt, Rockefeller, Radcliff and Cooper spoke in favor of the adoption of the resolution.

House Resolution No. 99-4669 was adopted.

HOUSE RESOLUTION NO. 99-4670, by Representatives Campbell, Schual-Berke, McDonald, Dunn, Schoesler, Pennington, Wensman, Radcliff, Mastin, Benson, Cairnes, Mulliken, B. Chandler, Ericksen, Delvin, Fortunato, D. Sommers, Boldt, Koster, Cox, Schindler, Huff, G. Chandler, Mitchell, Hankins, Esser, Sump, Kenney, Hatfield, Thomas, Bush, Conway, Edmonds, Kagi, Parlette, Doumit, Van Luven, Santos, DeBolt, Clements, Romero, Fisher, Wood, Sullivan, Cody, Anderson, Eickmeyer, Wolfe, Gombosky, Murray, Ballasiotes, Carrell, Dunshee, Ogden, Carlson, Skinner and Pflug

WHEREAS, Washington citizens with developmental disabilities are able to live independent, self-determined lives supported by dedicated direct support staff; and

WHEREAS, The lives of families who have children with developmental disabilities are enriched by direct support staff who provide respite care; and

WHEREAS, When individuals with disabilities are supported as fully participating members of society, our communities are strengthened; and

WHEREAS, In order to fully support individuals with developmental disabilities and their families, direct support staff must themselves be recognized as valued members of our society; and

WHEREAS, Civic pride and understanding in our neighborhoods is nurtured when we broaden public awareness of disability issues, and the essential role that direct support staff play to support citizens with developmental disabilities in living lives of freedom with dignity and respect; and

WHEREAS, The vitality of our state's economy and culture is fostered by individuals with disabilities who make unique contributions to living and working in Washington;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives honor and celebrate the direct support staff that care for individuals with developmental disabilities in our state, country, and the world.

Representative Campbell moved adoption of the resolution.

Representatives Campbell and Tokuda spoke in favor of the adoption of the resolution.

House Resolution No. 99-4670 was adopted.

HOUSE RESOLUTION NO. 99-4656, by Representatives Ogden, Carlson, Dunn and Skinner

WHEREAS, Education in the arts is a federally recognized priority in public education as evidenced by the Gaining the Arts Advantage program; and

WHEREAS, Application for, selection as, and participation in the program requires a sustained commitment to arts education in all schools, a record of student achievement in the arts, evidence of advanced programs, and funding for teachers, materials, and facilities; and

WHEREAS, The Vancouver, Washington School District has actively participated as a case-study school district in a study performed for the President's Committee on the Arts and Humanities and the Arts Education Partnership; and

WHEREAS, The interrelating factors that contribute to strong, district-wide arts education include: A community consensus that enables a school board and administration to fund arts education; central office leadership and a cadre of building principals who support the arts; strong arts teachers who practice their art inside and outside the school; and an active presence of community arts and cultural organizations in the district's schools, including utilization of school performing arts venues; and

WHEREAS, Dr. James Parsley, superintendent of the Vancouver School District, the school board and administration, the teachers, the parents, the students, and the Vancouver community and arts community conceived and implemented a plan for establishing arts education in all schools and involving the community in that enterprise;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize and honor the Vancouver School District and community for exemplary participation in establishing the arts as an integral part of education and community in Vancouver; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to the Vancouver School District.

Representative Ogden moved adoption of the resolution.

Representatives Ogden, Carlson and Skinner spoke in favor of the adoption of the resolution.

House Resolution No. 99-4656 was adopted.

**MESSAGES FROM THE SENATE**

April 13, 1999

Mr. Speaker:

The Senate has passed:

HOUSE BILL NO. 1050,  
ENGROSSED HOUSE BILL NO. 1067,  
SUBSTITUTE HOUSE BILL NO. 1113,  
SUBSTITUTE HOUSE BILL NO. 1212,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1245,  
SUBSTITUTE HOUSE BILL NO. 1251,  
ENGROSSED HOUSE BILL NO. 1263,  
HOUSE BILL NO. 1321,  
HOUSE BILL NO. 1463,  
SUBSTITUTE HOUSE BILL NO. 1668,  
SUBSTITUTE HOUSE BILL NO. 1744,

and the same are herewith transmitted.

Tony M. Cook, Secretary

April 13, 1999

Mr. Speaker:

The President has signed:

HOUSE BILL NO. 1027,  
HOUSE BILL NO. 1175,  
HOUSE BILL NO. 1331,  
SUBSTITUTE HOUSE BILL NO. 1535,  
SUBSTITUTE HOUSE BILL NO. 1559,  
SUBSTITUTE HOUSE BILL NO. 1653,  
SUBSTITUTE HOUSE BILL NO. 1671,  
ENGROSSED HOUSE BILL NO. 1845,

HOUSE BILL NO. 1996,  
SUBSTITUTE HOUSE BILL NO. 2086,

and the same are herewith transmitted.

Tony M. Cook, Secretary

April 13, 1999

Mr. Speaker:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 1041,  
HOUSE BILL NO. 1073,  
SUBSTITUTE HOUSE BILL NO. 1133,  
SUBSTITUTE HOUSE BILL NO. 1181,  
HOUSE BILL NO. 1199,  
HOUSE BILL NO. 1310,  
HOUSE BILL NO. 1413,  
HOUSE BILL NO. 1420,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1471,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1547,  
HOUSE BILL NO. 1766,  
HOUSE BILL NO. 1819,  
SUBSTITUTE HOUSE BILL NO. 1910,  
HOUSE BILL NO. 2205,  
ENGROSSED HOUSE BILL NO. 2232,  
HOUSE JOINT MEMORIAL NO. 4008,

and the same are herewith transmitted.

Tony M. Cook, Secretary

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the sixth order of business.

## SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5866, by Senate Committee on Environmental Quality & Water Resources (originally sponsored by Senators Fraser, Prentice, Kline and Kohl-Welles; by request of Department of Agriculture)

Eliminating component registration of fertilizer products.

The bill was read the second time.

On motion of Representative Linville, the committee amendment(s) by the Committee on Agriculture and Ecology was before the House for purpose of amendment. (For committee amendment(s), see Journal, 82<sup>nd</sup> Day, April 2, 1999.)

There being no objection, amendment 181 was withdrawn.

Representative Linville moved the adoption of amendment (201) to the committee amendment:

On page 2, line 2 of the committee amendment, after "dissolving" insert "anhydrous"

Representatives Linville and G. Chandler spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

### MOTION

On motion of Representative Stensen, Representative Quall was excused.

Representatives Linville and G. Chandler spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5866, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5866, as amended by the House, and the bill passed the House by the following vote: Yeas - 75, Nays - 22, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cooper, Cox, Crouse, DeBolt, Delvin, Doumit, Dunn, Edwards, Eickmeyer, Ericksen, Esser, Fortunato, Grant, Haigh, Hankins, Hatfield, Huff, Kastama, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Ogden, Parlette, Pennington, Pflug, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Van Luven, Wensman, Wolfe and Mr. Speaker Ballard - 75.

Voting nay: Representatives Barlean, Cody, Constantine, Conway, Dickerson, Dunshee, Edmonds, Fisher, Gombosky, Hurst, Kagi, Keiser, Kenney, McIntire, Murray, O'Brien, Poulsen, Santos, Tokuda, Voloria, Wood and Mr. Speaker Chopp - 22.

Excused: Representative Quall - 1.

Engrossed Substitute Senate Bill No. 5866, as amended by the House, having received the constitutional majority, was declared passed.

#### STATEMENT FOR THE JOURNAL

I intended to vote NAY on Engrossed Substitute House Bill No. 5866.

SHAY SCHUAL-BERKE, 33<sup>rd</sup> District

SENATE BILL NO. 5915, by Senators Patterson and McDonald; by request of Office of Financial Management

Removing language requiring obsolete or unwanted reports.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on State Government was adopted. (For committee amendment(s), see Journal, 82<sup>nd</sup> Day, April 2, 1999.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Representative Stensen, Representative Veloria was excused.

Representatives Romero and McMorris spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Senate Bill No. 5915, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5915, as amended by the House, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Quall and Veloria - 2.

Senate Bill No. 5915, as amended by the House, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1987, by Representatives Schoesler, Grant and G. Chandler



Authorizing tax exemptions and credits for structures and equipment used to reduce agricultural burning.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 1987 was substituted for House Bill No. 1987 and the second substitute bill was placed on the second reading calendar.

Second Substitute House Bill No. 1987 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Reardon and Schoesler spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Second Substitute House Bill No. 1987.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1987 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Quall and Veloria - 2.

Second Substitute House Bill No. 1987, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2273, by Representatives Haigh, Romero, Alexander, Hatfield, DeBolt, Eickmeyer, Wolfe, Rockefeller, Lovick, Lantz and Thomas

Changing provisions relating to taxation of destroyed property.

The bill was read the second time. There being no objection, Substitute House Bill No. 2273 was substituted for House Bill No. 2273 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2273 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Reardon, Haigh, Pennington, Romero and Dunshee spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Substitute House Bill No. 2273.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2273 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Quall and Veloria - 2.

Substitute House Bill No. 2273, having received the constitutional majority, was declared passed.

SECOND SUBSTITUTE SENATE BILL NO. 5452, by Senate Committee on Ways & Means (originally sponsored by Senators Bauer, Deccio, Benton, Goings, Winsley, Rasmussen, Franklin, Eide, Zarelli, Wojahn and Hale)

Authorizing the creation of public facilities districts.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Finance was adopted. (For committee amendment(s), see Journal, 85<sup>th</sup> Day, April 5, 1999.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Thomas, Ogden, Carlson, Conway, Pennington, Wood, D. Sommers, Dunshee and Alexander spoke in favor of passage of the bill.

Representative Carrell spoke against passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Second Substitute Senate Bill No. 5452, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5452, as amended by the House, and the bill passed the House by the following vote: Yeas - 86, Nays - 10, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Cairnes, Campbell, Carlson, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Esser, Fisher, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke,

Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, D. Schmidt, K. Schmidt, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 86.

Voting nay: Representatives Boldt, Buck, Bush, Carrell, Crouse, Ericksen, Fortunato, Pflug, Schindler and Schoesler - 10.

Excused: Representatives Quall and Veloria - 2.

Second Substitute Senate Bill No. 5452, as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5672, by Senate Committee on State & Local Government (originally sponsored by Senators Kline, Costa, Prentice, Fraser, Fairley, Shin, Kohl-Welles, Haugen, Hargrove and McAuliffe)

Retaliating against a whistleblower.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on State Government was adopted. (For committee amendment(s), see Journal, 82<sup>nd</sup> Day, April 2, 1999.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Wolfe, McMorris and D. Sommers spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Substitute Senate Bill No. 5672, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5672, as amended by the House, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Quall and Veloria - 2.

Substitute Senate Bill No. 5672, as amended by the House, having received the constitutional majority, was declared passed.

Speaker Chopp called upon Representative Ogden to preside.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5931, by Senate Committee on Ways & Means (originally sponsored by Senators Patterson, Horn, Gardner, McCaslin, Haugen, Kline, Brown, Costa, Hale, Kohl-Welles, B. Sheldon and Bauer)

Requiring electronic filing and publication of campaign finance and lobbyist reports.

The bill was read the second time.

Representative H. Sommers moved the adoption of the committee amendment(s) by the Committee on Appropriation. (For committee amendment(s), see Journal, 85<sup>th</sup> Day, April 5, 1999.)

Representative Romero moved the adoption of amendment (196) to the committee amendment:

On page 4, line 26, of the amendment, strike "4" and insert "2"

Representative Romero spoke in favor of the adoption of the amendment.

The amendment to the committee amendment was adopted.

Representative Romero moved the adoption of amendment (195) to the committee amendment:

On page 5, line 8, of the amendment, strike "receipt" and insert "completion of an audit or field investigation"

Representatives Romero and McMorris spoke in favor of the adoption of the amendment.

The amendment to the committee amendment was adopted.

Representative Lambert moved the adoption of amendment (193) to the committee amendment:

On page 7, after line 3 of the amendment, insert the following:

**"Sec. 12.** RCW 42.17.080 and 1995 c 397 s 2 are each amended to read as follows:

(1) On the day the treasurer is designated, each candidate or political committee shall file with the commission and the county auditor or elections officer of the county in which the candidate resides, or in the case of a political committee, the county in which the treasurer resides, in addition to any statement of organization required under RCW 42.17.040 or 42.17.050, a report of all contributions received and expenditures made prior to that date, if any.

(2) At the following intervals each treasurer shall file with the commission and the county auditor or elections officer of the county in which the candidate resides, or in the case of a political committee, the county in which the committee maintains its office or headquarters, and if there is no office or headquarters then in the county in which the treasurer resides, a report containing the information required by RCW 42.17.090:

(a) On the twenty-first day and the seventh day immediately preceding the date on which the election is held; and

(b) On the tenth day of the first month after the election: PROVIDED, That this report shall not be required following a primary election from:

(i) A candidate whose name will appear on the subsequent general election ballot; or

(ii) Any continuing political committee; and

(c) On the tenth day of each month in which no other reports are required to be filed under this section: PROVIDED, That such report shall only be filed if the committee has received a contribution or made an expenditure in the preceding calendar month and either the total contributions received or total expenditures made since the last such report exceed two hundred dollars.

When there is no outstanding debt or obligation, and the campaign fund is closed, and the campaign is concluded in all respects, and in the case of a political committee, the committee has ceased to function and has dissolved, the treasurer shall file a final report. Upon submitting a final report, the duties of the treasurer shall cease and there shall be no obligation to make any further reports.

The report filed twenty-one days before the election shall report all contributions received and expenditures made as of the end of the fifth business day before the date of the report. The report filed seven days before the election shall report all contributions received and expenditures made as of the end of the one business day before the date of the report. Reports filed on the tenth day of the month shall report all contributions received and expenditures made from the closing date of the last report filed through the last day of the month preceding the date of the current report.

(3) For the period beginning the first day of the fourth month preceding the date on which the special or general election is held and ending on the date of that election, each Friday the treasurer shall file with the commission and the appropriate county elections officer a report of each bank deposit made during the previous seven calendar days. The report shall contain the name of each person contributing the funds so deposited and the amount contributed by each person. However, contributions of no more than twenty-five dollars in the aggregate from any one person may be deposited without identifying the contributor. A copy of the report shall be retained by the treasurer for his or her records. In the event of deposits made by a deputy treasurer, the copy shall be forwarded to the treasurer for his or her records. Each report shall be certified as correct by the treasurer or deputy treasurer making the deposit.

(4) The treasurer or candidate shall maintain books of account accurately reflecting all contributions and expenditures on a current basis within five business days of receipt or expenditure. During the eight days immediately preceding the date of the election the books of account shall be kept current within one business day (~~and shall~~). As specified in the committee's statement of organization filed under RCW 42.17.040, the books of account must be open for public inspection as follows:

(a) For at least two consecutive hours (~~Monday through Friday, excluding legal holidays~~) on the eighth day immediately before the election, between 8:00 a.m. and 8:00 p.m., as specified in the committee's statement of organization filed pursuant to RCW 42.17.040, at the principal headquarters or, if there is no headquarters, at the address of the treasurer or such other place as may be authorized by the commission; and

(b) By appointment for inspections to be conducted at the designated place for inspections between 8:00 a.m. and 8:00 p.m. on any other day from the seventh day through the day immediately before the election, other than Saturday, Sunday, or a legal holiday. It is a violation of this chapter for a candidate or political committee to refuse to allow and keep an appointment for an inspection to be conducted during these authorized times and days in the week prior to the election. The appointment must be allowed at an authorized time and day for such inspections that is within twenty-four hours of the time and day that is requested for the inspection.

(5) The treasurer or candidate shall preserve books of account, bills, receipts, and all other financial records of the campaign or political committee for not less than five calendar years following the year during which the transaction occurred.

~~((5))~~ (6) All reports filed pursuant to subsections (1) or (2) of this section shall be certified as correct by the candidate and the treasurer.

~~((6))~~ (7) Copies of all reports filed pursuant to this section shall be readily available for public inspection for at least two consecutive hours Monday through Friday, excluding legal holidays, between 8:00 a.m. and 8:00 p.m., as specified in the committee's statement of organization filed pursuant to RCW 42.17.040, at the principal headquarters or, if there is no headquarters, at the address of the treasurer or such other place as may be authorized by the commission.

~~((7))~~ (8) The commission shall adopt administrative rules establishing requirements for filer participation in any system designed and implemented by the commission for the electronic filing of reports."

Renumber the sections following consecutively, correct any internal references accordingly, and correct the title.

Representatives Lambert, Romero and McDonald spoke in favor of the adoption of the amendment.

Representative Hurst spoke against the adoption of the amendment.

The amendment to the committee amendment was adopted.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Romero and McMorris spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Engrossed Second Substitute Senate Bill No. 5931, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5931, as amended by the House, and the bill passed the House by the following vote: Yeas - 85, Nays - 11, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Conway, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Kagi, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McMorris, Mielke, Miloscia, Mitchell, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Sump, Talcott, Thomas, Tokuda, Van Luven, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 85.

Voting nay: Representatives Constantine, Cooper, Dunshee, Fisher, Hurst, Kastama, McIntire, Morris, Poulsen, Stensen and Sullivan - 11.

Excused: Representatives Quall and Veloria - 2.

Engrossed Second Substitute Senate Bill No. 5931, as amended by the House, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5862, by Senators Gardner, Horn, Patterson, McCaslin and Haugen

Protecting records of strategy discussions.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on State Government was adopted. (For committee amendment(s), see Journal, 82<sup>nd</sup> Day, April 2, 1999.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives McMorris and Miloscia spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Senate Bill No. 5862, as amended by the House.

## ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5862, as amended by the House, and the bill passed the House by the following vote: Yeas - 91, Nays - 4, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Wensman, Wolfe, Wood and Mr. Speaker Chopp - 91.

Voting nay: Representatives Carlson, Delvin, Edwards and Mr. Speaker Ballard - 4.

Excused: Representatives Quall, Romero and Veloria - 3.

Senate Bill No. 5862, as amended by the House, having received the constitutional majority, was declared passed.

There being no objection, the House advanced to the seventh order of business.

## THIRD READING

SUBSTITUTE SENATE BILL NO. 6001, by Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, Long, Winsley and Rasmussen)

Providing for the disclosure of information to the office of the family and children's ombudsman.

There being no objection, the rules were suspended and Substitute Senate Bill No. 6001 was returned to second reading for purpose of amendments.

Representative Boldt moved the adoption of amendment (220):

On page 2, after line 11, insert the following:

"(6) (a) (i) Receive information from a legislator who is assisting a constituent at the constituent's request; (ii) provide information to a legislator regarding a constituent if the constituent has given his or her written consent that the information be released to the legislator; however, a legislator may be provided only that information the constituent would otherwise be able to obtain under the law; and (iii) notify the legislator that the constituent's case is ready to be closed;

(b) Any information a constituent would not otherwise be able to obtain under law, including any confidential information regarding a person other than the constituent, that is contained in the information provided the legislator shall be redacted;

(c) A legislator shall maintain the confidentiality of any confidential information regarding a constituent that the legislator may receive;

(d) Nothing in this subsection is intended to or may be interpreted as affecting the authority or ability of the legislative children's oversight committee to obtain information otherwise granted the committee under law."

Renumber the remaining subsections consecutively.

Representatives Boldt, Tokuda and Campbell spoke in favor of the adoption of the amendment.

Representatives Kastama spoke against the adoption of the amendment.

Division was demanded. The Speaker (Representative Ogden presiding) divided the House. The results of the division was 68-YEAS; 27-NAYS. The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Tokuda and D. Sommers spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 6001, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6001, as amended by the House, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Quall, Romero and Veloria - 3.

Substitute Senate Bill No. 6001, as amended by the House, having received the constitutional majority, was declared passed.

There being no objection, the House reverted to the sixth order of business.

### SECOND READING

SUBSTITUTE SENATE BILL NO. 5154, by Senate Committee on Judiciary (originally sponsored by Senators Hargrove, McCaslin, Goings and Heavey)

Limiting the liability of electric utilities.

The bill was read the second time.

Representative Constantine moved the adoption of the committee amendment(s) by the Committee on Judiciary. (For committee amendment(s), see Journal, 82<sup>nd</sup> Day, April 2, 1999.)

Representative Conway moved the adoption of amendment (215) to the committee amendment:

On page 1, line 17 of the amendment, after "electric utility" strike everything through "electrical service" on line 22 and insert "provides notice and makes a reasonable effort to obtain an agreement from the resident or property owner present on the property to trim or remove such hazard. For purposes of this subsection (1)(b), notice may be provided by posting a notice or flier in a conspicuous location on the affected property that gives a good faith estimate of the time frame in



which the electric utility's trimming or removal work must occur, specifies how the electric utility may be contacted, and explains the responsibility of the resident or property owner to respond pursuant to the requirements of the notice. An electric utility may act without agreement if the resident or property owner fails to respond pursuant to the requirements of the notice. No notice or agreement is necessary if the electric utility's action is necessary to protect life, property, or restore electric service"

Representatives Conway, Grant, Carrell and Clements spoke in favor of the adoption of the amendment.

The amendment to the committee amendment was adopted.

The Speaker (Representative Ogden presiding) stated the question before the House to be adoption of the committee amendment as amended.

Representatives Constantine and Carrell spoke in favor of the adoption of the committee amendment as amended.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Constantine, Carrell and Lantz spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5154, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5154, as amended by the House, and the bill passed the House by the following vote: Yeas - 94, Nays - 1, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 94.

Voting nay: Representative Barlean - 1.

Excused: Representatives Quall, Romero and Veloria - 3.

Substitute Senate Bill No. 5154, as amended by the House, having received the constitutional majority, was declared passed.

SENATE JOINT RESOLUTION NO. 8206, by Senators Bauer, McCaslin, Snyder, Loveland and McAuliffe; by request of State Treasurer

Guaranteeing school district debt.

The resolution was read the second time.

There being no objection, the committee amendment(s) by the Committee on Capital Budget was adopted. (For committee amendment(s), see Journal, 82<sup>nd</sup> Day, April 2, 1999.)

There being no objection, the rules were suspended, the second reading considered the third and the resolution was placed on final passage.

Representatives Edmonds and Esser spoke in favor of passage of the resolution.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Senate Joint Resolution No. 8206, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Joint Resolution No. 8206, as amended by the House, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Quall, Romero and Veloria - 3.

Senate Joint Resolution No. 8206, as amended by the House, having received the constitutional two-thirds majority, was declared passed.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5345, by Senate Committee on Ways & Means (originally sponsored by Senators Bauer, McCaslin, Snyder, Loveland, McAuliffe, Winsley and Oke; by request of State Treasurer)

Creating the school district credit enhancement program.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Capital Budget was adopted. (For committee amendment(s), see Journal, 82<sup>nd</sup> Day, April 2, 1999.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Edmonds and Esser spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Engrossed Second Substitute Senate Bill No. 5345, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5345, as amended by the House, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Quall, Romero and Veloria - 3.

Engrossed Second Substitute Senate Bill No. 5345, as amended by the House, having received the constitutional majority, was declared passed.

There being no objection, the House reverted to the fourth order of business.

### **INTRODUCTIONS AND FIRST READING**

HB 2285 by Representatives Van Luven, Veloria, Ballasiotes, Morris, Kenney, H. Sommers, Radcliff, Dunn, D. Schmidt, McDonald, O'Brien, Skinner, Hankins, Campbell and Esser; by request of Governor Locke

AN ACT Relating to the department of community, trade, and economic development; amending RCW 43.330.020, 43.63A.021, 43.330.040, 43.330.050, 43.330.070, 43.330.125, 43.330.135, 43.63A.066, 43.63A.115, 43.63A.125, 43.63A.155, 43.63A.245, 43.63A.247, 43.63A.260, 43.63A.275, 43.63A.400, 43.63A.410, 43.63A.440, 43.63A.460, 43.63A.600, 43.330.152, 43.330.155, 43.330.156, 43.330.904, 43.63A.230, 43.330.065, 43.330.080, 43.31.057, 43.31.093, 43.31.205, 43.31.409, 43.31.422, 43.31.504, 43.31.522, 43.31.524, 43.31.641, 43.31.830, 43.31.840, 43.31.855, 43.31.857, 43.31.960, 43.17.065, 19.02.050, 24.46.010, 28B.20.283, 28B.20.289, 28B.20.293, 28B.30.537, 28B.50.262, 28B.65.040, 28B.65.050, 28B.65.060, 28B.109.020, 28C.04.440, 28C.04.460, 28C.18.060, 36.01.120, 36.110.030, 43.07.360, 43.21A.510, 43.21A.515, 43.21A.612, 43.23.035, 43.160.020, 43.160.115, 43.160.180, 43.163.020, 43.163.120, 43.168.020, 43.168.031, 43.170.020, 43.172.011, 43.210.030, 43.210.050, 43.210.060, 43.330.092, 43.330.094, 50.67.030, 50.72.030, 70.95.265, 70.95.810, 70.95H.007, 70.95H.050, 76.09.030, 76.56.020, 77.12.710, 81.80.450, 88.12.275, 41.06.070, 41.06.072, 43.06.115, 43.17.020, 43.160.030, 43.163.060, 47.39.090, 47.76.230, 50.38.030, and 80.50.030; reenacting and amending RCW 43.17.010; adding new sections to chapter 43.330 RCW; adding new sections to chapter 43.31 RCW; creating new sections; recodifying RCW 43.31.855, 43.31.857, 43.63A.021, 43.63A.066, 43.63A.067, 43.63A.105, 43.63A.115, 43.63A.125, 43.63A.150, 43.63A.155, 43.63A.190, 43.63A.215, 43.63A.240, 43.63A.245, 43.63A.247, 43.63A.249, 43.63A.260, 43.63A.265, 43.63A.270, 43.63A.275, 43.63A.400, 43.63A.410, 43.63A.420, 43.63A.440, 43.63A.460, 43.63A.465, 43.63A.4651, 43.63A.470, 43.63A.475, 43.63A.480, 43.63A.485, 43.63A.490, 43.63A.500, 43.63A.510, 43.63A.550, 43.63A.600, 43.63A.610, 43.63A.620, 43.63A.630, 43.63A.640, 43.63A.650, 43.63A.660, 43.63A.670, 43.63A.680, 43.63A.720, 43.63A.725, 43.63A.730, 43.63A.735, 43.63A.740, 43.63A.900, 43.63A.901, 43.63A.902, 43.63A.903, 43.330.145, 43.330.152, 43.330.155, 43.330.156, 43.63A.075, 43.63A.230, 43.63A.700, 43.63A.710, 43.63A.715, 43.330.060, 43.330.065, 43.330.080, 43.330.090, 43.330.092, 43.330.094, 43.330.095, 43.330.096, 43.63A.690, and 43.330.904; repealing

RCW 43.330.005, 43.330.007, 43.330.010, 43.330.900, and 43.31.800; providing an effective date; providing expiration dates; and declaring an emergency.

Referred to Committee on Economic Development, Housing & Trade.

ESCR 8408 by Senator Bauer

Creating a commission to address the renovation of the Washington State Legislative Building.

Referred to Committee on Capital Budget.

SCR 8409 by Senators Goings, Oke, Shin, Gardner, Swecker, Roach, B. Sheldon, Snyder, McCaslin, McAuliffe, Franklin, Rasmussen and Eide

Creating a Joint Select Committee on Veterans and Military Affairs.

Referred to Committee on State Government.

#### MOTION

On motion of Representative Kessler, the bill and resolutions listed on the day's introduction sheet under the fourth order of business was referred to the committees so designated.

#### **SIGNED BY THE SPEAKERS**

The Speakers signed the following bills:

SENATE BILL NO. 5021,  
SECOND SUBSTITUTE SENATE BILL NO. 5102,  
SENATE BILL NO. 5105,  
SENATE BILL NO. 5122,  
SENATE BILL NO. 5233,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5348,  
SUBSTITUTE SENATE BILL NO. 5352,  
SENATE BILL NO. 5606,  
SUBSTITUTE SENATE BILL NO. 5745,  
ENGROSSED SENATE BILL NO. 5798,  
SENATE BILL NO. 5986,  
SENATE BILL NO. 5987,

SUBSTITUTE SENATE BILL NO. 6012,

SUBSTITUTE SENATE BILL NO. 6052,

SUBSTITUTE SENATE BILL NO. 6063,

There being no objection, the House advanced to the eleventh order of business.

MOTION

On motion of Representative Kessler, the House adjourned until 10:00 a.m., Thursday, April 15, 1999, the 95<sup>th</sup> Legislative Day.

TIMOTHY A. MARTIN, Chief Clerk      CLYDE BALLARD, Speaker

DEAN R. FOSTER, Chief Clerk      FRANK CHOPP, Speaker

NINETY-FOURTH DAY, APRIL 14, 1999

JOURNAL OF THE HOUSE

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**NINETY-FIFTH DAY**

**MORNING SESSION**

House Chamber, Olympia, Thursday, April 15, 1999

The House was called to order at 10:00 a.m. by Speaker Pro Tempore Pennington. The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Cody Pedersen and Cassie Blonien. Prayer was offered by Father Fred Elwood, St. John's Episcopal Church, Olympia.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

**MESSAGE FROM THE SENATE**

April 14, 1999

Mr. Speaker:

The Senate has passed:

HOUSE BILL NO. 1042,

HOUSE BILL NO. 1150,

SUBSTITUTE HOUSE BILL NO. 1219,

ENGROSSED HOUSE BILL NO. 1264,

SUBSTITUTE HOUSE BILL NO. 1304,

HOUSE BILL NO. 1322,

HOUSE BILL NO. 1421,

SUBSTITUTE HOUSE BILL NO. 1494,

HOUSE BILL NO. 1561,  
SUBSTITUTE HOUSE BILL NO. 1592,  
SUBSTITUTE HOUSE BILL NO. 1593,  
HOUSE BILL NO. 1664,  
SUBSTITUTE HOUSE BILL NO. 2111,  
HOUSE BILL NO. 2200,  
HOUSE BILL NO. 2261,  
HOUSE BILL NO. 2264,  
HOUSE JOINT MEMORIAL NO. 4006,

and the same are herewith transmitted.

Tony M. Cook, Secretary

April 14, 1999

Mr. Speaker:

The President has signed:

SECOND SUBSTITUTE SENATE BILL NO. 5171,

and the same is herewith transmitted.

Tony M. Cook, Secretary

April 14, 1999

Mr. Speaker:

The Senate has passed:

ENGROSSED SENATE JOINT MEMORIAL NO. 8013,

and the same is herewith transmitted.

Tony M. Cook, Secretary

### **RESOLUTION**

HOUSE RESOLUTION NO. 99-4666, by Representatives Kessler, Parlette, Carlson, Fortunato, Esser, Hankins and Thomas

WHEREAS, It is so very important that we sustain and commemorate all Americans whose lives and deeds helped write the history of our great nation; and

WHEREAS, If we let fade from memory the lessons of the past, as the philosopher George Santayana warned, we are condemned to endure them yet again; and

WHEREAS, An alliance of devoted citizens called Sons of Union Veterans of the Civil War, as dedicated and patriotic an organization as can possibly be imagined, tirelessly endeavors to preserve memorials to those who contended in a most punishing struggle for our country; and

WHEREAS, Our state of Washington, though 25 years away from joining the Union at the time of the Civil War, is home to citizens whose ascendants were engaged in its battles; and

WHEREAS, The federal government upward of a century ago bequeathed to the state of Washington sixteen cannon as a fitting and solemn tribute to the veterans of the Civil War; and

WHEREAS, Many of these cannon were presented to Washington communities with the hope that they would establish Civil War memorials of their own; and

WHEREAS, Citizen leaders in the city of Wenatchee recently reflected sound and allegiant reasoning in erecting a remarkable Cannon Memorial in their community's park; and

WHEREAS, Washingtonians in other communities no doubt also grasp our responsibility to keep in heart and mind the memory of those who came before us; and

WHEREAS, Other communities in our state would be well-advised to emulate the city of Wenatchee in preserving their own decorous hallmarks of commitment to the lives and times of Civil War veterans;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington salute the work of the Sons of Union Veterans of the Civil War, and encourage other Washington cities to follow the estimable example set so well by the people of Wenatchee; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted to Washington members of the Sons of Union Veterans of the Civil War, and to the Office of the Secretary of State for ready inspection by members of the public.

Representative Kessler moved adoption of the resolution.

Representatives Kessler, Parlette and Haigh spoke in favor of the adoption of the resolution.

House Resolution No. 99-4666 was adopted.

### **SPEAKER'S PRIVILEGE**

The Speaker (Representative Pennington presiding) introduced several members of the Sons of Union Veterans: Rod Fleck, Camp Commander, Forks; Ken Richmond, Camp Commander, Sequim; Hal Bellerud, Olympia; Jeff Henningfield, Tumwater; Richard Waldron, Port Angeles; and Zora Davis, Women's Auxillary Officer, Port Angeles.

### **RESOLUTION**

HOUSE RESOLUTION NO. 99-4662, by Representatives Schual-Berke, Lovick, Parlette, O'Brien, Santos, Cody, Conway, Hurst, Ruderman, Keiser, Miloscia, Cairnes, Stensen, Ballasiotes, Wensman, Talcott, Fortunato, Kagi, DeBolt, Kastama, Reardon, Dunn, Kessler, Linville, Thomas, Lambert, McMorris, Radcliff, Clements, McIntire, Cox, Kenney, Hankins, Quall, Pflug, Edwards, Constantine, Sump, Ogden, B. Chandler, Delvin, G. Chandler and Skinner

WHEREAS, The ability to quickly and appropriately respond to emergencies resulting from poisoning and to prevent poisoning is of paramount concern to all citizens of the state of Washington; and

WHEREAS, National Poison Prevention Week is March 21st through March 27th; and

WHEREAS, National Poison Prevention Week has been established to encourage consumers to make their homes and offices safe, to adequately prepare for poison emergencies, and to acknowledge the importance of poison centers; and



WHEREAS, The Washington Poison Center is nationally recognized as one of the most effective poison centers in the country; and

WHEREAS, The Washington Poison Center responds to more than one hundred thirty-five thousand calls per year making it the busiest poison center in the country; and

WHEREAS, By calling your poison center you are accessing a dedicated staff of highly trained medical professionals who are certified specialists in poison information; and

WHEREAS, During National Poison Prevention Week the Washington Poison Center urges all citizens to keep all hazardous products in their original labeled containers, to keep household chemicals out of sight and out of reach of children, to use child-resistant safety caps on prescription medicine and over-the-counter medicine, to use Mr. Yuk stickers, and to tell everyone that Mr. Yuk's scowling green face is a warning sign to stay away from poisonous products;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives acknowledge and support the lifesaving work of the Washington Poison Center and its dedicated staff; and

BE IT FURTHER RESOLVED, That the House of Representatives urge all citizens to recognize National Poison Prevention Week by making their homes and workplaces poison safe; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to the Washington Poison Center, Secretary of the Department of Health, and the American Association of Poison Control Centers.

Representative Schual-Berke moved adoption of the resolution.

Representatives Schual-Berke, Lambert and Kagi spoke in favor of the adoption of the resolution.

House Resolution No. 99-4662 was adopted.

#### **SPEAKER'S PRIVILEGE**

The Speaker (Representative Pennington presiding) introduced Dr. Bill Robertson, Washington Poison Centers.

#### **SPEAKER'S PRIVILEGE**

The Speaker (Representative Pennington presiding) introduced Mr. John White, a long-time writer of the legislative arena.

Speaker Ballard assumed the chair.

#### **SIGNED BY THE SPEAKERS**

The Speakers signed:

SUBSTITUTE HOUSE BILL NO. 1013,

HOUSE BILL NO. 1042,

HOUSE BILL NO. 1050,

ENGROSSED HOUSE BILL NO. 1067,

SUBSTITUTE HOUSE BILL NO. 1069,

HOUSE BILL NO. 1150,

HOUSE BILL NO. 1152,  
SUBSTITUTE HOUSE BILL NO. 1158,  
SUBSTITUTE HOUSE BILL NO. 1212,  
SUBSTITUTE HOUSE BILL NO. 1224,  
HOUSE BILL NO. 1238,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1245,  
SUBSTITUTE HOUSE BILL NO. 1251,  
ENGROSSED HOUSE BILL NO. 1263,  
HOUSE BILL NO. 1321,  
SUBSTITUTE HOUSE BILL NO. 1324,  
HOUSE BILL NO. 1421,  
HOUSE BILL NO. 1422,  
HOUSE BILL NO. 1463,  
SUBSTITUTE HOUSE BILL NO. 1485,  
HOUSE BILL NO. 1495,  
SECOND SUBSTITUTE HOUSE BILL NO. 1546,  
SUBSTITUTE HOUSE BILL NO. 1592,  
SUBSTITUTE HOUSE BILL NO. 1593,  
SUBSTITUTE HOUSE BILL NO. 1668,  
SECOND SUBSTITUTE HOUSE BILL NO. 1729,  
SUBSTITUTE HOUSE BILL NO. 1744,  
SUBSTITUTE HOUSE BILL NO. 1777,  
HOUSE BILL NO. 2052,  
SUBSTITUTE HOUSE BILL NO. 2111,  
HOUSE BILL NO. 2200,  
HOUSE BILL NO. 2264,  
SECOND SUBSTITUTE SENATE BILL NO. 5171,

There being no objection, the House advanced to the sixth order of business.

## SECOND READING

SECOND SUBSTITUTE SENATE BILL NO. 5108, by Senate Committee on Ways & Means (originally sponsored by Senators Patterson, Johnson, Eide, Rossi, Prentice, T. Sheldon, Winsley, McAuliffe, Oke, Kohl-Welles and Costa; by request of Lieutenant Governor)

Creating a task force on missing and exploited children.

Representative Thomas withdrew his request for scope and object ruling on the committee amendment.

There being no objection, the committee amendment(s) by the Committee on Criminal Justice & Correction was not adopted. (For committee amendment(s), see Journal, 82<sup>nd</sup> Day, April 2, 1999.)

There being no objection, amendments 169, 147, 176 and 184 were withdrawn.

Representative H. Sommers moved the adoption of amendment (214):

On page 3, after line 29, insert the following:

"NEW SECTION. Sec. 5. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 1999, in the omnibus appropriations act, this act is null and void."

Renumber the remaining section consecutively, correct internal references accordingly, and correct the title.

Representative H. Sommers spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives O'Brien and Ballasiotes spoke in favor of passage of the bill.

## MOTION

On motion of Representative Wolfe, Representative Quall was excused.

Speaker Ballard stated the question before the House to be final passage of Second Substitute Senate Bill No. 5108, as amended by the House.

## ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5108, as amended by the House, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins,

Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Quall - 1.

Second Substitute Senate Bill No. 5108, as amended by the House, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5127, by Senators Kohl-Welles, Hargrove, Long, Heavey, McCaslin, Stevens, Zarelli, Prentice, Kline, Winsley and Costa

Prohibiting law enforcement officers from conducting investigations of abuse or neglect concerning a child for which the officer is a parent, guardian, or foster parent.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Judiciary was not adopted. (For committee amendment(s), see Journal, 82<sup>nd</sup> Day, April 2, 1999.)

Representative Kagi moved the adoption of amendment (213):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The state of Washington affirms the importance of ensuring that crimes involving child sexual abuse are investigated thoroughly and objectively. Children who have been victims of crime deserve to have those who committed the crimes against them brought to justice. Those who may have been accused should expect that investigative agencies will make every effort to conduct thorough and impartial investigations.

The best approach to investigations of child sexual abuse crimes involves a coordinated effort by investigative agencies that minimizes repetitive investigative interviews and improves the quality of the investigations. The legislature intends to improve the training and resources available to individuals who conduct these interviews and to increase the accuracy of risk assessments and determinations of fact associated with interviews.

**NEW SECTION. Sec. 2.** A new section is added to chapter 43.101 RCW to read as follows:

(1) On-going specialized training shall be provided for persons responsible for investigating child sexual abuse. Training participants shall have the opportunity to practice interview skills and receive feedback from instructors.

(2) The commission, the department of social and health services, the Washington association of sheriffs and police chiefs, and the Washington association of prosecuting attorneys shall design and implement state-wide training that contains consistent elements for persons engaged in the interviewing of children for child sexual abuse cases, including law enforcement, prosecution, and child protective services.

(3) The training shall: (a) Be based on research-based practices and standards; (b) minimize the trauma of all persons who are interviewed during abuse investigations; (c) provide methods of reducing the number of investigative interviews necessary whenever possible; (d) assure, to the extent possible, that investigative interviews are thorough, objective, and complete; (e) recognize needs of special populations, such as persons with developmental disabilities; (f) recognize the nature and consequences of victimization; (g) require investigative interviews to be conducted in a manner most likely to permit the interviewed persons the maximum emotional comfort under the circumstances; (h) address record retention and retrieval; and (i) documentation of investigative interviews.

**NEW SECTION. Sec. 3.** The Washington state institute for public policy shall convene a work group to develop state guidelines for the development of child sexual abuse investigations protocols. The work group shall consist of representatives from the department of social and health services, the Washington association of sheriffs and police chiefs, and the Washington association of prosecuting attorneys.

The work group shall solicit input from a mental health professional certified under chapter 18.19 RCW, a physician licensed under chapter 18.71 RCW with substantial experience in child sexual abuse examinations, a member of the Washington state bar whose practice is primarily defense-oriented, the attorney general, a superior court judge, a child development specialist, a representative from an agency serving the developmentally disabled, an advanced registered nurse practitioner licensed under chapter 18.79 RCW, a representative from a child serving agency, and a victim's advocate.

The work group guidelines shall include issues to be addressed within local protocols adopted pursuant to this act. Those issues shall include multivictim cases, cases involving multiple suspects, information sharing between the department and law enforcement, methods to reduce the number of investigative interviews, and documentation of investigations.

The work group guidelines shall be provided as a resource to local agencies in developing local protocols mandated under this act.

The guidelines developed by the work group shall be presented to the legislature not later than December 1, 1999.

**NEW SECTION. Sec. 4.** A new section is added to chapter 26.44 RCW to read as follows:

(1) Each agency involved in investigating child sexual abuse shall document its role in handling cases and how it will coordinate with other local agencies or systems and shall adopt a local protocol based on the state guidelines. The department and local law enforcement agencies may include other agencies and systems that are involved with child sexual abuse victims in the multidisciplinary coordination.

(2) Each county shall develop a written protocol for handling criminal child sexual abuse investigations. The protocol shall address the coordination of child sexual abuse investigations between the prosecutor's office, law enforcement, the department, local advocacy groups, and any other local agency involved in the criminal investigation of child sexual abuse, including those investigations involving multiple victims and multiple offenders. The protocol shall be developed by the prosecuting attorney with the assistance of the agencies referenced in this subsection.

(3) Local protocols under this section shall be adopted and in place by July 1, 2000, and shall be submitted to the legislature prior to that date.

**Sec. 5.** RCW 74.14B.010 and 1987 c 503 s 8 are each amended to read as follows:

(1) Caseworkers employed in children services shall meet minimum standards established by the department of social and health services. Comprehensive training for caseworkers shall be completed before such caseworkers are assigned to case-carrying responsibilities without direct supervision. Intermittent, part-time, and standby workers shall be subject to the same minimum standards and training.

(2) On-going specialized training shall be provided for persons responsible for investigating child sexual abuse. Training participants shall have the opportunity to practice interview skills and receive feedback from instructors.

(3) The department, the criminal justice training commission, the Washington association of sheriffs and police chiefs, and the Washington association of prosecuting attorneys shall design and implement state-wide training that contains consistent elements for persons engaged in the interviewing of children, including law enforcement, prosecution, and child protective services.

(4) The training shall: (a) Be based on research-based practices and standards; (b) minimize the trauma of all persons who are interviewed during abuse investigations; (c) provide methods of reducing the number of investigative interviews necessary whenever possible; (d) assure, to the extent possible, that investigative interviews are thorough, objective, and complete; (e) recognize needs of special populations, such as persons with developmental disabilities; (f) recognize the nature and

consequences of victimization; (g) require investigative interviews to be conducted in a manner most likely to permit the interviewed persons the maximum emotional comfort under the circumstances; (h) address record retention and retrieval; and (i) documentation of investigative interviews.

**NEW SECTION. Sec. 6.** A new section is added to chapter 43.20A RCW to read as follows:

The department shall establish three pilot projects involving child sexual abuse investigations. The projects shall follow written protocols and use different methods and techniques to conduct and preserve interviews with alleged child victims of sexual abuse. The department shall provide the appropriate committees of the senate and house of representatives an interim report by December 15, 1999, and a final report by December 15, 2000. The Washington state institute for public policy shall evaluate the pilot projects and report to the legislature by December 1, 2000.

**Sec. 7.** RCW 26.44.035 and 1997 c 386 s 26 are each amended to read as follows:

(1) If the department or a law enforcement agency responds to a complaint of alleged child abuse or neglect and discovers that another agency has also responded to the complaint, the agency shall notify the other agency of their presence, and the agencies shall coordinate the investigation and keep each other apprised of progress.

(2) The department, each law enforcement agency, each county prosecuting attorney, each city attorney, and each court shall make as soon as practicable a written record and shall maintain records of all incidents of suspected child abuse reported to that person or agency.

(3) Every employee of the department who conducts an interview of any person involved in an allegation of abuse or neglect shall retain his or her original written records or notes setting forth the content of the interview unless the notes were entered into the electronic system operated by the department which is designed for storage, retrieval, and preservation of such records.

(4) Written records involving child sexual abuse shall, at a minimum, be a near verbatim record for the disclosure interview. The near verbatim record shall be produced within fifteen calendar days of the disclosure interview, unless waived by management on a case-by-case basis.

(5) Records kept under this section shall be identifiable by means of an agency code for child abuse.

**NEW SECTION. Sec. 8.** The legislature finds that the parent, guardian, or foster parent of a child who may be the victim of abuse or neglect may become involved in the investigation of the abuse or neglect. The parent, guardian, or foster parent may also be made a party to later court proceedings and be subject to a court-ordered examination by a physician, psychologist, or psychiatrist. It is the intent of the legislature by enacting section 9 of this act to avoid actual or perceived conflicts of interest that may occur when the parent, guardian, or foster parent is also a law enforcement officer and is assigned to conduct the investigation of alleged abuse or neglect concerning the child.

**NEW SECTION. Sec. 9.** A new section is added to chapter 26.44 RCW to read as follows:

A law enforcement agency shall not allow a law enforcement officer to participate as an investigator in the investigation of alleged abuse or neglect concerning a child for whom the law enforcement officer is, or has been, a parent, guardian, or foster parent. This section is not intended to limit the authority or duty of a law enforcement officer to report, testify, or be examined as authorized or required by this chapter, or to perform other official duties as a law enforcement officer.

**NEW SECTION. Sec. 10.** If specific funding for the purposes of sections 1 through 7 this act, referencing sections 1 through 7 of this act by bill or chapter number, is not provided by June 30, 1999, in the omnibus appropriations act, sections 1 through 7 this act are null and void."

Correct the title.

Representatives Kagi and Carrell spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hurst, McDonald and D. Sommers spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Senate Bill No. 5127, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5127, as amended by the House, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Quall - 1.

Senate Bill No. 5127, as amended by the House, having received the constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5909, by Senate Committee on Labor & Workforce Development (originally sponsored by Senator Fairley)

Modifying the job skills program.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Conway, Clements, Doumit, Cooper, Reardon and Fortunato spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5909.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5909 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken,

Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Quall - 1.

Engrossed Substitute Senate Bill No. 5909, having received the constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5208, by Senate Committee on Environmental Quality & Water Resources (originally sponsored by Senators Rasmussen, Stevens, T. Sheldon and Morton)

Changing labeling requirements for specialty fertilizers.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Agriculture & Ecology was before the House for purpose of amendments. (For committee amendment(s), see Journal, 82<sup>nd</sup> Day, April 2, 1999.)

Representative Dickerson moved the adoption of amendment (210) to the committee amendment:

On page 1, line 20 of the committee amendment, after "minimum," insert "the statement "This product may contain certain toxic waste" and"

Representatives Dickerson, Schual-Berke, Romero, Dunshee, Dickerson (again), Ruderman and Dunshee (again) spoke in favor of the adoption of the amendment to the committee amendment.

Representatives Schoesler, Linville, G. Chandler, Fortunato and Carrell spoke against the adoption of the amendment to the committee amendment.

Division was demanded. Speaker Ballard divided the House. The results of the division was 41-YEAS; 56-NAYS. The amendment to the committee amendment was not adopted.

Representative Fortunato moved the adoption of amendment (182) to the committee amendment:

On page 1, line 35 of the committee amendment, after "at" strike "<http://www.state-regulatory-information-xx.com>" and insert "<http://www.regulatory-info-xx.com>"

Representatives Fortunato and Linville spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Fortunato, Linville and G. Chandler spoke in favor of passage of the bill.



Representative Hurst spoke against the passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5208, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5208, as amended by the House, and the bill passed the House by the following vote: Yeas - 55, Nays - 42, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Ballasiotes, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cooper, Cox, Crouse, DeBolt, Delvin, Doumit, Edwards, Eickmeyer, Esser, Fortunato, Grant, Hankins, Hatfield, Huff, Kessler, Koster, Lambert, Linville, Lisk, Mastin, McDonald, McMorris, Mielke, Miloscia, Mitchell, Mulliken, Parlette, Pennington, Pflug, Radcliff, Reardon, Schindler, D. Schmidt, K. Schmidt, Schoesler, Scott, Skinner, D. Sommers, Stensen, Sump, Talcott and Mr. Speaker Ballard - 55.

Voting nay: Representatives Anderson, Barlean, Cody, Constantine, Conway, Dickerson, Dunn, Dunshee, Edmonds, Ericksen, Fisher, Gombosky, Haigh, Hurst, Kagi, Kastama, Keiser, Kenney, Lantz, Lovick, McIntire, Morris, Murray, O'Brien, Ogden, Poulsen, Regala, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, H. Sommers, Sullivan, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, and Mr. Speaker Chopp - 42.

Excused: Representatives Quall - 1.

Engrossed Substitute Senate Bill No. 5208, as amended by the House, having received the constitutional majority, was declared passed.

#### STATEMENT FOR THE JOURNAL

I intended to vote NAY on Engrossed Senate Bill No. 5208.

JEANNE EDWARDS, 1<sup>st</sup> District

#### STATEMENT FOR THE JOURNAL

I intended to vote NAY on Engrossed Senate Bill No. 5208.

JOHN LOVICK, 44<sup>th</sup> District

SUBSTITUTE SENATE BILL NO. 5312, by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Costa, Deccio, Winsley, Wojahn, Thibaudeau and Kohl-Welles)

Providing for the prevention of workplace violence in health care settings.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Commerce & Labor was before the House for purpose of amendments. (For committee amendment(s), see Journal, 82<sup>nd</sup> Day, April 2, 1999.)

Representative Clements moved the adoption of amendment (202) to the committee amendment:

On page 2, line 37 of the amendment, after "temporary" strike "or sporadic"

On page 2, line 37 of the amendment, after "employee." insert "For temporary employees, training would take into account unique circumstances."

Representatives Clements and Conway spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

Representative Conway moved the adoption of amendment (223) to the committee amendment:

On page 5 of the striking amendment, after line 10, insert the following:

**"NEW SECTION. Sec. 9.** (1) State hospitals, as defined in RCW 72.23.010, shall comply with all the requirements of sections 1 through 3 and 5 through 8 of this act.

(2) By July 1, 2001, and on a regular basis thereafter, as set forth in the plan developed under section 3 of this act, each state hospital shall provide violence prevention training to all its affected employees as determined by the plan. Each employee shall receive violence prevention training prior to providing patient care, in addition to his or her ongoing training as determined by the plan. The training may vary by the plan and may include, but is not limited to, classes, videotapes, brochures, verbal training, or other verbal or written training that is determined to be appropriate under the plan. The training shall address the topics provided in section 4 of this act, as appropriate to the particular setting and to the duties and responsibilities of the particular employee being trained, based upon the hazards identified in the assessment required under section 3 of this act.

**NEW SECTION. Sec. 10.** If specific funding for purposes of section 9 of this act, referencing this act by bill and section number or chapter and section number, is not provided by June 30, 1999, in the omnibus appropriations act, section 9 of this act is null and void."

Renumber remaining sections accordingly and correct internal references.

Representatives Conway, Conway, Talcott and Wood spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

There being no objection, the committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Clements and Cody spoke in favor of passage of the bill.

#### MOTION

On motion of Representative Schoesler, Representative DeBolt was excused.

Speaker Ballard stated the question before the House to be final passage of Substitute Senate Bill No. 5312, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5312, as amended by the House, and the bill passed the House by the following vote: Yeas - 92, Nays - 4, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 92.

Voting nay: Representatives B. Chandler, Koster, Lambert and Mulliken - 4.

Excused: Representatives DeBolt and Quall - 2.

Substitute Senate Bill No. 5312, as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6058, by Senate Committee on Ways & Means (originally sponsored by Senators Loveland, Honeyford, Sellar, Oke, Stevens and Rasmussen; by request of Department of Revenue)

Providing that growing or packing agricultural products is not a manufacturing activity for tax purposes.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Finance was not adopted. (For committee amendment(s), see Journal, 85<sup>th</sup> Day, April 5, 1999.)

Representative B. Chandler moved the adoption of amendment (222):

Strike everything after the enacting clause and insert:

"**Sec. 1.** RCW 82.04.120 and 1998 c 168 s 1 are each amended to read as follows:

"To manufacture" embraces all activities of a commercial or industrial nature wherein labor or skill is applied, by hand or machinery, to materials so that as a result thereof a new, different or useful substance or article of tangible personal property is produced for sale or commercial or industrial use, and shall include: (1) The production or fabrication of special made or custom made articles; and (2) the production or fabrication of dental appliances, devices, restorations, substitutes, or other dental laboratory products by a dental laboratory or dental technician.

"To manufacture" shall not include: Conditioning of seed for use in planting; cubing hay or alfalfa; (~~or~~) activities which consist of cutting, grading, or ice glazing seafood which has been cooked, frozen, or canned outside this state; the growing, harvesting, or producing of agricultural products; or packing of agricultural products, including sorting, washing, rinsing, grading, waxing, treating with fungicide, packaging, chilling, or placing in controlled atmospheric storage.

**Sec. 2.** RCW 82.60.020 and 1996 c 290 s 4 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Applicant" means a person applying for a tax deferral under this chapter.

(2) "Controlled atmosphere fruit storage" means any storage warehouse consisting of one or more rooms, or one or more rooms in any one facility in which atmospheric gases are controlled in their amount and in degrees of temperature for the purpose of controlling the condition and maturity of any fresh fruits in order that, upon removal, they may be designated as having been exposed to controlled atmosphere.

(3) "Department" means the department of revenue.

~~((3))~~ (4) "Eligible area" means: (a) A county in which the average level of unemployment for the three years before the year in which an application is filed under this chapter exceeds the average state unemployment for those years by twenty percent; (b) a county that has a median household income that is less than seventy-five percent of the state median household income for the previous three years; (c) a metropolitan statistical area, as defined by the office of federal statistical policy and standards, United States department of commerce, in which the average level of unemployment for the calendar year immediately preceding the year in which an application is filed under this chapter exceeds the average state unemployment for such calendar year by twenty percent; (d) a designated community empowerment zone approved under RCW 43.63A.700 or a county containing such a community empowerment zone; (e) a town with a population of less than twelve hundred persons in those counties that are not covered under (a) of this subsection that are timber impact areas as defined in RCW 43.31.601; (f) a county designated by the governor as an eligible area under RCW 82.60.047; or (g) a county that is contiguous to a county that qualifies as an eligible area under (a) or (f) of this subsection.

~~((4))~~ (5)(a) "Eligible investment project" means:

(i) An investment project in an eligible area as defined in subsection ~~((3))~~ (4)(a), (b), (c), (e), or (f) of this section; or

(ii) That portion of an investment project in an eligible area as defined in subsection ~~((3))~~ (4)(d) or (g) of this section which is directly utilized to create at least one new full-time qualified employment position for each three hundred thousand dollars of investment on which a deferral is requested in an application approved before July 1, 1994, and for each seven hundred fifty thousand dollars of investment on which a deferral is requested in an application approved after June 30, 1994.

(b) The lessor/owner of a qualified building is not eligible for a deferral unless the underlying ownership of the buildings, machinery, and equipment vests exclusively in the same person, or unless the lessor by written contract agrees to pass the economic benefit of the deferral to the lessee in the form of reduced rent payments.

(c) For purposes of (a)(ii) of this subsection:

(i) The department shall consider the entire investment project, including any investment in machinery and equipment that otherwise qualifies for exemption under RCW 82.08.02565 or 82.12.02565, for purposes of determining the portion of the investment project that qualifies for deferral as an eligible investment project; and

(ii) The number of new full-time qualified employment positions created by an investment project shall be deemed to be reduced by the number of full-time employment positions maintained by the recipient in any other community in this state that are displaced as a result of the investment project.

(d) "Eligible investment project" does not include any portion of an investment project undertaken by a light and power business as defined in RCW 82.16.010(5), other than that portion of a cogeneration project that is used to generate power for consumption within the manufacturing site of which the cogeneration project is an integral part, or investment projects which have already received deferrals under this chapter.

~~((5))~~ (6) "Investment project" means an investment in qualified buildings or qualified machinery and equipment, including labor and services rendered in the planning, installation, and construction of the project.

~~((6))~~ (7) "Manufacturing" means ~~((all activities of a commercial or industrial nature wherein labor or skill is applied, by hand or machinery, to materials so that as a result thereof a new, different, or useful substance or article of tangible personal property is produced for sale or commercial or industrial use and shall include the production or fabrication of specially made or custom made articles))~~ the same as defined in RCW 82.04.120. "Manufacturing" also includes computer programming, the production of computer software, and other computer-related services, and the activities performed by research and development laboratories and commercial testing laboratories.

~~((7))~~ (8) "Person" has the meaning given in RCW 82.04.030.

~~((8))~~ (9) "Qualified buildings" means construction of new structures, and expansion or renovation of existing structures for the purpose of increasing floor space or production capacity used for manufacturing, controlled atmosphere fruit storage, and research and development activities,

including plant offices and warehouses or other facilities for the storage of raw material or finished goods if such facilities are an essential or an integral part of a factory, mill, plant, or laboratory used for manufacturing, controlled atmosphere fruit storage, or research and development. If a building is used partly for manufacturing, controlled atmosphere fruit storage, or research and development and partly for other purposes, the applicable tax deferral shall be determined by apportionment of the costs of construction under rules adopted by the department.

~~((9))~~ (10) "Qualified employment position" means a permanent full-time employee employed in the eligible investment project during the entire tax year.

~~((10))~~ (11) "Qualified machinery and equipment" means all new industrial and research fixtures, equipment, and support facilities that are an integral and necessary part of a manufacturing, controlled atmosphere fruit storage, or research and development operation. "Qualified machinery and equipment" includes: Computers; software; data processing equipment; laboratory equipment; ~~((manufacturing))~~ components such as belts, pulleys, shafts, and moving parts; molds, tools, and dies; operating structures; and all equipment used to control or operate the machinery.

~~((11))~~ (12) "Recipient" means a person receiving a tax deferral under this chapter.

~~((12))~~ (13) "Research and development" means the development, refinement, testing, marketing, and commercialization of a product, service, or process before commercial sales have begun. As used in this subsection, "commercial sales" excludes sales of prototypes or sales for market testing if the total gross receipts from such sales of the product, service, or process do not exceed one million dollars.

**Sec. 3.** RCW 82.62.010 and 1996 c 290 s 5 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Applicant" means a person applying for a tax credit under this chapter.

(2) "Department" means the department of revenue.

(3) "Eligible area" means: (a) A county in which the average level of unemployment for the three years before the year in which an application is filed under this chapter exceeds the average state unemployment for those years by twenty percent; (b) a county that has a median household income that is less than seventy-five percent of the state median household income for the previous three years; (c) a metropolitan statistical area, as defined by the office of federal statistical policy and standards, United States department of commerce, in which the average level of unemployment for the calendar year immediately preceding the year in which an application is filed under this chapter exceeds the average state unemployment for such calendar year by twenty percent; (d) a designated community empowerment zone approved under RCW 43.63A.700; or (e) subcounty areas in those counties that are not covered under (a) of this subsection that are timber impact areas as defined in RCW 43.31.601.

(4)(a) "Eligible business project" means manufacturing or research and development activities which are conducted by an applicant in an eligible area at a specific facility, provided the applicant's average full-time qualified employment positions at the specific facility will be at least fifteen percent greater in the year for which the credit is being sought than the applicant's average full-time qualified employment positions at the same facility in the immediately preceding year.

(b) "Eligible business project" does not include any portion of a business project undertaken by a light and power business as defined in RCW 82.16.010(5) or that portion of a business project creating qualified full-time employment positions outside an eligible area or those recipients of a sales tax deferral under chapter 82.61 RCW.

(5) "Manufacturing" means ~~((all activities of a commercial or industrial nature wherein labor or skill is applied, by hand or machinery, to materials so that as a result thereof a new, different, or useful substance or article of tangible personal property is produced for sale or commercial or industrial use and shall include the production or fabrication of specially made or custom made articles))~~ the same as defined in RCW 82.04.120. "Manufacturing" also includes computer programming, the production of computer software, and other computer-related services, and the activities performed by research and development laboratories and commercial testing laboratories.

(6) "Person" has the meaning given in RCW 82.04.030.

(7) "Qualified employment position" means a permanent full-time employee employed in the eligible business project during the entire tax year.

(8) "Tax year" means the calendar year in which taxes are due.

(9) "Recipient" means a person receiving tax credits under this chapter.

(10) "Research and development" means the development, refinement, testing, marketing, and commercialization of a product, service, or process before commercial sales have begun. As used in this subsection, "commercial sales" excludes sales of prototypes or sales for market testing if the total gross receipts from such sales of the product, service, or process do not exceed one million dollars.

**Sec. 4.** RCW 82.04.120 and 1999 c . . . s 1 (section 1 of this act) are each amended to read as follows:

"To manufacture" embraces all activities of a commercial or industrial nature wherein labor or skill is applied, by hand or machinery, to materials so that as a result thereof a new, different or useful substance or article of tangible personal property is produced for sale or commercial or industrial use, and shall include: (1) The production or fabrication of special made or custom made articles; and (2) the production or fabrication of dental appliances, devices, restorations, substitutes, or other dental laboratory products by a dental laboratory or dental technician.

"To manufacture" shall not include: Conditioning of seed for use in planting; cubing hay or alfalfa; activities which consist of cutting, grading, or ice glazing seafood which has been cooked, frozen, or canned outside this state; the growing, harvesting, or producing of agricultural products; ~~((or))~~ packing of agricultural products, including sorting, washing, rinsing, grading, waxing, treating with fungicide, packaging, chilling, or placing in controlled atmospheric storage; or activities which consist of the assembly of an article from pumping equipment, motor equipment, or compressor equipment, including starters, controls, couplings, blowers, and other accessories for such equipment, if some of the equipment and accessories are purchased from another person and the amount paid for the purchased equipment and accessories is at least eighty percent of the costs of the goods sold, based on materials, labor, and direct overhead.

NEW SECTION. **Sec. 5.** Sections 1, 2(7), and 3 of this act are intended to clarify that this is the intent of the legislature both retroactively and prospectively.

NEW SECTION. **Sec. 6.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 7.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Representatives B. Chandler, Grant, Dunshee and Kessler spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Representative Wolfe, Representative McIntire was excused.

Representatives Thomas and Reardon spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute Senate Bill No. 6058, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6058, as amended by the House, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives DeBolt, McIntire and Quall - 3.

Substitute Senate Bill No. 6058, as amended by the House, having received the constitutional majority, was declared passed.

There being no objection, the Rules Committee was relieved of Engrossed Senate Bill No. 5962, and the bill was placed on the second reading calendar.

ENGROSSED SENATE BILL NO. 5962, by Senate Committee on Energy, Technology & Telecommunications (originally sponsored by Senators Brown, Horn and Finkbeiner; by request of Secretary of State and Governor Locke)

Promoting electronic commerce through digital signatures.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Technology, Telecommunications & Energy was not adopted. (For committee amendment(s), see Journal, 82<sup>nd</sup> Day, April 2, 1999.)

Representative Ruderman moved the adoption of amendment (228):

On page 21, line 17, strike all of section 16.

ReNUMBER the sections accordingly and correct the title.

Representatives Ruderman and Crouse spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Ruderman moved the adoption of amendment (178):

On page 24, line 34, after "public" strike "business; or" and insert "business. The department may issue certificates to such persons or entities only if after issuing a request for proposals from certification authorities licensed under chapter 19.34 RCW and review of the submitted proposals, makes a determination that such private services are not sufficient to meet the department's published

requirements. The department must set forth in writing the basis of any such determination and provide procedures for challenge of the determination as provided by the state procurement requirements; or"

On page 25, line 1, after "(1)" strike "The" and insert "If the department of information services issues certificates to nongovernmental entities or individuals pursuant to section 19(4) of this act, the"

Representatives Ruderman and Crouse spoke in favor of the adoption of the amendment.

The amendment was adopted.

#### MOTION

On motion of Representative Stensen, Speaker Chopp was excused.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ruderman and Crouse spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Engrossed Senate Bill No. 5962, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5962, as amended by the House, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood and Mr. Speaker Ballard - 94.

Excused: Representatives DeBolt, McIntire, Quall and Mr. Speaker Chopp - 4.

Engrossed Senate Bill No. 5962, as amended by the House, having received the constitutional majority, was declared passed.

There being no objection, the Committee on Appropriations was relieved of Substitute Senate Bill No. 5027, and the bill was referred to the Rules Committee.

There being no objection, the House advanced to the eleventh order of business.

#### MOTION

On motion of Representative Lisk, the House adjourned until 10:00 a.m., Friday, April 16, 1999, the 96<sup>th</sup> Legislative Day.



TIMOTHY A. MARTIN, Chief Clerk    CLYDE BALLARD, Speaker  
DEAN R. FOSTER, Chief Clerk    FRANK CHOPP, Speaker

NINETY-FIFTH DAY, APRIL 15, 1999

JOURNAL OF THE HOUSE

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

**NINETY-SIXTH DAY**

**MORNING SESSION**

House Chamber, Olympia, Friday, April 16, 1999

The House was called to order at 10:00 a.m. by Speaker Chopp. The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Tabatha Rosenberg and Danny Graham. Prayer was offered by Father Joseph O'Shea, St. Phillip Church, Woodland.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

**RESOLUTION**

HOUSE RESOLUTION NO. 99-4673, by Representatives Dunn, Kenney, Ogden, Carlson, D. Sommers, Koster, Cairnes, Clements, Benson, Bush, Skinner, Talcott, Lambert, McMorris, K. Schmidt, G. Chandler, Alexander, Fortunato, Doumit, Pennington, Van Luven, Morris, Wensman, Lisk, Carrell, Pflug, B. Chandler, Ballasiotes, Cox, Chopp, Ballard, Kessler, Mulliken, McDonald, Ericksen, Esser, D. Schmidt, Delvin, Schindler, Radcliff, Mastin, Thomas, DeBolt, Parlette, Hankins, Romero, Rockefeller, Murray, Linville, Dickerson, O'Brien, Keiser, Tokuda, Stensen, Constantine, Kastama, Kagi, Santos, Dunshee, Fisher, Eickmeyer, McIntire, Conway, Lovick, Grant, Wood, Schual-Berke, Wolfe and Ruderman

WHEREAS, Mother Joseph of the Sacred Heart, the founder of the Sisters of Providence in the Northwest, was born as Esther Pariseau on April 16, 1823, in St. Elzear, a town near Montreal, Canada. She entered the newly formed Sisters of Providence in Montreal at twenty years of age; and

WHEREAS, Her carriage-maker father made a prophetic remark upon her entry: "I bring to you my daughter, Esther, who wishes to dedicate herself to the religious life. She can read, write, figure accurately, sew, cook, and spin and do all manner of housework. She can do carpentry, handling a hammer and a saw as well as her father. She can also plan for others and she succeeds in anything she undertakes. I assure you, Madam, she will make a good superior some day"; and

WHEREAS, The Sisters of Providence responded to the pleas for help that were coming from the new frontier settlements in the western United States. Mother Joseph was chosen to lead the group of five sisters to the Washington Territory in 1856; and

WHEREAS, By February 1857, the young Sisters inherited their first convent, an old fur storage building abandoned by the Hudson Bay Company, and later used as a barn. Mother Joseph designed a chapel, built the altar herself, and fashioned a tabernacle out of an old candle box; and

WHEREAS, From this home base the Sisters began visiting the sick, and soon opened the first permanent hospital in the territory, which is still operating today as Southwest Washington Medical Center. They also cared for Indian children displaced by the Yakima Indian wars. By spring of the first year, preparations had been completed for a school. The first student arrived early--a three-year-old orphan, and soon a tiny baby boy was also placed at the doorstep; and

WHEREAS, In 1859 Mother Joseph incorporated the Sisters' charitable works and became the President of the Sisters of Charity of the House of Providence in the Territory of Washington, one of Washington's first corporations; and

WHEREAS, From the 1850's to the 1890's Mother Joseph established no less than eleven hospitals, seven academies, five Indian schools, and two orphanages throughout an area that today encompasses Northern Oregon, Idaho, Montana, British Columbia, and Washington, including hospitals that continue in operation in Vancouver, Walla Walla, Seattle, Spokane, Olympia, Port Townsend, Yakima, and Colfax; and

WHEREAS, Some of her most demanding work was raising funds to complete her buildings. She found that the people of Vancouver generally had modest incomes or were poor, and began "begging tours" to the mining camps of Idaho, the Blue Mountains of eastern Washington, Montana, and western Canada; and

WHEREAS, From 1856 to 1873, while she worked on other facilities, Mother Joseph planned and built her home for the Sisters' various medical, spiritual, and educational ministries in Vancouver, Washington. The House of Providence, later called Providence Academy, was three stories high, and was considered to be the biggest brick building in the Washington Territory. Today, it has been declared an historic monument in the "National Register of Historic Places"; and

WHEREAS, After her death from a brain tumor in January 1902, her close friend, Mother Mary Antoinette, honored Mother Joseph in a letter to the community, "She had the characteristics of a genius: incessant works, immense sacrifices, great undertakings; and she never counted the cost to self. She exercised an extraordinary influence on the Church in the West"; and

WHEREAS, In 1953 Mother Joseph was recognized as one of the first architects in the Pacific Northwest, because she was among the first to appreciate the use of Douglas Fir for both carving and building, she was recognized as the "first white artisan to work with wood in the Pacific Northwest," by the West Coast Lumberman's Association; and

WHEREAS, In 1980 Mother Joseph was honored as one of Washington State's two representatives in National Statuary Hall, Washington, D.C.;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize and honor Mother Joseph, on the occasion of the 176th year of her birth.

Representative Dunn moved adoption of the resolution.

Representatives Dunn, Kenney and Carlson, spoke in favor of the adoption of the resolution.

House Resolution No. 99-4673 was adopted.

### **SPEAKER'S PRIVILEGE**

Speaker Chopp introduced Roberta Rorke, Provincial Superior of the Sisters of Providence of Sacred Heart Providence. She was the 25<sup>th</sup> successor to Mother Joseph, who was the Sisters' first Superior in Vancouver. Joining her were Karin Dufault, chairperson of the Board of Directors of the Sisters of Providence Health System in Western Washington, Oregon, Alaska and California, and the 6<sup>th</sup> grade class which brought forward the Mother Joseph bill, the EXCEL students from Burton School in Vancouver.

There being no objection, the House advanced to the sixth order of business.

## SECOND READING

SUBSTITUTE SENATE BILL NO. 5828, by Senate Committee on State & Local Government (originally sponsored by Senators B. Sheldon, Snyder, Franklin, Bauer, Rasmussen, Patterson, Fairley, Kohl-Welles, McAuliffe, Fraser, Prentice, Thibaudeau, Jacobsen, T. Sheldon and Spanel)

Presenting a gift of life award.

The bill was read the second time.

Representative Mitchell moved the adoption of amendment (234):

On page 2, beginning on line 4, after "organization" strike "shall (~~determine whether the~~)" and insert "~~(shall determine whether the)~~ may"

On page 2, line 8, before "submit" strike "shall" and insert "~~(shall)~~ may"

Representatives Mitchell and Romano spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

## MOTION

On motion of Representative Wolfe, Representative Quall was excused.

Representatives Romero and McMorris spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Substitute Senate Bill No. 5828, as amended by the House.

## ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5828, as amended by the House, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Quall - 1.

Substitute Senate Bill No. 5828, as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5399, by Senate Committee on Judiciary (originally sponsored by Senators Rossi, Kline, Costa and McCaslin)

Changing provisions relating to traffic offenses.

Representative Carrell withdrew his request for a scope and object ruling on amendment 145.

Representatives Hurst, Constantine, Carlson and Dunn spoke in favor of the adoption of the amendment.

Representatives Carrell, Lambert, Mastin and Fortunato spoke against the adoption of the amendment.

Division was demanded. Speaker Chopp divided the House. The results of the division was 53-YEAS; 44-NAYS. The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Carrell and Hurst spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Substitute Senate Bill No. 5399, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5399, as amended by the House, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Quall - 1.

Substitute Senate Bill No. 5399, as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8406, by Senate Committee on Judiciary (originally sponsored by Senators Snyder, McCaslin, Franklin and Goings)

Resolving to determine whether or not the legislature should commence proceedings to remove Judge Grant Anderson from office.

The resolution was read the second time.

There being no objection, the committee amendment(s) by the Committee on Judiciary was before the House for purpose of amendment. (For committee amendment(s), see Journal, 82<sup>nd</sup> Day, April 2, 1999.)

Representative Constantine moved the adoption of amendment (236):

On page 1, strike lines 14 through 19 of the amendment, and insert the following:

"WHEREAS, In 1889, the people of the Territory of Washington ratified the Constitution of the State of Washington that established the judiciary as a separate branch of government under Article IV, vested the judicial power of the state in the Supreme Court and lower courts under Article IV, Section 1, and established an independent and autonomous power of the legislature to remove a superior court judge from office under Article IV, Section 9, or to impeach and remove a superior court judge from office under Article V; and"

On page 2, line 4 of the amendment, after "1" insert "and Article IV, Section 31"

Representatives Constantine and Carrell spoke in favor of the adoption of the amendment.

The amendment to the committee amendment was adopted.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the resolution was placed on final passage.

Representatives Constantine, Carrell, Hurst, Campbell, Lambert, Rockefeller and Esser spoke in favor of passage of the resolution.

Speaker Chopp stated the question before the House to be final passage of Substitute Senate Concurrent Resolution No. 8406, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Concurrent Resolution No. 8406, as amended by the House, and the resolution passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Vloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Quall - 1.

Substitute Senate Concurrent Resolution No. 8406, as amended by the House, having received the constitutional majority, was declared passed.

#### MESSAGES FROM THE SENATE

April 15, 1999

Mr. Speaker:

The Senate has passed:

and the same are herewith transmitted.

SUBSTITUTE SENATE BILL NO. 6090,

Tony M. Cook, Secretary

April 15, 1999

Mr. Speaker:

The Senate has passed:

HOUSE BILL NO. 1142,  
ENGROSSED HOUSE BILL NO. 1313,  
HOUSE BILL NO. 1330,  
SUBSTITUTE HOUSE BILL NO. 1620,  
SECOND SUBSTITUTE HOUSE BILL NO. 1661,  
HOUSE BILL NO. 1703,  
SUBSTITUTE HOUSE BILL NO. 1718,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1798,  
HOUSE BILL NO. 2081,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2095,  
HOUSE JOINT MEMORIAL NO. 4015, and the same are herewith transmitted.

Tony M. Cook, Secretary

April 15, 1999

Mr. Speaker:

The President has signed:

ENGROSSED HOUSE BILL NO. 1067,  
SUBSTITUTE HOUSE BILL NO. 1069,  
HOUSE BILL NO. 1152,

SUBSTITUTE HOUSE BILL NO. 1158,  
HOUSE BILL NO. 1238,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1245,  
SUBSTITUTE HOUSE BILL NO. 1251,  
ENGROSSED HOUSE BILL NO. 1263,  
SUBSTITUTE HOUSE BILL NO. 1324,  
HOUSE BILL NO. 1422,  
SUBSTITUTE HOUSE BILL NO. 1485,  
HOUSE BILL NO. 1495,  
SECOND SUBSTITUTE HOUSE BILL NO. 1546,  
SUBSTITUTE HOUSE BILL NO. 1668,  
SECOND SUBSTITUTE HOUSE BILL NO. 1729,  
SUBSTITUTE HOUSE BILL NO. 1744,  
SUBSTITUTE HOUSE BILL NO. 1777,  
HOUSE BILL NO. 2052,

and the same are herewith transmitted.

Tony M. Cook, Secretary

### **RESOLUTION**

HOUSE RESOLUTION NO. 99-4668, by Representatives Cooper, Dunshee, Reardon, Scott, Fisher, H. Sommers, D. Schmidt and Barlean

WHEREAS, It is the policy of the Washington state legislature to recognize the contributions of individuals who reflect standards of excellence that enhance the well-being and quality of life of the citizens of the state of Washington; and

WHEREAS, Dr. Charles E. Moon has served as a member of the Washington state legislature for sixteen years, from 1962 to 1976, and from 1982 to 1984, representing the thirty-ninth district and serving on several committees, including Local Government, Rules, Natural Resources, Utilities and Energy, Revenue, and Appropriations; and

WHEREAS, Dr. Moon went on to serve the citizens of the state of Washington by serving on the Board of Commissioners of the Snohomish County Public Utility from 1987 until his retirement at the end of 1998, and also served as the president of the Washington PUD Association in 1992, and continues to serve on its executive committee; and

WHEREAS, Dr. Moon has been continuously active on behalf of the public in Snohomish County and the state of Washington, serving on the county Private Industry Council, the county Civil Service Commission, the State Board of Veterinarian Examiners, and the Snohomish City Council; and



WHEREAS, Dr. Moon has received many awards including the Washington Education Association Joe A. Chandler award for significant contribution in the field of tax reform in 1967, the club leadership award for his presidency of the Kiwanis Club in Snohomish-Tillicum in 1984, and the Seattle Daycare Nursery Association award for his support of the program for abused and neglected infants and toddlers; and

WHEREAS, Dr. Moon, his wife, Ellen, and their family have continued to support their community by encouraging and participating in numerous youth and community services, including the generous donation of twenty acres of the family's Snohomish farm to the Washington District's Little League for a proposed Little League ball park; and

WHEREAS, Dr. Moon has had an exemplary life as an activist on behalf of public use and conservation of energy, an advocate of reducing the tax burden of the average citizen, and a caring veterinarian;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize Dr. Charles E. Moon for his years of dedicated service on behalf of the citizens of the state of Washington; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to Dr. Charles E. Moon.

Representative Cooper moved the adoption of the resolution.

Representatives Cooper, Dunshee, Anderson, Fisher and Ogden spoke in favor of the adoption of the resolution.

House Resolution No. 99-4668 was adopted.

#### **SPEAKER'S PRIVILEGE**

Speaker Chopp introduced Dr. Charles E. Moon and his family and asked the Chamber to acknowledge them.

#### **SECOND READING**

SENATE BILL NO. 5374, by Senators Heavey and Johnson; by request of Department of Licensing

Making corrective amendments to certain drivers' licensing laws.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Transportation was adopted. (For committee amendment(s), see Journal, 85<sup>th</sup> Day, April 5, 1999.)

There being no objection, amendment 159 was withdrawn

Representative K. Schmidt moved the adoption of amendment (166):

On page 23, after line 21, insert the following:

"**Sec. 9.** RCW 46.20.120 and 1999 c 6 s 19 are each amended to read as follows:

An applicant for a new or renewed driver's license must successfully pass a driver licensing examination to qualify for a driver's license. The department shall give examinations at places and times reasonably available to the people of this state.

(1) **Waiver.** The department may waive:

(a) All or any part of the examination of any person applying for the renewal of a driver's license unless the department determines that the applicant is not qualified to hold a driver's license under this title; or

(b) The actual demonstration of the ability to operate a motor vehicle if the applicant:

- (i) Surrenders a valid driver's license issued by the person's previous home state; and
- (ii) Is otherwise qualified to be licensed.

(2) **Fee.** Each applicant for a new license must pay an examination fee of seven dollars.

(a) The examination fee is in addition to the fee charged for issuance of the license.

(b) "New license" means a license issued to a driver:

- (i) Who has not been previously licensed in this state; or
- (ii) Whose last previous Washington license has been expired for more than ~~((four))~~ six years.

**Sec. 10.** RCW 46.20.161 and 1999 c 6 s 22 are each amended to read as follows:

The department, upon receipt of a fee of ~~((fourteen))~~ thirty dollars, unless the driver's license is issued for a period other than six years, in which case the fee shall be five dollars for each year that the license is issued, which includes the fee for the required photograph, shall issue to every qualifying applicant a driver's license. The license must include a distinguishing number assigned to the licensee, the name of record, date of birth, Washington residence address, photograph, a brief description of the licensee, and either a facsimile of the signature of the licensee or a space upon which the licensee shall write his or her usual signature with pen and ink immediately upon receipt of the license. No license is valid until it has been so signed by the licensee.

**Sec. 11.** RCW 46.20.181 and 1999 c 6 s 23 are each amended to read as follows:

(1) Except as provided in subsection (4) of this section, every driver's license expires on the ~~((fourth))~~ sixth anniversary of the licensee's birthdate following the issuance of the license.

(2) A person may renew his or her license on or before the expiration date by submitting an application as prescribed by the department and paying a fee of ~~((fourteen))~~ thirty dollars. This fee includes the fee for the required photograph.

(3) A person renewing his or her driver's license more than sixty days after the license has expired shall pay a penalty fee of ten dollars in addition to the renewal fee, unless his or her license expired when:

(a) The person was outside the state and he or she renews the license within sixty days after returning to this state; or

(b) The person was incapacitated and he or she renews the license within sixty days after the termination of the incapacity.

(4) During the period from July 1, 2000, to July 1, 2006, the department may issue or renew a driver's license for a period other than six years, or may extend by mail a license that has already been issued, in order to evenly distribute, as nearly as possible, the yearly renewal rate of licensed drivers. The fee for a driver's license issued or renewed for a period other than six years, or that has been extended by mail, is five dollars for each year that the license is issued, renewed, or extended. The department may adopt any rules as are necessary to carry out this subsection.

**Sec. 12.** RCW 46.20.470 and 1989 c 178 s 21 are each amended to read as follows:

There shall be an additional fee for issuing any class of commercial driver's license in addition to the prescribed fee required for the issuance of the original driver's license. The additional fee for each class shall not exceed ~~((twelve))~~ twenty-four dollars for the original commercial driver's license or subsequent renewals, unless the commercial driver's license is renewed or extended for a period other than six years, in which case the fee for each class shall not exceed four dollars for each year that the commercial driver's license is renewed or extended. The fee shall be deposited in the highway safety fund.

**Sec. 13.** RCW 46.20.505 and 1993 c 115 s 1 are each amended to read as follows:

Every person applying for a special endorsement or a new category of endorsement of a driver's license authorizing such person to drive a motorcycle or a motor-driven cycle shall pay an

examination fee of two dollars which is not refundable. In addition, the endorsement fee for the initial or new category motorcycle endorsement shall ~~((be six))~~ not exceed twelve dollars, and the subsequent renewal endorsement fee shall ~~((be fourteen))~~ not exceed thirty dollars, unless the endorsement is renewed or extended for a period other than six years, in which case the subsequent renewal endorsement fee shall not exceed five dollars for each year that the endorsement is renewed or extended. The initial or new category and renewal endorsement fees shall be deposited in the motorcycle safety education account of the highway safety fund.

NEW SECTION. **Sec. 14.** Sections 9 through 13 of this act take effect July 1, 2000."

Correct the title.

Representatives K. Schmidt and Fisher spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

#### MOTIONS

On motion of Representative Schoesler, Representative Crouse was excused. On motion of Representative Kastama, Representative Lantz was excused.

Representatives Fisher and K. Schmidt spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Senate Bill No. 5374, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5374, as amended by the House, and the bill passed the House by the following vote: Yeas - 91, Nays - 4, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, DeBolt, Delvin, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Linville, Lisk, Lovick, Mastin, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 91.

Voting nay: Representatives Benson, Dunn, McDonald and Schindler - 4.

Excused: Representatives Crouse, Lantz and Quall - 3.

Senate Bill No. 5374, as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5029, by Senators Franklin, Winsley, Roach, Jacobsen, Long, Fraser, Bauer and Rasmussen; by request of Joint Committee on Pension Policy

Establishing membership in the public employees' retirement system.

The bill was read the second time.

There being no objection, amendment 233 was withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives D. Sommers and H. Sommers spoke in favor of passage of the bill.

Representative Conway spoke against passage of the bill.

### **POINT OF ORDER**

Representative Mastin stated that the amendment was withdrawn to which the speaker was addressing.

### **SPEAKER'S RULING**

Speaker Chopp ruled that the point was well taken and requested that the speaker contain his remarks to the bill at hand.

Speaker Chopp stated the question before the House to be final passage of Substitute Senate Bill No. 5029.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5029 and the bill passed the House by the following vote: Yeas - 93, Nays - 2, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Cox, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 93.

Voting nay: Representatives Conway and Cooper - 2.

Excused: Representatives Crouse, Lantz and Quall - 3.

Substitute Senate Bill No. 5029, having received the constitutional majority, was declared passed.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5421, by Senate Committee on Ways & Means (originally sponsored by Senators Hargrove, Long, Franklin, Costa, Patterson, Winsley and McAuliffe; by request of Governor Locke)

Enhancing supervision of offenders.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Criminal Justice & Correction was not adopted. (For committee amendment(s), see Journal, 82<sup>nd</sup> Day, April 2, 1999.)

Representative Ballasiotes moved the adoption of amendment (212):

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 9.94A.010 and 1981 c 137 s 1 are each amended to read as follows:

The purpose of this chapter is to make the criminal justice system accountable to the public by developing a system for the sentencing of felony offenders which structures, but does not eliminate, discretionary decisions affecting sentences, and to ~~((add a new chapter to Title 9 RCW designed to))~~:

- (1) Ensure that the punishment for a criminal offense is proportionate to the seriousness of the offense and the offender's criminal history;
- (2) Promote respect for the law by providing punishment which is just;
- (3) Be commensurate with the punishment imposed on others committing similar offenses;
- (4) Protect the public;
- (5) Offer the offender an opportunity to improve him or herself; ~~((and))~~
- (6) Make frugal use of the state's and local governments' resources; and
- (7) Reduce the risk of reoffending by offenders in the community.

**Sec. 2.** RCW 9.94A.030 and 1998 c 290 s 3 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Collect," or any derivative thereof, "collect and remit," or "collect and deliver," when used with reference to the department of corrections, means that the department, either directly or through a collection agreement authorized by RCW 9.94A.145, is responsible for monitoring and enforcing the offender's sentence with regard to the legal financial obligation, receiving payment thereof from the offender, and, consistent with current law, delivering daily the entire payment to the superior court clerk without depositing it in a departmental account.

(2) "Commission" means the sentencing guidelines commission.

(3) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

(4) "Community custody" means that portion of an ~~((inmate's))~~ offender's sentence of confinement in lieu of earned ~~((early))~~ release time or imposed pursuant to RCW 9.94A.120 ~~(5), (6), (7), (8), ((or)) (10), or (11), or RCW 9.94A.383,~~ served in the community subject to controls placed on the ~~((inmate's))~~ offender's movement and activities by the department of corrections. For offenders placed on community custody for crimes committed on or after July 1, 2000, the department shall assess the offender's risk of reoffense and may establish and modify conditions of community custody, in addition to those imposed by the court, based upon the risk to community safety.

(5) "Community custody range" means the minimum and maximum period of community custody included as part of a sentence under RCW 9.94A.120(11), as established by the sentencing guidelines commission or the legislature under RCW 9.94A.040, for crimes committed on or after July 1, 2000.

~~((6))~~ (6) "Community placement" means that period during which the offender is subject to the conditions of community custody and/or postrelease supervision, which begins either upon completion of the term of confinement (postrelease supervision) or at such time as the offender is transferred to community custody in lieu of earned ~~((early))~~ release. Community placement may consist of entirely community custody, entirely postrelease supervision, or a combination of the two.

~~((6))~~ (7) "Community service" means compulsory service, without compensation, performed for the benefit of the community by the offender.

~~((7))~~ (8) "Community supervision" means a period of time during which a convicted offender is subject to crime-related prohibitions and other sentence conditions imposed by a court pursuant to this chapter or RCW 16.52.200(6) or 46.61.524. For first-time offenders, the supervision may include crime-related prohibitions and other conditions imposed pursuant to RCW 9.94A.120(5). For purposes of the interstate compact for out-of-state supervision of parolees and probationers, RCW 9.95.270,

community supervision is the functional equivalent of probation and should be considered the same as probation by other states.

~~((8))~~ (9) "Confinement" means total or partial confinement as defined in this section.

~~((9))~~ (10) "Conviction" means an adjudication of guilt pursuant to Titles 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

~~((10))~~ (11) "Court-ordered legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington for legal financial obligations which may include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction. Upon conviction for vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal financial obligations may also include payment to a public agency of the expense of an emergency response to the incident resulting in the conviction, subject to the provisions in RCW 38.52.430.

~~((11))~~ (12) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct. However, affirmative acts necessary to monitor compliance with the order of a court may be required by the department.

~~((12))~~ (13) "Criminal history" means the list of a defendant's prior convictions and juvenile adjudications, whether in this state, in federal court, or elsewhere. The history shall include, where known, for each conviction (a) whether the defendant has been placed on probation and the length and terms thereof; and (b) whether the defendant has been incarcerated and the length of incarceration.

~~((13))~~ (14) "Day fine" means a fine imposed by the sentencing judge that equals the difference between the offender's net daily income and the reasonable obligations that the offender has for the support of the offender and any dependents.

~~((14))~~ (15) "Day reporting" means a program of enhanced supervision designed to monitor the defendant's daily activities and compliance with sentence conditions, and in which the defendant is required to report daily to a specific location designated by the department or the sentencing judge.

~~((15))~~ (16) "Department" means the department of corrections.

~~((16))~~ (17) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community supervision, the number of actual hours or days of community service work, or dollars or terms of a legal financial obligation. The fact that an offender through "earned (~~early~~) release" can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

~~((17))~~ (18) "Disposable earnings" means that part of the earnings of an individual remaining after the deduction from those earnings of any amount required by law to be withheld. For the purposes of this definition, "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonuses, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy a court-ordered legal financial obligation, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

~~((18))~~ (19) "Drug offense" means:

(a) Any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.401(d)) or forged prescription for a controlled substance (RCW 69.50.403);

(b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or

(c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection.

~~((19))~~ (20) "Escape" means:

(a) Escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), willful failure to return from

work release (RCW 72.65.070), or willful failure to be available for supervision by the department while in community custody (RCW 72.09.310); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection.

~~((20))~~ (21) "Felony traffic offense" means:

(a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), or felony hit-and-run injury-accident (RCW 46.52.020(4)); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection.

~~((21))~~ (22) "Fines" means the requirement that the offender pay a specific sum of money over a specific period of time to the court.

~~((22))~~ (23) "First-time offender" means any person who is convicted of a felony (a) not classified as a violent offense or a sex offense under this chapter, or (b) that is not the manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance classified in Schedule I or II that is a narcotic drug or flunitrazepam classified in Schedule IV, nor the manufacture, delivery, or possession with intent to deliver methamphetamine, its salts, isomers, and salts of its isomers as defined in RCW 69.50.206(d)(2), nor the selling for profit of any controlled substance or counterfeit substance classified in Schedule I, RCW 69.50.204, except leaves and flowering tops of marihuana, who previously has never been convicted of a felony in this state, federal court, or another state, and who has never participated in a program of deferred prosecution for a felony offense.

~~((23))~~ (24) "Home detention" means a program of partial confinement available to offenders wherein the offender is confined in a private residence subject to electronic surveillance.

(25) "Most serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies, as now existing or hereafter amended:

(a) Any felony defined under any law as a class A felony or criminal solicitation of or criminal conspiracy to commit a class A felony;

(b) Assault in the second degree;

(c) Assault of a child in the second degree;

(d) Child molestation in the second degree;

(e) Controlled substance homicide;

(f) Extortion in the first degree;

(g) Incest when committed against a child under age fourteen;

(h) Indecent liberties;

(i) Kidnapping in the second degree;

(j) Leading organized crime;

(k) Manslaughter in the first degree;

(l) Manslaughter in the second degree;

(m) Promoting prostitution in the first degree;

(n) Rape in the third degree;

(o) Robbery in the second degree;

(p) Sexual exploitation;

(q) Vehicular assault;

(r) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(s) Any other class B felony offense with a finding of sexual motivation, as "sexual motivation" is defined under this section;

(t) Any other felony with a deadly weapon verdict under RCW 9.94A.125;

(u) Any felony offense in effect at any time prior to December 2, 1993, that is comparable to a most serious offense under this subsection, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a most serious offense under this subsection;

(v)(i) A prior conviction for indecent liberties under RCW 9A.88.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st ex. sess. as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b),

and (c) as it existed from July 1, 1979, until June 11, 1986, and RCW 9A.44.100(1) (a), (b), and (d) as it existed from June 11, 1986, until July 1, 1988;

(ii) A prior conviction for indecent liberties under RCW 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988, if: (A) The crime was committed against a child under the age of fourteen; or (B) the relationship between the victim and perpetrator is included in the definition of indecent liberties under RCW 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27, 1997, or RCW 9A.44.100(1) (d) or (e) as it existed from July 25, 1993, through July 27, 1997.

~~((24))~~ (26) "Nonviolent offense" means an offense which is not a violent offense.

~~((25))~~ (27) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case is under superior court jurisdiction under RCW 13.04.030 or has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.

~~((26))~~ (28) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention or work crew has been ordered by the court, in an approved residence, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release, home detention, work crew, and a combination of work crew and home detention as defined in this section.

~~((27))~~ (29) "Persistent offender" is an offender who:

(a)(i) Has been convicted in this state of any felony considered a most serious offense; and

(ii) Has, before the commission of the offense under (a) of this subsection, been convicted as an offender on at least two separate occasions, whether in this state or elsewhere, of felonies that under the laws of this state would be considered most serious offenses and would be included in the offender score under RCW 9.94A.360; provided that of the two or more previous convictions, at least one conviction must have occurred before the commission of any of the other most serious offenses for which the offender was previously convicted; or

(b)(i) Has been convicted of: (A) Rape in the first degree, rape of a child in the first degree, child molestation in the first degree, rape in the second degree, rape of a child in the second degree, or indecent liberties by forcible compulsion; (B) murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, or burglary in the first degree, with a finding of sexual motivation; or (C) an attempt to commit any crime listed in this subsection ~~((27))~~ (29)(b)(i); and

(ii) Has, before the commission of the offense under (b)(i) of this subsection, been convicted as an offender on at least one occasion, whether in this state or elsewhere, of an offense listed in (b)(i) of this subsection. A conviction for rape of a child in the first degree constitutes a conviction under subsection ~~((27))~~ (29)(b)(i) only when the offender was sixteen years of age or older when the offender committed the offense. A conviction for rape of a child in the second degree constitutes a conviction under subsection ~~((27))~~ (29)(b)(i) only when the offender was eighteen years of age or older when the offender committed the offense.

~~((28))~~ (30) "Postrelease supervision" is that portion of an offender's community placement that is not community custody.

~~((29))~~ (31) "Restitution" means the requirement that the offender pay a specific sum of money over a specific period of time to the court as payment of damages. The sum may include both public and private costs. The imposition of a restitution order does not preclude civil redress.

~~((30))~~ (32) "Risk assessment" means the application of an objective instrument supported by research and adopted by the department for the purpose of assessing an offender's risk of reoffense, taking into consideration the nature of the harm done by the offender, place and circumstances of the offender related to risk, the offender's relationship to any victim, and any information provided to the department by victims. The results of a risk assessment shall not be based on unconfirmed or unconfirmable allegations.

(33) "Serious traffic offense" means:



(a) Driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502), actual physical control while under the influence of intoxicating liquor or any drug (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or

(b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.

~~((31))~~ (34) "Serious violent offense" is a subcategory of violent offense and means:

(a) Murder in the first degree, homicide by abuse, murder in the second degree, manslaughter in the first degree, assault in the first degree, kidnapping in the first degree, or rape in the first degree, assault of a child in the first degree, or an attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

~~((32))~~ (35) "Sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

~~((33))~~ (36) "Sex offense" means:

(a) A felony that is a violation of chapter 9A.44 RCW or RCW 9A.64.020 or 9.68A.090 or a felony that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes;

(b) A felony with a finding of sexual motivation under RCW 9.94A.127 or 13.40.135; or

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection.

~~((34))~~ (37) "Sexual motivation" means that one of the purposes for which the defendant committed the crime was for the purpose of his or her sexual gratification.

~~((35))~~ (38) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

~~((36))~~ (39) "Transition training" means written and verbal instructions and assistance provided by the department to the offender during the two weeks prior to the offender's successful completion of the work ethic camp program. The transition training shall include instructions in the offender's requirements and obligations during the offender's period of community custody.

~~((37))~~ (40) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged.

~~((38))~~ (41) "Violent offense" means:

(a) Any of the following felonies, as now existing or hereafter amended: Any felony defined under any law as a class A felony or an attempt to commit a class A felony, criminal solicitation of or criminal conspiracy to commit a class A felony, manslaughter in the first degree, manslaughter in the second degree, indecent liberties if committed by forcible compulsion, kidnapping in the second degree, arson in the second degree, assault in the second degree, assault of a child in the second degree, extortion in the first degree, robbery in the second degree, drive-by shooting, vehicular assault, and vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under (a) or (b) of this subsection.

~~((39))~~ (42) "Work crew" means a program of partial confinement consisting of civic improvement tasks for the benefit of the community of not less than thirty-five hours per week that complies with RCW 9.94A.135. The civic improvement tasks shall have minimal negative impact on existing private industries or the labor force in the county where the service or labor is performed. The civic improvement tasks shall not affect employment opportunities for people with developmental disabilities contracted through sheltered workshops as defined in RCW 82.04.385. Only those offenders sentenced to a facility operated or utilized under contract by a county or the state, or sanctioned under RCW 9.94A.205, are eligible to participate on a work crew. Offenders sentenced for

a sex offense as defined in subsection ~~((33))~~ (36) of this section are not eligible for the work crew program.

~~((40))~~ (43) "Work ethic camp" means an alternative incarceration program designed to reduce recidivism and lower the cost of corrections by requiring offenders to complete a comprehensive array of real-world job and vocational experiences, character-building work ethics training, life management skills development, substance abuse rehabilitation, counseling, literacy training, and basic adult education.

~~((41))~~ (44) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school. Participation in work release shall be conditioned upon the offender attending work or school at regularly defined hours and abiding by the rules of the work release facility.

~~((42) "Home detention" means a program of partial confinement available to offenders wherein the offender is confined in a private residence subject to electronic surveillance.-))~~

**Sec. 3.** RCW 9.94A.040 and 1997 c 365 s 2 and 1997 c 338 s 3 are each reenacted and amended to read as follows:

(1) A sentencing guidelines commission is established as an agency of state government.

(2) The legislature finds that the commission, having accomplished its original statutory directive to implement this chapter, and having expertise in sentencing practice and policies, shall:

(a) Evaluate state sentencing policy, to include whether the sentencing ranges and standards are consistent with and further:

(i) The purposes of this chapter as defined in RCW 9.94A.010; and

(ii) The intent of the legislature to emphasize confinement for the violent offender and alternatives to confinement for the nonviolent offender.

The commission shall provide the governor and the legislature with its evaluation and recommendations under this subsection not later than December 1, 1996, and every two years thereafter;

(b) Recommend to the legislature revisions or modifications to the standard sentence ranges, state sentencing policy, prosecuting standards, and other standards. If implementation of the revisions or modifications would result in exceeding the capacity of correctional facilities, then the commission shall accompany its recommendation with an additional list of standard sentence ranges which are consistent with correction capacity;

(c) Study the existing criminal code and from time to time make recommendations to the legislature for modification;

(d)(i) Serve as a clearinghouse and information center for the collection, preparation, analysis, and dissemination of information on state and local adult and juvenile sentencing practices; (ii) develop and maintain a computerized adult and juvenile sentencing information system by individual superior court judge consisting of offender, offense, history, and sentence information entered from judgment and sentence forms for all adult felons; and (iii) conduct ongoing research regarding adult and juvenile sentencing guidelines, use of total confinement and alternatives to total confinement, plea bargaining, and other matters relating to the improvement of the adult criminal justice system and the juvenile justice system;

(e) Assume the powers and duties of the juvenile disposition standards commission after June 30, 1996;

(f) Evaluate the effectiveness of existing disposition standards and related statutes in implementing policies set forth in RCW 13.40.010 generally, specifically review the guidelines relating to the confinement of minor and first offenders as well as the use of diversion, and review the application of current and proposed juvenile sentencing standards and guidelines for potential adverse impacts on the sentencing outcomes of racial and ethnic minority youth;

(g) Solicit the comments and suggestions of the juvenile justice community concerning disposition standards, and make recommendations to the legislature regarding revisions or modifications of the standards. The evaluations shall be submitted to the legislature on December 1 of each odd-numbered year. The department of social and health services shall provide the commission with available data concerning the implementation of the disposition standards and related statutes and

their effect on the performance of the department's responsibilities relating to juvenile offenders, and with recommendations for modification of the disposition standards. The office of the administrator for the courts shall provide the commission with available data on diversion and dispositions of juvenile offenders under chapter 13.40 RCW; and

(h) Not later than December 1, 1997, and at least every two years thereafter, based on available information, report to the governor and the legislature on:

- (i) Racial disproportionality in juvenile and adult sentencing;
- (ii) The capacity of state and local juvenile and adult facilities and resources; and
- (iii) Recidivism information on adult and juvenile offenders.

(3) Each of the commission's recommended standard sentence ranges shall include one or more of the following: Total confinement, partial confinement, community supervision, community service, and a fine.

(4) The standard sentence ranges of total and partial confinement under this chapter are subject to the following limitations:

(a) If the maximum term in the range is one year or less, the minimum term in the range shall be no less than one-third of the maximum term in the range, except that if the maximum term in the range is ninety days or less, the minimum term may be less than one-third of the maximum;

(b) If the maximum term in the range is greater than one year, the minimum term in the range shall be no less than seventy-five percent of the maximum term in the range, except that for murder in the second degree in seriousness category XIII under RCW 9.94A.310, the minimum term in the range shall be no less than fifty percent of the maximum term in the range; and

(c) The maximum term of confinement in a range may not exceed the statutory maximum for the crime as provided in RCW 9A.20.021.

(5)(a) Not later than December 31, 1999, the commission shall propose to the legislature the initial community custody ranges to be included in sentences under RCW 9.94A.120(11) for crimes committed on or after July 1, 2000. Not later than December 31 of each year, the commission may propose modifications to the ranges. The ranges shall be based on the principles in RCW 9.94A.010, and shall take into account the funds available to the department for community custody. The minimum term in each range shall not be less than one-half of the maximum term.

(b) The legislature may, by enactment of a legislative bill, adopt or modify the community custody ranges proposed by the commission. If the legislature fails to adopt or modify the initial ranges in its next regular session after they are proposed, the proposed ranges shall take effect without legislative approval for crimes committed on or after July 1, 2000.

(c) When the commission proposes modifications to ranges pursuant to this subsection, the legislature may, by enactment of a bill, adopt or modify the ranges proposed by the commission for crimes committed on or after July 1 of the year after they were proposed. Unless the legislature adopts or modifies the commission's proposal in its next regular session, the proposed ranges shall not take effect.

(6) The commission shall exercise its duties under this section in conformity with chapter 34.05 RCW.

**Sec. 4.** RCW 9.94A.110 and 1998 c 260 s 2 are each amended to read as follows:

Before imposing a sentence upon a defendant, the court shall conduct a sentencing hearing. The sentencing hearing shall be held within forty court days following conviction. Upon the motion of either party for good cause shown, or on its own motion, the court may extend the time period for conducting the sentencing hearing.

Except in cases where the defendant shall be sentenced to a term of total confinement for life without the possibility of release or, when authorized by RCW 10.95.030 for the crime of aggravated murder in the first degree, sentenced to death, the court may order the department to complete a risk assessment report. If available before sentencing, the report shall be provided to the court.

The court shall, at the time of plea or conviction, order the department to complete a presentence report before imposing a sentence upon a defendant who has been convicted of a felony sexual offense. The department of corrections shall give priority to presentence investigations for sexual offenders. If the court determines that the defendant may be a mentally ill person as defined in

RCW 71.24.025, although the defendant has not established that at the time of the crime he or she lacked the capacity to commit the crime, was incompetent to commit the crime, or was insane at the time of the crime, the court shall order the department to complete a presentence report before imposing a sentence.

The court shall consider the risk assessment report and presentence reports, if any, including any victim impact statement and criminal history, and allow arguments from the prosecutor, the defense counsel, the offender, the victim, the survivor of the victim, or a representative of the victim or survivor, and an investigative law enforcement officer as to the sentence to be imposed.

If the court is satisfied by a preponderance of the evidence that the defendant has a criminal history, the court shall specify the convictions it has found to exist. All of this information shall be part of the record. Copies of all risk assessment reports and presentence reports presented to the sentencing court and all written findings of facts and conclusions of law as to sentencing entered by the court shall be sent to the department by the clerk of the court at the conclusion of the sentencing and shall accompany the offender if the offender is committed to the custody of the department. Court clerks shall provide, without charge, certified copies of documents relating to criminal convictions requested by prosecuting attorneys.

**Sec. 5.** RCW 9.94A.120 and 1998 c 260 s 3 are each amended to read as follows:

When a person is convicted of a felony, the court shall impose punishment as provided in this section.

(1) Except as authorized in subsections (2), (4), (5), (6), and (8) of this section, the court shall impose a sentence within the sentence range for the offense.

(2) The court may impose a sentence outside the standard sentence range for that offense if it finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(3) Whenever a sentence outside the standard range is imposed, the court shall set forth the reasons for its decision in written findings of fact and conclusions of law. A sentence outside the standard range shall be a determinate sentence.

(4) A persistent offender shall be sentenced to a term of total confinement for life without the possibility of parole or, when authorized by RCW 10.95.030 for the crime of aggravated murder in the first degree, sentenced to death, notwithstanding the maximum sentence under any other law. An offender convicted of the crime of murder in the first degree shall be sentenced to a term of total confinement not less than twenty years. An offender convicted of the crime of assault in the first degree or assault of a child in the first degree where the offender used force or means likely to result in death or intended to kill the victim shall be sentenced to a term of total confinement not less than five years. An offender convicted of the crime of rape in the first degree shall be sentenced to a term of total confinement not less than five years. The foregoing minimum terms of total confinement are mandatory and shall not be varied or modified as provided in subsection (2) of this section. In addition, all offenders subject to the provisions of this subsection shall not be eligible for community custody, earned (~~early~~) release time, furlough, home detention, partial confinement, work crew, work release, or any other form of early release as defined under RCW 9.94A.150 (1), (2), (3), (5), (7), or (8), or any other form of authorized leave of absence from the correctional facility while not in the direct custody of a corrections officer or officers during such minimum terms of total confinement except in the case of an offender in need of emergency medical treatment or for the purpose of commitment to an inpatient treatment facility in the case of an offender convicted of the crime of rape in the first degree.

(5)(a) In sentencing a first-time offender the court may waive the imposition of a sentence within the sentence range and impose a sentence which may include up to ninety days of confinement in a facility operated or utilized under contract by the county and a requirement that the offender refrain from committing new offenses. The sentence may also include (~~up to two years of community supervision~~) a term of community supervision or community custody as specified in (b) of this subsection, which, in addition to crime-related prohibitions, may include requirements that the offender perform any one or more of the following:

(~~(a)~~) (i) Devote time to a specific employment or occupation;

~~((b))~~ (ii) Undergo available outpatient treatment for up to ~~((two years))~~ the period specified in (b) of this subsection, or inpatient treatment not to exceed the standard range of confinement for that offense;

~~((c))~~ (iii) Pursue a prescribed, secular course of study or vocational training;

~~((d))~~ (iv) Remain within prescribed geographical boundaries and notify ~~((the court or))~~ the community corrections officer prior to any change in the offender's address or employment;

~~((e))~~ (v) Report as directed to ~~((the court and))~~ a community corrections officer; or

~~((f))~~ (vi) Pay all court-ordered legal financial obligations as provided in RCW 9.94A.030 and/or perform community service work.

(b) The terms and statutes applicable to sentences under (a) of this subsection are:

(i) For sentences imposed on or after the effective date of this section, for crimes committed before July 1, 2000, up to one year of community supervision. If treatment is ordered, the period of community supervision may include up to the period of treatment, but shall not exceed two years; and

(ii) For crimes committed on or after July 1, 2000, up to one year of community custody unless treatment is ordered, in which case the period of community custody may include up to the period of treatment, but shall not exceed two years. Any term of community custody imposed under this subsection (5) is subject to conditions and sanctions as authorized in this subsection (5) and in subsection (11)(b) and (c) of this section.

(c) The department shall discharge from community supervision any offender sentenced under this subsection (5) before the effective date of this section who has served at least one year of community supervision and has completed any treatment ordered by the court.

(6)(a) An offender is eligible for the special drug offender sentencing alternative if:

(i) The offender is convicted of the manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance classified in Schedule I or II that is a narcotic drug or a felony that is, under chapter 9A.28 RCW or RCW 69.50.407, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes, and the violation does not involve a sentence enhancement under RCW 9.94A.310 (3) or (4);

(ii) The offender has no prior convictions for a felony in this state, another state, or the United States; and

(iii) The offense involved only a small quantity of the particular controlled substance as determined by the judge upon consideration of such factors as the weight, purity, packaging, sale price, and street value of the controlled substance.

(b) If the midpoint of the standard range is greater than one year and the sentencing judge determines that the offender is eligible for this option and that the offender and the community will benefit from the use of the special drug offender sentencing alternative, the judge may waive imposition of a sentence within the standard range and impose a sentence that must include a period of total confinement in a state facility for one-half of the midpoint of the standard range. During incarceration in the state facility, offenders sentenced under this subsection shall undergo a comprehensive substance abuse assessment and receive, within available resources, treatment services appropriate for the offender. The treatment services shall be designed by the division of alcohol and substance abuse of the department of social and health services, in cooperation with the department of corrections. If the midpoint of the standard range is twenty-four months or less, no more than three months of the sentence may be served in a work release status. The court shall also impose one year of concurrent community custody and community supervision that must include appropriate outpatient substance abuse treatment, crime-related prohibitions including a condition not to use illegal controlled substances, and a requirement to submit to urinalysis or other testing to monitor that status. The court may require that the monitoring for controlled substances be conducted by the department or by a treatment alternatives to street crime program or a comparable court or agency-referred program. The offender may be required to pay thirty dollars per month while on community custody to offset the cost of monitoring. In addition, the court shall impose three or more of the following conditions:

(i) Devote time to a specific employment or training;

(ii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer before any change in the offender's address or employment;

(iii) Report as directed to a community corrections officer;

- (iv) Pay all court-ordered legal financial obligations;
- (v) Perform community service work;
- (vi) Stay out of areas designated by the sentencing judge.

(c) If the offender violates any of the sentence conditions in (b) of this subsection, the department shall impose sanctions administratively, with notice to the prosecuting attorney and the sentencing court. Upon motion of the court or the prosecuting attorney, a violation hearing shall be held by the court. If the court finds that conditions have been willfully violated, the court may impose confinement consisting of up to the remaining one-half of the midpoint of the standard range. All total confinement served during the period of community custody shall be credited to the offender, regardless of whether the total confinement is served as a result of the original sentence, as a result of a sanction imposed by the department, or as a result of a violation found by the court. The term of community supervision shall be tolled by any period of time served in total confinement as a result of a violation found by the court.

(d) The department shall determine the rules for calculating the value of a day fine based on the offender's income and reasonable obligations which the offender has for the support of the offender and any dependents. These rules shall be developed in consultation with the administrator for the courts, the office of financial management, and the commission.

(7) If a sentence range has not been established for the defendant's crime, the court shall impose a determinate sentence which may include not more than one year of confinement~~((7))~~; community service work; until July 1, 2000, a term of community supervision not to exceed one year((7)) and on and after July 1, 2000, a term of community custody not to exceed one year, subject to conditions and sanctions as authorized in subsection (11)(b) and (c) of this section; and/or other legal financial obligations. The court may impose a sentence which provides more than one year of confinement if the court finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(8)(a)(i) When an offender is convicted of a sex offense other than a violation of RCW 9A.44.050 or a sex offense that is also a serious violent offense and has no prior convictions for a sex offense or any other felony sex offenses in this or any other state, the sentencing court, on its own motion or the motion of the state or the defendant, may order an examination to determine whether the defendant is amenable to treatment.

The report of the examination shall include at a minimum the following: The defendant's version of the facts and the official version of the facts, the defendant's offense history, an assessment of problems in addition to alleged deviant behaviors, the offender's social and employment situation, and other evaluation measures used. The report shall set forth the sources of the evaluator's information.

The examiner shall assess and report regarding the defendant's amenability to treatment and relative risk to the community. A proposed treatment plan shall be provided and shall include, at a minimum:

- (A) Frequency and type of contact between offender and therapist;
- (B) Specific issues to be addressed in the treatment and description of planned treatment modalities;
- (C) Monitoring plans, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members and others;
- (D) Anticipated length of treatment; and
- (E) Recommended crime-related prohibitions.

The court on its own motion may order, or on a motion by the state shall order, a second examination regarding the offender's amenability to treatment. The evaluator shall be selected by the party making the motion. The defendant shall pay the cost of any second examination ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost.

(ii) After receipt of the reports, the court shall consider whether the offender and the community will benefit from use of this special sex offender sentencing alternative and consider the victim's opinion whether the offender should receive a treatment disposition under this subsection. If the court determines that this special sex offender sentencing alternative is appropriate, the court shall then impose a sentence within the sentence range. If this sentence is less than eleven years of

confinement, the court may suspend the execution of the sentence and impose the following conditions of suspension:

(A) The court shall place the defendant on community custody for the length of the suspended sentence or three years, whichever is greater, and require the offender to comply with any conditions imposed by the department of corrections under subsection ~~((14))~~ (15) of this section;

(B) The court shall order treatment for any period up to three years in duration. The court in its discretion shall order outpatient sex offender treatment or inpatient sex offender treatment, if available. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment. The offender shall not change sex offender treatment providers or treatment conditions without first notifying the prosecutor, the community corrections officer, and the court, and shall not change providers without court approval after a hearing if the prosecutor or community corrections officer object to the change. In addition, as conditions of the suspended sentence, the court may impose other sentence conditions including up to six months of confinement, not to exceed the sentence range of confinement for that offense, crime-related prohibitions, and requirements that the offender perform any one or more of the following:

(I) Devote time to a specific employment or occupation;

(II) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;

(III) Report as directed to the court and a community corrections officer;

(IV) Pay all court-ordered legal financial obligations as provided in RCW 9.94A.030, perform community service work, or any combination thereof; or

(V) Make recoupment to the victim for the cost of any counseling required as a result of the offender's crime; and

(C) Sex offenders sentenced under this special sex offender sentencing alternative are not eligible to accrue any earned ~~((early))~~ release time while serving a suspended sentence.

(iii) The sex offender therapist shall submit quarterly reports on the defendant's progress in treatment to the court and the parties. The report shall reference the treatment plan and include at a minimum the following: Dates of attendance, defendant's compliance with requirements, treatment activities, the defendant's relative progress in treatment, and any other material as specified by the court at sentencing.

(iv) At the time of sentencing, the court shall set a treatment termination hearing for three months prior to the anticipated date for completion of treatment. Prior to the treatment termination hearing, the treatment professional and community corrections officer shall submit written reports to the court and parties regarding the defendant's compliance with treatment and monitoring requirements, and recommendations regarding termination from treatment, including proposed community supervision conditions. Either party may request and the court may order another evaluation regarding the advisability of termination from treatment. The defendant shall pay the cost of any additional evaluation ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost. At the treatment termination hearing the court may: (A) Modify conditions of community custody, and either (B) terminate treatment, or (C) extend treatment for up to the remaining period of community custody.

(v) If a violation of conditions occurs during community custody, the department shall either impose sanctions as provided for in RCW 9.94A.205(2)(a) or refer the violation to the court and recommend revocation of the suspended sentence as provided for in (a)(vi) of this subsection.

(vi) The court may revoke the suspended sentence at any time during the period of community custody and order execution of the sentence if: (A) The defendant violates the conditions of the suspended sentence, or (B) the court finds that the defendant is failing to make satisfactory progress in treatment. All confinement time served during the period of community custody shall be credited to the offender if the suspended sentence is revoked.

(vii) Except as provided in (a)(viii) of this subsection, after July 1, 1991, examinations and treatment ordered pursuant to this subsection shall only be conducted by sex offender treatment providers certified by the department of health pursuant to chapter 18.155 RCW.

(viii) A sex offender therapist who examines or treats a sex offender pursuant to this subsection (8) does not have to be certified by the department of health pursuant to chapter 18.155 RCW if the

court finds that: (A) The offender has already moved to another state or plans to move to another state for reasons other than circumventing the certification requirements; (B) no certified providers are available for treatment within a reasonable geographical distance of the offender's home; and (C) the evaluation and treatment plan comply with this subsection (8) and the rules adopted by the department of health.

(ix) For purposes of this subsection (8), "victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a result of the crime charged. "Victim" also means a parent or guardian of a victim who is a minor child unless the parent or guardian is the perpetrator of the offense.

(x) If the defendant was less than eighteen years of age when the charge was filed, the state shall pay for the cost of initial evaluation and treatment.

(b) When an offender commits any felony sex offense on or after July 1, 1987, and is sentenced to a term of confinement of more than one year but less than six years, the sentencing court may, on its own motion or on the motion of the offender or the state, request the department of corrections to evaluate whether the offender is amenable to treatment and the department may place the offender in a treatment program within a correctional facility operated by the department.

Except for an offender who has been convicted of a violation of RCW 9A.44.040 or 9A.44.050, if the offender completes the treatment program before the expiration of his or her term of confinement, the department of corrections may request the court to convert the balance of confinement to community supervision and to place conditions on the offender including crime-related prohibitions and requirements that the offender perform any one or more of the following:

- (i) Devote time to a specific employment or occupation;
- (ii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;
- (iii) Report as directed to the court and a community corrections officer;
- (iv) Undergo available outpatient treatment.

If the offender violates any of the terms of his or her community supervision, the court may order the offender to serve out the balance of his or her community supervision term in confinement in the custody of the department of corrections.

Nothing in this subsection (8)(b) shall confer eligibility for such programs for offenders convicted and sentenced for a sex offense committed prior to July 1, 1987. This subsection (8)(b) does not apply to any crime committed after July 1, 1990.

(c) Offenders convicted and sentenced for a sex offense committed prior to July 1, 1987, may, subject to available funds, request an evaluation by the department of corrections to determine whether they are amenable to treatment. If the offender is determined to be amenable to treatment, the offender may request placement in a treatment program within a correctional facility operated by the department. Placement in such treatment program is subject to available funds.

(d) Within the funds available for this purpose, the department shall develop and monitor transition and relapse prevention strategies, including risk assessment and release plans, to reduce risk to the community after sex offenders' terms of confinement in the custody of the department.

(9)(a)(i) When a court sentences a person to a term of total confinement to the custody of the department of corrections for an offense categorized as a sex offense or a serious violent offense committed after July 1, 1988, but before July 1, 1990, assault in the second degree, assault of a child in the second degree, any crime against a person where it is determined in accordance with RCW 9.94A.125 that the defendant or an accomplice was armed with a deadly weapon at the time of commission, or any felony offense under chapter 69.50 or 69.52 RCW not sentenced under subsection (6) of this section, committed on or after July 1, 1988, but before the effective date of this section, the court shall in addition to the other terms of the sentence, sentence the offender to a one-year term of community placement beginning either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned (~~early~~) release in accordance with RCW 9.94A.150 (1) and (2). When the court sentences an offender under this subsection to the statutory maximum period of confinement then the community placement portion of the sentence shall consist entirely of such community custody to which the offender may become eligible, in accordance



with RCW 9.94A.150 (1) and (2). Any period of community custody actually served shall be credited against the community placement portion of the sentence.

(ii) Except for persons sentenced under (b) of this subsection or subsection (10)(a) of this section, when a court sentences a person to a term of total confinement to the custody of the department of corrections for a violent offense, any crime against a person under RCW 9.94A.440(2), or any felony offense under chapter 69.50 or 69.52 RCW not sentenced under subsection (6) of this section, committed on or after the effective date of this section but before July 1, 2000, the court shall in addition to the other terms of the sentence, sentence the offender to a one-year term of community placement beginning either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned release in accordance with RCW 9.94A.150 (1) and (2). When the court sentences the offender under this subsection (9)(a)(ii) to the statutory maximum period of confinement, then the community placement portion of the sentence shall consist entirely of such community custody to which the offender may become eligible, in accordance with RCW 9.94A.150 (1) and (2). Any period of community custody actually served shall be credited against the community placement portion of the sentence.

(b) When a court sentences a person to a term of total confinement to the custody of the department of corrections for an offense categorized as a sex offense committed on or after July 1, 1990, but before June 6, 1996, or a serious violent offense, vehicular homicide, or vehicular assault, committed on or after July 1, 1990, but before July 1, 2000, the court shall in addition to other terms of the sentence, sentence the offender to community placement for two years or up to the period of earned ((early)) release awarded pursuant to RCW 9.94A.150 (1) and (2), whichever is longer. The community placement shall begin either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned ((early)) release in accordance with RCW 9.94A.150 (1) and (2). When the court sentences an offender under this subsection to the statutory maximum period of confinement then the community placement portion of the sentence shall consist entirely of the community custody to which the offender may become eligible, in accordance with RCW 9.94A.150 (1) and (2). Any period of community custody actually served shall be credited against the community placement portion of the sentence. Unless a condition is waived by the court, the terms of community placement for offenders sentenced pursuant to this section shall include the following conditions:

- (i) The offender shall report to and be available for contact with the assigned community corrections officer as directed;
- (ii) The offender shall work at department of corrections-approved education, employment, and/or community service;
- (iii) The offender shall not possess or consume controlled substances except pursuant to lawfully issued prescriptions;
- (iv) The offender shall pay supervision fees as determined by the department of corrections;
- (v) The residence location and living arrangements are subject to the prior approval of the department of corrections during the period of community placement; and
- (vi) The offender shall submit to affirmative acts necessary to monitor compliance with the orders of the court as required by the department.

(c) As a part of any sentence imposed under (a) or (b) of this subsection, the court may also order any of the following special conditions:

- (i) The offender shall remain within, or outside of, a specified geographical boundary;
- (ii) The offender shall not have direct or indirect contact with the victim of the crime or a specified class of individuals;
- (iii) The offender shall participate in crime-related treatment or counseling services;
- (iv) The offender shall not consume alcohol;
- (v) The offender shall comply with any crime-related prohibitions; or
- (vi) For an offender convicted of a felony sex offense against a minor victim after June 6, 1996, the offender shall comply with any terms and conditions of community placement imposed by the department of corrections relating to contact between the sex offender and a minor victim or a child of similar age or circumstance as a previous victim.

(d) Prior to transfer to, or during, community placement, any conditions of community placement may be removed or modified so as not to be more restrictive by the sentencing court, upon recommendation of the department of corrections.

(10)(a) When a court sentences a person to the custody of the department of corrections for an offense categorized as a sex offense committed on or after June 6, 1996, but before July 1, 2000, the court shall, in addition to other terms of the sentence, sentence the offender to community custody for three years or up to the period of earned (~~early~~) release awarded pursuant to RCW 9.94A.150 (1) and (2), whichever is longer. The community custody shall begin either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned (~~early~~) release in accordance with RCW 9.94A.150 (1) and (2).

(b) Unless a condition is waived by the court, the terms of community custody shall be the same as those provided for in subsection (9)(b) of this section and may include those provided for in subsection (9)(c) of this section. As part of any sentence that includes a term of community custody imposed under this subsection, the court shall also require the offender to comply with any conditions imposed by the department of corrections under subsection (~~(14)~~) (15) of this section.

(c) At any time prior to the completion of a sex offender's term of community custody, if the court finds that public safety would be enhanced, the court may impose and enforce an order extending any or all of the conditions imposed pursuant to this section for a period up to the maximum allowable sentence for the crime as it is classified in chapter 9A.20 RCW, regardless of the expiration of the offender's term of community custody. If a violation of a condition extended under this subsection occurs after the expiration of the offender's term of community custody, it shall be deemed a violation of the sentence for the purposes of RCW 9.94A.195 and may be punishable as contempt of court as provided for in RCW 7.21.040.

(11)(a) When a court sentences a person to the custody of the department of corrections for a sex offense, a violent offense, any crime against a person under RCW 9.94A.440(2), or a felony offense under chapter 69.50 or 69.52 RCW not sentenced under subsection (6) of this section, committed on or after July 1, 2000, the court shall in addition to the other terms of the sentence, sentence the offender to community custody for the community custody range or up to the period of earned release awarded pursuant to RCW 9.94A.150 (1) and (2), whichever is longer. The community custody shall begin either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned release in accordance with RCW 9.94A.150 (1) and (2).

(b) Unless a condition is waived by the court, the conditions of community custody shall include those provided for in subsection (9)(b)(i) through (vi) of this section. The conditions may also include those provided for in subsection (9)(c)(i) through (vi) of this section. The court may also order the offender to participate in rehabilitative programs or otherwise perform affirmative conduct reasonably related to the circumstances of the offense, the offender's risk of reoffending, or the safety of the community, and the department shall enforce such conditions pursuant to (f) of this subsection. As part of any sentence that includes a term of community custody imposed under this subsection, the court shall also require the offender to comply with any conditions imposed by the department of corrections under subsection (15) of this section. The department shall assess the offender's risk of reoffense and may establish and modify additional conditions of the offender's community custody based upon the risk to community safety. The department may not impose conditions that are contrary to those ordered by the court and may not contravene or decrease court imposed conditions. The department shall notify the offender in writing of any such conditions or modifications. In setting, modifying, and enforcing conditions of community custody, the department shall be deemed to be performing a quasi-judicial function.

(c) If an offender violates conditions imposed by the court or the department pursuant to this subsection during community custody, the department may transfer the offender to a more restrictive confinement status and impose other available sanctions as provided in RCW 9.94A.205 and 9.94A.207.

(d) Except for terms of community custody under subsection (8) of this section, the department shall discharge the offender from community custody on a date determined by the department, which

the department may modify, based on risk and performance of the offender, within the range or at the end of the period of earned release, whichever is later.

(e) At any time prior to the completion or termination of a sex offender's term of community custody, if the court finds that public safety would be enhanced, the court may impose and enforce an order extending any or all of the conditions imposed pursuant to this section for a period up to the maximum allowable sentence for the crime as it is classified in chapter 9A.20 RCW, regardless of the expiration of the offender's term of community custody. If a violation of a condition extended under this subsection occurs after the expiration of the offender's term of community custody, it shall be deemed a violation of the sentence for the purposes of RCW 9.94A.195 and may be punishable as contempt of court as provided for in RCW 7.21.040. If the court extends a condition beyond the expiration of the term of community custody, the department is not responsible for supervision of the offender's compliance with the condition.

(f) Within the funds available for community custody, the department shall determine conditions and duration of community custody on the basis of risk to community safety, and shall supervise offenders during community custody on the basis of risk to community safety and conditions imposed by the court. The secretary shall adopt rules to implement the provisions of this subsection (11)(f).

(g) By the close of the next business day after receiving notice of a condition imposed or modified by the department, an offender may request an administrative review under rules adopted by the department. The condition shall remain in effect unless the reviewing officer finds that it is not reasonably related to any of the following: (i) The crime of conviction; (ii) the offender's risk of reoffending; or (iii) the safety of the community.

(12) If the court imposes a sentence requiring confinement of thirty days or less, the court may, in its discretion, specify that the sentence be served on consecutive or intermittent days. A sentence requiring more than thirty days of confinement shall be served on consecutive days. Local jail administrators may schedule court-ordered intermittent sentences as space permits.

~~((12))~~ (13) If a sentence imposed includes payment of a legal financial obligation, the sentence shall specify the total amount of the legal financial obligation owed, and shall require the offender to pay a specified monthly sum toward that legal financial obligation. Restitution to victims shall be paid prior to any other payments of monetary obligations. Any legal financial obligation that is imposed by the court may be collected by the department, which shall deliver the amount paid to the county clerk for credit. The offender's compliance with payment of legal financial obligations shall be supervised by the department for ten years following the entry of the judgment and sentence or ten years following the offender's release from total confinement. All monetary payments ordered shall be paid no later than ten years after the last date of release from confinement pursuant to a felony conviction or the date the sentence was entered unless the superior court extends the criminal judgment an additional ten years. If the legal financial obligations including crime victims' assessments are not paid during the initial ten-year period, the superior court may extend jurisdiction under the criminal judgment an additional ten years as provided in RCW 9.94A.140, 9.94A.142, and 9.94A.145. If jurisdiction under the criminal judgment is extended, the department is not responsible for supervision of the offender during the subsequent period. Independent of the department, the party or entity to whom the legal financial obligation is owed shall have the authority to utilize any other remedies available to the party or entity to collect the legal financial obligation. Nothing in this section makes the department, the state, or any of its employees, agents, or other persons acting on their behalf liable under any circumstances for the payment of these legal financial obligations. If an order includes restitution as one of the monetary assessments, the county clerk shall make disbursements to victims named in the order.

~~((13))~~ (14) Except as provided under RCW 9.94A.140(1) and 9.94A.142(1), a court may not impose a sentence providing for a term of confinement or community supervision ~~((or))~~ community placement, or community custody which exceeds the statutory maximum for the crime as provided in chapter 9A.20 RCW.

~~((14))~~ (15) All offenders sentenced to terms involving community supervision, community service, community placement, community custody, or legal financial obligation shall be under the supervision of the department of corrections and shall follow explicitly the instructions and conditions

of the department of corrections. The department may require an offender to perform affirmative acts it deems appropriate to monitor compliance with the conditions of the sentence imposed.

(a) The instructions shall include, at a minimum, reporting as directed to a community corrections officer, remaining within prescribed geographical boundaries, notifying the community corrections officer of any change in the offender's address or employment, and paying the supervision fee assessment.

(b) For offenders sentenced to terms involving community custody for crimes committed on or after June 6, 1996, the department may include, in addition to the instructions in (a) of this subsection, any appropriate conditions of supervision, including but not limited to, prohibiting the offender from having contact with any other specified individuals or specific class of individuals. For offenders sentenced to terms of community custody for crimes committed on or after July 1, 2000, the department may additionally require the offender to participate in rehabilitative programs or otherwise perform affirmative conduct, and to obey all laws.

The conditions authorized under this subsection (~~((14))~~) (15)(b) may be imposed by the department prior to or during an offender's community custody term. If a violation of conditions imposed by the court or the department pursuant to subsection (10) of this section occurs during community custody, it shall be deemed a violation of community placement for the purposes of RCW 9.94A.207 and shall authorize the department to transfer an offender to a more restrictive confinement status as provided in RCW 9.94A.205. At any time prior to the completion of (~~(a sex))~~ an offender's term of community custody, the department may recommend to the court that any or all of the conditions imposed by the court or the department pursuant to subsection (10) or (11) of this section be continued beyond the expiration of the offender's term of community custody as authorized in subsection (10)(c) or (11)(e) of this section.

The department may require offenders to pay for special services rendered on or after July 25, 1993, including electronic monitoring, day reporting, and telephone reporting, dependent upon the offender's ability to pay. The department may pay for these services for offenders who are not able to pay.

~~((15))~~ (16) All offenders sentenced to terms involving community supervision, community service, community custody, or community placement under the supervision of the department of corrections shall not own, use, or possess firearms or ammunition. Offenders who own, use, or are found to be in actual or constructive possession of firearms or ammunition shall be subject to the appropriate violation process and sanctions. "Constructive possession" as used in this subsection means the power and intent to control the firearm or ammunition. "Firearm" as used in this subsection means a weapon or device from which a projectile may be fired by an explosive such as gunpowder.

~~((16))~~ (17) The sentencing court shall give the offender credit for all confinement time served before the sentencing if that confinement was solely in regard to the offense for which the offender is being sentenced.

~~((17))~~ (18) A departure from the standards in RCW 9.94A.400 (1) and (2) governing whether sentences are to be served consecutively or concurrently is an exceptional sentence subject to the limitations in subsections (2) and (3) of this section, and may be appealed by the defendant or the state as set forth in RCW 9.94A.210 (2) through (6).

~~((18))~~ (19) The court shall order restitution whenever the offender is convicted of a felony that results in injury to any person or damage to or loss of property, whether the offender is sentenced to confinement or placed under community supervision, unless extraordinary circumstances exist that make restitution inappropriate in the court's judgment. The court shall set forth the extraordinary circumstances in the record if it does not order restitution.

~~((19))~~ (20) As a part of any sentence, the court may impose and enforce an order that relates directly to the circumstances of the crime for which the offender has been convicted, prohibiting the offender from having any contact with other specified individuals or a specific class of individuals for a period not to exceed the maximum allowable sentence for the crime, regardless of the expiration of the offender's term of community supervision or community placement.

~~((20))~~ (21) The court may order an offender whose sentence includes community placement or community supervision to undergo a mental status evaluation and to participate in available outpatient mental health treatment, if the court finds that reasonable grounds exist to believe that the

offender is a mentally ill person as defined in RCW 71.24.025, and that this condition is likely to have influenced the offense. An order requiring mental status evaluation or treatment must be based on a presentence report and, if applicable, mental status evaluations that have been filed with the court to determine the offender's competency or eligibility for a defense of insanity. The court may order additional evaluations at a later date if deemed appropriate.

~~((24))~~ (22) In any sentence of partial confinement, the court may require the defendant to serve the partial confinement in work release, in a program of home detention, on work crew, or in a combined program of work crew and home detention.

~~((22))~~ (23) All court-ordered legal financial obligations collected by the department and remitted to the county clerk shall be credited and paid where restitution is ordered. Restitution shall be paid prior to any other payments of monetary obligations.

(24)(a) Sex offender examinations and treatment ordered as a special condition of community placement or community custody under this section shall be conducted only by sex offender treatment providers certified by the department of health under chapter 18.155 RCW unless the court finds that: (i) The offender has already moved to another state or plans to move to another state for reasons other than circumventing the certification requirements; (ii) no certified providers are available for treatment within a reasonable geographic distance of the offender's home, as determined in rules adopted by the secretary; (iii) the evaluation and treatment plan comply with the rules adopted by the department of health; or (iv) the treatment provider is employed by the department. A treatment provider selected by an offender who is not certified by the department of health shall consult with a certified provider during the offender's period of treatment to ensure compliance with the rules adopted by the department of health. The frequency and content of the consultation shall be based on the recommendation of the certified provider.

(b) A sex offender's failure to participate in treatment required as a condition of community placement or community custody is a violation that will not be excused on the basis that no treatment provider was located within a reasonable geographic distance of the offender's home.

**Sec. 6.** RCW 9.94A.145 and 1997 c 121 s 5 and 1997 c 52 s 3 are each reenacted and amended to read as follows:

(1) Whenever a person is convicted of a felony, the court may order the payment of a legal financial obligation as part of the sentence. The court must on either the judgment and sentence or on a subsequent order to pay, designate the total amount of a legal financial obligation and segregate this amount among the separate assessments made for restitution, costs, fines, and other assessments required by law. On the same order, the court is also to set a sum that the offender is required to pay on a monthly basis towards satisfying the legal financial obligation. If the court fails to set the offender monthly payment amount, the department shall set the amount. Upon receipt of an offender's monthly payment, after restitution is satisfied, the county clerk shall distribute the payment proportionally among all other fines, costs, and assessments imposed, unless otherwise ordered by the court.

(2) If the court determines that the offender, at the time of sentencing, has the means to pay for the cost of incarceration, the court may require the offender to pay for the cost of incarceration at a rate of fifty dollars per day of incarceration. Payment of other court-ordered financial obligations, including all legal financial obligations and costs of supervision shall take precedence over the payment of the cost of incarceration ordered by the court. All funds recovered from offenders for the cost of incarceration in the county jail shall be remitted to the county and the costs of incarceration in a prison shall be remitted to the department of corrections.

(3) The court may add to the judgment and sentence or subsequent order to pay a statement that a notice of payroll deduction is to be immediately issued. If the court chooses not to order the immediate issuance of a notice of payroll deduction at sentencing, the court shall add to the judgment and sentence or subsequent order to pay a statement that a notice of payroll deduction may be issued or other income-withholding action may be taken, without further notice to the offender if a monthly court-ordered legal financial obligation payment is not paid when due, and an amount equal to or greater than the amount payable for one month is owed.

If a judgment and sentence or subsequent order to pay does not include the statement that a notice of payroll deduction may be issued or other income-withholding action may be taken if a

monthly legal financial obligation payment is past due, the department may serve a notice on the offender stating such requirements and authorizations. Service shall be by personal service or any form of mail requiring a return receipt.

(4) All legal financial obligations that are ordered as a result of a conviction for a felony, may also be enforced in the same manner as a judgment in a civil action by the party or entity to whom the legal financial obligation is owed. Restitution collected through civil enforcement must be paid through the registry of the court and must be distributed proportionately according to each victim's loss when there is more than one victim. The judgment and sentence shall identify the party or entity to whom restitution is owed so that the state, party, or entity may enforce the judgment. If restitution is ordered pursuant to RCW 9.94A.140(3) or 9.94A.142(3) to a victim of rape of a child and the victim's child born from the rape, the Washington state child support registry shall be identified as the party to whom payments must be made. Restitution obligations arising from the rape of a child in the first, second, or third degree that result in the pregnancy of the victim may be enforced for the time periods provided under RCW 9.94A.140(3) and 9.94A.142(3). All other legal financial obligations may be enforced at any time during the ten-year period following the offender's release from total confinement or within ten years of entry of the judgment and sentence, whichever period is longer. Prior to the expiration of the initial ten-year period, the superior court may extend the criminal judgment an additional ten years for payment of legal financial obligations including crime victims' assessments. If jurisdiction under the criminal judgment is extended, the department is not responsible for supervision of the offender during the subsequent period. Independent of the department, the party or entity to whom the legal financial obligation is owed shall have the authority to utilize any other remedies available to the party or entity to collect the legal financial obligation.

(5) In order to assist the court in setting a monthly sum that the offender must pay during the period of supervision, the offender is required to report to the department for purposes of preparing a recommendation to the court. When reporting, the offender is required, under oath, to truthfully and honestly respond to all questions concerning present, past, and future earning capabilities and the location and nature of all property or financial assets. The offender is further required to bring any and all documents as requested by the department.

(6) After completing the investigation, the department shall make a report to the court on the amount of the monthly payment that the offender should be required to make towards a satisfied legal financial obligation.

(7) During the period of supervision, the department may make a recommendation to the court that the offender's monthly payment schedule be modified so as to reflect a change in financial circumstances. If the department sets the monthly payment amount, the department may modify the monthly payment amount without the matter being returned to the court. Also, during the period of supervision, the offender may be required at the request of the department to report to the department for the purposes of reviewing the appropriateness of the collection schedule for the legal financial obligation. During this reporting, the offender is required under oath to truthfully and honestly respond to all questions concerning earning capabilities and the location and nature of all property or financial assets. Also, the offender is required to bring any and all documents as requested by the department in order to prepare the collection schedule.

(8) After the judgment and sentence or payment order is entered, the department shall for any period of supervision be authorized to collect the legal financial obligation from the offender. Any amount collected by the department shall be remitted daily to the county clerk for the purposes of disbursements. The department is authorized to accept credit cards as payment for a legal financial obligation, and any costs incurred related to accepting credit card payments shall be the responsibility of the offender.

(9) The department or any obligee of the legal financial obligation may seek a mandatory wage assignment for the purposes of obtaining satisfaction for the legal financial obligation pursuant to RCW 9.94A.2001.

(10) The requirement that the offender pay a monthly sum towards a legal financial obligation constitutes a condition or requirement of a sentence and the offender is subject to the penalties as provided in RCW 9.94A.200 for noncompliance.

(11) The county clerk shall provide the department with individualized monthly billings for each offender with an unsatisfied legal financial obligation and shall provide the department with notice of payments by such offenders no less frequently than weekly.

(12) The department may arrange for the collection of unpaid legal financial obligations through the county clerk, or through another entity if the clerk does not assume responsibility for collection. The costs for collection services shall be paid by the offender.

**Sec. 7.** RCW 9.94A.170 and 1993 c 31 s 2 are each amended to read as follows:

(1) A term of confinement(~~(, including community custody,)~~) ordered in a sentence pursuant to this chapter shall be tolled by any period of time during which the offender has absented (~~(him)~~) himself or herself from confinement without the prior approval of the entity in whose custody the offender has been placed. A term of partial confinement shall be tolled during any period of time spent in total confinement pursuant to a new conviction or pursuant to sanctions for violation of sentence conditions on a separate felony conviction.

(2) A term of (~~(supervision, including postrelease supervision)~~) community custody ordered in a sentence pursuant to this chapter shall be tolled by any period of time during which the offender has absented himself or herself from supervision without prior approval of the entity under whose (~~(supervision)~~) community custody the offender has been placed.

(3) Any period of (~~(supervision)~~) community custody shall be tolled during any period of time the offender is in confinement for any reason. However, if an offender is detained pursuant to RCW 9.94A.207 or 9.94A.195 and is later found not to have violated a condition or requirement of (~~(supervision)~~) community custody, time spent in confinement due to such detention shall not toll (~~(to the)~~) the period of (~~(supervision)~~) community custody.

(4) For confinement or (~~(supervision)~~) community custody sentences, the date for the tolling of the sentence shall be established by the entity responsible for the confinement or (~~(supervision)~~) community custody.

**Sec. 8.** RCW 9.94A.205 and 1996 c 275 s 3 are each amended to read as follows:

(1) If an (~~(inmate)~~) offender violates any condition or requirement of community custody, the department may transfer the (~~(inmate)~~) offender to a more restrictive confinement status to serve up to the remaining portion of the sentence, less credit for any period actually spent in community custody or in detention awaiting disposition of an alleged violation and subject to the limitations of subsection (2) of this section.

(2)(a) For a sex offender sentenced to a term of community custody under RCW 9.94A.120(8) who violates any condition of community custody, the department may impose a sanction of up to sixty days' confinement in a local correctional facility for each violation. If the department imposes a sanction, the department shall submit within seventy-two hours a report to the court and the prosecuting attorney outlining the violation or violations and the sanctions imposed.

(b) For a sex offender sentenced to a term of community custody under RCW 9.94A.120(10) who violates any condition of community custody after having completed his or her maximum term of total confinement, including time served on community custody in lieu of earned (~~(early)~~) release, the department may impose a sanction of up to sixty days in a local correctional facility for each violation.

(c) For an offender sentenced to a term of community custody under RCW 9.94A.120 (5), (7), or (11), or under RCW 9.94A.383, for a crime committed on or after July 1, 2000, who violates any condition of community custody after having completed his or her maximum term of total confinement, including time served on community custody in lieu of earned release, the department may impose a sanction of up to sixty days in total confinement for each violation. The department may impose sanctions such as work release, home detention with electronic monitoring, work crew, community service, inpatient treatment, daily reporting, curfew, educational or counseling sessions, supervision enhanced through electronic monitoring, or any other sanctions available in the community.

(d) For an offender sentenced to a term of community placement under RCW 9.94A.120(9)(a)(ii) who violates any condition of community placement after having completed his or her maximum term of total confinement, including time served on community custody in lieu of earned release, the department may impose a sanction of up to sixty days in total confinement for each

violation. The department may impose sanctions such as work release, home detention with electronic monitoring, work crew, community service, inpatient treatment, daily reporting, curfew, educational or counseling sessions, supervision enhanced through electronic monitoring, or any other sanctions available in the community.

(3) If an ((inmate)) offender is accused of violating any condition or requirement of community custody, he or she is entitled to a hearing before the department prior to the imposition of sanctions. The hearing shall be considered as ((inmate)) offender disciplinary proceedings and shall not be subject to chapter 34.05 RCW. The department shall develop hearing procedures and a structure of graduated sanctions.

(4) The hearing procedures required under subsection (3) of this section shall be developed by rule and include the following:

(a) Hearing officers shall report through a chain of command separate from that of community corrections officers;

(b) The department shall provide the offender with written notice of the violation, the evidence relied upon, and the reasons the particular sanction was imposed. The notice shall include a statement of the rights specified in this subsection, and the offender's right to file a personal restraint petition under court rules after the final decision of the department;

(c) The hearing shall be held unless waived by the offender, and shall be electronically recorded. For offenders not in total confinement, the hearing shall be held within fifteen working days, but not less than twenty-four hours, after notice of the violation. For offenders in total confinement, the hearing shall be held within five working days, but not less than twenty-four hours, after notice of the violation;

(d) The offender shall have the right to: (i) Be present at the hearing; (ii) have the assistance of a person qualified to assist the offender in the hearing, appointed by the hearing officer if the offender has a language or communications barrier; (iii) testify or remain silent; (iv) call witnesses and present documentary evidence; and (v) question witnesses who appear and testify; and

(e) The sanction shall take effect if affirmed by the hearing officer. Within seven days after the hearing officer's decision, the offender may appeal the decision to a panel of three reviewing officers designated by the secretary or by the secretary's designee. The sanction shall be reversed or modified if a majority of the panel finds that the sanction was not reasonably related to any of the following: (i) The crime of conviction; (ii) the violation committed; (iii) the offender's risk of reoffending; or (iv) the safety of the community.

(5) For purposes of this section, no finding of a violation of conditions may be based on unconfirmed or unconfirmable allegations.

**Sec. 9.** RCW 9.94A.207 and 1996 c 275 s 4 are each amended to read as follows:

(1) The secretary may issue warrants for the arrest of any offender who violates a condition of community placement or community custody. The arrest warrants shall authorize any law enforcement or peace officer or community corrections officer of this state or any other state where such offender may be located, to arrest the offender and place him or her in total confinement pending disposition of the alleged violation. The department shall compensate the local jurisdiction at the office of financial management's adjudicated rate, in accordance with RCW 70.48.440. A community corrections officer, if he or she has reasonable cause to believe an offender in community placement or community custody has violated a condition of community placement or community custody, may suspend the person's community placement or community custody status and arrest or cause the arrest and detention in total confinement of the offender, pending the determination of the secretary as to whether the violation has occurred. The community corrections officer shall report to the secretary all facts and circumstances and the reasons for the action of suspending community placement or community custody status. A violation of a condition of community placement or community custody shall be deemed a violation of the sentence for purposes of RCW 9.94A.195. The authority granted to community corrections officers under this section shall be in addition to that set forth in RCW 9.94A.195.

(2) Inmates, as defined in RCW 72.09.015, who have been transferred to community custody and who are detained in a local correctional facility are the financial responsibility of the department of



corrections, except as provided in subsection (3) of this section. The community custody inmate shall be removed from the local correctional facility, except as provided in subsection (3) of this section, not later than eight days, excluding weekends and holidays, following admittance to the local correctional facility and notification that the inmate is available for movement to a state correctional institution.

(3) The department may negotiate with local correctional authorities for an additional period of detention; however, sex offenders sanctioned for community custody violations under RCW 9.94A.205(2) to a term of confinement shall remain in the local correctional facility for the complete term of the sanction. For confinement sanctions imposed under RCW 9.94A.205(2)(a), the local correctional facility shall be financially responsible. For confinement sanctions imposed under RCW 9.94A.205(2)(b), the department of corrections shall be financially responsible for that portion of the sanction served during the time in which the sex offender is on community custody in lieu of earned (~~early~~) release, and the local correctional facility shall be financially responsible for that portion of the sanction served by the sex offender after the time in which the sex offender is on community custody in lieu of earned (~~early~~) release. The department, in consultation with the Washington association of sheriffs and police chiefs and those counties in which the sheriff does not operate a correctional facility, shall establish a methodology for determining the department's local correctional facilities bed utilization rate, for each county in calendar year 1998, for offenders being held for violations of conditions of community custody, community placement, or community supervision. For confinement sanctions imposed under RCW 9.94A.205(2) (c) or (d), the local correctional facility shall continue to be financially responsible to the extent of the calendar year 1998 bed utilization rate. If the department's use of bed space in local correctional facilities of any county for confinement sanctions imposed on offenders sentenced to a term of community custody under RCW 9.94A.205(2) (c) or (d) exceeds the 1998 bed utilization rate for the county, the department shall compensate the county for the excess use at the per diem rate equal to the lowest rate charged by the county under its contract with a municipal government during the year in which the use occurs.

**Sec. 10.** RCW 9.94A.383 and 1988 c 143 s 23 are each amended to read as follows:

On all sentences of confinement for one year or less, the court may impose up to one year of community (~~supervision~~) custody, subject to conditions and sanctions as authorized in RCW 9.94A.120(11) (b) and (c). An offender shall be on community (~~supervision~~) custody as of the date of sentencing. However, during the time for which the offender is in total or partial confinement pursuant to the sentence or a violation of the sentence, the period of community (~~supervision~~) custody shall toll.

**Sec. 11.** RCW 9.94A.440 and 1996 c 93 s 2 are each amended to read as follows:

(1) Decision not to prosecute.

STANDARD: A prosecuting attorney may decline to prosecute, even though technically sufficient evidence to prosecute exists, in situations where prosecution would serve no public purpose, would defeat the underlying purpose of the law in question or would result in decreased respect for the law.

GUIDELINE/COMMENTARY:

Examples

The following are examples of reasons not to prosecute which could satisfy the standard.

(a) Contrary to Legislative Intent - It may be proper to decline to charge where the application of criminal sanctions would be clearly contrary to the intent of the legislature in enacting the particular statute.

(b) Antiquated Statute - It may be proper to decline to charge where the statute in question is antiquated in that:

- (i) It has not been enforced for many years; and
- (ii) Most members of society act as if it were no longer in existence; and
- (iii) It serves no deterrent or protective purpose in today's society; and
- (iv) The statute has not been recently reconsidered by the legislature.

This reason is not to be construed as the basis for declining cases because the law in question is unpopular or because it is difficult to enforce.

(c) De Minimus Violation - It may be proper to decline to charge where the violation of law is only technical or insubstantial and where no public interest or deterrent purpose would be served by prosecution.

(d) Confinement on Other Charges - It may be proper to decline to charge because the accused has been sentenced on another charge to a lengthy period of confinement; and

(i) Conviction of the new offense would not merit any additional direct or collateral punishment;

(ii) The new offense is either a misdemeanor or a felony which is not particularly aggravated; and

(iii) Conviction of the new offense would not serve any significant deterrent purpose.

(e) Pending Conviction on Another Charge - It may be proper to decline to charge because the accused is facing a pending prosecution in the same or another county; and

(i) Conviction of the new offense would not merit any additional direct or collateral punishment;

(ii) Conviction in the pending prosecution is imminent;

(iii) The new offense is either a misdemeanor or a felony which is not particularly aggravated; and

(iv) Conviction of the new offense would not serve any significant deterrent purpose.

(f) High Disproportionate Cost of Prosecution - It may be proper to decline to charge where the cost of locating or transporting, or the burden on, prosecution witnesses is highly disproportionate to the importance of prosecuting the offense in question. This reason should be limited to minor cases and should not be relied upon in serious cases.

(g) Improper Motives of Complainant - It may be proper to decline charges because the motives of the complainant are improper and prosecution would serve no public purpose, would defeat the underlying purpose of the law in question or would result in decreased respect for the law.

(h) Immunity - It may be proper to decline to charge where immunity is to be given to an accused in order to prosecute another where the accused's information or testimony will reasonably lead to the conviction of others who are responsible for more serious criminal conduct or who represent a greater danger to the public interest.

(i) Victim Request - It may be proper to decline to charge because the victim requests that no criminal charges be filed and the case involves the following crimes or situations:

(i) Assault cases where the victim has suffered little or no injury;

(ii) Crimes against property, not involving violence, where no major loss was suffered;

(iii) Where doing so would not jeopardize the safety of society.

Care should be taken to insure that the victim's request is freely made and is not the product of threats or pressure by the accused.

The presence of these factors may also justify the decision to dismiss a prosecution which has been commenced.

#### Notification

The prosecutor is encouraged to notify the victim, when practical, and the law enforcement personnel, of the decision not to prosecute.

(2) Decision to prosecute.

#### (a) STANDARD:

Crimes against persons will be filed if sufficient admissible evidence exists, which, when considered with the most plausible, reasonably foreseeable defense that could be raised under the evidence, would justify conviction by a reasonable and objective fact-finder. With regard to offenses prohibited by RCW 9A.44.040, 9A.44.050, 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, 9A.44.089, and 9A.64.020 the prosecutor should avoid pre-filing agreements or diversions intended to place the accused in a program of treatment or counseling, so that treatment, if determined to be beneficial, can be provided pursuant to RCW 9.94A.120(8).

Crimes against property/other crimes will be filed if the admissible evidence is of such convincing force as to make it probable that a reasonable and objective fact-finder would convict after hearing all the admissible evidence and the most plausible defense that could be raised.

See table below for the crimes within these categories.

## CATEGORIZATION OF CRIMES FOR PROSECUTING STANDARDS

### CRIMES AGAINST PERSONS

Aggravated Murder  
1st Degree Murder  
2nd Degree Murder  
1st Degree Kidnaping  
1st Degree Assault  
1st Degree Assault of a Child  
1st Degree Rape  
1st Degree Robbery  
1st Degree Rape of a Child  
1st Degree Arson  
2nd Degree Kidnaping  
2nd Degree Assault  
2nd Degree Assault of a Child  
2nd Degree Rape  
2nd Degree Robbery  
1st Degree Burglary  
1st Degree Manslaughter  
2nd Degree Manslaughter  
1st Degree Extortion  
Indecent Liberties  
Incest  
2nd Degree Rape of a Child  
Vehicular Homicide  
Vehicular Assault  
3rd Degree Rape  
3rd Degree Rape of a Child  
1st Degree Child Molestation  
2nd Degree Child Molestation  
3rd Degree Child Molestation  
2nd Degree Extortion  
1st Degree Promoting Prostitution  
Intimidating a Juror  
Communication with a Minor  
Intimidating a Witness  
Intimidating a Public Servant  
Bomb Threat (if against person)  
3rd Degree Assault  
3rd Degree Assault of a Child  
Unlawful Imprisonment  
Promoting a Suicide Attempt  
Riot (if against person)  
Stalking  
Custodial Assault  
No-Contact Order-Domestic Violence Pretrial (RCW 10.99.040(4) (b) and (c))  
No-Contact Order-Domestic Violence Sentence (RCW 10.99.050(2))  
Protection Order-Domestic Violence Civil (RCW 26.50.110 (4) and (5))

### CRIMES AGAINST PROPERTY/OTHER CRIMES

2nd Degree Arson  
1st Degree Escape  
2nd Degree Burglary

1st Degree Theft  
1st Degree Perjury  
1st Degree Introducing Contraband  
1st Degree Possession of Stolen Property  
Bribery  
Bribing a Witness  
Bribe received by a Witness  
Bomb Threat (if against property)  
1st Degree Malicious Mischief  
2nd Degree Theft  
2nd Degree Escape  
2nd Degree Introducing Contraband  
2nd Degree Possession of Stolen Property  
2nd Degree Malicious Mischief  
1st Degree Reckless Burning  
Taking a Motor Vehicle without Authorization  
Forgery  
2nd Degree Perjury  
2nd Degree Promoting Prostitution  
Tampering with a Witness  
Trading in Public Office  
Trading in Special Influence  
Receiving/Granting Unlawful Compensation  
Bigamy  
Eluding a Pursuing Police Vehicle  
Willful Failure to Return from Furlough  
Escape from Community Custody  
Riot (if against property)  
Thefts of Livestock

#### ALL OTHER UNCLASSIFIED FELONIES

Selection of Charges/Degree of Charge

~~((4))~~ (i) The prosecutor should file charges which adequately describe the nature of defendant's conduct. Other offenses may be charged only if they are necessary to ensure that the charges:

~~((a))~~ (A) Will significantly enhance the strength of the state's case at trial; or

~~((b))~~ (B) Will result in restitution to all victims.

~~((2))~~ (ii) The prosecutor should not overcharge to obtain a guilty plea. Overcharging includes:

~~((a))~~ (A) Charging a higher degree;

~~((b))~~ (B) Charging additional counts.

This standard is intended to direct prosecutors to charge those crimes which demonstrate the nature and seriousness of a defendant's criminal conduct, but to decline to charge crimes which are not necessary to such an indication. Crimes which do not merge as a matter of law, but which arise from the same course of conduct, do not all have to be charged.

#### (b) GUIDELINES/COMMENTARY:

##### (i) Police Investigation

A prosecuting attorney is dependent upon law enforcement agencies to conduct the necessary factual investigation which must precede the decision to prosecute. The prosecuting attorney shall ensure that a thorough factual investigation has been conducted before a decision to prosecute is made. In ordinary circumstances the investigation should include the following:

~~((4))~~ (A) The interviewing of all material witnesses, together with the obtaining of written statements whenever possible;

~~((2))~~ (B) The completion of necessary laboratory tests; and  
~~((3))~~ (C) The obtaining, in accordance with constitutional requirements, of the suspect's version of the events.

If the initial investigation is incomplete, a prosecuting attorney should insist upon further investigation before a decision to prosecute is made, and specify what the investigation needs to include.

(ii) Exceptions

In certain situations, a prosecuting attorney may authorize filing of a criminal complaint before the investigation is complete if:

~~((4))~~ (A) Probable cause exists to believe the suspect is guilty; and  
~~((2))~~ (B) The suspect presents a danger to the community or is likely to flee if not apprehended; or

~~((3))~~ (C) The arrest of the suspect is necessary to complete the investigation of the crime.

In the event that the exception to the standard is applied, the prosecuting attorney shall obtain a commitment from the law enforcement agency involved to complete the investigation in a timely manner. If the subsequent investigation does not produce sufficient evidence to meet the normal charging standard, the complaint should be dismissed.

(iii) Investigation Techniques

The prosecutor should be fully advised of the investigatory techniques that were used in the case investigation including:

~~((4))~~ (A) Polygraph testing;  
~~((2))~~ (B) Hypnosis;  
~~((3))~~ (C) Electronic surveillance;  
~~((4))~~ (D) Use of informants.

(iv) Pre-Filing Discussions with Defendant

Discussions with the defendant or his/her representative regarding the selection or disposition of charges may occur prior to the filing of charges, and potential agreements can be reached.

(v) Pre-Filing Discussions with Victim(s)

Discussions with the victim(s) or victims' representatives regarding the selection or disposition of charges may occur before the filing of charges. The discussions may be considered by the prosecutor in charging and disposition decisions, and should be considered before reaching any agreement with the defendant regarding these decisions.

NEW SECTION. Sec. 12. A new section is added to chapter 72.09 RCW to read as follows:

Except as specifically prohibited by other law, and for purposes of determining, modifying, or monitoring compliance with conditions of community custody, community placement, or community supervision as authorized under RCW 9.94A.120 and 9.94A.383, the department:

- (1) Shall have access to all relevant records and information in the possession of public agencies relating to offenders, including police reports, prosecutors' statements of probable cause, complete criminal history information, psychological evaluations and psychiatric hospital reports, sex offender treatment program reports, and juvenile records; and
- (2) May require periodic reports from providers of treatment or other services required by the court or the department, including progress reports, evaluations and assessments, and reports of violations of conditions imposed by the court or the department.

NEW SECTION. Sec. 13. A new section is added to chapter 72.09 RCW to read as follows:

To the extent practicable, the department shall deploy community corrections staff on the basis of geographic areas in which offenders under the department's jurisdiction are located, and shall establish a systematic means of assessing risk to the safety of those communities.

NEW SECTION. Sec. 14. The secretary of corrections may adopt rules to implement sections 1 through 13 of this act.

**Sec. 15.** RCW 9A.44.135 and 1998 c 220 s 2 are each amended to read as follows:

(1) When an offender registers with the county sheriff pursuant to RCW 9A.44.130, the county sheriff shall notify the police chief or town marshal of the jurisdiction in which the offender has registered to live. If the offender registers to live in an unincorporated area of the county, the sheriff shall make reasonable attempts to verify that the offender is residing at the registered address. If the offender registers to live in an incorporated city or town, the police chief or town marshal shall make reasonable attempts to verify that the offender is residing at the registered address. Reasonable attempts at verifying an address shall include at a minimum:

(a) Each year the (~~county sheriff~~) chief law enforcement officer of the jurisdiction where the offender is registered to live shall send by certified mail, with return receipt requested, a nonforwardable verification form to the offender at the offender's last registered address.

(b) The offender must sign the verification form, state on the form whether he or she still resides at the last registered address, and return the form to the (~~county sheriff~~) chief law enforcement officer of the jurisdiction where the offender is registered to live within ten days after receipt of the form.

(2) The (~~sheriff~~) chief law enforcement officer of the jurisdiction where the offender has registered to live shall make reasonable attempts to locate any sex offender who fails to return the verification form or who cannot be located at the registered address. If the offender fails to return the verification form or the offender is not at the last registered address, the (~~county sheriff~~) chief law enforcement officer of the jurisdiction where the offender has registered to live shall promptly forward this information to the county sheriff and to the Washington state patrol for inclusion in the central registry of sex offenders.

(3) When an offender notifies the county sheriff of a change to his or her residence address pursuant to RCW 9A.44.130, and the new address is in a different law enforcement jurisdiction, the county sheriff shall notify the police chief or town marshal of the jurisdiction from which the offender has moved.

**NEW SECTION. Sec. 16.** A new section is added to chapter 72.09 RCW to read as follows:

(1) The Washington state institute for public policy shall conduct a study of the effect of the use of community custody under this act. The study shall include the effect of this act on recidivism and other outcomes. In its study the institute shall consider:

(a) Recidivism, according to the definition adopted by the institute pursuant to section 59, chapter 338, Laws of 1997;

(b) The number and seriousness level of violations of conditions;

(c) The application of the graduated sanctions by the department;

(d) Unauthorized absences from supervision;

(e) Payment of legal financial obligations;

(f) Unlawful use of controlled substances;

(g) Use of alcohol when abstention or treatment for alcoholism is a condition of supervision;

(h) Effects on the number of offenders who are employed or participate in vocational rehabilitation;

(i) Participation in vocational and education programs; and

(j) Impact on the receipt of public assistance.

(2) By January 1, 2000, the institute shall report to the legislature on the design for the study. By January 1st of each year thereafter, the institute shall report to the legislature on the progress and findings of the study and make recommendations based on its findings. By January 1, 2010, the institute shall provide to the legislature a final report on the findings of the study.

(3) Subsections (1) and (2) of this section expire December 31, 2010.

**NEW SECTION. Sec. 17.** Nothing in this act shall be construed to create an immunity or defense from liability for personal injury or wrongful death based solely on availability of funds.

**NEW SECTION. Sec. 18.** This act may be known and cited as the offender accountability act.

NEW SECTION. **Sec. 19.** Section 10 of this act takes effect July 1, 2000, and applies only to offenses committed on or after July 1, 2000.

NEW SECTION. **Sec. 20.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

Representatives Ballasiotes and O'Brien spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ballasiotes and O'Brien spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Engrossed Second Substitute Senate Bill No. 5421, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5421, as amended by the House, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Crouse, Lantz and Quall - 3.

Engrossed Second Substitute Senate Bill No. 5421, as amended by the House, having received the constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5424, by Senate Committee on Environmental Quality & Water Resources (originally sponsored by Senators Winsley, Fraser, Honeyford, Hochstatter, Hale, McCaslin, West and Haugen)

Allowing the use of certain commercially approved herbicides for aquatic plant management.

The bill was read the second time.

Representative H. Sommers moved adoption of the committee amendment(s) by the Committee on Appropriations. (For committee amendment(s), see Journal, 85<sup>th</sup> Day, April 5, 1999.)

There being no objection, amendments 177, 229 and 207 to the committee amendment were withdrawn.

Representative Talcott moved the adoption of amendment (237) to the committee amendment:

On page 1, line 9 of the amendment, after "of" insert "nuisance and"

On page 1, line 10 of the amendment, after "these" insert "nuisance and"

On page 1, line 11 of the amendment, after "shorelines" insert "and other areas"

On page 1, line 12 of the amendment, after "lakes." insert "Algae can generate health and safety conditions dangerous to fish, wildlife, and humans. The current environmental impact statement is causing difficulty in responding to environmentally damaging weed and algae problems."

On page 1, line 14 of the amendment, after "controlling" insert "nuisance and"

On page 1, line 14 of the amendment, after "weeds" insert "and algae"

On page 1, beginning on line 23 of the amendment, insert "(1)"

On page 1, line 28 of the amendment, after "available." insert the following:

"(2) For the 1999 treatment season, the department shall permit by May 15, 1999, municipal experimental application of herbicides such as hydrothol 191 for algae control in lakes managed under chapter 90.24 RCW. If experimental use is determined to be ineffective, then the department shall within fourteen days consult with other state, federal, and local agencies and interested parties, and may permit the use of copper sulfate. The Washington institute for public policy shall contract for a study on the lake-wide effectiveness of any herbicide used under this subsection. Prior to issuing the contract for the study, the institute for public policy shall determine the parameters of the study in consultation with licensed applicators who have recent experience treating the lake and with the nonprofit corporation that participated in centennial clean water fund phase one lake management studies for the lake. The parameters must include measurement of the lake-wide effectiveness of the application of the herbicide in maintaining beneficial uses of the lake, including any uses designated under state or federal water quality standards. The effectiveness of the application shall be determined by objective criteria such as turbidity of the water, the effectiveness in killing algae, any harm to fish or wildlife, any risk to human health, or other criteria developed by the institute. The results of the study shall be reported to the appropriate legislative committees by December 1, 1999. A general fund appropriation in the amount of \$35,000 is provided to the Washington institute for public policy for fiscal year 1999 for the study required under this subsection."

On page 2, line 23 of the amendment, after "dioxin" insert "in excess of the standard allowed by the United States environmental protection agency. Sampling protocols and analysis used by the department under this section must be consistent with those used by the United States environmental protection agency for testing this product"

On page 3, after line 4 of the amendment, insert the following:

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

Representatives Talcott, Carrell, G. Chandler, Buck, Linville and Regala spoke in favor of the adoption of the amendment to the committee amendment.

Representative Campbell and Campbell (again) spoke against the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.



The committee amendment as amended was adopted

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Representative Wolfe, Representative Morris was excused.

Representative Schoesler spoke in favor of passage of the bill.

Representative Anderson spoke against passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5424, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5424, as amended by the House, and the bill passed the House by the following vote: Yeas - 65, Nays - 30, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Ballasiotes, Benson, Boldt, Buck, Bush, Cairnes, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Conway, Cox, DeBolt, Delvin, Doumit, Dunn, Edwards, Eickmeyer, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Kastama, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McMorris, Mielke, Miloscia, Mitchell, Mulliken, Ogden, Parlette, Pennington, Pflug, Radcliff, Reardon, Regala, Schindler, D. Schmidt, K. Schmidt, Schoesler, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sump, Talcott, Van Luven, Wensman, Wolfe, Wood and Mr. Speaker Ballard - 65.

Voting nay: Representatives Anderson, Barlean, Campbell, Cody, Constantine, Cooper, Dickerson, Dunshee, Edmonds, Ericksen, Esser, Fisher, Hurst, Kagi, Keiser, Kenney, McIntire, Murray, O'Brien, Poulsen, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Sullivan, Thomas, Tokuda, Voloria and Mr. Speaker Chopp - 30.

Excused: Representatives Crouse, Morris and Quall - 3.

Engrossed Substitute Senate Bill No. 5424, as amended by the House, having received the constitutional majority, was declared passed.

There being no objection, the rules were suspended and the Rules Committee was relieved of Engrossed Senate Bill No. 5371, Substitute Senate Bill No. 5553 and Engrossed Substitute Senate Bill No. 5599, and the bills were placed on the second reading calendar.

SECOND SUBSTITUTE SENATE BILL NO. 5536, by Senate Committee on Ways & Means (originally sponsored by Senators Spanel and Gardner)

Creating a pilot project for a municipal watershed on state trust lands.

The bill was read the second time.

Representative Linville moved the adoption of amendment (226):

On page 2, line 6, after "project." insert "In the event of differences of opinion among the members of the advisory committee, the committee shall attempt to resolve these differences through various means, including the retention of facilitation or mediation services."

On page 2, line 11, after "(4)" insert the following:

"Upon completion of the study, the department shall provide a report to the natural resources committee of the house of representatives and to the natural resources, parks, and recreation committee of the senate summarizing the results of the study.

(5)"

Representative Linville spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Linville, Ericksen, Schoesler and G. Chandler spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Second Substitute Senate Bill No. 5536, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5536, as amended by the House, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Crouse, Morris and Quall - 3.

Second Substitute Senate Bill No. 5536, as amended by the House, having received the constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 5371, by Senators Jacobsen, Horn, Haugen, Franklin, Costa and Kohl-Welles; by request of Department of Transportation

Developing intercity passenger rail service.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Fisher spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Engrossed Senate Bill No. 5371.

## ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5371 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Crouse, Morris and Quall - 3.

Engrossed Senate Bill No. 5371, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5553, by Senate Committee on Commerce, Trade, Housing & Financial Institutions (originally sponsored by Senators Prentice and Winsley; by request of Department of Licensing)

Regulating professional athletics.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Commerce & Labor was adopted. (For committee amendment(s), see Journal, 82<sup>nd</sup> Day, April 2, 1999.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Wood and Clements spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Substitute Senate Bill No. 5553, as amended by the House.

## ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5553, as amended by the House, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Crouse, Morris and Quall - 3.

Substitute Senate Bill No. 5553, as amended by the House, having received the constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5599, by Senate Committee on Commerce, Trade, Housing & Financial Institutions (originally sponsored by Senators Prentice, Deccio, Rasmussen, Jacobsen, Hale and Winsley; by request of Governor Locke)

Regulating temporary worker housing.

The bill was read the second time.

Representative Romero moved the adoption of amendment (239):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 70.114A RCW to read as follows:

The department and the department of labor and industries shall adopt joint rules for the licensing, operation, and inspection of temporary worker housing, and the enforcement thereof. These rules shall establish standards that are as effective as the standards developed under the Washington industrial safety and health act, chapter 49.17 RCW.

NEW SECTION. Sec. 2. A new section is added to chapter 49.17 RCW to read as follows:

The department and the department of health shall adopt joint rules for the licensing, operation, and inspection of temporary worker housing, and the enforcement thereof. For the purposes of this section "temporary worker housing" has the same meaning as given in RCW 70.114A.020.

NEW SECTION. Sec. 3. A new section is added to chapter 70.114A RCW to read as follows:

By December 1, 1999, the department and the department of labor and industries shall jointly establish a formal agreement that identifies the roles of each of the two agencies with respect to the enforcement of temporary worker housing operation standards.

The agreement shall, to the extent feasible, provide for inspection and enforcement actions by a single agency, and shall include measures to avoid multiple citations for the same violation.

NEW SECTION. Sec. 4. A new section is added to chapter 49.17 RCW to read as follows:

By December 1, 1999, the department and the department of health shall jointly establish a formal agreement that identifies the roles of each of the two agencies with respect to the enforcement of temporary worker housing operation standards.

The agreement shall, to the extent feasible, provide for inspection and enforcement actions by a single agency, and shall include measures to avoid multiple citations for the same violation.

For the purposes of this section, "temporary worker housing" has the same meaning as provided in RCW 70.114A.020.

NEW SECTION. Sec. 5. A new section is added to chapter 70.114A RCW to read as follows:

(1) The department and the department of labor and industries are directed to engage in joint rule making to establish standards for cherry harvest temporary labor camps. These standards may include some variation from standards that are necessary for longer occupancies, provided they are as effective as the standards adopted under the Washington industrial safety and health act, chapter 49.17 RCW. As used in this section "cherry harvest temporary labor camp" means a place where housing and related facilities are provided to agricultural employees by agricultural employers for no more than twenty-one days in any one calendar year. Temporary labor camps licensed under this section may be occupied for more than twenty-one days if the following conditions are met: (a) The secretary or an

authorized representative and the local health jurisdiction determine that the health and safety interests of the worker occupants would be better served by extending the occupancy than closing the camp at the end of the initial twenty-one day period; and (b) the operator requests an extension at least three days prior to the expiration of the initial twenty-one day period. The extended occupancy shall not exceed seven days.

(2) Facilities licensed under rules adopted under this section may not be used to provide housing for agricultural employees who are nonimmigrant aliens admitted to the United States for agricultural labor or services of a temporary or seasonal nature under section 1101(a)(15)(H)(ii)(a) of the immigration and nationality act (8 U.S.C. Sec. 1101(a)(15)(H)(ii)(a)).

(3) This section has no application to temporary worker housing constructed in conformance with codes listed in RCW 19.27.031 or 70.114A.081.

**Sec. 6.** RCW 70.114A.020 and 1995 c 220 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter.

(1) "Agricultural employee" means any person who renders personal services to, or under the direction of, an agricultural employer in connection with the employer's agricultural activity.

(2) "Agricultural employer" means any person engaged in agricultural activity, including the growing, producing, or harvesting of farm or nursery products, or engaged in the forestation or reforestation of lands, which includes but is not limited to the planting, transplanting, tubing, precommercial thinning, and thinning of trees and seedlings, the clearing, piling, and disposal of brush and slash, the harvest of Christmas trees, and other related activities.

(3) "Department" means the department of health.

~~((2))~~ (4) "Dwelling unit" means a shelter, building, or portion of a building, that may include cooking and eating facilities, that is:

(a) Provided and designated by the operator as either a sleeping area, living area, or both, for occupants; and

(b) Physically separated from other sleeping and common-use areas.

~~((3))~~ (5) "Enforcement" and "enforcement actions" include the authority to levy and collect fines.

(6) "Facility" means a sleeping place, drinking water, toilet, sewage disposal, food handling installation, or other installations required for compliance with this chapter.

~~((4))~~ (7) "Occupant" means a temporary worker or a person who resides with a temporary worker at the housing site.

~~((5))~~ (8) "Operator" means a person holding legal title to the land on which temporary worker housing is located. However, if the legal title and the right to possession are in different persons, "operator" means a person having the lawful control or supervision over the temporary worker housing under a lease or other arrangement.

~~((6))~~ (9) "Temporary worker" means ~~((a person))~~ an agricultural employee employed intermittently and not residing year-round at the same site.

~~((7))~~ (10) "Temporary worker housing" means a place, area, or piece of land where sleeping places or housing sites are provided by an agricultural employer for his or her agricultural employees or by another person, including a temporary worker housing operator, who is providing such accommodations for employees, for temporary, seasonal occupancy~~((, and includes "labor camps" under RCW 70.54.110)).~~

**Sec. 7.** RCW 70.114A.060 and 1995 c 220 s 6 are each amended to read as follows:

The secretary of the department or authorized representative may inspect housing covered by chapter 220, Laws of 1995, to enforce temporary worker housing rules adopted by the state board of health prior to the effective date of this act or the department, or when the secretary or representative has reasonable cause to believe that a violation of temporary worker housing rules adopted by the state board of health prior to the effective date of this act or the department is occurring or is being maintained. If the buildings or premises are occupied as a residence, a reasonable effort shall be made to obtain permission from the resident. If the premises or building is unoccupied, a reasonable effort shall be made to locate the owner or other person having charge or control of the building or premises

and request entry. If consent for entry is not obtained, for whatever reason, the secretary or representative shall have recourse to every remedy provided by law to secure entry.

**Sec. 8.** RCW 70.114A.081 and 1998 c 37 s 2 are each amended to read as follows:

(1) The department shall adopt by rule a temporary worker building code in conformance with the temporary worker housing standards developed under the Washington industrial safety and health act, chapter 49.17 RCW, ~~((the rules adopted by the state board of health under RCW 70.54.110,))~~ and the following guidelines:

(a) The temporary worker building code shall provide construction standards for shelter and associated facilities that are safe, secure, and capable of withstanding the stresses and loads associated with their designated use, and to which they are likely to be subjected by the elements;

(b) The temporary worker building code shall permit and facilitate designs and formats that allow for maximum affordability, consistent with the provision of decent, safe, and sanitary housing;

(c) In developing the temporary worker building code the department of health shall consider:

(i) The need for dormitory type housing for groups of unrelated individuals; and

(ii) The need for housing to accommodate families;

(d) The temporary worker building code shall incorporate the opportunity for the use of construction alternatives and the use of new technologies that meet the performance standards required by law;

(e) The temporary worker building code shall include standards for heating and insulation appropriate to the type of structure and length and season of occupancy;

(f) The temporary worker building code shall include standards for temporary worker housing that are to be used only during periods when no auxiliary heat is required; and

(g) The temporary worker building code shall provide that persons operating temporary worker housing consisting of four or fewer dwelling units or combinations of dwelling units, dormitories, or spaces that house nine or fewer occupants may elect to comply with the provisions of the temporary worker building code, and that unless the election is made, such housing is subject to the codes adopted under RCW 19.27.031.

(2) In adopting the temporary worker building code, the department shall make exceptions to the codes listed in RCW 19.27.031 and chapter 19.27A RCW, in keeping with the guidelines set forth in this section. The initial temporary worker building code adopted by the department shall be substantially equivalent with the temporary worker building code developed by the state building code council as directed by section 8, chapter 220, Laws of 1995.

(3) The temporary worker building code authorized and required by this section shall be enforced by the department.

The department shall have the authority to allow minor variations from the temporary worker building code that do not compromise the health or safety of workers. Procedures for requesting variations and guidelines for granting such requests shall be included in the rules adopted under this section.

NEW SECTION. **Sec. 9.** A new section is added to chapter 43.70 RCW to read as follows:  
For the purposes of RCW 43.70.335, 43.70.337, and 43.70.340, "temporary worker housing" has the same meaning as provided in RCW 70.114A.020.

**Sec. 10.** RCW 43.70.335 and 1998 c 37 s 5 are each amended to read as follows:

(1) Any person providing temporary worker housing consisting of five or more dwelling units, or any combination of dwelling units, dormitories, or spaces that house ten or more occupants, or any person providing temporary worker housing who makes the election to comply with the temporary worker building code under RCW 70.114A.081(1)(g), shall secure an annual operating license prior to occupancy and shall pay a fee according to RCW 43.70.340. The license shall be conspicuously displayed on site.

(2) Licenses issued under this chapter may be suspended or revoked upon the failure or refusal of the person providing temporary worker housing to comply with ~~((the provisions of RCW 70.54.110,~~

~~or of any~~) rules adopted under this section or chapter 70.114A RCW by the department. All such proceedings shall be governed by the provisions of chapter 34.05 RCW.

(3) The department may assess a civil fine in accordance with RCW 43.70.095 for failure or refusal to obtain a license prior to occupancy of temporary worker housing. The department may refund all or part of the civil fine collected once the operator obtains a valid operating license.

(4) Civil fines under this section shall not exceed twice the cost of the license plus the cost of the initial on-site inspection for the first violation of this section, and shall not exceed ten times the cost of the license plus the cost of the initial on-site inspection for second and subsequent violations within any five-year period. The department may adopt rules as necessary to assure compliance with this section.

NEW SECTION. **Sec. 11.** A new section is added to chapter 70.114A RCW to read as follows:

The department shall prepare a report to the legislature on utilization of the temporary worker building code authorized by RCW 70.114A.081. The report shall include the number of housing units, number of families or individuals housed, number of growers obtaining permits, the geographic distribution of the permits, and recommendations of changes in the temporary worker building code necessary to avoid health and safety problems for the occupants. The report shall be transmitted to the senate committee on commerce, trade, housing and financial institutions and the house of representatives committee on economic development, housing and trade by December 15, 2000, and an update shall be transmitted every two years thereafter.

NEW SECTION. **Sec. 12.** The following acts or parts of acts are each repealed:

(1) RCW 43.70.330 (Labor camps and farmworker housing--Inspector--Interagency agreement for inspections) and 1998 c 245 s 74, 1995 c 399 s 75, & 1990 c 253 s 2; and

(2) RCW 70.54.110 (New housing for agricultural workers to comply with board of health regulations) and 1995 c 220 s 11, 1990 c 253 s 4, & 1969 ex.s. c 231 s 1.

NEW SECTION. **Sec. 13.** Rules adopted under RCW 70.54.110 prior to the effective date of this act shall remain in effect until modified."

Correct the title.

Representatives Romero and McMorris spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Romero, Clements and Miloscia spoke in favor of passage of the bill.

### COLLOQUY

Representative Miloscia: "Representative Clements, section five of the bill authorizes the establishment of special standards for cherry harvest labor camps, due to the shortness of that harvest. There have been successful challenges to this approach in the past. What is different in this bill that could help the program succeed?"

Representative Clements: "Thank you, Representative Miloscia. This will be the first time that the authority for this program has been provided in statute. That was a problem in an earlier lawsuit. In addition, we have a commitment from the Governor's Office and the departments of Health and Labor and Industries to vigorously defend the standards in court and in negotiations with federal agencies."

Speaker Chopp stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5599, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5599, as amended by the House, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Crouse, Morris and Quall - 3.

Engrossed Substitute Senate Bill No. 5599, as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5214, by Senate Committee on Education (originally sponsored by Senators McAuliffe, Long, Fairley, Kohl-Welles, Eide, Costa, Kline, Thibaudeau and Winsley)

Providing for additional investigations when a student is charged with possession of a firearm on school facilities.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Judiciary was before the House for purpose of amendment. (For committee amendment(s), see Journal, 82<sup>nd</sup> Day, April 2, 1999.)

There being no objection, amendments 211 and 198 to the committee amendment were withdrawn.

Representative Carrell moved the adoption of amendment (221) to the committee amendment:

On page 2, beginning on line 3 of the amendment, strike all material through line 16 of the amendment, and insert the following:

"Upon the arrest of a person at least twelve years of age and not more than twenty-one years of age for violating subsection (1) (a) of this section, the person shall be detained or confined in a juvenile or adult facility for up to seventy-two hours. The person shall not be released within the seventy-two hours until after the person has been examined and evaluated by the county-designated mental health professional unless the court in its discretion releases the person sooner after a determination regarding probable cause or on probation bond or bail.

Within twenty-four hours of the arrest, the arresting law enforcement agency shall refer the person to the county-designated mental health professional for examination and evaluation under chapter 71.05 or 71.34 RCW and inform a parent or guardian of the person of the arrest, detention, and examination. The county-designated mental health professional shall examine and evaluate the person subject to the provisions of chapter 71.05 or 71.34 RCW. The examination shall occur at the



facility in which the person is detained or confined. If the person has been released on probation, bond, or bail, the examination shall occur wherever is appropriate.

The county-designated mental health professional may determine whether to refer the person to the county-designated chemical dependency specialist for examination and evaluation in accordance with chapter 70.96 RCW. The county-designated chemical dependency specialist shall examine the person subject to the provisions of chapter 70.96 RCW. The examination shall occur at the facility in which the person is detained or confined. If the person has been released on probation, bond, or bail, the examination shall occur wherever is appropriate.

Upon completion of any examination by the county-designated mental health professional or the county-designated chemical dependency specialist, the results of the examination shall be sent to the court, and the court shall consider those results in making any determination about the person.

The county-designated mental health professional and county-designated chemical dependency specialist shall, to the extent permitted by law, notify a parent or guardian of the person that an examination and evaluation has taken place and the results of the examination. Nothing in this subsection prohibits the delivery of additional, appropriate mental health examinations to the person while the person is detained or confined.

If the county-designated mental health professional determines it is appropriate, the county-designated mental health professional may refer the person to the local regional support network for follow-up services or the department of social and health services or other community providers for other services to the family and individual."

Representatives Carrell and Hurst spoke in favor of the adoption of the amendment.

The amendment to the committee amendment was adopted.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Constantine, McDonald, Carrell, Keiser and Carrell (again) spoke in favor of passage of the bill.

Representative Thomas spoke against the passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Substitute Senate Bill No. 5214, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5214, as amended by the House, and the bill passed the House by the following vote: Yeas - 92, Nays - 3, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, DeBolt, Delvin, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 92.

Voting nay: Representatives Dickerson, Kagi and Thomas - 3.

Excused: Representatives Crouse, Morris and Quall - 3.

Substitute Senate Bill No. 5214, as amended by the House, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2284, by Representatives Rockefeller, DeBolt, Skinner, Conway, Lantz, Kastama, Alexander, Haigh and Kessler

Changing property tax exemption provisions.

The bill was read the second time. There being no objection, Substitute House Bill No. 2284 was substituted for House Bill No. 2284, and the substitute bill was placed on second reading.

Substitute House Bill No. 2284 was read the second time.

Representative Pennington moved the adoption of amendment (218):

On page 2, beginning on line 23, after "(4)" strike everything through "less" on page 3 line 28 and insert: "Except for veterans of the armed forces of the United States with one hundred percent service-connected disabilities, the amount that the person shall be exempt from an obligation to pay shall be calculated on the basis of combined disposable income, as defined in RCW 84.36.383. If the person claiming the exemption was retired for two months or more of the assessment year, the combined disposable income of such person shall be calculated by multiplying the average monthly combined disposable income of such person during the months such person was retired by twelve. If the income of the person claiming exemption is reduced for two or more months of the assessment year by reason of the death of the person's spouse, or when other substantial changes occur in disposable income that are likely to continue for an indefinite period of time, the combined disposable income of such person shall be calculated by multiplying the average monthly combined disposable income of such person after such occurrences by twelve. If it is necessary to estimate income to comply with this subsection, the assessor may require confirming documentation of such income prior to May 31 of the year following application;

(5)(a) A person who otherwise qualifies under this section and has a combined disposable income of thirty thousand dollars or less or who is a veteran of the armed forces of the United States with a one hundred percent service-connected disability shall be exempt from all excess property taxes; and

(b)(i) A person who otherwise qualifies under this section and has a combined disposable income of twenty-four thousand dollars or less but greater than eighteen thousand dollars shall be exempt from all regular property taxes on the greater of forty thousand dollars or thirty-five percent of the valuation of his or her residence, but not to exceed sixty thousand dollars of the valuation of his or her residence; or

(ii) A person who otherwise qualifies under this section and has a combined disposable income of eighteen thousand dollars or less or who is a veteran of the armed forces of the United States with a one hundred percent service-connected disability shall be exempt from all regular property taxes on the greater of fifty thousand dollars or sixty percent of the valuation of his or her residence; and

(6) For a person who otherwise qualifies under this section and has a combined disposable income of thirty thousand dollars or less or who is a veteran of the armed forces of the United States with a one hundred percent service-connected disability"

Representatives Pennington, DeBolt, Rockefeller, Thomas, Dunn, Barlean, Campbell, Carrell, Conway, Thomas (again) and Pennington (again) spoke in favor of the adoption of the amendment.

Representative Dunshee spoke against the adoption of the amendment.

The amendment was adopted.

There being no objection, amendment 230 was withdrawn.

Representative Buck moved the adoption of amendment (217):

On page 4, line 19, strike "two and insert "five"

Representatives Buck and DeBolt spoke in favor of the adoption of the amendment.

Representative Dunshee spoke against the adoption of the amendment.

The amendment was adopted.

There being no objection, amendment 216 was withdrawn.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Rockefeller, Bush, DeBolt, Eickmeyer, Carrell, Anderson, Cox and Dunshee spoke in favor of passage of the bill.

#### **POINT OF ORDER**

Representative Benson asked the Speaker to instruct the body to confine their remarks to the issue.

#### **SPEAKER'S RULING**

Speaker Chopp felt that the members' comments were within the scope of the bill. The point was not well taken.

Representatives Dunshee (continued), K. Schmidt and Pennington spoke in favor of passage of the bill.

#### **POINT OF ORDER**

Representative Conway requested that the member debate the issues at hand.

#### **SPEAKER'S RULING**

Speaker Chopp ruled that the member was speaking to the issues and that Representative Conway's point was not well taken.

Representative Pennington (continued) and Fortunato spoke in favor of passage of the bill.

Representative Dickerson demanded the previous question and the demand was sustained.

Speaker Chopp stated the question before the House to be final passage of Engrossed Substitute House Bill No. 2284.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2284, and the bill passed the House by the following vote: Yeas - 93, Nays - 2, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, DeBolt, Delvin, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 93.

Voting nay: Representatives Dickerson, Sommers and H. - 2.

Excused: Representatives Crouse, Morris and Quall - 3.

Engrossed Substitute House Bill No. 2284, having received the constitutional majority, was declared passed.

There being no objection, the House reverted to the fourth order of business.

### **INTRODUCTIONS AND FIRST READING**

ESJM 8013 by Senators T. Sheldon, Rasmussen, Horn and Sheahan

Requesting federal assistance for areas of Washington that received record rainfall this winter.

There being no objection, the memorial listed on the day's introduction sheet under the fourth order of business was advanced to second reading.

There being no objection, the House advanced to the sixth order of business.

### **SECOND READING**

ENGROSSED SENATE JOINT MEMORIAL NO. 8013, by Senators T. Sheldon, Rasmussen, Horn and Sheahan

Requesting federal assistance for areas of Washington that received record rainfall this winter.

The memorial was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the memorial was placed on final passage.

Representatives Pennington, Buck, Haigh, Alexander, Dunshee and Eickmeyer spoke in favor of passage of the memorial.

Speaker Chopp stated the question before the House to be final passage of Engrossed Senate Joint Memorial No. 8013.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Senate Joint Memorial No. 8013 and the memorial passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Crouse, Morris and Quall - 3.

Engrossed Senate Joint Memorial No. 8013, having received the constitutional majority, was declared passed.

There being no objection, the bills remaining on the day's Floor Calendar were returned to the Rules Committee.

#### **POINT OF PERSONAL PRIVILEGE**

Representative Kastama congratulated Representative Rockefeller on the passage of his first bill, Engrossed Substitute House Bill No. 2284 and asked the Chamber to acknowledge his accomplishment.

#### **POINT OF PERSONAL PRIVILEGE**

Representative D. Schmidt informed the House of the possible activation of the National Guard for duty in the military action in Kosovo. This activation may impact several members of the House: Representatives Sullivan, Benson and D. Schmidt.

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

#### **REPORTS OF STANDING COMMITTEES**

April 14, 1999

HCR 4407 Prime Sponsor, Representative Murray: Establishing a joint select committee on the future facility needs of higher education. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Mitchell, Republican Co-Chair; Murray, Democratic Co-Chair; Edmonds, Democratic Vice Chair; Esser, Republican Vice Chair; Alexander; Anderson; Barlean; Bush; Constantine; Dunshee; Hankins; Lantz; Miloscia; O'Brien; Ogden and Schoesler.

Voting yea: Representatives Mitchell, Murray, Edmonds, Esser, Alexander, Anderson, Barlean, Bush, Constantine, Dunshee, Hankins, Lantz, Miloscia, O'Brien, Ogden and Schoesler.  
Excused: Representative(s) Koster and Mastin.

Passed to Rules Committee for Second Reading.

There being no objection, the resolution listed on the day's committee reports under the fifth order of business was referred to the committee so designated.

There being no objection, the House advanced to the eleventh order of business.

## **POINT OF PERSONAL PRIVILEGE**

Representative Lisk asked the Chamber to thank the Co-Speakers for keeping a level temperment through this session. The Chamber acknowledged their leadership.

## **MOTION**

On motion of Representative Kessler, the House adjourned until 9:30 a.m., Saturday, April 17, 1999, the 97<sup>th</sup> Legislative Day.

TIMOTHY A. MARTIN, Chief Clerk      CLYDE BALLARD, Speaker  
DEAN R. FOSTER, Chief Clerk      FRANK CHOPP, Speaker

NINETY-SIXTH DAY, APRIL 16, 1999

JOURNAL OF THE HOUSE

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**NINETY-SEVENTH DAY**

**MORNING SESSION**

House Chamber, Olympia, Saturday, April 17, 1999

The House was called to order at 9:30 a.m. by Speaker Ballard. The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Zarah Jalalian and Danny Graham. Prayer was offered by Representative Mary Lou Dickerson.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

**MESSAGE FROM THE SENATE**

April 16, 1999

Mr. Speaker:

The Senate has failed to pass SUBSTITUTE HOUSE BILL NO. 1189, and the same is herewith transmitted.

Tony M. Cook, Secretary

April 16, 1999

Mr. Speaker:

The President has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5909,

and the same is herewith transmitted.

Tony M. Cook, Secretary

April 16, 1999

Mr. Speaker:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 1013,  
HOUSE BILL NO. 1042,  
HOUSE BILL NO. 1050,  
HOUSE BILL NO. 1150,  
SUBSTITUTE HOUSE BILL NO. 1212,  
SUBSTITUTE HOUSE BILL NO. 1224,  
HOUSE BILL NO. 1321,  
HOUSE BILL NO. 1421,  
HOUSE BILL NO. 1463,  
SUBSTITUTE HOUSE BILL NO. 1592,  
SUBSTITUTE HOUSE BILL NO. 1593,  
SUBSTITUTE HOUSE BILL NO. 2111,  
HOUSE BILL NO. 2200,  
HOUSE BILL NO. 2264,

and the same are herewith transmitted.

Tony M. Cook, Secretary

April 14, 1999

Mr. Speaker:

The Senate has passed:

SUBSTITUTE HOUSE BILL NO. 1204,  
SUBSTITUTE HOUSE BILL NO. 1345,  
HOUSE BILL NO. 1554,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1887,  
SUBSTITUTE HOUSE BILL NO. 2152,

and the same are herewith transmitted.



Tony M. Cook, Secretary

**SIGNED BY THE SPEAKERS**

The Speakers signed the following bills:

HOUSE BILL NO. 1142,  
SUBSTITUTE HOUSE BILL NO. 1219,  
ENGROSSED HOUSE BILL NO. 1264,  
HOUSE BILL NO. 1322,  
HOUSE BILL NO. 1330,  
HOUSE BILL NO. 1561,  
SECOND SUBSTITUTE HOUSE BILL NO. 1661,  
HOUSE BILL NO. 1664,  
HOUSE BILL NO. 1703,  
SUBSTITUTE HOUSE BILL NO. 1718,  
HOUSE BILL NO. 2081,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2095,  
HOUSE BILL NO. 2261,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5909,

**SENATE AMENDMENTS TO HOUSE BILL**

April 12, 1999

Mr. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1006 with the following amendment(s)

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 9.94A.030 and 1998 c 290 s 3 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Collect," or any derivative thereof, "collect and remit," or "collect and deliver," when used with reference to the department of corrections, means that the department is responsible for monitoring and enforcing the offender's sentence with regard to the legal financial obligation, receiving payment thereof from the offender, and, consistent with current law, delivering daily the entire payment to the superior court clerk without depositing it in a departmental account.

(2) "Commission" means the sentencing guidelines commission.

(3) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

(4) "Community custody" means that portion of an inmate's sentence of confinement in lieu of earned early release time or imposed pursuant to RCW 9.94A.120 (6), (8), or (10) served in the community subject to controls placed on the inmate's movement and activities by the department of corrections.

(5) "Community placement" means that period during which the offender is subject to the conditions of community custody and/or postrelease supervision, which begins either upon completion of the term of confinement (postrelease supervision) or at such time as the offender is transferred to community custody in lieu of earned early release. Community placement may consist of entirely community custody, entirely postrelease supervision, or a combination of the two.

(6) "Community service" means compulsory service, without compensation, performed for the benefit of the community by the offender.

(7) "Community supervision" means a period of time during which a convicted offender is subject to crime-related prohibitions and other sentence conditions imposed by a court pursuant to this chapter or RCW 16.52.200(6) or 46.61.524. For first-time offenders, the supervision may include crime-related prohibitions and other conditions imposed pursuant to RCW 9.94A.120(5). Where the court finds that any offender has a chemical dependency that has contributed to his or her offense, the conditions of supervision may, subject to available resources, include treatment. For purposes of the interstate compact for out-of-state supervision of parolees and probationers, RCW 9.95.270, community supervision is the functional equivalent of probation and should be considered the same as probation by other states.

(8) "Confinement" means total or partial confinement as defined in this section.

(9) "Conviction" means an adjudication of guilt pursuant to Titles 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

(10) "Court-ordered legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington for legal financial obligations which may include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction. Upon conviction for vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal financial obligations may also include payment to a public agency of the expense of an emergency response to the incident resulting in the conviction, subject to the provisions in RCW 38.52.430.

(11) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct. However, affirmative acts necessary to monitor compliance with the order of a court may be required by the department.

(12) "Criminal history" means the list of a defendant's prior convictions and juvenile adjudications, whether in this state, in federal court, or elsewhere. The history shall include, where known, for each conviction (a) whether the defendant has been placed on probation and the length and terms thereof; and (b) whether the defendant has been incarcerated and the length of incarceration.

(13) "Day fine" means a fine imposed by the sentencing judge that equals the difference between the offender's net daily income and the reasonable obligations that the offender has for the support of the offender and any dependents.

(14) "Day reporting" means a program of enhanced supervision designed to monitor the defendant's daily activities and compliance with sentence conditions, and in which the defendant is required to report daily to a specific location designated by the department or the sentencing judge.

(15) "Department" means the department of corrections.

(16) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community supervision, the

number of actual hours or days of community service work, or dollars or terms of a legal financial obligation. The fact that an offender through "earned early release" can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

(17) "Disposable earnings" means that part of the earnings of an individual remaining after the deduction from those earnings of any amount required by law to be withheld. For the purposes of this definition, "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonuses, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy a court-ordered legal financial obligation, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

(18) "Drug offense" means:

(a) Any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.401(d)) or forged prescription for a controlled substance (RCW 69.50.403);

(b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or

(c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection.

(19) "Escape" means:

(a) Escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), willful failure to return from work release (RCW 72.65.070), or willful failure to be available for supervision by the department while in community custody (RCW 72.09.310); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection.

(20) "Felony traffic offense" means:

(a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), or felony hit-and-run injury-accident (RCW 46.52.020(4)); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection.

(21) "Fines" means the requirement that the offender pay a specific sum of money over a specific period of time to the court.

(22) "First-time offender" means any person who is convicted of a felony (a) not classified as a violent offense or a sex offense under this chapter, or (b) that is not the manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance classified in Schedule I or II that is a narcotic drug or flunitrazepam classified in Schedule IV, nor the manufacture, delivery, or possession with intent to deliver methamphetamine, its salts, isomers, and salts of its isomers as defined in RCW 69.50.206(d)(2), nor the selling for profit of any controlled substance or counterfeit substance classified in Schedule I, RCW 69.50.204, except leaves and flowering tops of marihuana, who previously has never been convicted of a felony in this state, federal court, or another state, and who has never participated in a program of deferred prosecution for a felony offense.

(23) "Most serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies, as now existing or hereafter amended:

(a) Any felony defined under any law as a class A felony or criminal solicitation of or criminal conspiracy to commit a class A felony;

(b) Assault in the second degree;

(c) Assault of a child in the second degree;

(d) Child molestation in the second degree;

(e) Controlled substance homicide;

(f) Extortion in the first degree;

(g) Incest when committed against a child under age fourteen;

(h) Indecent liberties;

(i) Kidnapping in the second degree;

(j) Leading organized crime;

- (k) Manslaughter in the first degree;
  - (l) Manslaughter in the second degree;
  - (m) Promoting prostitution in the first degree;
  - (n) Rape in the third degree;
  - (o) Robbery in the second degree;
  - (p) Sexual exploitation;
  - (q) Vehicular assault;
  - (r) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;
  - (s) Any other class B felony offense with a finding of sexual motivation, as "sexual motivation" is defined under this section;
  - (t) Any other felony with a deadly weapon verdict under RCW 9.94A.125;
  - (u) Any felony offense in effect at any time prior to December 2, 1993, that is comparable to a most serious offense under this subsection, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a most serious offense under this subsection;
  - (v)(i) A prior conviction for indecent liberties under RCW 9A.88.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st ex. sess. as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b), and (c) as it existed from July 1, 1979, until June 11, 1986, and RCW 9A.44.100(1) (a), (b), and (d) as it existed from June 11, 1986, until July 1, 1988;
  - (ii) A prior conviction for indecent liberties under RCW 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988, if: (A) The crime was committed against a child under the age of fourteen; or (B) the relationship between the victim and perpetrator is included in the definition of indecent liberties under RCW 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27, 1997, or RCW 9A.44.100(1) (d) or (e) as it existed from July 25, 1993, through July 27, 1997.
- (24) "Nonviolent offense" means an offense which is not a violent offense.
- (25) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case is under superior court jurisdiction under RCW 13.04.030 or has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.
- (26) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention or work crew has been ordered by the court, in an approved residence, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release, home detention, work crew, and a combination of work crew and home detention as defined in this section.
- (27) "Persistent offender" is an offender who:
- (a)(i) Has been convicted in this state of any felony considered a most serious offense; and
  - (ii) Has, before the commission of the offense under (a) of this subsection, been convicted as an offender on at least two separate occasions, whether in this state or elsewhere, of felonies that under the laws of this state would be considered most serious offenses and would be included in the offender score under RCW 9.94A.360; provided that of the two or more previous convictions, at least one conviction must have occurred before the commission of any of the other most serious offenses for which the offender was previously convicted; or
  - (b)(i) Has been convicted of: (A) Rape in the first degree, rape of a child in the first degree, child molestation in the first degree, rape in the second degree, rape of a child in the second degree, or indecent liberties by forcible compulsion; (B) murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, or burglary in the first degree, with a finding of sexual motivation; or (C) an attempt to commit any crime listed in this subsection (27)(b)(i); and
  - (ii) Has, before the commission of the offense under (b)(i) of this subsection, been convicted as an offender on at least one occasion, whether in this state or elsewhere, of an offense listed in (b)(i) of

this subsection. A conviction for rape of a child in the first degree constitutes a conviction under subsection (27)(b)(i) only when the offender was sixteen years of age or older when the offender committed the offense. A conviction for rape of a child in the second degree constitutes a conviction under subsection (27)(b)(i) only when the offender was eighteen years of age or older when the offender committed the offense.

(28) "Postrelease supervision" is that portion of an offender's community placement that is not community custody.

(29) "Restitution" means the requirement that the offender pay a specific sum of money over a specific period of time to the court as payment of damages. The sum may include both public and private costs. The imposition of a restitution order does not preclude civil redress.

(30) "Serious traffic offense" means:

(a) Driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502), actual physical control while under the influence of intoxicating liquor or any drug (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or

(b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.

(31) "Serious violent offense" is a subcategory of violent offense and means:

(a) Murder in the first degree, homicide by abuse, murder in the second degree, manslaughter in the first degree, assault in the first degree, kidnapping in the first degree, or rape in the first degree, assault of a child in the first degree, or an attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

(32) "Sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

(33) "Sex offense" means:

(a) A felony that is a violation of chapter 9A.44 RCW or RCW 9A.64.020 or 9.68A.090 or a felony that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes;

(b) A felony with a finding of sexual motivation under RCW 9.94A.127 or 13.40.135; or

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection.

(34) "Sexual motivation" means that one of the purposes for which the defendant committed the crime was for the purpose of his or her sexual gratification.

(35) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

(36) "Transition training" means written and verbal instructions and assistance provided by the department to the offender during the two weeks prior to the offender's successful completion of the work ethic camp program. The transition training shall include instructions in the offender's requirements and obligations during the offender's period of community custody.

(37) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged.

(38) "Violent offense" means:

(a) Any of the following felonies, as now existing or hereafter amended: Any felony defined under any law as a class A felony or an attempt to commit a class A felony, criminal solicitation of or criminal conspiracy to commit a class A felony, manslaughter in the first degree, manslaughter in the second degree, indecent liberties if committed by forcible compulsion, kidnapping in the second degree, arson in the second degree, assault in the second degree, assault of a child in the second degree, extortion in the first degree, robbery in the second degree, drive-by shooting, vehicular assault, and vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under (a) or (b) of this subsection.

(39) "Work crew" means a program of partial confinement consisting of civic improvement tasks for the benefit of the community of not less than thirty-five hours per week that complies with RCW 9.94A.135. The civic improvement tasks shall have minimal negative impact on existing private industries or the labor force in the county where the service or labor is performed. The civic improvement tasks shall not affect employment opportunities for people with developmental disabilities contracted through sheltered workshops as defined in RCW 82.04.385. Only those offenders sentenced to a facility operated or utilized under contract by a county or the state are eligible to participate on a work crew. Offenders sentenced for a sex offense as defined in subsection (33) of this section are not eligible for the work crew program.

(40) "Work ethic camp" means an alternative incarceration program designed to reduce recidivism and lower the cost of corrections by requiring offenders to complete a comprehensive array of real-world job and vocational experiences, character-building work ethics training, life management skills development, substance abuse rehabilitation, counseling, literacy training, and basic adult education.

(41) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school. Participation in work release shall be conditioned upon the offender attending work or school at regularly defined hours and abiding by the rules of the work release facility.

(42) "Home detention" means a program of partial confinement available to offenders wherein the offender is confined in a private residence subject to electronic surveillance.

**NEW SECTION.** **Sec. 2.** A new section is added to chapter 9.94A RCW to read as follows:

(1) Where the court finds that the offender has a chemical dependency that has contributed to his or her offense, the court may, as a condition of the sentence and subject to available resources, order the offender to participate in rehabilitative programs or otherwise to perform affirmative conduct reasonably related to the circumstances of the crime for which the offender has been convicted and reasonably necessary or beneficial to the offender and the community in rehabilitating the offender.

(2) This section applies to sentences which include any term other than, or in addition to, a term of total confinement, including suspended sentences.

**Sec. 3.** RCW 9.94A.110 and 1998 c 260 s 2 are each amended to read as follows:

Before imposing a sentence upon a defendant, the court shall conduct a sentencing hearing. The sentencing hearing shall be held within forty court days following conviction. Upon the motion of either party for good cause shown, or on its own motion, the court may extend the time period for conducting the sentencing hearing.

Unless specifically waived by the court, the court shall order the department to complete a chemical dependency screening report before imposing a sentence upon a defendant who has been convicted of a violation of the uniform controlled substances act under chapter 69.50 RCW or a criminal solicitation to commit such a violation under chapter 9A.28 RCW where the court finds that the offender has a chemical dependency that has contributed to his or her offense. In addition, the court shall, at the time of plea or conviction, order the department to complete a presentence report before imposing a sentence upon a defendant who has been convicted of a felony sexual offense. The department of corrections shall give priority to presentence investigations for sexual offenders. If the court determines that the defendant may be a mentally ill person as defined in RCW 71.24.025, although the defendant has not established that at the time of the crime he or she lacked the capacity to commit the crime, was incompetent to commit the crime, or was insane at the time of the crime, the court shall order the department to complete a presentence report before imposing a sentence.

The court shall consider the presentence reports, if any, including any victim impact statement and criminal history, and allow arguments from the prosecutor, the defense counsel, the offender, the

victim, the survivor of the victim, or a representative of the victim or survivor, and an investigative law enforcement officer as to the sentence to be imposed.

If the court is satisfied by a preponderance of the evidence that the defendant has a criminal history, the court shall specify the convictions it has found to exist. All of this information shall be part of the record. Copies of all presentence reports presented to the sentencing court and all written findings of facts and conclusions of law as to sentencing entered by the court shall be sent to the department by the clerk of the court at the conclusion of the sentencing and shall accompany the offender if the offender is committed to the custody of the department. Court clerks shall provide, without charge, certified copies of documents relating to criminal convictions requested by prosecuting attorneys.

**Sec. 4.** RCW 9.94A.120 and 1998 c 260 s 3 are each amended to read as follows:

When a person is convicted of a felony, the court shall impose punishment as provided in this section.

(1) Except as authorized in subsections (2), (4), (5), (6), and (8) of this section, the court shall impose a sentence within the sentence range for the offense.

(2) The court may impose a sentence outside the standard sentence range for that offense if it finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(3) Whenever a sentence outside the standard range is imposed, the court shall set forth the reasons for its decision in written findings of fact and conclusions of law. A sentence outside the standard range shall be a determinate sentence.

(4) A persistent offender shall be sentenced to a term of total confinement for life without the possibility of parole or, when authorized by RCW 10.95.030 for the crime of aggravated murder in the first degree, sentenced to death, notwithstanding the maximum sentence under any other law. An offender convicted of the crime of murder in the first degree shall be sentenced to a term of total confinement not less than twenty years. An offender convicted of the crime of assault in the first degree or assault of a child in the first degree where the offender used force or means likely to result in death or intended to kill the victim shall be sentenced to a term of total confinement not less than five years. An offender convicted of the crime of rape in the first degree shall be sentenced to a term of total confinement not less than five years. The foregoing minimum terms of total confinement are mandatory and shall not be varied or modified as provided in subsection (2) of this section. In addition, all offenders subject to the provisions of this subsection shall not be eligible for community custody, earned early release time, furlough, home detention, partial confinement, work crew, work release, or any other form of early release as defined under RCW 9.94A.150 (1), (2), (3), (5), (7), or (8), or any other form of authorized leave of absence from the correctional facility while not in the direct custody of a corrections officer or officers during such minimum terms of total confinement except in the case of an offender in need of emergency medical treatment or for the purpose of commitment to an inpatient treatment facility in the case of an offender convicted of the crime of rape in the first degree.

(5) In sentencing a first-time offender the court may waive the imposition of a sentence within the sentence range and impose a sentence which may include up to ninety days of confinement in a facility operated or utilized under contract by the county and a requirement that the offender refrain from committing new offenses. The sentence may also include up to two years of community supervision, which, in addition to crime-related prohibitions, may include requirements that the offender perform any one or more of the following:

- (a) Devote time to a specific employment or occupation;
- (b) Undergo available outpatient treatment for up to two years, or inpatient treatment not to exceed the standard range of confinement for that offense;
- (c) Pursue a prescribed, secular course of study or vocational training;
- (d) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;
- (e) Report as directed to the court and a community corrections officer; or

(f) Pay all court-ordered legal financial obligations as provided in RCW 9.94A.030 and/or perform community service work.

(6)(a) An offender is eligible for the special drug offender sentencing alternative if:

(i) ~~The offender is convicted of ((the manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance classified in Schedule I or II that is a narcotic drug or a felony that is, under chapter 9A.28 RCW or RCW 69.50.407, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes,))~~ a felony that is not a violent offense or sex offense and the violation does not involve a sentence enhancement under RCW 9.94A.310 (3) or (4);

(ii) The offender has no current or prior convictions for a ((felony)) sex offense or violent offense in this state, another state, or the United States; ~~((and))~~

(iii) For a violation of the uniform controlled substances act under chapter 69.50 RCW or a criminal solicitation to commit such a violation under chapter 9A.28 RCW, the offense involved only a small quantity of the particular controlled substance as determined by the judge upon consideration of such factors as the weight, purity, packaging, sale price, and street value of the controlled substance; and

(iv) The offender has not been found by the United States attorney general to be subject to a deportation detainer or order.

(b) If the ~~((midpoint of the))~~ standard range is greater than one year and the sentencing judge determines that the offender is eligible for this option and that the offender and the community will benefit from the use of the special drug offender sentencing alternative, the judge may waive imposition of a sentence within the standard range and impose a sentence that must include a period of total confinement in a state facility for one-half of the midpoint of the standard range. During incarceration in the state facility, offenders sentenced under this subsection shall undergo a comprehensive substance abuse assessment and receive, within available resources, treatment services appropriate for the offender. The treatment services shall be designed by the division of alcohol and substance abuse of the department of social and health services, in cooperation with the department of corrections. ~~((If the midpoint of the standard range is twenty four months or less, no more than three months of the sentence may be served in a work release status.))~~

The court shall also impose ~~((one year of concurrent community custody and community supervision that))~~:

(i) The remainder of the midpoint of the standard range as a term of community custody which must include appropriate ((outpatient)) substance abuse treatment((;)) in a program that has been approved by the division of alcohol and substance abuse of the department of social and health services;

(ii) Crime-related prohibitions including a condition not to use illegal controlled substances((;)); and

(iii) A requirement to submit to urinalysis or other testing to monitor that status.

The court may prohibit the offender from using alcohol or controlled substances and may require that the monitoring for controlled substances be conducted by the department or by a treatment alternatives to street crime program or a comparable court or agency-referred program. The offender may be required to pay thirty dollars per month while on community custody to offset the cost of monitoring. In addition, the court shall impose three or more of the following conditions:

~~((i))~~ (A) Devote time to a specific employment or training;

~~((ii))~~ (B) Remain within prescribed geographical boundaries and notify the court or the community corrections officer before any change in the offender's address or employment;

~~((iii))~~ (C) Report as directed to a community corrections officer;

~~((iv))~~ (D) Pay all court-ordered legal financial obligations;

~~((v))~~ (E) Perform community service work;

~~((vi))~~ (F) Stay out of areas designated by the sentencing judge;

(G) Such other conditions as the court may require such as affirmative conditions.

(c) If the offender violates any of the sentence conditions in (b) of this subsection, ~~((the department shall impose sanctions administratively, with notice to the prosecuting attorney and the sentencing court. Upon motion of the court or the prosecuting attorney,))~~ a violation hearing shall be held by the ~~((court))~~ department unless waived by the offender. If the ~~((court))~~ department finds that conditions have been willfully violated, the ~~((court may impose confinement consisting of up to the~~



~~remaining one half of the midpoint of the standard range. All total confinement served during the period of community custody shall be credited to the offender, regardless of whether the total confinement is served as a result of the original sentence, as a result of a sanction imposed by the department, or as a result of a violation found by the court. The term of community supervision shall be tolled by any period of time served in total confinement as a result of a violation found by the court.)~~ offender may be reclassified to serve the remaining balance of the original sentence.

(d) The department shall determine the rules for calculating the value of a day fine based on the offender's income and reasonable obligations which the offender has for the support of the offender and any dependents. These rules shall be developed in consultation with the administrator for the courts, the office of financial management, and the commission.

(e) An offender who fails to complete the special drug offender sentencing alternative program or who is administratively terminated from the program shall be reclassified to serve the unexpired term of his or her sentence as ordered by the sentencing judge and shall be subject to all rules relating to earned early release time. An offender who violates any conditions of supervision as defined by the department shall be sanctioned. Sanctions may include, but are not limited to, reclassifying the offender to serve the unexpired term of his or her sentence as ordered by the sentencing judge. If an offender is reclassified to serve the unexpired term of his or her sentence, the offender shall be subject to all rules relating to earned early release time.

(7) If a sentence range has not been established for the defendant's crime, the court shall impose a determinate sentence which may include not more than one year of confinement, community service work, a term of community supervision not to exceed one year, and/or other legal financial obligations. The court may impose a sentence which provides more than one year of confinement if the court finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(8)(a)(i) When an offender is convicted of a sex offense other than a violation of RCW 9A.44.050 or a sex offense that is also a serious violent offense and has no prior convictions for a sex offense or any other felony sex offenses in this or any other state, the sentencing court, on its own motion or the motion of the state or the defendant, may order an examination to determine whether the defendant is amenable to treatment.

The report of the examination shall include at a minimum the following: The defendant's version of the facts and the official version of the facts, the defendant's offense history, an assessment of problems in addition to alleged deviant behaviors, the offender's social and employment situation, and other evaluation measures used. The report shall set forth the sources of the evaluator's information.

The examiner shall assess and report regarding the defendant's amenability to treatment and relative risk to the community. A proposed treatment plan shall be provided and shall include, at a minimum:

- (A) Frequency and type of contact between offender and therapist;
- (B) Specific issues to be addressed in the treatment and description of planned treatment modalities;
- (C) Monitoring plans, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members and others;
- (D) Anticipated length of treatment; and
- (E) Recommended crime-related prohibitions.

The court on its own motion may order, or on a motion by the state shall order, a second examination regarding the offender's amenability to treatment. The evaluator shall be selected by the party making the motion. The defendant shall pay the cost of any second examination ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost.

(ii) After receipt of the reports, the court shall consider whether the offender and the community will benefit from use of this special sex offender sentencing alternative and consider the victim's opinion whether the offender should receive a treatment disposition under this subsection. If the court determines that this special sex offender sentencing alternative is appropriate, the court shall then impose a sentence within the sentence range. If this sentence is less than eleven years of

confinement, the court may suspend the execution of the sentence and impose the following conditions of suspension:

(A) The court shall place the defendant on community custody for the length of the suspended sentence or three years, whichever is greater, and require the offender to comply with any conditions imposed by the department of corrections under subsection (14) of this section;

(B) The court shall order treatment for any period up to three years in duration. The court in its discretion shall order outpatient sex offender treatment or inpatient sex offender treatment, if available. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment. The offender shall not change sex offender treatment providers or treatment conditions without first notifying the prosecutor, the community corrections officer, and the court, and shall not change providers without court approval after a hearing if the prosecutor or community corrections officer object to the change. In addition, as conditions of the suspended sentence, the court may impose other sentence conditions including up to six months of confinement, not to exceed the sentence range of confinement for that offense, crime-related prohibitions, and requirements that the offender perform any one or more of the following:

(I) Devote time to a specific employment or occupation;

(II) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;

(III) Report as directed to the court and a community corrections officer;

(IV) Pay all court-ordered legal financial obligations as provided in RCW 9.94A.030, perform community service work, or any combination thereof; or

(V) Make recoupment to the victim for the cost of any counseling required as a result of the offender's crime; and

(C) Sex offenders sentenced under this special sex offender sentencing alternative are not eligible to accrue any earned early release time while serving a suspended sentence.

(iii) The sex offender therapist shall submit quarterly reports on the defendant's progress in treatment to the court and the parties. The report shall reference the treatment plan and include at a minimum the following: Dates of attendance, defendant's compliance with requirements, treatment activities, the defendant's relative progress in treatment, and any other material as specified by the court at sentencing.

(iv) At the time of sentencing, the court shall set a treatment termination hearing for three months prior to the anticipated date for completion of treatment. Prior to the treatment termination hearing, the treatment professional and community corrections officer shall submit written reports to the court and parties regarding the defendant's compliance with treatment and monitoring requirements, and recommendations regarding termination from treatment, including proposed community supervision conditions. Either party may request and the court may order another evaluation regarding the advisability of termination from treatment. The defendant shall pay the cost of any additional evaluation ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost. At the treatment termination hearing the court may: (A) Modify conditions of community custody, and either (B) terminate treatment, or (C) extend treatment for up to the remaining period of community custody.

(v) If a violation of conditions occurs during community custody, the department shall either impose sanctions as provided for in RCW 9.94A.205(2)(a) or refer the violation to the court and recommend revocation of the suspended sentence as provided for in (a)(vi) of this subsection.

(vi) The court may revoke the suspended sentence at any time during the period of community custody and order execution of the sentence if: (A) The defendant violates the conditions of the suspended sentence, or (B) the court finds that the defendant is failing to make satisfactory progress in treatment. All confinement time served during the period of community custody shall be credited to the offender if the suspended sentence is revoked.

(vii) Except as provided in (a)(viii) of this subsection, after July 1, 1991, examinations and treatment ordered pursuant to this subsection shall only be conducted by sex offender treatment providers certified by the department of health pursuant to chapter 18.155 RCW.

(viii) A sex offender therapist who examines or treats a sex offender pursuant to this subsection (8) does not have to be certified by the department of health pursuant to chapter 18.155 RCW if the

court finds that: (A) The offender has already moved to another state or plans to move to another state for reasons other than circumventing the certification requirements; (B) no certified providers are available for treatment within a reasonable geographical distance of the offender's home; and (C) the evaluation and treatment plan comply with this subsection (8) and the rules adopted by the department of health.

(ix) For purposes of this subsection (8), "victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a result of the crime charged. "Victim" also means a parent or guardian of a victim who is a minor child unless the parent or guardian is the perpetrator of the offense.

(x) If the defendant was less than eighteen years of age when the charge was filed, the state shall pay for the cost of initial evaluation and treatment.

(b) When an offender commits any felony sex offense on or after July 1, 1987, and is sentenced to a term of confinement of more than one year but less than six years, the sentencing court may, on its own motion or on the motion of the offender or the state, request the department of corrections to evaluate whether the offender is amenable to treatment and the department may place the offender in a treatment program within a correctional facility operated by the department.

Except for an offender who has been convicted of a violation of RCW 9A.44.040 or 9A.44.050, if the offender completes the treatment program before the expiration of his or her term of confinement, the department of corrections may request the court to convert the balance of confinement to community supervision and to place conditions on the offender including crime-related prohibitions and requirements that the offender perform any one or more of the following:

- (i) Devote time to a specific employment or occupation;
- (ii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;
- (iii) Report as directed to the court and a community corrections officer;
- (iv) Undergo available outpatient treatment.

If the offender violates any of the terms of his or her community supervision, the court may order the offender to serve out the balance of his or her community supervision term in confinement in the custody of the department of corrections.

Nothing in this subsection (8)(b) shall confer eligibility for such programs for offenders convicted and sentenced for a sex offense committed prior to July 1, 1987. This subsection (8)(b) does not apply to any crime committed after July 1, 1990.

(c) Offenders convicted and sentenced for a sex offense committed prior to July 1, 1987, may, subject to available funds, request an evaluation by the department of corrections to determine whether they are amenable to treatment. If the offender is determined to be amenable to treatment, the offender may request placement in a treatment program within a correctional facility operated by the department. Placement in such treatment program is subject to available funds.

(9)(a) When a court sentences a person to a term of total confinement to the custody of the department of corrections for an offense categorized as a sex offense or a serious violent offense committed after July 1, 1988, but before July 1, 1990, assault in the second degree, assault of a child in the second degree, any crime against a person where it is determined in accordance with RCW 9.94A.125 that the defendant or an accomplice was armed with a deadly weapon at the time of commission, or any felony offense under chapter 69.50 or 69.52 RCW not sentenced under subsection (6) of this section, committed on or after July 1, 1988, the court shall in addition to the other terms of the sentence, sentence the offender to a one-year term of community placement beginning either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned early release in accordance with RCW 9.94A.150 (1) and (2). When the court sentences an offender under this subsection to the statutory maximum period of confinement then the community placement portion of the sentence shall consist entirely of such community custody to which the offender may become eligible, in accordance with RCW 9.94A.150 (1) and (2). Any period of community custody actually served shall be credited against the community placement portion of the sentence.

(b) When a court sentences a person to a term of total confinement to the custody of the department of corrections for an offense categorized as a sex offense committed on or after July 1,

1990, but before June 6, 1996, a serious violent offense, vehicular homicide, or vehicular assault, committed on or after July 1, 1990, the court shall in addition to other terms of the sentence, sentence the offender to community placement for two years or up to the period of earned early release awarded pursuant to RCW 9.94A.150 (1) and (2), whichever is longer. The community placement shall begin either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned early release in accordance with RCW 9.94A.150 (1) and (2). When the court sentences an offender under this subsection to the statutory maximum period of confinement then the community placement portion of the sentence shall consist entirely of the community custody to which the offender may become eligible, in accordance with RCW 9.94A.150 (1) and (2). Any period of community custody actually served shall be credited against the community placement portion of the sentence. Unless a condition is waived by the court, the terms of community placement for offenders sentenced pursuant to this section shall include the following conditions:

(i) The offender shall report to and be available for contact with the assigned community corrections officer as directed;

(ii) The offender shall work at department of corrections-approved education, employment, and/or community service;

(iii) The offender shall not possess or consume controlled substances except pursuant to lawfully issued prescriptions;

(iv) The offender shall pay supervision fees as determined by the department of corrections;

(v) The residence location and living arrangements are subject to the prior approval of the department of corrections during the period of community placement; and

(vi) The offender shall submit to affirmative acts necessary to monitor compliance with the orders of the court as required by the department.

(c) As a part of any sentence imposed under (a) or (b) of this subsection, the court may also order any of the following special conditions:

(i) The offender shall remain within, or outside of, a specified geographical boundary;

(ii) The offender shall not have direct or indirect contact with the victim of the crime or a specified class of individuals;

(iii) The offender shall participate in crime-related treatment or counseling services;

(iv) The offender shall not consume alcohol;

(v) The offender shall comply with any crime-related prohibitions; or

(vi) For an offender convicted of a felony sex offense against a minor victim after June 6, 1996, the offender shall comply with any terms and conditions of community placement imposed by the department of corrections relating to contact between the sex offender and a minor victim or a child of similar age or circumstance as a previous victim.

(d) Prior to transfer to, or during, community placement, any conditions of community placement may be removed or modified so as not to be more restrictive by the sentencing court, upon recommendation of the department of corrections.

(10)(a) When a court sentences a person to the custody of the department of corrections for an offense categorized as a sex offense committed on or after June 6, 1996, the court shall, in addition to other terms of the sentence, sentence the offender to community custody for three years or up to the period of earned early release awarded pursuant to RCW 9.94A.150 (1) and (2), whichever is longer. The community custody shall begin either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned early release in accordance with RCW 9.94A.150 (1) and (2).

(b) Unless a condition is waived by the court, the terms of community custody shall be the same as those provided for in subsection (9)(b) of this section and may include those provided for in subsection (9)(c) of this section. As part of any sentence that includes a term of community custody imposed under this subsection, the court shall also require the offender to comply with any conditions imposed by the department of corrections under subsection (14) of this section.

(c) At any time prior to the completion of a sex offender's term of community custody, if the court finds that public safety would be enhanced, the court may impose and enforce an order extending any or all of the conditions imposed pursuant to this section for a period up to the maximum allowable sentence for the crime as it is classified in chapter 9A.20 RCW, regardless of the expiration of the

offender's term of community custody. If a violation of a condition extended under this subsection occurs after the expiration of the offender's term of community custody, it shall be deemed a violation of the sentence for the purposes of RCW 9.94A.195 and may be punishable as contempt of court as provided for in RCW 7.21.040.

(11) If the court imposes a sentence requiring confinement of thirty days or less, the court may, in its discretion, specify that the sentence be served on consecutive or intermittent days. A sentence requiring more than thirty days of confinement shall be served on consecutive days. Local jail administrators may schedule court-ordered intermittent sentences as space permits.

(12) If a sentence imposed includes payment of a legal financial obligation, the sentence shall specify the total amount of the legal financial obligation owed, and shall require the offender to pay a specified monthly sum toward that legal financial obligation. Restitution to victims shall be paid prior to any other payments of monetary obligations. Any legal financial obligation that is imposed by the court may be collected by the department, which shall deliver the amount paid to the county clerk for credit. The offender's compliance with payment of legal financial obligations shall be supervised by the department for ten years following the entry of the judgment and sentence or ten years following the offender's release from total confinement. All monetary payments ordered shall be paid no later than ten years after the last date of release from confinement pursuant to a felony conviction or the date the sentence was entered unless the superior court extends the criminal judgment an additional ten years. If the legal financial obligations including crime victims' assessments are not paid during the initial ten-year period, the superior court may extend jurisdiction under the criminal judgment an additional ten years as provided in RCW 9.94A.140, 9.94A.142, and 9.94A.145. If jurisdiction under the criminal judgment is extended, the department is not responsible for supervision of the offender during the subsequent period. Independent of the department, the party or entity to whom the legal financial obligation is owed shall have the authority to utilize any other remedies available to the party or entity to collect the legal financial obligation. Nothing in this section makes the department, the state, or any of its employees, agents, or other persons acting on their behalf liable under any circumstances for the payment of these legal financial obligations. If an order includes restitution as one of the monetary assessments, the county clerk shall make disbursements to victims named in the order.

(13) Except as provided under RCW 9.94A.140(1) and 9.94A.142(1), a court may not impose a sentence providing for a term of confinement or community supervision or community placement which exceeds the statutory maximum for the crime as provided in chapter 9A.20 RCW.

(14) All offenders sentenced to terms involving community supervision, community service, community placement, or legal financial obligation shall be under the supervision of the department of corrections and shall follow explicitly the instructions and conditions of the department of corrections. The department may require an offender to perform affirmative acts it deems appropriate to monitor compliance with the conditions of the sentence imposed.

(a) The instructions shall include, at a minimum, reporting as directed to a community corrections officer, remaining within prescribed geographical boundaries, notifying the community corrections officer of any change in the offender's address or employment, and paying the supervision fee assessment.

(b) For offenders sentenced to terms involving community custody for crimes committed on or after June 6, 1996, the department may include, in addition to the instructions in (a) of this subsection, any appropriate conditions of supervision, including but not limited to, prohibiting the offender from having contact with any other specified individuals or specific class of individuals. The conditions authorized under this subsection (14)(b) may be imposed by the department prior to or during an offender's community custody term. If a violation of conditions imposed by the court or the department pursuant to subsection (10) of this section occurs during community custody, it shall be deemed a violation of community placement for the purposes of RCW 9.94A.207 and shall authorize the department to transfer an offender to a more restrictive confinement status as provided in RCW 9.94A.205. At any time prior to the completion of a sex offender's term of community custody, the department may recommend to the court that any or all of the conditions imposed by the court or the department pursuant to subsection (10) of this section be continued beyond the expiration of the offender's term of community custody as authorized in subsection (10)(c) of this section.

The department may require offenders to pay for special services rendered on or after July 25, 1993, including electronic monitoring, day reporting, and telephone reporting, dependent upon the offender's ability to pay. The department may pay for these services for offenders who are not able to pay.

(15) All offenders sentenced to terms involving community supervision, community service, or community placement under the supervision of the department of corrections shall not own, use, or possess firearms or ammunition. Offenders who own, use, or are found to be in actual or constructive possession of firearms or ammunition shall be subject to the appropriate violation process and sanctions. "Constructive possession" as used in this subsection means the power and intent to control the firearm or ammunition. "Firearm" as used in this subsection means a weapon or device from which a projectile may be fired by an explosive such as gunpowder.

(16) The sentencing court shall give the offender credit for all confinement time served before the sentencing if that confinement was solely in regard to the offense for which the offender is being sentenced.

(17) A departure from the standards in RCW 9.94A.400 (1) and (2) governing whether sentences are to be served consecutively or concurrently is an exceptional sentence subject to the limitations in subsections (2) and (3) of this section, and may be appealed by the defendant or the state as set forth in RCW 9.94A.210 (2) through (6).

(18) The court shall order restitution whenever the offender is convicted of a felony that results in injury to any person or damage to or loss of property, whether the offender is sentenced to confinement or placed under community supervision, unless extraordinary circumstances exist that make restitution inappropriate in the court's judgment. The court shall set forth the extraordinary circumstances in the record if it does not order restitution.

(19) As a part of any sentence, the court may impose and enforce an order that relates directly to the circumstances of the crime for which the offender has been convicted, prohibiting the offender from having any contact with other specified individuals or a specific class of individuals for a period not to exceed the maximum allowable sentence for the crime, regardless of the expiration of the offender's term of community supervision or community placement.

(20) The court may order an offender whose sentence includes community placement or community supervision to undergo a mental status evaluation and to participate in available outpatient mental health treatment, if the court finds that reasonable grounds exist to believe that the offender is a mentally ill person as defined in RCW 71.24.025, and that this condition is likely to have influenced the offense. An order requiring mental status evaluation or treatment must be based on a presentence report and, if applicable, mental status evaluations that have been filed with the court to determine the offender's competency or eligibility for a defense of insanity. The court may order additional evaluations at a later date if deemed appropriate.

(21) In any sentence of partial confinement, the court may require the defendant to serve the partial confinement in work release, in a program of home detention, on work crew, or in a combined program of work crew and home detention.

(22) All court-ordered legal financial obligations collected by the department and remitted to the county clerk shall be credited and paid where restitution is ordered. Restitution shall be paid prior to any other payments of monetary obligations.

**Sec. 5.** RCW 9.94A.137 and 1995 1st sp.s. c 19 s 20 are each amended to read as follows:

(1)(a) An offender is eligible to be sentenced to a work ethic camp if the offender:

(i) Is sentenced to a term of total confinement of not less than ~~((sixteen))~~ twelve months and one day or more than thirty-six months; ~~((and))~~

(ii) Has no current or prior convictions for any sex offenses or for violent offenses ~~((other than drug offenses for manufacturing, possession, delivery, or intent to deliver a controlled substance)); and~~

(iii) Is not currently subject to a sentence for, or being prosecuted for, a violation of the uniform controlled substances act or a criminal solicitation to commit such a violation under chapter 9A.28 or 69.50 RCW.

(b) The length of the work ethic camp shall be at least one hundred twenty days and not more than one hundred eighty days. ~~((Because of the conversion ratio, earned early release time shall not accrue to offenders who successfully complete the program.))~~

(2) If the sentencing judge determines that the offender is eligible for the work ethic camp and is likely to qualify under subsection (3) of this section, the judge shall impose a sentence within the standard range and may recommend that the offender serve the sentence at a work ethic camp. ~~((The sentence shall provide that if the offender successfully completes the program, the department shall convert the period of work ethic camp confinement at the rate of one day of work ethic camp confinement to three days of total standard confinement.))~~ In sentencing an offender to the work ethic camp, the court shall specify: (a) That upon completion of the work ethic camp the offender shall be released on community custody for any remaining time of total confinement; (b) the applicable conditions of supervision on community custody status as required by RCW 9.94A.120(9)(b) and authorized by RCW 9.94A.120(9)(c); and (c) that violation of the conditions may result in a return to total confinement for the balance of the offender's remaining time of confinement.

(3) The department shall place the offender in the work ethic camp program, subject to capacity, unless: (a) The department determines that the offender has physical or mental impairments that would prevent participation and completion of the program; (b) the department determines that the offender's custody level prevents placement in the program; ~~((c))~~ (c) the offender refuses to agree to the terms and conditions of the program; (d) the offender has been found by the United States attorney general to be subject to a deportation detainer or order; or (e) the offender has participated in the work ethic camp program in the past.

(4) An offender who fails to complete the work ethic camp program, who is administratively terminated from the program, or who otherwise violates any conditions of supervision, as defined by the department, shall be reclassified to serve the unexpired term of his or her sentence as ordered by the sentencing judge and shall be subject to all rules relating to earned early release time.

(5) During the last two weeks prior to release from the work ethic camp program the department shall provide the offender with comprehensive transition training.

**Sec. 6.** RCW 9.94A.380 and 1988 c 157 s 4 and 1988 c 155 s 3 are each reenacted and amended to read as follows:

Alternatives to total confinement are available for offenders with sentences of one year or less. These alternatives include the following sentence conditions that the court may order as substitutes for total confinement:

(1) One day of partial confinement may be substituted for one day of total confinement;

(2) In addition, for offenders convicted of nonviolent offenses only, eight hours of community service may be substituted for one day of total confinement, with a maximum conversion limit of two hundred forty hours or thirty days. Community service hours must be completed within the period of community supervision or a time period specified by the court, which shall not exceed twenty-four months, pursuant to a schedule determined by the department; and

(3) For offenders convicted of nonviolent and nonsex offenses, the court may authorize county jails to convert jail confinement to an available county supervised community option and may require the offender to perform affirmative conduct pursuant to section 2 of this act.

For sentences of nonviolent offenders for one year or less, the court shall consider and give priority to available alternatives to total confinement and shall state its reasons in writing on the judgment and sentence form if the alternatives are not used.

NEW SECTION. **Sec. 7.** The legislature recognizes the utility of drug court programs in reducing recidivism and assisting the courts by diverting potential offenders from the normal course of criminal trial proceedings.

NEW SECTION. **Sec. 8.** A new section is added to chapter 10.01 RCW to read as follows:

(1) The superior and district courts of Washington may establish drug court programs to accept offenders that have been diverted by the courts from the normal course of prosecution for drug offenses.

(2) Pursuant to this section, "drug court" is defined as a program that meets the criteria set forth in section 9 of this act.

NEW SECTION. **Sec. 9.** A new section is added to chapter 2.28 RCW to read as follows:

(1) Counties may establish and operate drug courts.

(2) For the purposes of this section, "drug court" means a court that has special calendars or dockets designed to achieve a reduction in recidivism and substance abuse among nonviolent, substance abusing offenders by increasing their likelihood for successful rehabilitation through early, continuous, and intense judicially supervised treatment; mandatory periodic drug testing; and the use of appropriate sanctions and other rehabilitation services.

(3) Any jurisdiction that seeks a state appropriation to fund a drug court program must first:

(a) Exhaust all federal funding received from the office of national drug control policy that is available to support the operations of its drug court and associated services; and

(b) Match, on a dollar-for-dollar basis, state moneys allocated for drug court programs with local resources. Moneys allocated by the state must be used to supplement, not supplant, other federal, state, and local funds for drug court operations and associated services.

NEW SECTION. **Sec. 10.** A new section is added to chapter 70.96A RCW to read as follows:

The department shall contract with counties operating drug courts and counties in the process of implementing new drug courts for the provision of drug and alcohol treatment services.

NEW SECTION. **Sec. 11.** The department of corrections must develop criteria for successful completion of the special drug offender sentencing alternative program by December 31, 1999.

NEW SECTION. **Sec. 12.** The Washington state institute for public policy, in consultation with the sentencing guidelines commission shall evaluate the impact of implementing the drug offender options provided for in RCW 9.94A.120(6). The commission shall submit a final report to the legislature by December 1, 2004. The report shall describe the changes in sentencing practices related to the use of punishment options for drug offenders and include the impact of sentencing alternatives on state prison populations, the savings in state resources, the effectiveness of drug treatment services, and the impact on recidivism rates.

NEW SECTION. **Sec. 13.** If specific funding for the purposes of sections 7 through 12 of this act, referencing sections 7 through 12 of this act by bill or chapter number, is not provided by June 30, 1999, in the omnibus appropriations act, sections 7 through 12 of this act are null and void.

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

On page 1, line 2 of the title, after "alcohol;" strike the remainder of the title and insert "amending RCW 9.94A.030, 9.94A.110, 9.94A.120, and 9.94A.137; reenacting and amending RCW 9.94A.380; adding a new section to chapter 9.94A RCW; adding a new section to chapter 10.01 RCW; adding a new section to chapter 2.28 RCW; adding a new section to chapter 70.96A RCW; creating new sections; and prescribing penalties."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House advanced to the seventh order of business.



There being no objection, the House did not concur in the Senate Amendment(s) to Engrossed Second Substitute House Bill No. 1006 and asked the Senate to recede therefrom.

### SENATE AMENDMENTS TO HOUSE BILL

April 12, 1999

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1007 with the following amendment(s)

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 9.16 RCW to read as follows:  
A violation of RCW 9.16.030 or 9.16.040 is a class C felony if:

(1) The violation involves the manufacture, production, or distribution of items bearing counterfeit marks; and

(2) The defendant knew or should have known that the counterfeit items, by their intended use, endangered the health or safety of others.

**Sec. 2.** RCW 9.94A.320 and 1998 c 290 s 4, 1998 c 219 s 4, 1998 c 82 s 1, and 1998 c 78 s 1 are each reenacted and amended to read as follows:

#### TABLE 2

#### CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

XV Aggravated Murder 1 (RCW 10.95.020)

XIV Murder 1 (RCW 9A.32.030)

Homicide by abuse (RCW 9A.32.055)

Malicious explosion 1 (RCW 70.74.280(1))

XIII Murder 2 (RCW 9A.32.050)

Malicious explosion 2 (RCW 70.74.280(2))

Malicious placement of an explosive 1 (RCW 70.74.270(1))

XII Assault 1 (RCW 9A.36.011)

Assault of a Child 1 (RCW 9A.36.120)

Rape 1 (RCW 9A.44.040)

Rape of a Child 1 (RCW 9A.44.073)

Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a))

XI Rape 2 (RCW 9A.44.050)

Rape of a Child 2 (RCW 9A.44.076)

Manslaughter 1 (RCW 9A.32.060)

X Kidnapping 1 (RCW 9A.40.020)

Child Molestation 1 (RCW 9A.44.083)

Malicious explosion 3 (RCW 70.74.280(3))

Over 18 and deliver heroin, a narcotic from Schedule I or II, or flunitrazepam from Schedule IV to someone under 18 (RCW 69.50.406)

Leading Organized Crime (RCW 9A.82.060(1)(a))  
Indecent Liberties (with forcible compulsion) (RCW  
9A.44.100(1)(a))  
Manufacture of methamphetamine (RCW 69.50.401(a)(1)(ii))

IX Assault of a Child 2 (RCW 9A.36.130)

Robbery 1 (RCW 9A.56.200)  
Explosive devices prohibited (RCW 70.74.180)  
Malicious placement of an explosive 2 (RCW 70.74.270(2))  
Over 18 and deliver narcotic from Schedule III, IV, or V or a  
nonnarcotic, except flunitrazepam, from Schedule I-V  
to someone under 18 and 3 years junior (RCW  
69.50.406)  
Controlled Substance Homicide (RCW 69.50.415)  
Sexual Exploitation (RCW 9.68A.040)  
Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))  
Vehicular Homicide, by being under the influence of  
intoxicating liquor or any drug (RCW 46.61.520)  
Homicide by Watercraft, by being under the influence of  
intoxicating liquor or any drug (RCW 88.12.029)

VIII Arson 1 (RCW 9A.48.020)

Promoting Prostitution 1 (RCW 9A.88.070)  
Selling for profit (controlled or counterfeit) any controlled  
substance (RCW 69.50.410)  
Manufacture, deliver, or possess with intent to deliver heroin  
or cocaine (RCW 69.50.401(a)(1)(i))  
Deliver or possess with intent to deliver methamphetamine  
(RCW 69.50.401(a)(1)(ii))  
Manufacture, deliver, or possess with intent to deliver  
amphetamine (RCW 69.50.401(a)(1)(ii))  
Possession of ephedrine or pseudoephedrine with intent to  
manufacture methamphetamine (RCW 69.50.440)  
Vehicular Homicide, by the operation of any vehicle in a  
reckless manner (RCW 46.61.520)  
Homicide by Watercraft, by the operation of any vessel in a  
reckless manner (RCW 88.12.029)  
Manslaughter 2 (RCW 9A.32.070)

VII Burglary 1 (RCW 9A.52.020)

Vehicular Homicide, by disregard for the safety of others  
(RCW 46.61.520)  
Homicide by Watercraft, by disregard for the safety of others  
(RCW 88.12.029)  
Introducing Contraband 1 (RCW 9A.76.140)  
Indecent Liberties (without forcible compulsion) (RCW  
9A.44.100(1) (b) and (c))  
Child Molestation 2 (RCW 9A.44.086)  
Dealing in depictions of minor engaged in sexually explicit  
conduct (RCW 9.68A.050)  
Sending, bringing into state depictions of minor engaged in  
sexually explicit conduct (RCW 9.68A.060)  
Involving a minor in drug dealing (RCW 69.50.401(f))  
Drive-by Shooting (RCW 9A.36.045)

Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1)(a))  
Malicious placement of an explosive 3 (RCW 70.74.270(3))

VI Bribery (RCW 9A.68.010)

Rape of a Child 3 (RCW 9A.44.079)  
Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)  
Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))  
Incest 1 (RCW 9A.64.020(1))  
Manufacture, deliver, or possess with intent to deliver narcotics from Schedule I or II (except heroin or cocaine) or flunitrazepam from Schedule IV (RCW 69.50.401(a)(1)(i))  
Intimidating a Judge (RCW 9A.72.160)  
Bail Jumping with Murder 1 (RCW 9A.76.170(2)(a))  
Theft of a Firearm (RCW 9A.56.300)

V Persistent prison misbehavior (RCW 9.94.070)

Criminal Mistreatment 1 (RCW 9A.42.020)  
Abandonment of dependent person 1 (RCW 9A.42.060)  
Rape 3 (RCW 9A.44.060)  
Sexual Misconduct with a Minor 1 (RCW 9A.44.093)  
Child Molestation 3 (RCW 9A.44.089)  
Kidnapping 2 (RCW 9A.40.030)  
Extortion 1 (RCW 9A.56.120)  
Incest 2 (RCW 9A.64.020(2))  
Perjury 1 (RCW 9A.72.020)  
Extortionate Extension of Credit (RCW 9A.82.020)  
Advancing money or property for extortionate extension of credit (RCW 9A.82.030)  
Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)  
Rendering Criminal Assistance 1 (RCW 9A.76.070)  
Bail Jumping with class A Felony (RCW 9A.76.170(2)(b))  
Sexually Violating Human Remains (RCW 9A.44.105)  
Delivery of imitation controlled substance by person eighteen or over to person under eighteen (RCW 69.52.030(2))  
Possession of a Stolen Firearm (RCW 9A.56.310)

IV Residential Burglary (RCW 9A.52.025)

Theft of Livestock 1 (RCW 9A.56.080)  
Robbery 2 (RCW 9A.56.210)  
Assault 2 (RCW 9A.36.021)  
Escape 1 (RCW 9A.76.110)  
Arson 2 (RCW 9A.48.030)  
Commercial Bribery (RCW 9A.68.060)  
Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)  
Malicious Harassment (RCW 9A.36.080)  
Threats to Bomb (RCW 9.61.160)  
Willful Failure to Return from Furlough (RCW 72.66.060)  
Hit and Run--Injury Accident (RCW 46.52.020(4))  
Hit and Run with Vessel--Injury Accident (RCW 88.12.155(3))

Vehicular Assault (RCW 46.61.522)  
Assault by Watercraft (RCW 88.12.032)  
Manufacture, deliver, or possess with intent to deliver narcotics from Schedule III, IV, or V or nonnarcotics from Schedule I-V (except marijuana, amphetamine, methamphetamines, or flunitrazepam) (RCW 69.50.401(a)(1) (iii) through (v))  
Influencing Outcome of Sporting Event (RCW 9A.82.070)  
Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))  
Knowingly Trafficking in Stolen Property (RCW 9A.82.050(2))  
Counterfeiting (section 1 of this act)

III Criminal Gang Intimidation (RCW 9A.46.120)  
Criminal Mistreatment 2 (RCW 9A.42.030)  
Abandonment of dependent person 2 (RCW 9A.42.070)  
Extortion 2 (RCW 9A.56.130)  
Unlawful Imprisonment (RCW 9A.40.040)  
Assault 3 (RCW 9A.36.031)  
Assault of a Child 3 (RCW 9A.36.140)  
Custodial Assault (RCW 9A.36.100)  
Unlawful possession of firearm in the second degree (RCW 9.41.040(1)(b))  
Harassment (RCW 9A.46.020)  
Promoting Prostitution 2 (RCW 9A.88.080)  
Willful Failure to Return from Work Release (RCW 72.65.070)  
Burglary 2 (RCW 9A.52.030)  
Introducing Contraband 2 (RCW 9A.76.150)  
Communication with a Minor for Immoral Purposes (RCW 9.68A.090)  
Patronizing a Juvenile Prostitute (RCW 9.68A.100)  
Escape 2 (RCW 9A.76.120)  
Perjury 2 (RCW 9A.72.030)  
Bail Jumping with class B or C Felony (RCW 9A.76.170(2)(c))  
Intimidating a Public Servant (RCW 9A.76.180)  
Tampering with a Witness (RCW 9A.72.120)  
Manufacture, deliver, or possess with intent to deliver marijuana (RCW 69.50.401(a)(1)(iii))  
Delivery of a material in lieu of a controlled substance (RCW 69.50.401(c))  
Manufacture, distribute, or possess with intent to distribute an imitation controlled substance (RCW 69.52.030(1))  
Recklessly Trafficking in Stolen Property (RCW 9A.82.050(1))  
Theft of livestock 2 (RCW 9A.56.080)  
Securities Act violation (RCW 21.20.400)

II Unlawful Practice of Law (RCW 2.48.180)  
Malicious Mischief 1 (RCW 9A.48.070)  
Possession of Stolen Property 1 (RCW 9A.56.150)  
Theft 1 (RCW 9A.56.030)  
Class B Felony Theft of Rental, Leased, or Lease-purchased Property (RCW 9A.56.096(4))

Trafficking in Insurance Claims (RCW 48.30A.015)  
Unlicensed Practice of a Profession or Business (RCW  
18.130.190(7))  
Health Care False Claims (RCW 48.80.030)  
Possession of controlled substance that is either heroin or  
narcotics from Schedule I or II or flunitrazepam from  
Schedule IV (RCW 69.50.401(d))  
Possession of phencyclidine (PCP) (RCW 69.50.401(d))  
Create, deliver, or possess a counterfeit controlled substance  
(RCW 69.50.401(b))  
Computer Trespass 1 (RCW 9A.52.110)  
Escape from Community Custody (RCW 72.09.310)

I Theft 2 (RCW 9A.56.040)

Class C Felony Theft of Rental, Leased, or Lease-purchased  
Property (RCW 9A.56.096(4))  
Possession of Stolen Property 2 (RCW 9A.56.160)  
Forgery (RCW 9A.60.020)  
Taking Motor Vehicle Without Permission (RCW 9A.56.070)  
Vehicle Prowl 1 (RCW 9A.52.095)  
Attempting to Elude a Pursuing Police Vehicle (RCW  
46.61.024)  
Malicious Mischief 2 (RCW 9A.48.080)  
Reckless Burning 1 (RCW 9A.48.040)  
Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)  
Unlawful Use of Food Stamps (RCW 9.91.140 (2) and (3))  
False Verification for Welfare (RCW 74.08.055)  
Forged Prescription (RCW 69.41.020)  
Forged Prescription for a Controlled Substance (RCW  
69.50.403)  
Possess Controlled Substance that is a Narcotic from Schedule  
III, IV, or V or Non-narcotic from Schedule I-V  
(except phencyclidine or flunitrazepam) (RCW  
69.50.401(d))

**Sec. 3.** RCW 9.94A.440 and 1996 c 93 s 2 are each amended to read as follows:

(1) Decision not to prosecute.

**STANDARD:** A prosecuting attorney may decline to prosecute, even though technically sufficient evidence to prosecute exists, in situations where prosecution would serve no public purpose, would defeat the underlying purpose of the law in question or would result in decreased respect for the law.

**GUIDELINE/COMMENTARY:**

Examples

The following are examples of reasons not to prosecute which could satisfy the standard.

(a) Contrary to Legislative Intent - It may be proper to decline to charge where the application of criminal sanctions would be clearly contrary to the intent of the legislature in enacting the particular statute.

(b) Antiquated Statute - It may be proper to decline to charge where the statute in question is antiquated in that:

- (i) It has not been enforced for many years; and
- (ii) Most members of society act as if it were no longer in existence; and
- (iii) It serves no deterrent or protective purpose in today's society; and
- (iv) The statute has not been recently reconsidered by the legislature.

This reason is not to be construed as the basis for declining cases because the law in question is unpopular or because it is difficult to enforce.

(c) De Minimus Violation - It may be proper to decline to charge where the violation of law is only technical or insubstantial and where no public interest or deterrent purpose would be served by prosecution.

(d) Confinement on Other Charges - It may be proper to decline to charge because the accused has been sentenced on another charge to a lengthy period of confinement; and

(i) Conviction of the new offense would not merit any additional direct or collateral punishment;

(ii) The new offense is either a misdemeanor or a felony which is not particularly aggravated; and

(iii) Conviction of the new offense would not serve any significant deterrent purpose.

(e) Pending Conviction on Another Charge - It may be proper to decline to charge because the accused is facing a pending prosecution in the same or another county; and

(i) Conviction of the new offense would not merit any additional direct or collateral punishment;

(ii) Conviction in the pending prosecution is imminent;

(iii) The new offense is either a misdemeanor or a felony which is not particularly aggravated; and

(iv) Conviction of the new offense would not serve any significant deterrent purpose.

(f) High Disproportionate Cost of Prosecution - It may be proper to decline to charge where the cost of locating or transporting, or the burden on, prosecution witnesses is highly disproportionate to the importance of prosecuting the offense in question. This reason should be limited to minor cases and should not be relied upon in serious cases.

(g) Improper Motives of Complainant - It may be proper to decline charges because the motives of the complainant are improper and prosecution would serve no public purpose, would defeat the underlying purpose of the law in question or would result in decreased respect for the law.

(h) Immunity - It may be proper to decline to charge where immunity is to be given to an accused in order to prosecute another where the accused's information or testimony will reasonably lead to the conviction of others who are responsible for more serious criminal conduct or who represent a greater danger to the public interest.

(i) Victim Request - It may be proper to decline to charge because the victim requests that no criminal charges be filed and the case involves the following crimes or situations:

(i) Assault cases where the victim has suffered little or no injury;

(ii) Crimes against property, not involving violence, where no major loss was suffered;

(iii) Where doing so would not jeopardize the safety of society.

Care should be taken to insure that the victim's request is freely made and is not the product of threats or pressure by the accused.

The presence of these factors may also justify the decision to dismiss a prosecution which has been commenced.

#### Notification

The prosecutor is encouraged to notify the victim, when practical, and the law enforcement personnel, of the decision not to prosecute.

(2) Decision to prosecute.

#### STANDARD:

Crimes against persons will be filed if sufficient admissible evidence exists, which, when considered with the most plausible, reasonably foreseeable defense that could be raised under the evidence, would justify conviction by a reasonable and objective fact-finder. With regard to offenses prohibited by RCW 9A.44.040, 9A.44.050, 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, 9A.44.089, and 9A.64.020 the prosecutor should avoid pre-filing agreements or diversions intended to place the accused in a program of treatment or counseling, so that treatment, if determined to be beneficial, can be provided pursuant to RCW 9.94A.120(8).

Crimes against property/other crimes will be filed if the admissible evidence is of such convincing force as to make it probable that a reasonable and objective fact-finder would convict after hearing all the admissible evidence and the most plausible defense that could be raised.

See table below for the crimes within these categories.

## CATEGORIZATION OF CRIMES FOR PROSECUTING STANDARDS

### CRIMES AGAINST PERSONS

Aggravated Murder  
1st Degree Murder  
2nd Degree Murder  
1st Degree Kidnaping  
1st Degree Assault  
1st Degree Assault of a Child  
1st Degree Rape  
1st Degree Robbery  
1st Degree Rape of a Child  
1st Degree Arson  
2nd Degree Kidnaping  
2nd Degree Assault  
2nd Degree Assault of a Child  
2nd Degree Rape  
2nd Degree Robbery  
1st Degree Burglary  
1st Degree Manslaughter  
2nd Degree Manslaughter  
1st Degree Extortion  
Indecent Liberties  
Incest  
2nd Degree Rape of a Child  
Vehicular Homicide  
Vehicular Assault  
3rd Degree Rape  
3rd Degree Rape of a Child  
1st Degree Child Molestation  
2nd Degree Child Molestation  
3rd Degree Child Molestation  
2nd Degree Extortion  
1st Degree Promoting Prostitution  
Intimidating a Juror  
Communication with a Minor  
Intimidating a Witness  
Intimidating a Public Servant  
Bomb Threat (if against person)  
3rd Degree Assault  
3rd Degree Assault of a Child  
Unlawful Imprisonment  
Promoting a Suicide Attempt  
Riot (if against person)  
Counterfeiting (if a violation of section 1 of this act)

### CRIMES AGAINST PROPERTY/OTHER CRIMES

2nd Degree Arson  
1st Degree Escape

2nd Degree Burglary  
1st Degree Theft  
1st Degree Perjury  
1st Degree Introducing Contraband  
1st Degree Possession of Stolen Property  
Bribery  
Bribing a Witness  
Bribe received by a Witness  
Bomb Threat (if against property)  
1st Degree Malicious Mischief  
2nd Degree Theft  
2nd Degree Escape  
2nd Degree Introducing Contraband  
2nd Degree Possession of Stolen Property  
2nd Degree Malicious Mischief  
1st Degree Reckless Burning  
Taking a Motor Vehicle without Authorization  
Forgery  
2nd Degree Perjury  
2nd Degree Promoting Prostitution  
Tampering with a Witness  
Trading in Public Office  
Trading in Special Influence  
Receiving/Granting Unlawful Compensation  
Bigamy  
Eluding a Pursuing Police Vehicle  
Willful Failure to Return from Furlough  
Escape from Community Custody  
Riot (if against property)  
Thefts of Livestock

#### ALL OTHER UNCLASSIFIED FELONIES

##### Selection of Charges/Degree of Charge

- (1) The prosecutor should file charges which adequately describe the nature of defendant's conduct. Other offenses may be charged only if they are necessary to ensure that the charges:
- (a) Will significantly enhance the strength of the state's case at trial; or
  - (b) Will result in restitution to all victims.
- (2) The prosecutor should not overcharge to obtain a guilty plea. Overcharging includes:
- (a) Charging a higher degree;
  - (b) Charging additional counts.

This standard is intended to direct prosecutors to charge those crimes which demonstrate the nature and seriousness of a defendant's criminal conduct, but to decline to charge crimes which are not necessary to such an indication. Crimes which do not merge as a matter of law, but which arise from the same course of conduct, do not all have to be charged.

#### GUIDELINES/COMMENTARY:

##### Police Investigation

A prosecuting attorney is dependent upon law enforcement agencies to conduct the necessary factual investigation which must precede the decision to prosecute. The prosecuting attorney shall ensure that a thorough factual investigation has been conducted before a decision to prosecute is made. In ordinary circumstances the investigation should include the following:

- (1) The interviewing of all material witnesses, together with the obtaining of written statements whenever possible;
- (2) The completion of necessary laboratory tests; and



(3) The obtaining, in accordance with constitutional requirements, of the suspect's version of the events.

If the initial investigation is incomplete, a prosecuting attorney should insist upon further investigation before a decision to prosecute is made, and specify what the investigation needs to include.

#### Exceptions

In certain situations, a prosecuting attorney may authorize filing of a criminal complaint before the investigation is complete if:

- (1) Probable cause exists to believe the suspect is guilty; and
- (2) The suspect presents a danger to the community or is likely to flee if not apprehended; or
- (3) The arrest of the suspect is necessary to complete the investigation of the crime.

In the event that the exception to the standard is applied, the prosecuting attorney shall obtain a commitment from the law enforcement agency involved to complete the investigation in a timely manner. If the subsequent investigation does not produce sufficient evidence to meet the normal charging standard, the complaint should be dismissed.

#### Investigation Techniques

The prosecutor should be fully advised of the investigatory techniques that were used in the case investigation including:

- (1) Polygraph testing;
- (2) Hypnosis;
- (3) Electronic surveillance;
- (4) Use of informants.

#### Pre-Filing Discussions with Defendant

Discussions with the defendant or his/her representative regarding the selection or disposition of charges may occur prior to the filing of charges, and potential agreements can be reached.

#### Pre-Filing Discussions with Victim(s)

Discussions with the victim(s) or victims' representatives regarding the selection or disposition of charges may occur before the filing of charges. The discussions may be considered by the prosecutor in charging and disposition decisions, and should be considered before reaching any agreement with the defendant regarding these decisions."

and the same are herewith transmitted.

Tony M. Cook,, Secretary

There being no objection, the House did not concur in the Senate Amendment(s) to Engrossed House Bill No. 1007 and asked the Senate to recede therefrom.

### SENATE AMENDMENTS TO HOUSE BILL

April 8, 1999

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1053 with the following amendment(s)

On page 18, after line 6, insert the following:

"**Sec 18.** RCW 43.99.070 and 1995 c 166 s 4 are each amended to read as follows:

Upon expiration of the time limited by RCW 82.36.330 for claiming of refunds of tax on marine fuel, the state of Washington shall succeed to the right to such refunds. The director of licensing, after taking into account past and anticipated claims for refunds from and deposits to the marine fuel tax refund account and the costs of carrying out the provisions of RCW 43.99.030, shall request the state treasurer to transfer (~~monthly from the marine fuel tax refund account an amount~~

equal to the proportion of the moneys in the account representing the motor vehicle fuel tax rate under RCW 82.36.025 in effect on January 1, 1990, to the recreation resource account and the remainder to the motor vehicle fund)) to the recreation resource account such of the moneys in the marine fuel tax refund account that are not required for payment of the refund claims or costs, and the state treasurer shall make the transfer.

**Sec. 19.** RCW 46.09.170 and 1995 c 166 s 9 are each amended to read as follows:

(1) From time to time, but at least once each year, the state treasurer shall refund from the motor vehicle fund one percent of the motor vehicle fuel tax revenues collected under chapter 82.36 RCW, ~~((based on the tax rate in effect January 1, 1990,))~~ less proper deductions for refunds and costs of collection as provided in RCW 46.68.090. The treasurer shall place these funds in the general fund as follows:

(a) Forty percent shall be credited to the ORV and nonhighway vehicle account and administered by the department of natural resources solely for planning, maintenance, and management of ORV recreation facilities, nonhighway roads, and nonhighway road recreation facilities. The funds under this subsection shall be expended in accordance with the following limitations:

(i) Not more than five percent may be expended for information programs under this chapter;

(ii) Not less than ten percent and not more than fifty percent may be expended for ORV recreation facilities;

(iii) Not more than twenty-five percent may be expended for maintenance of nonhighway roads;

(iv) Not more than fifty percent may be expended for nonhighway road recreation facilities;

(v) Ten percent shall be transferred to the interagency committee for outdoor recreation for grants to law enforcement agencies in those counties where the department of natural resources maintains ORV facilities. This amount is in addition to those distributions made by the interagency committee for outdoor recreation under (d)(i) of this subsection;

(b) Three and one-half percent shall be credited to the ORV and nonhighway vehicle account and administered by the department of fish and wildlife solely for the acquisition, planning, development, maintenance, and management of nonhighway roads and recreation facilities;

(c) Two percent shall be credited to the ORV and nonhighway vehicle account and administered by the parks and recreation commission solely for the maintenance and management of ORV use areas and facilities; and

(d) Fifty-four and one-half percent, together with the funds received by the interagency committee for outdoor recreation under RCW 46.09.110, shall be credited to the nonhighway and off-road vehicle activities program account to be administered by the committee for planning, acquisition, development, maintenance, and management of ORV recreation facilities and nonhighway road recreation facilities; ORV user education and information; and ORV law enforcement programs. The funds under this subsection shall be expended in accordance with the following limitations:

(i) Not more than twenty percent may be expended for ORV education, information, and law enforcement programs under this chapter;

(ii) Not less than an amount equal to the funds received by the interagency committee for outdoor recreation under RCW 46.09.110 and not more than sixty percent may be expended for ORV recreation facilities;

(iii) Not more than twenty percent may be expended for nonhighway road recreation facilities.

(2) On a yearly basis an agency may not, except as provided in RCW 46.09.110, expend more than ten percent of the funds it receives under this chapter for general administration expenses incurred in carrying out this chapter.

(3) Notwithstanding any other provision of law, funds disbursed for grants awarded after December 1, 2001, from the accounts in subsection (1)(d) of this section shall be spent on motorized and nonmotorized users in proportion to their actual contributions to such funds as determined by the legislature pursuant to the study authorized by section 4 of this act.

**Sec. 20.** RCW 46.10.170 and 1994 c 262 s 4 are each amended to read as follows:

From time to time, but at least once each four years, the department shall determine the amount of moneys paid to it as motor vehicle fuel tax that is tax on snowmobile fuel. Such determination shall use one hundred thirty-five gallons as the average yearly fuel usage per snowmobile((~~7~~)) and the number of registered snowmobiles during the calendar year under determination((~~7~~, and the fuel tax rate in effect January 1, 1990)).

**NEW SECTION. Sec. 21.** (1) The Washington state interagency committee for outdoor recreation and the Washington state department of licensing shall jointly contract with an independent entity to study the sources and determine the distributions and uses of funds provided to off-road vehicle and nonhighway road recreational activities under RCW 46.09.170. The study shall analyze and determine the relative portion of the motor vehicle fuel tax revenues deposited to the general fund under RCW 46.09.170 that are attributable to vehicles operating off-road or on nonhighway roads for recreational purposes as provided in RCW 46.09.170. The study shall include the types of vehicles, the types of recreational activities, and the types of recreational facilities used.

(2) The Washington state interagency committee for outdoor recreation and the Washington state department of licensing shall jointly review the analysis and submit a report to the standing committees of the legislature, including recommendations regarding amendments to RCW 46.09.170 to allocate revenues consistent with the relative proportion of the uses generating such revenues. In making such recommendations the committee and department of licensing shall specifically consider joint use by nonmotorized recreational users of trails funded as ORV recreational facilities. The report shall be submitted no later than September 30, 2001.

(3) The Washington state interagency committee for outdoor recreation and the department of licensing shall jointly establish a technical advisory committee composed of a cross-section of nonhighway road recreational trail users to advise the agency regarding the study and report required by this act.

(4) Funds appropriated from the nonhighway and off-road vehicle account for the purposes of this act shall be in addition to the agency general administration expenditure limitations of RCW 46.09.170(2).

Renumber the sections consecutively and correct any internal references accordingly.

and the same are herewith transmitted.

Tony M. Cook, Secretary

### **POINT OF ORDER**

Representative Mastin requested a scope and object ruling on the Senate amendments to Substitute House Bill No. 1053.

### **SPEAKERS' RULING**

Speaker Ballard: "Representative Mastin, the Speaker is ready to rule on your request for Scope & Object on the Senate amendments to Substitute House Bill No. 1053.

"The title is AN ACT Relating to the consolidation of the fuel tax rate, and fuel tax distribution statutes maintaining revenue neutrality among fuel tax recipients.

"The Speaker finds that the amendment does not maintain revenue neutrality among fuel tax recipients and is beyond the scope of the title and the object of the bill.

"Speaker Chopp concurs in this ruling.

"Representative Mastin, your Point of Order is well taken."

There being no objection, the House did not concur in the Senate Amendment(s) to Substitute House Bill No. 1053 and asked the Senate to recede therefrom.

## SENATE AMENDMENTS TO HOUSE BILL

April 8, 1999

Mr. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1140 with the following amendment(s)

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 28B.10 RCW to read as follows:

(1) The legislature finds that the higher education coordinating board, in consultation with the higher education community, has completed a review of the state need grant program. It is the intent of the legislature to endorse the board's proposed changes to the state need grant program, including:

(a) Reaffirmation that the primary purpose of the state need grant program is to assist low-income, needy, and disadvantaged Washington residents attending institutions of higher education;

(b) A goal that the base state need grant amount over time be increased to be equivalent to the rate of tuition charged to resident undergraduate students attending Washington state public colleges and universities;

(c) State need grant recipients be required to contribute a portion of the total cost of their education through self-help;

(d) State need grant recipients be required to document their need for dependent care assistance after taking into account other public funds provided for like purposes; and

(e) Institutional aid administrators be allowed to determine whether a student eligible for a state need grant in a given academic year may remain eligible for the ensuing year if the student's family income increases by no more than a marginal amount.

(2) The legislature further finds that the higher education coordinating board, under its authority to implement the proposed changes in subsection (1) of this section, should do so in a timely manner.

(3) The legislature also finds that:

(a) In most circumstances, need grant eligibility should not extend beyond five years or one hundred twenty-five percent of the published length of the program in which the student is enrolled or the credit or clock-hour equivalent; and

(b) State financial aid programs should continue to adhere to the principle that funding follows resident students to their choice of institution of higher education.

**Sec. 2.** RCW 28B.10.800 and 1993 sp.s. c 18 s 2 are each amended to read as follows:

The ~~((sole))~~ purposes of RCW 28B.10.800 through 28B.10.824 ~~((is))~~ are to establish ~~((a))~~ the principles upon which the state financial aid programs will be based and to establish the state of Washington ~~((student financial aid))~~ state need grant program, thus assisting financially needy or disadvantaged students domiciled in Washington to obtain the opportunity of attending an accredited institution of higher education, as defined in RCW 28B.10.802(1). ~~((Financial aid))~~ State need grants under RCW 28B.10.800 through 28B.10.824 ~~((is))~~ are available only to students who are resident students as defined in RCW 28B.15.012(2) (a) through (d).

**Sec. 3.** RCW 28B.10.804 and 1995 c 269 s 801 are each amended to read as follows:

The ~~((commission))~~ board shall be cognizant of the following guidelines in the performance of its duties:

(1) The ~~((commission))~~ board shall be research oriented, not only at its inception but continually through its existence.

(2) The ~~((commission))~~ board shall coordinate all existing programs of financial aid except those specifically dedicated to a particular institution by the donor.

(3) The ~~((commission))~~ board shall take the initiative and responsibility for coordinating all federal student financial aid programs to ~~((insure))~~ ensure that the state recognizes the maximum potential effect of these programs, and shall design ~~((the))~~ state programs ~~((which))~~ that complement~~((s))~~ existing federal, state, and institutional programs. The board shall ensure that state programs continue to follow the principle that state financial aid funding follows the student to the student's choice of institution of higher education.

(4) Counseling is a paramount function of the state need grant and other state student financial aid programs, and in most cases could only be properly implemented at the institutional levels; therefore, state student financial aid programs shall be concerned with the attainment of those goals which, in the judgment of the ~~((commission))~~ board, are the reasons for the existence of a student financial aid program, and not solely with administration of the program on an individual basis.

(5) The "package" approach of combining loans, grants and employment for student financial aid shall be the ~~((exceptional))~~ conceptual element of the state's involvement.

**Sec. 4.** RCW 28B.10.806 and 1989 c 254 s 3 are each amended to read as follows:

The ~~((commission))~~ board shall have the following powers and duties:

(1) Conduct a full analysis of student financial aid as a means of:

- (a) Fulfilling educational aspirations of students of the state of Washington, and
- (b) Improving the general, social, cultural, and economic character of the state.

Such an analysis will be a continuous one and will yield current information relevant to needed improvements in the state program of student financial aid. The ~~((commission))~~ board will disseminate the information yielded by their analyses to all appropriate individuals and agents.

~~((e) This study should include information on the following:~~

- ~~(i) all programs and sources of available student financial aid,~~
- ~~(ii) distribution of Washington citizens by socio-economic class,~~
- ~~(iii) data from federal and state studies useful in identifying:~~
- ~~(A) demands of students for specific educational goals in colleges, and~~
- ~~(B) the discrepancy between high school students' preferences and the colleges they actually~~

~~selected.)~~

(2) Design a state program of student financial aid based on the data of the study referred to in this section. The state programs will supplement available federal and local aid programs. The state programs of student financial aid will not exceed the difference between the budgetary costs of attending an institution of higher ~~((learning))~~ education and the student's total resources, including family support, personal savings, employment, and federal, state, and local aid programs.

(3) Determine and establish criteria for financial need of the individual applicant based upon the consideration of that particular applicant. In making this determination the ~~((commission))~~ board shall consider the following:

- (a) Assets and income of the student.
- (b) Assets and income of the parents, or the individuals legally responsible for the care and maintenance of the student.
- (c) The cost of attending the institution the student is attending or planning to attend.
- (d) Any other criteria deemed relevant to the ~~((commission))~~ board.

(4) Set the amount of financial aid to be awarded to any individual needy or disadvantaged student in any school year.

(5) Award financial aid to needy or disadvantaged students for a school year based upon only that amount necessary to fill the financial gap between the budgetary cost of attending an institution of higher education and the family and student contribution.

(6) Review the need and eligibility of all applications on an annual basis and adjust financial aid to reflect changes in the financial need of the recipients and the cost of attending the institution of higher education.

**Sec. 5.** RCW 28B.10.808 and 1991 c 164 s 4 are each amended to read as follows:

In awarding need grants, the ~~((commission))~~ board shall proceed substantially as follows:

PROVIDED, That nothing contained herein shall be construed to prevent the ~~((commission))~~ board, in

the exercise of its sound discretion, from following another procedure when the best interest of the program so dictates:

(1) The ~~((commission))~~ board shall annually select the financial aid award ~~((winners))~~ recipients from among Washington residents applying for student financial aid who have been ranked according to financial need as determined by the amount of the family contribution and other considerations brought to the ~~((commission's))~~ board's attention.

(2) The financial need of the highest ranked students shall be met by grants depending upon the evaluation of financial need until the total allocation has been disbursed. Funds from grants which are declined, forfeited or otherwise unused shall be reawarded until dispersed.

(3) ~~((A grant may be renewed until the course of study is completed, but not for more than an additional four academic years beyond the first year of the award. These shall not be required to be consecutive years))~~ A student shall be eligible to receive a state need grant for up to five years, or the credit or clock hour equivalent of five years, or up to one hundred twenty-five percent of the published length of time of the student's program. A student may not start a new associate degree program as a state need grant recipient until at least five years have elapsed since earning an associate degree as a need grant recipient, except that a student may earn two associate degrees concurrently. Qualifications for renewal will include maintaining satisfactory academic ~~((standing))~~ progress toward completion of ~~((the course of study, and continued eligibility))~~ an eligible program as determined by the ~~((commission))~~ board. Should the recipient terminate his or her enrollment for any reason during the academic year, the unused portion of the grant shall be returned to the state educational grant fund by the institution according to the institution's own policy for issuing refunds, except as provided in RCW 28B.10.8081.

(4) In computing financial need, the ~~((commission))~~ board shall determine a maximum student expense budget allowance, not to exceed an amount equal to the total maximum student expense budget at the public institutions plus the current average state appropriation per student for operating expense in the public institutions.

**Sec. 6.** RCW 28B.10.810 and 1989 c 254 s 5 are each amended to read as follows:

For a student to be eligible for ~~((financial aid the))~~ a state need grant a student must:

(1) Be a "needy student" or "disadvantaged student" as determined by the ~~((commission))~~ board in accordance with RCW 28B.10.802 (3) and (4).

(2) Have been domiciled within the state of Washington for at least one year.

(3) Be enrolled or accepted for enrollment on at least a half-time basis at an institution of higher education in Washington as defined in RCW 28B.10.802(1).

(4) Have complied with all the rules and regulations adopted by the ~~((commission))~~ board for the administration of RCW 28B.10.800 through 28B.10.824.

**Sec. 7.** RCW 28B.10.822 and 1973 c 62 s 4 are each amended to read as follows:

The ~~((commission))~~ board shall adopt rules ~~((and regulations))~~ as may be necessary or appropriate for effecting the provisions of RCW 28B.10.800 through 28B.10.824 and section 1 of this act, and not in conflict with RCW 28B.10.800 through 28B.10.824, in accordance with the provisions of chapter 34.05 RCW, the ~~((state higher education))~~ administrative procedure act.

**NEW SECTION. Sec. 8.** A new section is added to chapter 28B.15 RCW to read as follows:

In addition to waivers granted under the authority of RCW 28B.15.910, the governing boards of the state universities, the regional universities, The Evergreen State College, and the community colleges may waive all or a portion of the operating fees for any student. State general fund appropriations shall not be provided to replace tuition and fees revenue forgone as a result of waivers granted under this section. The governing boards shall take public action to adopt rules for granting tuition waivers authorized under this section. Actions by governing boards of community colleges to grant waivers under this section shall be subject to rules of the state board for community and technical colleges.

**NEW SECTION. Sec. 9.** The higher education coordinating board, with the assistance of the institutions of higher education, shall evaluate the impact and the effectiveness of the new waiver authority granted under this act. The evaluation shall include, but not be limited to: (1) Information on how the institutions used their authority to waive tuition, including what rates were put into effect for categories of students or programs, and the impact on tuition revenue; and (2) an analysis of the impact of additional waivers on student enrollment patterns including changes in the proportion of resident students, changes in the proportion of undergraduate students and changes in the proportion of day-on-campus students. By November 1, 2000, the board shall report its findings and make recommendations to the governor and the legislature.

**Sec. 10.** RCW 28B.15.066 and 1995 1st sp.s. c 9 s 3 are each amended to read as follows:  
It is the intent of the legislature that:

In making appropriations from the state's general fund to institutions of higher education, each appropriation shall conform to the following:

(1) The appropriation shall not be reduced by the amount of operating fees revenue estimated to be collected from students enrolled at the state-funded enrollment level specified in the omnibus biennial operating appropriations act;

(2) The appropriation shall not be reduced by the amount of operating fees revenue collected from students enrolled above the state-funded level, but within the over-enrollment limitations, specified in the omnibus biennial operating appropriations act; and

(3) The general fund state appropriation shall not be reduced by the amount of operating fees revenue collected as a result of waiving less operating fees revenue than the amounts authorized under RCW 28B.15.910. State general fund appropriations shall not be provided for revenue forgone as a result of or for waivers granted under section 8 of this act.

**Sec. 11.** RCW 28B.15.910 and 1998 c 346 s 904 are each amended to read as follows:

(1) For the purpose of providing state general fund support to public institutions of higher education, except for revenue waived under programs listed in subsection (3) of this section, and unless otherwise expressly provided in the omnibus state appropriations act, the total amount of operating fees revenue waived, exempted, or reduced by a state university, a regional university, The Evergreen State College, or the community colleges as a whole, shall not exceed the percentage of total gross authorized operating fees revenue set forth below. As used in this section, "gross authorized operating fees revenue" means the estimated gross operating fees revenue as estimated under RCW 82.33.020 or as revised by the office of financial management, before granting any waivers. This limitation applies to all tuition waiver programs established before or after July 1, 1992.

|                                   |            |
|-----------------------------------|------------|
| (a) University of Washington      | 21 percent |
| (b) Washington State University   | 20 percent |
| (c) Eastern Washington University | 11 percent |
| (d) Central Washington University | 8 percent  |
| (e) Western Washington University | 10 percent |
| (f) The Evergreen State College   | 6 percent  |
| (g) Community colleges as a whole | 35 percent |

(2) The limitations in subsection (1) of this section apply to waivers, exemptions, or reductions in operating fees contained in the following:

- (a) RCW 28B.10.265;
- (b) RCW 28B.15.014;
- (c) RCW 28B.15.100;

- (d) RCW 28B.15.225;
- (e) RCW 28B.15.380;
- (f) RCW 28B.15.520;
- (g) RCW 28B.15.526;
- (h) RCW 28B.15.527;
- (i) RCW 28B.15.543;
- (j) RCW 28B.15.545;
- (k) RCW 28B.15.555;
- (l) RCW 28B.15.556;
- (m) RCW 28B.15.615;
- (n) RCW 28B.15.620;
- (o) RCW 28B.15.628;
- (p) RCW 28B.15.730;
- (q) RCW 28B.15.740;
- (r) RCW 28B.15.750;
- (s) RCW 28B.15.756;
- (t) RCW 28B.50.259;
- (u) RCW 28B.70.050;
- (v) RCW 28B.80.580; and

(w) During the 1997-99 fiscal biennium, the western interstate commission for higher education undergraduate exchange program for students attending Eastern Washington University.

(3) The limitations in subsection (1) of this section do not apply to waivers, exemptions, or reductions in services and activities fees contained in the following:

- (a) RCW 28B.15.522;
- (b) RCW 28B.15.540; and
- (c) RCW 28B.15.558."

On page 1, line 1 of the title, after "education;" strike the remainder of the title and insert "amending RCW 28B.10.800, 28B.10.804, 28B.10.806, 28B.10.808, 28B.10.810, 28B.10.822, 28B.15.066, and 28B.15.910; adding a new section to chapter 28B.10 RCW; adding a new section to chapter 28B.15 RCW; and creating a new section."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House did not concur in the Senate Amendment(s) to Second Substitute House Bill No. 1140 and asked the Senate to recede therefrom.

### **SENATE AMENDMENTS TO HOUSE BILL**

April 14, 1999

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1165 with the following amendment(s)

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A capital budget is hereby adopted and, subject to the provisions set forth in this act, the several dollar amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for capital projects during the period ending June 30, 2001, out of the several funds specified in this act.



NEW SECTION. **Sec. 2.** Numbers in parentheses refer to project identifier codes established by the office of financial management. For projects with two identifier codes, the first identifier code refers to the reappropriation and the second identifier code refers to the new appropriation.

**PART 1  
GENERAL GOVERNMENT**

NEW SECTION. **Sec. 101. FOR THE COURT OF APPEALS**  
Division II Court and Office: Renovation (00-1-001)

Appropriation:

|   |           |
|---|-----------|
| State Building Construction Account--State \$ | 2,400,000 |
| Prior Biennia (Expenditures) \$               | 0         |
| Future Biennia (Projected Costs) \$           | 0         |
|   | -----     |
| TOTAL \$                                      | 2,400,000 |

NEW SECTION. **Sec. 102. FOR THE OFFICE OF THE GOVERNOR**  
Salmon Recovery Grants Program (00-2-001)

The appropriations in this section are subject to the following conditions and limitations:

(1) This appropriation is provided to the salmon recovery funding board within the office of the governor to provide grants to local governments, state agencies, tribes, conservation districts, and nonprofit entities for salmon recovery activities.

(2) Up to \$14,000,000 of the general fund--federal appropriation is provided for grants to local governments for salmon recovery in accordance with a grant from the department of interior, United States fish and wildlife service received in December 1998.

(3) The remaining appropriations in this section shall be distributed by the salmon recovery funding board within the following categories:

(a) A minimum of thirty percent of the appropriation shall be provided for fish passage barrier correction projects;

(b) A minimum of thirty percent of the appropriation shall be provided for habitat enhancement projects, which may include but are not limited to: Purchase of riparian easements; stream restoration; stream flow augmentation; water quality improvement; water conservation; and storm water mitigation;

(c) A minimum of twenty percent of the appropriation for planning activities related to salmon recovery, which may include, but is not limited to: Regional salmon recovery planning; shoreline master program amendment; critical areas ordinance updates; lead entity administration and development of project lists; and project planning; and

(d) The remaining twenty percent of the appropriation may be distributed among the categories for highest priority projects as determined by the salmon recovery funding board.

(4) In developing project lists for funding, the salmon recovery funding board shall give priority consideration to:

(a) Proposals that support the recovery of salmon or steelhead runs listed as threatened or endangered under the federal endangered species act (16 U.S.C. Sec. 1531 et seq.);

(b) Projects supported by a limiting factors analysis conducted according to RCW 75.46.070(2);

(c) Projects sponsored by a lead entity formed according to 75.46 RCW;

(d) Projects supporting a watershed plan developed according to chapter 90.82 RCW;

(e) Projects that create market wage jobs for displaced workers in rural natural resource impact areas, as defined under RCW 43.31.601(2);

(f) Projects with a local funding match, which may include a match of volunteer labor;

(g) Projects that include provisions for long-term maintenance and monitoring; and

(h) Other priorities identified by the salmon recovery funding board.

(5) For the 1999-2001 biennium, proposals shall be ranked by the interagency review team, for review, approval, and funding by the salmon recovery funding board. A final list of projects funded with appropriation from this section shall be submitted to the office of financial management and the legislature by June 30th of each year.

(6) The salmon recovery funding board shall develop a list of projects in each of the categories identified in subsection (3) of this section proposed for funding in the 2001-2003 biennium, for submittal to the office of financial management and the legislature by December 1, 2000.

Appropriation:

|  |    |             |
|--|----|-------------|
| General Fund--Federal                      | \$ |             |
|  |    | 74,835,000  |
| State Building Construction Account--State | \$ |             |
|  |    | 6,200,000   |
| Salmon Recovery Account                    | \$ |             |
|  |    | 32,840,000  |
|  |    | -----       |
| Subtotal Appropriation                     | \$ |             |
|  |    | 113,875,000 |
| Prior Biennia (Expenditures)               | \$ |             |
|  |    | 0           |
| Future Biennia (Projected Costs)           | \$ |             |
|  |    | 0           |
|  |    | -----       |
| TOTAL                                      | \$ |             |
|  |    | 113,875,000 |

**NEW SECTION. Sec. 103. FOR THE OFFICE OF THE SECRETARY OF STATE**  
Northwest Washington Regional Archives: HVAC system upgrade and balancing (00-1-001)

Appropriation:

|  |    |        |
|--|----|--------|
| State Building Construction Account--State | \$ |        |
|  |    | 70,000 |
| Prior Biennia (Expenditures)               | \$ |        |
|  |    | 0      |
| Future Biennia (Projected Costs)           | \$ |        |
|  |    | 0      |
|  |    | -----  |
| TOTAL                                      | \$ |        |
|  |    | 70,000 |

**NEW SECTION. Sec. 104. FOR THE OFFICE OF THE SECRETARY OF STATE**  
Tumwater Records Center: Expansion (00-2-001)

Appropriation:

|  |    |  |
|--|----|--|
| State Building Construction Account--State | \$ |  |
|--|----|--|

|                                     |           |
|-------------------------------------|-----------|
|                                     | 250,000   |
| Prior Biennia (Expenditures) \$     | 0         |
| Future Biennia (Projected Costs) \$ | 2,550,000 |
|                                     | -----     |
| TOTAL \$                            | 2,800,000 |

**NEW SECTION. Sec. 105. FOR THE OFFICE OF THE SECRETARY OF STATE**  
Puget Sound Archives Building (94-2-003)

Reappropriation:

|   |           |
|---|-----------|
| State Building Construction Account--State \$ | 200,000   |
| Prior Biennia (Expenditures) \$               | 6,540,125 |
| Future Biennia (Projected Costs) \$           | 0         |
|   | -----     |
| TOTAL \$                                      | 6,740,125 |

**NEW SECTION. Sec. 106. FOR THE OFFICE OF THE SECRETARY OF STATE**  
Birch Bay Records Storage: Asbestos Abatement (94-1-002)

Reappropriation:

|   |         |
|---|---------|
| State Building Construction Account--State \$ | 89,355  |
| Prior Biennia (Expenditures) \$               | 110,645 |
| Future Biennia (Projected Costs) \$           | 0       |
|   | -----   |
| TOTAL \$                                      | 200,000 |

**NEW SECTION. Sec. 107. FOR THE OFFICE OF THE SECRETARY OF STATE**  
Eastern Branch Archives Building: Design (98-2-001)

The reappropriation in this section is provided solely for completion of the design phase for the eastern regional archives facility to be sited on the south campus of the Riverpoint higher education park in Spokane.

Reappropriation:

|   |         |
|---|---------|
| State Building Construction Account--State \$ | 48,645  |
| Prior Biennia (Expenditures) \$               | 530,972 |
| Future Biennia (Projected Costs) \$           |         |

|          |           |
|----------|-----------|
|          | 5,135,000 |
|          | -----     |
| TOTAL \$ | 5,714,617 |

**NEW SECTION. Sec. 108. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Community Economic Revitalization (86-1-001) (00-2-001)

The reappropriation in this section from the public facilities construction loan revolving account is subject to the following conditions and limitations:

(1) The department shall ensure that all funds transferred from the public works assistance account into the public facilities construction loan revolving account during the 1997-99 biennium are used only for loans to local governments.

(2) The department shall also ensure that all principal and interest payments from these loans are paid into the public works assistance account.

(3) The new appropriation from the public facility construction loan revolving account shall be used solely to provide loans to eligible local governments and grants to the extent permitted by law. The department shall ensure that all principal and interest payments from loans made on moneys from this account are paid into this account.

Reappropriation:

|   |            |
|---|------------|
| Public Works Assistance Account--State \$                     | 1,539,515  |
| Public Facility Construction Loan Revolving Account--State \$ | 9,500,000  |
|   | -----      |
| Subtotal Reappropriation \$                                   | 11,539,515 |

Appropriation:

|   |            |
|---|------------|
| Public Facility Construction Loan Revolving Account--State \$ | 13,000,000 |
| Prior Biennia (Expenditures) \$                               | 559,003    |
| Future Biennia (Projected Costs) \$                           | 36,000,000 |
|   | -----      |
| TOTAL \$  | 60,598,518 |

**NEW SECTION. Sec. 109. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

County Public Facility Construction (00-2-010)

The appropriations in this section shall be used solely for financial assistance to distressed counties that have experienced extraordinary costs due to the location of a major new business facility or the substantial expansion of an existing business facility in the county. The entire appropriation from the state building construction account shall be provided as a grant to support the Grays Harbor water system project.

Appropriation:

|  |            |
|--|------------|
| Distressed County Facilities Construction Loan Account--State \$ | 4,000,000  |
| State Building Construction Account--State \$                    | 3,500,000  |
|  | -----      |
| Subtotal Appropriation \$  | 7,500,000  |
| Prior Biennia (Expenditures) \$                                  | 0          |
| Future Biennia (Projected Costs) \$                              | 16,000,000 |
|  | -----      |
| TOTAL \$   | 23,500,000 |

**NEW SECTION. Sec. 110. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Burke Museum Governance and Siting Study

The appropriation in this section is subject to the following condition and limitation:

Funds are provided for a study of the governance of the Burke museum and for an examination of the potential expansion of the museum facility including siting issues. The study shall be facilitated by the department. The study members shall include representatives from the University of Washington, the department of community, trade, and economic development's tourism and economic development units, the executive director of the Washington state historical society, the city of Seattle, King county, and members of the community and businesses from various geographic regions of the state. The department shall provide a report to the legislature by June 30, 2001, outlining funding strategies for an expanded state natural history museum which recognizes the limited state resources for capital facilities programmatic enhancements, and outlines alternative funding resources and partners.

Appropriation:

|   |         |
|---|---------|
| University of Washington Building Account--State \$ | 350,000 |
| Prior Biennia (Expenditures) \$                     | 0       |
| Future Biennia (Projected Costs) \$                 | 0       |
|   | -----   |
| TOTAL \$  | 350,000 |

**NEW SECTION. Sec. 111. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Public Works Trust Fund (94-2-001) (00-2-002)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$10,000,000 of the new appropriation in this section is provided solely for the preconstruction program as set forth in RCW 43.155.068.

(2) \$2,000,000 of the new appropriation in this section is for the emergency loan program as set forth in RCW 43.155.065.

Reappropriation:

Public Works Assistance Account--State \$ 179,446,108

Appropriation:

Public Works Assistance Account--State \$ 203,150,000

Prior Biennia (Expenditures) \$ 68,904,717

Future Biennia (Projected Costs) \$ 852,600,000

TOTAL \$ 1,304,100,825

**NEW SECTION. Sec. 112. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Housing Assistance, Weatherization, and Affordable Housing (88-5-015) (00-2-003)

The appropriations in this section are subject to the following conditions and limitations:

(1) \$5,000,000 of the new appropriation from the state building construction account is provided solely to promote development of safe and affordable housing units for persons eligible for services from the division of developmental disabilities within the department of social and health services.

(2) \$1,800,000 of the reappropriation from the state building construction account is provided solely to promote development of safe and affordable housing units for persons eligible for services from the division of developmental disabilities within the department of social and health services.

(3) \$1,000,000 of the new appropriation from the state building construction account is provided solely for shelters, transitional housing, or other housing facilities for victims of domestic violence.

Reappropriation:

State Building Construction Account--State \$ 22,000,000

Appropriation:

State Building Construction Account--State \$ 57,500,000

Washington Housing Trust Account--State \$ 4,300,000

Subtotal Appropriation \$ 61,800,000

Prior Biennia (Expenditures) \$ 43,790,503

Future Biennia (Projected Costs) \$ 200,000,000

TOTAL \$ 327,590,503

**NEW SECTION. Sec. 113. FOR THE DEPARTMENT OF COMMUNITY, TRADE,  
AND ECONOMIC DEVELOPMENT**

Development Loan Fund (88-2-006) (00-2-004)

Reappropriation:

|  |           |
|--|-----------|
| State Building Construction Account--State \$          | 558,716   |
| Washington State Development Loan<br>Account--State \$ | 2,439,932 |
|  | -----     |
| Subtotal Reappropriation \$                            | 2,998,648 |

Appropriation:

|   |            |
|---|------------|
| Washington State Development Loan Account--State \$ | 3,500,000  |
| Prior Biennia (Expenditures) \$                     | 805,237    |
| Future Biennia (Projected Costs) \$                 | 18,000,000 |
|   | -----      |
| TOTAL \$  | 25,303,885 |

**NEW SECTION. Sec. 114. FOR THE DEPARTMENT OF COMMUNITY, TRADE,  
AND ECONOMIC DEVELOPMENT**

Building for the Arts (92-5-100) (00-2-005)

The appropriation in this section is subject to the following conditions and limitations:

(1) The following projects are eligible for funding:

| Location                                    | Recommendation |
|---|----------------|
| Projects Previously Approved                |                |
| Columbia Theatre (Phase II), Longview \$    | 75,000         |
| Mt. Baker Theatre (Phase II), Bellingham \$ | 137,000        |
| People's Lodge, Seattle \$                  | 256,000        |
| Seattle Symphony, Seattle \$                | 1,600,000      |
| New Projects                                |                |
| Arts West, Seattle \$                       | 262,000        |
| Bellevue Art Museum, Bellevue \$            | 1,250,000      |
| Chewelah Com. Celebrations, Chewelah \$     | 6,500          |

|   |    |           |
|---|----|-----------|
| Children's Museum/Spokane, Spokane                  | \$ | 62,000    |
| Columbia Point (Phase II), Richland                 | \$ | 428,000   |
| Everett Theatre, Everett                            | \$ | 91,000    |
| Filipino-American Community Hall, Bainbridge Island | \$ | 32,000    |
| Gladish Center, Pullman                             | \$ | 36,000    |
| Harlequin Productions, Olympia                      | \$ | 170,000   |
| Harrington Opera House, Harrington                  | \$ | 35,000    |
| Icicle Creek Music Center, Leavenworth              | \$ | 54,000    |
| Intiman Theatre, Seattle                            | \$ | 380,000   |
| International Glass Museum, Tacoma                  | \$ | 750,000   |
| Kirkland Arts Center, Kirkland                      | \$ | 9,900     |
| Knutzen Theatre, Federal Way                        | \$ | 413,000   |
| Maple Hall, La Conner                               | \$ | 135,000   |
| Nisqually Cultural Museum, Olympia                  | \$ | 2,400     |
| Pottery Northwest, Seattle                          | \$ | 298,000   |
| Richard Hugo House, Seattle                         | \$ | 50,000    |
| Spokane Civic Theatre, Spokane                      | \$ | 69,000    |
| Tacoma Art Museum, Tacoma                           | \$ | 1,250,000 |
| West Olympic Council/Arts, Forks                    | \$ | 18,000    |
| Total All Projects                                  | \$ | 7,869,800 |

(2) State grants shall not exceed fifteen percent of either the estimated total capital cost or actual capital cost of a project, whichever is less. The remaining portions of the project capital costs shall be a match from nonstate sources. The match may include cash and land value. The department is authorized to set matching requirements for individual projects.

(3) State grants shall be distributed in the order in which matching requirements are met. The department may fund projects that demonstrate adequate progress and have secured the necessary match funding. The recommendations for funding in this section do not imply a commitment on the part of the state. Those projects listed in subsection (1) of this section that do not receive funding from the appropriation in this section are required to recompile for future funding.

(4) By December 15, 1999, the department shall submit a report to the appropriate fiscal committees of the legislature on the progress of the building for the arts program, including a list of projects funded under this section.



|   |            |
|---|------------|
| Reappropriation:                              |            |
| State Building Construction Account--State \$ | 3,099,519  |
| Appropriation:                                |            |
| State Building Construction Account--State \$ | 5,600,000  |
| Prior Biennia (Expenditures) \$               | 4,444,375  |
| Future Biennia (Projected Costs) \$           | 16,000,000 |
|   | -----      |
| TOTAL \$                                      | 29,143,894 |

**NEW SECTION. Sec. 115. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Community Services Facilities Program (98-2-007) (00-2-006)

The appropriation in this section is subject to the following conditions and limitations:

(1) The state grant may provide no more than twenty-five percent of either the estimated total capital cost or actual total capital cost, whichever is less. The remaining portion of the project capital cost shall be a match from nonstate sources and may include cash, land value, and other in-kind contributions.

(2) \$1,500,000 is provided for development, renovation, and expansion of boys and girls clubs in Washington.

|   |            |
|---|------------|
| Reappropriation:                              |            |
| State Building Construction Account--State \$ | 1,416,470  |
| Appropriation:                                |            |
| State Building Construction Account--State \$ | 4,000,000  |
| Prior Biennia (Expenditures) \$               | 3,022,997  |
| Future Biennia (Projected Costs) \$           | 16,000,000 |
|   | -----      |
| TOTAL \$                                      | 24,439,467 |

**NEW SECTION. Sec. 116. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Drinking Water Assistance Program (98-2-008) (00-2-007)

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding from the state shall be matched with new federal sources to improve the quality of drinking water in the state, and shall be used solely for projects that achieve the goals of the federal safe drinking water act.

(2) The department shall report to the appropriate committees of the legislature by January 1, 2000, on the progress of the program, including administrative and technical assistance procedures, the application process, and funding priorities.

Reappropriation:

|  |    |           |
|--|----|-----------|
| Drinking Water Assistance Account--State | \$ | 9,058,862 |
|--|----|-----------|

Appropriation:

|  |    |           |
|--|----|-----------|
| Drinking Water Assistance Account--State | \$ | 7,700,000 |
|--|----|-----------|

|                              |    |         |
|------------------------------|----|---------|
| Prior Biennia (Expenditures) | \$ | 890,138 |
|------------------------------|----|---------|

|                                  |    |            |
|----------------------------------|----|------------|
| Future Biennia (Projected Costs) | \$ | 20,000,000 |
|----------------------------------|----|------------|

|       |    |                     |
|-------|----|---------------------|
| TOTAL | \$ | -----<br>37,649,000 |
|-------|----|---------------------|

**NEW SECTION. Sec. 117. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Housing for Homeless Families With Children Program (00-2-009)

The appropriation in this section is provided solely for the development of additional emergency shelters and transitional housing opportunities for homeless families with children. The department shall endeavor to minimize the amount of these funds that are utilized for staff and administrative purposes.

Appropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 5,000,000 |
|--|----|-----------|

|                              |    |   |
|------------------------------|----|---|
| Prior Biennia (Expenditures) | \$ | 0 |
|------------------------------|----|---|

|                                  |    |            |
|----------------------------------|----|------------|
| Future Biennia (Projected Costs) | \$ | 20,000,000 |
|----------------------------------|----|------------|

|       |    |                     |
|-------|----|---------------------|
| TOTAL | \$ | -----<br>25,000,000 |
|-------|----|---------------------|

**NEW SECTION. Sec. 118. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Farm Worker Housing Assistance (00-2-011)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely for low-income farmworker housing and low-income temporary farmworker facilities.

(2) \$2,000,000 of the appropriation is provided for land acquisition in areas that would facilitate development of low-income farmworker housing and facilities.

(3) It is the intent of the legislature that operation of the facilities built under this section be in compliance with 8 U.S.C. Sec. 1342.

(4) The department shall endeavor to minimize the amount of these funds that are utilized for staff and administrative purposes.

(5) By December 15, 1999, the department shall submit a report to the appropriate committees of the legislature on the progress of the development of housing for farmworkers, including a list of projects funded under this section.

(6) The department shall work with the farmworker housing advisory committee to prioritize funding of projects to the areas of highest need.

(7) Except as directed in subsection (2) of this section, funding may also be provided, to the extent qualified projects are submitted, for health and safety projects.

Appropriation:

|   |            |
|---|------------|
| State Building Construction Account--State \$ | 8,000,000  |
| Prior Biennia (Expenditures) \$               | 0          |
| Future Biennia (Projected Costs) \$           | 32,000,000 |
|   | -----      |
| TOTAL \$                                      | 40,000,000 |

**NEW SECTION. Sec. 119. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Seventh Street Theatre (90-2-008)

Reappropriation:

|   |         |
|---|---------|
| State Building Construction Account--State \$ | 123,984 |
| Prior Biennia (Expenditures) \$               | 6,016   |
| Future Biennia (Projected Costs) \$           | 0       |
|   | -----   |
| TOTAL \$                                      | 130,000 |

**NEW SECTION. Sec. 120. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Snohomish County Drainage (92-2-011)

The reappropriation in this section shall be matched by at least \$585,000 provided from nonstate sources for capital costs of this project.

Reappropriation:

|   |         |
|---|---------|
| State Building Construction Account--State \$ | 344,829 |
| Prior Biennia (Expenditures) \$               | 0       |
| Future Biennia (Projected Costs) \$           | 0       |

0

TOTAL \$

-----  
344,829

**NEW SECTION. Sec. 121. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Challenger Learning Center (93-5-006)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation is provided solely for support of science education at the Challenger learning center at the museum of flight; and

(2) Each dollar expended from the reappropriation in this section shall be matched by at least one dollar from nonstate sources for the same purpose.

Reappropriation:

State Building Construction Account--State \$

61,673

Prior Biennia (Expenditures) \$

258,639

Future Biennia (Projected Costs) \$

0

TOTAL \$

-----  
320,312

**NEW SECTION. Sec. 122. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Washington Technology Center: Equipment (94-2-002)

The reappropriation in this section is provided solely for equipment installation on the first floor of Fluke Hall. The reappropriation shall be transferred and administered by the University of Washington.

Reappropriation:

State Building Construction Account--State \$

9,435

Prior Biennia (Expenditures) \$

0

Future Biennia (Projected Costs) \$

0

TOTAL \$

-----  
9,435

**NEW SECTION. Sec. 123. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Olympic Peninsula Natural History Museum (94-2-005)

The reappropriation in this section is subject to the following conditions and limitations:

(1) Each two dollars expended from this reappropriation shall be matched by at least one dollar from other sources. The match may include cash, land, and in-kind donations.

(2) It is the intent of the legislature that this reappropriation represents a one-time grant for this project.

Reappropriation:

|   |         |
|---|---------|
| State Building Construction Account--State \$ | 164,827 |
| Prior Biennia (Expenditures) \$               | 0       |
| Future Biennia (Projected Costs) \$           | 0       |
|   | -----   |
| TOTAL \$                                      | 164,827 |

**NEW SECTION. Sec. 124. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Thorp Grist Mill (94-2-007)

The total state funding in this section shall be matched by at least \$47,500 from nonstate and nonfederal sources. The match may include cash or in-kind contributions. The department shall assist the Thorp Mill town historical preservation society in soliciting moneys from the intermodal surface transportation efficiency act to support the project.

Reappropriation:

|   |        |
|---|--------|
| State Building Construction Account--State \$ | 23,425 |
| Prior Biennia (Expenditures) \$               | 39,449 |
| Future Biennia (Projected Costs) \$           | 0      |
|   | -----  |
| TOTAL \$                                      | 62,874 |

**NEW SECTION. Sec. 125. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Daybreak Star Center (94-2-100)

Reappropriation:

|   |         |
|---|---------|
| State Building Construction Account--State \$ | 155,274 |
| Prior Biennia (Expenditures) \$               | 514,416 |
| Future Biennia (Projected Costs) \$           | 0       |

TOTAL \$

-----  
669,690

**NEW SECTION. Sec. 126. FOR THE DEPARTMENT OF COMMUNITY, TRADE,  
AND ECONOMIC DEVELOPMENT**

Timber Ports Capital Asset Improvement (94-2-102)

The appropriation in this section is provided to continue assisting the ports of Grays Harbor, Port Angeles, and Longview with infrastructure development and facilities improvements to increase economic diversity and enhance employment opportunities. The reappropriation is subject to the following conditions and limitations:

(1) Each port shall provide, at a minimum, six dollars of nonstate match for every five dollars received from the reappropriation. The match may include cash and land value.

(2) State assistance to each port shall not exceed the following amounts:

| Port         | Amount |           |
|--------------|--------|-----------|
| Grays Harbor | \$     | 564,000   |
| Port Angeles | \$     | 1,500,000 |
| Longview     | \$     | 1,855,000 |

Reappropriation:

State Building Construction Account--State \$ 941,479

Prior Biennia (Expenditures) \$ 1,359,689

Future Biennia (Projected Costs) \$ 0

TOTAL \$

-----  
2,301,168

**NEW SECTION. Sec. 127. FOR THE DEPARTMENT OF COMMUNITY, TRADE,  
AND ECONOMIC DEVELOPMENT**

Mirabeau Point Community Complex (98-2-010)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The amount is provided solely for a grant to Spokane county for design and development costs for Mirabeau Point community complex.

(2) The amount represents the entire state contribution to the project and shall be matched by \$8,500,000 in contributions toward the project from nonstate sources.

Reappropriation:

State Building Construction Account--State \$ 1,206,437

Prior Biennia (Expenditures) \$ 293,563

Future Biennia (Projected Costs) \$

TOTAL \$

-----  
1,500,000

**NEW SECTION. Sec. 128. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Infrastructure Needs Assessment (99-2-008)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The public works board, "board", in consultation with the department of community, trade, and economic development, shall contract for a local government infrastructure needs assessment. The board shall issue a progress report to the governor, house of representatives capital budget committee, the senate ways and means committee, the joint legislative transportation committee, the house of representative government administration committee, and the senate government operations committee by January 31, 1999. The final report shall be delivered by June 30, 1999.

(2) The infrastructure needs assessment shall use local capital improvement plans, to the extent available, to identify local government infrastructure needs for the planning, acquisition, construction, repair, replacement, rehabilitation, or improvements necessary for the next six years. The definitions and principles to be used in determining infrastructure needs shall be those set forth in chapter 36.70A RCW, including economic development. The infrastructure assessment shall also include a listing, description and evaluation of utilization of all private and public financing options, and policy alternatives that would assist in meeting local government infrastructure needs. For the purpose of this infrastructure needs assessment:

(a) Local government shall include each city, town, and each water, sewer, storm water, and public utility district providing water or sewer services in the state of Washington.

(b) Infrastructure shall be limited to bridges, roadways, domestic water, sanitary sewer, and storm water systems.

(3) The board shall contract for the collection and review of local capital expenditure data, the evaluation of local government infrastructure needs, the projection of future infrastructure needs, including needs to meet requirements under chapter 36.70A RCW. The board shall also contract for the development of criteria for a data base which can be maintained and updated, and such other matters as the board may deem necessary to provide an adequate representation of local capital needs and the ability of local governments to finance such needs.

(4) The legislative evaluation and accountability program shall cooperate with the department in the completion of the infrastructure needs assessment and may enter into interagency agreements. The legislative evaluation and accountability program shall develop the structure of the local government infrastructure data base and provide recommendations on the maintenance of the data base. The data base shall: Use the data compiled by and be compatible with that developed by the board's contractor; and have a structure to maintain its future use and update.

The department shall provide a compilation of all capital improvement plans prepared by local governments. The department shall identify: Federal, state, and local infrastructure financing sources currently in use; all revenue sources available, but fully utilized by each local government, and obstacles to full utilization; and the compilation of local government expenditures for infrastructure investments by source of funds and by jurisdiction for the period beginning January 1, 1993, and ending December 31, 1997, for local governments with a population greater than fifty thousand; and January 1, 1995, and ending December 31, 1997, for local governments with fewer than fifty thousand population.

(5) The board shall convene an advisory committee of stakeholders to include representatives from the department of community, trade, and economic development, the office of financial management, the legislative evaluation and accountability program, the association of Washington cities, the Washington association of realtors, the national association of industrial office properties, the building industry association of Washington, the associated general contractors, the association of Washington business, Washington state building and construction trades council, and 1000 friends of

Washington. The board may, as it deems necessary, utilize technical advisory groups or state agencies in addition to the advisory committee to assist itself in implementing this proviso.

The advisory committee shall serve assist the board in guiding the infrastructure assessment and in developing interpretation of this proviso as necessary. The committee shall establish criteria and categorize infrastructure projects as necessary to meet the requirements set forth in chapter 36.70A RCW, or as reflective of other community priorities, and review elements and standards of infrastructure needs identified in the study.

Reappropriation:

|  |    |        |
|--|----|--------|
| Public Works Assistance Account--State | \$ | 50,000 |
| Prior Biennia (Expenditures)           | \$ | 0      |
| Future Biennia (Projected Costs)       | \$ | 0      |
|  |    | -----  |
| TOTAL                                  | \$ | 50,000 |

**NEW SECTION. Sec. 129. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Emergency Flood and Erosion Repairs (99-2-009)

The reappropriation in this section is provided solely to continue shoreline repairs at Ocean Shores to prevent further erosion and flood control.

Reappropriation:

|  |    |         |
|--|----|---------|
| State Building Construction Account--State | \$ | 150,000 |
| Prior Biennia (Expenditures)               | \$ | 0       |
| Future Biennia (Projected Costs)           | \$ | 0       |
|  |    | -----   |
| TOTAL                                      | \$ | 150,000 |

**NEW SECTION. Sec. 130. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Grays Harbor Dredging (88-2-006)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation is provided solely for the state's share of remaining cost for Grays Harbor dredging and associated mitigation.

(2) State funds shall be disbursed at a rate not to exceed one dollar for every four dollars of federal funds expended by the army corps of engineers and one dollar from other nonstate sources.

(3) Expenditure of moneys from this reappropriation is contingent on a cost-sharing arrangement and the execution of a local cooperation agreement between the port of Grays Harbor and the army corps of engineers pursuant to P.L. 99-662, the federal water resources development act of 1986, whereby the corps of engineers will construct the project as authorized by the federal act.



(4) In the event the project cost is reduced, any resulting reduction and reimbursement of nonfederal costs realized by the port of Grays Harbor shall be shared proportionally with the state.

Reappropriation:

|   |           |
|---|-----------|
| State Building Construction Account--State \$ | 1,000,000 |
| Prior Biennia (Expenditures) \$               | 0         |
| Future Biennia (Projected Costs) \$           | 0         |
|   | -----     |
| TOTAL \$                                      | 1,000,000 |

**NEW SECTION. Sec. 131. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Cedar River Dredging

The appropriation in this section is provided solely for a grant to the city of Renton for dredging the Cedar river where it enters Lake Washington.

Appropriation:

|   |           |
|---|-----------|
| State Building Construction Account--State \$ | 1,500,000 |
| Prior Biennia (Expenditures) \$               | 0         |
| Future Biennia (Projected Costs) \$           | 0         |
|   | -----     |
| TOTAL \$                                      | 1,500,000 |

**NEW SECTION. Sec. 132. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

Underground Storage Tank: Pool (00-1-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) The money provided in this section shall be allocated to agencies and institutions for removal, replacement, and environmental cleanup projects related to underground storage tanks.

(2) No moneys appropriated in this section or in any section specifically referencing this section shall be expended unless the office of financial management has reviewed and approved the cost estimates for the project. Projects to replace tanks shall conform with guidelines to minimize risk of environmental contamination. Above ground storage tanks shall be used whenever possible and agencies shall avoid duplication of tanks.

(3) Funds not needed for the purposes identified in this section may be transferred for expenditure to the Year 2000 Building, Facility, and Equipment Date Conversion project in section 136 of this act.

Appropriation:

|   |           |
|---|-----------|
| State Building Construction Account--State \$ | 2,000,000 |
|---|-----------|

|                                     |            |
|-------------------------------------|------------|
| Prior Biennia (Expenditures) \$     | 0          |
| Future Biennia (Projected Costs) \$ | 8,000,000  |
|                                     | -----      |
| TOTAL \$                            | 10,000,000 |

**NEW SECTION. Sec. 133. FOR THE OFFICE OF FINANCIAL MANAGEMENT**  
Hazardous Materials: Pool (00-1-002)

The appropriation in this section is subject to the following conditions and limitations:  
(1) The money provided in this section shall be allocated to agencies and institutions for removal or abatement of asbestos and other hazardous materials.  
(2) No moneys appropriated in this section or in any section specifically referencing this section shall be expended unless the office of financial management has reviewed and approved the cost estimates for the project.

Appropriation:

|   |            |
|---|------------|
| State Building Construction Account--State \$ | 2,000,000  |
| Prior Biennia (Expenditures) \$               | 0          |
| Future Biennia (Projected Costs) \$           | 8,000,000  |
|   | -----      |
| TOTAL \$                                      | 10,000,000 |

**NEW SECTION. Sec. 134. FOR THE OFFICE OF FINANCIAL MANAGEMENT**  
Budget System Improvements (00-1-004)

Appropriation:

|   |           |
|---|-----------|
| State Building Construction Account--State \$ | 300,000   |
| Prior Biennia (Expenditures) \$               | 0         |
| Future Biennia (Projected Costs) \$           | 1,200,000 |
|   | -----     |
| TOTAL \$                                      | 1,500,000 |

**NEW SECTION. Sec. 135. FOR THE OFFICE OF FINANCIAL MANAGEMENT**  
Colocated Cascadia Branch Campus (94-1-003)

Reappropriation:

|   |           |
|---|-----------|
| State Building Construction Account--State \$ | 2,000,000 |
|---|-----------|

|                                     |            |
|-------------------------------------|------------|
| Prior Biennia (Expenditures) \$     | 15,421,888 |
| Future Biennia (Projected Costs) \$ | 0          |
|                                     | -----      |
| TOTAL \$                            | 17,421,888 |

**NEW SECTION. Sec. 136. FOR THE OFFICE OF FINANCIAL MANAGEMENT**  
Year 2000 Building, Facility, and Equipment Date Conversion (99-1-001)

The office of financial management shall allocate appropriations to be used by state agencies and universities in performing Year 2000 assessments of facility management systems, control systems, and other computer systems related to capital facilities and equipment. Funds available in this appropriation may also be allocated for corrective measures on a priority basis to address critical system repairs.

Reappropriation:

|   |         |
|---|---------|
| State Building Construction Account--State \$ | 500,000 |
|---|---------|

Appropriation:

|   |           |
|---|-----------|
| State Building Construction Account--State \$ | 2,000,000 |
|---|-----------|

|                                     |       |
|-------------------------------------|-------|
| Prior Biennia (Expenditures) \$     | 0     |
| Future Biennia (Projected Costs) \$ | 0     |
|                                     | ----- |

|          |           |
|----------|-----------|
| TOTAL \$ | 2,500,000 |
|----------|-----------|

**NEW SECTION. Sec. 137. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Emergency and Small Repairs (00-1-002)

The appropriations in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

|  |         |
|--|---------|
| Capitol Building Construction Account--State \$      | 100,000 |
| State Building Construction Account--State \$        | 125,000 |
| Thurston County Capital Facilities Account--State \$ | 775,000 |
|  | -----   |

|                           |           |
|---------------------------|-----------|
| Subtotal Appropriation \$ | 1,000,000 |
|---------------------------|-----------|

|                                 |  |
|---------------------------------|--|
| Prior Biennia (Expenditures) \$ |  |
|---------------------------------|--|

|                                     |           |
|-------------------------------------|-----------|
| Future Biennia (Projected Costs) \$ | 2,076,473 |
|                                     | 6,200,000 |
|                                     | -----     |
| TOTAL \$                            | 9,276,473 |

**NEW SECTION. Sec. 138. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Capitol Campus Facilities: Preservation (00-1-003)

The appropriations shall support the detailed list of projects maintained by the office of financial management. Funding in this section may be spent for interior and exterior building repairs and upgrades to the governor's mansion.

Appropriation:

|  |            |
|--|------------|
| Capitol Building Construction Account--State \$      | 1,350,000  |
| State Building Construction Account--State \$        | 2,850,000  |
| Thurston County Capital Facilities Account--State \$ | 1,940,000  |
|  | -----      |
| Subtotal Appropriation \$                            | 6,140,000  |
| Prior Biennia (Expenditures) \$                      | 0          |
| Future Biennia (Projected Costs) \$                  | 24,335,000 |
|  | -----      |
| TOTAL \$   | 30,475,000 |

**NEW SECTION. Sec. 139. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

General Administration Building: Preservation (00-1-004)

Appropriation:

|   |           |
|---|-----------|
| State Building Construction Account--State \$ | 2,275,000 |
| Prior Biennia (Expenditures) \$               | 0         |
| Future Biennia (Projected Costs) \$           | 5,900,000 |
|   | -----     |
| TOTAL \$                                      | 8,175,000 |

**NEW SECTION. Sec. 140. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Alaska Street Building: Renovation (00-1-005)

Appropriation:

|   |           |
|---|-----------|
| State Building Construction Account--State \$ | 2,000,000 |
| Prior Biennia (Expenditures) \$               | 0         |
| Future Biennia (Projected Costs) \$           | 0         |
|   | -----     |
| TOTAL \$                                      | 2,000,000 |

**NEW SECTION. Sec. 141. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Washington State Training and Conference Center: Preservation (00-1-008)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations shall support the detailed list of projects maintained by the office of financial management.

(2) The department shall coordinate all work with the tenants of the center.

Appropriation:

|   |           |
|---|-----------|
| General Fund--Private/Local \$                | 125,000   |
| State Building Construction Account--State \$ | 1,000,000 |
|   | -----     |
| Subtotal Appropriation \$                     | 1,125,000 |
| Prior Biennia (Expenditures) \$               | 0         |
| Future Biennia (Projected Costs) \$           | 1,200,000 |
|   | -----     |
| TOTAL \$                                      | 2,325,000 |

**NEW SECTION. Sec. 142. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Thurston County Facilities: Preservation (00-1-009)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations shall support the detailed list of projects maintained by the office of financial management.

(2) The department shall coordinate all work with the tenants in facilities undergoing preservation work.

Appropriation:

|   |    |            |
|---|----|------------|
| Capitol Building Construction Account--State      | \$ | 500,000    |
| Thurston County Capital Facilities Account--State | \$ | 1,700,000  |
|   |    | -----      |
| Subtotal Appropriation                            | \$ | 2,200,000  |
| Prior Biennia (Expenditures)                      | \$ | 0          |
| Future Biennia (Projected Costs)                  | \$ | 8,225,000  |
|   |    | -----      |
| TOTAL   | \$ | 10,425,000 |

**NEW SECTION. Sec. 143. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

North Cascade Gateway Center (Northern State Multi-Service Center): Preservation (00-1-010)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations shall support the detailed list of projects maintained by the office of financial management.

(2) The department shall coordinate all work with the tenants of the center.

Appropriation:

|  |    |           |
|--|----|-----------|
| General Fund--Private/Local                | \$ | 607,000   |
| State Building Construction Account--State | \$ | 800,000   |
|  |    | -----     |
| Subtotal Appropriation                     | \$ | 1,407,000 |
| Prior Biennia (Expenditures)               | \$ | 0         |
| Future Biennia (Projected Costs)           | \$ | 6,770,000 |
|  |    | -----     |
| TOTAL                                      | \$ | 8,177,000 |

**NEW SECTION. Sec. 144. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Americans with Disabilities Act: Pool (00-1-011)

The appropriation in this section is subject to the following conditions and limitations:

(1) The money provided in this section shall be solely allocated to agencies and institutions, except for the state community and technical colleges, for improvements to state-owned facilities for program access enhancements.

(2) No moneys appropriated in this section or in any section specifically referencing this section shall be expended unless the department of general administration has reviewed and approved the cost estimates for the project. The department of general administration shall implement an agency request and evaluation procedure similar to the one adopted in the 1997-99 biennium for distribution of funds.

(3) No moneys appropriated in this section shall be available to institutions of higher education to modify dormitories.

Appropriation:

|  |    |            |
|--|----|------------|
| State Building Construction Account--State | \$ | 3,000,000  |
| Prior Biennia (Expenditures)               | \$ | 0          |
| Future Biennia (Projected Costs)           | \$ | 14,000,000 |
|  |    | -----      |
| TOTAL                                      | \$ | 17,000,000 |

**NEW SECTION. Sec. 145. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Infrastructure Project: Savings (00-1-999)

Projects that are completed in accordance with section 913 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilating, and air conditioning repairs; (7) emergency repairs due to natural disasters or accidents; and, (8) critical year 2000 embedded chip modifications.

Appropriation:

|   |    |       |
|---|----|-------|
| Capitol Building Construction Account--State      | \$ | 1     |
| State Building Construction Account--State        | \$ | 1     |
| Thurston County Capital Facilities Account--State | \$ | 1     |
|   |    | ----- |
| Subtotal Appropriation                            | \$ | 3     |
| Prior Biennia (Expenditures)                      | \$ | 0     |
| Future Biennia (Projected Costs)                  | \$ | 0     |
|   |    | ----- |
| TOTAL   | \$ | 3     |

**NEW SECTION. Sec. 146. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Engineering and Architectural Services: Project management (00-2-007)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section shall be used to provide those services to state agencies required by RCW 43.19.450 that are essential and mandated activities defined as core services and are included in the engineering and architectural services responsibilities and task list for general public works projects of normal complexity. The department may negotiate agreements with agencies for additional fees to manage exceptional projects or for services above core services as described as optional and extra services in the task list.

(2) The department shall create a central repository and distribution point for information and knowledge that can improve design and construction projects and practices. Copies of all completed predesigns, BEST studies, and value engineering and constructability reviews shall be collected by the department and be distributed electronically.

Appropriation:

|  |            |
|--|------------|
| Capitol Building Construction Account--State \$                                | 200,000    |
| Charitable, Educational, Penal, and Reformatory Institutions Account--State \$ | 700,000    |
| State Building Construction Account--State \$                                  | 7,300,000  |
| Thurston County Capital Facilities Account--State \$                           | 350,000    |
|  | -----      |
| Subtotal Appropriation \$  | 8,550,000  |
| Prior Biennia (Expenditures) \$  | 0          |
| Future Biennia (Projected Costs) \$  | 37,550,000 |
|  | -----      |
| TOTAL \$   | 46,100,000 |

**NEW SECTION. Sec. 147. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

East Plaza and Plaza Garage Repairs (96-1-002)

The appropriations in this section are subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

|   |           |
|---|-----------|
| Capitol Building Construction Account--State \$ | 1,800,000 |
|---|-----------|

Appropriation:

|   |           |
|---|-----------|
| Capitol Building Construction Account--State \$ | 700,000   |
| State Building Construction Account--State \$   | 3,700,000 |



|                                  |    |            |
|----------------------------------|----|------------|
| Subtotal Appropriation           | \$ | -----      |
|                                  |    | 4,400,000  |
| Prior Biennia (Expenditures)     | \$ | 7,395,572  |
| Future Biennia (Projected Costs) | \$ | 30,000,000 |
|                                  |    | -----      |
| TOTAL                            | \$ | 43,595,572 |

**NEW SECTION. Sec. 148. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Legislative Buildings: Safety and infrastructure (98-1-005)

(1) The appropriations shall support the detailed list of projects maintained by the office of financial management.

(2) \$270,000 of the new appropriation is provided to complete heating, ventilation, and air conditioning repair and improvements in the Newhouse building.

Reappropriation:

|   |    |         |
|---|----|---------|
| State Building Construction Account--State        | \$ | 179,454 |
| Thurston County Capital Facilities Account--State | \$ | 475,000 |
|   |    | -----   |
| Subtotal Reappropriation                          | \$ | 654,454 |

Appropriation:

|   |    |           |
|---|----|-----------|
| Capitol Building Construction Account--State      | \$ | 4,250,000 |
| Thurston County Capital Facilities Account--State | \$ | 585,000   |
| State Building Construction Account--State        | \$ | 270,000   |
|   |    | -----     |
| Subtotal Appropriation                            | \$ | 5,105,000 |
| Prior Biennia (Expenditures)                      | \$ | 1,415,546 |
| Future Biennia (Projected Costs)                  | \$ | 0         |
|   |    | -----     |
| TOTAL   | \$ | 7,175,000 |

**NEW SECTION. Sec. 149. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

OB-2 Building: Preservation (98-1-007)

The appropriations in this section are subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

Capitol Building Construction Account--State \$ 1,700,000

Appropriation:

State Building Construction Account--State \$ 3,100,000

Thurston County Capital Facilities Account--State \$ 3,900,000

Subtotal Appropriation \$ 7,000,000

Prior Biennia (Expenditures) \$ 2,750,000

Future Biennia (Projected Costs) \$ 40,200,000

TOTAL \$ 51,650,000

**NEW SECTION. Sec. 150. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Transportation Building: Preservation (98-1-008)

The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

Thurston County Capital Facilities Account--State \$ 300,000

Appropriation:

Thurston County Capital Facilities Account--State \$ 1,500,000

Prior Biennia (Expenditures) \$ 434,000

Future Biennia (Projected Costs) \$ 6,000,000

TOTAL \$ 8,234,000

**NEW SECTION. Sec. 151. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Monumental Buildings: Cleaning (98-1-011)

Reappropriation:

|   |           |
|---|-----------|
| Capitol Building Construction Account--State \$ | 700,000   |
| Prior Biennia (Expenditures) \$                 | 2,300,000 |
| Future Biennia (Projected Costs) \$             | 0         |
|   | -----     |
| TOTAL \$  | 3,000,000 |

**NEW SECTION. Sec. 152. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Heritage Park/Capitol Lake (98-2-003) (00-1-007)

The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Appropriation:

|   |            |
|---|------------|
| Capitol Building Construction Account--State \$ | 2,000,000  |
| State Building Construction Account--State \$   | 1,600,000  |
|   | -----      |
| Subtotal Appropriation \$                       | 3,600,000  |
| Prior Biennia (Expenditures) \$                 | 10,379,774 |
| Future Biennia (Projected Costs) \$             | 16,000,000 |
|   | -----      |
| TOTAL \$  | 29,979,774 |

**NEW SECTION. Sec. 153. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Washington State Training and Conference Center: Dorm (98-2-004)

Reappropriation:

|   |           |
|---|-----------|
| Public Safety Reimbursable Bond Account--State \$ | 1,400,000 |
| Prior Biennia (Expenditures) \$                   | 1,200,000 |
| Future Biennia (Projected Costs) \$               | 0         |

TOTAL \$ -----  
2,600,000

**NEW SECTION. Sec. 154. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Fire Safety Sprinkler Systems (Northern State Multi-Service Center) (99-1-001)

Reappropriation:

State Building Construction Account--State \$ 150,000

Prior Biennia (Expenditures) \$ 450,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ -----  
600,000

**NEW SECTION. Sec. 155. FOR THE MILITARY DEPARTMENT**

Centralia - Readiness Center: Preservation (00-1-030)

Appropriation:

State Building Construction Account--State \$ 700,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ -----  
700,000

**NEW SECTION. Sec. 156. FOR THE MILITARY DEPARTMENT**

Energy Management Systems (00-4-001)

Appropriation:

State Building Construction Account--State \$ 278,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 908,000

TOTAL \$ -----  
1,186,000

**NEW SECTION. Sec. 157. FOR THE MILITARY DEPARTMENT**

Infrastructure Project: Savings (00-4-002)

Projects that are completed in accordance with section 913 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilating, and air conditioning repairs; (7) emergency repairs due to natural disasters or accidents; and, (8) critical year 2000 embedded chip modifications.

Appropriation:

|  |    |       |   |
|--|----|-------|---|
| State Building Construction Account--State | \$ |       | 1 |
| Prior Biennia (Expenditures)               | \$ |       | 0 |
| Future Biennia (Projected Costs)           | \$ |       | 0 |
|  |    | ----- |   |
| TOTAL                                      | \$ |       | 1 |

**NEW SECTION. Sec. 158. FOR THE MILITARY DEPARTMENT**  
Camp Murray - Military Support Civilian Activities Center (00-5-002)

Appropriation:

|  |    |       |         |
|--|----|-------|---------|
| General Fund--Federal                      | \$ |       | 365,000 |
| State Building Construction Account--State | \$ |       | 385,000 |
|  |    | ----- |         |
| Subtotal Appropriation                     | \$ |       | 750,000 |
| Prior Biennia (Expenditures)               | \$ |       | 0       |
| Future Biennia (Projected Costs)           | \$ |       | 0       |
|  |    | ----- |         |
| TOTAL                                      | \$ |       | 750,000 |

**NEW SECTION. Sec. 159. FOR THE MILITARY DEPARTMENT**  
Camp Murray Infrastructure: Preservation (96-1-006)

Appropriation:

|  |    |  |         |
|--|----|--|---------|
| State Building Construction Account--State | \$ |  | 450,000 |
| Prior Biennia (Expenditures)               | \$ |  | 0       |
| Future Biennia (Projected Costs)           | \$ |  | 0       |

|          |           |
|----------|-----------|
|          | 2,300,000 |
|          | -----     |
| TOTAL \$ | 2,750,000 |

**NEW SECTION. Sec. 160. FOR THE MILITARY DEPARTMENT**

Minor Works: Federal construction projects (98-1-001)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

|   |            |
|---|------------|
| General Fund--Federal \$                      | 5,078,400  |
| State Building Construction Account--State \$ | 1,274,100  |
|   | -----      |
| Subtotal Appropriation \$                     | 6,352,500  |
| Prior Biennia (Expenditures) \$               | 0          |
| Future Biennia (Projected Costs) \$           | 43,821,100 |
|   | -----      |
| TOTAL \$                                      | 50,173,600 |

**NEW SECTION. Sec. 161. FOR THE MILITARY DEPARTMENT**

Minor Works: Preservation (98-1-002)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

|   |           |
|---|-----------|
| State Building Construction Account--State \$ | 1,100,000 |
| Prior Biennia (Expenditures) \$               | 0         |
| Future Biennia (Projected Costs) \$           | 5,700,000 |
|   | -----     |
| TOTAL \$                                      | 6,800,000 |

**NEW SECTION. Sec. 162. FOR THE MILITARY DEPARTMENT**

Yakima National Guard Armory and Readiness Center: Design and utilities (98-2-001)

The reappropriation in this section is subject to the following conditions and limitations:

Funds expended on this project for off-site utility infrastructure which may include the provision of electricity, natural gas service, water service, or sewer service shall be for the benefit of the state. Entities that subsequently connect or use this off-site utility infrastructure shall reimburse the state at a rate proportional to their use. The military department shall develop policies and procedures to ensure that this reimbursement occurs.

Reappropriation:

|  |    |            |
|--|----|------------|
| State Building Construction Account--State | \$ | 2,725,000  |
| General Fund--Federal                      | \$ | 8,275,000  |
|  |    | -----      |
| Subtotal Reappropriation                   | \$ | 11,000,000 |
| Prior Biennia (Expenditures)               | \$ | 2,573,000  |
| Future Biennia (Projected Costs)           | \$ | 3,288,000  |
|  |    | -----      |
| TOTAL                                      | \$ | 16,861,000 |

**NEW SECTION. Sec. 163. FOR THE STATE CONVENTION AND TRADE CENTER**  
 Seattle - Convention Center: Expansion (00-2-001)

Appropriation:

|  |    |           |
|--|----|-----------|
| State Convention and Trade Center Account--State | \$ | 5,750,000 |
| Prior Biennia (Expenditures)                     | \$ | 0         |
| Future Biennia (Projected Costs)                 | \$ | 0         |
|  |    | -----     |
| TOTAL  | \$ | 5,750,000 |

**PART 2**  
**HUMAN SERVICES**

**NEW SECTION. Sec. 201. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Rainier School - Laundry: Equipment (00-1-001)

Appropriation:

|  |    |         |
|--|----|---------|
| State Building Construction Account--State | \$ | 450,000 |
|--|----|---------|

|                                     |           |
|-------------------------------------|-----------|
| Prior Biennia (Expenditures) \$     | 0         |
| Future Biennia (Projected Costs) \$ | 1,250,000 |
|                                     | -----     |
| TOTAL \$                            | 1,700,000 |

**NEW SECTION. Sec. 202. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Lakeland Village: Cottage renovation (00-1-002)

Appropriation:

|   |           |
|---|-----------|
| State Building Construction Account--State \$ | 450,000   |
| Prior Biennia (Expenditures) \$               | 0         |
| Future Biennia (Projected Costs) \$           | 1,250,000 |
|   | -----     |
| TOTAL \$                                      | 1,700,000 |

**NEW SECTION. Sec. 203. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Maple Lane School - Multi-Services Building: Renovation (00-1-003)

The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Appropriation:

|   |           |
|---|-----------|
| State Building Construction Account--State \$ | 700,000   |
| Prior Biennia (Expenditures) \$               | 0         |
| Future Biennia (Projected Costs) \$           | 5,000,000 |
|   | -----     |
| TOTAL \$                                      | 5,700,000 |

**NEW SECTION. Sec. 204. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Division of Land and Buildings: Project management (00-1-005)

Appropriation:

|  |           |
|--|-----------|
| Charitable, Educational, Penal, and Reformatory Institutions Account--State \$ | 2,000,000 |
|--|-----------|



|                                     |            |
|-------------------------------------|------------|
| Prior Biennia (Expenditures) \$     | 0          |
| Future Biennia (Projected Costs) \$ | 8,500,000  |
|                                     | -----      |
| TOTAL \$                            | 10,500,000 |

**NEW SECTION. Sec. 205. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Emergency and Small Repairs (00-1-006)

Appropriation:

|   |           |
|---|-----------|
| State Building Construction Account--State \$ | 750,000   |
| Prior Biennia (Expenditures) \$               | 0         |
| Future Biennia (Projected Costs) \$           | 3,000,000 |
|   | -----     |
| TOTAL \$                                      | 3,750,000 |

**NEW SECTION. Sec. 206. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Mission Creek Youth Camp - Main Building: Renovation phase II (00-1-010)

Appropriation:

|   |           |
|---|-----------|
| State Building Construction Account--State \$ | 2,000,000 |
| Prior Biennia (Expenditures) \$               | 0         |
| Future Biennia (Projected Costs) \$           | 300,000   |
|   | -----     |
| TOTAL \$                                      | 2,300,000 |

**NEW SECTION. Sec. 207. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Child Study & Treatment Center: Cottage modifications (00-1-015)

Appropriation:

|   |           |
|---|-----------|
| State Building Construction Account--State \$ | 1,400,000 |
| Prior Biennia (Expenditures) \$               | 0         |
| Future Biennia (Projected Costs) \$           | 0         |

|          |           |
|----------|-----------|
|          | 2,200,000 |
|          | -----     |
| TOTAL \$ | 3,600,000 |

**NEW SECTION. Sec. 208. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Minor Works: Preservation (00-1-018)

The appropriations in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

|  |            |
|--|------------|
| Charitable, Educational, Penal, and Reformatory Institutions Account--State \$ | 4,000,000  |
| State Building Construction Account--State \$                                  | 4,000,000  |
|  | -----      |
| Subtotal Appropriation \$  | 8,000,000  |
| Prior Biennia (Expenditures) \$  | 0          |
| Future Biennia (Projected Costs) \$  | 32,000,000 |
|  | -----      |
| TOTAL \$   | 40,000,000 |

**NEW SECTION. Sec. 209. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Echo Glen - Cottage Renovation (00-1-041)

The appropriation in this section is subject to the review and allotment procedures under section 902 of this act.

Appropriation:

|   |            |
|---|------------|
| State Building Construction Account--State \$ | 75,000     |
| Prior Biennia (Expenditures) \$               | 0          |
| Future Biennia (Projected Costs) \$           | 11,100,000 |
|   | -----      |
| TOTAL \$                                      | 11,175,000 |

**NEW SECTION. Sec. 210. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Infrastructure Project: Savings (00-1-053)

Projects that are completed in accordance with section 913 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilating, and air conditioning repairs; (7) emergency repairs due to natural disasters or accidents; and, (8) critical year 2000 embedded chip modifications.

Appropriation:

|   |    |       |
|---|----|-------|
| Charitable, Educational, Penal, and Reformatory Institutions Account--State | \$ | 1     |
| State Building Construction Account--State                                  | \$ | 1     |
|   |    | ----- |
| Subtotal Appropriation  | \$ | 2     |
| Prior Biennia (Expenditures)  | \$ | 0     |
| Future Biennia (Projected Costs)  | \$ | 0     |
|   |    | ----- |
| TOTAL   | \$ | 2     |

**NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Eastern State Hospital: Campus renovation phase V (00-2-002)

The appropriation in this section is subject to the review and allotment procedures under section 903 of this act.

Appropriation:

|  |    |            |
|--|----|------------|
| State Building Construction Account--State | \$ | 945,250    |
| Prior Biennia (Expenditures)               | \$ | 0          |
| Future Biennia (Projected Costs)           | \$ | 14,014,450 |
|  |    | -----      |
| TOTAL                                      | \$ | 14,959,700 |

**NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Minor Works: Program (00-2-019)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

|   |           |
|---|-----------|
| State Building Construction Account--State \$ | 1,000,000 |
| Prior Biennia (Expenditures) \$               | 0         |
| Future Biennia (Projected Costs) \$           | 4,000,000 |
|   | -----     |
| TOTAL \$                                      | 5,000,000 |

**NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Maple Lane School: Wastewater treatment plant (94-1-201)

Reappropriation:

|   |           |
|---|-----------|
| State Building Construction Account--State \$ | 419,587   |
| Prior Biennia (Expenditures) \$               | 3,852,913 |
| Future Biennia (Projected Costs) \$           | 0         |
|   | -----     |
| TOTAL \$                                      | 4,272,500 |

**NEW SECTION. Sec. 214. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Naselle Youth Camp: Water system improvements (94-1-202)

Reappropriation:

|   |           |
|---|-----------|
| State Building Construction Account--State \$ | 148,456   |
| Prior Biennia (Expenditures) \$               | 1,017,239 |
| Future Biennia (Projected Costs) \$           | 0         |
|   | -----     |
| TOTAL \$                                      | 1,165,695 |

**NEW SECTION. Sec. 215. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Western State Hospital: Ward renovation phase 6 (94-1-316)

Reappropriation:

|   |         |
|---|---------|
| State Building Construction Account--State \$ | 768,458 |
|---|---------|

|                                     |           |
|-------------------------------------|-----------|
| Prior Biennia (Expenditures) \$     | 5,400,765 |
| Future Biennia (Projected Costs) \$ | 0         |
|                                     | -----     |
| TOTAL \$                            | 6,169,223 |

**NEW SECTION. Sec. 216. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Asbestos Abatement (96-1-002)

Reappropriation:

|   |           |
|---|-----------|
| State Building Construction Account--State \$ | 58,680    |
| Prior Biennia (Expenditures) \$               | 1,767,319 |
| Future Biennia (Projected Costs) \$           | 0         |
|   | -----     |
| TOTAL \$                                      | 1,825,999 |

**NEW SECTION. Sec. 217. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Americans With Disabilities Act Improvements (96-1-003)

Reappropriation:

|   |         |
|---|---------|
| State Building Construction Account--State \$ | 61,899  |
| Prior Biennia (Expenditures) \$               | 415,953 |
| Future Biennia (Projected Costs) \$           | 0       |
|   | -----   |
| TOTAL \$                                      | 477,852 |

**NEW SECTION. Sec. 218. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Minor Works: Preservation (96-1-004)

The reappropriations shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

|  |           |
|--|-----------|
| Charitable, Educational, Penal, and Reformatory Institutions Account--State \$ | 3,562,348 |
| State Building Construction Account--State \$                                  |           |

|                                     |            |
|-------------------------------------|------------|
|                                     | 3,245,803  |
|                                     | -----      |
| Subtotal Reappropriation \$         | 6,808,151  |
| Prior Biennia (Expenditures) \$     | 11,305,885 |
| Future Biennia (Projected Costs) \$ | 0          |
|                                     | -----      |
| TOTAL \$                            | 18,114,036 |

**NEW SECTION. Sec. 219. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Chlorofluorocarbon Abatement (96-1-008)

Reappropriation:

|  |         |
|--|---------|
| Charitable, Educational, Penal, and Reformatory Institutions Account--State \$ | 76,756  |
| Prior Biennia (Expenditures) \$  | 173,245 |
| Future Biennia (Projected Costs) \$  | 0       |
|  | -----   |
| TOTAL \$   | 250,001 |

**NEW SECTION. Sec. 220. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Juvenile Facilities Preservation (96-1-020)

Reappropriation:

|   |           |
|---|-----------|
| State Building Construction Account--State \$ | 95,000    |
| Prior Biennia (Expenditures) \$               | 1,984,600 |
| Future Biennia (Projected Costs) \$           | 0         |
|   | -----     |
| TOTAL \$                                      | 2,079,600 |

**NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Minor Works Projects: Mental health (96-1-030)

Reappropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 385,105   |
| Prior Biennia (Expenditures)               | \$ | 3,414,287 |
| Future Biennia (Projected Costs)           | \$ | 0         |
|  |    | -----     |
| TOTAL                                      | \$ | 3,799,392 |

**NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Minor Works Projects: Division of developmental disabilities (96-1-040)

The reappropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 113,920   |
| Prior Biennia (Expenditures)               | \$ | 957,426   |
| Future Biennia (Projected Costs)           | \$ | 0         |
|  |    | -----     |
| TOTAL                                      | \$ | 1,071,346 |

**NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Underground Storage Tanks Removal and Replacement (96-1-060)

Reappropriation:

|   |    |         |
|---|----|---------|
| Charitable, Educational, Penal, and Reformatory Institutions Account--State | \$ | 25,651  |
| State Building Construction Account--State                                  | \$ | 78,872  |
|   |    | -----   |
| Subtotal Reappropriation  | \$ | 104,523 |
| Prior Biennia (Expenditures)  | \$ | 675,268 |
| Future Biennia (Projected Costs)  | \$ | 0       |
|   |    | -----   |
| TOTAL   | \$ | 779,791 |

**NEW SECTION. Sec. 224. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Maintenance Management and Planning (96-1-150)

Reappropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account--State \$ 109,380

Prior Biennia (Expenditures) \$ 200,001

Future Biennia (Projected Costs) \$ 0

TOTAL \$ -----  
309,381

**NEW SECTION. Sec. 225. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Medical Lake Wastewater Treatment Facility (96-1-301)

Reappropriation:

State Building Construction Account--State \$ 1,158,322

Appropriation:

State Building Construction Account--State \$ 7,500,000

Prior Biennia (Expenditures) \$ 1,356,122

Future Biennia (Projected Costs) \$ 0

TOTAL \$ -----  
10,014,444

**NEW SECTION. Sec. 226. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Western State Hospital: Replace boiler 1 (96-1-322)

Reappropriation:

State Building Construction Account--State \$ 178,538

Prior Biennia (Expenditures) \$ 1,261,463

Future Biennia (Projected Costs) \$ 0

TOTAL \$ -----  
1,440,001



**NEW SECTION. Sec. 227. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Crisis Residential Centers (96-1-900)

The reappropriation in this section is provided to the department of social and health services for grants to provide secure crisis residential centers consistent with the plan developed pursuant to the omnibus 1995-97 operating budget.

Reappropriation:

|   |           |
|---|-----------|
| State Building Construction Account--State \$ | 2,800,000 |
| Prior Biennia (Expenditures) \$               | 200,000   |
| Future Biennia (Projected Costs) \$           | 0         |
|   | -----     |
| TOTAL \$                                      | 3,000,000 |

**NEW SECTION. Sec. 228. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Echo Glen: New beds and infrastructure (96-2-229)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

|   |           |
|---|-----------|
| State Building Construction Account--State \$ | 2,229,358 |
| Prior Biennia (Expenditures) \$               | 1,932,411 |
| Future Biennia (Projected Costs) \$           | 0         |
|   | -----     |
| TOTAL \$                                      | 4,161,769 |

**NEW SECTION. Sec. 229. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Green Hill School Redevelopment: 416 bed institution (96-2-230)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

(2) Up to \$200,000 of the reappropriation in this section may be used to purchase property to accommodate either off-site parking, or to increase the buffer between Green Hill School's secure perimeter and adjacent neighborhoods as required by the city of Chehalis, or both.

Reappropriation:

State Building Construction Account--State \$

|                                     |            |
|-------------------------------------|------------|
|                                     | 20,563,742 |
| Prior Biennia (Expenditures) \$     |            |
| Future Biennia (Projected Costs) \$ | 25,568,689 |
|                                     | 0          |
|                                     | -----      |
| TOTAL \$                            | 46,132,431 |

**NEW SECTION. Sec. 230. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Maple Lane School: Renovation and infrastructure improvements (96-2-231)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

|   |           |
|---|-----------|
| State Building Construction Account--State \$ | 317,342   |
| Prior Biennia (Expenditures) \$               |           |
| Future Biennia (Projected Costs) \$           | 5,538,159 |
|   | 0         |
|   | -----     |
| TOTAL \$                                      | 5,855,501 |

**NEW SECTION. Sec. 231. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Mission Creek Preservation Projects (96-2-233)

Reappropriation:

|   |           |
|---|-----------|
| State Building Construction Account--State \$ | 160,190   |
| Prior Biennia (Expenditures) \$               |           |
| Future Biennia (Projected Costs) \$           | 1,029,887 |
|   | 0         |
|   | -----     |
| TOTAL \$                                      | 1,190,077 |

**NEW SECTION. Sec. 232. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Indian Ridge Youth Camp: Utility Upgrade (96-2-234)

Reappropriation:

State Building Construction Account--State \$

|                                     |           |
|-------------------------------------|-----------|
|                                     | 74,851    |
| Prior Biennia (Expenditures) \$     | 1,446,649 |
| Future Biennia (Projected Costs) \$ | 0         |
|                                     | -----     |
| TOTAL \$                            | 1,521,500 |

**NEW SECTION. Sec. 233. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Minor Works: State-owned Juvenile Rehabilitation Administration group homes (96-2-235)

The reappropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

|   |         |
|---|---------|
| State Building Construction Account--State \$ | 1,517   |
| Prior Biennia (Expenditures) \$               | 342,883 |
| Future Biennia (Projected Costs) \$           | 0       |
|   | -----   |
| TOTAL \$                                      | 344,400 |

**NEW SECTION. Sec. 234. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Underground Storage Tank Pool (98-1-001)

Reappropriation:

|   |         |
|---|---------|
| State Building Construction Account--State \$ | 130,495 |
| Prior Biennia (Expenditures) \$               | 99,505  |
| Future Biennia (Projected Costs) \$           | 0       |
|   | -----   |
| TOTAL \$                                      | 230,000 |

**NEW SECTION. Sec. 235. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Asbestos and Demolition Pool (98-1-002)

Reappropriation:

|   |  |
|---|--|
| State Building Construction Account--State \$ |  |
|---|--|

|                                     |         |
|-------------------------------------|---------|
|                                     | 399,113 |
| Prior Biennia (Expenditures) \$     | 100,887 |
| Future Biennia (Projected Costs) \$ | 0       |
|                                     | -----   |
| TOTAL \$                            | 500,000 |

**NEW SECTION. Sec. 236. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Western State Hospital: South hall HVAC retrofit (98-1-041)

Reappropriation:

|   |           |
|---|-----------|
| State Building Construction Account--State \$ | 958,128   |
| Prior Biennia (Expenditures) \$               | 41,872    |
| Future Biennia (Projected Costs) \$           | 0         |
|   | -----     |
| TOTAL \$                                      | 1,000,000 |

**NEW SECTION. Sec. 237. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Renovate Main Building: Mission Creek (98-1-166)

Reappropriation:

|   |           |
|---|-----------|
| State Building Construction Account--State \$ | 1,589,710 |
| Prior Biennia (Expenditures) \$               | 910,290   |
| Future Biennia (Projected Costs) \$           | 0         |
|   | -----     |
| TOTAL \$                                      | 2,500,000 |

**NEW SECTION. Sec. 238. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Emergency Projects (98-1-428)

Reappropriation:

|   |         |
|---|---------|
| State Building Construction Account--State \$ | 211,449 |
| Prior Biennia (Expenditures) \$               |         |

|                                     |         |
|-------------------------------------|---------|
| Future Biennia (Projected Costs) \$ | 38,551  |
|                                     | 0       |
|                                     | -----   |
| TOTAL \$                            | 250,000 |

**NEW SECTION. Sec. 239. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Americans with Disabilities Act (98-1-993)

Reappropriation:

|   |         |
|---|---------|
| State Building Construction Account--State \$ | 90,567  |
| Prior Biennia (Expenditures) \$               | 48,533  |
| Future Biennia (Projected Costs) \$           | 0       |
|   | -----   |
| TOTAL \$                                      | 139,100 |

**NEW SECTION. Sec. 240. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Eastern State Hospital: Legal offender unit (98-2-002)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

|   |            |
|---|------------|
| State Building Construction Account--State \$ | 6,297,315  |
| Prior Biennia (Expenditures) \$               | 12,398,685 |
| Future Biennia (Projected Costs) \$           | 0          |
|   | -----      |
| TOTAL \$                                      | 18,696,000 |

**NEW SECTION. Sec. 241. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Western State Hospital: Legal offender unit (98-2-052)

The appropriations in this section are subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

|   |
|---|
| State Building Construction Account--State \$ |
|---|

|   |  |            |
|---|--|------------|
| Appropriation:                                |  | 1,683,766  |
| State Building Construction Account--State \$ |  | 43,870,000 |
| Prior Biennia (Expenditures) \$               |  | 2,681,575  |
| Future Biennia (Projected Costs) \$           |  | 10,000,000 |
|   |  | -----      |
| TOTAL \$                                      |  | 58,235,341 |

**NEW SECTION. Sec. 242. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Naselle Youth Camp: Academic school and support space (98-2-154)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

|   |  |           |
|---|--|-----------|
| Reappropriation:                              |  |           |
| State Building Construction Account--State \$ |  | 43,239    |
| Prior Biennia (Expenditures) \$               |  | 1,494,269 |
| Future Biennia (Projected Costs) \$           |  | 0         |
|   |  | -----     |
| TOTAL \$                                      |  | 1,537,508 |

**NEW SECTION. Sec. 243. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Echo Glen: Vocational program addition (98-2-211)

The appropriations in this section are subject to the review and allotment procedures under sections 902 and 903 of this act.

|   |  |           |
|---|--|-----------|
| Reappropriation:                              |  |           |
| State Building Construction Account--State \$ |  | 25,217    |
| Appropriation:                                |  |           |
| State Building Construction Account--State \$ |  | 370,000   |
| Prior Biennia (Expenditures) \$               |  | 74,783    |
| Future Biennia (Projected Costs) \$           |  | 3,725,000 |
|   |  | -----     |

TOTAL \$ 4,195,000

**NEW SECTION. Sec. 244. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Maple Lane School: 124 bed housing replacement/support services (98-2-216)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

|   |           |
|---|-----------|
| State Building Construction Account--State \$ | 2,681,146 |
| Prior Biennia (Expenditures) \$               | 6,651,494 |
| Future Biennia (Projected Costs) \$           | 0         |
|   | -----     |
| TOTAL \$                                      | 9,332,640 |

**NEW SECTION. Sec. 245. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Northern State Hospital: Safe passage program space (98-2-395)

Reappropriation:

|   |         |
|---|---------|
| State Building Construction Account--State \$ | 267,922 |
| Prior Biennia (Expenditures) \$               | 61,578  |
| Future Biennia (Projected Costs) \$           | 0       |
|   | -----   |
| TOTAL \$                                      | 329,500 |

**NEW SECTION. Sec. 246. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Minor Works: Program (98-2-409)

The reappropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

|   |         |
|---|---------|
| State Building Construction Account--State \$ | 347,933 |
| Prior Biennia (Expenditures) \$               | 495,202 |
| Future Biennia (Projected Costs) \$           |         |

0

TOTAL \$

-----  
843,135

**NEW SECTION. Sec. 247. FOR THE DEPARTMENT OF HEALTH**  
Waste Water Treatment System: Upgrade (00-1-008)

Appropriation:

State Building Construction Account--State \$

208,802

Prior Biennia (Expenditures) \$

0

Future Biennia (Projected Costs) \$

0

TOTAL \$

-----  
208,802

**NEW SECTION. Sec. 248. FOR THE DEPARTMENT OF HEALTH**  
Referendum 38: Water bonds (86-2-099)

Reappropriation:

State and Local Improvements Revolving Account  
(Water Supply Facilities)--State \$

500,000

Prior Biennia (Expenditures) \$

199,483

Future Biennia (Projected Costs) \$

0

TOTAL \$

-----  
699,483

**NEW SECTION. Sec. 249. FOR THE DEPARTMENT OF HEALTH**  
Public Health Laboratory: Repairs and improvements (96-1-001)

Reappropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account--State \$

99,827

State Building Construction Account--State \$

1,071,896

Subtotal Reappropriation \$

-----  
1,171,723

Appropriation:

State Building Construction Account--State \$



|                                     |           |
|-------------------------------------|-----------|
|                                     | 857,274   |
| Prior Biennia (Expenditures) \$     | 537,185   |
| Future Biennia (Projected Costs) \$ | 2,233,800 |
|                                     | -----     |
| TOTAL \$                            | 4,799,982 |

**NEW SECTION. Sec. 250. FOR THE DEPARTMENT OF HEALTH**  
Emergency Power System (96-1-009)

Reappropriation:

|  |         |
|--|---------|
| Charitable, Educational, Penal, and Reformatory Institutions Account--State \$ | 453,468 |
| Prior Biennia (Expenditures) \$  | 74,553  |
| Future Biennia (Projected Costs) \$  | 0       |
|  | -----   |
| TOTAL \$   | 528,021 |

**NEW SECTION. Sec. 251. FOR THE DEPARTMENT OF HEALTH**  
Public Health Laboratory: Consolidation of facilities (96-2-001)

The appropriations in this section shall not be expended until the documents described in the capital project review requirements process and procedures prescribed by the office of financial management have been complied with under sections 902 and 903 of this act.

Reappropriation:

|   |         |
|---|---------|
| State Building Construction Account--State \$ | 336,307 |
|---|---------|

Appropriation:

|   |           |
|---|-----------|
| State Building Construction Account--State \$ | 5,012,750 |
| Prior Biennia (Expenditures) \$               | 323,993   |
| Future Biennia (Projected Costs) \$           | 0         |
|   | -----     |
| TOTAL \$                                      | 5,673,050 |

**NEW SECTION. Sec. 252. FOR THE DEPARTMENT OF HEALTH**  
Drinking Water Assistance Program (97-2-001)

The reappropriation in this section is provided solely for an interagency agreement with the department of community, trade, and economic development to make, in cooperation with the public works board, loans to local governments and public water systems for projects and activities to protect and improve the state's drinking water facilities and resources.

Reappropriation:

|   |            |
|---|------------|
| Drinking Water Assistance Account--Federal \$ | 16,133,576 |
| Prior Biennia (Expenditures) \$               | 17,739,874 |
| Future Biennia (Projected Costs) \$           | 34,000,000 |
|   | -----      |
| TOTAL \$                                      | 67,873,450 |

**NEW SECTION. Sec. 253. FOR THE DEPARTMENT OF HEALTH**

Public Health Laboratory: Building 5 system upgrade (98-1-002)

Reappropriation:

|  |         |
|--|---------|
| Charitable, Educational, Penal, and Reformatory Institutions Account--State \$ | 282,774 |
| Prior Biennia (Expenditures) \$  | 28,266  |
| Future Biennia (Projected Costs) \$  | 0       |
|  | -----   |
| TOTAL \$   | 311,040 |

**NEW SECTION. Sec. 254. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

Orting - Washington Soldiers' Home, Fire Alarm System: Upgrade (00-1-009)

Appropriation:

|  |         |
|--|---------|
| Charitable, Educational, Penal, and Reformatory Institutions Account--State \$ | 450,000 |
| Prior Biennia (Expenditures) \$  | 0       |
| Future Biennia (Projected Costs) \$  | 0       |
|  | -----   |
| TOTAL \$   | 450,000 |

**NEW SECTION. Sec. 255. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

State-wide - Emergency Fund (00-1-012)

Appropriation:

|   |    |           |
|---|----|-----------|
| Charitable, Educational, Penal, and Reformatory Institutions Account--State | \$ | 500,000   |
| Prior Biennia (Expenditures)  | \$ | 0         |
| Future Biennia (Projected Costs)  | \$ | 3,000,000 |
|   |    | -----     |
| TOTAL   | \$ | 3,500,000 |

**NEW SECTION. Sec. 256. FOR THE DEPARTMENT OF VETERANS AFFAIRS**  
Orting - Grounds Projects: Preservation (00-1-013)

Appropriation:

|   |    |           |
|---|----|-----------|
| Charitable, Educational, Penal, and Reformatory Institutions Account--State | \$ | 700,000   |
| Prior Biennia (Expenditures)  | \$ | 0         |
| Future Biennia (Projected Costs)  | \$ | 575,000   |
|   |    | -----     |
| TOTAL   | \$ | 1,275,000 |

**NEW SECTION. Sec. 257. FOR THE DEPARTMENT OF VETERANS AFFAIRS**  
State-wide - Master Plan (00-2-015)

The appropriation in this section is provided for a master plan for future uses and improvements of agency assets. The master plan shall include at least the following:

- (1) A forecast of the future demand for nursing, assisted living, domiciliary, and community-based rehabilitative care by the state's veterans, based upon the projected age, sex, marital, and income composition of that population;
- (2) An assessment of the most cost-effective role for the state to play in addressing such demand;
- (3) A comprehensive analysis of the programmatic, community, capital, and operating costs and benefits of consolidating western Washington veterans home operations, including proposed alternative uses for the other campus if operations are consolidated;
- (4) An assessment of alternatives for providing skilled nursing and assisted living services in eastern Washington; and
- (5) An assessment of the feasibility, costs, and benefits of alternative strategies for providing rehabilitative care to younger veterans, such as those now served in the state-operated domiciliary units.

Appropriation:

|   |    |         |
|---|----|---------|
| Charitable, Educational, Penal, and Reformatory Institutions Account--State | \$ | 300,000 |
| Prior Biennia (Expenditures)  | \$ | 0       |
| Future Biennia (Projected Costs)  | \$ |         |

|             |         |
|-------------|---------|
|             | 600,000 |
|             | -----   |
| TOTAL    \$ | 900,000 |

**NEW SECTION. Sec. 258. FOR THE DEPARTMENT OF VETERANS AFFAIRS**  
 Retsil - Washington Veterans' Home, Building Exteriors: Preservation (99-1-001)

|  |         |
|--|---------|
| Reappropriation:   |         |
| Charitable, Educational, Penal, and Reformatory Institutions Account--State \$ | 50,000  |
| Appropriation:   |         |
| Charitable, Educational, Penal, and Reformatory Institutions Account--State \$ | 400,000 |
| Prior Biennia (Expenditures) \$  | 0       |
| Future Biennia (Projected Costs) \$  | 540,000 |
|  | -----   |
| TOTAL    \$  | 990,000 |

**NEW SECTION. Sec. 259. FOR THE DEPARTMENT OF VETERANS AFFAIRS**  
 Orting - Washington Soldiers' Home, Mechanical/Electrical/HVAC: Preservation (99-1-002)

|  |           |
|--|-----------|
| Reappropriation:   |           |
| Charitable, Educational, Penal, and Reformatory Institutions Account--State \$ | 350,000   |
| Appropriation:   |           |
| Charitable, Educational, Penal, and Reformatory Institutions Account--State \$ | 650,000   |
| Prior Biennia (Expenditures) \$  | 0         |
| Future Biennia (Projected Costs) \$  | 1,275,000 |
|  | -----     |
| TOTAL    \$  | 2,275,000 |

**NEW SECTION. Sec. 260. FOR THE DEPARTMENT OF VETERANS AFFAIRS**  
 Orting: Dining Hall Remodel (97-1-002)

|  |         |
|--|---------|
| Reappropriation:   |         |
| Charitable, Educational, Penal, and Reformatory Institutions Account--State \$ | 350,000 |
| Prior Biennia (Expenditures) \$  | 750,000 |
| Future Biennia (Projected Costs) \$  |         |

0

TOTAL \$

-----  
1,100,000

**NEW SECTION. Sec. 261. FOR THE DEPARTMENT OF VETERANS AFFAIRS**  
Retsil - Washington Veterans' Home: Kitchen Remodel (02-1-011)

Appropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account--State \$

600,000

Prior Biennia (Expenditures) \$

0

Future Biennia (Projected Costs) \$

0

TOTAL \$

-----  
600,000

**NEW SECTION. Sec. 262. FOR THE DEPARTMENT OF CORRECTIONS**  
Minor Works: Preservation (00-1-020)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

State Building Construction Account--State \$

20,000,000

Prior Biennia (Expenditures) \$

0

Future Biennia (Projected Costs) \$

80,000,000

TOTAL \$

-----  
100,000,000

**NEW SECTION. Sec. 263. FOR THE DEPARTMENT OF CORRECTIONS**  
Emergency and Small Repairs (00-1-021)

Appropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account--State \$

1,600,000

State Building Construction Account--State \$

1

Subtotal Appropriation \$

-----  
1,600,001

|                                     |           |
|-------------------------------------|-----------|
| Prior Biennia (Expenditures) \$     | 0         |
| Future Biennia (Projected Costs) \$ | 7,400,000 |
|                                     | -----     |
| TOTAL \$                            | 9,000,001 |

**NEW SECTION. Sec. 264. FOR THE DEPARTMENT OF CORRECTIONS**  
**Infrastructure Project: Savings (00-1-024)**

Projects that are completed in accordance with section 913 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilating, and air conditioning repairs; (7) emergency repairs due to natural disasters or accidents; and, (8) critical year 2000 embedded chip modifications.

Appropriation:

|   |       |
|---|-------|
| State Building Construction Account--State \$ | 1     |
| Prior Biennia (Expenditures) \$               | 0     |
| Future Biennia (Projected Costs) \$           | 0     |
|   | ----- |
| TOTAL \$                                      | 1     |

**NEW SECTION. Sec. 265. FOR THE DEPARTMENT OF CORRECTIONS**  
**Washington State Penitentiary - Intensive Management Unit: Improvements (00-1-025)**

Appropriation:

|   |           |
|---|-----------|
| State Building Construction Account--State \$ | 3,500,000 |
| Prior Biennia (Expenditures) \$               | 0         |
| Future Biennia (Projected Costs) \$           | 0         |
|   | -----     |
| TOTAL \$                                      | 3,500,000 |

**NEW SECTION. Sec. 266. FOR THE DEPARTMENT OF CORRECTIONS**  
**Monroe Correctional Complex - Twin Rivers: 512-bed expansion (00-2-004)**

The appropriation is subject to the review and allotment procedures under sections 902 and 903 of this act.

Appropriation:

|  |    |            |
|--|----|------------|
| General Fund--Federal                      | \$ | 4,213,000  |
| State Building Construction Account--State | \$ | 487,000    |
|  |    | -----      |
| Subtotal Appropriation                     | \$ | 4,700,000  |
| Prior Biennia (Expenditures)               | \$ | 0          |
| Future Biennia (Projected Costs)           | \$ | 60,400,000 |
|  |    | -----      |
| TOTAL                                      | \$ | 65,100,000 |

**NEW SECTION. Sec. 267. FOR THE DEPARTMENT OF CORRECTIONS**

McNeil Island Corrections Center - 200-bed department of social and health services-Special Commitment Center (00-2-005)

The appropriation is subject to the review and allotment procedures under sections 902 and 903 of this act.

Appropriation:

|  |    |            |
|--|----|------------|
| State Building Construction Account--State | \$ | 2,500,000  |
| Prior Biennia (Expenditures)               | \$ | 0          |
| Future Biennia (Projected Costs)           | \$ | 37,100,000 |
|  |    | -----      |
| TOTAL                                      | \$ | 39,600,000 |

**NEW SECTION. Sec. 268. FOR THE DEPARTMENT OF CORRECTIONS**

Monroe Correctional Complex - Reformatory: 100-bed Intensive Management Unit (00-2-008)

To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 2000.

Appropriation:

|  |    |            |
|--|----|------------|
| State Building Construction Account--State | \$ | 190,000    |
| Prior Biennia (Expenditures)               | \$ | 0          |
| Future Biennia (Projected Costs)           | \$ | 21,500,000 |

|       |    |            |
|-------|----|------------|
| TOTAL | \$ | -----      |
|       |    | 21,690,000 |

**NEW SECTION. Sec. 269. FOR THE DEPARTMENT OF CORRECTIONS**  
 Minor Works: Program (00-2-010)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

|  |    |            |
|--|----|------------|
| State Building Construction Account--State | \$ |            |
|  |    | 5,000,000  |
| Prior Biennia (Expenditures)               | \$ | 0          |
| Future Biennia (Projected Costs)           | \$ | 20,000,000 |
|  |    | -----      |
| TOTAL                                      | \$ | 25,000,000 |

**NEW SECTION. Sec. 270. FOR THE DEPARTMENT OF CORRECTIONS**  
 Monroe Correctional Complex: Kitchen consolidation/modifications (00-2-011)

The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Appropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ |           |
|  |    | 1,100,000 |
| Prior Biennia (Expenditures)               | \$ | 0         |
| Future Biennia (Projected Costs)           | \$ | 8,000,000 |
|  |    | -----     |
| TOTAL                                      | \$ | 9,100,000 |

**NEW SECTION. Sec. 271. FOR THE DEPARTMENT OF CORRECTIONS**  
 Washington State Penitentiary Steam System (96-1-016)

Reappropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ |           |
|  |    | 234,000   |
| Prior Biennia (Expenditures)               | \$ | 1,641,443 |
| Future Biennia (Projected Costs)           | \$ | 0         |



TOTAL \$ -----  
1,875,443

**NEW SECTION. Sec. 272. FOR THE DEPARTMENT OF CORRECTIONS**  
Washington State Corrections Center for Women (96-2-001)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account--State \$ 483,000

Prior Biennia (Expenditures) \$ 1,590,272

Future Biennia (Projected Costs) \$ 0

TOTAL \$ -----  
2,073,272

**NEW SECTION. Sec. 273. FOR THE DEPARTMENT OF CORRECTIONS**  
Monroe Correctional Complex - Reformatory: 400-bed facility (96-2-002)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account--State \$ 153,000

Prior Biennia (Expenditures) \$ 2,331,969

Future Biennia (Projected Costs) \$ 0

TOTAL \$ -----  
2,484,969

**NEW SECTION. Sec. 274. FOR THE DEPARTMENT OF CORRECTIONS**  
Airway Heights Expansion (96-2-003)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account--State \$ 1,423,000

Prior Biennia (Expenditures) \$ 17,617,752

|                                     |            |
|-------------------------------------|------------|
| Future Biennia (Projected Costs) \$ | 0          |
|                                     | -----      |
| TOTAL \$                            | 19,040,752 |

**NEW SECTION. Sec. 275. FOR THE DEPARTMENT OF CORRECTIONS**  
 Washington Corrections Center for Women Mental Health, Special Needs, and Reception Unit  
 (96-2-006)

The appropriations in this section are subject to the review and allotment procedures under sections 902 and 903 of this act.

|   |            |
|---|------------|
| Reappropriation:                              |            |
| State Building Construction Account--State \$ | 1,273,000  |
| Appropriation:                                |            |
| State Building Construction Account--State \$ | 23,300,000 |
| Prior Biennia (Expenditures) \$               | 227,000    |
| Future Biennia (Projected Costs) \$           | 0          |
|   | -----      |
| TOTAL \$                                      | 24,800,000 |

**NEW SECTION. Sec. 276. FOR THE DEPARTMENT OF CORRECTIONS**  
 Larch and Cedar Creek Expansions (96-2-010)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

|   |            |
|---|------------|
| Reappropriation:                              |            |
| State Building Construction Account--State \$ | 876,000    |
| Prior Biennia (Expenditures) \$               | 21,124,000 |
| Future Biennia (Projected Costs) \$           | 0          |
|   | -----      |
| TOTAL \$                                      | 22,000,000 |

**NEW SECTION. Sec. 277. FOR THE DEPARTMENT OF CORRECTIONS**  
 Clallam Bay Corrections Center - Juvenile Justice Program: Improvements (97-2-005)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

|   |           |
|---|-----------|
| State Building Construction Account--State \$ | 3,948,000 |
| Prior Biennia (Expenditures) \$               | 552,000   |
| Future Biennia (Projected Costs) \$           | 0         |
|   | -----     |
| TOTAL \$                                      | 4,500,000 |

**NEW SECTION. Sec. 278. FOR THE DEPARTMENT OF CORRECTIONS**

State-wide Preservation Projects (98-1-001)

The reappropriations in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

|  |            |
|--|------------|
| Charitable, Educational, Penal, and Reformatory Institutions Account--State \$ | 3,150,000  |
| State Building Construction Account--State \$                                  | 10,752,000 |
|  | -----      |
| Subtotal Reappropriation \$  | 13,902,000 |
| Prior Biennia (Expenditures) \$  | 31,369,536 |
| Future Biennia (Projected Costs) \$  | 0          |
|  | -----      |
| TOTAL \$   | 45,271,536 |

**NEW SECTION. Sec. 279. FOR THE DEPARTMENT OF CORRECTIONS**

Underground Storage Tank and Above Ground Storage Tank Program (98-1-002)

Reappropriation:

|   |           |
|---|-----------|
| State Building Construction Account--State \$ | 1,038,000 |
| Prior Biennia (Expenditures) \$               | 932,300   |
| Future Biennia (Projected Costs) \$           | 0         |
|   | -----     |
| TOTAL \$                                      | 1,970,300 |

**NEW SECTION. Sec. 280. FOR THE DEPARTMENT OF CORRECTIONS**  
State-wide Asbestos Removal (98-1-003)

Reappropriation:

|   |           |
|---|-----------|
| State Building Construction Account--State \$ | 783,000   |
| Prior Biennia (Expenditures) \$               | 272,068   |
| Future Biennia (Projected Costs) \$           | 0         |
|   | -----     |
| TOTAL \$                                      | 1,055,068 |

**NEW SECTION. Sec. 281. FOR THE DEPARTMENT OF CORRECTIONS**  
State-wide Americans with Disabilities Act Compliance Projects (98-1-004)

Reappropriation:

|   |         |
|---|---------|
| State Building Construction Account--State \$ | 112,000 |
| Prior Biennia (Expenditures) \$               | 59,150  |
| Future Biennia (Projected Costs) \$           | 0       |
|   | -----   |
| TOTAL \$                                      | 171,150 |

**NEW SECTION. Sec. 282. FOR THE DEPARTMENT OF CORRECTIONS**  
Emergency Funds (98-1-005)

Reappropriation:

|  |           |
|--|-----------|
| Charitable, Educational, Penal, and Reformatory Institutions Account--State \$ | 360,000   |
| State Building Construction Account--State \$                                  | 970,000   |
|  | -----     |
| Subtotal Reappropriation \$  | 1,330,000 |
| Prior Biennia (Expenditures) \$  | 3,299,100 |
| Future Biennia (Projected Costs) \$  | 0         |
|  | -----     |
| TOTAL \$   | 4,629,100 |

**NEW SECTION. Sec. 283. FOR THE DEPARTMENT OF CORRECTIONS**  
Stafford Creek Corrections Center (98-2-001)

The appropriations in this section are subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account--State \$ 105,000,000

Appropriation:

General Fund--Federal \$ 11,794,800

State Building Construction Account--State \$ 10,670,616

Subtotal Appropriation \$ -----  
22,465,416

Prior Biennia (Expenditures) \$ 67,490,800

Future Biennia (Projected Costs) \$ 0

TOTAL \$ -----  
194,956,216

**NEW SECTION. Sec. 284. FOR THE DEPARTMENT OF CORRECTIONS**  
Washington State Reformatory: Convert medium to close custody (98-2-002)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account--State \$ 1,400,000

Prior Biennia (Expenditures) \$ 3,324,588

Future Biennia (Projected Costs) \$ 0

TOTAL \$ -----  
4,724,588

**NEW SECTION. Sec. 285. FOR THE DEPARTMENT OF CORRECTIONS**  
Tacoma: Design 400-bed prerelease facility (98-2-003)

The reappropriation is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

|   |           |
|---|-----------|
| State Building Construction Account--State \$ | 1,129,047 |
| Prior Biennia (Expenditures) \$               | 496,653   |
| Future Biennia (Projected Costs) \$           | 0         |
|   | -----     |
| TOTAL \$                                      | 1,625,700 |

**NEW SECTION. Sec. 286. FOR THE DEPARTMENT OF CORRECTIONS**  
State-wide: Correctional industries expansion (98-2-005)

Reappropriation:

|   |            |
|---|------------|
| State Building Construction Account--State \$ | 2,918,000  |
| Prior Biennia (Expenditures) \$               | 382,000    |
| Future Biennia (Projected Costs) \$           | 16,000,000 |
|   | -----      |
| TOTAL \$                                      | 19,300,000 |

**NEW SECTION. Sec. 287. FOR THE DEPARTMENT OF CORRECTIONS**  
Expand Special Offenders Center to 400 Beds (98-2-010)

The appropriations in this section are subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

|   |           |
|---|-----------|
| State Building Construction Account--State \$ | 2,507,879 |
|---|-----------|

Appropriation:

|   |            |
|---|------------|
| State Building Construction Account--State \$ | 38,800,000 |
| Prior Biennia (Expenditures) \$               | 1,327,400  |
| Future Biennia (Projected Costs) \$           | 0          |
|   | -----      |
| TOTAL \$                                      | 42,635,279 |

**NEW SECTION. Sec. 288. FOR THE DEPARTMENT OF CORRECTIONS**  
New 1,936-Bed Multicustody Facility: Predesign and site selection (98-2-011)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

|   |             |
|---|-------------|
| State Building Construction Account--State \$ | 958,000     |
| Prior Biennia (Expenditures) \$               | 290,453     |
| Future Biennia (Projected Costs) \$           | 242,000,000 |
|   | -----       |
| TOTAL \$                                      | 243,248,453 |

**NEW SECTION. Sec. 289. FOR THE DEPARTMENT OF CORRECTIONS**  
State-wide Programmatic Projects (98-2-013)

The reappropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

|   |            |
|---|------------|
| State Building Construction Account--State \$ | 4,400,000  |
| Prior Biennia (Expenditures) \$               | 15,150,401 |
| Future Biennia (Projected Costs) \$           | 0          |
|   | -----      |
| TOTAL \$                                      | 19,550,401 |

**NEW SECTION. Sec. 290. FOR THE DEPARTMENT OF CORRECTIONS**  
Washington Corrections Center: Replace razor ribbon (99-1-001)

Reappropriation:

|   |         |
|---|---------|
| State Building Construction Account--State \$ | 485,000 |
| Prior Biennia (Expenditures) \$               | 316,000 |
| Future Biennia (Projected Costs) \$           | 0       |
|   | -----   |
| TOTAL \$                                      | 801,000 |

**NEW SECTION. Sec. 291. FOR THE DEPARTMENT OF CORRECTIONS**  
McNeil Island Corrections Center: Still harbor dock (99-2-001)

Reappropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 2,500,000 |
| Prior Biennia (Expenditures)               | \$ | 200,000   |
| Future Biennia (Projected Costs)           | \$ | 0         |
| TOTAL                                      |    | \$        |
|  |    | 2,700,000 |

**NEW SECTION. Sec. 292. FOR THE DEPARTMENT OF CORRECTIONS**

Washington State Reformatory Farm: Dairy animal waste lagoon improvement (99-2-002)

Reappropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 182,000   |
| Prior Biennia (Expenditures)               | \$ | 1,060,000 |
| Future Biennia (Projected Costs)           | \$ | 0         |
| TOTAL                                      |    | \$        |
|  |    | 1,242,000 |

**NEW SECTION. Sec. 293. FOR THE DEPARTMENT OF CORRECTIONS**

Local Government Criminal Justice Facilities (99-2-003)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are provided solely for the purpose of construction, developing, expanding, modifying, or improving local jails and other correctional facilities in accordance with the violent offender incarceration and truth-in-sentencing grant requirements.

(2) The department of corrections, in consultation with the Washington association of sheriffs and police chiefs, shall develop criteria for allocating moneys appropriated in this section to local governments.

Reappropriation:

|                       |    |         |
|-----------------------|----|---------|
| General Fund--Federal | \$ | 639,196 |
|-----------------------|----|---------|

Appropriation:

|                                  |    |           |
|----------------------------------|----|-----------|
| General Fund--Federal            | \$ | 2,894,165 |
| Prior Biennia (Expenditures)     | \$ | 0         |
| Future Biennia (Projected Costs) | \$ | 0         |
| TOTAL                            |    | \$        |



3,533,361

**NEW SECTION. Sec. 294. FOR THE DEPARTMENT OF CORRECTIONS**  
Grant Administration and Minor Improvements (99-2-004)

The appropriations in this section are provided solely for cost associated with administration of the violent offender incarceration and truth-in-sentencing grant program to local governments and other agencies receiving a subaward from the grant and minor improvements for correctional facilities.

Reappropriation:

General Fund--Federal \$ 120,000

Appropriation:

General Fund--Federal \$ 392,113  
Charitable, Educational, Penal, and Reformatory  
Institutions Account--State \$ 60,851

Subtotal Appropriation \$ 452,964

Prior Biennia (Expenditures) \$ 35,550

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 608,514

**NEW SECTION. Sec. 295. FOR THE DEPARTMENT OF CORRECTIONS**  
Washington Corrections Center: Infrastructure evaluation

The appropriation in this section is provided solely for conducting an evaluation of the current sewer and water systems at the Washington corrections center. The evaluation shall identify: (1) The capacity of the current systems based on current and planned average daily population; (2) any deficiencies with the current systems; and (3) the most cost-effective options for addressing any issues identified in subsections (1) and (2) of this section, including changes in programmatic operations or financing alternatives with other entities for off-site infrastructure improvements.

Appropriation:

State Building Construction Account--State \$ 350,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 350,000

**PART 3  
NATURAL RESOURCES**

**NEW SECTION. Sec. 301. FOR THE DEPARTMENT OF ECOLOGY**  
Water Rights Purchase

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided for a pilot project for the purchase of water rights under the trust water rights program under chapter 90.42 RCW, for the purpose of improving stream and river flows in fish critical basins. This appropriation shall only be used to acquire water rights in basins with current or proposed listings of salmon or steelhead under the federal endangered species act (16 U.S.C. Sec. 1531 et seq.) and where low flows have been identified as a limiting factor for salmon recovery.

Priority for funding such purchases and leases shall take into consideration the following:

- (a) Proposals providing the greatest benefit for restoring and protecting fish;
- (b) Proposals providing benefits in addition to protecting fish critical streams and rivers;
- (c) Proposals that include funds from other sources;
- (d) Proposals showing a broad level of support among interested parties;
- (e) Proposals requiring the lowest administrative costs to implement; and
- (f) Proposals requiring the lowest overall cost within the context of the local marketplace.

(2) On or before December 1, 2000, the department shall report to the governor and appropriate legislative committees on the progress in implementing the pilot program and recommendations for continuation of the program.

Appropriation:

|  |    |            |
|--|----|------------|
| State Building Construction Account--State | \$ | 1,000,000  |
| Prior Biennia (Expenditures)               | \$ | 0          |
| Future Biennia (Projected Costs)           | \$ | 24,000,000 |
|  |    | -----      |
| TOTAL                                      | \$ | 25,000,000 |

**NEW SECTION. Sec. 302. FOR THE DEPARTMENT OF ECOLOGY**  
Referendum 26 Waste Disposal Facilities (74-2-004)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation in this section is provided solely for projects under contracts on or before June 30, 1999. Reappropriated funds not associated with contracted projects shall lapse on June 30, 1999.

(2) The office of financial management may grant waivers from this lapse requirement for specific projects upon findings of exceptional circumstances after notification of the chairs of the house of representatives capital budget committee and senate ways and means committee.

(3) The department shall submit a report to the office of financial management and the house of representatives capital budget committee and senate ways and means committee by December 1, 1999, listing all projects funded from this section.

Reappropriation:

|  |    |           |
|--|----|-----------|
| State and Local Improvements Revolving Account (Waste Facilities)--State | \$ | 2,204,376 |
|--|----|-----------|

|                                     |           |
|-------------------------------------|-----------|
| Prior Biennia (Expenditures) \$     | 4,186,488 |
| Future Biennia (Projected Costs) \$ | 0         |
|                                     | -----     |
| TOTAL \$                            | 6,390,864 |

**NEW SECTION. Sec. 303. FOR THE DEPARTMENT OF ECOLOGY**  
Referendum 38 Water Supply Facilities (74-2-006)

The appropriations in this section are subject to the following conditions and limitations:

(1) The reappropriation in this section is provided solely for projects under contracts on or before June 30, 1999. Reappropriated funds not associated with contracted projects shall lapse on June 30, 1999.

(2) The office of financial management may grant waivers from this lapse requirement for specific projects upon findings of exceptional circumstances after notification of the chairs of the house of representatives capital budget committee and senate ways and means committee.

(3) The department shall submit a report to the office of financial management and the house of representatives capital budget committee and senate ways and means committee by December 1, 1999, listing all projects funded from this section.

Reappropriation:

|  |           |
|--|-----------|
| State and Local Improvements Revolving Account (Water Supply Facilities)--State \$ | 6,004,436 |
|--|-----------|

Appropriation:

|  |           |
|--|-----------|
| State and Local Improvements Revolving Account (Water Supply Facilities)--State \$ | 4,100,000 |
| State Drought Preparedness Account--State \$                                       | 6,800,000 |
|  | -----     |

|                           |            |
|---------------------------|------------|
| Subtotal Appropriation \$ | 10,900,000 |
|---------------------------|------------|

|                                     |           |
|-------------------------------------|-----------|
| Prior Biennia (Expenditures) \$     | 4,320,950 |
| Future Biennia (Projected Costs) \$ | 0         |
|                                     | -----     |

|          |            |
|----------|------------|
| TOTAL \$ | 21,225,386 |
|----------|------------|

**NEW SECTION. Sec. 304. FOR THE DEPARTMENT OF ECOLOGY**  
State Emergency Water Projects Revolving Account (76-2-003)

Reappropriation:

|  |         |
|--|---------|
| State Emergency Water Projects Revolving Account--State \$ | 577,833 |
|--|---------|

|                                 |   |
|---------------------------------|---|
| Prior Biennia (Expenditures) \$ | 0 |
|---------------------------------|---|

|                                     |         |
|-------------------------------------|---------|
| Future Biennia (Projected Costs) \$ | 0       |
|                                     | -----   |
| TOTAL \$                            | 577,833 |

**NEW SECTION. Sec. 305. FOR THE DEPARTMENT OF ECOLOGY**  
Referendum 39 Waste Disposal Facilities (82-2-005)

The reappropriation in this section is provided solely for projects under contracts on or before June 30, 1999. Reappropriated funds not associated with contracted projects shall lapse on June 30, 1999. The office of financial management may grant waivers from this lapse requirement for specific projects upon findings of exceptional circumstances after notification of the chairs of the house of representatives capital budget committee and senate ways and means committee. The department shall submit a report to the office of financial management and the house of representatives capital budget committee and senate ways and means committee by December 1, 1999, listing all projects funded from this section.

Reappropriation:

|  |            |
|--|------------|
| State and Local Improvements Revolving Account (Waste Facilities 1980)--State \$ | 6,113,126  |
| Prior Biennia (Expenditures) \$  | 12,293,785 |
| Future Biennia (Projected Costs) \$  | 0          |
|  | -----      |
| TOTAL \$   | 18,406,911 |

**NEW SECTION. Sec. 306. FOR THE DEPARTMENT OF ECOLOGY**  
Centennial Clean Water Fund (86-2-007)

The appropriations in this section are subject to the following conditions and limitations:

(1) Up to \$15,000,000 of the water quality account appropriation is provided for the extended grant payment to Metro/King county. The department shall, in cooperation with Metro/King county, document the eligible costs remaining for the extended grant payment, and submit a revised payment schedule to the governor and appropriate legislative committees by December 1, 1999.

(2) Up to \$10,000,000 of the water quality account appropriation is provided for the extended grant payment to Spokane for the Spokane-Rathdrum Prairie aquifer.

(3) \$3,600,000 of the water quality account appropriation is provided for the construction of a wastewater treatment plant at the city of Connell.

(4) The entire public works assistance account appropriation is provided for water quality facility grants for communities with populations less than 5,000. The department shall give priority consideration to: (a) Communities subject to a regulatory order from the department of ecology for noncompliance with water quality regulations; (b) projects for which design work has been completed; and (c) projects with a local match from reasonable water quality rates and charges.

(5) The remaining appropriation in this section is provided for state-wide water quality implementation and planning grants and loans. The department shall give priority consideration to projects located in basins with critical or depressed salmonid stocks.

(6) The reappropriation in this section is provided solely for projects under contract on or before June 30, 1999. Reappropriated funds not associated with contracted projects lapse on June 30,

1999. The office of financial management may grant waivers from this subsection for specific projects upon findings of exceptional circumstances after notification of the chairs of the house of representatives capital budget committee and the senate ways and means committee. The department shall submit a report to the office of financial management and the house of representatives capital budget committee and the senate ways and means committee by December 1, 1999, listing all projects funded from the reappropriation in this section.

Reappropriation:

|                              |    |            |
|------------------------------|----|------------|
| Water Quality Account--State | \$ |            |
|                              |    | 32,336,890 |

Appropriation:

|  |    |            |
|--|----|------------|
| Water Quality Account--State           | \$ |            |
|  |    | 52,000,000 |
| Public Works Assistance Account--State | \$ |            |
|  |    | 10,000,000 |

|                        |    |                     |
|------------------------|----|---------------------|
| Subtotal Appropriation | \$ |                     |
|                        |    | -----<br>62,000,000 |

|                              |    |             |
|------------------------------|----|-------------|
| Prior Biennia (Expenditures) | \$ |             |
|                              |    | 158,376,857 |

|                                  |    |             |
|----------------------------------|----|-------------|
| Future Biennia (Projected Costs) | \$ |             |
|                                  |    | 140,000,000 |

|       |    |                      |
|-------|----|----------------------|
| TOTAL | \$ |                      |
|       |    | -----<br>392,713,747 |

**NEW SECTION. Sec. 307. FOR THE DEPARTMENT OF ECOLOGY**

Local Toxics Control Account (88-2-008)

The reappropriation in this section is provided solely for projects under contract on or before June 30, 1999. Reappropriated funds not associated with contracted projects shall lapse on June 30, 1999. The office of financial management may grant waivers from this lapse requirement for specific projects upon findings of exceptional circumstances after notification of the chairs of the house of representatives capital budget committee and senate ways and means committee. The department shall submit a report to the office of financial management and the house of representatives capital budget committee and senate ways and means committee by December 1, 1999, listing all projects funded from this section.

Reappropriation:

|                                     |    |            |
|-------------------------------------|----|------------|
| Local Toxics Control Account--State | \$ |            |
|                                     |    | 25,833,809 |

Appropriation:

|                                     |    |            |
|-------------------------------------|----|------------|
| Local Toxics Control Account--State | \$ |            |
|                                     |    | 42,479,000 |

|                              |    |            |
|------------------------------|----|------------|
| Prior Biennia (Expenditures) | \$ |            |
|                              |    | 65,202,174 |

|                                  |    |             |
|----------------------------------|----|-------------|
| Future Biennia (Projected Costs) | \$ |             |
|                                  |    | 180,000,000 |

-----

TOTAL \$ 313,514,983

**NEW SECTION. Sec. 308. FOR THE DEPARTMENT OF ECOLOGY**  
Water Pollution Control Revolving Fund (90-2-002)

Reappropriation:

Water Pollution Control Revolving Account--State \$ 55,640,931

Water Pollution Control Revolving Account--Federal \$ 34,914,688

Subtotal Reappropriation \$ -----  
90,555,619

Appropriation:

Water Pollution Control Revolving Account--State \$ 32,375,833

Water Pollution Control Revolving Account--Federal \$ 46,830,366

Subtotal Appropriation \$ -----  
79,206,199

Prior Biennia (Expenditures) \$ 120,971,790

Future Biennia (Projected Costs) \$ 320,207,299

TOTAL \$ -----  
610,940,907

**NEW SECTION. Sec. 309. FOR THE DEPARTMENT OF ECOLOGY**  
Methow Basin Water Conservation (92-2-009)

Reappropriation:

State Building Construction Account--State \$ 87,689

Prior Biennia (Expenditures) \$ 312,311

Future Biennia (Projected Costs) \$ 0

TOTAL \$ -----  
400,000

**NEW SECTION. Sec. 310. FOR THE DEPARTMENT OF ECOLOGY**  
Low-Level Nuclear Waste Disposal Trench Closure (97-2-012)

Reappropriation:

|                                  |    |           |
|----------------------------------|----|-----------|
| Site Closure Account--State      | \$ | 5,443,978 |
| Prior Biennia (Expenditures)     | \$ | 989,386   |
| Future Biennia (Projected Costs) | \$ | 0         |
| TOTAL                            |    | \$        |
|                                  |    | 6,433,364 |

**NEW SECTION. Sec. 311. FOR THE STATE PARKS AND RECREATION COMMISSION**

Coastal Facility Relocation (00-1-005)

Appropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 2,000,000 |
| Prior Biennia (Expenditures)               | \$ | 0         |
| Future Biennia (Projected Costs)           | \$ | 2,000,000 |
| TOTAL                                      |    | \$        |
|  |    | 4,000,000 |

**NEW SECTION. Sec. 312. FOR THE STATE PARKS AND RECREATION COMMISSION**

Historic Structure and Land Use Stewardship Program (00-1-007)

Appropriation:

|  |    |            |
|--|----|------------|
| State Building Construction Account--State | \$ | 6,500,000  |
| Prior Biennia (Expenditures)               | \$ | 0          |
| Future Biennia (Projected Costs)           | \$ | 35,500,000 |
| TOTAL                                      |    | \$         |
|  |    | 42,000,000 |

**NEW SECTION. Sec. 313. FOR THE STATE PARKS AND RECREATION COMMISSION**

Lewis and Clark Trail Bicentennial: Preservation (00-1-010)

Appropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 1,500,000 |
|--|----|-----------|

|                                     |           |
|-------------------------------------|-----------|
| Prior Biennia (Expenditures) \$     | 0         |
| Future Biennia (Projected Costs) \$ | 1,000,000 |
|                                     | -----     |
| TOTAL \$                            | 2,500,000 |

**NEW SECTION. Sec. 314. FOR THE STATE PARKS AND RECREATION COMMISSION**  
 Park Housing (00-1-014)

Appropriation:

|   |           |
|---|-----------|
| State Building Construction Account--State \$ | 500,000   |
| Prior Biennia (Expenditures) \$               | 0         |
| Future Biennia (Projected Costs) \$           | 2,000,000 |
|   | -----     |
| TOTAL \$                                      | 2,500,000 |

**NEW SECTION. Sec. 315. FOR THE STATE PARKS AND RECREATION COMMISSION**  
 Pacific County: Seashore conservation (00-1-015)

Appropriation:

|   |        |
|---|--------|
| State Building Construction Account--State \$ | 50,000 |
| Prior Biennia (Expenditures) \$               | 0      |
| Future Biennia (Projected Costs) \$           | 0      |
|   | -----  |
| TOTAL \$                                      | 50,000 |

**NEW SECTION. Sec. 316. FOR THE STATE PARKS AND RECREATION COMMISSION**  
 Park Land Acquisition Account (00-3-001)

Appropriation:

|   |         |
|---|---------|
| Park Land Acquisition Account--State \$ | 250,000 |
| Prior Biennia (Expenditures) \$         | 0       |
| Future Biennia (Projected Costs) \$     | 0       |



0

TOTAL \$

-----  
250,000

**NEW SECTION. Sec. 317. FOR THE STATE PARKS AND RECREATION**  
**COMMISSION**

Spokane Centennial Trail (89-5-112)

Reappropriation:

General Fund--Federal \$

375,000

Prior Biennia (Expenditures) \$

0

Future Biennia (Projected Costs) \$

0

TOTAL \$

-----  
375,000

**NEW SECTION. Sec. 318. FOR THE STATE PARKS AND RECREATION**  
**COMMISSION**

Statewide - Boat Pumpouts: Federal Clean Vessel Act (96-2-008)

Reappropriation:

General Fund--Federal \$

300,000

Appropriation:

General Fund--Federal \$

900,000

Prior Biennia (Expenditures) \$

211,246

Future Biennia (Projected Costs) \$

0

TOTAL \$

-----  
1,411,246

**NEW SECTION. Sec. 319. FOR THE STATE PARKS AND RECREATION**  
**COMMISSION**

Americans with Disabilities Act Improvements (98-1-993)

Reappropriation:

State Building Construction Account--State \$

200,000

Prior Biennia (Expenditures) \$

153,855

Future Biennia (Projected Costs) \$

0

TOTAL \$

-----  
353,855

**NEW SECTION. Sec. 320. FOR THE STATE PARKS AND RECREATION COMMISSION**

Statewide - Emergency Projects (98-1-001)

Reappropriation:

State Building Construction Account--State \$

50,000

Appropriation:

State Building Construction Account--State \$

500,000

Prior Biennia (Expenditures) \$

198,618

Future Biennia (Projected Costs) \$

2,650,000

TOTAL \$

-----  
3,398,618

**NEW SECTION. Sec. 321. FOR THE STATE PARKS AND RECREATION COMMISSION**

Underground Storage Tank Replacement (98-1-002)

Reappropriation:

State Building Construction Account--State \$

493,367

Prior Biennia (Expenditures) \$

345,922

Future Biennia (Projected Costs) \$

0

TOTAL \$

-----  
839,289

**NEW SECTION. Sec. 322. FOR THE STATE PARKS AND RECREATION COMMISSION**

Facilities Preservation: State-wide (98-1-003)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation shall support the detailed list of projects maintained by the office of financial management.

(2) The parks renewal and stewardship account appropriation in this section is provided on the condition the parks renewal and stewardship account receives in excess of \$26,000,000 in biennial revenue.

|  |    |            |
|--|----|------------|
| Reappropriation:                             |    |            |
| State Building Construction Account--State   | \$ | 2,750,000  |
| Appropriation:                               |    |            |
| State Building Construction Account--State   | \$ | 8,000,000  |
| Parks Renewal and Stewardship Account--State | \$ | 1,000,000  |
|  |    | -----      |
| Subtotal Appropriation                       | \$ | 9,000,000  |
| Prior Biennia (Expenditures)                 | \$ | 643,234    |
| Future Biennia (Projected Costs)             | \$ | 31,000,000 |
|  |    | -----      |
| TOTAL  | \$ | 43,393,234 |

**NEW SECTION. Sec. 323. FOR THE STATE PARKS AND RECREATION COMMISSION**

Historic Facilities Renovation (98-1-004)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation shall support the detailed list of projects maintained by the office of financial management.

|  |    |           |
|--|----|-----------|
| Reappropriation:                           |    |           |
| State Building Construction Account--State | \$ | 1,000,000 |
| Prior Biennia (Expenditures)               | \$ | 1,370,628 |
| Future Biennia (Projected Costs)           | \$ | 0         |
|  |    | -----     |
| TOTAL                                      | \$ | 2,370,628 |

**NEW SECTION. Sec. 324. FOR THE STATE PARKS AND RECREATION COMMISSION**

Natural and Historic Stewardship: State-wide (98-1-007)

The reappropriation in this section shall support the detailed list resulting from the 1996 historic structures condition assessment study which is maintained by the office of financial management.

|  |    |           |
|--|----|-----------|
| Reappropriation:                           |    |           |
| State Building Construction Account--State | \$ | 1,200,000 |

|                                     |           |
|-------------------------------------|-----------|
| Prior Biennia (Expenditures) \$     | 300,000   |
| Future Biennia (Projected Costs) \$ | 0         |
|                                     | -----     |
| TOTAL \$                            | 1,500,000 |

**NEW SECTION. Sec. 325. FOR THE STATE PARKS AND RECREATION COMMISSION**

State-wide - Recreation Development Program (98-2-008)

The appropriations in this section are subject to the following conditions and limitations:

(1) The commission shall prioritize recreation development projects that have the greatest potential to generate revenue for the park system.

(2) \$200,000 of the state building construction account is provided solely for repairs and improvements at the Goldendale observatory.

(3) \$50,000 of the state building construction account is provided solely for parking and trail system improvements at west Hylebos state park.

Reappropriation:

|   |           |
|---|-----------|
| General Fund--Federal \$                      | 920,000   |
| State Building Construction Account--State \$ | 1,500,000 |
|   | -----     |
| Subtotal Reappropriation \$                   | 2,420,000 |

Appropriation:

|   |           |
|---|-----------|
| State Building Construction Account--State \$ | 2,500,000 |
| General Fund--Federal \$                      | 165,000   |
| General Fund--Private/Local \$                | 33,000    |
|   | -----     |
| Subtotal Appropriation \$                     | 2,698,000 |

|                                     |            |
|-------------------------------------|------------|
| Prior Biennia (Expenditures) \$     | 369,953    |
| Future Biennia (Projected Costs) \$ | 15,500,000 |
|                                     | -----      |
| TOTAL \$                            | 20,987,953 |

**NEW SECTION. Sec. 326. FOR THE STATE PARKS AND RECREATION COMMISSION**

Storm Disaster Recovery (99-1-001)

Reappropriation:

|   |         |
|---|---------|
| State Building Construction Account--State \$ | 526,647 |
| Prior Biennia (Expenditures) \$               | 3,353   |
| Future Biennia (Projected Costs) \$           | 0       |
|   | -----   |
| TOTAL \$                                      | 530,000 |

**NEW SECTION. Sec. 327. FOR THE STATE PARKS AND RECREATION COMMISSION**

Cama Beach Donation (99-2-001)

Reappropriation:

|   |           |
|---|-----------|
| Parks Renewal and Stewardship Account--State \$ | 1,000,000 |
| Prior Biennia (Expenditures) \$                 | 0         |
| Future Biennia (Projected Costs) \$             | 0         |
|   | -----     |
| TOTAL \$  | 1,000,000 |

**NEW SECTION. Sec. 328. FOR THE STATE PARKS AND RECREATION COMMISSION**

State-wide: Facility preservation and deferred maintenance

The appropriation in this section is subject to the following condition and limitation: The commission shall contract out for completion of critical park maintenance projects throughout the state.

Appropriation:

|   |           |
|---|-----------|
| State Building Construction Account--State \$ | 4,000,000 |
| Prior Biennia (Expenditures) \$               | 0         |
| Future Biennia (Projected Costs) \$           | 0         |
|   | -----     |
| TOTAL \$                                      | 4,000,000 |

**NEW SECTION. Sec. 329. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

Boating Facilities (98-2-001)

Reappropriation:

|                                     |    |            |
|-------------------------------------|----|------------|
| Outdoor Recreation Account--State   | \$ | 1,613,672  |
| Recreation Resources Account--State | \$ | 12,098,000 |
|                                     |    | -----      |
| Subtotal Reappropriation            | \$ | 13,711,672 |

Appropriation:

|                                     |    |            |
|-------------------------------------|----|------------|
| Recreation Resources Account--State | \$ | 8,433,414  |
| Prior Biennia (Expenditures)        | \$ | 7,347,788  |
| Future Biennia (Projected Costs)    | \$ | 38,855,506 |
|                                     |    | -----      |
| TOTAL                               | \$ | 68,348,380 |

**NEW SECTION. Sec. 330. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

Nonhighway and Off-Road Vehicle Activities Program (98-2-002)

The appropriations in this section are subject to the following condition and limitation: \$1,604,486 of the appropriation is provided solely to implement chapter . . . (Second Substitute Senate Bill No. 5556 (fuel tax transfers)), Laws of 1999. Of this amount, up to \$260,000 is provided for a study of the source and distribution of nonhighway road funds. If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

Reappropriation:

|                             |    |           |
|-----------------------------|----|-----------|
| NOVA Program Account--State | \$ | 7,733,899 |
|-----------------------------|----|-----------|

Appropriation:

|                                  |    |            |
|----------------------------------|----|------------|
| NOVA Program Account--State      | \$ | 7,038,576  |
| Prior Biennia (Expenditures)     | \$ | 7,691,855  |
| Future Biennia (Projected Costs) | \$ | 23,141,446 |
|                                  |    | -----      |
| TOTAL                            | \$ | 45,605,776 |

**NEW SECTION. Sec. 331. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

Washington Wildlife and Recreation Program (98-2-003)

The appropriations in this section for the wildlife and recreation program under chapter 43.98A RCW and RCW 43.98A.040 are subject to the following condition and limitation:

(1) The new appropriations in this section are provided for the approved list of projects included in LEAP capital document No. 99-1, as developed on April 8, 1999.

(2) Any funding provided in this section for the Mt. Spokane - Quartz Mountain acquisition by the state parks and recreation commission shall not exceed fair market value as determined by an evaluation of three independent appraisals.

Reappropriation:

|   |            |
|---|------------|
| State Building Construction Account--State \$ | 6,475,416  |
| Outdoor Recreation Account--State \$          | 23,733,311 |
| Habitat Conservation Account--State \$        | 25,872,718 |
|   | -----      |
| Subtotal Reappropriation \$                   | 56,081,445 |

Appropriation:

|  |             |
|--|-------------|
| Outdoor Recreation Account--State \$   | 23,000,000  |
| Habitat Conservation Account--State \$ | 25,000,000  |
|  | -----       |
| Subtotal Appropriation \$              | 48,000,000  |
| Prior Biennia (Expenditures) \$        | 213,018,555 |
| Future Biennia (Projected Costs) \$    | 190,000,000 |
|  | -----       |
| TOTAL \$                               | 507,100,000 |

**NEW SECTION. Sec. 332. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

Firearms Range Program (98-2-004)

Reappropriation:

|                                  |         |
|----------------------------------|---------|
| Firearms Range Account--State \$ | 668,101 |
|----------------------------------|---------|

Appropriation:

|                                     |         |
|-------------------------------------|---------|
| Firearms Range Account--State \$    | 354,400 |
| Prior Biennia (Expenditures) \$     | 758,960 |
| Future Biennia (Projected Costs) \$ | 800,000 |

TOTAL \$ -----  
2,581,461

**NEW SECTION. Sec. 333. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

Land and Water Conservation Fund (98-2-005)

Reappropriation:

Outdoor Recreation Account--Federal \$ 252,665

Prior Biennia (Expenditures) \$ 1,578,014

Future Biennia (Projected Costs) \$ 0

TOTAL \$ -----  
1,830,679

**NEW SECTION. Sec. 334. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

National Recreation Trails Act (98-2-006)

Reappropriation:

Outdoor Recreation Account--Federal \$ 22,815

Recreation Resources Account--Federal \$ 589,264

Subtotal Reappropriation \$ -----  
612,079

Appropriation:

Recreation Resources Account--Federal \$ 1,478,350

Prior Biennia (Expenditures) \$ 682,304

Future Biennia (Projected Costs) \$ 2,797,251

TOTAL \$ -----  
5,569,984

**NEW SECTION. Sec. 335. FOR THE STATE CONSERVATION COMMISSION**

Conservation Reserve Enhancement Program (00-2-004)

Reappropriation:

State Building Construction Account--State \$ 5,000,000



Appropriation:

|  |    |            |
|--|----|------------|
| State Building Construction Account--State | \$ | 5,000,000  |
| Prior Biennia (Expenditures)               | \$ | 0          |
| Future Biennia (Projected Costs)           | \$ | 10,000,000 |
|  |    | -----      |
| TOTAL                                      | \$ | 20,000,000 |

**NEW SECTION. Sec. 336. FOR THE STATE CONSERVATION COMMISSION**  
Water Quality Grants Program (98-2-001)

The appropriations in this section are subject to the following conditions and limitations:

- (1) Appropriations equal to \$3,840,000 are provided solely for grants to qualifying conservation districts for nonpoint water quality projects and programs.
- (2) Appropriations equal to \$80,000 are provided for audits of districts receiving grants conducted by the office of the state auditor.
- (3) Remaining funds are to be distributed by a competitive process that uses state priorities to rank proposals from districts.

Reappropriation:

|                              |    |           |
|------------------------------|----|-----------|
| Water Quality Account--State | \$ | 1,732,102 |
|------------------------------|----|-----------|

Appropriation:

|                                  |    |            |
|----------------------------------|----|------------|
| Water Quality Account--State     | \$ | 5,000,000  |
| Prior Biennia (Expenditures)     | \$ | 8,767,898  |
| Future Biennia (Projected Costs) | \$ | 20,000,000 |
|                                  |    | -----      |
| TOTAL                            | \$ | 35,500,000 |

**NEW SECTION. Sec. 337. FOR THE STATE CONSERVATION COMMISSION**  
Dairy Waste Management Grants Program (98-2-002)

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$1,500,000 of the appropriation is provided solely for a state-wide grant program to assist dairy operators in implementing dairy waste management systems; and
- (2) \$1,500,000 of the appropriation is provided solely for a state-wide grant program to provide technical assistance to dairy operators for development and implementation of dairy waste management plans.

Reappropriation:

|                              |    |         |
|------------------------------|----|---------|
| Water Quality Account--State | \$ | 529,132 |
|------------------------------|----|---------|

Appropriation:

|                                  |    |            |
|----------------------------------|----|------------|
| Water Quality Account--State     | \$ | 3,000,000  |
| Prior Biennia (Expenditures)     | \$ | 2,470,868  |
| Future Biennia (Projected Costs) | \$ | 12,000,000 |
|                                  |    | -----      |
| TOTAL                            | \$ | 18,000,000 |

**NEW SECTION. Sec. 338. FOR THE STATE CONSERVATION COMMISSION**  
**Puget Sound Action Plan (98-2-003)**

Reappropriation:

|                                  |    |         |
|----------------------------------|----|---------|
| Water Quality Account--State     | \$ | 137,071 |
| Prior Biennia (Expenditures)     | \$ | 692,929 |
| Future Biennia (Projected Costs) | \$ | 0       |
|                                  |    | -----   |
| TOTAL                            | \$ | 830,000 |

**NEW SECTION. Sec. 339. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
**Upland Wildlife Habitat: Replacement (00-2-005)**

Appropriation:

|                                  |    |           |
|----------------------------------|----|-----------|
| Wildlife Account--State          | \$ | 600,000   |
| Prior Biennia (Expenditures)     | \$ | 0         |
| Future Biennia (Projected Costs) | \$ | 600,000   |
|                                  |    | -----     |
| TOTAL                            | \$ | 1,200,000 |

**NEW SECTION. Sec. 340. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
**Watchable Wildlife Program (00-2-007)**

Appropriation:

|  |    |         |
|--|----|---------|
| State Building Construction Account--State | \$ | 100,000 |
| Prior Biennia (Expenditures)               | \$ | 0       |
| Future Biennia (Projected Costs)           | \$ | 0       |

|             |         |
|-------------|---------|
|             | 800,000 |
|             | -----   |
| TOTAL    \$ | 900,000 |

**NEW SECTION. Sec. 341. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
 Grandy Creek Hatchery (92-5-024)

Reappropriation:

|  |           |
|--|-----------|
| State Building Construction Account--State    \$ | 3,667,100 |
| Prior Biennia (Expenditures)    \$               | 652,080   |
| Future Biennia (Projected Costs)    \$           | 0         |
|  | -----     |
| TOTAL    \$                                      | 4,319,180 |

**NEW SECTION. Sec. 342. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
 Tideland Acquisition (94-2-003)

Reappropriation:

|  |           |
|--|-----------|
| General Fund--Federal    \$            | 1,208,000 |
| Prior Biennia (Expenditures)    \$     | 3,792,000 |
| Future Biennia (Projected Costs)    \$ | 0         |
|  | -----     |
| TOTAL    \$                            | 5,000,000 |

**NEW SECTION. Sec. 343. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
 Nemah Hatchery Building and Incubation System Replacement (96-1-006)

Reappropriation:

|  |           |
|--|-----------|
| General Fund--Federal    \$            | 172,000   |
| Prior Biennia (Expenditures)    \$     | 1,528,000 |
| Future Biennia (Projected Costs)    \$ | 0         |
|  | -----     |
| TOTAL    \$                            | 1,700,000 |

**NEW SECTION. Sec. 344. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
Shellfish Laboratory and Hatchery Upgrades (96-1-009)

Reappropriation:

State Building Construction Account--State \$ 50,000

Appropriation:

Aquatic Lands Enhancement Account--State \$ 190,400

State Building Construction Account--State \$ 115,000

Subtotal Appropriation \$ -----  
305,400

Prior Biennia (Expenditures) \$ 804,578

Future Biennia (Projected Costs) \$ 1,000,000

TOTAL \$ -----  
2,159,978

**NEW SECTION. Sec. 345. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
Minter Creek Hatchery Renovation (96-2-019)

Reappropriation:

State Building Construction Account--State \$ 400,000

Prior Biennia (Expenditures) \$ 5,100,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ -----  
5,500,000

**NEW SECTION. Sec. 346. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
Minor Works: Preservation (98-1-001)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

State Building Construction Account--State \$ 330,000

Appropriation:

State Building Construction Account--State \$ 2,300,000

|                                     |            |
|-------------------------------------|------------|
| Prior Biennia (Expenditures) \$     | 6,705,303  |
| Future Biennia (Projected Costs) \$ | 9,600,000  |
|                                     | -----      |
| TOTAL \$                            | 18,935,303 |

**NEW SECTION. Sec. 347. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
 Underground Storage Tank Removal and Replacement (98-1-002)

Reappropriation:

|   |           |
|---|-----------|
| State Building Construction Account--State \$ | 25,000    |
| Prior Biennia (Expenditures) \$               | 2,572,900 |
| Future Biennia (Projected Costs) \$           | 0         |
|   | -----     |
| TOTAL \$                                      | 2,597,900 |

**NEW SECTION. Sec. 348. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
 Emergency Repairs (98-1-003)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

|   |         |
|---|---------|
| State Building Construction Account--State \$ | 135,000 |
|---|---------|

Appropriation:

|   |           |
|---|-----------|
| State Building Construction Account--State \$ | 700,000   |
| Prior Biennia (Expenditures) \$               | 1,610,923 |
| Future Biennia (Projected Costs) \$           | 2,300,000 |
|   | -----     |
| TOTAL \$                                      | 4,745,923 |

**NEW SECTION. Sec. 349. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
 Dam Inspection and Repair (98-1-004)

Reappropriation:

|   |         |
|---|---------|
| State Building Construction Account--State \$ | 100,000 |
|---|---------|

Appropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 1,000,000 |
| Prior Biennia (Expenditures)               | \$ | 50,000    |
| Future Biennia (Projected Costs)           | \$ | 1,700,000 |
|  |    | -----     |
| TOTAL                                      | \$ | 2,850,000 |

**NEW SECTION. Sec. 350. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
**Facilities Renovation (98-1-005)**

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

|  |    |         |
|--|----|---------|
| State Building Construction Account--State | \$ | 190,000 |
|--|----|---------|

Appropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 1,200,000 |
|--|----|-----------|

|                              |    |           |
|------------------------------|----|-----------|
| Prior Biennia (Expenditures) | \$ | 4,984,258 |
|------------------------------|----|-----------|

|                                  |    |           |
|----------------------------------|----|-----------|
| Future Biennia (Projected Costs) | \$ | 6,400,000 |
|----------------------------------|----|-----------|

|       |    |            |
|-------|----|------------|
|       |    | -----      |
| TOTAL | \$ | 12,774,258 |

**NEW SECTION. Sec. 351. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
**Hatchery Renovations (98-1-006) (98-1-015)**

The appropriations in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

|  |    |         |
|--|----|---------|
| State Building Construction Account--State | \$ | 150,000 |
|--|----|---------|

Appropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 4,000,000 |
|--|----|-----------|

|                              |    |            |
|------------------------------|----|------------|
| Prior Biennia (Expenditures) | \$ | 16,698,022 |
|------------------------------|----|------------|

|                                  |    |            |
|----------------------------------|----|------------|
| Future Biennia (Projected Costs) | \$ | 18,000,000 |
|----------------------------------|----|------------|

|       |    |       |
|-------|----|-------|
|       |    | ----- |
| TOTAL | \$ |       |

38,848,022

**NEW SECTION. Sec. 352. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
Recreational Access Redevelopment (98-1-007)

Reappropriation:

State Building Construction Account--State \$ 60,000

Appropriation:

General Fund--Federal \$ 550,000

State Building Construction Account--State \$ 400,000

Subtotal Appropriation \$ -----  
950,000

Prior Biennia (Expenditures) \$ 4,427,787

Future Biennia (Projected Costs) \$ 4,000,000

TOTAL \$ -----  
9,437,787

**NEW SECTION. Sec. 353. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
Coast and Puget Sound Wild Salmonid Habitat Restoration (98-1-009)

Reappropriation:

State Building Construction Account--State \$ 350,000

Prior Biennia (Expenditures) \$ 11,986,386

Future Biennia (Projected Costs) \$ 0

TOTAL \$ -----  
12,336,386

**NEW SECTION. Sec. 354. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
Coast and Puget Sound Wildstock Restoration: Hatcheries (98-1-010)

Reappropriation:

State Building Construction Account--State \$ 580,000

Prior Biennia (Expenditures) \$ 5,520,626

Future Biennia (Projected Costs) \$ 0

TOTAL \$ -----  
6,100,626

**NEW SECTION. Sec. 355. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
Fish Protection Facilities (98-1-011)

Reappropriation:

State Building Construction Account--State \$ 50,000

Prior Biennia (Expenditures) \$ 3,382,806

Future Biennia (Projected Costs) \$ 0

TOTAL \$ -----  
3,432,806

**NEW SECTION. Sec. 356. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
State-wide Fencing Renovation and Construction (98-1-012)

Reappropriation:

State Building Construction Account--State \$ 85,000

Appropriation:

State Building Construction Account--State \$ 500,000

Prior Biennia (Expenditures) \$ 2,543,070

Future Biennia (Projected Costs) \$ 2,550,000

TOTAL \$ -----  
5,678,070

**NEW SECTION. Sec. 357. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
Wildlife Area Renovation (98-1-013)

Reappropriation:

Wildlife Account--State \$ 85,000

Appropriation:

State Building Construction Account--State \$ 250,000

Wildlife Account--State \$ 288,300

Subtotal Appropriation \$ -----  
538,300



|                                     |           |
|-------------------------------------|-----------|
| Prior Biennia (Expenditures) \$     | 1,912,000 |
| Future Biennia (Projected Costs) \$ | 2,300,000 |
|                                     | -----     |
| TOTAL \$                            | 4,835,300 |

**NEW SECTION. Sec. 358. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
Issaquah Hatchery Improvements (98-1-015)

Reappropriation:

|   |        |
|---|--------|
| State Building Construction Account--State \$ | 30,000 |
|---|--------|

Appropriation:

|   |           |
|---|-----------|
| General Fund--Private/Local \$                | 600,000   |
| State Building Construction Account--State \$ | 2,615,000 |
|   | -----     |

|                           |           |
|---------------------------|-----------|
| Subtotal Appropriation \$ | 3,215,000 |
|---------------------------|-----------|

|                                     |           |
|-------------------------------------|-----------|
| Prior Biennia (Expenditures) \$     | 4,190,955 |
| Future Biennia (Projected Costs) \$ | 0         |
|                                     | -----     |

|          |           |
|----------|-----------|
| TOTAL \$ | 7,435,955 |
|----------|-----------|

**NEW SECTION. Sec. 359. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
Crop and Orchard Protection Fencing (98-2-002)

Reappropriation:

|   |        |
|---|--------|
| State Building Construction Account--State \$ | 10,000 |
|---|--------|

Appropriation:

|   |         |
|---|---------|
| State Building Construction Account--State \$ | 300,000 |
|---|---------|

|                                     |           |
|-------------------------------------|-----------|
| Prior Biennia (Expenditures) \$     | 290,000   |
| Future Biennia (Projected Costs) \$ | 1,700,000 |
|                                     | -----     |

|          |           |
|----------|-----------|
| TOTAL \$ | 2,300,000 |
|----------|-----------|

**NEW SECTION. Sec. 360. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Game Farm Consolidation (98-2-005)

Reappropriation:

State Building Construction Account--State \$ 80,000

Prior Biennia (Expenditures) \$ 2,094,388

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,174,388

**NEW SECTION. Sec. 361. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Warm Water Game Fish Access Facilities (98-2-006)

Reappropriation:

Warm Water Game Fish Account--State \$ 210,000

Appropriation:

Warm Water Game Fish Account--State \$ 600,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 2,080,000

TOTAL \$ 2,890,000

**NEW SECTION. Sec. 362. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Recreational Fish Enhancement (98-2-007)

Reappropriation:

Recreational Fisheries Enhancement--State \$ 515,000

Prior Biennia (Expenditures) \$ 285,000

Future Biennia (Projected Costs) \$ 2,000,000

TOTAL \$ 2,800,000

**NEW SECTION. Sec. 363. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Mitigation Projects and Dedicated Funds (98-2-008)

Reappropriation:

|  |    |            |
|--|----|------------|
| Game Special Wildlife Account--State         | \$ | 50,000     |
| Game Special Wildlife Account--Private/Local | \$ | 1,150,000  |
|  |    | -----      |
| Subtotal Reappropriation                     | \$ | 1,200,000  |
| Appropriation:                               |    |            |
| General Fund--Federal                        | \$ | 4,000,000  |
| General Fund--Private/Local                  | \$ | 2,000,000  |
| Game Special Wildlife Account--State         | \$ | 60,000     |
|  |    | -----      |
| Subtotal Appropriation                       | \$ | 6,060,000  |
| Prior Biennia (Expenditures)                 | \$ | 28,249,081 |
| Future Biennia (Projected Costs)             | \$ | 26,270,000 |
|  |    | -----      |
| TOTAL  | \$ | 61,779,081 |

**NEW SECTION. Sec. 364. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
Migratory Waterfowl Habitat Acquisition and Development (98-2-009)

|                                  |    |           |
|----------------------------------|----|-----------|
| Reappropriation:                 |    |           |
| Wildlife Account--State          | \$ | 200,000   |
| Appropriation:                   |    |           |
| Wildlife Account--State          | \$ | 750,000   |
| Prior Biennia (Expenditures)     | \$ | 1,865,044 |
| Future Biennia (Projected Costs) | \$ | 2,000,000 |
|                                  |    | -----     |
| TOTAL                            | \$ | 4,815,044 |

**NEW SECTION. Sec. 365. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
Columbia River Wildlife Mitigation (98-2-010)

|  |    |  |
|--|----|--|
| Reappropriation:                       |    |  |
| Game Special Wildlife Account--Federal | \$ |  |

|   |  |            |
|---|--|------------|
| Appropriation:                            |  | 2,000,000  |
| Game Special Wildlife Account--Federal \$ |  |            |
|   |  | 2,000,000  |
| Prior Biennia (Expenditures) \$           |  | 4,654,773  |
| Future Biennia (Projected Costs) \$       |  | 21,600,000 |
|   |  | -----      |
| TOTAL \$                                  |  | 30,254,773 |

**NEW SECTION. Sec. 366. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
**Deep Water Slough Restoration (98-2-013)**

|   |  |         |
|---|--|---------|
| Appropriation:                                |  |         |
| State Building Construction Account--State \$ |  | 400,000 |
| Prior Biennia (Expenditures) \$               |  | 14,968  |
| Future Biennia (Projected Costs) \$           |  | 300,000 |
|   |  | -----   |
| TOTAL \$                                      |  | 714,968 |

**NEW SECTION. Sec. 367. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
**Clam and Oyster Beach Enhancement (98-2-019)**

|   |  |           |
|---|--|-----------|
| Reappropriation:                            |  |           |
| Aquatic Lands Enhancement Account--State \$ |  | 90,000    |
| Appropriation:                              |  |           |
| Aquatic Lands Enhancement Account--State \$ |  | 130,000   |
| Prior Biennia (Expenditures) \$             |  | 2,803,803 |
| Future Biennia (Projected Costs) \$         |  | 600,000   |
|   |  | -----     |
| TOTAL \$                                    |  | 3,623,803 |

**NEW SECTION. Sec. 368. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
**Salmon Restoration (99-2-001)**

|   |  |  |
|---|--|--|
| Reappropriation:                              |  |  |
| State Building Construction Account--State \$ |  |  |

|                                  |    |           |
|----------------------------------|----|-----------|
| Salmon Recovery Account--State   | \$ | 750,000   |
|                                  |    | 1,000,000 |
|                                  |    | -----     |
| Subtotal Reappropriation         | \$ | 1,750,000 |
| Prior Biennia (Expenditures)     | \$ | 0         |
| Future Biennia (Projected Costs) | \$ | 0         |
|                                  |    | -----     |
| TOTAL                            | \$ | 1,750,000 |

**NEW SECTION. Sec. 369. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
**Goldsborough Creek Restoration**

The appropriation in this section is provided solely to remove a fish barrier and restore habitat on Goldsborough creek. Each dollar expended from this appropriation shall be matched by at least three dollars from other sources for the same purpose.

Appropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 1,100,000 |
| Prior Biennia (Expenditures)               | \$ | 0         |
| Future Biennia (Projected Costs)           | \$ | 0         |
|  |    | -----     |
| TOTAL                                      | \$ | 1,100,000 |

**NEW SECTION. Sec. 370. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
**Agricultural Asset Preservation and Emergency Repairs (00-1-001)**

Appropriation:

|  |    |           |
|--|----|-----------|
| Resources Management Cost Account--State | \$ | 125,000   |
| Prior Biennia (Expenditures)             | \$ | 100,000   |
| Future Biennia (Projected Costs)         | \$ | 1,080,000 |
|  |    | -----     |
| TOTAL                                    | \$ | 1,305,000 |

**NEW SECTION. Sec. 371. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Repairs, Maintenance and Tenant Improvements (00-1-002)

Appropriation:

|  |    |           |
|--|----|-----------|
| Resources Management Cost Account--State | \$ | 677,000   |
| Prior Biennia (Expenditures)             | \$ | 893,900   |
| Future Biennia (Projected Costs)         | \$ | 3,065,000 |
|  |    | -----     |
| TOTAL                                    | \$ | 4,635,900 |

**NEW SECTION. Sec. 372. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Communication Site Repair Program (00-1-003)

Appropriation:

|  |    |           |
|--|----|-----------|
| Forest Development Account--State        | \$ | 50,000    |
| Resources Management Cost Account--State | \$ | 40,000    |
|  |    | -----     |
| Subtotal Appropriation                   | \$ | 90,000    |
| Prior Biennia (Expenditures)             | \$ | 150,000   |
| Future Biennia (Projected Costs)         | \$ | 964,000   |
|  |    | -----     |
| TOTAL                                    | \$ | 1,204,000 |

**NEW SECTION. Sec. 373. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Small Timber Landowner Program (00-5-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) This appropriation is provided solely to purchase or lease riparian and other sensitive aquatic areas from willing owners of small parcels of forest land.

(2) If federal grants for salmon recovery efforts are equal to or less than \$50,000,000 during the 1999-2001 fiscal biennium, then \$5,000,000 of the appropriation in this section may be expended. If federal grants for salmon recovery efforts during the 1999-2001 biennium exceed \$50,000,000, then the entire appropriation in this section may be expended.

Appropriation:

|                              |    |            |
|------------------------------|----|------------|
| General Fund--Federal        | \$ | 10,000,000 |
| Prior Biennia (Expenditures) | \$ | 0          |

|                                     |            |
|-------------------------------------|------------|
| Future Biennia (Projected Costs) \$ | 0          |
|                                     | -----      |
| TOTAL \$                            | 10,000,000 |

**NEW SECTION. Sec. 374. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
**Underground Storage Tank Removal and Upgrade (00-1-005)**

Appropriation:

|   |         |
|---|---------|
| Forest Development Account--State \$          | 10,800  |
| Resources Management Cost Account--State \$   | 30,000  |
| State Building Construction Account--State \$ | 19,200  |
|   | -----   |
| Subtotal Appropriation \$                     | 60,000  |
| Prior Biennia (Expenditures) \$               | 193,120 |
| Future Biennia (Projected Costs) \$           | 61,200  |
|   | -----   |
| TOTAL \$                                      | 314,320 |

**NEW SECTION. Sec. 375. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
**State-wide Emergency Repairs (00-1-006)**

Appropriation:

|   |         |
|---|---------|
| Forest Development Account--State \$          | 18,000  |
| Resources Management Cost Account--State \$   | 50,000  |
| State Building Construction Account--State \$ | 32,000  |
|   | -----   |
| Subtotal Appropriation \$                     | 100,000 |
| Prior Biennia (Expenditures) \$               | 98,000  |
| Future Biennia (Projected Costs) \$           | 400,000 |
|   | -----   |
| TOTAL \$                                      | 598,000 |

**NEW SECTION. Sec. 376. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
Americans with Disabilities Act Compliance (00-1-009)

Appropriation:

|  |    |         |
|--|----|---------|
| Forest Development Account--State          | \$ | 18,000  |
| Resources Management Cost Account--State   | \$ | 50,000  |
| State Building Construction Account--State | \$ | 32,000  |
|  |    | -----   |
| Subtotal Appropriation                     | \$ | 100,000 |
| Prior Biennia (Expenditures)               | \$ | 34,000  |
| Future Biennia (Projected Costs)           | \$ | 272,000 |
|  |    | -----   |
| TOTAL                                      | \$ | 406,000 |

**NEW SECTION. Sec. 377. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
Hazardous Material and Waste Removal (00-1-010)

Appropriation:

|  |    |         |
|--|----|---------|
| Forest Development Account--State          | \$ | 34,000  |
| Resources Management Cost Account--State   | \$ | 50,000  |
| State Building Construction Account--State | \$ | 16,000  |
|  |    | -----   |
| Subtotal Appropriation                     | \$ | 100,000 |
| Prior Biennia (Expenditures)               | \$ | 160,800 |
| Future Biennia (Projected Costs)           | \$ | 336,000 |
|  |    | -----   |
| TOTAL                                      | \$ | 596,800 |

**NEW SECTION. Sec. 378. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
NAP/NRCA Management and Emergency Repairs (00-1-011)

Appropriation:

|  |    |         |
|--|----|---------|
| State Building Construction Account--State | \$ | 400,000 |
|--|----|---------|



|                                     |           |
|-------------------------------------|-----------|
| Prior Biennia (Expenditures) \$     | 710,500   |
| Future Biennia (Projected Costs) \$ | 1,600,000 |
|                                     | -----     |
| TOTAL \$                            | 2,710,500 |

**NEW SECTION. Sec. 379. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
**NRCA Management Plan Implementation (00-1-012)**

Appropriation:

|   |           |
|---|-----------|
| State Building Construction Account--State \$ | 450,000   |
| Prior Biennia (Expenditures) \$               | 400,000   |
| Future Biennia (Projected Costs) \$           | 1,800,000 |
|   | -----     |
| TOTAL \$                                      | 2,650,000 |

**NEW SECTION. Sec. 380. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
**Emergency Repairs: Recreation sites (00-1-015)**

Appropriation:

|   |         |
|---|---------|
| State Building Construction Account--State \$ | 150,000 |
| Prior Biennia (Expenditures) \$               | 154,200 |
| Future Biennia (Projected Costs) \$           | 600,000 |
|   | -----   |
| TOTAL \$                                      | 904,200 |

**NEW SECTION. Sec. 381. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
**Recreation Health and Safety (00-1-016)**

Appropriation:

|   |           |
|---|-----------|
| State Building Construction Account--State \$ | 300,000   |
| Prior Biennia (Expenditures) \$               | 578,900   |
| Future Biennia (Projected Costs) \$           | 1,200,000 |
|   | -----     |

|       |    |           |
|-------|----|-----------|
| TOTAL | \$ | 2,078,900 |
|-------|----|-----------|

**NEW SECTION. Sec. 382. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
 Americans with Disabilities Act: Recreation site improvements (00-1-017)

Appropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 100,000   |
| Prior Biennia (Expenditures)               | \$ | 968,100   |
| Future Biennia (Projected Costs)           | \$ | 1,200,000 |
|  |    | -----     |
| TOTAL                                      | \$ | 2,268,100 |

**NEW SECTION. Sec. 383. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
 Administrative Site Preservation (00-1-018)

Appropriation:

|  |    |           |
|--|----|-----------|
| Forest Development Account--State          | \$ | 203,580   |
| Resources Management Cost Account--State   | \$ | 565,500   |
| State Building Construction Account--State | \$ | 361,920   |
|  |    | -----     |
| Subtotal Appropriation                     | \$ | 1,131,000 |
| Prior Biennia (Expenditures)               | \$ | 938,000   |
| Future Biennia (Projected Costs)           | \$ | 5,118,000 |
|  |    | -----     |
| TOTAL                                      | \$ | 7,187,000 |

**NEW SECTION. Sec. 384. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
 Trust Land Transfer (00-2-001)

The state building construction account appropriation in this section is subject to the following conditions and limitations:

(1) The total appropriation is provided to the department solely to transfer from trust status or enter into thirty-year timber harvest restrictive easements for certain trust lands of state-wide significance deemed appropriate for state park, fish and wildlife habitat, natural area preserve, natural resources conservation area, open space, or recreation purposes.

(2) Property transferred under this section shall be appraised and transferred at fair market value. The value of the timber transferred shall be deposited by the department to the common school

construction account in the same manner as timber revenues from other common school trust lands. No deduction shall be made for the resource management cost account under RCW 79.64.040. The value of the land transferred shall be deposited in the natural resources real property replacement account. These funds shall be expended by the department for the exclusive purpose of acquiring real property of equal value to be managed as common school trust land.

(3) Property subject to easement agreements under this section shall be appraised at fair market value both with and without the imposition of the easement. The entire difference in appraised value shall be deposited by the department to the common school construction fund in the same manner as lease revenues from other common school trust lands. No deduction shall be made for the resource management cost account under RCW 79.64.040.

(4) All reasonable costs incurred by the department to implement this section are authorized to be paid out of this appropriation. Authorized costs include the actual cost of appraisals, staff time, environmental reviews, surveys, and other similar costs.

(5) Intergrant exchanges between common school and other trust lands of equal value may occur if the exchange is in the interest of each trust, as determined by the board of natural resources.

(6) Prior to or concurrent with conveyance of these properties, the department, with full cooperation of the receiving agencies, shall execute and record a real property instrument that dedicates the transferred properties to the purposes identified in subsection (1) of this section for a minimum period of thirty years. The department of natural resources, in consultation with the receiving state agencies, shall develop policy to address requests to replace transferred properties subject to the recorded property instrument that are no longer deemed appropriate for the purposes identified in subsection (1) of this section.

(7) The department and receiving agencies shall work in good faith to carry out the intent of this section. However, the department or receiving agencies may remove a property from the transfer list in subsection (8) of this section if, based on new, substantive information, it is determined that transfer of the property is not in the state-wide interest of either the common school trust or the receiving agency.

(8) The appropriation in this section is provided to execute transfers or easements for the list of properties identified in LEAP capital document No. 99-3, as developed on April 8, 1999, as follows: Projects in category A shall be transferred; to the extent that local funding is provided for the land value of the property, projects in category B shall be transferred; and projects in category C and remaining projects in category B may be transferred or leased as funding allows.

(9) The department shall execute trust land transfers and easements such that 90 percent of the appropriation in this section is deposited in the common school construction fund. To achieve the 90:10 ratio, the department may offset transfers of property with low timber-to-land ratios with easements on other properties.

(10) On June 30, 2001, the state treasurer shall transfer all remaining uncommitted funds from this appropriation to the common school construction fund and the appropriation in this section shall be reduced by an equivalent amount.

Appropriation:

|  |    |             |
|--|----|-------------|
| Natural Resources Real Property Replacement--State | \$ | 6,200,000   |
| State Building Construction Account--State         | \$ | 66,000,000  |
|  |    | -----       |
| Subtotal Appropriation                             | \$ | 72,200,000  |
| Prior Biennia (Expenditures)                       | \$ | 34,500,000  |
| Future Biennia (Projected Costs)                   | \$ | 220,000,000 |

TOTAL \$ -----  
326,700,000

**NEW SECTION. Sec. 385. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
Natural Resources Real Property Replacement (00-2-002)

Appropriation:

Natural Resources Real Property Replacement--State \$ 8,000,000

Prior Biennia (Expenditures) \$ 12,400,000

Future Biennia (Projected Costs) \$ 48,000,000

TOTAL \$ -----  
68,400,000

**NEW SECTION. Sec. 386. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
Land Bank (00-2-003)

Appropriation:

Resources Management Cost Account--State \$ 2,000,000

Prior Biennia (Expenditures) \$ 1,800,000

Future Biennia (Projected Costs) \$ 8,000,000

TOTAL \$ -----  
11,800,000

**NEW SECTION. Sec. 387. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
Community and Technical College Trust Land Acquisition (00-2-004)

Appropriation:

Community and Technical College Forest Reserve Account-State \$ 200,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ -----  
200,000

**NEW SECTION. Sec. 388. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
Right-of-Way Acquisition (00-2-005)

Appropriation:

|  |    |           |
|--|----|-----------|
| Forest Development Account--State        | \$ | 387,000   |
| Resources Management Cost Account--State | \$ | 650,000   |
|  |    | -----     |
| Subtotal Appropriation                   | \$ | 1,037,000 |
| Prior Biennia (Expenditures)             | \$ | 1,392,000 |
| Future Biennia (Projected Costs)         | \$ | 6,000,000 |
|  |    | -----     |
| TOTAL                                    | \$ | 8,429,000 |

**NEW SECTION. Sec. 389. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
Jobs for the Environment (00-2-009)

The reappropriation in this section is provided solely for projects under contract on or before June 30, 1999. Reappropriated funds not committed to contracted projects shall lapse on June 30, 1999.

Reappropriation:

|                                  |    |            |
|----------------------------------|----|------------|
| Water Quality Account--State     | \$ | 2,800,000  |
| Prior Biennia (Expenditures)     | \$ | 9,133,000  |
| Future Biennia (Projected Costs) | \$ | 0          |
|                                  |    | -----      |
| TOTAL                            | \$ | 11,933,000 |

**NEW SECTION. Sec. 390. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
Minor Works: Program (00-2-011)

The appropriations in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

|  |    |         |
|--|----|---------|
| Forest Development Account--State          | \$ | 136,600 |
| Resources Management Cost Account--State   | \$ | 379,500 |
| State Building Construction Account--State | \$ | 242,900 |
|  |    | -----   |

|                                  |    |           |
|----------------------------------|----|-----------|
| Subtotal Appropriation           | \$ | 759,000   |
| Prior Biennia (Expenditures)     | \$ | 609,000   |
| Future Biennia (Projected Costs) | \$ | 5,580,000 |
|                                  |    | -----     |
| TOTAL                            | \$ | 6,948,000 |

**NEW SECTION. Sec. 391. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
Mineral Resource Testing (00-2-012)

Appropriation:

|                                   |    |         |
|-----------------------------------|----|---------|
| Forest Development Account--State | \$ | 18,000  |
| Prior Biennia (Expenditures)      | \$ | 28,000  |
| Future Biennia (Projected Costs)  | \$ | 175,000 |
|                                   |    | -----   |
| TOTAL                             | \$ | 221,000 |

**NEW SECTION. Sec. 392. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
Commercial Development - Local Improvement Districts (00-2-013)

Appropriation:

|  |    |         |
|--|----|---------|
| Resources Management Cost Account--State | \$ | 90,000  |
| Prior Biennia (Expenditures)             | \$ | 200,000 |
| Future Biennia (Projected Costs)         | \$ | 451,000 |
|  |    | -----   |
| TOTAL                                    | \$ | 741,000 |

**NEW SECTION. Sec. 393. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
Aquatic Lands Enhancement Grants (00-2-014)

The appropriation in this section is provided for a list of projects in LEAP capital document No. 99-2, as developed on April 8, 1999.

The department shall submit a list of recommended projects to be funded from the aquatic lands enhancement account in the 2001-03 capital budget. The list shall result from a competitive grants program developed by the department based upon, at a minimum: A uniform criteria for the selection of projects and awarding of grants for up to fifty percent of the total project cost; local community

support for the project; and a state-wide geographic distribution of projects. The list of projects shall be submitted to the office of financial management by September 15, 2000.

Reappropriation:

|   |           |
|---|-----------|
| Aquatic Lands Enhancement Account--State \$ | 2,340,000 |
|---|-----------|

Appropriation:

|   |           |
|---|-----------|
| Aquatic Lands Enhancement Account--State \$ | 5,800,000 |
|---|-----------|

|                                 |           |
|---------------------------------|-----------|
| Prior Biennia (Expenditures) \$ | 9,716,817 |
|---------------------------------|-----------|

|                                     |            |
|-------------------------------------|------------|
| Future Biennia (Projected Costs) \$ | 24,000,000 |
|-------------------------------------|------------|

|          |                     |
|----------|---------------------|
| TOTAL \$ | -----<br>41,856,817 |
|----------|---------------------|

**NEW SECTION. Sec. 394. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
Mobile Radio System Upgrade (00-2-017)

Appropriation:

|                                      |         |
|--------------------------------------|---------|
| Forest Development Account--State \$ | 106,300 |
|--------------------------------------|---------|

|   |         |
|---|---------|
| Resources Management Cost Account--State \$ | 177,200 |
|---|---------|

|   |         |
|---|---------|
| State Building Construction Account--State \$ | 500,000 |
|---|---------|

|                           |                  |
|---------------------------|------------------|
| Subtotal Appropriation \$ | -----<br>783,500 |
|---------------------------|------------------|

|                                 |   |
|---------------------------------|---|
| Prior Biennia (Expenditures) \$ | 0 |
|---------------------------------|---|

|                                     |           |
|-------------------------------------|-----------|
| Future Biennia (Projected Costs) \$ | 2,623,500 |
|-------------------------------------|-----------|

|          |                    |
|----------|--------------------|
| TOTAL \$ | -----<br>3,407,000 |
|----------|--------------------|

**NEW SECTION. Sec. 395. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
Compound: Utilization study (00-2-019)

Appropriation:

|                                      |        |
|--------------------------------------|--------|
| Forest Development Account--State \$ | 27,000 |
|--------------------------------------|--------|

|   |        |
|---|--------|
| Resources Management Cost Account--State \$ | 75,000 |
|---|--------|

|   |        |
|---|--------|
| State Building Construction Account--State \$ | 48,000 |
|---|--------|

|                                  |    |         |
|----------------------------------|----|---------|
| Subtotal Appropriation           | \$ | -----   |
|                                  |    | 150,000 |
| Prior Biennia (Expenditures)     | \$ | 0       |
| Future Biennia (Projected Costs) | \$ | 0       |
|                                  |    | -----   |
| TOTAL                            | \$ | 150,000 |

**NEW SECTION. Sec. 396. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
**Forest Legacy and Wetlands Conservation Grants (00-2-020)**

Reappropriation:

|                       |    |           |
|-----------------------|----|-----------|
| General Fund--Federal | \$ |           |
|                       |    | 2,366,500 |

Appropriation:

|                       |    |           |
|-----------------------|----|-----------|
| General Fund--Federal | \$ |           |
|                       |    | 6,340,000 |

|                              |    |           |
|------------------------------|----|-----------|
| Prior Biennia (Expenditures) | \$ | 1,756,820 |
|------------------------------|----|-----------|

|                                  |    |   |
|----------------------------------|----|---|
| Future Biennia (Projected Costs) | \$ | 0 |
|----------------------------------|----|---|

|       |    |            |
|-------|----|------------|
|       |    | -----      |
| TOTAL | \$ | 10,463,320 |

**PART 4**  
**TRANSPORTATION**

**NEW SECTION. Sec. 501. FOR THE WASHINGTON STATE PATROL**  
**Fire Training Academy: Minor works (00-1-005)**

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

|  |    |         |
|--|----|---------|
| State Building Construction Account--State | \$ |         |
|  |    | 110,000 |

|                              |    |         |
|------------------------------|----|---------|
| Prior Biennia (Expenditures) | \$ | 320,000 |
|------------------------------|----|---------|

|                                  |    |           |
|----------------------------------|----|-----------|
| Future Biennia (Projected Costs) | \$ | 6,900,000 |
|----------------------------------|----|-----------|

|       |    |           |
|-------|----|-----------|
|       |    | -----     |
| TOTAL | \$ | 7,330,000 |



**NEW SECTION. Sec. 502. FOR THE WASHINGTON STATE PATROL**  
Seattle Crime Laboratory (00-2-008)

The appropriation in this section shall not be expended until the documents described in the capital project review requirements process and procedures prescribed by the office of financial management have been complied with under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account--State \$ 900,000

Appropriation:

County Criminal Justice Assistance Account--State \$ 650,000

Municipal Criminal Justice Assistance Account--State \$ 250,000

State Building Construction Account--State \$ 9,100,000

Subtotal Appropriation \$ 10,000,000

Prior Biennia (Expenditures) \$ 200,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 11,100,000

**NEW SECTION. Sec. 503. FOR THE WASHINGTON STATE PATROL**  
Boarding Home Fire Safety Program

The appropriation in this section is provided solely for grants for the installation or retrofit of fire sprinklers in adult boarding homes. The appropriation in this section is subject to the following conditions and limitations:

(1) The state fire marshal in consultation with the department of social and health services may develop rules to implement the grant program.

(2) The amount of the grant for an existing adult boarding home shall not be greater than the difference between the cost of retrofitting and the cost of installing sprinklers during original construction of a comparable adult boarding home with fire sprinklers.

(3) To be eligible for a grant under this section, the adult group home shall be licensed and accredited with the department of social and health services. To be eligible for a grant under this section, at least fifteen percent of the adult group home's residents must be department of social and health services clients. The adult group home must maintain the department of social and health services client ratio level for a period of no less than five years. If the department of social and health services client ratio level is not maintained, then the adult group home shall reimburse the state for the amount of the grant plus appropriate interest.

(4) Any home receiving a grant shall complete the installation of the fire sprinklers by June 30, 2001.

Appropriation:

State Building Construction Account--State \$

|                                     |           |
|-------------------------------------|-----------|
|                                     | 2,500,000 |
| Prior Biennia (Expenditures) \$     | 0         |
| Future Biennia (Projected Costs) \$ | 0         |
|                                     | -----     |
| TOTAL \$                            | 2,500,000 |

**NEW SECTION. Sec. 504. FOR THE WASHINGTON STATE PATROL**  
Fire Training Academy: Water systems upgrades (00-2-009)

Appropriation:

|   |           |
|---|-----------|
| State Building Construction Account--State \$ | 1,845,000 |
| Prior Biennia (Expenditures) \$               | 0         |
| Future Biennia (Projected Costs) \$           | 500,000   |
|   | -----     |
| TOTAL \$                                      | 2,345,000 |

**PART 5  
EDUCATION**

**NEW SECTION. Sec. 601. FOR THE HIGHER EDUCATION COORDINATING BOARD**

North Snohomish, Island, Skagit Consortium Development (00-2-001)

Appropriation:

|   |           |
|---|-----------|
| State Building Construction Account--State \$ | 1,000,000 |
| Prior Biennia (Expenditures) \$               | 0         |
| Future Biennia (Projected Costs) \$           | 0         |
|   | -----     |
| TOTAL \$                                      | 1,000,000 |

**NEW SECTION. Sec. 602. FOR THE HIGHER EDUCATION COORDINATING BOARD**

Facility Assessment and Space Utilization: Study (00-2-002)

Appropriation:

|   |         |
|---|---------|
| State Building Construction Account--State \$ | 200,000 |
|---|---------|

|                                     |         |
|-------------------------------------|---------|
| Prior Biennia (Expenditures) \$     | 0       |
| Future Biennia (Projected Costs) \$ | 0       |
|                                     | -----   |
| TOTAL \$                            | 200,000 |

**NEW SECTION. Sec. 603. FOR THE STATE BOARD OF EDUCATION**  
Common School Construction: Quality and value improvements (00-2-002)

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$9,800,000 of this appropriation is provided to implement chapter . . . (House Bill No. 1831), Laws of 1999. If the bill is not enacted by June 30, 1999, this appropriation shall lapse.
- (2) \$200,000 from this appropriation is provided to fund two FTEs in the office of state fire marshal to exclusively review K-12 construction documents for fire and life safety in accordance with the state building code. It is the intent of this appropriation to provide these services only to those districts that are located in counties without qualified review capabilities.
- (3) On an annual basis, the state board shall report to the fiscal committees of the legislature and the office of financial management with a summary of the results of the value engineering studies and constructability reviews, and an evaluation of the use of building commissioning construction management services and fire marshal reviews.

Appropriation:

|  |            |
|--|------------|
| Common School Construction Account--State \$ | 10,000,000 |
| Prior Biennia (Expenditures) \$              | 0          |
| Future Biennia (Projected Costs) \$          | 40,000,000 |
|  | -----      |
| TOTAL \$                                     | 50,000,000 |

**NEW SECTION. Sec. 604. FOR THE STATE BOARD OF EDUCATION**  
Public School Building Construction (98-2-001)(00-2-001)

The appropriations in this section are subject to the following conditions and limitations:

- (1) Up to \$6,491,519 of the new appropriation provided in this section may be provided for emergency repairs.
  - (a) Prior to the distribution of funds authorized by this subsection, the state board shall develop rules for school district eligibility to receive emergency grants and requirements for repayment of recovered costs. It is intended that these funds be provided to school districts only for emergency repairs due to accidents, natural disasters, fire, floods, vandalism, or similar events and only after all avenues of local funding have been exhausted.
  - (b) The state board shall report to the fiscal committees of the legislature and the office of financial management the amount and purpose of each grant provided to school districts.
  - (c) Any recoveries by the districts from insurance, litigation, or other sources for repairs and improvements funded from this appropriation shall be returned to the state in proportion to the state assistance as a share of total project cost.

(2) Total cash disbursed from the common school construction account may not exceed the available cash balance.

Reappropriation:

|   |             |
|---|-------------|
| State Building Construction Account--State \$ | 1,993,556   |
| Common School Construction Account--State \$  | 112,424,633 |
|   | -----       |
| Subtotal Reappropriation \$                   | 114,418,189 |

Appropriation:

|  |               |
|--|---------------|
| Common School Construction Account--State \$ | 315,081,000   |
| Prior Biennia (Expenditures) \$              | 607,956,559   |
| Future Biennia (Projected Costs) \$          | 1,390,582,000 |
|  | -----         |
| TOTAL \$                                     | 2,428,037,748 |

**NEW SECTION. Sec. 605. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**  
**Program Management (98-1-001)**

Funding is provided for five FTE regional coordinators. The coordinators shall have direct construction or architectural training and experience and be strategically located across the state. The coordinators shall assist local school districts with: State board of education rules relating to school construction and modernization projects, building condition analysis, development of state studies and surveys, architect/engineer and construction manager selection, value engineering, and constructability reviews during design, building commissioning, construction administration, maintenance issues, and data verification to allow equitable administration of the state board priority system.

Appropriation:

|  |           |
|--|-----------|
| Common School Construction Account--State \$ | 1,619,000 |
| Prior Biennia (Expenditures) \$              | 0         |
| Future Biennia (Projected Costs) \$          | 7,644,000 |
|  | -----     |
| TOTAL \$                                     | 9,263,000 |

**NEW SECTION. Sec. 606. FOR THE STATE SCHOOL FOR THE BLIND**  
**Irwin Building, HVAC: Upgrade (00-1-001)**

Appropriation:

|   |           |
|---|-----------|
| State Building Construction Account--State \$ | 1,098,500 |
| Prior Biennia (Expenditures) \$               | 0         |
| Future Biennia (Projected Costs) \$           | 300,000   |
|   | -----     |
| TOTAL \$                                      | 1,398,500 |

**NEW SECTION. Sec. 607. FOR THE STATE SCHOOL FOR THE BLIND**  
 Old Main and Alhsten Buildings, HVAC: Upgrade (00-1-002)

Appropriation:

|   |           |
|---|-----------|
| State Building Construction Account--State \$ | 1,915,160 |
| Prior Biennia (Expenditures) \$               | 0         |
| Future Biennia (Projected Costs) \$           | 500,000   |
|   | -----     |
| TOTAL \$                                      | 2,415,160 |

**NEW SECTION. Sec. 608. FOR THE STATE SCHOOL FOR THE BLIND**  
 Minor Works: Preservation (00-1-003)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

|   |           |
|---|-----------|
| State Building Construction Account--State \$ | 600,000   |
| Prior Biennia (Expenditures) \$               | 0         |
| Future Biennia (Projected Costs) \$           | 5,500,000 |
|   | -----     |
| TOTAL \$                                      | 6,100,000 |

**NEW SECTION. Sec. 609. FOR THE STATE SCHOOL FOR THE BLIND**  
 Multi-Purpose Center

Appropriation:

|   |         |
|---|---------|
| State Building Construction Account--State \$ | 300,000 |
|---|---------|

|                                     |         |
|-------------------------------------|---------|
| Prior Biennia (Expenditures) \$     | 0       |
| Future Biennia (Projected Costs) \$ | 0       |
|                                     | -----   |
| TOTAL \$                            | 300,000 |

**NEW SECTION. Sec. 610. FOR THE STATE SCHOOL FOR THE DEAF**  
Northrup Elementary School, HVAC: Upgrade (00-1-002)

Appropriation:

|   |         |
|---|---------|
| State Building Construction Account--State \$ | 900,000 |
| Prior Biennia (Expenditures) \$               | 0       |
| Future Biennia (Projected Costs) \$           | 0       |
|   | -----   |
| TOTAL \$                                      | 900,000 |

**NEW SECTION. Sec. 611. FOR THE STATE SCHOOL FOR THE DEAF**  
Epperson Middle School, HVAC: Upgrade (00-1-003)

Appropriation:

|   |         |
|---|---------|
| State Building Construction Account--State \$ | 900,000 |
| Prior Biennia (Expenditures) \$               | 0       |
| Future Biennia (Projected Costs) \$           | 0       |
|   | -----   |
| TOTAL \$                                      | 900,000 |

**NEW SECTION. Sec. 612. FOR THE STATE SCHOOL FOR THE DEAF**  
Minor Works: Preservation (00-1-004)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

|   |         |
|---|---------|
| State Building Construction Account--State \$ | 500,000 |
| Prior Biennia (Expenditures) \$               | 0       |
| Future Biennia (Projected Costs) \$           | 0       |

|  |           |
|--|-----------|
|  | 4,850,000 |
|  | -----     |
| TOTAL    \$  | 5,350,000 |
| <br>   |           |
| <b><u>NEW SECTION. Sec. 613. FOR THE STATE SCHOOL FOR THE DEAF</u></b> |           |
| Clark Hall, HVAC: Upgrade (00-1-006)                                   |           |
| Appropriation:   |           |
| State Building Construction Account--State    \$                       | 500,000   |
| Prior Biennia (Expenditures)    \$                                     | 0         |
| Future Biennia (Projected Costs)    \$                                 | 1,275,000 |
|  | -----     |
| TOTAL    \$  | 1,775,000 |
| <br>   |           |
| <b><u>NEW SECTION. Sec. 614. FOR THE STATE SCHOOL FOR THE DEAF</u></b> |           |
| Campus Master Plan - Phase II Tech Ed/Student Commons (00-2-001)       |           |
| Appropriation:   |           |
| State Building Construction Account--State    \$                       | 540,000   |
| Prior Biennia (Expenditures)    \$                                     | 0         |
| Future Biennia (Projected Costs)    \$                                 | 3,385,000 |
|  | -----     |
| TOTAL    \$  | 3,925,000 |
| <br>   |           |
| <b><u>NEW SECTION. Sec. 615. FOR THE STATE SCHOOL FOR THE DEAF</u></b> |           |
| Campus Wide: Seismic stabilization (02-1-008)                          |           |
| Appropriation:   |           |
| State Building Construction Account--State    \$                       | 500,000   |
| Prior Biennia (Expenditures)    \$                                     | 0         |
| Future Biennia (Projected Costs)    \$                                 | 500,000   |
|  | -----     |
| TOTAL    \$  | 1,000,000 |

**NEW SECTION. Sec. 616. FOR THE UNIVERSITY OF WASHINGTON**

Minor Works: Various infrastructure upgrades (00-1-001)

The appropriations in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

|   |            |
|---|------------|
| State Building Construction Account--State \$       | 1,837,160  |
| University of Washington Building Account--State \$ | 8,950,000  |
|   | -----      |
| Subtotal Appropriation \$                           | 10,787,160 |
| Prior Biennia (Expenditures) \$                     | 0          |
| Future Biennia (Projected Costs) \$                 | 52,100,000 |
|   | -----      |
| TOTAL \$  | 62,887,160 |

**NEW SECTION. Sec. 617. FOR THE UNIVERSITY OF WASHINGTON**

UW Bothell Campus and Cascadia Community College: Future Phases (00-2-015)

The appropriation in this section is subject to the following conditions and limitations:

(1) No money from this appropriation may be expended that would be inconsistent with the recommendations of the higher education coordinating board and the project design, scope, and schedule approved by the office of financial management.

(2) \$7,500,000 of this appropriation is provided solely for equipment and completion of phase I of the colocated campus.

(3) The appropriation in this section is subject to the review and allotment procedures under sections 902 through 904 of this act.

(4) The appropriation in this section is to be combined with the appropriations shown in sections 639, 640, 769, and 823 of this act and shall be managed by the department of general administration.

(5) \$42,600,000 of this appropriation is provided solely for the completion of construction of phase IIA of the campus. The appropriation represents the total state contribution for all costs including design, construction and equipping of phase IIA of the campus.

(6) Phase IIA shall accommodate 1,000 additional FTE students when completed.

Appropriation:

|   |             |
|---|-------------|
| State Building Construction Account--State \$ | 50,100,000  |
| Prior Biennia (Expenditures) \$               | 0           |
| Future Biennia (Projected Costs) \$           | 105,000,000 |
|   | -----       |



TOTAL \$ 155,100,000

**NEW SECTION. Sec. 618. FOR THE UNIVERSITY OF WASHINGTON**

UW Tacoma - Branch Campus Phase IIA: To construct phase IIA and provide parking for 600 vehicles (00-2-017)

The appropriation in this section is subject to the following conditions and limitations:

(1) No money from this appropriation may be expended that would be inconsistent with the recommendations of the higher education coordinating board and the project design, scope, and schedule approved by the office of financial management.

(2) The appropriation in this section is subject to the review and allotment procedures under sections 902 through 904 of this act.

(3) Phase IIA shall accommodate and additional 600 FTE students upon completion of new construction and renovated spaces. The appropriation in this section includes all costs for completion of this phase, including equipment, parking, and site improvements.

Reappropriation:

State Building Construction Account--State \$ 1,450,000

Appropriation:

State Building Construction Account--State \$ 36,420,000

Prior Biennia (Expenditures) \$ 2,000,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 39,870,000

**NEW SECTION. Sec. 619. FOR THE UNIVERSITY OF WASHINGTON**

Electrical Engineering and Computer Science Engineering Building (90-2-013)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account--State \$ 7,300,000

Prior Biennia (Expenditures) \$ 88,491,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 95,791,000

**NEW SECTION. Sec. 620. FOR THE UNIVERSITY OF WASHINGTON**

Old Physics Hall: (Mary Gates hall) design and construction (92-2-008)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

|   |            |
|---|------------|
| State Building Construction Account--State \$ | 12,000,000 |
| Prior Biennia (Expenditures) \$               | 19,407,000 |
| Future Biennia (Projected Costs) \$           | 0          |
|   | -----      |
| TOTAL \$                                      | 31,407,000 |

**NEW SECTION. Sec. 621. FOR THE UNIVERSITY OF WASHINGTON**  
 Minor Repairs: Preservation (94-1-003)

The reappropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

|   |            |
|---|------------|
| State Building Construction Account--State \$ | 8,000,000  |
| Prior Biennia (Expenditures) \$               | 2,985,199  |
| Future Biennia (Projected Costs) \$           | 0          |
|   | -----      |
| TOTAL \$                                      | 10,985,199 |

**NEW SECTION. Sec. 622. FOR THE UNIVERSITY OF WASHINGTON**

Suzzallo library renovation--Phase I design and construction: To design the phase I remodeling of the 1925, 1935, and 1963 building and additions to address structural, mechanical, electrical, and life safety deficiencies (94-1-015)

Reappropriation:

|   |         |
|---|---------|
| State Building Construction Account--State \$       | 320,000 |
| University of Washington Building Account--State \$ | 270,000 |
|   | -----   |
| Subtotal Reappropriation \$                         | 590,000 |

Appropriation:

|   |            |
|---|------------|
| State Building Construction Account--State \$ | 39,306,000 |
|---|------------|

|                                     |            |
|-------------------------------------|------------|
| Prior Biennia (Expenditures) \$     | 8,863,833  |
| Future Biennia (Projected Costs) \$ | 0          |
|                                     | -----      |
| TOTAL \$                            | 48,759,833 |

**NEW SECTION. Sec. 623. FOR THE UNIVERSITY OF WASHINGTON**  
Harborview Research and Training Facility: Construction (94-2-013)

The reappropriations in this section are subject to the following conditions and limitations:

(1) The reappropriations in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

(2) The reappropriations in this section are provided solely for the completion of construction of this facility. The reappropriations represents the total state contribution for all costs including design, construction and equipping this facility.

(3) The reappropriation from the state building construction account may be expended before the higher education construction account moneys.

Reappropriation:

|   |            |
|---|------------|
| Higher Education Construction Account--State \$ | 3,000,000  |
| State Building Construction Account--State \$   | 14,200,000 |
|   | -----      |
| Subtotal Reappropriation \$                     | 17,200,000 |
| Prior Biennia (Expenditures) \$                 | 61,561,000 |
| Future Biennia (Projected Costs) \$             | 0          |
|   | -----      |
| TOTAL \$  | 78,761,000 |

**NEW SECTION. Sec. 624. FOR THE UNIVERSITY OF WASHINGTON**  
New Law School Building (94-2-017)

The appropriations in this section are subject to the following condition and limitation: The appropriations in this section are subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

|   |        |
|---|--------|
| University of Washington Building Account--State \$ | 68,000 |
|---|--------|

Appropriation:

|   |            |
|---|------------|
| Higher Education Construction Account--State \$                         | 44,801,500 |
| Higher Education Nonproprietary Local Capital Account--Private/Local \$ |            |

|                                     |            |
|-------------------------------------|------------|
|                                     | 24,186,000 |
|                                     | -----      |
| Subtotal Appropriation \$           | 68,987,500 |
| Prior Biennia (Expenditures) \$     | 1,200,000  |
| Future Biennia (Projected Costs) \$ | 0          |
|                                     | -----      |
| TOTAL \$                            | 70,255,500 |

**NEW SECTION. Sec. 625. FOR THE UNIVERSITY OF WASHINGTON**

Tacoma Branch Campus: To complete phase IB, conduct predesign of phase II, design of phase II, to acquire property, and to remediate unknown site conditions (94-2-500)

The reappropriation in this section is subject to the following conditions and limitations:

(1) No money from this reappropriation may be expended that would be inconsistent with the recommendations of the higher education coordinating board and the project design, scope, and schedule approved by the office of financial management.

(2) The reappropriation in this section is subject to the review and allotment procedures under sections 902 through 904 of this act.

(3) The predesign for phase II to serve at least 1,200 additional student full-time equivalents shall be conducted in accordance with the predesign manual published by the office of financial management. Design of phase IIA to serve at least 600 student full-time equivalents shall not proceed until the completed predesign requirements have been reviewed and approved by the office of financial management.

Reappropriation:

|   |            |
|---|------------|
| State Building Construction Account--State \$ | 17,900,000 |
| Prior Biennia (Expenditures) \$               | 34,692,087 |
| Future Biennia (Projected Costs) \$           | 0          |
|   | -----      |
| TOTAL \$                                      | 52,592,087 |

**NEW SECTION. Sec. 626. FOR THE UNIVERSITY OF WASHINGTON**

Minor Works: Utility infrastructure (96-1-004)

The reappropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

|   |         |
|---|---------|
| State Building Construction Account--State \$ | 445,000 |
|---|---------|

|                                     |           |
|-------------------------------------|-----------|
| Prior Biennia (Expenditures) \$     | 5,455,000 |
| Future Biennia (Projected Costs) \$ | 0         |
|                                     | -----     |
| TOTAL \$                            | 5,900,000 |

**NEW SECTION. Sec. 627. FOR THE UNIVERSITY OF WASHINGTON**  
Health Sciences Center BB Tower Elevators (96-1-007)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are subject to the review and allotment procedures under sections 902 and 903 of this act.

(2) The appropriation represents the total state contribution for all costs including design, construction, and equipping this facility.

Reappropriation:

|   |         |
|---|---------|
| State Building Construction Account--State \$       | 310,000 |
| University of Washington Building Account--State \$ | 93,100  |
|   | -----   |
| Subtotal Reappropriation \$                         | 403,100 |

Appropriation:

|   |           |
|---|-----------|
| State Building Construction Account--State \$ | 6,182,586 |
| Prior Biennia (Expenditures) \$               | 699,499   |
| Future Biennia (Projected Costs) \$           | 0         |
|   | -----     |
| TOTAL \$                                      | 7,285,185 |

**NEW SECTION. Sec. 628. FOR THE UNIVERSITY OF WASHINGTON**

Health Sciences Center D-Wing Dental Student Laboratory: Design and construction (96-1-016)

Reappropriation:

|   |           |
|---|-----------|
| State Building Construction Account--State \$ | 447,000   |
| Prior Biennia (Expenditures) \$               | 2,570,100 |
| Future Biennia (Projected Costs) \$           | 0         |

|             |                    |
|-------------|--------------------|
| TOTAL    \$ | -----<br>3,017,100 |
|-------------|--------------------|

**NEW SECTION. Sec. 629. FOR THE UNIVERSITY OF WASHINGTON**  
 Fisheries Science - Oceanography Science Buildings (96-2-006)

The appropriations in this section are subject to the following conditions and limitations:

(1) The reappropriations in this section are subject to the review and allotment procedures under sections 902 and 903 of this act.

(2) The reappropriations represent the total state contribution for all costs including design, construction, and equipping this facility.

Reappropriation:

|  |            |
|--|------------|
| State Building Construction Account--State    \$ | 12,507,000 |
|  |            |
| Prior Biennia (Expenditures)    \$               | 67,787,751 |
| Future Biennia (Projected Costs)    \$           | 0          |
|  | -----      |
| TOTAL    \$                                      | 80,294,751 |

**NEW SECTION. Sec. 630. FOR THE UNIVERSITY OF WASHINGTON**  
 Social Work Third Floor Addition (96-2-010)

Reappropriation:

|  |           |
|--|-----------|
| State Building Construction Account--State    \$ | 1,000,000 |
|  |           |
| Prior Biennia (Expenditures)    \$               | 2,415,600 |
| Future Biennia (Projected Costs)    \$           | 0         |
|  | -----     |
| TOTAL    \$                                      | 3,415,600 |

**NEW SECTION. Sec. 631. FOR THE UNIVERSITY OF WASHINGTON**  
 West Electrical Power Station (96-2-011)

Reappropriation:

|  |           |
|--|-----------|
| State Building Construction Account--State    \$ | 550,000   |
|  |           |
| Prior Biennia (Expenditures)    \$               | 6,254,000 |
| Future Biennia (Projected Costs)    \$           | 0         |

TOTAL \$ -----  
6,804,000

**NEW SECTION. Sec. 632. FOR THE UNIVERSITY OF WASHINGTON**  
Power Plant Boiler 7 (96-2-020)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account--State \$ 6,250,000

Prior Biennia (Expenditures) \$ 3,662,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ -----  
9,912,000

**NEW SECTION. Sec. 633. FOR THE UNIVERSITY OF WASHINGTON**  
Southwest Campus Utilities Phase I (96-2-027)

Reappropriation:

State Building Construction Account--State \$ 500,000

Prior Biennia (Expenditures) \$ 8,809,500

Future Biennia (Projected Costs) \$ 0

TOTAL \$ -----  
9,309,500

**NEW SECTION. Sec. 634. FOR THE UNIVERSITY OF WASHINGTON**  
Minor Works: Safety (98-1-001)

The reappropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

State Building Construction Account--State \$ 2,500,000

Prior Biennia (Expenditures) \$ 1,200,000

Future Biennia (Projected Costs) \$ 0

|       |    |           |
|-------|----|-----------|
| TOTAL | \$ | -----     |
|       |    | 3,700,000 |

**NEW SECTION. Sec. 635. FOR THE UNIVERSITY OF WASHINGTON**  
 Minor Works: Preservation (98-1-002)

The reappropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

|  |    |           |
|--|----|-----------|
| University of Washington Building Account--State | \$ |           |
|  |    | 3,400,000 |
| Prior Biennia (Expenditures)                     | \$ | 1,946,075 |
| Future Biennia (Projected Costs)                 | \$ | 0         |

|       |    |           |
|-------|----|-----------|
| TOTAL | \$ | -----     |
|       |    | 5,346,075 |

**NEW SECTION. Sec. 636. FOR THE UNIVERSITY OF WASHINGTON**  
 Utility and Data Communications Projects: Preservation (98-1-004)

The reappropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ |           |
|  |    | 2,100,000 |
| Prior Biennia (Expenditures)               | \$ | 900,000   |
| Future Biennia (Projected Costs)           | \$ | 0         |

|       |    |           |
|-------|----|-----------|
| TOTAL | \$ | -----     |
|       |    | 3,000,000 |

**NEW SECTION. Sec. 637. FOR THE UNIVERSITY OF WASHINGTON**  
 Minor Works: Program (98-2-003)

The reappropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

|  |    |           |
|--|----|-----------|
| University of Washington Building Account--State | \$ |           |
|  |    | 1,900,000 |
| Prior Biennia (Expenditures)                     | \$ | 100,000   |



|                                     |           |
|-------------------------------------|-----------|
| Future Biennia (Projected Costs) \$ | 0         |
|                                     | -----     |
| TOTAL \$                            | 2,000,000 |

**NEW SECTION. Sec. 638. FOR THE UNIVERSITY OF WASHINGTON**  
 Building Communication: Upgrade (98-2-009)

Reappropriation:

|   |           |
|---|-----------|
| University of Washington Building Account--State \$ | 1,000,000 |
| Prior Biennia (Expenditures) \$                     | 2,000,000 |
| Future Biennia (Projected Costs) \$                 | 0         |
|   | -----     |
| TOTAL \$  | 3,000,000 |

**NEW SECTION. Sec. 639. FOR THE UNIVERSITY OF WASHINGTON**  
 UW Bothell and Cascadia Community College Phase I (98-2-899)

The reappropriation in this section is subject to the following conditions and limitations:

(1) No money from this reappropriation may be expended that would be inconsistent with the recommendations of the higher education coordinating board and the project design, scope, and schedule approved by the office of financial management.

(2) The reappropriation in this section is subject to the review and allotment procedures under sections 902 through 904 of this act.

(3) The reappropriation in this section is to be combined with the appropriations shown in sections 617, 639, 768, and 821 of this act and shall be managed by the department of general administration to construct a campus to serve at least 2,000 student full-time equivalents with approximately 1,200 for the University of Washington and 800 for Cascadia Community College.

Reappropriation:

|   |            |
|---|------------|
| State Building Construction Account--State \$ | 40,000,000 |
| Prior Biennia (Expenditures) \$               | 7,970,000  |
| Future Biennia (Projected Costs) \$           | 0          |
|   | -----      |
| TOTAL \$                                      | 47,970,000 |

**NEW SECTION. Sec. 640. FOR THE UNIVERSITY OF WASHINGTON**  
 UW Bothell and Cascadia Community College Future Phases (98-2-999)

The reappropriation in this section is subject to the following conditions and limitations:

(1) No money from this reappropriation may be expended that would be inconsistent with the recommendations of the higher education coordinating board and the project design, scope, and schedule approved by the office of financial management.

(2) The reappropriation in this section is subject to the review and allotment procedures under sections 902 through 904 of this act.

(3) The reappropriation in this section is to be combined with the appropriations shown in sections 617, 638, 768, and 821 of this act and shall be managed by the department of general administration.

(4) The predesign for phase II to serve at least 2,000 additional University of Washington and community college student full-time equivalents included in this reappropriation shall be conducted in accordance with the predesign manual published by the office of financial management.

(5) Design of phase IIA to serve at least 1,000 total University of Washington and Cascadia Community College student full-time equivalents shall not proceed until the completed predesign requirements in subsection (4) of this section have been reviewed and approved by the office of financial management.

Reappropriation:

|   |           |
|---|-----------|
| State Building Construction Account--State \$ | 2,069,063 |
| Prior Biennia (Expenditures) \$               | 930,937   |
| Future Biennia (Projected Costs) \$           | 0         |
|   | -----     |
| TOTAL \$                                      | 3,000,000 |

**NEW SECTION. Sec. 641. FOR THE UNIVERSITY OF WASHINGTON**

Nuclear Reactor: Decommissioning (99-2-009)

Reappropriation:

|   |           |
|---|-----------|
| State Building Construction Account--State \$ | 750,000   |
| Prior Biennia (Expenditures) \$               | 450,000   |
| Future Biennia (Projected Costs) \$           | 0         |
|   | -----     |
| TOTAL \$                                      | 1,200,000 |

**NEW SECTION. Sec. 642. FOR THE UNIVERSITY OF WASHINGTON**

Tacoma Branch Campus: Phase III predesign (00-2-021)

Appropriation:

|   |         |
|---|---------|
| State Building Construction Account--State \$ | 500,000 |
| Prior Biennia (Expenditures) \$               | 0       |

|                                     |            |
|-------------------------------------|------------|
| Future Biennia (Projected Costs) \$ | 55,000,000 |
|                                     | -----      |
| TOTAL \$                            | 55,500,000 |

**NEW SECTION. Sec. 643. FOR THE UNIVERSITY OF WASHINGTON**  
 University of Washington Medical Center: Improvements

Appropriation:

|   |            |
|---|------------|
| Higher Education Construction Account--State \$ | 80,000,000 |
| Prior Biennia (Expenditures) \$                 | 0          |
| Future Biennia (Projected Costs) \$             | 0          |
|   | -----      |
| TOTAL \$  | 80,000,000 |

**NEW SECTION. Sec. 644. FOR WASHINGTON STATE UNIVERSITY**  
 Minor Works: Safety and environmental (00-1-001)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

|   |            |
|---|------------|
| State Building Construction Account--State \$ | 2,000,000  |
| Prior Biennia (Expenditures) \$               | 0          |
| Future Biennia (Projected Costs) \$           | 8,000,000  |
|   | -----      |
| TOTAL \$                                      | 10,000,000 |

**NEW SECTION. Sec. 645. FOR WASHINGTON STATE UNIVERSITY**  
 Minor Works: Preservation (00-1-004)

The appropriations in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

|  |           |
|--|-----------|
| State Building Construction Account--State \$          | 1,130,000 |
| Washington State University Building Account--State \$ | 4,870,000 |

|                                  |    |            |
|----------------------------------|----|------------|
| Subtotal Appropriation           | \$ | -----      |
|                                  |    | 6,000,000  |
| Prior Biennia (Expenditures)     | \$ | 0          |
| Future Biennia (Projected Costs) | \$ | 24,000,000 |
|                                  |    | -----      |
| TOTAL                            | \$ | 30,000,000 |

**NEW SECTION. Sec. 646. FOR WASHINGTON STATE UNIVERSITY**  
Child Care Facility - Human Development Lab, Infant Care (00-1-039)

Appropriation:

|   |    |           |
|---|----|-----------|
| Washington State University Building Account--State | \$ |           |
|   |    | 3,100,000 |
| Prior Biennia (Expenditures)                        | \$ | 0         |
| Future Biennia (Projected Costs)                    | \$ | 0         |
|   |    | -----     |
| TOTAL   | \$ | 3,100,000 |

**NEW SECTION. Sec. 647. FOR WASHINGTON STATE UNIVERSITY**  
Scholars Hall - White Hall: Renovation (00-1-078)

The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Appropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ |           |
|  |    | 5,000,000 |
| Prior Biennia (Expenditures)               | \$ | 0         |
| Future Biennia (Projected Costs)           | \$ | 0         |
|  |    | -----     |
| TOTAL                                      | \$ | 5,000,000 |

**NEW SECTION. Sec. 648. FOR WASHINGTON STATE UNIVERSITY**  
Minor Works - Branch Campus: Preservation (00-1-901)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

|  |           |
|--|-----------|
| Washington State University Building Account--State \$ | 1,000,000 |
| Prior Biennia (Expenditures) \$                        | 0         |
| Future Biennia (Projected Costs) \$                    | 4,000,000 |
|  | -----     |
| TOTAL \$   | 5,000,000 |

**NEW SECTION. Sec. 649. FOR WASHINGTON STATE UNIVERSITY**

Minor Works: Program (00-2-002)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

|  |            |
|--|------------|
| Washington State University Building Account--State \$ | 5,000,000  |
| Prior Biennia (Expenditures) \$                        | 0          |
| Future Biennia (Projected Costs) \$                    | 28,000,000 |
|  | -----      |
| TOTAL \$   | 33,000,000 |

**NEW SECTION. Sec. 650. FOR WASHINGTON STATE UNIVERSITY**

Major Equipment: Acquisition (00-2-003)

Appropriation:

|  |            |
|--|------------|
| Washington State University Building Account--State \$ | 3,500,000  |
| Prior Biennia (Expenditures) \$                        | 0          |
| Future Biennia (Projected Costs) \$                    | 16,000,000 |
|  | -----      |
| TOTAL \$   | 19,500,000 |

**NEW SECTION. Sec. 651. FOR WASHINGTON STATE UNIVERSITY**

Animal Disease Biotechnology Facility: Equipment (00-2-067)

Appropriation:

|  |           |
|--|-----------|
| Washington State University Building Account--State \$ | 1,200,000 |
|--|-----------|

|                                     |           |
|-------------------------------------|-----------|
| Prior Biennia (Expenditures) \$     | 0         |
| Future Biennia (Projected Costs) \$ | 6,200,000 |
|                                     | -----     |
| TOTAL \$                            | 7,400,000 |

**NEW SECTION. Sec. 652. FOR WASHINGTON STATE UNIVERSITY**  
Museum of Art Building (00-2-071)

To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 2000.

Appropriation:

|  |            |
|--|------------|
| Washington State University Building Account--State \$ | 125,000    |
| Prior Biennia (Expenditures) \$                        | 0          |
| Future Biennia (Projected Costs) \$                    | 14,100,000 |
|  | -----      |
| TOTAL \$   | 14,225,000 |

**NEW SECTION. Sec. 653. FOR WASHINGTON STATE UNIVERSITY**  
Shock Physics Building (00-2-080)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

(2) The program scope and project budget for this project shall comply with the approved predesign document on file with the office of financial management.

Appropriation:

|   |            |
|---|------------|
| State Building Construction Account--State \$ | 1,760,000  |
| Prior Biennia (Expenditures) \$               | 0          |
| Future Biennia (Projected Costs) \$           | 10,400,000 |
|   | -----      |
| TOTAL \$                                      | 12,160,000 |

**NEW SECTION. Sec. 654. FOR WASHINGTON STATE UNIVERSITY**  
WSU Vancouver - Engineering/Life Science Building (00-2-904)

The appropriation in this section is subject to the review and allotment procedures under sections 902 through 904 of this act.

Appropriation:

|   |            |
|---|------------|
| State Building Construction Account--State \$ | 27,000,000 |
| Prior Biennia (Expenditures) \$               | 0          |
| Future Biennia (Projected Costs) \$           | 0          |
|   | -----      |
| TOTAL \$                                      | 27,000,000 |

**NEW SECTION. Sec. 655. FOR WASHINGTON STATE UNIVERSITY**  
WSU Vancouver - New Academic Building D (00-2-905)

To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 2000. The project shall serve at least 1,200 additional student full-time equivalents on the Vancouver campus.

Appropriation:

|   |            |
|---|------------|
| State Building Construction Account--State \$ | 250,000    |
| Prior Biennia (Expenditures) \$               | 0          |
| Future Biennia (Projected Costs) \$           | 29,700,000 |
|   | -----      |
| TOTAL \$                                      | 29,950,000 |

**NEW SECTION. Sec. 656. FOR WASHINGTON STATE UNIVERSITY**  
WSU Spokane - Study of Future Campus Development (00-2-906)

To conduct a study of future campus developments, including alternatives regarding the size and timing of future building construction.

Appropriation:

|   |            |
|---|------------|
| State Building Construction Account--State \$ | 250,000    |
| Prior Biennia (Expenditures) \$               | 0          |
| Future Biennia (Projected Costs) \$           | 44,000,000 |
|   | -----      |
| TOTAL \$                                      |            |

44,250,000

**NEW SECTION. Sec. 657. FOR WASHINGTON STATE UNIVERSITY**  
Plant Biotech - Johnson Hall

Appropriation:

|  |            |
|--|------------|
| Washington State University Building Account--State \$ | 300,000    |
| Prior Biennia (Expenditures) \$                        | 0          |
| Future Biennia (Projected Costs) \$                    | 37,500,000 |
|  | -----      |
| TOTAL \$   | 37,800,000 |

**NEW SECTION. Sec. 658. FOR WASHINGTON STATE UNIVERSITY**  
Hazardous, Pathological, and Radioactive Waste Handling Facilities (92-1-019)

Reappropriation:

|   |           |
|---|-----------|
| State Building Construction Account--State \$ | 632,221   |
| Prior Biennia (Expenditures) \$               | 710,779   |
| Future Biennia (Projected Costs) \$           | 0         |
|   | -----     |
| TOTAL \$                                      | 1,343,000 |

**NEW SECTION. Sec. 659. FOR WASHINGTON STATE UNIVERSITY**  
Todd Hall Renovation (92-1-021)

The reappropriations in this section are subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

|  |            |
|--|------------|
| State Building Construction Account--State \$          | 100,918    |
| Washington State University Building Account--State \$ | 168,909    |
|  | -----      |
| Subtotal Reappropriation \$                            | 269,827    |
| Prior Biennia (Expenditures) \$                        | 14,343,680 |
| Future Biennia (Projected Costs) \$                    | 0          |



|       |    |            |
|-------|----|------------|
| TOTAL | \$ | -----      |
|       |    | 14,613,507 |

**NEW SECTION. Sec. 660. FOR WASHINGTON STATE UNIVERSITY**  
 Veterinary Teaching Hospital: Construction (92-2-013)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

|   |    |         |
|---|----|---------|
| Washington State University Building Account--State | \$ | 300,173 |
|---|----|---------|

|                              |    |            |
|------------------------------|----|------------|
| Prior Biennia (Expenditures) | \$ | 14,420,827 |
|------------------------------|----|------------|

|                                  |    |   |
|----------------------------------|----|---|
| Future Biennia (Projected Costs) | \$ | 0 |
|----------------------------------|----|---|

|       |    |            |
|-------|----|------------|
| TOTAL | \$ | -----      |
|       |    | 14,721,000 |

**NEW SECTION. Sec. 661. FOR WASHINGTON STATE UNIVERSITY**  
 Fulmer Hall: Fulmer annex renovation (92-2-023)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

|  |    |        |
|--|----|--------|
| State Building Construction Account--State | \$ | 97,138 |
|--|----|--------|

|                              |    |            |
|------------------------------|----|------------|
| Prior Biennia (Expenditures) | \$ | 11,521,329 |
|------------------------------|----|------------|

|                                  |    |   |
|----------------------------------|----|---|
| Future Biennia (Projected Costs) | \$ | 0 |
|----------------------------------|----|---|

|       |    |            |
|-------|----|------------|
| TOTAL | \$ | -----      |
|       |    | 11,618,467 |

**NEW SECTION. Sec. 662. FOR WASHINGTON STATE UNIVERSITY**  
 Bohler Gym Renovation: Construction (94-1-010)

The reappropriations in this section are subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

|  |    |            |
|--|----|------------|
| State Building Construction Account--State | \$ | 12,500,000 |
|--|----|------------|

|   |    |         |
|---|----|---------|
| Washington State University Building Account--State | \$ | 297,925 |
|---|----|---------|

|                                  |    |            |
|----------------------------------|----|------------|
| Subtotal Reappropriation         | \$ | -----      |
|                                  |    | 12,797,925 |
| Prior Biennia (Expenditures)     | \$ | 6,215,375  |
| Future Biennia (Projected Costs) | \$ | 0          |
|                                  |    | -----      |
| TOTAL                            | \$ | 19,013,300 |

**NEW SECTION. Sec. 663. FOR WASHINGTON STATE UNIVERSITY**  
Thompson Hall Renovation: Construction (94-1-024)

The reappropriations in this section are subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

|   |    |            |
|---|----|------------|
| State Building Construction Account--State          | \$ | 6,500,000  |
| Washington State University Building Account--State | \$ | 101,325    |
|   |    | -----      |
| Subtotal Reappropriation                            | \$ | 6,601,325  |
| Prior Biennia (Expenditures)                        | \$ | 5,095,075  |
| Future Biennia (Projected Costs)                    | \$ | 0          |
|   |    | -----      |
| TOTAL   | \$ | 11,696,400 |

**NEW SECTION. Sec. 664. FOR WASHINGTON STATE UNIVERSITY**  
Infrastructure Project: Savings (94-1-999)

Projects that are completed in accordance with section 911 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilating, and air conditioning repairs; (7) emergency repairs due to natural disasters or accidents; and (8) critical year 2000 embedded chip modifications.

Reappropriation:

|  |    |         |
|--|----|---------|
| State Building Construction Account--State | \$ | 212,474 |
| Prior Biennia (Expenditures)               | \$ | 376,662 |

|                                     |         |
|-------------------------------------|---------|
| Future Biennia (Projected Costs) \$ | 0       |
|                                     | -----   |
| TOTAL \$                            | 589,136 |

**NEW SECTION. Sec. 665. FOR WASHINGTON STATE UNIVERSITY**  
Hazardous Waste Facilities: Construction (94-2-006)

The appropriations in this section are subject to the review and allotment procedures under sections 902 and 903 of this act.

|  |            |
|--|------------|
| Reappropriation:                                       |            |
| Washington State University Building Account--State \$ | 822,722    |
| Appropriation:   |            |
| Washington State University Building Account--State \$ | 3,000,000  |
| Prior Biennia (Expenditures) \$                        | 888,278    |
| Future Biennia (Projected Costs) \$                    | 9,000,000  |
|  | -----      |
| TOTAL \$   | 13,711,000 |

**NEW SECTION. Sec. 666. FOR WASHINGTON STATE UNIVERSITY**  
Pathological and Biomedical Incinerator: Design and construction (94-2-012)

|   |           |
|---|-----------|
| Reappropriation:                              |           |
| State Building Construction Account--State \$ | 2,042,690 |
| Prior Biennia (Expenditures) \$               | 1,400,310 |
| Future Biennia (Projected Costs) \$           | 0         |
|   | -----     |
| TOTAL \$                                      | 3,443,000 |

**NEW SECTION. Sec. 667. FOR WASHINGTON STATE UNIVERSITY**  
Engineering Teaching and Research Laboratory Building: Construction (94-2-014)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

|   |         |
|---|---------|
| Reappropriation:                              |         |
| State Building Construction Account--State \$ | 128,797 |

|                                     |            |
|-------------------------------------|------------|
| Prior Biennia (Expenditures) \$     | 17,011,503 |
| Future Biennia (Projected Costs) \$ | 0          |
|                                     | -----      |
| TOTAL \$                            | 17,140,300 |

**NEW SECTION. Sec. 668. FOR WASHINGTON STATE UNIVERSITY**  
**Chemical Waste Collection Facilities: Design and construction (94-2-016)**

Reappropriation:

|  |           |
|--|-----------|
| Washington State University Building Account--State \$ | 112,999   |
| Prior Biennia (Expenditures) \$                        | 887,001   |
| Future Biennia (Projected Costs) \$                    | 0         |
|  | -----     |
| TOTAL \$   | 1,000,000 |

**NEW SECTION. Sec. 669. FOR WASHINGTON STATE UNIVERSITY**  
**Bohler Gym: Addition (94-2-017)**

Reappropriation:

|  |            |
|--|------------|
| Washington State University Building Account--State \$ | 364,708    |
| Prior Biennia (Expenditures) \$                        | 10,319,108 |
| Future Biennia (Projected Costs) \$                    | 0          |
|  | -----      |
| TOTAL \$   | 10,683,816 |

**NEW SECTION. Sec. 670. FOR WASHINGTON STATE UNIVERSITY**  
**Kimbrough Hall Addition and Remodeling (94-2-019)**

The reappropriations in this section are subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

|  |           |
|--|-----------|
| State Building Construction Account--State \$          | 5,295,806 |
| Washington State University Building Account--State \$ | 121,875   |
|  | -----     |

|                                  |    |            |
|----------------------------------|----|------------|
| Subtotal Reappropriation         | \$ | 5,417,681  |
| Prior Biennia (Expenditures)     | \$ | 6,315,319  |
| Future Biennia (Projected Costs) | \$ | 0          |
|                                  |    | -----      |
| TOTAL                            | \$ | 11,733,000 |

**NEW SECTION. Sec. 671. FOR WASHINGTON STATE UNIVERSITY**  
**WSU Vancouver: Campus construction (94-2-902)**

The reappropriation in this section is subject to the review and allotment procedures under sections 902 through 904 of this act.

Reappropriation:

|  |    |            |
|--|----|------------|
| State Building Construction Account--State | \$ | 1,000,000  |
| Prior Biennia (Expenditures)               | \$ | 37,722,462 |
| Future Biennia (Projected Costs)           | \$ | 0          |
|  |    | -----      |
| TOTAL                                      | \$ | 38,722,462 |

**NEW SECTION. Sec. 672. FOR WASHINGTON STATE UNIVERSITY**  
**Plant Growth: Wheat research center (96-2-047)**

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act and shall not be expended until the university has received the federal money or an equivalent amount from other sources.

Reappropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 608,518   |
| Prior Biennia (Expenditures)               | \$ | 3,391,482 |
| Future Biennia (Projected Costs)           | \$ | 0         |
|  |    | -----     |
| TOTAL                                      | \$ | 4,000,000 |

**NEW SECTION. Sec. 673. FOR WASHINGTON STATE UNIVERSITY**  
**Minor Works: Preservation (98-1-004)**

The reappropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

|  |           |
|--|-----------|
| Washington State University Building Account--State \$ | 2,985,280 |
| Prior Biennia (Expenditures) \$                        | 2,067,720 |
| Future Biennia (Projected Costs) \$                    | 0         |
|  | -----     |
| TOTAL \$   | 5,053,000 |

**NEW SECTION. Sec. 674. FOR WASHINGTON STATE UNIVERSITY**  
Campus Infrastructure and Road Improvements (98-1-073)

The reappropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

|   |           |
|---|-----------|
| State Building Construction Account--State \$ | 3,493,480 |
|---|-----------|

Appropriation:

|  |            |
|--|------------|
| Washington State University Building Account--State \$ | 4,000,000  |
| Prior Biennia (Expenditures) \$                        | 4,798,520  |
| Future Biennia (Projected Costs) \$                    | 12,000,000 |
|  | -----      |
| TOTAL \$   | 24,292,000 |

**NEW SECTION. Sec. 675. FOR WASHINGTON STATE UNIVERSITY**  
WSU Spokane - Minor Works: Program (98-1-821)

The reappropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

|   |        |
|---|--------|
| State Building Construction Account--State \$ | 36,815 |
|---|--------|

|                                     |        |
|-------------------------------------|--------|
| Prior Biennia (Expenditures) \$     | 25,885 |
| Future Biennia (Projected Costs) \$ | 0      |
|                                     | -----  |

TOTAL \$ 62,700

**NEW SECTION. Sec. 676. FOR WASHINGTON STATE UNIVERSITY**  
Americans with Disabilities Act Pool Account (98-1-993)

Reappropriation:

State Building Construction Account--State \$ 140,159

Prior Biennia (Expenditures) \$ 3,900

Future Biennia (Projected Costs) \$ 0

TOTAL \$ -----  
144,059

**NEW SECTION. Sec. 677. FOR WASHINGTON STATE UNIVERSITY**  
Minor Works: Safety and environmental (98-2-001)

The reappropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

State Building Construction Account--State \$ 958,129

Washington State University Building Account--State \$ 1,749,586

Subtotal Reappropriation \$ -----  
2,707,715

Prior Biennia (Expenditures) \$ 700,085

Future Biennia (Projected Costs) \$ 0

TOTAL \$ -----  
3,407,800

**NEW SECTION. Sec. 678. FOR WASHINGTON STATE UNIVERSITY**  
Minor Works: Program (98-2-002)

The reappropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

Washington State University Building Account--State \$ 4,179,248

|                                     |           |
|-------------------------------------|-----------|
| Prior Biennia (Expenditures) \$     | 1,820,752 |
| Future Biennia (Projected Costs) \$ | 0         |
|                                     | -----     |
| TOTAL \$                            | 6,000,000 |

**NEW SECTION. Sec. 679. FOR WASHINGTON STATE UNIVERSITY**  
Major Equipment: Acquisition (98-2-003)

Reappropriation:

|  |           |
|--|-----------|
| State Building Construction Account--State \$          | 371,310   |
| Washington State University Building Account--State \$ | 800,000   |
|  | -----     |
| Subtotal Reappropriation \$                            | 1,171,310 |

|                                     |           |
|-------------------------------------|-----------|
| Prior Biennia (Expenditures) \$     | 3,828,690 |
| Future Biennia (Projected Costs) \$ | 0         |
|                                     | -----     |
| TOTAL \$                            | 5,000,000 |

**NEW SECTION. Sec. 680. FOR WASHINGTON STATE UNIVERSITY**  
Murrow Hall: Renovation and addition (98-2-008)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

(2) The program scope and project budget for this project shall comply with the approved predesign document on file with the office of financial management.

Reappropriation:

|  |        |
|--|--------|
| Washington State University Building Account--State \$ | 23,645 |
|--|--------|

Appropriation:

|   |            |
|---|------------|
| State Building Construction Account--State \$ | 1,650,000  |
| Prior Biennia (Expenditures) \$               | 81,355     |
| Future Biennia (Projected Costs) \$           | 10,100,000 |
|   | -----      |

TOTAL \$



11,855,000

**NEW SECTION. Sec. 681. FOR WASHINGTON STATE UNIVERSITY**

Cleveland Hall: Renovation and addition (98-2-032)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

(2) The program scope and project budget for this project shall comply with the approved predesign document on file with the office of financial management.

Reappropriation:

Washington State University Building Account--State \$ 37,493

Appropriation:

State Building Construction Account--State \$ 1,400,000

Prior Biennia (Expenditures) \$ 102,507

Future Biennia (Projected Costs) \$ 9,400,000

TOTAL \$ -----  
10,940,000

**NEW SECTION. Sec. 682. FOR WASHINGTON STATE UNIVERSITY**

South Campus Electrical Services: Design and construction (98-2-044)

Reappropriation:

State Building Construction Account--State \$ 313,486

Prior Biennia (Expenditures) \$ 2,586,514

Future Biennia (Projected Costs) \$ 0

TOTAL \$ -----  
2,900,000

**NEW SECTION. Sec. 683. FOR WASHINGTON STATE UNIVERSITY**

Teaching and Learning Center: Design and construction (98-2-062)

The appropriations in this section are subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account--State \$ 1,194,073

Washington State University Building Account--State \$ 611,094

|  |    |            |
|--|----|------------|
| Subtotal Reappropriation                   | \$ | -----      |
|  |    | 1,805,167  |
| Appropriation:                             |    |            |
| State Building Construction Account--State | \$ |            |
|  |    | 28,900,000 |
| Prior Biennia (Expenditures)               | \$ |            |
|  |    | 869,333    |
| Future Biennia (Projected Costs)           | \$ |            |
|  |    | 0          |
|  |    | -----      |
| TOTAL                                      | \$ |            |
|  |    | 31,574,500 |

**NEW SECTION. Sec. 684. FOR WASHINGTON STATE UNIVERSITY**  
Apparel, Merchandise, and Interior Design and Landscape Architecture Building (98-2-072)

The appropriation in this section is subject to the following conditions and limitations:  
(1) The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.  
(2) The program scope and project budget for this project shall comply with the approved predesign document on file with the office of financial management.

|   |    |            |
|---|----|------------|
| Reappropriation:                                    |    |            |
| Washington State University Building Account--State | \$ |            |
|   |    | 20,527     |
| Appropriation:                                      |    |            |
| State Building Construction Account--State          | \$ |            |
|   |    | 2,780,000  |
| Prior Biennia (Expenditures)                        | \$ |            |
|   |    | 77,473     |
| Future Biennia (Projected Costs)                    | \$ |            |
|   |    | 26,400,000 |
|   |    | -----      |
| TOTAL   | \$ |            |
|   |    | 29,278,000 |

**NEW SECTION. Sec. 685. FOR WASHINGTON STATE UNIVERSITY**  
WSUnet: Infrastructure (98-2-074)

|   |    |           |
|---|----|-----------|
| Reappropriation:                                    |    |           |
| Washington State University Building Account--State | \$ |           |
|   |    | 750,000   |
| Appropriation:                                      |    |           |
| Washington State University Building Account--State | \$ |           |
|   |    | 3,000,000 |
| Prior Biennia (Expenditures)                        | \$ |           |
|   |    | 3,325,000 |

|                                     |            |
|-------------------------------------|------------|
| Future Biennia (Projected Costs) \$ | 12,000,000 |
|                                     | -----      |
| TOTAL \$                            | 19,075,000 |

**NEW SECTION. Sec. 686. FOR WASHINGTON STATE UNIVERSITY**  
**WSU Spokane - Health Sciences Building (98-2-903)**

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation in this section is subject to the review and allotment procedures under sections 902 through 904 of this act.

(2) No money from the reappropriation may be expended in a manner that is inconsistent with the recommendations of the higher education coordinating board and the project design, scope, and schedule approved by the office of financial management.

(3) Design and construction of this building shall accommodate at least 240 additional full-time equivalent students on the Riverpoint campus.

Reappropriation:

|   |           |
|---|-----------|
| State Building Construction Account--State \$ | 1,871,010 |
|---|-----------|

Appropriation:

|   |            |
|---|------------|
| Higher Education Construction Account--State \$ | 36,300,000 |
|---|------------|

|                                 |         |
|---------------------------------|---------|
| Prior Biennia (Expenditures) \$ | 814,365 |
|---------------------------------|---------|

|                                     |       |
|-------------------------------------|-------|
| Future Biennia (Projected Costs) \$ | 0     |
|                                     | ----- |

|          |            |
|----------|------------|
| TOTAL \$ | 38,985,375 |
|----------|------------|

**NEW SECTION. Sec. 687. FOR WASHINGTON STATE UNIVERSITY**  
**WSU Tri-Cities - Science Education Center (98-2-905)**

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation in this section is subject to the review and allotment procedures under sections 902 through 904 of this act.

(2) The program scope and project budget for this project shall comply with the approved predesign document on file with the office of financial management.

Reappropriation:

|   |       |
|---|-------|
| State Building Construction Account--State \$ | 4,954 |
|---|-------|

|                                 |         |
|---------------------------------|---------|
| Prior Biennia (Expenditures) \$ | 135,046 |
|---------------------------------|---------|

|                                     |            |
|-------------------------------------|------------|
| Future Biennia (Projected Costs) \$ | 22,500,000 |
|                                     | -----      |

TOTAL \$ 22,640,000

**NEW SECTION. Sec. 688. FOR WASHINGTON STATE UNIVERSITY**  
WSU Vancouver: Phase II (98-2-911)

The reappropriation in this section is subject to the following conditions and limitations:

(1) No money from this appropriation may be expended that would be inconsistent with the recommendations of the higher education coordinating board and the project design, scope, and schedule approved by the office of financial management.

(2) The reappropriation in this section is subject to the review and allotment procedures under sections 902 through 904 of this act.

(3) This reappropriation includes the design phase of the engineering/life science building and multimedia building and to construct campus infrastructure and physical plant shops. Section 653 of this act appropriates the funds for construction phase and equipping the engineering/life science building.

Reappropriation:

|   |            |
|---|------------|
| State Building Construction Account--State \$ | 11,054,521 |
| Prior Biennia (Expenditures) \$               | 2,445,479  |
| Future Biennia (Projected Costs) \$           | 0          |
|   | -----      |
| TOTAL \$                                      | 13,500,000 |

**NEW SECTION. Sec. 689. FOR EASTERN WASHINGTON UNIVERSITY**  
Senior Hall: Renovation (00-1-003)

To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 2000.

Appropriation:

|   |            |
|---|------------|
| State Building Construction Account--State \$ | 100,000    |
| Prior Biennia (Expenditures) \$               | 0          |
| Future Biennia (Projected Costs) \$           | 11,600,000 |
|   | -----      |
| TOTAL \$                                      | 11,700,000 |

**NEW SECTION. Sec. 690. FOR EASTERN WASHINGTON UNIVERSITY**  
Minor Works: Preservation (00-1-004)

The appropriations in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

|  |           |
|--|-----------|
| State Building Construction Account--State \$                    | 16,000    |
| Eastern Washington University Capital Projects Account--State \$ | 1,310,000 |
|  | -----     |
| Subtotal Reappropriation \$                                      | 1,326,000 |

Appropriation:

|  |           |
|--|-----------|
| State Building Construction Account--State \$                    | 1,000,000 |
| Eastern Washington University Capital Projects Account--State \$ | 2,000,000 |
|  | -----     |
| Subtotal Appropriation \$  | 3,000,000 |

|                                     |            |
|-------------------------------------|------------|
| Prior Biennia (Expenditures) \$     | 9,096,505  |
| Future Biennia (Projected Costs) \$ | 14,000,000 |
|                                     | -----      |
| TOTAL \$                            | 27,422,505 |

**NEW SECTION. Sec. 691. FOR EASTERN WASHINGTON UNIVERSITY**  
 Infrastructure Project: Savings (00-1-999)

Projects that are completed in accordance with section 911 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilating, and air conditioning repairs; (7) emergency repairs due to natural disasters or accidents; and, (8) critical year 2000 embedded chip modifications.

Appropriation:

|   |       |
|---|-------|
| State Building Construction Account--State \$ | 1     |
| Prior Biennia (Expenditures) \$               | 0     |
| Future Biennia (Projected Costs) \$           | 0     |
|   | ----- |
| TOTAL \$                                      | 1     |

**NEW SECTION. Sec. 692. FOR EASTERN WASHINGTON UNIVERSITY**  
 Minor Works: Program (00-2-002)

The appropriations in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

|  |           |
|--|-----------|
| State Building Construction Account--State \$                    | 381,000   |
| Eastern Washington University Capital Projects Account--State \$ | 702,502   |
|  | -----     |
| Subtotal Reappropriation \$                                      | 1,083,502 |

Appropriation:

|  |            |
|--|------------|
| Eastern Washington University Capital Projects Account--State \$ | 2,190,000  |
| Prior Biennia (Expenditures) \$                                  | 5,956,138  |
| Future Biennia (Projected Costs) \$                              | 11,600,000 |
|  | -----      |
| TOTAL \$   | 20,829,640 |

**NEW SECTION. Sec. 693. FOR EASTERN WASHINGTON UNIVERSITY**  
 Campus Network and Cable: Replacement (90-2-004)

Reappropriation:

|   |         |
|---|---------|
| State Building Construction Account--State \$ | 500,000 |
|---|---------|

Appropriation:

|   |            |
|---|------------|
| State Building Construction Account--State \$ | 1,000,000  |
| Prior Biennia (Expenditures) \$               | 6,173,800  |
| Future Biennia (Projected Costs) \$           | 4,000,000  |
|   | -----      |
| TOTAL \$                                      | 11,673,800 |

**NEW SECTION. Sec. 694. FOR EASTERN WASHINGTON UNIVERSITY**  
 JFK Library Addition and Remodel: Construction (90-5-003)

Reappropriation:

|   |         |
|---|---------|
| State Building Construction Account--State \$ | 300,000 |
|---|---------|

|   |    |            |
|---|----|------------|
| Eastern Washington University Capital Projects Account--State | \$ | 34,662     |
|   |    | -----      |
| Subtotal Reappropriation                                      | \$ | 334,662    |
| Prior Biennia (Expenditures)                                  | \$ | 20,381,581 |
| Future Biennia (Projected Costs)                              | \$ | 0          |
|   |    | -----      |
| TOTAL   | \$ | 20,716,243 |

**NEW SECTION. Sec. 695. FOR EASTERN WASHINGTON UNIVERSITY**  
 Chillers, Heating, Ventilation, and Air Conditioning (94-1-003)

Reappropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 153,000   |
| Prior Biennia (Expenditures)               | \$ | 2,444,711 |
| Future Biennia (Projected Costs)           | \$ | 0         |
|  |    | -----     |
| TOTAL                                      | \$ | 2,597,711 |

**NEW SECTION. Sec. 696. FOR EASTERN WASHINGTON UNIVERSITY**  
 Monroe Hall: Renovation (96-1-002)

The appropriations in this section are subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

|  |    |         |
|--|----|---------|
| State Building Construction Account--State | \$ | 395,000 |
|--|----|---------|

Appropriation:

|   |    |            |
|---|----|------------|
| State Building Construction Account--State                    | \$ | 10,750,000 |
| Eastern Washington University Capital Projects Account--State | \$ | 250,000    |
|   |    | -----      |
| Subtotal Appropriation  | \$ | 11,000,000 |

|                                  |    |         |
|----------------------------------|----|---------|
| Prior Biennia (Expenditures)     | \$ | 629,000 |
| Future Biennia (Projected Costs) | \$ |         |

0

TOTAL \$

-----  
12,024,000

**NEW SECTION. Sec. 697. FOR EASTERN WASHINGTON UNIVERSITY**  
Campus Classroom: Renewal (96-2-001)

Reappropriation:

State Building Construction Account--State \$ 448,000  
Eastern Washington University Capital Projects Account--State \$ 457,191

Subtotal Reappropriation \$

-----  
905,191

Appropriation:

State Building Construction Account--State \$ 1,000,000  
Eastern Washington University Capital Projects Account--State \$ 500,000

Subtotal Appropriation \$

-----  
1,500,000

Prior Biennia (Expenditures) \$

4,244,809

Future Biennia (Projected Costs) \$

10,700,000

TOTAL \$

-----  
17,350,000

**NEW SECTION. Sec. 698. FOR EASTERN WASHINGTON UNIVERSITY**  
Water System: Preservation and expansion (98-1-002)

Reappropriation:

State Building Construction Account--State \$ 290,000

Appropriation:

Eastern Washington University Capital Projects Account--State \$ 880,000

Prior Biennia (Expenditures) \$

210,000

Future Biennia (Projected Costs) \$

7,500,000

-----



TOTAL \$ 8,880,000

**NEW SECTION. Sec. 699. FOR EASTERN WASHINGTON UNIVERSITY**  
Electrical Substations: Preservation (98-1-004)

Reappropriation:

State Building Construction Account--State \$ 2,872,000

Prior Biennia (Expenditures) \$ 128,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,000,000

**NEW SECTION. Sec. 700. FOR EASTERN WASHINGTON UNIVERSITY**  
Roof Replacements (98-1-006)

Reappropriation:

State Building Construction Account--State \$ 475,000

Prior Biennia (Expenditures) \$ 4,230,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 4,705,000

**NEW SECTION. Sec. 701. FOR EASTERN WASHINGTON UNIVERSITY**  
Infrastructure: Preservation (98-1-007)

The appropriations in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

State Building Construction Account--State \$ 3,662,000

Appropriation:

State Building Construction Account--State \$ 1,000,000

Prior Biennia (Expenditures) \$ 338,000

Future Biennia (Projected Costs) \$ 4,000,000

TOTAL \$ 9,000,000

**NEW SECTION. Sec. 702. FOR EASTERN WASHINGTON UNIVERSITY**  
Heating, Ventilation, and Air Conditioning Systems: Preservation (98-1-008)

Reappropriation:

State Building Construction Account--State \$ 799,000

Prior Biennia (Expenditures) \$ 201,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,000,000

**NEW SECTION. Sec. 703. FOR EASTERN WASHINGTON UNIVERSITY**  
Boiler Plant Expansion (98-1-011)

Reappropriation:

State Building Construction Account--State \$ 400,000

Eastern Washington University Capital Projects Account--State \$ 106,415

Subtotal Reappropriation \$ 506,415

Appropriation:

State Building Construction Account--State \$ 6,725,000

Prior Biennia (Expenditures) \$ 277,210

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 7,508,625

**NEW SECTION. Sec. 704. FOR EASTERN WASHINGTON UNIVERSITY**  
Childcare Center (00-02-003)

Appropriation:

State Building Construction Account--State \$ 539,000

Eastern Washington University Capital Projects Account--State \$ 600,000

|                                  |    |       |           |
|----------------------------------|----|-------|-----------|
| Subtotal Appropriation           | \$ | ----- |           |
|                                  |    |       | 1,139,000 |
| Prior Biennia (Expenditures)     | \$ |       | 0         |
| Future Biennia (Projected Costs) | \$ |       | 0         |
|                                  |    | ----- |           |
| TOTAL                            | \$ |       | 1,139,000 |

**NEW SECTION. Sec. 705. FOR CENTRAL WASHINGTON UNIVERSITY**  
**Infrastructure Project: Savings (00-1-001)**

Projects that are completed in accordance with section 911 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilating, and air conditioning repairs; (7) emergency repairs due to natural disasters or accidents; and (8) critical year 2000 embedded chip modifications.

Appropriation:

|  |    |       |   |
|--|----|-------|---|
| State Building Construction Account--State | \$ |       | 1 |
| Prior Biennia (Expenditures)               | \$ |       | 0 |
| Future Biennia (Projected Costs)           | \$ |       | 0 |
|  |    | ----- |   |
| TOTAL                                      | \$ |       | 1 |

**NEW SECTION. Sec. 706. FOR CENTRAL WASHINGTON UNIVERSITY**  
**Minor Works: Preservation (00-1-120)**

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

|   |    |       |            |
|---|----|-------|------------|
| Central Washington University Capital Projects Account--State | \$ |       | 3,000,000  |
| Prior Biennia (Expenditures)                                  | \$ |       | 0          |
| Future Biennia (Projected Costs)                              | \$ |       | 27,500,000 |
|   |    | ----- |            |
| TOTAL   | \$ |       | 30,500,000 |

**NEW SECTION. Sec. 707. FOR CENTRAL WASHINGTON UNIVERSITY**  
Music Facility (00-2-001)

Appropriation:

|   |            |
|---|------------|
| State Building Construction Account--State \$ | 2,300,000  |
| Prior Biennia (Expenditures) \$               | 116,372    |
| Future Biennia (Projected Costs) \$           | 24,600,000 |
|   | -----      |
| TOTAL \$                                      | 27,016,372 |

**NEW SECTION. Sec. 708. FOR CENTRAL WASHINGTON UNIVERSITY**  
Minor Works: Program (00-2-110)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

|  |            |
|--|------------|
| Central Washington University Capital Projects Account--State \$ | 3,000,000  |
| Prior Biennia (Expenditures) \$                                  | 0          |
| Future Biennia (Projected Costs) \$                              | 13,000,000 |
|  | -----      |
| TOTAL \$   | 16,000,000 |

**NEW SECTION. Sec. 709. FOR CENTRAL WASHINGTON UNIVERSITY**  
Fiber Optic Backbone: Upgrade (00-2-130)

Appropriation:

|  |           |
|--|-----------|
| Central Washington University Capital Projects Account--State \$ | 500,000   |
| Prior Biennia (Expenditures) \$                                  | 0         |
| Future Biennia (Projected Costs) \$                              | 2,550,000 |
|  | -----     |
| TOTAL \$   | 3,050,000 |

**NEW SECTION. Sec. 710. FOR CENTRAL WASHINGTON UNIVERSITY**  
Science Facility: Design and construction (94-2-002)

The reappropriations in this section are subject to the review and allotment procedures under sections 902 through 904 of this act.

Reappropriation:

|  |            |
|--|------------|
| State Building Construction Account--State \$                    | 1,500,000  |
| Central Washington University Capital Projects Account--State \$ | 600,000    |
|  | -----      |
| Subtotal Reappropriation \$                                      | 2,100,000  |
| Prior Biennia (Expenditures) \$                                  | 56,293,500 |
| Future Biennia (Projected Costs) \$                              | 0          |
|  | -----      |
| TOTAL \$   | 58,393,500 |

**NEW SECTION. Sec. 711. FOR CENTRAL WASHINGTON UNIVERSITY**  
Black Hall: Design and construction (94-2-010)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

|   |            |
|---|------------|
| State Building Construction Account--State \$ | 1,000,000  |
| Prior Biennia (Expenditures) \$               | 26,403,401 |
| Future Biennia (Projected Costs) \$           | 0          |
|   | -----      |
| TOTAL \$                                      | 27,403,401 |

**NEW SECTION. Sec. 712. FOR CENTRAL WASHINGTON UNIVERSITY**  
Minor Works: Infrastructure preservation (96-1-040)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation in this section shall support the detailed list of projects maintained by the office of financial management.

(2) No money from this reappropriation may be expended for remodeling or repairing the president's residence.

Reappropriation:

|  |         |
|--|---------|
| Central Washington University Capital Projects Account--State \$ | 100,000 |
|--|---------|

|                                     |           |
|-------------------------------------|-----------|
| Prior Biennia (Expenditures) \$     | 2,300,000 |
| Future Biennia (Projected Costs) \$ | 0         |
|                                     | -----     |
| TOTAL \$                            | 2,400,000 |

**NEW SECTION. Sec. 713. FOR CENTRAL WASHINGTON UNIVERSITY**  
Minor Works: Preservation (96-1-120)

The reappropriation in this section is subject to the following conditions and limitations:  
(1) The reappropriation in this section shall support the detailed list of projects maintained by the office of financial management.  
(2) A maximum of \$85,000 from this reappropriation may be expended for remodeling the president's residence.

Reappropriation:

|  |           |
|--|-----------|
| Central Washington University Capital Projects Account--State \$ | 500,000   |
| Prior Biennia (Expenditures) \$                                  | 1,700,000 |
| Future Biennia (Projected Costs) \$                              | 0         |
|  | -----     |
| TOTAL \$   | 2,200,000 |

**NEW SECTION. Sec. 714. FOR CENTRAL WASHINGTON UNIVERSITY**  
Minor Works: Program (96-2-130)

The reappropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

|  |           |
|--|-----------|
| Central Washington University Capital Projects Account--State \$ | 75,000    |
| Prior Biennia (Expenditures) \$                                  | 2,425,000 |
| Future Biennia (Projected Costs) \$                              | 0         |
|  | -----     |
| TOTAL \$   | 2,500,000 |

**NEW SECTION. Sec. 715. FOR CENTRAL WASHINGTON UNIVERSITY**  
Heating System Improvements (98-1-030)

Reappropriation:

|   |           |
|---|-----------|
| State Building Construction Account--State \$ | 1,000,000 |
| Prior Biennia (Expenditures) \$               | 450,000   |
| Future Biennia (Projected Costs) \$           | 0         |
|   | -----     |
| TOTAL \$                                      | 1,450,000 |

**NEW SECTION. Sec. 716. FOR CENTRAL WASHINGTON UNIVERSITY**  
**Electrical Utility: Upgrade (98-1-110)**

|   |           |
|---|-----------|
| Reappropriation:                              |           |
| State Building Construction Account--State \$ | 2,300,000 |
| Appropriation:                                |           |
| State Building Construction Account--State \$ | 3,700,000 |
| Prior Biennia (Expenditures) \$               | 200,000   |
| Future Biennia (Projected Costs) \$           | 0         |
|   | -----     |
| TOTAL \$                                      | 6,200,000 |

**NEW SECTION. Sec. 717. FOR CENTRAL WASHINGTON UNIVERSITY**  
**Steamline Replacement (98-1-120)**

|  |           |
|--|-----------|
| Reappropriation:   |           |
| Central Washington University Capital Projects Account--State \$ | 100,000   |
| Appropriation:   |           |
| State Building Construction Account--State \$                    | 1,500,000 |
| Prior Biennia (Expenditures) \$                                  | 1,350,000 |
| Future Biennia (Projected Costs) \$                              | 4,500,000 |
|  | -----     |
| TOTAL \$   | 7,450,000 |

**NEW SECTION. Sec. 718. FOR CENTRAL WASHINGTON UNIVERSITY**  
**Minor Works: Preservation (98-1-130)**

Reappropriation:

|   |    |           |
|---|----|-----------|
| Central Washington University Capital Projects Account--State | \$ | 1,700,000 |
| Prior Biennia (Expenditures)                                  | \$ | 1,463,000 |
| Future Biennia (Projected Costs)                              | \$ | 0         |
|   |    | -----     |
| TOTAL   | \$ | 3,163,000 |

**NEW SECTION. Sec. 719. FOR CENTRAL WASHINGTON UNIVERSITY**  
**Building Indoor Air Quality: Improvements (98-1-170)**

Reappropriation:

|   |    |         |
|---|----|---------|
| Central Washington University Capital Projects Account--State | \$ | 200,000 |
| Prior Biennia (Expenditures)                                  | \$ | 229,000 |
| Future Biennia (Projected Costs)                              | \$ | 0       |
|   |    | -----   |
| TOTAL   | \$ | 429,000 |

**NEW SECTION. Sec. 720. FOR CENTRAL WASHINGTON UNIVERSITY**  
**SeaTac Center Building: Renovation (98-2-010)**

Reappropriation:

|  |    |         |
|--|----|---------|
| State Building Construction Account--State | \$ | 500,000 |
| Prior Biennia (Expenditures)               | \$ | 162,500 |
| Future Biennia (Projected Costs)           | \$ | 0       |
|  |    | -----   |
| TOTAL                                      | \$ | 662,500 |

**NEW SECTION. Sec. 721. FOR CENTRAL WASHINGTON UNIVERSITY**  
**Lynnwood Higher Education Center (98-2-080)**

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

(2) The program scope and project budget for this project shall comply with the approved predesign document on file with the office of financial management.

(3) The design of this facility shall be based on a combination of construction funding included in this section, the state board for community and technical colleges, and in section 905 of this act.



|  |           |
|--|-----------|
| Reappropriation:   |           |
| Central Washington University Capital Projects Account--State \$ | 875,000   |
| Appropriation:   |           |
| State Building Construction Account--State \$                    | 4,000,000 |
| Central Washington University Capital Projects Account--State \$ | 1,000,000 |
|  | -----     |
| Subtotal Appropriation \$  | 5,000,000 |
| Prior Biennia (Expenditures) \$                                  | 125,000   |
| Future Biennia (Projected Costs) \$                              | 0         |
|  | -----     |
| TOTAL \$   | 6,000,000 |

**NEW SECTION. Sec. 722. FOR CENTRAL WASHINGTON UNIVERSITY**  
 Minor Works: Program (98-2-135)

The reappropriation in this section shall support the detailed list of projects maintained by the office of financial management.

|  |           |
|--|-----------|
| Reappropriation:   |           |
| Central Washington University Capital Projects Account--State \$ | 600,000   |
| Prior Biennia (Expenditures) \$                                  | 1,782,000 |
| Future Biennia (Projected Costs) \$                              | 0         |
|  | -----     |
| TOTAL \$   | 2,382,000 |

**NEW SECTION. Sec. 723. FOR THE EVERGREEN STATE COLLEGE**  
 Minor Works: Safety and code (00-1-001)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

|   |           |
|---|-----------|
| Appropriation:                                |           |
| State Building Construction Account--State \$ | 1,900,000 |
| Prior Biennia (Expenditures) \$               | 0         |
| Future Biennia (Projected Costs) \$           | 0         |

11,000,000

TOTAL \$

-----  
12,900,000

**NEW SECTION. Sec. 724. FOR THE EVERGREEN STATE COLLEGE**

Minor Works: Preservation (00-1-002)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

The Evergreen State College Capital Projects Account--State \$

3,600,000

Prior Biennia (Expenditures) \$

0

Future Biennia (Projected Costs) \$

13,800,000

TOTAL \$

-----  
17,400,000

**NEW SECTION. Sec. 725. FOR THE EVERGREEN STATE COLLEGE**

Emergency and Small Repairs (00-1-003)

Appropriation:

The Evergreen State College Capital Projects Account--State \$

560,000

Prior Biennia (Expenditures) \$

0

Future Biennia (Projected Costs) \$

2,510,000

TOTAL \$

-----  
3,070,000

**NEW SECTION. Sec. 726. FOR THE EVERGREEN STATE COLLEGE**

Infrastructure Project: Savings (00-1-004)

Projects that are completed in accordance with section 911 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilating, and air conditioning repairs; (7) emergency repairs due to natural disasters or accidents; and (8) critical year 2000 embedded chip modifications.

Appropriation:

State Building Construction Account--State \$

|                                     |       |
|-------------------------------------|-------|
| Prior Biennia (Expenditures) \$     | 0     |
| Future Biennia (Projected Costs) \$ | 0     |
|                                     | ----- |
| TOTAL \$                            | 1     |

**NEW SECTION. Sec. 727. FOR THE EVERGREEN STATE COLLEGE**  
**Lab II First Floor Remodel - CAL and Adjacent Labs (00-2-005)**

Appropriation:

|   |           |
|---|-----------|
| State Building Construction Account--State \$ | 2,600,000 |
| Prior Biennia (Expenditures) \$               | 0         |
| Future Biennia (Projected Costs) \$           | 0         |
|   | -----     |
| TOTAL \$                                      | 2,600,000 |

**NEW SECTION. Sec. 728. FOR THE EVERGREEN STATE COLLEGE**  
**Minor Works: Program (00-2-007)**

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

|  |           |
|--|-----------|
| State Building Construction Account--State \$                  | 1,000,000 |
| The Evergreen State College Capital Projects Account--State \$ | 100,000   |
|  | -----     |
| Subtotal Appropriation \$                                      | 1,100,000 |
| Prior Biennia (Expenditures) \$                                | 0         |
| Future Biennia (Projected Costs) \$                            | 7,250,000 |
|  | -----     |
| TOTAL \$   | 8,350,000 |

**NEW SECTION. Sec. 729. FOR THE EVERGREEN STATE COLLEGE**  
**Library Building - Technology Center (00-2-008)**

To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 2000.

Appropriation:

|   |    |            |
|---|----|------------|
| The Evergreen State College Capital Projects Account--State | \$ | 150,000    |
| Prior Biennia (Expenditures)                                | \$ | 0          |
| Future Biennia (Projected Costs)                            | \$ | 16,450,000 |
|   |    | -----      |
| TOTAL   | \$ | 16,600,000 |

**NEW SECTION. Sec. 730. FOR THE EVERGREEN STATE COLLEGE**

Minor Works: Safety and code (98-1-001)

The reappropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 166,000   |
| Prior Biennia (Expenditures)               | \$ | 2,284,000 |
| Future Biennia (Projected Costs)           | \$ | 0         |
|  |    | -----     |
| TOTAL                                      | \$ | 2,450,000 |

**NEW SECTION. Sec. 731. FOR THE EVERGREEN STATE COLLEGE**

Minor Works: Preservation (98-1-002)

The reappropriations in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

|   |    |           |
|---|----|-----------|
| State Building Construction Account--State                  | \$ | 1,304,319 |
| The Evergreen State College Capital Projects Account--State | \$ | 249,389   |
|   |    | -----     |
| Subtotal Reappropriation                                    | \$ | 1,553,708 |
| Prior Biennia (Expenditures)                                | \$ | 1,070,631 |

|                                     |           |
|-------------------------------------|-----------|
| Future Biennia (Projected Costs) \$ | 0         |
|                                     | -----     |
| TOTAL \$                            | 2,624,339 |

**NEW SECTION. Sec. 732. FOR THE EVERGREEN STATE COLLEGE**  
Seminar Phase II: Design (98-2-004)

The appropriation in this section is subject to the following conditions and limitations:  
 (1) The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.  
 (2) The program scope and project budget for this project shall comply with the approved predesign document on file with the office of financial management.

Appropriation:

|   |            |
|---|------------|
| State Building Construction Account--State \$ | 3,000,000  |
| Prior Biennia (Expenditures) \$               | 140,000    |
| Future Biennia (Projected Costs) \$           | 34,600,000 |
|   | -----      |
| TOTAL \$                                      | 37,740,000 |

**NEW SECTION. Sec. 733. FOR THE EVERGREEN STATE COLLEGE**  
Minor Works: Program (98-2-006)

The reappropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

|  |           |
|--|-----------|
| The Evergreen State College Capital Projects Account--State \$ | 1,442,084 |
| Prior Biennia (Expenditures) \$                                | 357,916   |
| Future Biennia (Projected Costs) \$                            | 0         |
|  | -----     |
| TOTAL \$   | 1,800,000 |

**NEW SECTION. Sec. 734. FOR WESTERN WASHINGTON UNIVERSITY**  
Minor Works: Preservation (00-1-068)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

|   |            |
|---|------------|
| State Building Construction Account--State \$ | 4,500,000  |
| Prior Biennia (Expenditures) \$               | 0          |
| Future Biennia (Projected Costs) \$           | 24,800,000 |
|   | -----      |
| TOTAL \$                                      | 29,300,000 |

**NEW SECTION. Sec. 735. FOR WESTERN WASHINGTON UNIVERSITY**

Minor Works: Program (00-2-069)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

|  |            |
|--|------------|
| Western Washington University Capital Projects Account--State \$ | 6,730,000  |
| Prior Biennia (Expenditures) \$                                  | 0          |
| Future Biennia (Projected Costs) \$                              | 24,500,000 |
|  | -----      |
| TOTAL \$   | 31,230,000 |

**NEW SECTION. Sec. 736. FOR WESTERN WASHINGTON UNIVERSITY**

Infrastructure Project: Savings (94-1-999)

Projects that are completed in accordance with section 911 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilating, and air conditioning repairs; (7) emergency repairs due to natural disasters or accidents; and (8) critical year 2000 embedded chip modifications.

Reappropriation:

|   |         |
|---|---------|
| State Building Construction Account--State \$ | 1       |
| Prior Biennia (Expenditures) \$               | 970,000 |
| Future Biennia (Projected Costs) \$           | 0       |
|   | -----   |
| TOTAL \$                                      | 970,001 |

**NEW SECTION. Sec. 737. FOR WESTERN WASHINGTON UNIVERSITY**  
Haggard Hall Renovation and Abatement: Construction (94-2-015)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

|   |            |
|---|------------|
| State Building Construction Account--State \$ | 1,900,000  |
| Prior Biennia (Expenditures) \$               | 20,304,405 |
| Future Biennia (Projected Costs) \$           | 0          |
|   | -----      |
| TOTAL \$                                      | 22,204,405 |

**NEW SECTION. Sec. 738. FOR WESTERN WASHINGTON UNIVERSITY**  
Campus Services Facility: Construction (96-2-025)

The appropriations in this section are subject to the following conditions and limitations:  
(1) The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.  
(2) The university shall comply with local comprehensive land use laws and regulations for this project.

Reappropriation:

|   |         |
|---|---------|
| State Building Construction Account--State \$ | 958,000 |
|---|---------|

Appropriation:

|   |            |
|---|------------|
| State Building Construction Account--State \$ | 10,100,000 |
| Prior Biennia (Expenditures) \$               | 333,800    |
| Future Biennia (Projected Costs) \$           | 0          |
|   | -----      |
| TOTAL \$                                      | 11,391,800 |

**NEW SECTION. Sec. 739. FOR WESTERN WASHINGTON UNIVERSITY**  
Integrated Signal Distribution: Construction (96-2-056)

Reappropriation:

|   |           |
|---|-----------|
| State Building Construction Account--State \$ | 5,800,000 |
|---|-----------|

Appropriation:

|   |           |
|---|-----------|
| State Building Construction Account--State \$ | 4,000,000 |
|---|-----------|

|                                     |            |
|-------------------------------------|------------|
| Prior Biennia (Expenditures) \$     | 3,677,900  |
| Future Biennia (Projected Costs) \$ | 0          |
|                                     | -----      |
| TOTAL \$                            | 13,477,900 |

**NEW SECTION. Sec. 470. FOR WESTERN WASHINGTON UNIVERSITY**  
Minor Works: Preservation (98-1-064)

The reappropriations in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

|  |           |
|--|-----------|
| State Building Construction Account--State \$                    | 2,100,000 |
| Western Washington University Capital Projects Account--State \$ | 1,800,000 |
|  | -----     |
| Subtotal Reappropriation \$                                      | 3,900,000 |
| Prior Biennia (Expenditures) \$                                  | 2,800,000 |
| Future Biennia (Projected Costs) \$                              | 0         |
|  | -----     |
| TOTAL \$   | 6,700,000 |

**NEW SECTION. Sec. 740. FOR WESTERN WASHINGTON UNIVERSITY**  
Facility and Property Acquisition (98-2-023)

The university shall comply with local comprehensive land use laws and regulations for this project.

Reappropriation:

|   |           |
|---|-----------|
| State Building Construction Account--State \$ | 2,720,000 |
|---|-----------|

Appropriation:

|  |           |
|--|-----------|
| Western Washington University Capital Projects Account--State \$ | 1,000,000 |
| Prior Biennia (Expenditures) \$                                  | 1,280,000 |
| Future Biennia (Projected Costs) \$                              | 4,000,000 |
|  | -----     |

TOTAL \$



9,000,000

**NEW SECTION. Sec. 742. FOR WESTERN WASHINGTON UNIVERSITY**  
Campus Infrastructure: Development (98-2-024)

The university shall comply with local comprehensive land use laws and regulations for this project.

Appropriation:

|   |            |
|---|------------|
| State Building Construction Account--State \$ | 2,000,000  |
| Prior Biennia (Expenditures) \$               | 450,000    |
| Future Biennia (Projected Costs) \$           | 20,000,000 |
|   | -----      |
| TOTAL \$                                      | 22,450,000 |

**NEW SECTION. Sec. 743. FOR WESTERN WASHINGTON UNIVERSITY**  
Communications Facility: Design (98-2-053)

The appropriation in this section is subject to the following conditions and limitations:  
(1) The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.  
(2) The program scope and project budget for this project shall comply with the approved predesign document on file with the office of financial management.

Appropriation:

|   |            |
|---|------------|
| State Building Construction Account--State \$ | 3,750,000  |
| Prior Biennia (Expenditures) \$               | 204,400    |
| Future Biennia (Projected Costs) \$           | 36,500,000 |
|   | -----      |
| TOTAL \$                                      | 40,454,400 |

**NEW SECTION. Sec. 744. FOR WESTERN WASHINGTON UNIVERSITY**  
Minor Works: Program (98-2-063)

The reappropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

|  |           |
|--|-----------|
| Western Washington University Capital Projects Account--State \$ | 3,300,000 |
| Prior Biennia (Expenditures) \$                                  |           |

|                                     |           |
|-------------------------------------|-----------|
| Future Biennia (Projected Costs) \$ | 2,328,529 |
|                                     | 0         |
|                                     | -----     |
| TOTAL \$                            | 5,628,529 |

**NEW SECTION. Sec. 745. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**  
 Stadium Way Facility: Seismic and infrastructure repair (96-1-102)

The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Appropriation:

|   |           |
|---|-----------|
| State Building Construction Account--State \$ | 1,745,000 |
| Prior Biennia (Expenditures) \$               | 3,422,626 |
| Future Biennia (Projected Costs) \$           | 0         |
|   | -----     |
| TOTAL \$                                      | 5,167,626 |

**NEW SECTION. Sec. 746. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**  
 State Capital Museum: Preservation (98-1-001)

Appropriation:

|   |           |
|---|-----------|
| State Building Construction Account--State \$ | 284,000   |
| Prior Biennia (Expenditures) \$               | 200,000   |
| Future Biennia (Projected Costs) \$           | 1,150,000 |
|   | -----     |
| TOTAL \$                                      | 1,634,000 |

**NEW SECTION. Sec. 747. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**  
 Minor Works (98-1-003)

Appropriation:

|   |         |
|---|---------|
| State Building Construction Account--State \$ | 90,000  |
| Prior Biennia (Expenditures) \$               | 83,000  |
| Future Biennia (Projected Costs) \$           | 390,000 |

TOTAL \$

-----  
563,000

**NEW SECTION. Sec. 748. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**  
Washington Heritage Projects (98-2-004)

The appropriation in this section is subject to the following conditions and limitations:

(1) The state grant may provide no more than one-third of the actual total capital cost of the project, or the amount of state assistance listed in this section, whichever is less. The remaining portions of capital project costs shall be a match from nonstate sources. The match may include cash, land value, and documented in-kind gifts and support. State grants shall be disbursed in the order in which matching requirements are met. The society may only fund projects that demonstrate adequate progress and have secured the necessary match funding. The recommendation for funding in this section does not imply a commitment on the part of the state. Those projects listed in subsection (3) of this section that do not receive funding from the appropriations in this section shall be required to recompile in order to receive future funding.

(2) By December 15, 1999, the society shall submit a report to the appropriate fiscal committees of the legislature and to the office of financial management on the progress of the heritage program, including a list of projects funded under this section.

(3) The appropriation is provided for the following list of projects:

| Organization                                  | Amount Recommended | Total Project Cost |
|---|--------------------|--------------------|
| Port Townsend Marine Science Center           | 70,000             | 711,530            |
| Yakima Valley Museum                          | 400,000            | 3,266,771          |
| Northwest Railway Museum                      | 118,000            | 377,209            |
| Columbia Breaks Fire Interpretive Center      | 48,298             | 175,764            |
| Fort Nisqually Historic Site                  | 121,435            | 364,303            |
| Kittitas County                               | 500,000            | 2,878,285          |
| South Whidbey Historical Society              | 25,000             | 114,301            |
| Shoreline Historical Museum                   | 196,073            | 597,148            |
| Okanogan County                               | 113,000            | 459,342            |
| North Central Washington Museum               | 500,000            | 2,572,750          |
| Historic Seattle Public Development Authority | 330,000            | 4,781,600          |
| Pearson Field                                 | 250,000            | 1,154,711          |
| Touchet Valley                                | 180,000            | 632,607            |
| Anacortes Museum - W.T. Preston               | 54,004             | 195,198            |
| Whatcom Museum                                | 360,000            | 2,929,050          |
| Oysterville Community Club                    | 37,799             | 113,400            |
| Meadowbrook Farm                              | 94,000             | 4,208,000          |
| City of Lynnwood (9971)                       | 50,391             | 151,175            |
| Grays Harbor Historical Seaport               | 220,000            | 3,865,800          |
| Lewis County                                  | 25,000             | 80,574             |
| City of Des Moines                            | 120,000            | 712,852            |
| Steilacoom Historical Society                 | 187,000            | 905,739            |
| Kalispel Tribe                                | 132,000            | 3,943,744          |
| White River Valley Museum                     | 71,000             | 312,520            |
| Whitman County Historical Society             | 50,013             | 150,325            |
| City of Stanwood                              | 249,873            | 788,564            |
| Maritime Heritage Foundation                  | 500,000            | 37,750,000         |
| Highline School District                      | 363,575            | 1,090,725          |
| Total Recommended                             | 5,481,374          |                    |

|   |            |
|---|------------|
| Reappropriation:                              |            |
| State Building Construction Account--State \$ | 815,000    |
| Appropriation:                                |            |
| State Building Construction Account--State \$ | 4,000,000  |
| Prior Biennia (Expenditures) \$               | 3,285,000  |
| Future Biennia (Projected Costs) \$           | 16,000,000 |
|   | -----      |
| TOTAL \$                                      | 24,100,000 |

**NEW SECTION. Sec. 749. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY**

Cheney Cowles Museum: Addition and remodel (98-2-001)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

(2) The program scope and project budget for this project shall comply with the approved predesign document on file with the office of financial management.

(3) The appropriation in this section shall be matched by at least twenty percent from nonstate sources.

|   |            |
|---|------------|
| Reappropriation:  |            |
| State Building Construction Account--State \$               | 300,000    |
| Appropriation:  |            |
| State Building Construction Account--State \$               | 18,891,600 |
| Washington State Historical Trust Account--Private/Local \$ | 4,372,900  |
|   | -----      |
| Subtotal Appropriation \$                                   | 23,264,500 |
| Prior Biennia (Expenditures) \$                             | 2,425,000  |
| Future Biennia (Projected Costs) \$                         | 0          |
|   | -----      |
| TOTAL \$  | 25,989,500 |

**NEW SECTION. Sec. 750. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Minor Works: Preservation (00-1-001)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

|  |    |            |
|--|----|------------|
| Community and Technical Colleges Capital Projects Account--State | \$ | 11,700,000 |
| Prior Biennia (Expenditures)                                     | \$ | 0          |
| Future Biennia (Projected Costs)                                 | \$ | 54,000,000 |
|  |    | -----      |
| TOTAL  | \$ | 65,700,000 |

**NEW SECTION. Sec. 751. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Roof Repairs (00-1-010)

Appropriation:

|  |    |            |
|--|----|------------|
| Community and Technical Colleges Capital Projects Account--State | \$ | 4,597,000  |
| Prior Biennia (Expenditures)                                     | \$ | 0          |
| Future Biennia (Projected Costs)                                 | \$ | 16,000,000 |
|  |    | -----      |
| TOTAL  | \$ | 20,597,000 |

**NEW SECTION. Sec. 752. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Facility Repairs (00-1-050)

Appropriation:

|  |    |            |
|--|----|------------|
| State Building Construction Account--State                       | \$ | 23,500,000 |
| Community and Technical Colleges Capital Projects Account--State | \$ | 3,900,000  |
|  |    | -----      |
| Subtotal Appropriation   | \$ | 27,400,000 |
| Prior Biennia (Expenditures)                                     | \$ | 0          |
| Future Biennia (Projected Costs)                                 | \$ | 75,000,000 |
|  |    | -----      |
| TOTAL  | \$ |            |

102,400,000

**NEW SECTION. Sec. 753. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Site Repairs (00-1-090)

The appropriation in this section is subject to the following condition and limitation: \$250,000 is provided solely to Seattle Central Community College for site work at the Lincoln reservoir.

Appropriation:

|   |            |
|---|------------|
| State Building Construction Account--State \$ | 3,842,000  |
| Prior Biennia (Expenditures) \$               | 0          |
| Future Biennia (Projected Costs) \$           | 12,000,000 |
|   | -----      |
| TOTAL \$                                      | 15,842,000 |

**NEW SECTION. Sec. 754. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Pierce College - Portable Buildings: Replacement (00-1-223)

Appropriation:

|   |           |
|---|-----------|
| Community and Technical Colleges Capital Projects Account--State \$ | 5,640,000 |
| Prior Biennia (Expenditures) \$                                     | 0         |
| Future Biennia (Projected Costs) \$                                 | 0         |
|   | -----     |
| TOTAL \$  | 5,640,000 |

**NEW SECTION. Sec. 755. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Columbia Basin College - N Building: Replacement (00-1-232)

Appropriation:

|   |           |
|---|-----------|
| Community and Technical Colleges Capital Projects Account--State \$ | 1,351,700 |
| Prior Biennia (Expenditures) \$                                     | 0         |
| Future Biennia (Projected Costs) \$                                 | 0         |
|   | -----     |
| TOTAL \$  |           |

1,351,700

**NEW SECTION. Sec. 756. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Edmonds Community College - Relocatable Buildings: Replacement (00-1-236)

Appropriation:

|  |    |           |
|--|----|-----------|
| Community and Technical Colleges Capital Projects Account--State | \$ | 6,400,000 |
| Prior Biennia (Expenditures)                                     | \$ | 0         |
| Future Biennia (Projected Costs)                                 | \$ | 0         |
| TOTAL  |    | \$        |
|  |    | 6,400,000 |

**NEW SECTION. Sec. 757. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

South Puget Sound Community College - Portable Building: Replacement (00-1-237)

Appropriation:

|  |    |           |
|--|----|-----------|
| Community and Technical Colleges Capital Projects Account--State | \$ | 4,612,400 |
| Prior Biennia (Expenditures)                                     | \$ | 0         |
| Future Biennia (Projected Costs)                                 | \$ | 0         |
| TOTAL  |    | \$        |
|  |    | 4,612,400 |

**NEW SECTION. Sec. 758. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Minor Works: Program (00-1-130)

The appropriation in this section are subject to the following conditions and limitations:

(1) \$350,000 is provided for technical engineering analysis and financial planning regarding the conversion to digital transmission for Washington public broadcast stations. The financial plan shall assess state, federal, nonprofit foundations, viewer donations, and other sources of revenue to implement the conversion from analog to digital transmission. The provision of these study funds do not imply a further commitment of funding by the state of Washington.

(2) Funding is provided from the state building construction account as capital project matching funds to the following colleges: Wenatchee Valley, \$250,000; Clark, \$250,000; Lake Washington, \$300,000; Bellevue, \$500,000; Walla Walla, \$500,000; Grays Harbor, \$400,000. State funds shall be matched by an equal or greater amount of nonstate moneys.

(3) Following the allocation of funds for the projects in subsections (1) and (2) of this section, the appropriations in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

|   |            |
|---|------------|
| State Building Construction Account--State \$                       | 15,050,000 |
| Community and Technical Colleges Capital Projects Account--State \$ | 1,800,000  |
|   | -----      |
| Subtotal Appropriation \$   | 16,850,000 |
| Prior Biennia (Expenditures) \$                                     | 0          |
| Future Biennia (Projected Costs) \$                                 | 0          |
|   | -----      |
| TOTAL \$  | 16,850,000 |

**NEW SECTION. Sec. 759. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Olympic College - Plant Operations Building: Replacement (00-2-002)

The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Appropriation:

|   |           |
|---|-----------|
| State Building Construction Account--State \$ | 1,029,000 |
| Prior Biennia (Expenditures) \$               | 0         |
| Future Biennia (Projected Costs) \$           | 3,971,000 |
|   | -----     |
| TOTAL \$                                      | 5,000,000 |

**NEW SECTION. Sec. 760. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Columbia Basin College: Electrical substation

Appropriation:

|   |           |
|---|-----------|
| State Building Construction Account--State \$ | 1,000,000 |
| Prior Biennia (Expenditures) \$               | 0         |
| Future Biennia (Projected Costs) \$           | 0         |
|   | -----     |
| TOTAL \$                                      |           |



1,000,000

**NEW SECTION. Sec. 761. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Bellevue Community College - Robinswood School: Replacement (00-2-005)

The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Appropriation:

|   |            |
|---|------------|
| State Building Construction Account--State \$ | 15,806,600 |
| Prior Biennia (Expenditures) \$               | 0          |
| Future Biennia (Projected Costs) \$           | 0          |
|   | -----      |
| TOTAL \$                                      | 15,806,600 |

**NEW SECTION. Sec. 762. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Shoreline Community College - Library/Technology Center (00-2-319)

Appropriation:

|   |           |
|---|-----------|
| State Building Construction Account--State \$ | 7,250,000 |
| Prior Biennia (Expenditures) \$               | 0         |
| Future Biennia (Projected Costs) \$           | 0         |
|   | -----     |
| TOTAL \$                                      | 7,250,000 |

**NEW SECTION. Sec. 763. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Green River Community College - Drama and Music Class/Labs: Renovation (00-2-322)

Appropriation:

|   |           |
|---|-----------|
| State Building Construction Account--State \$ | 3,430,000 |
| Prior Biennia (Expenditures) \$               | 0         |
| Future Biennia (Projected Costs) \$           | 0         |
|   | -----     |
| TOTAL \$                                      |           |

3,430,000

**NEW SECTION. Sec. 764. FOR THE COMMUNITY AND TECHNICAL COLLEGE**  
**SYSTEM**

Clark College - Applied Arts IV Building: Renovation (00-2-326)

Appropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 2,540,000 |
| Prior Biennia (Expenditures)               | \$ | 0         |
| Future Biennia (Projected Costs)           | \$ | 0         |
| TOTAL                                      |    | -----     |
|  |    | 2,540,000 |

**NEW SECTION. Sec. 765. FOR THE COMMUNITY AND TECHNICAL COLLEGE**  
**SYSTEM**

Wenatchee Valley College - Sexton Hall Computer Labs: Renovation (00-2-327)

Appropriation:

|  |    |         |
|--|----|---------|
| State Building Construction Account--State | \$ | 700,000 |
| Prior Biennia (Expenditures)               | \$ | 0       |
| Future Biennia (Projected Costs)           | \$ | 0       |
| TOTAL                                      |    | -----   |
|  |    | 700,000 |

**NEW SECTION. Sec. 766. FOR THE COMMUNITY AND TECHNICAL COLLEGE**  
**SYSTEM**

Yakima Valley Community College - Mechanics Complex: Renovation (00-2-328)

Appropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 1,715,000 |
| Prior Biennia (Expenditures)               | \$ | 0         |
| Future Biennia (Projected Costs)           | \$ | 0         |
| TOTAL                                      |    | -----     |
|  |    | 1,715,000 |

**NEW SECTION. Sec. 767. FOR THE COMMUNITY AND TECHNICAL COLLEGE**  
**SYSTEM**

Tacoma Community College - Building 5: Renovation (00-2-335)

Appropriation:

|   |           |
|---|-----------|
| State Building Construction Account--State \$ | 1,500,000 |
| Prior Biennia (Expenditures) \$               | 0         |
| Future Biennia (Projected Costs) \$           | 0         |
|   | -----     |
| TOTAL \$                                      | 1,500,000 |

**NEW SECTION. Sec. 768. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Bellingham Technical College - Building B: Renovation (00-2-338)

Appropriation:

|   |           |
|---|-----------|
| State Building Construction Account--State \$ | 1,926,800 |
| Prior Biennia (Expenditures) \$               | 0         |
| Future Biennia (Projected Costs) \$           | 0         |
|   | -----     |
| TOTAL \$                                      | 1,926,800 |

**NEW SECTION. Sec. 769. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Cascadia Community College: Development (00-2-501)

The appropriation in this section is subject to the following conditions and limitations:

(1) No money from this appropriation may be expended that would be inconsistent with the recommendations of the higher education coordinating board and the project design, scope, and schedule approved by the office of financial management.

(2) \$7,500,000 of this appropriation is provided solely for equipment and completion of phase I of the colocated campus.

(3) The appropriation in this section is subject to the review and allotment procedures under sections 902 through 904 of this act.

(4) The appropriation in this section is to be combined with the appropriations shown in sections 617, 638, 639, and 821 of this act and shall be managed by the department of general administration.

(5) \$42,600,000 of this appropriation is provided solely for the completion of construction of phase IIA of the campus. The appropriation represents the total state contribution for all costs including design, construction, and equipping of phase IIA of the campus.

(6) Phase IIA shall accommodate 1,000 additional full-time equivalent students when completed.

Appropriation:

|   |             |
|---|-------------|
| State Building Construction Account--State \$ | 50,100,000  |
| Prior Biennia (Expenditures) \$               | 0           |
| Future Biennia (Projected Costs) \$           | 105,000,000 |
|   | -----       |
| TOTAL \$                                      | 155,100,000 |

**NEW SECTION. Sec. 770. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Pierce College - Puyallup Campus Phase 3 Expansion: Predesign (00-2-676)

Appropriation:

|   |            |
|---|------------|
| State Building Construction Account--State \$ | 217,200    |
| Prior Biennia (Expenditures) \$               | 0          |
| Future Biennia (Projected Costs) \$           | 19,400,000 |
|   | -----      |
| TOTAL \$                                      | 19,617,200 |

**NEW SECTION. Sec. 771. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Whatcom Community College - Classroom/Laboratory Building (00-2-677)

To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 2000.

Appropriation:

|   |           |
|---|-----------|
| State Building Construction Account--State \$ | 80,000    |
| Prior Biennia (Expenditures) \$               | 0         |
| Future Biennia (Projected Costs) \$           | 9,300,000 |
|   | -----     |
| TOTAL \$                                      | 9,380,000 |

**NEW SECTION. Sec. 772. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Highline Community College - 21st Century Careers Center (00-2-678)

To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 2000.

Appropriation:

|  |    |            |
|--|----|------------|
| State Building Construction Account--State | \$ | 117,000    |
| Prior Biennia (Expenditures)               | \$ | 0          |
| Future Biennia (Projected Costs)           | \$ | 17,900,000 |
|  |    | -----      |
| TOTAL                                      | \$ | 18,017,000 |

**NEW SECTION. Sec. 773. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

South Puget Sound Community College - Humanities/General Education Complex (00-2-679)

To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 2000.

Appropriation:

|  |    |            |
|--|----|------------|
| State Building Construction Account--State | \$ | 124,000    |
| Prior Biennia (Expenditures)               | \$ | 0          |
| Future Biennia (Projected Costs)           | \$ | 14,900,000 |
|  |    | -----      |
| TOTAL                                      | \$ | 15,024,000 |

**NEW SECTION. Sec. 774. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Clark College - Higher Education Center at WSU Vancouver (00-2-680)

To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 2000.

Appropriation:

|  |    |            |
|--|----|------------|
| State Building Construction Account--State | \$ | 120,000    |
| Prior Biennia (Expenditures)               | \$ | 0          |
| Future Biennia (Projected Costs)           | \$ | 18,350,000 |

|       |    |            |
|-------|----|------------|
| TOTAL | \$ | -----      |
|       |    | 18,470,000 |

**NEW SECTION. Sec. 775. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Wenatchee Valley Omak - Science Lab (00-2-952)

Appropriation:

|  |    |         |
|--|----|---------|
| State Building Construction Account--State | \$ |         |
|  |    | 900,000 |

|                              |    |   |
|------------------------------|----|---|
| Prior Biennia (Expenditures) | \$ | 0 |
|------------------------------|----|---|

|                                  |    |   |
|----------------------------------|----|---|
| Future Biennia (Projected Costs) | \$ | 0 |
|----------------------------------|----|---|

|       |    |         |
|-------|----|---------|
| TOTAL | \$ | -----   |
|       |    | 900,000 |

**NEW SECTION. Sec. 776. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Yakima Valley Higher Education Center: Acquisition and design (00-2-954)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

(2) The program scope and project budget for this project shall comply with the approved predesign document on file with the office of financial management.

Appropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ |           |
|  |    | 4,000,000 |

|                              |    |   |
|------------------------------|----|---|
| Prior Biennia (Expenditures) | \$ | 0 |
|------------------------------|----|---|

|                                  |    |            |
|----------------------------------|----|------------|
| Future Biennia (Projected Costs) | \$ | 17,000,000 |
|----------------------------------|----|------------|

|       |    |            |
|-------|----|------------|
| TOTAL | \$ | -----      |
|       |    | 21,000,000 |

**NEW SECTION. Sec. 777. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Construct Classroom and Laboratory Building: Edmonds Community College (94-2-604)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

|  |    |         |
|--|----|---------|
| State Building Construction Account--State | \$ |         |
|  |    | 318,142 |

|                                     |           |
|-------------------------------------|-----------|
| Prior Biennia (Expenditures) \$     | 4,840,318 |
| Future Biennia (Projected Costs) \$ | 0         |
|                                     | -----     |
| TOTAL \$                            | 5,158,460 |

**NEW SECTION. Sec. 778. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Construct Center for Information Technology: Green River Community College (94-2-606)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

|   |           |
|---|-----------|
| State Building Construction Account--State \$ | 350,000   |
| Prior Biennia (Expenditures) \$               | 2,681,551 |
| Future Biennia (Projected Costs) \$           | 0         |
|   | -----     |
| TOTAL \$                                      | 3,031,551 |

**NEW SECTION. Sec. 779. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Americans with Disabilities Act: Improvements (94-5-001)

Reappropriation:

|   |         |
|---|---------|
| State Building Construction Account--State \$ | 30,000  |
| Prior Biennia (Expenditures) \$               | 97,939  |
| Future Biennia (Projected Costs) \$           | 0       |
|   | -----   |
| TOTAL \$                                      | 127,939 |

**NEW SECTION. Sec. 780. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Small Repairs, Improvements, and Underground Storage Tank Removal (96-1-001)

Reappropriation:

|   |         |
|---|---------|
| State Building Construction Account--State \$ | 100,000 |
|---|---------|

|                                     |           |
|-------------------------------------|-----------|
| Prior Biennia (Expenditures) \$     | 3,372,038 |
| Future Biennia (Projected Costs) \$ | 0         |
|                                     | -----     |
| TOTAL \$                            | 3,472,038 |

**NEW SECTION. Sec. 781. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Asbestos Abatement (96-1-002)

Reappropriation:

|   |           |
|---|-----------|
| State Building Construction Account--State \$ | 200,000   |
| Prior Biennia (Expenditures) \$               | 959,890   |
| Future Biennia (Projected Costs) \$           | 0         |
|   | -----     |
| TOTAL \$                                      | 1,159,890 |

**NEW SECTION. Sec. 782. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Roof Repairs (96-1-010)

Reappropriation:

|   |           |
|---|-----------|
| State Building Construction Account--State \$ | 500,000   |
| Prior Biennia (Expenditures) \$               | 1,015,690 |
| Future Biennia (Projected Costs) \$           | 0         |
|   | -----     |
| TOTAL \$                                      | 1,515,690 |

**NEW SECTION. Sec. 783. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Heating, Ventilating, and Air Conditioning Repairs (96-1-030)

Reappropriation:

|   |         |
|---|---------|
| State Building Construction Account--State \$ | 45,000  |
| Prior Biennia (Expenditures) \$               | 640,356 |
| Future Biennia (Projected Costs) \$           | 0       |



TOTAL \$ -----  
685,356

**NEW SECTION. Sec. 784. FOR THE COMMUNITY AND TECHNICAL COLLEGE**  
**SYSTEM**

Mechanical Repairs (96-1-060)

Reappropriation:

State Building Construction Account--State \$ 100,000

Prior Biennia (Expenditures) \$ 441,547

Future Biennia (Projected Costs) \$ 0

TOTAL \$ -----  
541,547

**NEW SECTION. Sec. 785. FOR THE COMMUNITY AND TECHNICAL COLLEGE**  
**SYSTEM**

Electrical Repairs (96-1-080)

Reappropriation:

State Building Construction Account--State \$ 450,000

Prior Biennia (Expenditures) \$ 351,387

Future Biennia (Projected Costs) \$ 0

TOTAL \$ -----  
801,387

**NEW SECTION. Sec. 786. FOR THE COMMUNITY AND TECHNICAL COLLEGE**  
**SYSTEM**

Exterior Repairs (96-1-100)

Reappropriation:

State Building Construction Account--State \$ 30,000

Prior Biennia (Expenditures) \$ 1,501,582

Future Biennia (Projected Costs) \$ 0

TOTAL \$ -----  
1,531,582

**NEW SECTION. Sec. 787. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Interior Repairs (96-1-120)

Reappropriation:

|   |         |
|---|---------|
| State Building Construction Account--State \$ | 100,000 |
| Prior Biennia (Expenditures) \$               | 895,514 |
| Future Biennia (Projected Costs) \$           | 0       |
|   | -----   |
| TOTAL \$                                      | 995,514 |

**NEW SECTION. Sec. 788. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Site Repairs (96-1-140)

Reappropriation:

|   |         |
|---|---------|
| State Building Construction Account--State \$ | 100,000 |
| Prior Biennia (Expenditures) \$               | 295,040 |
| Future Biennia (Projected Costs) \$           | 0       |
|   | -----   |
| TOTAL \$                                      | 395,040 |

**NEW SECTION. Sec. 789. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Yakima Valley College--Replace pedestrian street crossing (96-1-400)

The appropriation in this section is provided solely to use with other nonstate sources for the construction or installation of a pedestrian street crossing or other safety improvements.

Reappropriation:

|   |         |
|---|---------|
| State Building Construction Account--State \$ | 100,000 |
|---|---------|

Appropriation:

|   |         |
|---|---------|
| State Building Construction Account--State \$ | 170,000 |
| Prior Biennia (Expenditures) \$               | 0       |
| Future Biennia (Projected Costs) \$           | 0       |
|   | -----   |

TOTAL \$

270,000

**NEW SECTION. Sec. 790. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Infrastructure Project: Savings (96-1-500)

Projects that are completed in accordance with section 911 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilating, and air conditioning repairs; (7) emergency repairs due to natural disasters or accidents; and (8) critical year 2000 embedded chip modifications.

Reappropriation:

|   |       |
|---|-------|
| State Building Construction Account--State \$ | 1     |
| Prior Biennia (Expenditures) \$               | 0     |
| Future Biennia (Projected Costs) \$           | 0     |
|   | ----- |
| TOTAL \$                                      | 1     |

**NEW SECTION. Sec. 791. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Repair and Minor Improvement Projects (96-2-199)

Reappropriation:

|   |           |
|---|-----------|
| State Building Construction Account--State \$ | 1,000,000 |
| Prior Biennia (Expenditures) \$               | 2,176,473 |
| Future Biennia (Projected Costs) \$           | 0         |
|   | -----     |
| TOTAL \$                                      | 3,176,473 |

**NEW SECTION. Sec. 792. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Project Artwork Consolidation Account (96-2-400)

Reappropriation:

|   |         |
|---|---------|
| State Building Construction Account--State \$ | 241,000 |
| Prior Biennia (Expenditures) \$               | 219,270 |

|                                     |         |
|-------------------------------------|---------|
| Future Biennia (Projected Costs) \$ | 0       |
|                                     | -----   |
| TOTAL \$                            | 460,270 |

**NEW SECTION. Sec. 793. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

North Seattle Community College - Vocational/Child Care Buildings: Construction (96-2-651)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

|   |            |
|---|------------|
| State Building Construction Account--State \$ | 12,000,000 |
| Prior Biennia (Expenditures) \$               | 2,704,161  |
| Future Biennia (Projected Costs) \$           | 0          |
|   | -----      |
| TOTAL \$                                      | 14,704,161 |

**NEW SECTION. Sec. 794. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Everett Community College - Instructional Technology Center: Construction (96-2-652)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

|   |            |
|---|------------|
| State Building Construction Account--State \$ | 1,600,000  |
| Prior Biennia (Expenditures) \$               | 15,017,483 |
| Future Biennia (Projected Costs) \$           | 0          |
|   | -----      |
| TOTAL \$                                      | 16,617,483 |

**NEW SECTION. Sec. 795. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

South Seattle Community College - Integrated Learning Assistance Resource Center: Construction (96-2-653)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

|   |           |
|---|-----------|
| State Building Construction Account--State \$ | 6,000,000 |
| Prior Biennia (Expenditures) \$               | 2,460,167 |
| Future Biennia (Projected Costs) \$           | 0         |
|   | -----     |
| TOTAL \$                                      | 8,460,167 |

**NEW SECTION. Sec. 796. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Olympic College - Poulsbo Center: Construction (96-2-654)

The appropriations in this section are subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

|   |         |
|---|---------|
| State Building Construction Account--State \$ | 147,034 |
|---|---------|

Appropriation:

|   |            |
|---|------------|
| State Building Construction Account--State \$ | 12,900,000 |
| Prior Biennia (Expenditures) \$               | 0          |
| Future Biennia (Projected Costs) \$           | 0          |
|   | -----      |
| TOTAL \$                                      | 13,047,034 |

**NEW SECTION. Sec. 797. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Bellevue Community College - Classrooms and Labs: Construction (96-2-655)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

|   |         |
|---|---------|
| State Building Construction Account--State \$ | 250,000 |
|---|---------|

|                                     |           |
|-------------------------------------|-----------|
| Prior Biennia (Expenditures) \$     | 9,419,551 |
| Future Biennia (Projected Costs) \$ | 0         |
|                                     | -----     |

TOTAL \$

9,669,551

**NEW SECTION. Sec. 798. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Clover Park Technical College - Transportation Trades: Design (96-2-662)

The appropriations in this section are subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account--State \$ 25,000

Appropriation:

State Building Construction Account--State \$ 1,200,000

Prior Biennia (Expenditures) \$ 25,000

Future Biennia (Projected Costs) \$ 16,230,000

TOTAL \$ -----  
17,480,000

**NEW SECTION. Sec. 799. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Clover Park Technical College - Aviation Trades Complex: Construction (96-2-998)

The appropriations in this section are subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

Community/Technical College Capital Projects Account--State \$ 5,200,000

Appropriation:

State Building Construction Account--State \$ 4,700,000

Prior Biennia (Expenditures) \$ 2,100,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ -----  
12,000,000

**NEW SECTION. Sec. 800. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Repair and Minor Improvement (98-1-001)

Reappropriation:

State Building Construction Account--State \$

|                                     |            |
|-------------------------------------|------------|
|                                     | 4,200,000  |
| Prior Biennia (Expenditures) \$     | 7,000,000  |
| Future Biennia (Projected Costs) \$ | 0          |
|                                     | -----      |
| TOTAL \$                            | 11,200,000 |

**NEW SECTION. Sec. 801. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Asbestos Abatement (98-1-002)

Reappropriation:

|   |         |
|---|---------|
| State Building Construction Account--State \$ | 150,000 |
| Prior Biennia (Expenditures) \$               | 744,097 |
| Future Biennia (Projected Costs) \$           | 0       |
|   | -----   |
| TOTAL \$                                      | 894,097 |

**NEW SECTION. Sec. 802. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Underground Storage Tanks (98-1-003)

Reappropriation:

|   |         |
|---|---------|
| State Building Construction Account--State \$ | 400,000 |
| Prior Biennia (Expenditures) \$               | 390,490 |
| Future Biennia (Projected Costs) \$           | 0       |
|   | -----   |
| TOTAL \$                                      | 790,490 |

**NEW SECTION. Sec. 803. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Roof Repairs (98-1-010)

Reappropriation:

|   |           |
|---|-----------|
| State Building Construction Account--State \$ | 4,500,000 |
| Prior Biennia (Expenditures) \$               |           |

|                                     |            |
|-------------------------------------|------------|
| Future Biennia (Projected Costs) \$ | 7,080,400  |
|                                     | 0          |
|                                     | -----      |
| TOTAL \$                            | 11,580,400 |

**NEW SECTION. Sec. 804. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Heating, Ventilating, and Air Conditioning Repairs (98-1-040)

Reappropriation:

|   |           |
|---|-----------|
| State Building Construction Account--State \$ | 2,000,000 |
| Prior Biennia (Expenditures) \$               | 5,940,000 |
| Future Biennia (Projected Costs) \$           | 0         |
|   | -----     |
| TOTAL \$                                      | 7,940,000 |

**NEW SECTION. Sec. 805. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Mechanical Repairs (98-1-070)

Reappropriation:

|   |           |
|---|-----------|
| State Building Construction Account--State \$ | 800,000   |
| Prior Biennia (Expenditures) \$               | 1,832,300 |
| Future Biennia (Projected Costs) \$           | 0         |
|   | -----     |
| TOTAL \$                                      | 2,632,300 |

**NEW SECTION. Sec. 806. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Electrical Repairs (98-1-090)

Reappropriation:

|   |           |
|---|-----------|
| State Building Construction Account--State \$ | 2,500,000 |
| Prior Biennia (Expenditures) \$               | 1,549,400 |
| Future Biennia (Projected Costs) \$           | 0         |



TOTAL \$ -----  
4,049,400

**NEW SECTION. Sec. 807. FOR THE COMMUNITY AND TECHNICAL COLLEGE**  
**SYSTEM**

Exterior Repairs (98-1-110)

Reappropriation:

State Building Construction Account--State \$ 3,000,000

Prior Biennia (Expenditures) \$ 914,200

Future Biennia (Projected Costs) \$ 0

TOTAL \$ -----  
3,914,200

**NEW SECTION. Sec. 808. FOR THE COMMUNITY AND TECHNICAL COLLEGE**  
**SYSTEM**

Interior Repairs (98-1-130)

Reappropriation:

State Building Construction Account--State \$ 1,000,000

Prior Biennia (Expenditures) \$ 1,361,500

Future Biennia (Projected Costs) \$ 0

TOTAL \$ -----  
2,361,500

**NEW SECTION. Sec. 809. FOR THE COMMUNITY AND TECHNICAL COLLEGE**  
**SYSTEM**

Site Repairs (98-1-150)

Reappropriation:

State Building Construction Account--State \$ 850,000

Prior Biennia (Expenditures) \$ 325,400

Future Biennia (Projected Costs) \$ 0

TOTAL \$ -----  
1,175,400

**NEW SECTION. Sec. 810. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Bates Technical College: Renovation (98-1-190)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

|   |           |
|---|-----------|
| State Building Construction Account--State \$ | 8,400,000 |
| Prior Biennia (Expenditures) \$               | 294,716   |
| Future Biennia (Projected Costs) \$           | 0         |
|   | -----     |
| TOTAL \$                                      | 8,694,716 |

**NEW SECTION. Sec. 811. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Bellingham Technical College: Renovation (98-1-191)

Reappropriation:

|   |           |
|---|-----------|
| State Building Construction Account--State \$ | 400,000   |
| Prior Biennia (Expenditures) \$               | 992,648   |
| Future Biennia (Projected Costs) \$           | 0         |
|   | -----     |
| TOTAL \$                                      | 1,392,648 |

**NEW SECTION. Sec. 812. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Clover Park Technical College: Renovation (98-1-192)

Reappropriation:

|   |           |
|---|-----------|
| State Building Construction Account--State \$ | 2,000,000 |
| Prior Biennia (Expenditures) \$               | 1,781,518 |
| Future Biennia (Projected Costs) \$           | 0         |
|   | -----     |
| TOTAL \$                                      | 3,781,518 |

**NEW SECTION. Sec. 813. FOR THE COMMUNITY AND TECHNICAL COLLEGE**  
**SYSTEM**

Seattle Central Community College: Renovation (98-1-193)

Reappropriation:

|   |           |
|---|-----------|
| State Building Construction Account--State \$ | 4,700,000 |
| Prior Biennia (Expenditures) \$               | 133,605   |
| Future Biennia (Projected Costs) \$           | 0         |
|   | -----     |
| TOTAL \$                                      | 4,833,605 |

**NEW SECTION. Sec. 814. FOR THE COMMUNITY AND TECHNICAL COLLEGE**  
**SYSTEM**

Americans with Disabilities Act: Improvements (98-1-993)

Reappropriation:

|   |         |
|---|---------|
| State Building Construction Account--State \$ | 333,000 |
| Prior Biennia (Expenditures) \$               | 289,393 |
| Future Biennia (Projected Costs) \$           | 0       |
|   | -----   |
| TOTAL \$                                      | 622,393 |

**NEW SECTION. Sec. 815. FOR THE COMMUNITY AND TECHNICAL COLLEGE**  
**SYSTEM**

Minor Improvements (98-2-200)

Reappropriation:

|   |            |
|---|------------|
| State Building Construction Account--State \$ | 5,000,000  |
| Prior Biennia (Expenditures) \$               | 7,900,369  |
| Future Biennia (Projected Costs) \$           | 0          |
|   | -----      |
| TOTAL \$                                      | 12,900,369 |

**NEW SECTION. Sec. 816. FOR THE COMMUNITY AND TECHNICAL COLLEGE**  
**SYSTEM**

Olympic College - Library: Replacement (98-2-500)

The appropriations in this section are subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

|  |    |           |
|--|----|-----------|
| General Fund--Federal                      | \$ | 3,700,000 |
| State Building Construction Account--State | \$ | 1,600,000 |
|  |    | -----     |
| Subtotal Reappropriation                   | \$ | 5,300,000 |

Appropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 976,000   |
| Prior Biennia (Expenditures)               | \$ | 836,448   |
| Future Biennia (Projected Costs)           | \$ | 0         |
|  |    | -----     |
| TOTAL                                      | \$ | 7,112,448 |

**NEW SECTION. Sec. 817. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Highline Community College - Classroom/Laboratory Building: Construction (98-2-660)

The appropriations in this section are subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

|  |    |         |
|--|----|---------|
| State Building Construction Account--State | \$ | 310,000 |
|--|----|---------|

Appropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 5,700,000 |
| Prior Biennia (Expenditures)               | \$ | 79,717    |
| Future Biennia (Projected Costs)           | \$ | 0         |
|  |    | -----     |
| TOTAL                                      | \$ | 6,089,717 |

**NEW SECTION. Sec. 818. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Spokane Community College - Allied Health Building: Addition (98-2-661)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

|  |    |         |
|--|----|---------|
| State Building Construction Account--State | \$ | 600,000 |
|--|----|---------|

Appropriation:

|  |    |            |
|--|----|------------|
| State Building Construction Account--State | \$ | 10,700,000 |
|--|----|------------|

|                              |    |        |
|------------------------------|----|--------|
| Prior Biennia (Expenditures) | \$ | 91,108 |
|------------------------------|----|--------|

|                                  |    |   |
|----------------------------------|----|---|
| Future Biennia (Projected Costs) | \$ | 0 |
|----------------------------------|----|---|

|       |    |                     |
|-------|----|---------------------|
| TOTAL | \$ | -----<br>11,391,108 |
|-------|----|---------------------|

**NEW SECTION. Sec. 819. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Bellingham Technical College - Business and Health Technology Building (98-2-672)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

(2) The program scope and project budget for this project shall comply with the approved predesign document on file with the office of financial management.

Reappropriation:

|  |    |        |
|--|----|--------|
| State Building Construction Account--State | \$ | 19,693 |
|--|----|--------|

Appropriation:

|  |    |         |
|--|----|---------|
| State Building Construction Account--State | \$ | 775,000 |
|--|----|---------|

|                              |    |        |
|------------------------------|----|--------|
| Prior Biennia (Expenditures) | \$ | 55,307 |
|------------------------------|----|--------|

|                                  |    |           |
|----------------------------------|----|-----------|
| Future Biennia (Projected Costs) | \$ | 8,080,000 |
|----------------------------------|----|-----------|

|       |    |                    |
|-------|----|--------------------|
| TOTAL | \$ | -----<br>8,930,000 |
|-------|----|--------------------|

**NEW SECTION. Sec. 820. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Lake Washington Technical College - Phase III: Design (98-2-673)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

(2) The program scope and project budget for this project shall comply with the approved predesign document on file with the office of financial management.

Reappropriation:

|  |           |
|--|-----------|
| State Building Construction Account--State | \$ 26,923 |
|--|-----------|

Appropriation:

|  |              |
|--|--------------|
| State Building Construction Account--State | \$ 1,050,000 |
|--|--------------|

|                              |           |
|------------------------------|-----------|
| Prior Biennia (Expenditures) | \$ 88,077 |
|------------------------------|-----------|

|                                  |               |
|----------------------------------|---------------|
| Future Biennia (Projected Costs) | \$ 14,600,000 |
|----------------------------------|---------------|

|       |            |
|-------|------------|
| TOTAL | \$ -----   |
|       | 15,765,000 |

**NEW SECTION. Sec. 821. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Renton Technical College - Technology Resource Center: Design (98-2-674)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

(2) The program scope and project budget for this project shall comply with the approved predesign document on file with the office of financial management.

Reappropriation:

|  |           |
|--|-----------|
| State Building Construction Account--State | \$ 67,064 |
|--|-----------|

Appropriation:

|  |              |
|--|--------------|
| State Building Construction Account--State | \$ 1,010,000 |
|--|--------------|

|                              |           |
|------------------------------|-----------|
| Prior Biennia (Expenditures) | \$ 67,936 |
|------------------------------|-----------|

|                                  |               |
|----------------------------------|---------------|
| Future Biennia (Projected Costs) | \$ 10,760,000 |
|----------------------------------|---------------|

|       |            |
|-------|------------|
| TOTAL | \$ -----   |
|       | 11,905,000 |

**NEW SECTION. Sec. 822. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Skagit Valley College Higher Education Center (98-2-675)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

(2) The program scope and project budget for this project shall comply with the approved predesign document on file with the office of financial management.

(3) The project shall be coordinated with Western Washington University in order to incorporate a distance education classroom and additional classroom, lab, and office space for use by the university.

Reappropriation:

|   |        |
|---|--------|
| State Building Construction Account--State \$ | 17,942 |
|---|--------|

Appropriation:

|   |         |
|---|---------|
| State Building Construction Account--State \$ | 660,000 |
|---|---------|

|                                 |        |
|---------------------------------|--------|
| Prior Biennia (Expenditures) \$ | 32,058 |
|---------------------------------|--------|

|                                     |           |
|-------------------------------------|-----------|
| Future Biennia (Projected Costs) \$ | 9,175,000 |
|-------------------------------------|-----------|

|          |                    |
|----------|--------------------|
| TOTAL \$ | -----<br>9,885,000 |
|----------|--------------------|

**NEW SECTION. Sec. 823. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Cascadia Community College and UW - Bothell: Construction (98-2-999)

The reappropriation in this section is subject to the following conditions and limitations:

(1) No money from this appropriation may be expended that would be inconsistent with the recommendations of the higher education coordinating board and the project design, scope, and schedule approved by the office of financial management.

(2) \$3,000,000 of this appropriation is provided solely for design of phase IIA of this project to accommodate an additional 1,000 University of Washington and community college student full-time equivalents for the colocated campus.

(3) The appropriation in this section is subject to the review and allotment procedures under sections 902 through 904 of this act.

(4) The appropriation in this section is to be combined with the appropriations shown in sections 617, 639, 640, and 769 of this act and shall be managed by the department of general administration to construct a campus to serve at least 2,000 student full-time equivalents with approximately 1,200 for the University of Washington and 800 for Cascadia Community College.

Reappropriation:

|   |            |
|---|------------|
| State Building Construction Account--State \$ | 37,370,237 |
|---|------------|

|                                 |           |
|---------------------------------|-----------|
| Prior Biennia (Expenditures) \$ | 8,599,763 |
|---------------------------------|-----------|

|                                     |   |
|-------------------------------------|---|
| Future Biennia (Projected Costs) \$ | 0 |
|-------------------------------------|---|

|          |                     |
|----------|---------------------|
| TOTAL \$ | -----<br>45,970,000 |
|----------|---------------------|

**NEW SECTION. Sec. 848. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Centralia College - Instructional Building: Replacement (99-2-001)

The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Appropriation:

|  |    |            |
|--|----|------------|
| State Building Construction Account--State | \$ | 14,400,000 |
| Prior Biennia (Expenditures)               | \$ | 1,434,614  |
| Future Biennia (Projected Costs)           | \$ | 0          |
| TOTAL                                      | \$ | 15,834,614 |

## PART 6 MISCELLANEOUS

**NEW SECTION. Sec. 901.** The estimated debt service costs impacting future general fund expenditures related solely to new capital appropriations within this act are \$15,330,000 during the 1999-01 fiscal period; \$96,189,000 during the 2001-03 fiscal period; \$136,763,000 during the 2003-05 fiscal period; \$137,126,000 during the 2005-07 fiscal period; and \$137,126,000 during the 2007-09 fiscal period.

**NEW SECTION. Sec. 902.** To ensure that major construction projects are carried out in accordance with legislative and executive intent, appropriations in this act referencing this section or in excess of \$5,000,000 shall not be expended until the office of financial management has reviewed and approved the agency's predesign and other documents and approved an allotment for the project. The predesign document shall include but not be limited to program, site, and cost analysis in accordance with the predesign manual adopted by the office of financial management. To improve monitoring of major construction projects, progress reports shall be submitted by the agency administering the project to the office of financial management and to the fiscal committees of the house of representatives and senate. Reports will be submitted on July 1st and December 31st each year in a format to be developed by the office of financial management.

**NEW SECTION. Sec. 903.** Allotments for appropriations shall be provided in accordance with the capital project review requirements adopted by the office of financial management. The office of financial management shall notify the house of representatives capital budget committee and the senate ways and means committee of allotment releases based on review by the office of financial management. No expenditure may be incurred or obligation entered into for appropriations referring to this section until the allotment of the funds to be expended has been approved by the office of financial management. Projects that will be employing alternative public works construction procedures, under chapter 39.10 RCW, are subject to the allotment procedures defined in this section and RCW 43.88.110. Contracts shall not be executed that call for expenditures in excess of the approved allotment, and the total amount shown in such contracts for the cost of future work that has not been appropriated shall not exceed the amount identified for such work in the level of funding approved by the office of financial management at the completion of predesign.

**NEW SECTION. Sec. 904.** Appropriations for design and construction of facilities on higher education branch campuses shall be expended only after funds are allotted to institutions of higher education on the basis of: (1) Comparable unit cost standards, as determined by the office of financial management in consultation with the higher education coordinating board; (2) costs consistent with other higher education teaching facilities in the state; and (3) student full-time equivalent enrollment



levels as established by the office of financial management in consultation with the higher education coordinating board.

**NEW SECTION. Sec. 905. ACQUISITION OF PROPERTIES AND FACILITIES THROUGH FINANCIAL CONTRACTS.** The following agencies may enter into financial contracts, paid for from operating revenues, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. When securing properties under this section, agencies shall use the most economical financial contract option available, including long-term leases, lease-purchase agreements, lease-development with option to purchase agreements or financial contracts using certificates of participation. The director of general administration shall ensure that the clustering of state facilities and the collocation and consolidation of state agencies take place where such configurations are economical and consistent with agency space needs. Agencies shall assist the department of general administration with facility collocation and consolidation efforts.

State agencies may enter into agreements with the department of general administration and the state treasurer's office to develop requests to the legislature for acquisition of properties and facilities through financial contracts. The agreements may include charges for services rendered.

(1) Department of general administration:

(a) Enter into a financing contract in the amount of \$9,435,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW, to purchase an existing office building and associated land in Yakima for use by state agencies.

(b) Enter into a financing contract in the amount of \$4,621,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW, to purchase an existing office building and associated land in Kelso for use by the department of social and health services and the employment security department.

(2) Department of corrections: Enter into a financing contract on behalf of the department of corrections in the amount of \$2,300,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase or construct a correctional industries transportation services warehouse.

(3) State parks and recreation: It is the intent of the legislature that the operating revenues of the department provide the primary source of funds necessary to meet financing contract obligations for the projects financed under this authority. In addition, state parks and recreation is authorized to pledge to make payments from appropriated funds pursuant to chapter 39.94 RCW:

(a) Enter into financing contracts on behalf of state parks and recreation in the amount of \$500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct cabins at Cama beach.

(b) Enter into financing contracts on behalf of state parks and recreation in the amount of \$250,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to complete improvements at the interpretive center/store at Deception Pass.

(c) Enter into financing contracts on behalf of state parks and recreation in the amount of \$1,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase and install additional yurts and cabins state-wide.

(d) Enter into financing contracts on behalf of state parks and recreation in the amount of \$500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a day use shelter at Lake Sammamish.

(e) Enter into financing contracts on behalf of state parks and recreation in the amount of \$500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to improve campsite electrification state-wide.

(f) Enter into financing contracts on behalf of state parks and recreation in the amount of \$750,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to develop additional campsites state-wide.

(4) Community and technical colleges:

(a) Enter into a financing contract on behalf of Green River Community College in the amount of \$1,526,150 plus financing expenses and reserves pursuant to chapter 39.94 RCW for remodel of the Lindbloom student center building.

(b) Enter into a financing contract on behalf of Highline Community College in the amount of \$2,070,613 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the purchase of the Federal Way Center, currently being leased by the college.

(c) Enter into a financial contract on behalf of Green River Community College in the amount of \$100,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase approximately 1.5 acres of land adjacent to the westside parking lot.

(d) Enter into a financing contract on behalf of Grays Harbor Community College in the amount of \$600,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the purchase and remodeling of the Riverview School and 2.83 acres of property, currently being leased by the college.

(e) Enter into a financing contract on behalf of Everett Community College in the amount of \$1,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the remodeling of the fitness center.

(f) Enter into a financing contract on behalf of Tacoma Community College in the amount of \$1,697,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for a 10,000 gross square foot addition to the existing student center.

(g) Enter into a financing contract on behalf of Spokane Community College in the amount of \$3,840,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for a 20,000 gross square foot addition and remodeling to the existing Lair student service building costing \$6,000,000. The balance of project cost will be cash from student and activity fees and enterprise funds.

(h) Enter into a financing contract on behalf of Big Bend Community College in the amount of \$150,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the exchange of 10 acres of land with Grant county.

(i) Enter into a financing contract on behalf of Green River Community College in the amount of \$7,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for purchase and development of property in the downtown Kent area.

(j) Enter into a financing contract on behalf of Columbia Basin Community College in the amount of \$1,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for a 10,000 gross square foot student services auditorium.

(k) Enter into a financing contract on behalf of Yakima Valley Community College in the amount of \$375,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for a 2,700 gross square foot addition and remodeling to the existing student union building costing \$1,400,000. Prior to commencing, the college shall prepare and present a business plan describing the financing of the complete project to the state board for community and technical colleges, the office of financial management, and the legislative fiscal committees.

(l) Enter into a financing contract on behalf of Peninsula Community College in the amount of \$2,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for a 10,000 gross square foot addition to the student union building.

(m) Enter into a financing contract on behalf of Whatcom Community College in the amount of \$2,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for a 20,000 gross square foot addition and remodeling to the existing extended learning/work force facility costing \$4,388,000. Prior to commencing, the college shall prepare and present a business plan describing the financing of the complete project to the state board for community and technical colleges, the office of financial management, and the legislative fiscal committees.

(n) Enter into a financial contract on behalf of Green River Community College in the amount of \$350,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase Lea Hill park from King county.

(o) Enter into a financial contract on behalf of Bellevue Community College in the amount of \$4,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for

replacement of the Robinswood school. This authority is provided in addition to the appropriation in section 761 of this act.

(p) Enter into a financial contract on behalf of Wenatchee Valley College in the amount of \$500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase two buildings and property contiguous to the college campus.

(q) Enter into a financing contract on behalf of Whatcom Community College in the amount of \$1,918,483 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the purchase of 10.71 acres of property for the completion of the Whatcom Community College campus.

(r) Enter into a financing contract on behalf of Edmonds Community College in the amount of \$3,700,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to develop a music building on the college campus.

(5) Central Washington University: Enter into a financing contract on behalf of Central Washington University in the amount of \$5,700,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the Central Washington University/Edmonds Community College center.

(6) University of Washington:

(a) Enter into a financing contract on behalf of the University of Washington in the amount of \$7,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to finance real property improvements to the Sand Point building.

(b) Enter into a financing contract on behalf of the University of Washington in the amount of \$7,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to finance primate center tenant improvements.

(7) Washington state convention and trade center: Enter into one or more financing contracts not exceeding an aggregate total amount of \$27,500,000 plus financing expenses and reserves pursuant to chapter 39.94 RCW, for funding unanticipated costs in excess of the \$111,700,000 principal amount of the financing contract authorized in section 802(10)(b), chapter 16, Laws of 1995 2nd sp. sess., for the construction of the expansion of the Washington state convention and trade center as authorized under chapter 386, Laws of 1995. The balance of the expansion project funds shall be provided from interest earnings and public or private funds. The financing contract or contracts representing all or part of the amount authorized by this section shall not be executed without prior written approval of the office of financial management based upon its determination that such financing contract or contracts are reasonably necessary for the expansion project.

**NEW SECTION. Sec. 906.** FOR THE ARTS COMMISSION--ART WORK ALLOWANCE POOLING. (1) One-half of one percent of moneys appropriated in this act for original construction of school plant facilities is provided solely for the purposes of RCW 28A.335.210. The Washington state arts commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays in consultation with the superintendent of public instruction and representatives of school district boards.

(2) One-half of one percent of moneys appropriated in this act for original construction or any major renovation or remodel work exceeding two hundred thousand dollars by colleges or universities is provided solely for the purposes of RCW 28B.10.027. The Washington state arts commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays in consultation with the board of regents or trustees.

(3) One-half of one percent of moneys appropriated in this act for original construction of any public building by a state agency as defined in RCW 43.17.200 is provided solely for the purposes of RCW 43.17.200. The Washington state arts commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays in consultation with the state agency.

(4) At least eighty-five percent of the moneys spent by the Washington state arts commission during the 1999-01 biennium for the purposes of RCW 28A.335.210, 28B.10.027, and 43.17.200 shall be spent solely for direct acquisition of works of art.

NEW SECTION. **Sec. 907.** The amounts shown under the headings "Prior Biennia," "Future Biennia," and "Total" in this act are for informational purposes only and do not constitute legislative approval of these amounts.

NEW SECTION. **Sec. 908.** "Reappropriations" in this act are appropriations and, unless the context clearly provides otherwise, are subject to the relevant conditions and limitations applicable to appropriations. Reappropriations shall be limited to the unexpended balances remaining on June 30, 1999, from the 1997-99 biennial appropriations for each project.

NEW SECTION. **Sec. 909.** To carry out the provisions of this act, the governor may assign responsibility for predesign, design, construction, and other related activities to any appropriate agency.

NEW SECTION. **Sec. 910.** If any federal moneys appropriated by this act for capital projects are not received by the state, the department or agency to which the moneys were appropriated may replace the federal moneys with funds available from private or local sources. No replacement may occur under this section without the prior approval of the director of financial management in consultation with the senate committee on ways and means and the house of representatives capital budget committee.

NEW SECTION. **Sec. 911.** (1) Unless otherwise stated, for all appropriations under this act that require a match of nonstate money or in-kind contributions, the following requirement, consistent with RCW 43.88.150, shall apply: Expenditures of state money shall be timed so that the state share of project expenditures never exceeds the intended state share of total project costs.

(2) Provision of the full amount of required matching funds is not required to permit the expenditure of capital budget appropriations for phased projects if a proportional amount of the required matching funds is provided for each distinct, identifiable phase of the project.

NEW SECTION. **Sec. 912.** Any capital improvements or capital projects involving construction or major expansion of a state office facility, including, but not limited to, district headquarters, detachment offices, and off-campus faculty offices, shall be reviewed by the department of general administration for possible consolidation, colocation, and compliance with state office standards before allotment of funds. The intent of the requirement imposed by this section is to eliminate duplication and reduce total office space requirements where feasible, while ensuring proper service to the public.

NEW SECTION. **Sec. 913.** The governor, through the office of financial management, may authorize a transfer of appropriation authority provided for a capital project that is in excess of the amount required for the completion of such project to another capital project for which the appropriation is insufficient. No such transfer may be used to expand the capacity of any facility beyond that intended by the legislature in making the appropriation. Such transfers may be effected only between capital appropriations to a specific department, commission, agency, or institution of higher education and only between capital projects that are funded from the same fund or account. No transfers may occur between projects to local government agencies except where the grants are provided within a single omnibus appropriation and where such transfers are specifically authorized by the implementing statutes which govern the grants.

For purposes of this section, the governor may find that an amount is in excess of the amount required for the completion of a project only if: (1) The project as defined in the notes to the budget document is substantially complete and there are funds remaining; or (2) bids have been let on a project and it appears to a substantial certainty that the project as defined in the notes to the budget document can be completed within the biennium for less than the amount appropriated in this act.

For the purposes of this section, the legislature intends that each project be defined as proposed to the legislature in the governor's budget document, unless it clearly appears from the legislative history that the legislature intended to define the scope of a project in a different way.

A report of any transfer effected under this section except emergency projects or any transfer under \$250,000 shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management at least thirty days before the date the transfer is effected. The office of financial management shall report all emergency or smaller transfers within thirty days from the date of transfer.

**NEW SECTION. Sec. 914.** The department of information services shall act as lead agency in coordinating video telecommunications services for state agencies. As lead agency, the department shall develop standards and common specifications for leased and purchased telecommunications equipment and assist state agencies in developing a video telecommunications expenditure plan. No agency may spend any portion of any appropriation in this act for new video telecommunications equipment, new video telecommunications transmission, or new video telecommunications systems without first complying with chapter 43.105 RCW, including but not limited to RCW 43.105.041(2), and without first submitting a video telecommunications equipment expenditure plan, in accordance with the policies of the department of information services, for review and assessment by the department of information services under RCW 43.105.052. Before any such expenditure by a public school, a video telecommunications expenditure plan shall be approved by the superintendent of public instruction. The office of the superintendent of public instruction shall submit the plans to the department of information services in a form prescribed by the department. The office of the superintendent of public instruction shall coordinate the use of the video telecommunications in public schools by providing educational information to local school districts and shall assist local school districts and educational service districts in telecommunications planning and curriculum development. Before any such expenditure by a public institution of postsecondary education, a telecommunications expenditure plan shall be approved by the higher education coordinating board. The higher education coordinating board shall coordinate the use of video telecommunications for instruction and instructional support in postsecondary education, including the review and approval of instructional telecommunications course offerings.

**NEW SECTION. Sec. 915.** Electronic copies of all completed predesigns, BEST studies, value engineering studies, and constructability reviews performed pursuant to appropriations contained in this act will be forwarded to the department of general administration in a format prescribed by the department. These documents will serve as a means to share information and lessons that may be useful in other projects. Best practices, changes in technology and materials, new approaches to resolving facility and construction problems, and any other useful information will be shared among all agencies and the public through use of the Internet.

**NEW SECTION. Sec. 916.** The legislature finds that opportunities for additional student enrollment capacity at higher education facilities can be created by increased course scheduling, more intensive space utilization practices, and the delivery of distance learning programs. By May 1, 2000, the institutions of higher education and the state board for community and technical colleges shall review course scheduling and weekly room use standards and determine if additional student capacity can be reasonably obtained by changes in practices. Further, this review shall include an assessment of options to increase distance learning programs as a means to further increase student full-time equivalent capacity. The findings of this review and the delineation of the course scheduling and weekly room use assumptions shall be submitted to the higher education coordinating board and the office of financial management for review and approval.

Institutions of higher education receiving appropriations for predesign, design, or construction of branch campus facilities in this act shall work with the higher education coordinating board and the office of financial management to identify options and prepare plans to increase the full-time equivalent capacity of these projects and all future construction phases for these campuses. The goal of these plans is to substantially increase full-time equivalent delivery capacity above the level identified in the appropriation section. The plans shall identify alternative program delivery strategies, options to increase use of distance learning and technology, plans to improve space utilization, and other recommendations to meet this goal. Branch campuses to be analyzed in these plans include Vancouver,

Tacoma, Bothell, Tri-Cities, and Spokane. The development of these plans shall include consultation with every institution that is planned to offer services at each site. Proposals for changes in the facilities to be constructed in future phases shall clearly identify costs and schedule alternatives, and currently designed construction projects shall proceed on schedule.

**Sec. 917.** RCW 43.98A.040 and 1997 c 235 s 718 are each amended to read as follows:

(1) Moneys appropriated for this chapter to the habitat conservation account shall be distributed in the following way:

- (a) Not less than thirty-five percent for the acquisition and development of critical habitat;
- (b) Not less than twenty percent for the acquisition and development of natural areas;
- (c) Not less than fifteen percent for the acquisition and development of urban wildlife habitat;

and

(d) The remaining amount shall be considered unallocated and shall be used by the committee to fund high priority acquisition and development needs for critical habitat, natural areas, and urban wildlife habitat. During the fiscal biennium ending June 30, ~~((1999))~~ 2001, the remaining amount reappropriated from the fiscal biennium ending June 30, 1999, may be allocated for matching grants for riparian zone habitat protection projects that implement watershed plans under the program established in section 329(6), chapter 235, Laws of 1997.

(2) In distributing these funds, the committee retains discretion to meet the most pressing needs for critical habitat, natural areas, and urban wildlife habitat, and is not required to meet the percentages described in subsection (1) of this section in any one biennium.

(3) Only state agencies may apply for acquisition and development funds for critical habitat and natural areas projects under subsection (1)(a), (b), and (d) of this section.

(4) State and local agencies may apply for acquisition and development funds for urban wildlife habitat projects under subsection (1)(c) and (d) of this section.

**Sec. 918.** RCW 43.98A.060 and 1997 c 235 s 719 are each amended to read as follows:

(1) The committee may adopt rules establishing acquisition policies and priorities for distributions from the habitat conservation account.

(2) Moneys appropriated for this chapter may not be used by the committee to fund additional staff positions or other overhead expenses, or by a state, regional, or local agency to fund operation and maintenance of areas acquired under this chapter, except that the committee may use moneys appropriated for this chapter for the fiscal biennium ending June 30, ~~((1999))~~ 2001, for the administrative costs of implementing the pilot watershed plan implementation program established in section 329(6), chapter 235, Laws of 1997, and developing an inventory of publicly owned lands established in section 329(7), chapter 235, Laws of 1997.

(3) Moneys appropriated for this chapter may be used for costs incidental to acquisition, including, but not limited to, surveying expenses, fencing, and signing.

(4) Except as provided in subsection (5) of this section, the committee may not approve a local project where the local agency share is less than the amount to be awarded from the habitat conservation account.

(5) During the fiscal biennium ending June 30, ~~((1999))~~ 2001, the committee may approve a riparian zone habitat protection project established in section 329(6), chapter 235, Laws of 1997, where the local agency share is less than the amount to be awarded from the habitat conservation account.

(6) In determining acquisition priorities with respect to the habitat conservation account, the committee shall consider, at a minimum, the following criteria:

- (a) For critical habitat and natural areas proposals:
  - (i) Community support;
  - (ii) Immediacy of threat to the site;
  - (iii) Uniqueness of the site;
  - (iv) Diversity of species using the site;
  - (v) Quality of the habitat;
  - (vi) Long-term viability of the site;
  - (vii) Presence of endangered, threatened, or sensitive species;

(viii) Enhancement of existing public property;  
(ix) Consistency with a local land use plan, or a regional or state-wide recreational or resource plan; and

(x) Educational and scientific value of the site.

(b) For urban wildlife habitat proposals, in addition to the criteria of (a) of this subsection:

(i) Population of, and distance from, the nearest urban area;

(ii) Proximity to other wildlife habitat;

(iii) Potential for public use; and

(iv) Potential for use by special needs populations.

(7) Before October 1st of each even-numbered year, the committee shall recommend to the governor a prioritized list of state agency projects to be funded under RCW 43.98A.040(1) (a), (b), and (c). The governor may remove projects from the list recommended by the committee and shall submit this amended list in the capital budget request to the legislature. The list shall include, but not be limited to, a description of each project; and shall describe for each project any anticipated restrictions upon recreational activities allowed prior to the project.

(8) Before October 1st of each year, the committee shall recommend to the governor a prioritized list of all local projects to be funded under RCW 43.98A.040(1)(c). The governor may remove projects from the list recommended by the committee and shall submit this amended list in the capital budget request to the legislature. The list shall include, but not be limited to, a description of each project and any particular match requirement, and describe for each project any anticipated restrictions upon recreational activities allowed prior to the project.

**Sec. 919.** RCW 43.98A.070 and 1997 c 235 s 720 are each amended to read as follows:

(1) In determining which state parks proposals and local parks proposals to fund, the committee shall use existing policies and priorities.

(2) Moneys appropriated for this chapter may not be used by the committee to fund additional staff or other overhead expenses, or by a state, regional, or local agency to fund operation and maintenance of areas acquired under this chapter, except that the committee may use moneys appropriated for this chapter for the fiscal biennium ending June 30, ((1999)) 2001, for the administrative costs of implementing the pilot watershed plan implementation program established in section 329(6), chapter 235, Laws of 1997, and developing an inventory of publicly owned lands established in section 329(7), chapter 235, Laws of 1997.

(3) Moneys appropriated for this chapter may be used for costs incidental to acquisition, including, but not limited to, surveying expenses, fencing, and signing.

(4) The committee may not approve a project of a local agency where the share contributed by the local agency is less than the amount to be awarded from the outdoor recreation account.

(5) The committee may adopt rules establishing acquisition policies and priorities for the acquisition and development of trails and water access sites to be financed from moneys in the outdoor recreation account.

(6) In determining the acquisition and development priorities, the committee shall consider, at a minimum, the following criteria:

(a) For trails proposals:

(i) Community support;

(ii) Immediacy of threat to the site;

(iii) Linkage between communities;

(iv) Linkage between trails;

(v) Existing or potential usage;

(vi) Consistency with an existing local land use plan or a regional or state-wide recreational or resource plan;

(vii) Availability of water access or views;

(viii) Enhancement of wildlife habitat; and

(ix) Scenic values of the site.

(b) For water access proposals:

(i) Community support;

- (ii) Distance from similar water access opportunities;
- (iii) Immediacy of threat to the site;
- (iv) Diversity of possible recreational uses; and
- (v) Public demand in the area.

(7) Before October 1st of each even-numbered year, the committee shall recommend to the governor a prioritized list of state agency projects to be funded under RCW 43.98A.050(1) (a), (c), and (d). The governor may remove projects from the list recommended by the committee and shall submit this amended list in the capital budget request to the legislature. The list shall include, but not be limited to, a description of each project; and shall describe for each project any anticipated restrictions upon recreational activities allowed prior to the project.

(8) Before October 1st of each year, the committee shall recommend to the governor a prioritized list of all local projects to be funded under RCW 43.98A.050(1) (b), (c), and (d) of this act. The governor may remove projects from the list recommended by the committee and shall submit this amended list in the capital budget request to the legislature. The list shall include, but not be limited to, a description of each project and any particular match requirement, and describe for each project any anticipated restrictions upon recreational activities allowed prior to the project.

**Sec. 920.** RCW 43.98A.050 and 1990 1st ex.s. c 14 s 6 are each amended to read as follows:

(1) Moneys appropriated for this chapter to the outdoor recreation account shall be distributed in the following way:

(a) Not less than twenty-five percent to the state parks and recreation commission for the acquisition and development of state parks, with at least seventy-five percent of this money for acquisition costs. However, during the 1999-2001 biennium, distributions for acquisition and development of state parks shall not exceed four million two hundred fifty thousand dollars, and the proportion for acquisition costs shall be determined by the commission;

(b) Not less than twenty-five percent for the acquisition, development, and renovation of local parks, with at least fifty percent of this money for acquisition costs;

(c) Not less than fifteen percent for the acquisition and development of trails;

(d) Not less than ten percent for the acquisition and development of water access sites, with at least seventy-five percent of this money for acquisition costs; and

(e) The remaining amount shall be considered unallocated and shall be distributed by the committee to state and local agencies to fund high priority acquisition and development needs for parks, trails, and water access sites, except that for the 1999-2001 biennium, unallocated funds may not be distributed to projects in the state parks category.

(2) In distributing these funds, the committee retains discretion to meet the most pressing needs for state and local parks, trails, and water access sites, and is not required to meet the percentages described in subsection (1) of this section in any one biennium.

(3) Only local agencies may apply for acquisition, development, or renovation funds for local parks under subsection (1)(b) of this section.

(4) State and local agencies may apply for funds for trails under subsection (1)(c) of this section.

(5) State and local agencies may apply for funds for water access sites under subsection (1)(d) of this section.

NEW SECTION. **Sec. 921.** A new section is added to chapter 43.83B RCW to read as follows:

The state drought preparedness account is created in the state treasury. All receipts from appropriated funds designated for the account and funds transferred from the state emergency water projects revolving account must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for drought preparedness.

NEW SECTION. **Sec. 922.** The state treasurer shall transfer \$6,800,000 from the state emergency water projects revolving account to the state drought preparedness account created in



section 921 of this act. \$500,000 will remain in the state emergency water projects revolving account for its original purpose or purposes.

NEW SECTION. **Sec. 923.** The state treasurer shall transfer \$2,500,000 from the state convention and trade center account to the Washington housing trust account.

NEW SECTION. **Sec. 924.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "improvements;" strike the remainder of the title and insert "amending RCW 43.98A.040, 43.98A.060, 43.98A.070, and 43.98A.050; adding a new section to chapter 43.83B RCW; creating new sections; and declaring an emergency."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House did not concur in the Senate Amendment(s) to Substitute House Bill No. 1165 and asked the Senate to recede therefrom.

### SENATE AMENDMENTS TO HOUSE BILL

April 13, 1999

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1222 with the following amendment(s)

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 43.63A RCW to read as follows:

(1) A competitive grant program to assist nonprofit organizations in acquiring, constructing, or rehabilitating performing arts, art museums, and cultural facilities is created.

(2)(a) The department shall submit a list of recommended performing arts, art museum projects, and cultural organization projects eligible for funding to the governor and the legislature in the department's biennial capital budget request beginning with the 2001-2003 biennium and thereafter. The list, in priority order, shall include a description of each project, the amount of recommended state funding, and documentation of nonstate funds to be used for the project. The total amount of recommended state funding for projects on a biennial project list shall not exceed four million dollars. The department may provide an additional alternate project list which shall not exceed five hundred thousand dollars.

(b) The department shall establish a competitive process to prioritize applications for state assistance as follows:

(i) The department shall conduct a state-wide solicitation of project applications from nonprofit organizations, local governments, and other entities, as determined by the department. The department shall evaluate and rank applications in consultation with a citizen advisory committee, including a representative from the state arts commission, using objective criteria. The evaluation and ranking process shall also consider local community support for projects and an examination of existing assets that applicants may apply to projects.

(ii) The department may establish the amount of state grant assistance for individual project applications but the amount shall not exceed twenty percent of the estimated total capital cost or actual cost of a project, whichever is less. The remaining portions of the project capital cost shall be a match

from nonstate sources. The nonstate match may include cash, the value of real property when acquired solely for the purpose of the project, and in-kind contributions. The department is authorized to set matching requirements for individual projects. State assistance may be used to fund separate definable phases of a project if the project demonstrates adequate progress and has secured the necessary match funding.

(iii) The department shall not sign contracts or otherwise financially obligate funds under this section until the legislature has approved a specific list of projects. In contracts for grants authorized under this section, the department shall include provisions requiring that capital improvements be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

**Sec. 2.** RCW 27.34.330 and 1995 c 182 s 2 are each amended to read as follows:

The Washington state historical society shall establish a competitive process to solicit proposals for and prioritize heritage capital projects for potential funding in the state capital budget. The society shall adopt rules governing project eligibility and evaluation criteria. Application for funding of specific projects may be made to the society by local governments, public development authorities, nonprofit corporations, tribal governments, and other entities, as determined by the society. The society, with the advice of leaders in the heritage field, including but not limited to representatives from the office of the secretary of state, the eastern Washington state historical society, and the state office of archaeology and historic preservation, shall establish and submit a prioritized list of heritage capital projects to ~~((be recommended to the governor and the legislature by September 1st of each even numbered year, beginning in 1996. The prioritized list shall be developed through open and public meetings. The governor and the legislature shall consider the prioritized list of heritage projects as a guide for appropriating funds to heritage capital projects beginning with the 1997-99 biennium and thereafter))~~ the governor and the legislature in the society's biennial capital budget request. The list shall include a description of each project, the amount of recommended state funding, and documentation of nonstate funds to be used for the project. The total amount of recommended state funding for projects on a biennial project list shall not exceed four million dollars. The department may provide an additional alternate project list which shall not exceed five hundred thousand dollars. The prioritized list shall be developed through open and public meetings and the amount of state funding shall not exceed thirty-three percent of the total cost of the project. The nonstate portion of the total project cost may include cash, the value of real property when acquired solely for the purpose of the project, and in-kind contributions. The department shall not sign contracts or otherwise financially obligate funds under this section until the legislature has approved a specific list of projects. In contracts for grants authorized under this section, the society shall include provisions requiring that capital improvements be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

**Sec. 3.** RCW 43.63A.125 and 1997 c 374 s 2 are each amended to read as follows:

~~((If the legislature provides an appropriation to))~~ (1) The department shall establish a competitive process to solicit proposals for and prioritize projects that assist nonprofit organizations in acquiring, constructing, or rehabilitating facilities used for the delivery of nonresidential social services~~((, the legislature may direct the department of community, trade, and economic development to))~~.

(2) The department shall establish a competitive process to prioritize applications for the assistance as follows:

~~((4))~~ (a) The department shall conduct a state-wide solicitation of project applications from local governments, nonprofit organizations, and other entities, as determined by the department. The

department shall evaluate and rank applications in consultation with a citizen advisory committee using objective criteria. At a minimum, applicants must demonstrate that the requested assistance will increase the efficiency or quality of the social services it provides to citizens. The evaluation and ranking process shall also include an examination of existing assets that applicants may apply to projects. Grant assistance under this section shall not exceed twenty-five percent of the total cost of the project. The nonstate portion of the total project cost may include ~~(, but is not limited to, land, facilities)~~ cash, the value of real property when acquired solely for the purpose of the project, and in-kind contributions.

~~((2))~~ (b) The department shall submit a prioritized list of recommended projects to the ~~((legislature by November 1st following the effective date of the appropriation))~~ governor and the legislature in the department's biennial capital budget request beginning with the 2001-2003 biennium and thereafter. For the 1999-2001 biennium, the department shall conduct a solicitation and ranking process, as described in (a) of this subsection, for projects to be funded by appropriations provided for this program in the 1999-2001 capital budget. The list shall include a description of each project, the amount of recommended state funding, and documentation of nonstate funds to be used for the project. The total amount of recommended state funding for projects on a biennial project list shall not exceed four million dollars. The department may provide an additional alternate project list which shall not exceed five hundred thousand dollars. The department shall not sign contracts or otherwise financially obligate funds under this section until the legislature has approved a specific list of projects.

~~((3))~~ (c) In contracts for grants authorized under this section the department shall include provisions which require that capital improvements shall be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities shall be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

~~((4) The department shall develop model contract provisions for compliance with subsection (3) of this section and shall distribute its recommendations to the appropriate legislative committees, the office of financial management, and to all state agencies which provide capital grants to nonstate entities.)~~

NEW SECTION. Sec. 4. Section 1 of this act, RCW 27.34.330, and 43.63A.125 shall expire June 30, 2007.

**Sec. 5.** RCW 80.36.005 and 1993 c 249 s 1 are each amended to read as follows:

~~((As used in this chapter))~~ The definitions in this section apply throughout RCW 80.36.410 through 80.36.475, unless the context ~~((indicates))~~ clearly requires otherwise~~((,))~~.

(1) "Community action agency" means local community action agencies or local community service agencies designated by the department of community, trade, and economic development under chapter 43.63A RCW.

(2) "Community service voice mail" means a computerized telephone answering service with the capabilities described in RCW 80.36.420(4).

(3) "Department" means the department of social and health services.

**Sec. 6.** RCW 80.36.410 and 1987 c 229 s 3 are each amended to read as follows:

(1) The legislature finds that universal telephone service is an important policy goal of the state. The legislature further finds that: (a) Recent changes in the telecommunications industry, such as federal access charges, raise concerns about the ability of low-income persons to continue to afford access to local exchange telephone service; and (b) many low-income persons do not have a permanent residence in which to receive local exchange telephone service.

(2) Therefore, the legislature finds that: (a) It is in the public interest to take steps to mitigate the effects of these changes on low-income persons; and (b) advances in telecommunications technologies, such as community service voice mail, provide new and economically efficient ways to

secure many of the benefits of universal service to low-income persons who are not customers of local exchange telephone service.

**Sec. 7.** RCW 80.36.420 and 1990 c 170 s 2 are each amended to read as follows:

The Washington telephone assistance program shall be available to ~~((participants))~~ eligible clients of department programs ((set forth in RCW 80.36.470)) and community action agency services, except that clients of community action agency services shall be eligible only for the community service voice mail described in subsection (4) of this section. Assistance shall consist of the following components:

(1) A discount on service connection fees of fifty percent or more as set forth in RCW 80.36.460.

(2) A waiver of deposit requirements on local exchange service, as set forth in RCW 80.36.460.

(3) A discounted flat rate service for local exchange service, which shall be subject to the following conditions:

(a) The commission shall establish a single telephone assistance rate for all local exchange companies operating in the state of Washington. The telephone assistance rate shall include any federal end user access charges and any other charges necessary to obtain local exchange service.

(b) The commission shall, in establishing the telephone assistance rate, consider all charges for local exchange service, including federal end user access charges, mileage charges, extended area service, and any other charges necessary to obtain local exchange service.

(c) The telephone assistance rate shall only be available to eligible customers subscribing to the lowest available local exchange flat rate service, where the lowest local exchange flat rate, including any federal end user access charges and any other charges necessary to obtain local exchange service, is greater than the telephone assistance rate. Low-income senior citizens sixty years of age and older and other low-income persons identified by the department as medically needy shall, where single-party service is available, be provided with single-party service as the lowest available local exchange flat rate service.

(d) The cost of providing the service shall be paid, to the maximum extent possible, by a waiver of all or part of the federal end user access charge and, to the extent necessary, from the telephone assistance fund created by RCW 80.36.430.

(4) A community service voice mailbox that provides recipients with: (a) An individually assigned telephone number; (b) the ability to record a personal greeting; and (c) a secure private security code to retrieve messages. The community service voice mailbox may also include a toll-free line through which recipients can access their community service voice mailboxes at no charge.

**Sec. 8.** RCW 80.36.430 and 1990 c 170 s 3 are each amended to read as follows:

(1) The Washington telephone assistance program shall be funded by a telephone assistance excise tax on all switched access lines and by funds from any federal government or other programs for this purpose. Switched access lines are defined in RCW 82.14B.020. The telephone assistance excise tax shall be applied equally to all residential and business access lines not to exceed fourteen cents per month. The telephone assistance excise tax shall be separately identified on each ratepayer's bill as the "Washington telephone assistance program." All money collected from the telephone assistance excise tax shall be transferred to a telephone assistance fund administered by the department.

(2) The department shall be the fund administrator for local exchange companies, and the department of community, trade, and economic development shall be the fund administrator for community action agencies. Local exchange companies and community action agencies shall bill ~~((the))~~ their fund administrator for their expenses incurred in offering the telephone assistance program, including administrative and program expenses.

(3) The department shall disburse the money to the local exchange companies and to the department of community, trade, and economic development, except that the total amount of funds that may be paid annually to the department of community, trade, and economic development shall not exceed ten percent of the total annual telephone assistance fund revenues collected. The department is exempted from having to conclude a contract with local exchange companies in order to effect this

reimbursement. The department of community, trade, and economic development shall disburse the money to the community action agencies.

(4) The ((department)) fund administrators shall recover ((its)) their administrative costs from the fund. The ((department)) fund administrator may specify by rule the range and extent of administrative and program expenses that will be reimbursed to local exchange companies or community action agencies.

**Sec. 9.** RCW 80.36.440 and 1990 c 170 s 4 are each amended to read as follows:

(1) The commission ((and)), the department, and the department of community, trade, and economic development may adopt any rules necessary to implement RCW 80.36.410 through 80.36.470.

(2) The rules relating to community service voice mail shall identify funding priorities that extend the benefits of community service voice mail to the greatest number of eligible clients. Within available resources, funding shall be made available for: (a) Deployment of new community service voice mail systems, including costs for start-up and installation, staff to train participating agencies, and maintaining program data; (b) installation of toll-free lines through which recipients of existing community service voice mail can access their community service voice mailboxes at no charge; (c) expansion of the capacity of existing community service voice mail; and (d) payment for continuing and expanding telephone services of existing community service voice mail, including maintenance expenses, operating expenses, and administrative expenses. The rules may require community action agencies to match up to fifty percent of the funds received from the telephone assistance program or to demonstrate the acquisition of in-kind contributions from local exchange companies or vendors of community service voice mail hardware or software.

**Sec. 10.** RCW 80.36.450 and 1993 c 249 s 2 are each amended to read as follows:

The Washington telephone assistance program shall be limited to one residential access line per eligible household for services provided by local exchange companies or to one community service voice mailbox per eligible person for services provided by community action agencies.

**Sec. 11.** RCW 80.36.460 and 1990 c 170 s 5 are each amended to read as follows:

(1) Local exchange companies shall file tariffs with the commission which waive deposits on local exchange service for eligible subscribers and which establish a fifty percent discount on service connection fees for eligible subscribers. Part or all of the remaining fifty percent of service connection fees may be paid by funds from federal government or other programs for this purpose. The commission or other appropriate agency shall make timely application for any available federal funds. The remaining portion of the connection fee to be paid by the subscriber shall be expressly payable by installment fees spread over a period of months. A subscriber may, however, choose to pay the connection fee in a lump sum. Costs associated with the waiver and discount shall be accounted for separately and recovered from the telephone assistance fund. Eligible subscribers shall be allowed one waiver of a deposit and one discount on service connection fees per year.

(2) Community action agencies may not charge recipients for community service voice mail.

**Sec. 12.** RCW 80.36.470 and 1990 c 170 s 6 are each amended to read as follows:

(1) Adult recipients of department-administered programs for the financially needy which provide continuing financial or medical assistance, food stamps, or supportive services to persons in their own homes are eligible for participation in the telephone assistance program. The department shall notify the participants of their eligibility.

(2) Adult clients of community action agency services are eligible for participation in the community service voice mail of the telephone assistance program if they do not reside in a residence with local exchange telephone service or do not have a reliable means of directly receiving telephone calls or messages.

**Sec. 13.** RCW 80.36.475 and 1990 c 170 s 7 are each amended to read as follows:

The department shall report to the ((~~energy and utilities~~)) committees of the house of representatives and the senate with jurisdiction over telecommunications services by December 1 of each year on the status of the Washington telephone assistance program. The report shall include the number of participants by qualifying ((~~social service~~)) department or community action agency programs receiving benefits from the telephone assistance program and the type of benefits participants receive. The report shall also include a description of the geographical distribution of participants, the program's annual revenue and expenditures, and any recommendations for legislative action.

NEW SECTION. Sec. 14. RCW 80.36.005 is recodified as a new section in chapter 80.36 RCW to be codified immediately before RCW 80.36.410.

NEW SECTION. Sec. 15. Sections 6 through 12 of this act expire June 30, 2003."

On page 1, line 2 of the title, after "organizations;" strike the remainder of the title, and insert "amending RCW 27.34.330, 43.63A.125, 80.36.005, 80.36.410, 80.36.420, 80.36.430, 80.36.440, 80.36.450, 80.36.460, 80.36.470, and 80.36.475; adding a new section to chapter 43.63A RCW; adding a new section to chapter 80.36 RCW; recodifying RCW 80.36.005; and providing expiration dates."

and the same are herewith transmitted.

Tony M. Cook, Secretary

#### **POINT OF ORDER**

Representative Mastin requested a scope and object ruling on the Senate amendments to Substitute House Bill No. 1222.

#### **SPEAKERS' RULING**

Speaker Ballard: "Representative Mastin, the Speaker is prepared to rule on your request for scope and object on the Senate amendments to Substitute House Bill No. 1222.

The title of the bill is "AN ACT relating to capital projects for local nonprofit art, cultural, heritage, and social service organizations."

The Senate amendment would establish community service voice mail as a component of the Washington Telephone Assistance Program and permits eligible clients of community action agencies and the Department of Social and Health Services to receive voice mail services.

The Speaker finds that community services voice mail is beyond both the scope of the title and the object of the bill.

Speaker Chopp concurs in this ruling.

Representative Mastin, your Point of Order is well taken."

There being no objection, the House did not concur in the Senate amendment(s) to Substitute House Bill No. 1222 and asked the Senate to recede therefrom.

There being no objection, the House deferred action on House Bill No. 1299, and the bill held its place on the concurrence calendar.

#### **SENATE AMENDMENTS TO HOUSE BILL**

April 12, 1999

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1673 with the following amendment(s)

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The Washington supreme court in a case involving a ballot measure, *State v. 119 Vote No! Committee*, 135 Wn.2d 618 (1998), found the statute that prohibits persons from sponsoring, with actual malice, political advertising containing false statements of material fact to be invalid under the First Amendment to the United States Constitution.

(2) The legislature finds that a review of the opinions indicates that a majority of the supreme court may find valid a statute that limited such a prohibition on sponsoring with actual malice false statements of material fact in a political campaign to statements about a candidate in an election for public office.

(3) It is the intent of the legislature to amend the current law to provide protection for candidates for public office against false statements of material fact sponsored with actual malice.

**Sec. 2.** RCW 42.17.530 and 1988 c 199 s 2 are each amended to read as follows:

(1) It is a violation of this chapter for a person to sponsor with actual malice:

(a) Political advertising that contains a false statement of material fact about a candidate for public office. However, this subsection (1)(a) does not apply to statements about a candidate made by the candidate or the candidate's agent;

(b) Political advertising that falsely represents that a candidate is the incumbent for the office sought when in fact the candidate is not the incumbent;

(c) Political advertising that makes either directly or indirectly, a false claim stating or implying the support or endorsement of any person or organization when in fact the candidate does not have such support or endorsement.

(2) Any violation of this section shall be proven by clear and convincing evidence."

In line 1 of the title, after "advertising;" strike the remainder of the title and insert "amending RCW 42.17.530; and creating a new section."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House did not concur in the Senate amendment(s) to Substitute House Bill No. 1673 and asked the Senate to recede therefrom.

### SENATE AMENDMENTS TO HOUSE BILL

April 8, 1999

Mr. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1681 with the following amendment(s)

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that it is beneficial to improve opportunities for trout fishing in order to satisfy the public's demand for recreational fishing during a time of declining opportunities to catch anadromous salmon and steelhead trout.

Fish farmers can produce trout in a triploid genetic configuration for the purpose of certifying that the fish are sterile and that they cannot interbreed with wild trout. These fish are ideally suited to planting into public lakes and ponds to provide immediate recreational fishing at a reasonable cost. The fish continue to grow throughout their life cycle and have the potential to grow to trophy size.

Planting of these catchable trout can provide increased angler participation, increased fishing license sales, increased tourism activities, and a boost to local economies.

The department of fish and wildlife is authorized to purchase these privately produced fish to supplement existing department trout hatchery production. The planting of these catchable trout in water bodies with water quality sufficient to support fish life must not have an adverse impact on the wild trout population.

NEW SECTION. **Sec. 2.** The fish and wildlife commission in consultation with the department is authorized to determine which waters of the state are appropriate for this use during the 1999 and 2000 calendar years. In making this determination, the commission shall seek geographic distribution to assure opportunity to fishers state-wide.

The commission in consultation with the department will determine the maximum number of fish that may be planted into state waters so as not to compete with the wild populations of fish species in the water body.

NEW SECTION. **Sec. 3.** The fish and wildlife commission may authorize purchase of privately produced fish only if the cost of the program will be recovered by the increase in license sales directly attributable to the planting of these privately purchased fish.

NEW SECTION. **Sec. 4.** The department of fish and wildlife shall report to the appropriate legislative committees by February 1, 2001, regarding the implementation of this act. The report shall include information regarding the location and number of fish planted, the size of the fish planted, and information relating to the cost-effectiveness of the catchable trout program, including an estimate of new license sales generated by the programs.

NEW SECTION. **Sec. 5.** Sections 1 through 3 of this act are each added to Title 77 RCW.

NEW SECTION. **Sec. 6.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "waters;" strike the remainder of the title and insert "adding new sections to Title 77 RCW; creating a new section; and declaring an emergency."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House did not concur in the Senate amendment(s) to Second Substitute House Bill No. 1681 and asked the Senate to recede therefrom.

### **SENATE AMENDMENTS TO HOUSE BILL**

April 8, 1999

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1701 with the following amendment(s)

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 43.99.080 and 1995 c 166 s 5 are each amended to read as follows:

Moneys transferred to the recreation resource account from the marine fuel tax refund account may be used when appropriated by the legislature, as well as any federal or other funds now or hereafter available, to pay the necessary administrative and coordinative costs of the interagency committee for outdoor recreation established by RCW 43.99.110. All moneys so transferred, except



those appropriated as aforesaid, shall be divided into two equal shares and shall be used to benefit watercraft recreation in this state as follows:

(1) One share as grants to state agencies for (a) acquisition of title to, or any interests or rights in, marine recreation land, (b) capital improvement and renovation of marine recreation land, including periodic dredging if needed, to maintain or make the facility more useful, or (c) matching funds in any case where federal or other funds are made available on a matching basis for purposes described in (a) or (b) of this subsection;

(2) One share as grants to public bodies to help finance (a) acquisition of title to, or any interests or rights in, marine recreation land, or (b) capital improvement and renovation of marine recreation land, including periodic dredging if needed, to maintain or make the facility more useful. A public body is authorized to use a grant, together with its own contribution, as matching funds in any case where federal or other funds are made available for purposes described in (a) or (b) of this subsection. The committee may prescribe further terms and conditions for the making of grants in order to carry out the purposes of this chapter."

On page 1, line 1 of the title, after "account;" strike the remainder of the title and insert "and amending RCW 43.99.080."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House did not concur in the Senate amendment(s) to Substitute House Bill No. 1701 and asked the Senate to recede therefrom.

### SENATE AMENDMENTS TO HOUSE BILL

April 13, 1999

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1833 with the following amendment(s)

On page 1, strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28A.335.170 and 1990 c 33 s 360 are each amended to read as follows:

The board of directors of any school district may enter into contracts for their respective districts (~~for periods not exceeding five years in duration~~) with public and private persons, organizations, and entities for the following purposes:

(1) To rent or lease building space(~~(s)~~) and portable buildings(~~(, security systems, computers and other equipment)~~) for periods not exceeding ten years in duration;

(2) To rent security systems, computers, and other equipment or to have maintained and repaired security systems, computers, and other equipment for periods not exceeding five years in duration; and

(3) To provide pupil transportation services for periods not exceeding five years in duration.

No school district may enter into a contract for pupil transportation unless it has notified the superintendent of public instruction that, in the best judgment of the district, the cost of contracting will not exceed the projected cost of operating its own pupil transportation.

The budget of each school district shall identify that portion of each contractual liability incurred pursuant to this section extending beyond the fiscal year by amount, duration, and nature of the contracted service and/or item in accordance with rules and regulations of the superintendent of public instruction adopted pursuant to RCW 28A.505.140 and 28A.310.330.

The provisions of this section shall not have any effect on the length of contracts for school district employees specified by RCW 28A.400.300 and 28A.405.210."

On page 1, on line 1 of the title, after "schools;" strike the remainder of the title and insert "and amending RCW 28A.335.170."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House did not concur in the Senate amendment(s) to House Bill No. 1833 and asked the Senate to recede therefrom.

### SENATE AMENDMENTS TO HOUSE BILL

April 13, 1999

Mr. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1871 with the following amendment(s)

Strike everything after the enacting clause and insert the following:

NEW SECTION. **Sec. 1.** The legislature finds that salmon recovery in Washington state will involve everyone and will require funds to accomplish recovery measures. Several species of salmon in Washington are, or are expected to be, listed as threatened or endangered under the federal endangered species act. At present, these species include chinook, chum, bull trout and coho. To bring attention to the importance of the recovery of salmon and their place in Washington's heritage, raise funds for salmon recovery projects, and involve citizens of all ages, the Washington salmon stamp and Washington junior salmon stamp programs are created.

NEW SECTION. **Sec. 2.** The definitions in this section apply throughout sections 2 through 7 of this act unless the context clearly requires otherwise.

(1) "Salmon" means all species of the genus *Oncorhynchus*, dolly varden trout, bull trout, cutthroat trout, and steelhead trout.

(2) "Department" means the department of fish and wildlife.

(3) "Committee" means the salmon stamp selection committee created in section 5 of this act.

(4) "Stamp" means the stamp created under the Washington salmon stamp program and the Washington junior salmon stamp program, created in sections 2 through 7 of this act.

NEW SECTION. **Sec. 3.** (1) The Washington salmon stamp program is created in the department. The purpose of the program is the creation of a stamp that will portray a salmonid species native to Washington and will be used for stamps, prints, and posters that can be sold in a wide range of prices and editions to appeal to citizens and collectors interested in supporting salmon restoration. The proceeds from the sale of the Washington salmon stamp shall be used for protection, preservation, and restoration of salmonid habitat in Washington.

(2) Every year the department will announce competition, open to all Washington artists, for the creation of the year's Washington salmon stamp. The department will market the stamp and prints through a wide distribution method including web sites, license sites, and at public events.

(3) The winning artist will receive a monetary award and a certain number of artist proof prints.

NEW SECTION. **Sec. 4.** (1) The Washington junior salmon stamp program is created in the department. The purpose of the program is the creation of a stamp that will portray a salmonid species native to Washington and will be used for stamps, prints, and posters that can be sold in a wide range of prices and editions to appeal to citizens and collectors interested in supporting salmon restoration.

(2) Every year the department will announce a competition for the Washington junior salmon stamp program among Washington K-12 students. The top winner will receive a scholarship award.

**NEW SECTION. Sec. 5.** The salmon stamp selection committee is created. The committee is comprised of five individuals selected by the governor who will judge and select the winning entrant for the Washington salmon stamp program and Washington junior salmon stamp program. The governor will select names from a collection of names forwarded from the department and from the state arts commission in the following categories: Artist, not competing in the salmon stamp program; art collector; fish biologist; printer; and public school teacher.

**NEW SECTION. Sec. 6.** All receipts from the salmon stamp program created under sections 2 through 7 of this act must be deposited into the regional fisheries enhancement salmonid recovery account created under RCW 75.50.125, except that an amount equal to the department's cost of accomplishing the program shall be deposited into the wildlife fund. The department shall report biennially to the legislature on the amount of money the salmon stamp program has generated.

**NEW SECTION. Sec. 7.** The department is granted the authority to establish by rule the method for selecting appropriate designs for the Washington salmon stamp program and Washington junior salmon stamp program. The stamp shall be designed and produced in accordance with department rules.

**Sec. 8.** RCW 75.50.125 and 1997 c 389 s 3 are each amended to read as follows:

The regional fisheries enhancement salmonid recovery account is created in the state treasury. All receipts from federal sources and moneys from state sources specified by law must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used for the ~~((sole))~~ purposes of fisheries enhancement and habitat restoration by regional fisheries enhancement groups, and this act.

**NEW SECTION. Sec. 9.** Sections 2 through 7 of this act are each added to chapter 77.12 RCW.

**NEW SECTION. Sec. 10.** A new section is added to chapter 46.16 RCW to read as follows:

The department, the Washington state patrol, and the department of fish and wildlife shall jointly create, design, and issue a special salmon license plate that may be used in lieu of regular or personalized license plates for motor vehicles required to display two motor vehicle license plates, excluding vehicles registered under chapter 46.87 RCW, upon terms and conditions established by the department. The special plates will observe the importance of salmonid to Washington state and help fund the restoration of salmon and steelhead species listed under the federal endangered species act.

**NEW SECTION. Sec. 11.** A new section is added to chapter 75.46 RCW to read as follows:

The salmon species enrichment license fees account is created in the state treasury. All receipts from salmon species enrichment license fees, less the administration and collection costs incurred by the department under RCW 46.16.313 (6) and (7) must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the preservation, protection, perpetuation, education, and enhancement of salmon species.

**NEW SECTION. Sec. 12.** A new section is added to chapter 75.46 RCW to read as follows:

(1) On an annual basis, the department of fish and wildlife shall solicit, from the public and private sector, proposed salmon preservation, protection, perpetuation, education, and enhancement projects and prioritize projects it recommends for funding from the salmon species enrichment license fees account by giving preference to projects that:

- (a) Provide a greater benefit to salmon recovery;
- (b) Will be implemented in a more critical area;
- (c) Are the most cost-effective;

- (d) Have the greatest matched or in-kind funding; and
- (e) Will be implemented by a sponsor with a successful record of implementation.

(2) In selecting such projects, the department shall attempt to assure a geographical balance in assigning priorities to projects.

(3) On an annual basis, the department shall report to the legislature on its selection process and the projects recommended for funding. The legislature, in its sole discretion, shall select and make appropriations for salmon preservation, protection, perpetuation, education, and enhancement projects from the salmon species enrichment license fees account.

(4) The department may adopt rules necessary to implement this section.

**Sec. 13.** RCW 46.16.313 and 1997 c 291 s 8 are each amended to read as follows:

(1) The department may establish a fee for each type of special license plates issued under RCW 46.16.301(1) (a), (b), or (c), as existing before amendment by section 5, chapter 291, Laws of 1997, in an amount calculated to offset the cost of production of the special license plates and the administration of this program. Until December 31, 1997, the fee shall not exceed thirty-five dollars, but effective with vehicle registrations due or to become due on January 1, 1998, the department may adjust the fee to no more than forty dollars. This fee is in addition to all other fees required to register and license the vehicle for which the plates have been requested. All such additional special license plate fees collected by the department shall be deposited in the state treasury and credited to the motor vehicle fund.

~~(2) ((Until December 31, 1997, in addition to all fees and taxes required to be paid upon application, registration, and renewal registration of a motor vehicle, the holder of a collegiate license plate shall pay a fee of thirty dollars. The department shall deduct an amount not to exceed two dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds, minus the cost of plate production, shall be remitted to the custody of the state treasurer with a proper identifying detailed report. The state treasurer shall credit the funds to the appropriate collegiate license plate fund as provided in RCW 28B.10.890.~~

~~(3) Effective with vehicle registrations due or to become due on January 1, 1998,)) In addition to all fees and taxes required to be paid upon application and registration of a motor vehicle, the holder of a collegiate license plate shall pay an initial fee of forty dollars. The department shall deduct an amount not to exceed twelve dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds shall be remitted to the custody of the state treasurer with a proper identifying detailed report. The state treasurer shall credit the funds to the appropriate collegiate license plate fund as provided in RCW 28B.10.890.~~

~~((4) Effective with annual renewals due or to become due on January 1, 1999,)) (3) In addition to all fees and taxes required to be paid upon renewal of a motor vehicle registration, the holder of a collegiate license plate shall pay a fee of thirty dollars. The department shall deduct an amount not to exceed two dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds shall be remitted to the custody of the state treasurer with a proper identifying detailed report. The state treasurer shall credit the funds to the appropriate collegiate license plate fund as provided in RCW 28B.10.890.~~

~~((5)) (4) In addition to all fees and taxes required to be paid upon application and registration of a motor vehicle, the holder of a special baseball stadium license plate shall pay an initial fee of forty dollars. The department shall deduct an amount not to exceed twelve dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds, minus the cost of plate production, shall be distributed to a county for the purpose of paying the principal and interest payments on bonds issued by the county to construct a baseball stadium, as defined in RCW 82.14.0485, including reasonably necessary preconstruction costs, while the taxes are being collected under RCW 82.14.360. After this date, the state treasurer shall credit the funds to the state general fund.~~

~~((6) Effective with annual renewals due or to become due on January 1, 1999,)) (5) In addition to all fees and taxes required to be paid upon renewal of a motor vehicle registration, the holder of a special baseball stadium license plate shall pay a fee of thirty dollars. The department shall deduct an amount not to exceed two dollars of each fee collected under this subsection for administration and~~

collection expenses incurred by it. The remaining proceeds shall be distributed to a county for the purpose of paying the principal and interest payments on bonds issued by the county to construct a baseball stadium, as defined in RCW 82.14.0485, including reasonably necessary preconstruction costs, while the taxes are being collected under RCW 82.14.360. After this date, the state treasurer shall credit the funds to the state general fund.

(6) Effective with vehicle registrations due or to become due on January 1, 2000, in addition to all fees and taxes required to be paid upon application and registration of a motor vehicle, the holder of a salmon license plate shall pay an initial fee of forty dollars. The department shall deduct an amount not to exceed twelve dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The department shall remit the remaining proceeds to the custody of the state treasurer with a proper identifying detailed report. The state treasurer shall credit the funds to the salmon species enrichment license fees account.

(7) Effective with annual renewals due or to become due on January 1, 2000, in addition to all fees and taxes required to be paid upon renewal of a motor vehicle registration, the holder of a salmon license plate shall pay a fee of thirty dollars. The department shall deduct an amount not to exceed two dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The department shall remit the remaining proceeds to the custody of the state treasurer with a proper identifying detailed report. The state treasurer shall credit the funds to the salmon species enrichment license fees account.

**Sec. 14.** RCW 46.16.233 and 1997 c 291 s 2 are each amended to read as follows:

Except for those license plates issued under RCW 46.16.305(1) before January 1, 1987, under RCW 46.16.305(3), under section 10 of this act, and to commercial vehicles with a gross weight in excess of twenty-six thousand pounds, effective with vehicle registrations due or to become due on January 1, 2001, all vehicle license plates must be issued on a standard background, as designated by the department. Additionally, to ensure maximum legibility and reflectivity, the department shall periodically provide for the replacement of license plates. Frequency of replacement shall be established in accordance with empirical studies documenting the longevity of the reflective materials used to make license plates.

**Sec. 15.** RCW 46.16.290 and 1997 c 291 s 4 are each amended to read as follows:

In any case of a valid sale or transfer of the ownership of any vehicle, the right to the certificates properly transferable therewith, except as provided in RCW 46.16.280, and to the vehicle license plates passes to the purchaser or transferee. It is unlawful for the holder of such certificates, except as provided in RCW 46.16.280, or vehicle license plates to fail, neglect, or refuse to endorse the certificates and deliver the vehicle license plates to the purchaser or transferee. If the sale or transfer is of a vehicle licensed by the state or any county, city, town, school district, or other political subdivision entitled to exemption as provided by law, or, if the vehicle is licensed with personalized plates, amateur radio operator plates, medal of honor plates, disabled person plates, disabled veteran plates, prisoner of war plates, salmon plates, or other special license plates issued under RCW 46.16.301 as it existed before amendment by section 5, chapter 291, Laws of 1997, the vehicle license plates therefor shall be retained and may be displayed upon a vehicle obtained in replacement of the vehicle so sold or transferred."

On page 1, line 1 of the title, after "stamps" strike the remainder of the title amendment and insert "and salmon species enrichment license plates; amending RCW 75.50.125, 46.16.313, 46.16.233, and 46.16.290; adding a new section to chapter 46.16 RCW; adding new sections to chapter 77.12 RCW; adding new sections to chapter 75.46 RCW; and creating a new section."

and the same are herewith transmitted.

Tony M. Cook, Secretary

**POINT OF ORDER**

Representative Mastin requested a scope and object ruling on the Senate amendments to Second Substitute House Bill No. 1871.

### **SPEAKERS' RULING**

Speaker Ballard: "Representative Mastin, the Speaker is prepared to rule on your request for scope and object to the Senate amendments to Second Substitute House Bill No. 1871.

"The Title of the bill is "AN ACT Relating to salmon stamps."

The amendment deals with license plates.

The Speaker finds that a license plate is not a stamp. The Senate amendment is beyond the scope of the title and the object of the bill.

"Speaker Chopp concurs in this ruling.

"Representative Mastin, your Point of Order is well taken.

There being no objection, the House did not concur in the Senate amendment(s) to Second Substitute House Bill No. 1871 and asked the Senate to recede therefrom.

### **SENATE AMENDMENTS TO HOUSE BILL**

April 9, 1999

Mr. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1893 with the following amendment(s)

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that facilitating the environmental permit process will increase citizen satisfaction and compliance with state and local permit requirements. Lack of coordination in the processing of permit applications causes costly delays and frustration to the applicant and the public. The public deserves a clear, predictable system for land-use decisions that ensures an adequate opportunity for public participation and comment. The legislature also finds that permit processes can be improved by enabling and requiring state and local permit agencies to coordinate their permit processes to the greatest extent possible.

**Sec. 2.** RCW 36.70A.020 and 1990 1st ex.s. c 17 s 2 are each amended to read as follows:

The following goals are adopted to guide the development and adoption of comprehensive plans and development regulations of those counties and cities that are required or choose to plan under RCW 36.70A.040. The following goals are not listed in order of priority and shall be used exclusively for the purpose of guiding the development of comprehensive plans and development regulations:

(1) Urban growth. Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.

(2) Reduce sprawl. Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.

(3) Transportation. Encourage efficient multimodal transportation systems that are based on regional priorities and coordinated with county and city comprehensive plans.

(4) Housing. Encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.

(5) Economic development. Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities.

(6) Property rights. Private property shall not be taken for public use without just compensation having been made. The property rights of landowners shall be protected from arbitrary and discriminatory actions.

(7) Permits. ~~((Applications for both))~~ State and local government permit~~(s)~~ agencies should ~~((be processed))~~ coordinate and process permits in a timely and fair manner to ensure predictability for applicants.

(8) Natural resource industries. Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries. Encourage the conservation of productive forest lands and productive agricultural lands, and discourage incompatible uses.

(9) Open space and recreation. Encourage the retention of open space and development of recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks.

(10) Environment. Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.

(11) Citizen participation and coordination. Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts.

(12) Public facilities and services. Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards.

(13) Historic preservation. Identify and encourage the preservation of lands, sites, and structures, that have historical or archaeological significance.

**Sec. 3.** RCW 58.17.095 and 1986 c 233 s 1 are each amended to read as follows:

(1) A county, city, or town may adopt an ordinance providing for the administrative review of a preliminary plat without a public hearing ~~((by adopting an ordinance providing for such administrative review))~~. The ordinance may specify a threshold number of lots in a subdivision above which a public hearing must be held, and may specify other factors which necessitate the holding of a public hearing. ~~((The administrative review process shall include the))~~

(2) If the county, city, or town has not adopted consolidated permitting procedures and time frames as provided in chapter 36.70B RCW, it shall conduct administrative review of preliminary plats consistent with the following minimum conditions:

~~((4))~~ (a) The notice requirements of RCW 58.17.090 shall be followed, except that the publication shall be made within ten days of the filing of the application. Additionally, at least ten days after the filing of the application notice both shall be: ~~((4))~~ (i) Posted on or around the land proposed to be subdivided in at least five conspicuous places designed to attract public awareness of the proposal; and ~~((4))~~ (ii) mailed to the owner of each lot or parcel of property located within at least three hundred feet of the site. The applicant shall provide the county, city, or town with a list of such property owners and their addresses. The notice shall include notification that no public hearing will be held on the application, except as provided by this section. The notice shall set out the procedures and time limitations for persons to require a public hearing and make comments.

~~((2))~~ (b) Any person shall have a period of twenty days from the date of the notice to comment upon the proposed preliminary plat. All comments received shall be provided to the applicant. The applicant has seven days from receipt of the comments to respond thereto.

~~((3))~~ (c) A public hearing on the proposed subdivision shall be held if any person files a request for a hearing with the county, city, or town within twenty-one days of the publishing of such notice. If such a hearing is requested, notice requirements for the public hearing shall be in conformance with RCW 58.17.090, and the ninety-day period for approval or disapproval of the proposed subdivision provided for in RCW 58.17.140 shall commence with the date of the filing of the request for a public hearing. Any hearing ordered under this subsection shall be conducted by the planning commission or hearings officer as required by county or city ordinance.

~~((4))~~ (d) On its own initiative within twenty-one days of the filing of the request for approval of the subdivision, the governing body, or a designated employee or official, of the county, city, or

town, shall be authorized to cause a public hearing to be held on the proposed subdivision within ninety days of the filing of the request for the subdivision.

~~((5))~~ (e) If the public hearing is waived as provided in this section, the planning commission or planning agency shall complete the review of the proposed preliminary plat and transmit its recommendation to the legislative body as provided in RCW 58.17.100.

(3) If the county, city, or town has adopted consolidated permitting procedures and time frames as provided in chapter 36.70B RCW, it may conduct administrative review of preliminary plats consistent with its procedures and time frames. At a minimum, local permitting procedures and time frames related to administrative review of preliminary plats shall provide for:

(a) Notice of application by publication, posting, and mailing. All forms of notice shall include a prominent statement that no public hearing will be held on the application, except as provided by this section. All forms of notice shall clearly state procedures and time frames for persons to make comments on the proposal and request a public hearing.

(b) Written comments on the application by any person. Comments received shall be provided to the applicant, and the applicant shall be provided seven days from receipt of the comments to respond thereto.

(c) A public hearing on the application if any person files a request for a hearing within the time frame specified. If a hearing is requested, notice requirements for the public hearing and the time frame for approval or disapproval of the application shall be consistent with other local permitting procedures. Any hearing conducted under this subsection shall be conducted by the planning commission or hearing officer as required by local ordinance.

(d) A public hearing on the application if the legislative or executive branch of the county, city, or town so requests within the time frame specified.

(e) Expedited agency review and transmittal of its recommendation on the application to the legislative body of the county, city, or town, if there is no request for public hearing.

**Sec. 4.** RCW 90.60.010 and 1995 c 347 s 601 are each amended to read as follows:  
The legislature hereby finds and declares:

(1) Washington's environmental protection programs have established strict standards to reduce pollution and protect the public health and safety and the environment. The single-purpose programs instituted to achieve these standards have been successful in many respects, and have produced significant gains in protecting Washington's environment in the face of substantial population growth.

(2) Continued progress to achieve the environmental standards in the face of continued population growth will require greater coordination between the single-purpose environmental programs and more efficient operation of these programs overall. Pollution must be prevented and controlled and not simply transferred to another media or another place. This goal can only be achieved by maintaining the current environmental protection standards and by greater integration of the existing programs.

(3) As the number of environmental laws and regulations have grown in Washington, so have the number of permits required of business and government. This regulatory burden has significantly added to the cost and time needed to obtain essential permits in Washington. The increasing number of individual permits and permit authorities has generated the continuing potential for conflict, overlap, and duplication between the various state, local, and federal permits.

(4) The purpose of this chapter is to institute new, efficient procedures that will assist businesses and public agencies in complying with the environmental quality laws in an expedited fashion, without reducing protection of public health and safety and the environment.

(5) Those procedures need to provide a permit process that promotes effective dialogue and ensures ease in the transfer and clarification of technical information, while preventing duplication. It is necessary that the procedures establish a process for preliminary and ongoing meetings between the applicant, the coordinating permit agency, and the participating permit agencies, but do not preclude the applicant or participating permit agencies from individually coordinating with each other.

(6) It is necessary, to the maximum extent practicable, that the procedures established in this chapter ensure that the coordinated permit agency process and applicable permit requirements and criteria are integrated and run concurrently, rather than consecutively.



(7) It is necessary to provide a reliable and consolidated source of information concerning federal, state, and local environmental and land use laws and procedures that apply to any given proposal.

(8) It is the intent of this chapter to provide an optional process by which a project proponent may obtain active coordination of all applicable regulatory and land-use permitting procedures. This process is not to replace individual laws, or diminish the substantive decision-making role of individual jurisdictions. Rather it is to provide predictability, administrative consolidation, and, where possible, consolidation of appeal processes.

(9) It is also the intent of this chapter (~~(to provide)~~) that by providing an optional coordinated permit process, measures are taken by the parties that promote the public's trust and confidence in the underlying permit process, including providing consolidated, effective, and easier opportunities for members of the public to receive information and present their views about proposed projects.

**Sec. 5.** RCW 90.60.020 and 1995 c 347 s 602 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Center" means the permit assistance center established in the (~~(commission [department])~~) department by RCW 90.60.030.

(2) "Coordinating permit agency" means the permit agency that has the greatest overall jurisdiction over a project.

(3) "Department" means the department of ecology.

(4) "Local government" means counties, cities, and towns.

(5) "Participating permit agency" means a permit agency, other than the coordinating permit agency, that is responsible for the issuance of a permit for a project.

~~((5))~~ (6) "Parties" collectively means the coordinating permit agency, permit agency, and participating permit agency.

(7) "Permit" means any license, certificate, registration, permit, or other form of authorization required by a permit agency to engage in a particular activity.

~~((6))~~ (8) "Permit agency" means:

(a) The department of ecology, an air pollution control authority, the department of natural resources, the department of fish and wildlife, and the department of health; and

(b) Any other state or federal agency or county, city, or town that participates at the request of the permit applicant and upon the agency's agreement to be subject to this chapter.

~~((7))~~ (9) "Project" means an activity, the conduct of which requires permits from one or more permit agencies.

(10) "Small project" means a project for which the applicants do not enter into a cost reimbursement agreement as authorized by RCW 90.60.100, and the project:

(a) Will require fewer than five permits from the state permit agencies;

(b) Will employ fewer than twenty-five persons; or

(c) Estimates a completed assessed value of less than five hundred thousand dollars.

(11) "Use authorization" means a lease, material purchase, easement, permit, or other document authorizing use of state-owned aquatic lands, materials, or both.

**Sec. 6.** RCW 90.60.030 and 1997 c 429 s 35 are each amended to read as follows:

(1) The permit assistance center is established within the department. The center shall:

~~((4))~~ (a) Publish and keep current one or more handbooks containing lists and explanations of all permit laws. To the extent possible, the handbook shall include relevant local, state, federal, and tribal laws. A state agency or local government shall provide a reasonable number of copies of application forms, statutes, ordinances, rules, handbooks, and other informational material requested by the center and shall otherwise fully cooperate with the center. The center shall seek the cooperation of relevant federal agencies and tribal governments;

~~((2))~~ (b) Establish, and make known, a point of contact for distribution of the handbook and advice to the public as to its interpretation in any given case;

~~((3))~~ (c) Work closely and cooperatively with the business license center in providing efficient and nonduplicative service to the public;

~~((4))~~ (d) Seek the assignment of employees from the permit agencies (~~listed under RCW 90.60.020(6)(a))~~ as defined in this chapter to serve on a rotating basis in staffing the center;

~~((5))~~ (e) Collect and disseminate information to public and private entities on federal, state, local, and tribal government programs that rely on private professional expertise to assist governmental agencies in project permit review; and

~~((6))~~ (f) Provide (~~an annual~~) a biennial report to the legislature (~~on potential conflicts and perceived inconsistencies among existing statutes. The first report shall be submitted to the appropriate standing committees of the house of representatives and senate by December 1, 1996.~~) that includes:

(i) Statutory and other recommendations for streamlining and coordinating environmental permitting in Washington;

(ii) Summarizes the results of the center's efforts to measure performance and outcomes over time;

(iii) Summarizes, evaluates, and makes statutory and other recommendations for improving the center's and permitting agencies' efforts to provide public notice efficiently and for promoting effective public participation in permitting processes;

(iv) Details efforts on the part of the center, the department, and the parties to promote the public's trust and confidence in the permitting process. Examples of such efforts include, but are not limited to, the development of statutory and other policies and procedures, guidance, roles, and responsibilities; and

(v) Shows revenues generated by the center's services, and the center's budget and expenditures.

(2) The department shall prioritize the expenditure of general fund moneys allotted to the center to provide a set of services to the applicants of small projects.

NEW SECTION. Sec. 7. A new section is added to chapter 90.60 RCW to read as follows:

The department is encouraged to establish permit assistance center offices at department regional and field offices to provide better access to the center's services in all areas of the state. Staffing for the regional permit assistance centers may be provided with funding from the state general fund and funds from other sources.

Sec. 8. RCW 90.60.100 and 1995 c 347 s 610 are each amended to read as follows:

(1) The (~~coordinating permit agency~~) parties may enter into a written cost-reimbursement agreement with the applicant to recover from the applicant the reasonable costs incurred by the (~~coordinating permit agency~~) parties in carrying out the requirements of this chapter, as well as the requirements of other relevant laws, as they relate to permit coordination, environmental review, application review, technical studies, and permit processing.

(2) The (~~coordinating permit agency may recover only the costs of performing those coordinated permit services and~~) written cost-reimbursement agreement shall be negotiated with the permit applicant (~~in~~) following the meeting required pursuant to RCW 90.60.070. Permit agencies may assign work to current staff, temporary staff, or technical consultants in order to carry out the work covered by the written cost-reimbursement agreement or the work remaining for the permit agency as a result of the coordinated permit process. The billing process shall provide for accurate time and cost accounting and may include a billing cycle that provides for progress payments.

NEW SECTION. Sec. 9. A new section is added to chapter 90.60 RCW to read as follows:

(1) In collaboration with local governments and state agencies the permit assistance center shall conduct a feasibility study of what might be necessary to establish an integrated permit process. In its conduct of the study, the permit assistance center may appoint technical advisory committees to advise the center and participating agencies. Meetings of the permit assistance center, state agencies, and local governments relating to this study shall be open to the public. The permit assistance center shall solicit comment from interested stakeholders. The comments received and the responses to them shall be summarized as part of the final report.

- (2) The study shall consider:
- (a) The role of preapplication conferences that would involve the applicant and the permit agencies;
  - (b) The characteristics of a complete project application;
  - (c) Coordination of permitting and integration of processes;
  - (d) Provisions for negotiations for cost reimbursement agreements for permitting agencies;
  - (e) The types of permits that might be considered for inclusion in an integrated process;
  - (f) The potential for coordination of local appeals and state appeals;
  - (g) The potential for an integrated decision; and
  - (h) The potential for positive outcomes on performance measures identified in RCW 90.60.030.
- (3) By December 1, 1999, the permit assistance center shall submit a report to the legislature on this study.

**NEW SECTION. Sec. 10.** A new section is added to chapter 90.60 RCW to read as follows:

- (1) It is the intent of this chapter to provide an interagency forum for the discussion of significant issues related to the permitting processes and use authorizations for projects that are proposed on state-owned aquatic lands where there are multiple permits, programs, and legal authorities involved.
- (2) It is a goal of this chapter to encourage all agencies and local governments involved in issuing permits or granting use authorizations for a single project on state-owned aquatic lands to communicate with each other on a timely basis and early in the project review process in order to maximize coordination, facilitate problem resolution, promote the effectiveness of permit decisions, and enhance citizen understanding and involvement in the permit process. It is also a goal of this chapter that all permitting or authorizing federal and state agencies, local governments, and tribal governments be involved in coordinating their respective roles related to permits or authorizations from the outset of any review process. Tribes with fisheries interests in the project area shall also be invited to participate.
- (3) For the purposes of this section, "aquatic lands" means as it is defined in RCW 79.90.010.

**NEW SECTION. Sec. 11.** A new section is added to chapter 90.60 RCW to read as follows:

- (1) The applicant, a local government, or the state agency with the greatest overall jurisdiction for a project may submit a joint aquatic resource permit application to the permit assistance center if a project proposed for the use of state-owned aquatic lands requires:
- (a) A hydraulic project approval under chapter 75.20 RCW;
  - (b) A wastewater discharge permit under chapter 90.48 RCW, or a federal clean water act section 401 certification; and
  - (c) A substantial development permit under chapter 90.58 RCW.
- (2) If the local government or state agency with the greatest overall jurisdiction is uncertain about whether all of the permits identified under subsection (1) of this section are required, it shall submit the completed form to the permit assistance center and allow the center to determine which permits are required.
- (3) The permit assistance center shall facilitate a project scoping meeting including the project applicant, the department of natural resources, the department of ecology, the department of fish and wildlife, and the local governments in whose jurisdiction the project is proposed. Federal agencies and tribal governments that either issue or may require a permit, or that may require a use authorization for the project or have fishery resources that might be affected by the project, shall each be invited to name a representative to participate in the coordinated permit review process for proposed projects on state-owned aquatic lands. All participating agencies are encouraged to remain in communication for purposes of coordination throughout the permit review processes until final permit decisions are made.
- (4) The purpose of the scoping meeting is to share perspectives and identify the issues and information needs of concern to each participant with regard to the proposed project, and jointly develop a strategy for coordinating permitting and issuance of use authorization issues. This project scoping process shall be concluded within sixty days of the date of receipt of the joint aquatic resource permit application by the permit assistance center.

- (a) During this review, the participating agencies shall identify:
  - (i) The specific information needs and issues of concern and their significance to each participant with regard to the permitting processes involved;
  - (ii) Any statutory or regulatory conflicts that might arise relating to differing legal authorities and roles of the agencies issuing the permit or use authorization of the project;
  - (iii) Any state or local jurisdiction or private sector liability that might result from permitting or issuing a use authorization for the project; and
  - (iv) Any natural resources, including federal or state listed species, that might be adversely affected by the permitting or authorizing decision.
- (b) Following this project scoping review, the outcome shall be documented in written form and furnished to the applicant, and be available to the public.
- (c) Upon completion of this review, the permitting and authorizing agencies and governments shall proceed according to their respective statutes. Nothing in this section may prevent the parties from reconvening later in the course of the permitting or use authorization process.

**NEW SECTION. Sec. 12.** A new section is added to chapter 75.20 RCW to read as follows:

- (1) The department shall conduct a study of the hydraulic permit program to assess the adequacy and effectiveness of the program to meet the requirements of the federal endangered species act and in providing an efficient and predictable permitting process for the public while maintaining the department's oversight of the state-wide interest in fish habitat. The study shall evaluate the potential effects of authorizing a local government to issue, enforce site-specific permits, or both, and recommend changes to the program to comply with the requirements of the federal endangered species act. The department shall provide an interim report to the legislature by January 15, 2000, and a final report on the results of the study to the legislature by December 1, 2000.
- (2) The legislature encourages the department to review its hydraulic project approval program to determine the extent to which the program meets the requirements of the federal endangered species act, and to seek approval of the program under the federal endangered species act.
- (3) The department shall report to the legislature on January 1, 2000, and January 1, 2001, on the status of any program submitted for review to federal agencies implementing the federal endangered species act.

**Sec. 13.** RCW 75.20.100 and 1998 c 190 s 87 are each amended to read as follows:

- (1) In the event that any person or government agency desires to construct any form of hydraulic project or perform other work that will use, divert, obstruct, or change the natural flow or bed of any of the salt or fresh waters of the state, such person or government agency shall, before commencing construction or work thereon and to ensure the proper protection of fish life, secure the approval of the department as to the adequacy of the means proposed for the protection of fish life. This approval shall not be unreasonably withheld.
  - (2)(a) Except as provided in RCW 75.20.1001, the department shall grant or deny approval of a standard permit within forty-five calendar days of the receipt of a complete application and notice of compliance with any applicable requirements of the state environmental policy act, made in the manner prescribed in this section.
    - (b) The applicant may document receipt of application by filing in person or by registered mail. A complete application for approval shall contain general plans for the overall project, complete plans and specifications of the proposed construction or work within the mean higher high water line in salt water or within the ordinary high water line in fresh water, and complete plans and specifications for the proper protection of fish life.
    - (c) The forty-five day requirement shall be suspended if:
      - (i) After ten working days of receipt of the application, the applicant remains unavailable or unable to arrange for a timely field evaluation of the proposed project;
      - (ii) The site is physically inaccessible for inspection; or
      - (iii) The applicant requests delay. Immediately upon determination that the forty-five day period is suspended, the department shall notify the applicant in writing of the reasons for the delay.

(d) For purposes of this section, "standard permit" means a written permit issued by the department when the conditions under subsections (3) and (5)(b) of this section are not met.

(3)(a) The department may issue an expedited written permit in those instances where normal permit processing would result in significant hardship for the applicant or unacceptable damage to the environment. In cases of imminent danger, the department shall issue an expedited written permit, upon request, for work to repair existing structures, move obstructions, restore banks, protect property, or protect fish resources. Expedited permit requests require a complete written application as provided in subsection (2)(b) of this section and shall be issued within fifteen calendar days of the receipt of a complete written application. Approval of an expedited permit is valid for up to sixty days from the date of issuance.

(b) For the purposes of this subsection, "imminent danger" means a threat by weather, water flow, or other natural conditions that is likely to occur within sixty days of a request for a permit application.

(c) The department may not require the provisions of the state environmental policy act, chapter 43.21C RCW, to be met as a condition of issuing a permit under this subsection.

(d) The department or the county legislative authority may determine if an imminent danger exists. The county legislative authority shall notify the department, in writing, if it determines that an imminent danger exists.

(4) Approval of a standard permit is valid for a period of up to five years from date of issuance. The permittee must demonstrate substantial progress on construction of that portion of the project relating to the approval within two years of the date of issuance. If the department denies approval, the department shall provide the applicant, in writing, a statement of the specific reasons why and how the proposed project would adversely affect fish life based on sound science and applicable documentation. Protection of fish life shall be the only ground upon which approval may be denied or conditioned. Chapter 34.05 RCW applies to any denial of project approval, conditional approval, or requirements for project modification upon which approval may be contingent.

(5)(a) In case of an emergency arising from weather or stream flow conditions or other natural conditions, the department, through its authorized representatives, shall issue immediately, upon request, oral approval for removing any obstructions, repairing existing structures, restoring stream banks, or to protect property threatened by the stream or a change in the stream flow without the necessity of obtaining a written approval prior to commencing work. Conditions of an oral approval to protect fish life shall be established by the department and reduced to writing within thirty days and complied with as provided for in this section. Oral approval shall be granted immediately, upon request, for a stream crossing during an emergency situation.

(b) For purposes of this section and RCW 75.20.103, "emergency" means an immediate threat to life, the public, property, or of environmental degradation.

(c) The department or the county legislative authority may declare and continue an emergency when one or more of the criteria under (b) of this subsection are met. The county legislative authority shall immediately notify the department if it declares an emergency under this subsection.

(6) The department shall, at the request of a county, develop five-year maintenance approval agreements, consistent with comprehensive flood control management plans adopted under the authority of RCW 86.12.200, or other watershed plan approved by a county legislative authority, to allow for work on public and private property for bank stabilization, bridge repair, removal of sand bars and debris, channel maintenance, and other flood damage repair and reduction activity under agreed-upon conditions and times without obtaining permits for specific projects.

(7) This section shall not apply to the construction of any form of hydraulic project or other work which diverts water for agricultural irrigation or stock watering purposes authorized under or recognized as being valid by the state's water codes, or when such hydraulic project or other work is associated with streambank stabilization to protect farm and agricultural land as defined in RCW 84.34.020. These irrigation or stock watering diversion and streambank stabilization projects shall be governed by RCW 75.20.103.

A landscape management plan approved by the department and the department of natural resources under RCW 76.09.350(2), shall serve as a hydraulic project approval for the life of the plan if fish are selected as one of the public resources for coverage under such a plan.

(8) For the purposes of this section and RCW 75.20.103, "bed" means the land below the ordinary high water lines of state waters. This definition does not include irrigation ditches, canals, storm water run-off devices, or other artificial watercourses except where they exist in a natural watercourse that has been altered by man.

(9) The phrase "to construct any form of hydraulic project or perform other work" does not include the act of driving across an established ford. Driving across streams or on wetted stream beds at areas other than established fords requires approval. Work within the ordinary high water line of state waters to construct or repair a ford or crossing requires approval.

This section does not apply to small scale prospecting and mining activities, which are governed by section 14 of this act.

**NEW SECTION. Sec. 14.** A new section is added to chapter 75.20 RCW to read as follows:

(1) Small scale prospecting and mining is exempt from the provisions of this chapter, provided that aggregate containing fish eggs or fry are not collected or processed at any time.

(2) Small scale prospecting and mining may take place landward of the ordinary high water mark of any stream at any time of the year, if such activity does not require an approved plan of operation on public lands provided for in 43 C.F.R. Sec. 3830 through 3850 or 36 C.F.R. Sec. 228 subpart A as they existed on the effective date of this section.

(3) For the purposes of this chapter, "small scale prospecting and mining" means the use of methods such as pans, sluice boxes, concentrators, and minirocker boxes for the discovery and recovery of minerals at or below the ordinary high water mark.

**NEW SECTION. Sec. 15.** A new section is added to chapter 47.01 RCW to read as follows:

The legislature recognizes that the department is restructuring its transportation construction and maintenance programs in order to meet the requirements of the federal endangered species act, and intends to seek approval of these programs under the federal endangered species act. The legislature further recognizes that local government transportation construction and maintenance programs might benefit from approval of the department's program under the federal endangered species act. The department shall collaborate with local government in developing its strategy for compliance with the federal endangered species act for its transportation construction and maintenance programs.

The department shall report to the legislature on January 1, 2000, and January 1, 2001, on the status of any program submitted for review to federal agencies implementing the federal endangered species act.

**Sec. 16.** RCW 90.58.080 and 1995 c 347 s 305 are each amended to read as follows:

(1) Local governments shall develop or amend(~~(, within twenty four months after the adoption of guidelines as provided in RCW 90.58.060,)~~) a master program for regulation of uses of the shorelines of the state consistent with the required elements of the guidelines adopted by the department. Except as provided in subsection (2) of this section, master programs shall be reviewed for compliance with the guidelines and adopted or amended as necessary within twenty-four months after the adoption of guidelines as provided in RCW 90.58.060.

(2) Consistent with the priority salmon recovery regions and WRIA's map, as defined in the state-wide strategy to recover salmon volume 1, page V.95, and population growth data provided by the office of financial management, the following master program development or amendment schedule applies for guidelines adopted by the department before December 31, 2000:

(a) For King, Snohomish, Pierce, Clark, and Kitsap counties and the cities and towns therein with shorelines of the state, master programs shall be reviewed for compliance with the guidelines and adopted or amended as necessary within thirty-six months after the adoption of guidelines as provided in RCW 90.58.060;

(b) For Thurston, Whatcom, Benton, Yakima, Skagit, Cowlitz, Clallam, Chelan, Mason, Lewis, Jefferson, and Okanogan counties and the cities and towns therein with shorelines of the state, master programs shall be reviewed for compliance with the guidelines and adopted or amended as necessary within forty-eight months after the adoption of guidelines as provided in RCW 90.58.060;

(c) For all other counties, cities, and towns with shorelines of the state, master programs shall be reviewed for compliance with the guidelines and adopted or amended as necessary within sixty months after the adoption of guidelines amendments as provided in RCW 90.58.060.

(3) Local governments failing to meet the schedule provided in subsection (2) of this section shall not be eligible for grant moneys from the department pursuant to implementation of this section.

NEW SECTION. Sec. 17. The following acts or parts of acts are each repealed:

(1) RCW 43.131.387 (Permit assistance center--Termination) and 1995 c 347 s 617; and

(2) RCW 43.131.388 (Permit assistance center--Repeal) and 1995 c 347 s 618.

NEW SECTION. Sec. 18. Section 8 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

NEW SECTION. Sec. 19. Sections 13, 14, and 15 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions. Sections 13 and 14 of this act take effect immediately and section 15 of this act takes effect June 29, 1999."

On page 1, line 1 of the title, after "issuance;" strike the remainder of the title and insert "amending RCW 36.70A.020, 58.17.095, 90.60.010, 90.60.020, 90.60.030, 90.60.100, 75.20.100, and 90.58.080; adding new sections to chapter 90.60 RCW; adding new sections to chapter 75.20 RCW; adding a new section to chapter 47.01 RCW; creating a new section; repealing RCW 43.131.387 and 43.131.388; providing an effective date; and declaring an emergency."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House did not concur in the Senate amendments to Engrossed Second Substitute House Bill No. 1893, insisted on its position regarding these amendments and asked the Senate to recede therefrom.

There being no objection, the House deferred action on Substitute House Bill No. 1936, and the bill held its place on the concurrence calendar.

### SENATE AMENDMENTS TO HOUSE BILL

April 7, 1999

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1936 with the following amendment(s)

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 74.08A.010 and 1997 c 58 s 103 are each amended to read as follows:

(1) A family that includes an adult who has received temporary assistance for needy families for sixty months after July 27, 1997, shall be ineligible for further temporary assistance for needy families assistance. The number of recipients exempted or deferred from the time limit in this subsection shall not exceed twenty percent of the temporary assistance for needy families caseload.

(2) For the purposes of applying the rules of this section, the department shall count any month in which an adult family member received a temporary assistance for needy families cash assistance grant unless the assistance was provided when the family member was a minor child and not the head

of the household or married to the head of the household or the recipient received a deferral under section 2 of this act.

(3) The department shall refer recipients who require specialized assistance to appropriate department programs, crime victims' programs through the department of community, trade, and economic development, or the crime victims' compensation program of the department of labor and industries.

(4) The department may exempt a recipient and the recipient's family from the application of subsection (1) of this section by reason of hardship or if the recipient meets the family violence options of section 402(A)(7) of Title IVA of the federal social security act as amended by P.L. 104-193. ~~((The number of recipients and their families exempted from subsection (1) of this section for a fiscal year shall not exceed twenty percent of the average monthly number of recipients and their families to which assistance is provided under the temporary assistance for needy families program.~~

~~(5) The department shall not exempt a recipient and his or her family from the application of subsection (1) of this section until after the recipient has received fifty two months of assistance under this chapter.-)~~

**NEW SECTION. Sec. 2.** A new section is added to chapter 74.08A RCW to read as follows:

(1) Each recipient approved to receive temporary assistance for needy families shall be subject to an employability screen as a condition of eligibility. If the employability screen determines the recipient meets the criteria specified in RCW 74.08A.270 for a good cause exemption to work requirements the department shall defer the work requirement under RCW 74.08A.260, as long as the condition of the recipient that causes him or her to meet the exemption criteria exists. When the condition ceases to exist, the exemption terminates.

(2) All recipients not deferred shall be placed in the job search component. Failure to participate in the job search component shall result in sanctions as provided in RCW 74.08A.260. If a recipient fails to find employment during the job search component, the department may refer the recipient to those work activities that are directly related to improving the recipient's employability.

(3) The department shall adopt rules providing for the review of recipients granted deferrals under this section.

**Sec. 3.** RCW 74.08A.260 and 1997 c 58 s 313 are each amended to read as follows:

Recipients who have not obtained a deferral under section 2 of this act or paid, unsubsidized employment ~~((by the end of the job search component authorized in section 312 of this act))~~ shall be referred to a work activity.

(1) Each recipient shall be assessed immediately upon completion of the job search component. Assessments shall be based upon factors that are critical to obtaining employment, including but not limited to education, employment strengths, and employment history. Assessments may be performed by the department or by a contracted entity. The assessment shall be based on a uniform, consistent, transferable format that will be accepted by all agencies and organizations serving the recipient. Based on the assessment, an individual responsibility plan shall be prepared that: (a) Sets forth an employment goal and a plan for moving the recipient immediately into employment; (b) contains the obligation of the recipient to become and remain employed; (c) moves the recipient into whatever employment the recipient is capable of handling as quickly as possible; and (d) describes the services available to the recipient to enable the recipient to obtain and keep employment.

(2) Recipients who are not engaged in work and work activities, and do not qualify for a good cause exemption under RCW 74.08A.270, shall engage in self-directed service as provided in RCW 74.08A.330.

(3) If a recipient refuses to engage in work and work activities required by the department, the family's grant shall be reduced by the recipient's share, and may, if the department determines it appropriate, be terminated.

(4) The department may waive the penalties required under subsection (3) of this section, subject to a finding that the recipient refused to engage in work for good cause provided in RCW 74.08A.270.



(5) In implementing this section, the department shall assign the highest priority to the most employable clients, including adults in two-parent families and parents in single-parent families that include older preschool or school-age children to be engaged in work activities.

(6) In consultation with the recipient, the department or contractor shall place the recipient into a work activity that is available in the local area where the recipient resides.

(7) The department shall encourage and facilitate placement of recipients into apprenticeships or preapprenticeship training programs.

**Sec. 4.** RCW 74.08A.270 and 1997 c 58 s 314 are each amended to read as follows:

(1) Good cause reasons for failure to participate in WorkFirst program components include: ~~((4))~~ (a) Situations where the recipient is a parent or other relative personally providing care for a child under the age of six years, and formal or informal child care, or day care for an incapacitated individual living in the same home as a dependent child, is necessary for an individual to participate or continue participation in the program or accept employment, and such care is not available, and the department fails to provide such care; or ~~((2) until June 30, 1999,))~~ (b) if the recipient is a parent with a child under the age of one year. A parent may only receive this exemption for a total of twelve months, which may be consecutive or nonconsecutive; or ~~((3) after June 30, 1999, if the recipient is a parent with a child under three months of age))~~ (c) if the recipient is a victim of domestic violence; or (d) if the recipient is incapacitated; or (e) if the recipient is caring for an incapacitated child; or (f) if the recipient is fifty-five years of age or older and is the grandparent or nonparent relative of the dependent child.

(2) For purposes of this section, domestic violence victimization must be documented by either a protection order or a written confirmation of treatment by a health care professional licensed under chapter 18.57, 18.57A, 18.71, 18.71A, 18.79, or 18.83 RCW for the effects of domestic violence. Incapacity of a recipient or child must be documented by medical or psychiatric clinical evidence, confirmed in writing by a health care professional licensed under chapter 18.57, 18.57A, 18.71, 18.71A, 18.79, or 18.83 RCW.

(3) When the domestic violence victimization or the incapacity of the recipient or child no longer exist, the good cause deferral under this section terminates. The department shall notify the recipient of the termination of the good cause exemption.

NEW SECTION. **Sec. 5.** A new section is added to chapter 74.08A RCW to read as follows:

Recipients who are not required to meet work requirements under RCW 74.08A.270 shall receive grants, child care, and related services that are not supported by the temporary assistance for needy families block grant.

NEW SECTION. **Sec. 6.** If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state."

On page 1, line 2 of the title, after "families;" strike the remainder of the title and insert "amending RCW 74.08A.010, 74.08A.260, and 74.08A.270; adding new sections to chapter 74.08A RCW; and creating a new section."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

There being no objection, the House did not concur in the Senate amendment(s) to House Bill No. 1936 and asked the Senate to recede therefrom.

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 10:00 a.m., Monday, April 19, 1999, the 99<sup>th</sup> Legislative Day.

TIMOTHY A. MARTIN, Chief Clerk    CLYDE BALLARD, Speaker

DEAN R. FOSTER, Chief Clerk    FRANK CHOPP, Speaker

NINETY-SEVENTH DAY, APRIL 17, 1999

JOURNAL OF THE HOUSE

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## **NINETY-NINTH DAY**

### **MORNING SESSION**

House Chamber, Olympia, Monday, April 19, 1999

The House was called to order at 10:00 a.m. by Speaker Pro Tempore Ogden. The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Alicia Orlando and Jasmin Zavala. Prayer was offered by Father Richard Sedlacek, St. Joseph's Church, Kennewick.

### **RESOLUTION**

HOUSE RESOLUTION NO. 99-4676, by Representatives McIntire, Edmonds, Kagi, Reardon, Gombosky, Cooper, Conway, Keiser, Kenney, Regala, H. Sommers, Rockefeller, Carlson, Esser, Radcliff, Dunshee, Hurst, Constantine, Huff, Dunn, Thomas, Lantz, Hankins, Pflug, Skinner and Barlean

WHEREAS, The University of Washington has been ranked number one by the journal *Science Watch* as the top mathematics research university in the United States, above Harvard University, Stanford University, New York University, the University of Chicago, California Institute for Technology, Cornell University, Princeton University, the University of Minnesota, and Yale University, thanks to over three hundred published contributions to mathematics and statistics authored by University of Washington faculty and students from 1993 through 1997 and cited by top scholars throughout the world; and

WHEREAS, The high level of scholarship by University of Washington mathematicians and statisticians, along with the work of University of Washington colleagues in the fields of pharmacology (ranked second nationally), geoscience (ranked third), clinical medicine (ranked fourth), ecology and environment (ranked seventh), and psychology and psychiatry (ranked tenth), has earned the University of Washington eighth place in research among the 100 top federally funded universities in the country; and

WHEREAS, The study and application of mathematics has contributed greatly to the development of agriculture, engineering, construction, manufacturing, aerospace, and computer technology across Washington; and

WHEREAS, College mathematics education in Washington was introduced in 1861 by Asa Mercer, the Washington state pioneer who served as the University of Washington's first president and first mathematics teacher; and

WHEREAS, The University of Washington Mathematics Department teaches thousands of undergraduate and graduate students every year, as well as enriching the education of elementary, middle, and high school students across the state who participate in the department's mathematics outreach programs in their local schools; and

WHEREAS, Our families and future depend upon the jobs, income, revenues, and other opportunities created by an expanding, information-based economy, which in turn relies upon top-quality mathematics research and teaching;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives hereby recognize the University of Washington as a world leader in higher education and congratulate the faculty and students of the University of Washington for ranking first in mathematics research, and ranking in the top ten in five other research fields; and furthermore, recognize the importance of mathematics in the education of our children and adults, and in sustaining Washington's economy and high quality of life.

Representative McIntire moved adoption of the resolution.

Representatives McIntire, Edmonds, Carlson, Ericksen and H. Sommers spoke in favor of the adoption of the resolution.

House Resolution No. 99-4676 was adopted.

### **SPEAKER'S PRIVILEGE**

The Speaker (Representative Ogden presiding) introduced Professor Donald Marshall, chair of the UW Department of Mathematics, and Professor Emeritus Robert Phelps, UW Mathematics Department, and asked the Chamber to acknowledge these gentlemen.

### **RESOLUTION**

HOUSE RESOLUTION NO. 99-4678, by Representatives O'Brien, Dunn, Kenney, Carlson, Schindler, Santos, Cody, Dickerson, Chopp, Thomas, Fortunato, Wensman and Skinner

WHEREAS, It is the policy of the Washington State Legislature to recognize the contributions of institutions which reflect and promote standards of excellence that enhance the well-being and quality of life of the citizens of the state of Washington; and

WHEREAS, O'Dea High School in Seattle this year is celebrating its 75th year since it opened its doors in 1924; and

WHEREAS, O'Dea High School has continuously brought the highest standards of quality Catholic education to a diverse, economic, racial, and ethnic student body; and

WHEREAS, The "Fighting Irish" of O'Dea High School have for three-quarters of a century realized the vision of Bishop Edward O'Dea and the Christian Brothers of a Catholic Boys' School in Seattle, in commitment to the mission of an education based on religious principles and that of building a true community of living faith and service; and

WHEREAS, The Washington State House of Representatives believes that the citizens of the state of Washington should be made aware of the O'Dea High School's strong reputation for educating young men academically, spiritually, socially, and physically; and

WHEREAS, The Washington State House of Representatives seeks to congratulate the Christian Brothers, students, alumni, staff, friends, and the Board of Limited Jurisdiction, as well as parents of current and former students of O'Dea High School for being an excellent example of leadership in the field of education in the state; and

WHEREAS, The Washington State House of Representatives adds its voice to this 75th Jubilee year of O'Dea High School, thereby strengthening the ties of the Catholic community and the community at large to the school;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives, on behalf of the citizens of the state of Washington, recognize and celebrate O'Dea High School of Seattle for its 75 years of excellent and dedicated service; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to O'Dea High School.

Representative O'Brien moved adoption of the resolution.

Representative O'Brien spoke in favor of the adoption of the resolution.

House Resolution No. 99-4678 was adopted.

### **SPEAKER'S PRIVILEGE**

The Speaker (Representative Ogden presiding) introduced students from O'Dea High School with Brother John Greenan, Brother James McDonald, advisor Janice Davis Niles and Monte Kohler, and asked the Chamber to acknowledge them.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

### **INTRODUCTIONS AND FIRST READING**

HB 2286 by Representatives Benson, Wensman, Clements, Pennington, Lisk, Carlson, Sump, Barlean, Talcott, Mastin, Alexander, G. Chandler, McDonald, Huff, Campbell, Mielke, Cox, Crouse, Bush, Boldt, Skinner, Cairnes, Radcliff, Buck, Ballasiotes, Hankins, B. Chandler, McMorris, Carrell, Mitchell, Ericksen, Van Luven, Dunn, K. D. Schmidt D. Sommers Schmidt, Thomas, Esser, Lambert, Delvin, Fortunato, Parlette, Schindler and Koster

AN ACT Relating to appropriations for disaster relief, fire suppression, and national guard activation during the 1997-99 fiscal biennium; amending 1998 c 346 s 128 (uncodified); making appropriations; and declaring an emergency.

Referred to Committee on Appropriations.

HB 2287 by Representatives B. Chandler, Wensman, Radcliff, Huff, Alexander, Parlette, McDonald, K. Schmidt, Lambert, Mastin, Clements, Skinner, Koster, Schoesler, Schindler, G. Chandler, Sump, Ericksen, Esser, Delvin, Mitchell, Mulliken, Buck, Talcott, Lisk, Barlean, Fortunato, Van Luven, Campbell, Benson, D. Sommers, McMorris, Thomas, DeBolt, D. Schmidt, Pflug, Boldt, Bush and Pennington

AN ACT Relating to appropriations for purposes of fairs for fiscal year 1999; adding a new section to 1997 c 149 (uncodified); and declaring an emergency.

Referred to Committee on Appropriations.

HB 2288 by Representatives Carrell, Wensman, Radcliff, Huff, Alexander, Lambert, McDonald, Schindler, K. Schmidt, Mastin, Clements, Skinner, Koster, Campbell, Esser, G. Chandler, Parlette, Sump, Ericksen, Delvin, Mitchell, Buck, Talcott, B. Chandler, Lisk, Mulliken, Barlean, Fortunato, Van Luven, Benson, Pflug, D. Sommers, McMorris, Thomas, DeBolt, Schoesler, D. Schmidt, Bush, Pennington and Boldt

AN ACT Relating to providing funding for school construction projects that were approved but unfunded during the 1997-99 fiscal biennium; creating a new section; making an appropriation; and declaring an emergency.

Referred to Committee on Appropriations.

HB 2289 by Representatives Alexander, Wensman, Radcliff, Huff, McDonald, Campbell, Schoesler, K. Schmidt, Lambert, Mastin, Clements, Skinner, Koster, Schindler, Esser, G. Chandler, Parlette, Sump, Ericksen, Delvin, Mitchell, Buck, Talcott, B. Chandler, Lisk, Mulliken,

Barlean, Fortunato, Van Luven, Benson, Pflug, McMorris, Thomas, DeBolt, D. D. Schmidt Sommers, Bush, Pennington and Boldt

AN ACT Relating to authorizing transfers among existing appropriations in the department of social and health services and the department of corrections during the 1997-1999 fiscal biennium; amending 1998 c 346 s 201 (uncodified); amending 1998 c 346 s 220 (uncodified); and declaring an emergency.

Referred to Committee on Appropriations.

SSB 6090 by Senate Committee on Ways & Means (originally sponsored by Senator Loveland)

Modifying provisions that relate to the management and administration of agricultural college lands.

Referred to Committee on Appropriations.

#### MOTION

On motion of Representative Gombosky, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

#### REPORTS OF STANDING COMMITTEES

April 15, 1999

HB 2267 Prime Sponsor, Representative Doumit: Providing a tax credit to institutions that forgive loans to landslide victims. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Benson, Republican Co-Chair; Hatfield, Democratic Co-Chair; Bush, Republican Vice Chair; McIntire, Democratic Vice Chair; Barlean; Cairnes; Santos and Talcott.

Voting yea: Representatives Benson, Hatfield, Bush, McIntire, Barlean, Cairnes, Santos and Talcott.

Excused: Representative(s) DeBolt, Keiser, Quall and Sullivan.

Referred to Committee on Finance.

#### MOTION

On motion of Representative Gombosky, the bill listed on the day's committee reports under the fifth order of business was referred to the committee so designated.

#### MESSAGES FROM THE SENATE

April 19, 1999

Mr. Speaker:

The President has signed:

HOUSE BILL NO. 1142,

SUBSTITUTE HOUSE BILL NO. 1219,  
ENGROSSED HOUSE BILL NO. 1264,  
HOUSE BILL NO. 1322,  
HOUSE BILL NO. 1330,  
HOUSE BILL NO. 1561,  
SECOND SUBSTITUTE HOUSE BILL NO. 1661,  
HOUSE BILL NO. 1664,  
HOUSE BILL NO. 1703,  
SUBSTITUTE HOUSE BILL NO. 1718,  
HOUSE BILL NO. 2081,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2095,  
HOUSE BILL NO. 2261,

and the same are herewith transmitted.

Tony Cook, Secretary

April 19, 1999

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5029,  
ENGROSSED SENATE BILL NO. 5371,  
ENGROSSED SENATE JOINT MEMORIAL NO. 8013,

and the same are herewith transmitted.

Tony M. Cook, Secretary

### **RESOLUTIONS**

HOUSE RESOLUTION NO. 99-4680, by Representatives Schoesler, Cox, Barlean and Dunn

WHEREAS, It is the policy of the Legislature to honor excellence in every field of endeavor;  
and

WHEREAS, The Garfield-Palouse High School Vikings Track Team won the 1998 State B  
championship; and

WHEREAS, The Vikings Track Team members include: Katie Coles, April Nelson, Shelli  
Smick, Anna Hilty-Jones, and Leah Hemphill; and

WHEREAS, Each member contributed to the team's trip to the finals by scoring points which  
combine to qualify the team for state competition; and



WHEREAS, Athletics promotes the cultivation of self-discipline, initiative and communication in student athletes which carries over into their school work and community participation; and

WHEREAS, Viking Track Team members set a good example for their fellow students and demonstrated that with dedication and perseverance, anything is possible; and

WHEREAS, The Vikings Track Team members are a credit to their community;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives honor and congratulate the Garfield-Palouse Track Team members for their hard work, dedication, and sacrifice in achieving this significant accomplishment; and

BE IT FURTHER RESOLVED, That Coaches Phil Morgan and Tim Coles be recognized and commended for their leadership and care for the team; and

BE IT FURTHER RESOLVED, That the teachers, classmates, and parents of the team members be recognized for the important part they played in helping these student athletes excel; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to Coaches Phil Morgan and Tim Coles, Athletic Director Alli Bennett, Principal Skip Wilson and the members of the Garfield-Palouse Track Team.

House Resolution No. 99-4680 was adopted.

HOUSE RESOLUTION NO. 99-4681, by Representatives Schoesler, Cox, Barlean and Dunn

WHEREAS, Athletics is an effective manner for girls to develop leadership skills and confidence; and

WHEREAS, The Garfield-Palouse High School Vikings Girls Softball Team demonstrated excellence and dedication in winning the 1998 State B championship; and

WHEREAS, Achievement in sports contributes to personal growth and the formation of important values such as teamwork, persistence, cooperation, and communication that will serve the players for life; and

WHEREAS, The Garfield-Palouse Vikings Girls Softball Team players are Jenny Iverson, Heidi Worthington, Brenda Bower, Jennifer Cronk, Annie Flansburg, Sandra Tronsen, Toshia Smith, Heidi Slinkard, Holly Sheldon, Tawni Welch, Joanna Wall, Lea Anne Hegg, Edilsa Bishop, Tricia Schwartzman, Teresa Atkinson, Shannon Roper, Nancy Sheffler, Jessica Hayden, Missy Hill, Sarelle Parrish, Carly Kerr, and Eva Hershaw; and

WHEREAS, The Garfield-Palouse Vikings Girls Softball Team has won the state championship for the second year in a row; and

WHEREAS, The Garfield-Palouse Vikings ended the 1998 regular season with an impressive 19-1 record; and

WHEREAS, The Garfield-Palouse Vikings Softball Team's hard work and perseverance set a good example for its fellow students; and

WHEREAS, Coach Kevin Sheffler and Assistant Coaches Gary Parberry, Nikkie Brown, and Kacey Pfaff, through their leadership and discipline, have become role models for their players; and

WHEREAS, The Garfield-Palouse Vikings are a credit to their community;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives honor and congratulate the Garfield-Palouse Girls Softball Team for their hard work, commitment, and sacrifice in achieving this significant accomplishment; and

BE IT FURTHER RESOLVED, That the teachers, classmates, and parents of the team members be recognized for the important part they played in helping these student athletes excel; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to: Head Coach Kevin Sheffler; Assistant Coaches Gary Parberry, Nikkie Brown, and Kacey Pfaff; Athletic Director Alli Bennett; Principal Skip Wilson; and the members of the Garfield-Palouse Girls Softball Team.

House Resolution No. 99-4681 was adopted.

HOUSE RESOLUTION NO. 99-4683, by Representatives Schoesler, Cox, Barlean and Dunn

WHEREAS, It is the policy of the Legislature to honor excellence in every field of endeavor;  
and

WHEREAS, The Ritzville High School Girls' Golf Team won the 1998 State A/B  
championship; and

WHEREAS, The Ritzville Broncos Girls' Golf Team has won its fifth straight WIAA State  
A/B golf championship; and

WHEREAS, The Ritzville Broncos Girls' Golf Team consists of Emily Ulleland, Angela  
Gibler, and Jessica Cox; and

WHEREAS, Participation in sports helps students gain stronger leadership abilities and become  
more productive members of their school and community; and

WHEREAS, Team members' commitment to their sport and pride in their school sets a good  
example for their peers;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of  
Representatives honor and congratulate the Ritzville Girls' Golf Team for their hard work, dedication,  
and sacrifice in achieving this significant accomplishment; and

BE IT FURTHER RESOLVED, That Head Coach Ron Barker be recognized for his  
leadership; and

BE IT FURTHER RESOLVED, That the teachers, classmates, and parents of the team  
members be recognized for the important part they played in helping these student athletes excel; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by  
the Co-Chief Clerks of the House of Representatives to Head Coach Ron Barker, Principal Robert  
Hammann, and each member of the Ritzville Girls' Golf Team.

House Resolution No. 99-4683 was adopted.

HOUSE RESOLUTION NO. 99-4684, by Representatives Schoesler, Cox, Barlean and Dunn

WHEREAS, Athletics is an effective manner for girls to develop leadership skills and  
confidence; and

WHEREAS, The Othello High School Girls' Soccer Team won the 1999 State A  
championship; and

WHEREAS, This is the second year in a row the Othello Husky Girls' Soccer Team succeeded  
in earning a berth in the state championships; and

WHEREAS, Achievement in sports contributes to personal growth, increased self-esteem, and  
the formation of important values such as teamwork, cooperation, communication, and initiative; and

WHEREAS, The Husky Girls' Soccer Team players are Lena Rodriguez, Annie Baxter, Ciria  
Ochoa, Miciah Jacobs, Christine Getz, Kristin Powell, Brie Roloff, Rochelle Cantu, Amy Rogers,  
Megan Jordan, Jaclyn Jordan, Esther Mohs, Jennifer Baxter, Susan Fuller, Jennifer Mendez, Rachael  
Drouhard, Sara Wright, Susie Cerrillo, Sara McKay, Veronica Rodriguez, Cheryl Booth, and Erica  
Avina; and

WHEREAS, Head Coach Bernie Garza and Assistant Coach Rachel Rogers, through their  
leadership and discipline, have become role models for their players; and

WHEREAS, The members of the team have demonstrated to their classmates that through  
perseverance and hard work anything is possible; and

WHEREAS, The Othello Huskies are a credit to their community;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of  
Representatives honor and congratulate the Othello High School Girls' Soccer Team for their hard  
work, dedication, and sacrifice in achieving this significant accomplishment; and

BE IT FURTHER RESOLVED, That the teachers, classmates, and parents of the team  
members be recognized for their invaluable role in ensuring these athletes ultimate success; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by  
the Co-Chief Clerks of the House of Representatives to Head Coach Bernie Garza, Assistant Coach  
Rachel Rogers, Principal Bill Duncanson, Athletic Director Pete Patitucci, and the members of the  
Othello High School Girls' Soccer Team.

House Resolution No. 99-4684 was adopted.

HOUSE RESOLUTION NO. 99-4685, by Representatives Schoesler, Cox, Barlean and Dunn

WHEREAS, It is the policy of the Legislature to honor excellence in every field of endeavor;  
and

WHEREAS, The Othello High School Husky Football Team won the 1998 State AA  
championship; and

WHEREAS, The Husky Football Team ended the regular season with a 7-2 record and posted  
a perfect playoffs performance with a 4-0 record; and

WHEREAS, The team outscored their opponents 335 points to 91 during regular season; and

WHEREAS, The Husky Football Team players are: Jeremiah Hafer, J.B. Bradford, Joe  
Brandenburg, Isaac Jahns, Ricardo Garza, Ross Kondo, Danny Villarreal, Kevin Gilbert, Matt  
Risenmay, D.J. Garza, Eric Walraf, Ben Jensen, Mark Molotte, Shawn Duncanson, Joe Wanner,  
Travis Beus, Travis Kwak, Matt Erickson, Tyson Para, Matt Para, Enoc Villarreal, Lance Reichert,  
Alex Navarette, Dan McCourtie, Colby Smith, Jon Long, Omar Mendoza, Shane Gropp, Brian Ruiz,  
Blake Klingeman, Eddie Keele, Matt Klingeman, Michael Montemayor, Bo Beus, Trevor Gilbert,  
Dusty Pegman, Ramon Perez, Todd Gilbert, and Ruben Pruneda; and

WHEREAS, Participation in High School football encourages teamwork and responsibility; and

WHEREAS, Team members' commitment to their sport and pride in their school set a good  
example for their peers; and

WHEREAS, The Husky Football Team members are a credit to their community;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of  
Representatives honor and congratulate the Othello High School Football Team for their hard work,  
dedication, and sacrifice in achieving this significant accomplishment; and

BE IT FURTHER RESOLVED, That Head Coach Roger Hoell and Assistant Coaches Mike  
Hofheins, Vern Hare, Ruben Martinez, Jeff Mullin, Abe Ramirez, and Matt Stevens be recognized for  
their leadership; and

BE IT FURTHER RESOLVED, That the teachers, classmates, and parents of the team  
members be recognized for the invaluable part they played in supporting these athletes and helping  
them succeed; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by  
the Co-Chief Clerks of the House of Representatives to: Head Coach Roger Hoell; Assistant Coaches  
Mike Hofheins, Vern Hare, Ruben Martinez, Jeff Mullin, Abe Ramirez, and Matt Stevens; Athletic  
Director Pete Patitucci; Principal Bill Duncanson; and each member of the Othello High School  
Football Team.

House Resolution No. 99-4685 was adopted.

### **SENATE AMENDMENTS TO HOUSE BILL**

April 13, 1999

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1935 with the following  
amendment(s)

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 28A.215.110 and 1994 c 166 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout  
RCW 28A.215.100 through 28A.215.200 and 28A.215.900 through 28A.215.908.

(1) "Advisory committee" means the advisory committee under RCW 28A.215.140.

(2) "Department" means the department of community, trade, and economic development.

(3) "Eligible child" means a child not eligible for kindergarten whose family income is at or below one hundred thirty percent of the federal poverty level, as published annually by the federal department of health and human services, and includes a child whose family is eligible for public assistance, and who is not a participant in a federal or state program providing comprehensive services and may include children who are eligible under rules adopted by the department if the number of such children equals not more than ten percent of the total enrollment in the early childhood program. Priority for enrollment shall be given to children from families with the lowest income or to eligible children from families with multiple needs.

(4) "Approved programs" means those state-supported education and special assistance programs which are recognized by the department of community, trade, and economic development as meeting the minimum program rules adopted by the department to qualify under RCW 28A.215.100 through 28A.215.200 and 28A.215.900 through 28A.215.908 and are designated as eligible for funding by the department under RCW 28A.215.160 and 28A.215.180.

(5) "Comprehensive" means an assistance program that focuses on the needs of the child and includes education, health, and family support services.

(6) "Family support services" means providing opportunities for parents to:

- (a) Actively participate in their child's early childhood program;
- (b) Increase their knowledge of child development and parenting skills;
- (c) Further their education and training;
- (d) Increase their ability to use needed services in the community;
- (e) Increase their self-reliance."

On page 1, line 2 of the title, after "programs;" strike the remainder of the title and insert "and amending RCW 28A.215.110."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House refused to concur in the Senate Amendment(s) to Substitute House Bill No. 1935 and asked the Senate to recede therefrom.

### SENATE AMENDMENTS TO HOUSE BILL

April 8, 1999

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1317 with the following amendment(s)

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 47.80.023 and 1998 c 171 s 8 are each amended to read as follows:

Each regional transportation planning organization shall have the following duties:

(1) Prepare and periodically update a transportation strategy for the region. The strategy shall address alternative transportation modes and transportation demand management measures in regional corridors and shall recommend preferred transportation policies to implement adopted growth strategies. The strategy shall serve as a guide in preparation of the regional transportation plan.

(2) Prepare a regional transportation plan as set forth in RCW 47.80.030 that is consistent with county-wide planning policies if such have been adopted pursuant to chapter 36.70A RCW, with county, city, and town comprehensive plans, and state transportation plans.

(3) Certify by December 31, 1996, that the transportation elements of comprehensive plans adopted by counties, cities, and towns within the region reflect the guidelines and principles developed

pursuant to RCW 47.80.026, are consistent with the adopted regional transportation plan, and, where appropriate, conform with the requirements of RCW 36.70A.070.

(4) Where appropriate, certify that county-wide planning policies adopted under RCW 36.70A.210 and the adopted regional transportation plan are consistent.

(5) Develop, in cooperation with the department of transportation, operators of public transportation services and local governments within the region, a six-year regional transportation improvement program which proposes regionally significant transportation projects and programs and transportation demand management measures. The regional transportation improvement program shall be based on the programs, projects, and transportation demand management measures of regional significance as identified by transit agencies, cities, and counties pursuant to RCW 35.58.2795, 35.77.010, and 36.81.121, respectively. The program shall include a priority list of projects and programs, project segments and programs, transportation demand management measures, and a specific financial plan that demonstrates how the transportation improvement program can be funded. The program shall be updated at least every two years for the ensuing six-year period. Regional transportation planning organizations shall provide to the legislators whose districts are within the boundaries of the organization notification of available publications. Upon request by legislators, the regional transportation planning organization shall provide a schedule of six-year transportation improvement program decision process points, updates, and amendments to the six-year transportation improvement program.

(6) Designate a lead planning agency to coordinate preparation of the regional transportation plan and carry out the other responsibilities of the organization. The lead planning agency may be a regional organization, a component county, city, or town agency, or the appropriate Washington state department of transportation district office.

(7) Review level of service methodologies used by cities and counties planning under chapter 36.70A RCW to promote a consistent regional evaluation of transportation facilities and corridors.

(8) Work with cities, counties, transit agencies, the department of transportation, and others to develop level of service standards or alternative transportation performance measures.

**Sec. 2.** RCW 47.80.040 and 1990 1st ex.s. c 17 s 56 are each amended to read as follows:

Each regional transportation planning organization shall create a transportation policy board. Transportation policy boards shall provide policy advice to the regional transportation planning organization and shall allow representatives of major employers within the region, the department of transportation, transit districts, port districts, and member cities, towns, and counties within the region to participate in policy making. Any members of the house of representatives or the state senate whose districts are within the boundaries of the regional transportation planning organization are considered ex officio, nonvoting policy board members of the regional transportation planning organization. This does not preclude legislators from becoming full-time, voting board members.

**Sec. 3.** RCW 47.80.070 and 1994 c 158 s 5 are each amended to read as follows:

In order to ensure state-wide consistency in the regional transportation planning process, the state department of transportation, in conformance with chapter 34.05 RCW, shall:

- (1) In cooperation with regional transportation planning organizations, establish minimum standards for development of a regional transportation plan;
- (2) Facilitate coordination between regional transportation planning organizations; and
- (3) Through the regional transportation planning process, and through state planning efforts as required by RCW 47.01.071, identify and jointly plan ~~((improvements and strategies))~~ the most efficient strategy to address identified deficiencies, including investments in modal integration within those corridors important to moving people and goods on a regional ~~((or))~~ and state-wide basis.

**Sec. 4.** RCW 47.06.050 and 1993 c 446 s 5 are each amended to read as follows:

The state-owned facilities component of the state-wide transportation plan shall be consistent with RCW 47.06.040 and shall identify the most cost-effective combination of transportation investments that maximizes the efficient movement of people, freight, and goods within state transportation corridors, to include public-private transportation initiatives. The identification process

shall include the modal comparison of highway, ferry, bicycle, and pedestrian facilities, passenger rail, air transportation, public transit, transportation demand measures, and high-capacity transportation improvements within a state transportation corridor. The comparison of transportation modes shall include an analysis of the public, private, and social costs and benefits of transportation investments. The state-owned facilities component of the state-wide transportation plan shall also consist of:

(1) The state highway system plan, which identifies program and financing needs and recommends specific and financially realistic improvements to preserve the structural integrity of the state highway system, ensure acceptable operating conditions, and provide for enhanced access to scenic, recreational, and cultural resources. The state highway system plan shall contain the following elements:

(a) A system preservation element, which shall establish structural preservation objectives for the state highway system including bridges, identify current and future structural deficiencies based upon analysis of current conditions and projected future deterioration, and recommend program funding levels and specific actions necessary to preserve the structural integrity of the state highway system consistent with adopted objectives. This element shall serve as the basis for the preservation component of the six-year highway program and the two-year biennial budget request to the legislature;

(b) A capacity and operational improvement element, which shall establish operational objectives, including safety considerations, for moving people and goods on the state highway system, identify current and future capacity, operational, and safety deficiencies, and recommend program funding levels and specific improvements and strategies necessary to achieve the operational objectives. In developing capacity and operational improvement plans the department shall first assess strategies to enhance the operational efficiency of the existing system before recommending system expansion. Congestion relief must be a primary emphasis of the capacity and operational improvement element. Strategies to enhance the operational efficiencies include but are not limited to access management, transportation system management, demand management, and high-occupancy vehicle facilities. The capacity and operational improvement element must conform to the state implementation plan for air quality and be consistent with regional transportation plans adopted under chapter 47.80 RCW, and shall serve as the basis for the capacity and operational improvement portions of the six-year highway program and the two-year biennial budget request to the legislature;

(c) A scenic and recreational highways element, which shall identify and recommend designation of scenic and recreational highways, provide for enhanced access to scenic, recreational, and cultural resources associated with designated routes, and recommend a variety of management strategies to protect, preserve, and enhance these resources. The department, affected counties, cities, and towns, regional transportation planning organizations, and other state or federal agencies shall jointly develop this element;

(d) A paths and trails element, which shall identify the needs of nonmotorized transportation modes on the state transportation systems and provide the basis for the investment of state transportation funds in paths and trails, including funding provided under chapter 47.30 RCW.

(2) The state ferry system plan, which shall guide capital and operating investments in the state ferry system. The plan shall establish service objectives for state ferry routes, forecast travel demand for the various markets served in the system, and develop strategies for ferry system investment that consider regional and state-wide vehicle and passenger needs, support local land use plans, and assure that ferry services are fully integrated with other transportation services. The plan shall assess the role of private ferries operating under the authority of the utilities and transportation commission and shall coordinate ferry system capital and operational plans with these private operations. The ferry system plan must be consistent with the regional transportation plans for areas served by the state ferry system, and shall be developed in conjunction with the ferry advisory committees."

On page 1, line 1 of the title, after "planning" strike the remainder of the title and insert "and the state-owned facilities component of the state-wide transportation plan and intercity passenger rail; and amending RCW 47.80.23, 47.80.040, 47.80.070, and 47.06.050."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House refused to concur in the Senate Amendment(s) to Substitute House Bill No. 1317 and asked the Senate to recede therefrom.

### SENATE AMENDMENTS TO HOUSE BILL

April 14, 1999

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1376 with the following amendment(s)

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.16.381 and 1998 c 294 s 1 are each amended to read as follows:

(1) The director shall grant special parking privileges to any person who has a disability that limits or impairs the ability to walk and meets one of the following criteria, as determined by a licensed physician:

- (a) Cannot walk two hundred feet without stopping to rest;
- (b) Is severely limited in ability to walk due to arthritic, neurological, or orthopedic condition;
- (c) Is so severely disabled, that the person cannot walk without the use of or assistance from a brace, cane, another person, prosthetic device, wheelchair, or other assistive device;
- (d) Uses portable oxygen;
- (e) Is restricted by lung disease to such an extent that forced expiratory respiratory volume, when measured by spirometry is less than one liter per second or the arterial oxygen tension is less than sixty mm/hg on room air at rest;
- (f) Impairment by cardiovascular disease or cardiac condition to the extent that the person's functional limitations are classified as class III or IV under standards accepted by the American Heart Association; or

(g) Has a disability resulting from an acute sensitivity to automobile emissions which limits or impairs the ability to walk. The personal physician of the applicant shall document that the disability is comparable in severity to the others listed in this subsection.

(2) The applications for disabled parking permits and temporary disabled parking permits are official state documents. Knowingly providing false information in conjunction with the application is a gross misdemeanor punishable under chapter 9A.20 RCW. The following statement must appear on each application form immediately below the physician's signature and immediately below the applicant's signature: "A disabled parking permit may be issued only for a medical necessity that severely affects mobility (RCW 46.16.381). Knowingly providing false information on this application is a gross misdemeanor. The penalty is up to one year in jail and a fine of up to \$5,000 or both."

(3) Those individuals who have lost a lower extremity, partially or completely, are exempt from the physician certification requirement necessary to receive special parking privileges. In order to qualify for special parking privileges, these individuals must apply at a licensing office, and authorized department staff must visually confirm the loss of the lower extremity. The applicant must sign a form certifying that he or she meets the criteria of subsection (1)(a) of this section. Based on this confirmation and certification, the certification of the person's disability is satisfied. The department shall note the criteria for the issuance of the disabled parking permit on the identification card issued under subsection (4) of this section. In addition to other penalties for providing false information on the application, the penalty for providing false information under this subsection is immediate cancellation of the disabled parking permit.

(4) Persons who qualify for special parking privileges are entitled to receive from the department of licensing a removable windshield placard bearing the international symbol of access and an individual serial number, along with a special identification card bearing the photograph, name, and date of birth of the person to whom the placard is issued, and the placard's serial number. The

department shall design the placard to be displayed when the vehicle is parked by suspending it from the rearview mirror, or in the absence of a rearview mirror the card may be displayed on the dashboard of any vehicle used to transport the disabled person. Instead of regular motor vehicle license plates, disabled persons are entitled to receive special license plates bearing the international symbol of access for one vehicle registered in the disabled person's name. Disabled persons who are not issued the special license plates are entitled to receive a second special placard upon submitting a written request to the department. Persons who have been issued the parking privileges and who are using a vehicle or are riding in a vehicle displaying the special license plates or placard may park in places reserved for mobility disabled persons. The director shall adopt rules providing for the issuance of special placards and license plates to public transportation authorities, nursing homes licensed under chapter 18.51 RCW, boarding homes licensed under chapter 18.20 RCW, senior citizen centers, private nonprofit agencies as defined in chapter 24.03 RCW, and vehicles registered with the department as cabulances that regularly transport disabled persons who have been determined eligible for special parking privileges provided under this section. The director may issue special license plates for a vehicle registered in the name of the public transportation authority, nursing home, boarding homes, senior citizen center, private nonprofit agency, or cabulance service if the vehicle is primarily used to transport persons with disabilities described in this section. Public transportation authorities, nursing homes, boarding homes, senior citizen centers, private nonprofit agencies, and cabulance services are responsible for insuring that the special placards and license plates are not used improperly and are responsible for all fines and penalties for improper use.

~~((4))~~ (5) Whenever the disabled person transfers or assigns his or her interest in the vehicle, the special license plates shall be removed from the motor vehicle. If another vehicle is acquired by the disabled person and the vehicle owner qualifies for a special plate, the plate shall be attached to the vehicle, and the director shall be immediately notified of the transfer of the plate. If another vehicle is not acquired by the disabled person, the removed plate shall be immediately surrendered to the director.

~~((5))~~ (6) The special license plate shall be renewed in the same manner and at the time required for the renewal of regular motor vehicle license plates under this chapter. No special license plate may be issued to a person who is temporarily disabled. A person who has a condition expected to improve within six months may be issued a temporary placard for a period not to exceed six months. If the condition exists after six months a new temporary placard shall be issued upon receipt of a new certification from the disabled person's physician. The permanent parking placard and photo identification card of a disabled person shall be renewed at least every five years, as required by the director, by satisfactory proof of the right to continued use of the privileges. In the event of the permit holder's death, the parking placard and photo identification card must be immediately surrendered to the department. The department shall match and purge its disabled permit data base with available death record information at least every twelve months.

~~((6))~~ (7) Each person who has been issued a permanent disabled parking permit on or before July 1, 1998, must renew the permit no later than July 1, 2003, subject to a schedule to be set by the department, or the permit will expire.

~~((7))~~ (8) The department may not require existing permit holders to obtain a physician's recertification of their disability in order to renew their disabled parking permits.

(9) Additional fees shall not be charged for the issuance of the special placards or the photo identification cards. No additional fee may be charged for the issuance of the special license plates except the regular motor vehicle registration fee and any other fees and taxes required to be paid upon registration of a motor vehicle.

~~((8))~~ (10) Any unauthorized use of the special placard, special license plate, or photo identification card is a traffic infraction with a monetary penalty of two hundred fifty dollars.

~~((9))~~ (11) It is a parking infraction, with a monetary penalty of two hundred fifty dollars for a person to make inaccessible the access aisle located next to a space reserved for physically disabled persons. The clerk of the court shall report all violations related to this subsection to the department.

~~((10))~~ (12) It is a parking infraction, with a monetary penalty of two hundred fifty dollars for any person to park a vehicle in a parking place provided on private property without charge or on public property reserved for physically disabled persons without a special license plate or placard. If a



person is charged with a violation, the person shall not be determined to have committed an infraction if the person produces in court or before the court appearance the special license plate or placard required under this section. A local jurisdiction providing nonmetered, on-street parking places reserved for physically disabled persons may impose by ordinance time restrictions of no less than four hours on the use of these parking places. A local jurisdiction may impose by ordinance time restrictions of no less than four hours on the use of nonreserved, on-street parking spaces by vehicles displaying the special parking placards. All time restrictions must be clearly posted.

~~((11))~~ (13) The penalties imposed under subsections ~~((9) and (10))~~ (11) and (12) of this section shall be used by that local jurisdiction exclusively for law enforcement. The court may also impose an additional penalty sufficient to reimburse the local jurisdiction for any costs it may have incurred in removal and storage of the improperly parked vehicle.

~~((12))~~ (14) Except as provided by subsection (2) of this section, it is a traffic infraction with a monetary penalty of two hundred fifty dollars for any person willfully to obtain a special license plate, placard, or photo identification card in a manner other than that established under this section.

~~((13))~~ (15)(a) A law enforcement agency authorized to enforce parking laws may appoint volunteers, with a limited commission, to issue notices of infractions for violations of this section or RCW 46.61.581. Volunteers must be at least twenty-one years of age. The law enforcement agency appointing volunteers may establish any other qualifications the agency deems desirable.

(b) An agency appointing volunteers under this section must provide training to the volunteers before authorizing them to issue notices of infractions.

(c) A notice of infraction issued by a volunteer appointed under this subsection has the same force and effect as a notice of infraction issued by a police officer for the same offense.

(d) A police officer or a volunteer may request a person to show the person's photo identification card or special parking placard when investigating the possibility of a violation of this section. If the request is refused, the person in charge of the vehicle may be issued a notice of infraction for a violation of this section.

~~((14))~~ (16) For second or subsequent violations of this section, in addition to a monetary fine, the violator must complete a minimum of forty hours of:

(a) Community service for a nonprofit organization that serves the disabled community or persons having disabling diseases; or

(b) Any other community service that may sensitize the violator to the needs and obstacles faced by persons who have disabilities.

~~((15))~~ (17) The court may not suspend more than one-half of any fine imposed under subsection ~~((8), (9),)~~ (10), ~~((11),)~~ (11), (12), or (14) of this section."

In line 1 of the title, after "amputees;" strike the remainder of the title and insert "amending RCW 46.16.381; and prescribing penalties."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House refused to concur in the Senate Amendment(s) to Substitute House Bill No. 1376 and asked the Senate to recede therefrom.

### SENATE AMENDMENTS TO HOUSE BILL

April 12, 1999

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1562 with the following amendment(s)

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 14.08.122 and 1987 c 254 s 2 are each amended to read as follows:

An airport operator may adopt all regulations necessary for rental and use of airport facilities and for the expeditious collection of airport charges. The regulations may also establish procedures for the enforcement of these regulations by the airport operator. The regulations shall include the following:

(1) Procedures authorizing airport personnel to take reasonable measures including, but not limited to, the use of chains, ropes, and locks to secure aircraft within the airport facility so that the aircraft are in the possession and control of the airport operator and cannot be removed from the airport. These procedures may be used if an owner hangaring or parking an aircraft at the airport fails, after being notified that charges are owing and of the owner's right to contest that such charges are owing, to pay the airport charges owed ~~((and the account is at least sixty days delinquent))~~ or to commence legal proceedings. Notification shall be by registered mail to the owner at his or her last known address. In the case of an aircraft where an owner's address cannot be determined or obtained after reasonable effort, the airport operator need not give such notice prior to securing the aircraft. At the time of securing the aircraft, an authorized airport employee shall attach to the aircraft a readily visible notice and shall make a reasonable attempt to send a copy of the notice to the owner at his or her last known address by registered mail, return receipt requested, and ~~((a))~~ an additional copy of the notice by first class mail. The notice shall be of a reasonable size and shall contain the following information:

(a) The date and time the notice was attached;  
(b) A reasonable description of the aircraft;  
(c) The identity of the authorized employee;  
(d) The amount of airport charges owing;  
(e) A statement that if the account is not paid in full within ~~((one hundred eighty))~~ ninety days from the time the notice was attached the aircraft may be sold at public auction to satisfy the airport charges;  
(f) ~~((The time and place of sale;~~  
~~((g))~~ A statement of the owner's right to commence legal proceedings to contest the charges owing and to have the aircraft released upon posting of an adequate cash bond or other security; and  
~~((h))~~ (g) The address and telephone number where additional information may be obtained concerning the release of the aircraft.

(2) Procedures authorizing airport personnel at their discretion to ~~((place))~~ move aircraft ~~((in))~~ to an area within the airport operator's control or for storage with private persons under the airport operator's control as bailees of the airport facility. ~~((Reasonable))~~ Costs of any such procedure shall be paid by the aircraft's owner.

(3) If an aircraft is secured under subsection (1) of this section or moved under conditions authorized ~~((under))~~ by subsection (2) of this section the owner who is obligated for hangaring or parking or other airport charges may regain possession of the aircraft by:

(a) Making arrangements satisfactory with the airport operator for the immediate removal of the aircraft from the airport's hangar, or making arrangements for authorized parking; and

(b) By making payment to the airport operator of all airport charges or by posting with the airport operator a sufficient cash bond or other security acceptable to such operator, to be held in trust by the airport operator pending written agreement of the parties with respect to payment by the aircraft owner of the amount owing, or pending resolution of charges in a civil action in a court of competent jurisdiction. Upon written agreement or judicial resolution, the trust shall terminate and the airport operator shall receive so much of the bond or other security as is necessary to satisfy the agreement, or any judgment, costs, and interest as may be awarded to the airport operator. The balance shall be refunded immediately to the owner at the owner's last known address by registered mail, return receipt requested. The airport operator shall send to the owner by first class mail a notice that the balance of funds was forwarded to him or her by registered mail, return receipt requested.

(4) If an aircraft parked or hangared at an airport is abandoned, the airport operator may authorize the public sale of the aircraft by authorized personnel to the highest and best bidder for cash as follows:

(a) If an aircraft has been secured by the airport operator under subsection (1) of this section and is not released to the owner under the bonding provisions of this section within ~~((one hundred eighty))~~ ninety days after notifying or attempting to notify the owner under subsection (1) of this section, or in all other cases, for ~~((one hundred eighty))~~ ninety days after the airport operator secures the aircraft, the aircraft shall be conclusively presumed to have been abandoned by the owner;

(b) Before the aircraft is sold, the owner of the aircraft shall be given at least twenty days' notice of sale by registered mail, return receipt requested, if the name and address of the owner are known, and the notice of sale shall be published at least once, more than ten but less than twenty days before the sale, in a newspaper of general circulation in the county in which the airport is located. The notice shall include the name of the aircraft, if any, its aircraft identification number, the last known owner and address, the time and place of sale, the amount of airport charges that will be owing at the time of sale, a reasonable description of the aircraft to be sold and a statement that the airport operator may bid all or part of its airport charges at the sale and may become a purchaser at the sale;

(c) Before the aircraft is sold, any person seeking to redeem an impounded aircraft under this section may commence a lawsuit in the superior court of the county in which the aircraft was impounded, to contest the validity of the impoundment or the amount of airport charges owing. Such lawsuit must be commenced within ten days of the date the notification was provided under subsection (1) of this section, or the right to a hearing is waived and the owner is liable for any airport charges owing the airport operator. In the event of litigation, the prevailing party is entitled to reasonable attorneys' fees and costs;

(d) The proceeds of a sale under this section shall first be applied to payment of airport charges owed. The balance, if any, shall be deposited with the department of revenue to be held in trust for the owner or owners and lienholders for a period of one year. If more than one owner appears on the aircraft title, and/or if any liens appear on the title, the department must, if a claim is made, interplead the balance into a court of competent jurisdiction for distribution. The department may release the balance to the legal owner provided that the claim is made within one year of sale and only one legal owner and no lienholders appear on the title. If no valid claim is made within one year of the date of sale, the excess funds from the sale shall be deposited in the aircraft search and rescue, safety, and education account created in RCW 47.68.236. If the sale is for a sum less than the applicable airport charges, the airport operator is entitled to assert a claim against the aircraft owner or owners for the deficiency;

(e) In the event that no one purchases the aircraft at a sale, or that the aircraft is not removed from the premises or other arrangements are not made within ten days of the sale, title to the aircraft shall revert to the airport operator.

(5) The regulations authorized under this section shall be enforceable only if:

(a) The airport operator has had its tariff and/or regulations, including any and all regulations authorizing the impoundment of an aircraft that is the subject of delinquent airport charges, conspicuously posted at the airport manager's office at all times.

(b) All impounding remedies available to the airport operator are included in any written contract for airport charges between an airport operator and an aircraft owner; and

~~((6))~~ (c) All rules and regulations authorized under this section are adopted either pursuant to chapter 34.05 RCW, or by resolution of the appropriate legislative authority, as applicable.

**Sec. 2.** RCW 47.68.250 and 1998 c 188 s 1 are each amended to read as follows:

Every aircraft shall be registered with the department for each calendar year in which the aircraft is operated or is based within this state. A fee of ~~((four))~~ eight dollars shall be charged for each such registration and each annual renewal thereof.

Possession of the appropriate effective federal certificate, permit, rating, or license relating to ownership and airworthiness of the aircraft, and payment of the excise tax imposed by Title 82 RCW for the privilege of using the aircraft within this state during the year for which the registration is sought, and payment of the registration fee required by this section shall be the only requisites for registration of an aircraft under this section.

The registration fee imposed by this section shall be payable to and collected by the secretary. The fee for any calendar year must be paid during the month of January, and shall be collected by the

secretary at the time of the collection by him or her of the said excise tax. If the secretary is satisfied that the requirements for registration of the aircraft have been met, he or she shall thereupon issue to the owner of the aircraft a certificate of registration therefor. The secretary shall pay to the state treasurer the registration fees collected under this section, which registration fees shall be credited to the aeronautics account in the transportation fund.

It shall not be necessary for the registrant to provide the secretary with originals or copies of federal certificates, permits, ratings, or licenses. The secretary shall issue certificates of registration, or such other evidences of registration or payment of fees as he or she may deem proper; and in connection therewith may prescribe requirements for the possession and exhibition of such certificates or other evidences.

The provisions of this section shall not apply to:

(1) An aircraft owned by and used exclusively in the service of any government or any political subdivision thereof, including the government of the United States, any state, territory, or possession of the United States, or the District of Columbia, which is not engaged in carrying persons or property for commercial purposes;

(2) An aircraft registered under the laws of a foreign country;

(3) An aircraft which is owned by a nonresident and registered in another state: PROVIDED, That if said aircraft shall remain in and/or be based in this state for a period of ninety days or longer it shall not be exempt under this section;

(4) An aircraft engaged principally in commercial flying constituting an act of interstate or foreign commerce;

(5) An aircraft owned by the commercial manufacturer thereof while being operated for test or experimental purposes, or for the purpose of training crews for purchasers of the aircraft;

(6) An aircraft being held for sale, exchange, delivery, test, or demonstration purposes solely as stock in trade of an aircraft dealer licensed under Title 14 RCW;

(7) An aircraft based within the state that is in an unairworthy condition, is not operated within the registration period, and has obtained a written exemption issued by the secretary.

The secretary shall be notified within one week of any change in ownership of a registered aircraft. The notification shall contain the N, NC, NR, NL, or NX number of the aircraft, the full name and address of the former owner, and the full name and address of the new owner. For failure to so notify the secretary, the registration of that aircraft may be canceled by the secretary, subject to reinstatement upon application and payment of a reinstatement fee of ten dollars by the new owner.

A municipality or port district that owns, operates, or leases an airport, as defined in RCW 47.68.020, with the intent to operate, shall require from an aircraft owner proof of aircraft registration or proof of intent to register an aircraft as a condition of leasing or selling tiedown or hangar space for an aircraft. The airport shall inform the lessee or purchaser of the tiedown or hangar space of the state law requiring registration and direct the person to comply with the state law if the person has not already done so. The airport may lease or sell tiedown or hangar space to owners of nonregistered aircraft after presenting them with the appropriate state registration forms. It is then the responsibility of the lessee or purchaser to register the aircraft. The airport shall report to the department's aviation division at the end of each month, the names, addresses, and "N" numbers of those aircraft owners not yet registered.

**Sec. 3.** RCW 82.48.100 and 1965 ex.s. c 173 s 28 are each amended to read as follows:

This chapter shall not apply to:

Aircraft owned by and used exclusively in the service of any government or any political subdivision thereof, including the government of the United States, any state, territory, or possession of the United States, or the District of Columbia, which are not engaged in carrying persons or property for commercial purposes;

Aircraft registered under the laws of a foreign country;

Aircraft which are owned by a nonresident and registered in another state: PROVIDED, That if any such aircraft shall remain in and/or be based in this state for a period of ninety days or longer it shall not be exempt under this section;

Aircraft engaged principally in commercial flying which constitutes interstate or foreign commerce; and aircraft owned by the manufacturer thereof while being operated for test or experimental purposes, or for the purpose of training crews for purchasers of the aircraft;

Aircraft being held for sale, exchange, delivery, test, or demonstration purposes solely as stock in trade of an aircraft dealer licensed under Title 14 RCW;

Aircraft owned by a nonresident of this state if the aircraft is kept at an airport in this state and that airport is jointly owned or operated by a municipal corporation or other governmental entity of this state and a municipal corporation or other governmental entity of another state, and the owner or operator of the aircraft provides the department with proof that the owner or operator has paid all taxes, license fees, and registration fees required by the state in which the owner or operator resides."

On page 1, line 2 of the title, after "charges;" strike the remainder of the title and insert "and amending RCW 14.08.122, 47.68.250, and 82.48.100."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House refused to concur in the Senate Amendment(s) to Engrossed Substitute House Bill No. 1562 and asked the Senate to recede therefrom.

### SENATE AMENDMENTS TO HOUSE BILL

April 15, 1999

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2078 with the following amendment(s)

Strike everything after the enacting clause and insert the following:

#### **"PART I TITLE 75 Amendments**

**Sec. 1.** RCW 75.08.012 and 1983 1st ex.s. c 46 s 5 are each amended to read as follows:  
Wildlife, fish, and shellfish are the property of the state. The commission, director, and the department shall preserve, protect, perpetuate and manage the ((food)) fish and shellfish in state waters and offshore waters.

The department shall conserve the ((food)) fish and shellfish resources in a manner that does not impair the resource. In a manner consistent with this goal, the department shall seek to maintain the economic well-being and stability of the fishing industry in the state. The department shall promote orderly fisheries and shall enhance and improve recreational and commercial fishing in this state.

The commission may authorize the taking of wildlife, fish, and shellfish only at times or places, or in manners or quantities as in the judgment of the commission maximizes public recreational opportunities without impairing the supply of these resources. The commission shall attempt to maximize the public recreational fishing and hunting opportunities of all citizens, including juvenile, handicapped, and senior citizens.

Nothing in this title shall be construed to infringe on the right of a private property owner to control the owner's private property.

**Sec. 2.** RCW 75.08.020 and 1988 c 36 s 31 are each amended to read as follows:

(1) The director shall investigate the habits, supply, and economic use of food fish and shellfish in state and offshore waters.

(2) The director shall make an annual report to the governor on the operation of the department and the statistics of the fishing industry.

(3) Subject to RCW 40.07.040, the director shall provide a comprehensive biennial report of all departmental operations to the chairs of the committees on natural resources ~~((and ways and means))~~ of the senate and house of representatives, the senate ways and means committee, and the house of representatives appropriations committee, including one copy to the staff of each of the committees, to reflect the previous fiscal period. The format of the report shall be similar to reports issued by the department from 1964-1970 and the report shall include, but not be limited to, descriptions of all department activities including: Revenues generated, program costs, capital expenditures, personnel, special projects, new and ongoing research, environmental controls, cooperative projects, intergovernmental agreements, and outlines of ongoing litigation, recent court decisions and orders on major issues with the potential for state liability. The report shall describe the status of the resource and its recreational, commercial, and tribal utilization. The report ~~((shall be given to the house and senate committees on ways and means and the house and senate committees on natural resources and))~~ shall be made available to the public.

**Sec. 3.** RCW 75.08.045 and 1995 1st sp.s. c 2 s 24 are each amended to read as follows:

The ~~((commission))~~ director may accept money or real property from persons under conditions requiring the use of the property or money for the protection, rehabilitation, preservation, or conservation of the state wildlife, food fish<sub>2</sub>, and shellfish resources, or in settlement of claims for damages to wildlife, food fish<sub>2</sub>, and shellfish resources. The ~~((commission))~~ director shall only accept real property useful for the protection, rehabilitation, preservation, or conservation of these fisheries resources.

**Sec. 4.** RCW 75.08.055 and 1995 1st sp.s. c 2 s 8 are each amended to read as follows:

(1) The commission may enter into agreements with and receive funds from the United States for the construction, maintenance, and operation of fish cultural stations, laboratories, and devices in the Columbia River basin for improvement of feeding and spawning conditions for fish, for the protection of migratory fish from irrigation projects and for facilitating free migration of fish over obstructions.

(2) The ~~((commission))~~ director and the department may acquire by gift, purchase, lease, easement, or condemnation the use of lands where the construction or improvement is to be carried on by the United States.

**Sec. 5.** RCW 75.08.080 and 1995 1st sp.s. c 2 s 11 are each amended to read as follows:

(1) The commission may adopt, amend, or repeal rules as follows:

(a) Specifying the times when the taking of wildlife, food fish<sub>2</sub>, or shellfish is lawful or unlawful.

(b) Specifying the areas and waters in which the taking and possession of wildlife, food fish<sub>2</sub>, or shellfish is lawful or unlawful.

(c) Specifying and defining the gear, appliances, or other equipment and methods that may be used to take wildlife, food fish<sub>2</sub>, or shellfish, and specifying the times, places, and manner in which the equipment may be used or possessed.

(d) Regulating the possession, disposal, landing, and sale of wildlife, food fish<sub>2</sub>, or shellfish within the state, whether acquired within or without the state.

(e) Regulating the prevention and suppression of diseases and pests affecting wildlife, food fish<sub>2</sub>, or shellfish.

(f) Regulating the size, sex, species, and quantities of wildlife, food fish<sub>2</sub>, or shellfish that may be taken, possessed, sold, or disposed of.

(g) Specifying the statistical and biological reports required from fishermen, dealers, boathouses, or processors of wildlife, food fish<sub>2</sub>, or shellfish.

(h) Classifying species of marine and freshwater life as wildlife, food fish<sub>2</sub>, or shellfish.

(i) Classifying the species of wildlife, food fish<sub>2</sub>, and shellfish that may be used for purposes other than human consumption.

(j) Other rules necessary to carry out this title and the purposes and duties of the department.

(2) Subsections (1)(a), (b), (c), (d), and (f) of this section do not apply to private tideland owners and lessees and the immediate family members of the owners or lessees of state tidelands, when they take or possess oysters, clams, cockles, borers, or mussels, excluding razor clams, produced on their own private tidelands or their leased state tidelands for personal use.

"Immediate family member" for the purposes of this section means a spouse, brother, sister, grandparent, parent, child, or grandchild.

(3) Except for subsection (1)(g) of this section, this section does not apply to private sector cultured aquatic products as defined in RCW 15.85.020. Subsection (1)(g) of this section does apply to such products.

**Sec. 6.** RCW 75.08.206 and 1983 1st ex.s. c 46 s 20 are each amended to read as follows:

The director shall provide compensation insurance for fisheries patrol officers, insuring these employees against injury or death in the performance of enforcement duties not covered under the workers' compensation act of the state. The beneficiaries and the compensation and benefits under the compensation insurance shall be the same as provided in chapter 51.32 RCW, and the compensation insurance also shall provide for medical aid and hospitalization to the extent and amount as provided in RCW 51.36.010 and 51.36.020.

The recodification of this section into Title 77 RCW does not make any current or former employees eligible for compensation or benefits under this section who were not otherwise eligible under this section before the recodification.

**Sec. 7.** RCW 75.08.208 and 1983 1st ex.s. c 46 s 22 are each amended to read as follows:

The director shall relieve from active duty fisheries patrol officers who are injured in the performance of their official duties to such an extent as to be incapable of active service. While relieved from active duty, the employees shall receive one-half of their salary less any compensation received through the provisions of RCW 41.40.200, 41.40.220, and 75.08.206.

The recodification of this section into Title 77 RCW does not make any current or former employees eligible for compensation or benefits under this section who were not otherwise eligible under this section before the recodification.

**Sec. 8.** RCW 75.08.230 and 1996 c 267 s 3 are each amended to read as follows:

(1) Except as provided in this section, state and county officers receiving the following moneys shall deposit them in the state general fund:

- (a) The sale of licenses required under this title;
- (b) The sale of property seized or confiscated under this title;
- (c) Fines and forfeitures collected under this title;
- (d) The sale of real or personal property held for department purposes;
- (e) Rentals or concessions of the department;
- (f) Moneys received for damages to food fish, shellfish or department property; and
- (g) Gifts.

(2) The director shall make weekly remittances to the state treasurer of moneys collected by the department.

(3) All fines and forfeitures collected or assessed by a district court for a violation of this title or rule of the department shall be remitted as provided in chapter 3.62 RCW.

(4) Proceeds from the sale of food fish or shellfish taken in test fishing conducted by the department, to the extent that these proceeds exceed the estimates in the budget approved by the legislature, may be allocated as unanticipated receipts under RCW 43.79.270 to reimburse the department for unanticipated costs for test fishing operations in excess of the allowance in the budget approved by the legislature.

(5) Proceeds from the sale of salmon carcasses and salmon eggs from state general funded hatcheries by the department of general administration shall be deposited in the regional fisheries enhancement group account established in RCW 75.50.100 (as recodified by this act).

(6) Moneys received by the commission under RCW 75.08.045 (as recodified by this act), to the extent these moneys exceed estimates in the budget approved by the legislature, may be allocated as unanticipated receipts under RCW 43.79.270. Allocations under this subsection shall be made only for the specific purpose for which the moneys were received, unless the moneys were received in settlement of a claim for damages to food fish or shellfish, in which case the moneys may be expended for the conservation of these resources.

(7) Proceeds from the sale of herring spawn on kelp fishery licenses by the department, to the extent those proceeds exceed estimates in the budget approved by the legislature, may be allocated as unanticipated receipts under RCW 43.79.270. Allocations under this subsection shall be made only for herring management, enhancement, and enforcement.

**Sec. 9.** RCW 75.08.245 and 1988 c 115 s 1 are each amended to read as follows:

The department may supply, at a reasonable charge, surplus salmon eggs to a person for use in the cultivation of salmon. The department shall not intentionally create a surplus of salmon to provide eggs for sale. The department shall only sell salmon eggs from stocks that are not suitable for salmon population rehabilitation or enhancement in state waters in Washington. All sales or transfers shall be consistent with the department's egg transfer and aquaculture disease control regulations as now existing or hereafter amended. Prior to department determination that eggs of a salmon stock are surplus and available for sale, the department shall assess the productivity of each watershed that is suitable for receiving eggs.

~~((The salmon enhancement advisory council, created in RCW 75.48.120, shall consider egg sales at each meeting.))~~

**Sec. 10.** RCW 75.10.150 and 1996 c 267 s 14 are each amended to read as follows:

Since violation of the rules of the department relating to the accounting of the commercial harvest of food fish and shellfish result in damage to the resources of the state, liability for damage to food fish and shellfish resources is imposed on a wholesale fish dealer for violation of a provision in chapter 75.28 RCW (as recodified by this act) or a rule of the department related to the accounting of the commercial harvest of food fish and shellfish and shall be for the actual damages or for damages imposed as follows:

(1) For violation of rules requiring the timely presentation to the department of documents relating to the accounting of commercial harvest, fifty dollars for each of the first fifteen documents in a series and ten dollars for each subsequent document in the same series. If documents relating to the accounting of commercial harvest of food fish and shellfish are lost or destroyed and the wholesale dealer notifies the department in writing within seven days of the loss or destruction, the director shall waive the requirement for timely presentation of the documents.

(2) For violation of rules requiring accurate and legible information relating to species, value, harvest area, or amount of harvest, twenty-five dollars for each of the first five violations of this subsection following July 28, 1985, and fifty dollars for each violation after the first five violations.

(3) For violations of rules requiring certain signatures, fifty dollars for each of the first two violations and one hundred dollars for each subsequent violation. For the purposes of this subsection, each signature is a separate requirement.

(4) For other violations of rules relating to the accounting of the commercial harvest, fifty dollars for each separate violation.

**Sec. 11.** RCW 75.12.230 and 1998 c 190 s 81 are each amended to read as follows:

Within the waters described in RCW 75.12.210 (as recodified by this act), a person shall not transport or possess salmon on board a vessel carrying fishing gear of a type other than troll lines or angling gear, unless accompanied by a certificate issued by a state or country showing that the salmon have been lawfully taken within the territorial waters of the state or country.

**Sec. 12.** RCW 75.20.061 and 1983 1st ex.s. c 46 s 73 are each amended to read as follows:

If the director determines that a fishway or fish guard described in RCW 75.20.040 and 75.20.060 (as recodified by this act) and in existence on September 1, 1963, is inadequate, in addition



to other authority granted in this chapter, the director may remove, relocate, reconstruct, or modify the device, without cost to the owner. The director shall not materially modify the amount of flow of water through the device. After the department has completed the improvements, the fishways and fish guards shall be operated and maintained at the expense of the owner in accordance with RCW 75.20.040 and 75.20.060 (as recodified by this act).

**Sec. 13.** RCW 75.20.098 and 1997 c 424 s 6 are each amended to read as follows:

When reviewing a mitigation plan under RCW 75.20.100 or 75.20.103 (as recodified by this act), the department shall, at the request of the project proponent, follow the guidance contained in RCW 90.74.005 through 90.74.030.

**Sec. 14.** RCW 75.20.100 and 1998 c 190 s 87 are each amended to read as follows:

(1) In the event that any person or government agency desires to construct any form of hydraulic project or perform other work that will use, divert, obstruct, or change the natural flow or bed of any of the salt or fresh waters of the state, such person or government agency shall, before commencing construction or work thereon and to ensure the proper protection of fish life, secure the approval of the department as to the adequacy of the means proposed for the protection of fish life. This approval shall not be unreasonably withheld.

(2)(a) Except as provided in RCW 75.20.1001 (as recodified by this act), the department shall grant or deny approval of a standard permit within forty-five calendar days of the receipt of a complete application and notice of compliance with any applicable requirements of the state environmental policy act, made in the manner prescribed in this section.

(b) The applicant may document receipt of application by filing in person or by registered mail. A complete application for approval shall contain general plans for the overall project, complete plans and specifications of the proposed construction or work within the mean higher high water line in salt water or within the ordinary high water line in fresh water, and complete plans and specifications for the proper protection of fish life.

(c) The forty-five day requirement shall be suspended if:

(i) After ten working days of receipt of the application, the applicant remains unavailable or unable to arrange for a timely field evaluation of the proposed project;

(ii) The site is physically inaccessible for inspection; or

(iii) The applicant requests delay. Immediately upon determination that the forty-five day period is suspended, the department shall notify the applicant in writing of the reasons for the delay.

(d) For purposes of this section, "standard permit" means a written permit issued by the department when the conditions under subsections (3) and (5)(b) of this section are not met.

(3)(a) The department may issue an expedited written permit in those instances where normal permit processing would result in significant hardship for the applicant or unacceptable damage to the environment. In cases of imminent danger, the department shall issue an expedited written permit, upon request, for work to repair existing structures, move obstructions, restore banks, protect property, or protect fish resources. Expedited permit requests require a complete written application as provided in subsection (2)(b) of this section and shall be issued within fifteen calendar days of the receipt of a complete written application. Approval of an expedited permit is valid for up to sixty days from the date of issuance.

(b) For the purposes of this subsection, "imminent danger" means a threat by weather, water flow, or other natural conditions that is likely to occur within sixty days of a request for a permit application.

(c) The department may not require the provisions of the state environmental policy act, chapter 43.21C RCW, to be met as a condition of issuing a permit under this subsection.

(d) The department or the county legislative authority may determine if an imminent danger exists. The county legislative authority shall notify the department, in writing, if it determines that an imminent danger exists.

(4) Approval of a standard permit is valid for a period of up to five years from date of issuance. The permittee must demonstrate substantial progress on construction of that portion of the project relating to the approval within two years of the date of issuance. If the department denies

approval, the department shall provide the applicant, in writing, a statement of the specific reasons why and how the proposed project would adversely affect fish life. Protection of fish life shall be the only ground upon which approval may be denied or conditioned. Chapter 34.05 RCW applies to any denial of project approval, conditional approval, or requirements for project modification upon which approval may be contingent.

(5)(a) In case of an emergency arising from weather or stream flow conditions or other natural conditions, the department, through its authorized representatives, shall issue immediately, upon request, oral approval for removing any obstructions, repairing existing structures, restoring stream banks, or to protect property threatened by the stream or a change in the stream flow without the necessity of obtaining a written approval prior to commencing work. Conditions of an oral approval to protect fish life shall be established by the department and reduced to writing within thirty days and complied with as provided for in this section. Oral approval shall be granted immediately, upon request, for a stream crossing during an emergency situation.

(b) For purposes of this section and RCW 75.20.103 (as recodified by this act), "emergency" means an immediate threat to life, the public, property, or of environmental degradation.

(c) The department or the county legislative authority may declare and continue an emergency when one or more of the criteria under (b) of this subsection are met. The county legislative authority shall immediately notify the department if it declares an emergency under this subsection.

(6) The department shall, at the request of a county, develop five-year maintenance approval agreements, consistent with comprehensive flood control management plans adopted under the authority of RCW 86.12.200, or other watershed plan approved by a county legislative authority, to allow for work on public and private property for bank stabilization, bridge repair, removal of sand bars and debris, channel maintenance, and other flood damage repair and reduction activity under agreed-upon conditions and times without obtaining permits for specific projects.

(7) This section shall not apply to the construction of any form of hydraulic project or other work which diverts water for agricultural irrigation or stock watering purposes authorized under or recognized as being valid by the state's water codes, or when such hydraulic project or other work is associated with streambank stabilization to protect farm and agricultural land as defined in RCW 84.34.020. These irrigation or stock watering diversion and streambank stabilization projects shall be governed by RCW 75.20.103 (as recodified by this act).

A landscape management plan approved by the department and the department of natural resources under RCW 76.09.350(2), shall serve as a hydraulic project approval for the life of the plan if fish are selected as one of the public resources for coverage under such a plan.

(8) For the purposes of this section and RCW 75.20.103 (as recodified by this act), "bed" means the land below the ordinary high water lines of state waters. This definition does not include irrigation ditches, canals, storm water run-off devices, or other artificial watercourses except where they exist in a natural watercourse that has been altered by man.

(9) The phrase "to construct any form of hydraulic project or perform other work" does not include the act of driving across an established ford. Driving across streams or on wetted stream beds at areas other than established fords requires approval. Work within the ordinary high water line of state waters to construct or repair a ford or crossing requires approval.

**Sec. 15.** RCW 75.20.1001 and 1993 sp.s. c 2 s 31 are each amended to read as follows:

The department shall process hydraulic project applications submitted under RCW 75.20.100 or 75.20.103 (as recodified by this act) within thirty days of receipt of the application. This requirement is only applicable for the repair and reconstruction of legally constructed dikes, seawalls, and other flood control structures damaged as a result of flooding or windstorms that occurred in November and December 1990.

**Sec. 16.** RCW 75.20.104 and 1993 sp.s. c 2 s 33 are each amended to read as follows:

Whenever the placement of woody debris is required as a condition of a hydraulic permit approval issued pursuant to RCW 75.20.100 or 75.20.103 (as recodified by this act), the department, upon request, shall invite comment regarding that placement from the local governmental authority, affected tribes, affected federal and state agencies, and the project applicant.

**Sec. 17.** RCW 75.20.1041 and 1993 sp.s. c 2 s 34 are each amended to read as follows:

The department and the department of ecology will work cooperatively with the United States army corps of engineers to develop a memorandum of agreement outlining dike vegetation management guidelines so that dike owners are eligible for coverage under P.L. 84-99, and state requirements established pursuant to RCW 75.20.100 and 75.20.103 (as recodified by this act) are met.

**Sec. 18.** RCW 75.20.106 and 1993 sp.s. c 2 s 35 are each amended to read as follows:

The department may levy civil penalties of up to one hundred dollars per day for violation of any provisions of RCW 75.20.100 or 75.20.103 (as recodified by this act). The penalty provided shall be imposed by notice in writing, either by certified mail or personal service to the person incurring the penalty, from the director or the director's designee describing the violation. Any person incurring any penalty under this chapter may appeal the same under chapter 34.05 RCW to the director. Appeals shall be filed within thirty days of receipt of notice imposing any penalty. The penalty imposed shall become due and payable thirty days after receipt of a notice imposing the penalty unless an appeal is filed. Whenever an appeal of any penalty incurred under this chapter is filed, the penalty shall become due and payable only upon completion of all review proceedings and the issuance of a final order confirming the penalty in whole or in part.

If the amount of any penalty is not paid within thirty days after it becomes due and payable the attorney general, upon the request of the director shall bring an action in the name of the state of Washington in the superior court of Thurston county or of any county in which such violator may do business, to recover such penalty. In all such actions the procedure and rules of evidence shall be the same as an ordinary civil action. All penalties recovered under this section shall be paid into the state's general fund.

**Sec. 19.** RCW 75.20.130 and 1996 c 276 s 2 are each amended to read as follows:

(1) There is hereby created within the environmental hearings office under RCW 43.21B.005 the hydraulic appeals board of the state of Washington.

(2) The hydraulic appeals board shall consist of three members: The director of the department of ecology or the director's designee, the director of the department of agriculture or the director's designee, and the director or the director's designee of the department whose action is appealed under subsection (6) of this section. A decision must be agreed to by at least two members of the board to be final.

(3) The board may adopt rules necessary for the conduct of its powers and duties or for transacting other official business.

(4) The board shall make findings of fact and prepare a written decision in each case decided by it, and that finding and decision shall be effective upon being signed by two or more board members and upon being filed at the hydraulic appeals board's principal office, and shall be open to public inspection at all reasonable times.

(5) The board has exclusive jurisdiction to hear appeals arising from the approval, denial, conditioning, or modification of a hydraulic approval issued by the department: (a) Under the authority granted in RCW 75.20.103 (as recodified by this act) for the diversion of water for agricultural irrigation or stock watering purposes or when associated with streambank stabilization to protect farm and agricultural land as defined in RCW 84.34.020; or (b) under the authority granted in RCW 75.20.190 (as recodified by this act) for off-site mitigation proposals.

(6)(a) Any person aggrieved by the approval, denial, conditioning, or modification of a hydraulic approval pursuant to RCW 75.20.103 (as recodified by this act) may seek review from the board by filing a request for the same within thirty days of notice of the approval, denial, conditioning, or modification of such approval.

(b) The review proceedings authorized in (a) of this subsection are subject to the provisions of chapter 34.05 RCW pertaining to procedures in adjudicative proceedings.

**Sec. 20.** RCW 75.20.320 and 1995 c 328 s 1 are each amended to read as follows:

The department may not require mitigation for adverse impacts on fish life or habitat that occurred at the time a wetland was filled, if the wetland was filled under the provisions of RCW 75.20.300 (as recodified by this act).

**Sec. 21.** RCW 75.24.060 and 1998 c 245 s 152 are each amended to read as follows:

It is the policy of the state to improve state oyster reserves so that they are productive and yield a revenue sufficient for their maintenance. In fixing the price of oysters and other shellfish sold from the reserves, the director shall take into consideration this policy. It is also the policy of the state to maintain the oyster reserves to furnish shellfish to growers and processors and to stock public beaches.

Shellfish may be harvested from state oyster reserves for personal use as prescribed by rule of the director.

The ((department)) director shall periodically inventory the state oyster reserves and assign the reserve lands into management categories:

- (1) Native Olympia oyster broodstock reserves;
- (2) Commercial shellfish harvesting zones;
- (3) Commercial shellfish propagation zones designated for long-term leasing to private aquaculturists;
- (4) Public recreational shellfish harvesting zones;
- (5) Unproductive land.

The ((department)) director shall manage each category of oyster reserve land to maximize the sustained yield production of shellfish consistent with the purpose for establishment of each management category.

The ((department)) commission shall develop an oyster reserve management plan, to include recommendations for leasing reserve lands, in coordination with the shellfish industry, by January 1, 1986.

The director shall protect, reseed, improve the habitat of, and replant state oyster reserves ((and)). The director shall also issue cultch permits and oyster reserve fishery licenses.

**Sec. 22.** RCW 75.24.065 and 1993 sp.s. c 2 s 40 are each amended to read as follows:

The legislature finds that current environmental and economic conditions warrant a renewal of the state's historical practice of actively cultivating and managing its oyster reserves in Puget Sound to produce the state's native oyster, the Olympia oyster. The ((department)) director shall reestablish dike cultivated production of Olympia oysters on such reserves on a trial basis as a tool for planning more comprehensive cultivation by the state.

**Sec. 23.** RCW 75.24.070 and 1983 1st ex.s. c 46 s 82 are each amended to read as follows:

The director shall determine the time, place, and method of sale of oysters and other shellfish from state oyster reserves. Any person who commercially takes shellfish from state oyster reserves must possess an oyster reserve fishery license issued by the director pursuant to RCW 75.28.290 (as recodified by this act). Any person engaged in the commercial cultching of oysters on state oyster reserves must possess an oyster cultch permit issued by the director pursuant to RCW 75.28.295 (as recodified by this act).

To maintain local communities and industries and to restrain the formation of monopolies in the industry, the director shall determine the number of bushels which shall be sold to a person. When the shellfish are sold at public auction, the director may reject any and all bids.

**Sec. 24.** RCW 75.24.100 and 1998 c 190 s 91 are each amended to read as follows:

(1) The ((department)) director may not authorize a person to take geoduck clams for commercial purposes outside the harvest area designated in a current department of natural resources geoduck harvesting agreement issued under RCW 79.96.080. The ((department)) director may not authorize commercial harvest of geoduck clams from bottoms that are shallower than eighteen feet below mean lower low water (0.0 ft.), or that lie in an area bounded by the line of ordinary high tide (mean high tide) and a line two hundred yards seaward from and parallel to the line of ordinary high

tide. This section does not apply to the harvest of private sector cultured aquatic products as defined in RCW 15.85.020.

(2) Commercial geoduck harvesting shall be done with a hand-held, manually operated water jet or suction device guided and controlled from under water by a diver. Periodically, the ~~((commission))~~ director shall determine the effect of each type or unit of gear upon the geoduck population or the substrate they inhabit. The ~~((commission))~~ director may require modification of the gear or stop its use if it is being operated in a wasteful or destructive manner or if its operation may cause permanent damage to the bottom or adjacent shellfish populations.

**Sec. 25.** RCW 75.24.130 and 1995 1st sp.s. c 2 s 30 are each amended to read as follows:

The commission may examine the clam, mussel, and oyster beds located on aquatic lands belonging to the state and request the commissioner of public lands to withdraw these lands from sale and lease for the purpose of establishing reserves or public beaches. The ~~((commission))~~ director shall conserve, protect, and develop these reserves and the oyster, shrimp, clam, and mussel beds on state lands.

**Sec. 26.** RCW 75.25.092 and 1998 c 191 s 2 are each amended to read as follows:

(1) A personal use shellfish and seaweed license is required for all persons other than residents or nonresidents under fifteen years of age to fish for, take, dig for, or possess seaweed or shellfish for personal use from state waters or offshore waters including national park beaches.

(2) The fees for annual personal use shellfish and seaweed licenses are:

(a) For a resident fifteen years of age or older, seven dollars;

(b) For a nonresident fifteen years of age or older, twenty dollars; and

(c) For a senior, five dollars.

(3) The personal use shellfish and seaweed license shall be visible on the licensee while harvesting shellfish or seaweed.

**Sec. 27.** RCW 75.28.011 and 1997 c 418 s 1 are each amended to read as follows:

(1) Unless otherwise provided in this title, a license issued under this chapter is not transferable from the license holder to any other person.

(2) The following restrictions apply to transfers of commercial fishery licenses, salmon delivery licenses, and salmon charter licenses that are transferable between license holders:

(a) The license holder shall surrender the previously issued license to the department.

(b) The department shall complete no more than one transfer of the license in any seven-day period.

(c) The fee to transfer a license from one license holder to another is:

(i) The same as the resident license renewal fee if the license is not limited under chapter 75.30 RCW (as recodified by this act);

(ii) Three and one-half times the resident renewal fee if the license is not a commercial salmon license and the license is limited under chapter 75.30 RCW (as recodified by this act);

(iii) Fifty dollars if the license is a commercial salmon license and is limited under chapter 75.30 RCW (as recodified by this act);

(iv) Five hundred dollars if the license is a Dungeness crab-coastal fishery license; or

(v) If a license is transferred from a resident to a nonresident, an additional fee is assessed that is equal to the difference between the resident and nonresident license fees at the time of transfer, to be paid by the transferee.

(3) A commercial license that is transferable under this title survives the death of the holder.

Though such licenses are not personal property, they shall be treated as analogous to personal property for purposes of inheritance and intestacy. Such licenses are subject to state laws governing wills, trusts, estates, intestate succession, and community property, except that such licenses are exempt from claims of creditors of the estate and tax liens. The surviving spouse, estate, or beneficiary of the estate may apply for a renewal of the license. There is no fee for transfer of a license from a license holder to the license holder's surviving spouse or estate, or to a beneficiary of the estate.

**Sec. 28.** RCW 75.28.020 and 1994 c 244 s 1 are each amended to read as follows:

- (1) Except as otherwise provided in this title, a person (~~as defined in RCW 75.08.011~~) may hold a commercial license established by this chapter.
- (2) Except as otherwise provided in this title, an individual may hold a commercial license only if the individual is sixteen years of age or older and a bona fide resident of the United States.
- (3) A corporation may hold a commercial license only if it is authorized to do business in this state.
- (4) No person may hold a limited-entry license unless the person meets the qualifications that this title establishes for the license.
- (5) The residency requirements in subsection (2) of this section do not apply to holders of nonsalmon delivery licenses.

**Sec. 29.** RCW 75.28.034 and 1995 c 227 s 1 are each amended to read as follows:

If, for any reason, the department does not allow any opportunity for a commercial fishery during a calendar year, the (~~department~~) director shall either: (1) Waive the requirement to obtain a license for that commercial fishery for that year; or (2) refund applicable license fees upon return of the license.

**Sec. 30.** RCW 75.28.042 and 1997 c 58 s 882 are each amended to read as follows:

- (1) The department shall immediately suspend the license of a person who has been certified pursuant to RCW 74.20A.320 by the department of social and health services as a person who is not in compliance with a support order or a residential or visitation order.
- (2) A listing on the department of licensing's data base that an individual's license is currently suspended pursuant to RCW 46.20.291(~~(7)~~) (8) shall be prima facie evidence that the individual is in noncompliance with a support order or residential or visitation order. Presentation of a written release issued by the department of social and health services or a court stating that the person is in compliance with an order shall serve as proof of compliance.

**Sec. 31.** RCW 75.28.046 and 1998 c 267 s 2 are each amended to read as follows:

This section applies to all commercial fishery licenses and delivery licenses, except for whiting-Puget Sound fishery licenses and emergency salmon delivery licenses.

- (1) The license holder may engage in the activity authorized by a license subject to this section. With the exception of Dungeness crab--coastal fishery class B licensees licensed under RCW 75.30.350(4) (as recodified by this act), the holder of a license subject to this section may also designate up to two alternate operators for the license. Dungeness crab--coastal fishery class B licensees may not designate alternate operators. A person designated as an alternate operator must possess an alternate operator license issued under RCW 75.28.048 (as recodified by this act).
- (2) The fee to change the alternate operator designation is twenty-two dollars.

**Sec. 32.** RCW 75.28.047 and 1998 c 267 s 3 are each amended to read as follows:

- (1) Only the license holder and any alternate operators designated on the license may sell or deliver food fish or shellfish under a commercial fishery license or delivery license. A commercial fishery license or delivery license authorizes no taking or delivery of food fish or shellfish unless the license holder or an alternate operator designated on the license is present or aboard the vessel.
- (2) Notwithstanding RCW 75.28.010(1)(c) (as recodified by this act), an alternate operator license is not required for an individual to operate a vessel as a charter boat.

**Sec. 33.** RCW 75.28.048 and 1998 c 267 s 4 are each amended to read as follows:

- (1) A person who holds a commercial fishery license or a delivery license may operate the vessel designated on the license. A person who is not the license holder may operate the vessel designated on the license only if:
  - (a) The person holds an alternate operator license issued by the director; and
  - (b) The person is designated as an alternate operator on the underlying commercial fishery license or delivery license under RCW 75.28.046 (as recodified by this act).

(2) Only an individual at least sixteen years of age may hold an alternate operator license.

(3) No individual may hold more than one alternate operator license. An individual who holds an alternate operator license may be designated as an alternate operator on an unlimited number of commercial fishery licenses or delivery licenses under RCW 75.28.046 (as recodified by this act).

(4) An individual who holds two Dungeness crab--Puget Sound fishery licenses may operate the licenses on one vessel if the vessel owner or alternate operator is on the vessel. The department shall allow a license holder to operate up to one hundred crab pots for each license.

(5) As used in this section, to "operate" means to control the deployment or removal of fishing gear from state waters while aboard a vessel or to operate a vessel delivering food fish or shellfish taken in offshore waters to a port within the state.

**Sec. 34.** RCW 75.28.055 and 1997 c 421 s 1 are each amended to read as follows:

The ((fish and wildlife commission)) director may, by rule, increase the number of alternate operators beyond the level authorized by RCW 75.28.030 and 75.28.046 (as recodified by this act) for a commercial fishery license, delivery license, or charter license.

**Sec. 35.** RCW 75.28.095 and 1998 c 190 s 95 are each amended to read as follows:

(1) The director shall issue the charter licenses and angler permits listed in this section according to the requirements of this title. The licenses and permits and their annual fees and surcharges are:

| License or Permit     | Annual Fee<br>(RCW 75.50.100 Surcharge) |              | Governing Section                            |
|-----------------------|---|--------------|--|
|                       | Resident                                | Nonresident  |  |
| (a) Nonsalmon charter | \$225                                   | \$375        |  |
| (b) Salmon charter    | \$380                                   | \$685        | RCW 75.30.05<br>(as recodified by this act)  |
|                       | (plus \$100)                            | (plus \$100) |  |
| (c) Salmon angler     | \$ 0                                    | \$ 0         | RCW 75.30.070<br>(as recodified by this act) |
| (d) Salmon roe        | \$ 95                                   | \$ 95        | RCW 75.28.690<br>(as recodified by this act) |

(2) A salmon charter license designating a vessel is required to operate a charter boat to take salmon, other food fish, and shellfish. The director may issue a salmon charter license only to a person who meets the qualifications of RCW 75.30.065 (as recodified by this act).

(3) A nonsalmon charter license designating a vessel is required to operate a charter boat to take food fish other than salmon and shellfish. As used in this subsection, "food fish" does not include salmon.

(4) "Charter boat" means a vessel from which persons may, for a fee, fish for food fish or shellfish for personal use, and that brings food fish or shellfish into state ports or brings food fish or shellfish taken from state waters into United States ports. The director may specify by rule when a vessel is a "charter boat" within this definition. "Charter boat" does not mean a vessel used by a guide for clients fishing for food fish for personal use in freshwater rivers, streams, and lakes, other than Lake Washington or that part of the Columbia River below the bridge at Longview.

(5) A charter boat licensed in Oregon may fish without a Washington charter license under the same rules as Washington charter boat operators in ocean waters within the jurisdiction of Washington state from the southern border of the state of Washington to Leadbetter Point, as long as the Oregon vessel does not land at any Washington port with the purpose of taking on or discharging passengers.

The provisions of this subsection shall be in effect as long as the state of Oregon has reciprocal laws and regulations.

(6) A salmon charter license under subsection (1)(b) of this section may be renewed if the license holder notifies the department by May 1st of that year that he or she will not participate in the fishery during that calendar year. The license holder must pay the one hundred-dollar enhancement surcharge, plus a fifteen-dollar handling charge, in order to be considered a valid renewal and eligible to renew the license the following year.

**Sec. 36.** RCW 75.28.110 and 1997 c 76 s 1 are each amended to read as follows:

(1) The following commercial salmon fishery licenses are required for the license holder to use the specified gear to fish for salmon in state waters. Only a person who meets the qualifications of RCW 75.30.120 (as recodified by this act) may hold a license listed in this subsection. The licenses and their annual fees and surcharges under RCW 75.50.100 (as recodified by this act) are:

| Fishery License                                  | Resident Fee | Nonresident Fee | Surcharge  |
|--|--------------|-----------------|------------|
| (a) Salmon Gill Net--Grays Harbor-Columbia river | \$380        | \$685           | plus \$100 |
| (b) Salmon Gill Net--Puget Sound                 | \$380        | \$685           | plus \$100 |
| (c) Salmon Gill Net--Willapa Bay-Columbia river  | \$380        | \$685           | plus \$100 |
| (d) Salmon purse seine                           | \$530        | \$985           | plus \$100 |
| (e) Salmon reef net                              | \$380        | \$685           | plus \$100 |
| (f) Salmon troll                                 | \$380        | \$685           | plus \$100 |

(2) A license issued under this section authorizes no taking or delivery of salmon or other food fish unless a vessel is designated under RCW 75.28.045 (as recodified by this act).

(3) Holders of commercial salmon fishery licenses may retain incidentally caught food fish other than salmon, subject to rules of the department.

(4) A salmon troll license includes a salmon delivery license.

(5) A salmon gill net license authorizes the taking of salmon only in the geographical area for which the license is issued. The geographical designations in subsection (1) of this section have the following meanings:

(a) "Puget Sound" includes waters of the Strait of Juan de Fuca, Georgia Strait, Puget Sound and all bays, inlets, canals, coves, sounds, and estuaries lying easterly and southerly of the international boundary line and a line at the entrance to the Strait of Juan de Fuca projected northerly from Cape Flattery to the lighthouse on Tatoosh Island and then to Bonilla Point on Vancouver Island.

(b) "Grays Harbor-Columbia river" includes waters of Grays Harbor and tributary estuaries lying easterly of a line projected northerly from Point Chehalis Light to Point Brown and those waters of the Columbia river and tributary sloughs and estuaries easterly of a line at the entrance to the Columbia river projected southerly from the most westerly point of the North jetty to the most westerly point of the South jetty.

(c) "Willapa Bay-Columbia river" includes waters of Willapa Bay and tributary estuaries and easterly of a line projected northerly from Leadbetter Point to the Cape Shoalwater tower and those waters of the Columbia river and tributary sloughs described in (b) of this subsection.

(6) A commercial salmon troll fishery license may be renewed under this section if the license holder notifies the department by May 1st of that year that he or she will not participate in the fishery during that calendar year. A commercial salmon gill net, reef net, or seine fishery license may be renewed under this section if the license holder notifies the department by August 1st of that year that he or she will not participate in the fishery during that calendar year. The license holder must pay the one hundred-dollar enhancement surcharge, plus a fifteen-dollar handling charge, in order to be considered a valid renewal and eligible to renew the license the following year.



**Sec. 37.** RCW 75.28.113 and 1998 c 190 s 96 are each amended to read as follows:

(1) A salmon delivery license is required to deliver salmon taken in offshore waters to a place or port in the state. The annual fee for a salmon delivery license is three hundred eighty dollars for residents and six hundred eighty-five dollars for nonresidents. The annual surcharge under RCW 75.50.100 (as recodified by this act) is one hundred dollars for each license. Holders of nonlimited entry delivery licenses issued under RCW 75.28.125 (as recodified by this act) may apply the nonlimited entry delivery license fee against the salmon delivery license fee.

(2) Only a person who meets the qualifications established in RCW 75.30.120 (as recodified by this act) may hold a salmon delivery license issued under this section.

(3) A salmon delivery license authorizes no taking of salmon or other food fish or shellfish from the waters of the state.

(4) If the director determines that the operation of a vessel under a salmon delivery license results in the depletion or destruction of the state's salmon resource or the delivery into this state of salmon products prohibited by law, the director may revoke the license under the procedures of chapter 34.05 RCW.

**Sec. 38.** RCW 75.28.116 and 1993 sp.s. c 17 s 37 are each amended to read as follows:

A person who does not qualify for a license under RCW 75.30.120 (as recodified by this act) shall obtain a nontransferable emergency salmon delivery license to make one delivery of salmon taken in offshore waters. The director shall not issue an emergency salmon delivery license unless, as determined by the director, a bona fide emergency exists. The license fee is two hundred twenty-five dollars for residents and four hundred seventy-five dollars for nonresidents. An applicant for an emergency salmon delivery license shall designate no more than one vessel that will be used with the license. Alternate operator licenses are not required of persons delivering salmon under an emergency salmon delivery license. Emergency salmon delivery licenses are not renewable.

**Sec. 39.** RCW 75.28.120 and 1993 sp.s. c 17 s 38 are each amended to read as follows:

(1) This section establishes commercial fishery licenses required for food fish fisheries and the annual fees for those licenses. As used in this section, "food fish" does not include salmon. The director may issue a limited-entry commercial fishery license only to a person who meets the qualifications established in applicable governing sections of this title.

| Fishery<br>(Governing section(s))  | Annual Fee |             | Vessel<br>Required?   | Limited<br>Entry?     |
|--|------------|-------------|-----------------------|-----------------------|
|  | Resident   | Nonresident |                       |                       |
| (a) Baitfish Lampara   | \$185      | \$295       | Yes                   | No                    |
| (b) Baitfish purse seine   | \$530      | \$985       | Yes                   | No                    |
| (c) Bottom fish jig  | \$130      | \$185       | Yes                   | No                    |
| (d) Bottom fish pot  | \$130      | \$185       | Yes                   | No                    |
| (e) Bottom fish troll  | \$130      | \$185       | Yes                   | No                    |
| (f) Carp   | \$130      | \$185       | No                    | No                    |
| (g) Columbia river smelt   | \$380      | \$685       | No                    | No                    |
| (h) Dog fish set net   | \$130      | \$185       | Yes                   | No                    |
| (i) Emerging commercial<br>fishery (RCW 75.30.220<br>and 75.28.740 ( <u>as recodified<br/>by this act</u> )) | \$185      | \$295       | Determined<br>by rule | Determined<br>by rule |
| (j) Food fish drag seine   | \$130      | \$185       | Yes                   | No                    |
| (k) Food fish set line   | \$130      | \$185       | Yes                   | No                    |
| (l) Food fish trawl-Non-Puget Sound  | \$240      | \$405       | Yes                   | No                    |
| (m) Food fish trawl-Puget Sound  | \$185      | \$295       | Yes                   | No                    |

|  |       |       |     |     |
|--|-------|-------|-----|-----|
| (n) Herring dip bag net (RCW 75.30.140<br><u>(as recodified by this act)</u> )   | \$175 | \$275 | Yes | Yes |
| (o) Herring drag seine (RCW 75.30.140 <u>(as<br/>recodified by this act)</u> )   | \$175 | \$275 | Yes | Yes |
| (p) Herring gill net (RCW 75.30.140<br><u>(as recodified by this act)</u> )      | \$175 | \$275 | Yes | Yes |
| (q) Herring Lampara (RCW 75.30.140 <u>(as<br/>recodified by this act)</u> )      | \$175 | \$275 | Yes | Yes |
| (r) Herring purse seine (RCW 75.30.140<br><u>(as recodified by this act)</u> )   | \$175 | \$275 | Yes | Yes |
| (s) Herring spawn-on-kelp (RCW<br>75.30.270 <u>(as recodified by this act)</u> ) | N/A   | N/A   | Yes | Yes |
| (t) Smelt dip bag net  | \$130 | \$185 | No  | No  |
| (u) Smelt gill net   | \$380 | \$685 | Yes | No  |
| (v) Whiting-Puget Sound (RCW 75.30.170<br><u>(as recodified by this act)</u> )   | \$295 | \$520 | Yes | Yes |

(2) The director may by rule determine the species of food fish that may be taken with the commercial fishery licenses established in this section, the gear that may be used with the licenses, and the areas or waters in which the licenses may be used. Where a fishery license has been established for a particular species, gear, geographical area, or combination thereof, a more general fishery license may not be used to take food fish in that fishery.

**Sec. 40.** RCW 75.28.125 and 1998 c 190 s 97 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, a person may not use a commercial fishing vessel to deliver food fish or shellfish taken in offshore waters to a port in the state without a nonlimited entry delivery license. As used in this section, "food fish" does not include salmon. As used in this section, "shellfish" does not include ocean pink shrimp or coastal crab. The annual license fee for a nonlimited entry delivery license is one hundred ten dollars for residents and two hundred dollars for nonresidents.

(2) Holders of salmon troll fishery licenses issued under RCW 75.28.110 (as recodified by this act), salmon delivery licenses issued under RCW 75.28.113 (as recodified by this act), crab pot fishery licenses issued under RCW 75.28.130 (as recodified by this act), food fish trawl--Non-Puget Sound fishery licenses issued under RCW 75.28.120 (as recodified by this act), Dungeness crab--coastal fishery licenses, ocean pink shrimp delivery licenses, and shrimp trawl--Non-Puget Sound fishery licenses issued under RCW 75.28.130 (as recodified by this act) may deliver food fish or shellfish taken in offshore waters without a nonlimited entry delivery license.

(3) A nonlimited entry delivery license authorizes no taking of food fish or shellfish from state waters.

**Sec. 41.** RCW 75.28.130 and 1994 c 260 s 14 are each amended to read as follows:

(1) This section establishes commercial fishery licenses required for shellfish fisheries and the annual fees for those licenses. The director may issue a limited-entry commercial fishery license only to a person who meets the qualifications established in applicable governing sections of this title.

| Fishery<br>(Governing section(s)) | Annual Fee |             | Vessel<br>Required? | Limited<br>Entry? |
|-----------------------------------|------------|-------------|---------------------|-------------------|
|                                   | Resident   | Nonresident |                     |                   |
| (a) Burrowing shrimp              | \$185      | \$295       | Yes                 | No                |
| (b) Crab ring net-Non-Puget Sound | \$130      | \$185       | Yes                 | No                |
| (c) Crab ring net-Puget Sound     | \$130      | \$185       | Yes                 | No                |
| (d) Dungeness crab-coastal        | \$295      | \$520       | Yes                 | Yes               |

|     |   |       |       |                       |                       |
|-----|---|-------|-------|-----------------------|-----------------------|
|     | (RCW 75.30.350<br>(as recodified by this act))  |       |       |                       |                       |
| (e) | Dungeness crab-coastal, class B<br>(RCW 75.30.350<br>(as recodified by this act))           | \$295 | \$520 | Yes                   | Yes                   |
| (f) | Dungeness crab-Puget Sound<br>(RCW 75.30.130<br>(as recodified by this act))                | \$130 | \$185 | Yes                   | Yes                   |
| (g) | Emerging commercial fishery<br>(RCW 75.30.220 and 75.28.740<br>(as recodified by this act)) | \$185 | \$295 | Determined<br>by rule | Determined<br>by rule |
| (h) | Geoduck (RCW 75.30.280<br>(as recodified by this act))                                      | \$ 0  | \$ 0  | Yes                   | Yes                   |
| (i) | Hardshell clam mechanical<br>harvester<br>(RCW 75.28.280 (as<br>recodified by this act))    | \$530 | \$985 | Yes                   | No                    |
| (j) | Oyster reserve (RCW 75.28.290<br>(as recodified by this act))                               | \$130 | \$185 | No                    | No                    |
| (k) | Razor clam  | \$130 | \$185 | No                    | No                    |
| (l) | Sea cucumber dive (RCW<br>75.30.250<br>(as recodified by this act))                         | \$130 | \$185 | Yes                   | Yes                   |
| (m) | Sea urchin dive (RCW 75.30.210<br>(as recodified by this act))                              | \$130 | \$185 | Yes                   | Yes                   |
| (n) | Shellfish dive  | \$130 | \$185 | Yes                   | No                    |
| (o) | Shellfish pot   | \$130 | \$185 | Yes                   | No                    |
| (p) | Shrimp pot-Hood Canal   | \$325 | \$575 | Yes                   | No                    |
| (q) | Shrimp trawl-Non-Puget Sound  | \$240 | \$405 | Yes                   | No                    |
| (r) | Shrimp trawl-Puget Sound  | \$185 | \$295 | Yes                   | No                    |
| (s) | Squid   | \$185 | \$295 | Yes                   | No                    |

(2) The director may by rule determine the species of shellfish that may be taken with the commercial fishery licenses established in this section, the gear that may be used with the licenses, and the areas or waters in which the licenses may be used. Where a fishery license has been established for a particular species, gear, geographical area, or combination thereof, a more general fishery license may not be used to take shellfish in that fishery.

**Sec. 42.** RCW 75.28.132 and 1994 c 260 s 15 are each amended to read as follows:

A surcharge of fifty dollars shall be collected with each Dungeness crab-coastal fishery license issued under RCW 75.28.130 (as recodified by this act) until June 30, 2000, and with each Dungeness crab-coastal class B fishery license issued under RCW 75.28.130 (as recodified by this act) until December 31, 1997. Moneys collected under this section shall be placed in the Dungeness crab appeals account hereby created in the state treasury. The account is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures. Expenditures from the account shall only be used for processing appeals related to the issuance of Dungeness crab-coastal fishery licenses.

**Sec. 43.** RCW 75.28.133 and 1997 c 418 s 5 are each amended to read as follows:

A surcharge of one hundred twenty dollars shall be collected with each Dungeness crab-coastal fishery license and with each Dungeness crab-coastal class B fishery license issued under RCW 75.28.130 (as recodified by this act). Moneys collected under this section shall be placed in the coastal crab account created under RCW 75.30.390 (as recodified by this act).

**Sec. 44.** RCW 75.28.280 and 1993 c 340 s 19 are each amended to read as follows:

A hardshell clam mechanical harvester fishery license is required to operate a mechanical or hydraulic device for commercially harvesting clams, other than geoduck clams, unless the requirements of RCW 75.20.100 (as recodified by this act) are fulfilled for the proposed activity.

**Sec. 45.** RCW 75.28.290 and 1993 c 340 s 20 are each amended to read as follows:

A person who commercially takes shellfish from state oyster reserves under RCW 75.24.070 (as recodified by this act) must have an oyster reserve fishery license.

**Sec. 46.** RCW 75.28.300 and 1993 sp.s. c 17 s 43 are each amended to read as follows:

A wholesale fish dealer's license is required for:

(1) A business in the state to engage in the commercial processing of food fish or shellfish, including custom canning or processing of personal use food fish or shellfish.

(2) A business in the state to engage in the wholesale selling, buying, or brokering of food fish or shellfish. A wholesale fish dealer's license is not required of those businesses which buy exclusively from Washington licensed wholesale dealers and sell solely at retail.

(3) Fishermen who land and sell their catch or harvest in the state to anyone other than a licensed wholesale dealer within or outside the state.

(4) A business to engage in the commercial manufacture or preparation of fertilizer, oil, meal, caviar, fish bait, or other byproducts from food fish or shellfish.

(5) A business employing a fish buyer as defined under RCW 75.28.340 (as recodified by this act).

The annual license fee for a wholesale dealer is two hundred fifty dollars. A wholesale fish dealer's license is not required for persons engaged in the processing, wholesale selling, buying, or brokering of private sector cultured aquatic products as defined in RCW 15.85.020. However, if a means of identifying such products is required by rules adopted under RCW 15.85.060, the exemption from licensing requirements established by this subsection applies only if the aquatic products are identified in conformance with those rules.

**Sec. 47.** RCW 75.28.323 and 1996 c 267 s 30 are each amended to read as follows:

(1) A wholesale fish dealer shall not take possession of food fish or shellfish until the dealer has deposited with the department an acceptable performance bond on forms prescribed and furnished by the department. This performance bond shall be a corporate surety bond executed in favor of the department by a corporation authorized to do business in the state of Washington under chapter 48.28 RCW and approved by the department. The bond shall be filed and maintained in an amount equal to one thousand dollars for each buyer engaged by the wholesale dealer. In no case shall the bond be less than two thousand dollars nor more than fifty thousand dollars.

(2) A wholesale dealer shall, within seven days of engaging additional fish buyers, notify the department and increase the amount of the bonding required in subsection (1) of this section.

(3) The director may suspend and refuse to reissue a wholesale fish dealer's license of a dealer who has taken possession of food fish or shellfish without an acceptable performance bond on deposit with the department.

(4) The bond shall be conditioned upon the compliance with the requirements of this chapter and rules of the department relating to the payment of fines for violations of rules for the accounting of the commercial harvest of food fish or shellfish. In lieu of the surety bond required by this section the wholesale fish dealer may file with the department a cash deposit, negotiable securities acceptable to the department, or an assignment of a savings account or of a savings certificate in a Washington bank on an assignment form prescribed by the department.

(5) Liability under the bond shall be maintained as long as the wholesale fish dealer engages in activities under RCW 75.28.300 (as recodified by this act) unless released. Liability under the bond may be released only upon written notification from the department. Notification shall be given upon acceptance by the department of a substitute bond or forty-five days after the expiration of the wholesale fish dealer's annual license. In no event shall the liability of the surety exceed the amount of the surety bond required under this chapter.

**Sec. 48.** RCW 75.28.340 and 1993 sp.s. c 17 s 46 are each amended to read as follows:

(1) A fish buyer's license is required of and shall be carried by each individual engaged by a wholesale fish dealer to purchase food fish or shellfish from a licensed commercial fisherman. A fish buyer may represent only one wholesale fish dealer.

(2) ~~((Unless adjusted by the director pursuant to the director's authority granted in RCW 75.28.065,))~~ The annual fee for a fish buyer's license is ninety-five dollars.

**Sec. 49.** RCW 75.28.730 and 1993 c 376 s 4 are each amended to read as follows:

An ocean pink shrimp delivery license is required to deliver ocean pink shrimp taken in offshore waters and delivered to a port in the state. ~~((Unless adjusted by the director pursuant to the director's authority granted in RCW 75.28.065,))~~ The annual license fee is one hundred fifty dollars for residents and three hundred dollars for nonresidents. Ocean pink shrimp delivery licenses are transferable.

**Sec. 50.** RCW 75.28.740 and 1998 c 190 s 99 are each amended to read as follows:

(1) The director may by rule designate a fishery as an emerging commercial fishery. The director shall include in the designation whether the fishery is one that requires a vessel.

(2) "Emerging commercial fishery" means the commercial taking of a newly classified species of food fish or shellfish, the commercial taking of a classified species with gear not previously used for that species, or the commercial taking of a classified species in an area from which that species has not previously been commercially taken. Any species of food fish or shellfish commercially harvested in Washington state as of June 7, 1990, may be designated as a species in an emerging commercial fishery, except that no fishery subject to a license limitation program in chapter 75.30 RCW (as recodified by this act) may be designated as an emerging commercial fishery.

(3) A person shall not take food fish or shellfish in a fishery designated as an emerging commercial fishery without an emerging commercial fishery license and a permit from the director. The director shall issue two types of permits to accompany emerging commercial fishery licenses: Trial fishery permits and experimental fishery permits. Trial fishery permits are governed by subsection (4) of this section. Experimental fishery permits are governed by RCW 75.30.220 (as recodified by this act).

(4) The director shall issue trial fishery permits for a fishery designated as an emerging commercial fishery unless the director determines there is a need to limit the number of participants under RCW 75.30.220 (as recodified by this act). A person who meets the qualifications of RCW 75.28.020 (as recodified by this act) may hold a trial fishery permit. The holder of a trial fishery permit shall comply with the terms of the permit. Trial fishery permits are not transferable from the permit holder to any other person.

**Sec. 51.** RCW 75.28.760 and 1993 sp.s. c 4 s 2 are each amended to read as follows:

By July 1, 1994, the ~~((departments of fisheries and wildlife))~~ commission jointly with the appropriate Indian tribes, shall each establish a wild salmonid policy. The policy shall ensure that department actions and programs are consistent with the goals of rebuilding wild stock populations to levels that permit commercial and recreational fishing opportunities.

**Sec. 52.** RCW 75.28.770 and 1998 c 245 s 153 are each amended to read as follows:

The ~~((department))~~ director shall evaluate and recommend, in consultation with the Indian tribes, salmon fishery management strategies and gear types, as well as a schedule for implementation, that will minimize the impact of commercial and recreational fishing in the mixed stock fishery on

critical and depressed wild stocks of salmonids. As part of this evaluation, the ((department)) director, in conjunction with the commercial and recreational fishing industries, shall evaluate commercial and recreational salmon fishing gear types developed by these industries.

**Sec. 53.** RCW 75.28.780 and 1993 sp.s. c 17 s 42 are each amended to read as follows:

The director shall issue the personal licenses listed in this section according to the requirements of this title. The licenses and their annual fees are:

| Personal License       | Annual Fee               | Governing  |
|------------------------|--------------------------|--|
|                        |                          | (RCW 75.50.100 <u>(as recodified by this act)</u> Surcharge) Section |
|                        |                          | Resident Nonresident   |
| (1) Alternate Operator | \$ 35 \$ 35              | RCW 75.28.048  |
|                        |                          | <u>(as recodified by this act)</u>                                   |
| (2) Geoduck Diver      | \$185 \$295              | RCW 75.28.750  |
|                        |                          | <u>(as recodified by this act)</u>                                   |
| (3) Salmon Guide       | \$130 \$630              | RCW 75.28.710  |
|                        |                          | <u>(as recodified by this act)</u>                                   |
|                        | (plus \$20) (plus \$100) |  |

**Sec. 54.** RCW 75.30.021 and 1995 c 227 s 2 are each amended to read as follows:

(1) The ((department)) director shall waive license requirements, including landing or poundage requirements, if, during the calendar year that a license issued pursuant to chapter 75.28 RCW (as recodified by this act) is valid, no harvest opportunity occurs in the fishery corresponding to the license.

(2) For each license limitation program, where the person failed to hold the license and failed to make landing or poundage requirements because of a license waiver by the ((department)) director during the previous year, the person shall qualify for a license by establishing that the person held the license during the last year in which the license was not waived.

**Sec. 55.** RCW 75.30.050 and 1995 c 269 s 3101 are each amended to read as follows:

(1) The director shall appoint three-member advisory review boards to hear cases as provided in RCW 75.30.060 (as recodified by this act). Members shall be from:

- (a) The commercial crab fishing industry in cases involving Dungeness crab-Puget Sound fishery licenses;
- (b) The commercial herring fishery in cases involving herring fishery licenses;
- (c) The commercial sea urchin and sea cucumber fishery in cases involving sea urchin and sea cucumber dive fishery licenses;
- (d) The commercial ocean pink shrimp industry (*Pandalus jordani*) in cases involving ocean pink shrimp delivery licenses; and
- (e) The commercial coastal crab fishery in cases involving Dungeness crab-coastal fishery licenses and Dungeness crab-coastal class B fishery licenses. The members shall include one person from the commercial crab processors, one Dungeness crab-coastal fishery license holder, and one citizen representative of a coastal community.

(2) Members shall serve at the discretion of the director and shall be reimbursed for travel expenses as provided in RCW 43.03.050, 43.03.060, and 43.03.065.

**Sec. 56.** RCW 75.30.060 and 1995 1st sp.s. c 2 s 32 are each amended to read as follows:

A person aggrieved by a decision of the department under this chapter may request administrative review under the informal procedure established by this section.

In an informal hearing before a review board, the rules of evidence do not apply. A record of the proceeding shall be kept as provided by chapter 34.05 RCW. After hearing the case the review board shall notify in writing the ~~((commission))~~ director and the initiating party whether the review board agrees or disagrees with the department's decision and the reasons for the review board's findings. Upon receipt of the review board's findings the ~~((commission))~~ director may order such relief as the ~~((commission))~~ director deems appropriate under the circumstances.

Nothing in this section: (1) Impairs an aggrieved person's right to proceed under chapter 34.05 RCW; or (2) imposes a liability on members of a review board for their actions under this section.

**Sec. 57.** RCW 75.30.065 and 1993 c 340 s 28 are each amended to read as follows:

(1) After May 28, 1977, the director shall issue no new salmon charter licenses. A person may renew an existing salmon charter license only if the person held the license sought to be renewed during the previous year or acquired the license by transfer from someone who held it during the previous year, and if the person has not subsequently transferred the license to another person.

(2) Salmon charter licenses may be renewed each year. A salmon charter license which is not renewed each year shall not be renewed further.

(3) Subject to the restrictions in ~~((section 11 of this act))~~ RCW 75.28.011 (as recodified by this act), salmon charter licenses are transferrable from one license holder to another.

**Sec. 58.** RCW 75.30.070 and 1998 c 190 s 100 are each amended to read as follows:

(1) Except as provided in subsection (3) of this section, a person shall not operate a vessel as a charter boat from which salmon are taken in salt water without an angler permit. The angler permit shall specify the maximum number of persons that may fish from the charter boat per trip. The angler permit expires if the salmon charter license is not renewed.

(2) Only a person who holds a salmon charter license issued under RCW 75.28.095 and 75.30.065 (as recodified by this act) may hold an angler permit.

(3) An angler permit shall not be required for charter boats licensed in Oregon and fishing in ocean waters within the jurisdiction of Washington state from the southern border of the state of Washington to Leadbetter Point under the same regulations as Washington charter boat operators, as long as the Oregon vessel does not land at any Washington port with the purpose of taking on or discharging passengers. The provisions of this subsection shall be in effect as long as the state of Oregon has reciprocal laws and regulations.

**Sec. 59.** RCW 75.30.090 and 1993 c 340 s 30 are each amended to read as follows:

A salmon charter boat may not carry more anglers than the number specified in the angler permit issued under RCW 75.30.070 (as recodified by this act). Members of the crew may fish from the boat only to the extent that the number of anglers specified in the angler permit exceeds the number of noncrew passengers on the boat at that time.

**Sec. 60.** RCW 75.30.100 and 1993 c 340 s 31 are each amended to read as follows:

(1) The total number of anglers authorized by the ~~((department))~~ director shall not exceed the total number authorized for 1980.

(2) Angler permits issued under RCW 75.30.070 (as recodified by this act) are transferable. All or a portion of the permit may be transferred to another salmon charter license holder.

(3) The angler permit holder and proposed transferee shall notify the department when transferring an angler permit, and the ~~((department))~~ director shall issue a new angler permit certificate. If the original permit holder retains a portion of the permit, the ~~((department))~~ director shall issue a new angler permit certificate reflecting the decrease in angler capacity.

(4) The department shall collect a fee of ten dollars for each certificate issued under subsection (3) of this section.

**Sec. 61.** RCW 75.30.120 and 1995 c 135 s 7 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, after May 6, 1974, the director shall issue no new commercial salmon fishery licenses or salmon delivery licenses. A person may renew an existing license only if the person held the license sought to be renewed during the previous year or acquired the license by transfer from someone who held it during the previous year, and if the person has not subsequently transferred the license to another person.

(2) Where the person failed to obtain the license during the previous year because of a license suspension, the person may qualify for a license by establishing that the person held such a license during the last year in which the license was not suspended.

(3) Subject to the restrictions in RCW 75.28.011 (as recodified by this act), commercial salmon fishery licenses and salmon delivery licenses are transferable from one license holder to another.

**Sec. 62.** RCW 75.30.125 and 1993 c 340 s 33 are each amended to read as follows:

Any commercial salmon fishery license issued under RCW 75.28.110 (as recodified by this act) or salmon delivery license issued under RCW 75.28.113 (as recodified by this act) shall revert to the department when any government confiscates and sells the vessel designated on the license. Upon application of the person named on the license as license holder and the approval of the director, the department shall transfer the license to the applicant. Application for transfer of the license must be made within the calendar year for which the license was issued.

**Sec. 63.** RCW 75.30.130 and 1998 c 190 s 101 are each amended to read as follows:

(1) A person shall not commercially take Dungeness crab (*Cancer magister*) in Puget Sound without first obtaining a Dungeness crab--Puget Sound fishery license. As used in this section, "Puget Sound" has the meaning given in RCW 75.28.110(5)(a)(as recodified by this act). A Dungeness crab--Puget Sound fishery license is not required to take other species of crab, including red rock crab (*Cancer productus*).

(2) Except as provided in subsections (3) and (6) of this section, after January 1, 1982, the director shall issue no new Dungeness crab--Puget Sound fishery licenses. Only a person who meets the following qualification may renew an existing license: The person shall have held the Dungeness crab--Puget Sound fishery license sought to be renewed during the previous year or acquired the license by transfer from someone who held it during the previous year, and shall not have subsequently transferred the license to another person.

(3) Where the person failed to obtain the license during the previous year because of a license suspension, the person may qualify for a license by establishing that the person held such a license during the last year in which the license was not suspended.

(4) This section does not restrict the issuance of commercial crab licenses for areas other than Puget Sound or for species other than Dungeness crab.

(5) Dungeness crab--Puget Sound fishery licenses are transferable from one license holder to another.

(6) If fewer than one hundred twenty-five persons are eligible for Dungeness crab--Puget Sound fishery licenses, the director may accept applications for new licenses. The director shall determine by random selection the successful applicants for the additional licenses. The number of additional licenses issued shall be sufficient to maintain one hundred twenty-five licenses in the Puget Sound Dungeness crab fishery. The director shall adopt rules governing the application, selection, and issuance procedures for new Dungeness crab--Puget Sound fishery licenses, based upon recommendations of (~~a board of~~) an advisory review board established under RCW 75.30.050 (as recodified by this act).

**Sec. 64.** RCW 75.30.140 and 1998 c 190 s 102 are each amended to read as follows:

(1) A person shall not fish commercially for herring in state waters without a herring fishery license. As used in this section, "herring fishery license" means any of the following commercial fishery licenses issued under RCW 75.28.120 (as recodified by this act): Herring dip bag net; herring drag seine; herring gill net; herring lampara; herring purse seine.

(2) Except as provided in this section, a herring fishery license may be issued only to a person who held the license sought to be renewed during the previous year or acquired the license by transfer



from someone who held it during the previous year, and if the person has not subsequently transferred the license to another person.

(3) Herring fishery licenses may be renewed each year. A herring fishery license that is not renewed each year shall not be renewed further.

(4) The ~~((department))~~ director may issue additional herring fishery licenses if the stocks of herring will not be jeopardized by granting additional licenses.

(5) Subject to the restrictions of RCW 75.28.011 (as recodified by this act), herring fishery licenses are transferable from one license holder to another.

**Sec. 65.** RCW 75.30.170 and 1993 c 340 s 39 are each amended to read as follows:

(1) A person shall not commercially take whiting from areas that the department designates within the waters described in RCW 75.28.110(5)(a) (as recodified by this act) without a whiting-Puget Sound fishery license.

(2) A whiting-Puget Sound fishery license may be issued only to an individual who:

(a) Delivered at least fifty thousand pounds of whiting during the period from January 1, 1981, through February 22, 1985, as verified by fish delivery tickets;

(b) Possessed, on January 1, 1986, all equipment necessary to fish for whiting; and

(c) Held a whiting-Puget Sound fishery license during the previous year or acquired such a license by transfer from someone who held it during the previous year.

~~((2))~~ (3) After January 1, 1995, the director shall issue no new whiting-Puget Sound fishery licenses. After January 1, 1995, only an individual who meets the following qualifications may renew an existing license: The individual shall have held the license sought to be renewed during the previous year or acquired the license by transfer from someone who held it during the previous year, and shall not have subsequently transferred the license to another person.

~~((3))~~ (4) Whiting-Puget Sound fishery licenses may be renewed each year. A whiting-Puget Sound fishery license that is not renewed each year shall not be renewed further.

**Sec. 66.** RCW 75.30.180 and 1993 c 340 s 40 are each amended to read as follows:

A whiting-Puget Sound fishery license may be transferred through gift, devise, bequest, or descent to members of the license holder's immediate family which shall be limited to spouse, children, or stepchildren. The holder of a whiting-Puget Sound fishery license shall be present on any vessel taking whiting under the license. In no instance may temporary permits be issued.

The director may adopt rules necessary to implement RCW ~~((75.30.160 through))~~ 75.30.170 and 75.30.180 (as recodified by this act).

**Sec. 67.** RCW 75.30.210 and 1998 c 190 s 104 are each amended to read as follows:

(1) A person shall not commercially take any species of sea urchin using shellfish diver gear without first obtaining a sea urchin dive fishery license.

(2) Except as provided in subsections (3) and (6) of this section, after December 31, 1991, the director shall issue no new sea urchin dive fishery licenses. Only a person who meets the following qualifications may renew an existing license:

(a) The person shall have held the sea urchin dive fishery license sought to be renewed during the previous year or acquired the license by transfer from someone who held it during the previous year; and

(b) The person shall document, by valid shellfish receiving tickets issued by the department, that twenty thousand pounds of sea urchins were caught and sold under the license sought to be renewed during the two-year period ending March 31 of the most recent odd-numbered year.

(3) Where the person failed to obtain the license during the previous year because of a license suspension or revocation by the ~~((department))~~ director or the court, the person may qualify for a license by establishing that the person held such a license during the last year in which the person was eligible.

(4) The director may reduce or waive the poundage requirement of subsection (2)(b) of this section upon the recommendation of ~~((a board of))~~ an advisory review board established under RCW 75.30.050 (as recodified by this act). The review board ~~((of review))~~ may recommend a reduction or

waiver of the poundage requirement in individual cases if, in the review board's judgment, extenuating circumstances prevent achievement of the poundage requirement. The director shall adopt rules governing the operation of the ~~((board of))~~ review board and defining "extenuating circumstances."

(5) Sea urchin dive fishery licenses are not transferable from one license holder to another, except from parent to child, or from spouse to spouse during marriage or as a result of marriage dissolution, or upon the death of the license holder.

(6) If fewer than forty-five persons are eligible for sea urchin dive fishery licenses, the director may accept applications for new licenses. The director shall determine by random selection the successful applicants for the additional licenses. The number of additional licenses issued shall be sufficient to maintain up to forty-five licenses in the sea urchin dive fishery. The director shall adopt rules governing the application, selection, and issuance procedure for new sea urchin dive fishery licenses, based upon recommendations of ~~((a board of))~~ an advisory review board established under RCW 75.30.050 (as recodified by this act).

**Sec. 68.** RCW 75.30.220 and 1993 c 340 s 42 are each amended to read as follows:

(1) The director may issue experimental fishery permits for commercial harvest in an emerging commercial fishery for which the director has determined there is a need to limit the number of participants. The director shall determine by rule the number and qualifications of participants for such experimental fishery permits. Only a person who holds an emerging commercial fishery license issued under RCW 75.28.740 (as recodified by this act) and who meets the qualifications established in those rules may hold an experimental fishery permit. The director shall limit the number of these permits to prevent habitat damage, ensure conservation of the resource, and prevent overharvesting. In developing rules for limiting participation in an emerging or expanding commercial fishery, the director shall appoint a five-person advisory board representative of the affected fishery industry. The advisory board shall review and make recommendations to the director on rules relating to the number and qualifications of the participants for such experimental fishery permits.

(2) RCW 34.05.422(3) does not apply to applications for new experimental fishery permits.

(3) Experimental fishery permits are not transferable from the permit holder to any other person.

**Sec. 69.** RCW 75.30.250 and 1998 c 190 s 105 are each amended to read as follows:

(1) A person shall not commercially take while using shellfish diver gear any species of sea cucumber without first obtaining a sea cucumber dive fishery license.

(2) Except as provided in subsection (6) of this section, after December 31, 1991, the director shall issue no new sea cucumber dive fishery licenses. Only a person who meets the following qualifications may renew an existing license:

(a) The person shall have held the sea cucumber dive fishery license sought to be renewed during the previous two years or acquired the license by transfer from someone who held it during the previous year; and

(b) The person shall establish, by means of dated shellfish receiving documents issued by the department, that thirty landings of sea cucumbers totaling at least ten thousand pounds were made under the license during the previous two-year period ending December 31 of the odd-numbered year.

(3) Where the person failed to obtain the license during either of the previous two years because of a license suspension by the ~~((department))~~ director or the court, the person may qualify for a license by establishing that the person held such a license during the last year in which the person was eligible.

(4) The director may reduce or waive any landing or poundage requirement established under this section upon the recommendation of ~~((a board of))~~ an advisory review board established under RCW 75.30.050 (as recodified by this act). The ~~((board of))~~ review board may recommend a reduction or waiver of any landing or poundage requirement in individual cases if, in the review board's judgment, extenuating circumstances prevent achievement of the landing or poundage requirement. The director shall adopt rules governing the operation of the ~~((board of))~~ review board and defining "extenuating circumstances."

(5) Sea cucumber dive fishery licenses are not transferable from one license holder to another except from parent to child, from spouse to spouse during marriage or as a result of marriage dissolution, or upon death of the license holder.

(6) If fewer than fifty persons are eligible for sea cucumber dive fishery licenses, the director may accept applications for new licenses from those persons who can demonstrate two years' experience in the Washington state sea cucumber dive fishery. The director shall determine by random selection the successful applicants for the additional licenses. The number of additional licenses issued shall be sufficient to maintain up to fifty licenses in the sea cucumber dive fishery. The director shall adopt rules governing the application, selection, and issuance procedure for new sea cucumber dive fishery licenses, based upon recommendations of ~~((a board of))~~ an advisory review board established under RCW 75.30.050 (as recodified by this act).

**Sec. 70.** RCW 75.30.270 and 1993 c 340 s 37 are each amended to read as follows:

(1) A herring spawn on kelp fishery license is required to commercially take herring eggs which have been deposited on vegetation of any type.

(2) A herring spawn on kelp fishery license may be issued only to a person who:

(a) Holds a herring fishery license issued under RCW 75.28.120 and 75.30.140 (as recodified by this act); and

(b) Is the highest bidder in an auction conducted under subsection (3) of this section.

(3) The department shall sell herring spawn on kelp commercial fishery licenses at auction to the highest bidder. Bidders shall identify their sources of kelp. Kelp harvested from state-owned aquatic lands as defined in RCW 79.90.465 requires the written consent of the department of natural resources. The department shall give all holders of herring fishery licenses thirty days' notice of the auction.

**Sec. 71.** RCW 75.30.280 and 1998 c 190 s 106 are each amended to read as follows:

(1) A person shall not harvest geoduck clams commercially without a geoduck fishery license. This section does not apply to the harvest of private sector cultured aquatic products as defined in RCW 15.85.020.

(2) Only a person who has entered into a geoduck harvesting agreement with the department of natural resources under RCW 79.96.080 may hold a geoduck fishery license.

(3) A geoduck fishery license authorizes no taking of geoducks outside the boundaries of the public lands designated in the underlying harvesting agreement, or beyond the harvest ceiling set in the underlying harvesting agreement.

(4) A geoduck fishery license expires when the underlying geoduck harvesting agreement terminates.

(5) The director shall determine the number of geoduck fishery licenses that may be issued for each geoduck harvesting agreement, the number of units of gear whose use the license authorizes, and the type of gear that may be used, subject to RCW 75.24.100 (as recodified by this act). In making those determinations, the director shall seek to conserve the geoduck resource and prevent damage to its habitat.

(6) The holder of a geoduck fishery license and the holder's agents and representatives shall comply with all applicable commercial diving safety regulations adopted by the federal occupational safety and health administration established under the federal occupational safety and health act of 1970 as such law exists on May 8, 1979, 84 Stat. 1590 et seq.; 29 U.S.C. Sec. 651 et seq. A violation of those regulations is a violation of this subsection. For the purposes of this section, persons who dive for geoducks are "employees" as defined by the federal occupational safety and health act. A violation of this subsection is grounds for suspension or revocation of a geoduck fishery license following a hearing under the procedures of chapter 34.05 RCW. The ~~((department))~~ director shall not suspend or revoke a geoduck fishery license if the violation has been corrected within ten days of the date the license holder receives written notice of the violation. If there is a substantial probability that a violation of the commercial diving standards could result in death or serious physical harm to a person engaged in harvesting geoduck clams, the ~~((department))~~ director shall suspend the license immediately until the violation has been corrected. If the license holder is not the operator of the harvest vessel and

has contracted with another person for the harvesting of geoducks, the ~~((department))~~ director shall not suspend or revoke the license if the license holder terminates its business relationship with that person until compliance with this subsection is secured.

**Sec. 72.** RCW 75.30.290 and 1998 c 190 s 107 are each amended to read as follows:

A person shall not commercially deliver into any Washington state port ocean pink shrimp caught in offshore waters without an ocean pink shrimp delivery license issued under RCW 75.28.730 (as recodified by this act), or an ocean pink shrimp single delivery license issued under RCW 75.30.320 (as recodified by this act). An ocean pink shrimp delivery license shall be issued to a vessel that:

(1) Landed a total of at least five thousand pounds of ocean pink shrimp in Washington in any single calendar year between January 1, 1983, and December 31, 1992, as documented by a valid shellfish receiving ticket; and

(2) Can show continuous participation in the Washington, Oregon, or California ocean pink shrimp fishery by being eligible to land ocean pink shrimp in either Washington, Oregon, or California each year since the landing made under subsection (1) of this section. Evidence of such eligibility shall be a certified statement from the relevant state licensing agency that the applicant for a Washington ocean pink shrimp delivery license held at least one of the following permits:

(a) For Washington: Possession of a delivery permit or delivery license issued under RCW 75.28.125 ~~((or a trawl license (other than Puget Sound) issued under RCW 75.28.140))~~ (as recodified by this act);

(b) For Oregon: Possession of a vessel permit issued under Oregon Revised Statute 508.880; or

(c) For California: A trawl permit issued under California Fish and Game Code sec. 8842.

**Sec. 73.** RCW 75.30.300 and 1993 c 376 s 6 are each amended to read as follows:

An applicant who can show historical participation under RCW 75.30.290(1) (as recodified by this act) but does not satisfy the continuous participation requirement of RCW 75.30.290(2) (as recodified by this act) shall be issued an ocean pink shrimp delivery license if:

(1) The owner can prove that the owner was in the process on December 31, 1992, of constructing a vessel for the purpose of ocean pink shrimp harvest. For purposes of this section, "construction" means having the keel laid, and "for the purpose of ocean pink shrimp harvest" means the vessel is designed as a trawl vessel. An ocean pink shrimp delivery license issued to a vessel under construction is not renewable after December 31, 1994, unless the vessel lands a total of at least five thousand pounds of ocean pink shrimp into a Washington state port before December 31, 1994; or

(2) The applicant's vessel is a replacement for a vessel that is otherwise eligible for an ocean pink shrimp delivery license.

**Sec. 74.** RCW 75.30.320 and 1993 c 376 s 8 are each amended to read as follows:

The owner of an ocean pink shrimp fishing vessel that does not qualify for an ocean pink shrimp delivery license issued under RCW 75.28.730 (as recodified by this act) shall obtain an ocean pink shrimp single delivery license in order to make a landing into a state port of ocean pink shrimp taken in offshore waters. The director shall not issue an ocean pink shrimp single delivery license unless, as determined by the director, a bona fide emergency exists. A maximum of six ocean pink shrimp single delivery licenses may be issued annually to any vessel. ~~((Unless adjusted by the director pursuant to the director's authority granted in RCW 75.28.065,))~~ The fee for an ocean pink shrimp single delivery license is one hundred dollars.

**Sec. 75.** RCW 75.30.330 and 1993 c 376 s 10 are each amended to read as follows:

The director may reduce the landing requirements established under RCW 75.30.290 (as recodified by this act) upon the recommendation of an advisory review board established under RCW 75.30.050 (as recodified by this act), but the director may not entirely waive the landing requirement. The advisory review board may recommend a reduction of the landing requirement in individual cases if in the advisory review board's judgment, extenuating circumstances prevented achievement of the

landing requirement. The director shall adopt rules governing the operation of the advisory review board and defining "extenuating circumstances."

**Sec. 76.** RCW 75.30.350 and 1998 c 190 s 108 are each amended to read as follows:

(1) A person shall not commercially fish for coastal crab in Washington state waters without a Dungeness crab--coastal or a Dungeness crab--coastal class B fishery license. Gear used must consist of one buoy attached to each crab pot. Each crab pot must be fished individually.

(2) A Dungeness crab--coastal fishery license is transferable. Except as provided in subsection (3) of this section, such a license shall only be issued to a person who proved active historical participation in the coastal crab fishery by having designated, after December 31, 1993, a vessel or a replacement vessel on the qualifying license that singly or in combination meets the following criteria:

(a) Made a minimum of eight coastal crab landings totaling a minimum of five thousand pounds per season in at least two of the four qualifying seasons identified in subsection (5) of this section, as documented by valid Washington state shellfish receiving tickets; and showed historical and continuous participation in the coastal crab fishery by having held one of the following licenses or their equivalents each calendar year beginning 1990 through 1993, and was designated on the qualifying license of the person who held one of the following licenses in 1994:

(i) Crab pot--Non-Puget Sound license, issued under RCW 75.28.130(1)(b) (as recodified by this act);

(ii) Nonsalmon delivery license, issued under RCW 75.28.125 (as recodified by this act);

(iii) Salmon troll license, issued under RCW 75.28.110 (as recodified by this act);

(iv) Salmon delivery license, issued under RCW 75.28.113 (as recodified by this act);

(v) Food fish trawl license, issued under RCW 75.28.120 (as recodified by this act); or

(vi) Shrimp trawl license, issued under RCW 75.28.130 (as recodified by this act); or

(b) Made a minimum of four Washington landings of coastal crab totaling two thousand pounds during the period from December 1, 1991, to March 20, 1992, and made a minimum of eight crab landings totaling a minimum of five thousand pounds of coastal crab during each of the following periods: December 1, 1991, to September 15, 1992; December 1, 1992, to September 15, 1993; and December 1, 1993, to September 15, 1994. For landings made after December 31, 1993, the vessel shall have been designated on the qualifying license of the person making the landings; or

(c) Made any number of coastal crab landings totaling a minimum of twenty thousand pounds per season in at least two of the four qualifying seasons identified in subsection (5) of this section, as documented by valid Washington state shellfish receiving tickets, showed historical and continuous participation in the coastal crab fishery by having held one of the qualifying licenses each calendar year beginning 1990 through 1993, and the vessel was designated on the qualifying license of the person who held that license in 1994.

(3) A Dungeness crab-coastal fishery license shall be issued to a person who had a new vessel under construction between December 1, 1988, and September 15, 1992, if the vessel made coastal crab landings totaling a minimum of five thousand pounds by September 15, 1993, and the new vessel was designated on the qualifying license of the person who held that license in 1994. All landings shall be documented by valid Washington state shellfish receiving tickets. License applications under this subsection may be subject to review by the advisory review board in accordance with RCW 75.30.050 (as recodified by this act). For purposes of this subsection, "under construction" means either:

(a)(i) A contract for any part of the work was signed before September 15, 1992; and

(ii) The contract for the vessel under construction was not transferred or otherwise alienated from the contract holder between the date of the contract and the issuance of the Dungeness crab-coastal fishery license; and

(iii) Construction had not been completed before December 1, 1988; or

(b)(i) The keel was laid before September 15, 1992; and

(ii) Vessel ownership was not transferred or otherwise alienated from the owner between the time the keel was laid and the issuance of the Dungeness crab-coastal fishery license; and

(iii) Construction had not been completed before December 1, 1988.

(4) A Dungeness crab--coastal class B fishery license is not transferable. Such a license shall be issued to persons who do not meet the qualification criteria for a Dungeness crab--coastal fishery

license, if the person has designated on a qualifying license after December 31, 1993, a vessel or replacement vessel that, singly or in combination, made a minimum of four landings totaling a minimum of two thousand pounds of coastal crab, documented by valid Washington state shellfish receiving tickets, during at least one of the four qualifying seasons, and if the person has participated continuously in the coastal crab fishery by having held or by having owned a vessel that held one or more of the licenses listed in subsection (2) of this section in each calendar year subsequent to the qualifying season in which qualifying landings were made through 1994. Dungeness crab--coastal class B fishery licenses cease to exist after December 31, 1999, and the continuing license provisions of RCW 34.05.422(3) are not applicable.

(5) The four qualifying seasons for purposes of this section are:

- (a) December 1, 1988, through September 15, 1989;
- (b) December 1, 1989, through September 15, 1990;
- (c) December 1, 1990, through September 15, 1991; and
- (d) December 1, 1991, through September 15, 1992.

(6) For purposes of this section and RCW 75.30.420 (as recodified by this act), "coastal crab" means Dungeness crab (cancer magister) taken in all Washington territorial and offshore waters south of the United States-Canada boundary and west of the Bonilla-Tatoosh line (a line from the western end of Cape Flattery to Tatoosh Island lighthouse, then to the buoy adjacent to Duntz Rock, then in a straight line to Bonilla Point of Vancouver island), Grays Harbor, Willapa Bay, and the Columbia river.

(7) For purposes of this section, "replacement vessel" means a vessel used in the coastal crab fishery in 1994, and that replaces a vessel used in the coastal crab fishery during any period from 1988 through 1993, and which vessel's licensing and catch history, together with the licensing and catch history of the vessel it replaces, qualifies a single applicant for a Dungeness crab--coastal or Dungeness crab--coastal class B fishery license. A Dungeness crab--coastal or Dungeness crab--coastal class B fishery license may only be issued to a person who designated a vessel in the 1994 coastal crab fishery and who designated the same vessel in 1995.

**Sec. 77.** RCW 75.30.370 and 1994 c 260 s 4 are each amended to read as follows:

A person commercially fishing for Dungeness crab in offshore waters outside of Washington state jurisdiction shall obtain a Dungeness crab offshore delivery license from the director if the person does not possess a valid Dungeness crab-coastal fishery license or a valid Dungeness crab-coastal class B fishery license and the person wishes to land Dungeness crab into a place or a port in the state. The annual fee for a Dungeness crab offshore delivery license is two hundred fifty dollars. The director may specify restrictions on landings of offshore Dungeness crab in Washington state as authorized in RCW 75.30.360 (as recodified by this act).

Fees from the offshore Dungeness crab delivery license shall be placed in the (~~coastal~~ ~~fishery~~) coastal crab account created in RCW 75.30.390 (as recodified by this act).

**Sec. 78.** RCW 75.30.380 and 1997 c 418 s 3 are each amended to read as follows:

Dungeness crab-coastal fishery licenses are freely transferable on a willing seller-willing buyer basis after paying the transfer fee in RCW 75.28.011 (as recodified by this act).

**Sec. 79.** RCW 75.30.390 and 1997 c 418 s 4 are each amended to read as follows:

The coastal crab account is created in the custody of the state treasurer. The account shall consist of revenues from fees from the transfer of each Dungeness crab-coastal fishery license assessed under RCW 75.28.011 (as recodified by this act), delivery fees assessed under RCW 75.30.370 (as recodified by this act), and the license surcharge under RCW 75.28.133 (as recodified by this act). Only the director or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW but no appropriation is required for expenditures. Funds may be used for coastal crab management activities as provided in RCW 75.30.410 (as recodified by this act).

**Sec. 80.** RCW 75.30.420 and 1994 c 260 s 9 are each amended to read as follows:

(1) An Oregon resident who can show historical and continuous participation in the Washington state coastal crab fishery by having held a nonresident non-Puget Sound crab pot license issued under RCW 75.28.130 (as recodified by this act) each year from 1990 through 1994, and who has delivered a minimum of eight landings totaling five thousand pounds of crab into Oregon during any two of the four qualifying seasons as provided in RCW 75.30.350(~~(4)~~) (5) (as recodified by this act) as evidenced by valid Oregon fish receiving tickets, shall be issued a nonresident Dungeness crab-coastal fishery license valid for fishing in Washington state waters north from the Oregon-Washington boundary to United States latitude forty-six degrees thirty minutes north. Such license shall be issued upon application and submission of proof of delivery.

(2) This section shall become effective contingent upon reciprocal statutory authority in the state of Oregon providing for equal access for Washington state coastal crab fishers to Oregon territorial coastal waters north of United States latitude forty-five degrees fifty-eight minutes north, and Oregon waters of the Columbia river.

**Sec. 81.** RCW 75.30.440 and 1994 c 260 s 13 are each amended to read as follows:

Except as provided under RCW 75.30.460 (as recodified by this act), the director shall issue no new Dungeness crab-coastal fishery licenses after December 31, 1995. A person may renew an existing license only if the person held the license sought to be renewed during the previous year or acquired the license by transfer from someone who held it during the previous year, and if the person has not subsequently transferred the license to another person. Where the person failed to obtain the license during the previous year because of a license suspension, the person may qualify for a license by establishing that the person held such a license during the last year in which the license was not suspended.

**Sec. 82.** RCW 75.30.460 and 1994 c 260 s 17 are each amended to read as follows:

If fewer than one hundred seventy-five persons are eligible for Dungeness crab-coastal fishery licenses, the director may accept applications for new licenses. Additional licenses issued may maintain a maximum of one hundred seventy-five licenses in the Washington coastal crab fishery. If additional licenses are to be issued, the director shall adopt rules governing the notification, application, selection, and issuance procedures for new Dungeness crab-coastal fishery licenses, based on recommendations of the advisory review board established under RCW 75.30.050 (as recodified by this act).

**Sec. 83.** RCW 75.30.470 and 1994 c 260 s 19 are each amended to read as follows:

The director may reduce the landing requirements established under RCW 75.30.350 (as recodified by this act) upon the recommendation of an advisory review board established under RCW 75.30.050 (as recodified by this act), but the director may not entirely waive the landing requirement. The advisory review board may recommend a reduction of the landing requirement in individual cases if in the advisory review board's judgment, extenuating circumstances prevented achievement of the landing requirement. The director shall adopt rules governing the operation of the advisory review board and defining "extenuating circumstances." Extenuating circumstances may include situations in which a person had a vessel under construction such that qualifying landings could not be made. In defining extenuating circumstances, special consideration shall be given to individuals who can provide evidence of lack of access to capital based on past discrimination due to race, creed, color, sex, national origin, or disability.

**Sec. 84.** RCW 75.40.020 and 1995 1st sp.s. c 2 s 19 are each amended to read as follows:

The commission may give to the state of Oregon such consent and approbation of the state of Washington as is necessary under the compact set out in RCW 75.40.010 (as recodified by this act). For the purposes of RCW 75.40.010 (as recodified by this act), the states of Washington and Oregon have concurrent jurisdiction in the concurrent waters of the Columbia river (~~(as defined in RCW 75.08.011)~~).

**Sec. 85.** RCW 75.40.110 and 1994 c 148 s 2 are each amended to read as follows:

Until such time as the agencies in California, Idaho, Oregon, and Washington present a final proposed interstate compact for enactment by their respective legislative bodies, the governor may establish cooperative agreements with the states of California, Idaho, and Oregon that allow the states to coordinate their individual efforts in developing state programs that further the region-wide goals set forth under RCW 75.40.100 (as recodified by this act).

**Sec. 86.** RCW 75.44.100 and 1985 c 7 s 150 are each amended to read as follows:

As used in this chapter:

(1) "Case areas" means those areas of the Western district of Washington and in the adjacent offshore waters which are within the jurisdiction of the state of Washington, as defined in *United States of America et al. v. State of Washington et al.*, Civil No. 9213, United States District Court for Western District of Washington, February 12, 1974, and in *Sohappy v. Smith*, 302 F. Supp. 899 (D. Oregon, 1969), as amended, affirmed, and remanded 529 F. 2d 570 (9th Cir., 1976), or an area in which fishing rights are affected by court decision in a manner consistent with the above-mentioned decisions;

(2) "Program" means the program established under RCW 75.44.100 through 75.44.150 (as recodified by this act).

**Sec. 87.** RCW 75.44.120 and 1983 1st ex.s. c 46 s 157 are each amended to read as follows:

The purchase price of a vessel and appurtenant gear shall be based on a survey conducted by a qualified marine surveyor. A license or delivery permit shall be valued separately.

The director may specify a maximum price to be paid for a vessel, gear, license, or delivery permit purchased under RCW 75.44.110 (as recodified by this act). A license or delivery permit purchased under RCW 75.44.110 (as recodified by this act) shall be permanently retired by the department.

**Sec. 88.** RCW 75.44.130 and 1983 1st ex.s. c 46 s 158 are each amended to read as follows:

The department may arrange for the insurance, storage, and resale or other disposition of vessels and gear purchased under RCW 75.44.110 (as recodified by this act). Vessels shall not be resold by the department to the seller or the seller's immediate family. The vessels shall not be used by any owner or operator: (1) As a commercial fishing or charter vessel in state waters; or (2) to deliver fish to a place or port in the state. The department shall require that the purchasers and other users of vessels sold by the department execute suitable instruments to insure compliance with the requirements of this section. The director may commence suit or be sued on such an instrument in a state court of record or United States district court having jurisdiction.

**Sec. 89.** RCW 75.44.150 and 1983 1st ex.s. c 46 s 160 are each amended to read as follows:

The director is responsible for the administration and disbursement of all funds, goods, commodities, and services received by the state under the program.

There is created within the state treasury a fund to be known as the "vessel, gear, license, and permit reduction fund". This fund shall be used for purchases under RCW 75.44.110 (as recodified by this act) and for the administration of the program. This fund shall be credited with federal or other funds received to carry out the purposes of the program and the proceeds from the sale or other disposition of property purchased under RCW 75.44.110 (as recodified by this act).

**Sec. 90.** RCW 75.46.010 and 1998 c 246 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Adaptive management" means reliance on scientific methods to test the results of actions taken so that the management and related policy can be changed promptly and appropriately.

(2) "Critical pathways methodology" means a project scheduling and management process for examining interactions between habitat projects and salmonid species, prioritizing habitat projects, and assuring positive benefits from habitat projects.



(3) "Habitat project list" is the list of projects resulting from the critical pathways methodology under RCW 75.46.070(2) (as recodified by this act). Each project on the list must have a written agreement from the landowner on whose land the project will be implemented. Projects include habitat restoration projects, habitat protection projects, habitat projects that improve water quality, habitat projects that protect water quality, habitat-related mitigation projects, and habitat project maintenance and monitoring activities.

(4) "Habitat work schedule" means those projects from the habitat project list that will be implemented during the current funding cycle. The schedule shall also include a list of the entities and individuals implementing projects, the start date, duration, estimated date of completion, estimated cost, and funding sources for the projects.

(5) "Limiting factors" means conditions that limit the ability of habitat to fully sustain populations of salmon. These factors are primarily fish passage barriers and degraded estuarine areas, riparian corridors, stream channels, and wetlands.

(6) "Project sponsor" is a county, city, special district, tribal government, a combination of such governments through interlocal agreements provided under chapter 39.34 RCW, a nonprofit organization, or one or more private citizens.

(7) "Salmon" includes all species of the family Salmonidae which are capable of self-sustaining, natural production.

(8) "Salmon recovery plan" means a state plan developed in response to a proposed or actual listing under the federal endangered species act that addresses limiting factors including, but not limited to harvest, hatchery, hydropower, habitat, and other factors of decline.

(9) "Tribe" or "tribes" means federally recognized Indian tribes.

(10) "WRIA" means a water resource inventory area established in chapter 173-500 WAC as it existed on January 1, 1997.

(11) "Owner" means the person holding title to the land or the person under contract with the owner to lease or manage the legal owner's property.

**Sec. 91.** RCW 75.46.040 and 1998 c 246 s 5 are each amended to read as follows:

(1) The salmon recovery office is created within the office of the governor to coordinate state strategy to allow for salmon recovery to healthy sustainable population levels with productive commercial and recreational fisheries. The primary purpose of the office is to coordinate and assist in the development of salmon recovery plans for evolutionarily significant units, and submit those plans to the appropriate tribal governments and federal agencies in response to the federal endangered species act. The governor's salmon recovery office may also:

(a) Act as liaison to local governments, the state congressional delegation, the United States congress, federally recognized tribes, and the federal executive branch agencies for issues related to the state's endangered species act salmon recovery plans; and

(b) Provide the biennial state of the salmon report to the legislature pursuant to RCW 75.46.030 (as recodified by this act).

(2) This section expires June 30, 2006.

**Sec. 92.** RCW 75.46.050 and 1998 c 246 s 6 are each amended to read as follows:

(1) The governor shall request the national academy of sciences, the American fisheries society, or a comparable institution to screen candidates to serve as members on the independent science panel. The institution that conducts the screening of the candidates shall submit a list of the nine most qualified candidates to the governor, the speaker of the house of representatives, and the majority leader of the senate. The candidates shall reflect expertise in habitat requirements of salmon, protection and restoration of salmon populations, artificial propagation of salmon, hydrology, or geomorphology.

(2) The speaker of the house of representatives and the majority leader in the senate shall each remove one name from the nomination list. The governor shall consult with tribal representatives and the governor shall appoint five scientists from the remaining names on the nomination list.

(3) The members of the independent science panel shall serve four-year terms. The independent science panel members shall elect the chair of the panel among themselves every two

years. The members of the independent science panel shall be compensated as provided in RCW 43.03.250 and reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(4) The independent science panel shall be governed by generally accepted guidelines and practices governing the activities of independent science boards such as the national academy of sciences. The purpose of the independent science panel is to help ensure that sound science is used in salmon recovery efforts. The governor's salmon recovery office shall request review of salmon recovery plans by the science review panel. The science review panel does not have the authority to review individual projects or project lists developed under RCW 75.46.060, 75.46.070, and 75.46.080 (as recodified by this act) or to make policy decisions.

(5) The independent science panel shall submit its findings to the legislature and the governor.

**Sec. 93.** RCW 75.46.070 and 1998 c 246 s 8 are each amended to read as follows:

(1) Critical pathways methodology shall be used to develop a habitat project list and a habitat work schedule that ensures salmon restoration activities will be prioritized and implemented in a logical sequential manner that produces habitat capable of sustaining healthy populations of salmon.

(2) The critical pathways methodology shall:

(a) Include a limiting factors analysis for salmon in streams, rivers, tributaries, estuaries, and subbasins in the region. The technical advisory group shall have responsibility for the limiting factors analysis;

(b) Identify local habitat projects that sponsors are willing to undertake. The projects identified must have a written agreement from the landowner on which the project is to be implemented. Project sponsors shall have the lead responsibility for this task;

(c) Identify how projects will be monitored and evaluated. The project sponsor, in consultation with the technical advisory group and the appropriate landowner, shall have responsibility for this task; and

(d) Describe the adaptive management strategy that will be used. The committee established under RCW 75.46.060 (as recodified by this act) shall have responsibility for this task. If a committee has not been formed, the technical advisory group shall have the responsibility for this task.

(3) The habitat work list shall include all projects developed pursuant to subsection (2) of this section as well as any other salmon habitat restoration project implemented in the region. The work list shall also include the start date, duration, estimated date of completion, estimated cost, and, if appropriate, the affected salmonid species of each project. Each schedule shall be updated on an annual basis to depict new activities.

**Sec. 94.** RCW 75.46.080 and 1998 c 246 s 9 are each amended to read as follows:

(1) Representatives from the conservation commission, the department of transportation, and the department of fish and wildlife shall establish an interagency review team. Except as provided in subsection (6) of this section, habitat restoration project lists shall be submitted to the interagency review team by January 1st and July 1st of each year beginning in 1999.

(2) If no lead entity has been formed under RCW 75.46.060 (as recodified by this act), the interagency review team shall rank, prioritize, and dispense funds for habitat restoration projects by giving preference to the projects that:

(a) Provide a greater benefit to salmon recovery;

(b) Will be implemented in a more critical area;

(c) Are the most cost-effective;

(d) Have the greatest matched, or in-kind funding; and

(e) Will be implemented by a sponsor with a successful record of project implementation.

(3) If a lead entity established under RCW 75.46.060 (as recodified by this act) has been formed, the interagency review team shall evaluate project lists and may remove, but not add, projects from a habitat project list.

(4) The interagency review team shall provide a summary of funding for habitat restoration project lists to the governor and to the legislature by December 1st of each year.

(5) The interagency review team may annually establish a maximum amount of funding available for any individual project, subject to available funding. The interagency review team shall attempt to assure a geographical balance in assigning priorities to projects.

(6) For fiscal year 1998, the department of fish and wildlife, the conservation commission, and the department of transportation may authorize, subject to appropriations, expenditures for projects that have been developed to restore salmon habitat before completion of the project lists required in RCW 75.46.060(2) (as recodified by this act).

(7) Where a lead entity has been established pursuant to RCW 75.46.060 (as recodified by this act), the interagency review team may provide block grants to the lead entity, subject to available funding.

**Sec. 95.** RCW 75.46.090 and 1998 c 246 s 10 are each amended to read as follows:

(1) The conservation commission, in consultation with local government and the tribes, shall invite private, federal, state, tribal, and local government personnel with appropriate expertise to act as a technical advisory group.

(2) For state personnel, involvement on the technical advisory group shall be at the discretion of the particular agency. Unless specifically provided for in the budget, technical assistance participants shall be provided from existing full-time equivalent employees.

(3) The technical advisory group shall identify the limiting factors for salmonids to respond to the limiting factors relating to habitat pursuant to RCW 75.46.070(2) (as recodified by this act).

(4) Where appropriate, the conservation district within the area implementing this chapter shall take the lead in developing and maintaining relationships between the technical advisory group and the private landowners under RCW 75.46.080 (as recodified by this act). The conservation districts may assist landowners to organize around river, tributary, estuary, or subbasins of a watershed.

(5) Fishery enhancement groups and other volunteer organizations may participate in the activities under this section.

**Sec. 96.** RCW 75.46.110 and 1998 c 246 s 12 are each amended to read as follows:

The southwest Washington salmon recovery region, whose boundaries are provided in chapter 60, Laws of 1998, is created. ~~((If chapter 60, Laws of 1998 is not enacted by July 1, 1998, this section is null and void.))~~

**Sec. 97.** RCW 75.46.120 and 1998 c 246 s 16 are each amended to read as follows:

(1) The departments of transportation, fish and wildlife, and ecology, and tribes shall convene a work group to develop policy guidance to evaluate mitigation alternatives. The policy guidance shall be designed to enable committees established under RCW 75.46.060 (as recodified by this act) to develop and implement habitat project lists that maximize environmental benefits from project mitigation while reducing project design and permitting costs. The work group shall seek technical assistance to ensure that federal, state, treaty right, and local environmental laws and ordinances are met. The purpose of this section is not to increase regulatory requirements or expand departmental authority.

(2) The work group shall develop guidance for determining alternative mitigation opportunities. Such guidance shall include criteria and procedures for identifying and evaluating mitigation opportunities within a watershed. Such guidance shall create procedures that provide alternative mitigation that has a low risk to the environment, yet has high net environmental, social, and economic benefits compared to status quo options.

(3) The evaluation shall include:

(a) All elements of mitigation, including but not limited to data requirements, decision making, state and tribal agency coordination, and permitting; and

(b) Criteria and procedures for identifying and evaluating mitigation opportunities, including but not limited to the criteria in chapter 90.74 RCW.

(4) Committees established under RCW 75.46.060 (as recodified by this act) shall coordinate voluntary collaborative efforts between habitat project proponents and mitigation project proponents.

Mitigation funds may be used to implement projects identified by a work plan to mitigate for the impacts of a transportation or other development proposal or project.

(5) For the purposes of this section, "mitigation" has the same meaning as provided in RCW 90.74.010.

**Sec. 98.** RCW 75.46.130 and 1998 c 246 s 17 are each amended to read as follows:

Only those funds appropriated for the habitat restoration projects under this chapter are subject to the requirements of RCW 75.46.080 (as recodified by this act).

**Sec. 99.** RCW 75.48.100 and 1983 1st ex.s. c 46 s 170 are each amended to read as follows:

The bonds authorized by this chapter shall be issued only after the director has certified, based upon reasonable estimates and data provided to the department, that sufficient revenues will be available from sport and commercial salmon license sales and from salmon fees and taxes to meet the requirements of RCW 75.48.080 (as recodified by this act) during the life of the bonds.

**Sec. 100.** RCW 75.50.080 and 1997 c 389 s 5 are each amended to read as follows:

Regional fisheries enhancement groups, consistent with the long-term regional policy statements developed under RCW 75.50.020 (as recodified by this act), shall seek to:

- (1) Enhance the salmon and steelhead resources of the state;
- (2) Maximize volunteer efforts and private donations to improve the salmon and steelhead resources for all citizens;
- (3) Assist the department in achieving the goal to double the state-wide salmon and steelhead catch by the year 2000; and
- (4) Develop projects designed to supplement the fishery enhancement capability of the department.

**Sec. 101.** RCW 75.50.100 and 1998 c 245 s 155 and 1998 c 191 s 27 are each reenacted and amended to read as follows:

The dedicated regional fisheries enhancement group account is created in the custody of the state treasurer. Only the commission or the commission's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

A portion of each recreational fishing license fee shall be used as provided in RCW 77.32.440. A surcharge of one hundred dollars shall be collected on each commercial salmon fishery license, each salmon delivery license, and each salmon charter license sold in the state. All receipts shall be placed in the regional fisheries enhancement group account and shall be used exclusively for regional fisheries enhancement group projects for the purposes of RCW 75.50.110 (as recodified by this act). Funds from the regional fisheries enhancement group account shall not serve as replacement funding for department operated salmon projects that exist on January 1, 1991.

All revenue from the department's sale of salmon carcasses and eggs that return to group facilities shall be deposited in the regional fisheries enhancement group account for use by the regional fisheries enhancement group that produced the surplus. The commission shall adopt rules to implement this section pursuant to chapter 34.05 RCW.

**Sec. 102.** RCW 75.50.105 and 1997 c 389 s 2 are each amended to read as follows:

The department may provide start-up funds to regional fisheries enhancement groups for costs associated with any enhancement project. The regional fisheries enhancement group advisory board and the ~~((department))~~ commission shall develop guidelines for providing funds to the regional fisheries enhancement groups.

**Sec. 103.** RCW 75.50.110 and 1995 1st sp.s. c 2 s 40 and 1995 c 367 s 5 are each reenacted and amended to read as follows:

(1) A regional fisheries enhancement group advisory board is established to make recommendations to the commission. The members shall be appointed by the commission and consist

of two commercial fishing representatives, two recreational fishing representatives, and three at-large positions. At least two of the advisory board members shall be members of a regional fisheries enhancement group. Advisory board members shall serve three-year terms. The advisory board membership shall include two members serving ex officio to be nominated, one through the Northwest Indian fisheries commission, and one through the Columbia river intertribal fish commission. The chair of the regional fisheries enhancement group advisory board shall be elected annually by members of the regional fisheries enhancement (~~(group)~~) group advisory board. The advisory board shall meet at least quarterly. All meetings of the advisory board shall be open to the public under the open public meetings act, chapter 42.30 RCW.

The department shall invite the advisory board to comment and provide input into all relevant policy initiatives, including, but not limited to, wild stock, hatcheries, and habitat restoration efforts.

(2) Members shall not be compensated but shall receive reimbursement for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(3) The department may use account funds to provide agency assistance to the groups, to provide professional, administrative or clerical services to the advisory board, or to implement the training and technical (~~(assistance)~~) assistance services plan as developed by the advisory board pursuant to RCW 75.50.115 (as recodified by this act). The level of account funds used by the department shall be determined by the commission after review of recommendation by the regional fisheries enhancement group advisory board and shall not exceed twenty percent of annual contributions to the account.

**Sec. 104.** RCW 75.50.115 and 1998 c 96 s 1 are each amended to read as follows:

(1) The regional fisheries enhancement group advisory board shall:

(a) Assess the training and technical assistance needs of the regional fisheries enhancement groups;

(b) Develop a training and technical assistance services plan in order to provide timely, topical technical assistance and training services to regional fisheries enhancement groups. The plan shall be provided to the director and to the senate and house of representatives natural resources committees no later than October 1, 1995, and shall be updated not less than every year. The advisory board shall provide ample opportunity for the public and interested parties to participate in the development of the plan. The plan shall include but is not limited to:

(i) Establishment of an information clearinghouse service that is readily available to regional fisheries enhancement groups. The information clearinghouse shall collect, collate, and make available a broad range of information on subjects that affect the development, implementation, and operation of diverse fisheries and habitat enhancement projects. The information clearinghouse service may include periodical news and informational bulletins;

(ii) An ongoing program in order to provide direct, on-site technical assistance and services to regional fisheries enhancement groups. The advisory board shall assist regional fisheries enhancement groups in soliciting federal, state, and local agencies, tribal governments, institutions of higher education, and private business for the purpose of providing technical assistance and services to regional fisheries enhancement group projects; and

(iii) A cost estimate for implementing the plan;

(c) Propose a budget to the director for operation of the advisory board and implementation of the technical assistance plan;

(d) Make recommendations to the director regarding regional enhancement group project proposals and funding of those proposals; and

(e) Establish criteria for the redistribution of unspent project funds for any regional enhancement group that has a year ending balance exceeding one hundred thousand dollars.

(2) The regional fisheries enhancement group advisory board may:

(a) Facilitate resolution of disputes between regional fisheries enhancement groups and the department;

(b) Promote community and governmental partnerships that enhance the salmon resource and habitat;

(c) Promote environmental ethics and watershed stewardship;

- (d) Advocate for watershed management and restoration;
- (e) Coordinate regional fisheries enhancement group workshops and training;
- (f) Monitor and evaluate regional fisheries enhancement projects;
- (g) Provide guidance to regional fisheries enhancement groups; and
- (h) Develop recommendations to the director to address identified impediments to the success of regional fisheries enhancement groups.

(3)(a) The regional fisheries enhancement group advisory board shall develop recommendations for limitations on the amount of overhead that a regional fisheries enhancement group may charge from each of the following categories of funding provided to the group:

- (i) Federal funds;
- (ii) State funds;
- (iii) Local funds; and
- (iv) Private donations.

(b) The advisory board shall develop recommendations for limitations on the number and salary of paid employees that are employed by a regional fisheries enhancement group. The regional fisheries enhancement group advisory board shall adhere to the founding principles for regional groups that emphasize the volunteer nature of the groups, maximization of field-related fishery resource benefits, and minimization of overhead.

(c) The advisory board shall evaluate and make recommendations for the limitation or elimination of commissions, finders fees, or other reimbursements to regional fisheries enhancement group employees.

~~((d) The regional fisheries enhancement group advisory board shall report to the appropriate legislative committees by January 1, 1999, on the board recommendations for overhead limitations, paid employee limitations, and commission limitations for regional fisheries enhancement groups.))~~

**Sec. 105.** RCW 75.50.160 and 1997 c 389 s 6 are each amended to read as follows:

The department and the department of transportation shall convene a fish passage barrier removal task force. The task force shall consist of one representative each from the department, the department of transportation, the department of ecology, tribes, cities, counties, a business organization, an environmental organization, regional fisheries enhancement groups, and other interested entities as deemed appropriate by the cochairs. The persons representing the department and the department of transportation shall serve as cochairs of the task force and shall appoint members to the task force. The task force shall make recommendations to expand the program in RCW 75.50.170 (as recodified by this act) to identify and expedite the removal of human-made or caused impediments to anadromous fish passage in the most efficient manner practical. Program recommendations shall include a funding mechanism and other necessary mechanisms to coordinate and prioritize state, tribal, local, and volunteer efforts within each water resource inventory area. A priority shall be given to projects that immediately increase access to available and improved spawning and rearing habitat for depressed, threatened, and endangered stocks. The department or the department of transportation may contract with cities and counties to assist in the identification and removal of impediments to anadromous fish passage.

~~((A report on the recommendations to develop a program to identify and remove fish passage barriers and any additional legislative action needed to implement the program shall be submitted to the appropriate standing committees of the legislature no later than December 1, 1997.))~~

**Sec. 106.** RCW 75.52.020 and 1993 sp.s. c 2 s 50 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Volunteer group" means any person or group of persons interested in or party to an agreement with the department relating to a cooperative fish or wildlife project.

(2) "Cooperative project" means a project conducted by a volunteer group that will benefit the fish, shellfish, game bird, nongame wildlife, or game animal resources of the state and for which the benefits of the project, including fish and wildlife reared and released, are available to all citizens of

the state. Indian tribes may elect to participate in cooperative fish and wildlife projects with the department.

~~((3) "Department" means the department of fish and wildlife.))~~

**Sec. 107.** RCW 75.52.050 and 1995 1st sp.s. c 2 s 42 are each amended to read as follows:  
The commission shall establish by rule:

(1) The procedure for entering a cooperative agreement and the application forms for a permit to release fish or wildlife required by RCW 75.08.295 ~~((or 77.16.150))~~ (as recodified by this act). The procedure shall indicate the information required from the volunteer group as well as the process of review by the department. The process of review shall include the means to coordinate with other agencies and Indian tribes when appropriate and to coordinate the review of any necessary hydraulic permit approval applications.

(2) The procedure for providing within forty-five days of receipt of a proposal a written response to the volunteer group indicating the date by which an acceptance or rejection of the proposal can be expected, the reason why the date was selected, and a written summary of the process of review. The response should also include any suggested modifications to the proposal which would increase its likelihood of approval and the date by which such modified proposal could be expected to be accepted. If the proposal is rejected, the department must provide in writing the reasons for rejection. The volunteer group may request the director or the director's designee to review information provided in the response.

(3) The priority of the uses to which eggs, seed, juveniles, or brood stock are put. Use by cooperative projects shall be second in priority only to the needs of programs of the department or of other public agencies within the territorial boundaries of the state. Sales of eggs, seed, juveniles, or brood stock have a lower priority than use for cooperative projects.

(4) The procedure for ~~((notice in writing to a volunteer group of cause to revoke))~~ the director to notify a volunteer group that the agreement for the project is being revoked for cause and the procedure for revocation. Revocation shall be documented in writing to the volunteer group. Cause for revocation may include: (a) The unavailability of adequate biological or financial resources; (b) the development of unacceptable biological or resource management conflicts; or (c) a violation of agreement provisions. Notice of cause to revoke for a violation of agreement provisions may specify a reasonable period of time within which the volunteer group must comply with any violated provisions of the agreement.

(5) An appropriate method of distributing among volunteer groups fish, bird, or animal food or other supplies available for the program.

**Sec. 108.** RCW 75.52.070 and 1984 c 72 s 7 are each amended to read as follows:

(1) The volunteer group shall:

(a) Provide care and diligence in conducting the cooperative project; and

(b) Maintain accurately the required records of the project on forms provided by the department.

(2) The volunteer group shall acknowledge that fish and game reared in cooperative projects are public property and must be handled and released for the benefit of all citizens of the state. The fish and game are to remain public property until reduced to private ownership under rules of the ~~((department))~~ commission.

**Sec. 109.** RCW 75.52.100 and 1993 sp.s. c 2 s 52 are each amended to read as follows:

A salmon spawning channel shall be constructed on the Cedar river with the assistance and cooperation of the department. The department shall use existing personnel and the volunteer fisheries enhancement program outlined under chapter 75.52 RCW (as recodified by this act) to assist in the planning, construction, and operation of the spawning channel.

**Sec. 110.** RCW 75.52.110 and 1998 c 245 s 156 are each amended to read as follows:

The department shall chair a technical committee, which shall review the preparation of enhancement plans and construction designs for a Cedar river sockeye spawning channel. The

technical committee shall consist of not more than eight members: One representative each from the department, national marine fisheries service, United States fish and wildlife service, and Muckleshoot Indian tribe; and four representatives from the public utility described in RCW 75.52.130 (as recodified by this act). The technical committee will be guided by a policy committee, also to be chaired by the department, which shall consist of not more than six members: One representative from the department, one from the Muckleshoot Indian tribe, and one from either the national marine fisheries service or the United States fish and wildlife service; and three representatives from the public utility described in RCW 75.52.130 (as recodified by this act). The policy committee shall oversee the operation and evaluation of the spawning channel. The policy committee will continue its oversight until the policy committee concludes that the channel is meeting the production goals specified in RCW 75.52.120 (as recodified by this act).

**Sec. 111.** RCW 75.52.130 and 1989 c 85 s 6 are each amended to read as follows:

The legislature recognizes that, if funding for planning, design, evaluation, construction, and operating expenses is provided by a public utility that diverts water for beneficial public use, and if the performance of the spawning channel meets the production goals described in RCW 75.52.120 (as recodified by this act), the spawning channel project will serve, at a minimum, as compensation for lost sockeye salmon spawning habitat upstream of the Landsburg diversion. The amount of funding to be supplied by ~~((said))~~ the utility will fully fund the total cost of planning, design, evaluation, and construction of the spawning channel.

**Sec. 112.** RCW 75.52.140 and 1989 c 85 s 7 are each amended to read as follows:

In order to provide operation and maintenance funds for the facility authorized by RCW 75.52.100 through 75.52.160 (as recodified by this act), the utility shall place two million five hundred thousand dollars in the state general fund Cedar river channel construction and operation account herein created. The interest from the fund shall be used for operation and maintenance of the spawning channel and any unused interest shall be added to the fund to increase the principal to cover possible future operation cost increases. The state treasurer may invest funds from the account as provided by law.

**Sec. 113.** RCW 75.52.160 and 1993 sp.s. c 2 s 54 are each amended to read as follows:

Should the requirements of RCW 75.52.100 through 75.52.160 (as recodified by this act) not be met, the department shall seek immediate legal clarification of the steps which must be taken to fully mitigate water diversion projects on the Cedar river.

**Sec. 114.** RCW 75.54.140 and 1998 c 191 s 28 are each amended to read as follows:

As provided in RCW 77.32.440, a portion of each saltwater and combination fishing license fee shall be deposited in the recreational fisheries enhancement account created in RCW 75.54.150 (as recodified by this act).

**Sec. 115.** RCW 75.54.150 and 1993 sp.s. c 2 s 98 are each amended to read as follows:

The recreational fisheries enhancement account is created in the state treasury. All receipts from RCW 75.54.140 (as recodified by this act) shall be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for recreational fisheries enhancement programs.

**Sec. 116.** RCW 75.56.050 and 1998 c 60 s 2 are each amended to read as follows:

(1) A pilot program for steelhead recovery is established in Clark, Cowlitz, Lewis, Skamania, and Wahkiakum counties within the habitat area classified as evolutionarily significant unit 4 by the federal national marine fisheries service. The management board created under subsection (2) of this section is responsible for implementing the habitat portion of the approved steelhead recovery initiative and is empowered to receive and disburse funds for the approved steelhead recovery initiative. The management board created pursuant to this section shall constitute the ~~((regional council for this area responsible for fulfilling the requirements and exercising the powers of a regional council under~~



~~chapter 246, Laws of 1998~~) lead entity and the committee established under RCW 75.46.060 (as recodified by this act) responsible for fulfilling the requirements and exercising powers under this chapter.

(2) A management board consisting of fifteen voting members is created within evolutionarily significant unit 4. The members shall consist of one county commissioner or designee from each of the five participating counties selected by each county legislative authority; one member representing the cities contained within evolutionarily significant unit 4 as a voting member selected by the cities in evolutionarily significant unit 4; a representative of the Cowlitz Tribe appointed by the tribe; one state legislator elected from one of the legislative districts contained within evolutionarily significant unit 4 selected by that group of state legislators representing the area; five representatives to include at least one member who represents private property interests appointed by the five county commissioners or designees; one hydro utility representative nominated by hydro utilities and appointed by the five county commissioners or designees; and one representative nominated from the environmental community who resides in evolutionarily significant unit 4 appointed by the five county commissioners or designees. The board shall appoint and consult a technical advisory committee, which shall include four representatives of state agencies one each appointed by the directors of the departments of ecology, fish and wildlife, and transportation, and the commissioner of public lands. The board may also appoint additional persons to the technical advisory committee as needed. The chair of the board shall be selected from among the five county commissioners or designees and the legislator on the board. In making appointments under this subsection, the county commissioners shall consider recommendations of interested parties. Vacancies shall be filled in the same manner as the original appointments were selected. No action may be brought or maintained against any management board member, the management board, or any of its agents, officers, or employees for any noncontractual acts or omissions in carrying out the purposes of this section.

(3)(a) The management board shall participate in the development of a recovery plan to implement its responsibilities under (b) of this subsection. The management board shall consider local watershed efforts and activities as well as habitat conservation plans in the implementation of the recovery plan. Any of the participating counties may continue its own efforts for restoring steelhead habitat. Nothing in this section limits the authority of units of local government to enter into interlocal agreements under chapter 39.34 RCW or any other provision of law.

(b) The management board is responsible for implementing the habitat portions of the local government responsibilities of the lower Columbia steelhead conservation initiative approved by the state and the national marine fisheries service. The management board may work in cooperation with the state and the national marine fisheries service to modify the initiative, or to address habitat for other aquatic species that may be subsequently listed under the federal endangered species act. The management board may not exercise authority over land or water within the individual counties or otherwise preempt the authority of any units of local government.

(c) The management board shall prioritize as appropriate and approve projects and programs related to the recovery of lower Columbia river steelhead runs, including the funding of those projects and programs, and coordinate local government efforts as prescribed in the recovery plan. The management board shall establish criteria for funding projects and programs based upon their likely value in steelhead recovery. The management board may consider local economic impact among the criteria, but jurisdictional boundaries and factors related to jurisdictional population may not be considered as part of the criteria.

(d) The management board shall assess the factors for decline along each prioritized stream as listed in the lower Columbia steelhead conservation initiative. The management board is encouraged to take a stream-by-stream approach in conducting the assessment which utilizes state and local expertise, including volunteer groups, interest groups, and affected units of local government.

(4) The management board has the authority to hire and fire staff, including an executive director, enter into contracts, accept grants and other moneys, disburse funds, make recommendations to cities and counties about potential code changes and the development of programs and incentives upon request, pay all necessary expenses, and may choose a fiduciary agent. The management board shall report on its progress on a quarterly basis to the legislative bodies of the five participating counties and the state natural resource-related agencies.

(5) The pilot program terminates on July 1, 2002.

(6) For purposes of this section, "evolutionarily significant unit" means the habitat area identified for an evolutionarily significant unit of an aquatic species listed or proposed for listing as a threatened or endangered species under the federal endangered species act (16 U.S.C. Sec. 1531 et seq.).

**Sec. 117.** RCW 75.58.010 and 1998 c 190 s 110 are each amended to read as follows:

(1) The director of agriculture and the director shall jointly develop a program of disease inspection and control for aquatic farmers as defined in RCW 15.85.020. The program shall be administered by the department under rules established under this section. The purpose of the program is to protect the aquaculture industry and wildstock fisheries from a loss of productivity due to aquatic diseases or maladies. As used in this section "diseases" means, in addition to its ordinary meaning, infestations of parasites or pests. The disease program may include, but is not limited to, the following elements:

- (a) Disease diagnosis;
- (b) Import and transfer requirements;
- (c) Provision for certification of stocks;
- (d) Classification of diseases by severity;
- (e) Provision for treatment of selected high-risk diseases;
- (f) Provision for containment and eradication of high-risk diseases;
- (g) Provision for destruction of diseased cultured aquatic products;
- (h) Provision for quarantine of diseased cultured aquatic products;
- (i) Provision for coordination with state and federal agencies;
- (j) Provision for development of preventative or control measures;
- (k) Provision for cooperative consultation service to aquatic farmers; and
- (l) Provision for disease history records.

(2) The commission shall adopt rules implementing this section. However, such rules shall have the prior approval of the director of agriculture and shall provide therein that the director of agriculture has provided such approval. The director of agriculture or the director's designee shall attend the rule-making hearings conducted under chapter 34.05 RCW and shall assist in conducting those hearings. The authorities granted the department by these rules and by RCW 75.08.080(1)(g), 75.24.080, 75.24.110, 75.28.125, 75.58.020, 75.58.030, and 75.58.040 (as recodified by this act) constitute the only authorities of the department to regulate private sector cultured aquatic products and aquatic farmers as defined in RCW 15.85.020. Except as provided in subsection (3) of this section, no action may be taken against any person to enforce these rules unless the department has first provided the person an opportunity for a hearing. In such a case, if the hearing is requested, no enforcement action may be taken before the conclusion of that hearing.

(3) The rules adopted under this section shall specify the emergency enforcement actions that may be taken by the department, and the circumstances under which they may be taken, without first providing the affected party with an opportunity for a hearing. Neither the provisions of this subsection nor the provisions of subsection (2) of this section shall preclude the department from requesting the initiation of criminal proceedings for violations of the disease inspection and control rules.

(4) A person shall not violate the rules adopted under subsection (2) or (3) of this section or violate RCW 75.58.040 (as recodified by this act).

(5) In administering the program established under this section, the department shall use the services of a pathologist licensed to practice veterinary medicine.

(6) The director in administering the program shall not place constraints on or take enforcement actions in respect to the aquaculture industry that are more rigorous than those placed on the department or other fish-rearing entities.

**Sec. 118.** RCW 75.58.020 and 1993 sp.s. c 2 s 56 are each amended to read as follows:

The directors of agriculture and fish and wildlife shall jointly adopt by rule, in the manner prescribed in RCW 75.58.010(2) (as recodified by this act), a schedule of user fees for the disease

inspection and control program established under RCW 75.58.010 (as recodified by this act). The fees shall be established such that the program shall be entirely funded by revenues derived from the user fees by the beginning of the 1987-89 biennium.

There is established in the state treasury an account known as the aquaculture disease control account which is subject to appropriation. Proceeds of fees charged under this section shall be deposited in the account. Moneys from the account shall be used solely for administering the disease inspection and control program established under RCW 75.58.010 (as recodified by this act).

**Sec. 119.** RCW 75.58.030 and 1993 sp.s. c 2 s 57 are each amended to read as follows:

(1) The director shall consult regarding the disease inspection and control program established under RCW 75.58.010 (as recodified by this act) with federal agencies and Indian tribes to assure protection of state, federal, and tribal aquatic resources and to protect private sector cultured aquatic products from disease that could originate from waters or facilities managed by those agencies.

(2) With regard to the program, the director may enter into contracts or interagency agreements for diagnostic field services with government agencies and institutions of higher education and private industry.

(3) The director shall provide for the creation and distribution of a roster of biologists having a (~~speciality~~ ~~speciality~~) specialty in the diagnosis or treatment of diseases of fish or shellfish. The director shall adopt rules specifying the qualifications which a person must have in order to be placed on the roster.

### Repealed Sections

NEW SECTION. **Sec. 120.** The following acts or parts of acts are each repealed:

- (1) RCW 75.08.010 (Fisheries Code) and 1983 1st ex.s. c 46 s 2 & 1955 c 12 s 75.08.010;
- (2) RCW 75.08.011 (Definitions) and 1998 c 190 s 70, 1996 c 267 s 2, 1995 1st sp.s. c 2 s 6, & 1994 c 255 s 2;
- (3) RCW 75.08.014 (Authority of director to administer department--Qualifications of director) and 1995 1st sp.s. c 2 s 22, 1993 sp.s. c 2 s 21, 1983 1st ex.s. c 46 s 6, & 1953 c 207 s 10;
- (4) RCW 75.08.035 (Senior environmental corps--Department powers and duties) and 1993 sp.s. c 2 s 22 & 1992 c 63 s 11;
- (5) RCW 75.08.274 (Taking food fish for propagation or scientific purposes--Permit required) and 1998 c 190 s 72, 1995 1st sp.s. c 2 s 15, 1983 1st ex.s. c 46 s 28, 1971 c 35 s 1, & 1955 c 12 s 75.16.010;
- (6) RCW 75.10.070 (Service of summons and forfeiture if unable to prosecute violator) and 1983 1st ex.s. c 46 s 38 & 1955 c 12 s 75.36.030;
- (7) RCW 75.10.160 (Enforcement of watercraft registration and boating safety education) and 1989 c 393 s 16;
- (8) RCW 75.25.090 (Personal use fishing licenses--Fees) and 1993 c 215 s 1, 1989 c 305 s 5, & 1987 c 87 s 1;
- (9) RCW 75.25.160 (Recreational licenses--Penalties) and 1989 c 305 s 15, 1987 c 87 s 8, 1984 c 80 s 10, 1983 1st ex.s. c 46 s 100, & 1977 ex.s. c 327 s 16;
- (10) RCW 75.25.210 (Duplicate licenses, permits, tags, stamps, and catch record cards--Fees) and 1994 c 255 s 9;
- (11) RCW 75.28.012 (Licensing districts--Created) and 1993 c 20 s 3, 1983 1st ex.s. c 46 s 102, 1971 ex.s. c 283 s 2, & 1957 c 171 s 1;
- (12) RCW 75.28.335 (Wholesale fish dealers--Additional penalties) and 1985 c 248 s 8; and
- (13) RCW 75.30.160 (Whiting license required in designated areas) and 1998 c 190 s 103, 1993 c 340 s 38, & 1986 c 198 s 6.

### Recodified Sections

NEW SECTION. **Sec. 121.** RCW 75.08.012, 75.08.013, 75.08.020, 75.08.090, and 75.08.110 are each recodified as sections in chapter 77.04 RCW.

**NEW SECTION. Sec. 122.** RCW 75.08.025, 75.08.040, 75.08.045, 75.08.055, 75.08.058, 75.08.065, 75.08.070, 75.08.080, 75.08.120, 75.08.160, 75.08.206, 75.08.208, 75.08.230, 75.08.235, 75.08.255, 75.08.265, 75.08.285, 75.08.295, and 75.08.300 are each recodified as sections in chapter 77.12 RCW.

**NEW SECTION. Sec. 123.** RCW 75.12.010, 75.12.015, 75.12.040, 75.12.132, 75.12.140, 75.12.155, 75.12.210, 75.12.230, 75.12.390, 75.12.440, and 75.12.650 are each recodified as sections in a new chapter in Title 77 RCW.

**NEW SECTION. Sec. 124.** RCW 75.20.005, 75.20.015, 75.20.025, 75.20.040, 75.20.050, 75.20.060, 75.20.061, 75.20.090, 75.20.098, 75.20.100, 75.20.1001, 75.20.103, 75.20.104, 75.20.1041, 75.20.106, 75.20.108, 75.20.110, 75.20.130, 75.20.140, 75.20.150, 75.20.160, 75.20.170, 75.20.180, 75.20.190, 75.20.310, 75.20.320, 75.20.325, 75.20.330, 75.20.340, 75.20.350, and 77.12.830 are each recodified as sections in a new chapter added to Title 77 RCW.

**NEW SECTION. Sec. 125.** RCW 75.24.010, 75.24.030, 75.24.060, 75.24.065, 75.24.070, 75.24.080, 75.24.100, 75.24.110, 75.24.120, 75.24.130, 75.24.140, and 75.24.150 are each recodified as sections in a new chapter in Title 77 RCW.

**NEW SECTION. Sec. 126.** RCW 75.28.010, 75.28.011, 75.28.014, 75.28.020, 75.28.030, 75.28.034, 75.28.040, 75.28.042, 75.28.044, 75.28.045, 75.28.046, 75.28.047, 75.28.048, 75.28.055, 75.28.095, 75.28.110, 75.28.113, 75.28.116, 75.28.120, 75.28.125, 75.28.130, 75.28.132, 75.28.133, 75.28.280, 75.28.290, 75.28.295, 75.28.300, 75.28.302, 75.28.305, 75.28.315, 75.28.323, 75.28.328, 75.28.340, 75.28.690, 75.28.700, 75.28.710, 75.28.720, 75.28.730, 75.28.740, 75.28.750, 75.28.760, 75.28.770, 75.28.780, 75.28.900, 77.32.191, 77.32.197, 77.32.199, and 77.32.211 are each recodified as sections in a new chapter in Title 77 RCW.

**NEW SECTION. Sec. 127.** RCW 75.30.015, 75.30.021, 75.30.050, 75.30.060, 75.30.065, 75.30.070, 75.30.090, 75.30.100, 75.30.120, 75.30.125, 75.30.130, 75.30.140, 75.30.170, 75.30.180, 75.30.210, 75.30.220, 75.30.230, 75.30.240, 75.30.250, 75.30.260, 75.30.270, 75.30.280, 75.30.290, 75.30.300, 75.30.310, 75.30.320, 75.30.330, 75.30.350, 75.30.360, 75.30.370, 75.30.380, 75.30.390, 75.30.410, 75.30.420, 75.30.430, 75.30.440, 75.30.450, 75.30.460, 75.30.470, and 75.30.480 are each recodified as sections in a new chapter in Title 77 RCW.

**NEW SECTION. Sec. 128.** A new chapter is added to Title 77 RCW and is named "Compacts and other agreements." The following sections are recodified under the following subchapter headings:

- (1) "Columbia river compact" as follows:  
RCW 75.40.010; and  
RCW 75.40.020.
- (2) "Pacific marine fisheries compact" as follows:  
RCW 75.40.030; and  
RCW 75.40.040.
- (3) "Coastal ecosystems compact" as follows:  
RCW 75.40.100; and  
RCW 75.40.110.
- (4) "Wildlife violator compact" as follows:  
RCW 77.17.010;  
RCW 77.17.020; and  
RCW 77.17.030.
- (5) "Snake river boundary" as follows:  
RCW 77.12.450;

RCW 77.12.470;  
RCW 77.12.480; and  
RCW 77.12.490.  
(6) "Miscellaneous" as follows:  
RCW 75.40.060;  
RCW 77.12.430; and  
RCW 77.12.440.

NEW SECTION. Sec. 129. RCW 75.44.100, 75.44.110, 75.44.120, 75.44.130, 75.44.140, and 75.44.150 are each recodified as sections in a new chapter in Title 77 RCW.

NEW SECTION. Sec. 130. RCW 75.46.005, 75.46.010, 75.46.020, 75.46.030, 75.46.040, 75.46.050, 75.46.060, 75.46.070, 75.46.080, 75.46.090, 75.46.100, 75.46.110, 75.46.120, 75.46.130, 75.56.050, and 75.46.900 are each recodified as sections in a new chapter in Title 77 RCW.

NEW SECTION. Sec. 131. RCW 75.48.020, 75.48.040, 75.48.050, 75.48.060, 75.48.070, 75.48.080, 75.48.100, and 75.48.110 are each recodified as sections in a new chapter in Title 77 RCW.

NEW SECTION. Sec. 132. RCW 75.50.010, 75.50.020, 75.50.030, 75.50.040, 75.50.060, 75.50.070, 75.50.080, 75.50.090, 75.50.100, 75.50.105, 75.50.110, 75.50.115, 75.50.125, 75.50.130, 75.50.150, 75.50.160, 75.50.165, 75.50.170, 75.50.180, 75.50.190, 75.08.245, 75.08.400, 75.08.410, 75.08.420, 75.08.430, 75.08.440, 75.08.450, 75.08.500, 75.08.510, 75.08.520, 75.08.530, and 75.50.900 are each recodified as sections in a new chapter in Title 77 RCW.

NEW SECTION. Sec. 133. RCW 75.52.010, 75.52.020, 75.52.030, 75.52.035, 75.52.040, 75.52.050, 75.52.060, 75.52.070, 75.08.047, 75.52.080, 75.52.100, 75.52.110, 75.52.120, 75.52.130, 75.52.140, 75.52.150, 75.52.160, and 75.52.900 are each recodified as sections in a new chapter in Title 77 RCW.

NEW SECTION. Sec. 134. RCW 75.54.005, 75.54.010, 75.54.020, 75.54.030, 75.54.040, 75.54.050, 75.54.060, 75.54.070, 75.54.080, 75.54.090, 75.54.100, 75.54.110, 75.54.120, 75.54.130, 75.54.140, 75.54.150, 75.54.900, and 75.54.901 are each recodified as sections in a new chapter in Title 77 RCW.

NEW SECTION. Sec. 135. RCW 75.56.010, 75.56.020, 75.56.030, 75.56.040, 75.56.900, and 75.56.905 are each recodified as sections in a new chapter in Title 77 RCW.

NEW SECTION. Sec. 136. RCW 75.58.010, 75.58.020, 75.58.030, and 75.58.040 are each recodified as sections in a new chapter in Title 77 RCW.

NEW SECTION. Sec. 137. RCW 75.25.092 is recodified as a new section in chapter 77.32 RCW.

NEW SECTION. Sec. 138. RCW 75.10.150 is recodified as a new section in chapter 77.15 RCW.

NEW SECTION. Sec. 139. RCW 75.25.901, 75.25.902, 75.30.055, 75.98.005, 75.98.006, 75.98.007, and 75.98.030 are each decodified.

## **PART II TITLE 77**

## Amendments

**Sec. 201.** RCW 77.04.010 and 1990 c 84 s 1 are each amended to read as follows:  
This title is known and may be cited as "Fish and Wildlife Code of the State of Washington."

**Sec. 202.** RCW 77.04.020 and 1996 c 267 s 32 are each amended to read as follows:  
The department consists of the state fish and wildlife commission and the director. ~~((The director is responsible for the administration and operation of the department, subject to the provisions of this title.))~~ The commission may delegate to the director any of the powers and duties vested in the commission. ~~((The director shall perform the duties prescribed by law and shall carry out the basic goals and objectives prescribed under RCW 77.04.055.))~~

**Sec. 203.** RCW 77.04.030 and 1994 c 264 s 52 are each amended to read as follows:  
The fish and wildlife commission consists of nine registered voters of the state. In January of each odd-numbered year, the governor shall appoint with the advice and consent of the senate two registered voters to the commission to serve for terms of six years from that January or until their successors are appointed and qualified. If a vacancy occurs on the commission prior to the expiration of a term, the governor shall appoint a registered voter within sixty days to complete the term. Three members shall be residents of that portion of the state lying east of the summit of the Cascade mountains, and three shall be residents of that portion of the state lying west of the summit of the Cascade mountains. Three additional members shall be appointed at-large ~~((effective July 1, 1993; one of whom shall serve a one and one half year term to end December 31, 1994; one of whom shall serve a three and one half year term to end December 31, 1996; and one of whom shall serve a five and one half year term to end December 31, 1998. Thereafter all members are to serve a six year term))~~. No two members may be residents of the same county. The legal office of the commission is at the administrative office of the department in Olympia.

**Sec. 204.** RCW 77.04.055 and 1995 1st sp.s. c 2 s 4 are each amended to read as follows:  
(1) In establishing policies to preserve, protect, and perpetuate wildlife, fish, and wildlife and fish habitat, the commission shall meet annually with the governor to:  
(a) Review and prescribe basic goals and objectives related to those policies; and  
(b) Review the performance of the department in implementing fish and wildlife policies.  
The commission shall maximize fishing, hunting, and outdoor recreational opportunities compatible with healthy and diverse fish and wildlife populations.  
(2) The commission shall establish hunting, trapping, and fishing seasons and prescribe the time, place, manner, and methods that may be used to harvest or enjoy game fish and wildlife.  
(3) The commission shall establish provisions regulating food fish and shellfish as provided in RCW 75.08.080 (as recodified by this act).  
(4) The commission shall have final approval authority for tribal, interstate, international, and any other department agreements relating to fish and wildlife.  
(5) The commission shall adopt rules to implement the state's fish and wildlife laws.  
(6) The commission shall have final approval authority for the department's budget proposals.  
(7) The commission shall select its own staff and shall appoint the director of the department.  
The director and commission staff shall serve at the pleasure of the commission.

**Sec. 205.** RCW 77.04.080 and 1995 1st sp.s. c 2 s 5 are each amended to read as follows:  
Persons eligible for appointment as director shall have practical knowledge of the habits and distribution of fish and wildlife. The director shall supervise the administration and operation of the department and perform the duties prescribed by law and delegated by the commission. The director shall carry out the basic goals and objectives prescribed under RCW 77.04.055. The director may appoint and employ necessary personnel. The director may delegate, in writing, to department personnel the duties and powers necessary for efficient operation and administration of the department.  
Only persons having general knowledge of the fisheries and wildlife resources and of the commercial and recreational fishing industry in this state are eligible for appointment as director. The

director shall not have a financial interest in the fishing industry or a directly related industry. The director shall receive the salary fixed by the governor under RCW 43.03.040.

The director is the ex officio secretary of the commission and shall attend its meetings and keep a record of its business.

~~((The director may appoint and employ necessary departmental personnel. The director may delegate to department personnel the duties and powers necessary for efficient operation and administration of the department.))~~

**Sec. 206.** RCW 77.04.100 and 1993 sp.s. c 2 s 65 are each amended to read as follows:

The director shall develop proposals to reinstate the natural salmon and steelhead trout fish runs in the Tilton and upper Cowlitz rivers in accordance with RCW 75.08.020(3) (as recodified by this act).

**Sec. 207.** RCW 77.08.010 and 1998 c 190 s 111 are each amended to read as follows:

As used in this title ~~((or Title 75 RCW))~~ or rules adopted ~~((pursuant to those))~~ under this title((s)), unless the context clearly requires otherwise:

(1) "Director" means the director of fish and wildlife.

(2) "Department" means the department of fish and wildlife.

(3) "Commission" means the state fish and wildlife commission.

(4) "Person" means and includes an individual~~((s))~~; a corporation~~((s))~~; a public or private entity or organization; a local, state, or federal agency; all business organizations, including corporations and partnerships; or a group of two or more individuals acting with a common purpose whether acting in an individual, representative, or official capacity.

(5) "Fish and wildlife officer" means a person appointed and commissioned by the director, with authority to enforce laws and rules adopted pursuant to this title, and other statutes as prescribed by the legislature. Fish and wildlife officer includes a person commissioned before June 11, 1998, as a wildlife agent or a fisheries patrol officer.

(6) "Ex officio fish and wildlife officer" means a commissioned officer of a municipal, county, state, or federal agency having as its primary function the enforcement of criminal laws in general, while the officer is in the appropriate jurisdiction. The term "ex officio fish and wildlife officer" includes special agents of the national marine fisheries service, state parks commissioned officers, United States fish and wildlife special agents, department of natural resources enforcement officers, and United States forest service officers, while the agents and officers are within their respective jurisdictions.

(7) "To hunt" and its derivatives means an effort to kill, injure, capture, or harass a wild animal or wild bird.

(8) "To trap" and its derivatives means a method of hunting using devices to capture wild animals or wild birds.

(9) "To fish," "to harvest," and "to take," and ~~((its))~~ their derivatives means an effort to kill, injure, harass, or catch a fish or shellfish.

(10) "Open season" means those times, manners of taking, and places or waters established by rule of the commission for the lawful hunting, fishing, taking, or possession of game animals, game birds, ~~((or))~~ game fish, food fish, or shellfish that conform to the special restrictions or physical descriptions established by rule of the commission or that have otherwise been deemed legal to hunt, fish, take, or possess by rule of the commission. "Open season" includes the first and last days of the established time.

(11) "Closed season" means all times, manners of taking, and places or waters other than those established by rule of the commission as an open season. "Closed season" also means all hunting, fishing, taking, or possession of game animals, game birds, or game fish that do not conform to the special restrictions or physical descriptions established by rule of the commission as an open season or that have not otherwise been deemed legal to hunt, fish, take, or possess by rule of the commission as an open season.

(12) "Closed area" means a place where the hunting of some species of wild animals or wild birds is prohibited.

(13) "Closed waters" means all or part of a lake, river, stream, or other body of water, where fishing for game fish is prohibited.

(14) "Game reserve" means a closed area where hunting for all wild animals and wild birds is prohibited.

(15) "Bag limit" means the maximum number of game animals, game birds, or game fish which may be taken, caught, killed, or possessed by a person, as specified by rule of the commission for a particular period of time, or as to size, sex, or species.

(16) "Wildlife" means all species of the animal kingdom whose members exist in Washington in a wild state. This includes but is not limited to mammals, birds, reptiles, amphibians, fish, and invertebrates. The term "wildlife" does not include feral domestic mammals, the family Muridae of the order Rodentia (old world rats and mice), or those fish, shellfish, and marine invertebrates classified as food fish or shellfish by the director. The term "wildlife" includes all stages of development and the bodily parts of wildlife members.

(17) "Wild animals" means those species of the class Mammalia whose members exist in Washington in a wild state and the species *Rana catesbeiana* (bullfrog). The term "wild animal" does not include feral domestic mammals or the family Muridae of the order Rodentia (old world rats and mice).

(18) "Wild birds" means those species of the class Aves whose members exist in Washington in a wild state.

(19) "Protected wildlife" means wildlife designated by the commission that shall not be hunted or fished.

(20) "Endangered species" means wildlife designated by the commission as seriously threatened with extinction.

(21) "Game animals" means wild animals that shall not be hunted except as authorized by the commission.

(22) "Fur-bearing animals" means game animals that shall not be trapped except as authorized by the commission.

(23) "Game birds" means wild birds that shall not be hunted except as authorized by the commission.

(24) "Predatory birds" means wild birds that may be hunted throughout the year as authorized by the commission.

(25) "Deleterious exotic wildlife" means species of the animal kingdom not native to Washington and designated as dangerous to the environment or wildlife of the state.

(26) "Game farm" means property on which wildlife is held or raised for commercial purposes, trade, or gift. The term "game farm" does not include publicly owned facilities.

(27) "Person of disability" means a permanently disabled person who is not ambulatory without the assistance of a wheelchair, crutches, or similar devices.

(28) "Fish" includes all species classified as game fish or food fish by statute or rule, as well as all fin fish not currently classified as food fish or game fish if such species exist in state waters. The term "fish" includes all stages of development and the bodily parts of fish species.

(29) "Raffle" means an activity in which tickets bearing an individual number are sold for not more than twenty-five dollars each and in which a permit or permits are awarded to hunt or for access to hunt big game animals or wild turkeys on the basis of a drawing from the tickets by the person or persons conducting the raffle.

(30) "Youth" means a person fifteen years old for fishing and under sixteen years old for hunting.

(31) "Senior" means a person seventy years old or older.

(32) "License year" means the period of time for which a recreational license is valid. The license year begins April 1st, and ends March 31st.

(33) "Saltwater" means those marine waters seaward of river mouths.

(34) "Freshwater" means all waters not defined as saltwater including, but not limited to, rivers upstream of the river mouth, lakes, ponds, and reservoirs.

(35) "State waters" means all marine waters and fresh waters within ordinary high water lines and within the territorial boundaries of the state.



(36) "Offshore waters" means marine waters of the Pacific Ocean outside the territorial boundaries of the state, including the marine waters of other states and countries.

(37) "Concurrent waters of the Columbia river" means those waters of the Columbia river that coincide with the Washington-Oregon state boundary.

(38) "Resident" means a person who has maintained a permanent place of abode within the state for at least ninety days immediately preceding an application for a license, has established by formal evidence an intent to continue residing within the state, and who is not licensed to hunt or fish as a resident in another state.

(39) "Nonresident" means a person who has not fulfilled the qualifications of a resident.

(40) "Shellfish" means those species of marine and freshwater invertebrates that have been classified and that shall not be taken except as authorized by rule of the commission. The term "shellfish" includes all stages of development and the bodily parts of shellfish species.

(41) "Commercial" means related to or connected with buying, selling, or bartering. Fishing for food fish or shellfish with gear unlawful for fishing for personal use, or possessing food fish or shellfish in excess of the limits permitted for personal use are commercial activities.

(42) "To process" and its derivatives mean preparing or preserving food fish or shellfish.

(43) "Personal use" means for the private use of the individual taking the food fish or shellfish and not for sale or barter.

(44) "Angling gear" means a line attached to a rod and reel capable of being held in hand while landing the fish or a hand-held line operated without rod or reel.

(45) "Fishery" means the taking of one or more particular species of food fish or shellfish with particular gear in a particular geographical area.

(46) "Limited-entry license" means a license subject to a license limitation program established in chapter 75.30 RCW (as recodified by this act).

(47) "Seaweed" means marine aquatic plant species that are dependent upon the marine aquatic or tidal environment, and exist in either an attached or free floating form, and includes but is not limited to marine aquatic plants in the classes Chlorophyta, Phaeophyta, and Rhodophyta.

NEW SECTION. Sec. 208. A new section is added to chapter 77.08 RCW to read as follows:

"Food fish" means those species of the classes Osteichthyes, Agnatha, and Chondrichthyes that have been classified and that shall not be fished for except as authorized by rule of the commission. The term "food fish" includes all stages of development and the bodily parts of food fish species.

NEW SECTION. Sec. 209. A new section is added to chapter 77.08 RCW to read as follows:

"Salmon" means all species of the genus *Oncorhynchus*, except those classified as game fish in RCW 77.08.020, and includes:

Scientific Name Common Name

*Oncorhynchus tshawytscha* Chinook salmon

*Oncorhynchus kisutch* Coho salmon

*Oncorhynchus keta* Chum salmon

*Oncorhynchus gorbuscha* Pink salmon

*Oncorhynchus nerka* Sockeye salmon

**Sec. 210.** RCW 77.12.010 and 1985 c 438 s 1 are each amended to read as follows:

~~((Wildlife is the property of the state. The department shall preserve, protect, and perpetuate wildlife. Game animals, game birds, and game fish may be taken only at times or places, or in manners or quantities as in the judgment of the commission maximizes public recreational opportunities without impairing the supply of wildlife.))~~

The commission shall not adopt rules that categorically prohibit fishing with bait or artificial lures in streams, rivers, beaver ponds, and lakes except that the commission may adopt rules and regulations restricting fishing methods upon a determination by the director that an individual body of water or part thereof clearly requires a fishing method prohibition to conserve or enhance the fisheries

resource or to provide selected fishing alternatives. ~~((The commission shall attempt to maximize the public recreational fishing opportunities of all citizens, particularly juvenile, handicapped, and senior citizens.~~

~~Nothing contained herein shall be construed to infringe on the right of a private property owner to control the owner's private property.))~~

**Sec. 211.** RCW 77.12.035 and 1995 c 370 s 1 are each amended to read as follows:

The ~~((department))~~ commission shall protect grizzly bears and develop management programs on publicly owned lands that will encourage the natural regeneration of grizzly bears in areas with suitable habitat. Grizzly bears shall not be transplanted or introduced into the state. Only grizzly bears that are native to Washington state may be utilized by the department for management programs. The department is directed to fully participate in all discussions and negotiations with federal and state agencies relating to grizzly bear management and shall fully communicate, support, and implement the policies of this section.

**Sec. 212.** RCW 77.12.055 and 1998 c 190 s 112 are each amended to read as follows:

(1) Fish and wildlife officers and ex officio fish and wildlife officers shall enforce this title, ~~((Title 75 RCW,))~~ rules of the department, and other statutes as prescribed by the legislature.

However, when acting within the scope of these duties and when an offense occurs in the presence of the fish and wildlife officer who is not an ex officio fish and wildlife officer, the fish and wildlife officer may enforce all criminal laws of the state. The fish and wildlife officer must have successfully completed the basic law enforcement academy course sponsored by the criminal justice training commission, or a course approved by the department and the criminal justice training commission and provided by the department or the criminal justice training commission, prior to enforcing the criminal laws of the state.

(2) Fish and wildlife officers are peace officers.

(3) Any liability or claim of liability under chapter 4.92 RCW that arises out of the exercise or alleged exercise of authority by a fish and wildlife officer rests with the department unless the fish and wildlife officer acts under the direction and control of another agency or unless the liability is otherwise assumed under an agreement between the department and another agency.

(4) Fish and wildlife officers may serve and execute warrants and processes issued by the courts.

(5) Fish and wildlife officers may enforce RCW 79.01.805 and 79.01.810.

(6) Fish and wildlife officers are authorized to enforce all provisions of chapter 88.02 RCW and any rules adopted under that chapter, and the provisions of RCW 43.51.400 and any rules adopted under that section.

(7) To enforce the laws of this title ((and Title 75 RCW)), fish and wildlife officers may call to their aid any ex officio fish and wildlife officer or citizen and that person shall render aid.

**Sec. 213.** RCW 77.12.080 and 1998 c 190 s 114 are each amended to read as follows:

Fish and wildlife officers and ex officio fish and wildlife officers may arrest without warrant persons found violating the law or rules adopted pursuant to this title ~~((and Title 75 RCW)).~~

**Sec. 214.** RCW 77.12.090 and 1998 c 190 s 115 are each amended to read as follows:

Fish and wildlife officers and ex officio fish and wildlife officers may make a reasonable search without warrant of a vessel, container, or conveyances, vehicles, packages, ~~((game baskets, game coats,))~~ or other receptacles for fish and wildlife ~~((, or tents, camps, or similar places))~~ which they have reason to believe contain evidence of a violation of law or rules adopted pursuant to this title ~~((or Title 75 RCW))~~ and seize evidence as needed for law enforcement. This authority does not extend to quarters in a boat, building, or other property used exclusively as a private domicile, does not extend to transitory residences in which a person has a reasonable expectation of privacy, and does not allow search and seizure without a warrant if the thing or place is protected from search without warrant within the meaning of Article I, section 7 of the state Constitution. Seizure of property as evidence of a crime does not preclude seizure of the property ((if authorized)) for forfeiture as authorized by law.

**Sec. 215.** RCW 77.12.103 and 1993 sp.s. c 2 s 68 are each amended to read as follows:

(1) The burden of proof of any exemption or exception to seizure or forfeiture of personal property involved with wildlife offenses is upon the person claiming it.

(2) An authorized state, county, or municipal officer may be subject to civil liability under RCW 77.12.101 (as recodified by this act) for willful misconduct or gross negligence in the performance of his or her duties.

(3) The director, the fish and wildlife commission, or the department may be subject to civil liability for their willful or reckless misconduct in matters involving the seizure and forfeiture of personal property involved with fish or wildlife offenses.

**Sec. 216.** RCW 77.12.200 and 1987 c 506 s 28 are each amended to read as follows:

The commission may authorize the director to acquire by gift, purchase, lease, or condemnation lands, buildings, waters, water rights, rights of way, or other necessary property for purposes consistent with this title, together with rights of way for access to the property so acquired. Except to clear title and acquire access rights of way, the power of condemnation may be exercised by the director only when an appropriation has been made by the legislature for the acquisition of a specific property.

**Sec. 217.** RCW 77.12.204 and 1993 sp.s. c 4 s 6 are each amended to read as follows:

The department of fish and wildlife shall implement practices necessary to meet the standards developed under RCW 79.01.295 on agency-owned and managed agricultural and grazing lands. The standards may be modified on a site-specific basis as necessary and as determined by the department of ~~((fisheries or))~~ fish and wildlife, for species that these agencies respectively manage, to achieve the goals established under RCW 79.01.295(1). Existing lessees shall be provided an opportunity to participate in any site-specific field review. Department agricultural and grazing leases issued after December 31, 1994, shall be subject to practices to achieve the standards that meet those developed pursuant to RCW 79.01.295.

This section shall in no way prevent the department of fish and wildlife from managing its lands to accomplish its statutory mandate pursuant to RCW 77.12.010, nor shall it prevent the department from managing its lands according to the provisions of RCW 77.12.210 or rules adopted pursuant to this chapter.

**Sec. 218.** RCW 77.12.210 and 1987 c 506 s 30 are each amended to read as follows:

The director shall maintain and manage real or personal property owned, leased, or held by the department and shall control the construction of buildings, structures, and improvements in or on the property. The director may adopt rules for the operation and maintenance of the property.

The commission may authorize the director to sell, lease, convey, or grant concessions upon real or personal property under the control of the department. This includes the authority to sell timber, gravel, sand, and other materials or products from real property held by the department ~~((and may authorize the director))~~, and to sell or lease the department's real or personal property or grant concessions or rights of way for roads or utilities in the property. Oil and gas resources owned by the state which lie below lands owned, leased, or held by the department shall be offered for lease by the commissioner of public lands pursuant to chapter 79.14 RCW with the proceeds being deposited in the state wildlife fund: PROVIDED, That the commissioner of public lands shall condition such leases at the request of the department to protect wildlife and its habitat.

If the commission determines that real or personal property held by the department cannot be used advantageously by the department, the director may dispose of that property if it is in the public interest.

If the state acquired real property with use limited to specific purposes, the director may negotiate terms for the return of the property to the donor or grantor. Other real property shall be sold to the highest bidder at public auction. After appraisal, notice of the auction shall be published at least once a week for two successive weeks in a newspaper of general circulation within the county where the property is located at least twenty days prior to sale.

Proceeds from the sales shall be deposited in the state wildlife fund.

**Sec. 219.** RCW 77.12.220 and 1987 c 506 s 31 are each amended to read as follows:

For purposes of this title, the commission may make agreements to obtain real or personal property or to transfer or convey property held by the state to the United States or its agencies or instrumentalities, ~~((political subdivisions))~~ units of local government of this state, public service companies, or other persons, if in the judgment of the commission and the attorney general the transfer and conveyance is consistent with public interest. For purposes of this section, "local government" means any city, town, county, special district, municipal corporation, or quasi-municipal corporation.

If the commission agrees to a transfer or conveyance under this section or to a sale or return of real property under RCW 77.12.210, the director shall certify, with the attorney general, to the governor that the agreement has been made. The certification shall describe the real property. The governor then may execute and the secretary of state attest and deliver to the appropriate entity or person the instrument necessary to fulfill the agreement.

**Sec. 220.** RCW 77.12.250 and 1980 c 78 s 42 are each amended to read as follows:

The director, ~~((wildlife agents))~~ fish and wildlife officers, ex officio ~~((wildlife agents))~~ fish and wildlife officers, and department employees may enter upon lands or waters and remain there while performing their duties without liability for trespass. It is lawful for aircraft operated by the department to land and take off from beaches or waters of the state.

**Sec. 221.** RCW 77.12.315 and 1987 c 506 s 40 are each amended to read as follows:

If the director determines that a severe problem exists in an area of the state because deer and elk are being pursued, harassed, attacked or killed by dogs, the director may declare by emergency rule that an emergency exists and specify the area where it is lawful for fish and wildlife ~~((agents))~~ officers to take into custody or destroy the dogs if necessary. Fish and wildlife ~~((agents))~~ officers who take into custody or destroy a dog pursuant to this section are immune from civil or criminal liability arising from their actions.

**Sec. 222.** RCW 77.12.470 and 1980 c 78 s 63 are each amended to read as follows:

To enforce RCW 77.12.480 and 77.12.490 (as recodified by this act), courts in the counties contiguous to the boundary waters, fish and wildlife ~~((agents))~~ officers, and ex officio fish and wildlife ~~((agents))~~ officers have jurisdiction over the boundary waters to the furthest shoreline. This jurisdiction is concurrent with the courts and law enforcement officers of Idaho.

**Sec. 223.** RCW 77.12.480 and 1980 c 78 s 64 are each amended to read as follows:

The taking of wildlife from the boundary waters or islands of the Snake river shall be in accordance with the wildlife laws of the respective states. Fish and wildlife ~~((agents))~~ officers and ex officio fish and wildlife ~~((agents))~~ officers shall honor the license of either state and the right of the holder to take wildlife from the boundary waters and islands in accordance with the laws of the state issuing the license.

**Sec. 224.** RCW 77.12.490 and 1980 c 78 s 65 are each amended to read as follows:

The purpose of RCW 77.12.450 through 77.12.490 (as recodified by this act) is to avoid the conflict, confusion, and difficulty of locating the state boundary in or on the boundary waters and islands of the Snake river. These sections do not allow the holder of a Washington license to fish or hunt on the shoreline, sloughs, or tributaries on the Idaho side, nor allow the holder of an Idaho license to fish or hunt on the shoreline, sloughs, or tributaries on the Washington side.

**Sec. 225.** RCW 77.12.610 and 1982 c 155 s 1 are each amended to read as follows:

The purposes of RCW 77.12.610 through 77.12.630 ~~((and 77.16.610))~~ are to facilitate the department's gathering of biological data for managing wildlife resources of this state and to protect wildlife resources by assuring compliance with Title 77 RCW, and rules adopted thereunder, in a manner designed to minimize inconvenience to the public.

**Sec. 226.** RCW 77.12.620 and 1982 c 155 s 2 are each amended to read as follows:

The department is authorized to require hunters and fishermen occupying a motor vehicle approaching or entering a check station to stop and produce for inspection: (1) Any wildlife in their possession; (2) licenses, permits, tags, stamps, or ~~((punchcards))~~ catch record cards, required under Title 77 RCW, or rules adopted thereunder. For these purposes, the department is authorized to operate check stations which shall be plainly marked by signs, operated by at least one uniformed fish and wildlife ((agent)) officer, and operated in a safe manner.

**Sec. 227.** RCW 77.12.630 and 1982 c 155 s 4 are each amended to read as follows:

The powers conferred by RCW 77.12.610 through 77.12.630 ~~((and 77.16.610))~~ are in addition to all other powers conferred by law upon the department. Nothing in RCW 77.12.610 through 77.12.630 ~~((and 77.16.610))~~ shall be construed to prohibit the department from operating wildlife information stations at which persons shall not be required to stop and report, or from executing arrests, searches, or seizures otherwise authorized by law.

**Sec. 228.** RCW 77.12.830 and 1997 c 425 s 3 are each amended to read as follows:

(1) Beginning in January 1998, the department of fish and wildlife and the department of natural resources shall implement a habitat incentives program based on the recommendations of federally recognized Indian tribes, landowners, the regional fisheries enhancement groups, the timber, fish, and wildlife cooperators, and other interested parties. The program shall allow a private landowner to enter into an agreement with the departments to enhance habitat on the landowner's property for food fish, game fish, or other wildlife species. In exchange, the landowner shall receive state regulatory certainty with regard to future applications for hydraulic project approval or a forest practices permit on the property covered by the agreement. The overall goal of the program is to provide a mechanism that facilitates habitat development on private property while avoiding an adverse state regulatory impact to the landowner at some future date. A single agreement between the departments and a landowner may encompass up to one thousand acres. A landowner may enter into multiple agreements with the departments, provided that the total acreage covered by such agreements with a single landowner does not exceed ten thousand acres. The departments are not obligated to enter into an agreement unless the departments find that the agreement is in the best interest of protecting fish or wildlife species or their habitat.

(2) A habitat incentives agreement shall be in writing and shall contain at least the following: A description of the property covered by the agreement, an expiration date, a description of the condition of the property prior to the implementation of the agreement, and other information needed by the landowner and the departments for future reference and decisions.

(3) As part of the agreement, the department of fish and wildlife may stipulate the factors that will be considered when the department evaluates a landowner's application for hydraulic project approval under RCW 75.20.100 or 75.20.103 (as recodified by this act) on property covered by the agreement. The department's identification of these evaluation factors shall be in concurrence with the department of natural resources and affected federally recognized Indian tribes. In general, future decisions related to the issuance, conditioning, or denial of hydraulic project approval shall be based on the conditions present on the landowner's property at the time of the agreement, unless all parties agree otherwise.

(4) As part of the agreement, the department of natural resources may stipulate the factors that will be considered when the department evaluates a landowner's application for a forest practices permit under chapter 76.09 RCW on property covered by the agreement. The department's identification of these evaluation factors shall be in concurrence with the department of fish and wildlife and affected federally recognized Indian tribes. In general, future decisions related to the issuance, conditioning, or denial of forest practices permits shall be based on the conditions present on the landowner's property at the time of the agreement, unless all parties agree otherwise.

(5) The agreement is binding on and may be used by only the landowner who entered into the agreement with the department. The agreement shall not be appurtenant with the land. However, if a new landowner chooses to maintain the habitat enhancement efforts on the property, the new landowner and the departments may jointly choose to retain the agreement on the property.

(6) If the departments receive multiple requests for agreements with private landowners under the habitat incentives program, the departments shall prioritize these requests and shall enter into as many agreements as possible within available budgetary resources.

**Sec. 229.** RCW 77.15.070 and 1998 c 190 s 69 are each amended to read as follows:

(1) Fish and wildlife officers and ex officio fish and wildlife officers may seize without warrant boats, airplanes, vehicles, gear, appliances, or other articles they have probable cause to believe have been used in violation of this chapter. However, fish and wildlife officers or ex officio fish and wildlife officers may not seize any item or article, other than for evidence, if under the circumstances, it is reasonable to conclude that the violation was inadvertent. The property seized is subject to forfeiture to the state under this section regardless of ownership. Property seized may be recovered by its owner by depositing into court a cash bond equal to the value of the seized property but not more than twenty-five thousand dollars. Such cash bond is subject to forfeiture in lieu of the property. Forfeiture of property seized under this section is a civil forfeiture against property and is intended to be a remedial civil sanction.

(2) In the event of a seizure of property under this section, jurisdiction to begin the forfeiture proceedings shall commence upon seizure. Within fifteen days following the seizure, the seizing authority shall serve a written notice of intent to forfeit property on the owner of the property seized and on any person having any known right or interest in the property seized. Notice may be served by any method authorized by law or court rule, including service by certified mail with return receipt requested. Service by mail is deemed complete upon mailing within the fifteen-day period following the seizure.

(3) Persons claiming a right of ownership or right to possession of property are entitled to a hearing to contest forfeiture. Such a claim shall specify the claim of ownership or possession and shall be made in writing and served on the director within forty-five days of the seizure. If the seizing authority has complied with notice requirements and there is no claim made within forty-five days, then the property shall be forfeited to the state.

(4) If any person timely serves the director with a claim to property, the person shall be afforded an opportunity to be heard as to the person's claim or right. The hearing shall be before the director or director's designee, or before an administrative law judge appointed under chapter 34.12 RCW, except that a person asserting a claim or right may remove the matter to a court of competent jurisdiction if the aggregate value of the property seized is more than five thousand dollars.

(5) The hearing to contest forfeiture and any subsequent appeal shall be as provided for in Title 34 RCW. The seizing authority has the burden to demonstrate that it had reason to believe the property was held with intent to violate or was used in violation of this title or rule of the commission or director. The person contesting forfeiture has the burden of production and proof by a preponderance of evidence that the person owns or has a right to possess the property and:

(a) That the property was not held with intent to violate or used in violation of this title (~~or Title 75 RCW~~); or

(b) If the property is a boat, airplane, or vehicle, that the illegal use or planned illegal use of the boat, airplane, or vehicle occurred without the owner's knowledge or consent, and that the owner acted reasonably to prevent illegal uses of such boat, airplane, or vehicle.

(6) A forfeiture of a conveyance encumbered by a perfected security interest is subject to the interest of the secured party if the secured party neither had knowledge (~~of~~) of nor consented to the act or omission. No security interest in seized property may be perfected after seizure.

(7) If seized property is forfeited under this section the department may retain it for official use unless the property is required to be destroyed, or upon application by any law enforcement agency of the state, release such property to the agency for the use of enforcing this title, or sell such property, and deposit the proceeds to the wildlife fund, as provided for in RCW 77.12.170.

**Sec. 230.** RCW 77.15.080 and 1998 c 190 s 113 are each amended to read as follows:

Based upon articulable facts that a person is engaged in fishing or hunting activities, fish and wildlife officers have the authority to temporarily stop the person and check for valid licenses, tags,

permits, stamps, or catch record cards, and to inspect all fish and wildlife in possession as well as the equipment being used to ensure compliance with the requirements of this title (~~and Title 75 RCW~~).

**Sec. 231.** RCW 77.15.090 and 1998 c 190 s 117 are each amended to read as follows:

On a showing of probable cause that there has been a violation of any fish or wildlife law of the state of Washington, or upon a showing of probable cause to believe that evidence of such violation may be found at a place, a court shall issue a search warrant or arrest warrant. Fish and wildlife officers may execute any such arrest or search warrant reasonably necessary to their duties under this title (~~or Title 75 RCW~~) and may seize fish and wildlife or any evidence of a crime and the fruits or instrumentalities of a crime as provided by warrant. The court may have a building, enclosure, vehicle, vessel, container, or receptacle opened or entered and the contents examined.

**Sec. 232.** RCW 77.15.100 and 1998 c 190 s 63 are each amended to read as follows:

(1) Unless otherwise provided in this title (~~or Title 75 RCW~~), fish, shellfish, or wildlife unlawfully taken or possessed, or involved in a violation shall be forfeited to the state upon conviction. Unless already held by, sold, destroyed, or disposed of by the department, the court shall order such fish or wildlife to be delivered to the department. Where delay will cause loss to the value of the property and a ready wholesale buying market exists, the department may sell property to a wholesale buyer at a fair market value.

(2) (~~The department may use, sell, or destroy any other~~) When seized property is forfeited (by the court or) to the department, the department may retain it for official use unless the property is required to be destroyed, or upon application by any law enforcement agency of the state, release the property to the agency for the use of enforcing this title, or sell such property and deposit the proceeds into the state wildlife fund established under RCW 77.12.170. Any sale of other property shall be at public auction or after public advertisement reasonably designed to obtain the highest price. The time, place, and manner of holding the sale shall be determined by the director. The director may contract for the sale to be through the department of general administration as state surplus property, or, except where not justifiable by the value of the property, the director shall publish notice of the sale once a week for at least two consecutive weeks before the sale in at least one newspaper of general circulation in the county in which the sale is to be held. (~~Proceeds of the sale shall be deposited in the state treasury to be credited to the state wildlife fund.~~)

**Sec. 233.** RCW 77.15.120 and 1998 c 190 s 13 are each amended to read as follows:

(1) A person is guilty of unlawful taking of endangered fish or wildlife in the second degree if the person hunts, fishes, possesses, maliciously harasses or kills fish or wildlife, or maliciously destroys the nests or eggs of fish or wildlife and the fish or wildlife is designated by the commission as endangered, and the taking has not been authorized by rule of the commission.

(2) A person is guilty of unlawful taking of endangered fish or wildlife in the first degree if the person has been:

(a) Convicted under subsection (1) of this section or convicted of any crime under this title involving the killing, possessing, harassing, or harming of endangered fish or wildlife; and

(b) Within five years of the date of the prior conviction the person commits the act described by subsection (1) of this section.

(3)(a) Unlawful taking of endangered fish or wildlife in the second degree is a gross misdemeanor.

(b) Unlawful taking of endangered fish or wildlife in the first degree is a class C felony. The department shall revoke any licenses or tags used in connection with the crime and order the person's privileges to hunt, fish, trap, or obtain licenses under this title (~~and Title 75 RCW~~) to be suspended for two years.

**Sec. 234.** RCW 77.15.160 and 1998 c 190 s 17 are each amended to read as follows:

A person is guilty of an infraction, which shall be cited and punished as provided under chapter 7.84 RCW, if the person:

(1) Fails to immediately record a catch of fish or shellfish on a catch record card required by RCW ((~~75.25.190 or 77.32.050~~) 77.32.430, or required by rule of the commission under this title ((~~or Title 75 RCW~~)); or

(2) Fishes for personal use using barbed hooks in violation of any rule; or

(3) Violates any other rule of the commission or director that is designated by rule as an infraction.

**NEW SECTION. Sec. 235.** A new section is added to chapter 77.15 RCW to read as follows:

Any person who is damaged by any act prohibited in RCW 77.15.210 may bring a civil action to enjoin further violations, and recover damages sustained, including a reasonable attorneys' fee. The trial court may increase the award of damages to an amount not to exceed three times the damages sustained. A party seeking civil damages under this section may recover upon proof of a violation by a preponderance of the evidence. The state of Washington may bring a civil action to enjoin violations of this section.

**Sec. 236.** RCW 77.15.300 and 1998 c 190 s 52 are each amended to read as follows:

(1) A person is guilty of unlawfully undertaking hydraulic project activities if the person constructs any form of hydraulic project or performs other work on a hydraulic project and:

(a) Fails to have a hydraulic project approval required under chapter 75.20 RCW (as recodified by this act) for such construction or work; or

(b) Violates any requirements or conditions of the hydraulic project approval for such construction or work.

(2) Unlawfully undertaking hydraulic project activities is a gross misdemeanor.

**Sec. 237.** RCW 77.15.310 and 1998 c 190 s 53 are each amended to read as follows:

(1) A person is guilty of unlawful failure to use or maintain an approved fish guard on a diversion device if the person owns, controls, or operates a device used for diverting or conducting water from a lake, river, or stream and:

(a) The device is not equipped with a fish guard, screen, or bypass approved by the director as required by RCW 75.20.040 ((~~or 77.16.220~~) (as recodified by this act); or

(b) The person knowingly fails to maintain or operate an approved fish guard, screen, or bypass so as to effectively screen or prevent fish from entering the intake.

(2) Unlawful failure to use or maintain an approved fish guard, screen, or bypass on a diversion device is a gross misdemeanor. Following written notification to the person from the department that there is a violation, each day that a diversion device is operated without an approved or maintained fish guard, screen, or bypass is a separate offense.

**Sec. 238.** RCW 77.15.320 and 1998 c 190 s 54 are each amended to read as follows:

(1) A person is guilty of unlawful failure to provide, maintain, or operate a fishway for dam or other obstruction if the person owns, operates, or controls a dam or other obstruction to fish passage on a river or stream and:

(a) The dam or obstruction is not provided with a durable and efficient fishway approved by the director as required by RCW 75.20.060 (as recodified by this act);

(b) Fails to maintain a fishway in efficient operating condition; or

(c) Fails to continuously supply a fishway with a sufficient supply of water to allow the free passage of fish.

(2) Unlawful failure to provide, maintain, or operate a fishway for dam or other obstruction is a gross misdemeanor. Following written notification to the person from the department that there is a violation, each day of unlawful failure to provide, maintain, or operate a fishway is a separate offense.

**Sec. 239.** RCW 77.15.350 and 1998 c 190 s 58 are each amended to read as follows:

(1) A person is guilty of violating a rule regarding inspection and disease control of aquatic farms if the person:



(a) Violates any rule adopted under chapter 75.58 RCW (as recodified by this act) regarding the inspection and disease control program for an aquatic farm; or

(b) Fails to register or report production from an aquatic farm as required by chapter 75.58 RCW (as recodified by this act).

(2) A violation of a rule regarding inspection and disease control of aquatic farms is a misdemeanor.

**Sec. 240.** RCW 77.15.360 and 1998 c 190 s 61 are each amended to read as follows:

(1) A person is guilty of unlawful interfering in department operations if the person prevents department employees from carrying out duties authorized by this title (~~(or Title 75 RCW)~~), including but not limited to interfering in the operation of department vehicles, vessels, or aircraft.

(2) Unlawful interfering in department operations is a gross misdemeanor.

**Sec. 241.** RCW 77.15.380 and 1998 c 190 s 18 are each amended to read as follows:

(1) A person is guilty of unlawful recreational fishing in the second degree if the person fishes for, takes, possesses, or harvests fish or shellfish and:

(a) The person does not have and possess the license or the catch record card required by chapter 75.25 (as recodified by this act) or 77.32 RCW for such activity; or

(b) The action violates any rule of the commission or the director regarding seasons, bag or possession limits but less than two times the bag or possession limit, closed areas, closed times, or any other rule addressing the manner or method of fishing or possession of fish, except for use of a net to take fish as provided for in RCW 77.15.580.

(2) Unlawful recreational fishing in the second degree is a misdemeanor.

**Sec. 242.** RCW 77.15.390 and 1998 c 190 s 20 are each amended to read as follows:

(1) A person is guilty of unlawful taking of seaweed if the person takes, possesses, or harvests seaweed and:

(a) The person does not have and possess the license required by chapter 75.25 RCW (as recodified by this act) for taking seaweed; or

(b) The action violates any rule of the department or the department of natural resources regarding seasons, possession limits, closed areas, closed times, or any other rule addressing the manner or method of taking, possessing, or harvesting of seaweed.

(2) Unlawful taking of seaweed is a misdemeanor. This does not affect rights of the state to recover civilly for trespass, conversion, or theft of state-owned valuable materials.

**Sec. 243.** RCW 77.15.470 and 1998 c 190 s 29 are each amended to read as follows:

(1) A person is guilty of unlawfully avoiding wildlife check stations or field inspections if the person fails to:

(a) Obey check station signs;

(b) Stop and report at a check station if directed to do so by a uniformed fish and wildlife officer; or

(c) Produce for inspection upon request by a fish and wildlife officer: (i) Hunting or fishing equipment; (ii) seaweed, fish, shellfish, or wildlife; or (iii) licenses, permits, tags, stamps, or catch record cards required by this title (~~(or Title 75 RCW)~~).

(2) Unlawfully avoiding wildlife check stations or field inspections is a gross misdemeanor.

(3) Wildlife check stations may not be established upon interstate highways or state routes.

**Sec. 244.** RCW 77.15.480 and 1980 c 78 s 27 are each amended to read as follows:

Articles or devices unlawfully used, possessed, or maintained for catching, taking, killing, attracting, or decoying wildlife are public nuisances. If necessary, fish and wildlife ((agents)) officers and ex officio fish and wildlife ((agents)) officers may seize, abate, or destroy these public nuisances without warrant or process.

**Sec. 245.** RCW 77.15.500 and 1998 c 190 s 35 are each amended to read as follows:

(1) A person is guilty of commercial fishing without a license in the second degree if the person fishes for, takes, or delivers food fish, shellfish, or game fish while acting for commercial purposes and:

(a) The person does not hold a fishery license or delivery license under chapter 75.28 RCW (as recodified by this act) for the food fish or shellfish; or

(b) The person is not a licensed operator designated as an alternate operator on a fishery or delivery license under chapter 75.28 RCW (as recodified by this act) for the food fish or shellfish.

(2) A person is guilty of commercial fishing without a license in the first degree if the person commits the act described by subsection (1) of this section and:

(a) The violation involves taking, delivery, or possession of food fish or shellfish with a value of two hundred fifty dollars or more; or

(b) The violation involves taking, delivery, or possession of food fish or shellfish from an area that was closed to the taking of such food fish or shellfish by any statute or rule.

(3)(a) Commercial fishing without a license in the second degree is a gross misdemeanor.

(b) Commercial fishing without a license in the first degree is a class C felony.

**Sec. 246.** RCW 77.15.530 and 1998 c 190 s 38 are each amended to read as follows:

(1) A person who holds a fishery license required by chapter 75.28 RCW (as recodified by this act), or who holds an operator's license and is designated as an alternate operator on a fishery license required by chapter 75.28 RCW (as recodified by this act), is guilty of unlawful use of a nondesignated vessel if the person takes, fishes for, or delivers from that fishery using a vessel not designated on the person's license, when vessel designation is required by chapter 75.28 RCW (as recodified by this act).

(2) Unlawful use of a nondesignated vessel is a gross misdemeanor.

(3) A nondesignated vessel may be used, subject to appropriate notification to the department and in accordance with rules established by the commission, when a designated vessel is inoperative because of accidental damage or mechanical breakdown.

(4) If the person commits the act described by subsection (1) of this section and the vessel designated on the person's fishery license was used by any person in the fishery on the same day, then the violation for using a nondesignated vessel is a class C felony. Upon conviction the department shall order revocation and suspension of all commercial fishing privileges under chapter 75.28 RCW (as recodified by this act) for a period of one year.

**Sec. 247.** RCW 77.15.540 and 1998 c 190 s 39 are each amended to read as follows:

(1) A person who holds a fishery license required by chapter 75.28 RCW (as recodified by this act), or who holds an operator's license and is designated as an alternate operator on a fishery license required by chapter 75.28 RCW (as recodified by this act), is guilty of unlawful use of a commercial fishery license if the person:

(a) Does not have the commercial fishery license or operator's license in possession during fishing or delivery; or

(b) Violates any rule of the department regarding the use, possession, display, or presentation of the person's license, decals, or vessel numbers.

(2) Unlawful use of a commercial fishery license is a misdemeanor.

**Sec. 248.** RCW 77.15.570 and 1998 c 190 s 49 are each amended to read as follows:

(1) Except as provided in subsection (3) of this section, it is unlawful for a person who is not a treaty Indian fisherman to participate in the taking of fish or shellfish in a treaty Indian fishery, or to be on board a vessel, or associated equipment, operating in a treaty Indian fishery. A violation of this subsection is a gross misdemeanor.

(2) A person who violates subsection (1) of this section with the intent of acting for commercial purposes, including any sale of catch, control of catch, profit from catch, or payment for fishing assistance, is guilty of a class C felony. Upon conviction, the department shall order revocation of any license and a one-year suspension of all commercial fishing privileges requiring a license under chapter 75.28 or 75.30 RCW (as recodified by this act).

(3)(a) The spouse, forebears, siblings, children, and grandchildren of a treaty Indian fisherman may assist the fisherman in exercising treaty Indian fishing rights when the treaty Indian fisherman is present at the fishing site.

(b) Other treaty Indian fishermen with off-reservation treaty fishing rights in the same usual and accustomed places, whether or not the fishermen are members of the same tribe or another treaty tribe, may assist a treaty Indian fisherman in exercising treaty Indian fishing rights when the treaty Indian fisherman is present at the fishing site.

(c) Biologists approved by the department may be on board a vessel operating in a treaty Indian fishery.

(4) For the purposes of this section:

(a) "Treaty Indian fisherman" means a person who may exercise treaty Indian fishing rights as determined under *United States v. Washington*, 384 F. Supp. 312 (W.D. Wash. 1974), or *Sohappy v. Smith*, 302 F. Supp. 899 (D. Oregon 1969), and post-trial orders of those courts;

(b) "Treaty Indian fishery" means a fishery open to only treaty Indian fishermen by tribal or federal regulation;

(c) "To participate" and its derivatives mean an effort to operate a vessel or fishing equipment, provide immediate supervision in the operation of a vessel or fishing equipment, or otherwise assist in the fishing operation, to claim possession of a share of the catch, or to represent that the catch was lawfully taken in an Indian fishery.

(5) A violation of this section constitutes illegal fishing and is subject to the suspensions provided for commercial fishing violations.

**Sec. 249.** RCW 77.15.580 and 1998 c 190 s 50 are each amended to read as follows:

(1) A person is guilty of unlawful use of a net to take fish in the second degree if the person:

(a) Lays, sets, uses, or controls a net or other device or equipment capable of taking fish from the waters of this state, except if the person has a valid license for such fishing gear from the director under this title and is acting in accordance with all rules of the commission and director; or

(b) Fails to return unauthorized fish to the water immediately while otherwise lawfully operating a net under a valid license.

(2) A person is guilty of unlawful use of a net to take fish in the first degree if the person:

(a) Commits the act described by subsection (1) of this section; and

(b) The violation occurs within five years of entry of a prior conviction for a gross misdemeanor or felony under this title (~~or Title 75 RCW~~) involving fish, other than a recreational fishing violation, or involving unlawful use of nets.

(3)(a) Unlawful use of a net to take fish in the second degree is a gross misdemeanor. Upon conviction, the department shall revoke any license held under this title (~~or Title 75 RCW~~) allowing commercial net fishing used in connection with the crime.

(b) Unlawful use of a net to take fish in the first degree is a class C felony. Upon conviction, the department shall order a one-year suspension of all commercial fishing privileges requiring a license under this title (~~or Title 75 RCW~~).

(4) Notwithstanding subsections (1) and (2) of this section, it is lawful to use a landing net to land fish otherwise legally hooked.

**Sec. 250.** RCW 77.15.620 and 1998 c 190 s 43 are each amended to read as follows:

(1) A person is guilty of engaging in fish dealing activity without a license in the second degree if the person:

(a) Engages in the commercial processing of fish or shellfish, including custom canning or processing of personal use fish or shellfish and does not hold a wholesale dealer's license required by RCW 75.28.300(1) or 77.32.211 (as recodified by this act) for anadromous game fish;

(b) Engages in the wholesale selling, buying, or brokering of food fish or shellfish and does not hold a wholesale dealer's or buying license required by RCW 75.28.300(2) or 77.32.211 (as recodified by this act) for anadromous game fish;

(c) Is a fisher who lands and sells his or her catch or harvest in the state to anyone other than a licensed wholesale dealer within or outside the state and does not hold a wholesale dealer's license required by RCW 75.28.300(3) or 77.32.211 (as recodified by this act) for anadromous game fish; or

(d) Engages in the commercial manufacture or preparation of fertilizer, oil, meal, caviar, fish bait, or other byproducts from food fish or shellfish and does not hold a wholesale dealer's license required by RCW 75.28.300(4) or 77.32.211 (as recodified by this act) for anadromous game fish.

(2) Engaging in fish dealing activity without a license in the second degree is a gross misdemeanor.

(3) A person is guilty of engaging in fish dealing activity without a license in the first degree if the person commits the act described by subsection (1) of this section and the violation involves fish or shellfish worth two hundred fifty dollars or more. Engaging in fish dealing activity without a license in the first degree is a class C felony.

**Sec. 251.** RCW 77.15.630 and 1998 c 190 s 44 are each amended to read as follows:

(1) A person who holds a fish dealer's license required by RCW 75.28.300 (as recodified by this act), an anadromous game fish buyer's license required by RCW 77.32.211 (as recodified by this act), or a fish buyer's license required by RCW 75.28.340 (as recodified by this act) is guilty of unlawful use of fish buying and dealing licenses in the second degree if the person:

(a) Possesses or receives fish or shellfish for commercial purposes worth less than two hundred fifty dollars; and

(b) Fails to document such fish or shellfish with a fish-receiving ticket required by statute or rule of the department.

(2) A person is guilty of unlawful use of fish buying and dealing licenses in the first degree if the person commits the act described by subsection (1) of this section and:

(a) The violation involves fish or shellfish worth two hundred fifty dollars or more;

(b) The person acted with knowledge that the fish or shellfish were taken from a closed area, at a closed time, or by a person not licensed to take such fish or shellfish for commercial purposes; or

(c) The person acted with knowledge that the fish or shellfish were taken in violation of any tribal law.

(3)(a) Unlawful use of fish buying and dealing licenses in the second degree is a gross misdemeanor.

(b) Unlawful use of fish buying and dealing licenses in the first degree is a class C felony.

Upon conviction, the department shall suspend all privileges to engage in fish buying or dealing for two years.

**Sec. 252.** RCW 77.15.640 and 1998 c 190 s 45 are each amended to read as follows:

(1) A person who holds a wholesale fish dealer's license required by RCW 75.28.300 (as recodified by this act), an anadromous game fish buyer's license required by RCW 77.32.211 (as recodified by this act), or a fish buyer's license required by RCW 75.28.340 (as recodified by this act) is guilty of violating rules governing wholesale fish buying and dealing if the person:

(a) Fails to possess or display his or her license when engaged in any act requiring the license;

(b) Fails to display or uses the license in violation of any rule of the department;

(c) Files a signed fish-receiving ticket but fails to provide all information required by rule of the department; or

(d) Violates any other rule of the department regarding wholesale fish buying and dealing.

(2) Violating rules governing wholesale fish buying and dealing is a gross misdemeanor.

**Sec. 253.** RCW 77.15.650 and 1998 c 190 s 59 are each amended to read as follows:

(1) A person is guilty of unlawful purchase or use of a license in the second degree if the person buys, holds, uses, displays, transfers, or obtains any license, tag, permit, or approval required by this title (~~or Title 75 RCW~~) and the person:

(a) Uses false information to buy, hold, use, display, or obtain a license, permit, tag, or approval;

(b) Acquires, holds, or buys in excess of one license, permit, or tag for a license year if only one license, permit, or tag is allowed per license year;

(c) Uses or displays a license, permit, tag, or approval that was issued to another person;

(d) Permits or allows a license, permit, tag, or approval to be used or displayed by another person not named on the license, permit, tag, or approval;

(e) Acquires or holds a license while privileges for the license are revoked or suspended.

(2) A person is guilty of unlawful purchase or use of a license in the first degree if the person commits the act described by subsection (1) of this section and the person was acting with intent that the license, permit, tag, or approval be used for any commercial purpose. A person is presumed to be acting with such intent if the violation involved obtaining, holding, displaying, or using a license or permit for participation in any commercial fishery issued under this title ((or Title 75 RCW)) or a license authorizing fish or wildlife buying, trafficking, or wholesaling.

(3)(a) Unlawful purchase or use of a license in the second degree is a gross misdemeanor. Upon conviction, the department shall revoke any unlawfully used or held licenses and order a two-year suspension of participation in the activities for which the person unlawfully obtained, held, or used a license.

(b) Unlawful purchase or use of a license in the first degree is a class C felony. Upon conviction, the department shall revoke any unlawfully used or held licenses and order a five-year suspension of participation in any activities for which the person unlawfully obtained, held, or used a license.

(4) For purposes of this section, a person "uses" a license, permit, tag, or approval if the person engages in any activity authorized by the license, permit, tag, or approval held or possessed by the person. Such uses include but are not limited to fishing, hunting, taking, trapping, delivery or landing fish or wildlife, and selling, buying, or wholesaling of fish or wildlife.

(5) Any license obtained in violation of this section is void upon issuance and is of no legal effect.

**Sec. 254.** RCW 77.16.020 and 1998 c 190 s 119 are each amended to read as follows:

For the purposes of establishing a season or bag limit restriction on Canada goose hunting, the ((department)) commission shall not consider leg length or bill length of dusky Canada geese (*Branta canadensis occidentalis*).

**Sec. 255.** RCW 77.16.360 and 1997 c 1 s 1 are each amended to read as follows:

(1) Notwithstanding the provisions of RCW 77.12.240 ((and 77.12.265)) or other provisions of law, it is unlawful to take, hunt, or attract black bear with the aid of bait.

(a) Nothing in this subsection shall be construed to prohibit the killing of black bear with the aid of bait by employees or agents of county, state, or federal agencies while acting in their official capacities for the purpose of protecting livestock, domestic animals, private property, or the public safety.

(b) Nothing in this subsection shall be construed to prevent the establishment and operation of feeding stations for black bear in order to prevent damage to commercial timberland.

(c) Nothing in this subsection shall be construed to prohibit the director from issuing a permit or memorandum of understanding to a public agency, university, or scientific or educational institution for the use of bait to attract black bear for scientific purposes.

(d) As used in this subsection, "bait" means a substance placed, exposed, deposited, distributed, scattered, or otherwise used for the purpose of attracting black bears to an area where one or more persons hunt or intend to hunt them.

(2) Notwithstanding RCW 77.12.240 or any other provisions of law, it is unlawful to hunt or pursue black bear, cougar, bobcat, or lynx with the aid of a dog or dogs.

(a) Nothing in this subsection shall be construed to prohibit the killing of black bear, cougar, bobcat, or lynx with the aid of a dog or dogs by employees or agents of county, state, or federal agencies while acting in their official capacities for the purpose of protecting livestock, domestic animals, private property, or the public safety. A dog or dogs may be used by the owner or tenant of real property consistent with a permit issued and conditioned by the director ((under RCW 77.12.265)).

(b) Nothing in this subsection shall be construed to prohibit the director from issuing a permit or memorandum of understanding to a public agency, university, or scientific or educational institution for the use of a dog or dogs for the pursuit of black bear, cougar, bobcat, or lynx for scientific purposes.

(3) A person who violates subsection (1) or (2) of this section is guilty of a gross misdemeanor. In addition to appropriate criminal penalties, the director shall revoke the hunting license of a person who violates subsection (1) or (2) of this section and a hunting license shall not be issued for a period of five years following the revocation. Following a subsequent violation of subsection (1) or (2) of this section by the same person, a hunting license shall not be issued to the person at any time.

**Sec. 256.** RCW 77.17.020 and 1994 c 264 s 56 are each amended to read as follows:

For purposes of Article VII of RCW 77.17.010 (as recodified by this act), the term "licensing authority," with reference to this state, means the department. The director is authorized to appoint a compact administrator.

**Sec. 257.** RCW 77.18.010 and 1993 sp.s. c 2 s 76 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) (~~"Department" means the department of fish and wildlife.~~

~~(2))~~ (2) "Contract" means an agreement setting at a minimum, price, quantity of fish to be delivered, time of delivery, and fish health requirements.

~~((3))~~ (2) "Fish health requirements" means those site specific fish health and genetic requirements actually used by the department of fish and wildlife in fish stocking.

~~((4))~~ (3) "Aquatic farmer" means a private sector person who commercially farms and manages private sector cultured aquatic products on the person's own land or on land in which the person has a present right of possession.

~~((5) "Person" means a natural person, corporation, trust, or other legal entity.)~~

(4) "Warm water game fish" includes the following species: Bass, channel catfish, walleye, crappie, and other species as defined by the department.

**Sec. 258.** RCW 77.21.090 and 1993 c 82 s 5 are each amended to read as follows:

(1) Upon receipt of a report of failure to comply with the terms of a citation from the licensing authority of a state that is a party to the wildlife violator compact under RCW 77.17.010 (as recodified by this act), the department shall suspend the violator's license privileges under this title until satisfactory evidence of compliance with the terms of the wildlife citation has been furnished by the issuing state to the department. The department shall adopt by rule procedures for the timely notification and administrative review of such suspension of licensing privileges.

(2) Upon receipt of a report of a conviction from the licensing authority of a state that is a party to the wildlife violator compact under RCW 77.17.010 (as recodified by this act), the department shall enter such conviction in its records and shall treat such conviction as if it occurred in the state of Washington for the purposes of suspension, revocation, or forfeiture of license privileges.

**Sec. 259.** RCW 77.32.014 and 1998 c 191 s 8 are each amended to read as follows:

(1) Licenses, tags, and stamps issued pursuant to this chapter shall be invalid for any period in which a person is certified by the department of social and health services or a court of competent jurisdiction as a person in noncompliance with a support order. Fish and wildlife officers and ex officio fish and wildlife officers shall enforce this section through checks of the department of licensing's computer data base. A listing on the department of licensing's data base that an individual's license is currently suspended pursuant to RCW 46.20.291(~~((7))~~) (8) shall be prima facie evidence that the individual is in noncompliance with a support order. Presentation of a written release issued by the department of social and health services stating that the person is in compliance with an order shall serve as prima facie proof of compliance with a support order.

(2) It is unlawful to purchase, obtain, or possess a license required by this chapter during any period in which a license is suspended.

**Sec. 260.** RCW 77.32.199 and 1987 c 372 s 4 are each amended to read as follows:

The ~~((commission))~~ director may revoke the trapper's license of a person placing unauthorized traps on private property and may remove those traps.

**Sec. 261.** RCW 77.32.350 and 1998 c 191 s 25 are each amended to read as follows:

In addition to a small game hunting license, a supplemental permit or stamp is required to hunt for western Washington pheasant or migratory birds.

(1) A western Washington pheasant permit is required to hunt for pheasant in western Washington. Western Washington pheasant permits must contain numbered spaces for recording the location and date of harvest of each western Washington pheasant. ~~((It is unlawful to harvest a western Washington pheasant without immediately recording this information on the permit.))~~

(2) The permit shall be available as a season option, a youth full season option, or a three-day option. The fee for this permit is:

(a) For the resident and nonresident full season option, thirty-six dollars;

(b) For the youth full season option, eighteen dollars;

(c) For the three-day option, twenty dollars.

(3) A migratory bird stamp affixed to a hunting license designated by rule of the commission is required for all persons sixteen years of age or older to hunt migratory birds. The fee for the stamp for hunters is six dollars for residents and nonresidents. The fee for the stamp for collectors is six dollars.

(4) The migratory bird stamp shall be validated by the signature of the licensee written across the face of the stamp.

**Sec. 262.** RCW 77.32.380 and 1998 c 87 s 1 are each amended to read as follows:

(1) Persons who enter upon or use clearly identified department improved access facilities with a motor vehicle may be required to display a current annual fish and wildlife lands vehicle use permit on the motor vehicle while within or while using an improved access facility. An "improved access facility" is a clearly identified area specifically created for motor vehicle parking, and includes any boat launch or boat ramp associated with the parking area, but does not include the department parking facilities at the Gorge Concert Center near George, Washington. The vehicle use permit is issued in the form of a decal. One decal shall be issued at no charge with each annual saltwater, freshwater, combination, small game hunting, big game hunting, and trapping license issued by the department. The annual fee for a fish and wildlife lands vehicle use permit, if purchased separately, is ten dollars. A person to whom the department has issued a decal or who has purchased a vehicle use permit separately may purchase a decal from the department for each additional vehicle owned by the person at a cost of five dollars per decal upon a showing of proof to the department that the person owns the additional vehicle or vehicles. Revenue derived from the sale of fish and wildlife lands vehicle use permits shall be used solely for the stewardship and maintenance of department improved access facilities. ~~((Revenue derived from the sale of fish and wildlife lands vehicle use permits shall be used solely for the stewardship and maintenance of department improved access facilities.))~~

Youth groups may use department improved access facilities without possessing a vehicle use permit when accompanied by a vehicle use permit holder.

The department may accept contributions into the state wildlife fund for the sound stewardship of fish and wildlife. Contributors shall be known as "conservation patrons" and, for contributions of twenty dollars or more, shall receive a fish and wildlife lands vehicle use permit free of charge.

(2) The decal must be affixed in a permanent manner to the motor vehicle before entering upon or using the motor vehicle on a department improved access facility, and must be displayed on the rear window of the motor vehicle, or, if the motor vehicle does not have a rear window, on the rear of the motor vehicle.

(3) Failure to display the fish and wildlife lands vehicle use permit if required by this section is an infraction under chapter 7.84 RCW, and department employees are authorized to issue a notice of infraction to the registered owner of any motor vehicle entering upon or using a department improved

access facility without such a decal. The penalty for failure to display or improper display of the decal is sixty-six dollars.

**Sec. 263.** RCW 77.32.420 and 1998 c 191 s 4 are each amended to read as follows:

~~((4))~~ Recreational licenses are not transferable. Upon request of a fish and wildlife officer, ex officio fish and wildlife officer, or authorized fish and wildlife employee, a person digging for, fishing for, or possessing shellfish, or seaweed or fishing for or possessing food fish or game fish for personal use shall exhibit the required recreational license and write his or her signature for comparison with the signature on the license. Failure to comply with the request is prima facie evidence that the person does not have a license or is not the person named on the license.

~~((2) The personal use shellfish and seaweed license shall be visible on the licensee while harvesting shellfish or seaweed.)~~

### Repealed Sections

NEW SECTION. **Sec. 264.** The following acts or parts of acts are each repealed:

- (1) RCW 77.08.070 ("Raffle" defined) and 1996 c 101 s 4;
- (2) RCW 77.16.210 (Fishways to be provided and maintained) and 1980 c 78 s 88 & 1955 c 36 s 77.16.210;
- (3) RCW 77.16.220 (Diversion of water--Screen, bypass required) and 1998 c 190 s 122, 1980 c 78 s 89, & 1955 c 36 s 77.16.220;
- (4) RCW 77.16.290 (Law enforcement officers, exemption) and 1994 sp.s. c 7 s 444, 1980 c 78 s 95, & 1955 c 36 s 77.16.290;
- (5) RCW 77.16.340 (Obstructing the taking of fish or wildlife--Penalty--Defenses) and 1988 c 265 s 1;
- (6) RCW 77.16.350 (Obstructing the taking of fish or wildlife--Civil action) and 1988 c 265 s 2;
- (7) RCW 77.21.020 (Revocation of hunting license for big game violation--Subsequent issuance--Appeal) and 1998 c 191 s 35, 1987 c 506 s 70, 1980 c 78 s 124, & 1975 1st ex.s. c 6 s 1;
- (8) RCW 77.21.030 (Revocation for shooting person or livestock--Subsequent issuance) and 1998 c 191 s 36, 1987 c 506 s 71, 1980 c 78 s 123, & 1955 c 36 s 77.32.280;
- (9) RCW 77.21.070 (Illegal killing or possession of wildlife--Restitution to state--Amounts--Bail--License revoked) and 1997 c 226 s 2, 1989 c 11 s 28, 1987 c 506 s 74, 1986 c 318 s 1, 1984 c 258 s 336, & 1983 1st ex.s. c 8 s 3;
- (10) RCW 77.32.005 (Definitions) and 1998 c 191 s 6, 1989 c 305 s 17, 1980 c 78 s 102, 1961 c 94 s 1, & 1957 c 176 s 14;
- (11) RCW 77.32.060 (Licenses, permits, tags, stamps, and raffle tickets--Amount of fees to be retained by license dealers) and 1998 c 245 s 160, 1996 c 101 s 9, 1995 c 116 s 2, 1987 c 506 s 78, 1985 c 464 s 1, 1981 c 310 s 17, 1980 c 78 s 107, 1979 ex.s. c 3 s 3, 1970 ex.s. c 29 s 2, 1957 c 176 s 2, & 1955 c 36 s 77.32.060; and
- (12) RCW 77.44.020 (Species included in term "warm water game fish") and 1996 c 222 s 2.

### Recodified Sections

NEW SECTION. **Sec. 265.** RCW 77.04.100, 77.16.020, 77.16.095, and 77.21.080 are each recodified as sections in chapter 77.12 RCW.

NEW SECTION. **Sec. 266.** RCW 77.12.080, 77.12.090, 77.12.095, 77.12.101, 77.12.103, 77.16.070, 77.16.360, and 77.21.090 are each recodified as sections in chapter 77.15 RCW.

NEW SECTION. **Sec. 267.** RCW 77.12.530, 77.12.770, 77.12.780, 77.16.010, and 77.16.170 are each recodified as sections in chapter 77.32 RCW.



NEW SECTION. Sec. 268. RCW 77.18.005, 77.18.010, 77.18.020, and 77.18.030 are recodified as sections in chapter 77.44 RCW."

On page 1, line 1 of the title, after "wildlife;" strike the remainder of the title and insert "amending RCW 75.08.012, 75.08.020, 75.08.045, 75.08.055, 75.08.080, 75.08.206, 75.08.208, 75.08.230, 75.08.245, 75.10.150, 75.12.230, 75.20.061, 75.20.098, 75.20.100, 75.20.1001, 75.20.104, 75.20.1041, 75.20.106, 75.20.130, 75.20.320, 75.24.060, 75.24.065, 75.24.070, 75.24.100, 75.24.130, 75.25.092, 75.28.011, 75.28.020, 75.28.034, 75.28.042, 75.28.046, 75.28.047, 75.28.048, 75.28.055, 75.28.095, 75.28.110, 75.28.113, 75.28.116, 75.28.120, 75.28.125, 75.28.130, 75.28.132, 75.28.133, 75.28.280, 75.28.290, 75.28.300, 75.28.323, 75.28.340, 75.28.730, 75.28.740, 75.28.760, 75.28.770, 75.28.780, 75.30.021, 75.30.050, 75.30.060, 75.30.065, 75.30.070, 75.30.090, 75.30.100, 75.30.120, 75.30.125, 75.30.130, 75.30.140, 75.30.170, 75.30.180, 75.30.210, 75.30.220, 75.30.250, 75.30.270, 75.30.280, 75.30.290, 75.30.300, 75.30.320, 75.30.330, 75.30.350, 75.30.370, 75.30.380, 75.30.390, 75.30.420, 75.30.440, 75.30.460, 75.30.470, 75.40.020, 75.40.110, 75.44.100, 75.44.120, 75.44.130, 75.44.150, 75.46.010, 75.46.040, 75.46.050, 75.46.070, 75.46.080, 75.46.090, 75.46.110, 75.46.120, 75.46.130, 75.48.100, 75.50.080, 75.50.105, 75.50.115, 75.50.160, 75.52.020, 75.52.050, 75.52.070, 75.52.100, 75.52.110, 75.52.130, 75.52.140, 75.52.160, 75.54.140, 75.54.150, 75.56.050, 75.58.010, 75.58.020, 75.58.030, 77.04.010, 77.04.020, 77.04.030, 77.04.055, 77.04.080, 77.04.100, 77.08.010, 77.12.010, 77.12.035, 77.12.055, 77.12.080, 77.12.090, 77.12.103, 77.12.200, 77.12.204, 77.12.210, 77.12.220, 77.12.250, 77.12.315, 77.12.470, 77.12.480, 77.12.490, 77.12.610, 77.12.620, 77.12.630, 77.12.830, 77.15.070, 77.15.080, 77.15.090, 77.15.100, 77.15.120, 77.15.160, 77.15.300, 77.15.310, 77.15.320, 77.15.350, 77.15.360, 77.15.380, 77.15.390, 77.15.470, 77.15.480, 77.15.500, 77.15.530, 77.15.540, 77.15.570, 77.15.580, 77.15.620, 77.15.630, 77.15.640, 77.15.650, 77.16.020, 77.16.360, 77.17.020, 77.18.010, 77.21.090, 77.32.014, 77.32.199, 77.32.350, 77.32.380, and 77.32.420; reenacting and amending RCW 75.50.100 and 75.50.110; adding new sections to chapter 77.04 RCW; adding new sections to chapter 77.08 RCW; adding new sections to chapter 77.12 RCW; adding new sections to chapter 77.15 RCW; adding new sections to chapter 77.32 RCW; adding new sections to chapter 77.44 RCW; adding new chapters to Title 77 RCW; recodifying RCW 75.08.012, 75.08.013, 75.08.020, 75.08.090, 75.08.110, 75.08.025, 75.08.040, 75.08.045, 75.08.055, 75.08.058, 75.08.065, 75.08.070, 75.08.080, 75.08.120, 75.08.160, 75.08.206, 75.08.208, 75.08.230, 75.08.235, 75.08.255, 75.08.265, 75.08.285, 75.08.295, 75.08.300, 75.12.010, 75.12.015, 75.12.040, 75.12.132, 75.12.140, 75.12.155, 75.12.210, 75.12.230, 75.12.390, 75.12.440, 75.12.650, 75.20.005, 75.20.015, 75.20.025, 75.20.040, 75.20.050, 75.20.060, 75.20.061, 75.20.090, 75.20.098, 75.20.100, 75.20.1001, 75.20.103, 75.20.104, 75.20.1041, 75.20.106, 75.20.108, 75.20.110, 75.20.130, 75.20.140, 75.20.150, 75.20.160, 75.20.170, 75.20.180, 75.20.190, 75.20.310, 75.20.320, 75.20.325, 75.20.330, 75.20.340, 75.20.350, 77.12.830, 75.24.010, 75.24.030, 75.24.060, 75.24.065, 75.24.070, 75.24.080, 75.24.100, 75.24.110, 75.24.120, 75.24.130, 75.24.140, 75.24.150, 75.28.010, 75.28.011, 75.28.014, 75.28.020, 75.28.030, 75.28.034, 75.28.040, 75.28.042, 75.28.044, 75.28.045, 75.28.046, 75.28.047, 75.28.048, 75.28.055, 75.28.095, 75.28.110, 75.28.113, 75.28.116, 75.28.120, 75.28.125, 75.28.130, 75.28.132, 75.28.133, 75.28.280, 75.28.290, 75.28.295, 75.28.300, 75.28.302, 75.28.305, 75.28.315, 75.28.323, 75.28.328, 75.28.340, 75.28.690, 75.28.700, 75.28.710, 75.28.720, 75.28.730, 75.28.740, 75.28.750, 75.28.760, 75.28.770, 75.28.780, 75.28.900, 77.32.191, 77.32.197, 77.32.199, 77.32.211, 75.30.015, 75.30.021, 75.30.050, 75.30.060, 75.30.065, 75.30.070, 75.30.090, 75.30.100, 75.30.120, 75.30.125, 75.30.130, 75.30.140, 75.30.170, 75.30.180, 75.30.210, 75.30.220, 75.30.230, 75.30.240, 75.30.250, 75.30.260, 75.30.270, 75.30.280, 75.30.290, 75.30.300, 75.30.310, 75.30.320, 75.30.330, 75.30.350, 75.30.360, 75.30.370, 75.30.380, 75.30.390, 75.30.410, 75.30.420, 75.30.430, 75.30.440, 75.30.450, 75.30.460, 75.30.470, 75.30.480, 75.40.010, 75.40.020, 75.40.030, 75.40.040, 75.40.100, 75.40.110, 77.17.010, 77.17.020, 77.17.030, 77.12.450, 77.12.470, 77.12.480, 77.12.490, 75.40.060, 77.12.430, 77.12.440, 75.44.100, 75.44.110, 75.44.120, 75.44.130, 75.44.140, 75.44.150, 75.46.005, 75.46.010, 75.46.020, 75.46.030, 75.46.040,

75.46.050, 75.46.060, 75.46.070, 75.46.080, 75.46.090, 75.46.100, 75.46.110, 75.46.120, 75.46.130, 75.56.050, 75.46.900, 75.48.020, 75.48.040, 75.48.050, 75.48.060, 75.48.070, 75.48.080, 75.48.100, 75.48.110, 75.50.010, 75.50.020, 75.50.030, 75.50.040, 75.50.060, 75.50.070, 75.50.080, 75.50.090, 75.50.100, 75.50.105, 75.50.110, 75.50.115, 75.50.125, 75.50.130, 75.50.150, 75.50.160, 75.50.165, 75.50.170, 75.50.180, 75.50.190, 75.08.245, 75.08.400, 75.08.410, 75.08.420, 75.08.430, 75.08.440, 75.08.450, 75.08.500, 75.08.510, 75.08.520, 75.08.530, 75.50.900, 75.52.010, 75.52.020, 75.52.030, 75.52.035, 75.52.040, 75.52.050, 75.52.060, 75.52.070, 75.08.047, 75.52.080, 75.52.100, 75.52.110, 75.52.120, 75.52.130, 75.52.140, 75.52.150, 75.52.160, 75.52.900, 75.54.005, 75.54.010, 75.54.020, 75.54.030, 75.54.040, 75.54.050, 75.54.060, 75.54.070, 75.54.080, 75.54.090, 75.54.100, 75.54.110, 75.54.120, 75.54.130, 75.54.140, 75.54.150, 75.54.900, 75.54.901, 75.56.010, 75.56.020, 75.56.030, 75.56.040, 75.56.900, 75.56.905, 75.58.010, 75.58.020, 75.58.030, 75.58.040, 75.25.092, 75.10.150, 77.04.100, 77.16.020, 77.16.095, 77.21.080, 77.12.080, 77.12.090, 77.12.095, 77.12.101, 77.12.103, 77.16.070, 77.16.360, 77.21.090, 77.12.530, 77.12.770, 77.12.780, 77.16.010, 77.16.170, 77.18.005, 77.18.010, 77.18.020, and 77.18.030; decodifying RCW 75.25.901, 75.25.902, 75.30.055, 75.98.005, 75.98.006, 75.98.007, and 75.98.030; and repealing RCW 75.08.010, 75.08.011, 75.08.014, 75.08.035, 75.08.274, 75.10.070, 75.10.160, 75.25.090, 75.25.160, 75.25.210, 75.28.012, 75.28.335, 75.30.160, 77.08.070, 77.16.210, 77.16.220, 77.16.290, 77.16.340, 77.16.350, 77.21.020, 77.21.030, 77.21.070, 77.32.005, 77.32.060, and 77.44.020."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House refused to concur in the Senate Amendment(s) to Engrossed Substitute House Bill No. 2078 and asked the Senate to recede therefrom.

### SENATE AMENDMENTS TO HOUSE BILL

April 6, 1999

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1299 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9.94A.150 and 1996 c 199 s 2 are each amended to read as follows:

No person serving a sentence imposed pursuant to this chapter and committed to the custody of the department shall leave the confines of the correctional facility or be released prior to the expiration of the sentence except as follows:

(1) Except as otherwise provided for in subsection (2) of this section, the term of the sentence of an offender committed to a correctional facility operated by the department, may be reduced by earned early release time in accordance with procedures that shall be developed and promulgated by the correctional agency having jurisdiction in which the offender is confined. The earned early release time shall be for good behavior and good performance, as determined by the correctional agency having jurisdiction. The correctional agency shall not credit the offender with earned early release credits in advance of the offender actually earning the credits. Any program established pursuant to this section shall allow an offender to earn early release credits for presentence incarceration. If an offender is transferred from a county jail to the department of corrections, the county jail facility shall certify to the department the amount of time spent in custody at the facility and the amount of earned early release time. In the case of an offender who has been convicted of a felony committed after July 23, 1995, that involves any applicable deadly weapon enhancements under RCW 9.94A.310 (3) or (4), or both, shall not receive any good time credits or earned early release time for that portion of his or

her sentence that results from any deadly weapon enhancements. In the case of an offender convicted of a serious violent offense or a sex offense that is a class A felony committed on or after July 1, 1990, the aggregate earned early release time may not exceed fifteen percent of the sentence. In no other case shall the aggregate earned early release time exceed one-third of the total sentence;

(2) A person convicted of a sex offense or an offense categorized as a serious violent offense, assault in the second degree, vehicular homicide, vehicular assault, assault of a child in the second degree, any crime against a person where it is determined in accordance with RCW 9.94A.125 that the defendant or an accomplice was armed with a deadly weapon at the time of commission, or any felony offense under chapter 69.50 or 69.52 RCW may become eligible, in accordance with a program developed by the department, for transfer to community custody status in lieu of earned early release time pursuant to subsection (1) of this section;

(3) An offender may leave a correctional facility pursuant to an authorized furlough or leave of absence. In addition, offenders may leave a correctional facility when in the custody of a corrections officer or officers;

(4)(a) The secretary of corrections may authorize an extraordinary medical placement for an offender when all of the following conditions exist:

(i) The offender has a medical condition that is serious enough to require costly care or treatment;

(ii) The offender poses a low risk to the community because he or she is physically incapacitated due to age or the medical condition; and

(iii) Granting the extraordinary medical placement will result in a cost savings to the state.

(b) An offender sentenced to death or to life imprisonment without the possibility of release or parole is not eligible for an extraordinary medical placement under this subsection.

(c) The secretary shall require electronic monitoring for all offenders in extraordinary medical placement unless the electronic monitoring equipment interferes with the function of the offender's medical equipment or results in the loss of funding for the offender's medical care. The secretary shall specify who shall provide the monitoring services and the terms under which the monitoring shall be performed.

(d) The secretary may revoke an extraordinary medical placement under this subsection at any time.

(5) The governor, upon recommendation from the clemency and pardons board, may grant an extraordinary release for reasons of serious health problems, senility, advanced age, extraordinary meritorious acts, or other extraordinary circumstances;

~~((5))~~ (6) No more than the final six months of the sentence may be served in partial confinement designed to aid the offender in finding work and reestablishing himself or herself in the community;

~~((6))~~ (7) The governor may pardon any offender;

~~((7))~~ (8) The department of corrections may release an offender from confinement any time within ten days before a release date calculated under this section; and

~~((8))~~ (9) An offender may leave a correctional facility prior to completion of his or her sentence if the sentence has been reduced as provided in RCW 9.94A.160.

Notwithstanding any other provisions of this section, an offender sentenced for a felony crime listed in RCW 9.94A.120(4) as subject to a mandatory minimum sentence of total confinement shall not be released from total confinement before the completion of the listed mandatory minimum sentence for that felony crime of conviction unless allowed under RCW 9.94A.120(4).

**Sec. 2.** RCW 9.94A.120 and 1998 c 260 s 3 are each amended to read as follows:

When a person is convicted of a felony, the court shall impose punishment as provided in this section.

(1) Except as authorized in subsections (2), (4), (5), (6), and (8) of this section, the court shall impose a sentence within the sentence range for the offense.

(2) The court may impose a sentence outside the standard sentence range for that offense if it finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(3) Whenever a sentence outside the standard range is imposed, the court shall set forth the reasons for its decision in written findings of fact and conclusions of law. A sentence outside the standard range shall be a determinate sentence.

(4) A persistent offender shall be sentenced to a term of total confinement for life without the possibility of parole or, when authorized by RCW 10.95.030 for the crime of aggravated murder in the first degree, sentenced to death, notwithstanding the maximum sentence under any other law. An offender convicted of the crime of murder in the first degree shall be sentenced to a term of total confinement not less than twenty years. An offender convicted of the crime of assault in the first degree or assault of a child in the first degree where the offender used force or means likely to result in death or intended to kill the victim shall be sentenced to a term of total confinement not less than five years. An offender convicted of the crime of rape in the first degree shall be sentenced to a term of total confinement not less than five years. The foregoing minimum terms of total confinement are mandatory and shall not be varied or modified as provided in subsection (2) of this section. In addition, all offenders subject to the provisions of this subsection shall not be eligible for community custody, earned early release time, furlough, home detention, partial confinement, work crew, work release, or any other form of early release as defined under RCW 9.94A.150 (1), (2), (3), (5), (7), or (8), or any other form of authorized leave of absence from the correctional facility while not in the direct custody of a corrections officer or officers during such minimum terms of total confinement except: (a) In the case of an offender in need of emergency medical treatment ((~~or~~)); (b) for the purpose of commitment to an inpatient treatment facility in the case of an offender convicted of the crime of rape in the first degree; or (c) for an extraordinary medical placement when authorized under RCW 9.94A.150(4).

(5) In sentencing a first-time offender the court may waive the imposition of a sentence within the sentence range and impose a sentence which may include up to ninety days of confinement in a facility operated or utilized under contract by the county and a requirement that the offender refrain from committing new offenses. The sentence may also include up to two years of community supervision, which, in addition to crime-related prohibitions, may include requirements that the offender perform any one or more of the following:

- (a) Devote time to a specific employment or occupation;
- (b) Undergo available outpatient treatment for up to two years, or inpatient treatment not to exceed the standard range of confinement for that offense;
- (c) Pursue a prescribed, secular course of study or vocational training;
- (d) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;
- (e) Report as directed to the court and a community corrections officer; or
- (f) Pay all court-ordered legal financial obligations as provided in RCW 9.94A.030 and/or perform community service work.

(6)(a) An offender is eligible for the special drug offender sentencing alternative if:

(i) The offender is convicted of the manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance classified in Schedule I or II that is a narcotic drug or a felony that is, under chapter 9A.28 RCW or RCW 69.50.407, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes, and the violation does not involve a sentence enhancement under RCW 9.94A.310 (3) or (4);

(ii) The offender has no prior convictions for a felony in this state, another state, or the United States; and

(iii) The offense involved only a small quantity of the particular controlled substance as determined by the judge upon consideration of such factors as the weight, purity, packaging, sale price, and street value of the controlled substance.

(b) If the midpoint of the standard range is greater than one year and the sentencing judge determines that the offender is eligible for this option and that the offender and the community will benefit from the use of the special drug offender sentencing alternative, the judge may waive imposition of a sentence within the standard range and impose a sentence that must include a period of total confinement in a state facility for one-half of the midpoint of the standard range. During incarceration in the state facility, offenders sentenced under this subsection shall undergo a

comprehensive substance abuse assessment and receive, within available resources, treatment services appropriate for the offender. The treatment services shall be designed by the division of alcohol and substance abuse of the department of social and health services, in cooperation with the department of corrections. If the midpoint of the standard range is twenty-four months or less, no more than three months of the sentence may be served in a work release status. The court shall also impose one year of concurrent community custody and community supervision that must include appropriate outpatient substance abuse treatment, crime-related prohibitions including a condition not to use illegal controlled substances, and a requirement to submit to urinalysis or other testing to monitor that status. The court may require that the monitoring for controlled substances be conducted by the department or by a treatment alternatives to street crime program or a comparable court or agency-referred program. The offender may be required to pay thirty dollars per month while on community custody to offset the cost of monitoring. In addition, the court shall impose three or more of the following conditions:

- (i) Devote time to a specific employment or training;
- (ii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer before any change in the offender's address or employment;
- (iii) Report as directed to a community corrections officer;
- (iv) Pay all court-ordered legal financial obligations;
- (v) Perform community service work;
- (vi) Stay out of areas designated by the sentencing judge.

(c) If the offender violates any of the sentence conditions in (b) of this subsection, the department shall impose sanctions administratively, with notice to the prosecuting attorney and the sentencing court. Upon motion of the court or the prosecuting attorney, a violation hearing shall be held by the court. If the court finds that conditions have been willfully violated, the court may impose confinement consisting of up to the remaining one-half of the midpoint of the standard range. All total confinement served during the period of community custody shall be credited to the offender, regardless of whether the total confinement is served as a result of the original sentence, as a result of a sanction imposed by the department, or as a result of a violation found by the court. The term of community supervision shall be tolled by any period of time served in total confinement as a result of a violation found by the court.

(d) The department shall determine the rules for calculating the value of a day fine based on the offender's income and reasonable obligations which the offender has for the support of the offender and any dependents. These rules shall be developed in consultation with the administrator for the courts, the office of financial management, and the commission.

(7) If a sentence range has not been established for the defendant's crime, the court shall impose a determinate sentence which may include not more than one year of confinement, community service work, a term of community supervision not to exceed one year, and/or other legal financial obligations. The court may impose a sentence which provides more than one year of confinement if the court finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(8)(a)(i) When an offender is convicted of a sex offense other than a violation of RCW 9A.44.050 or a sex offense that is also a serious violent offense and has no prior convictions for a sex offense or any other felony sex offenses in this or any other state, the sentencing court, on its own motion or the motion of the state or the defendant, may order an examination to determine whether the defendant is amenable to treatment.

The report of the examination shall include at a minimum the following: The defendant's version of the facts and the official version of the facts, the defendant's offense history, an assessment of problems in addition to alleged deviant behaviors, the offender's social and employment situation, and other evaluation measures used. The report shall set forth the sources of the evaluator's information.

The examiner shall assess and report regarding the defendant's amenability to treatment and relative risk to the community. A proposed treatment plan shall be provided and shall include, at a minimum:

- (A) Frequency and type of contact between offender and therapist;

(B) Specific issues to be addressed in the treatment and description of planned treatment modalities;

(C) Monitoring plans, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members and others;

(D) Anticipated length of treatment; and

(E) Recommended crime-related prohibitions.

The court on its own motion may order, or on a motion by the state shall order, a second examination regarding the offender's amenability to treatment. The evaluator shall be selected by the party making the motion. The defendant shall pay the cost of any second examination ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost.

(ii) After receipt of the reports, the court shall consider whether the offender and the community will benefit from use of this special sex offender sentencing alternative and consider the victim's opinion whether the offender should receive a treatment disposition under this subsection. If the court determines that this special sex offender sentencing alternative is appropriate, the court shall then impose a sentence within the sentence range. If this sentence is less than eleven years of confinement, the court may suspend the execution of the sentence and impose the following conditions of suspension:

(A) The court shall place the defendant on community custody for the length of the suspended sentence or three years, whichever is greater, and require the offender to comply with any conditions imposed by the department of corrections under subsection (14) of this section;

(B) The court shall order treatment for any period up to three years in duration. The court in its discretion shall order outpatient sex offender treatment or inpatient sex offender treatment, if available. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment. The offender shall not change sex offender treatment providers or treatment conditions without first notifying the prosecutor, the community corrections officer, and the court, and shall not change providers without court approval after a hearing if the prosecutor or community corrections officer object to the change. In addition, as conditions of the suspended sentence, the court may impose other sentence conditions including up to six months of confinement, not to exceed the sentence range of confinement for that offense, crime-related prohibitions, and requirements that the offender perform any one or more of the following:

(I) Devote time to a specific employment or occupation;

(II) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;

(III) Report as directed to the court and a community corrections officer;

(IV) Pay all court-ordered legal financial obligations as provided in RCW 9.94A.030, perform community service work, or any combination thereof; or

(V) Make recoupment to the victim for the cost of any counseling required as a result of the offender's crime; and

(C) Sex offenders sentenced under this special sex offender sentencing alternative are not eligible to accrue any earned early release time while serving a suspended sentence.

(iii) The sex offender therapist shall submit quarterly reports on the defendant's progress in treatment to the court and the parties. The report shall reference the treatment plan and include at a minimum the following: Dates of attendance, defendant's compliance with requirements, treatment activities, the defendant's relative progress in treatment, and any other material as specified by the court at sentencing.

(iv) At the time of sentencing, the court shall set a treatment termination hearing for three months prior to the anticipated date for completion of treatment. Prior to the treatment termination hearing, the treatment professional and community corrections officer shall submit written reports to the court and parties regarding the defendant's compliance with treatment and monitoring requirements, and recommendations regarding termination from treatment, including proposed community supervision conditions. Either party may request and the court may order another evaluation regarding the advisability of termination from treatment. The defendant shall pay the cost of any additional evaluation ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost. At the treatment termination hearing the court may: (A) Modify conditions of community

custody, and either (B) terminate treatment, or (C) extend treatment for up to the remaining period of community custody.

(v) If a violation of conditions occurs during community custody, the department shall either impose sanctions as provided for in RCW 9.94A.205(2)(a) or refer the violation to the court and recommend revocation of the suspended sentence as provided for in (a)(vi) of this subsection.

(vi) The court may revoke the suspended sentence at any time during the period of community custody and order execution of the sentence if: (A) The defendant violates the conditions of the suspended sentence, or (B) the court finds that the defendant is failing to make satisfactory progress in treatment. All confinement time served during the period of community custody shall be credited to the offender if the suspended sentence is revoked.

(vii) Except as provided in (a)(viii) of this subsection, after July 1, 1991, examinations and treatment ordered pursuant to this subsection shall only be conducted by sex offender treatment providers certified by the department of health pursuant to chapter 18.155 RCW.

(viii) A sex offender therapist who examines or treats a sex offender pursuant to this subsection (8) does not have to be certified by the department of health pursuant to chapter 18.155 RCW if the court finds that: (A) The offender has already moved to another state or plans to move to another state for reasons other than circumventing the certification requirements; (B) no certified providers are available for treatment within a reasonable geographical distance of the offender's home; and (C) the evaluation and treatment plan comply with this subsection (8) and the rules adopted by the department of health.

(ix) For purposes of this subsection (8), "victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a result of the crime charged. "Victim" also means a parent or guardian of a victim who is a minor child unless the parent or guardian is the perpetrator of the offense.

(x) If the defendant was less than eighteen years of age when the charge was filed, the state shall pay for the cost of initial evaluation and treatment.

(b) When an offender commits any felony sex offense on or after July 1, 1987, and is sentenced to a term of confinement of more than one year but less than six years, the sentencing court may, on its own motion or on the motion of the offender or the state, request the department of corrections to evaluate whether the offender is amenable to treatment and the department may place the offender in a treatment program within a correctional facility operated by the department.

Except for an offender who has been convicted of a violation of RCW 9A.44.040 or 9A.44.050, if the offender completes the treatment program before the expiration of his or her term of confinement, the department of corrections may request the court to convert the balance of confinement to community supervision and to place conditions on the offender including crime-related prohibitions and requirements that the offender perform any one or more of the following:

- (i) Devote time to a specific employment or occupation;
- (ii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;
- (iii) Report as directed to the court and a community corrections officer;
- (iv) Undergo available outpatient treatment.

If the offender violates any of the terms of his or her community supervision, the court may order the offender to serve out the balance of his or her community supervision term in confinement in the custody of the department of corrections.

Nothing in this subsection (8)(b) shall confer eligibility for such programs for offenders convicted and sentenced for a sex offense committed prior to July 1, 1987. This subsection (8)(b) does not apply to any crime committed after July 1, 1990.

(c) Offenders convicted and sentenced for a sex offense committed prior to July 1, 1987, may, subject to available funds, request an evaluation by the department of corrections to determine whether they are amenable to treatment. If the offender is determined to be amenable to treatment, the offender may request placement in a treatment program within a correctional facility operated by the department. Placement in such treatment program is subject to available funds.

(9)(a) When a court sentences a person to a term of total confinement to the custody of the department of corrections for an offense categorized as a sex offense or a serious violent offense

committed after July 1, 1988, but before July 1, 1990, assault in the second degree, assault of a child in the second degree, any crime against a person where it is determined in accordance with RCW 9.94A.125 that the defendant or an accomplice was armed with a deadly weapon at the time of commission, or any felony offense under chapter 69.50 or 69.52 RCW not sentenced under subsection (6) of this section, committed on or after July 1, 1988, the court shall in addition to the other terms of the sentence, sentence the offender to a one-year term of community placement beginning either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned early release in accordance with RCW 9.94A.150 (1) and (2). When the court sentences an offender under this subsection to the statutory maximum period of confinement then the community placement portion of the sentence shall consist entirely of such community custody to which the offender may become eligible, in accordance with RCW 9.94A.150 (1) and (2). Any period of community custody actually served shall be credited against the community placement portion of the sentence.

(b) When a court sentences a person to a term of total confinement to the custody of the department of corrections for an offense categorized as a sex offense committed on or after July 1, 1990, but before June 6, 1996, a serious violent offense, vehicular homicide, or vehicular assault, committed on or after July 1, 1990, the court shall in addition to other terms of the sentence, sentence the offender to community placement for two years or up to the period of earned early release awarded pursuant to RCW 9.94A.150 (1) and (2), whichever is longer. The community placement shall begin either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned early release in accordance with RCW 9.94A.150 (1) and (2). When the court sentences an offender under this subsection to the statutory maximum period of confinement then the community placement portion of the sentence shall consist entirely of the community custody to which the offender may become eligible, in accordance with RCW 9.94A.150 (1) and (2). Any period of community custody actually served shall be credited against the community placement portion of the sentence. Unless a condition is waived by the court, the terms of community placement for offenders sentenced pursuant to this section shall include the following conditions:

- (i) The offender shall report to and be available for contact with the assigned community corrections officer as directed;
- (ii) The offender shall work at department of corrections-approved education, employment, and/or community service;
- (iii) The offender shall not possess or consume controlled substances except pursuant to lawfully issued prescriptions;
- (iv) The offender shall pay supervision fees as determined by the department of corrections;
- (v) The residence location and living arrangements are subject to the prior approval of the department of corrections during the period of community placement; and
- (vi) The offender shall submit to affirmative acts necessary to monitor compliance with the orders of the court as required by the department.

(c) As a part of any sentence imposed under (a) or (b) of this subsection, the court may also order any of the following special conditions:

- (i) The offender shall remain within, or outside of, a specified geographical boundary;
- (ii) The offender shall not have direct or indirect contact with the victim of the crime or a specified class of individuals;
- (iii) The offender shall participate in crime-related treatment or counseling services;
- (iv) The offender shall not consume alcohol;
- (v) The offender shall comply with any crime-related prohibitions; or
- (vi) For an offender convicted of a felony sex offense against a minor victim after June 6, 1996, the offender shall comply with any terms and conditions of community placement imposed by the department of corrections relating to contact between the sex offender and a minor victim or a child of similar age or circumstance as a previous victim.

(d) Prior to transfer to, or during, community placement, any conditions of community placement may be removed or modified so as not to be more restrictive by the sentencing court, upon recommendation of the department of corrections.



(10)(a) When a court sentences a person to the custody of the department of corrections for an offense categorized as a sex offense committed on or after June 6, 1996, the court shall, in addition to other terms of the sentence, sentence the offender to community custody for three years or up to the period of earned early release awarded pursuant to RCW 9.94A.150 (1) and (2), whichever is longer. The community custody shall begin either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned early release in accordance with RCW 9.94A.150 (1) and (2).

(b) Unless a condition is waived by the court, the terms of community custody shall be the same as those provided for in subsection (9)(b) of this section and may include those provided for in subsection (9)(c) of this section. As part of any sentence that includes a term of community custody imposed under this subsection, the court shall also require the offender to comply with any conditions imposed by the department of corrections under subsection (14) of this section.

(c) At any time prior to the completion of a sex offender's term of community custody, if the court finds that public safety would be enhanced, the court may impose and enforce an order extending any or all of the conditions imposed pursuant to this section for a period up to the maximum allowable sentence for the crime as it is classified in chapter 9A.20 RCW, regardless of the expiration of the offender's term of community custody. If a violation of a condition extended under this subsection occurs after the expiration of the offender's term of community custody, it shall be deemed a violation of the sentence for the purposes of RCW 9.94A.195 and may be punishable as contempt of court as provided for in RCW 7.21.040.

(11) If the court imposes a sentence requiring confinement of thirty days or less, the court may, in its discretion, specify that the sentence be served on consecutive or intermittent days. A sentence requiring more than thirty days of confinement shall be served on consecutive days. Local jail administrators may schedule court-ordered intermittent sentences as space permits.

(12) If a sentence imposed includes payment of a legal financial obligation, the sentence shall specify the total amount of the legal financial obligation owed, and shall require the offender to pay a specified monthly sum toward that legal financial obligation. Restitution to victims shall be paid prior to any other payments of monetary obligations. Any legal financial obligation that is imposed by the court may be collected by the department, which shall deliver the amount paid to the county clerk for credit. The offender's compliance with payment of legal financial obligations shall be supervised by the department for ten years following the entry of the judgment and sentence or ten years following the offender's release from total confinement. All monetary payments ordered shall be paid no later than ten years after the last date of release from confinement pursuant to a felony conviction or the date the sentence was entered unless the superior court extends the criminal judgment an additional ten years. If the legal financial obligations including crime victims' assessments are not paid during the initial ten-year period, the superior court may extend jurisdiction under the criminal judgment an additional ten years as provided in RCW 9.94A.140, 9.94A.142, and 9.94A.145. If jurisdiction under the criminal judgment is extended, the department is not responsible for supervision of the offender during the subsequent period. Independent of the department, the party or entity to whom the legal financial obligation is owed shall have the authority to utilize any other remedies available to the party or entity to collect the legal financial obligation. Nothing in this section makes the department, the state, or any of its employees, agents, or other persons acting on their behalf liable under any circumstances for the payment of these legal financial obligations. If an order includes restitution as one of the monetary assessments, the county clerk shall make disbursements to victims named in the order.

(13) Except as provided under RCW 9.94A.140(1) and 9.94A.142(1), a court may not impose a sentence providing for a term of confinement or community supervision or community placement which exceeds the statutory maximum for the crime as provided in chapter 9A.20 RCW.

(14) All offenders sentenced to terms involving community supervision, community service, community placement, or legal financial obligation shall be under the supervision of the department of corrections and shall follow explicitly the instructions and conditions of the department of corrections. The department may require an offender to perform affirmative acts it deems appropriate to monitor compliance with the conditions of the sentence imposed.

(a) The instructions shall include, at a minimum, reporting as directed to a community corrections officer, remaining within prescribed geographical boundaries, notifying the community corrections officer of any change in the offender's address or employment, and paying the supervision fee assessment.

(b) For offenders sentenced to terms involving community custody for crimes committed on or after June 6, 1996, the department may include, in addition to the instructions in (a) of this subsection, any appropriate conditions of supervision, including but not limited to, prohibiting the offender from having contact with any other specified individuals or specific class of individuals. The conditions authorized under this subsection (14)(b) may be imposed by the department prior to or during an offender's community custody term. If a violation of conditions imposed by the court or the department pursuant to subsection (10) of this section occurs during community custody, it shall be deemed a violation of community placement for the purposes of RCW 9.94A.207 and shall authorize the department to transfer an offender to a more restrictive confinement status as provided in RCW 9.94A.205. At any time prior to the completion of a sex offender's term of community custody, the department may recommend to the court that any or all of the conditions imposed by the court or the department pursuant to subsection (10) of this section be continued beyond the expiration of the offender's term of community custody as authorized in subsection (10)(c) of this section.

The department may require offenders to pay for special services rendered on or after July 25, 1993, including electronic monitoring, day reporting, and telephone reporting, dependent upon the offender's ability to pay. The department may pay for these services for offenders who are not able to pay.

(15) All offenders sentenced to terms involving community supervision, community service, or community placement under the supervision of the department of corrections shall not own, use, or possess firearms or ammunition. Offenders who own, use, or are found to be in actual or constructive possession of firearms or ammunition shall be subject to the appropriate violation process and sanctions. "Constructive possession" as used in this subsection means the power and intent to control the firearm or ammunition. "Firearm" as used in this subsection means a weapon or device from which a projectile may be fired by an explosive such as gunpowder.

(16) The sentencing court shall give the offender credit for all confinement time served before the sentencing if that confinement was solely in regard to the offense for which the offender is being sentenced.

(17) A departure from the standards in RCW 9.94A.400 (1) and (2) governing whether sentences are to be served consecutively or concurrently is an exceptional sentence subject to the limitations in subsections (2) and (3) of this section, and may be appealed by the defendant or the state as set forth in RCW 9.94A.210 (2) through (6).

(18) The court shall order restitution whenever the offender is convicted of a felony that results in injury to any person or damage to or loss of property, whether the offender is sentenced to confinement or placed under community supervision, unless extraordinary circumstances exist that make restitution inappropriate in the court's judgment. The court shall set forth the extraordinary circumstances in the record if it does not order restitution.

(19) As a part of any sentence, the court may impose and enforce an order that relates directly to the circumstances of the crime for which the offender has been convicted, prohibiting the offender from having any contact with other specified individuals or a specific class of individuals for a period not to exceed the maximum allowable sentence for the crime, regardless of the expiration of the offender's term of community supervision or community placement.

(20) The court may order an offender whose sentence includes community placement or community supervision to undergo a mental status evaluation and to participate in available outpatient mental health treatment, if the court finds that reasonable grounds exist to believe that the offender is a mentally ill person as defined in RCW 71.24.025, and that this condition is likely to have influenced the offense. An order requiring mental status evaluation or treatment must be based on a presentence report and, if applicable, mental status evaluations that have been filed with the court to determine the offender's competency or eligibility for a defense of insanity. The court may order additional evaluations at a later date if deemed appropriate.

(21) In any sentence of partial confinement, the court may require the defendant to serve the partial confinement in work release, in a program of home detention, on work crew, or in a combined program of work crew and home detention.

(22) All court-ordered legal financial obligations collected by the department and remitted to the county clerk shall be credited and paid where restitution is ordered. Restitution shall be paid prior to any other payments of monetary obligations.

**Sec. 3.** RCW 9.94A.310 and 1998 c 235 s 1 and 1998 c 211 s 3 are each reenacted and amended to read as follows:

(1) TABLE 1

Sentencing Grid

SERIOUSNESS

SCORE OFFENDER SCORE

9 or

0 1 2 3 4 5 6 7 8 more

XV Life Sentence without Parole/Death Penalty

XIV 23y4m 24y4m 25y4m 26y4m 27y4m 28y4m 30y4m 32y10m 36y 40y  
240- 250- 261- 271- 281- 291- 312- 338- 370- 411-  
320 333 347 361 374 388 416 450 493 548

XIII 14y4m 15y4m 16y2m 17y 17y11m 18y9m 20y5m 22y2m 25y7m 29y  
123- 134- 144- 154- 165- 175- 195- 216- 257- 298-  
220 234 244 254 265 275 295 316 357 397

XII 9y 9y11m 10y9m 11y8m 12y6m 13y5m 15y9m 17y3m 20y3m 23y3m  
93- 102- 111- 120- 129- 138- 162- 178- 209- 240-  
123 136 147 160 171 184 216 236 277 318

XI 7y6m 8y4m 9y2m 9y11m 10y9m 11y7m 14y2m 15y5m 17y11m 20y5m  
78- 86- 95- 102- 111- 120- 146- 159- 185- 210-  
102 114 125 136 147 158 194 211 245 280

X 5y 5y6m 6y 6y6m 7y 7y6m 9y6m 10y6m 12y6m 14y6m  
51- 57- 62- 67- 72- 77- 98- 108- 129- 149-  
68 75 82 89 96 102 130 144 171 198

IX 3y 3y6m 4y 4y6m 5y 5y6m 7y6m 8y6m 10y6m 12y6m  
31- 36- 41- 46- 51- 57- 77- 87- 108- 129-  
41 48 54 61 68 75 102 116 144 171

VIII 2y 2y6m 3y 3y6m 4y 4y6m 6y6m 7y6m 8y6m 10y6m

21- 26- 31- 36- 41- 46- 67- 77- 87- 108-  
27 34 41 48 54 61 89 102 116 144

VII 18m 2y 2y6m 3y 3y6m 4y 5y6m 6y6m 7y6m 8y6m  
15- 21- 26- 31- 36- 41- 57- 67- 77- 87-  
20 27 34 41 48 54 75 89 102 116

VI 13m 18m 2y 2y6m 3y 3y6m 4y6m 5y6m 6y6m 7y6m  
12+ - 15- 21- 26- 31- 36- 46- 57- 67- 77-  
14 20 27 34 41 48 61 75 89 102

V 9m 13m 15m 18m 2y2m 3y2m 4y 5y 6y 7y  
6- 12+ - 13- 15- 22- 33- 41- 51- 62- 72-  
12 14 17 20 29 43 54 68 82 96

IV 6m 9m 13m 15m 18m 2y2m 3y2m 4y2m 5y2m 6y2m  
3- 6- 12+ - 13- 15- 22- 33- 43- 53- 63-  
9 12 14 17 20 29 43 57 70 84

III 2m 5m 8m 11m 14m 20m 2y2m 3y2m 4y2m 5y  
1- 3- 4- 9- 12+ - 17- 22- 33- 43- 51-  
3 8 12 12 16 22 29 43 57 68

II 4m 6m 8m 13m 16m 20m 2y2m 3y2m 4y2m  
0-90 2- 3- 4- 12+ - 14- 17- 22- 33- 43-  
Days 6 9 12 14 18 22 29 43 57

I 3m 4m 5m 8m 13m 16m 20m 2y2m  
0-60 0-90 2- 2- 3- 4- 12+ - 14- 17- 22-  
Days Days 5 6 8 12 14 18 22 29

NOTE: Numbers in the first horizontal row of each seriousness category represent sentencing midpoints in years(y) and months(m). Numbers in the second and third rows represent presumptive sentencing ranges in months, or in days if so designated. 12+ equals one year and one day.

(2) For persons convicted of the anticipatory offenses of criminal attempt, solicitation, or conspiracy under chapter 9A.28 RCW, the presumptive sentence is determined by locating the sentencing grid sentence range defined by the appropriate offender score and the seriousness level of the completed crime, and multiplying the range by 75 percent.

(3) The following additional times shall be added to the presumptive sentence for felony crimes committed after July 23, 1995, if the offender or an accomplice was armed with a firearm as defined in RCW 9.41.010 and the offender is being sentenced for one of the crimes listed in this subsection as eligible for any firearm enhancements based on the classification of the completed felony crime. If the offender is being sentenced for more than one offense, the firearm enhancement or enhancements must be added to the total period of confinement for all offenses, regardless of which underlying offense is subject to a firearm enhancement. If the offender or an accomplice was armed with a firearm as

defined in RCW 9.41.010 and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection as eligible for any firearm enhancements, the following additional times shall be added to the presumptive sentence determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(a) Five years for any felony defined under any law as a class A felony or with a maximum sentence of at least twenty years, or both, and not covered under (f) of this subsection.

(b) Three years for any felony defined under any law as a class B felony or with a maximum sentence of ten years, or both, and not covered under (f) of this subsection.

(c) Eighteen months for any felony defined under any law as a class C felony or with a maximum sentence of five years, or both, and not covered under (f) of this subsection.

(d) If the offender is being sentenced for any firearm enhancements under (a), (b), and/or (c) of this subsection and the offender has previously been sentenced for any deadly weapon enhancements after July 23, 1995, under (a), (b), and/or (c) of this subsection or subsection (4)(a), (b), and/or (c) of this section, or both, any and all firearm enhancements under this subsection shall be twice the amount of the enhancement listed.

(e) Notwithstanding any other provision of law, any and all firearm enhancements under this section are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other firearm or deadly weapon enhancements, for all offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be granted an extraordinary medical placement when authorized under RCW 9.94A.150(4).

(f) The firearm enhancements in this section shall apply to all felony crimes except the following: Possession of a machine gun, possessing a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, and use of a machine gun in a felony.

(g) If the presumptive sentence under this section exceeds the statutory maximum for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender as defined in RCW 9.94A.030. If the addition of a firearm enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced.

(4) The following additional times shall be added to the presumptive sentence for felony crimes committed after July 23, 1995, if the offender or an accomplice was armed with a deadly weapon as defined in this chapter other than a firearm as defined in RCW 9.41.010 and the offender is being sentenced for one of the crimes listed in this subsection as eligible for any deadly weapon enhancements based on the classification of the completed felony crime. If the offender is being sentenced for more than one offense, the deadly weapon enhancement or enhancements must be added to the total period of confinement for all offenses, regardless of which underlying offense is subject to a deadly weapon enhancement. If the offender or an accomplice was armed with a deadly weapon other than a firearm as defined in RCW 9.41.010 and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection as eligible for any deadly weapon enhancements, the following additional times shall be added to the presumptive sentence determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(a) Two years for any felony defined under any law as a class A felony or with a maximum sentence of at least twenty years, or both, and not covered under (f) of this subsection.

(b) One year for any felony defined under any law as a class B felony or with a maximum sentence of ten years, or both, and not covered under (f) of this subsection.

(c) Six months for any felony defined under any law as a class C felony or with a maximum sentence of five years, or both, and not covered under (f) of this subsection.

(d) If the offender is being sentenced under (a), (b), and/or (c) of this subsection for any deadly weapon enhancements and the offender has previously been sentenced for any deadly weapon enhancements after July 23, 1995, under (a), (b), and/or (c) of this subsection or subsection (3)(a), (b),

and/or (c) of this section, or both, any and all deadly weapon enhancements under this subsection shall be twice the amount of the enhancement listed.

(e) Notwithstanding any other provision of law, any and all deadly weapon enhancements under this section are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other firearm or deadly weapon enhancements, for all offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be granted an extraordinary medical placement when authorized under RCW 9.94A.150(4).

(f) The deadly weapon enhancements in this section shall apply to all felony crimes except the following: Possession of a machine gun, possessing a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, and use of a machine gun in a felony.

(g) If the presumptive sentence under this section exceeds the statutory maximum for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender as defined in RCW 9.94A.030. If the addition of a deadly weapon enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced.

(5) The following additional times shall be added to the presumptive sentence if the offender or an accomplice committed the offense while in a county jail or state correctional facility as that term is defined in this chapter and the offender is being sentenced for one of the crimes listed in this subsection. If the offender or an accomplice committed one of the crimes listed in this subsection while in a county jail or state correctional facility as that term is defined in this chapter, and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection, the following additional times shall be added to the presumptive sentence determined under subsection (2) of this section:

(a) Eighteen months for offenses committed under RCW 69.50.401(a)(1) (i) or (ii) or 69.50.410;

(b) Fifteen months for offenses committed under RCW 69.50.401(a)(1) (iii), (iv), and (v);

(c) Twelve months for offenses committed under RCW 69.50.401(d).

For the purposes of this subsection, all of the real property of a state correctional facility or county jail shall be deemed to be part of that facility or county jail.

(6) An additional twenty-four months shall be added to the presumptive sentence for any ranked offense involving a violation of chapter 69.50 RCW if the offense was also a violation of RCW 69.50.435.

(7) An additional two years shall be added to the presumptive sentence for vehicular homicide committed while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502 for each prior offense as defined in RCW 46.61.5055.

**Sec. 4.** RCW 9.95.040 and 1993 c 144 s 4 and 1993 c 140 s 1 are each reenacted and amended to read as follows:

The board shall fix the duration of confinement for persons committed by the court before July 1, 1986, for crimes committed before July 1, 1984. Within six months after the admission of the convicted person to a state correctional facility, the board shall fix the duration of confinement. The term of imprisonment so fixed shall not exceed the maximum provided by law for the offense of which the person was convicted or the maximum fixed by the court where the law does not provide for a maximum term.

Subject to RCW 9.95.047, the following limitations are placed on the board or the court for persons committed to a state correctional facility on or after July 1, 1986, for crimes committed before July 1, 1984, with regard to fixing the duration of confinement in certain cases, notwithstanding any provisions of law specifying a lesser sentence:

(1) For a person not previously convicted of a felony but armed with a deadly weapon at the time of the commission of the offense, the duration of confinement shall not be fixed at less than five years.

(2) For a person previously convicted of a felony either in this state or elsewhere and who was armed with a deadly weapon at the time of the commission of the offense, the duration of confinement shall not be fixed at less than seven and one-half years.

The words "deadly weapon," as used in this section include, but are not limited to, any instrument known as a blackjack, sling shot, billy, sand club, sandbag, metal knuckles, any dirk, dagger, pistol, revolver, or any other firearm, any knife having a blade longer than three inches, any razor with an unguarded blade, any metal pipe or bar used or intended to be used as a club, any explosive, and any weapon containing poisonous or injurious gas.

(3) For a person convicted of being an habitual criminal within the meaning of the statute which provides for mandatory life imprisonment for such habitual criminals, the duration of confinement shall not be fixed at less than fifteen years.

(4) Any person convicted of embezzling funds from any institution of public deposit of which the person was an officer or stockholder, the duration of confinement shall be fixed at not less than five years.

Except when an inmate of a state correctional facility has been convicted of murder in the first or second degree, the board may parole an inmate prior to the expiration of a mandatory minimum term, provided such inmate has demonstrated a meritorious effort in rehabilitation and at least two-thirds of the board members concur in such action: PROVIDED, That any inmate who has a mandatory minimum term and is paroled prior to the expiration of such term according to the provisions of this chapter shall not receive a conditional release from supervision while on parole until after the mandatory minimum term has expired.

An inmate serving a sentence fixed under this chapter, whether or not a mandatory minimum term has expired, may be granted an extraordinary medical placement by the secretary of corrections when authorized under RCW 9.94A.150(4).

**Sec. 5.** RCW 46.61.5055 and 1998 c 215 s 1, 1998 c 214 s 1, 1998 c 211 s 1, 1998 c 210 s 4, 1998 c 207 s 1 and 1998 c 206 s 1 are each reenacted and amended to read as follows:

(1) A person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has no prior offense within seven years shall be punished as follows:

(a) In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than one day nor more than one year. Twenty-four consecutive hours of the imprisonment may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based. In lieu of the mandatory minimum term of imprisonment required under this subsection (1)(a)(i), the court may order not less than fifteen days of electronic home monitoring. The offender shall pay the cost of electronic home monitoring. The county or municipality in which the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device to include an alcohol detection breathalyzer, and the court may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring; and

(ii) By a fine of not less than three hundred fifty dollars nor more than five thousand dollars. Three hundred fifty dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; and

(iii) By suspension of the offender's license or permit to drive, or suspension of any nonresident privilege to drive, for a period of ninety days. The period of license, permit, or privilege suspension may not be suspended. The court shall notify the department of licensing of the conviction, and upon receiving notification of the conviction the department shall suspend the offender's license, permit, or privilege; or

(b) In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than two days nor more than one year. Two consecutive days of the imprisonment may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based. In lieu of the mandatory minimum term of imprisonment required under this subsection (1)(b)(i), the court may order not less than thirty days of electronic home monitoring. The offender shall pay the cost of electronic home monitoring. The county or municipality in which the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device to include an alcohol detection breathalyzer, and the court may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring; and

(ii) By a fine of not less than five hundred dollars nor more than five thousand dollars. Five hundred dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; and

(iii) By revocation of the offender's license or permit to drive, or suspension of any nonresident privilege to drive, for a period of one year. The period of license, permit, or privilege suspension may not be suspended. The court shall notify the department of licensing of the conviction, and upon receiving notification of the conviction the department shall suspend the offender's license, permit, or privilege; and

(iv) By a court-ordered restriction under RCW 46.20.720.

(2) A person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has one prior offense within seven years shall be punished as follows:

(a) In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than thirty days nor more than one year and sixty days of electronic home monitoring. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. Thirty days of imprisonment and sixty days of electronic home monitoring may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(ii) By a fine of not less than five hundred dollars nor more than five thousand dollars. Five hundred dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; and

(iii) By revocation of the offender's license or permit to drive, or suspension of any nonresident privilege to drive, for a period of two years. The period of license, permit, or privilege revocation may not be suspended. The court shall notify the department of licensing of the conviction, and upon receiving notification of the conviction the department shall revoke the offender's license, permit, or privilege; and

(iv) By a court-ordered restriction under RCW 46.20.720; or

(b) In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than forty-five days nor more than one year and ninety days of electronic home monitoring. The offender shall pay for the cost of the electronic monitoring. The



county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. Forty-five days of imprisonment and ninety days of electronic home monitoring may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(ii) By a fine of not less than seven hundred fifty dollars nor more than five thousand dollars. Seven hundred fifty dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; and

(iii) By revocation of the offender's license or permit to drive, or suspension of any nonresident privilege to drive, for a period of nine hundred days. The period of license, permit, or privilege revocation may not be suspended. The court shall notify the department of licensing of the conviction, and upon receiving notification of the conviction the department shall revoke the offender's license, permit, or privilege; and

(iv) By a court-ordered restriction under RCW 46.20.720.

(3) A person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has two or more prior offenses within seven years shall be punished as follows:

(a) In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than ninety days nor more than one year and one hundred twenty days of electronic home monitoring. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. Ninety days of imprisonment and one hundred twenty days of electronic home monitoring may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(ii) By a fine of not less than one thousand dollars nor more than five thousand dollars. One thousand dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; and

(iii) By revocation of the offender's license or permit to drive, or suspension of any nonresident privilege to drive, for a period of three years. The period of license, permit, or privilege revocation may not be suspended. The court shall notify the department of licensing of the conviction, and upon receiving notification of the conviction the department shall revoke the offender's license, permit, or privilege; and

(iv) By a court-ordered restriction under RCW 46.20.720; or

(b) In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than one hundred twenty days nor more than one year and one hundred fifty days of electronic home monitoring. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. One hundred twenty days of imprisonment and one hundred fifty days of electronic home monitoring may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to

the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(ii) By a fine of not less than one thousand five hundred dollars nor more than five thousand dollars. One thousand five hundred dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; and

(iii) By revocation of the offender's license or permit to drive, or suspension of any nonresident privilege to drive, for a period of four years. The period of license, permit, or privilege revocation may not be suspended. The court shall notify the department of licensing of the conviction, and upon receiving notification of the conviction the department shall revoke the offender's license, permit, or privilege; and

(iv) By a court-ordered restriction under RCW 46.20.720.

(4) In exercising its discretion in setting penalties within the limits allowed by this section, the court shall particularly consider the following:

(a) Whether the person's driving at the time of the offense was responsible for injury or damage to another or another's property; and

(b) Whether the person was driving or in physical control of a vehicle with one or more passengers at the time of the offense.

(5) An offender punishable under this section is subject to the alcohol assessment and treatment provisions of RCW 46.61.5056.

(6) After expiration of any period of suspension or revocation of the offender's license, permit, or privilege to drive required by this section, the department shall place the offender's driving privilege in probationary status pursuant to RCW 46.20.355.

(7)(a) In addition to any nonsuspendable and nondeferrable jail sentence required by this section, whenever the court imposes less than one year in jail, the court shall also suspend but shall not defer a period of confinement for a period not exceeding five years. The court shall impose conditions of probation that include: (i) Not driving a motor vehicle within this state without a valid license to drive and proof of financial responsibility for the future; (ii) not driving a motor vehicle within this state while having an alcohol concentration of 0.08 or more within two hours after driving; and (iii) not refusing to submit to a test of his or her breath or blood to determine alcohol concentration upon request of a law enforcement officer who has reasonable grounds to believe the person was driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor. The court may impose conditions of probation that include nonrepetition, installation of an ignition interlock or other biological or technical device on the probationer's motor vehicle, alcohol or drug treatment, supervised probation, or other conditions that may be appropriate. The sentence may be imposed in whole or in part upon violation of a condition of probation during the suspension period.

(b) For each violation of mandatory conditions of probation under (a)(i) and (ii) or (a)(i) and (iii) of this subsection, the court shall order the convicted person to be confined for thirty days, which shall not be suspended or deferred.

(c) For each incident involving a violation of a mandatory condition of probation imposed under this subsection, the license, permit, or privilege to drive of the person shall be suspended by the court for thirty days or, if such license, permit, or privilege to drive already is suspended, revoked, or denied at the time the finding of probation violation is made, the suspension, revocation, or denial then in effect shall be extended by thirty days. The court shall notify the department of any suspension, revocation, or denial or any extension of a suspension, revocation, or denial imposed under this subsection.

(8) An offender serving a sentence under this section, whether or not a mandatory minimum term has expired, may be granted an extraordinary medical placement by the jail administrator subject to the standards and limitations set forth in RCW 9.94A.150(4).

(9) For purposes of this section:

(a) "Electronic home monitoring" shall not be considered confinement as defined in RCW 9.94A.030;

(b) A "prior offense" means any of the following:

- (i) A conviction for a violation of RCW 46.61.502 or an equivalent local ordinance;
  - (ii) A conviction for a violation of RCW 46.61.504 or an equivalent local ordinance;
  - (iii) A conviction for a violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug;
  - (iv) A conviction for a violation of RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug;
  - (v) A conviction for a violation of RCW 46.61.5249, 46.61.500, or 9A.36.050 or an equivalent local ordinance, if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or 46.61.522;
  - (vi) An out-of-state conviction for a violation that would have been a violation of (b)(i), (ii), (iii), (iv), or (v) of this subsection if committed in this state;
  - (vii) A deferred prosecution under chapter 10.05 RCW granted in a prosecution for a violation of RCW 46.61.502, 46.61.504, or an equivalent local ordinance; or
  - (viii) A deferred prosecution under chapter 10.05 RCW granted in a prosecution for a violation of RCW 46.61.5249, or an equivalent local ordinance, if the charge under which the deferred prosecution was granted was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or 46.61.522; and
- (c) "Within seven years" means that the arrest for a prior offense occurred within seven years of the arrest for the current offense.

**Sec. 6.** RCW 69.50.410 and 1975-'76 2nd ex.s. c 103 s 1 are each amended to read as follows:

(1) Except as authorized by this chapter it shall be unlawful for any person to sell for profit any controlled substance or counterfeit substance classified in Schedule I, RCW 69.50.204, except leaves and flowering tops of marihuana.

For the purposes of this section only, the following words and phrases shall have the following meanings:

(a) "To sell" means the passing of title and possession of a controlled substance from the seller to the buyer for a price whether or not the price is paid immediately or at a future date.

(b) "For profit" means the obtaining of anything of value in exchange for a controlled substance.

(c) "Price" means anything of value.

(2) Any person convicted of a violation of subsection (1) of this section shall receive a sentence of not more than five years in a correctional facility of the department of social and health services for the first offense. Any person convicted on a second or subsequent cause, the sale having transpired after prosecution and conviction on the first cause, of subsection (1) of this section shall receive a mandatory sentence of five years in a correctional facility of the department of social and health services and no judge of any court shall suspend or defer the sentence imposed for the second or subsequent violation of subsection (1) of this section.

(3) Any person convicted of a violation of subsection (1) of this section by selling heroin shall receive a mandatory sentence of two years in a correctional facility of the department of social and health services and no judge of any court shall suspend or defer the sentence imposed for such violation. Any person convicted on a second or subsequent sale of heroin, the sale having transpired after prosecution and conviction on the first cause of the sale of heroin shall receive a mandatory sentence of ten years in a correctional facility of the department of social and health services and no judge of any court shall suspend or defer the sentence imposed for this second or subsequent violation: PROVIDED, That the indeterminate sentence review board (~~(of prison terms and paroles)~~) under RCW 9.95.040 shall not reduce the minimum term imposed for a violation under this subsection.

(4) Whether or not a mandatory minimum term has expired, an offender serving a sentence under this section may be granted an extraordinary medical placement when authorized under RCW 9.94A.150(4).

(5) In addition to the sentences provided in subsection (2) of this section, any person convicted of a violation of subsection (1) of this section shall be fined in an amount calculated to at least eliminate

any and all proceeds or profits directly or indirectly gained by such person as a result of sales of controlled substances in violation of the laws of this or other states, or the United States, up to the amount of five hundred thousand dollars on each count.

~~((5))~~ (6) Any person, addicted to the use of controlled substances, who voluntarily applies to the department of social and health services for the purpose of participating in a rehabilitation program approved by the department for addicts of controlled substances shall be immune from prosecution for subsection (1) offenses unless a filing of an information or indictment against such person for a violation of subsection (1) of this section is made prior to his or her voluntary participation in the program of the department of social and health services. All applications for immunity under this section shall be sent to the department of social and health services in Olympia. It shall be the duty of the department to stamp each application received pursuant to this section with the date and time of receipt.

This section shall not apply to offenses defined and punishable under the provisions of RCW 69.50.401 (~~as now or hereafter amended~~).

NEW SECTION. Sec. 7. A new section is added to chapter 72.09 RCW to read as follows:

The secretary shall report annually to the legislature on the number of offenders considered for an extraordinary medical placement, the number of offenders who were granted such a placement, the number of offenders who were denied such a placement, the length of time between initial consideration and the placement decision for each offender who was granted an extraordinary medical placement, the number of offenders granted an extraordinary medical placement who were later returned to total confinement, and the cost savings realized by the state."

On page 1, line 1 of the title, after "offenders;" strike the remainder of the title and insert "amending RCW 9.94A.150, 9.94A.120, and 69.50.410; reenacting and amending RCW 9.94A.310, 9.95.040, and 46.61.5055; and adding a new section to chapter 72.09 RCW."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to House Bill No. 1299 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE**

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of House Bill No. 1299 as amended by the Senate.

#### **MOTION**

On motion of Representative Wolfe, Representative Quall was excused.

Representatives Ballasiotes and O'Brien spoke in favor of passage of the bill as amended by the Senate.

#### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1299, as amended by the Senate and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds,

Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Quall - 1.

House Bill No. 1299, as amended by the Senate, having received the constitutional majority, was declared passed.

The House deferred action on Engrossed House Bill No. 1014, and the bill held its place on the concurrence calendar.

### SENATE AMENDMENTS TO HOUSE BILL

April 7, 1999

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1023 with the following amendment(s):

On page 2, after line 12, insert the following:

"**Sec. 1.** RCW 41.50.145 and 1998 c 341 s 515 are each amended to read as follows:

(1) If the department determines that due to employer error a member of plan III has suffered a loss of investment return, the employer shall pay the department for credit to the member's account the amount determined by the department as necessary to correct the error.

(2) If the department determines that due to departmental error a member of plan III has suffered a loss of investment return, the department shall credit to the member's account from the ~~((school employees'))~~ appropriate retirement system combined plan II and III fund the amount determined by the department as necessary to correct the error."

Renumber the sections consecutively and correct any internal references accordingly.

On page 1, line 2 of the title, strike everything after "plan 3;" and insert "amending RCW 41.50.145; creating new sections; and declaring an emergency."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

There being no objection, the House concurred in the Senate amendment(s) to House Bill No. 1023 and advanced the bill as amended by the Senate to final passage.

### FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of House Bill No. 1023 as amended by the Senate.

Representatives H. Sommers and Carlson spoke in favor of passage of the bill as amended by the Senate.

## ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1023, as amended by the Senate and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Quall - 1.

House Bill No. 1023, as amended by the Senate, having received the constitutional majority, was declared passed.

## SENATE AMENDMENTS TO HOUSE BILL

April 7, 1999

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1068 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The pardoning power is vested in the governor under such regulations and restrictions as may be prescribed by law. To assist the governor in gathering the facts necessary to the wise exercise of this power, the legislature created the clemency and pardons board.

In recognition of the severe and detrimental impact of crime on victims, survivors of victims, and witnesses of crime, an intelligent recommendation on an application for clemency is dependent upon input from the victims and survivors of victims of crimes. It is the intent of the legislature to ensure that all victims and survivors of victims of crimes are afforded a meaningful role in the clemency process.

The impact of the crime on the community must also be assessed when passing upon an application for clemency. The prosecuting attorney who obtained the conviction and the law enforcement agency that conducted the investigation are uniquely situated to provide an accurate account of the offense and the impact felt by the community as a result of the offense. It is the intent of the legislature to ensure that the prosecuting attorney who obtained the conviction and the law enforcement agency that conducted the investigation are afforded a meaningful role in the clemency process.

**Sec. 2.** RCW 7.69.030 and 1997 c 343 s 1 are each amended to read as follows:

There shall be a reasonable effort made to ensure that victims, survivors of victims, and witnesses of crimes have the following rights:

(1) With respect to victims of violent or sex crimes, to receive, at the time of reporting the crime to law enforcement officials, a written statement of the rights of crime victims as provided in this chapter. The written statement shall include the name, address, and telephone number of a county or local crime victim/witness program, if such a crime victim/witness program exists in the county;

- (2) To be informed by local law enforcement agencies or the prosecuting attorney of the final disposition of the case in which the victim, survivor, or witness is involved;
- (3) To be notified by the party who issued the subpoena that a court proceeding to which they have been subpoenaed will not occur as scheduled, in order to save the person an unnecessary trip to court;
- (4) To receive protection from harm and threats of harm arising out of cooperation with law enforcement and prosecution efforts, and to be provided with information as to the level of protection available;
- (5) To be informed of the procedure to be followed to apply for and receive any witness fees to which they are entitled;
- (6) To be provided, whenever practical, a secure waiting area during court proceedings that does not require them to be in close proximity to defendants and families or friends of defendants;
- (7) To have any stolen or other personal property expeditiously returned by law enforcement agencies or the superior court when no longer needed as evidence. When feasible, all such property, except weapons, currency, contraband, property subject to evidentiary analysis, and property of which ownership is disputed, shall be photographed and returned to the owner within ten days of being taken;
- (8) To be provided with appropriate employer intercession services to ensure that employers of victims, survivors of victims, and witnesses of crime will cooperate with the criminal justice process in order to minimize an employee's loss of pay and other benefits resulting from court appearance;
- (9) To access to immediate medical assistance and not to be detained for an unreasonable length of time by a law enforcement agency before having such assistance administered. However, an employee of the law enforcement agency may, if necessary, accompany the person to a medical facility to question the person about the criminal incident if the questioning does not hinder the administration of medical assistance;
- (10) With respect to victims of violent and sex crimes, to have a crime victim advocate from a crime victim/witness program present at any prosecutorial or defense interviews with the victim, and at any judicial proceedings related to criminal acts committed against the victim. This subsection applies if practical and if the presence of the crime victim advocate does not cause any unnecessary delay in the investigation or prosecution of the case. The role of the crime victim advocate is to provide emotional support to the crime victim;
- (11) With respect to victims and survivors of victims, to be physically present in court during trial, or if subpoenaed to testify, to be scheduled as early as practical in the proceedings in order to be physically present during trial after testifying and not to be excluded solely because they have testified;
- (12) With respect to victims and survivors of victims, to be informed by the prosecuting attorney of the date, time, and place of the trial and of the sentencing hearing for felony convictions upon request by a victim or survivor;
- (13) To submit a victim impact statement or report to the court, with the assistance of the prosecuting attorney if requested, which shall be included in all presentence reports and permanently included in the files and records accompanying the offender committed to the custody of a state agency or institution;
- (14) With respect to victims and survivors of victims, to present a statement personally or by representation, at the sentencing hearing for felony convictions; ~~((and))~~
- (15) With respect to victims and survivors of victims, to entry of an order of restitution by the court in all felony cases, even when the offender is sentenced to confinement, unless extraordinary circumstances exist which make restitution inappropriate in the court's judgment; and
- (16) With respect to victims and survivors of victims, to present a statement in person, via audio or videotape, in writing or by representation at any hearing conducted regarding an application for pardon or commutation of sentence.

**Sec. 3.** RCW 9.94A.260 and 1989 c 214 s 2 are each amended to read as follows:

(1) The clemency and pardons board shall receive petitions from individuals, organizations, and the department for review and commutation of sentences and pardoning of offenders in extraordinary cases, and shall make recommendations thereon to the governor.

(2) The board shall receive petitions from individuals or organizations for the restoration of civil rights lost by operation of state law as a result of convictions for federal offenses or out-of-state felonies. The board may issue certificates of restoration limited to the elective rights to vote and to engage in political office. Any certifications granted by the board must be filed with the secretary of state to be effective. In all other cases, the board shall make recommendations to the governor.

(3) The board shall not recommend that the governor grant clemency under subsection (1) of this section until a public hearing has been held on the petition. The prosecuting attorney of the county where the conviction was obtained shall be notified at least thirty days prior to the scheduled hearing that a petition has been filed and the date and place at which the hearing on the petition will be held. The board may waive the thirty-day notice requirement in cases where it determines that waiver is necessary to permit timely action on the petition. A copy of the petition shall be sent to the prosecuting attorney. The prosecuting attorney shall make reasonable efforts to notify victims, survivors of victims, witnesses, and the law enforcement agency or agencies that conducted the investigation, of the date and place of the hearing. Information regarding victims, survivors of victims, or witnesses receiving this notice are confidential and shall not be available to the offender. The board shall consider written, oral, audio, or videotaped statements regarding the petition received, personally or by representation, from the individuals who receive notice pursuant to this section. This subsection is intended solely for the guidance of the board. Nothing in this section is intended or may be relied upon to create a right or benefit, substantive or procedural, enforceable at law by any person.

**Sec. 4.** RCW 9.95.260 and 1981 c 136 s 44 are each amended to read as follows:

(1) It shall be the duty of the indeterminate sentence review board (~~(of prison terms and paroles)~~), when requested by the governor, to pass on the representations made in support of applications for pardons for convicted persons and to make recommendations thereon to the governor.

(2) It will be the duty of the secretary of corrections to exercise supervision over such convicted persons as have been conditionally pardoned by the governor, to the end that such persons shall faithfully comply with the conditions of such pardons. The indeterminate sentence review board (~~(of prison terms and paroles)~~) shall also pass on any representations made in support of applications for restoration of civil rights of convicted persons, and make recommendations to the governor. The department of corrections shall prepare materials and make investigations requested by the indeterminate sentence review board (~~(of prison terms and paroles)~~) in order to assist the board in passing on the representations made in support of applications for pardon or for the restoration of civil rights.

(3) The board shall make no recommendations to the governor in support of an application for pardon until a public hearing has been held under this section or RCW 9.94A.260(3) upon the application. The prosecuting attorney of the county where the conviction was obtained shall be notified at least thirty days prior to the scheduled hearing that an application for pardon has been filed and the date and place at which the hearing on the application for pardon will be held. The board may waive the thirty-day notice requirement in cases where it determines that waiver is necessary to permit timely action on the petition. A copy of the application for pardon shall be sent to the prosecuting attorney. The prosecuting attorney shall make reasonable efforts to notify victims, survivors of victims, witnesses, and the law enforcement agency or agencies that conducted the investigation of the date and place of the hearing. Information regarding victims, survivors of victims, or witnesses receiving this notice are confidential and shall not be available to the offender. The board shall consider written, oral, audio, or videotaped statements regarding the application for pardon received, personally or by representation, from the individuals who receive notice pursuant to this section. This subsection is intended solely for the guidance of the board. Nothing in this section is intended or may be relied upon to create a right or benefit, substantive or procedural, enforceable at law by any person."

On page 1, line 1 of the title, after "pardons;" strike the remainder of the title and insert "amending RCW 7.69.030, 9.94A.260, and 9.95.260; and creating a new section."

and the same are herewith transmitted.



Brad Hendrickson, Deputy Secretary

There being no objection, the House concurred in the Senate amendment(s) to Substitute House Bill No. 1068 and advanced the bill as amended by the Senate to final passage.

### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE**

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Substitute House Bill No. 1068 as amended by the Senate.

Representatives Ballasiotes and O'Brien spoke in favor of passage of the bill as amended by the Senate.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1068, as amended by the Senate and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Quall - 1.

Substitute House Bill No. 1068, as amended by the Senate, having received the constitutional majority, was declared passed.

### **SENATE AMENDMENTS TO HOUSE BILL**

April 12, 1999

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1080 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that citizens who assist individuals in emergency situations perform a needed and valuable role that deserves recognition and support. The legislature further finds that emergency assistance in the form of mouth to mouth resuscitation or other emergency medical procedures resulting in the exchange of bodily fluids significantly increases the odds of being exposed to a deadly infectious disease. Some of the more life-threatening diseases that can be transferred during an emergency procedure where bodily fluids are exchanged include hepatitis A, B, and C, and human immunodeficiency virus (HIV). Individuals infected by these diseases value confidentiality regarding this information. A number of good samaritans who perform life-saving emergency procedures such as cardiopulmonary resuscitation are unable to pay for the tests necessary for detecting infectious diseases that could have been transmitted during the emergency procedure. It is the purpose of this act to provide infectious disease testing at no cost to good samaritans who request testing for infectious diseases after rendering emergency assistance that has brought them into contact

with a bodily fluid and to further protect the testing information once obtained through confidentiality provisions.

**NEW SECTION. Sec. 2.** A new section is added to chapter 70.05 RCW to read as follows:

A person rendering emergency care or transportation, commonly known as a "Good Samaritan," as described in RCW 4.24.300 and 4.24.310, may request and receive appropriate infectious disease testing free of charge from the local health department of the county of her or his residence, if: (1) While rendering emergency care she or he came into contact with bodily fluids; and (2) she or he does not have health insurance that covers the testing. Nothing in this section requires a local health department to provide health care services beyond testing. The department shall adopt rules implementing this section.

The information obtained from infectious disease testing is subject to statutory confidentiality provisions, including those of chapters 70.24 and 70.05 RCW.

**NEW SECTION. Sec. 3.** A new section is added to chapter 70.24 RCW to read as follows:

(1) In order to assure compliance with the protections under this chapter and the rules of the board, and to assure public confidence in the confidentiality of reported information, the department shall:

(a) Report annually to the board any incidents of unauthorized disclosure by the department, local health departments, or their employees of information protected under RCW 70.24.105. The report shall include recommendations for preventing future unauthorized disclosures and improving the system of confidentiality for reported information; and

(b) Assist health care providers, facilities that conduct tests, local health departments, and other persons involved in disease reporting to understand, implement, and comply with this chapter and the rules of the board related to disease reporting.

(2) This section is exempt from RCW 70.24.084, 70.05.070, and 70.05.120.

**Sec. 4.** RCW 70.24.084 and 1988 c 206 s 914 are each amended to read as follows:

(1) Any person aggrieved by a violation of this chapter shall have a right of action in superior court and may recover for each violation:

(a) Against any person who negligently violates a provision of this chapter, one thousand dollars, or actual damages, whichever is greater, for each violation.

(b) Against any person who intentionally or recklessly violates a provision of this chapter, ~~((two))~~ ten thousand dollars, or actual damages, whichever is greater, for each violation.

(c) Reasonable attorneys' fees and costs.

(d) Such other relief, including an injunction, as the court may deem appropriate.

(2) Any action under this chapter is barred unless the action is commenced within three years after the cause of action accrues.

(3) Nothing in this chapter limits the rights of the subject of a test for a sexually transmitted disease to recover damages or other relief under any other applicable law.

(4) Nothing in this chapter may be construed to impose civil liability or criminal sanction for disclosure of a test result for a sexually transmitted disease in accordance with any reporting requirement for a diagnosed case of sexually transmitted disease by the department or the centers for disease control of the United States public health service.

**Sec. 5.** RCW 70.05.070 and 1993 c 492 s 239 are each amended to read as follows:

The local health officer, acting under the direction of the local board of health or under direction of the administrative officer appointed under RCW 70.05.040 or 70.05.035, if any, shall:

(1) Enforce the public health statutes of the state, rules of the state board of health and the secretary of health, and all local health rules, regulations and ordinances within his or her jurisdiction including imposition of penalties authorized under RCW 70.119A.030, the confidentiality provisions in RCW 70.24.105 and rules adopted to implement those provisions, and filing of actions authorized by RCW 43.70.190;

- (2) Take such action as is necessary to maintain health and sanitation supervision over the territory within his or her jurisdiction;
- (3) Control and prevent the spread of any dangerous, contagious or infectious diseases that may occur within his or her jurisdiction;
- (4) Inform the public as to the causes, nature, and prevention of disease and disability and the preservation, promotion and improvement of health within his or her jurisdiction;
- (5) Prevent, control or abate nuisances which are detrimental to the public health;
- (6) Attend all conferences called by the secretary of health or his or her authorized representative;
- (7) Collect such fees as are established by the state board of health or the local board of health for the issuance or renewal of licenses or permits or such other fees as may be authorized by law or by the rules of the state board of health;
- (8) Inspect, as necessary, expansion or modification of existing public water systems, and the construction of new public water systems, to assure that the expansion, modification, or construction conforms to system design and plans;
- (9) Take such measures as he or she deems necessary in order to promote the public health, to participate in the establishment of health educational or training activities, and to authorize the attendance of employees of the local health department or individuals engaged in community health programs related to or part of the programs of the local health department.

**Sec. 6.** RCW 70.05.120 and 1993 c 492 s 241 are each amended to read as follows:

Any local health officer or administrative officer appointed under RCW 70.05.040, if any, who shall refuse or neglect to obey or enforce the provisions of chapters 70.05, 70.24, and 70.46 RCW or the rules, regulations or orders of the state board of health or who shall refuse or neglect to make prompt and accurate reports to the state board of health, may be removed as local health officer or administrative officer by the state board of health and shall not again be reappointed except with the consent of the state board of health. Any person may complain to the state board of health concerning the failure of the local health officer or administrative officer to carry out the laws or the rules and regulations concerning public health, and the state board of health shall, if a preliminary investigation so warrants, call a hearing to determine whether the local health officer or administrative officer is guilty of the alleged acts. Such hearings shall be held pursuant to the provisions of chapter 34.05 RCW, and the rules and regulations of the state board of health adopted thereunder.

Any member of a local board of health who shall violate any of the provisions of chapters 70.05, 70.24, and 70.46 RCW or refuse or neglect to obey or enforce any of the rules, regulations or orders of the state board of health made for the prevention, suppression or control of any dangerous contagious or infectious disease or for the protection of the health of the people of this state, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than ten dollars nor more than two hundred dollars. Any physician who shall refuse or neglect to report to the proper health officer or administrative officer within twelve hours after first attending any case of contagious or infectious disease or any diseases required by the state board of health to be reported or any case suspicious of being one of such diseases, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than ten dollars nor more than two hundred dollars for each case that is not reported.

Any person violating any of the provisions of chapters 70.05, 70.24, and 70.46 RCW or violating or refusing or neglecting to obey any of the rules, regulations or orders made for the prevention, suppression and control of dangerous contagious and infectious diseases by the local board of health or local health officer or administrative officer or state board of health, or who shall leave any isolation hospital or quarantined house or place without the consent of the proper health officer or who evades or breaks quarantine or conceals a case of contagious or infectious disease or assists in evading or breaking any quarantine or concealing any case of contagious or infectious disease, shall be guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine of not less than twenty-five dollars nor more than one hundred dollars or to imprisonment in the county jail not to exceed ninety days or to both fine and imprisonment.

NEW SECTION. **Sec. 7.** Sections 1 and 2 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately."

On page 1, line 2 of the title, after "samaritans;" strike the remainder of the title and insert "amending RCW 70.24.084, 70.05.070, and 70.05.120; adding a new section to chapter 70.05 RCW; adding a new section to chapter 70.24 RCW; creating a new section; prescribing penalties; and declaring an emergency."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to House Bill No. 1080 and advanced the bill as amended by the Senate to final passage.

### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE**

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of House Bill No. 1080 as amended by the Senate.

Representatives Carlson, Schual-Berke and Cody spoke in favor of passage of the bill as amended by the Senate.

Representative Lambert spoke against the passage of the bill as amended by the Senate.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1080, as amended by the Senate and the bill passed the House by the following vote: Yeas - 84, Nays - 13, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Buck, Bush, Cairnes, Campbell, Carlson, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, DeBolt, Delvin, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lantz, Linville, Lisk, Lovick, Mastin, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Murray, O'Brien, Ogden, Parlette, Pennington, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Tokuda, Van Luven, Veloria, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 84.

Voting nay: Representatives Benson, Boldt, Carrell, Crouse, Dunn, Fortunato, Lambert, McDonald, Mulliken, Pflug, Schindler, Thomas and Wensman - 13.

Excused: Representative Quall - 1.

House Bill No. 1080, as amended by the Senate, having received the constitutional majority, was declared passed.

### **SENATE AMENDMENTS TO HOUSE BILL**

April 15, 1999

Mr. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1116 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 74.39A.170 and 1995 1st sp.s. c 18 s 56 are each amended to read as follows:

- (1) All payments made in state-funded long-term care shall be recoverable as if they were medical assistance payments subject to recovery under 42 U.S.C. Sec. 1396p and chapter 43.20B RCW, but without regard to the recipient's age.
- (2) In determining eligibility for state-funded long-term care services programs, the department shall impose the same rules with respect to the transfer of assets for less than fair market value as are imposed under 42 U.S.C. 1396p with respect to nursing home and home and community services.
- (3) It is the responsibility of the department to fully disclose in advance verbally and in writing, in easy to understand language, the terms and conditions of estate recovery to all persons offered long-term care services subject to recovery of payments.
- (4) In disclosing estate recovery costs to potential clients, and to family members at the consent of the client, the department shall provide a written description of the community service options.
- (5) The department of social and health services shall develop an implementation plan for notifying the client or his or her legal representative at least quarterly of the types of services used and the cost of those services (debt) that will be charged against the estate. The estate planning implementation plan shall be submitted by December 12, 1999, to the appropriate standing committees of the house of representatives and the senate, and to the joint legislative and executive task force on long-term care.

**Sec. 2.** RCW 43.20B.080 and 1997 c 392 s 302 are each amended to read as follows:

- (1) The department shall file liens, seek adjustment, or otherwise effect recovery for medical assistance correctly paid on behalf of an individual consistent with 42 U.S.C. Sec. 1396p.
- (2) Liens may be adjusted by foreclosure in accordance with chapter 61.12 RCW.
- (3) In the case of an individual who was fifty-five years of age or older when the individual received medical assistance, the department shall seek adjustment or recovery from the individual's estate, and from nonprobate assets of the individual as defined by RCW 11.02.005, but only for medical assistance consisting of nursing facility services, home and community-based services, other services that the department determines to be appropriate, and related hospital and prescription drug services. Recovery from the individual's estate, including foreclosure of liens imposed under this section, shall be undertaken as soon as practicable, consistent with 42 U.S.C. Sec. 1396p.
- (4) The department shall apply the medical assistance estate recovery law as it existed on the date that benefits were received when calculating an estate's liability to reimburse the department for those benefits.
- (5)(a) The department shall establish procedures consistent with standards established by the federal department of health and human services and pursuant to 42 U.S.C. Sec. 1396p to waive recovery when such recovery would work an undue hardship.
- (b) Recovery of medical assistance from a recipient's estate shall not include property made exempt from claims by federal law or treaty, including exemption for tribal artifacts that may be held by individual Native Americans.
- (6) A lien authorized under subsections (1) through (5) of this section relates back to attach to any real property that the decedent had an ownership interest in immediately before death and is effective as of that date.
- (7) The department is authorized to adopt rules to effect recovery under this section. The department may adopt by rule later enactments of the federal laws referenced in this section.
- (8) ~~((The office of financial management shall review the cost and feasibility of the department of social and health services collecting the client copayment for long term care consistent with the terms and conditions of RCW 74.39A.120, and the cost impact to community providers under the current system for collecting the client's copayment in addition to the amount charged to the client for estate recovery, and report to the legislature by December 12, 1997.))~~

It is the responsibility of the department to fully disclose in advance verbally and in writing, in easy to understand language, the terms and conditions of estate recovery to all persons offered long-term care services subject to recovery of payments.

(9) In disclosing estate recovery costs to potential clients, and to family members at the consent of the client, the department shall provide a written description of the community service options.

(10) The department of social and health services shall develop an implementation plan for notifying the client or his or her legal representative at least quarterly of the types of services used and the cost of those services (debt) that will be charged against the estate. The estate planning implementation plan shall be submitted by December 12, 1999, to the appropriate standing committees of the house of representatives and the senate, and to the joint legislative and executive task force on long-term care."

On page 1, beginning on line 1 of the title, after "care;" strike the remainder of the title and insert "and amending RCW 74.39A.170 and 43.20B.080."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Second Substitute House Bill No. 1116 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE**

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Second Substitute House Bill No. 1116 as amended by the Senate.

Representatives Clements and Cody spoke in favor of passage of the bill as amended by the Senate.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1116, as amended by the Senate and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Quall - 1.

Second Substitute House Bill No. 1116, as amended by the Senate, having received the constitutional majority, was declared passed.

#### **SENATE AMENDMENTS TO HOUSE BILL**

April 6, 1999

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1131 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that most law enforcement effort to prevent prostitution is directed at punishing prostitutes. The legislature also finds that many patrons of prostitutes use motor vehicles in order to obtain the services of prostitutes and that successful prevention of prostitution involves efforts to curtail the demand for services offered by prostitutes. It is the intent of the legislature to decrease the demand for prostitution services and thereby eliminate the economic foundation for the prostitution industry. It is also the intent of the legislature to eliminate traffic congestion and other concerns to neighborhoods and business areas caused by patrons cruising in motor vehicles in areas of high prostitution activity.

**NEW SECTION. Sec. 2.** A new section is added to chapter 9A.88 RCW to read as follows:

(1) When sentencing or imposing conditions on a person convicted of, or receiving a deferred sentence or deferred prosecution for, violating RCW 9A.88.110 or 9.68A.100, the court must impose a requirement that the offender:

(a) Not be subsequently arrested for patronizing a prostitute or patronizing a juvenile prostitute; and

(b) Remain outside the geographical area, prescribed by the court, in which the person was arrested for violating RCW 9A.88.110 or 9.68A.100, unless such a requirement would interfere with the person's legitimate employment or residence or otherwise be infeasible.

(2) This requirement is in addition to the penalties set forth in RCW 9A.88.110, 9A.88.120, and 9.68A.100.

**NEW SECTION. Sec. 3.** A new section is added to chapter 9A.88 RCW to read as follows:

(1) Upon an arrest for a suspected violation of patronizing a prostitute or patronizing a juvenile prostitute, the arresting law enforcement officer may impound the person's vehicle if (a) the motor vehicle was used in the commission of the crime; (b) the person arrested is the owner of the vehicle; and (c) the person arrested has previously been convicted of patronizing a prostitute, under RCW 9A.88.110, or patronizing a juvenile prostitute, under RCW 9.68A.100.

(2) Impoundments performed under this section shall be in accordance with chapter 46.55 RCW.

**Sec. 4.** RCW 9.68A.100 and 1989 c 32 s 8 are each amended to read as follows:

A person is guilty of patronizing a juvenile prostitute if that person engages or agrees or offers to engage in sexual conduct with a minor in return for a fee, and is guilty of a class C felony punishable under chapter 9A.20 RCW. In addition to any other penalty provided under chapter 9A.20 RCW, a person guilty of patronizing a juvenile prostitute is subject to the provisions under sections 2 and 3 of this act.

**Sec. 5.** RCW 46.55.120 and 1998 c 203 s 5 are each amended to read as follows:

(1) Vehicles or other items of personal property registered or titled with the department that are impounded by registered tow truck operators pursuant to RCW 46.55.080, 46.55.085, ~~(( $\text{\textcircled{R}}$ )) 46.55.113, or section 3 of this act may be redeemed only under the following circumstances:~~

(a) Only the legal owner, the registered owner, a person authorized in writing by the registered owner or the vehicle's insurer, a person who is determined and verified by the operator to have the permission of the registered owner of the vehicle or other item of personal property registered or titled with the department, or one who has purchased a vehicle or item of personal property registered or titled with the department from the registered owner who produces proof of ownership or written authorization and signs a receipt therefor, may redeem an impounded vehicle or items of personal property registered or titled with the department. In addition, a vehicle impounded because the operator is in violation of RCW 46.20.342(1)(c) shall not be released until a person eligible to redeem it under this subsection (1)(a) satisfies the requirements of (b) of this subsection, including paying all towing, removal, and storage fees, notwithstanding the fact that the hold was ordered by a government agency. If the department's records show that the operator has been convicted of a violation of RCW

46.20.342 or a similar local ordinance within the past five years, the vehicle may be held for up to thirty days at the written direction of the agency ordering the vehicle impounded. A vehicle impounded because the operator is arrested for a violation of RCW 46.20.342 may be released only pursuant to a written order from the agency that ordered the vehicle impounded. An agency may issue a written order to release pursuant to a provision of an applicable state agency rule or local ordinance authorizing release on the basis of economic or personal hardship to the spouse of the operator, taking into consideration public safety factors, including the operator's criminal history and driving record.

If a vehicle is impounded because the operator is in violation of RCW 46.20.342(1) (a) or (b), the vehicle may be held for up to thirty days at the written direction of the agency ordering the vehicle impounded. However, if the department's records show that the operator has been convicted of a violation of RCW 46.20.342(1) (a) or (b) or a similar local ordinance within the past five years, the vehicle may be held at the written direction of the agency ordering the vehicle impounded for up to sixty days, and for up to ninety days if the operator has two or more such prior offenses. If a vehicle is impounded because the operator is arrested for a violation of RCW 46.20.342, the vehicle may not be released until a person eligible to redeem it under this subsection (1)(a) satisfies the requirements of (b) of this subsection, including paying all towing, removal, and storage fees, notwithstanding the fact that the hold was ordered by a government agency.

(b) The vehicle or other item of personal property registered or titled with the department shall be released upon the presentation to any person having custody of the vehicle of commercially reasonable tender sufficient to cover the costs of towing, storage, or other services rendered during the course of towing, removing, impounding, or storing any such vehicle. In addition, if a vehicle is impounded because the operator was arrested for a violation of RCW 46.20.342 or 46.20.420 and was being operated by the registered owner when it was impounded, it must not be released to any person until the registered owner establishes with the agency that ordered the vehicle impounded that any penalties, fines, or forfeitures owed by him or her have been satisfied. Commercially reasonable tender shall include, without limitation, cash, major bank credit cards, or personal checks drawn on in-state banks if accompanied by two pieces of valid identification, one of which may be required by the operator to have a photograph. If the towing firm can determine through the customer's bank or a check verification service that the presented check would not be paid by the bank or guaranteed by the service, the towing firm may refuse to accept the check. Any person who stops payment on a personal check or credit card, or does not make restitution within ten days from the date a check becomes insufficient due to lack of funds, to a towing firm that has provided a service pursuant to this section or in any other manner defrauds the towing firm in connection with services rendered pursuant to this section shall be liable for damages in the amount of twice the towing and storage fees, plus costs and reasonable attorney's fees.

(2)(a) The registered tow truck operator shall give to each person who seeks to redeem an impounded vehicle, or item of personal property registered or titled with the department, written notice of the right of redemption and opportunity for a hearing, which notice shall be accompanied by a form to be used for requesting a hearing, the name of the person or agency authorizing the impound, and a copy of the towing and storage invoice. The registered tow truck operator shall maintain a record evidenced by the redeeming person's signature that such notification was provided.

(b) Any person seeking to redeem an impounded vehicle under this section has a right to a hearing in the district or municipal court for the jurisdiction in which the vehicle was impounded to contest the validity of the impoundment or the amount of towing and storage charges. The district court has jurisdiction to determine the issues involving all impoundments including those authorized by the state or its agents. The municipal court has jurisdiction to determine the issues involving impoundments authorized by agents of the municipality. Any request for a hearing shall be made in writing on the form provided for that purpose and must be received by the appropriate court within ten days of the date the opportunity was provided for in subsection (2)(a) of this section. At the time of the filing of the hearing request, the petitioner shall pay to the court clerk a filing fee in the same amount required for the filing of a suit in district court. If the hearing request is not received by the court within the ten-day period, the right to a hearing is waived and the registered owner is liable for any towing, storage, or other impoundment charges permitted under this chapter. Upon receipt of a timely hearing request, the court shall proceed to hear and determine the validity of the impoundment.



(3)(a) The court, within five days after the request for a hearing, shall notify the registered tow truck operator, the person requesting the hearing if not the owner, the registered and legal owners of the vehicle or other item of personal property registered or titled with the department, and the person or agency authorizing the impound in writing of the hearing date and time.

(b) At the hearing, the person or persons requesting the hearing may produce any relevant evidence to show that the impoundment, towing, or storage fees charged were not proper. The court may consider a written report made under oath by the officer who authorized the impoundment in lieu of the officer's personal appearance at the hearing.

(c) At the conclusion of the hearing, the court shall determine whether the impoundment was proper, whether the towing or storage fees charged were in compliance with the posted rates, and who is responsible for payment of the fees. The court may not adjust fees or charges that are in compliance with the posted or contracted rates.

(d) If the impoundment is found proper, the impoundment, towing, and storage fees as permitted under this chapter together with court costs shall be assessed against the person or persons requesting the hearing, unless the operator did not have a signed and valid impoundment authorization from a private property owner or an authorized agent.

(e) If the impoundment is determined to be in violation of this chapter, then the registered and legal owners of the vehicle or other item of personal property registered or titled with the department shall bear no impoundment, towing, or storage fees, and any security shall be returned or discharged as appropriate, and the person or agency who authorized the impoundment shall be liable for any towing, storage, or other impoundment fees permitted under this chapter. The court shall enter judgment in favor of the registered tow truck operator against the person or agency authorizing the impound for the impoundment, towing, and storage fees paid. In addition, the court shall enter judgment in favor of the registered and legal owners of the vehicle, or other item of personal property registered or titled with the department, for the amount of the filing fee required by law for the impound hearing petition as well as reasonable damages for loss of the use of the vehicle during the time the same was impounded, for not less than fifty dollars per day, against the person or agency authorizing the impound. However, if an impoundment arising from an alleged violation of RCW 46.20.342 or 46.20.420 is determined to be in violation of this chapter, then the law enforcement officer directing the impoundment and the government employing the officer are not liable for damages if the officer relied in good faith and without gross negligence on the records of the department in ascertaining that the operator of the vehicle had a suspended or revoked driver's license. If any judgment entered is not paid within fifteen days of notice in writing of its entry, the court shall award reasonable attorneys' fees and costs against the defendant in any action to enforce the judgment. Notice of entry of judgment may be made by registered or certified mail, and proof of mailing may be made by affidavit of the party mailing the notice. Notice of the entry of the judgment shall read essentially as follows:

TO: . . . . .

YOU ARE HEREBY NOTIFIED JUDGMENT was entered against you in the . . . . . Court located at . . . . . in the sum of \$. . . . ., in an action entitled . . . . ., Case No. . . . . YOU ARE FURTHER NOTIFIED that attorneys fees and costs will be awarded against you under RCW . . . if the judgment is not paid within 15 days of the date of this notice.

DATED this . . . . day of . . . . ., (year) . . .

Signature

Typed name and address  
of party mailing notice

(4) Any impounded abandoned vehicle or item of personal property registered or titled with the department that is not redeemed within fifteen days of mailing of the notice of custody and sale as required by RCW 46.55.110(2) shall be sold at public auction in accordance with all the provisions and subject to all the conditions of RCW 46.55.130. A vehicle or item of personal property registered or titled with the department may be redeemed at any time before the start of the auction upon payment of the applicable towing and storage fees."

On page 1, line 1 of the title, after "prostitutes;" strike the remainder of the title and insert "amending RCW 9.68A.100 and 46.55.120; adding new sections to chapter 9A.88 RCW; creating a new section; and prescribing penalties."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Engrossed Substitute House Bill No. 1131 and advanced the bill as amended by the Senate to final passage.

### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE**

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1131 as amended by the Senate.

Representatives Schindler and Gombosky spoke in favor of passage of the bill as amended by the Senate.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1131, as amended by the Senate and the bill passed the House by the following vote: Yeas - 87, Nays - 10, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Benson, Boldt, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Poulsen, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Tokuda, Van Luven, Vloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 87.

Voting nay: Representatives Ballasiotes, Barlean, Buck, Constantine, Dunn, Fortunato, Lambert, Pflug, Radcliff and Thomas - 10.

Excused: Representative Quall - 1.

Engrossed Substitute House Bill No. 1131, as amended by the Senate, having received the constitutional majority, was declared passed.

### **SENATE AMENDMENTS TO HOUSE BILL**

April 14, 1999

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1151 with the following amendment(s):

On page 21, after line 36, insert the following:

"**Sec. 28.** RCW 16.49.435 and 1987 c 77 s 4 are each amended to read as follows:

For the purposes of this chapter:

- (1) "Department" means the department of agriculture of the state of Washington.
- (2) "Director" means the director of the department or the director's designee.

(3) "Custom farm slaughterer" means any person licensed under this chapter who may under such license engage in the business of slaughtering meat food animals only for the consumption of the owner thereof through the use of an approved mobile unit under such conditions as may be prescribed by the director.

(4) "Custom slaughtering establishment" means the facility operated by any person licensed under this chapter who may under such license engage in the business of slaughtering meat food animals only for the consumption of the owner thereof at a fixed location under such conditions as may be prescribed by the director.

(5) "Custom meat facility" means the facility operated by any person licensed under this chapter who may under such license engage in the business of preparing uninspected meat for the sole consumption of the owner of the uninspected meat being prepared. Operators of custom meat facilities may also prepare inspected meat for household users only under such conditions as may be prescribed by the director and may sell such prepared inspected meat to household users only. Operators of custom meat facilities may also sell prepackaged inspected meat to any person, provided the prepackaged inspected meat is not prepared in any manner by the operator and the operator does not open or alter the original package that the inspected meat was placed in.

(6) "Inspected meat" means the carcasses or parts thereof of meat food animals which have been slaughtered and inspected at establishments subject to inspection under (~~chapter 16.49A RCW~~ ~~or~~) a federal meat inspection act.

(7) "Uninspected meat" means the carcasses or parts thereof of meat food animals which have been slaughtered by the owner thereof, or which have been slaughtered by a custom farm slaughterer.

(8) "Household user" means the ultimate consumer, the members of the consumer's household, and his or her nonpaying guests and employees.

(9) "Person" means any natural person, firm, partnership, exchange, association, trustee, receiver, corporation, and any member, officer, or employee thereof or assignee for the benefit of creditors.

(10) "Meat food animal" means cattle, swine, sheep, or goats.

(11) "Official establishment" means an establishment operated for the purpose of slaughtering meat food animals for sale or use as human food in compliance with the federal meat inspection act (21 U.S.C. Sec. 71 et seq.).

(12) "Prepared" means canned, salted, rendered, boned, cut up or otherwise manufactured, or processed.

**Sec. 29.** RCW 16.49.670 and 1987 c 77 s 11 are each amended to read as follows:

The provisions of this chapter relating to custom meat facilities (~~and RCW 16.49A.370~~) shall in no way supersede or restrict the authority of any county or any city to adopt ordinances which are more restrictive for the handling of meat than those provided for herein.

**Sec. 30.** RCW 16.67.030 and 1969 c 133 s 2 are each amended to read as follows:

For the purpose of this chapter:

(1) "Commission" means the Washington state beef commission.

(2) "Director" means the director of agriculture of the state of Washington or his duly appointed representative.

(3) "Ex officio members" means those advisory members of the commission who do not have a vote.

(4) "Department" means the department of agriculture of the state of Washington.

(5) "Person" includes any individual, firm, corporation, trust, association, partnership, society, or any other organization of individuals.

(6) "Beef producer" means any person who raises, breeds, grows, or purchases cattle or calves for beef production.

(7) "Dairy (beef) producer" means any person who raises, breeds, grows, or purchases cattle for dairy production and who is actively engaged in the production of fluid milk.

(8) "Feeder" means any person actively engaged in the business of feeding cattle and usually operating a feed lot.

(9) "Producer" means any person actively engaged in the cattle industry including beef producers and dairy (beef) producers.

(10) "Washington cattle" shall mean all cattle owned or controlled by affected producers and located in the state of Washington.

(11) "Meat packer" means any person (~~(licensed to operate)~~) operating a slaughtering establishment ((under the provisions of chapter 16.49A RCW as enacted or hereafter amended)) subject to inspection under a federal meat inspection act.

(12) "Livestock salesyard operator" means any person licensed to operate a cattle auction market or salesyard under the provisions of chapter 16.65 RCW as enacted or hereafter amended.

**Sec. 31.** RCW 35A.69.010 and 1994 c 143 s 512 are each amended to read as follows:

Every code city shall have the powers, perform the functions and duties and enforce the regulations prescribed by general laws relating to food and drugs for any class of city as provided by Title 69 RCW; (~~relating to inspection of foods, meat, dairies, and milk as provided by chapter 16.49A RCW;~~) relating to water pollution control as provided by chapter 90.48 RCW; and relating to food fish and shellfish as provided by Title 75 RCW.

**Sec. 32.** RCW 69.04.930 and 1988 c 254 s 8 are each amended to read as follows:

It shall be unlawful for any person to sell at retail or display for sale at retail any food fish or shellfish as defined in RCW 75.08.011, any meat (~~capable of use as human food as defined in RCW 16.49A.150 as now or hereafter amended~~), or any meat food product (~~as defined in RCW 16.49A.130 as now or hereafter amended~~) which has been frozen at any time, without having the package or container in which the same is sold bear a label clearly discernible to a customer that such product has been frozen and whether or not the same has since been thawed. No such food fish or shellfish, meat or meat food product shall be sold unless in such a package or container bearing said label: PROVIDED, That this section shall not include any of the aforementioned food or food products that have been frozen prior to being smoked, cured, cooked or subjected to the heat of commercial sterilization."

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

On page 1, line 5 of the title, after "15.36.551," strike "and 15.36.561" and insert "15.36.561, 16.49.435, 16.49.670, 16.67.030, 35A.69.010, and 69.04.930"

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Engrossed House Bill No. 1151 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE**

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Engrossed House Bill No. 1151 as amended by the Senate.

Representatives Linville, G. Chandler and Linville (again) spoke in favor of passage of the bill as amended by the Senate.

Representative Conway spoke against the passage of the bill as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1151, as amended by the Senate and the bill passed the House by the following vote: Yeas - 95, Nays - 2, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Voting nay: Representatives Conway and Sullivan - 2.

Excused: Representative Quall - 1.

Engrossed House Bill No. 1151, as amended by the Senate, having received the constitutional majority, was declared passed.

### SENATE AMENDMENTS TO HOUSE BILL

April 13, 1999

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1154 with the following amendment(s):

On page 1, strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 84.52.069 and 1995 c 318 s 9 are each amended to read as follows:

(1) As used in this section, "taxing district" means a county, emergency medical service district, city or town, public hospital district, urban emergency medical service district, or fire protection district.

(2) A taxing district may impose additional regular property tax levies in an amount equal to fifty cents or less per thousand dollars of the assessed value of property in the taxing district (~~in each year for six consecutive years when specifically authorized so to do~~). The tax shall be imposed (a) each year for six consecutive years, (b) each year for ten consecutive years, or (c) permanently. A tax levy under this section must be specifically authorized by a majority of at least three-fifths of the registered voters thereof approving a proposition authorizing the levies submitted at a general or special election, at which election the number of persons voting "yes" on the proposition shall constitute three-fifths of a number equal to forty percent of the total number of voters voting in such taxing district at the last preceding general election when the number of registered voters voting on the proposition does not exceed forty percent of the total number of voters voting in such taxing district in the last preceding general election; or by a majority of at least three-fifths of the registered voters thereof voting on the proposition when the number of registered voters voting on the proposition exceeds forty percent of the total number of voters voting in such taxing district in the last preceding general election. Ballot propositions shall conform with RCW 29.30.111. A taxing district shall not submit to the voters at the same election multiple propositions to impose a levy under this section.

(3) A taxing district imposing a permanent levy under this section shall provide for separate accounting of expenditures of the revenues generated by the levy. The taxing district shall maintain a statement of the accounting which shall be updated at least every two years and shall be available to the public upon request at no charge.

(4) A taxing district imposing a permanent levy under this section shall provide for a referendum procedure to apply to the ordinance or resolution imposing the tax. This referendum procedure shall specify that a referendum petition may be filed at any time with a filing officer, as

identified in the ordinance or resolution. Within ten days, the filing officer shall confer with the petitioner concerning form and style of the petition, issue the petition an identification number, and secure an accurate, concise, and positive ballot title from the designated local official. The petitioner shall have thirty days in which to secure the signatures of not less than fifteen percent of the registered voters of the taxing district, as of the last general election, upon petition forms which contain the ballot title and the full text of the measure to be referred. The filing officer shall verify the sufficiency of the signatures on the petition and, if sufficient valid signatures are properly submitted, shall certify the referendum measure to the next election within the taxing district if one is to be held within one hundred eighty days from the date of filing of the referendum petition, or at a special election to be called for that purpose in accordance with RCW 29.13.020.

The referendum procedure provided in this subsection shall be exclusive in all instances for any taxing district imposing the tax under this section and shall supersede the procedures provided under all other statutory or charter provisions for initiative or referendum which might otherwise apply.

~~((3))~~ (5) Any tax imposed under this section shall be used only for the provision of emergency medical care or emergency medical services, including related personnel costs, training for such personnel, and related equipment, supplies, vehicles and structures needed for the provision of emergency medical care or emergency medical services.

~~((4))~~ (6) If a county levies a tax under this section, no taxing district within the county may levy a tax under this section. No other taxing district may levy a tax under this section if another taxing district has levied a tax under this section within its boundaries: PROVIDED, That if a county levies less than fifty cents per thousand dollars of the assessed value of property, then any other taxing district may levy a tax under this section equal to the difference between the rate of the levy by the county and fifty cents: PROVIDED FURTHER, That if a taxing district within a county levies this tax, and the voters of the county subsequently approve a levying of this tax, then the amount of the taxing district levy within the county shall be reduced, when the combined levies exceed fifty cents. Whenever a tax is levied county-wide, the service shall, insofar as is feasible, be provided throughout the county: PROVIDED FURTHER, That no county-wide levy proposal may be placed on the ballot without the approval of the legislative authority of each city exceeding fifty thousand population within the county: AND PROVIDED FURTHER, That this section and RCW 36.32.480 shall not prohibit any city or town from levying an annual excess levy to fund emergency medical services: AND PROVIDED, FURTHER, That if a county proposes to impose tax levies under this section, no other ballot proposition authorizing tax levies under this section by another taxing district in the county may be placed before the voters at the same election at which the county ballot proposition is placed: AND PROVIDED FURTHER, That any taxing district emergency medical service levy that is limited in duration and that is authorized subsequent to a county emergency medical service levy that is limited in duration, shall expire concurrently with the county emergency medical service levy.

~~((5))~~ (7) The limitations in RCW 84.52.043 shall not apply to the tax levy authorized in this section.

~~((6))~~ (8) If a ballot proposition approved under subsection (2) of this section did not impose the maximum allowable levy amount authorized for the taxing district under this section, any future increase up to the maximum allowable levy amount must be specifically authorized by the voters in accordance with subsection (2) of this section at a general or special election.

(9) The limitation in RCW 84.55.010 shall not apply to the first levy imposed pursuant to this section following the approval of such levy by the voters pursuant to subsection (2) of this section.

**Sec. 2.** RCW 29.30.111 and 1984 c 131 s 3 are each amended to read as follows:

(1) The ballot proposition authorizing a taxing district to impose the regular property tax levies authorized in RCW 36.69.145, 67.38.130, or 84.52.069 shall contain in substance the following:

"Shall the . . . . . (insert the name of the taxing district) be authorized to impose regular property tax levies of . . . . . (insert the maximum rate) or less per thousand dollars of assessed valuation for each of . . . . . (insert the maximum number of years allowable) consecutive years?

Yes      
No

Each voter shall indicate either "Yes" or "No" on his or her ballot in accordance with the procedures established under this title.

(2) The ballot proposition authorizing a taxing district to impose a permanent regular tax levy under RCW 84.52.069 shall contain the following:

"Shall the . . . . (insert the name of the taxing district) be authorized to impose a PERMANENT regular property levy of . . . . (insert the maximum rate) or less per thousand dollars of assessed valuation?"

Yes . . . . .

No . . . . . "

NEW SECTION. Sec. 3. This act applies to levies authorized after the effective date of this section."

On page 1, on line 2 of the title, after "services;" strike the remainder of the title and, insert "amending RCW 84.52.069 and 29.30.111; and creating a new section."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to House Bill No. 1154 and advanced the bill as amended by the Senate to final passage.

### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE**

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of House Bill No. 1154 as amended by the Senate.

Representatives Cooper and Thomas spoke in favor of passage of the bill as amended by the Senate.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1154, as amended by the Senate and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Quall - 1.

House Bill No. 1154, as amended by the Senate, having received the constitutional majority, was declared passed.

### **SENATE AMENDMENTS TO HOUSE BILL**

April 14, 1999

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1183 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** Local governments enter into separate, individual contracts with banks for custody services. The rate and terms which each local government obtains from a given bank sometimes varies widely depending upon the size of the local government's portfolio, and thus fails to provide all of the state's taxpayers with the most advantageous rates and terms for such custody services. The purpose of this act is to enable local governments and institutions of higher education, through a state-wide custody contract, to collectively obtain the most advantageous rate and terms from a single financial institution for custodial banking services. Under such a state-wide custody contract, smaller local governments may receive a higher level of service, while paying lower fees than they might have individually obtained.

**NEW SECTION. Sec. 2.** A new section is added to chapter 43.08 RCW to read as follows:

(1) The state treasurer is authorized to negotiate a state-wide custody contract for custody services for local governments and institutions of higher education. The term of the contract shall be for a minimum of four years.

(2) The state treasurer shall, as soon as is practical after negotiations have been successfully completed, notify local governments and institutions of higher education that a state-wide custody contract has been negotiated.

(3) Following such notification, each local government or institution of higher education may, at its option, become a signatory to the state-wide contract. Each local government or institution of higher education may only become a signatory to the contract by having its authorized local government official or financial officer and the state-wide custodian execute the state-wide contract. The contract is between the state-wide custodian and the respective local government or institution of higher education. It is the responsibility of the local government official or financial officer to fully understand the terms and conditions of the state-wide custody contract prior to its execution, and to ensure those terms and conditions are observed by the state-wide custodian during the term of the contract.

(4) The state treasurer may adopt rules to implement this section, including, but not limited to, those rules deemed necessary to provide for an orderly transition in the event of a different state-wide custodian in a new state-wide custody contract.

(5) Any state-wide custodian who becomes a signatory to the state-wide custody contract may be exempted from the requirements of chapter 39.58 RCW for the purposes of this section, based on rules adopted by the public deposit protection commission.

(6) For the purposes of this section:

(a) "Financial institution" means a bank or trust company chartered and supervised under state or federal law;

(b) "Local government" means any county, city, town, special purpose district, political subdivision, municipal corporation, or quasi-municipal corporation, including any public corporation created by such an entity, which legally possesses and exercises investment authority;

(c) "State-wide custody contract" means a contract negotiated between the state treasurer and a financial institution that establishes terms and fees for custody services which are optional to any local government for the term of the contract;

(d) "State-wide custodian" means the financial institution with whom the state treasurer has negotiated a state-wide custody contract;

(e) "Custody services" means services performed by a financial institution such as the settlement, safekeeping, valuation, and market-value reporting of negotiable instruments owned by the local government;



(f) "Local government official" means any officer or employee of a local government who has been designated by statute or local charter, ordinance, or resolution as the officer having the authority to invest the funds of the local government. However, the county treasurer is the only local government official for all political subdivisions for which the county treasurer has statutory or contractual authority to invest the funds thereof;

(g) "Financial officer" means the board-appointed treasurer of a college, university, community or technical college district, or the state board for community and technical colleges.

NEW SECTION. **Sec. 3.** A new section is added to chapter 39.58 RCW to read as follows:  
A state-wide custodian under section 2 of this act may be exempted from the requirements of this chapter, based on rules adopted by the public deposit protection commission.

NEW SECTION. **Sec. 4.** This act takes effect September 1, 1999."

On page 1, line 2 of the title, after "contracts;" strike the remainder of the title and insert "adding a new section to chapter 43.08 RCW; adding a new section to chapter 39.58 RCW; creating a new section; and providing an effective date."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Substitute House Bill No. 1183 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE**

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Substitute House Bill No. 1183 as amended by the Senate.

Representative H. Sommers spoke in favor of passage of the bill as amended by the Senate.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1183, as amended by the Senate and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Quall - 1.

Substitute House Bill No. 1183, as amended by the Senate, having received the constitutional majority, was declared passed.

#### **SENATE AMENDMENTS TO HOUSE BILL**

April 15, 1999

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1194 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** 1998 c 92 s 1 (uncodified) is amended to read as follows:

(1) The legislature recognizes the need to involve the boarding home industry, the consumers of assisted living and retirement services, the long-term care ombudsman, and state regulatory agencies in the collaborative process of developing standards and procedures for accreditation of licensed boarding homes. As participants, consumers can help develop standards that more closely address their needs and make the accreditation of boarding home providers more meaningful to them when choosing among competitors. Providers can maintain flexibility in the marketplace and more quickly recognize and respond to the changing needs of its client base. Regulatory agencies can save money and remain assured that performance standards are high. For these reasons, the legislature finds that it is in the best interests of the boarding home industry, boarding home consumers, and state regulatory agencies to support an industry-funded pilot program (~~(prior to changing or developing new standards for boarding home regulation)~~).

(2) A coalition of assisted living providers represented by state-wide assisted living professional trade associations, the long-term care ombudsman, state regulatory agencies, and consumer groups representing, but not limited to, the assisted living clientele such as the senior lobby, the American association of retired persons, and the alzheimer's association shall develop a plan for implementing a pilot program for the third-party accreditation of boarding homes licensed under RCW 18.20.020. The assisted living third-party accreditation pilot project coalition shall remain active until December 12, 2001. The pilot plan must be funded by the northwest assisted living ((federation of America)) facilities association. Funds for conducting this plan may also be received from other individuals and organizations in accordance with state law and upon the approval of the northwest assisted living facilities association. The plan shall review the overall feasibility of implementation, cost or savings to the regulating agency, impact on client health, safety, quality of care, quality of life, and financial and other impacts to the boarding home industry. ~~((The))~~ Pilot third-party boarding home accreditation ((plan)) progress reports shall be presented to the appropriate committees of the house of representatives and the senate by January 4, 1999 and by January 4, 2000. The final pilot third-party boarding home accreditation plan shall be submitted to the appropriate committees of the house of representatives and the senate no later than December 12, 2001."

On page 1, line 2 of the title, after "homes;" strike the remainder of the title and insert "and amending 1998 c 92 s 1 (uncodified)."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to House Bill No. 1194 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE**

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of House Bill No. 1194 as amended by the Senate.

Representatives Cody and McDonald spoke in favor of passage of the bill as amended by the Senate.

## ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1194, as amended by the Senate and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Voting nay: Representative Kagi - 1.

Excused: Representative Quall - 1.

House Bill No. 1194, as amended by the Senate, having received the constitutional majority, was declared passed.

## STATEMENT FOR THE JOURNAL

I intended to vote YEA on House Bill No. 1194.

RUTH KAGI, 32<sup>nd</sup> District

## SENATE AMENDMENTS TO HOUSE BILL

April 7, 1999

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1261 with the following amendment(s):

On page 3, line 1, after "(8)" strike "(a)"

On page 3, beginning on line 3, after "injury." strike all material through "act." on line 5

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

There being no objection, the House concurred in the Senate amendment(s) to House Bill No. 1261 and advanced the bill as amended by the Senate to final passage.

## FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of House Bill No. 1261 as amended by the Senate.

Representatives Romero and Clements spoke in favor of passage of the bill as amended by the Senate.

## ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1261, as amended by the Senate and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Vloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Quall - 1.

House Bill No. 1261, as amended by the Senate, having received the constitutional majority, was declared passed.

### SENATE AMENDMENTS TO HOUSE BILL

April 15, 1999

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1291 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 29.04.050 and 1989 c 278 s 1 are each amended to read as follows:

(1) Every voting precinct must be wholly within a single congressional district, a single legislative district, and a single district of a county legislative authority.

(2) Every voting precinct shall be composed, as nearly as practicable, of contiguous and compact areas.

(3) Except as provided in this subsection, changes to the boundaries of any precinct shall follow visible, physical features delineated on the most current maps provided by the United States census bureau. A change need not follow such visible, physical features if (a) it is necessitated by an annexation or incorporation and the proposed precinct boundary is identical to an exterior boundary of the annexed or incorporated area which does not follow a visible, physical feature; or (b) doing so would substantially impair election administration in the involved area.

(4) After a change to precinct boundaries is adopted by the county legislative authority, the county auditor shall send to the secretary of state a copy of the legal description and a map or maps of the changes and, if all or part of the changes do not follow visible, physical features, a statement of the applicable exception under subsection (3) of this section. For boundary changes made pursuant to subsection (3)(b) of this section, the auditor shall include a statement of the reasons why following visible, physical features would have substantially impaired election administration.

(5) Every voting precinct within each county shall be designated (~~consecutively~~) by number for the purpose of preparation of maps and the tabulation of population for apportionment purposes. These precincts may be identified with names or other numbers for other election purposes.

(6) After a change to precinct boundaries in a city or town, the county auditor shall send one copy of the map or maps delineating the new precinct boundaries within that city or town to the city or town clerk.

(7) Precinct maps are public records and shall be available for inspection by the public during normal office hours in the offices where they are kept. Copies shall be made available to the public for a fee necessary to cover the cost of reproduction.

**Sec. 2.** RCW 29.04.120 and 1992 c 7 s 32 are each amended to read as follows:

(1) Any person who uses registered voter data furnished under RCW 29.04.100 or 29.04.110 for the purpose of mailing or delivering any advertisement or offer for any property, establishment, organization, product, or service or for the purpose of mailing or delivering any solicitation for money, services, or anything of value shall be guilty of a felony punishable by imprisonment in a state correctional facility for a period of not more than five years or a fine of not more than ~~((five))~~ ten thousand dollars or both such fine and imprisonment, and shall be liable to each person provided such advertisement or solicitation, without the person's consent, for the nuisance value of such person having to dispose of it, which value is herein established at five dollars for each item mailed or delivered to the person's residence: PROVIDED, That any person who mails or delivers any advertisement, offer or solicitation for a political purpose shall not be liable under this section, unless the person is liable under subsection (2) of this section. For purposes of this subsection, two or more attached papers or sheets or two or more papers which are enclosed in the same envelope or container or are folded together shall be deemed to constitute one item. Merely having a mailbox or other receptacle for mail on or near the person's residence shall not be any indication that such person consented to receive the advertisement or solicitation. A class action may be brought to recover damages under this section and the court may award a reasonable attorney's fee to any party recovering damages under this section.

(2) It shall be the responsibility of each person furnished data under RCW 29.04.100 or 29.04.110 to take reasonable precautions designed to assure that the data is not used for the purpose of mailing or delivering any advertisement or offer for any property, establishment, organization, product or service or for the purpose of mailing or delivering any solicitation for money, services, or anything of value: PROVIDED, That such data may be used for any political purpose. Where failure to exercise due care in carrying out this responsibility results in the data being used for such purposes, then such person shall be jointly and severally liable for damages under the provisions of subsection (1) of this section along with any other person liable under subsection (1) of this section for the misuse of such data.

**Sec. 3.** RCW 29.04.170 and 1980 c 35 s 7 are each amended to read as follows:

(1) The legislature finds that certain laws are in conflict governing the election of various local officials. The purpose of ~~((this legislation))~~ chapter 126, Laws of 1979 ex. sess. is to provide a common date for the assumption of office for all the elected officials of counties, cities, towns, and special purpose districts other than school districts where the ownership of property is not a prerequisite of voting. A person elected to the office of school director begins his or her term of office at the first official meeting of the board of directors after certification of the election results. It is also the purpose of ~~((this legislation))~~ chapter 126, Laws of 1979 ex. sess. to remove these conflicts and delete old statutory language concerning such elections which is no longer necessary.

(2) For elective offices of counties, cities, towns, and special purpose districts other than school districts where the ownership of property is not a prerequisite of voting, the term of incumbents shall end and the term of successors shall begin after the successor is elected and qualified, and the term shall commence immediately after December 31st following the election, except as follows:

(a) Where the term of office varies from this standard according to statute; and

(b) If the election results have not been certified prior to January 1st after the election, in which event the time of commencement for the new term shall occur when the successor becomes qualified in accordance with RCW 29.01.135.

(3) For elective offices governed by this section, the oath of office shall be taken as the last step of qualification as defined in RCW 29.01.135 but may be taken either:

(a) Up to ten days prior to the scheduled date of assuming office; or

(b) At the last regular meeting of the governing body of the applicable county, city, town, or special district held before the winner is to assume office.

**Sec. 4.** RCW 29.07.010 and 1994 c 57 s 8 are each amended to read as follows:

(1) In all counties, the county auditor shall be the chief registrar of voters for every precinct within the county. The auditor may appoint a registration assistant for each precinct or group of

precincts and shall appoint city or town clerks as registration assistants to assist in registering persons residing in cities, towns, and rural precincts within the county.

(2) In addition, the auditor may appoint a registration assistant for each common school. The auditor may appoint a registration assistant for each fire station. ~~((All common schools, fire stations, and public libraries shall make voter registration application forms available to the public.))~~

(3) A registration assistant must be a registered voter. Except for city and town clerks, each registration assistant holds office at the pleasure of the county auditor.

(4) The county auditor shall be the custodian of the official registration records of that county. The county auditor shall ensure that mail-in voter registration application forms are readily available to the public at locations to include but not limited to the elections office, and all common schools, fire stations, and public libraries.

**Sec. 5.** RCW 29.07.120 and 1994 c 57 s 16 are each amended to read as follows:

~~((On each Monday next following the registration of any voter each))~~ Once each week the county auditor shall transmit all cards required by RCW 29.07.090 ~~((received in the auditor's office during the prior week))~~ to the secretary of state ~~((for filing))~~. The secretary of state may exempt a county auditor who is providing electronic voter registration and electronic voter signature information to the secretary of state from the requirements of this section.

**Sec. 6.** RCW 29.07.260 and 1994 c 57 s 21 are each amended to read as follows:

(1) A person may register to vote ~~((or))~~, transfer a voter registration, or change his or her name for voter registration purposes when he or she applies for or renews a driver's license or identification card under chapter 46.20 RCW.

(2) To register to vote ~~((or))~~, transfer ~~((or))~~ his or her voter registration, or change his or her name for voter registration purposes under this section, the applicant shall provide the following:

- (a) His or her full name;
  - (b) Whether the address in the driver's license file is the same as his or her residence for voting purposes;
  - (c) The address of the residence for voting purposes if it is different from the address in the driver's license file;
  - (d) His or her mailing address if it is not the same as the address in (c) of this subsection;
  - (e) Additional information on the geographic location of that voting residence if it is only identified by route or box;
  - (f) The last address at which he or she was registered to vote in this state;
  - (g) A declaration that he or she is a citizen of the United States; and
  - (h) Any other information that the secretary of state determines is necessary to establish the identity of the applicant and to prevent duplicate or fraudulent voter registrations.
- (3) The following warning shall appear in a conspicuous place on the voter registration form:

"If you knowingly provide false information on this voter registration form or knowingly make a false declaration about your qualifications for voter registration you will have committed a class C felony that is punishable by imprisonment for up to five years, or by a fine of up to ten thousand dollars, or both imprisonment and fine."

(4) The applicant shall sign a portion of the form that can be used as an initiative signature card for the verification of petition signatures by the secretary of state and shall sign and attest to the following oath:

"I declare that the facts on this voter registration form are true. I am a citizen of the United States, I am not presently denied my civil rights as a result of being convicted of a felony, I will have lived in Washington at this address for thirty days before the next election at which I vote, and I will be at least eighteen years old when I vote."

(5) The driver licensing agent shall record that the applicant has requested to register to vote or transfer a voter registration.

**Sec. 7.** RCW 29.08.080 and 1993 c 434 s 8 are each amended to read as follows:

The secretary of state shall furnish registration forms necessary to carry out the registration of voters as provided by this chapter without cost to the respective counties. ~~((However, costs incurred by the secretary of state during 1994 and 1995 in the printing and distribution of voter registration forms shall be reimbursed by the counties. This cost shall be considered an election cost under RCW 29.13.045 and be prorated as part of the 1994 and 1995 general election costs.))~~

**Sec. 8.** RCW 29.10.100 and 1994 c 57 s 43 are each amended to read as follows:

~~((On the Monday next following))~~ Once each week after the cancellation of the registration of any voter or the change of name of a voter, each county auditor ~~((must))~~ shall certify ~~((to))~~ all cancellations or name changes ~~((made during the prior week))~~ to the secretary of state. The certificate shall set forth the name of each voter whose registration has been canceled or whose name was changed, and the county, city or town, and precinct in which the voter was registered.

**Sec. 9.** RCW 29.15.025 and 1993 c 317 s 10 are each amended to read as follows:

(1) A person filing a declaration and affidavit of candidacy for an office shall, at the time of filing, be a registered voter and possess the qualifications specified by law for persons who may be elected to the office.

(2) The name of a candidate for an office shall not appear on a ballot for that office unless, except as provided in RCW 3.46.067 and 3.50.057, the candidate is, at the time the candidate's declaration and affidavit of candidacy is filed, properly registered to vote in the geographic area represented by the office. For the purposes of this section, each geographic area in which registered voters may cast ballots for an office is represented by that office. If a person elected to an office must be nominated from a district or similar division of the geographic area represented by the office, the name of a candidate for the office shall not appear on a primary ballot for that office unless the candidate is, at the time the candidate's declaration and affidavit of candidacy is filed, properly registered to vote in that district or division. The officer with whom declarations and affidavits of candidacy must be filed under this title shall review each such declaration filed regarding compliance with this subsection.

(3) This section does not apply to the office of a member of the United States congress.

**Sec. 10.** RCW 29.15.050 and 1990 c 59 s 85 are each amended to read as follows:

A filing fee of one dollar shall accompany each declaration of candidacy for precinct committee officer; a filing fee of ten dollars shall accompany the declaration of candidacy for any office with a fixed annual salary of one thousand dollars or less; a filing fee equal to one percent of the annual salary of the office at the time of filing shall accompany the declaration of candidacy for any office with a fixed annual salary of more than one thousand dollars per annum. No filing fee need accompany a declaration of candidacy for any office for which compensation is on a per diem or per meeting attended basis~~((, nor for the filing of any declaration of candidacy by a write in candidate))~~.

A candidate who lacks sufficient assets or income at the time of filing to pay the filing fee required by this section shall submit with his or her declaration of candidacy a nominating petition. The petition shall contain not less than a number of signatures of registered voters equal to the number of dollars of the filing fee. The signatures shall be of voters registered to vote within the jurisdiction of the office for which the candidate is filing.

When the candidacy is for:

(1) A legislative or judicial office that includes territory from more than one county, the fee shall be paid to the secretary of state for equal division between the treasuries of the counties comprising the district.

(2) A city or town office, the fee shall be paid to the county auditor who shall transmit it to the city or town clerk for deposit in the city or town treasury.

**Sec. 11.** RCW 29.30.101 and 1990 c 59 s 14 are each amended to read as follows:

The names of the persons certified as nominees by the secretary of state or the county canvassing board shall be printed on the ballot at the ensuing election.

No name of any candidate whose nomination at a primary is required by law shall be placed upon the ballot at a general or special election unless it appears upon the certificate of either (1) the secretary of state, or (2) the county canvassing board, or (3) a minor party convention or the state or county central committee of a major political party to fill a vacancy on its ticket under RCW 29.18.160.

Excluding the office of precinct committee officer or a temporary elected position such as a charter review board member or freeholder, a candidate's name shall not appear more than once upon a ballot for a position regularly nominated or elected at the same election.

**Sec. 12.** RCW 29.36.013 and 1993 c 418 s 1 are each amended to read as follows:

Any voter may apply, in writing, for status as an ongoing absentee voter. Each qualified applicant shall automatically receive an absentee ballot for each ensuing election for which he or she is entitled to vote and need not submit a separate request for each election. Ballots received from ongoing absentee voters shall be validated, processed, and tabulated in the same manner as other absentee ballots.

Status as an ongoing absentee voter shall be terminated upon any of the following events:

- (1) The written request of the voter;
- (2) The death or disqualification of the voter;
- (3) The cancellation of the voter's registration record; ~~((or))~~
- (4) The return of an ongoing absentee ballot as undeliverable; or
- (5) Upon placing a voter on inactive status under RCW 29.10.071.

**Sec. 13.** RCW 29.57.010 and 1985 c 205 s 1 are each amended to read as follows:

The intent of this chapter is to ~~((implement Public Law 98-435 which))~~ require~~((s))~~ state and local election officials~~((, wherever possible,))~~ to designate and use polling places in ~~((federal))~~ all elections and permanent registration locations which are accessible to elderly and handicapped persons. County auditors ~~((are encouraged to))~~ shall:

- (1) Make modifications such as installation of temporary ramps or relocation of polling places within buildings, where appropriate;
- (2) Designate new, accessible polling places to replace those that are inaccessible; and
- (3) Continue to use polling places and voter registration locations which are accessible to elderly and handicapped persons.

**Sec. 14.** RCW 29.57.070 and 1985 c 205 s 3 are each amended to read as follows:

No later than April 1st of each even-numbered year ~~((until and including 1994))~~, each county auditor shall ~~((report))~~ submit to the secretary of state~~((, on the form provided by the secretary of state,))~~ a list showing the number of ~~((all))~~ polling places in the county~~((,))~~ and specifying any that have been found inaccessible. The auditor shall indicate the reasons for inaccessibility, and what efforts have been made pursuant to this chapter to locate alternative polling places or to make the existing facilities temporarily accessible. ~~((Each county auditor shall notify the secretary of state of any changes in polling place locations before the next state general election, including any changes required due to alteration of precinct boundaries.))~~

If a county auditor's list shows, for two consecutive reporting periods, that no polling places have been found inaccessible, the auditor need not submit further reports unless the secretary of state specifically reinstates the requirement for that county. Notice of reinstatement must be in writing and delivered at least sixty days before the reporting date.

**Sec. 15.** RCW 29.57.090 and 1985 c 205 s 5 are each amended to read as follows:

The secretary of state shall establish procedures to assure that, in any ~~((state))~~ primary or ~~((state general))~~ election ~~((in an even-numbered year))~~, any handicapped or elderly voter assigned to an inaccessible polling place will, upon advance request of that voter, either be permitted to vote at an



alternative accessible polling place not overly inconvenient to that voter or be provided with an alternative means of casting a ballot on the day of the primary or election. The county auditor shall make any accommodations in voting procedures necessary to allow the use of alternative polling places by elderly or handicapped voters under this section.

**Sec. 16.** RCW 29.57.100 and 1985 c 205 s 6 are each amended to read as follows:

Each polling place (~~for a state primary or state general election in an even numbered year shall~~) must be accessible unless:

(1) The (~~secretary of state has reviewed that polling place,~~) county auditor has determined that it is inaccessible, that no alternative accessible polling place is available, that no temporary modification of that polling place or any alternative polling place is possible, and that the county auditor has complied with the procedures established under RCW 29.57.090; or

(2) The secretary of state determines that a state of emergency exists that would otherwise interfere with the efficient administration of (~~that~~) the primary or election.

**Sec. 17.** RCW 29.57.130 and 1985 c 205 s 9 are each amended to read as follows:

(1) Each county auditor shall provide voting and registration instructions, printed in large type, to be conspicuously displayed at each polling place and permanent registration facility.

(2) The (~~secretary of state~~) county auditor shall make information available for deaf persons throughout the state by telecommunications.

**Sec. 18.** RCW 29.57.140 and 1985 c 205 s 10 are each amended to read as follows:

The (~~secretary of state~~) county auditor shall provide public notice of the availability of registration and voting aids, assistance to elderly and handicapped persons (~~under RCW 29.51.200 and 42 U.S.C. Section 1973aa-6~~), and procedures for voting by absentee ballot calculated to reach elderly and handicapped persons not later than public notice of the closing of registration for (~~the state~~) a primary (~~and state general~~) or election (~~in each even numbered year~~).

**Sec. 19.** RCW 29.57.150 and 1985 c 205 s 11 are each amended to read as follows:

Each county auditor shall include a notice of the accessibility of polling places in the notice of election published under RCW 29.27.030 and 29.27.080 (~~for the state primary and state general election in each even numbered year~~).

**Sec. 20.** RCW 29.57.160 and 1985 c 205 s 12 are each amended to read as follows:

(1) County auditors shall seek alternative polling places or other low-cost alternatives including, but not limited to, procedural changes and assistance from local disabled groups, service organizations, and other private sources before incurring costs for modifications under this chapter (~~and Public Law 98-435~~).

(2) (~~In a state primary or state general election in an even numbered year,~~) The cost of those modifications to buildings or other facilities, including signs designating handicapped accessible parking and entrances, that are necessary to permit the use of those facilities for polling places under this chapter (~~and Public Law 98-435~~) or any procedures established under RCW 29.57.090 shall be treated as election costs and prorated under RCW 29.13.045.

**Sec. 21.** RCW 29.62.090 and 1990 c 262 s 1 are each amended to read as follows:

(1) Immediately after the official results of a state primary or general election in a county are ascertained, the county auditor or other election officer shall make an abstract of the number of registered voters in each precinct and of all the votes cast in the county at such state primary or general election for and against state measures and for each candidate for federal, state, and legislative office or for any other office which the secretary of state is required by law to canvass. The abstract shall be entered on blanks furnished by the secretary of state or on compatible computer printouts approved by the secretary of state, and transmitted to the secretary of state no later than the next business day following the certification by the county canvassing board.

(2) After each general election (~~(in an even-numbered year)~~), the county auditor or other election officer shall provide to the secretary of state a report of the number of absentee ballots cast in each precinct for and against state measures and for each candidate for federal, state, and legislative office or for any other office which the secretary of state is required by law to canvass. The report may be included in the abstract required by this section or may be transmitted to the secretary of state separately, but in no event later than March 31 of the year following the election. Absentee ballot results may be incorporated into votes cast at the polls for each precinct or may be reported separately on a precinct-by-precinct basis.

(3) If absentee ballot results are not incorporated into votes cast at the polls, the county auditor or other election official may aggregate results from more than one precinct if the auditor, pursuant to rules adopted by the secretary of state, finds that reporting a single precinct's absentee ballot results would jeopardize the secrecy of a person's ballot. To the extent practicable, precincts for which absentee results are aggregated shall be contiguous.

NEW SECTION. Sec. 22. The following acts or parts of acts are each repealed:

- (1) RCW 29.57.030 and 1985 c 205 s 2 & 1979 ex.s. c 64 s 3;
- (2) RCW 29.57.080 and 1985 c 205 s 4;
- (3) RCW 29.57.110 and 1985 c 205 s 7; and
- (4) RCW 29.57.120 and 1985 c 205 s 8."

On page 1, line 1 of the title, after "laws;" strike remainder of the title and insert "amending RCW 29.04.050, 29.04.120, 29.04.170, 29.07.010, 29.07.120, 29.07.260, 29.08.080, 29.10.100, 29.15.025, 29.15.050, 29.30.101, 29.36.013, 29.57.010, 29.57.070, 29.57.090, 29.57.100, 29.57.130, 29.57.140, 29.57.150, 29.57.160, and 29.62.090; and repealing RCW 29.57.030, 29.57.080, 29.57.110, and 29.57.120."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Substitute House Bill No. 1291 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE**

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Substitute House Bill No. 1291 as amended by the Senate.

Representative D. Schmidt spoke in favor of passage of the bill as amended by the Senate.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1291, as amended by the Senate and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-

Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Quall - 1.

Substitute House Bill No. 1291, as amended by the Senate, having received the constitutional majority, was declared passed.

## SENATE AMENDMENTS TO HOUSE BILL

April 7, 1999

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1371 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that current statutes relating to the reporting, treatment, and payment for tuberculosis are outdated, and not in concert with current clinical practice and tuberculosis care management. Updating reporting requirements for local health departments will benefit providers, local health, and individuals requiring treatment for tuberculosis.

**Sec. 2.** RCW 70.28.010 and 1996 c 209 s 1 are each amended to read as follows:

All practicing ~~((physicians))~~ health care providers in the state are hereby required to report to the local ~~((boards of))~~ health ~~((in writing, the name, age, sex, occupation and residence))~~ department cases of every person having tuberculosis who has been attended by, or who has come under the observation of ~~((such physician)),~~ the health care provider within one day thereof.

**Sec. 3.** RCW 70.28.020 and 1967 c 54 s 2 are each amended to read as follows:

All local ~~((boards of))~~ health departments in this state are hereby required to receive and keep a ~~((permanent))~~ record, for a period of ten years from the date of the report, of the reports required by RCW 70.28.010 to be made to them; such records shall not be open to public inspection, but shall be submitted to the proper inspection of other local health departments and ~~((state boards))~~ of the department of health alone, and such records shall not be published nor made public.

**Sec. 4.** RCW 70.28.037 and 1967 c 54 s 7 are each amended to read as follows:

Where it has been determined after an examination as prescribed ~~((above,))~~ in this chapter that an individual has active tuberculosis, ~~((and he resides in a county in which no tuberculosis facility is located,))~~ upon application to the superior court by the local health officer, the superior court ~~((may))~~ shall order the sheriff to transport ~~((said))~~ the individual to a designated ~~((tuberculosis))~~ facility for isolation, treatment, and care until such time as the ~~((medical director of the hospital))~~ local health officer or designee determines that ~~((his))~~ the patient's condition is such that it is safe for ~~((him))~~ the patient to be discharged from the facility.

**Sec. 5.** RCW 70.30.061 and 1973 1st ex.s. c 213 s 1 are each amended to read as follows:

Any person residing in the state and needing treatment for tuberculosis~~((s))~~ may apply in person to the local health officer or to any licensed physician, advanced registered nurse practitioner, or licensed physician assistant for examination and if ~~((such physician))~~ that health care provider has reasonable cause to believe that ~~((said))~~ the person is suffering from tuberculosis in any form he or she may apply to the local health officer or ~~((tuberculosis hospital director))~~ designee for admission of ~~((said))~~ the person to an appropriate facility for the care and treatment of tuberculosis.

**Sec. 6.** RCW 70.32.010 and 1975 1st ex.s. c 291 s 3 are each amended to read as follows:

Tuberculosis is a communicable disease and tuberculosis ~~((control, case finding,))~~ prevention, treatment, control, and follow up of known cases of tuberculosis ~~((represents))~~ are the basic steps in the ~~((conquest))~~ control of this major health problem. In order to carry on such work effectively in accordance with the standards set by the secretary ~~((pursuant to))~~ under RCW 70.33.020 (as recodified by this act), the legislative authority of each county shall budget a sum to be used for the control of tuberculosis, including case finding, prevention, treatment, and follow up of known cases of tuberculosis. Under no circumstances should this section be construed to mean that the legislative authority of each county shall budget sums to provide tuberculosis treatment when the patient has the ability to pay for the treatment. Each patient's ability to pay for the treatment shall be assessed by the local health department.

**Sec. 7.** RCW 70.33.010 and 1991 c 3 s 330 are each amended to read as follows:

The ~~((following words and phrases shall have the designated meanings in))~~ definitions in this section apply throughout this chapter ~~((and RCW 70.32.010, 70.32.050, and 70.32.060))~~ unless the context clearly ~~((indicated))~~ requires otherwise:

- (1) "Department" means the department of health;
- (2) "Secretary" means the secretary of the department of health or his or her designee;
- (3) ~~((("Tuberculosis hospital" and "tuberculosis hospital facility" refer to hospitals for the care of persons suffering from tubereulosis;~~
- (4)) "Tuberculosis control" refers to the procedures administered in the counties for the control ~~((and)),~~ prevention, and treatment of tuberculosis~~((, but does not include hospitalization)).~~

**Sec. 8.** RCW 70.33.020 and 1983 c 3 s 172 are each amended to read as follows:

~~((From and after August 9, 1971,))~~ The secretary shall have responsibility for establishing standards for the control, prevention, and treatment of tuberculosis and ~~((shall have administrative responsibility and control for all tubereulosis))~~ hospitals ~~((facilities))~~ approved to treat tuberculosis in the state operated ~~((pursuant to))~~ under this chapter and chapter 70.30 RCW ~~((70.32.010, 70.32.050, and 70.32.060))~~ and for providing, either directly or through agreement, contract, or purchase, ~~((hospital, nursing home and other))~~ appropriate facilities and services ~~((including laboratory services))~~ for persons who are, or may be suffering from tuberculosis except as otherwise provided by RCW 70.30.061~~((, 70.33.020, 70.33.030, and 70.33.040))~~ or this section.

~~((Pursuant to))~~ Under that responsibility, the secretary shall have the following powers and duties:

- (1) To develop and enter into such agreements, contracts, or purchase arrangements with counties and public and private agencies or institutions to provide for hospitalization, nursing home, or other appropriate facilities and services, including laboratory services, for persons who are or may be suffering from tuberculosis~~((, or to provide for and maintain any tuberculosis hospital facility which the secretary determines is necessary to meet the needs of the state, to determine where such hospitals shall be located and to adequately staff such hospitals to meet patient care needs));~~
- (2) ~~((To appoint a medical director for each tuberculosis hospital facility operated pursuant to this chapter and RCW 70.32.010, 70.32.050, and 70.32.060;~~
- (3)) Adopt such rules ~~((and regulations))~~ as are necessary to assure effective patient care and treatment~~((, and to provide for the general administration))~~ of tuberculosis ~~((hospital facilities operated pursuant to this chapter and RCW 70.32.010, 70.32.050, and 70.32.060)).~~

**Sec. 9.** RCW 70.33.040 and 1975 1st ex.s. c 291 s 4 are each amended to read as follows:

In order to maintain adequate ~~((tuberculosis hospital facilities and to provide for adequate hospitalization, nursing home and other appropriate))~~ facilities and services for the residents of the state of Washington who are or may be suffering from tuberculosis and to assure their proper care, ~~((the standards set by the secretary pursuant to RCW 70.33.020 and 70.32.050 and 70.32.060,))~~ the legislative authority of each county shall budget annually a sum to provide such services in the county.

~~((If such counties desire to receive state services, they may elect to utilize funds pursuant to this section for the purpose of contracting with the state upon agreement by the state for the cost of providing tuberculosis hospitalization and/or outpatient treatment including laboratory services, or~~

~~such))~~ The funds may be retained by the county for operating its own services for the prevention and treatment of tuberculosis ~~((or any other community health purposes authorized by law))~~. None of ~~((such))~~ the counties shall be required to make any payments to the state or any other agency from these funds except ~~((upon the express consent of the county legislative authority: PROVIDED, That))~~ as authorized by the local health department. However, if the counties do not comply with the ~~((promulgated))~~ adopted standards of the department, the secretary shall take action to provide ~~((such))~~ the required services and to charge the affected county directly for the provision of these services by the state.

NEW SECTION. Sec. 10. A new section is added to chapter 70.30 RCW to read as follows: The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

- (1) "Department" means the department of health.
- (2) "Secretary" means the secretary of the department of health or his or her designee.
- (3) "Tuberculosis control" refers to the procedures administered in the counties for the control, prevention, and treatment of tuberculosis.

NEW SECTION. Sec. 11. (1) RCW 70.33.010 and 70.33.020 are each recodified as sections in chapter 70.28 RCW.

(2) RCW 70.32.010 and 70.33.040 are each recodified as sections in chapter 70.30 RCW.

NEW SECTION. Sec. 12. The following acts or parts of acts are each repealed:

- (1) RCW 70.28.040 and 1899 c 71 s 4;
- (2) RCW 70.28.050 and 1967 c 54 s 3 & 1899 c 71 s 5;
- (3) RCW 70.30.072 and 1972 ex.s. c 143 s 3;
- (4) RCW 70.32.050 and 1971 ex.s. c 277 s 22, 1967 c 54 s 16, 1945 c 66 s 5, & 1943 c 162 s 5;
- (5) RCW 70.32.060 and 1971 ex.s. c 277 s 23, 1967 c 54 s 17, 1945 c 66 s 6, & 1943 c 162 s 6;
- (6) RCW 70.33.030 and 1983 c 3 s 173, 1973 1st ex.s. c 213 s 3, & 1971 ex.s. c 277 s 17; and
- (7) RCW 70.33.060 and 1971 ex.s. c 277 s 20.

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

On page 1, beginning on line 2 of the title, after "tuberculosis;" strike the remainder of the title and insert "amending RCW 70.28.010, 70.28.020, 70.28.037, 70.30.061, 70.32.010, 70.33.010, 70.33.020, and 70.33.040; adding new sections to chapter 70.30 RCW; adding new sections to chapter 70.28 RCW; creating a new section; recodifying RCW 70.33.010, 70.33.020, 70.32.010, and 70.33.040; and repealing RCW 70.28.040, 70.28.050, 70.30.072, 70.32.050, 70.32.060, 70.33.030, and 70.33.060."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

There being no objection, the House concurred in the Senate amendment(s) to Substitute House Bill No. 1371 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE**

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Substitute House Bill No. 1371 as amended by the Senate.

Representatives McDonald and Ruderman spoke in favor of passage of the bill as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1371, as amended by the Senate and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Quall - 1.

Substitute House Bill No. 1371, as amended by the Senate, having received the constitutional majority, was declared passed.

The House deferred action on House Bill No. 1378, and the bill held its place on the concurrence calendar.

#### SENATE AMENDMENTS TO HOUSE BILL

April 12, 1999

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1432 with the following amendment(s):

On page 2, beginning on line 15, strike all material through "matters." on line 19 and insert the following:

"(10) Participate in federal and state agency hearings, meetings, and other proceedings relating to the regulation of the production, manufacture, distribution, sale, or use of dairy products, to provide educational meetings and seminars for the dairy industry on such matters, and to expend commission funds for such activities."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to House Bill No. 1432 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of House Bill No. 1432 as amended by the Senate.

Representative Stensen spoke in favor of passage of the bill as amended by the Senate.

## ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1432, as amended by the Senate and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Vloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Quall - 1.

House Bill No. 1432, as amended by the Senate, having received the constitutional majority, was declared passed.

## SENATE AMENDMENTS TO HOUSE BILL

April 12, 1999

Mr. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1477 with the following amendment(s):

On page 8, line 1, after "TRAINING." strike "the" and insert "To the extent funds are appropriated, the"

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Engrossed Second Substitute House Bill No. 1477 and advanced the bill as amended by the Senate to final passage.

## FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Engrossed Second Substitute House Bill No. 1477 as amended by the Senate.

Representative Haigh spoke in favor of passage of the bill as amended by the Senate.

## ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1477, as amended by the Senate and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds,

Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Quall - 1.

Engrossed Second Substitute House Bill No. 1477, as amended by the Senate, having received the constitutional majority, was declared passed.

### SENATE AMENDMENTS TO HOUSE BILL

April 13, 1999

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1514 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 26.09.260 and 1991 c 367 s 9 are each amended to read as follows:

(1) Except as otherwise provided in subsections (4), (5), (7), and (9) of this section, the court shall not modify a prior custody decree or a parenting plan unless it finds, upon the basis of facts that have arisen since the prior decree or plan or that were unknown to the court at the time of the prior decree or plan, that a substantial change has occurred in the circumstances of the child or the nonmoving party and that the modification is in the best interest of the child and is necessary to serve the best interests of the child.

(2) In applying these standards, the court shall retain the residential schedule established by the decree or parenting plan unless:

(a) The parents agree to the modification;

(b) The child has been integrated into the family of the petitioner with the consent of the other parent in substantial deviation from the parenting plan;

(c) The child's present environment is detrimental to the child's physical, mental, or emotional health and the harm likely to be caused by a change of environment is outweighed by the advantage of a change to the child; or

(d) The court has found the nonmoving parent in contempt of court at least twice within three years because the parent failed to comply with the residential time provisions in the court-ordered parenting plan, or the parent has been convicted of custodial interference in the first or second degree under RCW 9A.40.060 or 9A.40.070.

(3) A conviction of custodial interference in the first or second degree under RCW 9A.40.060 or 9A.40.070 shall constitute a substantial change of circumstances for the purposes of this section.

(4) The court may reduce or restrict contact between the nonprimary residential parent and a child if it finds that the reduction or restriction would serve and protect the best interests of the child using the criteria in RCW 26.09.191.

(5) The court may order adjustments to the residential aspects of a parenting plan upon a showing of a substantial change in circumstances of either parent or of the child, and without consideration of the factors set forth in subsection (2) of this section, if the proposed modification is only a(~~:~~

~~(a) Modification in the dispute resolution process; or~~

~~(b) Minor modification in the residential schedule that:~~

~~(i) Does not change the residence the child is scheduled to reside in the majority of the time;~~

and



~~(ii) Does not exceed twenty four full days in a calendar year or five full days in a calendar month; or~~

~~(iii) Is based on a change of residence or an involuntary change in work schedule by a parent which makes the residential schedule in the parenting plan impractical to follow))~~ minor modification in the residential schedule that does not change the residence the child is scheduled to reside in the majority of the time and:

(a) Does not exceed twenty-four full days in a calendar year; or

(b) Is based on a change of residence or an involuntary change in work schedule by a parent which makes the residential schedule in the parenting plan impractical to follow; or

(c) Does not result in a schedule that exceeds ninety overnights per year in total, if the court finds that the decree of dissolution or parenting plan does not provide reasonable time with the nonprimary residential parent at the time the petition for modification is filed, and further, the court finds that it is in the best interests of the child to increase residential time with the nonprimary residential parent in excess of the residential time period in (a) of this subsection. However, any motion under this subsection (5)(c) is subject to the factors established in subsection (2) of this section if the party bringing the motion has previously been granted a modification under this same subsection within twenty-four months of the current motion. Relief granted under this section shall not be the sole basis for adjusting or modifying child support.

(6) A nonprimary residential parent whose residential time with the child is subject to limitations pursuant to RCW 26.09.191 (2) or (3) may not seek expansion of residential time under subsection (5)(c) of this section unless that parent demonstrates a substantial change in circumstances specifically related to the basis for the limitation.

(7) If a nonprimary residential parent voluntarily fails to exercise residential time for an extended period, that is, one year or longer, the court upon proper motion may make adjustments to the parenting plan in keeping with the best interests of the minor child.

(8) A nonprimary parent who is required by the existing parenting plan to complete evaluations, treatment, parenting, or other classes may not seek expansion of residential time under subsection (5)(c) of this section unless that parent has fully complied with such requirements.

(9) The court may order adjustments to any of the nonresidential aspects of a parenting plan upon a showing of a substantial change of circumstances of either parent or of a child, and the adjustment is in the best interest of the child. Adjustments ordered under this section may be made without consideration of the factors set forth in subsection (2) of this section.

~~((5))~~ (10) If the court finds that a motion to modify a prior decree or parenting plan has been brought in bad faith, the court shall assess the attorney's fees and court costs of the nonmoving parent against the moving party."

On page 1, line 2 of the title, after "decree;" strike the remainder of the title and insert "and amending RCW 26.09.260."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Engrossed Substitute House Bill No. 1514 and advanced the bill as amended by the Senate to final passage.

### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE**

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1514 as amended by the Senate.

Representatives Kastama and Carrell spoke in favor of passage of the bill as amended by the Senate.

## ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1514, as amended by the Senate and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Quall - 1.

Engrossed Substitute House Bill No. 1514, as amended by the Senate, having received the constitutional majority, was declared passed.

## SENATE AMENDMENTS TO HOUSE BILL

April 6, 1999

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1524 with the following amendment(s):

On page 4, line 32, after "state" insert "or province"

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to House Bill No. 1524 and advanced the bill as amended by the Senate to final passage.

## FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of House Bill No. 1524 as amended by the Senate.

Representatives Doumit and B. Chandler spoke in favor of passage of the bill as amended by the Senate.

## ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1524, as amended by the Senate and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville,

Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Quall - 1.

House Bill No. 1524, as amended by the Senate, having received the constitutional majority, was declared passed.

## SENATE AMENDMENTS TO HOUSE BILL

April 15, 1999

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1550 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.51.112 and 1996 c 129 s 2 are each amended to read as follows:

(1) The commission shall develop and maintain a cross-state trail facility with appropriate appurtenances.

(2) This section expires July 1, (~~(1999)~~) 2006, if the department of transportation does not enter into a franchise agreement for a rail line over portions of the Milwaukee Road corridor by July 1, (~~(1999)~~) 2006.

**Sec. 2.** RCW 43.51.1121 and 1996 c 129 s 3 are each amended to read as follows:

(1) To facilitate completion of a cross-state trail under the management of the parks and recreation commission, management and control of lands known as the Milwaukee Road corridor shall be transferred between state agencies as follows on the date a franchise agreement is entered into for a rail line over portions of the Milwaukee Road corridor:

(a) Portions owned by the state between Ellensburg and the Columbia river that are managed by the parks and recreation commission are transferred to the department of transportation;

(b) Portions owned by the state between the west side of the Columbia river and Royal City Junction and between Warden and Lind that are managed by the department of natural resources are transferred to the department of transportation; and

(c) Portions owned by the state between Lind and the Idaho border that are managed by the department of natural resources are transferred to the parks and recreation commission.

(2) The department of natural resources and the parks and recreation commission may by mutual agreement transfer the management authority over portions of the Milwaukee Road corridor between their two respective agencies without legislative approval if the portion transferred does not exceed ten miles in length.

(3) This section expires July 1, (~~(1999)~~) 2006, and no transfers shall occur if the department of transportation does not enter into a franchise agreement for a rail line over portions of the Milwaukee Road corridor by July 1, (~~(1999)~~) 2006.

**Sec. 3.** RCW 43.51.113 and 1996 c 129 s 4 are each amended to read as follows:

(1) The department of transportation shall negotiate a franchise with a rail carrier to establish and maintain a rail line over portions of the Milwaukee Road corridor owned by the state between Ellensburg and Lind. The department of transportation may negotiate such a franchise with any qualified rail carrier. Criteria for negotiating the franchise and establishing the right of way include:

(a) Assurances that resources from the franchise will be sufficient to compensate the state for use of the property, including completion of a cross-state trail between Easton and the Idaho border;

- (b) Types of payment for use of the franchise, including payment for the use of federally granted trust lands in the transportation corridor;
- (c) Standards for maintenance of the line;
- (d) Provisions ensuring that both the conventional and intermodal rail service needs of local shippers are met. Such accommodations may comprise agreements with the franchisee to offer or maintain adequate service or to provide service by other carriers at commercially reasonable rates;
- (e) Provisions requiring the franchisee, upon reasonable request of any other rail operator, to provide rail service and interchange freight over what is commonly known as the Stampede Pass rail line from Cle Elum to Auburn at commercially reasonable rates;
- (f) If any part of the franchise agreement is invalidated by actions or rulings of the federal surface transportation board or a court of competent jurisdiction, the remaining portions of the franchise agreement are not affected;
- (g) Compliance with environmental standards; and
- (h) Provisions for insurance and the coverage of liability.

(2) The franchise may provide for periodic review of financial arrangements under the franchise.

(3) The department of transportation, in consultation with the parks and recreation commission and the legislative transportation committee, shall negotiate the terms of the franchise, and shall present the agreement to the parks and recreation commission for approval of as to terms and provisions affecting the cross-state trail or affecting the commission.

(4) This section expires July 1, (~~1999~~) 2006, if the department of transportation does not enter into a franchise agreement for a rail line over portions of the Milwaukee Road corridor by July 1, (~~1999~~) 2006.

**Sec. 4.** RCW 43.51.114 and 1996 c 129 s 5 are each amended to read as follows:

(1) The cross-state trail account is created in the custody of the state treasurer. Eleven million five hundred thousand dollars is provided to the state parks and recreation commission to acquire, construct, and maintain a cross-state trail. This amount may consist of: (a) Legislative appropriations intended for trail development; (b) payments for the purchase of federally granted trust lands; and (c) franchise fees derived from use of the rail corridor. The legislature intends that any amounts provided from the transportation fund are to be repaid to the transportation fund from franchise fees.

(2) The department shall deposit franchise fees from use of the rail corridor according to the following priority: (a) To the department of transportation for actual costs incurred in administering the franchise; (b) to the department of natural resources as compensation for use of federally granted trust lands in the rail corridor; (c) to the transportation fund to reimburse any amounts transferred or appropriated from that fund by the legislature for trail development; (d) to the cross-state trail account, not to exceed eleven million five hundred thousand dollars, provided that this amount shall be reduced proportionate with any funds transferred or appropriated by the 1996 legislature or paid from franchise fees for the purchase of federally granted trust lands or for trail development; and (e) the remainder to the essential rail assistance account, created under RCW 47.76.250. Expenditures from the cross-state trail account may be used only for the acquisition, development, operation, and maintenance of the cross-state trail. Only the director of the state parks and recreation commission or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

(3) The commission may acquire land from willing sellers for the cross-state trail, but not by eminent domain.

(4) The commission shall adopt rules describing the cross-state trail.

(5) This section expires July 1, (~~1999~~) 2006, if the department of transportation does not enter into a franchise agreement for a rail line over portions of the Milwaukee Road corridor by July 1, (~~1999~~) 2006.

**Sec. 5.** 1996 c 129 s 11 (uncodified) is amended to read as follows:

Sections 7 and 8, chapter 129, Laws of 1996 expire July 1, ((1999)) 2006, if the department of transportation does not enter into a franchise agreement for a rail line over portions of the Milwaukee Road corridor by July 1, ((1999)) 2006.

NEW SECTION. **Sec. 6.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

In line 2 of the title, after "agreement;" strike the remainder of the title and insert "amending RCW 43.51.112, 43.51.1121, 43.51.113, and 43.51.114; amending 1996 c 129 s 11 (uncodified); providing contingent expiration dates; and declaring an emergency."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to House Bill No. 1550 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE**

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of House Bill No. 1550 as amended by the Senate.

Representative G. Chandler spoke in favor of passage of the bill as amended by the Senate.

#### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1550, as amended by the Senate and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Quall - 1.

House Bill No. 1550, as amended by the Senate, having received the constitutional majority, was declared passed.

#### **SENATE AMENDMENTS TO HOUSE BILL**

April 7, 1999

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1556 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 48.48.065 and 1995 c 369 s 29 are each amended to read as follows:

(1) The chief of each organized fire department, or the sheriff or other designated county official having jurisdiction over areas not within the jurisdiction of any fire department, shall report statistical information and data to the chief of the Washington state patrol, through the director of fire protection, on each fire occurring within the official's jurisdiction and, within two business days, report any death resulting from fire. Reports shall be consistent with the national fire incident reporting system developed by the United States fire administration and rules established by the chief of the Washington state patrol, through the director of fire protection. The chief of the Washington state patrol, through the director of fire protection, and the department of natural resources shall jointly determine the statistical information to be reported on fires on land under the jurisdiction of the department of natural resources.

(2) The chief of the Washington state patrol, through the director of fire protection, shall analyze the information and data reported, compile a report, and distribute a copy annually by ~~((May))~~ July 1st to each chief fire official in the state. Upon request, the chief of the Washington state patrol, through the director of fire protection, shall also furnish a copy of the report to any other interested person at cost.

(3) In carrying out the duties relating to collecting, analyzing, and reporting statistical fire data, the fire protection policy board may purchase statistical fire data from a qualified individual or organization. The information shall meet the diverse needs of state and local fire reporting agencies and shall be (a) defined in understandable terms of common usage in the fire community; (b) adaptable to the varying levels of resources available; (c) maintained in a manner that will foster both technical support and resource sharing; and (d) designed to meet both short and long-term needs."

In line 1 of the title, after "fire;" strike the remainder of the title and insert "and amending RCW 48.48.065."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

There being no objection, the House concurred in the Senate amendment(s) to House Bill No. 1556 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE**

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of House Bill No. 1556 as amended by the Senate.

Representatives Hatfield and Mulliken spoke in favor of passage of the bill as amended by the Senate.

#### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1556, as amended by the Senate and the bill passed the House by the following vote: Yeas - 95, Nays - 2, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D.

Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Voting nay: Representatives Constantine and Poulsen - 2.

Excused: Representative Quall - 1.

House Bill No. 1556, as amended by the Senate, having received the constitutional majority, was declared passed.

### SENATE AMENDMENTS TO HOUSE BILL

April 14, 1999

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1558 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 46.55.120 and 1998 c 203 s 5 are each amended to read as follows:

(1) Vehicles or other items of personal property registered or titled with the department that are impounded by registered tow truck operators pursuant to RCW 46.55.080, 46.55.085, or 46.55.113 may be redeemed only under the following circumstances:

(a) Only the legal owner, the registered owner, a person authorized in writing by the registered owner or the vehicle's insurer, a person who is determined and verified by the operator to have the permission of the registered owner of the vehicle or other item of personal property registered or titled with the department, or one who has purchased a vehicle or item of personal property registered or titled with the department from the registered owner who produces proof of ownership or written authorization and signs a receipt therefor, may redeem an impounded vehicle or items of personal property registered or titled with the department. In addition, a vehicle impounded because the operator is in violation of RCW 46.20.342(1)(c) shall not be released until a person eligible to redeem it under this subsection (1)(a) satisfies the requirements of (b) of this subsection, including paying all towing, removal, and storage fees, notwithstanding the fact that the hold was ordered by a government agency. If the department's records show that the operator has been convicted of a violation of RCW 46.20.342 or a similar local ordinance within the past five years, the vehicle may be held for up to thirty days at the written direction of the agency ordering the vehicle impounded. A vehicle impounded because the operator is arrested for a violation of RCW 46.20.342 may be released only pursuant to a written order from the agency that ordered the vehicle impounded. An agency may issue a written order to release pursuant to a provision of an applicable state agency rule or local ordinance authorizing release on the basis of economic or personal hardship to the spouse of the operator, taking into consideration public safety factors, including the operator's criminal history and driving record.

If a vehicle is impounded because the operator is in violation of RCW 46.20.342(1) (a) or (b), the vehicle may be held for up to thirty days at the written direction of the agency ordering the vehicle impounded. However, if the department's records show that the operator has been convicted of a violation of RCW 46.20.342(1) (a) or (b) or a similar local ordinance within the past five years, the vehicle may be held at the written direction of the agency ordering the vehicle impounded for up to sixty days, and for up to ninety days if the operator has two or more such prior offenses. If a vehicle is impounded because the operator is arrested for a violation of RCW 46.20.342, the vehicle may not be released until a person eligible to redeem it under this subsection (1)(a) satisfies the requirements of (b) of this subsection, including paying all towing, removal, and storage fees, notwithstanding the fact that the hold was ordered by a government agency.

(b) The vehicle or other item of personal property registered or titled with the department shall be released upon the presentation to any person having custody of the vehicle of commercially reasonable tender sufficient to cover the costs of towing, storage, or other services rendered during the course of towing, removing, impounding, or storing any such vehicle. In addition, if a vehicle is

impounded because the operator was arrested for a violation of RCW 46.20.342 or 46.20.420 and was being operated by the registered owner when it was impounded, it must not be released to any person until the registered owner establishes with the agency that ordered the vehicle impounded or a court having jurisdiction that any penalties, fines, or forfeitures owed by him or her have been satisfied.

Registered tow truck operators are not liable for damages if they rely in good faith on an order from the impounding agency or a court in releasing a vehicle held under a suspended license impound.

Commercially reasonable tender shall include, without limitation, cash, major bank credit cards, or personal checks drawn on in-state banks if accompanied by two pieces of valid identification, one of which may be required by the operator to have a photograph. If the towing firm can determine through the customer's bank or a check verification service that the presented check would not be paid by the bank or guaranteed by the service, the towing firm may refuse to accept the check. Any person who stops payment on a personal check or credit card, or does not make restitution within ten days from the date a check becomes insufficient due to lack of funds, to a towing firm that has provided a service pursuant to this section or in any other manner defrauds the towing firm in connection with services rendered pursuant to this section shall be liable for damages in the amount of twice the towing and storage fees, plus costs and reasonable attorney's fees.

(2)(a) The registered tow truck operator shall give to each person who seeks to redeem an impounded vehicle, or item of personal property registered or titled with the department, written notice of the right of redemption and opportunity for a hearing, which notice shall be accompanied by a form to be used for requesting a hearing, the name of the person or agency authorizing the impound, and a copy of the towing and storage invoice. The registered tow truck operator shall maintain a record evidenced by the redeeming person's signature that such notification was provided.

(b) Any person seeking to redeem an impounded vehicle under this section has a right to a hearing in the district or municipal court for the jurisdiction in which the vehicle was impounded to contest the validity of the impoundment or the amount of towing and storage charges. The district court has jurisdiction to determine the issues involving all impoundments including those authorized by the state or its agents. The municipal court has jurisdiction to determine the issues involving impoundments authorized by agents of the municipality. Any request for a hearing shall be made in writing on the form provided for that purpose and must be received by the appropriate court within ten days of the date the opportunity was provided for in subsection (2)(a) of this section. At the time of the filing of the hearing request, the petitioner shall pay to the court clerk a filing fee in the same amount required for the filing of a suit in district court. If the hearing request is not received by the court within the ten-day period, the right to a hearing is waived and the registered owner is liable for any towing, storage, or other impoundment charges permitted under this chapter. Upon receipt of a timely hearing request, the court shall proceed to hear and determine the validity of the impoundment.

(3)(a) The court, within five days after the request for a hearing, shall notify the registered tow truck operator, the person requesting the hearing if not the owner, the registered and legal owners of the vehicle or other item of personal property registered or titled with the department, and the person or agency authorizing the impound in writing of the hearing date and time.

(b) At the hearing, the person or persons requesting the hearing may produce any relevant evidence to show that the impoundment, towing, or storage fees charged were not proper. The court may consider a written report made under oath by the officer who authorized the impoundment in lieu of the officer's personal appearance at the hearing.

(c) At the conclusion of the hearing, the court shall determine whether the impoundment was proper, whether the towing or storage fees charged were in compliance with the posted rates, and who is responsible for payment of the fees. The court may not adjust fees or charges that are in compliance with the posted or contracted rates.

(d) If the impoundment is found proper, the impoundment, towing, and storage fees as permitted under this chapter together with court costs shall be assessed against the person or persons requesting the hearing, unless the operator did not have a signed and valid impoundment authorization from a private property owner or an authorized agent.

(e) If the impoundment is determined to be in violation of this chapter, then the registered and legal owners of the vehicle or other item of personal property registered or titled with the department shall bear no impoundment, towing, or storage fees, and any security shall be returned or discharged as



appropriate, and the person or agency who authorized the impoundment shall be liable for any towing, storage, or other impoundment fees permitted under this chapter. The court shall enter judgment in favor of the registered tow truck operator against the person or agency authorizing the impound for the impoundment, towing, and storage fees paid. In addition, the court shall enter judgment in favor of the registered and legal owners of the vehicle, or other item of personal property registered or titled with the department, for the amount of the filing fee required by law for the impound hearing petition as well as reasonable damages for loss of the use of the vehicle during the time the same was impounded, for not less than fifty dollars per day, against the person or agency authorizing the impound. However, if an impoundment arising from an alleged violation of RCW 46.20.342 or 46.20.420 is determined to be in violation of this chapter, then the law enforcement officer directing the impoundment and the government employing the officer are not liable for damages if the officer relied in good faith and without gross negligence on the records of the department in ascertaining that the operator of the vehicle had a suspended or revoked driver's license. If any judgment entered is not paid within fifteen days of notice in writing of its entry, the court shall award reasonable attorneys' fees and costs against the defendant in any action to enforce the judgment. Notice of entry of judgment may be made by registered or certified mail, and proof of mailing may be made by affidavit of the party mailing the notice. Notice of the entry of the judgment shall read essentially as follows:

TO: . . . . .

YOU ARE HEREBY NOTIFIED JUDGMENT was entered against you in the . . . . . Court located at . . . . . in the sum of \$. . . . ., in an action entitled . . . . ., Case No. . . . . YOU ARE FURTHER NOTIFIED that attorneys fees and costs will be awarded against you under RCW . . . if the judgment is not paid within 15 days of the date of this notice.

DATED this . . . . day of . . . . ., (year) . . .

Signature

Typed name and address  
of party mailing notice

(4) Any impounded abandoned vehicle or item of personal property registered or titled with the department that is not redeemed within fifteen days of mailing of the notice of custody and sale as required by RCW 46.55.110(2) shall be sold at public auction in accordance with all the provisions and subject to all the conditions of RCW 46.55.130. A vehicle or item of personal property registered or titled with the department may be redeemed at any time before the start of the auction upon payment of the applicable towing and storage fees."

On page 1, line 1 of the title, after "vehicles;" strike the remainder of the title and insert "and amending RCW 46.55.120."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Substitute House Bill No. 1558 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE**

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Substitute House Bill No. 1558 as amended by the Senate.

Representative Mitchell spoke in favor of passage of the bill as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1558, as amended by the Senate and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Quall - 1.

Substitute House Bill No. 1558, as amended by the Senate, having received the constitutional majority, was declared passed.

### SENATE AMENDMENTS TO HOUSE BILL

April 14, 1999

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1599 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 43.330 RCW to read as follows:

Counties may submit a petition for relief to the office of public defense for reimbursement of extraordinary criminal justice costs. Extraordinary criminal justice costs are defined as those associated with investigation, prosecution, indigent defense, jury impanelment, expert witnesses, interpreters, incarceration, and other adjudication costs of aggravated murder cases.

(1) The office of public defense, in consultation with the Washington association of prosecuting attorneys and the Washington association of sheriffs and police chiefs, shall develop procedures for processing the petitions, for auditing the veracity of the petitions, and for prioritizing the petitions. Prioritization of the petitions shall be based on, but not limited to, such factors as disproportionate fiscal impact relative to the county budget, efficient use of resources, and whether the costs are extraordinary and could not be reasonably accommodated and anticipated in the normal budget process.

(2) Before January 1st of each year, the office of public defense, in consultation with the Washington association of prosecuting attorneys and the Washington association of sheriffs and police chiefs, shall develop and submit to the appropriate fiscal committees of the senate and house of representatives a prioritized list of submitted petitions that are recommended for funding by the legislature."

Renumber the sections consecutively and correct any internal references accordingly.

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

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to House Bill No. 1599 and advanced the bill as amended by the Senate to final passage.

### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE**

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of House Bill No. 1599 as amended by the Senate.

Representatives McMorris and Doumit spoke in favor of passage of the bill as amended by the Senate.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1599, as amended by the Senate and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Quall - 1.

House Bill No. 1599, as amended by the Senate, having received the constitutional majority, was declared passed.

### **SENATE AMENDMENTS TO HOUSE BILL**

April 12, 1999

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1623 with the following amendment(s):

On page 17, beginning on line 26, strike all of section 19 and insert the following:

**"Sec. 19.** RCW 83.100.020 and 1998 c 292 s 401 are each amended to read as follows:

As used in this chapter:

- (1) "Decedent" means a deceased individual;
- (2) "Department" means the department of revenue, the director of that department, or any employee of the department exercising authority lawfully delegated to him by the director;
- (3) "Federal credit" means (a) for a transfer, the maximum amount of the credit for state taxes allowed by section 2011 of the Internal Revenue Code; and (b) for a generation-skipping transfer, the maximum amount of the credit for state taxes allowed by section 2604 of the Internal Revenue Code;
- (4) "Federal return" means any tax return required by chapter 11 or 13 of the Internal Revenue Code;
- (5) "Federal tax" means (a) for a transfer, a tax under chapter 11 of the Internal Revenue Code; and (b) for a generation-skipping transfer, the tax under chapter 13 of the Internal Revenue Code;

(6) "Generation-skipping transfer" means a "generation-skipping transfer" as defined and used in section 2611 of the Internal Revenue Code;

(7) "Gross estate" means "gross estate" as defined and used in section 2031 of the Internal Revenue Code;

(8) "Nonresident" means a decedent who was domiciled outside Washington at his death;

(9) "Person" means any individual, estate, trust, receiver, cooperative association, club, corporation, company, firm, partnership, joint venture, syndicate, or other entity and, to the extent permitted by law, any federal, state, or other governmental unit or subdivision or agency, department, or instrumentality thereof;

(10) "Person required to file the federal return" means any person required to file a return required by chapter 11 or 13 of the Internal Revenue Code, such as the personal representative of an estate; or a transferor, trustee, or beneficiary of a generation-skipping transfer; or a qualified heir with respect to qualified real property, as defined and used in section 2032A(c) of the Internal Revenue Code;

(11) "Property" means (a) for a transfer, property included in the gross estate; and (b) for a generation-skipping transfer, all real and personal property subject to the federal tax;

(12) "Resident" means a decedent who was domiciled in Washington at time of death;

(13) "Transfer" means "transfer" as used in section 2001 of the Internal Revenue Code, or a disposition or cessation of qualified use as defined and used in section 2032A(c) of the Internal Revenue Code;

(14) "Trust" means "trust" under Washington law and any arrangement described in section 2652 of the Internal Revenue Code; and

(15) "Internal Revenue Code" means, for the purposes of this chapter and RCW 83.110.010, the United States Internal Revenue Code of 1986, as amended or renumbered on January 1, (~~1998~~) 1999.

**Sec. 20.** RCW 11.02.005 and 1998 c 292 s 117 are each amended to read as follows:  
When used in this title, unless otherwise required from the context:

(1) "Personal representative" includes executor, administrator, special administrator, and guardian or limited guardian and special representative.

(2) "Net estate" refers to the real and personal property of a decedent exclusive of homestead rights, exempt property, the family allowance and enforceable claims against, and debts of, the deceased or the estate.

(3) "Representation" refers to a method of determining distribution in which the takers are in unequal degrees of kinship with respect to the intestate, and is accomplished as follows: After first determining who, of those entitled to share in the estate, are in the nearest degree of kinship, the estate is divided into equal shares, the number of shares being the sum of the number of persons who survive the intestate who are in the nearest degree of kinship and the number of persons in the same degree of kinship who died before the intestate but who left issue surviving the intestate; each share of a deceased person in the nearest degree shall be divided among those of the deceased person's issue who survive the intestate and have no ancestor then living who is in the line of relationship between them and the intestate, those more remote in degree taking together the share which their ancestor would have taken had he or she survived the intestate. Posthumous children are considered as living at the death of their parent.

(4) "Issue" includes all the lawful lineal descendants of the ancestor and all lawfully adopted children.

(5) "Degree of kinship" means the degree of kinship as computed according to the rules of the civil law; that is, by counting upward from the intestate to the nearest common ancestor and then downward to the relative, the degree of kinship being the sum of these two counts.

(6) "Heirs" denotes those persons, including the surviving spouse, who are entitled under the statutes of intestate succession to the real and personal property of a decedent on the decedent's death intestate.

(7) "Real estate" includes, except as otherwise specifically provided herein, all lands, tenements, and hereditaments, and all rights thereto, and all interest therein possessed and claimed in fee simple, or for the life of a third person.

(8) "Will" means an instrument validly executed as required by RCW 11.12.020.

(9) "Codicil" means a will that modifies or partially revokes an existing earlier will. A codicil need not refer to or be attached to the earlier will.

(10) "Guardian" or "limited guardian" means a personal representative of the person or estate of an incompetent or disabled person as defined in RCW 11.88.010 and the term may be used in lieu of "personal representative" wherever required by context.

(11) "Administrator" means a personal representative of the estate of a decedent and the term may be used in lieu of "personal representative" wherever required by context.

(12) "Executor" means a personal representative of the estate of a decedent appointed by will and the term may be used in lieu of "personal representative" wherever required by context.

(13) "Special administrator" means a personal representative of the estate of a decedent appointed for limited purposes and the term may be used in lieu of "personal representative" wherever required by context.

(14) "Trustee" means an original, added, or successor trustee and includes the state, or any agency thereof, when it is acting as the trustee of a trust to which chapter 11.98 RCW applies.

(15) "Nonprobate asset" means those rights and interests of a person having beneficial ownership of an asset that pass on the person's death under a written instrument or arrangement other than the person's will. "Nonprobate asset" includes, but is not limited to, a right or interest passing under a joint tenancy with right of survivorship, joint bank account with right of survivorship, payable on death or trust bank account, transfer on death security or security account, deed or conveyance if possession has been postponed until the death of the person, trust of which the person is grantor and that becomes effective or irrevocable only upon the person's death, community property agreement, individual retirement account or bond, or note or other contract the payment or performance of which is affected by the death of the person. "Nonprobate asset" does not include: A payable-on-death provision of a life insurance policy, annuity, or other similar contract, or of an employee benefit plan; a right or interest passing by descent and distribution under chapter 11.04 RCW; a right or interest if, before death, the person has irrevocably transferred the right or interest, the person has waived the power to transfer it or, in the case of contractual arrangement, the person has waived the unilateral right to rescind or modify the arrangement; or a right or interest held by the person solely in a fiduciary capacity. For the definition of "nonprobate asset" relating to revocation of a provision for a former spouse upon dissolution of marriage or declaration of invalidity of marriage, RCW 11.07.010(5) applies. For the definition of "nonprobate asset" relating to revocation of a provision for a former spouse upon dissolution of marriage or declaration of invalidity of marriage, see RCW 11.07.010(5). For the definition of "nonprobate asset" relating to testamentary disposition of nonprobate assets, see RCW 11.11.010(7).

(16) "Internal Revenue Code" means the United States Internal Revenue Code of 1986, as amended or renumbered on January 1, (~~1998~~) 1999.

Words that import the singular number may also be applied to the plural of persons and things.

Words importing the masculine gender only may be extended to females also.

**NEW SECTION. Sec. 21.** The following acts or parts of acts are each repealed:

(1) RCW 84.36.353 (Property owned or used for sheltered workshops for handicapped--Shelter workshop defined) and 1998 c 311 s 22 & 1970 ex.s. c 81 s 2; and

(2) RCW 84.36.485 (Cogeneration facilities--Claims for exemption--Forms--Verification--Administrative rules) and 1979 ex.s. c 191 s 9."

Renumber the sections consecutively and correct any internal references accordingly.

On page 1, line 5 of the title, after "84.36.350," strike "and" and on line 5, after "84.36.383" insert ", 83.100.020, and 11.02.005"

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Substitute House Bill No. 1623 and advanced the bill as amended by the Senate to final passage.

### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE**

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Substitute House Bill No. 1623 as amended by the Senate.

Representatives Haigh and Thomas spoke in favor of passage of the bill as amended by the Senate.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1623, as amended by the Senate and the bill passed the House by the following vote: Yeas - 88, Nays - 9, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Fortunato, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, O'Brien, Ogden, Parlette, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood and Mr. Speaker Chopp - 88.

Voting nay: Representatives Benson, Crouse, Esser, Fisher, Gombosky, Mulliken, Murray, Pennington and Mr. Speaker Ballard - 9.

Excused: Representative Quall - 1.

Substitute House Bill No. 1623, as amended by the Senate, having received the constitutional majority, was declared passed.

The House deferred action on House Bill No. 1642, and the bill held its place on the concurrence calendar.

### **SENATE AMENDMENTS TO HOUSE BILL**

April 6, 1999

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1647 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 4.28.320 and 1893 c 127 s 17 are each amended to read as follows:

In an action affecting the title to real property the plaintiff, at the time of filing the complaint, or at any time afterwards, or whenever a writ of attachment of property shall be issued, or at any time afterwards, the plaintiff or a defendant, when he sets up an affirmative cause of action in his answer, and demands substantive relief at the time of filing his answer, or at any time afterwards, if the same

be intended to affect real property, may file with the auditor of each county in which the property is situated a notice of the pendency of the action, containing the names of the parties, the object of the action, and a description of the real property in that county affected thereby. From the time of the filing only shall the pendency of the action be constructive notice to a purchaser or encumbrancer of the property affected thereby, and every person whose conveyance or encumbrance is subsequently executed or subsequently recorded shall be deemed a subsequent purchaser or encumbrancer, and shall be bound by all proceedings taken after the filing of such notice to the same extent as if he were a party to the action. For the purpose of this section an action shall be deemed to be pending from the time of filing such notice: PROVIDED, HOWEVER, That such notice shall be of no avail unless it shall be followed by the first publication of the summons, or by the personal service thereof on a defendant within sixty days after such filing. And the court in which the said action was commenced may, at its discretion, at any time after the action shall be settled, discontinued or abated, on application of any person aggrieved and on good cause shown and on such notice as shall be directed or approved by the court, order the notice authorized in this section to be canceled of record, in whole or in part, by the county auditor of any county in whose office the same may have been filed or recorded, and such cancellation shall be ~~((made by an indorsement to that effect on the margin of the record))~~ evidenced by the recording of the court order.

**Sec. 2.** RCW 36.18.005 and 1991 c 26 s 1 are each amended to read as follows:

The definitions set forth in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Recording officer" means the county auditor, or in charter counties the county official charged with the responsibility for recording instruments in the county records.

(2) "File," "filed," or "filing" means the act of delivering an instrument to the auditor or recording officer for recording into the official public records.

(3) "Record," "recorded," or "recording" means the process, such as electronic, mechanical, optical, magnetic, or microfilm storage used by the auditor or recording officer after filing to incorporate the instrument into the public records.

(4) "Multiple transactions" means a document that contains two or more titles and/or two or more transactions requiring multiple indexing.

**Sec. 3.** RCW 36.18.010 and 1996 c 143 s 1 are each amended to read as follows:

County auditors or recording officers shall collect the following fees for their official services:

For recording instruments, for the first page eight and one-half by fourteen inches or less, five dollars; for each additional page eight and one-half by fourteen inches or less, one dollar~~((÷))~~. The fee for recording multiple transactions contained in one instrument will be calculated ~~((individually))~~ for each transaction requiring separate indexing as required under RCW 65.04.050 as follows: The fee for each title or transaction is the same fee as the first page of any additional recorded document; the fee for additional pages is the same fee as for any additional pages for any recorded document; the fee for the additional pages may be collected only once and may not be collected for each title or transaction;

For preparing and certifying copies, for the first page eight and one-half by fourteen inches or less, three dollars; for each additional page eight and one-half by fourteen inches or less, one dollar;

For preparing noncertified copies, for each page eight and one-half by fourteen inches or less, one dollar;

For administering an oath or taking an affidavit, with or without seal, two dollars;

For issuing a marriage license, eight dollars, (this fee includes taking necessary affidavits, filing returns, indexing, and transmittal of a record of the marriage to the state registrar of vital statistics) plus an additional five-dollar fee for use and support of the prevention of child abuse and neglect activities to be transmitted monthly to the state treasurer and deposited in the state general fund plus an additional ten-dollar fee to be transmitted monthly to the state treasurer and deposited in the state general fund. The legislature intends to appropriate an amount at least equal to the revenue generated by this fee for the purposes of the displaced homemaker act, chapter 28B.04 RCW;

For searching records per hour, eight dollars;

For recording plats, fifty cents for each lot except cemetery plats for which the charge shall be twenty-five cents per lot; also one dollar for each acknowledgment, dedication, and description: PROVIDED, That there shall be a minimum fee of twenty-five dollars per plat;

For recording of miscellaneous records not listed above, for the first page eight and one-half by fourteen inches or less, five dollars; for each additional page eight and one-half by fourteen inches or less, one dollar;

For modernization and improvement of the recording and indexing system, a surcharge as provided in RCW 36.22.170.

For recording an emergency nonstandard document as provided in RCW 65.04.047, fifty dollars, in addition to all other applicable recording fees.

**Sec. 4.** RCW 4.28.325 and 1963 c 137 s 1 are each amended to read as follows:

In an action in a United States district court for any district in the state of Washington affecting the title to real property in the state of Washington, the plaintiff, at the time of filing the complaint, or at any time afterwards, or a defendant, when he sets up an affirmative cause of action in his answer, or at any time afterward, if the same be intended to affect real property, may file with the auditor of each county in which the property is situated a notice of the pendency of the action, containing the names of the parties, the object of the action and a description of the real property in that county affected thereby. From the time of the filing only shall the pendency of the action be constructive notice to a purchaser or encumbrancer of the property affected thereby, and every person whose conveyance or encumbrance is subsequently executed or subsequently recorded shall be deemed a subsequent purchaser or encumbrancer, and shall be bound by all proceedings taken after the filing of such notice to the same extent as if he were a party to the action. For the purpose of this section an action shall be deemed to be pending from the time of filing such notice: PROVIDED, HOWEVER, That such notice shall be of no avail unless it shall be followed by the first publication of the summons, or by personal service thereof on a defendant within sixty days after such filing. And the court in which the said action was commenced may, in its discretion, at any time after the action shall be settled, discontinued or abated, on application of any person aggrieved and on good cause shown and on such notice as shall be directed or approved by the court, order the notice authorized in this section to be canceled (~~(of record)~~), in whole or in part, by the county auditor of any county in whose office the same may have been filed or recorded, and such cancellation shall be (~~(made by an indorsement to that effect on the margin of the record)~~) evidenced by the recording of the court order.

**Sec. 5.** RCW 47.28.025 and 1984 c 7 s 165 are each amended to read as follows:

Whenever the department establishes the location, width, and lines of any new highway, or declares any such new highway as a limited access facility and schedules the acquisition of the right of way for the highway or facility within the ensuing two years, it may cause the description and plan of any such highway to be made, showing the center line of the highway and the established width thereof, and attach thereto a certified copy of the resolution. Such description, plan, and resolution shall then be recorded in the office of the county auditor of the proper county (~~(in a separate book kept for such purposes, which shall be furnished to the county auditor of the county by the department at the expense of the state)~~).

**Sec. 6.** RCW 60.44.030 and 1937 c 69 s 3 are each amended to read as follows:

The county auditor shall record the claims mentioned in this chapter (~~(in a book to be kept by him for that purpose)~~), which record must be indexed as deeds and other conveyances are required by law to be indexed.

**Sec. 7.** RCW 60.68.045 and 1992 c 133 s 3 are each amended to read as follows:

(1) When a notice of a tax lien is recorded under RCW 60.68.015(2), the county auditor shall forthwith enter it in (~~(an alphabetical tax lien index to be provided by the board of county commissioners)~~) the general index showing (~~(on one line)~~) the name and residence of the taxpayer named in the notice, the collector's serial number of the notice, the date and hour of recording, and the



amount of tax and penalty assessed. The auditor shall have the ability to produce a separate tax lien index listing.

(2) When a notice of a tax lien is filed under RCW 60.68.015(3), the department of licensing shall enter it in the uniform commercial code filing system showing the name and address of the taxpayer as the debtor, and the internal revenue service as a secured party, and include the collector's serial number of the notice, the date and hour of filing, and the amount of tax and penalty assessed.

**Sec. 8.** RCW 61.16.030 and 1995 c 62 s 15 are each amended to read as follows:

If the mortgagee fails to acknowledge satisfaction of the mortgage as provided in RCW 61.16.020 sixty days from the date of such request or demand, the mortgagee shall forfeit and pay to the mortgagor damages and a reasonable attorneys' fee, to be recovered in any court having competent jurisdiction, and said court, when convinced that said mortgage has been fully satisfied, shall issue an order in writing, directing the auditor to ~~((cancel said mortgage, and the auditor shall))~~ immediately record the order ~~((and cancel the mortgage as directed by the court, upon the margin of the page upon which the mortgage is recorded, making reference thereupon to the order of the court and to the page where the order is recorded)).~~

**Sec. 9.** RCW 64.32.120 and 1965 ex.s. c 11 s 4 are each amended to read as follows:

Deeds or other conveyances of apartments shall include the following:

(1) A description of the land as provided in RCW 64.32.090, or the post office address of the property, including in either case the date of recording of the declaration and the volume~~((;))~~ and page ~~((and))~~ or county auditor's ~~((receiving))~~ recording number of the recorded declaration;

(2) The apartment number of the apartment in the declaration and any other data necessary for its proper identification;

(3) A statement of the use for which the apartment is intended;

(4) The percentage of undivided interest appertaining to the apartment, the common areas and facilities and limited common areas and facilities appertaining thereto, if any;

(5) Any further details which the grantor and grantee may deem desirable to set forth consistent with the declaration and with this chapter.

**Sec. 10.** RCW 65.04.015 and 1998 c 27 s 3 are each amended to read as follows:

The definitions set forth in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Recording officer" means the county auditor, or in charter counties the county official charged with the responsibility for recording instruments in the county records.

(2) "File," "filed," or "filing" means the act of delivering or transmitting electronically an instrument to the auditor or recording officer for recording into the official public records.

(3) "Record," "recorded," or "recording" means the process, such as electronic, mechanical, optical, magnetic, or microfilm storage used by the auditor or recording officer after filing to incorporate the instrument into the public records.

(4) ~~((Record location))~~ Recording number means a unique number that identifies the storage location (book or volume and page, reel and frame, instrument number, auditor or recording officer file number, receiving number, electronic retrieval code, or other specific place) of each instrument in the public records accessible in the same recording office where the instrument containing the reference to the location is found.

(5) "Grantor/grantee" for recording purposes means the names of the parties involved in the transaction used to create the recording index. There will always be at least one grantor and one grantee for any document. In some cases, the grantor and the grantee will be the same individual(s), or one of the parties may be the public.

(6) "Legible and capable of being imaged" means all text, seals, drawings, signatures, or other content within the document must be legible and capable of producing a readable image, regardless of what process is used for recording.

**Sec. 11.** RCW 65.04.020 and 1985 c 44 s 14 are each amended to read as follows:

For the purpose of recording deeds and other instruments of writing, required or permitted by law to be recorded, the county auditor shall procure such ~~((books))~~ media for records as the business of the office requires.

**Sec. 12.** RCW 65.04.045 and 1998 c 27 s 1 are each amended to read as follows:

(1) When any instrument is presented to a county auditor or recording officer for recording, the first page of the instrument shall contain:

(a) A top margin of at least three inches and a one-inch margin on the bottom and sides, except that an instrument may be recorded if a minor portion of a notary seal, incidental writing, or minor portion of a signature extends beyond the margins;

(b) The top left-hand side of the page shall contain the name and address to whom the instrument will be returned;

(c) The title or titles, or type or types, of the instrument to be recorded indicating the kind or kinds of documents or transactions contained therein immediately below the three-inch margin at the top of the page. The auditor or recording officer shall ~~((only))~~ be required to index only the title or titles captioned on the document;

(d) Reference numbers of documents assigned or released with reference to the document page number where additional references can be found, if applicable;

(e) The names of the grantor(s) and grantee(s), as defined under RCW 65.04.015, with reference to the document page number where additional names are located, if applicable;

(f) An abbreviated legal description of the property, ~~((including))~~ and for purposes of this subsection, "abbreviated legal description of the property" means lot, block, plat, or section, township, ~~((and))~~ range, and quarter/quarter section, and reference to the document page number where the full legal description is included, if applicable;

(g) The assessor's property tax parcel or account number set forth separately from the legal description or other text.

(2) All pages of the document shall be on sheets of paper of a weight and color capable of producing a legible image that are not larger than fourteen inches long and eight and one-half inches wide with text printed or written in eight point type or larger. All text within the document must be of sufficient color and clarity to ensure that when the text is imaged all text is readable. Further, all ~~((instruments))~~ pages presented for recording must have at minimum a one-inch margin on the top, bottom, and sides for all pages except page one, except that an instrument may be recorded if a minor portion of a notary seal, incidental writing, or minor portion of a signature extends beyond the margins, be prepared in ink color capable of being imaged, and have all seals legible and capable of being imaged~~((, and))~~. No attachments, except firmly attached bar code or address labels, may be affixed to the pages.

The information provided on the instrument must be in substantially the following form:

This Space Provided for Recorder's Use

When Recorded Return to:

Document Title(s)

Grantor(s)

Grantee(s)

Legal Description

Assessor's Property Tax Parcel or Account Number

Reference Numbers of Documents Assigned or Released

**Sec. 13.** RCW 65.04.047 and 1998 c 27 s 2 are each amended to read as follows:

(1) If the first page of an instrument presented for recording does not contain the information required by RCW 65.04.045(1), the person preparing the instrument for recording shall prepare a cover sheet that contains the required information. The cover sheet shall be attached to the instrument and shall be recorded as a part of the instrument. An additional page fee as determined under RCW 36.18.010 shall be collected for recording of the cover sheet. Any errors in the cover sheet shall not affect the transactions contained in the instrument itself. The cover sheet need not be separately signed or acknowledged. The cover sheet information shall be used to generate the auditor's grantor/grantee index, however, the names and legal description in the instrument itself will determine the legal chain of title. The cover sheet shall be substantially the following form:

~~((WASHINGTON STATE COUNTY AUDITOR/RECORDER'S  
INDEXING FORM))~~

Return Address

Please print or type information

**Document Title(s)** (or transactions contained therein):

- 1.
- 2.
- 3.
- 4.

**Grantor(s)** (Last name first, then first name and initials)

- 1.
- 2.
- 3.
- 4.
5.  Additional names on page      of document.

**Grantee(s)** (Last name first, then first name and initials)

- 1.
- 2.
- 3.
- 4.
5.  Additional names on page      of document.

**Legal Description** (abbreviated: i.e., lot, block, plat or section, township, range)

Additional legal description is on page      of document.

**Assessor's Property Tax Parcel or Account Number at the time of recording:**

**Reference Number(s) of Documents assigned or released:**

Additional references on page      of document.

The Auditor or Recording Officer will rely on the information provided on this form. The staff will not read the document to verify the accuracy of or the completeness of the indexing information provided herein.

(2) Documents which are exempt from format requirements and which may be recorded with a properly completed cover sheet include: Documents which were signed prior to January 1, 1997; military separation documents; documents executed outside of the United States; certified copies of documents; any birth or death certificate; marriage certificates from outside the state of Washington; any document, one of whose original signer is deceased or otherwise incapacitated; and judgments or other documents formatted to meet court requirements.

NEW SECTION. Sec. 14. A new section is added to chapter 65.04 RCW to read as follows:

(1) Documents which must be recorded immediately and which do not meet margin and font size requirements may be recorded for an additional fee of fifty dollars. Documents which do not meet legibility requirements must not be recorded as a nonstandard recording.

(2) In addition to preparing a properly completed cover sheet as described in RCW 65.04.047, the person preparing the document for recording must sign a statement which must be attached to the document and which must read substantially as follows: "I am requesting an emergency nonstandard recording for an additional fee as provided in RCW 36.18.010. I understand that the recording processing requirements may cover up or otherwise obscure some part of the text of the original document."

Sec. 15. RCW 65.04.060 and 1985 c 44 s 17 are each amended to read as follows:

Whenever any mortgage, bond, lien, or instrument incumbering real estate, has been satisfied, released or discharged, by the recording of an instrument of release, or acknowledgment of satisfaction, the auditor shall immediately note, in ~~((both the indices, in the column headed remarks, opposite to the appropriate entry, that such instrument, lien or incumbrance has been satisfied. And in all cases of the satisfaction or release of any recorded liens, mortgage, transcript of judgment, mechanic's liens, or other incumbrance whatsoever, the auditor shall note the same in index of transcripts of judgment))~~ the comment section of the index, the recording number of the original mortgage, bond, lien, or instrument.

Sec. 16. RCW 65.08.060 and 1984 c 73 s 1 are each amended to read as follows:

(1) The term "real property" as used in RCW 65.08.060 through 65.08.150 includes lands, tenements and hereditaments and chattels real and mortgage liens thereon except a leasehold for a term not exceeding two years.

(2) The term "purchaser" includes every person to whom any estate or interest in real property is conveyed for a valuable consideration and every assignee of a mortgage, lease or other conditional estate.

(3) The term "conveyance" includes every written instrument by which any estate or interest in real property is created, transferred, mortgaged or assigned or by which the title to any real property may be affected, including an instrument in execution of a power, although the power be one of revocation only, and an instrument releasing in whole or in part, postponing or subordinating a mortgage or other lien; except a will, a lease for a term of not exceeding two years, and an instrument granting a power to convey real property as the agent or attorney for the owner of the property. "To convey" is to execute a "conveyance" as defined in this subdivision.

(4) The term "recording officer" means the county auditor ~~((of the county))~~ or, in charter counties, the county official charged with the responsibility for recording instruments in the county records.

Sec. 17. RCW 65.08.140 and 1927 c 278 s 9 are each amended to read as follows:

A recording officer is not liable for recording an instrument in a wrong book, volume or set of records if the instrument is properly indexed with a reference to the volume and page or recording number where the instrument is actually of record.

**Sec. 18.** RCW 65.08.160 and 1967 c 148 s 1 are each amended to read as follows:

A mortgage or deed of trust of real estate may be recorded and constructive notice of the same and the contents thereof given in the following manner:

(1) An instrument containing a form or forms of covenants, conditions, obligations, powers, and other clauses of a mortgage or deed of trust may be recorded in the office of the county auditor of any county and the auditor of such county, upon the request of any person, on tender of the lawful fees therefor, shall record the same. Every such instrument shall be entitled on the face thereof as a "Master form recorded by . . . (name of person causing the instrument to be recorded)." Such instrument need not be acknowledged to be entitled to record.

(2) When any such instrument is recorded, the county auditor shall index such instrument under the name of the person causing it to be recorded in the manner provided for miscellaneous instruments relating to real estate.

(3) Thereafter any of the provisions of such master form instrument may be incorporated by reference in any mortgage or deed of trust of real estate situated within this state, if such reference in the mortgage or deed of trust states that the master form instrument was recorded in the county in which the mortgage or deed of trust is offered for record, the date when and the book and page or pages or recording number where such master form instrument was recorded, and that a copy of such master form instrument was furnished to the person executing the mortgage or deed of trust. The recording of any mortgage or deed of trust which has so incorporated by reference therein any of the provisions of a master form instrument recorded as provided in this section shall have like effect as if such provisions of the master form so incorporated by reference had been set forth fully in the mortgage or deed of trust.

(4) Whenever a mortgage or deed of trust is presented for recording on which is set forth matter purporting to be a copy or reproduction of such master form instrument or of part thereof, identified by its title as provided in ((subdivision)) subsection (1) of this section and stating the date when it was recorded and the book and page where it was recorded, preceded by the words "do not record" or "not to be recorded," and plainly separated from the matter to be recorded as a part of the mortgage or deed of trust in such manner that it will not appear upon a photographic reproduction of any page containing any part of the mortgage or deed of trust, such matter shall not be recorded by the county auditor to whom the instrument is presented for recording; in such case the county auditor shall record only the mortgage or deed of trust apart from such matter and shall not be liable for so doing, any other provisions of law to the contrary notwithstanding.

**Sec. 19.** RCW 84.26.080 and 1986 c 221 s 6 are each amended to read as follows:

(1) When property has once been classified and valued as eligible historic property, it shall remain so classified and be granted the special valuation provided by RCW 84.26.070 for ten years or until the property is disqualified by:

(a) Notice by the owner to the assessor to remove the special valuation;

(b) Sale or transfer to an ownership making it exempt from property taxation; or

(c) Removal of the special valuation by the assessor upon determination by the local review board that the property no longer qualifies as historic property or that the owner has failed to comply with the conditions established under RCW 84.26.050.

(2) The sale or transfer to a new owner or transfer by reason of death of a former owner to a new owner does not disqualify the property from the special valuation provided by RCW 84.26.070 if:

(a) The property continues to qualify as historic property; and

(b) The new owner files a notice of compliance with the assessor of the county in which the property is located. Notice of compliance forms shall be prescribed by the state department of revenue and supplied by the county assessor. The notice shall contain a statement that the new owner is aware of the special valuation and of the potential tax liability involved when the property ceases to be valued as historic property under this chapter. The signed notice of compliance shall be attached to the real

estate excise tax affidavit provided for in RCW 82.45.120. If the notice of compliance is not signed by the new owner and attached to the real estate excise tax affidavit, all additional taxes calculated pursuant to RCW 84.26.090 shall become due and payable by the seller or transferor at time of sale. The county auditor shall not accept an instrument of conveyance of specially valued historic property for filing or recording unless the new owner has signed the notice of compliance or the additional tax has been paid, as evidenced by the real estate excise tax stamp affixed thereto by the treasurer.

(3) When the property ceases to qualify for the special valuation the owner shall immediately notify the state or local review board.

(4) Before the additional tax or penalty imposed by RCW 84.26.090 is levied, in the case of disqualification, the assessor shall notify the taxpayer by mail, return receipt requested, of the disqualification.

**Sec. 20.** RCW 84.33.120 and 1997 c 299 s 1 are each amended to read as follows:

(1) In preparing the assessment rolls as of January 1, 1982, for taxes payable in 1983 and each January 1st thereafter, the assessor shall list each parcel of forest land at a value with respect to the grade and class provided in this subsection and adjusted as provided in subsection (2) of this section and shall compute the assessed value of the land by using the same assessment ratio he or she applies generally in computing the assessed value of other property in his or her county. Values for the several grades of bare forest land shall be as follows.

| LAND<br>GRADE | OPERABILITY<br>CLASS | VALUES<br>PER ACRE |
|---------------|----------------------|--------------------|
|               | 1                    | \$141              |
| 1             | 2                    | 136                |
|               | 3                    | 131                |
|               | 4                    | 95                 |
|               | 1                    | 118                |
| 2             | 2                    | 114                |
|               | 3                    | 110                |
|               | 4                    | 80                 |
|               | 1                    | 93                 |
| 3             | 2                    | 90                 |
|               | 3                    | 87                 |
|               | 4                    | 66                 |

|   |   |   |    |
|---|---|---|----|
|   |   | 1 | 70 |
| 4 | 2 |   | 68 |
|   |   | 3 | 66 |
|   |   | 4 | 52 |
|   |   | 1 | 51 |
| 5 | 2 |   | 48 |
|   |   | 3 | 46 |
|   |   | 4 | 31 |
|   |   | 1 | 26 |
| 6 | 2 |   | 25 |
|   |   | 3 | 25 |
|   |   | 4 | 23 |
|   |   | 1 | 12 |
| 7 | 2 |   | 12 |
|   |   | 3 | 11 |
|   |   | 4 | 11 |
| 8 |   |   | 1  |

(2) On or before December 31, 1981, the department shall adjust, by rule under chapter 34.05 RCW, the forest land values contained in subsection (1) of this section in accordance with this subsection, and shall certify these adjusted values to the county assessor for his or her use in preparing the assessment rolls as of January 1, 1982. For the adjustment to be made on or before December 31, 1981, for use in the 1982 assessment year, the department shall:

(a) Divide the aggregate value of all timber harvested within the state between July 1, 1976, and June 30, 1981, by the aggregate harvest volume for the same period, as determined from the harvester excise tax returns filed with the department under RCW 82.04.291 and 84.33.071; and

(b) Divide the aggregate value of all timber harvested within the state between July 1, 1975, and June 30, 1980, by the aggregate harvest volume for the same period, as determined from the harvester excise tax returns filed with the department under RCW 82.04.291 and 84.33.071; and

(c) Adjust the forest land values contained in subsection (1) of this section by a percentage equal to one-half of the percentage change in the average values of harvested timber reflected by comparing the resultant values calculated under (a) and (b) of this subsection.

For the adjustments to be made on or before December 31, 1982, and each succeeding year thereafter, the same procedure shall be followed as described in this subsection utilizing harvester excise tax returns filed under RCW 82.04.291 and this chapter except that this adjustment shall be made to the prior year's adjusted value, and the five-year periods for calculating average harvested timber values shall be successively one year more recent.

(3) In preparing the assessment roll for 1972 and each year thereafter, the assessor shall enter as the true and fair value of each parcel of forest land the appropriate grade value certified to him or her by the department of revenue, and he or she shall compute the assessed value of such land by using the same assessment ratio he or she applies generally in computing the assessed value of other property in his or her county. In preparing the assessment roll for 1975 and each year thereafter, the assessor shall assess and value as classified forest land all forest land that is not then designated pursuant to RCW 84.33.120(4) or 84.33.130 and shall make a notation of such classification upon the assessment and tax rolls. On or before January 15 of the first year in which such notation is made, the assessor shall mail notice by certified mail to the owner that such land has been classified as forest land and is subject to the compensating tax imposed by this section. If the owner desires not to have such land assessed and valued as classified forest land, he or she shall give the assessor written notice thereof on or before March 31 of such year and the assessor shall remove from the assessment and tax rolls the classification notation entered pursuant to this subsection, and shall thereafter assess and value such land in the manner provided by law other than this chapter 84.33 RCW.

(4) In any year commencing with 1972, an owner of land which is assessed and valued by the assessor other than pursuant to the procedures set forth in RCW 84.33.110 and this section, and which has, in the immediately preceding year, been assessed and valued by the assessor as forest land, may appeal to the county board of equalization by filing an application with the board in the manner prescribed in subsection (2) of RCW 84.33.130. The county board shall afford the applicant an opportunity to be heard if the application so requests and shall act upon the application in the manner prescribed in subsection (3) of RCW 84.33.130.

(5) Land that has been assessed and valued as classified forest land as of any year commencing with 1975 assessment year or earlier shall continue to be so assessed and valued until removal of classification by the assessor only upon the occurrence of one of the following events:

(a) Receipt of notice from the owner to remove such land from classification as forest land;

(b) Sale or transfer to an ownership making such land exempt from ad valorem taxation;

(c) Determination by the assessor, after giving the owner written notice and an opportunity to be heard, that, because of actions taken by the owner, such land is no longer primarily devoted to and used for growing and harvesting timber. However, land shall not be removed from classification if a governmental agency, organization, or other recipient identified in subsection (9) or (10) of this section as exempt from the payment of compensating tax has manifested its intent in writing or by other official action to acquire a property interest in classified forest land by means of a transaction that qualifies for an exemption under subsection (9) or (10) of this section. The governmental agency, organization, or recipient shall annually provide the assessor of the county in which the land is located reasonable evidence in writing of the intent to acquire the classified land as long as the intent continues or within sixty days of a request by the assessor. The assessor may not request this evidence more than once in a calendar year;

(d) Determination that a higher and better use exists for such land than growing and harvesting timber after giving the owner written notice and an opportunity to be heard;

(e) Sale or transfer of all or a portion of such land to a new owner, unless the new owner has signed a notice of forest land classification continuance, except transfer to an owner who is an heir or devisee of a deceased owner, shall not, by itself, result in removal of classification. The signed notice of continuance shall be attached to the real estate excise tax affidavit provided for in RCW 82.45.150.



The notice of continuance shall be on a form prepared by the department of revenue. If the notice of continuance is not signed by the new owner and attached to the real estate excise tax affidavit, all compensating taxes calculated pursuant to subsection (7) of this section shall become due and payable by the seller or transferor at time of sale. The county auditor shall not accept an instrument of conveyance of classified forest land for filing or recording unless the new owner has signed the notice of continuance or the compensating tax has been paid, as evidenced by the real estate excise tax stamp affixed thereto by the treasurer. The seller, transferor, or new owner may appeal the new assessed valuation calculated under subsection (7) of this section to the county board of equalization. Jurisdiction is hereby conferred on the county board of equalization to hear these appeals.

The assessor shall remove classification pursuant to (c) or (d) of this subsection prior to September 30 of the year prior to the assessment year for which termination of classification is to be effective. Removal of classification as forest land upon occurrence of (a), (b), (d), or (e) of this subsection shall apply only to the land affected, and upon occurrence of (c) of this subsection shall apply only to the actual area of land no longer primarily devoted to and used for growing and harvesting timber: PROVIDED, That any remaining classified forest land meets necessary definitions of forest land pursuant to RCW 84.33.100.

(6) Within thirty days after such removal of classification as forest land, the assessor shall notify the owner in writing setting forth the reasons for such removal. The owner of such land shall thereupon have the right to apply for designation of such land as forest land pursuant to subsection (4) of this section or RCW 84.33.130. The seller, transferor, or owner may appeal such removal to the county board of equalization.

(7) Unless the owner successfully applies for designation of such land or unless the removal is reversed on appeal, notation of removal from classification shall immediately be made upon the assessment and tax rolls, and commencing on January 1 of the year following the year in which the assessor made such notation, such land shall be assessed on the same basis as real property is assessed generally in that county. Except as provided in subsection (5)(e), (9), or (10) of this section and unless the assessor shall not have mailed notice of classification pursuant to subsection (3) of this section, a compensating tax shall be imposed which shall be due and payable to the county treasurer thirty days after the owner is notified of the amount of the compensating tax. As soon as possible, the assessor shall compute the amount of such compensating tax and mail notice to the owner of the amount thereof and the date on which payment is due. The amount of such compensating tax shall be equal to the difference, if any, between the amount of tax last levied on such land as forest land and an amount equal to the new assessed valuation of such land multiplied by the dollar rate of the last levy extended against such land, multiplied by a number, in no event greater than ten, equal to the number of years, commencing with assessment year 1975, for which such land was assessed and valued as forest land.

(8) Compensating tax, together with applicable interest thereon, shall become a lien on such land which shall attach at the time such land is removed from classification as forest land and shall have priority to and shall be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation or responsibility to or with which such land may become charged or liable. Such lien may be foreclosed upon expiration of the same period after delinquency and in the same manner provided by law for foreclosure of liens for delinquent real property taxes as provided in RCW 84.64.050. Any compensating tax unpaid on its due date shall thereupon become delinquent. From the date of delinquency until paid, interest shall be charged at the same rate applied by law to delinquent ad valorem property taxes.

(9) The compensating tax specified in subsection (7) of this section shall not be imposed if the removal of classification as forest land pursuant to subsection (5) of this section resulted solely from:

(a) Transfer to a government entity in exchange for other forest land located within the state of Washington;

(b) A taking through the exercise of the power of eminent domain, or sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of such power;

(c) A donation of fee title, development rights, or the right to harvest timber, to a government agency or organization qualified under RCW 84.34.210 and 64.04.130 for the purposes enumerated in those sections, or the sale or transfer of fee title to a governmental entity or a nonprofit nature conservancy corporation, as defined in RCW 64.04.130, exclusively for the protection and

conservation of lands recommended for state natural area preserve purposes by the natural heritage council and natural heritage plan as defined in chapter 79.70 RCW: PROVIDED, That at such time as the land is not used for the purposes enumerated, the compensating tax specified in subsection (7) of this section shall be imposed upon the current owner;

(d) The sale or transfer of fee title to the parks and recreation commission for park and recreation purposes; or

(e) Official action by an agency of the state of Washington or by the county or city within which the land is located that disallows the present use of such land.

(10) In a county with a population of more than one million inhabitants, the compensating tax specified in subsection (7) of this section shall not be imposed if the removal of classification as forest land pursuant to subsection (5) of this section resulted solely from:

(a) An action described in subsection (9) of this section; or

(b) A transfer of a property interest to a government entity, or to a nonprofit historic preservation corporation or nonprofit nature conservancy corporation, as defined in RCW 64.04.130, to protect or enhance public resources, or to preserve, maintain, improve, restore, limit the future use of, or otherwise to conserve for public use or enjoyment, the property interest being transferred. At such time as the property interest is not used for the purposes enumerated, the compensating tax shall be imposed upon the current owner.

(11) With respect to any land that has been designated prior to May 6, 1974, pursuant to RCW 84.33.120(4) or 84.33.130, the assessor may, prior to January 1, 1975, on his or her own motion or pursuant to petition by the owner, change, without imposition of the compensating tax provided under RCW 84.33.140, the status of such designated land to classified forest land.

**Sec. 21.** RCW 84.33.140 and 1997 c 299 s 2 are each amended to read as follows:

(1) When land has been designated as forest land pursuant to RCW 84.33.120(4) or 84.33.130, a notation of such designation shall be made each year upon the assessment and tax rolls, a copy of the notice of approval together with the legal description or assessor's tax lot numbers for such land shall, at the expense of the applicant, be filed by the assessor in the same manner as deeds are recorded, and such land shall be graded and valued pursuant to RCW 84.33.110 and 84.33.120 until removal of such designation by the assessor upon occurrence of any of the following:

(a) Receipt of notice from the owner to remove such designation;

(b) Sale or transfer to an ownership making such land exempt from ad valorem taxation;

(c) Sale or transfer of all or a portion of such land to a new owner, unless the new owner has signed a notice of forest land designation continuance, except transfer to an owner who is an heir or devisee of a deceased owner, shall not, by itself, result in removal of classification. The signed notice of continuance shall be attached to the real estate excise tax affidavit provided for in RCW 82.45.150. The notice of continuance shall be on a form prepared by the department of revenue. If the notice of continuance is not signed by the new owner and attached to the real estate excise tax affidavit, all compensating taxes calculated pursuant to subsection (3) of this section shall become due and payable by the seller or transferor at time of sale. The county auditor shall not accept an instrument of conveyance of designated forest land for filing or recording unless the new owner has signed the notice of continuance or the compensating tax has been paid, as evidenced by the real estate excise tax stamp affixed thereto by the treasurer. The seller, transferor, or new owner may appeal the new assessed valuation calculated under subsection (3) of this section to the county board of equalization. Jurisdiction is hereby conferred on the county board of equalization to hear these appeals;

(d) Determination by the assessor, after giving the owner written notice and an opportunity to be heard, that:

(i) Such land is no longer primarily devoted to and used for growing and harvesting timber. However, land shall not be removed from designation if a governmental agency, organization, or other recipient identified in subsection (5) or (6) of this section as exempt from the payment of compensating tax has manifested its intent in writing or by other official action to acquire a property interest in designated forest land by means of a transaction that qualifies for an exemption under subsection (5) or (6) of this section. The governmental agency, organization, or recipient shall annually provide the assessor of the county in which the land is located reasonable evidence in writing of the intent to

acquire the designated land as long as the intent continues or within sixty days of a request by the assessor. The assessor may not request this evidence more than once in a calendar year;

(ii) The owner has failed to comply with a final administrative or judicial order with respect to a violation of the restocking, forest management, fire protection, insect and disease control and forest debris provisions of Title 76 RCW or any applicable regulations thereunder; or

(iii) Restocking has not occurred to the extent or within the time specified in the application for designation of such land.

Removal of designation upon occurrence of any of (a) through (c) of this subsection shall apply only to the land affected, and upon occurrence of (d) of this subsection shall apply only to the actual area of land no longer primarily devoted to and used for growing and harvesting timber, without regard to other land that may have been included in the same application and approval for designation:

PROVIDED, That any remaining designated forest land meets necessary definitions of forest land pursuant to RCW 84.33.100.

(2) Within thirty days after such removal of designation of forest land, the assessor shall notify the owner in writing, setting forth the reasons for such removal. The seller, transferor, or owner may appeal such removal to the county board of equalization.

(3) Unless the removal is reversed on appeal a copy of the notice of removal with notation of the action, if any, upon appeal, together with the legal description or assessor's tax lot numbers for the land removed from designation shall, at the expense of the applicant, be filed by the assessor in the same manner as deeds are recorded, and commencing on January 1 of the year following the year in which the assessor mailed such notice, such land shall be assessed on the same basis as real property is assessed generally in that county. Except as provided in subsection (1)(c), (5), or (6) of this section, a compensating tax shall be imposed which shall be due and payable to the county treasurer thirty days after the owner is notified of the amount of the compensating tax. As soon as possible, the assessor shall compute the amount of such compensating tax and mail notice to the owner of the amount thereof and the date on which payment is due. The amount of such compensating tax shall be equal to the difference between the amount of tax last levied on such land as forest land and an amount equal to the new assessed valuation of such land multiplied by the dollar rate of the last levy extended against such land, multiplied by a number, in no event greater than ten, equal to the number of years for which such land was designated as forest land.

(4) Compensating tax, together with applicable interest thereon, shall become a lien on such land which shall attach at the time such land is removed from designation as forest land and shall have priority to and shall be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation or responsibility to or with which such land may become charged or liable. Such lien may be foreclosed upon expiration of the same period after delinquency and in the same manner provided by law for foreclosure of liens for delinquent real property taxes as provided in RCW 84.64.050. Any compensating tax unpaid on its due date shall thereupon become delinquent. From the date of delinquency until paid, interest shall be charged at the same rate applied by law to delinquent ad valorem property taxes.

(5) The compensating tax specified in subsection (3) of this section shall not be imposed if the removal of designation pursuant to subsection (1) of this section resulted solely from:

(a) Transfer to a government entity in exchange for other forest land located within the state of Washington;

(b) A taking through the exercise of the power of eminent domain, or sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of such power;

(c) A donation of fee title, development rights, or the right to harvest timber, to a government agency or organization qualified under RCW 84.34.210 and 64.04.130 for the purposes enumerated in those sections, or the sale or transfer of fee title to a governmental entity or a nonprofit nature conservancy corporation, as defined in RCW 64.04.130, exclusively for the protection and conservation of lands recommended for state natural area preserve purposes by the natural heritage council and natural heritage plan as defined in chapter 79.70 RCW: PROVIDED, That at such time as the land is not used for the purposes enumerated, the compensating tax specified in subsection (3) of this section shall be imposed upon the current owner;

(d) The sale or transfer of fee title to the parks and recreation commission for park and recreation purposes; or

(e) Official action by an agency of the state of Washington or by the county or city within which the land is located that disallows the present use of such land.

(6) In a county with a population of more than one million inhabitants, the compensating tax specified in subsection (3) of this section shall not be imposed if the removal of classification as forest land pursuant to subsection (1) of this section resulted solely from:

(a) An action described in subsection (5) of this section; or

(b) A transfer of a property interest to a government entity, or to a nonprofit historic preservation corporation or nonprofit nature conservancy corporation, as defined in RCW 64.04.130, to protect or enhance public resources, or to preserve, maintain, improve, restore, limit the future use of, or otherwise to conserve for public use or enjoyment, the property interest being transferred. At such time as the property interest is not used for the purposes enumerated, the compensating tax shall be imposed upon the current owner.

**Sec. 22.** RCW 84.34.108 and 1992 c 69 s 12 are each amended to read as follows:

(1) When land has once been classified under this chapter, a notation of such classification shall be made each year upon the assessment and tax rolls and such land shall be valued pursuant to RCW 84.34.060 or 84.34.065 until removal of all or a portion of such classification by the assessor upon occurrence of any of the following:

(a) Receipt of notice from the owner to remove all or a portion of such classification;

(b) Sale or transfer to an ownership, except a transfer that resulted from a default in loan payments made to or secured by a governmental agency that intends to or is required by law or regulation to resell the property for the same use as before, making all or a portion of such land exempt from ad valorem taxation;

(c) Sale or transfer of all or a portion of such land to a new owner, unless the new owner has signed a notice of classification continuance, except transfer to an owner who is an heir or devisee of a deceased owner shall not, by itself, result in removal of classification. The signed notice of continuance shall be attached to the real estate excise tax affidavit provided for in RCW 82.45.120, as now or hereafter amended. The notice of continuance shall be on a form prepared by the department of revenue. If the notice of continuance is not signed by the new owner and attached to the real estate excise tax affidavit, all additional taxes calculated pursuant to subsection (3) of this section shall become due and payable by the seller or transferor at time of sale. The county auditor shall not accept an instrument of conveyance of classified land for filing or recording unless the new owner has signed the notice of continuance or the additional tax has been paid, as evidenced by the real estate excise tax stamp affixed thereto by the treasurer. The seller, transferor, or new owner may appeal the new assessed valuation calculated under subsection (3) of this section to the county board of equalization. Jurisdiction is hereby conferred on the county board of equalization to hear these appeals;

(d) Determination by the assessor, after giving the owner written notice and an opportunity to be heard, that all or a portion of such land no longer meets the criteria for classification under this chapter. The criteria for classification pursuant to this chapter continue to apply after classification has been granted.

The granting authority, upon request of an assessor, shall provide reasonable assistance to the assessor in making a determination whether such land continues to meet the qualifications of RCW 84.34.020 (1) or (3). The assistance shall be provided within thirty days of receipt of the request.

(2) Within thirty days after such removal of all or a portion of such land from current use classification, the assessor shall notify the owner in writing, setting forth the reasons for such removal. The seller, transferor, or owner may appeal such removal to the county board of equalization.

(3) Unless the removal is reversed on appeal, the assessor shall revalue the affected land with reference to full market value on the date of removal from classification. Both the assessed valuation before and after the removal of classification shall be listed and taxes shall be allocated according to that part of the year to which each assessed valuation applies. Except as provided in subsection (5) of this section, an additional tax, applicable interest, and penalty shall be imposed which shall be due and payable to the county treasurer thirty days after the owner is notified of the amount of the additional

tax. As soon as possible, the assessor shall compute the amount of such an additional tax, applicable interest, and penalty and the treasurer shall mail notice to the owner of the amount thereof and the date on which payment is due. The amount of such additional tax, applicable interest, and penalty shall be determined as follows:

(a) The amount of additional tax shall be equal to the difference between the property tax paid as "open space land", "farm and agricultural land", or "timber land" and the amount of property tax otherwise due and payable for the seven years last past had the land not been so classified;

(b) The amount of applicable interest shall be equal to the interest upon the amounts of such additional tax paid at the same statutory rate charged on delinquent property taxes from the dates on which such additional tax could have been paid without penalty if the land had been assessed at a value without regard to this chapter;

(c) The amount of the penalty shall be as provided in RCW 84.34.080. The penalty shall not be imposed if the removal satisfies the conditions of RCW 84.34.070.

(4) Additional tax, applicable interest, and penalty, shall become a lien on such land which shall attach at the time such land is removed from classification under this chapter and shall have priority to and shall be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation or responsibility to or with which such land may become charged or liable. Such lien may be foreclosed upon expiration of the same period after delinquency and in the same manner provided by law for foreclosure of liens for delinquent real property taxes as provided in RCW 84.64.050 now or as hereafter amended. Any additional tax unpaid on its due date shall thereupon become delinquent. From the date of delinquency until paid, interest shall be charged at the same rate applied by law to delinquent ad valorem property taxes.

(5) The additional tax, applicable interest, and penalty specified in subsection (3) of this section shall not be imposed if the removal of classification pursuant to subsection (1) of this section resulted solely from:

(a) Transfer to a government entity in exchange for other land located within the state of Washington;

(b)(i) A taking through the exercise of the power of eminent domain, or (ii) sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of such power, said entity having manifested its intent in writing or by other official action;

(c) A natural disaster such as a flood, windstorm, earthquake, or other such calamity rather than by virtue of the act of the landowner changing the use of such property;

(d) Official action by an agency of the state of Washington or by the county or city within which the land is located which disallows the present use of such land;

(e) Transfer of land to a church when such land would qualify for exemption pursuant to RCW 84.36.020;

(f) Acquisition of property interests by state agencies or agencies or organizations qualified under RCW 84.34.210 and 64.04.130 for the purposes enumerated in those sections: PROVIDED, That at such time as these property interests are not used for the purposes enumerated in RCW 84.34.210 and 64.04.130 the additional tax specified in subsection (3) of this section shall be imposed; or

(g) Removal of land classified as farm and agricultural land under RCW 84.34.020(2)(d).

**Sec. 23.** RCW 84.56.330 and 1961 c 15 s 84.56.330 are each amended to read as follows:

Any person who has a lien by mortgage or otherwise, upon any real property upon which any taxes have not been paid, may pay such taxes, and the interest, penalty and costs thereon; and the receipt of the county treasurer or other collecting official shall constitute an additional lien upon such land, to the amount therein stated, and the amount so paid and the interest thereon at the rate specified in the mortgage or other instrument shall be collectible with, or as a part of, and in the same manner as the amount secured by the original lien: PROVIDED, That the person paying such taxes shall pay the same as mortgagee or other lien holder and shall procure the receipt of the county treasurer therefor, showing the mortgage or other lien relationship of the person paying such taxes, and the same shall have been recorded with the county auditor of the county wherein the said real estate is situated, within ten days after the payment of such taxes and the issuance of such receipt. It shall be the duty of any

treasurer issuing such receipt to make notation thereon of the lien relationship claim of the person paying such taxes. It shall be the duty of the county auditor in such cases to index and record such receipts in the same manner as provided for the recording of liens on real estate, upon the payment to the county auditor of the ((~~sum of fifty cents~~)) appropriate recording fees by the person presenting the same for recording: AND PROVIDED FURTHER, That in the event the above provision be not complied with, the lien created by any such payment shall be subordinate to the liens of all mortgages or encumbrances upon such real property, which are senior to the mortgage or other lien of the person so making such payment.

NEW SECTION. **Sec. 24.** This act takes effect August 1, 1999."

On page 1, beginning on line 1 of the title, after "documents;" strike the remainder of the title and insert "amending RCW 4.28.320, 36.18.005, 36.18.010, 4.28.325, 47.28.025, 60.44.030, 60.68.045, 61.16.030, 64.32.120, 65.04.015, 65.04.020, 65.04.045, 65.04.047, 65.04.060, 65.08.060, 65.08.140, 65.08.160, 84.26.080, 84.33.120, 84.33.140, 84.34.108, and 84.56.330; adding a new section to chapter 65.04 RCW; and providing an effective date."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to House Bill No. 1647 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE**

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of House Bill No. 1647 as amended by the Senate.

Representatives Mulliken and Doumit spoke in favor of passage of the bill as amended by the Senate.

#### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1647, as amended by the Senate and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Voting nay: Representative DeBolt - 1.

Excused: Representative Quall - 1.

House Bill No. 1647, as amended by the Senate, having received the constitutional majority, was declared passed.

#### **SENATE AMENDMENTS TO HOUSE BILL**

April 12, 1999

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1677 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 87.03 RCW to read as follows:

(1) Any irrigation district organized under this chapter may, for compensation, reimbursement, or otherwise, within limits established by the state Constitution, assist the owners of land receiving water distributed by the irrigation district or discharging, with the district's approval, water from the land into irrigation district-maintained facilities to finance, acquire, install, lease, and use equipment, fixtures, programs, and systems to conserve, improve, preserve, and efficiently use the land, water delivered by the irrigation district, or water discharged from the land into irrigation district-maintained facilities. Assistance may include, but is not limited to, grants, loans, and financing to purchase, lease, install, and use approved conservation, improvement, and preservation equipment, fixtures, programs, and systems. The equipment, fixtures, programs, and systems may be leased, purchased, or installed by a private business, the owner of the land, or the irrigation district. "Conserve," "improve," and "preserve" as used in this section, include enhancing the quality of water delivered by the irrigation district or discharged from the land into irrigation district-maintained facilities.

(2) The district may charge the owner and the land if district money or credit is used or extended to provide the assistance in subsection (1) of this section. The district's board of directors may also levy and fix assessments, rates, tolls, and charges and collect them from all persons for whom, and all land on which, district money or credit is provided, or the board may require landowner repayment for landowner assistance by assessments, charges, rates, or tolls in the same manner as provided by RCW 87.03.445.

NEW SECTION. Sec. 2. A new section is added to chapter 87.03 RCW to read as follows:

(1) Purchases of any materials, supplies, or equipment by the district shall be based on competitive bids except as provided in RCW 87.03.435 and 39.04.280. A formal sealed bid procedure shall be used as standard procedure for the purchases made by irrigation districts. However, the board may by resolution adopt a policy to waive formal sealed bidding procedures for purchases of any materials, supplies, or equipment for an amount set by the board not to exceed ten thousand dollars for each purchase.

(2) The directors may by resolution adopt a policy to use the process provided in RCW 39.04.190 for purchases of materials, supplies, or equipment when the estimated cost is between the amount established by the board under subsection (1) of this section and a maximum amount set by resolution adopted by the board for purchases up to fifty thousand dollars exclusive of sales tax."

On page 1, line 1 of the title, after "districts;" strike the remainder of the title and insert "and adding new sections to chapter 87.03 RCW."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Substitute House Bill No. 1677 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE**

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Substitute House Bill No. 1677 as amended by the Senate.

Representative B. Chandler spoke in favor of passage of the bill as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1677, as amended by the Senate and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Quall - 1.

Substitute House Bill No. 1677, as amended by the Senate, having received the constitutional majority, was declared passed.

#### SENATE AMENDMENTS TO HOUSE BILL

April 12, 1999

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1699 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 18.32.002 and 1994 sp.s. c 9 s 201 are each amended to read as follows:

The legislature finds that the health and well-being of the people of this state are of paramount importance.

The legislature further finds that the conduct of members of the dental profession licensed to practice dentistry in this state plays a vital role in preserving the health and well-being of the people of the state.

The legislature further finds that requiring continuing dental education for all licensed dentists in the state is an important component of providing high quality dentistry for the people of this state.

The legislature further finds that there is no effective means of handling disciplinary proceedings against members of the dental profession licensed in this state when such proceedings are necessary for the protection of the public health.

Therefore, the legislature declares its intention to exercise the police power of the state to protect the public health, to promote the welfare of the state, and to provide a commission to act as a disciplinary and regulatory body for the members of the dental profession licensed to practice dentistry in this state.

It is the purpose of the commission established in RCW 18.32.0351 to regulate the competency and quality of professional health care providers under its jurisdiction by establishing, monitoring, and enforcing qualifications for licensure, continuing education, consistent standards of practice, continuing competency mechanisms, and discipline. Rules, policies, and procedures developed by the commission must promote the delivery of quality health care to the residents of the state.

**Sec. 2.** RCW 18.32.0357 and 1994 sp.s. c 9 s 207 are each amended to read as follows:



The commission shall elect officers each year. Meetings of the commission are open to the public, except the commission may hold executive sessions to the extent permitted by chapter 42.30 RCW. The secretary of health shall furnish such secretarial, clerical, and other assistance as the commission may require.

A majority of the commission members appointed and serving constitutes a quorum for the transaction of commission business. The affirmative vote of a majority of a quorum of the commission is required to carry a motion or resolution, to adopt a rule, or to pass a measure.

The commission may appoint members of panels consisting of not less than three members. A quorum for transaction of any business shall be a minimum of three members. A majority vote of a quorum of the panel is required to transact business delegated to it by the commission.

The members of the commission are immune from suit in an action, civil or criminal, based upon its disciplinary proceedings or other official acts performed in good faith as members of the commission.

The commission may, whenever the workload of the commission requires, request that the secretary appoint pro tempore members. While serving as members pro tempore persons have all the powers, duties, and immunities, and are entitled to the emoluments, including travel expenses, of the commission.

The commission shall prepare or determine the nature of the examinations for applicants to practice dentistry.

The commission shall establish continuing dental education requirements.

The attorney general shall advise the commission and represent it in all legal proceedings.

**Sec. 3.** RCW 18.32.180 and 1996 c 191 s 16 are each amended to read as follows:

Every person licensed to practice dentistry in this state shall renew his or her license and comply with administrative procedures, administrative requirements, continuing education requirements, and fees as provided in RCW 43.70.250 and 43.70.280. The commission, in its sole discretion, may permit the applicant to be licensed without examination, and with or without conditions, if it is satisfied that the applicant meets all the requirements for licensure in this state and is competent to engage in the practice of dentistry.

NEW SECTION. **Sec. 4.** The continuing education requirements of RCW 18.32.180 apply to licenses renewed after July 1, 2001."

On page 1, line 1 of the title, after "dentists;" strike the remainder of the title and insert "amending RCW 18.32.002, 18.32.0357, and 18.32.180; and creating a new section."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to House Bill No. 1699 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE**

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of House Bill No. 1699 as amended by the Senate.

Representatives Cody and McDonald spoke in favor of passage of the bill as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1699, as amended by the Senate and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Quall - 1.

House Bill No. 1699, as amended by the Senate, having received the constitutional majority, was declared passed.

### SENATE AMENDMENTS TO HOUSE BILL

April 13,, 1999

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1741 with the following amendment(s):

On page 2, after line 16, insert the following:

**"NEW SECTION. Sec. 2.** It is the intent of the legislature to allow the department of revenue to increase its ability to provide timely and cost-effective service to taxpayers.

**Sec. 3.** RCW 82.32.080 and 1997 c 156 s 3 are each amended to read as follows:

Payment of the tax may be made by uncertified check under such regulations as the department shall prescribe, but, if a check so received is not paid by the bank on which it is drawn, the taxpayer, by whom such check is tendered, shall remain liable for payment of the tax and for all legal penalties, the same as if such check had not been tendered.

Payment of the tax shall be made by electronic funds transfer, as defined in RCW 82.32.085, if the amount of the tax due in a calendar year is one million eight hundred thousand dollars or more. The department may by rule provide for tax thresholds between two hundred forty thousand dollars and one million eight hundred thousand dollars for mandatory use of electronic funds transfer. All taxes administered by this chapter are subject to this requirement except the taxes authorized by chapters 82.14A, 82.14B, 82.24, 82.27, 82.29A, and 84.33 RCW. It is the intent of this section to require electronic funds transfer for those taxes reported on the department's combined excise tax return or any successor return.

A return or remittance which is transmitted to the department by United States mail shall be deemed filed or received on the date shown by the post office cancellation mark stamped upon the envelope containing it, except as otherwise provided in this chapter. The department is authorized to allow electronic filing of returns or remittances from any taxpayer. A return or remittance which is transmitted to the department electronically shall be deemed filed or received according to procedures set forth by the department.

The department, for good cause shown, may extend the time for making and filing any return, and may grant such reasonable additional time within which to make and file returns as it may deem proper, but any permanent extension granting the taxpayer a reporting date without penalty more than ten days beyond the due date, and any extension in excess of thirty days shall be conditional on deposit with the department of an amount to be determined by the department which shall be approximately

equal to the estimated tax liability for the reporting period or periods for which the extension is granted. In the case of a permanent extension or a temporary extension of more than thirty days the deposit shall be deposited within the state treasury with other tax funds and a credit recorded to the taxpayer's account which may be applied to taxpayer's liability upon cancellation of the permanent extension or upon reporting of the tax liability where an extension of more than thirty days has been granted.

The department shall review the requirement for deposit at least annually and may require a change in the amount of the deposit required when it believes that such amount does not approximate the tax liability for the reporting period or periods for which the extension is granted.

The department shall keep full and accurate records of all funds received and disbursed by it. Subject to the provisions of RCW 82.32.105 and 82.32.350, the department shall apply the payment of the taxpayer first against penalties and interest, and then upon the tax, without regard to any direction of the taxpayer.

The department may refuse to accept any return which is not accompanied by a remittance of the tax shown to be due thereon. When such return is not accepted, the taxpayer shall be deemed to have failed or refused to file a return and shall be subject to the procedures provided in RCW 82.32.100 and to the penalties provided in RCW 82.32.090. The above authority to refuse to accept a return shall not apply when a return is timely filed and a timely payment has been made by electronic funds transfer."

Renumber the remaining sections and correct internal references accordingly.

On page 1, on line 3 of the title, after "RCW 82.32.045", insert "and RCW 82.32.080; creating a new section"

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to House Bill No. 1741 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE**

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of House Bill No. 1741 as amended by the Senate.

Representatives Fortunato and Lovick spoke in favor of passage of the bill as amended by the Senate.

#### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1741, as amended by the Senate and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-

Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Quall - 1.

House Bill No. 1741, as amended by the Senate, having received the constitutional majority, was declared passed.

The House deferred action on Substitute House Bill No. 1826, and the bill held its place on the concurrence calendar.

## SENATE AMENDMENTS TO HOUSE BILL

April 13, 1999

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1831 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that certain construction management techniques will improve the effectiveness of construction and operation of new school buildings, and that such techniques, including value engineering, constructibility reviews, building commissioning, and professional construction management, will provide better value to the taxpayers by reducing construction costs, improving building operations, improving the building environment for the occupants, and reducing future replacement costs.

NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.525 RCW to read as follows:

(1) The state board of education shall adopt rules for appropriate use of the following construction management techniques: Value engineering, constructibility review, building commissioning, and construction management. Rules adopted under this section shall:

- (a) Define each technique as it applies to school buildings;
- (b) Describe the scope of work for each technique;
- (c) Define the timing for implementing each technique in the construction process;
- (d) Determine the appropriate size of projects for the use of each technique; and
- (e) Determine standards for qualification and performance for each technique.

(2) Except as provided in rules adopted under subsection (1)(d) of this section, in allocating state moneys provided under this chapter, the state board of education shall include in funding for each project, at the state matching percentage, the cost of each of the construction management techniques listed in subsection (1) of this section.

(3) When assigning priority and allocating state funds for construction of common school facilities, the state board of education shall consider the adequacy of the construction management techniques used by a district and the compliance with the rules adopted under subsection (1) of this section.

(4) Except as provided in rules adopted under subsection (1)(d) of this section, the construction management techniques in subsection (1) of this section shall be used on each project submitted for approval by the state board of education.

(5)(a) School districts applying for state assistance for school facilities shall:

(i) Cause value engineering, constructibility review, and building commissioning to be performed by contract with a professional firm specializing in those construction management techniques; and

(ii) Contract or employ personnel to perform professional construction management.

(b) All recommendations from the value engineering and constructibility review construction techniques for a school project shall be presented to the school district's board of directors for

acceptance or rejection. If the board of directors rejects a recommendation it shall provide a statement explaining the reasons for rejecting the recommendation and include the statement in the application for state assistance to the state board of education.

(6) The office of the superintendent of public instruction shall provide:

(a) An information and training program for school districts on the use of the construction management techniques; and

(b) Consulting services to districts on the benefits and best uses of these construction management techniques.

NEW SECTION. **Sec. 3.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 1999, in the omnibus appropriations act, this act is null and void."

On page 1, line 2 of the title, after "construction;" strike the remainder of the title and insert "adding a new section to chapter 28A.525 RCW; and creating new sections."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to House Bill No. 1831 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE**

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of House Bill No. 1831 as amended by the Senate.

Representatives Edmonds and Esser spoke in favor of passage of the bill as amended by the Senate.

#### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1831, as amended by the Senate and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Vloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Quall - 1.

House Bill No. 1831, as amended by the Senate, having received the constitutional majority, was declared passed.

#### **SENATE AMENDMENTS TO HOUSE BILL**

April 13, 1999

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1832 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that current law authorizes school districts to use nonvoter-approved debt to acquire real or personal property but not to construct or repair school district property. It is the intent of the legislature to authorize school districts to use nonvoter-approved debt, within existing debt limits, to finance the acquisition, remodel, and repair of school facilities.

**Sec. 2.** RCW 28A.530.080 and 1991 c 114 s 1 are each amended to read as follows:

In addition to the authority granted under RCW 28A.530.010, a school district may contract indebtedness for any purpose specified in RCW 28A.530.010 (2), (4), and (5) or for the purpose of purchasing any real or personal property, or property rights, in connection with the exercise of any powers or duties which it is now or hereafter authorized to exercise, and issue bonds, notes, or other evidences of indebtedness therefor without a vote of the qualified electors of the district, subject to the limitations on indebtedness set forth in RCW 39.36.020(3). Such bonds, notes, or other evidences of indebtedness shall be issued and sold in accordance with chapter 39.46 RCW, and the proceeds thereof shall be deposited in the capital projects fund, the transportation vehicle fund, or the general fund, as applicable."

On page 1, line 1 of the title, after "indebtedness;" strike the remainder of the title and insert "amending RCW 28A.530.080; and creating a new section."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Engrossed House Bill No. 1832 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE**

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Engrossed House Bill No. 1832 as amended by the Senate.

Representatives Edmonds and Esser spoke in favor of passage of the bill as amended by the Senate.

Representatives Carlson and Talcott spoke against the passage of the bill as amended by the Senate.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed House Bill No. 1832, as amended by the Senate and the bill passed the House by the following vote: Yeas - 88, Nays - 9, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Buck, Bush, Cairnes, Campbell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, Delvin, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke,

Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 88.

Voting nay: Representatives Benson, Boldt, Carlson, Carrell, DeBolt, Dunn, Koster, Sump and Talcott - 9.

Excused: Representative Quall - 1.

Engrossed House Bill No. 1832, as amended by the Senate, having received the constitutional majority, was declared passed.

### SENATE AMENDMENTS TO HOUSE BILL

April 6, 1999

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1838 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 18.32.534 and 1994 sp.s. c 9 s 220 are each amended to read as follows:

(1) To implement an impaired dentist program as authorized by RCW 18.130.175, the commission shall enter into a contract with a voluntary substance abuse monitoring program. The impaired dentist program may include any or all of the following:

- (a) Contracting with providers of treatment programs;
- (b) Receiving and evaluating reports of suspected impairment from any source;
- (c) Intervening in cases of verified impairment;
- (d) Referring impaired dentists to treatment programs;
- (e) Monitoring the treatment and rehabilitation of impaired dentists including those ordered by the commission;
- (f) Providing education, prevention of impairment, posttreatment monitoring, and support of rehabilitated impaired dentists; and
- (g) Performing other related activities as determined by the commission.

(2) A contract entered into under subsection (1) of this section shall be financed by a surcharge of up to ~~((fifteen))~~ twenty-five dollars on each license issuance or renewal to be collected by the department of health from every dentist licensed under chapter 18.32 RCW. These moneys shall be placed in the health professions account to be used solely for the implementation of the impaired dentist program."

On page 1, line 1 of the title, after "program;" strike the remainder of the title and insert "and amending RCW 18.32.534."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Substitute House Bill No. 1838 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE**

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Substitute House Bill No. 1838 as amended by the Senate.

Representatives Schual-Berke, McDonald and Schual-Berke (again) spoke in favor of passage of the bill as amended by the Senate.

Representative Lambert spoke against the passage of the bill as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1838, as amended by the Senate and the bill passed the House by the following vote: Yeas - 94, Nays - 3, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 94.

Voting nay: Representatives Dunn, Koster and Lambert - 3.

Excused: Representative Quall - 1.

Substitute House Bill No. 1838, as amended by the Senate, having received the constitutional majority, was declared passed.

#### SENATE AMENDMENTS TO HOUSE BILL

April 7, 1999

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1848 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** Article VIII, section 8 of the Washington state Constitution authorizes the use of public funds by port districts in such manner as the legislature may prescribe for industrial development or trade promotion. The legislature recognizes a growing need for a Washington port district that is located in a county that has a contiguous border with another state, and a population between fifty and seventy thousand, to participate with other public agencies of this state and an adjoining state to attract, encourage, and develop industry and promote trade on both sides of their borders, for the economic benefit to the state of Washington. RCW 53.08.240 authorizes agreements between two or more port districts for the exercise of powers both within and outside their districts, and further authorizes contracts by port districts with other governmental entities. The interlocal cooperation act, chapter 39.34 RCW, also authorizes joint agreements and contracts between port districts and other state and local public agencies including political subdivisions of other states. However, there is uncertainty as to whether or not a port district that is located in a county that has a contiguous border with another state, and a population between fifty and seventy thousand, may exercise industrial development or trade promotion powers outside the district or state boundaries except jointly with another Washington port district.



The purpose of this act is to define and clarify the authority of a Washington port district that is located in a county that has a contiguous border with another state, and a population between fifty and seventy thousand, to exercise those powers jointly or in cooperation with other public agencies when found to be necessary and beneficial to the people of this state.

**Sec. 2.** RCW 53.04.010 and 1963 c 147 s 1 are each amended to read as follows:

(1) Port districts are hereby authorized to be established in the various counties of the state for the purposes of acquisition, construction, maintenance, operation, development and regulation within the district of harbor improvements, rail or motor vehicle transfer and terminal facilities, water transfer and terminal facilities, air transfer and terminal facilities, or any combination of such transfer and terminal facilities, and other commercial transportation, transfer, handling, storage and terminal facilities, and industrial improvements.

(2) Powers of a port district that is located in a county that has a contiguous border with another state, and a population between fifty and seventy thousand, shall be exercised within the district, except as otherwise provided by statute or pursuant to an interlocal cooperation agreement with another public agency as defined in chapter 39.34 RCW. In addition to other requirements of chapter 39.34 RCW, such an interlocal cooperation agreement may involve the exercise of a port district's powers for a port district that is located in a county that has contiguous borders with another state, and a population between fifty and seventy thousand, outside the boundaries of the state of Washington in whole or in part only if found, by resolution of the port district commission exercising such authority, to be reasonably necessary for the effective exercise of the port district's statutory powers and for the benefit of the inhabitants of the district and the state of Washington. The resolution may be adopted only after a public hearing of which notice has been published in a newspaper of general circulation within the district at least ten days in advance.

**Sec. 3.** RCW 53.08.240 and 1961 c 24 s 1 are each amended to read as follows:

(1) Any two or more port districts shall have the power, by mutual agreement, to exercise jointly all powers granted to each individual district, and in the exercise of such powers shall have the right and power to acquire jointly all lands, property, property rights, leases, or easements necessary for their purposes, either entirely within or partly within or partly without or entirely without such districts: PROVIDED, That any two or more districts so acting jointly, by mutual agreement, shall not acquire any real property or real property rights in any other port district without the consent of such district.

(2) A district may enter into any contract with the United States, or any state, county, or municipal corporation, or any department of those entities, for carrying out any of the powers that each of the contracting parties may by law exercise separately.

(3)(a) A port district that is located in a county that has a contiguous border with another state, and a population between fifty and seventy thousand, may enter into any contract that each of the contracting parties may by law exercise separately with, including but not limited to, municipal corporations of adjoining states.

(b) In addition to other powers granted by statute, a port district that is located in a county that has a contiguous border with another state, and a population between fifty and seventy thousand, may enter into agreements with the United States or any of its agencies, or with any state, or with any municipal corporation of this state or of an adjoining state, for exercising jointly or cooperatively within or outside the district, in whole or in part, any of the powers that each of the contracting parties may by law exercise separately, for the promotion or development of trade or industry. Such powers may be exercised outside the boundaries of this state only after a public hearing of which notice has been published in a newspaper of general circulation within the district at least ten days in advance, and pursuant to findings and a resolution by the port district's commission that: (i) The undertaking and the district's participation in it will substantially benefit the district and the state of Washington; and (ii) the districts' share of the cost will not exceed an amount calculated by dividing the total cost of the undertaking by the number of participants."

On page 1, line 2 of the title, after "limits;" strike the remainder of the title and insert "amending RCW 53.04.010 and 53.08.240; and creating a new section."

and the same are herewith transmitted.

Secretary

There being no objection, the House concurred in the Senate amendment(s) to Substitute House Bill No. 1848 and advanced the bill as amended by the Senate to final passage.

### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE**

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Substitute House Bill No. 1848 as amended by the Senate.

Representative Grant spoke in favor of passage of the bill as amended by the Senate.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1848, as amended by the Senate and the bill passed the House by the following vote: Yeas - 92, Nays - 5, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Schindler, D. Schmidt, K. Schmidt, Schoesler, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 92.

Voting nay: Representatives Constantine, Keiser, Poulsen, Santos and Schual-Berke - 5.

Excused: Representative Quall - 1.

Substitute House Bill No. 1848, as amended by the Senate, having received the constitutional majority, was declared passed.

### **SENATE AMENDMENTS TO HOUSE BILL**

April 8, 1999

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1849 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9.94A.390 and 1997 c 52 s 4 are each amended to read as follows:

If the sentencing court finds that an exceptional sentence outside the standard range should be imposed in accordance with RCW 9.94A.120(2), the sentence is subject to review only as provided for in RCW 9.94A.210(4).

The following are illustrative factors which the court may consider in the exercise of its discretion to impose an exceptional sentence. The following are illustrative only and are not intended to be exclusive reasons for exceptional sentences.

(1) Mitigating Circumstances

(a) To a significant degree, the victim was an initiator, willing participant, aggressor, or provoker of the incident.

(b) Before detection, the defendant compensated, or made a good faith effort to compensate, the victim of the criminal conduct for any damage or injury sustained.

(c) The defendant committed the crime under duress, coercion, threat, or compulsion insufficient to constitute a complete defense but which significantly affected his or her conduct.

(d) The defendant, with no apparent predisposition to do so, was induced by others to participate in the crime.

(e) The defendant's capacity to appreciate the wrongfulness of his or her conduct or to conform his or her conduct to the requirements of the law, was significantly impaired (voluntary use of drugs or alcohol is excluded).

(f) The offense was principally accomplished by another person and the defendant manifested extreme caution or sincere concern for the safety or well-being of the victim.

(g) The operation of the multiple offense policy of RCW 9.94A.400 results in a presumptive sentence that is clearly excessive in light of the purpose of this chapter, as expressed in RCW 9.94A.010.

(h) The defendant or the defendant's children suffered a continuing pattern of physical or sexual abuse by the victim of the offense and the offense is a response to that abuse.

(2) Aggravating Circumstances

(a) The defendant's conduct during the commission of the current offense manifested deliberate cruelty to the victim.

(b) The defendant knew or should have known that the victim of the current offense was particularly vulnerable or incapable of resistance due to extreme youth, advanced age, disability, or ill health.

(c) The current offense was a violent offense, and the defendant knew that the victim of the current offense was pregnant.

(d) The current offense was a major economic offense or series of offenses, so identified by a consideration of any of the following factors:

(i) The current offense involved multiple victims or multiple incidents per victim;

(ii) The current offense involved attempted or actual monetary loss substantially greater than typical for the offense;

(iii) The current offense involved a high degree of sophistication or planning or occurred over a lengthy period of time; or

(iv) The defendant used his or her position of trust, confidence, or fiduciary responsibility to facilitate the commission of the current offense.

(e) The current offense was a major violation of the Uniform Controlled Substances Act, chapter 69.50 RCW (VUCSA), related to trafficking in controlled substances, which was more onerous than the typical offense of its statutory definition: The presence of ANY of the following may identify a current offense as a major VUCSA:

(i) The current offense involved at least three separate transactions in which controlled substances were sold, transferred, or possessed with intent to do so;

(ii) The current offense involved an attempted or actual sale or transfer of controlled substances in quantities substantially larger than for personal use;

(iii) The current offense involved the manufacture of controlled substances for use by other parties;

(iv) The circumstances of the current offense reveal the offender to have occupied a high position in the drug distribution hierarchy;

(v) The current offense involved a high degree of sophistication or planning or occurred over a lengthy period of time or involved a broad geographic area of disbursement; or

(vi) The offender used his or her position or status to facilitate the commission of the current offense, including positions of trust, confidence or fiduciary responsibility (e.g., pharmacist, physician, or other medical professional).

(f) The current offense included a finding of sexual motivation pursuant to RCW 9.94A.127.

(g) The offense was part of an ongoing pattern of sexual abuse of the same victim under the age of eighteen years manifested by multiple incidents over a prolonged period of time.

(h) The current offense involved domestic violence, as defined in RCW 10.99.020 and one or more of the following was present:

(i) The offense was part of an ongoing pattern of psychological, physical, or sexual abuse of the victim manifested by multiple incidents over a prolonged period of time;

(ii) The offense occurred within sight or sound of the victim's or the offender's minor children under the age of eighteen years; or

(iii) The offender's conduct during the commission of the current offense manifested deliberate cruelty or intimidation of the victim.

(i) The operation of the multiple offense policy of RCW 9.94A.400 results in a presumptive sentence that is clearly too lenient in light of the purpose of this chapter, as expressed in RCW 9.94A.010.

(j) The defendant's prior unscored misdemeanor or prior unscored foreign criminal history results in a presumptive sentence that is clearly too lenient in light of the purpose of this chapter as expressed in RCW 9.94A.010.

(k) The offense resulted in the pregnancy of a child victim of rape.

(l) The defendant knew that the victim of the current offense was a youth who was not residing with a legal custodian and the defendant established or promoted the relationship for the primary purpose of victimization."

On page 1, line 1 of the title, after "sentence;" strike the remainder of the title and insert "and amending RCW 9.94A.390."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to House Bill No. 1849 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE**

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of House Bill No. 1849 as amended by the Senate.

Representatives Kagi and Ballasiotes spoke in favor of passage of the bill as amended by the Senate.

#### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1849, as amended by the Senate and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Quall - 1.

House Bill No. 1849, as amended by the Senate, having received the constitutional majority, was declared passed.

### SENATE AMENDMENTS TO HOUSE BILL

April 13, 1999

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1863 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 43.03 RCW to read as follows:

(1) Any part-time commission that has rule-making authority, performs quasi-judicial functions, has responsibility for the policy direction of a health profession credentialing program, and performs regulatory and licensing functions with respect to a health care profession licensed under Title 18 RCW shall be identified as a class five group for purposes of compensation.

(2) Except as otherwise provided in this section, each member of a class five group is eligible to receive compensation in an amount not to exceed two hundred fifty dollars for each day during which the member attends an official meeting of the group or performs statutorily prescribed duties approved by the chairperson of the group. A person shall not receive compensation for a day of service under this section if the person (a) occupies a position, normally regarded as full-time in nature, in any agency of the federal government, Washington state government, or Washington state local government; and (b) receives any compensation from such government for working that day.

(3) Compensation may be paid a member under this section only if it is necessarily incurred in the course of authorized business consistent with the responsibilities of the commission established by law.

**Sec. 2.** RCW 18.25.0171 and 1994 sp.s. c 9 s 107 are each amended to read as follows:

The commission shall elect officers each year. Meetings of the commission are open to the public, except that the commission may hold executive sessions to the extent permitted by chapter 42.30 RCW. The secretary of health shall furnish such secretarial, clerical, and other assistance as the commission may require.

Each member of the commission shall be compensated in accordance with ~~((RCW 43.03.240))~~ section 1 of this act. Members shall be reimbursed for travel expenses incurred in the actual performance of their duties, as provided in RCW 43.03.050 and 43.03.060.

A majority of the commission members appointed and serving constitutes a quorum for the transaction of commission business. The affirmative vote of a majority of a quorum of the commission is required to carry a motion or resolution, to adopt a rule, or to pass a measure.

The commission may appoint members of panels of at least three members. A quorum for transaction of any business by a panel is a minimum of three members. A majority vote of a quorum of the panel is required to transact business delegated to it by the commission.

The members of the commission are immune from suit in an action, civil or criminal, based upon its disciplinary proceedings or other official acts performed in good faith as members of the commission.

The commission may, whenever the workload of the commission requires, request that the secretary appoint pro tempore members. While serving as members pro tempore persons have all the powers, duties, and immunities, and are entitled to the emoluments, including travel expenses, of the commission.

The commission shall prepare or determine the nature of the examinations for applicants to practice chiropractic.

The commission may adopt such rules as are consistent with this chapter as may be deemed necessary and proper to carry out the purposes of this chapter.

**Sec. 3.** RCW 18.32.0361 and 1994 sp.s. c 9 s 208 are each amended to read as follows:

Each member of the commission shall be compensated in accordance with ~~((RCW 43.03.240))~~ section 1 of this act. Members shall be reimbursed for travel expenses incurred in the actual performance of their duties, as provided in RCW 43.03.050 and 43.03.060. Commission members shall be compensated and reimbursed for their activities in developing or administering a multistate licensing examination, as provided in this chapter.

**Sec. 4.** RCW 18.71.015 and 1994 sp.s. c 9 s 303 are each amended to read as follows:

The Washington state medical quality assurance commission is established, consisting of thirteen individuals licensed to practice medicine in the state of Washington under this chapter, two individuals who are licensed as physician assistants under chapter 18.71A RCW, and four individuals who are members of the public. Each congressional district now existing or hereafter created in the state must be represented by at least one physician member of the commission. The terms of office of members of the commission are not affected by changes in congressional district boundaries. Public members of the commission may not be a member of any other health care licensing board or commission, or have a fiduciary obligation to a facility rendering health services regulated by the commission, or have a material or financial interest in the rendering of health services regulated by the commission.

The members of the commission shall be appointed by the governor. Members of the initial commission may be appointed to staggered terms of one to four years, and thereafter all terms of appointment shall be for four years. The governor shall consider such physician and physician assistant members who are recommended for appointment by the appropriate professional associations in the state. In appointing the initial members of the commission, it is the intent of the legislature that, to the extent possible, the existing members of the board of medical examiners and medical disciplinary board repealed under section 336, chapter 9, Laws of 1994 sp. sess. be appointed to the commission. No member may serve more than two consecutive full terms. Each member shall hold office until a successor is appointed.

Each member of the commission must be a citizen of the United States, must be an actual resident of this state, and, if a physician, must have been licensed to practice medicine in this state for at least five years.

The commission shall meet as soon as practicable after appointment and elect officers each year. Meetings shall be held at least four times a year and at such place as the commission determines and at such other times and places as the commission deems necessary. A majority of the commission members appointed and serving constitutes a quorum for the transaction of commission business.

The affirmative vote of a majority of a quorum of the commission is required to carry any motion or resolution, to adopt any rule, or to pass any measure. The commission may appoint panels consisting of at least three members. A quorum for the transaction of any business by a panel is a minimum of three members. A majority vote of a quorum of the panel is required to transact business delegated to it by the commission.

Each member of the commission shall be compensated in accordance with ~~((RCW 43.03.240))~~ section 1 of this act and in addition thereto shall be reimbursed for travel expenses incurred in carrying out the duties of the commission in accordance with RCW 43.03.050 and 43.03.060. Any such expenses shall be paid from funds appropriated to the department of health.

Whenever the governor is satisfied that a member of a commission has been guilty of neglect of duty, misconduct, or malfeasance or misfeasance in office, the governor shall file with the secretary of state a statement of the causes for and the order of removal from office, and the secretary shall forthwith send a certified copy of the statement of causes and order of removal to the last known post office address of the member.

Vacancies in the membership of the commission shall be filled for the unexpired term by appointment by the governor.

The members of the commission are immune from suit in an action, civil or criminal, based on its disciplinary proceedings or other official acts performed in good faith as members of the commission.

Whenever the workload of the commission requires, the commission may request that the secretary appoint pro tempore members of the commission. When serving, pro tempore members of the commission have all of the powers, duties, and immunities, and are entitled to all of the emoluments, including travel expenses, of regularly appointed members of the commission.

**Sec. 5.** RCW 18.79.090 and 1994 sp.s. c 9 s 409 are each amended to read as follows:

Each commission member shall be compensated in accordance with ~~((RCW 43.03.240))~~ section 1 of this act and shall be paid travel expenses when away from home in accordance with RCW 43.03.050 and 43.03.060."

On page 1, line 2 of the title, after "commissions;" strike the remainder of the title and insert "amending RCW 18.25.0171, 18.32.0361, 18.71.015, and 18.79.090; and adding a new section to chapter 43.03 RCW."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to House Bill No. 1863 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE**

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of House Bill No. 1863 as amended by the Senate.

Representatives Skinner and Cody spoke in favor of passage of the bill as amended by the Senate.

#### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1863, as amended by the Senate and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Vloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Quall - 1.

House Bill No. 1863, as amended by the Senate, having received the constitutional majority, was declared passed.

The House deferred action on House Bill No. 1872, and the bill held its place on the concurrence calendar.

## SENATE AMENDMENTS TO HOUSE BILL

April 13, 1999

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1880 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that certain aspects of health licensure laws have the unintended consequence of limiting the right of persons with functional disabilities to care for themselves in their own home, and of securing assistance from other persons in performing routine health-related tasks that persons without these disabilities customarily perform.

(2) It is the intent of the legislature to clarify the right of adults with functional disabilities to choose to self-direct their own health-related tasks through personal aides, and to describe the circumstances under which self-directed care may take place in the home setting. The legislature declares that it is in the public interest to preserve the autonomy and dignity of persons with functional disabilities to care for themselves in their own homes, among the continuum of options for health care services where the judgment and control over the care rests with the individual.

NEW SECTION. Sec. 2. The definitions in this section apply throughout sections 1 through 4 and 8 of this act and RCW 43.190.060 unless the context clearly requires otherwise.

(1) "Self-directed care" means the process in which an adult person, who is prevented by a functional disability from performing a manual function related to health care that an individual would otherwise perform for himself or herself, chooses to direct and supervise a paid personal aide to perform those tasks.

(2) "Personal aide" means an individual, working privately or as an individual provider under contract or agreement with the department of social and health services, who acts at the direction of an adult person with a functional disability living in his or her own home and provides that person with health care services that a person without a functional disability can perform.

NEW SECTION. Sec. 3. (1) An adult person with a functional disability living in his or her own home may direct and supervise a paid personal aide in the performance of a health care task.

(2) The following requirements shall guide the provision of self-directed care under this act:

(a) Health care tasks are those medical, nursing, or home health services that enable the person to maintain independence, personal hygiene, and safety in his or her own home, and that are services that a person without a functional disability would customarily and personally perform without the assistance of a licensed health care provider.

(b) The individual who chooses to self-direct a health care task is responsible for initiating self-direction by informing the health care professional who has ordered the treatment which involves that task of the individual's intent to perform that task through self-direction.

(c) When state funds are used to pay for self-directed tasks, a description of those tasks will be included in the client's comprehensive assessment, and subject to review with each annual reassessment.

(d) When a licensed health care provider orders treatment involving a health care task to be performed through self-directed care, the responsibility to ascertain that the patient understands the treatment and will be able to follow through on the self-directed care task is the same as it would be for a patient who performs the health care task for himself or herself, and the licensed health care provider incurs no additional liability when ordering a health care task which is to be performed through self-directed care.

(e) The role of the personal aide in self-directed care is limited to performing the physical aspect of health care tasks under the direction of the person for whom the tasks are being done. This



shall not affect the ability of a personal aide to provide other home care services, such as personal care or homemaker services, which enable the client to remain at home.

(f) The responsibility to initiate self-directed health care tasks, to possess the necessary knowledge and training for those tasks, and to exercise judgment regarding the manner of their performance rests and remains with the person who has chosen to self-direct those tasks, including the decision to employ and dismiss a personal aide.

**NEW SECTION. Sec. 4.** Any individual who, for compensation, serves as a personal aide provider under contract or agreement with the department of social and health services, to a person who self-directs his or her own care in his or her own home, shall register with the department of social and health services.

**Sec. 5.** RCW 74.39A.050 and 1998 c 85 s 1 are each amended to read as follows:

The department's system of quality improvement for long-term care services shall use the following principles, consistent with applicable federal laws and regulations:

(1) The system shall be client-centered and promote privacy, independence, dignity, choice, and a home or home-like environment for consumers consistent with chapter 392, Laws of 1997.

(2) The goal of the system is continuous quality improvement with the focus on consumer satisfaction and outcomes for consumers. This includes that when conducting licensing inspections, the department shall interview an appropriate percentage of residents, family members, resident managers, and advocates in addition to interviewing providers and staff.

(3) Providers should be supported in their efforts to improve quality and address identified problems initially through training, consultation, technical assistance, and case management.

(4) The emphasis should be on problem prevention both in monitoring and in screening potential providers of service.

(5) Monitoring should be outcome based and responsive to consumer complaints and a clear set of health, quality of care, and safety standards that are easily understandable and have been made available to providers.

(6) Prompt and specific enforcement remedies shall also be implemented without delay, pursuant to RCW 74.39A.080, RCW 70.128.160, chapter 18.51 RCW, or chapter 74.42 RCW, for providers found to have delivered care or failed to deliver care resulting in problems that are serious, recurring, or uncorrected, or that create a hazard that is causing or likely to cause death or serious harm to one or more residents. These enforcement remedies may also include, when appropriate, reasonable conditions on a contract or license. In the selection of remedies, the safety, health, and well-being of residents shall be of paramount importance.

(7) To the extent funding is available, all long-term care staff directly responsible for the care, supervision, or treatment of vulnerable persons should be screened through background checks in a uniform and timely manner to ensure that they do not have a criminal history that would disqualify them from working with vulnerable persons. Whenever a state conviction record check is required by state law, persons may be employed or engaged as volunteers or independent contractors on a conditional basis according to law and rules adopted by the department.

(8) No provider or staff, or prospective provider or staff, with a stipulated finding of fact, conclusion of law, an agreed order, or finding of fact, conclusion of law, or final order issued by a disciplining authority, a court of law, or entered into a state registry finding him or her guilty of abuse, neglect, exploitation, or abandonment of a minor or a vulnerable adult as defined in chapter 74.34 RCW shall be employed in the care of and have unsupervised access to vulnerable adults.

(9) The department shall establish, by rule, a state registry which contains identifying information about personal care aides identified under this chapter who have substantiated findings of abuse, neglect, financial exploitation, or abandonment of a vulnerable adult as defined in RCW 74.34.020. The rule must include disclosure, disposition of findings, notification, findings of fact, appeal rights, and fair hearing requirements. The department shall disclose, upon request, substantiated findings of abuse, neglect, financial exploitation, or abandonment to any person so requesting this information.

(10) The department shall by rule develop training requirements for individual providers and home care agency providers. The department shall deny payment to an individual provider or a home care provider who does not complete the training requirement within the time limit specified by the department by rule.

(11) The department shall establish, by rule, training, background checks, and other quality assurance requirements for personal aides who provide in-home services funded by medicaid personal care as described in RCW 74.09.520, community options program entry system waiver services as described in RCW 74.39A.030, or chore services as described in RCW 74.39A.110 that are equivalent to requirements for individual providers.

(12) Under existing funds the department shall establish internally a quality improvement standards committee to monitor the development of standards and to suggest modifications.

~~((40))~~ (13) Within existing funds, the department shall design, develop, and implement a long-term care training program that is flexible, relevant, and qualifies towards the requirements for a nursing assistant certificate as established under chapter 18.88A RCW. This subsection does not require completion of the nursing assistant certificate training program by providers or their staff. The long-term care teaching curriculum must consist of a fundamental module, or modules, and a range of other available relevant training modules that provide the caregiver with appropriate options that assist in meeting the resident's care needs. Some of the training modules may include, but are not limited to, specific training on the special care needs of persons with developmental disabilities, dementia, mental illness, and the care needs of the elderly. No less than one training module must be dedicated to workplace violence prevention. The nursing care quality assurance commission shall work together with the department to develop the curriculum modules. The nursing care quality assurance commission shall direct the nursing assistant training programs to accept some or all of the skills and competencies from the curriculum modules towards meeting the requirements for a nursing assistant certificate as defined in chapter 18.88A RCW. A process may be developed to test persons completing modules from a caregiver's class to verify that they have the transferable skills and competencies for entry into a nursing assistant training program. The department may review whether facilities can develop their own related long-term care training programs. The department may develop a review process for determining what previous experience and training may be used to waive some or all of the mandatory training. The department of social and health services and the nursing care quality assurance commission shall work together to develop an implementation plan by December 12, 1998.

NEW SECTION. Sec. 6. A new section is added to chapter 74.34 RCW to read as follows:  
For the purposes of this chapter, the term "vulnerable adult" includes persons receiving services from any individual who for compensation serves as a personal aide to a person who self-directs his or her own care in his or her home under this act.

**Sec. 7.** RCW 43.20A.710 and 1997 c 392 s 525 are each amended to read as follows:

(1) The secretary shall investigate the conviction records, pending charges or disciplinary board final decisions of:

(a) Persons being considered for state employment in positions directly responsible for the supervision, care, or treatment of children or individuals with mental illness or developmental disabilities; and

(b) Individual providers who are paid by the state for in-home services and hired by individuals with physical disabilities, developmental disabilities, mental illness, or mental impairment, including but not limited to services provided under chapter 74.39A RCW.

(2) The investigation may include an examination of state and national criminal identification data. The secretary shall use the information solely for the purpose of determining the character, suitability, and competence of these applicants.

(3) The secretary shall provide the results of the state background check on individual providers to the individuals with physical disabilities, developmental disabilities, mental illness, or mental impairment or to their legal guardians, if any, for their determination of the character, suitability, and competence of the applicants. If an individual elects to hire or retain an individual provider after receiving notice from the department that the applicant has a conviction for an offense

that would disqualify the applicant from employment with the department, then the secretary (~~may~~) shall deny payment for any subsequent services rendered by the disqualified individual provider.

(4) Criminal justice agencies shall provide the secretary such information as they may have and that the secretary may require for such purpose.

**NEW SECTION. Sec. 8.** A personal aide, in the performance of a health care task, who is directed and supervised by a person with a functional disability in his or her own home, is exempt from any legal requirement to qualify and be credentialed by the department of health as a health care provider under Title 18 RCW to the extent of the responsibilities provided and health care tasks performed under this act.

**NEW SECTION. Sec. 9.** (1) To the extent that funds are appropriated for this purpose, the University of Washington school of nursing shall study the implementation of this act as it relates to self-directed care performed for persons receiving services through department of social and health services' programs, and submit a report to the legislature by November 1, 2001, to include findings as well as any recommendations for improvements to this act. If there are not sufficient numbers of consumers who have elected self-directed care in order for the study to be completed by November 1, 2001, the study deadline shall be extended as necessary, but not to exceed one year.

(2) The study shall be performed in consultation with the governor's committee on disability issues and employment, and the departments of health and social and health services. The report shall include data, to the extent reasonably available, on the following:

(a) Consumer satisfaction with self-directed care, including consumer perception of the degree of autonomy, self-determination, and choice afforded;

(b) Service quality and consumer safety, as determined by consumers and quantifiable outcomes such as rate of hospitalization or other facility placement;

(c) Number of personal aides who have been found to have abused or neglected consumers;

(d) Consumer outcomes in emergency situations such as abandonment, abuse, neglect, or exploitation by personal aide; and

(e) Whether coercion is a factor in consumers requesting self-directed care, or with personal aides performing self-directed care tasks.

**NEW SECTION. Sec. 10.** Sections 2 through 4 and 8 of this act are each added to chapter 74.39 RCW."

On page 1, line 2 of the title, after "disabilities;" strike the remainder of the title and insert "amending RCW 74.39A.050 and 43.20A.710; adding new sections to chapter 74.39 RCW; adding a new section to chapter 74.34 RCW; and creating new sections."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Substitute House Bill No. 1880 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE**

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Substitute House Bill No. 1880 as amended by the Senate.

Representatives Cody and McDonald spoke in favor of passage of the bill as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1880, as amended by the Senate and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Quall - 1.

Substitute House Bill No. 1880, as amended by the Senate, having received the constitutional majority, was declared passed.

### SENATE AMENDMENTS TO HOUSE BILL

April 6, 1999

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1951 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 65.04 RCW to read as follows:

Any person who has knowledge of the existence of any cemetery, abandoned cemetery, historical cemetery, or historic grave that has not been dedicated pursuant to RCW 68.24.010 through 68.24.040 may file for recording, in the county in which the cemetery or grave is located, a notice of abandoned cemetery document providing notice of the existence of the cemetery or grave. Such document shall contain the legal description of the property, the approximate location of the cemetery or grave within the property, the name of the owner or reputed owner of the property, and the assessor's tax parcel or account number. The auditor or recording officer shall index the document to the names of the property owner and the person executing the document.

**Sec. 2.** RCW 68.24.090 and 1987 c 331 s 34 are each amended to read as follows:

Property dedicated to cemetery purposes shall be held and used exclusively for cemetery purposes, unless and until the dedication is removed from all or any part of it by an order and decree of the superior court of the county in which the property is situated, in a proceeding brought by the cemetery authority for that purpose and upon notice of hearing and proof satisfactory to the court:

(1) That no interments were made in or that all interments have been removed from that portion of the property from which dedication is sought to be removed.

(2) That the portion of the property from which dedication is sought to be removed is not being used for interment of human remains.

(3) That notice of the proposed removal of dedication has been given in writing to both the cemetery board ((in writing)) and the office of archaeology and historic preservation. This notice must be given at least sixty days before filing the proceedings in superior court. The notice of the proposed removal of dedication shall be recorded with the auditor or recording officer of the county where the cemetery is located at least sixty days before filing the proceedings in superior court.

**Sec. 3.** RCW 68.60.020 and 1990 c 92 s 2 are each amended to read as follows:

Any cemetery, abandoned cemetery, historical cemetery, or historic grave that has not been dedicated pursuant to RCW 68.24.030 and 68.24.040 shall be considered permanently dedicated and subject to RCW 68.24.070. Removal of dedication may only be made pursuant to RCW 68.24.090 and 68.24.100."

On page 1, line 1 of the title, after "cemeteries;" strike the remainder of the title and insert "amending RCW 68.24.090 and 68.60.020; and adding a new section to chapter 65.04 RCW."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Substitute House Bill No. 1951 and advanced the bill as amended by the Senate to final passage.

### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE**

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Substitute House Bill No. 1951 as amended by the Senate.

Representatives Lantz and Carrell spoke in favor of passage of the bill as amended by the Senate.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1951, as amended by the Senate and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Quall - 1.

Substitute House Bill No. 1951, as amended by the Senate, having received the constitutional majority, was declared passed.

There being no object, the House deferred action on Substitute House Bill No. 1971, and the bill held its place on the concurrence calendar.

### **SENATE AMENDMENTS TO HOUSE BILL**

April 14, 1999

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1991 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The purpose of this act is to consolidate the statutes authorizing the board of regents of the University of Washington to control the property of the university. Nothing in this act may be construed to diminish in any way the powers of the board of regents to control its property including, but not limited to, the powers now or previously set forth in RCW 28B.20.392 through 28B.20.398.

**NEW SECTION. Sec. 2.** A new section is added to chapter 28B.20 RCW to read as follows:  
For the purposes of this chapter, "university tract" means the tract of land in the city of Seattle, consisting of approximately ten acres, originally known as the "old university grounds," and more recently referred to as the "metropolitan tract," together with all buildings, improvements, facilities, and appurtenances thereon.

**Sec. 3.** RCW 28B.20.382 and 1998 c 245 s 17 are each amended to read as follows:

(1) Until authorized ((and empowered to do so)) by statute of the legislature, the board of regents of the university, with respect to ((that certain tract of land in the city of Seattle originally known as the "old university grounds" and more recently known as the "metropolitan tract" and any land contiguous thereto)) the university tract, shall not sell the land or any part thereof or any improvement thereon, or lease the land or any part thereof or any improvement thereon or renew or extend any lease thereof for a term ((ending more than sixty years beyond midnight, December 31, 1980)) of more than eighty years. Any sale of the land or any part thereof or any improvement thereon, or any lease or renewal or extension of any lease of the land or any part thereof or any improvement thereon for a term ((ending more than sixty years after midnight, December 31, 1980,)) of more than eighty years made or attempted to be made by the board of regents shall be null and void ((unless and)) until the same has been approved or ratified and confirmed by legislative act.

(2) The board of regents shall have power from time to time to lease the land, or any part thereof or any improvement thereon for a term ((ending not more than sixty years beyond midnight, December 31, 1980: PROVIDED, That)) of not more than eighty years. Any and all records, books, accounts, and agreements of any lessee or sublessee under this section, pertaining to compliance with the terms and conditions of such lease or sublease, shall be open to inspection by the board of regents, the ways and means committee of the senate, the appropriations committee of the house of representatives, and the joint legislative audit and review committee or any successor committees. It is not intended ((by this proviso)) that unrelated records, books, accounts, and agreements of lessees, sublessees, or related companies be open to such inspection. The board of regents shall make a full, detailed report of all leases and transactions pertaining to the land or any part thereof or any improvement thereon to the joint legislative audit and review committee, including one copy to the staff of the committee, during odd-numbered years.

(3) The net proceeds from the sale or lease of land in the university tract, or any part thereof or any improvement thereon, shall be deposited into the University of Washington facilities bond retirement account hereby established outside the state treasury as a nonappropriated local fund to be used exclusively for the purpose of erecting, altering, maintaining, equipping, or furnishing buildings at the University of Washington. The board of regents shall transfer from the University of Washington facilities bond retirement account to the University of Washington building account under RCW 43.79.080 any funds in excess of amounts reasonably necessary for payment of debt service in combination with other nonappropriated local funds related to capital projects for which debt service is required under section 4, chapter . . . (Substitute House Bill No. 1166), Laws of 1999.

**Sec. 4.** RCW 28B.20.394 and 1973 1st ex.s. c 195 s 10 are each amended to read as follows:

In addition to the powers conferred upon the board of regents of the University of Washington by ((RCW 28B.20.392 and 28B.20.380, said)) section 5 of this act, the board of regents is authorized and shall have the power to enter into an agreement or agreements with the city of Seattle and the county of King, Washington, to pay to ((said)) the city and ((said)) the county such sums as shall be mutually agreed upon for governmental services rendered to ((said)) the university tract, ((as defined in

~~RCW 28B.20.390)) which sums shall not exceed the amounts that would be received pursuant to limitations imposed by RCW 84.52.043 by the ((said)) city of Seattle and county of King respectively from real and personal property taxes paid on the university tract or any leaseholds thereon if such taxes could lawfully be levied((; and any such sums so agreed upon shall be paid from the proceeds and other income from said tract as an item of expense of operation and upkeep thereof: PROVIDED, That in the event that it is determined by a court of final jurisdiction that the provisions of chapter 43, Laws of 1971 first ex. sess., insofar as they affect taxes due and payable in 1972 and 1973 by any lessee of the university tract, are held unconstitutional, the sums paid pursuant to this section in such years shall be refunded in accordance with the provisions of chapter 84.69 RCW; and any provision of RCW 28B.20.392 in conflict herewith is superseded)).~~

NEW SECTION. Sec. 5. A new section is added to chapter 28B.20 RCW to read as follows:

In addition to the powers conferred under the original deeds of conveyance to the state of Washington and under existing law, and subject to RCW 28B.20.382, the board of regents has full control of the university tract as provided in this chapter including, but not limited to:

(1) With regard to the whole or portions of the land, the authority to manage, to improve, to alter, to operate, to lease, to contract indebtedness, to borrow funds, to issue bonds, notes, and warrants, to provide for the amortization of and to pay the bonds, notes, warrants, and other evidences of indebtedness, at or prior to maturity, to use and pledge the income derived from operating, managing, and leasing the university tract for such purpose, and to otherwise own, operate, and control the university tract to the same extent as any other property of the university;

(2) With regard to the whole or portions of any building or buildings or other improvements thereon or appurtenances thereto, the authority to sell, subject to the terms of any underlying lease on the land, to manage, to improve, to alter, to operate, to lease, to grant a deed of trust or a mortgage lien, to contract indebtedness, to borrow funds, to issue bonds, notes, and warrants, to provide for the amortization thereof and to pay the bonds, notes, warrants, and other evidences of indebtedness, at or prior to maturity, to use and pledge the income derived from operating, managing, and leasing the university tract for such purpose, and to otherwise own, operate, and control the university tract to the same extent as any other property of the university consistent with the purpose of the donors of the metropolitan tract.

Sec. 6. RCW 28B.20.396 and 1983 c 167 s 33 are each amended to read as follows:

Bonds issued pursuant to the authority granted under ~~((subdivision (4) of RCW 28B.20.392))~~  
section 5 of this act:

(1) Shall not constitute (a) an obligation, either general or special, of the state or (b) a general obligation of the University of Washington or of the board of regents;

(2) Shall be((--));

(a) Either in bearer form or in registered form as provided in RCW 39.46.030, and

(b) Issued in denominations of not less than one hundred dollars;

(3) Shall state((--));

(a) The date of issue, and

(b) The series of the issue and be consecutively numbered within the series, and

(c) That the bond is payable only out of a special fund established for the purpose, and designate the fund;

(4) Shall bear interest, payable either annually, or semiannually as the board of regents may determine;

(5) Shall be payable solely out of((--));

(a) Revenue derived from operating, managing and leasing the university tract, and

(b) A special fund, created by the board of regents for the purpose, consisting either of (i) a fixed proportion, or (ii) a fixed amount out of and not exceeding a fixed proportion, or (iii) a fixed amount without regard to any fixed proportion, of the revenue so derived;

(6) May contain covenants by the board of regents in conformity with the provisions of RCW 28B.20.398(2);

- (7) Shall be payable at such times over a period of not to exceed thirty years, in such manner and at such place or places as the board of regents determines;
- (8) Shall be executed in such manner as the board of regents by resolution determines;
- (9) Shall be sold in such manner as the board of regents deems for the best interest of the University of Washington;
- (10) May be issued under chapter 39.46 RCW.

**Sec. 7.** RCW 28B.20.398 and 1983 c 167 s 34 are each amended to read as follows:

(1) Any resolution of the board of regents pursuant to the provisions of (~~subdivision (4) of RCW 28B.20.392~~) section 5 of this act shall provide for the creation of a special fund, in conformity with the provisions of (~~subdivision (5)(b) of~~) RCW 28B.20.396(5)(b).

(2) Any resolution authorizing the issuance of bonds pursuant to the provisions of section 5 of this act, RCW (~~28B.20.390, 28B.20.392,~~) 28B.20.396<sub>2</sub> and 28B.20.398 may contain covenants of the board of regents to protect and safeguard the security and rights of the owners of any such bonds such as are then customary in connection with similar bonds and considered advisable in order to assure the maximum marketability for said bonds. Without limiting the generality of the foregoing, any such resolution may contain covenants as to(~~(-)~~):

(a) The creation of a special fund into which the proceeds of all bonds issued pursuant to the provisions of such resolution shall be deposited, the terms and conditions upon which payments may be made from such special fund, and for the payment of interest on bonds issued pursuant to such resolution from the moneys in said fund;

(b) Maintaining rental and leasehold rates and other charges at a level sufficient at all times to provide revenue (i) to pay the interest on and principal of all bonds and other obligations payable from said revenue, (ii) to make all other payments from said revenues required under the provisions of any resolution adopted in connection with the issuance of warrants or bonds under section 5 of this act, RCW (~~28B.20.390, 28B.20.392,~~) 28B.20.396<sub>2</sub> and 28B.20.398 and (iii) to pay the operating, management, maintenance, repair and upkeep costs of the university tract;

(c) Collection, deposit, custody and disbursement of the revenues from the university tract or any portions thereof including (i) a specification of the depositaries to be designated, and (ii) authorization of such depositaries, or other banks or trust companies, to act as fiscal agent of the board of regents for the custody of the proceeds of bonds and the moneys held in any funds created pursuant to section 5 of this act, RCW (~~28B.20.390, 28B.20.392,~~) 28B.20.396<sub>2</sub> and 28B.20.398, or any resolution authorizing such bonds, and to represent bond owners in the event of a default on such bonds or in the event of a default in the performance of any duty or obligation of the board of regents in connection therewith, with such power and duty as such resolution may provide;

(d) Creation and administration of reserve and other funds for the payment, at or prior to maturity, of any indebtedness chargeable against the revenues from the university tract and for creation of working funds, depreciation funds, replacement funds, reserves for extraordinary repairs and any other fund deemed necessary or desirable to insure the continued profitable operation of the said university tract;

(e) Deposit of collateral security or indemnity bonds to secure the proceeds (i) of bonds issued pursuant to the provisions of such resolution and (ii) of all revenues which are pledged to secure the repayment of bonds issued pursuant to the provisions of such resolution and (iii) of all moneys deposited in any special fund created under the authority of section 5 of this act, RCW (~~28B.20.390, 28B.20.392,~~) 28B.20.396<sub>2</sub> and 28B.20.398 or any covenant thereunder;

(f) The obligation of the board of regents to maintain the building or buildings in good condition and to operate and manage the same in an economical and efficient manner;

(g) The amount and kind of insurance to be carried by the board of regents in connection with the building or buildings, the companies in which such insurance shall be carried, the term thereof, the application of the proceeds of any such insurance, and adjustments of losses under any such policy of insurance;

(h) Limitations upon the amount of additional bonds, warrants and other obligations payable out of the revenues from the building or buildings which may be thereafter issued and the terms and conditions upon which such additional bonds, warrants or other obligations may be issued;



- (i) Limitations upon the creation of additional liens or encumbrances on the building or buildings or the personal property used in connection therewith;
  - (j) The terms and conditions upon which the building or buildings, or any part thereof, may be sold, mortgaged, leased or otherwise disposed of, and the use or other disposition of the proceeds of any such sale, mortgage or lease;
  - (k) The methods of operation, management and maintenance of the building or buildings;
  - (l) Accounting and auditing and the keeping of records, reports and audits with respect to the building or buildings;
  - (m) The amendment or modification of any resolution authorizing the issuance of bonds pursuant to the provisions of section 5 of this act, RCW ((~~28B.20.390, 28B.20.392,~~) 28B.20.396<sub>2</sub> and 28B.20.398, including the terms and conditions upon which such amendment or modification may be effected and the number, amount or percentage of assenting bonds necessary to effectuate the same;
  - (n) Limitations upon the use of space or facilities in the building or buildings without payment therefor; and
  - (o) Such other matters as may be necessary or desirable to insure a successful and profitable operation of the building or buildings.
- (3) The term "building or buildings" as used in ((~~subdivision~~) subsection (2) of this section means the building or buildings or improvements upon the university tract with respect to which the revenues are pledged, under the terms of the resolution, to secure the payment of bonds issued under such resolution.
- (4) The provisions of section 5 of this act, RCW ((~~28B.20.390, 28B.20.392,~~) 28B.20.396<sub>2</sub> and 28B.20.398 and of any resolution adopted in conformity with the provisions of this section shall constitute a contract with the owners of warrants or bonds issued pursuant thereto, and the provisions thereof shall be enforceable in any court of competent jurisdiction by any owner of such warrants or bonds by mandamus or any other appropriate suit, action or proceeding at law or in equity.
- (5) Bonds issued pursuant to the provisions of section 5 of this act, RCW ((~~28B.20.390, 28B.20.392,~~) 28B.20.396<sub>2</sub> and 28B.20.398 may be redeemed, at the option of the board of regents, at such time or times, upon such terms and conditions, and at such premiums as the board of regents specifies in the resolution.
- (6) If the board of regents fails to pay the required amounts into the special fund, established in conformity with ((~~subdivision~~) subsection (2) of this section, the owner of any bond or bonds affected thereby may maintain an action against the board of regents to compel compliance with the terms of the resolution in this respect.
- (7) Pending the preparation and execution of any bonds the issuance of which is authorized under the provisions of ((~~subdivision~~) subsection (2) of this section, temporary bonds may be issued in such form as the board of regents determines.

NEW SECTION. Sec. 8. The following acts or parts of acts are each repealed:

- (1) RCW 28B.20.390 (Additional powers of regents as to old university grounds--Definitions) and 1969 ex.s. c 223 s 28B.20.390;
- (2) RCW 28B.20.392 (Additional powers of regents as to old university grounds--Enumeration of) and 1969 ex.s. c 223 s 28B.20.392; and
- (3) RCW 43.79.090 (Rentals to building fund--Use of fund) and 1965 c 8 s 43.79.090.

NEW SECTION. Sec. 9. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately. "

On page 1, line 1 of the title, after "tract;" strike the remainder of the title and insert "amending RCW 28B.20.382, 28B.20.394, 28B.20.396, and 28B.20.398; adding new sections to chapter 28B.20 RCW; creating a new section; repealing RCW 28B.20.390, 28B.20.392, and 43.79.090; and declaring an emergency."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Engrossed Substitute House Bill No. 1991 and advanced the bill as amended by the Senate to final passage.

### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE**

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1991 as amended by the Senate.

Representatives Edmonds and Esser spoke in favor of passage of the bill as amended by the Senate.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1991, as amended by the Senate and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Quall - 1.

Engrossed Substitute House Bill No. 1991, as amended by the Senate, having received the constitutional majority, was declared passed.

### **POINT OF PERSONAL PRIVILEGE**

Representative Fisher congratulated Representative Murray on the passage of his first bill through the Legislature, and asked the Chamber to acknowledge his accomplishment.

### **SENATE AMENDMENTS TO HOUSE BILL**

April 7, 1999

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2053 with the following amendment(s):

On page 1, line 13, after "companies." insert "In no event may the use of credit or debit cards authorized by this section create a loss of revenue to the state."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

There being no objection, the House concurred in the Senate amendment(s) to Substitute House Bill No. 2053 and advanced the bill as amended by the Senate to final passage.

### FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Substitute House Bill No. 2053 as amended by the Senate.

Representative Hatfield spoke in favor of passage of the bill as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2053, as amended by the Senate and the bill passed the House by the following vote: Yeas - 95, Nays - 2, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Voting nay: Representatives Koster and Pennington - 2.

Excused: Representative Quall - 1.

Substitute House Bill No. 2053, as amended by the Senate, having received the constitutional majority, was declared passed.

### SENATE AMENDMENTS TO HOUSE BILL

April 8, 1999

Mr. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 2061 with the following amendment(s):

On page 2, after line 27, insert the following:

"**Sec. 3.** RCW 28C.10.084 and 1993 c 445 s 2 are each amended to read as follows:

(1) The agency shall establish, maintain, and administer a tuition recovery trust fund. All funds collected for the tuition recovery trust fund are payable to the state for the benefit and protection of any student or enrollee of a private vocational school licensed under this chapter, or, in the case of a minor, his or her parents or guardian, for purposes including but not limited to the settlement of claims related to school closures under subsection (10) of this section and the settlement of claims under RCW 28C.10.120. The fund shall be liable for settlement of claims and costs of administration but shall not be liable to pay out or recover penalties assessed under RCW 28C.10.130 or 28C.10.140. No liability accrues to the state of Washington from claims made against the fund.

(2) By June 30, 1998, a minimum operating balance of one million dollars shall be achieved in the fund and maintained thereafter. If disbursements reduce the operating balance below two hundred thousand dollars at any time before June 30, 1998, or below one million dollars thereafter, each participating entity shall be assessed a pro rata share of the deficiency created, based upon the

incremental scale created under subsection (6) of this section. The agency shall adopt schedules of times and amounts for effecting payments of assessment.

(3) To be and remain licensed under this chapter each entity shall, in addition to other requirements under this chapter, make cash deposits into a tuition recovery trust fund as a means to assure payment of claims brought under this chapter.

(4) The amount of liability that can be satisfied by this fund on behalf of each individual entity licensed under this chapter shall be established by the agency, based on an incremental scale that recognizes the average amount of unearned prepaid tuition in possession of the entity. However, the minimum amount of liability for any entity shall not be less than five thousand dollars. The upper limit of liability is reestablished after any disbursements are made to settle an individual claim or class of claims.

(5) The fund's liability with respect to each participating entity commences on the date of its initial deposit into the fund and ceases one year from the date it is no longer licensed under this chapter.

(6) The agency shall adopt by rule a matrix for calculating the deposits into the fund required of each entity. Proration shall be determined by factoring the entity's share of liability in proportion to the aggregated liability of all participants under the fund by grouping such prorations under the incremental scale created by subsection (4) of this section. Expressed as a percentage of the total liability, that figure determines the amount to be contributed when factored into a fund containing one million dollars. The total amount of its prorated share, minus the amount paid for initial capitalization, shall be payable in up to twenty increments over a ten-year period, commencing with the sixth month after the entity makes its initial capitalization deposit. Additionally, the agency shall require deposits for initial capitalization, under which the amount each entity deposits is proportionate to its share of two hundred thousand dollars, employing the matrix developed under this subsection. The amount thus established shall be deposited by each applicant for initial licensing before the issuance of such license.

(7) No vested right or interests in deposited funds is created or implied for the depositor, either at any time during the operation of the fund or at any such future time that the fund may be dissolved. All funds deposited are payable to the state for the purposes described under this section. The agency shall maintain the fund, serve appropriate notices to affected entities when scheduled deposits are due, collect deposits, and make disbursements to settle claims against the fund. When the aggregated deposits total five million dollars and the history of disbursements justifies such modifications, the agency may at its own option reduce the schedule of deposits whether as to time, amount, or both and the agency may also entertain proposals from among the licensees with regard to disbursing surplus funds for such purposes as vocational scholarships.

(8) Based on annual financial data supplied by the entity the agency shall determine whether the increment assigned to that entity on the incremental scale established under subsection (6) of this section has changed. If an increase or decrease in gross annual tuition income has occurred, a corresponding change in its incremental position and contribution schedule shall be made before the date of its next scheduled deposit into the fund. Such adjustments shall only be calculated and applied annually.

(9) No deposits made into the fund by an entity are transferable. If the majority ownership interest in an entity is conveyed through sale or other means into different ownership, all contributions made to the date of transfer accrue to the fund. The new owner commences contributions under provisions applying to a new applicant, except that if ownership of an entity is transferred to an immediate family member, all tuition recovery trust fund contributions shall remain with the entity transferred, and no additional cash deposits may be required beyond the original ten-year contribution cycle.

(10) To settle claims adjudicated under RCW 28C.10.120 and claims resulting when a private vocational school ceases to provide educational services, the agency may make disbursements from the fund. Students enrolled under a training contract executed between a school and a public or private agency or business are not eligible to make a claim against the fund. In addition to the processes described for making reimbursements related to claims under RCW 28C.10.120, the following procedures are established to deal with reimbursements related to school closures:

(a) The agency shall attempt to notify all potential claimants. The unavailability of records and other circumstances surrounding a school closure may make it impossible or unreasonable for the agency to ascertain the names and whereabouts of each potential claimant but the agency shall make reasonable inquiries to secure that information from all likely sources. The agency shall then proceed to settle the claims on the basis of information in its possession. The agency is not responsible or liable for claims or for handling claims that may subsequently appear or be discovered.

(b) Thirty days after identified potential claimants have been notified, if a claimant refuses or neglects to file a claim verification as requested in such notice, the agency shall be relieved of further duty or action on behalf of the claimant under this chapter.

(c) After verification and review, the agency may disburse funds from the tuition recovery trust fund to settle or compromise the claims. However, the liability of the fund for claims against the closed entity shall not exceed the maximum amount of liability assigned to that entity under subsection (6) of this section.

(d) In the instance of claims against a closed school, the agency shall seek to recover such disbursed funds from the assets of the defaulted entity, including but not limited to asserting claims as a creditor in bankruptcy proceedings.

(11) When funds are disbursed to settle claims against a current licensee, the agency shall make demand upon the licensee for recovery. The agency shall adopt schedules of times and amounts for effecting recoveries. An entity's failure to perform subjects its license to suspension or revocation under RCW 28C.10.050 in addition to any other available remedies."

On page 1, on line 3 of the title, after "28B.15.100" insert "and 28C.10.084"

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

There being no objection, the House concurred in the Senate amendment(s) to Second Substitute House Bill No. 2061 and advanced the bill as amended by the Senate to final passage.

### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE**

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Second Substitute House Bill No. 2061 as amended by the Senate.

Representatives Kenney and Carlson spoke in favor of passage of the bill as amended by the Senate.

### **ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2061, as amended by the Senate and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Quall - 1.

Second Substitute House Bill No. 2061, as amended by the Senate, having received the constitutional majority, was declared passed.

## SENATE AMENDMENTS TO HOUSE BILL

April 8, 1999

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2090 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 19.138.030 and 1996 c 180 s 2 are each amended to read as follows:

A seller of travel shall not advertise that any travel services are or may be available unless he or she has, prior to the advertisement, determined that the product advertised was available at the time the advertising was placed. This determination can be made by the seller of travel either by use of an airline computer reservation system, or by written confirmation from the vendor whose program is being advertised.

It is the responsibility of the seller of travel to keep written or printed documentation of the steps taken to verify that the advertised offer was available at the time the advertising was placed. These records are to be maintained for at least ~~((two))~~ one year~~((s))~~ after the placement of the advertisement.

**Sec. 2.** RCW 19.138.040 and 1996 c 180 s 3 are each amended to read as follows:

At or prior to the time of full or partial payment for any travel services, the seller of travel shall furnish to the person making the payment a written statement conspicuously setting forth the information contained in subsections (1) through (6) of this section. ~~However, if ((the sale of travel services is made over the telephone or by other electronic media and payment is made by credit or debit card))~~ payment is made other than in person, the seller of travel shall transmit to the person making the payment the written statement required by this section within three business days of ~~((the consumer's credit or debit card authorization))~~ receipt or processing of the payment. The written statement shall contain the following information:

- (1) The name and business address and telephone number of the seller of travel.
- (2) The amount paid, the date of such payment, the purpose of the payment made, and an itemized statement of the balance due, if any.
- (3) The registration number of the seller of travel required by this chapter.
- (4) The name of the vendor with whom the seller of travel has contracted to provide travel arrangements for a consumer and all pertinent information relating to the travel as known by the seller of travel at the time of booking. The seller of travel will make known further details as soon as received from the vendor. All information will be provided with final documentation.
- (5) ~~((The conditions, if any, upon which the contract between the seller of travel and the passenger may be canceled, and the rights and obligations of all parties in the event of cancellation.))~~ An advisory regarding the penalties that would be charged in the event of a cancellation or change by the customer. This may contain either: (a) The specific amount of cancellation and change penalties; or (b) the following statement: "Cancellation and change penalties apply to these arrangements. Details will be provided upon request."

(6) A statement in eight-point boldface type in substantially the following form:

"If transportation or other services are canceled by the seller of travel, all sums paid to the seller of travel for services not performed in accordance with the contract between the seller of travel and the purchaser will be refunded within thirty days of receiving the funds from the vendor with whom the services were arranged, or if the funds were not sent to the vendor, the funds shall be returned within fourteen days after cancellation by the seller of travel to the purchaser unless the purchaser requests the seller of travel to apply the money to another travel product and/or date."

**Sec. 3.** RCW 19.138.100 and 1996 c 180 s 4 are each amended to read as follows:

No person, firm, or corporation may act or hold itself out as a seller of travel unless, prior to engaging in the business of selling or advertising to sell travel services, the person, firm, or corporation registers with the director under this chapter and rules adopted under this chapter.

(1) The registration number must be conspicuously posted in the place of business and must be included in all advertisements. ~~((Any corporation which issues a class of equity securities registered under section 12 of the securities exchange act of 1934, and any subsidiary, the majority of voting stock of which is owned by such corporation including any wholly owned subsidiary of such corporation are not required to include company registration numbers in advertisements.))~~ Sellers of travel are not required to include registration numbers on institutional advertising. For the purposes of this subsection, "institutional advertising" is advertising that does not include prices or dates for travel services.

(2) The director shall issue duplicate registrations upon payment of a ~~((nominal))~~ duplicate registration fee to valid registration holders operating more than one office. The duplicate registration fee for each office shall be an amount equal to the original registration fee.

(3) No registration is assignable or transferable.

(4) If a registered seller of travel sells his or her business, when the new owner becomes responsible for the business, the new owner must comply with all provisions of this chapter, including registration.

(5) If a seller of travel is employed by or under contract as an independent contractor or an outside agent of a seller of travel who is registered under this chapter, the employee, independent contractor, or outside agent need not also be registered if:

(a) The employee, independent contractor, or outside agent is conducting business as a seller of travel in the name of and under the registration of the registered seller of travel; and

(b) All money received for travel services by the employee, independent contractor, or outside agent is collected in the name of the registered seller of travel and ~~((deposited directly into))~~ processed by the registered seller of ((travel's trust account)) travel as required under this chapter.

**Sec. 4.** RCW 19.138.120 and 1994 c 237 s 5 are each amended to read as follows:

(1) Each seller of travel shall renew its registration on or before July 1 of every ~~((other))~~ year or as otherwise determined by the director.

(2) Renewal of a registration is subject to the same provisions covering issuance, suspension, and revocation of a registration originally issued.

(3) The director may refuse to renew a registration for any of the grounds set out under RCW 19.138.130, and where the past conduct of the applicant affords reasonable grounds for belief that the applicant will not carry out the applicant's duties in accordance with law and with integrity and honesty. The director shall promptly notify the applicant in writing by certified mail of its intent to refuse to renew the registration. The registrant may, within twenty-one days after receipt of that notice or intent, request a hearing on the refusal. The director may permit the registrant to honor commitments already made to its customers, but no new commitments may be incurred, unless the director is satisfied that all new commitments are completely bonded or secured to insure that the general public is protected from loss of money paid to the registrant. It is the responsibility of the registrant to contest the decision regarding conditions imposed or registration denied through the process established by the administrative procedure act, chapter 34.05 RCW.

**Sec. 5.** RCW 19.138.130 and 1997 c 58 s 852 are each amended to read as follows:

(1) The director may deny, suspend, or revoke the registration of a seller of travel if the director finds that the applicant:

(a) Was previously the holder of a registration issued under this chapter, and the registration was revoked for cause and never reissued by the director, or the registration was suspended for cause and the terms of the suspension have not been fulfilled;

(b) Has been found guilty of a felony within the past ~~((five))~~ ten years involving moral turpitude, or of a misdemeanor concerning fraud or conversion, or suffers a judgment in a civil action involving willful fraud, misrepresentation, or conversion;

(c) Has made a false statement of a material fact in an application under this chapter or in data attached to it;

(d) Has violated this chapter or failed to comply with a rule adopted by the director under this chapter;

(e) Has failed to display the registration as provided in this chapter;

(f) Has published or circulated a statement with the intent to deceive, misrepresent, or mislead the public; or

(g) Has committed a fraud or fraudulent practice in the operation and conduct of a travel agency business, including, but not limited to, intentionally misleading advertising.

(2) If the seller of travel is found in violation of this chapter or in violation of the consumer protection act, chapter 19.86 RCW, by the entry of a judgment or by settlement of a claim, the director may revoke the registration of the seller of travel, and the director may reinstate the registration at the director's discretion.

(3) The director shall immediately suspend the license or certificate of a person who has been certified pursuant to RCW 74.20A.320 by the department of social and health services as a person who is not in compliance with a support order or a residential or visitation order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the director's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order.

**Sec. 6.** RCW 19.138.140 and 1996 c 180 s 7 are each amended to read as follows:

(1) A seller of travel shall deposit in a trust account maintained in a federally insured financial institution located in Washington state, or other account approved by the director, all sums held for more than five business days that are received from a person or entity, for retail travel services offered by the seller of travel. This subsection does not apply to travel services sold by a seller of travel, when payments for the travel services are made through the airlines reporting corporation (~~either by cash or credit or debit card sale~~).

(2) The trust account or other approved account required by this section shall be established and maintained for the benefit of any person or entity paying money to the seller of travel. The seller of travel shall not in any manner encumber the amounts in trust and shall not withdraw money from the account except the following amounts may be withdrawn at any time:

(a) Partial or full payment for travel services to the entity directly providing the travel service;

(b) Refunds as required by this chapter;

(c) The amount of the sales commission;

(d) Interest earned and credited to the trust account or other approved account;

(e) Remaining funds of a purchaser once all travel services have been provided or once tickets or other similar documentation binding upon the ultimate provider of the travel services have been provided; or

(f) Reimbursement to the seller of travel for agency operating funds that are advanced for a customer's travel services.

(3) The seller of travel may deposit noncustomer funds into the trust account as needed in an amount equal to a deficiency resulting from dishonored customer payments made by check, draft, credit card, debit card, or other negotiable instrument.

(4) At the time of registration, the seller of travel shall file with the department the account number and the name of the financial institution at which the trust account or other approved account is held as set forth in RCW 19.138.110. The seller of travel shall notify the department of any change in the account number or location within one business day of the change.

~~((4))~~ (5) The director, by rule, may allow for the use of other types of funds or accounts only if the protection for consumers is no less than that provided by this section.

~~((5))~~ (6) The seller of travel need not comply with the requirements of this section if all of the following apply, except as exempted in subsection (1) of this section:

(a) The payment is made by credit card;



(b) The seller of travel does not deposit, negotiate, or factor the credit card charge or otherwise seek to obtain payment of the credit card charge to any account over which the seller of travel has any control; and

(c) If the charge includes transportation, the carrier that is to provide the transportation processes the credit card charge, or if the charge is only for services, the provider of services processes the credit card charges.

~~((6))~~ (7) The seller of travel need not maintain a trust account nor comply with the trust account provisions of this section if the seller of travel:

(a)(i) Files and maintains a surety bond approved by the director in an amount of not less than ten thousand nor more than fifty thousand dollars, as determined by rule by the director based on the gross income of business conducted by the seller of travel during the prior year. The bond shall be executed by the applicant as obligor by a surety company authorized to transact business in this state naming the state of Washington as obligee for the benefit of any person or persons who have suffered monetary loss by reason of the seller of travel's violation of this chapter or a rule adopted under this chapter. The bond shall be conditioned that the seller of travel will conform to and abide by this chapter and all rules adopted under this chapter, and shall reimburse any person or persons who suffer monetary loss by reason of a violation of this chapter or a rule adopted under this chapter.

(ii) The bond must be continuous and may be canceled by the surety upon the surety giving written notice to the director of the surety's intent to cancel the bond. The cancellation is effective thirty days after the notice is received by the director.

(iii) The applicant may obtain the bond directly from the surety or through other bonding arrangement as approved by the director.

(iv) In lieu of a surety bond, the applicant may, upon approval by the director, file with the director a certificate of deposit, an irrevocable letter of credit, or such other instrument as is approved by the director by rule, drawn in favor of the director for an amount equal to the required bond.

(v) Any person or persons who have suffered monetary loss by any act which constitutes a violation of this chapter or a rule adopted under this chapter may bring a civil action in court against the seller of travel and the surety upon such bond or approved alternate security of the seller of travel who committed the violation of this chapter or a rule adopted under this chapter or who employed the seller of travel who committed such violation. A civil action brought in court pursuant to the provisions of this section must be filed no later than one year following the later of the alleged violation of this chapter or a rule adopted under this chapter or completion of the travel by the customer; or

(b) Is a member in good standing in a professional association, such as the United States tour operators association or national tour association, that is approved by the director and that provides or requires a member to provide a minimum of one million dollars in errors and professional liability insurance and provides a surety bond or equivalent protection in an amount of at least two hundred fifty thousand dollars for its member companies.

(8) If the seller of travel maintains its principal place of business in another state and maintains a trust account or other approved account in that state consistent with the requirement of this section, and if that seller of travel has transacted business within the state of Washington in an amount exceeding five million dollars for the preceding year, the out-of-state trust account or other approved account may be substituted for the in-state account required under this section.

**Sec. 7.** RCW 19.138.170 and 1994 c 237 s 13 are each amended to read as follows:

The director has the following powers and duties:

- (1) To adopt, amend, and repeal rules to carry out the purposes of this chapter;
- (2) To issue and renew registrations under this chapter and to deny or refuse to renew for failure to comply with this chapter;
- (3) To suspend or revoke a registration for a violation of this chapter;
- (4) To establish fees;
- (5) Upon receipt of a complaint, to inspect and audit the books and records of a seller of travel. The seller of travel shall immediately make available to the director those books and records as may be requested at the seller of travel's place of business or at a location designated by the director. For that purpose, the director shall have full and free access to the office and places of business of the

seller of travel during regular business hours. When ten or more complaints have been received by either the department or the attorney general on a seller of travel within a period of ninety days, the department shall inspect and audit books and records of the seller of travel; and

(6) To do all things necessary to carry out the functions, powers, and duties set forth in this chapter.

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

On page 1, line 1 of the title, after "travel;" strike the remainder of the title and insert "and amending RCW 19.138.030, 19.138.040, 19.138.100, 19.138.120, 19.138.130, 19.138.140, and 19.138.170."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Engrossed Substitute House Bill No. 2090 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE**

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 2090 as amended by the Senate.

Representatives Clements and McIntire spoke in favor of passage of the bill as amended by the Senate.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2090, as amended by the Senate and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Quall - 1.

Engrossed Substitute House Bill No. 2090, as amended by the Senate, having received the constitutional majority, was declared passed.

#### **SENATE AMENDMENTS TO HOUSE BILL**

April 6, 1999

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2107 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 75.28 RCW to read as follows:

The legislature finds that it is in the public interest to convert the Puget Sound shrimp fishery from the status of an emerging fishery to that of a limited entry fishery. The purpose of this act is to initiate this conversion, recognizing that additional details associated with the shrimp fishery limited entry program will need to be developed. The legislature intends to complete the development of the laws associated with this limited entry fishery program during the next regular legislative session and will consider recommendations from the industry and the department during this program.

**Sec. 2.** RCW 75.28.130 and 1994 c 260 s 14 are each amended to read as follows:

(1) This section establishes commercial fishery licenses required for shellfish fisheries and the annual fees for those licenses. The director may issue a limited-entry commercial fishery license only to a person who meets the qualifications established in applicable governing sections of this title.

| Fishery<br>(Governing section(s))                                      | Annual Fee |             | Vessel<br>Required?   | Limited<br>Entry?     |
|--|------------|-------------|-----------------------|-----------------------|
|  | Resident   | Nonresident |                       |                       |
| (a) Burrowing shrimp   | \$185      | \$295       | Yes                   | No                    |
| (b) Crab ring net-<br>Non-Puget Sound                                  | \$130      | \$185       | Yes                   | No                    |
| (c) Crab ring net-<br>Puget Sound                                      | \$130      | \$185       | Yes                   | No                    |
| (d) Dungeness crab-<br>coastal (RCW<br>75.30.350)                      | \$295      | \$520       | Yes                   | Yes                   |
| (e) Dungeness crab-<br>coastal, class B<br>(RCW 75.30.350)             | \$295      | \$520       | Yes                   | Yes                   |
| (f) Dungeness crab-<br>Puget Sound<br>(RCW 75.30.130)                  | \$130      | \$185       | Yes                   | Yes                   |
| (g) Emerging commercial<br>fishery (RCW<br>75.30.220<br>and 75.28.740) | \$185      | \$295       | Determined<br>by rule | Determined<br>by rule |
| (h) Geoduck (RCW 75.30.280)  | \$ 0       | \$ 0        | Yes                   | Yes                   |
| (i) Hardshell clam<br>mechanical harvester<br>(RCW 75.28.280)          | \$530      | \$985       | Yes                   | No                    |
| (j) Oyster reserve<br>(RCW 75.28.290)                                  | \$130      | \$185       | No                    | No                    |
| (k) Razor clam   | \$130      | \$185       | No                    | No                    |
| (l) Sea cucumber dive<br>(RCW 75.30.250)                               | \$130      | \$185       | Yes                   | Yes                   |
| (m) Sea urchin dive<br>(RCW 75.30.210)                                 | \$130      | \$185       | Yes                   | Yes                   |
| (n) Shellfish dive   | \$130      | \$185       | Yes                   | No                    |

|   |                                    |                                   |     |                                 |
|---|------------------------------------|-----------------------------------|-----|---------------------------------|
| (o) Shellfish pot   | \$130                              | \$185                             | Yes | No                              |
| (p) Shrimp pot-<br>(Hood Canal)<br>Puget Sound<br>(section 3 of this act) | <del>(\$325)</del><br><u>\$185</u> | <del>\$575)</del><br><u>\$295</u> | Yes | <del>((No))</del><br><u>Yes</u> |
| (q) Shrimp trawl-<br>Non-Puget Sound                                      | \$240                              | \$405                             | Yes | No                              |
| (r) Shrimp trawl-<br>Puget Sound<br>(section 4 of this act)               | \$185                              | \$295                             | Yes | <del>((No))</del><br><u>Yes</u> |
| (s) Squid   | \$295                              | \$185                             | Yes | No                              |

(2) The director may by rule determine the species of shellfish that may be taken with the commercial fishery licenses established in this section, the gear that may be used with the licenses, and the areas or waters in which the licenses may be used. Where a fishery license has been established for a particular species, gear, geographical area, or combination thereof, a more general fishery license may not be used to take shellfish in that fishery.

**NEW SECTION. Sec. 3.** A new section is added to chapter 75.30 RCW to read as follows:

- (1) The Puget Sound shrimp emerging fishery management regime is converted from an emerging fishery status to a limited entry fishery status effective January 1, 2000.
- (2) Effective January 1, 2000, a person shall not fish for shrimp taken from Puget Sound for commercial purposes with shrimp pot gear except under the provisions of a shrimp pot-Puget Sound fishery license issued under RCW 75.28.130.
- (3) Effective January 1, 2000, a shrimp pot-Puget Sound fishery license shall only be issued to a natural person who held an emerging commercial fishery license and Puget Sound shrimp pot experimental fishery permit during 1999. Beginning January 1, 2001, a shrimp pot-Puget Sound fishery license shall only be issued to a natural person who held a shrimp pot-Puget Sound fishery license during the previous year.
- (4) Shrimp pot-Puget Sound fishery licenses are nontransferable.
- (5) The department, by rule, may set licensee participation requirements for Puget Sound shellfish pot shrimp harvest.

**NEW SECTION. Sec. 4.** A new section is added to chapter 75.30 RCW to read as follows:

- (1) The Puget Sound shrimp emerging fishery management regime is converted from an emerging fishery status to a limited entry fishery status effective January 1, 2000.
- (2) Effective January 1, 2000, a person shall not fish for shrimp taken from Puget Sound for commercial purposes with shrimp trawl gear except under the provisions of a shrimp trawl-Puget Sound fishery license issued under RCW 75.28.130.
- (3) Effective January 1, 2000, a shrimp trawl-Puget Sound fishery license shall only be issued to a natural person who held an emerging commercial fishery license and Puget Sound shrimp trawl experimental fishery permit during 1999. Beginning January 1, 2001, a shrimp trawl-Puget Sound fishery license shall only be issued to a natural person who held a shrimp trawl-Puget Sound fishery license during the previous licensing year.
- (4) The department, by rule, may set licensee participation requirements for Puget Sound shellfish trawl shrimp harvest.
- (5) Shrimp trawl-Puget Sound fishery licenses are nontransferable.

**NEW SECTION. Sec. 5.** The department of fish and wildlife and the Puget Sound shrimp fishing industry shall work cooperatively to refine the limited entry management program for the Puget Sound shrimp fishery. The department shall make recommendations to the natural resources committee of the house of representatives and the natural resources committee of the senate by December 31,

1999, on the details of the limited entry program, including a plan for converting from nontransferable to transferable licenses."

On page 1, line 1 of the title, after "shrimp;" strike the remainder of the title and insert "amending RCW 75.28.130; adding a new section to chapter 75.28 RCW; adding new sections to chapter 75.30 RCW; and creating a new section."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Engrossed Substitute House Bill No. 2107 and advanced the bill as amended by the Senate to final passage.

### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE**

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 2107 as amended by the Senate.

Representative Anderson spoke in favor of passage of the bill as amended by the Senate.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2107, as amended by the Senate and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Quall - 1.

Engrossed Substitute House Bill No. 2107, as amended by the Senate, having received the constitutional majority, was declared passed.

### **SENATE AMENDMENTS TO HOUSE BILL**

April 6, 1999

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2207 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.46.015 and 1985 c 317 s 2 are each amended to read as follows:

There is established a Washington state arts commission. The commission consists of nineteen members appointed by the governor and ~~((two))~~ four members of the legislature, one from each caucus in the senate and appointed by the president of the senate and one from each caucus in the house of

representatives and appointed by the speaker of the house of representatives. ~~((The legislative members shall be from opposite major political parties.))~~ The governor shall appoint citizens representing the various disciplines within the visual, performing and literary arts, and other citizens active in the arts community. The governor shall consider nominations for membership from individuals actively involved in cultural, state or community organizations. The governor shall also consider geographical distribution of the membership in the appointment of new members.

**Sec. 2.** RCW 43.105.032 and 1996 c 137 s 10 are each amended to read as follows:

There is hereby created the Washington state information services board. The board shall be composed of ~~((thirteen))~~ fifteen members. Eight members shall be appointed by the governor, one of whom shall be a representative of higher education, one of whom shall be a representative of an agency under a state-wide elected official other than the governor, and two of whom shall be representatives of the private sector. One member shall represent the judicial branch and be appointed by the chief justice of the supreme court. One member shall be the superintendent of public instruction or shall be appointed by the superintendent of public instruction. ~~((One))~~ Two members shall represent the house of representatives and shall be selected by the speaker of the house of representatives with one representative chosen from each caucus of the house of representatives; ~~((one))~~ two members shall represent the senate and shall be appointed by the president of the senate with one representative chosen from each caucus of the senate. ~~((The representatives of the house of representatives and senate shall not be from the same political party.))~~ One member shall be the director who shall be a voting member of the board. These members shall constitute the membership of the board with full voting rights. Members of the board shall serve at the pleasure of the appointing authority. The board shall select a chairperson from among its members.

Vacancies shall be filled in the same manner that the original appointments were made.

A majority of the members of the board shall constitute a quorum for the transaction of business.

Members of the board shall be compensated for service on the board in accordance with RCW 43.03.240 and shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

**Sec. 3.** RCW 90.71.030 and 1996 c 138 s 4 are each amended to read as follows:

(1) There is established the Puget Sound council composed of ~~((nine))~~ eleven members. Seven members shall be appointed by the governor. In making these appointments, the governor shall include representation from business, the environmental community, agriculture, the shellfish industry, counties, cities, and the tribes. ~~((One))~~ Two members shall be ~~((a))~~ members of the senate selected by the president of the senate with one member selected from each caucus in the senate, and ~~((one))~~ two members shall be ~~((a))~~ members of the house of representatives selected by the speaker of the house of representatives with one member selected from each caucus in the house of representatives. The legislative members shall be nonvoting members of the council. Appointments to the council shall reflect geographical balance and the diversity of population within the Puget Sound basin. Members shall serve four-year terms. Of the initial members appointed to the council, two shall serve for two years, two shall serve for three years, and two shall serve for four years. Thereafter members shall be appointed to four-year terms. Vacancies shall be filled by appointment in the same manner as the original appointment for the remainder of the unexpired term of the position being vacated. Nonlegislative members shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060. Legislative members shall be reimbursed as provided in RCW 44.04.120.

(2) The council shall:

(a) Recommend to the action team projects and activities for inclusion in the biennial work plan;

(b) Recommend to the action team coordination of work plan activities with other relevant activities, including but not limited to, agencies' activities other than those funded through the plan, local plan initiatives, and governmental and nongovernmental watershed restoration and protection activities; and

(c) Recommend to the action team proposed amendments to the Puget Sound management plan.

(3) The chair of the action team shall convene the council at least four times per year and shall jointly convene the council and the action team at least two times per year."

On page 1, line 2 of the title, after "commissions;" strike the remainder of the title and insert "and amending RCW 43.46.015, 43.105.032, and 90.71.030."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to House Bill No. 2207 and advanced the bill as amended by the Senate to final passage.

### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE**

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of House Bill No. 2207 as amended by the Senate.

Representatives Kessler and Campbell spoke in favor of passage of the bill as amended by the Senate.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2207, as amended by the Senate and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Quall - 1.

House Bill No. 2207, as amended by the Senate, having received the constitutional majority, was declared passed.

### **SENATE AMENDMENTS TO HOUSE BILL**

April 14, 1999

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 2239 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 90.78.005 and 1996 c 285 s 2 are each amended to read as follows:

The legislature finds that the increasing population and continued development throughout the state have increased the need for storm water control. Storm water impacts have resulted in increased

public health risks related to drinking water and agricultural and seafood products; increased disruption of economic activity, transportation facilities, and other public and private land and facilities due to the lack of adequate flood control measures; adverse affects on state fish populations and watershed hydrology; and contamination of sediments.

In addition, current storm water control and management efforts related to transportation projects lack necessary coordination on a watershed, regional, and state-wide basis; have inadequate funding; and fail to maximize use of available resources.

More stringent regulatory requirements have increased the costs that state and local governments must incur to deal with significant sources of pollution such as storm water. The costs estimated to properly maintain and construct storm water facilities far exceed available revenues.

Therefore, it is the intent of the legislature to establish a program to develop a state-wide coordination mechanism for the funding of state, county, and city highway and roadway-related storm water management and control projects that will facilitate the completion of the state's most urgently needed storm water projects in the most cost-effective manner. Unexpended annual utility fee payments that are not collected by virtue of defaulting in preparing a plan must be used in the storm water grant program as defined in RCW 90.78.010 and 90.78.020.

**Sec. 2.** RCW 90.78.010 and 1996 c 285 s 3 are each amended to read as follows:

The department of transportation, in cooperation with the transportation improvement board, the department of ecology, cities, towns, counties, environmental organizations, business organizations, Indian tribes, and port districts, shall develop a storm water management funding and implementation program to address state, county, and city highway and roadway-related storm water control problems. As part of the program, the department may provide grants and may rate and rank local transportation improvement projects to facilitate the construction of the highest priority stand-alone state and local storm water management retrofit projects based on cost-effectiveness and contribution toward improved water quality, mitigating the impacts of altered stream hydrology, improved salmonid habitat, and reduced flooding in a watershed.

The program shall address, but is not limited to, the following objectives: (1) Greater state-wide coordination of the construction of storm water treatment facilities; (2) encouraging multijurisdictional projects; (3) developing priorities and approaches for implementing activities within watersheds; (4) methods to enhance, preserve, and restore salmonid habitat; (5) identification and prioritization of storm water retrofit programs; ~~((5))~~ (6) evaluating methods to determine cost benefits of proposed projects; ~~((6))~~ (7) identifying ways to facilitate the sharing of technical resources; ~~((7))~~ (8) developing methods for monitoring and evaluating activities carried out under the program; and ~~((8))~~ (9) identifying potential funding sources for continuation of the program.

**Sec. 3.** RCW 90.78.020 and 1996 c 285 s 4 are each amended to read as follows:

The department of transportation may provide grants and may rate and rank local transportation improvement projects to implement state, county, and city highway and roadway-related storm water control measures. Cities, towns, counties, port districts, Indian tribes, and the department of transportation are eligible to receive grants, on a matching basis. The transportation improvement board may administer all grant programs specifically designed to assist cities, counties, and local governments with storm water mitigation associated with transportation projects. A committee consisting of two representatives each from the department of transportation, with one as chair, the department of ecology, cities, and counties, and one representative each from the transportation improvement board, the department of fish and wildlife, an environmental organization, and a business organization, shall oversee the grant program. The committee may add representatives of other agencies, organizations, or interest groups to serve as members of the committee or in an advisory capacity. In developing project criteria, the committee shall identify the most urgent state, county, and city highway and roadway-related storm water management and control problems; develop methods for applying priorities across watersheds; give added weight to projects based on local contribution, multijurisdictional involvement, and whether the project is a priority for a local storm water utility; and determine the benefits of, and, if appropriate, provide incentives for off-site placement of storm water facilities and out-of-kind mitigation for storm water impacts.



**Sec. 4.** RCW 75.50.165 and 1998 c 249 s 16 are each amended to read as follows:

(1) The department of transportation ~~((is authorized to))~~ and the department of fish and wildlife may administer ~~((a))~~ and coordinate all state grant programs specifically designed to assist state agencies, local governments, private landowners, tribes, organizations, and volunteer groups in identifying and removing impediments to ~~((anadromous))~~ salmonid fish passage. ~~((The))~~ The transportation improvement board may administer all grant programs specifically designed to assist cities, counties, and local governments with fish passage barrier corrections associated with transportation projects. All grant programs ~~((shall))~~ must be administered and be consistent with the following:

(a) ~~((Eligible projects include))~~ Salmonid-related corrective projects, inventory, assessment, and prioritization efforts;

(b) Salmonid projects ~~((shall be))~~ subject to a competitive application process; and

(c) A minimum dollar match rate that is consistent with the funding authority's criteria. If no funding match is specified, a match amount of at least twenty-five percent per project is required. For local, private, and volunteer projects, in-kind contributions may be counted toward the match requirement.

(2) Priority shall be given to projects that immediately increase access to available and improved spawning and rearing habitat for depressed, threatened, and endangered stocks. Priority shall also be given to project applications that are coordinated with other efforts within a watershed~~((;))~~.

~~((d))~~ (3) Except for projects administered by the transportation improvement board, all projects shall be reviewed and approved by the fish passage barrier removal task force~~((; and~~

~~((e))~~ A match of at least twenty-five percent per project shall be required. For local, private, and volunteer projects, in-kind contributions may be counted toward the match requirement.

~~((2))~~ The department of transportation shall proceed expeditiously in implementing the grant program during the 1998 summer construction season)) or an alternative oversight committee designated by the state legislature.

(4) Other agencies that administer natural resource based grant programs that may include fish passage barrier removal projects shall use fish passage selection criteria that are consistent with this section.

(5) The departments of transportation and fish and wildlife shall establish a centralized data base directory of all fish passage barrier information. The data base directory must include, but is not limited to, existing fish passage inventories, fish passage projects, grant program applications, and other data bases. These data must be used to coordinate and assist in habitat recovery and project mitigation projects.

NEW SECTION. **Sec. 5.** Sections 1 through 3 of this act expire July 1, 2003."

In line 1 of the title, after "programs;" strike the remainder of the title and insert "amending RCW 90.78.005, 90.78.010, 90.78.020, and 75.50.165; and providing an expiration date."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Engrossed House Bill No. 2239 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE**

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Engrossed House Bill No. 2239 as amended by the Senate.

Representatives Buck and Wood spoke in favor of passage of the bill as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2239, as amended by the Senate and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Quall - 1.

Engrossed House Bill No. 2239, as amended by the Senate, having received the constitutional majority, was declared passed.

#### SENATE AMENDMENTS TO HOUSE BILL

April 15, 1999

Mr. Speaker:

The Senate has passed HOUSE JOINT MEMORIAL NO. 4012 with the following amendment(s):

On page 2, beginning on line 31, strike all material through "service." on line 35, and insert the following:

"NOW, THEREFORE, Your Memorialists respectfully pray that Congress pass legislation to restore and revitalize federal funding for the Land and Water Conservation Fund. Lands shall be open for public use and enjoyment. We pray that Congress create a new dedicated fund for state-level fish and wildlife management, which would be administered by the United States fish and wildlife service."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to House Joint Memorial No. 4012 and advanced the Memorial as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE MEMORIAL AS AMENDED BY SENATE

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of House Joint Memorial No. 4012 as amended by the Senate.

Representative Regala spoke in favor of passage of the memorial as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of House Joint Memorial No. 4012, as amended by the Senate and the Memorial passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Vloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Quall - 1.

House Joint Memorial No. 4012, as amended by the Senate, having received the constitutional majority, was declared passed.

### SENATE AMENDMENTS TO HOUSE BILL

April 12, 1999

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1378 with the following amendment(s)

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 59.20.010 and 1977 ex.s. c 279 s 1 are each amended to read as follows:

This chapter shall be known and may be cited as the "Manufactured/Mobile Home Landlord-Tenant Act".

**Sec. 2.** RCW 59.20.030 and 1998 c 118 s 1 are each amended to read as follows:

For purposes of this chapter:

(1) "Abandoned" as it relates to a mobile home, manufactured home, or park model owned by a tenant in a mobile home park, mobile home park cooperative, or mobile home park subdivision or tenancy in a mobile home lot means the tenant has defaulted in rent and by absence and by words or actions reasonably indicates the intention not to continue tenancy;

(2) "Landlord" means the owner of a mobile home park and includes the agents of a landlord;

(3) "Manufactured home" means a single-family dwelling built according to the United States department of housing and urban development manufactured home construction and safety standards act, which is a national preemptive building code. A manufactured home also: (a) Includes plumbing, heating, air conditioning, and electrical systems; (b) is built on a permanent chassis; and (c) can be transported in one or more sections with each section at least eight feet wide and forty feet long when transported, or when installed on the site is three hundred twenty square feet or greater;

(4) "Mobile home" means a factory-built dwelling built prior to June 15, 1976, to standards other than the United States department of housing and urban development code, and acceptable under applicable state codes in effect at the time of construction or introduction of the home into the state. Mobile homes have not been built since the introduction of the United States department of housing and urban development manufactured home construction and safety act;

(5) "Mobile home lot" means a portion of a mobile home park or manufactured housing community designated as the location of one mobile home, manufactured home, or park model and its accessory buildings, and intended for the exclusive use as a primary residence by the occupants of that mobile home, manufactured home, or park model;

~~((4))~~ (6) "Mobile home park" or "manufactured housing community" means any real property which is rented or held out for rent to others for the placement of two or more mobile homes manufactured homes, or park models for the primary purpose of production of income, except where such real property is rented or held out for rent for seasonal recreational purpose only and is not intended for year-round occupancy;

~~((5))~~ (7) "Mobile home park cooperative" or "manufactured housing cooperative" means real property consisting of common areas and two or more lots held out for placement of mobile homes, manufactured homes, or park models in which both the individual lots and the common areas are owned by an association of shareholders which leases or otherwise extends the right to occupy individual lots to its own members;

~~((6))~~ (8) "Mobile home park subdivision" or "manufactured housing subdivision" means real property, whether it is called a subdivision, condominium, or planned unit development, consisting of common areas and two or more lots held for placement of mobile homes, manufactured homes, or park models in which there is private ownership of the individual lots and common, undivided ownership of the common areas by owners of the individual lots;

~~((7))~~ (9) "Park model" means a recreational vehicle intended or used for permanent or semi-permanent installation and habitation;

(10) "Recreational vehicle" means a travel trailer, motor home, truck camper, or camping trailer that is primarily designed and used as temporary living quarters, is either self-propelled or mounted on or drawn by another vehicle, is transient, is not occupied as a primary residence, and is not immobilized or permanently affixed to a mobile home lot;

~~((8))~~ (11) "Tenant" means any person, except a transient, who rents a mobile home lot;

~~((9))~~ (12) "Transient" means a person who rents a mobile home lot for a period of less than one month for purposes other than as a primary residence;

~~((10))~~ (13) "Occupant" means any person, including a live-in care provider, other than a tenant, who occupies a mobile home, manufactured home, or park model and mobile home lot.

**Sec. 3.** RCW 59.20.040 and 1997 c 86 s 2 are each amended to read as follows:

This chapter shall regulate and determine legal rights, remedies, and obligations arising from any rental agreement between a landlord and a tenant regarding a mobile home lot and including specified amenities within the mobile home park, mobile home park cooperative, or mobile home park subdivision, where the tenant has no ownership interest in the property or in the association which owns the property, whose uses are referred to as a part of the rent structure paid by the tenant. All such rental agreements shall be unenforceable to the extent of any conflict with any provision of this chapter. Chapter 59.12 RCW shall be applicable only in implementation of the provisions of this chapter and not as an alternative remedy to this chapter which shall be exclusive where applicable: PROVIDED, That the provision of RCW 59.12.090, 59.12.100, and 59.12.170 shall not apply to any rental agreement included under the provisions of this chapter. RCW 59.18.055 and 59.18.370 through 59.18.410 shall be applicable to any action of forcible entry or detainer or unlawful detainer arising from a tenancy under the provisions of this chapter, except when a mobile home, manufactured home, or park model or a tenancy in a mobile home lot is abandoned. Rentals of mobile homes, manufactured homes, or park models themselves are governed by the Residential Landlord-Tenant Act, chapter 59.18 RCW.

**Sec. 4.** RCW 59.20.050 and 1981 c 304 s 37 are each amended to read as follows:

(1) No landlord may offer a mobile home lot for rent to anyone without offering a written rental agreement for a term of one year or more. No landlord may offer to anyone any rental agreement for a term of one year or more for which the monthly rental is greater, or the terms of payment or other material conditions more burdensome to the tenant, than any month-to-month rental agreement also offered to such tenant or prospective tenant. Anyone who desires to occupy a mobile home lot for other than a term of one year or more may have the option to be on a month-to-month basis but must waive, in writing, the right to such one year or more term: PROVIDED, That annually, at any anniversary date of the tenancy the tenant may require that the landlord provide a written rental agreement for a term of one year. No landlord shall allow a mobile home, manufactured home, or

park model to be moved into a mobile home park in this state until a written rental agreement has been signed by and is in the possession of the parties: PROVIDED, That if the landlord allows the tenant to move a mobile home, manufactured home, or park model into a mobile home park without obtaining a written rental agreement for a term of one year or more, or a written waiver of the right to a one-year term or more, the term of the tenancy shall be deemed to be for one year from the date of occupancy of the mobile home lot;

(2) The requirements of subsection (1) of this section shall not apply if:

(a) The mobile home park or part thereof has been acquired or is under imminent threat of condemnation for a public works project, or

(b) An employer-employee relationship exists between a landlord and tenant;

(3) The provisions of this section shall apply to any tenancy upon expiration of the term of any oral or written rental agreement governing such tenancy.

**Sec. 5.** RCW 59.20.060 and 1990 c 174 s 1 and 1990 c 169 s 1 are each reenacted and amended to read as follows:

(1) Any mobile home space tenancy regardless of the term, shall be based upon a written rental agreement, signed by the parties, which shall contain:

(a) The terms for the payment of rent, including time and place, and any additional charges to be paid by the tenant. Additional charges that occur less frequently than monthly shall be itemized in a billing to the tenant;

(b) Reasonable rules for guest parking which shall be clearly stated;

(c) The rules and regulations of the park;

(d) The name and address of the person who is the landlord, and if such person does not reside in the state there shall also be designated by name and address a person who resides in the county where the mobile home park is located who is authorized to act as agent for the purposes of service of notices and process. If no designation is made of a person to act as agent, then the person to whom rental payments are to be made shall be considered the agent;

(e) The name and address of any party who has a secured interest in the mobile home, manufactured home, or park model;

(f) A forwarding address of the tenant or the name and address of a person who would likely know the whereabouts of the tenant in the event of an emergency or an abandonment of the mobile home, manufactured home, or park model;

(g)(i) A covenant by the landlord that, except for acts or events beyond the control of the landlord, the mobile home park will not be converted to a land use that will prevent the space that is the subject of the lease from continuing to be used for its intended use for a period of three years after the beginning of the term of the rental agreement;

(ii) A rental agreement may, in the alternative, contain a statement that the park may be sold or otherwise transferred at any time with the result that subsequent owners may close the mobile home park, or that the landlord may close the park at any time after the required notice. The covenant or statement required by this subsection must appear in print that is larger than the other text of the lease and must be set off by means of a box, blank space, or comparable visual device;

The requirements of this subsection shall apply to tenancies initiated after April 28, 1989.

(h) The terms and conditions under which any deposit or portion thereof may be withheld by the landlord upon termination of the rental agreement if any moneys are paid to the landlord by the tenant as a deposit or as security for performance of the tenant's obligations in a rental agreement;

(i) A listing of the utilities, services, and facilities which will be available to the tenant during the tenancy and the nature of the fees, if any, to be charged;

(j) A description of the boundaries of a mobile home space sufficient to inform the tenant of the exact location of the tenant's space in relation to other tenants' spaces;

(k) A statement of the current zoning of the land on which the mobile home park is located;  
and

(l) A statement of the expiration date of any conditional use, temporary use, or other land use permit subject to a fixed expiration date that is necessary for the continued use of the land as a mobile home park.

(2) Any rental agreement executed between the landlord and tenant shall not contain any provision:

(a) Which allows the landlord to charge a fee for guest parking unless a violation of the rules for guest parking occurs: PROVIDED, That a fee may be charged for guest parking which covers an extended period of time as defined in the rental agreement;

(b) Which authorizes the towing or impounding of a vehicle except upon notice to the owner thereof or the tenant whose guest is the owner of the vehicle;

(c) Which allows the landlord to alter the due date for rent payment or increase the rent: (i) During the term of the rental agreement if the term is less than one year, or (ii) more frequently than annually if the term is for one year or more: PROVIDED, That a rental agreement may include an escalation clause for a pro rata share of any increase in the mobile home park's real property taxes or utility assessments or charges, over the base taxes or utility assessments or charges of the year in which the rental agreement took effect, if the clause also provides for a pro rata reduction in rent or other charges in the event of a reduction in real property taxes or utility assessments or charges, below the base year: PROVIDED FURTHER, That a rental agreement for a term exceeding one year may provide for annual increases in rent in specified amounts or by a formula specified in such agreement;

(d) By which the tenant agrees to waive or forego rights or remedies under this chapter;

(e) Allowing the landlord to charge an "entrance fee" or an "exit fee";

(f) Which allows the landlord to charge a fee for guests: PROVIDED, That a landlord may establish rules charging for guests who remain on the premises for more than fifteen days in any sixty-day period;

(g) By which the tenant agrees to waive or forego homestead rights provided by chapter 6.13 RCW. This subsection shall not prohibit such waiver after a default in rent so long as such waiver is in writing signed by the husband and wife or by an unmarried claimant and in consideration of the landlord's agreement not to terminate the tenancy for a period of time specified in the waiver if the landlord would be otherwise entitled to terminate the tenancy under this chapter; or

(h) By which, at the time the rental agreement is entered into, the landlord and tenant agree to the selection of a particular arbitrator.

**Sec. 6.** RCW 59.20.070 and 1993 c 66 s 16 are each amended to read as follows:

A landlord shall not:

(1) Deny any tenant the right to sell such tenant's mobile home, manufactured home, or park model within a park or require the removal of the mobile home, manufactured home, or park model from the park because of the sale thereof. Requirements for the transfer of the rental agreement are in RCW 59.20.073;

(2) Restrict the tenant's freedom of choice in purchasing goods or services but may reserve the right to approve or disapprove any exterior structural improvements on a mobile home space: PROVIDED, That door-to-door solicitation in the mobile home park may be restricted in the rental agreement. Door-to-door solicitation does not include public officials or candidates for public office meeting or distributing information to tenants in accordance with subsection (4) of this section;

(3) Prohibit meetings by tenants of the mobile home park to discuss mobile home living and affairs, including political caucuses or forums for or speeches of public officials or candidates for public office, or meetings of organizations that represent the interest of tenants in the park, held in any of the park community or recreation halls if these halls are open for the use of the tenants, conducted at reasonable times and in an orderly manner on the premises, nor penalize any tenant for participation in such activities;

(4) Prohibit a public official or candidate for public office from meeting with or distributing information to tenants in their individual mobile homes, manufactured homes, or park models, nor penalize any tenant for participating in these meetings or receiving this information;

(5) Evict a tenant, terminate a rental agreement, decline to renew a rental agreement, increase rental or other tenant obligations, decrease services, or modify park rules in retaliation for any of the following actions on the part of a tenant taken in good faith:

(a) Filing a complaint with any state, county, or municipal governmental authority relating to any alleged violation by the landlord of an applicable statute, regulation, or ordinance;

- (b) Requesting the landlord to comply with the provision of this chapter or other applicable statute, regulation, or ordinance of the state, county, or municipality;
- (c) Filing suit against the landlord for any reason;
- (d) Participation or membership in any homeowners association or group;
- (6) Charge to any tenant a utility fee in excess of actual utility costs or intentionally cause termination or interruption of any tenant's utility services, including water, heat, electricity, or gas, except when an interruption of a reasonable duration is required to make necessary repairs;
- (7) Remove or exclude a tenant from the premises unless this chapter is complied with or the exclusion or removal is under an appropriate court order; or
- (8) Prevent the entry or require the removal of a mobile home, manufactured home, or park model for the sole reason that the mobile home has reached a certain age. Nothing in this subsection shall limit a landlords' right to exclude or expel a mobile home, manufactured home, or park model for any other reason, including but not limited to violations of applicable fire and safety standards provided such action conforms to chapter 59.20 RCW or any other statutory provision.

**Sec. 7.** RCW 59.20.073 and 1993 c 66 s 17 are each amended to read as follows:

- (1) Any rental agreement shall be assignable by the tenant to any person to whom he or she sells or transfers title to the mobile home, manufactured home, or park model.
- (2) A tenant who sells a mobile home, manufactured home, or park model within a park shall notify the landlord in writing of the date of the intended sale and transfer of the rental agreement at least fifteen days in advance of such intended transfer and shall notify the buyer in writing of the provisions of this section. The tenant shall verify in writing to the landlord payment of all taxes, rent, and reasonable expenses due on the mobile home, manufactured home, or park model and mobile home lot.
- (3) The landlord shall notify the selling tenant, in writing, of a refusal to permit transfer of the rental agreement at least seven days in advance of such intended transfer.
- (4) The landlord may require the mobile home, manufactured home, or park model to meet applicable fire and safety standards.
- (5) The landlord shall approve or disapprove of the assignment of a rental agreement on the same basis that the landlord approves or disapproves of any new tenant, and any disapproval shall be in writing. Consent to an assignment shall not be unreasonably withheld.
- ~~((5))~~ (6) Failure to notify the landlord in writing, as required under subsection (2) of this section; or failure of the new tenant to make a good faith attempt to arrange an interview with the landlord to discuss assignment of the rental agreement; or failure of the current or new tenant to obtain written approval of the landlord for assignment of the rental agreement, shall be grounds for disapproval of such transfer.

**Sec. 8.** RCW 59.20.074 and 1990 c 169 s 2 are each amended to read as follows:

- (1) A secured party who has a security interest in a mobile home, manufactured home, or park model that is located within a mobile home park and who has a right to possession of the mobile home, manufactured home, or park model under RCW 62A.9-503, shall be liable to the landlord from the date the secured party receives written notice by certified mail, return receipt requested, for rent for occupancy of the mobile home space under the same terms the tenant was paying prior to repossession, and any other reasonable expenses incurred after the receipt of the notice, until disposition of the mobile home, manufactured home, or park model under RCW 62A.9-504. The notice of default by a tenant must state the amount of rent and the amount and nature of any reasonable expenses that the secured party is liable for payment to the landlord. The notice must also state that the secured party will be provided a copy of the rental agreement previously signed by the tenant and the landlord upon request.
- (2) This section shall not affect the availability of a landlord's lien as provided in chapter 60.72 RCW.
- (3) As used in this section, "security interest" shall have the same meaning as this term is defined in RCW 62A.1-201, and "secured party" shall have the same meaning as this term is defined in RCW 62A.9-105.

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

(5) Any rent or other reasonable expenses owed by the secured party to the landlord pursuant to this section shall be paid to the landlord prior to the removal of the mobile home, manufactured home, or park model from the mobile home park.

(6) If a secured party who has a secured interest in a mobile home, manufactured home, or park model that is located in a mobile home park becomes liable to the landlord pursuant to this section, then the relationship between the secured party and the landlord shall be governed by the rental agreement previously signed by the tenant and the landlord unless otherwise agreed, except that the term of the rental agreement shall convert to a month-to-month tenancy. No waiver is required to convert the rental agreement to a month-to-month tenancy. Either the landlord or the secured party may terminate the month-to-month tenancy upon giving written notice of thirty days or more. The secured party and the landlord are not required to execute a new rental agreement. Nothing in this section shall be construed to be a waiver of any rights by the tenant.

**Sec. 9.** RCW 59.20.075 and 1984 c 58 s 3 are each amended to read as follows:

Initiation by the landlord of any action listed in RCW 59.20.070(~~((4))~~) (5) within one hundred twenty days after a good faith and lawful act by the tenant or within one hundred twenty days after any inspection or proceeding of a governmental agency resulting from such act, shall create a rebuttable presumption affecting the burden of proof, that the action is a reprisal or retaliatory action against the tenant: PROVIDED, That if the court finds that the tenant made a complaint or report to a governmental authority within one hundred twenty days after notice of a proposed increase in rent or other action in good faith by the landlord, there is a rebuttable presumption that the complaint or report was not made in good faith: PROVIDED FURTHER, That no presumption against the landlord shall arise under this section, with respect to an increase in rent, if the landlord, in a notice to the tenant of increase in rent, specifies reasonable grounds for said increase, which grounds may include a substantial increase in market value due to remedial action under this chapter.

**Sec. 10.** RCW 59.20.080 and 1998 c 118 s 2 are each amended to read as follows:

(1) A landlord shall not terminate or fail to renew a tenancy of a tenant or the occupancy of an occupant, of whatever duration except for one or more of the following reasons:

(a) Substantial violation, or repeated or periodic violations of the rules of the mobile home park as established by the landlord at the inception of the tenancy or as assumed subsequently with the consent of the tenant or for violation of the tenant's duties as provided in RCW 59.20.140. The tenant shall be given written notice to cease the rule violation immediately. The notice shall state that failure to cease the violation of the rule or any subsequent violation of that or any other rule shall result in termination of the tenancy, and that the tenant shall vacate the premises within fifteen days:

PROVIDED, That for a periodic violation the notice shall also specify that repetition of the same violation shall result in termination: PROVIDED FURTHER, That in the case of a violation of a "material change" in park rules with respect to pets, tenants with minor children living with them, or recreational facilities, the tenant shall be given written notice under this chapter of a six month period in which to comply or vacate;

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

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

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

(e) Change of land use of the mobile home park including, but not limited to, conversion to a use other than for mobile homes, manufactured homes, or park models or conversion of the mobile home park to a mobile home park cooperative or mobile home park subdivision: PROVIDED, That



the landlord shall give the tenants twelve months' notice in advance of the effective date of such change, except that for the period of six months following April 28, 1989, the landlord shall give the tenants eighteen months' notice in advance of the proposed effective date of such change;

(f) Engaging in "criminal activity." "Criminal activity" means a criminal act defined by statute or ordinance that threatens the health, safety, or welfare of the tenants. A park owner seeking to evict a tenant or occupant under this subsection need not produce evidence of a criminal conviction, even if the alleged misconduct constitutes a criminal offense. Notice from a law enforcement agency of criminal activity constitutes sufficient grounds, but not the only grounds, for an eviction under this subsection. Notification of the seizure of illegal drugs under RCW 59.20.155 is evidence of criminal activity and is grounds for an eviction under this subsection. The requirement that any tenant or occupant register as a sex offender under RCW 9A.44.130 is grounds for eviction under this subsection. If criminal activity is alleged to be a basis of termination, the park owner may proceed directly to an unlawful detainer action;

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

(h) If the landlord serves a tenant three fifteen-day notices within a twelve-month period to comply or vacate for failure to comply with the material terms of the rental agreement or park rules. The applicable twelve-month period shall commence on the date of the first violation;

(i) Failure of the tenant to comply with obligations imposed upon tenants by applicable provisions of municipal, county, and state codes, statutes, ordinances, and regulations, including chapter 59.20 RCW. The landlord shall give the tenant written notice to comply immediately. The notice must state that failure to comply will result in termination of the tenancy and that the tenant shall vacate the premises within fifteen days;

(j) The tenant engages in disorderly or substantially annoying conduct upon the park premises that results in the destruction of the rights of others to the peaceful enjoyment and use of the premises. The landlord shall give the tenant written notice to comply immediately. The notice must state that failure to comply will result in termination of the tenancy and that the tenant shall vacate the premises within fifteen days;

(k) The tenant creates a nuisance that materially affects the health, safety, and welfare of other park residents. The landlord shall give the tenant written notice to cease the conduct that constitutes a nuisance immediately. The notice must state that failure to cease the conduct will result in termination of the tenancy and that the tenant shall vacate the premises in five days;

(l) Any other substantial just cause that materially affects the health, safety, and welfare of other park residents. The landlord shall give the tenant written notice to comply immediately. The notice must state that failure to comply will result in termination of the tenancy and that the tenant shall vacate the premises within fifteen days; or

(m) Failure to pay rent by the due date provided for in the rental agreement three or more times in a twelve-month period, commencing with the date of the first violation, after service of a five-day notice to comply or vacate.

(2) Within five days of a notice of eviction as required by subsection (1)(a) of this section, the landlord and tenant shall submit any dispute to mediation. The parties may agree in writing to mediation by an independent third party or through industry mediation procedures. If the parties cannot agree, then mediation shall be through industry mediation procedures. A duty is imposed upon both parties to participate in the mediation process in good faith for a period of ten days for an eviction under subsection (1)(a) of this section. It is a defense to an eviction under subsection (1)(a) of this section that a landlord did not participate in the mediation process in good faith.

(3) Chapters 59.12 and 59.18 RCW govern the eviction of recreational vehicles from mobile home parks except park models as defined in RCW 59.20.030(9).

**Sec. 11.** RCW 59.20.130 and 1993 c 66 s 20 are each amended to read as follows:

It shall be the duty of the landlord to:

(1) Comply with codes, statutes, ordinances, and administrative rules applicable to the mobile home park;

(2) Maintain the common premises and prevent the accumulation of stagnant water and to prevent the detrimental effects of moving water when such condition is not the fault of the tenant;

(3) Keep any shared or common premises reasonably clean, sanitary, and safe from defects to reduce the hazards of fire or accident;

(4) Keep all common premises of the mobile home park, and vacant mobile home lots, not in the possession of tenants, free of weeds or plant growth noxious and detrimental to the health of the tenants and free from potentially injurious or unsightly objects and condition;

(5) Exterminate or make a reasonable effort to exterminate rodents, vermin, or other pests dangerous to the health and safety of the tenant whenever infestation exists on the common premises or whenever infestation occurs in the interior of a mobile home, manufactured home, or park model as a result of infestation existing on the common premises;

(6) Maintain and protect all utilities provided to the mobile home, manufactured home, or park model in good working condition. Maintenance responsibility shall be determined at that point where the normal mobile home, manufactured home, or park model utilities "hook-ups" connect to those provided by the landlord or utility company;

(7) Respect the privacy of the tenants and shall have no right of entry to a mobile home, manufactured home, or park model without the prior written consent of the occupant, except in case of emergency or when the occupant has abandoned the mobile home, manufactured home, or park model. Such consent may be revoked in writing by the occupant at any time. The ownership or management shall have a right of entry upon the land upon which a mobile home, manufactured home, or park model is situated for maintenance of utilities, to insure compliance with applicable codes, statutes, ordinances, administrative rules, and the rental agreement and the rules of the park, and protection of the mobile home park at any reasonable time or in an emergency, but not in a manner or at a time which would interfere with the occupant's quiet enjoyment. The ownership or management shall make a reasonable effort to notify the tenant of their intention of entry upon the land which a mobile home, manufactured home, or park model is located prior to entry;

(8) Allow tenants freedom of choice in the purchase of goods and services, and not unreasonably restrict access to the mobile home park for such purposes;

(9) Maintain roads within the mobile home park in good condition; and

(10) Notify each tenant within five days after a petition has been filed by the landlord for a change in the zoning of the land where the mobile home park is located and make a description of the change available to the tenant.

A landlord shall not have a duty to repair a defective condition under this section, nor shall any defense or remedy be available to the tenant under this chapter, if the defective condition complained of was caused by the conduct of the tenant, the tenant's family, invitee, or other person acting under the tenant's control, or if a tenant unreasonably fails to allow the landlord access to the property for purposes of repair.

**Sec. 12.** RCW 59.20.135 and 1994 c 30 s 1 are each amended to read as follows:

(1) The legislature finds that some mobile home park owners transfer the responsibility for the upkeep of permanent structures within the mobile home park to the park tenants. This transfer sometimes occurs after the permanent structures have been allowed to deteriorate. Many mobile home parks consist entirely of senior citizens who do not have the financial resources or physical capability to make the necessary repairs to these structures once they have fallen into disrepair. The inability of the tenants to maintain permanent structures can lead to significant safety hazards to the tenants as well as to visitors to the mobile home park. The legislature therefore finds and declares that it is in the public interest and necessary for the public health and safety to prohibit mobile home park owners from transferring the duty to maintain permanent structures in mobile home parks to the tenants.

(2) A mobile home park owner is prohibited from transferring responsibility for the maintenance or care of permanent structures within the mobile home park to the tenants of the park. A provision within a rental agreement or other document transferring responsibility for the maintenance or care of permanent structures within the mobile home park to the park tenants is void.

(3) A "permanent structure" for purposes of this section includes the clubhouse, carports, storage sheds, or other permanent structure. A permanent structure does not include structures built or

affixed by a tenant. A permanent structure includes only those structures that were provided as amenities to the park tenants.

(4) Nothing in this section shall be construed to prohibit a park owner from requiring a tenant to maintain his or her mobile home, manufactured home, or park model or yard. Nothing in this section shall be construed to prohibit a park owner from transferring responsibility for the maintenance or care of permanent structures within the mobile home park to an organization of park tenants or to an individual park tenant when requested by the tenant organization or individual tenant.

**Sec. 13.** RCW 59.20.145 and 1993 c 152 s 1 are each amended to read as follows:

A tenant in a mobile home park may share his or her mobile home, manufactured home, or park model with any person over eighteen years of age, if that person is providing live-in home health care or live-in hospice care to the tenant under an approved plan of treatment ordered by the tenant's physician. The live-in care provider is not considered a tenant of the park and shall have no rights of tenancy in the park. Any agreement between the tenant and the live-in care provider does not change the terms and conditions of the rental agreement between the landlord and the tenant. The live-in care provider shall comply with the rules of the mobile home park, the rental agreement, and this chapter. The landlord may not charge a guest fee for the live-in care provider.

**Sec. 14.** RCW 59.20.150 and 1979 ex.s. c 186 s 10 are each amended to read as follows:

(1) Any notice required by this chapter to be given to a tenant shall be served on behalf of the landlord: (a) By delivering a copy personally to the tenant; or (b) ~~((if the tenant is absent from the mobile home, by leaving a copy at the mobile home with some person of suitable age and discretion and by sending a copy through the mail addressed to the tenant's place of residence; or (c)))~~ if the tenant is absent from the mobile home ~~((and a person of suitable age and discretion cannot be found to leave a copy with, then))~~, manufactured home, or park model by affixing a copy of the notice in a conspicuous place on the mobile home, manufactured home, or park model and also sending a copy through the mail addressed to the tenant at the tenant's last known address.

(2) Any notice required by this chapter to be given to the landlord shall be served by the tenant in the same manner as provided for in subsection (1) of this section, or by mail to the landlord at such place as shall be expressly provided in the rental agreement.

(3) The landlord shall state in any notice of eviction required by RCW 59.20.080(1) as now or hereafter amended the specific reason for eviction in a clear and concise manner.

**Sec. 15.** RCW 59.20.170 and 1979 ex.s. c 186 s 12 are each amended to read as follows:

(1) All moneys paid to the landlord by the tenant as a deposit as security for performance of the tenant's obligations in a rental agreement shall promptly be deposited by the landlord in a trust account, maintained by the landlord for the purpose of holding such security deposits for tenants of the landlord, in a bank, savings and loan association, mutual savings bank, or licensed escrow agent located in Washington. Except as provided in subsection (2) of this section, unless otherwise agreed in writing, the landlord shall be entitled to receipt of interest paid on such trust account deposits. The landlord shall provide the tenant with a written receipt for the deposit and shall provide written notice of the name and address and location of the depository and any subsequent change thereof. If during a tenancy the status of landlord is transferred to another, any sums in the deposit trust account affected by such transfer shall simultaneously be transferred to an equivalent trust account of the successor landlord, and the successor landlord shall promptly notify the tenant of the transfer and of the name, address and location of the new depository. The tenant's claim to any moneys paid under this section shall be prior to that of any creditor of the landlord, including a trustee in bankruptcy or receiver, even if such moneys are commingled.

(2) All moneys paid, in excess of two months' rent on the mobile home lot, to the landlord by the tenant as a deposit as security for performance of the tenant's obligations in a rental agreement shall be deposited into an interest-bearing trust account for the particular tenant. The interest accruing on the deposit in the account, minus fees charged to administer the account, shall be paid to the tenant on an annual basis. All other provisions of subsection (1) of this section shall apply to deposits under this subsection.

**Sec. 16.** RCW 59.20.210 and 1984 c 58 s 8 are each amended to read as follows:

(1) If at any time during the tenancy, the landlord fails to carry out any of the duties imposed by RCW 59.20.130, and notice of the defect is given to the landlord pursuant to RCW 59.20.200, the tenant may submit to the landlord or the landlord's designated agent by certified mail or in person at least two bids to perform the repairs necessary to correct the defective condition from licensed or registered persons, or if no licensing or registration requirement applies to the type of work to be performed, from responsible persons capable of performing such repairs. Such bids may be submitted to the landlord at the same time as notice is given pursuant to RCW 59.20.200.

(2) If the landlord fails to commence repair of the defective condition within a reasonable time after receipt of notice from the tenant, the tenant may contract with the person submitting the lowest bid to make the repair, and upon the completion of the repair and an opportunity for inspection by the landlord or the landlord's designated agent, the tenant may deduct the cost of repair from the rent in an amount not to exceed the sum expressed in dollars representing one month's rental of the tenant's mobile home space in any calendar year. When, however, the landlord is required to begin remedying the defective condition within thirty days under RCW 59.20.200, the tenant cannot contract for repairs for at least fifteen days following receipt of bids by the landlord. The total costs of repairs deducted by the tenant in any calendar year under this subsection shall not exceed the sum expressed in dollars representing one month's rental of the tenant's mobile home space.

(3) Two or more tenants shall not collectively initiate remedies under this section. Remedial action under this section shall not be initiated for conditions in the design or construction existing in a mobile home park before June 7, 1984.

(4) The provisions of this section shall not:

(a) Create a relationship of employer and employee between landlord and tenant; or

(b) Create liability under the worker's compensation act; or

(c) Constitute the tenant as an agent of the landlord for the purposes of ~~((RCW 60.04.010 and 60.04.040))~~ mechanics' and materialmen's liens under chapter 60.04 RCW.

(5) Any repair work performed under this section shall comply with the requirements imposed by any applicable code, statute, ordinance, or rule. A landlord whose property is damaged because of repairs performed in a negligent manner may recover the actual damages in an action against the tenant.

(6) Nothing in this section shall prevent the tenant from agreeing with the landlord to undertake the repairs in return for cash payment or a reasonable reduction in rent, the agreement to be between the parties, and this agreement does not alter the landlord's obligations under this chapter.

**Sec. 17.** RCW 59.20.220 and 1984 c 58 s 9 are each amended to read as follows:

(1) If a court or an arbitrator determines that:

(a) A landlord has failed to carry out a duty or duties imposed by RCW 59.20.130; and

(b) A reasonable time has passed for the landlord to remedy the defective condition following notice to the landlord under RCW 59.20.200 or such other time as may be allotted by the court or arbitrator; the court or arbitrator may determine the diminution in rental value of the property due to the defective condition and shall render judgment against the landlord for the rent paid in excess of such diminished rental value from the time of notice of such defect to the time of decision and any costs of repair done pursuant to ~~((section 4 of this act))~~ RCW 59.20.210 for which no deduction has been previously made. Such decisions may be enforced as other judgments at law and shall be available to the tenant as a set-off against any existing or subsequent claims of the landlord.

The court or arbitrator may also authorize the tenant to contract to make further corrective repairs. The court or arbitrator shall specify a time period in which the landlord may make such repairs before the tenant may contract for such repairs. Such repairs shall not exceed the sum expressed in dollars representing one month's rental of the tenant's mobile home space in any one calendar year.

(2) The tenant shall not be obligated to pay rent in excess of the diminished rental value of the mobile home space until such defect or defects are corrected by the landlord or until the court or arbitrator determines otherwise.

**NEW SECTION. Sec. 18.** A new section is added to chapter 35.21 RCW to read as follows:

(1) A city or town shall transmit a copy of any permit issued to a tenant or the tenant's agent for a mobile home, manufactured home, or park model installation in a mobile home park to the landlord.

(2) A city or town shall transmit a copy of any permit issued to a person engaged in the business of moving or installing a mobile home, manufactured home, or park model in a mobile home park to the tenant and the landlord.

(3) As used in this section:

(a) "Landlord" has the same meaning as in RCW 59.20.030;

(b) "Mobile home park" has the same meaning as in RCW 59.20.030;

(c) "Mobile or manufactured home installation" has the same meaning as in RCW 43.63B.010;

and

(d) "Tenant" has the same meaning as in RCW 59.20.030.

**NEW SECTION. Sec. 19.** A new section is added to chapter 35A.21 RCW to read as follows:

(1) A code city shall transmit a copy of any permit issued to a tenant or the tenant's agent for a mobile home, manufactured home, or park model installation in a mobile home park to the landlord.

(2) A code city shall transmit a copy of any permit issued to a person engaged in the business of moving or installing a mobile home, manufactured home, or park model in a mobile home park to the tenant and the landlord.

(3) As used in this section:

(a) "Landlord" has the same meaning as in RCW 59.20.030;

(b) "Mobile home park" has the same meaning as in RCW 59.20.030;

(c) "Mobile or manufactured home installation" has the same meaning as in RCW 43.63B.010;

and

(d) "Tenant" has the same meaning as in RCW 59.20.030.

**NEW SECTION. Sec. 20.** A new section is added to chapter 36.01 RCW to read as follows:

(1) A county shall transmit a copy of any permit issued to a tenant or the tenant's agent for a mobile home, manufactured home, or park model installation in a mobile home park to the landlord.

(2) A county shall transmit a copy of any permit issued to a person engaged in the business of moving or installing a mobile home, manufactured home, or park model in a mobile home park to the tenant and the landlord.

(3) As used in this section:

(a) "Landlord" has the same meaning as in RCW 59.20.030;

(b) "Mobile home park" has the same meaning as in RCW 59.20.030;

(c) "Mobile or manufactured home installation" has the same meaning as in RCW 43.63B.010;

and

(d) "Tenant" has the same meaning as in RCW 59.20.030.

**NEW SECTION. Sec. 21.** Sections 1 through 20 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect July 1, 1999.

**NEW SECTION. Sec. 22.** The purpose of this chapter is to establish a certification program for managers of mobile home parks.

**NEW SECTION. Sec. 23.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Advisory council" means the advisory council on mobile home park manager training and certification created in section 28 of this act.

(2) "Department" means the department of community, trade, and economic development.

(3) "Director" means the director of the department of community, trade, and economic development.

(4) "Mobile home park" has the same meaning as in RCW 59.20.030.

(5) "Mobile home park management" means those actions, functions, or duties related to the management of a mobile home park.

(6) "Mobile home park manager" means a person who performs mobile home park management duties and is required to be certified under this chapter to perform mobile home park management services and includes resident owners of mobile home parks who perform management duties.

**NEW SECTION. Sec. 24.** (1) A person shall not manage a mobile home park in this state for any mobile home park with more than twenty-five mobile home lots until a certificate of registration certifying him or her as a mobile home park manager has been issued to him or her by the director in accordance with this chapter.

(2) A corporation, partnership, trust, association, sole proprietor, or other like organization may engage in the business of mobile home park management without being certified if it employs, retains, or contracts with certified natural persons who are registered mobile home park managers subject to this act in the direct supervision of the entities engaging in the business of mobile home park management.

**NEW SECTION. Sec. 25.** (1) The director shall not issue an initial certificate of registration to any person to act as a mobile home park manager until that person has:

(a) Executed a written application on a form prescribed by the director, subscribed and sworn to by the applicant;

(b) Attended and completed a department-approved training course for mobile home park managers;

(c) Passed an examination approved by the department which demonstrates that the applicant has a fundamental knowledge of the mobile home landlord-tenant act under chapter 59.20 RCW; and

(d) Paid to the director a fee as prescribed in section 29 of this act.

(2) Certificates of registration are effective on the date issued by the department and must be renewed annually.

(3) A certificate of registration may be renewed annually provided the applicant provides evidence of continuing education as approved by the department. This evidence must be submitted with an application to renew certification. A maximum of four hours of continuing education annually may be required by the department for renewal of certification.

(4) As of the effective date of this section, mobile home park managers may present a verification of having successfully completed a training course conducted by a state-wide trade association of mobile home parks, which will satisfy the initial training requirement for one year and entitle the park manager to certification for that year.

**NEW SECTION. Sec. 26.** The department shall contract with a state-wide trade association exclusively representing mobile home park owners for the delivery of training courses required by this chapter. The trade association may charge a fee for delivery of the training courses. The department, in consultation with the advisory council created under section 28 of this act, shall approve the curriculum of the training program.

**NEW SECTION. Sec. 27.** (1) The department, in consultation with the advisory council created in section 28 of this act, shall administer, coordinate, and enforce this chapter, develop the examination of applicants, and be responsible for the granting of certificates to qualified persons.

(2) The department is authorized to adopt rules that are necessary to implement, enforce, and interpret this chapter.

**NEW SECTION. Sec. 28.** (1) There is created an advisory council on mobile home park manager training and certification. The council shall consist of four members as follows: Two

members of the council shall be residents of mobile home parks and two members shall be owners of mobile home parks. The resident members of the council shall be selected from nominees submitted by the mobile home owners of America. The park owner members of the council shall be selected from nominees submitted by the manufactured housing communities of Washington. The director shall appoint the members for terms of two years. The advisory council shall select a chair from its members for a two-year term.

(2) Members of the council shall serve without compensation but are entitled to receive reimbursement for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(3) The functions of the advisory council are to:

(a) Review, evaluate, and advise the department concerning revisions and adoption of rules affecting certification of mobile home park managers and the fees to be charged under section 29 of this act; and

(b) Develop, review, revise, and approve, in consultation with the department, the program for certification of mobile home park managers.

(4) The advisory council shall meet at the call of its chair, at the request of a majority of its membership, at the request of the department, or at such times as are prescribed by rule.

(5) The department shall provide adequate staff support to the advisory council to assist it in fulfilling its duties.

NEW SECTION. **Sec. 29.** The department shall charge fees for its actual costs in the implementation of sections 26, 27, and 28 of this act. The department shall set fees by rule.

NEW SECTION. **Sec. 30.** A violation of this chapter is a class 1 civil infraction under chapter 7.80 RCW.

NEW SECTION. **Sec. 31.** Sections 24 and 25 of this act take effect July 1, 2000.

NEW SECTION. **Sec. 32.** If any provision of sections 22 through 31 of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 33.** Sections 22 through 32 of this act constitute a new chapter in Title 18 RCW."

In line 2 of the title, after "relations;" strike the remainder the title and insert "amending RCW 59.20.010, 59.20.030, 59.20.040, 59.20.050, 59.20.070, 59.20.073, 59.20.074, 59.20.075, 59.20.080, 59.20.130, 59.20.135, 59.20.145, 59.20.150, 59.20.170, 59.20.210, and 59.20.220; reenacting and amending RCW 59.20.060; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; adding a new section to chapter 36.01 RCW; adding a new chapter to Title 18 RCW; prescribing penalties; providing effective dates; and declaring an emergency."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House refused to concur in the Senate Amendment(s) to House Bill No. 1378 and asked the Senate to recede therefrom.

There being no objection, the House advanced to the eleventh order of business.

MOTION

On motion of Representative Kessler, the House adjourned until 10:00 a. m., Tuesday, April 20, 1999, the 100<sup>th</sup> Legislative Day.

TIMOTHY A. MARTIN, Chief Clerk    CLYDE BALLARD, Speaker  
DEAN R. FOSTER, Chief Clerk    FRANK CHOPP, Speaker



NINETY-NINTH DAY, APRIL 19, 1999

JOURNAL OF THE HOUSE

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

**ONE HUNDREDTH DAY**

**MORNING SESSION**

House Chamber, Olympia, Tuesday, April 20, 1999

The House was called to order at 10:00 a.m. by Speaker Pro Tempore Pennington. The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Devon Connor-Green and Michael Harbor. Prayer was offered by Former Representative Dawn Mason.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

**INTRODUCTIONS AND FIRST READING**

HCR 4411 by Representatives Morris, Dunn, Van Luven and Veloria

Creating a joint select committee to review the permitting process under the Shoreline Management Act.

There being no objection, the resolution listed on the day's introduction sheet under the fourth order of business was referred to the Rules Committee.

**RESOLUTIONS**

HOUSE RESOLUTION NO. 99-4636, by Representatives Delvin, Stensen, B. Chandler, McMorris, Crouse, DeBolt, McDonald, Buck, Boldt, Anderson, Mielke, Reardon, Sump, Kastama, Bush, Morris, Schoesler, Mastin, Grant, G. Chandler, Ruderman, Thomas, Esser, Hankins, Skinner, Dunn and Fortunato

WHEREAS, It is the policy of the Washington State Legislature to recognize and honor the extraordinary things that make life in Washington state unique for all its citizens; and

WHEREAS, Hunting and fishing and the taking of game and fish are a valued part of our heritage that should be forever preserved for the people and maintained for the public good; and

WHEREAS, Hunting and fishing and the taking of game and fish are time-honored means of providing food, clothing, and other important resources for individuals and families throughout Washington state; and

WHEREAS, Hunting and fishing and the taking of game and fish provide many hours for fathers, mothers, sons, and daughters to spend together sharing, working, solving problems, exploring the outdoors, experiencing nature, and enjoying the bountiful blessings bestowed by our Creator; and

WHEREAS, Hunting and fishing and the taking of game and fish have provided a means of livelihood for over 150 years for thousands of Washington residents allowing hunters and nonhunters and fishers and nonfishers alike throughout this nation and the world to enjoy the wonderful products of their labors; and

WHEREAS, Hunting and fishing and the taking of game and fish have given sports hunters and fishers untold pleasures while pursuing the challenges of the chase and catch in a responsible and humane manner; and

WHEREAS, Hunting and fishing and the taking of game and fish are unique parts of the culture of Washington state and provide exceptional opportunities for all our citizens to enjoy the ocean, our rivers, creeks, streams, lakes, and ponds, and our mountains, hills, valleys, fields, plains, and desert;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize the benefits of hunting and fishing and the taking of game and fish and honor those individuals and organizations that work both to protect and produce our game and fish and to promote and preserve our freedoms and opportunities for hunting and fishing and the taking of game and fish.

Representative Delvin moved adoption of the resolution.

Representative Delvin spoke in favor of the adoption of the resolution.

House Resolution No. 99-4636 was adopted.

HOUSE RESOLUTION NO. 99-4682, by Representatives Santos, Kenney, Veloria, Tokuda, Constantine, Ruderman, Cairnes, Radcliff, Ballasiotes, Hankins, Mitchell, Skinner, Van Luven, Thomas, Esser and Dunn

WHEREAS, Inner-city and rural communities in Washington continue to have higher rates of unemployment than the state as a whole; and

WHEREAS, Small business owners in inner-city and rural communities face significant challenges in growing their businesses; and

WHEREAS, The University of Washington Business School is one of the premier business schools in the country; and

WHEREAS, The University of Washington Business School launched a Business and Economic Development Program to assist small businesses in economically distressed communities; and

WHEREAS, The University of Washington Business and Economic Development Program is a successful model of partnership that was initiated equally by community and business organizations, small business owners, private corporations, and the University of Washington Business School; and

WHEREAS, The University of Washington has demonstrated the success of its efforts to create new jobs in Seattle and is seeking to develop a companion program through the University of Washington, Tacoma and through other partnerships across the state; and

WHEREAS, The University of Washington Business and Economic Development Program has been recognized by the United States Small Business Administration for its innovative program;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington recognize and commend the University of Washington, its faculty, staff, and students for their work to assist small businesses in economically distressed communities through the Business and Economic Development Program; and

BE IT FURTHER RESOLVED, That the House of Representatives of the state of Washington thank the individuals, community organizations, banks, corporations, University of Washington alumni, and others who have formed a unique partnership with the University of Washington Business and Economic Development Program for their investments of time and financial resources in support of

small business development, improved education for undergraduate and graduate students, and enhanced economic activity for distressed communities; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to the Governor, the University of Washington Board of Regents, the University of Washington Business School Advisory Board, and the Advisory Board of the University of Washington Business and Economic Development Program.

Representative Santos moved adoption of the resolution.

Representatives Santos, Veloria and Van Luven spoke in favor of the adoption of the resolution.

House Resolution No. 99-4682 was adopted.

#### **SPEAKER'S PRIVILEGE**

The Speaker (Representative Pennington presiding) introduced Thaddeus Spratlen, Ph.D., Professor of Marketing and Faculty Director, UW Business and Economic Development Program; Michael Verchot, MBA, Director, UW Business and Economic Development Program and Lecturer in Marketing; and Dawn Mason, Board member, UW Business and Economic Development Program.

Speaker Ballard assumed the chair.

#### **SIGNED BY THE SPEAKERS**

The Speakers signed:

SUBSTITUTE HOUSE BILL NO. 1204,

SUBSTITUTE HOUSE BILL NO. 1345,

HOUSE BILL NO. 1554,

SUBSTITUTE HOUSE BILL NO. 1620,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1887,

SUBSTITUTE HOUSE BILL NO. 2152,

SUBSTITUTE SENATE BILL NO. 5029,

ENGROSSED SENATE BILL NO. 5371,

ENGROSSED SENATE JOINT MEMORIAL NO. 8013,

Speaker Ballard called upon Representative Pennington to preside.

#### **MESSAGE FROM THE GOVERNOR**

April 20, 1999

To the Honorable Speakers and Members,  
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on April 19, 1999, Governor Locke approved the following House Bills entitled:

**House Bill No. 1011**

Relating to harassment & stalking through the use of electronic communications.

**House Bill No. 1018**

Relating to the Washington award for vocational excellence.

**Substitute House Bill No. 1075**

Relating to increasing the monetary limit for use of the small works roster by port districts.

**House Bill No. 1092**

Relating to the licensing, regulation, and fees of escrow agents and escrow officers.

**House Bill No. 1106**

Relating to disclosures made for prize promotions.

**House Bill No. 1139**

Relating to judicial removal of a director of a nonprofit corporation from office.

**Substitute House Bill No. 1149**

Relating to accounting standards under the insurance code.

**House Bill No. 1216**

Relating to removing the terminator of the secretary's authority for administrative procedures.

**House Bill No. 1221**

Relating to the Lewis & Clark bicentennial advisory committee.

**Substitute House Bill No. 1289**

Relating to conforming unemployment compensation statutes with federal law.

**House Bill No. 1297**

Relating to earned early release time.

**House Bill No. 1372**

Relating to birth defects surveillance.

**House Bill No. 1542**

Relating to the recording of surveys by a county auditor.

**Substitute House Bill No. 1560**

Relating to the state toxicology laboratory.

There being no objection, the House advanced to the seventh order of business.

**SENATE AMENDMENTS TO HOUSE BILL**

April 13, 1999

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1642 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 90.03 RCW to read as follows:

The legislature intends to allow modification of the point of diversion in a water right permit when such a modification will provide both environmental benefits and water supply benefits and nothing in section 2 of this act is to be construed as allowing any other change or transfer of a right to the use of surface water which has not been applied to a beneficial use.

NEW SECTION. **Sec. 2.** A new section is added to chapter 90.03 RCW to read as follows:

The department may approve a change of the point of diversion prescribed in a permit to appropriate water for a beneficial use to a point of diversion that is located downstream and is an

existing approved intake structure with capacity to transport the additional diversion, if the ownership, purpose of use, season of use, and place of use of the permit remain the same.

This section may not be construed as limiting in any manner whatsoever other authorities of the department under RCW 90.03.380 or other changes that may be approved under RCW 90.03.380 under authorities existing before the effective date of this section.

**Sec. 3.** RCW 90.03.030 and 1987 c 109 s 68 are each amended to read as follows:

Any person may convey any water which he or she may have a right to use along any of the natural streams or lakes of this state, but not so as to raise the water thereof above ordinary highwater mark, without making just compensation to persons injured thereby; but due allowance shall be made for evaporation and seepage, the amount of such seepage to be determined by the department, upon the application of any person interested. Water conveyed under this section may be conveyed to an approved intake structure located in a neighboring state in order to accomplish an approved modification of the point of diversion in a permit to appropriate water for a beneficial use, if approval of the neighboring state is documented to the satisfaction of the department."

On page 1, line 1 of the title, after "rights;" strike the remainder of the title and insert "amending RCW 90.03.030; and adding new sections to chapter 90.03 RCW."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to House Bill No. 1642 and advanced the bill as amended by the Senate to final passage.

### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE**

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of House Bill No. 1642 as amended by the Senate.

### **MOTIONS**

On motion of Representative Schoesler, Representative Mulliken was excused. On motion of Representative Wolfe, Representatives Quall, Scott and Anderson were excused.

Representatives Grant and Chandler spoke in favor of passage of the bill as amended by the Senate.

### **COLLOQUY**

Representative G. Chandler: "Representative Linville: Section 3 of the bill, as now amended, allows water for a water right permit issued by this state to be conveyed along a natural stream or lake located in a neighboring state to an "approved" intake structure to accomplish an "approved" modification of the permit. This authority is granted if "approval" of the neighboring state is documented to the satisfaction of the Department of Ecology. Which "approval" of the neighboring state must be documented under this requirement?"

Representative Linville: "The "approval" of the neighboring state that must be documented to the satisfaction of the Department under Section 3 of the bill is the neighboring state's approval allowing water under Washington's water right permit to be conveyed in a natural stream or lake of the neighboring state to the intake structure."

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1642, as amended by the Senate and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Alexander, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 94.

Excused: Representatives Anderson, Mulliken, Quall and Scott - 4.

House Bill No. 1642, as amended by the Senate, having received the constitutional majority, was declared passed.

### SENATE AMENDMENTS TO HOUSE BILL

April 15, 1999

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1826 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 90.03.060 and 1987 c 109 s 69 are each amended to read as follows:

(1) Water masters shall be appointed by the department whenever it shall find the interests of the state or of the water users to require them. The districts for or in which the water masters serve shall be designated water master districts, which shall be fixed from time to time by the department, as required, and they shall be subject to revision as to boundaries or to complete abandonment as local conditions may indicate to be expedient, the spirit of this provision being that no district shall be created or continued where the need for the same does not exist. Water masters shall be supervised by the department, shall be compensated for services from funds of the department, and shall be technically qualified to the extent of understanding the elementary principals of hydraulics and irrigation, and of being able to make water measurements in streams and in open and closed conduits of all characters, by the usual methods employed for that purpose. Counties and municipal and public corporations of the state are authorized to contribute moneys to the department to be used as compensation to water masters in carrying out their duties. All such moneys received by the department shall be used exclusively for said purpose.

(2) A water master may be appointed by the department for a watershed management area for which a plan adopted by a planning unit and by the counties with territory in the watershed management area under RCW 90.82.130 contains a requirement or request that a water master be appointed, subject to availability of state or nonstate funding."

On page 1, line 1 of the title, after "masters;" strike the remainder of the title and insert "and amending RCW 90.03.060."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Substitute House Bill No. 1826 and advanced the bill as amended by the Senate to final passage.

### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE**

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Substitute House Bill No. 1826 as amended by the Senate.

Representatives Grant and Chandler spoke in favor of passage of the bill as amended by the Senate.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1826, as amended by the Senate and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Alexander, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 94.

Excused: Representatives Anderson, Mulliken, Quall and Scott - 4.

Substitute House Bill No. 1826, as amended by the Senate, having received the constitutional majority, was declared passed.

### **SENATE AMENDMENTS TO HOUSE BILL**

April 15, 1999

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1872 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature shall create a task force to study the granting of state-wide warrant jurisdiction to courts of limited jurisdiction. The task force shall determine if it would be beneficial to the operation of the criminal justice system in this state to grant municipal and district courts the authority to take recognizance, approve bail, and arraign defendants on warrants issued by any judicial officer of a court of limited jurisdiction within the state. The task force shall also make recommendations on implementing such jurisdiction including, but not limited to, a review of such issues as speedy trial, appointment of counsel, plea agreements, efficient use of court personnel and resources, and payment of expenses such as transportation, salaries, and per diem. The task force shall also consider the effect of state-wide warrant jurisdiction on local city and county jail populations including, but not limited to, providing for costs of incarceration, as well as mechanisms for managing offenders who are temporarily in custody within the local city or county jail. The task force may also study any other relevant matters that arise during the course of this study.

(2) The task force shall consist of the following members:

- (a) One district court judge, appointed by the Washington state municipal and district court judges association;
  - (b) One municipal court judge, appointed by the Washington state municipal and district court judges association;
  - (c) One prosecuting attorney, appointed by the Washington association of prosecuting attorneys;
  - (d) One public defender, appointed by the Washington defender association;
  - (e) One sheriff or police chief, appointed by the Washington association of sheriffs and police chiefs;
  - (f) Two representatives from the counties, one representative from a large county and one representative from a small county, appointed by the Washington state association of counties;
  - (g) One county official, appointed by the Washington state association of counties;
  - (h) Two representatives from the cities, one representative from a large city and one representative from a small city, appointed by the association of Washington cities;
  - (i) One law enforcement officer, appointed by the Washington association of sheriffs and police chiefs;
  - (j) One county jail administrator, appointed by the Washington association of sheriffs and police chiefs, corrections committee;
  - (k) Two members from the senate, one from each of the two largest caucuses, appointed by the president of the senate; and
  - (l) Two members from the house of representatives, one from each of the two largest caucuses, appointed by the co-speakers of the house of representatives.
- (3) The chair of the task force shall be selected by the members of the task force. The task force shall submit its recommendations to the chairs of the senate and house of representatives judiciary committees by December 15, 1999."

On page 1, line 2 of the title, after "jurisdiction;" strike the remainder of the title and insert "and creating a new section."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to House Bill No. 1872 and advanced the bill as amended by the Senate to final passage.

The House deferred action on House Bill No. 1872 as amended by the Senate, and the bill held its place on the concurrence calendar.

### SENATE AMENDMENTS TO HOUSE BILL

April 14, 1999

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1971 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.59.150 and 1998 c 165 s 3 are each amended to read as follows:

(1) The Washington state traffic safety commission shall establish a program for improving bicycle and pedestrian safety, and shall cooperate with the stakeholders and independent representatives to form an advisory committee to develop programs and create public private partnerships which promote bicycle and pedestrian safety. The traffic safety commission shall periodically report and



make recommendations to the legislative transportation committee ~~((and the fiscal committees of the house of representatives and the senate by December 1, 1998, regarding the conclusions of the advisory))~~ on the progress of the bicycle and pedestrian safety committee.

(2) The bicycle and pedestrian safety account is created in the state treasury to support bicycle and pedestrian education or safety programs. ~~((To the extent that private contributions are received by the traffic safety commission for the purposes of bicycle and pedestrian safety programs established under this section, the appropriations from the highway safety account for this purpose shall lapse.))~~

**Sec. 2.** RCW 46.52.070 and 1998 c 165 s 8 are each amended to read as follows:

(1) Any police officer of the state of Washington or of any county, city, town or other political subdivision, present at the scene of any accident or in possession of any facts concerning any accident whether by way of official investigation or otherwise shall make report thereof in the same manner as required of the parties to such accident and as fully as the facts in his possession concerning such accident will permit.

(2) The police officer shall report to the department, on a form prescribed by the director: (a) When ~~((an accident))~~ a collision has occurred that results in a fatality ~~((or serious injury))~~; and (b) the identity of the operator of a vehicle involved in the ~~((accident))~~ collision when the officer has reasonable grounds to believe the operator ~~((who))~~ caused the ~~((fatality or serious injury may not be competent to operate a motor vehicle; and (c) the reason or reasons for such belief))~~ collision.

(3) The police officer shall report to the department, on a form prescribed by the director: (a) When a collision has occurred that results in a serious injury; (b) the identity of the operator of a vehicle involved in the collision when the officer has reasonable grounds to believe the operator who caused the serious injury may not be competent to operate a motor vehicle; and (c) the reason or reasons for the officer's belief.

**Sec. 3.** RCW 46.20.305 and 1998 c 165 s 13 are each amended to read as follows:

(1) The department, having good cause to believe that a licensed driver is incompetent or otherwise not qualified to be licensed may upon notice require him or her to submit to an examination.

(2) The department shall require a driver reported under RCW 46.52.070 (2)~~((, when a fatality occurred,))~~ and (3) to submit to an examination. The examination must be completed no later than one hundred twenty days after the accident report required under RCW 46.52.070(2) is received by the department unless the department, at the request of the operator, extends the time for examination.

(3) ~~((The department may require a driver reported under RCW 46.52.070(2) to submit to an examination, or suspend the person's license subject to RCW 46.20.322, when a serious injury occurred. The examination must be completed no later than one hundred twenty days after the accident report required under RCW 46.52.070(2) is received by the department.~~

~~((4))~~ (4) The department may in addition to an examination under this section require such person to obtain a certificate showing his or her condition signed by a licensed physician or other proper authority designated by the department.

~~((5))~~ (4) Upon the conclusion of an examination under this section the department shall take driver improvement action as may be appropriate and may suspend or revoke the license of such person or permit him or her to retain such license, or may issue a license subject to restrictions as permitted under RCW 46.20.041. The department may suspend or revoke the license of such person who refuses or neglects to submit to such examination.

~~((6))~~ (5) The department may require payment of a fee by a person subject to examination under this section. The department shall set the fee in an amount that is sufficient to cover the additional cost of administering examinations required by this section.

NEW SECTION. **Sec. 4.** A new section is added to chapter 46.16 RCW to read as follows:

When applicable, the certificate of registration must include a statement that the owner or entity operating a commercial vehicle must be in compliance with the requirements of the United States department of transportation federal motor carrier safety regulations contained in Title 49 C.F.R. Part 382, controlled substances and alcohol use and testing.

NEW SECTION. Sec. 5. A new section is added to chapter 46.32 RCW to read as follows:

A person or employer operating as a motor carrier shall comply with the requirements of the United States department of transportation federal motor carrier safety regulations as contained in Title 49 C.F.R. Part 382, controlled substances and alcohol use and testing. A person or employer who begins or conducts commercial motor vehicle operations without having a controlled substance and alcohol testing program that is in compliance with the requirements of Title 49 C.F.R. Part 382 is subject to a penalty, under the process set forth in RCW 46.32.100, of up to one thousand five hundred dollars and up to an additional five hundred dollars for each motor vehicle driver employed by the person or employer who is not in compliance with the motor vehicle driver testing requirements. A person or employer having actual knowledge that a driver has tested positive for controlled substances or alcohol who allows a positively tested person to continue to perform a safety-sensitive function is subject to a penalty, under the process set forth in RCW 46.32.100, of one thousand five hundred dollars.

NEW SECTION. Sec. 6. A new section is added to chapter 81.04 RCW to read as follows:

A person or employer operating as a motor carrier shall comply with the requirements of the United States department of transportation federal motor carrier safety regulations as contained in Title 49 C.F.R. Part 382, controlled substances and alcohol use and testing. A person or employer who begins or conducts commercial motor vehicle operations without having a controlled substance and alcohol testing program that is in compliance with the requirements of Title 49 C.F.R. Part 382 is subject to a penalty, under the process set forth in RCW 81.04.405, of up to one thousand five hundred dollars and up to an additional five hundred dollars for each motor vehicle driver employed by the person or employer who is not in compliance with the motor vehicle driver testing requirements. A person or employer having actual knowledge that a driver has tested positive for controlled substances or alcohol who allows a positively tested person to continue to perform a safety-sensitive function is subject to a penalty, under the process set forth in RCW 81.04.405, of one thousand five hundred dollars."

On page 1, line 1 of the title, after "safety;" strike the remainder of the title and insert "amending RCW 43.59.150, 46.52.070, and 46.20.305; adding a new section to chapter 46.16 RCW; adding a new section to chapter 46.32 RCW; adding a new section to chapter 81.04 RCW; and prescribing penalties."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Substitute House Bill No. 1971 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE**

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Substitute House Bill No. 1971 as amended by the Senate.

Representatives Ericksen and Fisher spoke in favor of passage of the bill as amended by the Senate.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1971, as amended by the Senate and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Alexander, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 94.

Excused: Representatives Anderson, Mulliken, Quall and Scott - 4.

Substitute House Bill No. 1971, as amended by the Senate, having received the constitutional majority, was declared passed.

### SENATE AMENDMENTS TO HOUSE BILL

April 6, 1999

Mr. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1132 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that those historic furnishings that illustrate the history of the state of Washington should be maintained and preserved for the use and benefit of the people of the state. It is the purpose of this act to establish the capitol furnishings preservation committee to increase the awareness of the public and state employees about the significance of the furnishings within the state capitol campus buildings as envisioned by the original architects Wilder and White.

NEW SECTION. **Sec. 2.** A new section is added to chapter 27.48 RCW to read as follows:

(1) Unless the context clearly requires otherwise, the definitions in this section apply throughout this section.

(a) "State capitol group" includes the legislative building, the insurance building, the Cherberg building, the John L. O'Brien building, the Newhouse building, and the temple of justice building.

(b) "Historic furnishings" means furniture, fixtures, and artwork fifty years of age or older.

(2) The capitol furnishings preservation committee is established to promote and encourage the recovery and preservation of the original and historic furnishings of the state capitol group, prevent future loss of historic furnishings, and review and advise future remodeling and restoration projects as they pertain to historic furnishings. The committee's authority does not extend to the placement of any historic furnishings within the state capitol group.

(3) The capitol furnishings preservation committee account is created in the custody of the state treasurer. All receipts designated for the account from appropriations and from other sources must be deposited into the account. Expenditures from the account may be used only to finance the activities of the capitol furnishings preservation committee. Only the director of the Washington state historical society or the director's designee may authorize expenditures from the account when authorized to do so by the committee. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(4) The committee may:

(a) Authorize the director of the Washington state historical society or the director's designee to expend funds from the capitol furnishings preservation committee account for limited purposes of purchasing and preserving historic furnishings of the state capitol group;

(b) Accept monetary donations, grants, and donations of historic furnishings from, but not limited to, (i) current and former legislators, state officials, and lobbyists; (ii) the families of former legislators, state officials, and lobbyists; and (iii) the general public. Moneys received under this section must be deposited in the capitol furnishings preservation committee account; and

(c) Engage in or encourage fund raising activities including the solicitation of charitable gifts, grants, or donations specifically for the limited purpose of the recovery of the original and historic furnishings.

(5) The membership of the committee shall include: Two members of the house of representatives, one from each major caucus, appointed by the speaker of the house of representatives; two members of the senate, one from each major caucus, appointed by the president of the senate; the chief clerk of the house of representatives; the secretary of the senate; the governor or the governor's designee; the lieutenant governor or the lieutenant governor's designee; a representative from the office of the secretary of state, the office of the state treasurer, the office of the state auditor, and the office of the insurance commissioner; a representative from the supreme court; a representative from the Washington state historical society, the department of general administration, and the Thurston county planning council, each appointed by the governor; and three private citizens, appointed by the governor.

(6) Original or historic furnishings from the state capitol group are not surplus property under chapter 43.19 RCW or other authority unless designated as such by the committee.

NEW SECTION. Sec. 3. A new section is added to chapter 43.19 RCW to read as follows:  
Original or historic furnishings from the state capitol group under section 2 of this act do not constitute surplus property under this chapter.

NEW SECTION. Sec. 4. A new section is added to chapter 42.52 RCW to read as follows:  
When soliciting charitable gifts, grants, or donations solely for the limited purposes of section 2 of this act, members of the capitol furnishings preservation committee are exempt from the laws of this chapter."

On page 1, line 1 of the title, after "committee;" strike the remainder of the title and insert "adding a new section to chapter 27.48 RCW; adding a new section to chapter 43.19 RCW; adding a new section to chapter 42.52 RCW; and creating a new section."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Second Substitute House Bill No. 1132 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE**

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Second Substitute House Bill No. 1132 as amended by the Senate.

Representative Romero spoke in favor of passage of the bill as amended by the Senate.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1132, as amended by the Senate and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Alexander, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine,

Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 94.

Excused: Representatives Anderson, Mulliken, Quall and Scott - 4.

Second Substitute House Bill No. 1132, as amended by the Senate, having received the constitutional majority, was declared passed.

### SENATE AMENDMENTS TO HOUSE BILL

April 14, 1999

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1153 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 13.40.215 and 1997 c 265 s 2 are each amended to read as follows:

(1)(a) Except as provided in subsection (2) of this section, at the earliest possible date, and in no event later than thirty days before discharge, parole, or any other authorized leave or release, or before transfer to a community residential facility, the secretary shall send written notice of the discharge, parole, authorized leave or release, or transfer of a juvenile found to have committed a violent offense, a sex offense, or stalking, to the following:

(i) The chief of police of the city, if any, in which the juvenile will reside;

(ii) The sheriff of the county in which the juvenile will reside; and

(iii) The approved private schools and the common school district board of directors of the district in which the juvenile intends to reside or the approved private school or public school district in which the juvenile last attended school, whichever is appropriate, except when it has been determined by the department that the juvenile is twenty-one years old(~~(; is not required to return to school under chapter 28A.225 RCW;)~~) or will be in the community for less than seven consecutive days on approved leave and will not be attending school during that time.

(b) After ~~((July 27, 1997))~~ the effective date of this section, the department shall send a written notice to approved private and public schools under the same conditions identified in subsection (1)(a)(iii) of this section when a juvenile adjudicated of any offense is transferred to a community residential facility, discharged, paroled, released, or granted a leave. The community residential facility shall provide written notice of the offender's criminal history to any school that the offender attends while residing at the community residential facility and to any employer that employs the offender while residing at the community residential facility.

(c) The same notice as required by (a) of this subsection shall be sent to the following, if such notice has been requested in writing about a specific juvenile:

(i) The victim of the offense for which the juvenile was found to have committed or the victim's next of kin if the crime was a homicide;

(ii) Any witnesses who testified against the juvenile in any court proceedings involving the offense; and

(iii) Any person specified in writing by the prosecuting attorney.

Information regarding victims, next of kin, or witnesses requesting the notice, information regarding any other person specified in writing by the prosecuting attorney to receive the notice, and the notice are confidential and shall not be available to the juvenile. The notice to the chief of police or the

sheriff shall include the identity of the juvenile, the residence where the juvenile will reside, the identity of the person, if any, responsible for supervising the juvenile, and the time period of any authorized leave.

(d) The thirty-day notice requirements contained in this subsection shall not apply to emergency medical furloughs.

(e) The existence of the notice requirements in this subsection will not require any extension of the release date in the event the release plan changes after notification.

(2)(a) If a juvenile found to have committed a violent offense, a sex offense, or stalking escapes from a facility of the department, the secretary shall immediately notify, by the most reasonable and expedient means available, the chief of police of the city and the sheriff of the county in which the juvenile resided immediately before the juvenile's arrest. If previously requested, the secretary shall also notify the witnesses and the victim of the offense which the juvenile was found to have committed or the victim's next of kin if the crime was a homicide. If the juvenile is recaptured, the secretary shall send notice to the persons designated in this subsection as soon as possible but in no event later than two working days after the department learns of such recapture.

(b) The secretary may authorize a leave, for a juvenile found to have committed a violent offense, a sex offense, or stalking, which shall not exceed forty-eight hours plus travel time, to meet an emergency situation such as a death or critical illness of a member of the juvenile's family. The secretary may authorize a leave, which shall not exceed the time medically necessary, to obtain medical care not available in a juvenile facility maintained by the department. Prior to the commencement of an emergency or medical leave, the secretary shall give notice of the leave to the appropriate law enforcement agency in the jurisdiction in which the juvenile will be during the leave period. The notice shall include the identity of the juvenile, the time period of the leave, the residence of the juvenile during the leave, and the identity of the person responsible for supervising the juvenile during the leave. If previously requested, the department shall also notify the witnesses and victim of the offense which the juvenile was found to have committed or the victim's next of kin if the offense was a homicide.

In case of an emergency or medical leave the secretary may waive all or any portion of the requirements for leaves pursuant to RCW 13.40.205 (2)(a), (3), (4), and (5).

(3) If the victim, the victim's next of kin, or any witness is under the age of sixteen, the notice required by this section shall be sent to the parents or legal guardian of the child.

(4) The secretary shall send the notices required by this chapter to the last address provided to the department by the requesting party. The requesting party shall furnish the department with a current address.

(5) Upon discharge, parole, transfer to a community residential facility, or other authorized leave or release, a convicted juvenile sex offender shall not attend a public or approved private elementary, middle, or high school that is attended by a victim or a sibling of a victim of the sex offender. The parents or legal guardians of the convicted juvenile sex offender shall be responsible for transportation or other costs associated with or required by the sex offender's change in school that otherwise would be paid by a school district. Upon discharge, parole, transfer to a community residential facility, or other authorized leave or release of a convicted juvenile sex offender, the secretary shall send written notice of the discharge, parole, or other authorized leave or release and the requirements of this subsection to the common school district board of directors of the district in which the sex offender intends to reside or the district in which the sex offender last attended school, whichever is appropriate. The secretary shall send a similar notice to any approved private school the juvenile will attend, if known, or if unknown, to the approved private schools within the district the juvenile resides or intends to reside.

(6) For purposes of this section the following terms have the following meanings:

(a) "Violent offense" means a violent offense under RCW 9.94A.030;

(b) "Sex offense" means a sex offense under RCW 9.94A.030;

(c) "Stalking" means the crime of stalking as defined in RCW 9A.46.110;

(d) "Next of kin" means a person's spouse, parents, siblings, and children.

**Sec. 2.** RCW 28A.225.225 and 1997 c 265 s 3 are each amended to read as follows:

(1) All districts accepting applications from nonresident students or from students receiving home-based instruction for admission to the district's schools shall consider equally all applications received. Each school district shall adopt a policy establishing rational, fair, and equitable standards for acceptance and rejection of applications by June 30, 1990. The policy may include rejection of a nonresident student if:

(a) Acceptance of a nonresident student would result in the district experiencing a financial hardship;

(b) The student's disciplinary records indicate a history of convictions for offenses or crimes, violent or disruptive behavior, or gang membership; or

(c) The student has been expelled or suspended from a public school for more than ten consecutive days. Any policy allowing for readmission of expelled or suspended students under this subsection (1)(c) must apply uniformly to both resident and nonresident applicants.

For purposes of subsection (1)(b) of this section, "gang" means a group which: (i) Consists of three or more persons; (ii) has identifiable leadership; and (iii) on an ongoing basis, regularly conspires and acts in concert mainly for criminal purposes.

(2) The district shall provide to applicants written notification of the approval or denial of the application in a timely manner. If the application is rejected, the notification shall include the reason or reasons for denial and the right to appeal under RCW 28A.225.230(3).

**Sec. 3.** RCW 28A.225.330 and 1997 c 266 s 4 are each amended to read as follows:

(1) When enrolling a student who has attended school in another school district, the school enrolling the student may request the parent and the student to briefly indicate in writing whether or not the student has:

(a) Any history of placement in special educational programs;

(b) Any past, current, or pending disciplinary action;

(c) Any history of violent behavior, or behavior listed in RCW 13.04.155;

(d) Any unpaid fines or fees imposed by other schools; and

(e) Any health conditions affecting the student's educational needs.

(2) The school enrolling the student shall request the school the student previously attended to send the student's permanent record including records of disciplinary action, history of violent behavior or behavior listed in RCW 13.04.155, attendance, immunization records, and academic performance. If the student has not paid a fine or fee under RCW 28A.635.060, or tuition, fees, or fines at approved private schools the school may withhold the student's official transcript, but shall transmit information about the student's academic performance, special placement, immunization records, ~~((and))~~ records of disciplinary action, and history of violent behavior or behavior listed in RCW 13.04.155. If the official transcript is not sent due to unpaid tuition, fees, or fines, the enrolling school shall notify both the student and parent or guardian that the official transcript will not be sent until the obligation is met, and failure to have an official transcript may result in exclusion from extracurricular activities or failure to graduate.

(3) If information is requested under subsection (2) of this section, the information shall be transmitted within two school days after receiving the request and the records shall be sent as soon as possible. Any school district or district employee who releases the information in compliance with this section is immune from civil liability for damages unless it is shown that the school district employee acted with gross negligence or in bad faith. The state board of education shall provide by rule for the discipline under chapter 28A.410 RCW of a school principal or other chief administrator of a public school building who fails to make a good faith effort to assure compliance with this subsection.

(4) Any school district or district employee who releases the information in compliance with federal and state law is immune from civil liability for damages unless it is shown that the school district or district employee acted with gross negligence or in bad faith.

(5) When a school receives information under this section or RCW 13.40.215 that a student has a history of disciplinary actions, criminal or violent behavior, or other behavior that indicates the student could be a threat to the safety of educational staff or other students, the school shall provide this information to the student's teachers and security personnel.

**Sec. 4.** RCW 13.50.050 and 1997 c 338 s 40 are each amended to read as follows:

(1) This section governs records relating to the commission of juvenile offenses, including records relating to diversions.

(2) The official juvenile court file of any alleged or proven juvenile offender shall be open to public inspection, unless sealed pursuant to subsection ~~((11))~~ (12) of this section.

(3) All records other than the official juvenile court file are confidential and may be released only as provided in this section, RCW 13.50.010, 13.40.215, and 4.24.550.

(4) Except as otherwise provided in this section and RCW 13.50.010, records retained or produced by any juvenile justice or care agency may be released to other participants in the juvenile justice or care system only when an investigation or case involving the juvenile in question is being pursued by the other participant or when that other participant is assigned the responsibility for supervising the juvenile.

(5) Except as provided in RCW 4.24.550, information not in an official juvenile court file concerning a juvenile or a juvenile's family may be released to the public only when that information could not reasonably be expected to identify the juvenile or the juvenile's family.

(6) Notwithstanding any other provision of this chapter, the release, to the juvenile or his or her attorney, of law enforcement and prosecuting attorneys' records pertaining to investigation, diversion, and prosecution of juvenile offenses shall be governed by the rules of discovery and other rules of law applicable in adult criminal investigations and prosecutions.

(7) Upon the decision to arrest or the arrest, law enforcement and prosecuting attorneys may cooperate with schools in releasing information to a school pertaining to the investigation, diversion, and prosecution of a juvenile attending the school. Upon the decision to arrest or the arrest, incident reports may be released unless releasing the records would jeopardize the investigation or prosecution or endanger witnesses. If release of incident reports would jeopardize the investigation or prosecution or endanger witnesses, law enforcement and prosecuting attorneys may release information to the maximum extent possible to assist schools in protecting other students, staff, and school property.

(8) The juvenile court and the prosecutor may set up and maintain a central record-keeping system which may receive information on all alleged juvenile offenders against whom a complaint has been filed pursuant to RCW 13.40.070 whether or not their cases are currently pending before the court. The central record-keeping system may be computerized. If a complaint has been referred to a diversion unit, the diversion unit shall promptly report to the juvenile court or the prosecuting attorney when the juvenile has agreed to diversion. An offense shall not be reported as criminal history in any central record-keeping system without notification by the diversion unit of the date on which the offender agreed to diversion.

~~((8))~~ (9) Upon request of the victim of a crime or the victim's immediate family, the identity of an alleged or proven juvenile offender alleged or found to have committed a crime against the victim and the identity of the alleged or proven juvenile offender's parent, guardian, or custodian and the circumstance of the alleged or proven crime shall be released to the victim of the crime or the victim's immediate family.

~~((9))~~ (10) Subject to the rules of discovery applicable in adult criminal prosecutions, the juvenile offense records of an adult criminal defendant or witness in an adult criminal proceeding shall be released upon request to prosecution and defense counsel after a charge has actually been filed. The juvenile offense records of any adult convicted of a crime and placed under the supervision of the adult corrections system shall be released upon request to the adult corrections system.

~~((10))~~ (11) In any case in which an information has been filed pursuant to RCW 13.40.100 or a complaint has been filed with the prosecutor and referred for diversion pursuant to RCW 13.40.070, the person the subject of the information or complaint may file a motion with the court to have the court vacate its order and findings, if any, and, subject to subsection ~~((22))~~ (23) of this section, order the sealing of the official juvenile court file, the social file, and records of the court and of any other agency in the case.

~~((11))~~ (12) The court shall grant the motion to seal records made pursuant to subsection ~~((10))~~ (11) of this section if it finds that:

(a) For class B offenses other than sex offenses, since the last date of release from confinement, including full-time residential treatment, if any, or entry of disposition, the person has



spent ten consecutive years in the community without committing any offense or crime that subsequently results in conviction. For class C offenses other than sex offenses, since the last date of release from confinement, including full-time residential treatment, if any, or entry of disposition, the person has spent five consecutive years in the community without committing any offense or crime that subsequently results in conviction;

(b) No proceeding is pending against the moving party seeking the conviction of a juvenile offense or a criminal offense;

(c) No proceeding is pending seeking the formation of a diversion agreement with that person;

(d) The person has not been convicted of a class A or sex offense; and

(e) Full restitution has been paid.

~~((12))~~ (13) The person making a motion pursuant to subsection ~~((10))~~ (11) of this section shall give reasonable notice of the motion to the prosecution and to any person or agency whose files are sought to be sealed.

~~((13))~~ (14) If the court grants the motion to seal made pursuant to subsection ~~((10))~~ (11) of this section, it shall, subject to subsection ~~((22))~~ (23) of this section, order sealed the official juvenile court file, the social file, and other records relating to the case as are named in the order. Thereafter, the proceedings in the case shall be treated as if they never occurred, and the subject of the records may reply accordingly to any inquiry about the events, records of which are sealed. Any agency shall reply to any inquiry concerning confidential or sealed records that records are confidential, and no information can be given about the existence or nonexistence of records concerning an individual.

~~((14))~~ (15) Inspection of the files and records included in the order to seal may thereafter be permitted only by order of the court upon motion made by the person who is the subject of the information or complaint, except as otherwise provided in RCW 13.50.010(8) and subsection ~~((22))~~ (23) of this section.

~~((15))~~ (16) Any adjudication of a juvenile offense or a crime subsequent to sealing has the effect of nullifying the sealing order. Any charging of an adult felony subsequent to the sealing has the effect of nullifying the sealing order for the purposes of chapter 9.94A RCW.

~~((16))~~ (17) A person eighteen years of age or older whose criminal history consists of only one referral for diversion may request that the court order the records in that case destroyed. The request shall be granted, subject to subsection ~~((22))~~ (23) of this section, if the court finds that two years have elapsed since completion of the diversion agreement.

~~((17))~~ (18) If the court grants the motion to destroy records made pursuant to subsection ~~((16))~~ (17) of this section, it shall, subject to subsection ~~((22))~~ (23) of this section, order the official juvenile court file, the social file, and any other records named in the order to be destroyed.

~~((18))~~ (19) The person making the motion pursuant to subsection ~~((16))~~ (17) of this section shall give reasonable notice of the motion to the prosecuting attorney and to any agency whose records are sought to be destroyed.

~~((19))~~ (20) Any juvenile to whom the provisions of this section may apply shall be given written notice of his or her rights under this section at the time of his or her disposition hearing or during the diversion process.

~~((20))~~ (21) Nothing in this section may be construed to prevent a crime victim or a member of the victim's family from divulging the identity of the alleged or proven juvenile offender or his or her family when necessary in a civil proceeding.

~~((21))~~ (22) Any juvenile justice or care agency may, subject to the limitations in subsection ~~((22))~~ (23) of this section and (a) and (b) of this subsection, develop procedures for the routine destruction of records relating to juvenile offenses and diversions.

(a) Records may be routinely destroyed only when the person the subject of the information or complaint has attained twenty-three years of age or older, or is eighteen years of age or older and his or her criminal history consists entirely of one diversion agreement and two years have passed since completion of the agreement.

(b) The court may not routinely destroy the official juvenile court file or recordings or transcripts of any proceedings.

~~((22))~~ (23) No identifying information held by the Washington state patrol in accordance with chapter 43.43 RCW is subject to destruction or sealing under this section. For the purposes of this

subsection, identifying information includes photographs, fingerprints, palmprints, soleprints, toeprints and any other data that identifies a person by physical characteristics, name, birthdate or address, but does not include information regarding criminal activity, arrest, charging, diversion, conviction or other information about a person's treatment by the criminal justice system or about the person's behavior.

~~((23))~~ (24) Information identifying child victims under age eighteen who are victims of sexual assaults by juvenile offenders is confidential and not subject to release to the press or public without the permission of the child victim or the child's legal guardian. Identifying information includes the child victim's name, addresses, location, photographs, and in cases in which the child victim is a relative of the alleged perpetrator, identification of the relationship between the child and the alleged perpetrator. Information identifying a child victim of sexual assault may be released to law enforcement, prosecutors, judges, defense attorneys, or private or governmental agencies that provide services to the child victim of sexual assault."

On page 1, line 2 of the title, after "safety;" strike the remainder of the title and insert "and amending RCW 13.40.215, 28A.225.225, 28A.225.330, and 13.50.050."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Substitute House Bill No. 1153 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE**

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Substitute House Bill No. 1153 as amended by the Senate.

Representatives McDonald and Kastama spoke in favor of passage of the bill as amended by the Senate.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1153, as amended by the Senate and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Alexander, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 94.

Excused: Representatives Anderson, Mulliken, Quall and Scott - 4.

Substitute House Bill No. 1153, as amended by the Senate, having received the constitutional majority, was declared passed.

There being no objection, the House deferred action on Substitute House Bill No. 1250, and the bill held its place on the concurrence calendar.

## SENATE AMENDMENTS TO HOUSE BILL

April 12, 1999

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1407 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 26.33.170 and 1988 c 203 s 1 are each amended to read as follows:

(1) An agency's, the department's, or a legal guardian's consent to adoption may be dispensed with if the court determines by clear, cogent and convincing evidence that the proposed adoption is in the best interests of the adoptee.

(2) An alleged father's, birth parent's, or parent's consent to adoption may be dispensed with if the court finds that the proposed adoption is in the best interests of the adoptee and:

(a) The alleged father, birth parent, or parent has been found guilty of rape under chapter 9A.44 RCW or incest under RCW 9A.64.020, where the adoptee was the victim of the rape or incest;  
or

(b) The alleged father, birth parent, or parent has been found guilty of rape under chapter 9A.44 RCW or incest under RCW 9A.64.020, where the other parent of the adoptee was the victim of the rape or incest and the adoptee was conceived as a result of the rape or incest.

(3) Nothing in this section shall be construed to eliminate the notice provisions of this chapter.

NEW SECTION. Sec. 2. A new section is added to chapter 13.34 RCW to read as follows:

In those cases where an alleged father, birth parent, or parent has indicated his or her intention to make a voluntary adoption plan for the child and has agreed to the termination of his or her parental rights, the department shall follow the wishes of the alleged father, birth parent, or parent regarding the proposed adoptive placement of the child, if the court determines that the adoption is in the best interest of the child, and the prospective adoptive parents chosen by the alleged father, birth parent, or parent are properly qualified to adopt in compliance with the standards in this chapter and chapter 26.33 RCW. If the department has filed a termination petition, an alleged father's, birth parent's, or parent's preferences regarding the proposed adoptive placement of the child shall be given consideration.

**Sec. 3.** RCW 13.34.130 and 1998 c 314 s 2 and 1998 c 130 s 2 are each reenacted and amended to read as follows:

If, after a fact-finding hearing pursuant to RCW 13.34.110, it has been proven by a preponderance of the evidence that the child is dependent within the meaning of RCW 13.34.030; after consideration of the predisposition report prepared pursuant to RCW 13.34.110 and after a disposition hearing has been held pursuant to RCW 13.34.110, the court shall enter an order of disposition pursuant to this section.

(1) The court shall order one of the following dispositions of the case:

(a) Order a disposition other than removal of the child from his or her home, which shall provide a program designed to alleviate the immediate danger to the child, to mitigate or cure any damage the child has already suffered, and to aid the parents so that the child will not be endangered in the future. In selecting a program, the court should choose those services that least interfere with family autonomy, provided that the services are adequate to protect the child.

(b) Order that the child be removed from his or her home and ordered into the custody, control, and care of a relative or the department of social and health services or a licensed child placing agency for placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or in a home not required to be licensed pursuant to chapter 74.15 RCW. Unless there is reasonable cause to believe that the safety or welfare of the child would be jeopardized or that efforts to reunite the parent and child will be hindered, such child shall be placed with a person who is related to the child as defined in RCW 74.15.020(~~((4)(a))~~) (2)(a) and with whom the child has a relationship and

is comfortable, and who is willing and available to care for the child. Placement of the child with a relative under this subsection shall be given preference by the court. An order for out-of-home placement may be made only if the court finds that reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home, specifying the services that have been provided to the child and the child's parent, guardian, or legal custodian, and that preventive services have been offered or provided and have failed to prevent the need for out-of-home placement, unless the health, safety, and welfare of the child cannot be protected adequately in the home, and that:

(i) There is no parent or guardian available to care for such child;

(ii) The parent, guardian, or legal custodian is not willing to take custody of the child;

(iii) The court finds, by clear, cogent, and convincing evidence, a manifest danger exists that the child will suffer serious abuse or neglect if the child is not removed from the home and an order under RCW 26.44.063 would not protect the child from danger; or

(iv) The extent of the child's disability is such that the parent, guardian, or legal custodian is unable to provide the necessary care for the child and the parent, guardian, or legal custodian has determined that the child would benefit from placement outside of the home.

(2) If the court has ordered a child removed from his or her home pursuant to subsection (1)(b) of this section, the court may order that a petition seeking termination of the parent and child relationship be filed if the court finds: (a) Termination is recommended by the supervising agency; (b) termination is in the best interests of the child; and (c) that because of the existence of aggravated circumstances, reasonable efforts to unify the family are not required. Notwithstanding the existence of aggravated circumstances, reasonable efforts may be required if the court or department determines it is in the best interest of the child. In determining whether aggravated circumstances exist by clear, cogent, and convincing evidence, the court shall consider one or more of the following:

(i) Conviction of the parent of rape of the child in the first, second, or third degree as defined in RCW 9A.44.073, 9A.44.076, and 9A.44.079;

(ii) Conviction of the parent of criminal mistreatment of the child in the first or second degree as defined in RCW 9A.42.020 and 9A.42.030;

(iii) Conviction of the parent of one of the following assault crimes, when the child is the victim: Assault in the first or second degree as defined in RCW 9A.36.011 and 9A.36.021 or assault of a child in the first or second degree as defined in RCW 9A.36.120 or 9A.36.130;

(iv) Conviction of the parent of murder, manslaughter, or homicide by abuse of the child's other parent, sibling, or another child;

(v) Conviction of the parent of attempting, soliciting, or conspiracy to commit a crime listed in (c)(i), (ii), (iii), or (iv) of this subsection;

(vi) A finding by a court that a parent is a sexually violent predator as defined in RCW 71.09.020;

(vii) Failure of the parent to complete available treatment ordered under this chapter or the equivalent laws of another state, where such failure has resulted in a prior termination of parental rights to another child and the parent has failed to effect significant change in the interim. In the case of a parent of an Indian child, as defined in the Indian Child Welfare Act, P.L. 95-608 (25 U.S.C. ~~((Sec.))~~ Sec. 1903), the court shall also consider tribal efforts to assist the parent in completing treatment and make it possible for the child to return home;

(viii) An infant under three years of age has been abandoned as defined in RCW 13.34.030(4)(a);

(ix) The mother has given birth to three or more drug-affected infants, resulting in the department filing a petition under section 23 of this act;

(x) Conviction of the parent of a sex offense under chapter 9A.44 RCW or incest under RCW 9A.64.020 when the child is born of the offense.

(3) If reasonable efforts are not ordered under subsection (2) of this section a permanency ~~((plan [planning]))~~ planning hearing shall be held within thirty days. Reasonable efforts shall be made to place the child in a timely manner in accordance with the permanency plan, and to complete whatever steps are necessary to finalize the permanent placement of the child.

(4) Whenever a child is ordered removed from the child's home, the agency charged with his or her care shall provide the court with:

(a) A permanency plan of care that shall identify one of the following outcomes as a primary goal and may identify additional outcomes as alternative goals: Return of the child to the home of the child's parent, guardian, or legal custodian; adoption; guardianship; permanent legal custody; or long-term relative or foster care, until the child is age eighteen, with a written agreement between the parties and the care provider; and independent living, if appropriate and if the child is age sixteen or older. Whenever a permanency plan identifies independent living as a goal, the plan shall also specifically identify the services that will be provided to assist the child to make a successful transition from foster care to independent living. Before the court approves independent living as a permanency plan of care, the court shall make a finding that the provision of services to assist the child in making a transition from foster care to independent living will allow the child to manage his or her financial affairs and to manage his or her personal, social, educational, and nonfinancial affairs. The department shall not discharge a child to an independent living situation before the child is eighteen years of age unless the child becomes emancipated pursuant to chapter 13.64 RCW.

(b) Unless the court has ordered, pursuant to subsection (2) of this section, that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to return the child home, and what actions the agency will take to maintain parent-child ties. All aspects of the plan shall include the goal of achieving permanence for the child.

(i) The agency plan shall specify what services the parents will be offered in order to enable them to resume custody, what requirements the parents must meet in order to resume custody, and a time limit for each service plan and parental requirement.

(ii) The agency shall be required to encourage the maximum parent-child contact possible, including regular visitation and participation by the parents in the care of the child while the child is in placement. Visitation may be limited or denied only if the court determines that such limitation or denial is necessary to protect the child's health, safety, or welfare.

(iii) A child shall be placed as close to the child's home as possible, preferably in the child's own neighborhood, unless the court finds that placement at a greater distance is necessary to promote the child's or parents' well-being.

(iv) The agency charged with supervising a child in placement shall provide all reasonable services that are available within the agency, or within the community, or those services which the department of social and health services has existing contracts to purchase. It shall report to the court if it is unable to provide such services.

(c) If the court has ordered, pursuant to subsection (2) of this section, that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to achieve permanency for the child, services to be offered or provided to the child, and, if visitation would be in the best interests of the child, a recommendation to the court regarding visitation between parent and child pending a fact-finding hearing on the termination petition. The agency shall not be required to develop a plan of services for the parents or provide services to the parents.

(5) If the court determines that the continuation of reasonable efforts to prevent or eliminate the need to remove the child from his or her home or to safely return the child home should not be part of the permanency plan of care for the child, reasonable efforts shall be made to place the child in a timely manner and to complete whatever steps are necessary to finalize the permanent placement of the child.

(6) If there is insufficient information at the time of the disposition hearing upon which to base a determination regarding the suitability of a proposed placement with a relative, the child shall remain in foster care and the court shall direct the supervising agency to conduct necessary background investigations as provided in chapter 74.15 RCW and report the results of such investigation to the court within thirty days. However, if such relative appears otherwise suitable and competent to provide care and treatment, the criminal history background check need not be completed before placement, but as soon as possible after placement. Any placements with relatives, pursuant to this section, shall be contingent upon cooperation by the relative with the agency case plan and compliance with court orders related to the care and supervision of the child including, but not limited to, court orders regarding parent-child contacts and any other conditions imposed by the court. Noncompliance

with the case plan or court order shall be grounds for removal of the child from the relative's home, subject to review by the court.

(7) Except for children whose cases are reviewed by a citizen review board under chapter 13.70 RCW, the status of all children found to be dependent shall be reviewed by the court at least every six months from the beginning date of the placement episode or the date dependency is established, whichever is first, at a hearing in which it shall be determined whether court supervision should continue. The review shall include findings regarding the agency and parental completion of disposition plan requirements, and if necessary, revised permanency time limits. The supervising agency shall provide a foster parent, preadoptive parent, or relative with notice of, and their right to an opportunity to be heard in, a review hearing pertaining to the child, but only if that person is currently providing care to that child at the time of the hearing. This section shall not be construed to grant party status to any person who has been provided an opportunity to be heard.

(a) A child shall not be returned home at the review hearing unless the court finds that a reason for removal as set forth in this section no longer exists. The parents, guardian, or legal custodian shall report to the court the efforts they have made to correct the conditions which led to removal. If a child is returned, casework supervision shall continue for a period of six months, at which time there shall be a hearing on the need for continued intervention.

(b) If the child is not returned home, the court shall establish in writing:

(i) Whether reasonable services have been provided to or offered to the parties to facilitate reunion, specifying the services provided or offered;

(ii) Whether the child has been placed in the least-restrictive setting appropriate to the child's needs, including whether consideration and preference has been given to placement with the child's relatives;

(iii) Whether there is a continuing need for placement and whether the placement is appropriate;

(iv) Whether there has been compliance with the case plan by the child, the child's parents, and the agency supervising the placement;

(v) Whether progress has been made toward correcting the problems that necessitated the child's placement in out-of-home care;

(vi) Whether the parents have visited the child and any reasons why visitation has not occurred or has been infrequent;

(vii) Whether additional services are needed to facilitate the return of the child to the child's parents; if so, the court shall order that reasonable services be offered specifying such services; and

(viii) The projected date by which the child will be returned home or other permanent plan of care will be implemented.

(c) The court at the review hearing may order that a petition seeking termination of the parent and child relationship be filed.

NEW SECTION. **Sec. 4.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "adoption;" strike the remainder of the title and insert "amending RCW 26.33.170; reenacting and amending RCW 13.34.130; and adding a new section to chapter 13.34 RCW."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Engrossed Substitute House Bill No. 1407 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE**

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1407 as amended by the Senate.

Representatives Lambert and Constantine spoke in favor of passage of the bill as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1407, as amended by the Senate and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Mulliken and Quall - 2.

Engrossed Substitute House Bill No. 1407, as amended by the Senate, having received the constitutional majority, was declared passed.

#### SENATE AMENDMENTS TO HOUSE BILL

April 14, 1999

Mr. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1493 with the following amendment(s)

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that homelessness for families with children is a serious, widespread problem that has a devastating effect on children, including significant adverse effects upon their growth and development. Planning for and serving the shelter and housing needs of homeless families with children has been and continues to be a responsibility of the department of community, trade, and economic development. The legislature further finds that the department of social and health services also plays an important role in addressing the service needs of homeless families with children. In order to adequately and effectively address the complex issues confronting homeless families with children, planning for, implementing, and evaluating such services must be a collaborative effort between the department of community, trade, and economic development and the department of social and health services, other local, state, and federal agencies, and community organizations. It is the intent of the legislature that the department of community, trade, and economic development and the department of social and health services jointly present the plan to the appropriate committees of the legislature as required in section 3 of this act. It is the intent of the legislature that children should not be placed or retained in the foster care system if family homelessness is the primary reason for placement or the continuation of their placement. It is the further intent of the legislature that services to homeless families with children shall be provided within funds appropriated for that specific purpose by the legislature in the operating and capital budgets. Nothing in this act is intended to prevent the court's review of the plan developed by the department of social and health services and

the department of community, trade, and economic development under *Washington State Coalition for the Homeless v. Department of Social and Health Services*, King County Superior Court No. 91-2-15889-4. However, it is the intent of the legislature that the court's review in that proceeding be confined solely to review of the plan submitted under the order of February 4, 1998. Nothing in sections 1 through 10 of this act is intended to grant the court in this proceeding continuing review over the department of social and health services after the effective date of this act.

**NEW SECTION. Sec. 2.** A new section is added to chapter 43.20A RCW to read as follows:

(1) The department shall collaborate with the department of community, trade, and economic development in the development of the coordinated and comprehensive plan for homeless families with children required under RCW 43.63A.650, which designates the department of community, trade, and economic development as the state agency with primary responsibility for providing shelter and housing services to homeless families with children. In fulfilling its responsibilities to collaborate with the department of community, trade, and economic development pursuant to RCW 43.63A.650, the department shall develop, administer, supervise, and monitor its portion of the plan. The department's portion of the plan shall contain at least the following elements:

- (a) Coordination or linkage of services with shelter and housing;
- (b) Accommodation and addressing the needs of homeless families in the design and administration of department programs;
- (c) Participation of the department's local offices in the identification, assistance, and referral of homeless families; and
- (d) Ongoing monitoring of the efficiency and effectiveness of the plan's design and implementation.

(2) The department shall include community organizations involved in the delivery of services to homeless families with children, and experts in the development and ongoing evaluation of the plan.

(3) The duties under this section shall be implemented within amounts appropriated for that specific purpose by the legislature in the operating and capital budgets.

**Sec. 3.** RCW 43.63A.650 and 1993 c 478 s 13 are each amended to read as follows:

(1) The department shall be the principal state department responsible for coordinating federal and state resources and activities in housing, except for programs administered by the Washington state housing finance commission under chapter 43.180 RCW, and for evaluating the operations and accomplishments of other state departments and agencies as they affect housing.

(2) The department shall work with local governments, tribal organizations, local housing authorities, nonprofit community or neighborhood-based organizations, and regional or state-wide nonprofit housing assistance organizations, for the purpose of coordinating federal and state resources with local resources for housing.

(3) The department shall be the principal state department responsible for providing shelter and housing services to homeless families with children. The department shall have the principal responsibility to coordinate, plan, and oversee the state's activities for developing a coordinated and comprehensive plan to serve homeless families with children. The plan shall be developed collaboratively with the department of social and health services. The department shall include community organizations involved in the delivery of services to homeless families with children, and experts in the development and ongoing evaluation of the plan. The department shall follow professionally recognized standards and procedures. The plan shall be implemented within amounts appropriated by the legislature for that specific purpose in the operating and capital budgets. The department shall submit the plan to the appropriate committees of the senate and house of representatives no later than September 1, 1999, and shall update the plan and submit it to the appropriate committees of the legislature by January 1st of every odd-numbered year through 2007. The plan shall address at least the following: (a) The need for prevention assistance; (b) the need for emergency shelter; (c) the need for transitional assistance to aid families into permanent housing; (d) the need for linking services with shelter or housing; and (e) the need for ongoing monitoring of the efficiency and effectiveness of the plan's design and implementation.



**NEW SECTION. Sec. 4.** A new section is added to chapter 43.63A RCW to read as follows:

(1) In order to improve services for the homeless, the department, within amounts appropriated by the legislature for this specific purpose, shall implement a system for the ongoing collection and analysis of data about the extent and nature of homelessness in Washington state, giving emphasis to information about extent and nature of homelessness in Washington state families with children. The system may be merged with other data gathering and reporting systems and shall:

(a) Protect the right of privacy of individuals;

(b) Provide for consultation and collaboration with state agencies including the department of social and health services, experts, and community organizations involved in the delivery of services to homeless persons; and

(c) Include related information held or gathered by other state agencies.

(2) Within amounts appropriated by the legislature, for this specific purpose, the department shall evaluate the information gathered and disseminate the analysis and the evaluation broadly, using appropriate computer networks as well as written reports.

**NEW SECTION. Sec. 5.** A new section is added to chapter 43.63A RCW to read as follows:

The department shall, by rule, establish program standards, eligibility standards, eligibility criteria, and administrative rules for emergency housing programs and specify other benefits that may arise in consultation with providers.

**Sec. 6.** RCW 13.34.030 and 1998 c 130 s 1 are each amended to read as follows:

For purposes of this chapter:

(1) "Child" and "juvenile" means any individual under the age of eighteen years.

(2) "Current placement episode" means the period of time that begins with the most recent date that the child was removed from the home of the parent, guardian, or legal custodian for purposes of placement in out-of-home care and continues until the child returns home, an adoption decree, a permanent custody order, or guardianship order is entered, or the dependency is dismissed, whichever occurs soonest. If the most recent date of removal occurred prior to the filing of a dependency petition under this chapter or after filing but prior to entry of a disposition order, such time periods shall be included when calculating the length of a child's current placement episode.

(3) "Dependency guardian" means the person, nonprofit corporation, or Indian tribe appointed by the court pursuant to RCW 13.34.232 for the limited purpose of assisting the court in the supervision of the dependency.

(4) "Dependent child" means any child:

(a) Who has been abandoned; that is, where the child's parent, guardian, or other custodian has expressed either by statement or conduct, an intent to forego, for an extended period, parental rights or parental responsibilities despite an ability to do so. If the court finds that the petitioner has exercised due diligence in attempting to locate the parent, no contact between the child and the child's parent, guardian, or other custodian for a period of three months creates a rebuttable presumption of abandonment, even if there is no expressed intent to abandon;

(b) Who is abused or neglected as defined in chapter 26.44 RCW by a person legally responsible for the care of the child; or

(c) Who has no parent, guardian, or custodian capable of adequately caring for the child, such that the child is in circumstances which constitute a danger of substantial damage to the child's psychological or physical development.

(5) "Guardian" means the person or agency that: (a) Has been appointed as the guardian of a child in a legal proceeding other than a proceeding under this chapter; and (b) has the legal right to custody of the child pursuant to such appointment. The term "guardian" shall not include a "dependency guardian" appointed pursuant to a proceeding under this chapter.

(6) "Guardian ad litem" means a person, appointed by the court to represent the best interest of a child in a proceeding under this chapter, or in any matter which may be consolidated with a proceeding under this chapter. A "court-appointed special advocate" appointed by the court to be the guardian ad litem for the child, or to perform substantially the same duties and functions as a guardian ad litem, shall be deemed to be guardian ad litem for all purposes and uses of this chapter.

(7) "Guardian ad litem program" means a court-authorized volunteer program, which is or may be established by the superior court of the county in which such proceeding is filed, to manage all aspects of volunteer guardian ad litem representation for children alleged or found to be dependent. Such management shall include but is not limited to: Recruitment, screening, training, supervision, assignment, and discharge of volunteers.

(8) "Out-of-home care" means placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or placement in a home, other than that of the child's parent, guardian, or legal custodian, not required to be licensed pursuant to chapter 74.15 RCW.

(9) "Preventive services" means preservation services, as defined in chapter 74.14C RCW, and other reasonably available services, including housing services, capable of preventing the need for out-of-home placement while protecting the child. Housing services may include, but are not limited to, referrals to federal, state, local, or private agencies or organizations, assistance with forms and applications, or financial subsidies for housing.

**Sec. 7.** RCW 74.13.020 and 1979 c 155 s 76 are each amended to read as follows:

As used in Title 74 RCW, child welfare services shall be defined as public social services including adoption services which strengthen, supplement, or substitute for, parental care and supervision for the purpose of:

- (1) Preventing or remedying, or assisting in the solution of problems which may result in families in conflict, or the neglect, abuse, exploitation, or criminal behavior of children;
- (2) Protecting and caring for (~~homeless,~~) dependent(~~(-)~~) or neglected children;
- (3) Assisting children who are in conflict with their parents, and assisting parents who are in conflict with their children with services designed to resolve such conflicts;
- (4) Protecting and promoting the welfare of children, including the strengthening of their own homes where possible, or, where needed;
- (5) Providing adequate care of children away from their homes in foster family homes or day care or other child care agencies or facilities.

As used in this chapter, child means a person less than eighteen years of age.

The department's duty to provide services to homeless families with children is set forth in section 2 of this act and in appropriations provided by the legislature for implementation of the plan.

**Sec. 8.** RCW 74.13.031 and 1998 c 314 s 10 are each amended to read as follows:

The department shall have the duty to provide child welfare services and shall:

- (1) Develop, administer, supervise, and monitor a coordinated and comprehensive plan that establishes, aids, and strengthens services for the protection and care of (~~homeless,~~) runaway, dependent, or neglected children.
- (2) Within available resources, recruit an adequate number of prospective adoptive and foster homes, both regular and specialized, i.e. homes for children of ethnic minority, including Indian homes for Indian children, sibling groups, handicapped and emotionally disturbed, teens, pregnant and parenting teens, and annually report to the governor and the legislature concerning the department's success in: (a) Meeting the need for adoptive and foster home placements; (b) reducing the foster parent turnover rate; (c) completing home studies for legally free children; and (d) implementing and operating the passport program required by RCW 74.13.285. The report shall include a section entitled "Foster Home Turn-Over, Causes and Recommendations."
- (3) Investigate complaints of any recent act or failure to act on the part of a parent or caretaker that results in death, serious physical or emotional harm, or sexual abuse or exploitation, or that presents an imminent risk of serious harm, and on the basis of the findings of such investigation, offer child welfare services in relation to the problem to such parents, legal custodians, or persons serving in loco parentis, and/or bring the situation to the attention of an appropriate court, or another community agency: PROVIDED, That an investigation is not required of nonaccidental injuries which are clearly not the result of a lack of care or supervision by the child's parents, legal custodians, or persons serving in loco parentis. If the investigation reveals that a crime against a child may have been committed, the department shall notify the appropriate law enforcement agency.
- (4) Offer, on a voluntary basis, family reconciliation services to families who are in conflict.

(5) Monitor out-of-home placements, on a timely and routine basis, to assure the safety, well-being, and quality of care being provided is within the scope of the intent of the legislature as defined in RCW 74.13.010 and 74.15.010, and annually submit a report measuring the extent to which the department achieved the specified goals to the governor and the legislature.

(6) Have authority to accept custody of children from parents and to accept custody of children from juvenile courts, where authorized to do so under law, to provide child welfare services including placement for adoption, and to provide for the physical care of such children and make payment of maintenance costs if needed. Except where required by Public Law 95-608 (25 U.S.C. Sec. 1915), no private adoption agency which receives children for adoption from the department shall discriminate on the basis of race, creed, or color when considering applications in their placement for adoption.

(7) Have authority to provide temporary shelter to children who have run away from home and who are admitted to crisis residential centers.

(8) Have authority to purchase care for children; and shall follow in general the policy of using properly approved private agency services for the actual care and supervision of such children insofar as they are available, paying for care of such children as are accepted by the department as eligible for support at reasonable rates established by the department.

(9) Establish a children's services advisory committee which shall assist the secretary in the development of a partnership plan for utilizing resources of the public and private sectors, and advise on all matters pertaining to child welfare, licensing of child care agencies, adoption, and services related thereto. At least one member shall represent the adoption community.

(10) Have authority to provide continued foster care or group care for individuals from eighteen through twenty years of age to enable them to complete their high school or vocational school program.

(11) Have authority within funds appropriated for foster care services to purchase care for Indian children who are in the custody of a federally recognized Indian tribe or tribally licensed child-placing agency pursuant to parental consent, tribal court order, or state juvenile court order; and the purchase of such care shall be subject to the same eligibility standards and rates of support applicable to other children for whom the department purchases care.

Notwithstanding any other provision of RCW 13.32A.170 through 13.32A.200 and 74.13.032 through 74.13.036, or of this section all services to be provided by the department of social and health services under subsections (4), (6), and (7) of this section, subject to the limitations of these subsections, may be provided by any program offering such services funded pursuant to Titles II and III of the federal juvenile justice and delinquency prevention act of 1974.

(12) Within amounts appropriated for this specific purpose, provide preventive services to families with children that prevent or shorten the duration of an out-of-home placement.

**Sec. 9.** RCW 13.34.130 and 1998 c 314 s 2 and 1998 c 130 s 2 are each reenacted and amended to read as follows:

If, after a fact-finding hearing pursuant to RCW 13.34.110, it has been proven by a preponderance of the evidence that the child is dependent within the meaning of RCW 13.34.030; after consideration of the predisposition report prepared pursuant to RCW 13.34.110 and after a disposition hearing has been held pursuant to RCW 13.34.110, the court shall enter an order of disposition pursuant to this section.

(1) The court shall order one of the following dispositions of the case:

(a) Order a disposition other than removal of the child from his or her home, which shall provide a program designed to alleviate the immediate danger to the child, to mitigate or cure any damage the child has already suffered, and to aid the parents so that the child will not be endangered in the future. In selecting a program, the court should choose those services, including housing assistance, that least interfere with family autonomy, provided that the services are adequate to protect the child.

(b) Order that the child be removed from his or her home and ordered into the custody, control, and care of a relative or the department of social and health services or a licensed child placing agency for placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or in a home not required to be licensed pursuant to chapter 74.15 RCW. Unless there is

reasonable cause to believe that the safety or welfare of the child would be jeopardized or that efforts to reunite the parent and child will be hindered, such child shall be placed with a person who is related to the child as defined in RCW 74.15.020~~((4)(a))~~ (2)(a) and with whom the child has a relationship and is comfortable, and who is willing and available to care for the child. Placement of the child with a relative under this subsection shall be given preference by the court. An order for out-of-home placement may be made only if the court finds that reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home, specifying the services that have been provided to the child and the child's parent, guardian, or legal custodian, and that preventive services have been offered or provided and have failed to prevent the need for out-of-home placement, unless the health, safety, and welfare of the child cannot be protected adequately in the home, and that:

(i) There is no parent or guardian available to care for such child;  
(ii) The parent, guardian, or legal custodian is not willing to take custody of the child;  
(iii) The court finds, by clear, cogent, and convincing evidence, a manifest danger exists that the child will suffer serious abuse or neglect if the child is not removed from the home and an order under RCW 26.44.063 would not protect the child from danger; or

(iv) The extent of the child's disability is such that the parent, guardian, or legal custodian is unable to provide the necessary care for the child and the parent, guardian, or legal custodian has determined that the child would benefit from placement outside of the home.

(2) If the court has ordered a child removed from his or her home pursuant to subsection (1)(b) of this section, the court may order that a petition seeking termination of the parent and child relationship be filed if the court finds: (a) Termination is recommended by the supervising agency; (b) termination is in the best interests of the child; and (c) that because of the existence of aggravated circumstances, reasonable efforts to unify the family are not required. Notwithstanding the existence of aggravated circumstances, reasonable efforts may be required if the court or department determines it is in the best interest of the child. In determining whether aggravated circumstances exist, the court shall consider one or more of the following:

(i) Conviction of the parent of rape of the child in the first, second, or third degree as defined in RCW 9A.44.073, 9A.44.076, and 9A.44.079;

(ii) Conviction of the parent of criminal mistreatment of the child in the first or second degree as defined in RCW 9A.42.020 and 9A.42.030;

(iii) Conviction of the parent of one of the following assault crimes, when the child is the victim: Assault in the first or second degree as defined in RCW 9A.36.011 and 9A.36.021 or assault of a child in the first or second degree as defined in RCW 9A.36.120 or 9A.36.130;

(iv) Conviction of the parent of murder, manslaughter, or homicide by abuse of the child's other parent, sibling, or another child;

(v) Conviction of the parent of attempting, soliciting, or conspiracy to commit a crime listed in (c)(i), (ii), (iii), or (iv) of this subsection;

(vi) A finding by a court that a parent is a sexually violent predator as defined in RCW 71.09.020;

(vii) Failure of the parent to complete available treatment ordered under this chapter or the equivalent laws of another state, where such failure has resulted in a prior termination of parental rights to another child and the parent has failed to effect significant change in the interim. In the case of a parent of an Indian child, as defined in the Indian Child Welfare Act, P.L. 95-608 (25 U.S.C. ~~((Sec.))~~ Sec. 1903), the court shall also consider tribal efforts to assist the parent in completing treatment and make it possible for the child to return home;

(viii) An infant under three years of age has been abandoned as defined in RCW 13.34.030(4)(a);

(ix) The mother has given birth to three or more drug-affected infants, resulting in the department filing a petition under section 23 of this act.

(3) If reasonable efforts are not ordered under subsection (2) of this section a permanency ~~((plan [planning]))~~ planning hearing shall be held within thirty days. Reasonable efforts shall be made to place the child in a timely manner in accordance with the permanency plan, and to complete whatever steps are necessary to finalize the permanent placement of the child.

(4) Whenever a child is ordered removed from the child's home, the agency charged with his or her care shall provide the court with:

(a) A permanency plan of care that shall identify one of the following outcomes as a primary goal and may identify additional outcomes as alternative goals: Return of the child to the home of the child's parent, guardian, or legal custodian; adoption; guardianship; permanent legal custody; ~~((or))~~ long-term relative or foster care, until the child is age eighteen, with a written agreement between the parties and the care provider; and independent living, if appropriate and if the child is age sixteen or older; or a responsible living skills program. Whenever a permanency plan identifies independent living as a goal, the plan shall also specifically identify the services that will be provided to assist the child to make a successful transition from foster care to independent living. Before the court approves independent living as a permanency plan of care, the court shall make a finding that the provision of services to assist the child in making a transition from foster care to independent living will allow the child to manage his or her financial affairs and to manage his or her personal, social, educational, and nonfinancial affairs. The department shall not discharge a child to an independent living situation before the child is eighteen years of age unless the child becomes emancipated pursuant to chapter 13.64 RCW.

(b) Unless the court has ordered, pursuant to subsection (2) of this section, that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to return the child home, and what actions the agency will take to maintain parent-child ties. All aspects of the plan shall include the goal of achieving permanence for the child.

(i) The agency plan shall specify what services the parents will be offered in order to enable them to resume custody, what requirements the parents must meet in order to resume custody, and a time limit for each service plan and parental requirement.

(ii) The agency shall be required to encourage the maximum parent-child contact possible, including regular visitation and participation by the parents in the care of the child while the child is in placement. Visitation may be limited or denied only if the court determines that such limitation or denial is necessary to protect the child's health, safety, or welfare.

(iii) A child shall be placed as close to the child's home as possible, preferably in the child's own neighborhood, unless the court finds that placement at a greater distance is necessary to promote the child's or parents' well-being.

(iv) The agency charged with supervising a child in placement shall provide all reasonable services that are available within the agency, or within the community, or those services which the department of social and health services has existing contracts to purchase. It shall report to the court if it is unable to provide such services.

(c) If the court has ordered, pursuant to subsection (2) of this section, that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to achieve permanency for the child, services to be offered or provided to the child, and, if visitation would be in the best interests of the child, a recommendation to the court regarding visitation between parent and child pending a fact-finding hearing on the termination petition. The agency shall not be required to develop a plan of services for the parents or provide services to the parents.

(5) If the court determines that the continuation of reasonable efforts to prevent or eliminate the need to remove the child from his or her home or to safely return the child home should not be part of the permanency plan of care for the child, reasonable efforts shall be made to place the child in a timely manner and to complete whatever steps are necessary to finalize the permanent placement of the child.

(6) If there is insufficient information at the time of the disposition hearing upon which to base a determination regarding the suitability of a proposed placement with a relative, the child shall remain in foster care and the court shall direct the supervising agency to conduct necessary background investigations as provided in chapter 74.15 RCW and report the results of such investigation to the court within thirty days. However, if such relative appears otherwise suitable and competent to provide care and treatment, the criminal history background check need not be completed before placement, but as soon as possible after placement. Any placements with relatives, pursuant to this section, shall be contingent upon cooperation by the relative with the agency case plan and compliance with court orders related to the care and supervision of the child including, but not limited to, court

orders regarding parent-child contacts and any other conditions imposed by the court. Noncompliance with the case plan or court order shall be grounds for removal of the child from the relative's home, subject to review by the court.

(7) Except for children whose cases are reviewed by a citizen review board under chapter 13.70 RCW, the status of all children found to be dependent shall be reviewed by the court at least every six months from the beginning date of the placement episode or the date dependency is established, whichever is first, at a hearing in which it shall be determined whether court supervision should continue. The review shall include findings regarding the agency and parental completion of disposition plan requirements, and if necessary, revised permanency time limits. The supervising agency shall provide a foster parent, preadoptive parent, or relative with notice of, and their right to an opportunity to be heard in, a review hearing pertaining to the child, but only if that person is currently providing care to that child at the time of the hearing. This section shall not be construed to grant party status to any person who has been provided an opportunity to be heard.

(a) A child shall not be returned home at the review hearing unless the court finds that a reason for removal as set forth in this section no longer exists. The parents, guardian, or legal custodian shall report to the court the efforts they have made to correct the conditions which led to removal. If a child is returned, casework supervision shall continue for a period of six months, at which time there shall be a hearing on the need for continued intervention.

(b) If the child is not returned home, the court shall establish in writing:

(i) Whether reasonable services have been provided to or offered to the parties to facilitate reunion, specifying the services provided or offered;

(ii) Whether the child has been placed in the least-restrictive setting appropriate to the child's needs, including whether consideration and preference has been given to placement with the child's relatives;

(iii) Whether there is a continuing need for placement and whether the placement is appropriate;

(iv) Whether there has been compliance with the case plan by the child, the child's parents, and the agency supervising the placement;

(v) Whether progress has been made toward correcting the problems that necessitated the child's placement in out-of-home care;

(vi) Whether the parents have visited the child and any reasons why visitation has not occurred or has been infrequent;

(vii) Whether additional services, including housing assistance, are needed to facilitate the return of the child to the child's parents; if so, the court shall order that reasonable services be offered specifying such services; and

(viii) The projected date by which the child will be returned home or other permanent plan of care will be implemented.

(c) The court at the review hearing may order that a petition seeking termination of the parent and child relationship be filed.

(8) The court's ability to order housing assistance under this section is: (a) Limited to cases in which homelessness or the lack of adequate and safe housing is the primary reason for an out-of-home placement; and (b) subject to the availability of funds appropriated for this specific purpose.

**NEW SECTION. Sec. 10.** Sections 10 through 29 of this act may be referred to as the homeless youth prevention, protection, and education act, or the HOPE act. Every day many youth in this state seek shelter out on the street. A nurturing nuclear family does not exist for them, and state-sponsored alternatives such as foster homes do not meet the demand and isolate youth, who feel like outsiders in families not their own. The legislature recognizes the need to develop placement alternatives for dependent youth ages sixteen to eighteen, who are living on the street. The HOPE act is an effort to engage youth and provide them access to services through development of life skills in a setting that supports them. Nothing in sections 10 through 29 of this act shall constitute an entitlement.

**Sec. 11.** RCW 74.15.020 and 1998 c 269 s 3 are each amended to read as follows:

For the purpose of chapter 74.15 RCW and RCW 74.13.031, and unless otherwise clearly indicated by the context thereof, the following terms shall mean:

(1) "Agency" means any person, firm, partnership, association, corporation, or facility which receives children, expectant mothers, or persons with developmental disabilities for control, care, or maintenance outside their own homes, or which places, arranges the placement of, or assists in the placement of children, expectant mothers, or persons with developmental disabilities for foster care or placement of children for adoption, and shall include the following irrespective of whether there is compensation to the agency or to the children, expectant mothers or persons with developmental disabilities for services rendered:

(a) "Child day-care center" means an agency which regularly provides care for a group of children for periods of less than twenty-four hours;

(b) "Child-placing agency" means an agency which places a child or children for temporary care, continued care, or for adoption;

(c) "Community facility" means a group care facility operated for the care of juveniles committed to the department under RCW 13.40.185. A county detention facility that houses juveniles committed to the department under RCW 13.40.185 pursuant to a contract with the department is not a community facility;

(d) "Crisis residential center" means an agency which is a temporary protective residential facility operated to perform the duties specified in chapter 13.32A RCW, in the manner provided in RCW 74.13.032 through 74.13.036;

(e) "Family day-care provider" means a child day-care provider who regularly provides child day care for not more than twelve children in the provider's home in the family living quarters;

(f) "Foster-family home" means an agency which regularly provides care on a twenty-four hour basis to one or more children, expectant mothers, or persons with developmental disabilities in the family abode of the person or persons under whose direct care and supervision the child, expectant mother, or person with a developmental disability is placed;

(g) "Group-care facility" means an agency, other than a foster-family home, which is maintained and operated for the care of a group of children on a twenty-four hour basis;

(h) "HOPE center" means an agency licensed by the secretary to provide temporary residential placement and other services to street youth. A street youth may remain in a HOPE center for thirty days while services are arranged and permanent placement is coordinated. No street youth may stay longer than thirty days unless approved by the department and any additional days approved by the department must be based on the unavailability of a long-term placement option. A street youth whose parent wants him or her returned to home may remain in a HOPE center until his or her parent arranges return of the youth, not longer. All other street youth must have court approval under chapter 13.34 or 13.32A RCW to remain in a HOPE center up to thirty days;

(i) "Maternity service" means an agency which provides or arranges for care or services to expectant mothers, before or during confinement, or which provides care as needed to mothers and their infants after confinement;

~~((+))~~ (j) "Responsible living skills program" means an agency licensed by the secretary that provides residential and transitional living services to persons ages sixteen to eighteen who are dependent under chapter 13.34 RCW and who have been unable to live in his or her legally authorized residence and, as a result, the minor lived outdoors or in another unsafe location not intended for occupancy by the minor. Dependent minors ages fourteen and fifteen may be eligible if no other placement alternative is available and the department approves the placement;

(k) "Service provider" means the entity that operates a community facility.

(2) "Agency" shall not include the following:

(a) Persons related to the child, expectant mother, or person with developmental disability in the following ways:

(i) Any blood relative, including those of half-blood, and including first cousins, nephews or nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great-great;

(ii) Stepfather, stepmother, stepbrother, and stepsister;

(iii) A person who legally adopts a child or the child's parent as well as the natural and other legally adopted children of such persons, and other relatives of the adoptive parents in accordance with state law;

(iv) Spouses of any persons named in (i), (ii), or (iii) of this subsection (2)(a), even after the marriage is terminated; or

(v) Extended family members, as defined by the law or custom of the Indian child's tribe or, in the absence of such law or custom, a person who has reached the age of eighteen and who is the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent who provides care in the family abode on a twenty-four-hour basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4);

(b) Persons who are legal guardians of the child, expectant mother, or persons with developmental disabilities;

(c) Persons who care for a neighbor's or friend's child or children, with or without compensation, where: (i) The person providing care for periods of less than twenty-four hours does not conduct such activity on an ongoing, regularly scheduled basis for the purpose of engaging in business, which includes, but is not limited to, advertising such care; or (ii) the parent and person providing care on a twenty-four-hour basis have agreed to the placement in writing and the state is not providing any payment for the care;

(d) Parents on a mutually cooperative basis exchange care of one another's children;

(e) A person, partnership, corporation, or other entity that provides placement or similar services to exchange students or international student exchange visitors or persons who have the care of an exchange student in their home;

(f) Nursery schools or kindergartens which are engaged primarily in educational work with preschool children and in which no child is enrolled on a regular basis for more than four hours per day;

(g) Schools, including boarding schools, which are engaged primarily in education, operate on a definite school year schedule, follow a stated academic curriculum, accept only school-age children and do not accept custody of children;

(h) Seasonal camps of three months' or less duration engaged primarily in recreational or educational activities;

(i) Hospitals licensed pursuant to chapter 70.41 RCW when performing functions defined in chapter 70.41 RCW, nursing homes licensed under chapter 18.51 RCW and boarding homes licensed under chapter 18.20 RCW;

(j) Licensed physicians or lawyers;

(k) Facilities providing care to children for periods of less than twenty-four hours whose parents remain on the premises to participate in activities other than employment;

(l) Facilities approved and certified under chapter 71A.22 RCW;

(m) Any agency having been in operation in this state ten years prior to June 8, 1967, and not seeking or accepting moneys or assistance from any state or federal agency, and is supported in part by an endowment or trust fund;

(n) Persons who have a child in their home for purposes of adoption, if the child was placed in such home by a licensed child-placing agency, an authorized public or tribal agency or court or if a replacement report has been filed under chapter 26.33 RCW and the placement has been approved by the court;

(o) An agency operated by any unit of local, state, or federal government or an agency, located within the boundaries of a federally recognized Indian reservation, licensed by the Indian tribe;

(p) An agency located on a federal military reservation, except where the military authorities request that such agency be subject to the licensing requirements of this chapter.

(3) "Department" means the state department of social and health services.

(4) "Juvenile" means a person under the age of twenty-one who has been sentenced to a term of confinement under the supervision of the department under RCW 13.40.185.

(5) "Probationary license" means a license issued as a disciplinary measure to an agency that has previously been issued a full license but is out of compliance with licensing standards.



(6) "Requirement" means any rule, regulation, or standard of care to be maintained by an agency.

(7) "Secretary" means the secretary of social and health services.

(8) "Street youth" means a person under the age of eighteen who lives outdoors or in another unsafe location not intended for occupancy by the minor and who is not residing with his or her parent or at his or her legally authorized residence.

(9) "Transitional living services" means at a minimum, to the extent funds are available, the following:

(a) Educational services, including basic literacy and computational skills training, either in local alternative or public high schools or in a high school equivalency program that leads to obtaining a high school equivalency degree;

(b) Assistance and counseling related to obtaining vocational training or higher education, job readiness, job search assistance, and placement programs;

(c) Counseling and instruction in life skills such as money management, home management, consumer skills, parenting, health care, access to community resources, and transportation and housing options;

(d) Individual and group counseling;

(e) Recognizing and facilitating long-term relationships with significant adults; and

(f) Establishing networks with federal agencies and state and local organizations such as the United States department of labor, employment and training administration programs including the job training partnership act which administers private industry councils and the job corps; vocational rehabilitation; and volunteer programs.

Transitional living services shall be tailored to meet the needs of the individual youth. If a youth demonstrates a consistent unwillingness to participate in the acquisition of transitional living skills and services, a reassessment shall be done of the youth's appropriateness for the program.

**NEW SECTION. Sec. 12.** A new section is added to chapter 74.15 RCW to read as follows:

The secretary shall establish HOPE centers that provide no more than seventy-five beds across the state and may establish HOPE centers by contract, within funds appropriated by the legislature specifically for this purpose. HOPE centers shall be operated in a manner to reasonably assure that street youth placed there will not run away. Street youth may leave a HOPE center during the course of the day to attend school or other necessary appointments, but the street youth must be accompanied by an administrator or an administrator's designee. The street youth must provide the administration with specific information regarding his or her destination and expected time of return to the HOPE center. Any street youth who runs away from a HOPE center shall not be readmitted unless specifically authorized by the street youth's placement and liaison specialist, and the placement and liaison specialist shall document with specific factual findings an appropriate basis for readmitting any street youth to a HOPE center. HOPE centers are required to have the following:

(1) A license issued by the secretary;

(2) A professional with a master's degree in counseling, social work, or related field and at least one year of experience working with street youth or a bachelor of arts degree in social work or a related field and five years of experience working with street youth. This professional staff person may be contractual or a part-time employee, but must be available to work with street youth in a HOPE center at a ratio of one to every fifteen youth staying in a HOPE center. This professional shall be known as a placement and liaison specialist. Preference shall be given to those professionals cross-credentialed in mental health and chemical dependency. The placement and liaison specialist shall:

(a) Conduct an assessment of the street youth that includes a determination of the street youth's legal status regarding residential placement;

(b) Facilitate the street youth's return to his or her legally authorized residence at the earliest possible date or initiate processes to arrange legally authorized appropriate placement. Any street youth who may meet the definition of dependent child under RCW 13.34.030 must be referred to the department. The department shall determine whether a dependency petition should be filed under chapter 13.34 RCW. A shelter care hearing must be held within seventy-two hours to authorize out-of-home placement for any youth the department determines is appropriate for out-of-home placement

under chapter 13.34 RCW. All of the provisions of chapter 13.32A RCW must be followed for children in need of services or at-risk youth;

(c) Interface with other relevant resources and system representatives to secure long-term residential placement and other needed services for the street youth;

(d) Be assigned immediately to each youth and meet with the youth within eight hours of the youth receiving HOPE center services;

(e) Develop a therapeutic relationship with the youth that enables the specialist to help the street youth navigate the social service and child welfare systems;

(f) Facilitate a physical examination of any street youth who has not seen a physician within one year prior to residence at a HOPE center and facilitate evaluation by a county-designated mental health professional, a chemical dependency specialist, or both if appropriate; and

(g) Arrange an educational assessment to measure the street youth's competency level in reading, writing, and basic mathematics, and that will measure learning disabilities or special needs;

(3) Staff trained in development needs of street youth as determined by the secretary, including an administrator who is a professional with a master's degree in counseling, social work, or a related field and at least one year of experience working with street youth, or a bachelor of arts degree in social work or a related field and five years of experience working with street youth, who must work with the placement and liaison specialist to provide appropriate services on site;

(4) A data collection system that measures outcomes for the population served, and enables research and evaluation that can be used for future program development and service delivery. Data collection systems must have confidentiality rules and protocols developed by the secretary;

(5) Notification requirements that meet the notification requirements of chapter 13.32A RCW.

The youth's arrival date and time must be logged at intake by HOPE center staff. The staff must immediately notify law enforcement and dependency caseworkers if a street youth runs away from a HOPE center. A child may be transferred to a secure facility as defined in RCW 13.32A.030 whenever the staff reasonably believes that a street youth is likely to leave the HOPE center and not return after full consideration of the factors set forth in RCW 13.32A.130(2)(a) (i) and (ii). The street youth's temporary placement in the HOPE center must be authorized by the court or the secretary if the youth is a dependent of the state under chapter 13.34 RCW or the department is responsible for the youth under chapter 13.32A RCW, or by the youth's parent or legal custodian, until such time as the parent can retrieve the youth who is returning to home;

(6) HOPE centers must identify to the department any street youth it serves who is not returning promptly to home. The department then must contact the missing children's clearinghouse identified in chapter 13.60 RCW and either report the youth's location or report that the youth is the subject of a dependency action and the parent should receive notice from the department; and

(7) Services that provide counseling and education to the street youth.

**NEW SECTION. Sec. 13.** A new section is added to chapter 74.15 RCW to read as follows:

The secretary shall establish responsible living skills programs that provide no more than seventy-five beds across the state and may establish responsible living skills programs by contract, within funds appropriated by the legislature specifically for this purpose. Responsible living skills programs shall have the following:

(1) A license issued by the secretary;

(2) A professional with a master's degree in counseling, social work, or related field and at least one year of experience working with street youth available to serve residents or a bachelor of arts degree in social work or a related field and five years of experience working with street youth. The professional shall provide counseling services and interface with other relevant resources and systems to prepare the minor for adult living. Preference shall be given to those professionals cross-credentialed in mental health and chemical dependency;

(3) Staff trained in development needs of older adolescents eligible to participate in responsible living skills programs as determined by the secretary;

(4) Transitional living services and a therapeutic model of service delivery that provides necessary program supervision of residents and at the same time includes a philosophy, program structure, and treatment planning that emphasizes achievement of competency in independent living

skills. Independent living skills include achieving basic educational requirements such as a GED, enrollment in vocational and technical training programs offered at the community and vocational colleges, obtaining and maintaining employment; accomplishing basic life skills such as money management, nutrition, preparing meals, and cleaning house. A baseline skill level in ability to function productively and independently shall be determined at entry. Performance shall be measured and must demonstrate improvement from involvement in the program. Each resident shall have a plan for achieving independent living skills by the time the resident leaves the placement. The plan shall be written within the first thirty days of placement and reviewed every ninety days; and

(5) A data collection system that measures outcomes for the population served, and enables research and evaluation that can be used for future program development and service delivery. Data collection systems must have confidentiality rules and protocols developed by the secretary.

**NEW SECTION. Sec. 14.** A new section is added to chapter 74.15 RCW to read as follows:

To be eligible for placement in a responsible living skills program, the minor must be dependent under chapter 13.34 RCW and must have lived outdoors or in another unsafe location not intended for occupancy by the minor, or a HOPE center. Responsible living skills centers are intended as a placement alternative for dependent youth that the department chooses for the youth because no other services or alternative placements have been successful. Responsible living skills centers are not for dependent youth whose permanency plan includes return to home or family reunification.

**NEW SECTION. Sec. 15.** A new section is added to chapter 74.15 RCW to read as follows:

The secretary is authorized to license HOPE centers and responsible living skills programs that meet statutory and rule requirements created by the secretary. The secretary is authorized to develop rules necessary to carry out the provisions of sections 10 through 29 of this act. The secretary may rely upon existing licensing provisions in development of licensing requirements for HOPE centers and responsible living skills programs, as are appropriate to carry out the intent of sections 10 through 29 of this act. HOPE centers and responsible living skills programs shall be required to adhere to departmental regulations prohibiting the use of alcohol, tobacco, controlled substances, violence, and sexual activity between residents.

**Sec. 16.** RCW 13.34.145 and 1998 c 314 s 3 and 1998 c 130 s 3 are each reenacted and amended to read as follows:

(1) A permanency plan shall be developed no later than sixty days from the time the supervising agency assumes responsibility for providing services, including placing the child, or at the time of a hearing under RCW 13.34.130, whichever occurs first. The permanency planning process continues until a permanency planning goal is achieved or dependency is dismissed. The planning process shall include reasonable efforts to return the child to the parent's home.

(a) Whenever a child is placed in out-of-home care pursuant to RCW 13.34.130, the agency that has custody of the child shall provide the court with a written permanency plan of care directed towards securing a safe, stable, and permanent home for the child as soon as possible. The plan shall identify one of the following outcomes as the primary goal and may also identify additional outcomes as alternative goals: Return of the child to the home of the child's parent, guardian, or legal custodian; adoption; guardianship; permanent legal custody; or long-term relative or foster care, until the child is age eighteen, with a written agreement between the parties and the care provider; a responsible living skills program; and independent living, if appropriate and if the child is age sixteen or older and the provisions of subsection (2) of this section are met.

(b) The identified outcomes and goals of the permanency plan may change over time based upon the circumstances of the particular case.

(c) Permanency planning goals should be achieved at the earliest possible date, preferably before the child has been in out-of-home care for fifteen months. In cases where parental rights have been terminated, the child is legally free for adoption, and adoption has been identified as the primary permanency planning goal, it shall be a goal to complete the adoption within six months following entry of the termination order.

(d) For purposes related to permanency planning:

(i) "Guardianship" means a dependency guardianship pursuant to this chapter, a legal guardianship pursuant to chapter 11.88 RCW, or equivalent laws of another state or a federally recognized Indian tribe.

(ii) "Permanent custody order" means a custody order entered pursuant to chapter 26.10 RCW.

(iii) "Permanent legal custody" means legal custody pursuant to chapter 26.10 RCW or equivalent laws of another state or of a federally recognized Indian tribe.

(2) Whenever a permanency plan identifies independent living as a goal, the plan shall also specifically identify the services that will be provided to assist the child to make a successful transition from foster care to independent living. Before the court approves independent living as a permanency plan of care, the court shall make a finding that the provision of services to assist the child in making a transition from foster care to independent living will allow the child to manage his or her financial affairs and to manage his or her personal, social, educational, and nonfinancial affairs. The department shall not discharge a child to an independent living situation before the child is eighteen years of age unless the child becomes emancipated pursuant to chapter 13.64 RCW.

(3) A permanency planning hearing shall be held in all cases where the child has remained in out-of-home care for at least nine months and an adoption decree, guardianship order, or permanent custody order has not previously been entered. The hearing shall take place no later than twelve months following commencement of the current placement episode.

(4) Whenever a child is removed from the home of a dependency guardian or long-term relative or foster care provider, and the child is not returned to the home of the parent, guardian, or legal custodian but is placed in out-of-home care, a permanency planning hearing shall take place no later than twelve months, as provided in subsection (3) of this section, following the date of removal unless, prior to the hearing, the child returns to the home of the dependency guardian or long-term care provider, the child is placed in the home of the parent, guardian, or legal custodian, an adoption decree, guardianship order, or permanent custody order is entered, or the dependency is dismissed.

(5) No later than ten working days prior to the permanency planning hearing, the agency having custody of the child shall submit a written permanency plan to the court and shall mail a copy of the plan to all parties and their legal counsel, if any.

(6) At the permanency planning hearing, the court shall enter findings as required by RCW 13.34.130(7) and shall review the permanency plan prepared by the agency. If the child has resided in the home of a foster parent or relative for more than six months prior to the permanency planning hearing, the court shall also enter a finding regarding whether the foster parent or relative was informed of the hearing as required in RCW 74.13.280 and 13.34.130(7). If a goal of long-term foster or relative care has been achieved prior to the permanency planning hearing, the court shall review the child's status to determine whether the placement and the plan for the child's care remain appropriate. In cases where the primary permanency planning goal has not yet been achieved, the court shall inquire regarding the reasons why the primary goal has not been achieved and determine what needs to be done to make it possible to achieve the primary goal. In all cases, the court shall:

(a)(i) Order the permanency plan prepared by the agency to be implemented; or

(ii) Modify the permanency plan, and order implementation of the modified plan; and

(b)(i) Order the child returned home only if the court finds that a reason for removal as set forth in RCW 13.34.130 no longer exists; or

(ii) Order the child to remain in out-of-home care for a limited specified time period while efforts are made to implement the permanency plan.

(7) If the court orders the child returned home, casework supervision shall continue for at least six months, at which time a review hearing shall be held pursuant to RCW 13.34.130(7), and the court shall determine the need for continued intervention.

(8) Continued juvenile court jurisdiction under this chapter shall not be a barrier to the entry of an order establishing a legal guardianship or permanent legal custody when, (a) the court has ordered implementation of a permanency plan that includes legal guardianship or permanent legal custody, and (b) the party pursuing the legal guardianship or permanent legal custody is the party identified in the permanency plan as the prospective legal guardian or custodian. During the pendency of such proceeding, juvenile court shall conduct review hearings and further permanency planning hearings as provided in this chapter. At the conclusion of the legal guardianship or permanent legal custody

proceeding, a juvenile court hearing shall be held for the purpose of determining whether dependency should be dismissed. If a guardianship or permanent custody order has been entered, the dependency shall be dismissed.

(9) Following the first permanency planning hearing, the court shall hold a further permanency planning hearing in accordance with this section at least once every twelve months until a permanency planning goal is achieved or the dependency is dismissed, whichever occurs first.

(10) Except as otherwise provided in RCW 13.34.235, the status of all dependent children shall continue to be reviewed by the court at least once every six months, in accordance with RCW 13.34.130(7), until the dependency is dismissed. Prior to the second permanency planning hearing, the agency that has custody of the child shall consider whether to file a petition for termination of parental rights.

(11) Nothing in this chapter may be construed to limit the ability of the agency that has custody of the child to file a petition for termination of parental rights or a guardianship petition at any time following the establishment of dependency. Upon the filing of such a petition, a fact-finding hearing shall be scheduled and held in accordance with this chapter unless the agency requests dismissal of the petition prior to the hearing or unless the parties enter an agreed order terminating parental rights, establishing guardianship, or otherwise resolving the matter.

(12) The approval of a permanency plan that does not contemplate return of the child to the parent does not relieve the supervising agency of its obligation to provide reasonable services, under this chapter, intended to effectuate the return of the child to the parent, including but not limited to, visitation rights.

(13) Nothing in this chapter may be construed to limit the procedural due process rights of any party in a termination or guardianship proceeding filed under this chapter.

**NEW SECTION. Sec. 17.** A new section is added to chapter 13.60 RCW to read as follows:

The department of social and health services shall develop a procedure for reporting missing children information to the missing children clearinghouse on children who are receiving departmental services in each of its administrative regions. The purpose of this procedure is to link parents to missing children. When the department has obtained information that a minor child has been located at a facility funded by the department, the department shall notify the clearinghouse and the child's legal custodian, advising the custodian of the child's whereabouts or that the child is subject to a dependency action. The department shall inform the clearinghouse when reunification occurs.

**NEW SECTION. Sec. 18.** The Washington institute for public policy shall review the effectiveness of the procedures established in section 17 of this act. The study shall include: (1) The number of legal custodians who utilize the clearinghouse; (2) the number of children who are located after the department's procedures are operational; (3) the impediments to effective utilization of the procedures and what steps may be taken to reduce or eliminate the impediments; (4) the methods of public education regarding the availability of the program and how to increase public awareness of the program.

The review shall be submitted to the legislature and the governor not later than December 1, 2001.

**NEW SECTION. Sec. 19.** A new section is added to chapter 82.04 RCW to read as follows:

(1) In computing tax under this chapter, a credit is authorized for each person equal to fifty percent of approved amounts donated to a HOPE educational financial assistance program under section 21 of this act during the calendar year. The amount of the credit shall not exceed five thousand dollars for any person for any calendar year.

(2) No credit may be taken under this section unless the credit is first approved by the department. Application for the credit shall be made in the form and manner prescribed by rules adopted by the department. Total credits approved by the department for any calendar year under this section and section 20 of this act shall not exceed two hundred fifty thousand dollars.

(3) The credit shall be taken against taxes due for the same calendar year in which the amounts for which credit is claimed were paid. A credit must be claimed by the due date of the last tax return

for the calendar year in which the payment is made. No credit may be carried back or forward to a different calendar year.

(4) No credit may be taken under this section for amounts for which a credit is taken under section 20 of this act.

**NEW SECTION Sec. 20.** A new section is added to chapter 82.16 RCW to read as follows:

(1) In computing tax under this chapter, a credit is authorized for each person equal to fifty percent of approved amounts donated to a HOPE educational financial assistance program under section 21 of this act during the calendar year. The amount of the credit shall not exceed five thousand dollars for any person for any calendar year.

(2) No credit may be taken under this section unless the credit is first approved by the department. Application for the credit shall be made in the form and manner prescribed by rules adopted by the department. Total credits approved by the department for any calendar year under this section and section 19 of this act shall not exceed two hundred fifty thousand dollars.

(3) The credit shall be taken against taxes due for the same calendar year in which the amounts for which credit is claimed were paid. A credit must be claimed by the due date of the last tax return for the calendar year in which the payment is made. No credit may be carried back or forward to a different calendar year.

(4) No credit may be taken under this section for amounts for which a credit is taken under section 19 of this act.

**NEW SECTION Sec. 21.** A new section is added to chapter 28B.80 RCW to read as follows:

(1) HOPE educational financial assistance programs may be established by private nonprofit organizations and may qualify for the purposes of receiving contributions under sections 19 and 20 of this act upon approval of the board. Educational financial assistance from these programs may be used only for assistance for former street youth who qualify under subsection (2) of this section.

(2) Only former street youth who have been residents of a HOPE center as defined in RCW 74.15.020 and who have received transitional living services as defined in RCW 74.15.020 may apply for and receive educational financial assistance under this section. The educational financial assistance may be used for expenses incurred in conjunction with enrollment in any institution of higher education in the state. Yearly educational financial assistance under this section is limited to an amount equal to the highest yearly undergraduate resident tuition charged by a public institution of higher education within the state, and may only be provided to an individual twice in any four-year period. The assistance shall take into account family and other financial resources available to the individual.

**Sec. 22.** RCW 9.94A.390 and 1997 c 52 s 4 are each amended to read as follows:

If the sentencing court finds that an exceptional sentence outside the standard range should be imposed in accordance with RCW 9.94A.120(2), the sentence is subject to review only as provided for in RCW 9.94A.210(4).

The following are illustrative factors which the court may consider in the exercise of its discretion to impose an exceptional sentence. The following are illustrative only and are not intended to be exclusive reasons for exceptional sentences.

(1) Mitigating Circumstances

(a) To a significant degree, the victim was an initiator, willing participant, aggressor, or provoker of the incident.

(b) Before detection, the defendant compensated, or made a good faith effort to compensate, the victim of the criminal conduct for any damage or injury sustained.

(c) The defendant committed the crime under duress, coercion, threat, or compulsion insufficient to constitute a complete defense but which significantly affected his or her conduct.

(d) The defendant, with no apparent predisposition to do so, was induced by others to participate in the crime.

(e) The defendant's capacity to appreciate the wrongfulness of his or her conduct or to conform his or her conduct to the requirements of the law, was significantly impaired (voluntary use of drugs or alcohol is excluded).

(f) The offense was principally accomplished by another person and the defendant manifested extreme caution or sincere concern for the safety or well-being of the victim.

(g) The operation of the multiple offense policy of RCW 9.94A.400 results in a presumptive sentence that is clearly excessive in light of the purpose of this chapter, as expressed in RCW 9.94A.010.

(h) The defendant or the defendant's children suffered a continuing pattern of physical or sexual abuse by the victim of the offense and the offense is a response to that abuse.

(2) Aggravating Circumstances

(a) The defendant's conduct during the commission of the current offense manifested deliberate cruelty to the victim.

(b) The defendant knew or should have known that the victim of the current offense was particularly vulnerable or incapable of resistance due to extreme youth, advanced age, disability, or ill health.

(c) The defendant knew that the victim of the current offense was a youth who was not residing with any legal custodian and was particularly vulnerable to a relationship with the defendant and the defendant established or promoted the relationship for the primary purpose of victimization.

(d) The current offense was a violent offense, and the defendant knew that the victim of the current offense was pregnant.

~~((d))~~ (e) The current offense was a major economic offense or series of offenses, so identified by a consideration of any of the following factors:

(i) The current offense involved multiple victims or multiple incidents per victim;

(ii) The current offense involved attempted or actual monetary loss substantially greater than typical for the offense;

(iii) The current offense involved a high degree of sophistication or planning or occurred over a lengthy period of time; or

(iv) The defendant used his or her position of trust, confidence, or fiduciary responsibility to facilitate the commission of the current offense.

~~((e))~~ (f) The current offense was a major violation of the Uniform Controlled Substances Act, chapter 69.50 RCW (VUCSA), related to trafficking in controlled substances, which was more onerous than the typical offense of its statutory definition: The presence of ANY of the following may identify a current offense as a major VUCSA:

(i) The current offense involved at least three separate transactions in which controlled substances were sold, transferred, or possessed with intent to do so;

(ii) The current offense involved an attempted or actual sale or transfer of controlled substances in quantities substantially larger than for personal use;

(iii) The current offense involved the manufacture of controlled substances for use by other parties;

(iv) The circumstances of the current offense reveal the offender to have occupied a high position in the drug distribution hierarchy;

(v) The current offense involved a high degree of sophistication or planning or occurred over a lengthy period of time or involved a broad geographic area of disbursement; or

(vi) The offender used his or her position or status to facilitate the commission of the current offense, including positions of trust, confidence or fiduciary responsibility (e.g., pharmacist, physician, or other medical professional).

~~((f))~~ (g) The current offense included a finding of sexual motivation pursuant to RCW 9.94A.127.

~~((g))~~ (h) The offense was part of an ongoing pattern of sexual abuse of the same victim under the age of eighteen years manifested by multiple incidents over a prolonged period of time.

~~((h))~~ (i) The current offense involved domestic violence, as defined in RCW 10.99.020 and one or more of the following was present:

(i) The offense was part of an ongoing pattern of psychological, physical, or sexual abuse of the victim manifested by multiple incidents over a prolonged period of time;

(ii) The offense occurred within sight or sound of the victim's or the offender's minor children under the age of eighteen years; or

(iii) The offender's conduct during the commission of the current offense manifested deliberate cruelty or intimidation of the victim.

~~((+))~~ (j) The operation of the multiple offense policy of RCW 9.94A.400 results in a presumptive sentence that is clearly too lenient in light of the purpose of this chapter, as expressed in RCW 9.94A.010.

~~((+))~~ (k) The defendant's prior unscored misdemeanor or prior unscored foreign criminal history results in a presumptive sentence that is clearly too lenient in light of the purpose of this chapter as expressed in RCW 9.94A.010.

~~((+))~~ (l) The offense resulted in the pregnancy of a child victim of rape.

**Sec. 23.** RCW 26.44.030 and 1998 c 328 s 5 are each amended to read as follows:

(1)(a) When any practitioner, county coroner or medical examiner, law enforcement officer, professional school personnel, registered or licensed nurse, social service counselor, psychologist, pharmacist, licensed or certified child care providers or their employees, employee of the department, juvenile probation officer, placement and liaison specialist, responsible living skills program staff, HOPE center staff, or state family and children's ombudsman or any volunteer in the ombudsman's office has reasonable cause to believe that a child or adult dependent or developmentally disabled person, has suffered abuse or neglect, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(b) The reporting requirement shall also apply to department of corrections personnel who, in the course of their employment, observe offenders or the children with whom the offenders are in contact. If, as a result of observations or information received in the course of his or her employment, any department of corrections personnel has reasonable cause to believe that a child or adult dependent or developmentally disabled person has suffered abuse or neglect, he or she shall report the incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(c) The reporting requirement shall also apply to any adult who has reasonable cause to believe that a child or adult dependent or developmentally disabled person, who resides with them, has suffered severe abuse, and is able or capable of making a report. For the purposes of this subsection, "severe abuse" means any of the following: Any single act of abuse that causes physical trauma of sufficient severity that, if left untreated, could cause death; any single act of sexual abuse that causes significant bleeding, deep bruising, or significant external or internal swelling; or more than one act of physical abuse, each of which causes bleeding, deep bruising, significant external or internal swelling, bone fracture, or unconsciousness.

(d) The report shall be made at the first opportunity, but in no case longer than forty-eight hours after there is reasonable cause to believe that the child or adult has suffered abuse or neglect. The report shall include the identity of the accused if known.

(2) The reporting requirement of subsection (1) of this section does not apply to the discovery of abuse or neglect that occurred during childhood if it is discovered after the child has become an adult. However, if there is reasonable cause to believe other children, dependent adults, or developmentally disabled persons are or may be at risk of abuse or neglect by the accused, the reporting requirement of subsection (1) of this section shall apply.

(3) Any other person who has reasonable cause to believe that a child or adult dependent or developmentally disabled person has suffered abuse or neglect may report such incident to the proper law enforcement agency or to the department of social and health services as provided in RCW 26.44.040.

(4) The department, upon receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child or adult dependent or developmentally disabled person who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means or who has been subjected to alleged sexual abuse, shall report such incident to the proper law enforcement



agency. In emergency cases, where the child, adult dependent, or developmentally disabled person's welfare is endangered, the department shall notify the proper law enforcement agency within twenty-four hours after a report is received by the department. In all other cases, the department shall notify the law enforcement agency within seventy-two hours after a report is received by the department. If the department makes an oral report, a written report shall also be made to the proper law enforcement agency within five days thereafter.

(5) Any law enforcement agency receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child or adult dependent or developmentally disabled person who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means, or who has been subjected to alleged sexual abuse, shall report such incident in writing as provided in RCW 26.44.040 to the proper county prosecutor or city attorney for appropriate action whenever the law enforcement agency's investigation reveals that a crime may have been committed. The law enforcement agency shall also notify the department of all reports received and the law enforcement agency's disposition of them. In emergency cases, where the child, adult dependent, or developmentally disabled person's welfare is endangered, the law enforcement agency shall notify the department within twenty-four hours. In all other cases, the law enforcement agency shall notify the department within seventy-two hours after a report is received by the law enforcement agency.

(6) Any county prosecutor or city attorney receiving a report under subsection (5) of this section shall notify the victim, any persons the victim requests, and the local office of the department, of the decision to charge or decline to charge a crime, within five days of making the decision.

(7) The department may conduct ongoing case planning and consultation with those persons or agencies required to report under this section, with consultants designated by the department, and with designated representatives of Washington Indian tribes if the client information exchanged is pertinent to cases currently receiving child protective services or department case services for the developmentally disabled. Upon request, the department shall conduct such planning and consultation with those persons required to report under this section if the department determines it is in the best interests of the child or developmentally disabled person. Information considered privileged by statute and not directly related to reports required by this section shall not be divulged without a valid written waiver of the privilege.

(8) Any case referred to the department by a physician licensed under chapter 18.57 or 18.71 RCW on the basis of an expert medical opinion that child abuse, neglect, or sexual assault has occurred and that the child's safety will be seriously endangered if returned home, the department shall file a dependency petition unless a second licensed physician of the parents' choice believes that such expert medical opinion is incorrect. If the parents fail to designate a second physician, the department may make the selection. If a physician finds that a child has suffered abuse or neglect but that such abuse or neglect does not constitute imminent danger to the child's health or safety, and the department agrees with the physician's assessment, the child may be left in the parents' home while the department proceeds with reasonable efforts to remedy parenting deficiencies.

(9) Persons or agencies exchanging information under subsection (7) of this section shall not further disseminate or release the information except as authorized by state or federal statute. Violation of this subsection is a misdemeanor.

(10) Upon receiving reports of alleged abuse or neglect, the department or law enforcement agency may interview children. The interviews may be conducted on school premises, at day-care facilities, at the child's home, or at other suitable locations outside of the presence of parents. Parental notification of the interview shall occur at the earliest possible point in the investigation that will not jeopardize the safety or protection of the child or the course of the investigation. Prior to commencing the interview the department or law enforcement agency shall determine whether the child wishes a third party to be present for the interview and, if so, shall make reasonable efforts to accommodate the child's wishes. Unless the child objects, the department or law enforcement agency shall make reasonable efforts to include a third party in any interview so long as the presence of the third party will not jeopardize the course of the investigation.

(11) Upon receiving a report of alleged child abuse and neglect, the department or investigating law enforcement agency shall have access to all relevant records of the child in the possession of mandated reporters and their employees.

(12) The department shall maintain investigation records and conduct timely and periodic reviews of all cases constituting abuse and neglect. The department shall maintain a log of screened-out nonabusive cases.

(13) The department shall use a risk assessment process when investigating alleged child abuse and neglect referrals. The department shall present the risk factors at all hearings in which the placement of a dependent child is an issue. Substance abuse must be a risk factor. The department shall, within funds appropriated for this purpose, offer enhanced community-based services to persons who are determined not to require further state intervention.

The department shall provide annual reports to the legislature on the effectiveness of the risk assessment process.

(14) Upon receipt of a report of alleged abuse or neglect the law enforcement agency may arrange to interview the person making the report and any collateral sources to determine if any malice is involved in the reporting.

(15) The department shall make reasonable efforts to learn the name, address, and telephone number of each person making a report of abuse or neglect under this section. The department shall provide assurances of appropriate confidentiality of the identification of persons reporting under this section. If the department is unable to learn the information required under this subsection, the department shall only investigate cases in which: (a) The department believes there is a serious threat of substantial harm to the child; (b) the report indicates conduct involving a criminal offense that has, or is about to occur, in which the child is the victim; or (c) the department has, after investigation, a report of abuse or neglect that has been founded with regard to a member of the household within three years of receipt of the referral.

**NEW SECTION. Sec. 24.** A new section is added to chapter 74.15 RCW to read as follows:

The department shall provide technical assistance in preparation of grant proposals for HOPE centers and responsible living skills programs to nonprofit organizations unfamiliar with and inexperienced in submission of requests for proposals to the department.

**NEW SECTION. Sec. 25.** A new section is added to chapter 74.15 RCW to read as follows:

The department shall consider prioritizing, on an ongoing basis, the awarding of contracts for HOPE centers and responsible living skills programs to providers who have not traditionally been awarded contracts with the department.

**NEW SECTION. Sec. 26.** The department of social and health services shall seek any necessary federal waivers for federal funding of the programs created under sections 10 through 29 of this act. The department shall pursue federal funding sources for the programs created under sections 10 through 29 of this act, and report to the legislature any statutory barriers to federal funding.

**NEW SECTION. Sec. 27.** The Washington state institute for public policy shall review the effectiveness of the HOPE centers and the responsible living skills programs. The study shall include the characteristics of the youth being served, the services offered to participating youth, the success of permanent placement of youth, the number of youth participating in each program, the number of youth who successfully complete the responsible living skills program, educational achievement of participants, employment history of participants, the outcomes for youth who have progressed through the programs, and other measures that the institute deems helpful in determining the measurable outcomes of sections 10 through 29 of this act.

The review shall be submitted to the legislature and the governor not later than December 1, 2001.

**NEW SECTION. Sec. 28.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 29.** Within funds specifically appropriated by the legislature, HOPE center beds referenced in section 12 of this act and responsible living skills program beds referenced in section 13 of this act shall be phased in at the rate of twenty-five percent each year beginning January 1, 2000, until the maximum is attained.

NEW SECTION. **Sec. 30.** Sections 12 and 13 of this act take effect January 1, 2000."

On page 1, line 1 of the title, after "families;" strike the remainder of the title and insert "amending RCW 43.63A.650, 13.34.030, 74.13.020, 74.13.031, 74.15.020, 9.94A.390, and 26.44.030; reenacting and amending RCW 13.34.130 and 13.34.145; adding a new section to chapter 43.20A RCW; adding new sections to chapter 43.63A RCW; adding new sections to chapter 74.15 RCW; adding a new section to chapter 13.60 RCW; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.16 RCW; adding a new section to chapter 28B.80 RCW; creating new sections; and providing an effective date."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House did not concur in the Senate Amendment(s) to Engrossed Second Substitute House Bill No. 1493 and asked the Senate to recede therefrom.

#### SENATE AMENDMENTS TO HOUSE BILL

April 13, 1999

Mr. Speaker:

The Senate has passed House Bill No. 1549 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 90.03.320 and 1997 c 445 s 3 are each amended to read as follows:

Actual construction work shall be commenced on any project for which permit has been granted within such reasonable time as shall be prescribed by the department, and shall thereafter be prosecuted with diligence and completed within the time prescribed by the department. The department, in fixing the time for the commencement of the work, or for the completion thereof and the application of the water to the beneficial use prescribed in the permit, shall take into consideration the cost and magnitude of the project and the engineering and physical features to be encountered, and shall allow such time as shall be reasonable and just under the conditions then existing, having due regard for the public welfare and public interests affected(~~(: and, for good cause shown, it)~~). For good cause shown, the department shall extend the time or times fixed as aforesaid, and shall grant such further period or periods as may be reasonably necessary, having due regard to the good faith of the applicant and the public interests affected. Good cause includes prevention or restriction of water use by operation of federal laws for the time or times fixed for commencing work, completing work, and applying water to beneficial use otherwise authorized under a water right permit issued for a federal reclamation project. In fixing construction schedules and the time, or extension of time, for application of water to beneficial use for municipal water supply purposes, the department shall also take into consideration the term and amount of financing required to complete the project, delays that may result from planned and existing conservation and water use efficiency measures implemented by the public water system, and the supply needs of the public water system's service area, consistent with an approved comprehensive plan under chapter 36.70A RCW, or in the absence of such a plan, a county-approved comprehensive plan under chapter 36.70 RCW or a plan approved under chapter 35.63 RCW, and related water demand projections prepared by public water systems in accordance with state law. An existing comprehensive plan under chapter 36.70A or 36.70 RCW, plan under

chapter 35.63 RCW, or demand projection may be used. If the terms of the permit or extension thereof, are not complied with the department shall give notice by registered mail that such permit will be canceled unless the holders thereof shall show cause within sixty days why the same should not be so canceled. If cause is not shown, the permit shall be canceled."

On page 1, line 2 of the title, after "permits;" strike the remainder of the title and insert "and amending RCW 90.03.320."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to House Bill No. 1549 and advanced the bill as amended by the Senate to final passage.

### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE**

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of House Bill No. 1549 as amended by the Senate.

Representatives G. Chandler and Linville spoke in favor of passage of the bill as amended by the Senate.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1549, as amended by the Senate and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Mulliken and Quall - 2.

House Bill No. 1549, as amended by the Senate, having received the constitutional majority, was declared passed.

### **SENATE AMENDMENTS TO HOUSE BILL**

April 14, 1999

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1619 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature recognizes that Washington state is experiencing a significant shortage of quality foster homes and that the majority of children entering the system are difficult to place due to their complex needs. The legislature intends to provide additional assistance to those families willing to serve as foster parents.

NEW SECTION. Sec. 2. A new section is added to chapter 74.13 RCW to read as follows:  
Within available funds and subject to such conditions and limitations as may be established by the department or by the legislature in the omnibus appropriations act, the department of social and health services shall reimburse foster parents for property damaged or destroyed by foster children placed in their care. The department shall establish by rule a maximum amount that may be reimbursed for each occurrence. The department shall reimburse the foster parent for the replacement value of any property covered by this section. If the damaged or destroyed property is covered and reimbursed under an insurance policy, the department shall reimburse foster parents for the amount of the deductible associated with the insurance claim, up to the limit per occurrence as established by the department.

NEW SECTION. Sec. 3. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 1999, in the omnibus appropriations act, this act is null and void.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 1999."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Substitute House Bill No. 1619 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE**

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Substitute House Bill No. 1619 as amended by the Senate.

Representatives McDonald and Tokuda spoke in favor of passage of the bill as amended by the Senate.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1619, as amended by the Senate and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Mulliken and Quall - 2.

Substitute House Bill No. 1619, as amended by the Senate, having received the constitutional majority, was declared passed.

### SENATE AMENDMENTS TO HOUSE BILL

April 15, 1999

Mr. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1716 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 77.44.050 and 1996 c 222 s 5 are each amended to read as follows:

The warm water game fish account is hereby created in the state wildlife fund. Moneys in the account are subject to legislative appropriation and shall be used for the purpose of funding the warm water game fish enhancement program, including the development of warm water pond and lake habitat, culture of warm water game fish, improvement of warm water fish habitat, management of warm water fish populations, and other practical activities that will improve the fishing for warm water fish. Funds ~~((from the))~~ for warm water game fish ~~((surecharge))~~ as provided in RCW 77.32.440 shall not serve as replacement funding for department-operated warm water fish projects existing on December 31, 1994~~((Funds from the warm water game fish account shall not be used for the operation or construction of the warm water fish culture project at Ringold unless specifically authorized by legislation.~~

~~Funds from the sale of the warm water game fish surcharges shall be deposited in the warm water game fish account),~~ except that an amount not to exceed ninety-one thousand dollars may be used for warm water fish culture at the Rod Meseberg warm water fish production facility during the biennium ending June 30, 2001.

**Sec. 2.** RCW 77.32.440 and 1998 c 191 s 13 are each amended to read as follows:

(1) The commission shall adopt rules to continue funding current enhancement programs at levels equal to the participation of licensees in each of the individual enhancement programs. All enhancement funding will continue to be deposited directly into the individual accounts created for each enhancement.

(2) In implementing subsection (1) of this section with regard to warm water game fish, the department shall ~~((initially))~~ deposit in the warm water game fish account ~~((6.512 percent of the funds received from the sale of each freshwater license and each freshwater, saltwater, and shellfish combination license. The percentage initially))~~ the sum of one million two hundred fifty thousand dollars each fiscal year during the fiscal years 1999 and 2000, based on two hundred fifty thousand warm water anglers. Beginning in fiscal year 2001, and each year thereafter, the deposit to the warm water game fish account established in this subsection shall be adjusted annually to reflect the actual numbers of license holders fishing for warm water game fish based on an annual survey of licensed anglers from the previous year conducted by the department beginning with the April 1, ~~((2000))~~ 1999, to March 31, ~~((2001))~~ 2000, license year survey. ~~((The legislature expects that implementing this subsection will result in annual deposits of at least one million two hundred fifty thousand dollars into the warm water game fish account.))~~

NEW SECTION. **Sec. 3.** If specific funding for the purposes of section 1 of this act, referencing this act by bill or chapter number, is not provided by June 30, 1999, in the omnibus appropriations act, section 1 of this act is null and void.

NEW SECTION. **Sec. 4.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 1 of the title, after "culture;" strike the remainder of the title and insert "amending RCW 77.44.050 and 77.32.440; creating a new section; and declaring an emergency."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Second Substitute House Bill No. 1716 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE**

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Second Substitute House Bill No. 1716 as amended by the Senate.

Representatives G. Chandler and Anderson spoke in favor of passage of the bill as amended by the Senate.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1716, as amended by the Senate and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Mulliken and Quall - 2.

Second Substitute House Bill No. 1716, as amended by the Senate, having received the constitutional majority, was declared passed.

#### **SENATE AMENDMENTS TO HOUSE BILL**

April 16, 1999

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1757 with the following amendment(s)

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds it necessary to expand the current pool of convicted offenders who must have a blood sample drawn for purposes of DNA identification analysis. The legislature further finds that there is a high rate of recidivism among certain types of violent and

sex offenders and that drawing blood is minimally intrusive. Creating an expanded DNA data bank bears a rational relationship to the public's interest in enabling law enforcement to better identify convicted violent and sex offenders who are involved in unsolved crimes, who escape to reoffend, and who reoffend after release.

**Sec. 2.** RCW 43.43.754 and 1994 c 271 s 402 are each amended to read as follows:

Every adult or juvenile individual convicted of a felony or adjudicated guilty of an equivalent juvenile offense defined as a sex offense under RCW 9.94A.030(~~((31))~~) (33)(a) or a violent offense as defined in RCW 9.94A.030 shall have a blood sample drawn for purposes of DNA identification analysis. For persons convicted of such offenses or adjudicated guilty of an equivalent juvenile offense who are serving or who are to serve a term of confinement in a county jail or detention facility, the county shall be responsible for obtaining blood samples (~~((prior to release from))~~) either as part of the intake process into the county jail or detention facility for those persons convicted on or after the effective date of this act, or within a reasonable time after the effective date of this act for those persons incarcerated prior to the effective date of this act who have not yet had a blood sample drawn, beginning with those persons who will be released the soonest. For persons convicted of such offenses or adjudicated guilty of an equivalent juvenile offense, who are serving or who are to serve a term of confinement in a department of corrections facility or a division of juvenile rehabilitation facility, the facility holding the person shall be responsible for obtaining blood samples (~~((prior to release from))~~) either as part of the intake process into such facility for those persons convicted on or after the effective date of this act, or within a reasonable time after the effective date of this act for those persons incarcerated prior to the effective date of this act who have not yet had a blood sample drawn, beginning with those persons who will be released the soonest. Any blood sample taken pursuant to RCW 43.43.752 through 43.43.758 shall be used solely for the purpose of providing DNA or other blood grouping tests for identification analysis and prosecution of a sex offense or a violent offense.

This section applies to all adults who are convicted after July 1, 1990; and to all adults who were convicted on or prior to July 1, 1990, and who are still incarcerated on or after the effective date of this act. This section applies to all juveniles who are adjudicated guilty after July 1, 1994; and to all juveniles who were adjudicated guilty on or prior to July 1, 1994, and who are still incarcerated on or after the effective date of this act.

NEW SECTION. Sec. 201. A new section is added to chapter 70.02 RCW to read as follows:

Any health care provider, facility, or researcher who creates, maintains, or discloses a copy or record of a person's individually identifiable DNA information in violation of chapter 42.48 RCW, or RCW 7.70.065, 70.02.050, 71.05.630, or 74.42.040, or in violation of any federal informed consent statute or rule has committed an unfair business practice pursuant to the consumer protection act, chapter 19.86 RCW. Any person whose individually identified DNA information was copied or recorded in violation of this section shall have a cause of action under the consumer protection act.

NEW SECTION. Sec. 202. A new section is added to chapter 19.86 RCW to read as follows:

Any violation of section 3 of this act shall also constitute an unfair business practice in violation of RCW 19.86.020.

NEW SECTION. Sec. 203. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "identification;" strike the remainder of the title and insert "amending RCW 43.43.754; adding a new section to chapter 70.02 RCW; adding a new section to chapter 19.86 RCW; and creating a new section."

and the same are herewith transmitted.

Tony M. Cook, Secretary



There being no objection, the House refused to concur in the Senate Amendment(s) to House Bill No. 1757 and asked the Senate to recede therefrom.

### SENATE AMENDMENTS TO HOUSE BILL

April 15, 1999

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1761 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 41.32.570 and 1997 c 254 s 5 are each amended to read as follows:

(1)(a) If a retiree enters employment with an employer sooner than one calendar month after his or her accrual date, the retiree's monthly retirement allowance will be reduced by five and one-half percent for every seven hours worked during that month. This reduction will be applied each month until the retiree remains absent from employment with an employer for one full calendar month.

(b) The benefit reduction provided in (a) of this subsection will accrue for a maximum of one hundred forty hours per month. Any monthly benefit reduction over one hundred percent will be applied to the benefit the retiree is eligible to receive in subsequent months.

(2) Any retired teacher or retired administrator who enters service in any public educational institution in Washington state and who has satisfied the break in employment requirement of subsection (1) of this section shall cease to receive pension payments while engaged in such service: PROVIDED, That service may be rendered up to five hundred twenty-five hours per school year without reduction of pension.

(3) In addition to the five hundred twenty-five hours of service permitted under subsection (2) of this section, a retired teacher or retired administrator may also serve only as a substitute teacher for up to an additional (~~one hundred five~~) three hundred fifteen hours per school year without reduction of pension if:

(a) A school district, which is not a member of a multidistrict substitute cooperative, determines that it has exhausted or can reasonably anticipate that it will exhaust its list of qualified and available substitutes and the school board of the district adopts a resolution to make its substitute teachers who are retired teachers or retired administrators eligible for the (~~additional one hundred five hours of~~) extended service once the list of qualified and available substitutes has been exhausted. The resolution by the school district shall state that the services of retired teachers and retired administrators are necessary to address the shortage of qualified and available substitutes. The resolution shall be valid only for the school year in which it is adopted. The district shall forward a copy of the resolution with a list of retired teachers and retired administrators who have been employed as substitute teachers to the department and may notify the retired teachers and retired administrators included on the list of their right to take advantage of the provisions of this subsection; or

(b) A multidistrict substitute cooperative determines that the school districts have exhausted or can reasonably anticipate that they will exhaust their list of qualified and available substitutes and each of the school boards adopts a resolution to make their substitute teachers who are retired teachers or retired administrators eligible for the extended service once the list of qualified and available substitutes has been exhausted. The resolutions by each of the school districts shall state that the services of retired teachers and retired administrators are necessary to address the shortage of qualified and available substitutes. The resolutions shall be valid only for the school year in which they are adopted. The cooperative shall forward a copy of the resolutions with a list of retired teachers and retired administrators who have been employed as substitute teachers to the department and may notify the retired teachers and retired administrators included on the list of their right to take advantage of the provisions of this subsection.

(4) In addition to the five hundred twenty-five hours of service permitted under subsection (2) of this section, a retired administrator or retired teacher may also serve as a substitute administrator up to an additional one hundred five hours per school year without reduction of pension if a school district

board of directors adopts a resolution declaring that the services of a retired administrator or retired teacher are necessary because it cannot find a replacement administrator to fill a vacancy. The resolution shall be valid only for the school year in which it is adopted. The district shall forward a copy of the resolution with the name of the retired administrator or retired teacher who has been employed as a substitute administrator to the department. ~~((However, a retired administrator or retired teacher may not serve more than a total of one hundred five additional hours per school year pursuant to subsections (3) and (4) of this section.))~~

(5) In addition to the five hundred twenty-five hours of service permitted under subsection (2) of this section and the one hundred five hours permitted under subsection (4) of this section, a retired principal may also serve as a substitute principal up to an additional two hundred ten hours per school year without a reduction of pension if a school district board of directors adopts a resolution declaring that the services of a retired principal are necessary because it cannot find a replacement principal to fill a vacancy. The resolution shall be valid only for the school year in which it is adopted. The district shall forward a copy of the resolution with the name of the retired principal who has been employed as a substitute principal to the department.

(6) Subsection (2) of this section shall apply to all persons governed by the provisions of plan I, regardless of the date of their retirement, but shall apply only to benefits payable after June 11, 1986.

~~((6))~~ (7) Subsection (3) of this section shall apply to all persons governed by the provisions of plan I, regardless of the date of their retirement, but shall only apply to benefits payable after September 1, 1994."

On page 1, line 3 of the title, after "benefits;" strike the remainder of the title and insert "and amending RCW 41.32.570."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to House Bill No. 1761 and advanced the bill as amended by the Senate to final passage.

### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE**

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of House Bill No. 1761 as amended by the Senate.

Representatives Talcott and Haigh spoke in favor of passage of the bill as amended by the Senate.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1761, as amended by the Senate and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Mulliken and Quall - 2.

House Bill No. 1761, as amended by the Senate, having received the constitutional majority, was declared passed.

### SENATE AMENDMENTS TO HOUSE BILL

April 16, 1999

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1770 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** During 1997 and 1998, a committee of the state board of education reviewed all board rules and related authorizing statutes. Based on the findings and recommendations resulting from the review, the state board prepared a report to the legislature requesting action be taken. It is the intent of this act to implement recommendations of the state board of education.

**Sec. 2.** RCW 28A.205.010 and 1993 c 211 s 1 are each amended to read as follows:

(1) As used in this chapter, unless the context thereof shall clearly indicate to the contrary:

"Education center" means any private school operated on a profit or nonprofit basis which does the following:

(a) Is devoted to the teaching of basic academic skills, including specific attention to improvement of student motivation for achieving, and employment orientation.

(b) Operates on a clinical, client centered basis. This shall include, but not be limited to, performing diagnosis of individual educational abilities, determination and setting of individual goals, prescribing and providing individual courses of instruction therefor, and evaluation of each individual client's progress in his or her educational program.

(c) Conducts courses of instruction by professionally trained personnel certificated by the state board of education according to rules (~~and regulations promulgated~~) adopted for the purposes of this chapter and providing, for certification purposes, that a year's teaching experience in an education center shall be deemed equal to a year's teaching experience in a common or private school.

(2) For purposes of this chapter, basic academic skills shall include the study of mathematics, speech, language, reading and composition, science, history, literature and political science or civics; it shall not include courses of a vocational training nature and shall not include courses deemed nonessential to the accrediting of the common schools or the approval of private schools under RCW 28A.305.130.

(3) The state board of education shall certify an education center only upon application and (a) determination that such school comes within the definition thereof as set forth in subsection (1) (~~above~~) of this section and (b) demonstration on the basis of actual educational performance of such applicants' students which shows after consideration of their students' backgrounds, educational gains that are a direct result of the applicants' educational program. Such certification may be withdrawn if the board finds that a center fails to provide adequate instruction in basic academic skills. No education center certified by the state board of education pursuant to this section shall be deemed a common school under RCW 28A.150.020 or a private school for the purposes of RCW 28A.195.010 through 28A.195.050.

**Sec. 3.** RCW 28A.205.020 and 1997 c 265 s 7 are each amended to read as follows:

Only eligible common school dropouts shall be enrolled in a certified education center for reimbursement by the superintendent of public instruction as provided in RCW 28A.205.040. A person is not an eligible common school dropout if: (1) The person has completed high school, (2) the person has not reached his or her twelfth birthday or has passed his or her twentieth birthday, (3) the

person shows proficiency beyond the high school level in a test approved by the ~~((superintendent of public instruction))~~ state board of education to be given as part of the initial diagnostic procedure, or (4) less than one month has passed after the person has dropped out of any common school and the education center has not received written verification from a school official of the common school last attended in this state that the person is no longer in attendance at the school. A person is an eligible common school dropout even if one month has not passed since the person dropped out if the board of directors or its designee, of that common school, requests the center to admit the person because the person has dropped out or because the person is unable to attend a particular common school because of disciplinary reasons, including suspension and/or expulsion. The fact that any person may be subject to RCW 28A.225.010 through ~~((28A.225.150))~~ 28A.225.140, 28A.200.010, and 28A.200.020 shall not affect his or her qualifications as an eligible common school dropout under this chapter.

**Sec. 4.** RCW 28A.205.040 and 1990 c 33 s 183 are each amended to read as follows:

(1)(a) From funds appropriated for that purpose, the superintendent of public instruction shall pay fees to a certified ~~((clinic))~~ center on a monthly basis for each student enrolled in compliance with RCW 28A.205.020~~((, fees in accordance with the following conditions:~~

~~((1)(a) The fee for the initial diagnostic procedure shall be not more than fifty dollars per student, and hourly fees for each student shall be sixteen dollars if the class size is no greater than one, ten dollars if the class size is at least two and no greater than five, and five dollars if the class size is at least six: PROVIDED, That)).~~ The superintendent shall set fees by rule.

(b) Revisions in such fees proposed by an education ~~((clinic))~~ center shall become effective after thirty days notice unless the superintendent finds such a revision is unreasonable in which case the revision shall not take effect~~((: PROVIDED FURTHER, That)).~~ An education ~~((clinic))~~ center may, within fifteen days after such a finding by the superintendent, file notification of appeal with the state board of education which shall, no later than its second regularly scheduled meeting following notification of such appeal, either grant or deny the proposed revision~~((: AND PROVIDED FURTHER, That)).~~ The administration of any general education development test shall not be a part of such initial diagnostic procedure.

~~((b))~~ (c) Reimbursements shall not be made for students who are absent.

~~((c))~~ (d) No ~~((clinic))~~ center shall make any charge to any student, or the student's parent, guardian or custodian, for whom a fee is being received under the provisions of this section.

(2) Payments shall be made from available funds first to those ~~((clinic(s) which))~~ centers that have in the judgment of the superintendent demonstrated superior performance based upon consideration of students' educational gains taking into account such students' backgrounds, and upon consideration of cost effectiveness. In considering the cost effectiveness of nonprofit ~~((clinics))~~ centers the superintendent shall take into account not only payments made under this section but also factors such as tax exemptions, direct and indirect subsidies or any other cost to taxpayers at any level of government which result from such nonprofit status.

(3) To be eligible for such payment, every such ~~((clinic))~~ center, without prior notice, shall permit a review of its accounting records by personnel of the state auditor during normal business hours.

(4) If total funds for this purpose approach depletion, the superintendent shall notify the ~~((clinics))~~ centers of the date after which further funds for reimbursement of the ~~((clinics'))~~ centers' services will be exhausted.

**Sec. 5.** RCW 28A.225.160 and 1986 c 166 s 1 are each amended to read as follows:

Except as otherwise provided by law, it is the general policy of the state that the common schools shall be open to the admission of all persons who are five years of age and less than twenty-one years residing in that school district. Except as otherwise provided by law or rules adopted by the state board of education, ~~((the state board of education is hereby authorized to adopt rules in accordance with chapter 34.05 RCW which))~~ districts may establish uniform entry qualifications, including but not limited to birth date requirements, for admission to kindergarten and first grade programs of the common schools. Such rules may provide for exceptions based upon the ability, or the need, or both, of an individual student. For the purpose of complying with any rule adopted by the state board of

education which authorizes a preadmission screening process as a prerequisite to granting exceptions to the uniform entry qualifications, a school district may collect fees (~~(not to exceed seventy five dollars per preadmission student)~~) to cover expenses incurred in the administration of ~~((such a))~~ any preadmission screening process: PROVIDED, That in so establishing such fee or fees, the district shall adopt regulations for waiving and reducing such fees in the cases of those persons whose families, by reason of their low income, would have difficulty in paying the entire amount of such fees.

**Sec. 6.** RCW 28A.300.040 and 1992 c 198 s 6 are each amended to read as follows:

In addition to any other powers and duties as provided by law, the powers and duties of the superintendent of public instruction shall be:

- (1) To have supervision over all matters pertaining to the public schools of the state((-));
- (2) To report to the governor and the legislature such information and data as may be required for the management and improvement of the schools((-);
- (3) To prepare and have printed such forms, registers, courses of study, rules (~~and regulations~~) for the government of the common schools, (~~questions prepared for the examination of persons as provided for in RCW 28A.305.130(9),)~~) and such other material and books as may be necessary for the discharge of the duties of teachers and officials charged with the administration of the laws relating to the common schools, and to distribute the same to educational service district superintendents((-);
- (4) To travel, without neglecting his or her other official duties as superintendent of public instruction, for the purpose of attending educational meetings or conventions, of visiting schools, of consulting educational service district superintendents or other school officials((-);
- (5) To prepare and from time to time to revise a manual of the Washington state common school code, copies of which shall be provided in such numbers as determined by the superintendent of public instruction at no cost to those public agencies within the common school system and which shall be sold at approximate actual cost of publication and distribution per volume to all other public and nonpublic agencies or individuals, said manual to contain Titles 28A and 28C RCW, rules (~~and regulations~~) related to the common schools, and such other matter as the state superintendent or the state board of education shall determine. Proceeds of the sale of such code shall be transmitted to the public printer who shall credit the state superintendent's account within the state printing plant revolving fund by a like amount((-);
- (6) To act as ex officio member and the chief executive officer of the state board of education((-);
- (7) To file all papers, reports and public documents transmitted to the superintendent by the school officials of the several counties or districts of the state, each year separately. Copies of all papers filed in the superintendent's office, and the superintendent's official acts, may, or upon request, shall be certified by the superintendent and attested by the superintendent's official seal, and when so certified shall be evidence of the papers or acts so certified to((-);
- (8) To require annually, on or before the 15th day of August, of the president, manager, or principal of every educational institution in this state, a report as required by the superintendent of public instruction; and it is the duty of every president, manager or principal, to complete and return such forms within such time as the superintendent of public instruction shall direct((-);
- (9) To keep in the superintendent's office a record of all teachers receiving certificates to teach in the common schools of this state((-);
- (10) To issue certificates as provided by law((-);
- (11) To keep in the superintendent's office at the capital of the state, all books and papers pertaining to the business of the superintendent's office, and to keep and preserve in the superintendent's office a complete record of statistics, as well as a record of the meetings of the state board of education((-);
- (12) With the assistance of the office of the attorney general, to decide all points of law which may be submitted to the superintendent in writing by any educational service district superintendent, or that may be submitted to the superintendent by any other person, upon appeal from the decision of any educational service district superintendent; and the superintendent shall publish his or her rulings and

decisions from time to time for the information of school officials and teachers; and the superintendent's decision shall be final unless set aside by a court of competent jurisdiction((-));

(13) To administer oaths and affirmations in the discharge of the superintendent's official duties((-);

(14) To deliver to his or her successor, at the expiration of the superintendent's term of office, all records, books, maps, documents and papers of whatever kind belonging to the superintendent's office or which may have been received by the superintendent's for the use of the superintendent's office((-);

(15) To administer family services and programs to promote the state's policy as provided in RCW 74.14A.025((-);

(16) To perform such other duties as may be required by law.

NEW SECTION. **Sec. 7.** The following sections are each recodified as a new chapter in Title 28A RCW:

RCW 28A.315.350  
RCW 28A.315.380  
RCW 28A.315.390  
RCW 28A.315.400  
RCW 28A.315.410  
RCW 28A.315.420  
RCW 28A.315.430  
RCW 28A.315.440

NEW SECTION. **Sec. 8.** The following sections are each recodified as a new chapter in Title 28A RCW:

RCW 28A.315.450  
RCW 28A.315.650  
RCW 28A.315.470  
RCW 28A.315.480  
RCW 28A.315.490  
RCW 28A.315.500  
RCW 28A.315.530  
RCW 28A.315.510  
RCW 28A.315.540

NEW SECTION. **Sec. 9.** The following sections are each recodified as a new chapter in Title 28A RCW:

RCW 28A.315.570  
RCW 28A.315.460  
RCW 28A.315.600  
RCW 28A.315.610  
RCW 28A.315.620  
RCW 28A.315.630  
RCW 28A.315.670  
RCW 28A.315.680  
RCW 28A.315.550

NEW SECTION. **Sec. 10.** The following sections are each recodified as a new chapter in Title 28A RCW:

RCW 28A.315.560  
RCW 28A.315.580  
RCW 28A.315.590  
RCW 28A.315.593  
RCW 28A.315.660

RCW 28A.315.597  
RCW 28A.315.640

NEW SECTION. **Sec. 11.** The following acts or parts of acts are each repealed:

- (1) RCW 28A.04.172 (Post-baccalaureate professional teacher preparation program--Masters degree--Implementation--Standards) and 1987 c 525 s 214; and
- (2) RCW 28A.410.013 (Teacher assessment for certification--Study--Report to the legislature) and 1995 c 222 s 1."

On page 1, line 2 of the title, after "authority;" strike the remainder of the title and insert "amending RCW 28A.205.010, 28A.205.020, 28A.205.040, 28A.225.160, and 28A.300.040; adding new chapters to Title 28A RCW; creating a new section; recodifying RCW 28A.315.350, 28A.315.380, 28A.315.390, 28A.315.400, 28A.315.410, 28A.315.420, 28A.315.430, 28A.315.440, 28A.315.450, 28A.315.650, 28A.315.470, 28A.315.480, 28A.315.490, 28A.315.500, 28A.315.530, 28A.315.510, 28A.315.540, 28A.315.570, 28A.315.460, 28A.315.600, 28A.315.610, 28A.315.620, 28A.315.630, 28A.315.670, 28A.315.680, 28A.315.550, 28A.315.560, 28A.315.580, 28A.315.590, 28A.315.593, 28A.315.660, 28A.315.597, and 28A.315.640; and repealing RCW 28A.04.172 and 28A.410.013."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Substitute House Bill No. 1770 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE**

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Substitute House Bill No. 1770 as amended by the Senate.

Representative Stensen spoke in favor of passage of the bill as amended by the Senate.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1770, as amended by the Senate and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Mulliken and Quall - 2.

Substitute House Bill No. 1770, as amended by the Senate, having received the constitutional majority, was declared passed.

#### **SENATE AMENDMENTS TO HOUSE BILL**

April 16, 1999

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1773 with the following amendment(s)

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 26.09.240 and 1996 c 177 s 1 are each amended to read as follows:

(1) ~~((A person other than a parent may petition the court for visitation with a child at any time or may intervene in a pending dissolution, legal separation, or modification of parenting plan proceeding. A person other than a parent may not petition for visitation under this section unless the child's parent or parents have commenced an action under this chapter.))~~ A grandparent of a child may petition the court for visitation with the child at any time after an action has been commenced under this chapter or a final order has been entered. A grandparent of a child may intervene in a pending dissolution, legal separation, or modification of parenting plan proceeding to seek visitation with the child.

(2) ~~((A))~~ The petition for visitation ((with a child by a person other than a parent)) must be filed in the county in which the child resides.

(3) ~~((A petition for visitation or a motion to intervene pursuant to this section shall be dismissed unless the petitioner or intervenor can demonstrate by clear and convincing evidence that a significant relationship exists with the child with whom visitation is sought. If the petition or motion is dismissed for failure to establish the existence of a significant relationship, the petitioner or intervenor shall be ordered to pay reasonable attorney's fees and costs to the parent, parents, other custodian, or representative of the child who responds to this petition or motion.~~

~~((4))~~ The court may order visitation between the petitioner or intervenor and the child ((between whom a significant relationship exists upon a finding supported by the evidence that the visitation is in the child's best interests.

~~(5)(a) Visitation with a grandparent shall be presumed to be in the child's best interests when a significant relationship has been shown to exist. This presumption may be rebutted by a preponderance of evidence showing that visitation would endanger the child's physical, mental, or emotional health.~~

~~(b) If the court finds that reasonable visitation by a grandparent would be in the child's best interest except for hostilities that exist between the grandparent and one or both of the parents or person with whom the child lives, the court may set the matter for mediation under RCW 26.09.015.~~

~~(6))~~ if the petitioner or intervenor has demonstrated by clear, cogent, and convincing evidence that:

(a) A significant relationship exists with the child with whom visitation is sought;

(b) Denial of visitation would result in a substantial likelihood of harm to the child's physical, mental, or emotional well-being; and

(c) Visitation is in the child's best interests.

If the petition or motion is dismissed, the petitioner or intervenor shall be ordered to pay reasonable attorneys' fees and costs to the parent, parents, other custodian, or representative of the child who responds to the petition or motion.

(4) The court may consider the following factors when making a determination of the child's best interests:

(a) The strength of the relationship between the child and the petitioner or intervenor;

(b) The relationship between each of the child's parents or the person with whom the child is residing and the petitioner or intervenor;

(c) The nature and reason for either parent's objection to granting the petitioner or intervenor visitation;

(d) The effect that granting visitation will have on the relationship between the child and the child's parents or the person with whom the child is residing;

(e) The residential time-sharing arrangements between the parents;

(f) The good faith of the petitioner or intervenor;



(g) Any criminal history or history of physical, emotional, or sexual abuse or neglect by the petitioner or intervenor; and

(h) Any other factor relevant to the child's best interest.

~~((7))~~ (5) The restrictions of RCW 26.09.191 that apply to parents shall be applied to a petitioner or intervenor who is not a parent, but who is a grandparent of the child. The nature and extent of visitation, subject to these restrictions, is in the discretion of the court.

~~((8))~~ (6) The court may order an investigation and report concerning the proposed visitation or may appoint a guardian ad litem as provided in RCW 26.09.220.

~~((9))~~ (7) Visitation granted ~~((pursuant to))~~ under this section shall be incorporated into the parenting plan for the child.

~~((10))~~ (8) The court may modify or terminate an order granting visitation ~~((rights granted pursuant to))~~ under this section in any subsequent modification action upon a showing that the visitation is no longer in the best interest of the child.

**Sec. 2.** RCW 26.10.160 and 1996 c 303 s 2 are each amended to read as follows:

(1) A parent not granted custody of the child is entitled to reasonable visitation rights except as provided in subsection (2) of this section.

(2)(a) Visitation with the child shall be limited if it is found that the parent seeking visitation has engaged in any of the following conduct: (i) Willful abandonment that continues for an extended period of time or substantial refusal to perform parenting functions; (ii) physical, sexual, or a pattern of emotional abuse of a child; (iii) a history of acts of domestic violence as defined in RCW 26.50.010(1) or an assault or sexual assault which causes grievous bodily harm or the fear of such harm; or (iv) the parent has been convicted as an adult of a sex offense under:

(A) RCW 9A.44.076 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (d) of this subsection;

(B) RCW 9A.44.079 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (d) of this subsection;

(C) RCW 9A.44.086 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (d) of this subsection;

(D) RCW 9A.44.089;

(E) RCW 9A.44.093;

(F) RCW 9A.44.096;

(G) RCW 9A.64.020 (1) or (2) if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (d) of this subsection;

(H) Chapter 9.68A RCW;

(I) Any predecessor or antecedent statute for the offenses listed in (a)(iv)(A) through (H) of this subsection;

(J) Any statute from any other jurisdiction that describes an offense analogous to the offenses listed in (a)(iv)(A) through (H) of this subsection.

This subsection (2)(a) shall not apply when (c) or (d) of this subsection applies.

(b) The parent's visitation with the child shall be limited if it is found that the parent resides with a person who has engaged in any of the following conduct: (i) Physical, sexual, or a pattern of emotional abuse of a child; (ii) a history of acts of domestic violence as defined in RCW 26.50.010(1) or an assault or sexual assault that causes grievous bodily harm or the fear of such harm; or (iii) the person has been convicted as an adult or as a juvenile has been adjudicated of a sex offense under:

(A) RCW 9A.44.076 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (e) of this subsection;

(B) RCW 9A.44.079 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (e) of this subsection;

(C) RCW 9A.44.086 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (e) of this subsection;

(D) RCW 9A.44.089;

(E) RCW 9A.44.093;

(F) RCW 9A.44.096;

(G) RCW 9A.64.020 (1) or (2) if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (e) of this subsection;

(H) Chapter 9.68A RCW;

(I) Any predecessor or antecedent statute for the offenses listed in (b)(iii)(A) through (H) of this subsection;

(J) Any statute from any other jurisdiction that describes an offense analogous to the offenses listed in (b)(iii)(A) through (H) of this subsection.

This subsection (2)(b) shall not apply when (c) or (e) of this subsection applies.

(c) If a parent has been found to be a sexual predator under chapter 71.09 RCW or under an analogous statute of any other jurisdiction, the court shall restrain the parent from contact with a child that would otherwise be allowed under this chapter. If a parent resides with an adult or a juvenile who has been found to be a sexual predator under chapter 71.09 RCW or under an analogous statute of any other jurisdiction, the court shall restrain the parent from contact with the parent's child except contact that occurs outside that person's presence.

(d) There is a rebuttable presumption that a parent who has been convicted as an adult of a sex offense listed in (d)(i) through (ix) of this subsection poses a present danger to a child. Unless the parent rebuts this presumption, the court shall restrain the parent from contact with a child that would otherwise be allowed under this chapter:

(i) RCW 9A.64.020 (1) or (2), provided that the person convicted was at least five years older than the other person;

(ii) RCW 9A.44.073;

(iii) RCW 9A.44.076, provided that the person convicted was at least eight years older than the victim;

(iv) RCW 9A.44.079, provided that the person convicted was at least eight years older than the victim;

(v) RCW 9A.44.083;

(vi) RCW 9A.44.086, provided that the person convicted was at least eight years older than the victim;

(vii) RCW 9A.44.100;

(viii) Any predecessor or antecedent statute for the offenses listed in (d)(i) through (vii) of this subsection;

(ix) Any statute from any other jurisdiction that describes an offense analogous to the offenses listed in (d)(i) through (vii) of this subsection.

(e) There is a rebuttable presumption that a parent who resides with a person who, as an adult, has been convicted, or as a juvenile has been adjudicated, of the sex offenses listed in (e)(i) through (ix) of this subsection places a child at risk of abuse or harm when that parent exercises visitation in the presence of the convicted or adjudicated person. Unless the parent rebuts the presumption, the court shall restrain the parent from contact with the parent's child except for contact that occurs outside of the convicted or adjudicated person's presence:

(i) RCW 9A.64.020 (1) or (2), provided that the person convicted was at least five years older than the other person;

(ii) RCW 9A.44.073;

(iii) RCW 9A.44.076, provided that the person convicted was at least eight years older than the victim;

(iv) RCW 9A.44.079, provided that the person convicted was at least eight years older than the victim;

(v) RCW 9A.44.083;

(vi) RCW 9A.44.086, provided that the person convicted was at least eight years older than the victim;

(vii) RCW 9A.44.100;

(viii) Any predecessor or antecedent statute for the offenses listed in (e)(i) through (vii) of this subsection;

(ix) Any statute from any other jurisdiction that describes an offense analogous to the offenses listed in (e)(i) through (vii) of this subsection.

(f) The presumption established in (d) of this subsection may be rebutted only after a written finding that:

(i) If the child was not the victim of the sex offense committed by the parent requesting visitation, (A) contact between the child and the offending parent is appropriate and poses minimal risk to the child, and (B) the offending parent has successfully engaged in treatment for sex offenders or is engaged in and making progress in such treatment, if any was ordered by a court, and the treatment provider believes such contact is appropriate and poses minimal risk to the child; or

(ii) If the child was the victim of the sex offense committed by the parent requesting visitation, (A) contact between the child and the offending parent is appropriate and poses minimal risk to the child, (B) if the child is in or has been in therapy for victims of sexual abuse, the child's counselor believes such contact between the child and the offending parent is in the child's best interest, and (C) the offending parent has successfully engaged in treatment for sex offenders or is engaged in and making progress in such treatment, if any was ordered by a court, and the treatment provider believes such contact is appropriate and poses minimal risk to the child.

(g) The presumption established in (e) of this subsection may be rebutted only after a written finding that:

(i) If the child was not the victim of the sex offense committed by the person who is residing with the parent requesting visitation, (A) contact between the child and the parent residing with the convicted or adjudicated person is appropriate and that parent is able to protect the child in the presence of the convicted or adjudicated person, and (B) the convicted or adjudicated person has successfully engaged in treatment for sex offenders or is engaged in and making progress in such treatment, if any was ordered by a court, and the treatment provider believes such contact is appropriate and poses minimal risk to the child; or

(ii) If the child was the victim of the sex offense committed by the person who is residing with the parent requesting visitation, (A) contact between the child and the parent in the presence of the convicted or adjudicated person is appropriate and poses minimal risk to the child, (B) if the child is in or has been in therapy for victims of sexual abuse, the child's counselor believes such contact between the child and the parent residing with the convicted or adjudicated person in the presence of the convicted or adjudicated person is in the child's best interest, and (C) the convicted or adjudicated person has successfully engaged in treatment for sex offenders or is engaged in and making progress in such treatment, if any was ordered by a court, and the treatment provider believes contact between the parent and child in the presence of the convicted or adjudicated person is appropriate and poses minimal risk to the child.

(h) If the court finds that the parent has met the burden of rebutting the presumption under (f) of this subsection, the court may allow a parent who has been convicted as an adult of a sex offense listed in (d)(i) through (ix) of this subsection to have visitation with the child supervised by a neutral and independent adult and pursuant to an adequate plan for supervision of such visitation. The court shall not approve of a supervisor for contact between the child and the parent unless the court finds, based on the evidence, that the supervisor is willing and capable of protecting the child from harm. The court shall revoke court approval of the supervisor upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing or capable of protecting the child.

(i) If the court finds that the parent has met the burden of rebutting the presumption under (g) of this subsection, the court may allow a parent residing with a person who has been adjudicated as a juvenile of a sex offense listed in (e)(i) through (ix) of this subsection to have visitation with the child in the presence of the person adjudicated as a juvenile, supervised by a neutral and independent adult and pursuant to an adequate plan for supervision of such visitation. The court shall not approve of a supervisor for contact between the child and the parent unless the court finds, based on the evidence, that the supervisor is willing and capable of protecting the child from harm. The court shall revoke court approval of the supervisor upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing or capable of protecting the child.

(j) If the court finds that the parent has met the burden of rebutting the presumption under (g) of this subsection, the court may allow a parent residing with a person who, as an adult, has been convicted of a sex offense listed in (e)(i) through (ix) of this subsection to have visitation with the child in the presence of the convicted person supervised by a neutral and independent adult and pursuant to

an adequate plan for supervision of such visitation. The court shall not approve of a supervisor for contact between the child and the parent unless the court finds, based on the evidence, that the supervisor is willing and capable of protecting the child from harm. The court shall revoke court approval of the supervisor upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing or capable of protecting the child.

(k) A court shall not order unsupervised contact between the offending parent and a child of the offending parent who was sexually abused by that parent. A court may order unsupervised contact between the offending parent and a child who was not sexually abused by the parent after the presumption under (d) of this subsection has been rebutted and supervised visitation has occurred for at least two years with no further arrests or convictions of sex offenses involving children under chapter 9A.44 RCW, RCW 9A.64.020, or chapter 9.68A RCW and (i) the sex offense of the offending parent was not committed against a child of the offending parent, and (ii) the court finds that unsupervised contact between the child and the offending parent is appropriate and poses minimal risk to the child, after consideration of the testimony of a state-certified therapist, mental health counselor, or social worker with expertise in treating child sexual abuse victims who has supervised at least one period of visitation between the parent and the child, and after consideration of evidence of the offending parent's compliance with community supervision requirements, if any. If the offending parent was not ordered by a court to participate in treatment for sex offenders, then the parent shall obtain a psychosexual evaluation conducted by a state-certified sex offender treatment provider indicating that the offender has the lowest likelihood of risk to reoffend before the court grants unsupervised contact between the parent and a child.

(l) A court may order unsupervised contact between the parent and a child which may occur in the presence of a juvenile adjudicated of a sex offense listed in (e)(i) through (ix) of this subsection who resides with the parent after the presumption under (e) of this subsection has been rebutted and supervised visitation has occurred for at least two years during which time the adjudicated juvenile has had no further arrests, adjudications, or convictions of sex offenses involving children under chapter 9A.44 RCW, RCW 9A.64.020, or chapter 9.68A RCW, and (i) the court finds that unsupervised contact between the child and the parent that may occur in the presence of the adjudicated juvenile is appropriate and poses minimal risk to the child, after consideration of the testimony of a state-certified therapist, mental health counselor, or social worker with expertise in treatment of child sexual abuse victims who has supervised at least one period of visitation between the parent and the child in the presence of the adjudicated juvenile, and after consideration of evidence of the adjudicated juvenile's compliance with community supervision or parole requirements, if any. If the adjudicated juvenile was not ordered by a court to participate in treatment for sex offenders, then the adjudicated juvenile shall obtain a psychosexual evaluation conducted by a state-certified sex offender treatment provider indicating that the adjudicated juvenile has the lowest likelihood of risk to reoffend before the court grants unsupervised contact between the parent and a child which may occur in the presence of the adjudicated juvenile who is residing with the parent.

(m)(i) The limitations imposed by the court under (a) or (b) of this subsection shall be reasonably calculated to protect the child from the physical, sexual, or emotional abuse or harm that could result if the child has contact with the parent requesting visitation. If the court expressly finds based on the evidence that limitations on visitation with the child will not adequately protect the child from the harm or abuse that could result if the child has contact with the parent requesting visitation, the court shall restrain the person seeking visitation from all contact with the child.

(ii) The court shall not enter an order under (a) of this subsection allowing a parent to have contact with a child if the parent has been found by clear and convincing evidence in a civil action or by a preponderance of the evidence in a dependency action to have sexually abused the child, except upon recommendation by an evaluator or therapist for the child that the child is ready for contact with the parent and will not be harmed by the contact. The court shall not enter an order allowing a parent to have contact with the child in the offender's presence if the parent resides with a person who has been found by clear and convincing evidence in a civil action or by a preponderance of the evidence in a dependency action to have sexually abused a child, unless the court finds that the parent accepts that the person engaged in the harmful conduct and the parent is willing to and capable of protecting the child from harm from the person.

(iii) If the court limits visitation under (a) or (b) of this subsection to require supervised contact between the child and the parent, the court shall not approve of a supervisor for contact between a child and a parent who has engaged in physical, sexual, or a pattern of emotional abuse of the child unless the court finds based upon the evidence that the supervisor accepts that the harmful conduct occurred and is willing to and capable of protecting the child from harm. The court shall revoke court approval of the supervisor upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing to or capable of protecting the child.

(n) If the court expressly finds based on the evidence that contact between the parent and the child will not cause physical, sexual, or emotional abuse or harm to the child and that the probability that the parent's or other person's harmful or abusive conduct will recur is so remote that it would not be in the child's best interests to apply the limitations of (a), (b), and (m)(i) and (iii) of this subsection, or if the court expressly finds that the parent's conduct did not have an impact on the child, then the court need not apply the limitations of (a), (b), and (m)(i) and (iii) of this subsection. The weight given to the existence of a protection order issued under chapter 26.50 RCW as to domestic violence is within the discretion of the court. This subsection shall not apply when (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), and (m)(ii) of this subsection apply.

~~(3) ((Any person may petition the court for visitation rights at any time including, but not limited to, custody proceedings.))~~ (a) A grandparent of a child may petition the court for visitation with the child at any time after an action has been commenced under this chapter or a final order has been entered. The court may order visitation ((rights for any person when visitation may serve the best interest of the child)) between the petitioner and the child whether or not there has been any change of circumstances if the petitioner has demonstrated by clear, cogent, and convincing evidence that:

(i) A significant relationship exists with the child with whom visitation is sought;

(ii) Denial of visitation would result in a substantial likelihood of harm to the child's physical, mental, or emotional well-being; and

(iii) Visitation is in the child's best interests.

If the petition is dismissed, the petitioner shall be ordered to pay reasonable attorneys' fees and costs to the parent, parents, other custodian, or representative of the child who responds to the petition.

~~((4))~~ (b) The court may consider the following factors when making a determination of the child's best interests:

(i) The strength of the relationship between the child and the petitioner;

(ii) The relationship between each of the child's parents or the person with whom the child is residing and the petitioner;

(iii) The nature and reason for either parent's objection to granting the petitioner visitation;

(iv) The effect that granting visitation will have on the relationship between the child and the child's parents or the person with whom the child is residing;

(v) The residential time-sharing arrangements between the parents;

(vi) The good faith of the petitioner;

(vii) Any criminal history or history of physical, emotional, or sexual abuse or neglect by the petitioner; and

(viii) Any other factor relevant to the child's best interest.

(c) The restrictions of RCW 26.09.191 that apply to parents shall be applied to a petitioner or intervenor who is not a parent, but who is a grandparent of the child. The nature and extent of visitation, subject to these restrictions, is in the discretion of the court.

(4) Visitation granted under this section shall be incorporated into the parenting plan for the child.

(5) The court may modify or terminate an order granting ((or denying)) visitation rights whenever modification or termination would serve the best interests of the child. Modification of a parent's visitation rights shall be subject to the requirements of subsection (2) of this section.

~~((5))~~ (6) For the purposes of this section, a parent's child means that parent's natural child, adopted child, or stepchild.

NEW SECTION. Sec. 3. A new section is added to chapter 26.26 RCW to read as follows:

(1) A grandparent of a child who is the subject of an action brought under this chapter may petition the court for visitation with the child at any time after an action has been commenced under this chapter or a final order has been entered. A grandparent of a child may intervene in a pending action under this chapter to seek visitation with the child.

(2) The petition for visitation must be filed in the county in which the child resides.

(3) The court may order visitation between the petitioner or intervenor and the child if the petitioner or intervenor has demonstrated by clear, cogent, and convincing evidence that:

(a) A significant relationship exists with the child with whom visitation is sought;

(b) Denial of visitation would result in a substantial likelihood of harm to the child's physical, mental, or emotional well-being; and

(c) Visitation is in the child's best interests.

If the petition or motion is dismissed, the petitioner or intervenor shall be ordered to pay reasonable attorneys' fees and costs to the parent, parents, other custodian, or representative of the child who responds to the petition or motion.

(4) The court may consider the following factors when making a determination of the child's best interests:

(a) The strength of the relationship between the child and the petitioner or intervenor;

(b) The relationship between each of the child's parents or the person with whom the child is residing and the petitioner or intervenor;

(c) The nature and reason for either parent's objection to granting the petitioner or intervenor visitation;

(d) The effect that granting visitation will have on the relationship between the child and the child's parents or the person with whom the child is residing;

(e) The residential time-sharing arrangements between the parents;

(f) The good faith of the petitioner or intervenor;

(g) Any criminal history or history of physical, emotional, or sexual abuse or neglect by the petitioner or intervenor; and

(h) Any other factor relevant to the child's best interest.

(5) The restrictions of RCW 26.09.191 that apply to parents shall be applied to a petitioner or intervenor who is not a parent, but who is a grandparent of the child. The nature and extent of visitation, subject to these restrictions, is in the discretion of the court.

(6) The court may order an investigation and report concerning the proposed visitation or may appoint a guardian ad litem as provided in RCW 26.09.220.

(7) Visitation granted under this section shall be incorporated into the parenting plan for the child.

(8) The court may modify or terminate an order granting visitation under this section in any subsequent modification action upon a showing that the visitation is no longer in the best interest of the child."

On page 1, line 2 of the title, after "custody;" strike the remainder of the title and insert "amending RCW 26.09.240 and 26.10.160; and adding a new section to chapter 26.26 RCW."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House refused to concur in the Senate Amendment(s) to Engrossed House Bill No. 1773 and asked the Senate to recede therefrom.

### **SENATE AMENDMENTS TO HOUSE BILL**

April 15, 1999

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1811 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** 1997 c 287 s 1 (uncodified) is amended to read as follows:

The legislature finds that the rate of unemployment among ~~((persons))~~ individuals with developmental disabilities or other significant disabilities is high due to the limited employment opportunities available to ~~((disabled persons))~~ them. Given that ~~((persons))~~ individuals with developmental disabilities or other significant disabilities are capable of filling employment positions in the general work force population, supported employment is an effective way of integrating such individuals into the general work force population. The creation of supported employment programs can increase the types and availability of employment positions for ~~((persons))~~ individuals with developmental disabilities or other significant disabilities.

**Sec. 2.** RCW 41.04.750 and 1997 c 287 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise the definitions in this section apply throughout RCW 41.04.760 through 41.04.780.

(1) "Developmental disability" means a disability as defined in RCW 71A.10.020.

(2) "Significant disability" means a disability as defined in 29 U.S.C. Sec. 705.

(3) "Supported employment" means employment for individuals with developmental disabilities or other significant disabilities who ~~((may))~~ require on-the-job training and long-term support in order to fulfill their job duties successfully. Supported employment offers the same wages and benefits as similar nonsupported employment positions.

~~((3))~~ (4) "State agency" means any office, department, division, bureau, board, commission, community college or institution of higher education, or agency of the state of Washington.

**Sec. 3.** RCW 41.04.760 and 1997 c 287 s 3 are each amended to read as follows:

State agencies are encouraged to participate in supported employment activities. The department of social and health services, in conjunction with the department of personnel and the office of financial management, shall identify agencies that have positions and funding conducive to implementing supported employment. An agency may only participate in supported employment activities pursuant to this section if the agency is able to operate the program within its existing budget. These agencies shall:

(1) Designate a coordinator who will be responsible for information and resource referral regarding the agency's supported employment program. The coordinator shall serve as a liaison between the agency and the department of personnel regarding supported employment;

(2) Submit an annual update to the department of social and health services, the department of personnel, and the office of financial management. The annual update shall include: A description of the agency's supported employment efforts, the number of ~~((persons))~~ individuals placed in supported employment positions, ~~((recommendations concerning expanding the supported employment program to include people with mental disabilities or other disabilities,))~~ and an overall evaluation of the effectiveness of supported employment for the agency.

**Sec. 4.** RCW 41.04.770 and 1997 c 287 s 4 are each amended to read as follows:

The department of social and health services and the department of personnel shall, after consultation with supported employment provider associations and other interested parties, encourage, educate, and assist state agencies in implementing supported employment programs. The department of social and health services shall maintain information regarding the number of supported employment placements by type of disability and report this information to the department of personnel. The department of personnel shall provide human resources technical assistance to agencies implementing supported employment programs. The department of personnel shall make available, upon request of the legislature, an annual report that evaluates the overall progress of supported employment in state government."

On page 1, line 1 of the title, after "employment;" strike the remainder of the title and insert "amending RCW 41.04.750, 41.04.760, and 41.04.770; and amending 1997 c 287 s 1 (uncodified)."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to House Bill No. 1811 and advanced the bill as amended by the Senate to final passage.

### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE**

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of House Bill No. 1811 as amended by the Senate.

Representatives Tokuda and D. Sommers spoke in favor of passage of the bill as amended by the Senate.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1811, as amended by the Senate and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Mulliken and Quall - 2.

House Bill No. 1811, as amended by the Senate, having received the constitutional majority, was declared passed.

### **SENATE AMENDMENTS TO HOUSE BILL**

April 15, 1999

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1969 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 84.36.041 and 1998 c 311 s 20 are each amended to read as follows:

(1) All real and personal property used by a nonprofit home for the aging that is reasonably necessary for the purposes of the home is exempt from taxation if the benefit of the exemption inures to the home and:

(a) At least fifty percent of the occupied dwelling units in the home are occupied by eligible residents; or



(b) The home is subsidized under a federal department of housing and urban development program. The department of revenue shall provide by rule a definition of homes eligible for exemption under this subsection (1)(b), consistent with the purposes of this section.

(2) All real and personal property used by a nonprofit home for the aging that is reasonably necessary for the purposes of the home is exempt from taxation if the benefit of the exemption inures to the home and the construction, rehabilitation, acquisition, or refinancing of the home is financed under a program using bonds exempt from federal income tax if at least seventy-five percent of the total amount financed uses the tax exempt bonds and the financing program requires the home to reserve a percentage of all dwelling units so financed for low-income residents. The initial term of the exemption under this subsection shall equal the term of the tax exempt bond used in connection with the financing program, or the term of the requirement to reserve dwelling units for low-income residents, whichever is shorter. If the financing program involves less than the entire home, only those dwelling units included in the financing program are eligible for total exemption. The department of revenue shall provide by rule the requirements for monitoring compliance with the provisions of this subsection and the requirements for exemption including:

(a) The number or percentage of dwelling units required to be occupied by low-income residents, and a definition of low income;

(b) The type and character of the dwelling units, whether independent units or otherwise; and

(c) Any particular requirements for continuing care retirement communities.

(3) A home for the aging is eligible for a partial exemption on the real property and a total exemption for the home's personal property if the home does not meet the requirements of subsection (1) of this section because fewer than fifty percent of the occupied dwelling units are occupied by eligible residents, as follows:

(a) A partial exemption shall be allowed for each dwelling unit in a home occupied by a resident requiring assistance with activities of daily living.

(b) A partial exemption shall be allowed for each dwelling unit in a home occupied by an eligible resident.

(c) A partial exemption shall be allowed for an area jointly used by a home for the aging and by a nonprofit organization, association, or corporation currently exempt from property taxation under one of the other provisions of this chapter. The shared area must be reasonably necessary for the purposes of the nonprofit organization, association, or corporation exempt from property taxation under one of the other provisions of this chapter, such as kitchen, dining, and laundry areas.

(d) The amount of exemption shall be calculated by multiplying the assessed value of the property reasonably necessary for the purposes of the home, less the assessed value of any area exempt under (c) of this subsection, by a fraction. The numerator of the fraction is the number of dwelling units occupied by eligible residents and by residents requiring assistance with activities of daily living. The denominator of the fraction is the total number of occupied dwelling units as of December 31st of the first assessment year the home becomes operational for which exemption is claimed and January 1st of ~~(the)~~ each subsequent assessment year for which exemption is claimed.

(4) To be exempt under this section, the property must be used exclusively for the purposes for which the exemption is granted, except as provided in RCW 84.36.805.

(5) A home for the aging is exempt from taxation only if the organization operating the home is exempt from income tax under section 501(c) of the federal internal revenue code as existing on January 1, 1989, or such subsequent date as the director may provide by rule consistent with the purposes of this section.

(6) In order for the home to be eligible for exemption under subsections (1)(a) and ~~((2))~~ (3)(b) of this section, each eligible resident of a home for the aging shall submit an income verification form to the county assessor by July 1st of the assessment year ~~((in which the application for exemption is made))~~ for which exemption is claimed. However, during the first year a home becomes operational, the county assessor shall accept income verification forms from eligible residents up to December 31st of the assessment year. The income verification form shall be prescribed and furnished by the department of revenue. An eligible resident who has filed a form for a previous year need not file a new form until there is a change in status affecting the person's eligibility.

(7) In determining the ~~((assessed))~~ true and fair value of a home for the aging for purposes of the partial exemption provided by subsection (3) of this section, the assessor shall apply the computation method provided by RCW 84.34.060 and shall consider only the use to which such property is applied during the years for which such partial exemptions are available and shall not consider potential uses of such property.

(8) As used in this section:

(a) "Eligible resident" means a person who:

(i) Occupied the dwelling unit as a principal place of residence as of ~~((January 1st))~~ December 31st of the first assessment year the home becomes operational. In each subsequent year, the eligible resident must occupy the dwelling unit as a principal place of residence as of January 1st of the assessment year for which the exemption is claimed. Confinement of the person to a hospital or nursing home does not disqualify the claim of exemption if the dwelling unit is temporarily unoccupied or if the dwelling unit is occupied by a spouse, a person financially dependent on the claimant for support, or both; and

(ii) Is sixty-one years of age or older on December 31st of the year in which the exemption claim is filed, or is, at the time of filing, retired from regular gainful employment by reason of physical disability. Any surviving spouse of a person who was receiving an exemption at the time of the person's death shall qualify if the surviving spouse is fifty-seven years of age or older and otherwise meets the requirements of this subsection; and

(iii) Has a combined disposable income of no more than the greater of twenty-two thousand dollars or eighty percent of the median income adjusted for family size as most recently determined by the federal department of housing and urban development for the county in which the person resides. For the purposes of determining eligibility under this section, a "cotentant" means a person who resides with an eligible resident and who shares personal financial resources with the eligible resident.

(b) "Combined disposable income" means the disposable income of the person submitting the income verification form, plus the disposable income of his or her spouse, and the disposable income of each cotenant occupying the dwelling unit for the preceding calendar year, less amounts paid by the person submitting the income verification form or his or her spouse or cotenant during the previous year for the treatment or care of either person received in the dwelling unit or in a nursing home. If the person submitting the income verification form was retired for two months or more of the preceding year, the combined disposable income of such person shall be calculated by multiplying the average monthly combined disposable income of such person during the months such person was retired by twelve. If the income of the person submitting the income verification form is reduced for two or more months of the preceding year by reason of the death of the person's spouse, the combined disposable income of such person shall be calculated by multiplying the average monthly combined disposable income of such person after the death of the spouse by twelve.

(c) "Disposable income" means adjusted gross income as defined in the federal internal revenue code, as amended prior to January 1, 1989, or such subsequent date as the director may provide by rule consistent with the purpose of this section, plus all of the following items to the extent they are not included in or have been deducted from adjusted gross income:

(i) Capital gains, other than ~~((nonrecognized gain on the sale of a principal residence under section 1034 of the federal internal revenue code, or))~~ gain excluded from income under section 121 of the federal internal revenue code to the extent it is reinvested in a new principal residence;

(ii) Amounts deducted for loss;

(iii) Amounts deducted for depreciation;

(iv) Pension and annuity receipts;

(v) Military pay and benefits other than attendant-care and medical-aid payments;

(vi) Veterans benefits other than attendant-care and medical-aid payments;

(vii) Federal social security act and railroad retirement benefits;

(viii) Dividend receipts; and

(ix) Interest received on state and municipal bonds.

(d) "Resident requiring assistance with activities of daily living" means a person who requires significant assistance with the activities of daily living and who would be at risk of nursing home placement without this assistance.

(e) "Home for the aging" means a residential housing facility that (i) provides a housing arrangement chosen voluntarily by the resident, the resident's guardian or conservator, or another responsible person; (ii) has only residents who are at least sixty-one years of age or who have needs for care generally compatible with persons who are at least sixty-one years of age; and (iii) provides varying levels of care and supervision, as agreed to at the time of admission or as determined necessary at subsequent times of reappraisal.

(9) A for-profit home for the aging that converts to nonprofit status after June 11, 1992, and would otherwise be eligible for tax exemption under this section may not receive the tax exemption until five years have elapsed since the conversion. The exemption shall then be ratably granted over the next five years.

**NEW SECTION. Sec. 2.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "aging;" strike the remainder of the title and insert "amending RCW 84.36.041; and declaring an emergency."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Substitute House Bill No. 1969 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE**

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Substitute House Bill No. 1969 as amended by the Senate.

Representatives McIntire and Thomas spoke in favor of passage of the bill as amended by the Senate.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1969, as amended by the Senate and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Mulliken and Quall - 2.

Substitute House Bill No. 1969, as amended by the Senate, having received the constitutional majority, was declared passed.

#### **SENATE AMENDMENTS TO HOUSE BILL**

April 13, 1999

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1992 with the following amendment(s):

On page 2, line 3, after "committee" insert "and the senate committee on health and long-term care"

On page 2, line 16, after "health" strike "may" and insert "shall"

On page 2, line 19, after "anaphylaxis." strike "If" and insert "When"

On page 2, line 25, after the word "allergists." insert "The technical advisory committee shall assist the department of health in assessing the pilot project and reporting to the appropriate committees of the legislature by December 12, 1999."

On page 2, after line 25, insert the following:

"NEW SECTION. Sec. 4. A new section is added to chapter 18.73 RCW to read as follows:

(1) All of the state's ambulance and aid services shall make epinephrine available to their emergency medical technicians in their emergency care supplies. The emergency medical technician may administer epinephrine to a patient of any age upon the presentation of evidence of a prescription for epinephrine or to a patient under eighteen years of age:

(a) upon the request of the patient or his or her parent or guardian, or

(b) upon the request of a person who presents written authorization from the patient or his or her parent or guardian making such a request.

(2) Any emergency medical technician, emergency medical service, or medical program director acting in good faith and in compliance with the provisions of this section shall not be liable for any civil damages arising out of the furnishing or administration of epinephrine.

(3) Nothing in this section authorizes the administration of epinephrine by a first responder.

(4) This section shall take effect January 1, 2000, and shall expire December 31, 2001."

On page 2, after line 29, insert the following:

"NEW SECTION. Sec. 5. This act may be known and cited as the Kristine Kastner Act."

On page 1, line 1 of the title, after "epinephrine;" strike the remainder of the title and insert "adding a new section to chapter 18.73 RCW; creating new sections; providing an effective date; providing an expiration date; and declaring an emergency."

ReNUMBER the sections consecutively and correct any internal references accordingly.

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Substitute House Bill No. 1992 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE**

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Substitute House Bill No. 1992 as amended by the Senate.

Representatives Ballasiotes and Schual-Berke spoke in favor of passage of the bill as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1992, as amended by the Senate and the bill passed the House by the following vote: Yeas - 95, Nays - 1, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Voting nay: Representative Cooper - 1.

Excused: Representatives Mulliken and Quall - 2.

Substitute House Bill No. 1992, as amended by the Senate, having received the constitutional majority, was declared passed.

#### SENATE AMENDMENTS TO HOUSE BILL

April 12, 1999

Mr. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2085 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that disruptive students can significantly impede effective teaching and learning in the classroom. Training in effective strategies for handling disruptive students will help principals, teachers, and other staff gain additional skills to provide a classroom environment that is conducive to teaching and learning. Schools and school districts should be encouraged to provide staff with the training necessary to respond to disruptions effectively.

**NEW SECTION. Sec. 2.** A new section is added to chapter 28A.415 RCW to read as follows:

(1) To the extent funds are appropriated, the superintendent of public instruction shall conduct professional development institutes to provide opportunities for teachers, principals, and other school staff to learn effective research-based strategies for handling disruptive students. The institutes shall be conducted during the summer of 2000. The training institutes shall emphasize methods for handling disruptions in regular classrooms and how to design and implement alternative learning settings and programs that have been proven to be effective in providing for the educational needs of students who exhibit frequent and prolonged disruptive behavior when placed in a regular classroom setting.

(2) The superintendent may enter into contracts with public or private entities that provide training in effective research-based methods for dealing with disruptive students. In developing the institutes, the superintendent shall work with school staff who have had experience working effectively with disruptive students. The institutes shall be open to teams of teachers, principals, and other school staff from each school district choosing to participate. However, as a condition of participating in the

institutes, school district teams shall be required to develop during or immediately following the institute a district plan for carrying out the purposes of this section. Elementary schools and junior high and middle schools in districts that send teams to participate in institutes conducted under this section are encouraged to formulate school building-level plans for addressing the educational needs of disruptive students and the needs of students and teachers in the regular classrooms for an orderly and disciplined environment that is optimally conducive to learning. Individual participants in the institutes shall agree to provide assistance as needed to other school staff in their school building or school district, consistent with their other normal duties.

(3) Beginning with the 1999-2000 school year, elementary and junior high schools are encouraged to provide staff from both the regular education and special education programs opportunities to work together to share successful practices for managing disruptive students."

On page 1, line 2 of the title, after "classrooms;" strike the remainder of the title and insert "adding a new section to chapter 28A.415 RCW; and creating a new section."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Engrossed Second Substitute House Bill No. 2085 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE**

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Engrossed Second Substitute House Bill No. 2085 as amended by the Senate.

Representatives Haigh and Talcott spoke in favor of passage of the bill as amended by the Senate.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2085, as amended by the Senate and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Mulliken and Quall - 2.

Engrossed Second Substitute House Bill No. 2085, as amended by the Senate, having received the constitutional majority, was declared passed.

#### **SENATE AMENDMENTS TO HOUSE BILL**

April 16, 1999

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2259 with the following amendment(s)

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 46.20.161 and 1999 c 6 s 22 are each amended to read as follows:

The department, upon receipt of a fee of ~~((fourteen))~~ twenty dollars, which includes the fee for the required photograph, shall issue to every qualifying applicant a driver's license. The license must include a distinguishing number assigned to the licensee, the name of record, date of birth, Washington residence address, photograph, a brief description of the licensee, and either a facsimile of the signature of the licensee or a space upon which the licensee shall write his or her usual signature with pen and ink immediately upon receipt of the license. No license is valid until it has been so signed by the licensee.

**Sec. 2.** RCW 46.20.181 and 1999 c 6 s 23 are each amended to read as follows:

(1) Every driver's license expires on the fourth anniversary of the licensee's birthdate following the issuance of the license.

(2) A person may renew his or her license on or before the expiration date by submitting an application as prescribed by the department and paying a fee of ~~((fourteen))~~ twenty dollars. This fee includes the fee for the required photograph.

(3) A person renewing his or her driver's license more than sixty days after the license has expired shall pay a penalty fee of ten dollars in addition to the renewal fee, unless his or her license expired when:

(a) The person was outside the state and he or she renews the license within sixty days after returning to this state; or

(b) The person was incapacitated and he or she renews the license within sixty days after the termination of the incapacity.

**Sec. 3.** RCW 46.20.470 and 1989 c 178 s 21 are each amended to read as follows:

There shall be an additional fee for issuing any class of commercial driver's license in addition to the prescribed fee required for the issuance of the original driver's license. The additional fee for each class shall not exceed ~~((twelve))~~ sixteen dollars for the original commercial driver's license or subsequent renewals. The fee shall be deposited in the highway safety fund.

**Sec. 4.** RCW 46.20.505 and 1993 c 115 s 1 are each amended to read as follows:

Every person applying for a special endorsement or a new category of endorsement of a driver's license authorizing such person to drive a motorcycle or a motor-driven cycle shall pay an examination fee of two dollars which is not refundable. In addition, the endorsement fee for the initial or new category motorcycle endorsement shall be ~~((six))~~ eight dollars, and the subsequent renewal endorsement fee shall be ~~((fourteen))~~ twenty dollars. The initial or new category and renewal endorsement fees shall be deposited in the motorcycle safety education account of the highway safety fund."

On page 1, line 1 of the title, after "licenses;" strike the remainder of the title and insert "and amending RCW 46.20.161, 46.20.181, 46.20.470, and 46.20.505."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House refused to concur in the Senate Amendment(s) to House Bill No. 2259 and asked the Senate to recede therefrom.

## MESSAGE FROM THE SENATE

April 16, 1999

Mr. Speaker:

The Senate refuses to concur in the House amendment(s) to ENGROSSED SUBSTITUTE SENATE BILL NO. 5175 and asks the House to recede therefrom, and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the rules were suspended and Engrossed Substitute Senate Bill No. 5175 was returned to second reading for purposes of amendment.

### SECOND READING

Representative Talcott moved the adoption of amendment (240):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 43.19 RCW, to be codified between RCW 43.19.190 and 43.19.1937, to read as follows:

(1) In addition to disposing of property under RCW 28A.335.180, 39.33.010, 43.19.1919, and 43.19.1920, state-owned, surplus computers and computer-related equipment may be donated to any school district or educational service district under the guidelines and distribution standards established pursuant to subsection (2) of this section.

(2) By September 1, 1999, the department and office of the superintendent of public instruction shall jointly develop guidelines and distribution standards for the donation of state-owned, surplus computers and computer-related equipment to school districts and educational service districts. The guidelines and distribution standards shall include considerations for quality, school-district needs, and accountability, and shall give priority to meeting the computer-related needs of children with disabilities, including those disabilities necessitating the portability of laptop computers.

NEW SECTION. Sec. 2. A new section is added to chapter 44.04 RCW to read as follows:

The chief clerk of the house of representatives may authorize surplus computers and computer-related equipment owned by the house, the secretary of the senate may authorize surplus computers and computer-related equipment owned by the senate, and the directors of legislative agencies may authorize surplus computers and computer-related equipment owned by his or her respective agency, to be donated to school districts and educational service districts. This section shall not be construed to limit the discretion of the legislature regarding disposal of its surplus property."

Correct the title.

Representatives Talcott and Keiser spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Talcott and Kenney spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5175 as amended by the House.



## ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5175, as amended by the House and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Mulliken and Quall - 2.

Engrossed Substitute Senate Bill No. 5175 as amended by the House, having received the constitutional majority, was declared passed.

## SENATE AMENDMENTS TO HOUSE BILL

April 19, 1999

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1125 with the following amendment(s)

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The transportation budget of the state is hereby adopted and, subject to the provisions hereinafter set forth, the several amounts hereinafter specified, or as much thereof as may be necessary to accomplish the purposes designated, are hereby appropriated from the several accounts and funds hereinafter named to the designated state agencies and offices for employee compensation and other expenses, for capital projects, and for other specified purposes, including the payment of any final judgments arising out of such activities, for the period ending June 30, 2001.

(2) Legislation with fiscal impacts enacted in the 1997 or 1998 legislative session not assumed in this act are not funded in the 1997-99 transportation budget.

(3) Legislation with fiscal impacts enacted in the 1999 legislative session not assumed in this act are not funded in the 1999-01 transportation budget.

(4) Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this act.

(a) "Fiscal year 2000" or "FY 2000" means the fiscal year ending June 30, 2000.

(b) "Fiscal year 2001" or "FY 2001" means the fiscal year ending June 30, 2001.

(c) "FTE" means full-time equivalent.

(d) "Lapse" or "revert" means the amount shall return to an unappropriated status.

(e) "Provided solely" means the specified amount may be spent only for the specified purpose.

(f) "Performance-based budgeting" means a budget that bases resource needs on quantified outcomes and results expected from use of the total appropriation. "Performance-based budgeting" does not mean incremental budgeting that focuses on justifying changes from the historic budget or to line-item input-driven budgets.

(g) "Goals" means the statements of purpose that identify a desired result or outcome. The statements shall be realistic, achievable, directive, assignable, evaluative, and logically linked to the agency's mission and statutory mandate.

(h) "Strategic plan" means the strategies agencies create for investment choices in the future. All agency strategic plans shall present alternative investment strategies for providing services.

(i) "Enacted in the form passed by the legislature" means the referenced bill, as identified by a four-digit number, was:

(i) Passed by the legislature and enacted either with no provisions vetoed by the governor or with only ministerial or de minimus changes resulting from a partial veto; or

(ii) Attached in full onto another bill as an amendment and the entire bill, including the amendment, was passed by the legislature and enacted either with no provisions vetoed by the governor or with only ministerial or de minimus changes resulting from a partial veto.

NEW SECTION. Sec. 2. The legislature recognizes that the 1999 endangered species act listing or proposed listing of salmonid species throughout the state of Washington may require increased operational and capital expenditures for transportation. As the state's fiscal obligations pursuant to the listing or proposed listing become clearer over time, it may be necessary to revisit funding decisions reflected in this act in order to shift resources to meet those obligations. The department of transportation, the transportation improvement board, and the county road administration board shall report to the legislature on December 1, 1999, on capital project delay impacts due to the endangered species act listing or proposed listing.

## **PART I GENERAL GOVERNMENT AGENCIES--OPERATING**

NEW SECTION. **Sec. 101. FOR THE DEPARTMENT OF AGRICULTURE**  
Motor Vehicle Account--State Appropriation \$

327,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity: The entire appropriation is provided solely for costs associated with the motor fuel quality program.

NEW SECTION. **Sec. 102. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM**  
Motor Vehicle Account--State Appropriation \$

900,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) \$103,000 of the appropriation is provided solely for the local government finance reporting system project. This amount shall lapse unless \$207,000 is appropriated for this project from the state general fund; and

(2) \$202,000 of the appropriation is provided solely for the transportation infrastructure needs data base project. This amount shall lapse unless \$200,000 is appropriated for this project from the state general fund and \$200,000 is appropriated for this project from the public works trust fund.

(3) \$325,000 of the appropriation is provided solely for contracting with the office of the state auditor for the collection of local government fiscal data associated with the local government finance reporting system. In implementing the reporting system, the legislative evaluation and accountability program shall work with the local government finance study technical advisory committee. The committee shall include, but not be limited to, one member from the senate and one member from the house of representatives. An alternate legislator shall also be picked for each designated legislator to serve in the event that the designated legislator is unable to fulfill his or her duties on the committee. This amount shall lapse unless the legislature appropriates \$325,000 for the same purpose by June 30, 1999, in the omnibus appropriations act.

**NEW SECTION. Sec. 103. FOR THE UTILITIES AND TRANSPORTATION COMMISSION**

Grade Crossing Protective Account--State Appropriation \$

222,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The utilities and transportation commission shall develop a competitive rail grade crossing safety grant program which will fully fund selected safety projects to the extent allowable under chapter 81.53 RCW.

(2) Beginning on the effective date of this act through May 1, 2000, the utilities and transportation commission may not grant any new certificates under chapter 81.88 RCW in any areas where a public transportation system has been formed.

**NEW SECTION. Sec. 104. FOR THE STATE PARKS AND RECREATION COMMISSION**

Motor Vehicle Account--State Appropriation \$

931,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity: A report of actual expenditures and descriptions of the expenditures from the motor vehicle fund will be submitted to the legislature with the governor's 2001-2003 biennial budget request.

**NEW SECTION. Sec. 105. FOR THE GOVERNOR--FOR TRANSFER TO THE TORT CLAIMS REVOLVING FUND**

Motor Vehicle Account--State Appropriation \$

500,000

Marine Operating Account--State Appropriation \$

500,000

TOTAL APPROPRIATION \$

1,000,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The amount of the transfers from the transportation account and the marine operating account are to be transferred into the tort claims revolving fund only as claims have been settled or adjudicated to final conclusion and are ready for payout. The appropriations contained in this section are to retire tort obligations that occurred before July 1, 1990.

(2) If House Bill No. 2111 or Senate Bill No. 5904 is enacted in the form passed by the legislature by June 30, 1999, the funding provided in this section shall lapse.

**GENERAL GOVERNMENT AGENCIES--CAPITAL**

**NEW SECTION. Sec. 106. FOR WASHINGTON STATE PARKS AND RECREATION--CAPITAL PROJECTS**

Motor Vehicle Account--State Appropriation \$

4,990,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) \$900,000 is a reappropriation provided to complete the Cama Beach project and the Damon point project funded in section 110, chapter 457, Laws of 1997. The projects shall be completed by

June 30, 2001. Upon completion of these projects any surplus funding may be used for the projects listed in subsection (2) of this section.

(2) \$4,090,000 is a one-time appropriation provided solely for the following projects, apportioned as follows:

- (a) St. Edwards State Park, \$1,500,000;
- (b) Ike Kinswa State Park, \$300,000;
- (c) Mt. Spokane State Park, \$1,500,000;
- (d) Beacon Rock State Park, \$300,000;
- (e) Cama Beach State Park, \$90,000; and
- (f) Lake Sammamish State Park, \$400,000.

These projects shall be completed by June 30, 2001. Progress reports shall be submitted to the senate transportation committee and the house of representatives transportation committee in January 2000 and January 2001.

(3) The agency shall prepare and present a project status report to the senate transportation committee and the house of representatives transportation committee by December 31, 2000.

## **PART II TRANSPORTATION AGENCIES**

### **NEW SECTION. Sec. 201. FOR THE WASHINGTON TRAFFIC SAFETY COMMISSION**

|   |    |            |
|---|----|------------|
| Highway Safety Account--State Appropriation     | \$ | 627,000    |
| Highway Safety Account--Federal Appropriation   | \$ | 9,038,000  |
| Transportation Account--State Appropriation     | \$ | 950,000    |
| School Zone Safety Account--State Appropriation | \$ | 1,004,000  |
| TOTAL APPROPRIATION                             | \$ | 11,619,000 |

### **NEW SECTION. Sec. 202. FOR THE BOARD OF PILOTAGE COMMISSIONERS**

|                                       |    |         |
|---------------------------------------|----|---------|
| Pilotage Account--State Appropriation | \$ | 290,000 |
|---------------------------------------|----|---------|

### **NEW SECTION. Sec. 203. FOR THE COUNTY ROAD ADMINISTRATION BOARD**

|   |    |             |
|---|----|-------------|
| Rural Arterial Trust Account--State Appropriation         | \$ | 72,510,000  |
| Motor Vehicle Account--State Appropriation                | \$ | 6,546,000   |
| Motor Vehicle Account--Private/Local Appropriation        | \$ | 376,000     |
| County Arterial Preservation Account--State Appropriation | \$ | 28,612,000  |
| TOTAL APPROPRIATION                                       | \$ | 108,044,000 |

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: \$5,000,000 of the motor vehicle account--state appropriation is provided solely for projects for freight and goods systems on county roads.

### **NEW SECTION. Sec. 204. FOR THE TRANSPORTATION IMPROVEMENT BOARD**

Urban Arterial Trust Account--State Appropriation \$

|   |                    |
|---|--------------------|
| Transportation Improvement Account-- State Appropriation \$   | 104,508,000        |
| Public Transportation Systems Account--State Appropriation \$ | 99,414,000         |
|   | 33,496,000         |
| <b>TOTAL APPROPRIATION \$</b>                                 | <b>237,418,000</b> |

**NEW SECTION. Sec. 205. FOR THE SENATE**

|   |           |
|---|-----------|
| Motor Vehicle Account--State Appropriation \$ | 2,378,000 |
|---|-----------|

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The appropriation in this section is provided solely to fund the activities of the senate transportation committee.

(2) The senate transportation committee shall work during the 1999 interim with members of the senate ways and means committee to assess funding options for aviation.

(3) The senate transportation committee shall evaluate the transportation functions currently performed by the utilities and transportation commission including but not limited to those regarding the issuance of certificates of public convenience and necessity for auto transportation companies.

(4) A legislative task force consisting of one member from each caucus of the senate and one member from each caucus of the house of representatives shall conduct a road jurisdiction study. The legislative task force shall appoint a technical advisory panel consisting of representatives of cities, counties, and the department of transportation. The study shall include but not be limited to an examination of the following issues:

(a) Whether changed conditions merit redesignation of certain local roadways as state routes and the return of certain state routes to local jurisdictions;

(b) Alternatives to current revenue distribution methodologies for funding roadway and highway needs;

(c) Determine roadway responsibilities, authorities, and practices by jurisdictional level; and

(d) Evaluate governance issues associated with road jurisdiction.

(5) \$400,000 of the appropriation is provided solely for program accountability reviews of department of transportation, department of licensing, and Washington state patrol programs selected by the senate transportation committee.

**NEW SECTION. Sec. 206. FOR THE HOUSE OF REPRESENTATIVES**

|   |           |
|---|-----------|
| Motor Vehicle Account--State Appropriation \$ | 2,378,000 |
|---|-----------|

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The appropriation in this section is provided solely to fund the activities of the house of representatives transportation committee.

(2) The house of representatives transportation committee shall evaluate the transportation functions currently performed by the utilities and transportation commission including but not limited to those regarding the issuance of certificates of public convenience and necessity for auto transportation companies.

**NEW SECTION. Sec. 207. FOR THE BLUE RIBBON COMMISSION ON TRANSPORTATION**

|   |           |
|---|-----------|
| Motor Vehicle Account--State Appropriation \$ | 1,000,000 |
|---|-----------|

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity: The \$1,000,000 motor vehicle account--state appropriation is provided solely for the purpose of enabling the blue ribbon commission on transportation to fulfill its mission. The funds are to be administered by the senate transportation committee and the house of representatives transportation committee on behalf of the blue ribbon commission on transportation.

**NEW SECTION. Sec. 208. FOR THE MARINE EMPLOYEES COMMISSION**  
 Puget Sound Ferry Operations Account--State Appropriation \$ 475,000

**NEW SECTION. Sec. 209. FOR THE TRANSPORTATION COMMISSION**  
 Transportation Account--State Appropriation \$ 807,000

**NEW SECTION. Sec. 210. FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD**  
 Transportation Account--State Appropriation \$ 600,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity: When approving projects, the freight mobility strategic investment board shall:

- (1) Emphasize funding projects according to their order on the prioritization list developed by the board;
- (2) Not allow the program's share of total project cost to exceed sixty-five percent unless the board grants a special exception;
- (3) Set a \$50,000,000 cap on the amount it will authorize for any one project; and
- (4) Give a project a higher priority designation if project partners increase their funding and the board deems the reprioritization is appropriate.

**NEW SECTION. Sec. 211. FOR THE WASHINGTON STATE PATROL--FIELD OPERATIONS BUREAU**  
 State Patrol Highway Account--State Appropriation \$ 153,054,000  
 State Patrol Highway Account--Federal Appropriation \$ 5,703,000  
 State Patrol Highway Account--Private/Local Appropriation \$ 169,000  
**TOTAL APPROPRIATION \$ 158,926,000**

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

- (1) The following amounts are provided solely for administration of the field operations group subprogram: \$117,395,000 of the state patrol highway account--state appropriation; \$2,429,000 of the state patrol highway account--federal appropriation; and \$81,000 of the state patrol highway account--private/local appropriation.
- (2) The following amounts are provided solely for the administration of the commercial vehicle division subprogram: \$26,603,000 of the state patrol highway account--state appropriation; \$3,274,000 of the state patrol highway account--federal appropriation; and \$88,000 of the state patrol highway account--private/local appropriation.
- (3) \$8,263,000 of the state patrol highway account--state appropriation is provided solely for the administration of the traffic investigation division subprogram.

(4) \$793,000 of the state patrol highway account--state appropriation is provided to the field operations group subprogram to implement Senate Bill No. 5706 or House Bill No. 1789 enacted in the form passed by the legislature. If neither Senate Bill No. 5706 nor House Bill No. 1789 is enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

(5) \$1,400,000 of the state patrol highway account--state appropriation is provided solely to the field operations group subprogram as a one-time appropriation to begin funding phase III of the Washington state patrol's upgrade to the state-wide emergency communication system. The Washington state patrol shall provide a full analysis of the costs, benefits, and requirements for completing all phases of the upgrade to the state-wide emergency communication system to the senate transportation committee and the house of representatives transportation committee by December 1, 1999.

**NEW SECTION. Sec. 212. FOR THE WASHINGTON STATE PATROL--SUPPORT SERVICES BUREAU**

|  |                   |
|--|-------------------|
| State Patrol Highway Account--State Appropriation \$         | 67,981,000        |
| State Patrol Highway Account--Federal Appropriation \$       | 104,000           |
| State Patrol Highway Account--Private/Local Appropriation \$ | 743,000           |
| <b>TOTAL APPROPRIATION \$</b>                                | <b>68,828,000</b> |

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: \$877,000 of the state patrol highway account--state appropriation is provided solely to maintain pursuit vehicles and provide for replacement of the vehicles at 110,000 miles. The agency may purchase a total of 354 pursuit vehicles during the biennium ending June 30, 2001. The appropriation in this section reflects carry forward and new funding due to the consolidation of gasoline, maintenance, parts, and pursuit vehicles into the fleet section of the support services bureau.

**NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF LICENSING--MANAGEMENT AND SUPPORT SERVICES**

|   |                   |
|---|-------------------|
| Motorcycle Safety Education Account--State Appropriation \$ | 118,000           |
| Wildlife Account--State Appropriation \$                    | 50,000            |
| Highway Safety Account--State Appropriation \$              | 6,021,000         |
| Motor Vehicle Account--State Appropriation \$               | 4,595,000         |
| Transportation Account--State Appropriation \$              | 613,000           |
| <b>TOTAL APPROPRIATION \$</b>                               | <b>11,397,000</b> |

**NEW SECTION. Sec. 214. FOR THE DEPARTMENT OF LICENSING--INFORMATION SYSTEMS**

|   |           |
|---|-----------|
| Motorcycle Safety Education Account--State Appropriation \$ | 102,000   |
| Wildlife Account--State Appropriation \$                    | 46,000    |
| Highway Safety Account--State Appropriation \$              | 5,197,000 |

|   |    |           |
|---|----|-----------|
| Motor Vehicle Account--State Appropriation  | \$ | 3,641,000 |
| Transportation Account--State Appropriation | \$ | 513,000   |
| TOTAL APPROPRIATION                         | \$ | 9,499,000 |

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: \$745,000 of the highway safety fund--state appropriation is a reappropriation of funds originally appropriated for the document scanner project in the 1997-99 biennium.

**NEW SECTION. Sec. 215. FOR THE DEPARTMENT OF LICENSING--VEHICLE SERVICES**

|   |    |            |
|---|----|------------|
| Marine Fuel Tax Refund Account--State Appropriation | \$ | 26,000     |
| Wildlife Account--State Appropriation               | \$ | 556,000    |
| Motor Vehicle Account--State Appropriation          | \$ | 56,212,000 |
| DOL Services Account--State Appropriation           | \$ | 2,907,000  |
| TOTAL APPROPRIATION                                 | \$ | 59,701,000 |

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

- (1) \$81,138 of the motor vehicle account--state appropriation is provided solely to implement Senate Bill No. 5000 enacted in the form passed by the legislature. If Senate Bill No. 5000 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.
- (2) \$272,000 of the motor vehicle account--state appropriation is provided solely to implement Senate Bill No. 5280 enacted in the form passed by the legislature. If Senate Bill No. 5280 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.
- (3) \$82,000 of the motor vehicle account--state appropriation is provided solely to implement Senate Bill No. 5641 enacted in the form passed by the legislature. If Senate Bill No. 5641 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.
- (4) \$300,000 of the motor vehicle account--state appropriation is provided solely to implement Senate Bill No. 6009 enacted in the form passed by the legislature. If Senate Bill No. 6009 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 216. FOR THE DEPARTMENT OF LICENSING--DRIVER SERVICES**

|  |    |            |
|--|----|------------|
| Motorcycle Safety Education Account--State Appropriation | \$ | 1,960,000  |
| Highway Safety Account--State Appropriation              | \$ | 77,765,000 |
| TOTAL APPROPRIATION                                      | \$ | 79,725,000 |

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$2,880,000 of the highway safety account--state appropriation is provided solely for the department to enter into a contract for the implementation of an improved state driver's license and identicard. The contract with the vendor providing the improved license and identicard shall state that the license and the identicard shall not contain: (a) The driver's social security number in either visible



or machine readable form; or (b) the driver's fingerprint or thumbprint. Consistent with RCW 42.17.260(9) the department shall not sell or otherwise make available any information that it gathers from citizens of the state of Washington in administering the driver's licensing program except as already authorized by RCW 46.20.118.

(2) \$5,140,000 of the highway safety account--state appropriation shall lapse if neither Senate Bill No. 6068 nor House Bill No. 2259 is enacted in the form passed by the legislature by June 30, 1999.

(3) In September of 1999 the department of licensing shall report to the senate transportation committee and the house of representatives transportation committee on:

(a) The controls implemented by the department to ensure the integrity and credibility of the written driver's license test administered by the department; and

(b) The policies and procedures implemented by the department to ensure that the driver's manuals produced and distributed by the department contain correct data based on current federal, state, and local statutes, ordinances, and rules.

(4) \$610,000 of the highway safety fund--state appropriation is provided solely to implement House Bill No. 1147 enacted in the form passed by the legislature. If House Bill No. 1147 is not enacted in the form passed by the legislature by June 30, 1999, the amount provided in this subsection shall lapse.

(5) \$15,000 of the highway safety fund--state appropriation is provided solely to implement Senate Bill No. 6068 enacted in the form passed by the legislature. If Senate Bill No. 6068 is not enacted in the form passed by the legislature the amount referenced in this subsection shall lapse.

(6) \$17,000 of the highway safety fund--state appropriation is provided solely to implement House Bill No. 1774 enacted in the form passed by the legislature. If House Bill No. 1774 is not enacted in the form passed by the legislature the amount referenced in this subsection shall lapse.

(7) \$77,000 of the highway safety fund--state appropriation is provided solely to implement House Bill No. 2259 or Senate Bill No. 5373 enacted in the form passed by the legislature. If neither House Bill No. 2259 nor Senate Bill No. 5373 is enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

(8) \$3,000 of the highway safety fund--state appropriation is provided solely to implement House Bill No. 1212 enacted in the form passed by the legislature. If House Bill No. 1212 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

(9) \$28,000 of the highway safety fund--state appropriation is provided solely to implement Senate Bill No. 5260 enacted in the form passed by the legislature. If Senate Bill No. 5260 is not enacted in the form passed by the legislature the amount referenced in this subsection shall lapse.

(10) \$34,000 of the highway safety fund--state appropriation is provided solely to implement Senate Bill No. 5374 enacted in the form passed by the legislature. If Senate Bill No. 5374 is not enacted in the form passed by the legislature the amount referenced in this subsection shall lapse.

(11) If Senate Bill No. 6009 is enacted in the form passed by the legislature \$335,000 of the highway safety fund--state appropriation shall lapse.

**NEW SECTION. Sec. 217. FOR THE DEPARTMENT OF LICENSING--DRIVER SERVICES**

Transportation Account--State Appropriation \$

5,140,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section shall lapse if Senate Bill No. 6068 or House Bill No. 2259 is enacted in the form passed by the legislature by June 30, 1999.

**NEW SECTION. Sec. 218. FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MANAGEMENT AND FACILITIES--PROGRAM D--OPERATING**

Motor Vehicle Account--State Appropriation \$

44,508,000

Motor Vehicle Account--Federal Appropriation \$

|                        |            |
|------------------------|------------|
| TOTAL APPROPRIATION \$ | 400,000    |
|                        | 44,908,000 |

**NEW SECTION. Sec. 219. FOR THE DEPARTMENT OF TRANSPORTATION--  
AVIATION--PROGRAM F**

|   |           |
|---|-----------|
| Aeronautics Account--State Appropriation \$                                     | 4,010,000 |
| Aircraft Search and Rescue Safety and Education Account--State Appropriation \$ | 159,000   |
| Transportation Account--State Appropriation \$                                  | 247,000   |
| TOTAL APPROPRIATION \$  | 4,416,000 |

**NEW SECTION. Sec. 220. FOR THE DEPARTMENT OF TRANSPORTATION--  
IMPROVEMENTS--PROGRAM I**

|   |               |
|---|---------------|
| Motor Vehicle Account--State Appropriation \$                         | 635,563,000   |
| Motor Vehicle Account--Federal Appropriation \$                       | 234,939,000   |
| Motor Vehicle Account--Private/Local Appropriation \$                 | 43,344,000    |
| High Capacity Transportation Account--State Appropriation \$          | 110,000       |
| Special Category C Account--State Appropriation \$                    | 55,220,000    |
| Transportation Account--State Appropriation \$                        | 182,284,000   |
| Transportation Account--Federal Appropriation \$                      | 56,808,000    |
| Puyallup Tribal Settlement Account--State Appropriation \$            | 8,662,000     |
| Transportation Infrastructure Account--State Appropriation \$         | 1,750,000     |
| Transportation Infrastructure Account--Private/Local Appropriation \$ | 1,750,000     |
| TOTAL APPROPRIATION \$  | 1,220,430,000 |

The appropriations in this section are provided for the location, design, right of way acquisition, or construction of state highway projects designated as improvements under RCW 47.05.030. The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The special category C account--state appropriation of \$55,220,000 includes \$40,500,000 in proceeds from the sale of bonds authorized by Senate Bill No. 5060 or House Bill No. 1203 enacted in the form passed by the legislature. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(2) The motor vehicle account--state appropriation includes \$1,285,000 in proceeds from the sale of bonds authorized by RCW 47.10.819(1) for match on federal demonstration projects. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(3) The department shall report December 1st and June 1st of each year to the senate transportation committee and the house of representatives transportation committee and the office of financial management on the timing and the scope of work being performed for the regional transit authority known as sound transit. This report shall provide a description of all department activities related to the regional transit authority including investments in state-owned infrastructure.

(4) The motor vehicle account--federal appropriation in this section is transferrable to the transportation account to ensure efficient funds management and program delivery.

(5) The north Sumner interchange project shall be funded entirely from the motor vehicle account appropriation. The project shall no longer receive a portion of its funding from the economic development account.

(6) \$34,920,000 of the motor vehicle account--state appropriation is provided solely for the state program share of freight mobility projects as identified by the freight mobility strategic investment board. The amount provided in this subsection can only be expended upon authorization from the freight mobility strategic investment board.

(7) The motor vehicle account--state appropriation includes \$466,432,000 in proceeds from the sale of bonds authorized by RCW 47.10.843. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(8) \$500,000 of the motor vehicle account--state appropriation is provided solely for analysis of congestion solutions at the interchange between Mercer street and Interstate 5 in Seattle. The department's authority to expend the amount referenced in this subsection is contingent on the city of Seattle appropriating \$500,000 or more toward the project.

(9) \$50,000,000 of the motor vehicle account--state appropriation is provided as a cash contribution for the development of the public private initiatives project at Tacoma Narrows. State funds shall be used initially for the acquisition of right of way and the forensic studies of the existing bridge including purchase of equipment necessary to conduct the studies. The balance of state funds not required for acquisition of right of way and forensic studies shall be placed with the designated bond trustee at the same time the privately secured debt proceeds are deposited.

**NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF TRANSPORTATION--  
TRANSPORTATION ECONOMIC PARTNERSHIPS--PROGRAM K**

|   |           |                   |
|---|-----------|-------------------|
| Transportation Account--State Appropriation | \$        | 1,362,000         |
| Motor Vehicle Account--State Appropriation  | \$        | 10,162,000        |
| <b>TOTAL APPROPRIATION</b>                  | <b>\$</b> | <b>11,524,000</b> |

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: The motor vehicle fund--state appropriation includes \$9,841,000 in proceeds from the sale of bonds authorized in RCW 47.10.834 for all forms of cash contributions, or the payment of other costs incident to the location, development, design, right of way, and construction of the Tacoma narrows bridge improvements under the public-private transportation initiative program authorized under chapter 47.46 RCW; and for support costs of the public-private transportation initiatives program.

**NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF TRANSPORTATION--  
HIGHWAY MAINTENANCE--PROGRAM M**

|  |    |             |
|--|----|-------------|
| Motor Vehicle Account--State Appropriation         | \$ | 251,827,000 |
| Motor Vehicle Account--Federal Appropriation       | \$ | 486,000     |
| Motor Vehicle Account--Private/Local Appropriation | \$ | 3,417,000   |

TOTAL APPROPRIATION \$

255,730,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) If portions of the appropriations in this section are required to fund maintenance work resulting from major disasters not covered by federal emergency funds such as fire, flooding, and major slides, supplemental appropriations will be requested to restore state funding for ongoing maintenance activities.

(2) The department shall request an unanticipated receipt for any federal moneys received for emergency snow and ice removal and shall place an equal amount of the motor vehicle fund--state into unallotted status. This exchange shall not affect the amount of funding available for snow and ice removal.

**NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF TRANSPORTATION--  
PRESERVATION--PROGRAM P**

|   |             |
|---|-------------|
| Motor Vehicle Account--State Appropriation \$         | 318,691,000 |
| Motor Vehicle Account--Federal Appropriation \$       | 284,587,000 |
| Motor Vehicle Account--Private/Local Appropriation \$ | 3,117,000   |
| Transportation Account--State Appropriation \$        | 121,000     |
| TOTAL APPROPRIATION \$                                | 605,516,000 |

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The motor vehicle fund--state appropriation includes \$6,650,000 in proceeds from the sale of bonds authorized in RCW 47.10.761 and 47.10.762 for emergency purposes. However, the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(2) The motor vehicle account--federal appropriation in this section is transferrable to the transportation account to ensure efficient funds management and program delivery.

**NEW SECTION. Sec. 224. FOR THE DEPARTMENT OF TRANSPORTATION--  
TRAFFIC OPERATIONS--PROGRAM Q**

|   |            |
|---|------------|
| State Patrol Highway Account--State Appropriation \$  | 221,000    |
| Motor Vehicle Account--State Appropriation \$         | 37,085,000 |
| Motor Vehicle Account--Federal Appropriation \$       | 1,662,000  |
| Motor Vehicle Account--Private/Local Appropriation \$ | 122,000    |
| TOTAL APPROPRIATION \$                                | 39,090,000 |

The appropriations in this section are subject to the following conditions and limitations and the specified amount is provided solely for that activity:

(1) The motor vehicle account--state appropriation includes \$4,324,000 for state matching funds for federally selected competitive grant or congressional earmark projects other than commercial vehicle information system and network (CVISN). These moneys shall be placed into reserve status

until such time as federal funds are secured and a state match is required. If matching federal funds are not obtained by September 30, 2000, the amount provided in this subsection shall lapse.

(2) The motor vehicle account--state appropriation includes \$600,000 for a two-year pilot program for contracted roving service patrols. The department shall provide a progress report on this pilot program to the office of financial management, the senate transportation committee, and the house of representatives transportation committee on December 1, 2000. The pilot program will be evaluated with future direction and funding to be determined by the documented results and benefits of the pilot program.

**NEW SECTION. Sec. 225. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION MANAGEMENT AND SUPPORT--PROGRAM S**

|  |             |
|--|-------------|
| Puget Sound Capital Construction Account--State Appropriation \$ | 4,464,000   |
| Motor Vehicle Account--State Appropriation \$                    | 98,450,000  |
| Motor Vehicle Account--Federal Appropriation \$                  | 125,000     |
| Puget Sound Ferry Operations Account--State Appropriation \$     | 6,308,000   |
| Transportation Account--State Appropriation \$                   | 1,517,000   |
| TOTAL APPROPRIATION \$   | 110,864,000 |

The appropriations in this section are subject to the following conditions and limitations and the specified amount is provided solely for that activity: \$586,000 of the motor vehicle account--state appropriation is provided solely to enable the secretary of transportation to implement a leadership training program at the department of transportation. The program shall include a mentoring component. The department shall develop performance measures to evaluate the effectiveness of the program, including but not limited to a performance measure to determine the effect of the program on employee retention. The department shall provide a progress report on the training program to the office of financial management, the senate transportation committee, and the house of representatives transportation committee by December 1, 2000.

**NEW SECTION. Sec. 226. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION PLANNING, DATA, AND RESEARCH--PROGRAM T**

|   |            |
|---|------------|
| Motor Vehicle Account--State Appropriation \$   | 12,609,000 |
| Motor Vehicle Account--Federal Appropriation \$ | 17,000,000 |
| Transportation Account--State Appropriation \$  | 1,371,000  |
| TOTAL APPROPRIATION \$                          | 30,980,000 |

**NEW SECTION. Sec. 227. FOR THE DEPARTMENT OF TRANSPORTATION--CHARGES FROM OTHER AGENCIES--PROGRAM U**

|   |           |
|---|-----------|
| <b>(1) FOR PAYMENT OF COSTS OF ATTORNEY GENERAL TORT CLAIMS SUPPORT</b> |           |
| Transportation Account--State Appropriation \$                          | 2,595,000 |
| Puget Sound Ferry Operations--State Appropriation \$                    | 1,155,000 |
| <b>(2) FOR PAYMENT OF COSTS OF THE OFFICE OF THE STATE AUDITOR</b>      |           |
| Motor Vehicle Account--State Appropriation \$                           |           |

|   |                   |
|---|-------------------|
|   | 907,000           |
| (3) FOR PAYMENT OF COSTS OF DEPARTMENT OF GENERAL ADMINISTRATION<br>FACILITIES AND SERVICES AND CONSOLIDATED MAIL SERVICES<br>Motor Vehicle Account--State Appropriation \$ | 3,743,000         |
| (4) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF PERSONNEL<br>Motor Vehicle Account--State Appropriation \$  | 2,240,000         |
| (5) FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS AND<br>ADMINISTRATION<br>Transportation Account--State Appropriation \$  | 12,039,000        |
| (6) FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS AND<br>ADMINISTRATION<br>Motor Vehicle Fund--Puget Sound Ferry Operations Account--State Appropriation \$              | 3,462,000         |
| (7) FOR PAYMENT OF COSTS OF OFFICE OF MINORITY AND WOMEN'S BUSINESS<br>ENTERPRISES<br>Motor Vehicle Account--State Appropriation \$   | 315,000           |
| (8) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF GENERAL<br>ADMINISTRATION STATE PARKING SERVICES<br>Motor Vehicle Account--State Appropriation \$                             | 90,000            |
| (9) FOR PAYMENT OF THE DEPARTMENT OF GENERAL ADMINISTRATION<br>CAPITAL PROJECTS SURCHARGE<br>Motor Vehicle Account--State Appropriation \$                                  | 1,100,000         |
| (10) FOR ARCHIVES AND RECORDS MANAGEMENT<br>Motor Vehicle Account--State Appropriation \$   | 392,000           |
| <br><b><u>NEW SECTION. Sec. 228. FOR THE DEPARTMENT OF TRANSPORTATION--<br/>PUBLIC TRANSPORTATION--PROGRAM V</u></b>  |                   |
| High Capacity Transportation Account--State Appropriation \$  | 6,601,000         |
| Air Pollution Control Account--State Appropriation \$   | 5,253,000         |
| Transportation Account--State Appropriation \$  | 7,437,000         |
| Transportation Account--Federal Appropriation \$  | 2,445,000         |
| Transportation Account--Private/Local Appropriation \$  | 105,000           |
| Public Transportation Systems Account--State Appropriation \$   | 2,800,000         |
| <b>TOTAL APPROPRIATION \$</b>   | <b>24,641,000</b> |

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) Up to \$1,000,000 of the transportation account--state appropriation is provided solely for grants and activities relating to coordinating special needs transportation among state and local

providers. When selecting grant recipients, the agency council on coordinated transportation shall give priority to projects and programs that can be accomplished in the 1999-2001 biennium.

(2) \$50,000 of the public transportation systems account--state appropriation is provided solely to continue and enhance an existing pilot project between a public transit provider and a school district expanding public transit service to high school students in order to reduce the use of single occupancy vehicles.

(3) The department shall assess its commute trip reduction program. The assessment shall include an evaluation of tax credits or other incentives to employers who reduce commute trips to their work sites by encouraging employees to telecommute. Up to \$50,000 of the air pollution control account--state appropriation is provided for a pilot project implementing telecommuting as part of the commute trip reduction program. The pilot project may include use of tax credits or other financial incentives.

(4) In evaluating applications for rural mobility grants to public transportation agencies, the department shall give added weight to projects that improve connectivity among transit providers and across jurisdictional boundaries.

**NEW SECTION. Sec. 229. FOR THE DEPARTMENT OF TRANSPORTATION--**  
**WASHINGTON STATE FERRIES CONSTRUCTION--PROGRAM W**

|  |                    |
|--|--------------------|
| Puget Sound Capital Construction Account--State Appropriation \$   | 140,135,000        |
| Puget Sound Capital Construction Account--Federal Appropriation \$ | 29,575,000         |
| Passenger Ferry Account--State Appropriation \$                    | 789,000            |
| Motor Vehicle Account--State Appropriation \$                      | 116,221,000        |
| <b>TOTAL APPROPRIATION \$</b>                                      | <b>286,720,000</b> |

The appropriations in this section are provided for improving the Washington state ferry system, including, but not limited to, vessel acquisition, vessel construction, major and minor vessel improvements, and terminal construction and improvements. The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The appropriations in this section, unless otherwise specified, are provided to carry out only the projects in the Washington state ferries capital program plan - version 3. The department shall reconcile the 1997-99 capital expenditures within ninety days of the end of the biennium and submit a final report to the senate transportation committee, the house of representatives transportation committee, and the office of financial management.

(2) The Puget Sound capital construction account--state appropriation includes \$27,000,000 in proceeds from the sale of bonds authorized by RCW 47.60.800 for vessel and terminal acquisition, major and minor improvements, and long lead time materials acquisition for the Washington state ferries. The transportation commission may authorize the use of current revenues available to the Puget Sound capital construction account in lieu of bond proceeds for any part of the state appropriation.

(3) \$1,500,000 of the motor vehicle account--state appropriation is provided solely for preliminary engineering activities to develop a new class of auto/passenger ferries. The design specifications for the vessels shall require that the vessels deliver optimal performance in terms of vessel speed, safety, reliability, and minimization of environmental impacts including damage on the shoreline from the wake of the vessels. The vessels are intended to ensure Washington state ferries compliance with applicable international and domestic vessel safety standards and the Americans with disabilities act on identified routes. This class of ferries should have a single adaptable design able to operate efficiently and effectively on different ferry routes, each of which has specific vessel capacity and handling requirements.

- (a) Washington state ferries shall prepare:
  - (i) A conceptual design outlining the owner's functional requirements;
  - (ii) A design report that includes a budget estimate and outline of specifications and plans;
  - (iii) Specific contractual requirements and specifications;
  - (iv) An evaluation of using the request for proposals process in accordance with RCW 47.56.030;
  - (v) A request for interest to provide a propulsion system for this vessel class; and
  - (vi) An exploration of a public private partnership between Washington state ferries, shipbuilders, and their supporting engineering firms for design and construction of the vessel or vessels.
- (b) Washington state ferries shall report to the legislature by December 1, 1999, on the conceptual design criteria and budget estimates for preferred hull design and propulsion system/engine alternatives. The report shall include recommended statutory changes that the legislature would need to enact in order to proceed with acquisition of this class of vessels.
- (4) The motor vehicle account--state appropriation includes \$96,721,000 in proceeds from the sale of bonds authorized by RCW 47.10.843. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

**NEW SECTION. Sec. 230. FOR THE DEPARTMENT OF TRANSPORTATION--MARINE--PROGRAM X**

Marine Operating Account--State Appropriation \$

303,158,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The appropriation is based on the budgeted expenditure of \$29,104,000 for vessel operating fuel in the 1999-2001 biennium. If the actual cost of fuel is less than this budgeted amount, the excess amount may not be expended. If the actual cost exceeds this amount, the department shall request a supplemental appropriation.

(2) The appropriation provides for the compensation of ferry employees. The expenditures for compensation paid to ferry employees during the 1999-2001 biennium may not exceed \$205,759,000 plus a dollar amount, as prescribed by the office of financial management, that is equal to any insurance benefit increase granted general government employees in excess of \$341.75 a month annualized per eligible marine employee multiplied by the number of eligible marine employees for the respective fiscal year, a dollar amount as prescribed by the office of financial management for costs associated with pension amortization charges, and a dollar amount prescribed by the office of financial management for salary increases during the 1999-2001 biennium. For the purposes of this section, the expenditures for compensation paid to ferry employees shall be limited to salaries and wages and employee benefits as defined in the office of financial management's policies, regulations, and procedures named under objects of expenditure "A" and "B" (7.2.6.2).

The prescribed salary and insurance benefit increase or decrease dollar amount that shall be allocated from the governor's compensation appropriations is in addition to the appropriation contained in this section and may be used to increase or decrease compensation costs, effective July 1, 1999, and thereafter, as established in the 1999-2001 general fund operating budget.

(3) Up to \$2,770,000 of the marine operating account--state appropriation may be used for leasing and operating an appropriate passenger only ferry vessel for the purpose of supporting existing, or testing new, passenger only service while testing alternative vessel technologies.

**NEW SECTION. Sec. 231. FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y**

Essential Rail Assistance Account--State Appropriation \$

85,000

High Capacity Transportation Account--State Appropriation \$



|   |             |
|---|-------------|
| Transportation Account--State Appropriation \$                | 9,094,000   |
| Transportation Account--Federal Appropriation \$              | 110,715,000 |
| Public Transportation Systems Account--State Appropriation \$ | 5,000,000   |
| TOTAL APPROPRIATION \$  | 5,000,000   |
|   | 129,894,000 |

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) No appropriation in this section may be used to fund rail passenger service south of Portland, Oregon.

(2) \$5,000,000 of the transportation account--state appropriation and \$2,000,000 of the high capacity transportation account--state appropriation are provided solely for the freight rail assistance program to provide grants and loans for light density rail lines.

(3) \$4,000,000 of the transportation account--state appropriation is provided solely for acquisition of an additional advanced technology train set for delivery in the 2001-2003 biennium. The purchase of the train set is predicated on the condition that the manufacturer of the train set has the obligation of establishing or maintaining a corporate office in Washington state. The manufacturer is also obligated to spend a minimum of twenty-five percent of the total purchase price of the train set on the assembly and manufacture of parts of the train set in Washington state.

(4) \$6,298,000 of the high capacity transportation account--state appropriation is provided to fund the operation of a second train set providing additional roundtrip service from Seattle to Vancouver, British Columbia. The department's authority to expend the appropriation referenced in this subsection for service north of Blaine is conditioned upon Canada, the province of British Columbia, and/or private sources undertaking the capital expenditures necessary to make the rail capital improvements required to facilitate improved round trip rail service between Seattle and Vancouver, B.C.

(5) \$15,000,000 of the transportation account--state appropriation is provided solely for the King street maintenance facility to be built in partnership with Amtrak. The amount referenced in this subsection is conditioned on the execution of agreements between the department of transportation, Amtrak, sound transit, and other participating parties which will assure that the maintenance and operation of the maintenance facility will not require state funding, except for billings for maintenance of state owned passenger trains.

(6) To the greatest extent practicable, expenditure of funds shall maximize funds from partnerships and coordinate with other agencies investing in track improvements.

**NEW SECTION. Sec. 232. FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z**

|   |             |
|---|-------------|
| Motor Vehicle Account--State Appropriation \$                         | 134,886,000 |
| Motor Vehicle Account--Federal Appropriation \$                       | 8,040,000   |
| Transportation Account--State Appropriation \$                        | 10,817,000  |
| Transportation Infrastructure Account--State Appropriation \$         | 3,250,000   |
| Transportation Infrastructure Account--Private/Local Appropriation \$ | 1,750,000   |
| High Capacity Transportation Account--State Appropriation \$          | 150,000     |
| Highway Infrastructure Account--Federal Appropriation \$              |             |

|  |             |
|--|-------------|
| Highway Infrastructure Account--State Appropriation \$ | 1,500,000   |
|  | 234,000     |
| TOTAL APPROPRIATION \$                                 | 160,627,000 |

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) \$300,000 of the transportation account--state appropriation is provided solely to establish alternatives for flood management and flood hazard reduction projects in the Chehalis basin.

(a) The department of transportation shall convene a technical committee to develop watershed-based solutions to flooding within the Chehalis basin. The technical committee shall be comprised of representatives of the department of transportation, department of ecology, department of fish and wildlife, the department of community, trade, and economic development, the military department's emergency management division, and affected counties and tribes. The department of transportation shall also seek the participation of the United States army corps of engineers, federal emergency management administration, the United States geological survey, the United States fish and wildlife service, the United States environmental protection agency, and other entities with critical knowledge related to the structural or nonstructural flood hazard reduction projects in the Chehalis basin. Funds shall be distributed by the department of transportation for alternative analysis, mapping, and model testing projects as recommended by the technical committee. The solutions considered by the technical committee shall be consistent with fish and habitat recovery efforts and avoid additional flood hazard to downstream communities. The department of transportation shall present a report to the senate transportation committee and the house of representatives transportation committee by December 1, 1999, regarding findings and progress made by funded projects.

(b) If the federal government makes funds available to accomplish the project described in (a) of this subsection, the department of transportation shall place the appropriation identified in this section in reserve.

(2) \$85,121,000 of the motor vehicle account--state appropriation is provided solely for the state program share of freight mobility projects as identified by the freight mobility strategic investment board. The amount provided in this subsection can only be expended upon authorization from the freight mobility strategic investment board.

(3) \$400,000 of the transportation account--state appropriation is provided solely for a study by the senate transportation committee and the house or representatives transportation committee in cooperation with the port of Benton developing a strategic corridor feasibility and master site plan for the port of Benton. If the port of Benton does not provide at least \$200,000 to fund the plan development, the transportation fund--state appropriation referenced in this subsection shall lapse and this subsection shall be null and void.

(4) The motor vehicle account--state appropriation includes \$120,121,000 in proceeds from the sale of bonds authorized by RCW 47.10.843. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(5) \$10,000,000 of the transportation account--state appropriation is provided solely to fund a cooperative project with the state of Oregon to dredge the Columbia river. The department shall not expend the appropriation in this section without first reaching an agreement with affected stakeholders on where the dredge spoils will be deposited. The amount provided in this subsection shall lapse unless the state of Oregon appropriates a dollar-for-dollar match to fund its share of the project.

(6) The motor vehicle account--state appropriation includes \$1,167,000 in proceeds from the sale of bonds authorized by RCW 47.10.819(1). The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(7) \$5,000,000 of the motor vehicle account--state appropriation is provided solely for a small city pavement preservation program, to be administered by the department's TransAid division. The department, in consultation with stakeholders, shall establish program guidelines. The guidelines

should include but not be limited to a provision limiting program eligibility to cities with a population of 2,500.

(8) \$30,000,000 of the motor vehicle account--state appropriation is provided solely for a corridor congestion relief program, to be administered by the department's TransAid division. The purpose of the program is to provide funding for congested urban corridors, as defined and selected by the department of transportation in consultation with cities, counties, regional transportation planning organizations, and the transportation improvement board. At a minimum, project selection criteria should include: Consistency with regional transportation plans; measurable improvements in mobility; cost effectiveness; systemic corridor mobility improvements rather than isolated "spot" improvements; and optimal timing for construction.

(9) \$5,000,000 of the motor vehicle account--state appropriation is provided solely for improving traffic and pedestrian safety near schools. The TransAid division within the department of transportation shall administer this program. Funds should be used for traffic and pedestrian improvements near schools, including roadway channelization and signalization.

(10) The TransAid division within the department of transportation shall develop a prequalification procedure for potential bidders on projects administered or approved by the transportation improvement board. The board shall work with other interested parties including but not limited to associations representing general contractors and the office of minority and women's business enterprises. The prequalification procedure's goal is to ascertain that bidders are qualified by experience, financing, equipment, and organization to do the work called for in the contract documents. The prequalification procedure may require a bidder to (1) satisfy threshold requirements established by the board prior to being furnished a proposal form on any contract; or (2) complete a preaward survey of the bidder's qualification prior to award.

(11) Up to \$100,000 of the motor vehicle account--state appropriation is provided solely for audits of city and county transportation funding to determine whether any city or county has supplanted its local transportation funding with state funding provided under sections 408 and 409 of this act. The department shall report the results of this audit to the senate transportation committee, the house of representatives transportation committee, and the office of financial management by December 31, 2000.

### **PART III TRANSPORTATION AGENCIES CAPITAL FACILITIES**

#### **NEW SECTION. Sec. 301. FOR THE WASHINGTON STATE PATROL**

Appropriation:

State Patrol Highway Account--State Appropriation \$

2,328,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) \$508,000 of the state patrol highway account--state appropriation funds minor works which include communication tower maintenance, Spokane district headquarters HVAC, Morton HVAC replacement, emergency repairs, and Anacortes scale repairs.

(2) \$500,000 of the state patrol highway account--state appropriation is provided for the Naselle detachment office.

(3) \$615,000 of the state patrol highway account--state appropriation is provided for repaving the academy drive course.

(4) \$275,000 of the state patrol highway account--state appropriation is provided for the squawk mountain communication tower.

(5) \$380,000 of the state patrol highway account--state appropriation is provided for the replacement of two traffic control aircraft.

(6) \$50,000 of the state patrol highway account--state appropriation is provided for the ridgetfield expansion design and the academy hookup fee for waste treatment.

NEW SECTION. **Sec. 302.** The Washington state patrol is authorized to continue with the exchange of the Olympia, Washington Martin Way property for a light industrial land complex to be used to consolidate existing separately located state activities and functions. The agency will work with the office of financial management, department of general administration, the senate transportation committee, and the house of representatives transportation committee in the exchange and approval processes.

NEW SECTION. **Sec. 303. FOR THE DEPARTMENT OF TRANSPORTATION--PROGRAM D (DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)--CAPITAL Motor Vehicle Account--State Appropriation \$**

25,312,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) Before any funds are expended for the transportation facility to be located in Tumwater, Washington, the director of general administration shall conduct an evaluation of the planned facility design and budget using life-cycle cost analysis, value-engineering, and other techniques to maximize the long-term effectiveness and efficiency of the facility or improvement as required under RCW 43.82.010(10). Furthermore, the director shall present the findings of the evaluation to the fiscal committees of the house of representatives and the senate by December 31, 1999.

(2) Up to \$100,000 of the motor vehicle account--state appropriation may be expended by the department of general administration to conduct an analysis of future transportation-related facility office space needs in Thurston county, by agency, for the next ten years. The analysis shall consult with state agencies, private developers, and building owners to determine the inventory of space available and planned over the next ten years in government and nongovernment buildings, and the impact on current office space. The predesign must be completed by January 31, 2000.

#### **PART IV TRANSFERS AND DISTRIBUTIONS**

NEW SECTION. **Sec. 401. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE FUND AND TRANSPORTATION FUND REVENUE**

Highway Bond Retirement Account Appropriation \$

213,600,000

Ferry Bond Retirement Account Appropriation \$

53,353,000

Transportation Improvement Board Bond Retirement Account--State Appropriation \$

35,158,000

Puget Sound Capital Construction Account--State Appropriation \$

270,000

Motor Vehicle Account--State Appropriation \$

6,543,000

Special Category C Account--State Appropriation \$

405,000

**TOTAL APPROPRIATION \$**

309,329,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity. If Senate Bill No. 5283 or House Bill No. 1304 is enacted in the form passed by the legislature by June 30, 1999, then \$35,158,000 of the highway bond retirement account appropriation shall lapse. If neither Senate Bill No. 5283 nor House Bill No.

1304 is enacted in the form passed by the legislature by June 30, 1999, then the appropriation for the transportation improvement board bond retirement account shall lapse.

**NEW SECTION. Sec. 402. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES**

|   |         |
|---|---------|
| Motor Vehicle Fund--Puget Sound Capital Construction Account Appropriation \$ | 36,000  |
| Motor Vehicle Account--State Appropriation \$                                 | 811,000 |
| Special Category C Account Appropriation \$                                   | 53,000  |
| TOTAL APPROPRIATION \$  | 900,000 |

**NEW SECTION. Sec. 403. FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION**

|  |             |
|--|-------------|
| Motor Vehicle Fund Appropriation for motor vehicle fuel tax and overload penalties distribution \$ | 492,721,000 |
| Transportation Fund Appropriation for motor vehicle excise tax distribution \$                     | 491,606,000 |

**NEW SECTION. Sec. 404. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--TRANSFERS**

|   |         |
|---|---------|
| Motor Vehicle Fund--State Patrol Highway Account:<br>For transfer to the Department of Retirement Systems Expense Fund \$ | 171,000 |
|---|---------|

**NEW SECTION. Sec. 405. STATUTORY APPROPRIATIONS.** In addition to the amounts appropriated in this act for revenue for distribution, state contributions to the law enforcement officers' and fire fighters' retirement system, and bond retirement and interest including ongoing bond registration and transfer charges, transfers, interest on registered warrants, and certificates of indebtedness, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under any proper bond covenant made under law.

**NEW SECTION. Sec. 406.** The department of transportation is authorized to undertake federal advance construction projects under the provisions of 23 U.S.C. Sec. 115 in order to maintain progress in meeting approved highway construction and preservation objectives. The legislature recognizes that the use of state funds may be required to temporarily fund expenditures of the federal appropriations for the highway construction and preservation programs for federal advance construction projects prior to conversion to federal funding.

**NEW SECTION. Sec. 407. FOR THE STATE TREASURER--TRANSFERS**

|   |           |
|---|-----------|
| (1) RV Account--State Appropriation:<br>For transfer to the Motor Vehicle Fund--State \$                                | 1,590,000 |
| (2) Transportation Account--State Appropriation:<br>For transfer to the Transportation Infrastructure Account--State \$ | 5,000,000 |

**NEW SECTION. Sec. 408. FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION**

|   |  |
|---|--|
| Motor Vehicle Fund--State Appropriation for distribution to the cities \$ |  |
|---|--|

12,500,000

Motor Vehicle Fund--State Appropriation for distribution to the counties \$

12,500,000

The distributions in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The motor vehicle fund--state appropriation for distribution to cities is provided solely to be distributed to cities with a population of over two thousand five hundred in a manner consistent with RCW 46.68.110(4) in one distribution on March 1, 2000.

(2) The motor vehicle fund--state appropriation for distribution to the counties is provided solely to be distributed in a manner consistent with RCW 46.68.122 in one distribution on March 1, 2000.

(3) The amounts provided in this section may not be used to supplant any existing local government funding for transportation projects or programs. Any local government in violation of this requirement shall immediately forfeit its eligibility for future distributions provided under this section.

**NEW SECTION. Sec. 409. FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION**

Motor Vehicle Fund--State Appropriation for distribution to the cities \$

12,500,000

Motor Vehicle Fund--State Appropriation for distribution to the counties \$

12,500,000

The distributions in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The motor vehicle fund--state appropriation for distribution to cities is provided solely to be distributed to cities with a population of over two thousand five hundred in a manner consistent with RCW 46.68.110(4) in one distribution on March 1, 2001.

(2) The motor vehicle fund--state appropriation for distribution to the counties is provided solely to be distributed in a manner consistent with RCW 46.68.122 in one distribution on March 1, 2001.

(3) The amounts provided in this section may not be used to supplant any existing local government funding for transportation projects or programs. Any local government in violation of this requirement shall immediately forfeit its eligibility for future distributions provided under this section.

**NEW SECTION. Sec. 410.** The office of the state treasurer is authorized to transfer any transportation improvement account and urban arterial trust account balances available in the highway bond retirement account into the transportation improvement board bond retirement account following a cooperative agreement by the department of transportation and the transportation improvement board on the exact amount of the transfer.

**NEW SECTION. Sec. 411.** The motor vehicle account revenues are received at a relatively even flow throughout the year. Expenditures may exceed the revenue during the accelerated summer and fall highway construction season, creating a negative cash balance during the heavy construction season. Negative cash balances also may result from the use of state funds to finance federal advance construction projects prior to conversion to federal funding. The governor and the legislature recognize that the department of transportation may require interfund loans or other short-term financing to meet temporary seasonal cash requirements and additional cash requirements to fund federal advance construction projects.

**NEW SECTION. Sec. 412.** In addition to such other appropriations as are made by this act, there is appropriated to the department of transportation from legally available bond proceeds in the respective transportation funds and accounts such amounts as are necessary to pay the expenses incurred by the state finance committee in the issuance and sale of the subject bonds.

**NEW SECTION. Sec. 413. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSFERS.** The department of transportation shall make the following transfers contingent on passage of the bills referenced in each proviso as identified by bill number in the form passed by the legislature:

(1) If Senate Bill No. 5615 or House Bill No. 1588 is enacted in the form passed by the legislature the department of transportation shall transfer:

(a) The balances remaining at the close of the 1997-99 biennium in the economic development account and the transportation capital facilities account to the motor vehicle account--state; and

(b) The balance remaining at the close of fiscal year 2000 in the marine operating account to the Puget Sound ferry operations account.

(2) If neither Senate Bill No. 5615 nor House Bill No. 1588 is enacted in the form passed by the legislature the department of transportation is authorized to transfer any balances available in the highway construction stabilization account to the motor vehicle account to fund the appropriations contained in this act.

**NEW SECTION. Sec. 414. FOR THE TRANSPORTATION IMPROVEMENT BOARD--TRANSFERS.** The transportation improvement board shall make the following transfers contingent on passage of the bills referenced in each proviso as enacted in the form passed by the legislature:

(1) If Senate Bill No. 5360 or House Bill No. 1053 is enacted in the form passed by the legislature the transportation improvement board shall transfer the balances remaining at the close of the 1997-99 biennium in the small city account and the city hardship assistance account to the urban arterial trust account.

(2) If Senate Bill No. 5615 or House Bill No. 1588 is enacted in the form passed by the legislature the transportation improvement board shall transfer:

(a) The balances remaining at the close of the 1997-99 biennium in the small city account and the city hardship assistance account to the urban arterial trust account; and

(b) The balance remaining at the close of the 1997-99 biennium in the central Puget Sound public transportation systems account to the public transportation systems account.

(3) If Senate Bill No. 5283 is enacted in the form passed by the legislature the transportation improvement board shall agree upon what amount of the balance remaining in the highway bond retirement account at the close of the 1997-99 biennium is apportioned to the transportation improvement board. That amount shall be transferred from the highway bond retirement account to the transportation improvement board bond retirement account.

**PART V**  
**1997-99 SUPPLEMENTAL APPROPRIATIONS**  
**General Government Agencies--Capital**

**Sec. 501.** 1997 c 457 s 110 (uncodified) is amended to read as follows:  
**FOR WASHINGTON STATE PARKS AND RECREATION--CAPITAL PROJECTS**

Motor Vehicle Fund--State Appropriation   \$3,500,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The entire appropriation is for the repaving of roadways in the following state parks in the 1997-99 biennium:

(a) Moran state park, \$1,800,000;

(b) Cama Beach state park, \$300,000;

(c) Riverside state park, \$640,000;

(d) Steamboat Rock state park, \$225,000;

(e) Damon Point state park, \$485,000; and

(f) Deception Pass state park, \$50,000.

(2) ~~((This is a one time appropriation with the repaving efforts to be completed in the parks by June 30, 1999.))~~ The repaving contracts will be awarded by competitive bid using department of transportation standards. Progress reports will be prepared and presented to the legislative transportation committees in January 1999. Upon completion of the contracts for the parks listed in subsection (1)(a), (c), (d), and (f) of this section, unspent moneys from those contracts may be used for design of paving projects on the agency's 1999-01 biennium pavement project list.

(3) If any of the parks listed in subsection (1) of this section are closed during the 1997-99 biennium, the amount provided for the park under subsection (1)(a) through (f) of this section shall lapse and return to the motor vehicle fund.

### Transportation Agencies

**Sec. 502.** 1997 c 457 s 204 (uncodified) is amended to read as follows:  
**FOR THE TRANSPORTATION IMPROVEMENT BOARD**

|  |                            |
|--|----------------------------|
| Motor Vehicle Fund--Urban Arterial Trust Account--State Appropriation \$       | 57,159,000                 |
| Motor Vehicle Fund--Transportation Improvement Account--State Appropriation \$ | 122,014,000                |
| Motor Vehicle Fund--City Hardship Assistance Account--State Appropriation \$   | 2,649,000                  |
| Motor Vehicle Fund--Small City Account--State Appropriation \$                 | <del>((7,921,000))</del>   |
|  | <u>9,921,000</u>           |
| Central Puget Sound Public Transportation Account--State Appropriation \$      | 27,360,000                 |
| Public Transportation Systems Account--State Appropriation \$                  | 3,928,000                  |
| TOTAL APPROPRIATION \$   | <del>((221,031,000))</del> |
|  | <u>223,031,000</u>         |

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: The transportation improvement account--state appropriation includes \$40,000,000 in proceeds from the sale of bonds authorized in RCW 47.26.500. However, the transportation improvement board may authorize the use of current revenues available in lieu of bond proceeds.

**Sec. 503.** 1998 c 348 s 203 (uncodified) is amended to read as follows:  
**FOR THE WASHINGTON STATE PATROL--FIELD OPERATIONS BUREAU**

|  |                            |
|--|----------------------------|
| Motor Vehicle Fund--State Patrol Highway Account--State Appropriation \$   | <del>((163,789,000))</del> |
|  | <u>166,035,000</u>         |
| Motor Vehicle Fund--State Patrol Highway Account--Federal Appropriation \$ | <del>((4,374,000))</del>   |
|  | <u>4,688,000</u>           |
| Motor Vehicle Fund--State Patrol Highway Account--Local Appropriation \$   | 170,000                    |
| Transportation Fund--State Appropriation \$                                | 4,522,000                  |



TOTAL APPROPRIATION \$

((172,855,000))

175,415,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The Washington state patrol is authorized to use the federal community oriented policing program (COPS) for 54 troopers with 18 COPS troopers to begin in July 1998 and 36 COPS troopers to begin in January 1999.

(2) \$4,463,000 of the transportation fund--state appropriation and \$3,737,000 of the motor vehicle fund--state patrol highway account--state appropriation are provided for an equalization salary adjustment of three percent on July 1, 1997, and six percent on July 1, 1998, for commissioned officers (entry level trooper through captain), commercial vehicle enforcement officers, and communication officers of the Washington state patrol. The salary adjustments are intended to bring the existing salary levels into the fiftieth percentile of other Washington state law enforcement compensation plans. This is in addition to the salary increase contained in the omnibus appropriation bill or bills. The total of the two increases, in the transportation budget and omnibus appropriation bill or bills, may not exceed twelve percent.

(3) The Washington state patrol will develop a vehicle replacement plan for the next six years. The plan will include an analysis of the current 100,000 miles replacement policy and agency assignment policy. Projected future budget requirements will include forecasts of vehicle replacement costs, vehicle equipment costs, and estimated surplus vehicle values when sold at auction.

(4) The Washington state patrol vessel and terminal security (VATS) program will be funded by the state patrol highway fund beginning July 1, 1997, and into future biennia.

(5) A personnel data base will be maintained of the 801 commissioned traffic law enforcement officers, with a reconciliation at all times to the patrol allocation model and a vehicle assignment and replacement plan.

(6) \$150,000 of the state patrol highway account appropriation is to fund the Washington state patrol's portion of the drug recognition expert training program previously funded by the traffic safety commission.

(7) The Washington state patrol with legislative transportation committee staff will perform an interim study of the Washington state patrol's commercial vehicle enforcement program with a report to be presented to the legislature and office of financial management in January 1998 with a developed business plan and program recommendations which includes, but is not limited to, weigh in motion technologies.

(8)(a) The Washington state patrol, in consultation with the Washington traffic safety commission, shall conduct an analysis of the most effective safety devices for preventing accidents while delivery trucks are operating in reverse gear. The analysis shall focus on trucks equipped with cube-style, walk-in cargo boxes, up to eighteen feet long, that are most commonly used in the commercial delivery of goods and services.

(b) The state patrol shall incorporate research and analysis currently being conducted by the national highway traffic safety administration.

(c) Upon completion of the analysis, the state patrol shall forward its recommendations to the legislative transportation committee and office of financial management.

(9) \$381,000 of the transportation fund--state appropriation is provided for the following traditional general fund purposes: The governor's air travel, the license fraud program, and the special services unit. This transportation fund--state appropriation is not a permanent funding source for these purposes.

(10) \$461,000 of the state patrol highway account appropriation is provided solely for monitoring and stopping fuel tax evasion. The Washington state patrol will report on December 1, 1998, to the legislative transportation committee on the activities and revenue collected associated with fuel tax evasion.

(11) \$289,000 of the state patrol highway account appropriation is provided solely for vehicle license fraud investigation. A report will be presented each session to the legislature on the activities and revenue collected by the vehicle license fraud unit.

(12) \$268,000 of the motor vehicle fund--state patrol highway account is provided solely to cover the employer's share of medicare premiums for commissioned officers hired prior to 1986. If a referendum of these officers does not receive majority support this appropriation shall not be expended by the state patrol.

(13) \$105,000 of the motor vehicle fund--state patrol highway account--state appropriation and \$314,000 of the motor vehicle fund--state patrol highway account--federal appropriation are provided solely for laptop personal computers, peripheral equipment, and necessary software for existing community oriented policing program (COPS) troopers.

(14) \$2,300,000 of the motor vehicle fund--state patrol highway account--state appropriation is provided solely to purchase 100 equipped pursuit vehicles. If the transportation fund--state appropriation reduction described in section 504(9) of this act does not take place, the amount provided in this subsection shall lapse. If the state patrol does not purchase the vehicles prior to June 30, 1999, the amount provided in this subsection shall lapse.

**Sec. 504.** 1998 c 348 s 205 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE PATROL--SUPPORT SERVICES BUREAU**

|  |                           |
|--|---------------------------|
| Motor Vehicle Fund--State Patrol Highway Account--State Appropriation \$   | 52,926,000                |
| Motor Vehicle Fund--State Patrol Highway Account--Federal Appropriation \$ | 104,000                   |
| Transportation Fund--State Appropriation \$                                | <del>((2,513,000))</del>  |
|  | <u>214,000</u>            |
| TOTAL APPROPRIATION \$   | <del>((55,543,000))</del> |
|  | <u>53,244,000</u>         |

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) \$1,017,000 for the state patrol highway account--state appropriation is provided solely for year 2000 conversions of transportation automated systems. For purposes of this subsection, transportation automated systems does not include WASIS and WACIS.

(2) \$50,000 of the state patrol highway account--state appropriation is provided solely for a feasibility study to assess the effect of mobile computers on trooper productivity by type of service and measurement of the productivity gains achieved through reduction in administrative time and paperwork processing. The agency shall submit a copy of the proposed study workplan to the office of financial management, the department of information services, and the legislative transportation committee no later than October 1, 1997. A final report shall be submitted to the legislative transportation committee, the office of financial management, and the department of information services no later than January 31, 1998. This project is subject to the provisions of section 502 of this act.

(3) \$50,000 of the state patrol highway account--state appropriation is provided solely for a review of the feasibility of improving the patrol's computer-aided dispatch system to permit tracking of trooper availability and response time to calls for service. The agency shall submit a copy of the proposed study workplan to the office of financial management, the department of information services, and the legislative transportation committee no later than October 1, 1997. A final report shall be submitted to the legislative transportation committee, the office of financial management, and the department of information services no later than January 31, 1998. This project is subject to the provisions of section 502 of this act.

(4) These appropriations maintain current level funding for the Washington state patrol service center and have no budget savings included for a consolidation of service centers based on the study conducted by the technology management group. During the 1997 interim, the costs for current level will be reviewed by the office of financial management and department of information services with a formal data center recommendation, that has been approved by the information services board, to the legislature in January 1998. Current level funding will be split between fiscal year 1998 and fiscal year 1999 with consideration of funding adjustments based on the review and the formal policy and budget recommendations.

(5) \$2,513,000 of the transportation fund--state appropriation is for the following traditional general fund purposes: The executive protection unit, revolving fund charges, budget and fiscal services, computer services, personnel, human resources, administrative services, and property management. This appropriation is not a permanent funding source for these purposes.

(6) \$22,000 of the motor vehicle fund--state patrol highway account appropriation is provided solely to cover the employer's share of medicare premiums for commissioned officers hired prior to 1986. If a referendum of these officers does not receive majority support this appropriation shall not be expended by the state patrol.

(7) The 1998 Washington state patrol interim working group shall review the data center, electronic services division, communications division, and strategic planning and shall provide recommendations on increasing the effectiveness and efficiencies of the programs under review and audit.

(8) \$1,580,000 of the state patrol highway account--state appropriation is provided solely for the transition of the Washington state patrol mainframe data processing functions to the Washington state department of information services data center in Olympia, Washington. The Washington state patrol and the department of information services shall work cooperatively to ensure the transition to the department of information services is completed successfully.

(9) The transportation fund--state appropriation is reduced by \$2,299,000 to correct a double appropriation.

**Sec. 505.** 1998 c 348 s 207 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LICENSING--INFORMATION SYSTEMS**

|  |                           |
|--|---------------------------|
| Highway Safety Fund--Motorcycle Safety Education Account--State Appropriation \$ | 94,000                    |
| General Fund--Wildlife Account--State Appropriation \$                           | 42,000                    |
| Highway Safety Fund--State Appropriation \$                                      | <del>((10,732,000))</del> |
| Motor Vehicle Fund--State Appropriation \$                                       | <u>8,218,000</u>          |
|  | <del>((5,610,000))</del>  |
| Transportation Fund--State Appropriation \$                                      | <u>4,735,000</u>          |
|  | 441,000                   |
| TOTAL APPROPRIATION \$   | <del>((16,919,000))</del> |
|  | <u>13,530,000</u>         |

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: ~~((4))~~ \$2,498,000 of the highway safety fund--state appropriation and \$793,000 of the motor vehicle fund--state appropriation are provided for the following activities: (1) Identify business objectives and needs relating to technology improvements and integration of the drivers' licensing and vehicle title and registrations systems; (2) converting the

drivers' licensing software applications to achieve Year 2000 compliance; (3) convert the drivers' field network from a uniscope to a frame-relay network; (4) develop an interface between the unisys system and the CRASH system; and (5) operate and maintain the highways-licensing building network and the drivers' field network.

**Sec. 506.** 1998 c 348 s 208 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LICENSING--VEHICLE SERVICES**

|  |                           |
|--|---------------------------|
| General Fund--Marine Fuel Tax Refund Account--State Appropriation \$ | 26,000                    |
| General Fund--Wildlife Account--State Appropriation \$               | 549,000                   |
| Motor Vehicle Fund--State Appropriation \$                           | <del>((49,630,000))</del> |
|  | <u>49,615,000</u>         |
| Department of Licensing Services Account--State Appropriation \$     | 2,944,000                 |
| <b>TOTAL APPROPRIATION \$</b>  | <del>((53,149,000))</del> |
|  | <u>53,134,000</u>         |

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) \$600,000 of the licensing service account--state appropriation is provided for replacement of printers for county auditors and subagents.

(2) The department of licensing, in cooperation with the fuel tax advisory committee, shall prepare and submit a report to the legislative transportation committee containing recommendations for special fuel and motor vehicle fuel recordkeeping and reporting requirements, including but not limited to recommendations regarding the form and manner in which records and tax reports must be maintained and made available to the department; which persons engaged in the business of selling, purchasing, distributing, storing, transporting, or delivering fuel should be required to submit periodic reports regarding the disposition of such fuel; and the feasibility of implementing an automated fuel tracking system. The report is due no later than October 31, 1997.

(3) The department of licensing, in cooperation with representatives of local governments and the department of revenue shall analyze the collection of the local option fuel tax under RCW 82.80.010. Based on that analysis the department of licensing shall offer recommendations regarding the appropriate government entity to collect the local option fuel tax and the best method to accomplish that collection. The department of licensing shall report its findings and recommendations to the legislative transportation committee and the office of financial management by December 1, 1998.

(4) The department of licensing, in conjunction with the interagency commission on outdoor recreation, the department of transportation, and other affected entities, shall conduct a study and make recommendations regarding:

(a) Whether the study required by RCW 43.99.030 to determine what portion of the motor vehicle fuel tax collected is tax on marine fuel is an effective and efficient mechanism for determining what portion of fuel tax revenues should be refunded to the marine fuel tax refund account;

(b) Other possible methodologies for determining the appropriate amount of tax revenue to refund from the motor vehicle fund to the marine tax refund account; and

(c) Whether the tax on fuel used by illegally nonregistered boats should be refunded to the marine tax refund account.

The department of licensing shall make a report of its findings and recommendations to the legislative transportation committee and the office of financial management by December 1, 1998.

(5) \$382,000 of the motor vehicle fund--state appropriation is provided solely to implement Substitute House Bill No. 2659. If Substitute House Bill No. 2659 is not enacted by June 30, 1998, this amount shall lapse.

**Sec. 507.** 1998 c 348 s 209 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LICENSING--DRIVER SERVICES**

Highway Safety Fund--Motorcycle Safety Education Account--State Appropriation \$

1,411,000

Highway Safety Fund--State Appropriation \$

~~((61,087,000))~~

59,869,000

Transportation Fund--State Appropriation \$

4,985,000

TOTAL APPROPRIATION \$

~~((64,112,000))~~

66,265,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$225,000 of the highway safety account--state appropriation is provided solely to implement Substitute House Bill No. 2442 or Senate Bill No. 6190. If neither bill is enacted by June 30, 1998, this amount shall lapse.

(2) \$480,000 of the highway safety account--state appropriation is provided solely to implement Senate Bill No. 6165. If Senate Bill No. 6165 is not enacted by June 30, 1998, this amount shall lapse.

~~((6))~~ (3) \$1,000,000 of the highway safety account--state appropriation is provided solely to implement 1998 legislation that changes statutes relating to driving under the influence. If legislation changing the DUI statutes is not enacted by June 30, 1998, this amount shall lapse.

**Sec. 508.** 1997 c 457 s 215 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MANAGEMENT AND FACILITIES--PROGRAM D--OPERATING**

Motor Vehicle Fund--State Appropriation \$

~~((24,703,000))~~

24,436,000

Motor Vehicle Fund--Federal Appropriation \$

400,000

Motor Vehicle Fund--Transportation Capital Facilities Account--State Appropriation \$

~~((24,338,000))~~

24,330,000

TOTAL APPROPRIATION \$

~~((49,441,000))~~

49,166,000

**Sec. 509.** 1998 c 348 s 211 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--IMPROVEMENTS--PROGRAM I**

Motor Vehicle Fund--Economic Development Account--State Appropriation \$

2,434,000

Motor Vehicle Fund--State Appropriation \$

~~((163,275,000))~~

|  |                            |
|--|----------------------------|
| Motor Vehicle Fund--Federal Appropriation \$                       | <u>123,575,000</u>         |
| Motor Vehicle Fund--Private/Local Appropriation \$                 | 155,485,000                |
| Special Category C Account--State Appropriation \$                 | 40,000,000                 |
|  | <del>((73,271,000))</del>  |
| Transportation Fund--State Appropriation \$                        | <u>65,471,000</u>          |
|  | <del>((230,546,000))</del> |
| Puyallup Tribal Settlement Account--State Appropriation \$         | <u>225,546,000</u>         |
| Puyallup Tribal Settlement Account--Private/Local Appropriation \$ | 5,000,000                  |
| High Capacity Transportation Account--State Appropriation \$       | 200,000                    |
|  | 1,401,000                  |
| TOTAL APPROPRIATION \$   | <del>((671,612,000))</del> |
|  | <u>619,112,000</u>         |

The appropriations in this section are provided for the location, design, right of way acquisition, or construction of state highway projects designated as improvements under RCW 47.05.030. The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The special category C account--state appropriation of ~~((73,271,000))~~ \$65,471,000 includes \$26,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.812 through 47.10.817 ~~((and includes \$12,000,000 in proceeds from the sale of bonds authorized by House Bill No. 1012))~~. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation. ~~((If House Bill No. 1012 is not enacted by June 30, 1998, \$7,800,000 of the special category C account state appropriation shall lapse.))~~

(2) The motor vehicle fund--state appropriation includes \$2,685,000 in proceeds from the sale of bonds authorized by RCW 47.10.819(1) for match on federal demonstration projects. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(3) The department shall report annually to the legislative transportation committee on the status of the projects funded by the special category C appropriations contained in this section. The report shall be submitted by January 1 of each year.

(4) The motor vehicle fund--state appropriation in this section includes \$600,000 solely for a rest area and information facility in the Nisqually gateway area to Mt. Rainier, provided that at least forty percent of the total project costs are provided from federal, local, or private sources. The contributions from the nonstate sources may be in the form of in-kind contributions including, but not limited to, donations of property and services.

(5) The appropriations in this section contain \$118,247,000 reappropriation from the 1995-97 biennium.

(6) The motor vehicle fund--state appropriation in this section includes \$250,000 to establish a wetland mitigation pilot project. This appropriation may only be expended if the department of transportation establishes a technical committee to better implement the department's strategic plan. The technical committee shall include, but is not limited to, cities, counties, environmental groups, business groups, tribes, the Puget Sound action team, and the state departments of ecology, fish and

wildlife, and community, trade, and economic development, and appropriate federal agencies. The committee shall assist the department in implementing its wetland strategic plan, including working to eliminate barriers to improved wetland and watershed management. To this end, the technical committee shall: (a) Work to facilitate sharing of agency environmental data, including evaluation of off-site and out-of-kind mitigation options; (b) develop agreed-upon guidance that will enable the preservation of wetlands that are under imminent threat from development for use as an acceptable mitigation option; (c) develop strategies that will facilitate the implementation of mitigation banking, including developing mechanisms for valuing and transferring credits; (d) provide input in the development of wetland functions assessment protocols related to transportation projects; (e) develop incentives for interagency participation in joint mitigation projects within watersheds; and (f) explore options for funding environmental mitigation strategies. The department shall prepare an annual report to the legislative transportation committee and legislative natural resources committees on recommendations developed by the technical committee.

(7) The department shall report January 1st and July 1st of each year, to the legislative transportation committee and the office of financial management of the timing and the scope of work being performed for the regional transit authority. This report shall provide a description of all department activities related to the regional transit authority including investments in state-owned infrastructure.

(8) The translake study funded in this section shall include recommendations to address methods for mitigating traffic noise in the study area.

(9) Funding for the SR 509 project extending south and east from south 188th street in King county is contingent on the development of a proposal linking the project to other freight corridors and a funding plan with participation from partners of the state that are agreed to by the legislative transportation committee and the governor.

(10) The motor vehicle account--federal appropriation in this section is transferrable to the transportation account to ensure efficient funds management and program delivery.

(11) \$2,000,000 of the motor vehicle fund--state appropriation is provided solely for transfer to the advanced environmental mitigation revolving account--state.

~~((14))~~ (12) \$13,000,000 of the motor vehicle fund--state appropriation and \$12,000,000 of the transportation fund--state appropriation are provided solely for preliminary engineering and purchase of right of way for highway construction.

~~((15) \$35,000,000 of the motor vehicle fund--state appropriation is conditioned upon voter approval of a referendum on a state wide ballot that provides funding for transportation purposes. If the voters approve such a referendum, \$35,000,000 of the motor vehicle fund--state appropriation is put in reserve solely to be used for the purposes of preliminary engineering and purchase of right of way for highway construction. These moneys may only be expended upon approval of both the legislative transportation committee and the office of financial management.))~~

(13) The department may advertise and award certain specified projects prior to June 30, 1999. This authority extends to the 10 projects listed in the transportation executive information system document titled "1999 Supplemental Budget — Spring Start Projects (Rev.)" dated March 13, 1999.

**Sec. 510.** 1998 c 348 s 212 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION ECONOMIC PARTNERSHIPS--PROGRAM K**

|  |    |                           |
|--|----|---------------------------|
| Transportation Fund--State Appropriation | \$ | <del>((1,280,000))</del>  |
|  |    | <u>1,255,000</u>          |
| Motor Vehicle Fund--State Appropriation  | \$ | 16,235,000                |
| TOTAL APPROPRIATION                      | \$ | <del>((17,515,000))</del> |

17,490,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The motor vehicle fund--state appropriation includes \$16,235,000 in proceeds from the sale of bonds authorized in RCW 47.10.834 for all forms of cash contributions, or the payment of other costs incident to the location, development, design, right of way, and construction of only the SR 16 corridor improvements and park and ride projects selected under the public-private transportation initiative program authorized under chapter 47.46 RCW; and support costs of the public-private transportation initiatives program.

(2) The appropriations in this section contain \$16,235,000 reappropriated from the 1995-97 biennium.

**Sec. 511.** 1998 c 348 s 213 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MAINTENANCE--PROGRAM M**

|   |    |                    |
|---|----|--------------------|
| Motor Vehicle Fund--State Appropriation         | \$ | ((239,200,000))    |
|   |    | <u>237,013,000</u> |
| Motor Vehicle Fund--Federal Appropriation       | \$ | 465,000            |
| Motor Vehicle Fund--Private/Local Appropriation | \$ | 3,335,000          |
| TOTAL APPROPRIATION                             | \$ | ((243,000,000))    |
|   |    | <u>240,813,000</u> |

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) If portions of the appropriations in this section are required to fund maintenance work resulting from major disasters not covered by federal emergency funds such as fire, flooding, and major slides, supplemental appropriations will be requested to restore state funding for ongoing maintenance activities.

(2) The department shall deliver the highway maintenance program according to the plans for each major maintenance group to the extent practical. However, snow and ice expenditures are highly variable depending on actual weather conditions encountered. If extraordinary winter needs result in increased winter maintenance expenditures, the department shall, after prior consultation with the transportation commission, the office of financial management, and the legislative transportation committee adopt one or both of the following courses of action: (a) Reduce planned maintenance activities in other groups to offset the necessary increases for snow and ice control; or (b) continue delivery as planned within other major maintenance groups and request a supplemental appropriation in the following legislative session to fund the additional snow and ice control expenditures.

(3) The department shall request an unanticipated receipt for any federal moneys received for emergency snow and ice removal and shall place an equal amount of the motor vehicle fund--state into unallotted status. This exchange shall not affect the amount of funding available for snow and ice removal.

(4) Funding appropriated for local storm water charges assessed under RCW 90.03.525, which is allocated for, but not paid to, a local storm water utility because the utility did not meet the conditions provided under RCW 90.03.525, may be transferred by the department to program Z of the department to be distributed as grants under the storm water grant program.

**Sec. 512.** 1998 c 348 s 214 (uncodified) is amended to read as follows:



**FOR THE DEPARTMENT OF TRANSPORTATION--PRESERVATION--PROGRAM P**

|  |                    |
|--|--------------------|
| Motor Vehicle Fund--State Appropriation \$         | ((288,720,000))    |
|  | <u>285,220,000</u> |
| Motor Vehicle Fund--Federal Appropriation \$       | 274,259,000        |
| Motor Vehicle Fund--Private/Local Appropriation \$ | 2,400,000          |
| TOTAL APPROPRIATION \$                             | ((568,379,000))    |
|  | <u>561,879,000</u> |

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The motor vehicle fund--state appropriation includes \$6,800,000 in proceeds from the sale of bonds authorized in RCW 47.10.761 and 47.10.762 for emergency purposes. However, the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(2) The appropriations in this section contain \$27,552,000 reappropriated from the 1995-97 biennium.

(3) If the Oregon state legislature enacts a public/private partnership program and the Washington state transportation commission, in consultation with the legislative transportation committee, negotiates and enters into an agreement between Washington and Oregon to place the Lewis and Clark bridge into Oregon's public/private partnership program, up to \$3,000,000 of the motor vehicle fund--state appropriation may be used as Washington's contribution toward the design of the project pursuant to the agreement between Washington and Oregon. Any additional contributions shall be subject to Washington state legislative appropriations and approvals. The department shall provide a status report on this project to the legislative transportation committee by June 30, 1998.

~~((6))~~ (4) \$630,000 of the motor vehicle fund--state appropriation is provided for slope stabilization along state route 166 in the Ross Point vicinity. This amount is intended to fund preliminary engineering, right of way acquisition, and to begin construction.

**Sec. 513.** 1998 c 348 s 215 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q**

|  |                   |
|--|-------------------|
| State Patrol Highway Account--State Appropriation \$ | 153,000           |
| Motor Vehicle Fund--State Appropriation \$           | ((30,412,000))    |
|  | <u>29,982,000</u> |
| Motor Vehicle Fund--Federal Appropriation \$         | 1,000,000         |
| Motor Vehicle Fund--Private/Local Appropriation \$   | 275,000           |
| TOTAL APPROPRIATION \$                               | ((31,840,000))    |
|  | <u>31,410,000</u> |

The appropriation in this section is subject to the following conditions and limitations and specified amount is provided solely for that activity:

(1) The department, in cooperation with the Washington state patrol and the tow truck industry, shall develop and submit to the legislative transportation committee by October 31, 1997, a recommendation for implementing new tow truck services during peak hours on the Puget Sound freeway system.

(2) The department, in cooperation with the Washington state patrol, the department of licensing, the state of Oregon, and the United States department of transportation, shall install and operate the commercial vehicle information systems and network (CVISN) at a selected pilot site. If the state department of transportation receives additional federal funding for this project that is eligible to supplant state funding, the appropriation in this section shall be reduced by the amount of the state funds supplanted.

**Sec. 514.** 1998 c 348 s 216 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION MANAGEMENT AND SUPPORT--PROGRAM S**

|  |                   |
|--|-------------------|
| Motor Vehicle Fund--Puget Sound Capital Construction Account--State Appropriation \$ | 777,000           |
| Motor Vehicle Fund--State Appropriation \$   | ((70,032,000))    |
|  | <u>69,685,000</u> |
| Motor Vehicle Fund--Puget Sound Ferry Operations Account--State Appropriation \$     | 1,093,000         |
| Transportation Fund--State Appropriation \$  | 1,158,000         |
| TOTAL APPROPRIATION \$   | ((73,060,000))    |
|  | <u>72,713,000</u> |

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1)(a) The motor vehicle fund--state appropriation includes \$14,300,000 provided solely for programming activities and other efforts needed to bring the department's information systems, and devices with computers built into them, into compliance with the year 2000 requirements of the department of information services. The department is directed to expend the moneys internally reallocated for this purpose before spending from this appropriation. The department is directed to provide quarterly reports on this effort to the legislative transportation committee and the office of financial management beginning October 1, 1997.

(b) Up to \$2,900,000 of the amount provided in (a) of this subsection may be expended for testing and required modifications to electronic devices and other equipment and specialized software that are essential for department operations to ensure they are year 2000 compliant. Before expending any of this amount for these purposes, the department shall consult with the legislative transportation committee and the office of financial management.

(2) The legislative transportation committee shall review and analyze freight mobility issues affecting eastern and southeastern Washington as recommended by the freight mobility advisory committee and report back to the legislature by November 1, 1997. \$500,000 of the motor vehicle fund--state appropriation is provided for this review and analysis. The funding conditioned in this subsection shall be from revenues provided for interjurisdictional studies.

(3) In order to increase visibility for decision making, the department shall review its budgeting and accounting methods for management information systems. The review shall include, but not be limited to, the cost-benefit analysis of existing processes and evaluation of less complex alternatives such as direct appropriations. The results of the review shall be reported to the legislative transportation committee and the office of financial management by July 1, 1998.

**Sec. 515.** 1997 c 457 s 223 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION PLANNING,  
 DATA, AND RESEARCH--PROGRAM T**

|   |    |                           |
|---|----|---------------------------|
| Motor Vehicle Fund--State Appropriation   | \$ | <del>((16,098,000))</del> |
|   |    | <u>15,884,000</u>         |
| Motor Vehicle Fund--Federal Appropriation | \$ | 10,466,000                |
| Transportation Fund--State Appropriation  | \$ | <del>((1,384,000))</del>  |
|   |    | <u>1,379,000</u>          |
| TOTAL APPROPRIATION                       | \$ | <del>((27,948,000))</del> |
|   |    | <u>27,729,000</u>         |

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: Up to \$2,400,000 of the motor vehicle fund--state appropriation is provided for regional transportation planning organizations, with allocations for participating counties maintained at the 1995-1997 biennium levels for those counties not having metropolitan planning organizations within their boundaries.

**Sec. 516.** 1998 c 348 s 217 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF TRANSPORTATION--CHARGES FROM OTHER AGENCIES--  
 PROGRAM U**

|  |               |                          |
|--|---------------|--------------------------|
| (1) FOR PAYMENT OF COSTS OF ATTORNEY GENERAL TORT CLAIMS SUPPORT   |               |                          |
| <del>((Motor Vehicle Fund--State Appropriation</del>   | <del>\$</del> | <del>2,515,000))</del>   |
| Transportation Fund--State Appropriation   | \$            | <u>3,715,000</u>         |
| (2) FOR PAYMENT OF COSTS OF THE OFFICE OF THE STATE AUDITOR  |               |                          |
| Motor Vehicle Fund--State Appropriation  | \$            | 840,000                  |
| (3) FOR PAYMENT OF COSTS OF DEPARTMENT OF GENERAL ADMINISTRATION<br>FACILITIES AND SERVICES AND CONSOLIDATED MAIL SERVICES |               |                          |
| Motor Vehicle Fund--State Appropriation  | \$            | 3,391,000                |
| (4) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF PERSONNEL  |               |                          |
| Motor Vehicle Fund--State Appropriation  | \$            | <del>((2,240,000))</del> |
|  |               | <u>2,140,000</u>         |
| (5) FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS AND<br>ADMINISTRATION   |               |                          |
| Motor Vehicle Fund--State Appropriation  | \$            | 12,535,000               |
| (6) FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS AND<br>ADMINISTRATION   |               |                          |
| Motor Vehicle Fund--Puget Sound Ferry Operations<br>Account--State Appropriation   | \$            | 2,928,000                |

|   |         |
|---|---------|
| (7) FOR PAYMENT OF COSTS OF THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES         |         |
| Motor Vehicle Fund--State Appropriation \$  | 536,000 |
| (8) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF GENERAL ADMINISTRATION STATE PARKING SERVICES |         |
| Motor Vehicle Fund--State Appropriation \$  | 90,000  |
| (9) FOR PAYMENT OF THE DEPARTMENT OF GENERAL ADMINISTRATION CAPITAL PROJECTS SURCHARGE      |         |
| Motor Vehicle Fund--State Appropriation \$  | 735,000 |
| (10) FOR ARCHIVES AND RECORDS MANAGEMENT  |         |
| Motor Vehicle Fund--State Appropriation \$  | 355,000 |

**Sec. 517.** 1998 c 348 s 218 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--WASHINGTON STATE FERRIES CONSTRUCTION--PROGRAM W**

|  |                            |
|--|----------------------------|
| Motor Vehicle Fund--Puget Sound Capital Construction Account--State Appropriation \$         | <del>((209,886,000))</del> |
|  | <u>192,886,000</u>         |
| Motor Vehicle Fund--Puget Sound Capital Construction Account--Federal Appropriation \$       | 30,165,000                 |
| Motor Vehicle Fund--Puget Sound Capital Construction Account--Private/Local Appropriation \$ | 765,000                    |
| Transportation Fund--Passenger Ferry Account--State Appropriation \$                         | 640,000                    |
| TOTAL APPROPRIATION \$   | <del>((241,456,000))</del> |
|  | <u>224,456,000</u>         |

The appropriations in this section are provided for improving the Washington state ferry system, including, but not limited to, vessel acquisition, vessel construction, major and minor vessel improvements, and terminal construction and improvements. The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The appropriations in this section are provided to carry out only the projects (version ~~((3))~~ 2) adjusted by the legislature for the 1997-99 budget. The department shall reconcile the 1995-97 capital expenditures within ninety days of the end of the biennium and submit a final report to the legislative transportation committee and office of financial management.

(2) The Puget Sound capital construction account--state appropriation includes \$100,000,000 in proceeds from the sale of bonds authorized by RCW 47.60.800 for vessel and terminal acquisition, major and minor improvements, and long lead time materials acquisition for the Washington state ferries, including construction of new jumbo ferry vessels in accordance with the requirements of RCW 47.60.770 through 47.60.778. However, the department of transportation may use current revenues available to the Puget Sound capital construction account in lieu of bond proceeds for any part of the state appropriation.

(3) The department of transportation shall provide to the legislative transportation committee and office of financial management a quarterly financial report concerning the status of the capital program authorized in this section.

(4) Washington state ferries is authorized to reimburse up to \$3,000,000 from the Puget Sound capital construction account--state appropriation or Puget Sound capital construction account--federal appropriation to the city of Bremerton and the port of Bremerton for Washington state ferries' financial participation in the development of a Bremerton multimodal transportation terminal, port of Bremerton passenger-only terminal expansion, and ferry vehicular connections to downtown traffic circulation improvements. The reimbursement shall specifically support the construction of the following components: Appropriate passenger-only ferry terminal linkages to accommodate bow-loading catamaran type vessels and the needed transit connections; and the Washington state ferries' component of the Bremerton multimodal transportation terminal as part of the downtown Bremerton redevelopment project, including appropriate access to the new downtown traffic circulation road network.

(5) The Puget Sound capital construction account--state appropriation includes funding for capital improvements on vessels to meet United States Coast Guard Subchapter W regulation revisions impacting SOLAS (safety of life at sea) requirements for ferry operations on the Anacortes to Sidney, B.C. ferry route.

(6) The Puget Sound capital construction account--state appropriation, the Puget Sound capital construction account--federal appropriation, and the passenger ferry account--state appropriation include funding for the construction of one new passenger-only vessel and the department's exercise of the option to build a second passenger-only vessel. In accordance with chapter 166, Laws of 1998, Washington state ferries shall accelerate activities to ensure the acquisition of four additional passenger-only vessels and the construction of related terminal facilities, including maintenance facilities for the Southworth and Kingston to Seattle passenger-only ferry routes.

(7) The Puget Sound capital construction account--state appropriation includes funding for the exploration and acquisition of a design for constructing a millennium class ferry vessel.

(8) The Puget Sound capital construction account--state appropriation includes \$90,000 for the purchase of defibrillators. At least one defibrillator shall be placed on each vessel in the ferry fleet.

(9) The appropriations in this section contain \$46,962,000 reappropriated from the 1995-97 biennium.

**Sec. 518.** 1998 c 348 s 219 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--MARINE--PROGRAM X**

Marine Operating Fund--State Appropriation \$

((270,522,000))

270,473,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The appropriation is based on the budgeted expenditure of ((~~\$28,696,000~~)) \$27,076,000 for vessel operating fuel in the 1997-99 biennium. If the actual cost of fuel is less than this budgeted amount, the excess amount may not be expended. If the actual cost exceeds this amount, the department shall request a supplemental appropriation.

(2) The appropriation provides for the compensation of ferry employees. The expenditures for compensation paid to ferry employees during the 1997-99 biennium may not exceed ((~~\$179,095,000~~)) \$180,715,000 plus a dollar amount, as prescribed by the office of financial management, that is equal to any insurance benefit increase granted general government employees in excess of \$313.95 a month annualized per eligible marine employee multiplied by the number of eligible marine employees for the respective fiscal year, a dollar amount as prescribed by the office of financial management for costs associated with pension amortization charges, and a dollar amount prescribed by the office of financial management for salary increases during the 1997-99 biennium. For the purposes of this section, the expenditures for compensation paid to ferry employees shall be limited to salaries and wages and employee benefits as defined in the office of financial management's policies, regulations, and procedures named under objects of expenditure "A" and "B" (7.2.6.2).

The prescribed salary and insurance benefit increase or decrease dollar amount that shall be allocated from the governor's compensation appropriations is in addition to the appropriation contained

in this section and may be used to increase or decrease compensation costs, effective July 1, 1997, and thereafter, as established in the 1997-99 general fund operating budget.

(3) The department of transportation shall provide to the legislative transportation committee and office of financial management a quarterly financial report concerning the status of the operating program authorized in this section.

(4) The appropriation in this section includes up to \$1,566,000 for additional operating expenses required to comply with United States Coast Guard Subchapter W regulation revisions for vessels operating on the Anacortes to Sidney, B.C. ferry route. The department shall explore methods to minimize the cost of meeting United States Coast Guard requirements and shall report the results to the legislative transportation committee and office of financial management by September 1, 1997.

(5) The department shall request a reduction of the costs associated with the use of the terminal leased from the Port of Anacortes and costs associated with use of the Sidney, British Columbia terminal.

(6) Agreements between Washington state ferries and concessionaires for automatic teller machines on ferry terminals or vessels shall provide for and include banks and credit unions that primarily serve the west side of Puget Sound.

(7) In the event federal funding is provided for one or more passenger-only ferry vessels for the purpose of transporting United States naval personnel, the department of transportation is authorized to acquire and construct such vessels in accordance with the authority provided in RCW 47.56.030, and the department shall establish a temporary advisory committee comprised of representatives of the Washington state ferries, transportation commission, legislative transportation committee, office of financial management, and the United States Navy to analyze and make recommendations on, at a minimum, vessel performance criteria, docking, vessel deployment, and operating issues.

(8) The appropriation provides funding for House Bill No. 2165 (paying interest on retroactive raises for ferry workers).

(9) The commission is authorized to increase Washington state ferry tariffs in excess of the fiscal growth factor, established under chapter 43.135 RCW, in fiscal year 1998 and fiscal year 1999.

(10) Funding for Anacortes to Sidney advertising is contingent upon partners meeting their commitment. In no event may the state share exceed fifty percent of the cash contribution toward the project.

(11) \$1,370,000 of this appropriation is provided solely for the Hiyu operation for Southworth/Vashon 5 days per week for 16 hours per day. Prior to placing the Hiyu in permanent service on a route between Vashon and Southworth, the Washington state ferries shall conduct a study of the impact of additional service on Vashon and Southworth and report back to the legislative transportation committee by May 15, 1998.

(12) \$446,000 of this appropriation is provided solely to provide an additional crew member on Jumbo Mark 2 ferries as required by emergency evacuation regulations adopted by the United States Coast Guard. If the Coast Guard requirement can be met without the hiring of additional staff, the portion of this appropriation provided to meet that requirement shall not be expended.

**Sec. 519.** 1998 c 348 s 220 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--PUBLIC TRANSPORTATION AND RAIL--PROGRAM Y**

|  |                           |
|--|---------------------------|
| Essential Rail Assistance Account--State Appropriation \$    | 256,000                   |
| High Capacity Transportation Account--State Appropriation \$ | <del>((13,225,000))</del> |
| Air Pollution Control Account--State Appropriation \$        | <u>13,185,000</u>         |
| Transportation Fund--State Appropriation \$                  | 6,290,000                 |
|  | <del>((55,029,000))</del> |

|   |                       |
|---|-----------------------|
| Transportation Fund--Federal Appropriation \$                             | <u>46,858,000</u>     |
| Transportation Fund--Private/Local Appropriation \$                       | 3,947,000             |
| Central Puget Sound Public Transportation Account--State Appropriation \$ | 105,000               |
|   | <u>((4,250,000))</u>  |
|   | <u>250,000</u>        |
| TOTAL APPROPRIATION \$  | <u>((83,102,000))</u> |
|   | <u>70,891,000</u>     |

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) Up to \$46,180,000 of the transportation fund--state appropriation is provided for intercity rail passenger service including up to \$8,000,000 for lease purchase of two advanced technology train sets with total purchase costs not to exceed \$20,000,000; up to \$1,000,000 for one spare advanced technology train power-car and other spare parts, subsidies for operating costs not to exceed \$12,000,000, to maintain service of two state contracted round trips between Seattle and Portland and one state contracted round trip between Seattle and Vancouver, British Columbia, and capital projects necessary to provide Seattle-Vancouver, British Columbia, train operating times of under 4 hours.

(2) Up to \$3,000,000 of the transportation fund--state appropriation is provided for the rural mobility program administered by the department of transportation. Priority for grants provided from this account shall be given to projects and programs that can be accomplished in the 1997-99 biennium.

(3) Up to \$600,000 of the high capacity transportation account--state appropriation is provided for rail freight coordination, technical assistance, and planning.

(4) The department shall provide biannual reports to the legislative transportation committee and office of financial management regarding the department's rail freight program. The department shall also notify the committee for project expenditures from all fund sources prior to making those expenditures. The department shall examine the ownership of grain cars and the potential for divestiture of those cars and other similar assets and report those findings to the committee prior to the 1998 legislative session.

(5) Up to \$750,000 of the transportation fund--state appropriation and up to \$250,000 of the central Puget Sound public transportation account--state appropriation are provided to fund activities relating to coordinating special needs transportation among state and local providers. These activities may include demonstration projects, assessments of resources available versus needs, and identification of barriers to coordinating special needs transportation. The department will consult with the superintendent of public instruction, the secretary of the department of social and health services, the office of financial management, the fiscal committees of the house of representatives and senate, special needs consumers, and specialized transportation providers in meeting the goals of this subsection.

(6) The appropriations in this section contain \$4,599,000 reappropriated from the 1995-97 biennium.

(7) The high capacity transportation account--state appropriation includes \$75,000 for the department to develop a strategy and to identify how the agency would expend additional moneys to enhance the commute trip reduction program. The report would include recommendations for grant programs for employers and jurisdictions to reduce SOV usage and to provide transit incentives to meet future commute trip reduction requirements. The report is due to the legislative transportation committee by January 1, 1998.

(8) In addition to the appropriations contained in this section, the office of financial management shall release the \$2,000,000 transportation fund--state funds appropriated for the intercity

rail passenger program in the 1995-97 biennium but held in reserve pursuant to section 502, chapter 165, Laws of 1996.

(9) Up to \$150,000 of the transportation fund--state appropriation is provided for the management and control of the transportation corridor known as the Milwaukee Road corridor owned by the state between Ellensburg and Lind, and to take actions necessary to allow the department to be in a position, with further legislative authorization, to begin to negotiate a franchise with a rail carrier to establish and maintain a rail line over portions of the corridor by July 1, 1999.

~~((11))~~ (10) \$4,000,000 of the high capacity transportation account--state appropriation for passenger rail infrastructure improvement is provided solely for rail improvements to add rail passenger service north of Seattle. These funds are conditioned on match of at least equal amounts from both Burlington Northern Sante Fe and Amtrak for rail line improvements and upon Amtrak purchasing an additional train set for operation in the corridor. These funds shall not be expended until authorized by the legislative transportation committee and the office of financial management; and the participation of international partners in service provided in the corridor shall be considered in such a decision.

**Sec. 520.** 1998 c 348 s 221 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z**

|  |                           |
|--|---------------------------|
| Motor Vehicle Fund--State Appropriation \$                   | <del>((9,802,000))</del>  |
|  | <u>9,862,000</u>          |
| Motor Vehicle Fund--Federal Appropriation \$                 | 33,726,000                |
| High Capacity Transportation Account--State Appropriation \$ | <del>((650,000))</del>    |
|  | <u>450,000</u>            |
| Transportation Account--State Appropriation \$               | 1,175,000                 |
| TOTAL APPROPRIATION \$                                       | <del>((45,353,000))</del> |
|  | <u>45,213,000</u>         |

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The motor vehicle fund--state appropriation includes \$1,785,000 in proceeds from the sale of bonds authorized by RCW 47.10.819(1). The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(2) As a condition of receiving the full state subsidy in support of the Puget Island ferry, Wahkiakum county must, by December 31, 1997, increase ferry fares for passengers and vehicles by at least ten percent. If the fares are not increased to meet this requirement, the department, in determining the state subsidy after December 31, 1997, shall reduce the operating deficit by the amount that would have been generated if the ten percent fare increase had been implemented.

(3) The appropriations in this section contain \$1,750,000 reappropriated from the 1995-97 biennium.

(4) Up to \$500,000 of the high capacity transportation account--state appropriation is provided for implementation of the recommendations of the freight mobility advisory committee, and any legislation enacted resulting from those recommendations.

(5) \$175,000 of the transportation fund--state appropriation is provided solely to fund the freight mobility strategic investment board. If Second Substitute House Bill No. 2180 is not enacted by June 30, 1998, this amount shall lapse.



(6) The transportation account--state appropriation includes \$600,000 to establish alternatives for flood management and flood hazard reduction projects in the Chehalis Basin. A technical committee comprised of the department of transportation, department of ecology, the United States army corps of engineers, federal emergency management administration, United States geological survey, affected counties and tribes, and other entities with critical knowledge related to flood hazard reduction projects in the Chehalis Basin shall be formed. Funds shall be distributed to counties within the Chehalis Basin by the department of transportation for projects that further understanding of the causes of flooding and options for flood hazard reduction. Alternatives shall be consistent with fish and habitat recovery efforts. Projects funded shall be coordinated with the technical committee. The department of transportation shall present a report to the legislative transportation committee and other appropriate legislative committees regarding findings and/or progress made by funded projects by December 1, 1998.

~~((8))~~ (7) \$750,000 of the motor vehicle fund--state appropriation is provided solely for a median barrier upon the Spokane street viaduct. Use of this funding is contingent upon a commitment of funding from other partners for the remainder of the project cost.

~~((9))~~ (8) Up to \$150,000 of the high capacity transportation account--state appropriation is provided for the installation of active railroad crossing warning devices at the Sunnyside beach park entrance in Steilacoom.

~~((10))~~ (9) \$400,000 of the transportation fund--state appropriation is provided solely for a study by the legislative transportation committee, in cooperation with the port of Benton, developing a strategic corridor feasibility and master site plan for the port of Benton. If the port of Benton does not provide at least \$200,000 to fund the plan development, the transportation fund--state appropriation referenced in this subsection shall lapse and this subsection shall be null and void.

### **Transportation Agencies Capital Facilities**

**Sec. 521.** 1997 c 457 s 303 (uncodified) is amended to read as follows:

#### **FOR THE DEPARTMENT OF TRANSPORTATION--PROGRAM D (DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)--CAPITAL**

Motor Vehicle Fund--Transportation Capital Facilities Account--State Appropriation \$ ~~((21,696,000))~~  
21,261,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The department of transportation shall provide to the legislative transportation committee prior notice and the latest project information at least two weeks in advance of the bid process for transportation capital facilities projects going to bid in the 1997-99 biennium.

(2) Construction of the Mount Rainier storage facility shall not commence until the department has secured an operational lease that would allow the placement of the facility on United States forest service lands near the entrance to the Mather memorial parkway.

(3) The appropriation in this section contains \$7,719,000 reappropriated from the 1995-97 biennium.

### **Transfers and Distributions**

**Sec. 522.** 1998 c 348 s 402 (uncodified) is amended to read as follows:

#### **FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES**

Motor Vehicle Fund--Puget Sound Capital Construction Account Appropriation \$ 500,000

|   |    |                          |
|---|----|--------------------------|
| Motor Vehicle Fund Appropriation                        | \$ | 130,000                  |
| Transportation Improvement Account Appropriation        | \$ | 200,000                  |
| Special Category C Account Appropriation                | \$ | 190,000                  |
| Transportation Capital Facilities Account Appropriation | \$ | 1,000                    |
| Urban Arterial Account Appropriation                    | \$ | 5,000                    |
| TOTAL APPROPRIATION                                     |    | \$                       |
|   |    | <del>((1,995,000))</del> |
|   |    | <u>1,026,000</u>         |

**Sec. 523.** 1998 c 348 s 404 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--TRANSFERS**

|   |               |                        |
|---|---------------|------------------------|
| (1) R V Account--State Appropriation:<br>For transfer to the Motor Vehicle Fund--State  | \$            | 1,176,000              |
| (2) Motor Vehicle Fund--State Appropriation:<br>For transfer to the Transportation Capital Facilities Account--State                | \$            | 42,569,000             |
| <del>(3) ((Small City Account--State Appropriation:<br/>For transfer to the Transportation Improvement<br/>Account--State--\$</del> | <del>\$</del> | <del>7,500,000))</del> |
| <u>Motor Vehicle Fund--State Appropriation:<br/>For transfer to the Highway Infrastructure Account--State</u>                       | <u>\$</u>     | <u>234,000</u>         |

**Sec. 524.** 1997 c 457 s 403 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION**

|  |           |                            |
|--|-----------|----------------------------|
| City Hardship Account Appropriation  | \$        | 200,000                    |
| Motor Vehicle Fund Appropriation for motor vehicle fuel tax and<br>overload penalties distribution | \$        | 471,937,000                |
| Transportation Fund Appropriation <u>for motor vehicle<br/>excise tax distribution</u>             | <u>\$</u> | <del>((3,744,000))</del>   |
| TOTAL APPROPRIATION  |           | \$                         |
|  |           | <u>118,747,000</u>         |
|  |           | <del>((475,881,000))</del> |
|  |           | <u>590,884,000</u>         |

**Miscellaneous**

NEW SECTION. **Sec. 525.** A new section is added to 1997 c 457 (uncodified) to read as follows:

**INFORMATION SYSTEMS PROJECTS.** Agencies shall comply with the following requirements regarding information systems projects when specifically directed to do so by this act.

(1) Agency planning and decisions concerning information technology shall be made in the context of its information technology portfolio. "Information technology portfolio" means a strategic management approach in which the relationships between agency missions and information technology investments can be seen and understood, such that: Technology efforts are linked to agency objectives and business plans; the impact of new investments on existing infrastructure and business functions are assessed and understood before implementation; and agency activities are consistent with the development of an integrated, nonduplicative state-wide infrastructure.

(2) Agencies shall use their information technology portfolios in making decisions on matters related to the following:

- (a) System refurbishment, acquisitions, and development efforts;
- (b) Setting goals and objectives for using information technology in meeting legislatively-mandated missions and business needs;
- (c) Assessment of overall information processing performance, resources, and capabilities;
- (d) Ensuring appropriate transfer of technological expertise for the operation of any new systems developed using external resources; and
- (e) Progress toward enabling electronic access to public information.

(3) The agency shall produce a feasibility study for information technology projects at the direction of the information services board and in accordance with published department of information services policies and guidelines. At a minimum, such studies shall include a statement of: (a) The purpose or impetus for change; (b) the business value to the agency, including an examination and evaluation of benefits, advantages, and cost; (c) a comprehensive risk assessment based on the proposed project's impact on both citizens and state operations, its visibility, and the consequences of doing nothing; (d) the impact on agency and state-wide information infrastructure; and (e) the impact of the proposed enhancements to an agency's information technology capabilities on meeting service delivery demands.

(4) The agency shall produce a comprehensive management plan for each project. The plan or plans shall address all factors critical to successful completion of each project. The plan(s) shall include, but is not limited to, the following elements: A description of the problem or opportunity that the information technology project is intended to address; a statement of project objectives and assumptions; a definition and schedule of phases, tasks, and activities to be accomplished; and the estimated cost of each phase. The planning for the phased approach shall be such that the business case justification for a project needs to demonstrate how the project recovers cost or adds measurable value or positive cost benefit to the agency's business functions within each development cycle.

(5) The agency shall produce quality assurance plans for information technology projects. Consistent with the direction of the information services board and the published policies and guidelines of the department of information services, the quality assurance plan shall address all factors critical to successful completion of the project and successful integration with the agency and state information technology infrastructure. At a minimum, quality assurance plans shall provide time and budget benchmarks against which project progress can be measured, a specification of quality assurance responsibilities, and a statement of reporting requirements. The quality assurance plans shall set out the functionality requirements for each phase of a project.

(6) A copy of each feasibility study, project management plan, and quality assurance plan shall be provided to the department of information services, the office of financial management, and legislative fiscal committees. The plans and studies shall demonstrate a sound business case that justifies the investment of taxpayer funds on any new project, an assessment of the impact of the proposed system on the existing information technology infrastructure, the disciplined use of preventative measures to mitigate risk, and the leveraging of private-sector expertise as needed. Authority to expend any funds for individual information systems projects is conditioned on the approval of the relevant feasibility study, project management plan, and quality assurance plan by the department of information services and the office of financial management.

(7) Quality assurance status reports shall be submitted to the department of information services, the office of financial management, and legislative fiscal committees at intervals specified in the project's quality assurance plan.

NEW SECTION. **Sec. 526.** The following acts or parts of acts are each repealed:

- (1) 1997 c 457 s 502;
- (2) 1997 c 457 s 514; and
- (3) 1997 c 457 s 515.

## **PART VI PROVISIONS NECESSARY TO IMPLEMENT APPROPRIATIONS**

NEW SECTION. **Sec. 601.** As a management tool to reduce costs and make more effective use of resources, while improving employee productivity and morale, agencies may offer voluntary separation and/or downshifting incentives and options according to procedures and guidelines established by the department of personnel and the department of retirement systems, in consultation with the office of financial management. The options may include, but are not limited to, financial incentives for: Voluntary resignation and retirement, voluntary leave-without-pay, voluntary workweek or work hour reduction, voluntary downward movement, and temporary separation for development purposes.

Agency plans and offers shall be reviewed and monitored jointly by the department of personnel, office of financial management, and the department of retirement systems. The senate transportation committee and the house of representatives transportation committee shall also review and monitor the plans of agencies that receive funds appropriated under this act.

NEW SECTION. **Sec. 602.** It is the intent of the legislature that agencies may implement a voluntary retirement incentive program that is cost neutral or results in cost savings provided that such program is approved by the director of financial management. Agencies participating in this authorization are required to submit a report by June 30, 2001, to the legislature and the office of financial management on the outcome of their approved retirement incentive program. The report should include information on the details of the program including resulting service delivery changes, agency efficiencies, the cost of the retirement incentive per participant, the total cost to the state and the projected or actual net dollar and staff savings over the 1999-2001 biennium.

NEW SECTION. **Sec. 603. PERFORMANCE BASED BUDGETING.** (1) The department of licensing, the department of transportation, the Washington state patrol, and the Washington traffic safety commission, in cooperation with the office of financial management, the senate transportation committee, and the house of representatives transportation committee will continue the implementation of performance based budgeting. The performance based budgeting process will provide a measurable link between agency objectives, service levels, and budget. The agencies shall:

- (a) Continue to develop, enhance, validate, and test indicators of performance, stated in achieving the agencies' goals; and
- (b) Refine performance based budgeting and investment levels in the following programs:
  - (i) Department of transportation: Maintenance program M, preservation program P, traffic operations program Q, and marine program X;
  - (ii) Department of licensing: Driver's services and vehicle services;
  - (iii) Washington state patrol: Field operations bureau; and
  - (iv) Washington traffic safety commission; and
- (c) Submit and implement a plan to provide program managers with the training and technical assistance necessary to extend the practices of performance measurement and performance based budgeting throughout agency programs.

(2) The transportation agencies shall submit a strategic plan and activity summary with their agency request budgets and tie the plan's strategies together with the 2001-2003 budget requests. The strategic plan must include a six-year outlook and define and clarify the agency mission and vision, provide the basis for budget development, and outline and prioritize the agency's goals and strategies. The agencies will continue to improve agency infrastructures to capture and report performance data for use by agency management, the office of financial management, the senate transportation committee, and the house of representatives transportation committee in the decision making process.

(3)(a) The agencies shall input monthly their financial information and quarterly program performance measurements into the transportation executive information system and will utilize the transportation executive information system investment system in the development of their agency policy request budgets.

(b) The department of licensing and the Washington state patrol shall submit budgets to the legislature at the subprogram level.

**NEW SECTION. Sec. 604. PROGRAM ACCOUNTABILITY REVIEWS.** The senate transportation committee, the house of representatives transportation committee, the office of financial management, and the transportation agencies shall establish the means of conducting program accountability reviews of all transportation programs. The reviews shall include:

(1) Review and analysis of existing programs to determine any program changes required to meet established criteria along with the list of programs to be reviewed as determined by the program accountability review steering committee made up of the senate transportation committee, the house of representatives transportation committee, the office of financial management, and agency personnel. Each review will have a plan with timelines, deliverables, and milestones to ensure it is completed on time with anticipated deliverables. Each review will have a review accountability report presented to the senate transportation committee and the house of representatives transportation committee with recommendations and implementation schedule agreed to by the reviewers and the agency program being reviewed.

(2) A concentration on:

(a) Appropriateness of service objectives used to determine service levels;

(b) Effectiveness of current management systems;

(c) Development or improvement of existing outcome, output, efficiency, and effectiveness performance measures;

(d) The effectiveness of communication and decision making within the program;

(e) Staffing levels and organizational structure, including changes to roles and responsibilities;

(f) The existence and effectiveness of oversight and control measures within the program;

(g) The process of distributing funds and staff among activities;

(h) Methods for making trade off decisions within and between programs and activities;

(i) Development of tools that assist policymakers and managers in using performance measures and investment tradeoff methods;

(j) Development of long-term investment strategies; and

(k) Other program items that would be beneficial to include in the program accountability review.

(3) The recommendations will be considered in future biennium transportation budgets in determining whether to enhance, streamline, retain, reduce, or eliminate programs based on value and benefits provided to the state.

**NEW SECTION. Sec. 605.** (1) Twenty-two percent of the funds available for flexible purposes provided under Sections 105(c)(2) and 133(d)(3)(A)(ii) of Title 23, United States Code are for transportation improvements necessary for rural economic development in counties with a population density of less than 100 persons per square mile, and in urban community empowerment zones. The community economic revitalization board will select eligible projects, with staff support, as appropriate, from the department of transportation to facilitate distribution of the funds. In the event that eligible economic development projects do not materialize by the time the funds must be obligated each year, the remaining funds will revert to eligible rural counties for other regional transportation needs. Project selection for reverted funds will be by the appropriate body in each county for selecting projects funded with regional surface transportation funds, typically the metropolitan planning organization or regional transportation planning organization.

(2) Twenty-two percent of the funds available for flexible purposes provided under Sections 105(c)(2) and 133(d)(3)(A)(ii) of Title 23, United States Code are for the state-wide competitive program. The transportation improvement board will select projects under this program.

(3) Twenty-two percent of the funds available for flexible purposes provided under Sections 105(c)(2) and 133(d)(3)(A)(ii) of Title 23, United States Code are for distribution by the appropriate body in each county that is responsible for selecting projects funded with regional surface transportation funds, typically the metropolitan planning organization or regional transportation planning organization.

(4) Thirty-four percent of the funds available for flexible purposes provided under Sections 105(c)(2) and 133(d)(3)(A)(ii) of Title 23, United States Code are for the Washington state department of transportation.

**Sec. 606.** RCW 43.19.1906 and 1995 c 269 s 1404 are each amended to read as follows:

Insofar as practicable, all purchases and sales shall be based on competitive bids, and a formal sealed bid procedure shall be used as standard procedure for all purchases and contracts for purchases and sales executed by the state purchasing and material control director and under the powers granted by RCW 43.19.190 through 43.19.1939. This requirement also applies to purchases and contracts for purchases and sales executed by agencies, including educational institutions, under delegated authority granted in accordance with provisions of RCW 43.19.190 or under RCW 28B.10.029. However, formal sealed bidding is not necessary for:

(1) Emergency purchases made pursuant to RCW 43.19.200 if the sealed bidding procedure would prevent or hinder the emergency from being met appropriately;

(2) Purchases not exceeding thirty-five thousand dollars, or subsequent limits as calculated by the office of financial management: PROVIDED, That the state director of general administration shall establish procedures to assure that purchases made by or on behalf of the various state agencies shall not be made so as to avoid the thirty-five thousand dollar bid limitation, or subsequent bid limitations as calculated by the office of financial management: PROVIDED FURTHER, That the state purchasing and material control director is authorized to reduce the formal sealed bid limits of thirty-five thousand dollars, or subsequent limits as calculated by the office of financial management, to a lower dollar amount for purchases by individual state agencies if considered necessary to maintain full disclosure of competitive procurement or otherwise to achieve overall state efficiency and economy in purchasing and material control. Quotations from four hundred dollars to thirty-five thousand dollars, or subsequent limits as calculated by the office of financial management, shall be secured from at least three vendors to assure establishment of a competitive price and may be obtained by telephone or written quotations, or both. The agency shall invite at least one quotation each from a certified minority and a certified women-owned vendor who shall otherwise qualify to perform such work. Immediately after the award is made, the bid quotations obtained shall be recorded and open to public inspection and shall be available by telephone inquiry. A record of competition for all such purchases from four hundred dollars to thirty-five thousand dollars, or subsequent limits as calculated by the office of financial management, shall be documented for audit purposes. Purchases up to four hundred dollars may be made without competitive bids based on buyer experience and knowledge of the market in achieving maximum quality at minimum cost: PROVIDED, That this four hundred dollar direct buy limit without competitive bids may be increased incrementally as required to a maximum of eight hundred dollars, if warranted by increases in purchasing costs due to inflationary trends;

(3) Purchases which are clearly and legitimately limited to a single source of supply and purchases involving special facilities, services, or market conditions, in which instances the purchase price may be best established by direct negotiation;

(4) Purchases of insurance and bonds by the risk management office under RCW 43.19.1935;

(5) Purchases and contracts for vocational rehabilitation clients of the department of social and health services: PROVIDED, That this exemption is effective only when the state purchasing and material control director, after consultation with the director of the division of vocational rehabilitation and appropriate department of social and health services procurement personnel, declares that such purchases may be best executed through direct negotiation with one or more suppliers in order to expeditiously meet the special needs of the state's vocational rehabilitation clients;

(6) Purchases by universities for hospital operation or biomedical teaching or research purposes and by the state purchasing and material control director, as the agent for state hospitals as defined in RCW 72.23.010, and for health care programs provided in state correctional institutions as defined in

RCW 72.65.010(3) and veterans' institutions as defined in RCW 72.36.010 and 72.36.070, made by participating in contracts for materials, supplies, and equipment entered into by nonprofit cooperative hospital group purchasing organizations;

(7) Purchases by institutions of higher education not exceeding thirty-five thousand dollars: PROVIDED, That for purchases between two thousand five hundred dollars and thirty-five thousand dollars quotations shall be secured from at least three vendors to assure establishment of a competitive price and may be obtained by telephone or written quotations, or both. For purchases between two thousand five hundred dollars and thirty-five thousand dollars, each institution of higher education shall invite at least one quotation each from a certified minority and a certified women-owned vendor who shall otherwise qualify to perform such work. A record of competition for all such purchases made from two thousand five hundred to thirty-five thousand dollars shall be documented for audit purposes; and

(8) Negotiation of a contract by the department of transportation, valid until June 30, 2001, with registered tow truck operators to provide roving service patrols in one or more Washington state patrol tow zones whereby those registered tow truck operators wishing to participate would cooperatively, with the department of transportation, develop a demonstration project upon terms and conditions negotiated by the parties.

Beginning on July 1, 1995, and on July 1 of each succeeding odd-numbered year, the dollar limits specified in this section shall be adjusted as follows: The office of financial management shall calculate such limits by adjusting the previous biennium's limits by the appropriate federal inflationary index reflecting the rate of inflation for the previous biennium. Such amounts shall be rounded to the nearest one hundred dollars.

**Sec. 607.** RCW 88.16.090 and 1995 c 175 s 1 are each amended to read as follows:

(1) A person may pilot any vessel subject to the provisions of this chapter on waters covered by this chapter only if appointed and licensed to pilot such vessels on said waters under and pursuant to the provisions of this chapter.

(2) A person is eligible to be appointed a pilot if the person is a citizen of the United States, over the age of twenty-five years and under the age of seventy years, a resident of the state of Washington at the time of appointment and only if the pilot applicant holds as a minimum, a United States government license as a master of ocean or near coastal steam or motor vessels of not more than one thousand six hundred gross tons or as a master of inland steam or motor vessels of not more than one thousand six hundred gross tons, such license to have been held by the applicant for a period of at least two years prior to taking the Washington state pilotage examination and a first class United States endorsement without restrictions on that license to pilot in the pilotage districts for which the pilot applicant desires to be licensed, and if the pilot applicant meets such other qualifications as may be required by the board. A person applying for a license under this section shall not have been convicted of an offense involving drugs or the personal consumption of alcohol in the twelve months prior to the date of application. This restriction does not apply to license renewals under this section.

(3) Pilots shall be licensed hereunder for a term of five years from and after the date of the issuance of their respective state licenses. Such licenses shall thereafter be renewed as of course, unless the board shall withhold same for good cause. Each pilot shall pay to the state treasurer an annual license fee as follows: For the period beginning July 1, 1995, through June 30, ~~((1999))~~ 2001, the fee shall be two thousand five hundred dollars; and for the period beginning July 1, ~~((1999))~~ 2001, the fee shall be three thousand dollars. The fees shall be deposited in the state treasury to the credit of the pilotage account. The board may assess partially active or inactive pilots a reduced fee.

(4) Pilot applicants shall be required to pass a written and oral examination administered and graded by the board which shall test such applicants on this chapter, the rules of the board, local harbor ordinances, and such other matters as may be required to compliment the United States examinations and qualifications. The board shall hold examinations at such times as will, in the judgment of the board, ensure the maintenance of an efficient and competent pilotage service. An examination shall be scheduled for the Puget Sound pilotage district if there are three or fewer successful candidates from the previous examination who are waiting to become pilots in that district.

(5) The board shall develop an examination and grading sheet for each pilotage district, for the testing and grading of pilot applicants. The examinations shall be administered to pilot applicants and shall be updated as required to reflect changes in law, rules, policies, or procedures. The board may appoint a special independent examination committee or may contract with a firm knowledgeable and experienced in the development of professional tests for development of said examinations. Active licensed state pilots may be consulted for the general development of examinations but shall have no knowledge of the specific questions. The pilot members of the board may participate in the grading of examinations. If the board does appoint a special examination development committee it is authorized to pay the members of said committee the same compensation and travel expenses as received by members of the board. When grading examinations the board shall carefully follow the grading sheet prepared for that examination. The board shall develop a "sample examination" which would tend to indicate to an applicant the general types of questions on pilot examinations, but such sample questions shall not appear on any actual examinations. Any person who willfully gives advance knowledge of information contained on a pilot examination is guilty of a gross misdemeanor.

(6) All pilots and applicants are subject to an annual physical examination by a physician chosen by the board. The physician shall examine the applicant's heart, blood pressure, circulatory system, lungs and respiratory system, eyesight, hearing, and such other items as may be prescribed by the board. After consultation with a physician and the United States coast guard, the board shall establish minimum health standards to ensure that pilots licensed by the state are able to perform their duties. Within ninety days of the date of each annual physical examination, and after review of the physician's report, the board shall make a determination of whether the pilot or candidate is fully able to carry out the duties of a pilot under this chapter. The board may in its discretion check with the appropriate authority for any convictions of offenses involving drugs or the personal consumption of alcohol in the prior twelve months.

(7) The board shall prescribe, pursuant to chapter 34.05 RCW, a number of familiarization trips, between a minimum number of twenty-five and a maximum of one hundred, which pilot applicants must make in the pilotage district for which they desire to be licensed. Familiarization trips any particular applicant must make are to be based upon the applicant's vessel handling experience.

(8) The board may require vessel simulator training for a pilot applicant and shall require vessel simulator training for a pilot subject to RCW 88.16.105. The board shall also require vessel simulator training in the first year of active duty for a new pilot and at least once every five years for all active pilots.

(9) The board shall prescribe, pursuant to chapter 34.05 RCW, such reporting requirements and review procedures as may be necessary to assure the accuracy and validity of license and service claims, and records of familiarization trips of pilot candidates. Willful misrepresentation of such required information by a pilot candidate shall result in disqualification of the candidate.

(10) The board shall adopt rules to establish time periods and procedures for additional training trips and retesting as necessary for pilots who at the time of their licensing are unable to become active pilots.

**Sec. 608.** RCW 36.78.070 and 1993 c 65 s 3 are each amended to read as follows:

The county road administration board shall:

(1) Establish by rule, standards of good practice for the administration of county roads and the efficient movement of people and goods over county roads;

(2) Establish reporting requirements for counties with respect to the standards of good practice adopted by the board;

(3) Receive and review reports from counties and reports from its executive director to determine compliance with legislative directives and the standards of good practice adopted by the board;

(4) Advise counties on issues relating to county roads and the safe and efficient movement of people and goods over county roads and assist counties in developing uniform and efficient transportation-related information technology resources;

(5) Report annually before the fifteenth day of January, and throughout the year as appropriate, to the state department of transportation and to the chairs of the legislative transportation committee



and the house and senate transportation committees, and to other entities as appropriate on the status of county road administration in each county, including one copy to the staff of each of the committees. The annual report shall contain recommendations for improving administration of the county road programs;

(6) Administer the rural arterial program established by chapter 36.79 RCW and the program funded by the county arterial preservation ((program)) account established by RCW ((46.68.095)) 46.68.090, as well as any other programs provided for in law.

**Sec. 609.** RCW 46.68.090 and 1994 c 225 s 2 and 1994 c 179 s 3 are each reenacted and amended to read as follows:

(1) All moneys that have accrued or may accrue to the motor vehicle fund from the motor vehicle fuel tax and special fuel tax shall be first expended for ~~((the following))~~ purposes ~~((:))~~ enumerated in (a) and (b) of this subsection. The remaining net tax amount shall be distributed monthly by the state treasurer in the proportions set forth in (c) through (l) of this subsection.

(a) For payment of refunds of motor vehicle fuel tax and special fuel tax that has been paid and is refundable as provided by law;

(b) For payment of amounts to be expended pursuant to appropriations for the administrative expenses of the offices of state treasurer, state auditor, and the department of licensing of the state of Washington in the administration of the motor vehicle fuel tax and the special fuel tax, which sums shall be distributed monthly;

~~(c) ((From April 1, 1992, through March 31, 1996, for distribution to the transfer relief account, hereby created in the motor vehicle fund, an amount not to exceed three hundred twenty five one thousandths of one percent;~~

~~(d) For distribution to the rural arterial trust account in the motor vehicle fund, an amount as provided in RCW 82.36.025(2) and 46.68.095(3);~~

~~(e) For distribution to the urban arterial trust account in the motor vehicle fund, an amount as provided in RCW 46.68.100(4) and 82.36.025(3);~~

~~(f) For distribution to the transportation improvement account in the motor vehicle fund, an amount as provided in RCW 46.68.095(1);~~

~~(g) For distribution to the special category C account, hereby created in the motor vehicle fund, an amount as provided in RCW 46.68.095(2);~~

~~(h) For distribution to the county arterial preservation account, hereby created in the motor vehicle fund, an amount as provided in RCW 46.68.095(4);~~

~~(i) For distribution to the motor vehicle fund to be allocated to cities and towns as provided in RCW 46.68.110, an amount as provided in RCW 46.68.095(5);~~

~~(j) For distribution to the motor vehicle fund to be allocated to counties as provided in RCW 46.68.120, an amount as provided in RCW 46.68.095(6);~~

~~(k) For expenditure for highway purposes of the state as defined in RCW 46.68.130, an amount as provided in RCW 82.36.025(4) and 46.68.095(7);~~

~~(l) From July 1, 1994, through June 30, 1995, for distribution to the gasohol exemption holding account, hereby created in the motor vehicle fund, an amount equal to five and thirty four one hundredths of one percent of the amount available prior to distributions provided under (a) through (k) of this subsection, to be used only for highway construction;~~

~~(m) For distribution to the small city account, hereby created in the motor vehicle fund, an amount as provided for in RCW 46.68.095(1), 46.68.100(9), and 82.36.025(3).~~

~~(2) The amount accruing to the motor vehicle fund by virtue of the motor vehicle fuel tax and the special fuel tax and remaining after payments, distributions, and expenditures as provided in this section shall, for the purposes of this chapter, be referred to as the "net tax amount.")~~ For distribution to the motor vehicle fund an amount equal to 44.387 percent to be expended for highway purposes of the state as defined in RCW 46.68.130;

(d) For distribution to the special category C account, hereby created in the motor vehicle fund, an amount equal to 3.2609 percent to be expended for special category C projects. Special category C projects are category C projects that, due to high cost only, will require bond financing to complete construction.

The following criteria, listed in order of priority, shall be used in determining which special category C projects have the highest priority:

- (i) Accident experience;
- (ii) Fatal accident experience;
- (iii) Capacity to move people and goods safely and at reasonable speeds without undue congestion; and
- (iv) Continuity of development of the highway transportation network.

Moneys deposited in the special category C account in the motor vehicle fund may be used for payment of debt service on bonds the proceeds of which are used to finance special category C projects under this subsection (1)(d):

(e) For distribution to the Puget Sound ferry operations account in the motor vehicle fund an amount equal to 2.3283 percent;

(f) For distribution to the Puget Sound capital construction account in the motor vehicle fund an amount equal to 2.3726 percent;

(g) For distribution to the urban arterial trust account in the motor vehicle fund an amount equal to 7.5597 percent;

(h) For distribution to the transportation improvement account in the motor vehicle fund an amount equal to 5.6739 percent and expended in accordance with RCW 47.26.086;

(i) For distribution to the cities and towns from the motor vehicle fund an amount equal to 10.6961 percent in accordance with RCW 46.68.110;

(j) For distribution to the counties from the motor vehicle fund an amount equal to 19.2287 percent: (i) Out of which there shall be distributed from time to time, as directed by the department of transportation, those sums as may be necessary to carry out the provisions of RCW 47.56.725; and (ii) less any amounts appropriated to the county road administration board to implement the provisions of RCW 47.56.725(4), with the balance of such county share to be distributed monthly as the same accrues for distribution in accordance with RCW 46.68.120;

(k) For distribution to the county arterial preservation account, hereby created in the motor vehicle fund an amount equal to 1.9565 percent. These funds shall be distributed by the county road administration board to counties in proportions corresponding to the number of paved arterial lane miles in the unincorporated area of each county and shall be used for improvements to sustain the structural, safety, and operational integrity of county arterials. The county road administration board shall adopt reasonable rules and develop policies to implement this program and to assure that a pavement management system is used;

(l) For distribution to the rural arterial trust account in the motor vehicle fund an amount equal to 2.5363 percent and expended in accordance with RCW 36.79.020.

(2) Nothing in this section or in RCW 46.68.130 may be construed so as to violate any terms or conditions contained in any highway construction bond issues now or hereafter authorized by statute and whose payment is by such statute pledged to be paid from any excise taxes on motor vehicle fuel and special fuels.

**Sec. 610.** RCW 46.68.110 and 1996 c 94 s 1 are each amended to read as follows:

Funds credited to the incorporated cities and towns of the state as set forth in RCW ~~((46.68.100(1)))~~ 46.68.090(1)(i) shall be subject to deduction and distribution as follows:

(1) One and one-half percent of such sums shall be deducted monthly as such sums are credited and set aside for the use of the department of transportation for the supervision of work and expenditures of such incorporated cities and towns on the city and town streets thereof, including the supervision and administration of federal-aid programs for which the department of transportation has responsibility: PROVIDED, That any moneys so retained and not expended shall be credited in the succeeding biennium to the incorporated cities and towns in proportion to deductions herein made;

(2) Thirty-three one-hundredths of one percent of such funds shall be deducted monthly, as such funds accrue, and set aside for the use of the department of transportation for the purpose of funding the cities' share of the costs of highway jurisdiction studies and other studies. Any funds so retained and not expended shall be credited in the succeeding biennium to the cities in proportion to the deductions made;

(3) One percent of such funds shall be deducted monthly, as such funds accrue, to be deposited in the ~~((city hardship assistance))~~ urban arterial trust account, ~~((hereby created in the motor vehicle fund,))~~ to implement the city hardship assistance program, as provided in RCW 47.26.164. However, any moneys so retained and not required to carry out the program as of ~~((July 1, 1996, and))~~ July 1st of each odd-numbered year thereafter, shall be provided within sixty days to the treasurer and distributed in the manner prescribed in subsection ~~((4))~~ (5) of this section;

(4) 31.86 percent of the fuel tax distributed to the cities and towns in RCW 46.68.090(1)(i) shall be allocated to the incorporated cities and towns in the manner set forth in subsection (5) of this section and subject to deductions in subsections (1), (2), and (3) of this section, subject to RCW 35.76.050, to be used exclusively for: The construction, improvement, chip sealing, seal-coating, and repair for arterial highways and city streets as those terms are defined in RCW 46.04.030 and 46.04.120; the maintenance of arterial highways and city streets for those cities with a population of less than fifteen thousand; or the payment of any municipal indebtedness which may be incurred in the construction, improvement, chip sealing, seal-coating, and repair of arterial highways and city streets; and

(5) The balance remaining to the credit of incorporated cities and towns after such deduction shall be apportioned monthly as such funds accrue among the several cities and towns within the state ratably on the basis of the population last determined by the office of financial management.

**Sec. 611.** RCW 46.68.130 and 1981 c 342 s 11 are each amended to read as follows:

The ~~((net))~~ tax amount distributed to the state in the manner provided by RCW ~~((46.68.100))~~ 46.68.090, and all moneys accruing to the motor vehicle fund from any other source, less such sums as are properly appropriated and reappropriated for expenditure for costs of collection and administration thereof, shall be expended, subject to proper appropriation and reappropriation, solely for highway purposes of the state, including the purposes of RCW 47.30.030. For the purposes of this section, the term "highway purposes of the state" does not include those expenditures of the Washington state patrol heretofore appropriated or reappropriated from the motor vehicle fund. Nothing in this section or in RCW 46.68.090 may be construed so as to violate terms or conditions contained in highway construction bond issues authorized by statute as of the effective date of this section or thereafter and whose payment is, by the statute, pledged to be paid from excise taxes on motor vehicle fuel and special fuels.

**Sec. 612.** RCW 47.26.405 and 1977 ex.s. c 317 s 17 are each amended to read as follows:

Any funds required to repay such bonds, or the interest thereon when due shall be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle and special fuels and which is distributed to the state under the provisions of RCW ~~((46.68.100(6) as now or hereafter amended))~~ 46.68.090(1)(c) for construction of state highways in urban areas, and shall never constitute a charge against any allocations of any other such funds to the state, counties, cities, and towns unless and until the amount of the motor vehicle fund arising from the excise taxes on motor vehicle and special fuels and available to the state for construction of state highways in urban areas proves insufficient to meet the requirements for bond retirement or interest on any such bonds.

**Sec. 613.** RCW 47.26.425 and 1994 c 179 s 22 are each amended to read as follows:

Any funds required to repay the first authorization of two hundred million dollars of bonds authorized by RCW 47.26.420, as amended by section 18, chapter 317, Laws of 1977 ex. sess. or the interest thereon when due, shall be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle and special fuels and which is distributed to the urban arterial trust account in the motor vehicle fund ~~((and the certain sums received by the small city account in the motor vehicle fund imposed by))~~ pursuant to RCW ~~((82.36.025(3) and 46.68.100(9))~~ 46.68.090(1)(g), and shall never constitute a charge against any allocations of any other such funds in the motor vehicle fund to the state, counties, cities, and towns unless and until the amount of the motor vehicle fund arising from the excise tax on motor vehicle and special fuels and distributed to the urban

arterial trust account (~~and the small city account~~) proves insufficient to meet the requirements for bond retirement or interest on any such bonds.

**Sec. 614.** RCW 47.26.4252 and 1995 c 274 s 12 are each amended to read as follows:

Any funds required to repay the authorization of series II bonds authorized by RCW 47.26.420, as reenacted by section 3, chapter 5, Laws of 1979, or the interest thereon when due, shall first be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle and special fuels imposed by chapters 82.36 and 82.38 RCW and which is distributed to the urban arterial trust account in the motor vehicle fund (~~and the certain sums received by the small city account in the motor vehicle fund imposed by~~) pursuant to RCW (~~(82.36.025(3) and 46.68.100(9))~~) 46.68.090(1)(g), subject, however, to the prior lien of the first authorization of bonds authorized by RCW 47.26.420, as reenacted by section 3, chapter 5, Laws of 1979. If the moneys distributed to the urban arterial trust account (~~and the small city account~~) shall ever be insufficient to repay the first authorization bonds together with interest thereon, and the series II bonds or the interest thereon when due, the amount required to make such payments on such bonds or interest thereon shall next be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle and special fuels and which is distributed to the state, counties, cities, and towns pursuant to RCW (~~(46.68.100 as now existing or hereafter amended)~~) 46.68.090. Any payments on such bonds or interest thereon taken from motor vehicle or special fuel tax revenues which are distributable to the state, counties, cities, and towns, shall be repaid from the first moneys distributed to the urban arterial trust account not required for redemption of the first authorization bonds or series II and series III bonds or interest on those bond issues.

**Sec. 615.** RCW 47.26.4254 and 1995 c 274 s 13 are each amended to read as follows:

(1) Any funds required to repay series III bonds authorized by RCW 47.26.420, or the interest thereon, when due shall first be taken from that portion of the motor vehicle fund that results from the imposition of excise taxes on motor vehicle and special fuels imposed by chapters 82.36 and 82.38 RCW and that is distributed to the urban arterial trust account in the motor vehicle fund (~~and the certain sums received by the small city account in the motor vehicle fund imposed by~~) pursuant to RCW (~~(82.36.025(3) and 46.68.100(9))~~) 46.68.090(1)(g), subject, however, to the prior lien of the first authorization of bonds authorized by RCW 47.26.420. If the moneys so distributed to the urban arterial trust account (~~and the small city account~~), after first being applied to administrative expenses of the transportation improvement board and to the requirements of bond retirement and payment of interest on first authorization bonds and series II bonds as provided in RCW 47.26.425 and 47.26.4252, are insufficient to meet the requirements for bond retirement or interest on any series III bonds, the amount required to make such payments on series III bonds or interest thereon shall next be taken from that portion of the motor vehicle fund that results from the imposition of excise taxes on motor vehicle and special fuels and that is distributed to the state, counties, cities, and towns pursuant to RCW (~~(46.68.100)~~) 46.68.090, subject, however, to subsection (2) of this section.

(2) To the extent that moneys so distributed to the urban arterial trust account (~~and the small city account~~) are insufficient to meet the requirements for bond retirement or interest on any series III bonds, sixty percent of the amount required to make such payments when due shall first be taken from that portion of the motor vehicle fund that results from the imposition of excise taxes on motor vehicle and special fuels and that is distributed to the state. The remaining forty percent shall first be taken from that portion of the motor vehicle fund that results from the imposition of excise taxes on motor vehicle and special fuels and that is distributed to the cities and towns pursuant to RCW (~~(46.68.100(1))~~) 46.68.090(1)(i) and to the counties pursuant to RCW (~~(46.68.100(3). Of the counties', cities', and towns' share of any additional amounts required in the fiscal year ending June 30, 1984, fifteen percent shall be taken from the counties' distributive share and eighty five percent from the cities' and towns' distributive share)~~) 46.68.090(1)(j). Of the counties', cities', and towns' share of any additional amounts required in each fiscal year (~~(thereafter)~~), the percentage thereof to be taken from the counties' distributive share and from the cities' and towns' distributive share shall correspond to the percentage of funds authorized for specific county projects and for specific city and town projects, respectively, from the proceeds of series III bonds, for the period through the first

eleven months of the prior fiscal year as determined by the chairman of the transportation improvement board and reported to the state finance committee and the state treasurer not later than the first working day of June.

(3) Any payments on such bonds or interest thereon taken from motor vehicle or special fuel tax revenues that are distributable to the state, counties, cities, and towns shall be repaid from the first moneys distributed to the urban arterial trust account (~~and the small city account~~) not required for redemption of the first authorization bonds, series II bonds, or series III bonds or interest on these bonds.

**Sec. 616.** RCW 47.26.505 and 1994 c 179 s 29 are each amended to read as follows:

Any funds required to repay such bonds, or the interest thereon when due, shall be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle and special fuels and which is distributed to the transportation improvement account in the motor vehicle fund (~~and the sums received by the small city account in the motor vehicle fund~~) under RCW (~~46.68.095~~) 46.68.090, and shall never constitute a charge against any allocations of any other such funds in the motor vehicle fund to the state, counties, cities, and towns unless and until the amount of the motor vehicle fund arising from the excise tax on motor vehicle and special fuels and distributed to the transportation improvement account proves insufficient to meet the requirements for bond retirement or interest on any such bonds.

**Sec. 617.** RCW 47.30.030 and 1979 ex.s. c 121 s 1 are each amended to read as follows:

Where an existing highway severs, or where the right of way of an existing highway accommodates a trail for pedestrians, equestrians, or bicyclists or where the separation of motor vehicle traffic from pedestrians, equestrians, or bicyclists will materially increase the motor vehicle safety, the provision of facilities for pedestrians, equestrians, or bicyclists which are a part of a comprehensive trail plan adopted by federal, state, or local governmental authority having jurisdiction over the trail is hereby authorized. The department of transportation, or the county or city having jurisdiction over the highway, road, or street, or facility is further authorized to expend reasonable amounts out of the funds made available to them, according to the provisions of RCW (~~46.68.100~~) 46.68.090, as necessary for the planning, accommodation, establishment, and maintenance of such facilities.

**Sec. 618.** RCW 47.30.050 and 1979 ex.s. c 121 s 2 are each amended to read as follows:

(1) The amount expended by a city, town, or county as authorized by RCW 47.30.030(~~as now or hereafter amended,~~) shall never in any one fiscal year be less than (~~one half of one~~) 0.42 percent of the total amount of funds received from the motor vehicle fund according to (~~the provisions of~~) RCW (~~46.68.100: PROVIDED, That~~) 46.68.090. However, this section does not apply to a city or town in any year in which the (~~one half of one~~) 0.42 percent equals five hundred dollars or less, or to a county in any year in which the (~~one half of one~~) 0.42 percent equals three thousand dollars or less(~~: PROVIDED FURTHER, That~~). Also, a city, town, or county in lieu of expending the funds each year may credit the funds to a financial reserve or special fund, to be held for not more than ten years, and to be expended for the purposes required or permitted by RCW 47.30.030.

(2) In each fiscal year the department of transportation shall expend, as a minimum, for the purposes mentioned in RCW 47.30.030(~~as now or hereafter amended,~~) a sum equal to three-tenths of one percent of all funds, both state and federal, expended for the construction of state highways in such year, or in order to more efficiently program trail improvements the department may defer any part of such minimum trail or path expenditures for a fiscal year for a period not to exceed four years after the end of such fiscal year. Any fiscal year in which the department expends for trail or path purposes more than the minimum sum required by this subsection, the amount of such excess expenditure shall constitute a credit which may be carried forward and applied to the minimum trail and path expenditure requirements for any of the ensuing four fiscal years.

(3) The department of transportation, a city, or a county in computing the amount expended for trails or paths under their respective jurisdictions may include the cost of improvements consistent with

a comprehensive plan or master plan for bicycle trails or paths adopted by a state or local governmental authority either prior to such construction or prior to January 1, 1980.

**Sec. 619.** RCW 47.56.725 and 1991 c 310 s 1 are each amended to read as follows:

(1) The department is hereby authorized to enter into a continuing agreement with Pierce, Skagit, and Whatcom counties pursuant to which the department shall, from time to time, direct the distribution to each of the counties the amounts authorized in subsection (2) of this section in accordance with RCW (~~46.68.100~~) 46.68.090.

(2) The department is authorized to include in each agreement a provision for the distribution of funds to each county to reimburse the county for fifty percent of the deficit incurred during each previous fiscal year in the operation and maintenance of the ferry system owned and operated by the county. The total amount to be reimbursed to Pierce, Skagit, and Whatcom counties collectively shall not exceed one million dollars in any biennium. Each county agreement shall contain a requirement that the county shall maintain tolls on its ferries at least equal to tolls in place on January 1, 1990.

(3) The annual fiscal year operating and maintenance deficit, if any, shall be determined by Pierce, Skagit, and Whatcom counties subject to review and approval of the department. The annual fiscal year operating and maintenance deficit is defined as the total of operations and maintenance expenditures less the sum of ferry toll revenues and that portion of fuel tax revenue distributions which are attributable to the county ferry as determined by the department. Distribution of the amounts authorized by subsection (2) of this section by the state treasurer shall be directed by the department upon the receipt of properly executed vouchers from each county.

(4) The county road administration board may evaluate requests by Pierce, Skagit, Wahkiakum, and Whatcom counties for county ferry capital improvement funds. The board shall evaluate the requests and, if approved by a majority of the board, submit the requests to the legislature for funding out of the amounts available under RCW (~~46.68.100(3)~~) 46.68.090(1)(j). Any county making a request under this subsection shall first seek funding through the public works trust fund, or any other available revenue source, where appropriate.

**Sec. 620.** RCW 47.56.750 and 1995 c 274 s 16 are each amended to read as follows:

There is hereby created in the highway bond retirement fund in the state treasury a special account to be known as the Columbia river toll bridge account into which shall be deposited any capitalized interest from the proceeds of the bonds, and at least monthly all of the tolls and other revenues received from the operation of the toll bridge and from any interest which may be earned from the deposit or investment of these revenues after the payment of costs of operation, maintenance, management, and necessary repairs of the facility. The principal of and interest on the bonds shall be paid first from money deposited in the Columbia river toll bridge account in the highway bond retirement fund, and then, to the extent that money deposited in that account is insufficient to make any such payment when due, from the state excise taxes on motor vehicle and special fuels deposited in the highway bond retirement fund. There is hereby pledged the proceeds of state excise taxes on motor vehicle and special fuels imposed under chapters 82.36 and 82.38 RCW to pay the bonds and interest thereon, and the legislature hereby agrees to continue to impose the same excise taxes on motor vehicle and special fuels in amounts sufficient to pay, when due, the principal and interest on the bonds if the money deposited in the Columbia river toll bridge account of the highway bond retirement fund is insufficient to make such payments. Not less than fifteen days prior to the date any interest or principal and interest payments are due, the state finance committee shall certify to the state treasurer such amount of additional moneys as may be required for debt service, and the treasurer shall thereupon transfer from the motor vehicle fund such amount from the proceeds of such excise taxes into the highway bond retirement fund. Any proceeds of such excise taxes required for these purposes shall first be taken from that portion of the motor vehicle fund which results from the imposition of the excise taxes on motor vehicle and special fuels and which is distributed to the state. If the proceeds from the excise taxes distributed to the state are ever insufficient to meet the required payments on principal or interest on the bonds when due, the amount required to make the payments on the principal or interest shall next be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle and special fuels and which is distributed to the state,

counties, cities, and towns pursuant to RCW (~~46.68.100 as now existing or hereafter amended~~) 46.68.090. Any payments of the principal or interest taken from the motor vehicle or special fuel tax revenues which are distributable to the counties, cities, and towns shall be repaid from the first moneys distributed to the state not required for redemption of the bonds or interest thereon. The legislature covenants and pledges that it shall at all times provide sufficient revenues from the imposition of such excise taxes to pay the principal and interest due on the bonds.

**Sec. 621.** RCW 47.56.771 and 1995 c 274 s 17 are each amended to read as follows:

(1) The refunding bonds authorized under RCW 47.56.770 shall be general obligation bonds of the state of Washington and shall be issued in a total principal amount not to exceed fifteen million dollars. The exact amount of refunding bonds to be issued shall be determined by the state finance committee after calculating the amount of money deposited with the trustee for the bonds to be refunded which can be used to redeem or defease outstanding toll bridge authority, ferry, and Hood Canal bridge revenue bonds after the setting aside of sufficient money from that fund to pay the first interest installment on the refunding bonds. The refunding bonds shall be serial in form maturing at such time, in such amounts, having such denomination or denominations, redemption privileges, and having such terms and conditions as determined by the state finance committee. The last maturity date of the refunding bonds shall not be later than January 1, 2002.

(2) The refunding bonds shall be signed by the governor and the state treasurer under the seal of the state, which signatures shall be made manually or in printed facsimile. The bonds shall be registered in the name of the owner in accordance with chapter 39.46 RCW. The refunding bonds shall distinctly state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state, and shall contain an unconditional promise to pay the principal thereof and the interest thereon when due. The refunding bonds shall be fully negotiable instruments.

(3) The principal and interest on the refunding bonds shall be first payable in the manner provided in this section from the proceeds of state excise taxes on motor vehicle and special fuels imposed by chapters 82.36 and 82.38 RCW.

(4) The principal of and interest on the refunding bonds shall be paid first from the state excise taxes on motor vehicle and special fuels deposited in the ferry bond retirement fund. There is hereby pledged the proceeds of state excise taxes on motor vehicle and special fuels imposed under chapters 82.36 and 82.38 RCW to pay the refunding bonds and interest thereon, and the legislature hereby agrees to continue to impose the same excise taxes on motor vehicle and special fuels in amounts sufficient to pay, when due, the principal and interest on the refunding bonds. Not less than fifteen days prior to the date any interest or principal and interest payments are due, the state finance committee shall certify to the state treasurer such amount of additional money as may be required for debt service, and the treasurer shall thereupon transfer from the motor vehicle fund such amount from the proceeds of such excise taxes into the ferry bond retirement fund. Any proceeds of such excise taxes required for these purposes shall first be taken from that portion of the motor vehicle fund which results from the imposition of the excise taxes on motor vehicle and special fuels and which is distributed to the Puget Sound capital construction account. If the proceeds from excise taxes distributed to the state are ever insufficient to meet the required payments on principal or interest on the refunding bonds when due, the amount required to make the payments on the principal or interest shall next be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle and special fuels and which is distributed to the state, counties, cities, and towns pursuant to RCW (~~46.68.100 as now existing or hereafter amended~~) 46.68.090. Any payments of the principal or interest taken from the motor vehicle or special fuel tax revenues which are distributable to the counties, cities, and towns shall be repaid from the first money distributed to the state not required for redemption of the refunding bonds or interest thereon. The legislature covenants that it shall at all times provide sufficient revenues from the imposition of such excise taxes to pay the principal and interest due on the refunding bonds.

**Sec. 622.** RCW 47.60.420 and 1990 c 42 s 407 are each amended to read as follows:

To the extent that all revenues from the Washington state ferry system available therefor are insufficient to provide for the payment of principal and interest on the bonds authorized and issued

under RCW 47.60.400 through ~~((47.60.470))~~ 47.60.450 and for sinking fund requirements established with respect thereto and for payment into such reserves as the department has established with respect to the securing of the bonds, there is imposed a first and prior charge against the Puget Sound capital construction account of the motor vehicle fund created by RCW 47.60.505 and, to the extent required, against all revenues required by RCW ~~((46.68.100))~~ 46.68.090 to be deposited in the Puget Sound capital construction account.

To the extent that the revenues from the Washington state ferry system available therefor are insufficient to meet required payments of principal and interest on bonds, sinking fund requirements, and payments into reserves, the department shall use moneys in the Puget Sound capital construction account for such purpose.

**Sec. 623.** RCW 82.36.025 and 1994 c 179 s 30 are each amended to read as follows:

~~((The motor vehicle fuel tax rate shall be computed as the sum of the tax rate provided in subsection (1) of this section and the additional tax rates provided in subsections (2) through (5) of this section.~~

~~(1))~~ A motor vehicle fuel tax rate of ~~((seventeen))~~ twenty-three cents per gallon shall apply to the sale, distribution, or use of motor vehicle fuel.

~~((2) An additional motor vehicle fuel tax rate of one third cent per gallon shall apply to the sale, distribution, or use of motor vehicle fuel, and the proceeds from this additional tax rate, reduced by an amount equal to the sum of the payments under RCW 46.68.090(1) (a), (b), and (c) multiplied by the additional tax rate prescribed by this subsection divided by the motor vehicle fuel tax rate provided in this section, shall be deposited in the rural arterial trust account in the motor vehicle fund for expenditures under RCW 36.79.020.~~

~~(3) An additional motor vehicle fuel tax rate of one third cent per gallon shall apply to the sale, distribution, or use of motor vehicle fuel, and the proceeds from this additional tax rate, reduced by an amount equal to the sum of the payments under RCW 46.68.090(1) (a), (b), and (c) multiplied by the additional tax rate prescribed by this subsection divided by the motor vehicle fuel tax rate provided in this section, shall be deposited in the urban arterial trust account in the motor vehicle fund. After June 30, 1995, ninety five percent of this revenue shall be deposited in the urban arterial trust account in the motor vehicle fund and five percent shall be deposited in the small city account in the motor vehicle fund.~~

~~(4) An additional motor vehicle fuel tax rate of one third cent per gallon shall be applied to the sale, distribution, or use of motor vehicle fuel, and the proceeds from this additional tax rate, reduced by an amount equal to the sum of the payments under RCW 46.68.090(1) (a), (b), and (c) multiplied by the additional tax rate prescribed by this subsection divided by the motor vehicle fuel tax rate provided in this section, shall be deposited in the motor vehicle fund to be expended for highway purposes of the state as defined in RCW 46.68.130.~~

~~(5) An additional motor vehicle fuel tax rate of four cents per gallon from April 1, 1990, through March 31, 1991, and five cents per gallon from April 1, 1991, applies to the sale, distribution, or use of motor vehicle fuel. The proceeds from the additional tax rate under this subsection, reduced by an amount equal to the sum of the payments under RCW 46.68.090(1) (a), (b), and (c) multiplied by the additional tax rate prescribed by this subsection divided by the motor fuel tax rate provided in this section, shall be deposited in the motor vehicle fund and shall be distributed by the state treasurer according to RCW 46.68.095.)~~

**NEW SECTION. Sec. 624.** The following acts or parts of acts are each repealed:

(1). RCW 46.68.095 (Distribution of additional state-wide taxes) and 1994 c 179 s 4 & 1990 c 42 s 103;

(2). RCW 46.68.100 (Allocation of net tax amount in motor vehicle fund) and 1994 c 179 s 5, 1991 c 310 s 2, 1986 c 66 s 1, 1984 c 7 s 73, 1977 ex.s. c 317 s 9, 1977 c 51 s 1, 1975-'76 2nd ex.s. c 57 s 1, 1973 1st ex.s. c 124 s 1, 1972 ex.s. c 24 s 2, 1970 ex.s. c 85 s 4, 1967 ex.s. c 145 s 79, 1967 ex.s. c 83 s 8, 1961 ex.s. c 7 s 6, & 1961 c 12 s 46.68.100;

(3). RCW 46.68.115 (Allocation and use of amounts distributed to cities and towns) and 1987 c 234 s 1, 1983 c 43 s 1, & 1977 ex.s. c 317 s 10;



- (4). RCW 46.68.150 (Construction and improvements in urban areas--Expenditure of motor vehicle fuel taxes and bond proceeds) and 1984 c 7 s 74, 1977 ex.s. c 317 s 11, & 1967 ex.s. c 83 s 9;
- (5). RCW 47.26.060 (Apportionment of funds to regions--Manner and basis--Biennial adjustment) and 1981 c 315 s 1 & 1967 ex.s. c 83 s 12;
- (6). RCW 47.26.070 (Apportioned funds budgeted and expended for projects in urban areas-- Priority programming--Long-range objectives) and 1984 c 7 s 154 & 1967 ex.s. c 83 s 13; and
- (7). RCW 47.26.410 (Expenditures from fuel taxes and bond proceeds for urban state highways in excess of amount apportionable to a region authorized) and 1984 c 7 s 162 & 1967 ex.s. c 83 s 44.

NEW SECTION. Sec. 625. The following bills, as enacted in the form passed by the legislature, are necessary to implement portions of this act: House Bill Nos. 1053, 1147, 1304, 1466, 1588, 2201, 2245, and 2259 and Senate Bill Nos. 5060, 5283, 5360, 5605, 5615, 5955, 6030, and 6068.

NEW SECTION. Sec. 626. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 627. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

On page 1, line 1 of the title, after "appropriations;" strike the remainder of the title and insert "amending RCW 43.19.1906, 88.16.090, 36.78.070, 46.68.110, 46.68.130, 47.26.405, 47.26.425, 47.26.4252, 47.26.4254, 47.26.505, 47.30.030, 47.30.050, 47.56.725, 47.56.750, 47.56.771, 47.60.420, and 82.36.025; amending 1997 c 457 ss 110, 204, 215, 223, 303, and 403 (uncodified); amending 1998 c 348 ss 203, 205, 207, 208, 209, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 402, and 404 (uncodified); reenacting and amending RCW 46.68.090; adding a new section to 1997 c 457 (uncodified); creating new sections; repealing RCW 46.68.095, 46.68.100, 46.68.115, 46.68.150, 47.26.060, 47.26.070, and 47.26.410; repealing 1997 c 457 s 502 (uncodified); repealing 1997 c 457 s 514 (uncodified); repealing 1997 c 457 s 515 (uncodified); making appropriations; and declaring an emergency."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House refused to concur in the Senate Amendment(s) to Substitute House Bill No. 1125 and asked the Senate to recede therefrom.

Speaker Ballard assumed the chair.

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 10:00 a.m., Wednesday, April 21, 1999, the 101<sup>st</sup> Legislative Day.

TIMOTHY A. MARTIN, Chief Clerk    CLYDE BALLARD, Speaker  
DEAN R. FOSTER, Chief Clerk    FRANK CHOPP, Speaker

ONE HUNDREDTH DAY, APRIL 20, 1999

JOURNAL OF THE HOUSE

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## **ONE HUNDRED AND FIRST DAY**

### **MORNING SESSION**

House Chamber, Olympia, Wednesday, April 21, 1999

The House was called to order at 10:00 a.m. by Speaker Pro Tempore Ogden. The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Elizabeth Kather and Arnell Owens. Prayer was offered by Reverend Dr. Sanford Brown, First United Methodist Church, Wenatchee.

### **RESOLUTION**

HOUSE RESOLUTION NO. 99-4653, by Representatives Stensen, Kastama, Wolfe, Santos, Wood, O'Brien, Doumit, Eickmeyer, Dunshee, Morris, Murray, Gombosky, Hatfield, Regala, McIntire, Tokuda, H. Sommers, Anderson, Edmonds, Lantz, Schual-Berke, Romero, Hurst, Rockefeller, Fisher, Scott, Ruderman, Reardon, Haigh, Keiser, Edwards, Constantine, Cooper, Conway, Quall, Veloria, Kenney, Cody, Fortunato, Kagi, Linville, Lambert, McMorris, D. Schmidt, Huff, Wensman, Ballasiotes, Radcliff, K. Schmidt, Mitchell, G. Chandler, Thomas, Mulliken, Hankins, Esser, Skinner, Carlson and Talcott

WHEREAS, The family is the cornerstone of our nation and state, and children are the future of society; and

WHEREAS, The care and nurturing of children has traditionally been the responsibility of biological parents with support of the neighborhood and community; and

WHEREAS, Changes in social structure have resulted in some biological parents unable to appropriately care for their children; and

WHEREAS, Grandparents and other relatives step forward and assume the full, daily parental responsibility for the children of relatives; and

WHEREAS, Relatives face emotional, financial, legal, and day-to-day living challenges in their efforts to provide children a healthy and safe life; and

WHEREAS, The Washington State Legislature recognizes that there is a significant increase in relatives who are raising family children; and

WHEREAS, There are nearly eighty-six thousand grandparent-headed households with children;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington acknowledge and honor the contributions of relatives raising children; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to the Governor.

Representative Stensen moved adoption of the resolution.

Representatives Stensen, Kastama, Wolfe, Veloria, G. Chandler and Lovick spoke in favor of the adoption of the resolution.

House Resolution No. 99-4653 was adopted.

### **SPEAKER'S PRIVILEGE**

The Speaker (Representative Ogden presiding) introduced Edith Owen of Relatives Raising Children, and asked the Chamber to acknowledge her.

HOUSE RESOLUTION NO. 99-4677, by Representatives Edmonds, Kagi, Dickerson, Wensman, Ballasiotes, Pflug, Kenney, McIntire, Thomas, Hankins, Esser and Fortunato

WHEREAS, It is the intent of the Washington State House of Representatives to honor academic excellence, which is the foundation of the future for our children, our families, our communities, and our entire state, and to recognize the achievements of our schools, students, and teachers; and

WHEREAS, Three of our state's secondary schools, Shorewood High School of the Shoreline School District, Liberty High School of the Issaquah School District, and Blanchet High School of the Catholic Archdiocese of Seattle, have been designated as among the one hundred sixty-six Blue Ribbon Schools by the United States Department of Education; and

WHEREAS, The Blue Ribbon Schools Program promotes and supports the improvement of education across America by identifying schools that are models of academic excellence and success, recognizing schools that demonstrate a commitment to educational equity and opportunity for all students, encouraging schools to share information and ideas about proven methods for achieving higher standards, and providing students, parents, educators, business leaders, elected officials, and taxpayers a means of measuring educational progress based on objective standards and intensive assessment; and

WHEREAS, Shorewood High School, which is receiving the Blue Ribbon for a second time, is a leader in effective school reform and positive partnership, and a school where excellence is rooted in a deep commitment to children, frequent and abundant staff development, and tangible community support; and

WHEREAS, Liberty High School encapsulates the ideals and beliefs that lie at the heart of the community it serves, and embraces core beliefs honoring personal dignity, quality and excellence in performance, moral and ethical courage, and individual capacity for flexibility and growth; and

WHEREAS, Blanchet High School combines dedication to faith and family with an outstanding commitment to academic excellence, cultural diversity, community outreach, and the goal of developing all its students spiritually, intellectually, emotionally, physically, and artistically;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives congratulate the students, parents, educators, and community supporters of Shorewood High School, Liberty High School, and Blanchet High School for honoring our state by bringing home the Blue Ribbon; and

BE IT FURTHER RESOLVED, That the House of Representatives encourage every student, parent, teacher, school, and community in the State of Washington to emulate the outstanding example and national recognition achieved by our Blue Ribbon Schools.

Representative Edmonds moved adoption of the resolution.

Representatives Edmonds, Thomas, Kenney and McIntire spoke in favor of the adoption of the resolution.

House Resolution No. 99-4677 was adopted.

### **SPEAKER'S PRIVILEGE**

The Speaker (Representative Ogden presiding) introduced Ron Mahan, Vice Principal and Sandi McClary, Former Vice Principal, Liberty High School, Issaquah; and Pam Palasz, Counselor, Blanchett High School, and asked the Chamber to acknowledge them.

### **RESOLUTION**

HOUSE RESOLUTION NO. 99-4686, by Representatives G. Chandler, Mulliken and Hankins

WHEREAS, Grant County Fire District 5 was formed in 1949; and  
WHEREAS, The first volunteer roster sent to the Board for Volunteer Firefighter in 1950 listed forty-four members; and  
WHEREAS, Much of the early success of Grant County Fire District 5 was due to the active involvement of its members, both through countless hours of volunteering, as well as organizing fundraisers within the community to help purchase much-needed equipment; and  
WHEREAS, In 1955 Grant County Fire District 5 purchased two brand new Seagrave fire trucks for \$44,000 out of their total annual budget of \$54,000; and  
WHEREAS, The original board of trustees were Roy Chapman, chief, George Dougherty, secretary, Jud Henderson, Bob Goodwin, and Frank Hansen; and  
WHEREAS, The first battalion chiefs were Harvey Schell from Ruff, Frank Hansen from Mae Valley, and Oscar Leaf from Peninsula; and  
WHEREAS, Today Dan Roseburg, chairman, Jerry Jensen, and Dennis Bjork make up the district's board; and  
WHEREAS, Grant County Fire District 5 has six full-time staff, twelve part-time shift duty officers and one hundred twenty-three volunteer firefighters operating out of fourteen stations with twelve fire companies; and  
WHEREAS, Grant County Fire District 5 owns sixty pieces of firefighting equipment and numerous support vehicles to meet their responsibilities within the district's five hundred fifty square miles of agricultural, residential, and heavy and light industrial properties;  
NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives hereby recognize and honor the firefighters of Grant County Fire District 5 who have risked their lives and given their time to create an outstanding fifty-year legacy of protecting life and property in Grant County.

Representative G. Chandler moved adoption of the resolution.

Representatives G. Chandler and Cooper spoke in favor of the adoption of the resolution.

House Resolution No. 99-4686 was adopted.

### **SPEAKER'S PRIVILEGE**

The Speaker (Representative Ogden presiding) recognized Roger Hansen, Chief, and Dennis Bjork, Commissioner, Grant County Fire District #5, and asked the Chamber to recognize them.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

### **MESSAGE FROM THE SENATE**

April 20, 1999

Mr. Speaker:

The Senate has concurred in the House amendment(s) and passed the following Senate bills as amended by the House:

SENATE BILL NO. 5005,  
SENATE BILL NO. 5020,  
ENGROSSED SENATE BILL NO. 5036,  
SENATE BILL NO. 5040,  
SUBSTITUTE SENATE BILL NO. 5064,  
SENATE BILL NO. 5095,  
SECOND SUBSTITUTE SENATE BILL NO. 5108,  
SENATE BILL NO. 5125,  
SENATE BILL NO. 5127,  
SUBSTITUTE SENATE BILL NO. 5147,  
SUBSTITUTE SENATE BILL NO. 5153,  
SUBSTITUTE SENATE BILL NO. 5154,  
SUBSTITUTE SENATE BILL NO. 5179,  
SUBSTITUTE SENATE BILL NO. 5213,  
SUBSTITUTE SENATE BILL NO. 5214,  
SUBSTITUTE SENATE BILL NO. 5219,  
SUBSTITUTE SENATE BILL NO. 5273,  
SUBSTITUTE SENATE BILL NO. 5279,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5290,  
SENATE BILL NO. 5307,  
SENATE BILL NO. 5358,  
SENATE BILL NO. 5384,  
SENATE BILL NO. 5385,  
SENATE BILL NO. 5499,  
SENATE BILL NO. 5502,  
SUBSTITUTE SENATE BILL NO. 5671,

and the same are herewith transmitted.

Tony M. Cook, Secretary

April 20, 1999

Mr. Speaker:

The President has signed:

and the same is herewith transmitted.

HOUSE JOINT MEMORIAL NO. 4006,

Tony M. Cook, Secretary

April 20, 1999

Mr. Speaker:

The President has signed:

and the same are herewith transmitted.

SUBSTITUTE HOUSE BILL NO. 1204,

SUBSTITUTE HOUSE BILL NO. 1345,

HOUSE BILL NO. 1554,

SUBSTITUTE HOUSE BILL NO. 1620,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1887,

SUBSTITUTE HOUSE BILL NO. 2152,

Tony M. Cook, Secretary

April 21, 1999

Mr. Speaker:

The President has signed:

SENATE BILL NO. 5005,

SENATE BILL NO. 5020,

ENGROSSED SENATE BILL NO. 5036,

SENATE BILL NO. 5040,

SUBSTITUTE SENATE BILL NO. 5064,

SENATE BILL NO. 5095,

SECOND SUBSTITUTE SENATE BILL NO. 5108,

SENATE BILL NO. 5125,

SENATE BILL NO. 5127,  
SUBSTITUTE SENATE BILL NO. 5147,  
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SUBSTITUTE SENATE BILL NO. 5279,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5290,  
SENATE BILL NO. 5307,  
SENATE BILL NO. 5358,  
SENATE BILL NO. 5384,  
SENATE BILL NO. 5385,  
SENATE BILL NO. 5499,  
SENATE BILL NO. 5502,  
SUBSTITUTE SENATE BILL NO. 5671,

and the same are herewith transmitted.

Tony M. Cook, Secretary

## **RESOLUTION**

### HOUSE RESOLUTION NO. 99-4687, by Representatives Linville and Ericksen

WHEREAS, The soaring Blaine Borderites darted to an amazing 63-54 victory over the Pullman Greyhounds last month to capture the Washington State 2A boys' basketball championship; and

WHEREAS, Shaking off a mild case of the jitters at the outset of the title contest, the Blaine hoops corps roared back to seize a five-point halftime lead; and

WHEREAS, Blaine and Pullman went into the state championship bout each possessing an unblemished record of more than two dozen victories and no defeats; and

WHEREAS, Flying to victory after victory after victory, the Blaine team, undefeated on its home court since 1996, has snared three straight league and district crowns; and

WHEREAS, Heralded head coach Rob Ridnour and his highly regarded assistant coaches Rob Adams, Sean Dillon, Kris Kruse, George Long, Dan Rucker, and Kevin Williams tirelessly worked



with their Borderites to bring home one of the most celebrated basketball seasons in the annals of Blaine sports; and

WHEREAS, Team members Austin Broyan, Brian Cedarquist, Charlie Franklin, Aaron Harmening, Matt Jones, Jesse Newell, Tony Nymeyer, Jesse Riddle, Luke Ridnour, Brad Scheib, Gerrit Southland (manager), John Spencer, and Barry Stieb brought honor and acclaim to the historic, peaceful, and international community of Blaine; and

WHEREAS, A large contingent of ardent Blaine boosters traveled from the Northwest Washington community and surrounding region to behold the state-wide prominence claimed by their basketball mainstays; and

WHEREAS, All season long, the Blaine defense, every bit as dominating as the Blaine offense, stymied opposing shooters and ball-handlers; and

WHEREAS, All season long, the Blaine offense, every bit as intimidating as the Blaine defense, flattened rival ploys and strategies;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington laud and applaud the Blaine Borderites for their untarnished, state championship boys' basketball season; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to the boys' basketball coaching staff and the administration at Blaine High School.

Representative Linville moved adoption of the resolution.

Representatives Linville and Ericksen spoke in favor of the adoption of the resolution.

House Resolution No. 99-4687 was adopted.

### SENATE AMENDMENTS TO HOUSE BILL

April 6, 1999

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1024 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 41.32 RCW under the subchapter heading "Plan 1" to read as follows:

A member may make the irrevocable election under this section no later than six months after attaining thirty years of service. The election shall become effective at the beginning of the calendar month following department receipt of employee notification.

(1) The sum of member contributions made for periods of service after the effective date of the election plus seven and one-half percent interest shall be paid to the member at retirement without a reduction in the member's monthly retirement benefit as determined under RCW 41.32.498.

(2) Upon retirement, the member's benefit shall be calculated using only the earnable compensation credited prior to the effective date of the member's election. Calculation of the member's average earnable compensation shall include eligible cash-outs of annual leave based on the member's salary and leave accumulations at the time of retirement, except that the amount of a member's average earnable compensation cannot be higher than if the member had not taken advantage of the election offered under this section.

(3) Members who have already earned thirty years of service credit prior to the effective date of this act may participate in the election by notifying the department in writing of their intention by December 31, 1999.

The department shall continue to collect employer contributions as required in RCW 41.45.060.

**NEW SECTION. Sec. 2.** A new section is added to chapter 41.40 RCW under the subchapter heading "Plan 1" to read as follows:

A member may make the irrevocable election under this section no later than six months after attaining thirty years of service. The election shall become effective at the beginning of the calendar month following department receipt of employee notification.

(1) The sum of member contributions made for periods of service after the effective date of the election plus seven and one-half percent interest shall be paid to the member at retirement without a reduction in the member's monthly retirement benefit as determined under RCW 41.40.185.

(2) Upon retirement, the member's benefit shall be calculated using only the compensation earnable credited prior to the effective date of the member's election. Calculation of the member's average final compensation shall include eligible cash-outs of sick and annual leave based on the member's salary and leave accumulations at the time of retirement, except that the amount of a member's average final compensation cannot be higher than if the member had not taken advantage of the election offered under this section.

(3) Members who have already earned thirty years of service credit prior to the effective date of this act may participate in the election by notifying the department in writing of their intention by December 31, 1999.

The department shall continue to collect employer contributions as required in RCW 41.45.060.

**NEW SECTION. Sec. 3.** A new section is added to chapter 41.40 RCW under the subchapter heading "Plan 1" to read as follows:

(1) A retiree who receives state-funded long-term care services on or after June 1, 1998, is not eligible for the increase provided by section 8, chapter 340, laws of 1998, if the increase would make the retiree ineligible for state-funded long-term care services. For the purposes of this section "state-funded long-term care services" means a state-funded adult family home, adult residential care, assisted living, enhanced adult residential care, in-home care, or nursing home service, as defined in RCW 74.39A.009, for which the retiree is required to contribute all income other than a specified amount reserved for the retiree's personal maintenance needs. Retirees who are subject to this section shall notify the department in writing. The department has no affirmative duty to identify retirees who are subject to this subsection (3)(e).

(2) This section applies to all payments under section 8, chapter 340, laws of 1998, made on or after the effective date of this act, regardless of the date of retirement.

**NEW SECTION. Sec. 4.** Section 3 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "service;" strike the remainder of the title and insert "adding a new section to chapter 41.32 RCW; adding new sections to chapter 41.40 RCW; and declaring an emergency."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Substitute House Bill No. 1024 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE**

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Substitute House Bill No. 1024 as amended by the Senate.

Representatives Carlson, Wolfe and H. Sommers spoke in favor of passage of the bill as amended by the Senate.

#### MOTION

On motion of Representative Wolfe, Representative Quall was excused.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1024, as amended by the Senate and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Quall - 1.

Substitute House Bill No. 1024, as amended by the Senate, having received the constitutional majority, was declared passed.

#### SENATE AMENDMENTS TO HOUSE BILL

April 6, 1999

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1163 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that the contamination of properties used for illegal drug manufacturing poses a threat to public health. The toxic chemicals left behind by the illegal drug manufacturing must be cleaned up to prevent harm to subsequent occupants of the properties. It is the intent of the legislature that properties are decontaminated in a manner that is efficient, prompt, and that makes them safe to reoccupy.

**Sec. 2.** RCW 64.44.010 and 1990 c 213 s 2 are each amended to read as follows:

The words and phrases defined in this section shall have the following meanings when used in this chapter unless the context clearly indicates otherwise.

(1) "Authorized contractor" means a person who decontaminates, demolishes, or disposes of contaminated property as required by this chapter who is(~~(a)~~) certified by the department as provided for in RCW 64.44.060(~~, or (b) until January 1, 1991, listed with the department as provided for in section 8, chapter 213, Laws of 1990~~)).

(2) "Contaminated" or "contamination" means polluted by hazardous chemicals so that the property is unfit for human habitation or use due to immediate or long-term hazards. Property that at one time was contaminated but has been satisfactorily decontaminated according to procedures established by the state board of health is not "contaminated."

(3) "Hazardous chemicals" means the following substances used in the manufacture of illegal drugs: (a) Hazardous substances as defined in RCW 70.105D.020, and (b) precursor substances as defined in RCW 69.43.010 which the state board of health, in consultation with the state board of pharmacy, has determined present an immediate or long-term health hazard to humans.

(4) "Officer" means a local health officer authorized under chapters 70.05, 70.08, and 70.46 RCW.

(5) "Property" means any property, site, structure, or part of a structure which is involved in the unauthorized manufacture or storage of hazardous chemicals. This includes but is not limited to single-family residences, units of multiplexes, condominiums, apartment buildings, boats, motor vehicles, trailers, manufactured housing, or any shop, booth, or garden.

**Sec. 3.** RCW 64.44.020 and 1990 c 213 s 3 are each amended to read as follows:

Whenever a law enforcement agency becomes aware that property has been contaminated by hazardous chemicals, that agency shall report the contamination to the local health officer. The local health officer shall ~~((cause a posting of a notice))~~ post a written warning on the premises ~~((immediately upon being notified))~~ within one working day of notification of the contamination and shall ~~((cause an inspection to be done on))~~ inspect the property within fourteen days after receiving the notice of contamination. The warning shall inform the potential occupants that hazardous chemicals may exist on, or have been removed from, the premises and that entry is unsafe. If a property owner believes that a tenant has contaminated property that was being leased or rented, and the property is vacated or abandoned, then the property owner shall contact the local health officer about the possible contamination. Local health officers or boards may charge property owners reasonable fees for inspections of suspected contaminated property requested by property owners.

~~((If property is determined to be contaminated, then the local health officer shall cause a posting of a notice on the premises.))~~ A local health officer may enter, inspect, and survey at reasonable times any properties for which there are reasonable grounds to believe that the property has become contaminated. If the property is contaminated, the local health officer shall post a written notice declaring that the officer intends to issue an order prohibiting use of the property as long as the property is contaminated.

Local health officers must report all cases of contaminated property to the state department of health. The department may make the list of contaminated properties available to health associations, landlord and realtor organizations, prosecutors, and other interested groups. The department shall promptly update the list of contaminated properties to remove those which have been decontaminated according to provisions of this chapter.

The local health officer may determine when the services of an authorized contractor are necessary.

**Sec. 4.** RCW 64.44.030 and 1990 c 213 s 4 are each amended to read as follows:

If after the inspection of the property, the local health officer finds that it is contaminated, then the property shall be found unfit for use. The local health officer shall cause to be served an order prohibiting use either personally or by certified mail, with return receipt requested, upon all occupants and persons having any interest therein as shown upon the records of the auditor's office of the county in which such property is located~~((, and))~~. The local health officer shall also post the order prohibiting use in a conspicuous place on the property~~((, an order prohibiting use))~~. If the whereabouts of such persons is unknown and the same cannot be ascertained by the local health officer in the exercise of reasonable diligence, and the health officer makes an affidavit to that effect, then the serving of the order upon such persons may be made either by personal service or by mailing a copy of the order by certified mail, postage prepaid, return receipt requested, to each person at the address appearing on the last equalized tax assessment roll of the county where the property is located or at the address known to the county assessor, and the order shall be posted conspicuously at the residence. A copy of the order

shall also be mailed, addressed to each person or party having a recorded right, title, estate, lien, or interest in the property. ~~((Such))~~ The order shall contain a notice that a hearing before the local health board or officer shall be held upon the request of a person required to be notified of the order under this section. The request for a hearing must be made within ten days of serving the order. The hearing shall then be held within not less than twenty days nor more than thirty days after the serving of the order. The officer shall prohibit use as long as the property is found to be contaminated. A copy of the order shall also be filed with the auditor of the county in which the property is located, and such filing of the complaint or order shall have the same force and effect as other lis pendens notices provided by law. In any hearing concerning whether property is fit for use, the property owner has the burden of showing that the property is decontaminated or fit for use. The owner or any person having an interest in the property may file an appeal on any order issued by the local health board or officer within thirty days from the date of service of the order with the appeals commission established pursuant to RCW 35.80.030. All proceedings before the appeals commission, including any subsequent appeals to superior court, shall be governed by the procedures established in chapter 35.80 RCW.

**Sec. 5.** RCW 64.44.040 and 1990 c 213 s 5 are each amended to read as follows:

The city or county in which the contaminated property is located may take action to condemn or demolish property or to require the property be vacated or the contents removed from the property. The city or county ~~((must))~~ may use an authorized contractor if property is demolished, decontaminated, or removed under this section. No city or county may condemn or demolish property pursuant to this section until all procedures granting the right of notice and the opportunity to appeal in RCW 64.44.030 have been exhausted.

**Sec. 6.** RCW 64.44.050 and 1990 c 213 s 6 are each amended to read as follows:

An owner of contaminated property who desires to have the property decontaminated ~~((must))~~ shall use the services of an authorized contractor ~~((to decontaminate the property))~~ unless otherwise authorized by the local health officer. The contractor shall prepare and submit a written work plan for decontamination to the local health officer. The local health officer may charge a reasonable fee for review of the work plan. If the work plan is approved and the decontamination is completed and the property is retested according to the plan and properly documented, then the health officer shall allow reuse of the property. A ~~((notice))~~ release for reuse document shall be recorded in the real property records ~~((if applicable,))~~ indicating the property has been decontaminated in accordance with rules of the state department of health.

**Sec. 7.** RCW 64.44.060 and 1997 c 58 s 878 are each amended to read as follows:

(1) ~~((After January 1, 1991,))~~ A contractor may not perform decontamination, demolition, or disposal work unless issued a certificate by the state department of health. The department shall establish performance standards for contractors by rule in accordance with chapter 34.05 RCW, the administrative procedure act. The department shall train and test, or may approve courses to train and test, contractors and their employees on the essential elements in assessing property used as an illegal drug manufacturing or storage site to determine hazard reduction measures needed, techniques for adequately reducing contaminants, use of personal protective equipment, methods for proper decontamination, demolition, removal, and disposal of contaminated property, and relevant federal and state regulations. Upon successful completion of the training, the contractor or employee shall be certified.

(2) The department may require the successful completion of annual refresher courses provided or approved by the department for the continued certification of the contractor or employee.

(3) The department shall provide for reciprocal certification of any individual trained to engage in decontamination, demolition, or disposal work in another state when the prior training is shown to be substantially similar to the training required by the department. The department may require such individuals to take an examination or refresher course before certification.

(4) The department may deny, suspend, or revoke a certificate for failure to comply with the requirements of this chapter or any rule adopted pursuant to this chapter. A certificate may be denied, suspended, or revoked on any of the following grounds:

(a) Failing to perform decontamination, demolition, or disposal work under the supervision of trained personnel;

(b) Failing to file a work plan;

(c) Failing to perform work pursuant to the work plan;

(d) Failing to perform work that meets the requirements of the department;

(e) The certificate was obtained by error, misrepresentation, or fraud; or

(f) If the person has been certified pursuant to RCW 74.20A.320 by the department of social and health services as a person who is not in compliance with a support order or a residential or visitation order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the department's receipt of a release issued by the department of social and health services stating that the person is in compliance with the order.

(5) A contractor who violates any provision of this chapter may be assessed a fine not to exceed five hundred dollars for each violation.

(6) The department of health shall prescribe fees as provided for in RCW 43.70.250 for the issuance and renewal of certificates, the administration of examinations, and for the review of training courses.

(7) The decontamination account is hereby established in the state treasury. All fees collected under this chapter shall be deposited in this account. Moneys in the account may only be spent after appropriation for costs incurred by the department in the administration and enforcement of this chapter.

**Sec. 8.** RCW 64.44.070 and 1990 c 213 s 9 are each amended to read as follows:

(1) The state board of health shall promulgate rules and standards for carrying out the provisions in this chapter in accordance with chapter 34.05 RCW, the administrative procedure act. The local board of health and the local health officer are authorized to exercise such powers as may be necessary to carry out this chapter. The department shall provide technical assistance to local health boards and health officers to carry out their duties under this chapter.

(2) The department shall ~~((develop guidelines))~~ adopt rules for decontamination of a property used as ~~((a))~~ an illegal drug laboratory and methods for the testing of ground water, surface water, soil, and septic tanks for contamination. The rules shall establish decontamination standards for hazardous chemicals, including but not limited to methamphetamine, lead, mercury, and total volatile organic compounds."

On page 1, line 3 of the title, after "drugs;" strike the remainder of the title and insert "amending RCW 64.44.010, 64.44.020, 64.44.030, 64.44.040, 64.44.050, 64.44.060, and 64.44.070; and creating a new section."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Substitute House Bill No. 1163 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE**

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Substitute House Bill No. 1163 as amended by the Senate.

Representative Cooper spoke in favor of passage of the bill as amended by the Senate.

## ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1163, as amended by the Senate and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Quall - 1.

Substitute House Bill No. 1163, as amended by the Senate, having received the constitutional majority, was declared passed.

## SENATE AMENDMENTS TO HOUSE BILL

April 8, 1999

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1442 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9A.36.031 and 1998 c 94 s 1 are each amended to read as follows:

(1) A person is guilty of assault in the third degree if he or she, under circumstances not amounting to assault in the first or second degree:

(a) With intent to prevent or resist the execution of any lawful process or mandate of any court officer or the lawful apprehension or detention of himself or another person, assaults another; or

(b) Assaults a person employed as a transit operator or driver, the immediate supervisor of a transit operator or driver, a mechanic, or a security officer, by a public or private transit company or a contracted transit service provider, while that person is performing his or her official duties at the time of the assault; or

(c) Assaults a school bus driver, the immediate supervisor of a driver, a mechanic, or a security officer, employed by a school district transportation service or a private company under contract for transportation services with a school district, while the ~~((driver))~~ person is performing his or her official duties at the time of the assault; or

(d) With criminal negligence, causes bodily harm to another person by means of a weapon or other instrument or thing likely to produce bodily harm; or

(e) Assaults a fire fighter or other employee of a fire department, county fire marshal's office, county fire prevention bureau, or fire protection district who was performing his or her official duties at the time of the assault; or

(f) With criminal negligence, causes bodily harm accompanied by substantial pain that extends for a period sufficient to cause considerable suffering; or

(g) Assaults a law enforcement officer or other employee of a law enforcement agency who was performing his or her official duties at the time of the assault; or

(h) Assaults a nurse, physician, or health care provider who was performing his or her nursing or health care duties at the time of the assault. For purposes of this subsection: "Nurse" means a person licensed under chapter 18.79 RCW; "physician" means a person licensed under chapter 18.57

or 18.71 RCW; and "health care provider" means a person certified under chapter 18.71 or 18.73 RCW who performs emergency medical services or a person regulated under Title 18 RCW and employed by, or contracting with, a hospital licensed under chapter 70.41 RCW.

(2) Assault in the third degree is a class C felony."

On page 1, line 1 of the title, after "customers;" strike the remainder of the title and insert "amending RCW 9A.36.031; and prescribing penalties."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to House Bill No. 1442 and advanced the bill as amended by the Senate to final passage.

### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE**

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of House Bill No. 1442 as amended by the Senate.

Representatives Edwards and Radcliff spoke in favor of passage of the bill as amended by the Senate.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1442, as amended by the Senate and the bill passed the House by the following vote: Yeas - 79, Nays - 18, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Cairnes, Carlson, Carrell, B. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, DeBolt, Delvin, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Lambert, Lantz, Linville, Lovick, McDonald, McIntire, Miloscia, Mitchell, Morris, Murray, O'Brien, Ogden, Pennington, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 79.

Voting nay: Representatives Benson, Boldt, Buck, Bush, Campbell, G. Chandler, Crouse, Dunn, Koster, Lisk, Mastin, McMorris, Mielke, Mulliken, Parlette, Pflug, Schindler and Sump - 18.

Excused: Representative Quall - 1.

House Bill No. 1442, as amended by the Senate, having received the constitutional majority, was declared passed.

### **SENATE AMENDMENTS TO HOUSE BILL**

April 15, 1999

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1525 with the following amendment(s):

Strike everything after the enacting clause and insert the following:



"Sec. 1. RCW 2.56.030 and 1997 c 41 s 2 are each amended to read as follows:

The administrator for the courts shall, under the supervision and direction of the chief justice:

- (1) Examine the administrative methods and systems employed in the offices of the judges, clerks, stenographers, and employees of the courts and make recommendations, through the chief justice, for the improvement of the same;
- (2) Examine the state of the dockets of the courts and determine the need for assistance by any court;
- (3) Make recommendations to the chief justice relating to the assignment of judges where courts are in need of assistance and carry out the direction of the chief justice as to the assignments of judges to counties and districts where the courts are in need of assistance;
- (4) Collect and compile statistical and other data and make reports of the business transacted by the courts and transmit the same to the chief justice to the end that proper action may be taken in respect thereto;
- (5) Prepare and submit budget estimates of state appropriations necessary for the maintenance and operation of the judicial system and make recommendations in respect thereto;
- (6) Collect statistical and other data and make reports relating to the expenditure of public moneys, state and local, for the maintenance and operation of the judicial system and the offices connected therewith;
- (7) Obtain reports from clerks of courts in accordance with law or rules adopted by the supreme court of this state on cases and other judicial business in which action has been delayed beyond periods of time specified by law or rules of court and make report thereof to supreme court of this state;
- (8) Act as secretary of the judicial conference referred to in RCW 2.56.060;
- (9) Submit annually, as of February 1st, to the chief justice, a report of the activities of the administrator's office for the preceding calendar year including activities related to courthouse security;
- (10) Administer programs and standards for the training and education of judicial personnel;
- (11) Examine the need for new superior court and district judge positions under a weighted caseload analysis that takes into account the time required to hear all the cases in a particular court and the amount of time existing judges have available to hear cases in that court. The results of the weighted caseload analysis shall be reviewed by the board for judicial administration which shall make recommendations to the legislature. It is the intent of the legislature that weighted caseload analysis become the basis for creating additional district court positions, and recommendations should address that objective;
- (12) Provide staff to the judicial retirement account plan under chapter 2.14 RCW;
- (13) Attend to such other matters as may be assigned by the supreme court of this state;
- (14) Within available funds, develop a curriculum for a general understanding of child development, placement, and treatment resources, as well as specific legal skills and knowledge of relevant statutes including chapters 13.32A, 13.34, and 13.40 RCW, cases, court rules, interviewing skills, and special needs of the abused or neglected child. This curriculum shall be completed and made available to all juvenile court judges, court personnel, and service providers and be updated yearly to reflect changes in statutes, court rules, or case law;
- (15) Develop, in consultation with the entities set forth in RCW 2.56.150(3), a comprehensive state-wide curriculum, training requirements, and continuing education requirements for persons who act as guardians ad litem under Title 13 or 26 RCW except these requirements do not apply to the attorney general or any prosecuting attorney functioning as the guardian ad litem pursuant to RCW 74.20.310. The curriculum, training requirements, and continuing education requirements shall ~~((be made available July 1, 1997, and))~~ include specialty sections on child development, child sexual abuse, child physical abuse, child neglect, clinical and forensic investigative and interviewing techniques, family reconciliation and mediation services, and relevant statutory and legal requirements. The curriculum, training requirements, and continuing education requirements shall be made available to all superior court judges, court personnel, and all persons who act as guardians ad litem and be updated yearly to reflect changes in statutes, court rules, or case law;
- (16) Develop a curriculum for a general understanding of crimes of malicious harassment, as well as specific legal skills and knowledge of RCW 9A.36.080, relevant cases, court rules, and the

special needs of malicious harassment victims. This curriculum shall be made available to all superior court and court of appeals judges and to all justices of the supreme court;

(17) Develop, in consultation with the criminal justice training commission and the commissions established under chapters 43.113, 43.115, and 43.117 RCW, a curriculum for a general understanding of ethnic and cultural diversity and its implications for working with youth of color and their families. The curriculum shall be available to all superior court judges and court commissioners assigned to juvenile court, and other court personnel. Ethnic and cultural diversity training shall be provided annually so as to incorporate cultural sensitivity and awareness into the daily operation of juvenile courts state-wide;

(18) Authorize the use of closed circuit television and other electronic equipment in judicial proceedings. The administrator shall promulgate necessary standards and procedures and shall provide technical assistance to courts as required;

(19) Maintain a list of all guardians ad litem or investigators under RCW 26.09.220 appointed pursuant to Titles 11, 13, and 26 RCW, who have been removed from the guardian ad litem registry in any superior court within the state pursuant to a grievance action that orders removal from the registry. Superior courts shall report to the administrator for the courts any order removing a guardian ad litem, investigator under RCW 26.09.220 from the registry; and

(20) Develop a model grievance procedure for use by the superior courts when dealing with complaints against: A guardian ad litem under chapter 11.88, 13.34, or 26.12 RCW; a court-appointed special advocate appointed under chapter 13.34 or 26.12 RCW; or an investigator appointed under RCW 26.09.220.

**Sec. 2.** RCW 11.88.090 and 1996 c 249 s 10 are each amended to read as follows:

(1) Nothing contained in RCW 11.88.080 through 11.88.120, 11.92.010 through 11.92.040, 11.92.060 through 11.92.120, 11.92.170, and 11.92.180 shall affect or impair the power of any court to appoint a guardian ad litem to defend the interests of any incapacitated person interested in any suit or matter pending therein, or to commence and prosecute any suit in his or her behalf.

(2) Prior to the appointment of a guardian or a limited guardian, whenever it appears that the incapacitated person or incapacitated person's estate could benefit from mediation and such mediation would likely result in overall reduced costs to the estate, upon the motion of the alleged incapacitated person or the guardian ad litem, or subsequent to such appointment, whenever it appears that the incapacitated person or incapacitated person's estate could benefit from mediation and such mediation would likely result in overall reduced costs to the estate, upon the motion of any interested person, the court may:

(a) Require any party or other person subject to the jurisdiction of the court to participate in mediation;

(b) Establish the terms of the mediation; and

(c) Allocate the cost of the mediation pursuant to RCW 11.96.140.

(3) Upon receipt of a petition for appointment of guardian or limited guardian, except as provided herein, the court shall appoint a guardian ad litem to represent the best interests of the alleged incapacitated person, who shall be a person found or known by the court to:

(a) Be free of influence from anyone interested in the result of the proceeding; and

(b) Have the requisite knowledge, training, or expertise to perform the duties required by this section.

The guardian ad litem shall within five days of receipt of notice of appointment file with the court and serve, either personally or by certified mail with return receipt, each party with a statement including: His or her training relating to the duties as a guardian ad litem; his or her criminal history as defined in RCW 9.94A.030 for the period covering ten years prior to the appointment; his or her hourly rate, if compensated; whether the guardian ad litem has had any contact with a party to the proceeding prior to his or her appointment; and whether he or she has an apparent conflict of interest. Within three days of the later of the actual service or filing of the guardian ad litem's statement, any party may set a hearing and file and serve a motion for an order to show cause why the guardian ad litem should not be removed for one of the following three reasons: (i) Lack of expertise necessary for the proceeding; (ii) an hourly rate higher than what is reasonable for the particular proceeding; or (iii)

a conflict of interest. Notice of the hearing shall be provided to the guardian ad litem and all parties. If, after a hearing, the court enters an order replacing the guardian ad litem, findings shall be included, expressly stating the reasons for the removal. If the guardian ad litem is not removed, the court has the authority to assess to the moving party, attorneys' fees and costs related to the motion. The court shall assess attorneys' fees and costs for frivolous motions.

No guardian ad litem need be appointed when a parent is petitioning for a guardian or a limited guardian to be appointed for his or her minor child and the minority of the child, as defined by RCW 11.92.010, is the sole basis of the petition. The order appointing the guardian ad litem shall recite the duties set forth in subsection ~~((4))~~ (5) of this section. The appointment of a guardian ad litem shall have no effect on the legal competency of the alleged incapacitated person and shall not overcome the presumption of competency or full legal and civil rights of the alleged incapacitated person.

~~((3))~~ (4)(a) The superior court of each county shall develop and maintain a registry of persons who are willing and qualified to serve as guardians ad litem in guardianship matters. The court shall choose as guardian ad litem a person whose name appears on the registry in a system of consistent rotation, except in extraordinary circumstances such as the need for particular expertise. The court shall develop procedures for periodic review of the persons on the registry and for probation, suspension, or removal of persons on the registry for failure to perform properly their duties as guardian ad litem. In the event the court does not select the person next on the list, it shall include in the order of appointment a written reason for its decision.

(b) To be eligible for the registry a person shall:

(i) Present a written statement outlining his or her background and qualifications. The background statement shall include, but is not limited to, the following information:

(A) Level of formal education;

(B) Training related to the guardian ad litem's duties;

(C) Number of years' experience as a guardian ad litem;

(D) Number of appointments as a guardian ad litem and the county or counties of appointment;

(E) Criminal history, as defined in RCW 9.94A.030; and

(F) Evidence of the person's knowledge, training, and experience in each of the following:

Needs of impaired elderly people, physical disabilities, mental illness, developmental disabilities, and other areas relevant to the needs of incapacitated persons, legal procedure, and the requirements of chapters 11.88 and 11.92 RCW.

The written statement of qualifications shall include a statement of the number of times the guardian ad litem has been removed for failure to perform his or her duties as guardian ad litem; and

(ii) Complete the model training program as described in (d) of this subsection.

(c) The background and qualification information shall be updated annually.

(d) The department of social and health services shall convene an advisory group to develop a model guardian ad litem training program and shall update the program biennially. The advisory group shall consist of representatives from consumer, advocacy, and professional groups knowledgeable in developmental disabilities, neurological impairment, physical disabilities, mental illness, aging, legal, court administration, the Washington state bar association, and other interested parties.

(e) The superior court shall require utilization of the model program developed by the advisory group as described in (d) of this subsection, to assure that candidates applying for registration as a qualified guardian ad litem shall have satisfactorily completed training to attain these essential minimum qualifications to act as guardian ad litem.

~~((4))~~ (5) The guardian ad litem appointed pursuant to this section shall have the following duties:

(a) To meet and consult with the alleged incapacitated person as soon as practicable following appointment and explain, in language which such person can reasonably be expected to understand, the substance of the petition, the nature of the resultant proceedings, the person's right to contest the petition, the identification of the proposed guardian or limited guardian, the right to a jury trial on the issue of his or her alleged incapacity, the right to independent legal counsel as provided by RCW 11.88.045, and the right to be present in court at the hearing on the petition;

(b) To obtain a written report according to RCW 11.88.045; and such other written or oral reports from other qualified professionals as are necessary to permit the guardian ad litem to complete the report required by this section;

(c) To meet with the person whose appointment is sought as guardian or limited guardian and ascertain:

(i) The proposed guardian's knowledge of the duties, requirements, and limitations of a guardian; and

(ii) The steps the proposed guardian intends to take or has taken to identify and meet the needs of the alleged incapacitated person;

(d) To consult as necessary to complete the investigation and report required by this section with those known relatives, friends, or other persons the guardian ad litem determines have had a significant, continuing interest in the welfare of the alleged incapacitated person;

(e) To investigate alternate arrangements made, or which might be created, by or on behalf of the alleged incapacitated person, such as revocable or irrevocable trusts, or durable powers of attorney; whether good cause exists for any such arrangements to be discontinued; and why such arrangements should not be continued or created in lieu of a guardianship;

(f) To provide the court with a written report which shall include the following:

(i) A description of the nature, cause, and degree of incapacity, and the basis upon which this judgment was made;

(ii) A description of the needs of the incapacitated person for care and treatment, the probable residential requirements of the alleged incapacitated person and the basis upon which these findings were made;

(iii) An evaluation of the appropriateness of the guardian or limited guardian whose appointment is sought and a description of the steps the proposed guardian has taken or intends to take to identify and meet current and emerging needs of the incapacitated person;

(iv) A description of any alternative arrangements previously made by the alleged incapacitated person or which could be made, and whether and to what extent such alternatives should be used in lieu of a guardianship, and if the guardian ad litem is recommending discontinuation of any such arrangements, specific findings as to why such arrangements are contrary to the best interest of the alleged incapacitated person;

(v) A description of the abilities of the alleged incapacitated person and a recommendation as to whether a guardian or limited guardian should be appointed. If appointment of a limited guardian is recommended, the guardian ad litem shall recommend the specific areas of authority the limited guardian should have and the limitations and disabilities to be placed on the incapacitated person;

(vi) An evaluation of the person's mental ability to rationally exercise the right to vote and the basis upon which the evaluation is made;

(vii) Any expression of approval or disapproval made by the alleged incapacitated person concerning the proposed guardian or limited guardian or guardianship or limited guardianship;

(viii) Identification of persons with significant interest in the welfare of the alleged incapacitated person who should be advised of their right to request special notice of proceedings pursuant to RCW 11.92.150; and

(ix) Unless independent counsel has appeared for the alleged incapacitated person, an explanation of how the alleged incapacitated person responded to the advice of the right to jury trial, to independent counsel and to be present at the hearing on the petition.

Within forty-five days after notice of commencement of the guardianship proceeding has been served upon the guardian ad litem, and at least fifteen days before the hearing on the petition, unless an extension or reduction of time has been granted by the court for good cause, the guardian ad litem shall file its report and send a copy to the alleged incapacitated person and his or her counsel, spouse, all children not residing with a notified person, those persons described in (f)(viii) of this subsection, and persons who have filed a request for special notice pursuant to RCW 11.92.150. If the guardian ad litem needs additional time to finalize his or her report, then the guardian ad litem shall petition the court for a postponement of the hearing or, with the consent of all other parties, an extension or reduction of time for filing the report. If the hearing does not occur within sixty days of filing the petition, then upon the two-month anniversary of filing the petition and on or before the same day of

each following month until the hearing, the guardian ad litem shall file interim reports summarizing his or her activities on the proceeding during that time period as well as fees and costs incurred;

(g) To advise the court of the need for appointment of counsel for the alleged incapacitated person within five court days after the meeting described in (a) of this subsection unless (i) counsel has appeared, (ii) the alleged incapacitated person affirmatively communicated a wish not to be represented by counsel after being advised of the right to representation and of the conditions under which court-provided counsel may be available, or (iii) the alleged incapacitated person was unable to communicate at all on the subject, and the guardian ad litem is satisfied that the alleged incapacitated person does not affirmatively desire to be represented by counsel.

~~((5))~~ (6) If the petition is brought by an interested person or entity requesting the appointment of some other qualified person or entity and a prospective guardian or limited guardian cannot be found, the court shall order the guardian ad litem to investigate the availability of a possible guardian or limited guardian and to include the findings in a report to the court pursuant to subsection ~~((4))~~ (5)(f) of this section.

~~((6))~~ (7) The parties to the proceeding may file responses to the guardian ad litem report with the court and deliver such responses to the other parties and the guardian ad litem at any time up to the second day prior to the hearing. If a guardian ad litem fails to file his or her report in a timely manner, the hearing shall be continued to give the court and the parties at least fifteen days before the hearing to review the report. At any time during the proceeding upon motion of any party or on the court's own motion, the court may remove the guardian ad litem for failure to perform his or her duties as specified in this chapter, provided that the guardian ad litem shall have five days' notice of any motion to remove before the court enters such order. In addition, the court in its discretion may reduce a guardian ad litem's fee for failure to carry out his or her duties.

~~((7))~~ (8) The court appointed guardian ad litem shall have the authority, in the event that the alleged incapacitated person is in need of emergency life-saving medical services, and is unable to consent to such medical services due to incapacity pending the hearing on the petition to give consent for such emergency life-saving medical services on behalf of the alleged incapacitated person.

~~((8))~~ (9) The court-appointed guardian ad litem shall have the authority to move for temporary relief under chapter 7.40 RCW to protect the alleged incapacitated person from abuse, neglect, abandonment, or exploitation, as those terms are defined in RCW 74.34.020, or to address any other emergency needs of the alleged incapacitated person. Any alternative arrangement executed before filing the petition for guardianship shall remain effective unless the court grants the relief requested under chapter 7.40 RCW, or unless, following notice and a hearing at which all parties directly affected by the arrangement are present, the court finds that the alternative arrangement should not remain effective.

~~((9))~~ (10) The guardian ad litem shall receive a fee determined by the court. The fee shall be charged to the alleged incapacitated person unless the court finds that such payment would result in substantial hardship upon such person, in which case the county shall be responsible for such costs: PROVIDED, That if no guardian or limited guardian is appointed the court may charge such fee to the petitioner or the alleged incapacitated person, or divide the fee, as it deems just; and if the petition is found to be frivolous or not brought in good faith, the guardian ad litem fee shall be charged to the petitioner. The court shall not be required to provide for the payment of a fee to any salaried employee of a public agency.

~~((10))~~ (11) Upon the presentation of the guardian ad litem report and the entry of an order either dismissing the petition for appointment of guardian or limited guardian or appointing a guardian or limited guardian, the guardian ad litem shall be dismissed and shall have no further duties or obligations unless otherwise ordered by the court. If the court orders the guardian ad litem to perform further duties or obligations, they shall not be performed at county expense.

~~((11))~~ (12) The guardian ad litem shall appear in person at all hearings on the petition unless all parties provide a written waiver of the requirement to appear.

~~((12))~~ (13) At any hearing the court may consider whether any person who makes decisions regarding the alleged incapacitated person or estate has breached a statutory or fiduciary duty.

**Sec. 3.** RCW 11.88.090 and 1996 c 249 s 10 are each amended to read as follows:

(1) Nothing contained in RCW 11.88.080 through 11.88.120, 11.92.010 through 11.92.040, 11.92.060 through 11.92.120, 11.92.170, and 11.92.180 shall affect or impair the power of any court to appoint a guardian ad litem to defend the interests of any incapacitated person interested in any suit or matter pending therein, or to commence and prosecute any suit in his or her behalf.

(2) Upon receipt of a petition for appointment of guardian or limited guardian, except as provided herein, the court shall appoint a guardian ad litem to represent the best interests of the alleged incapacitated person, who shall be a person found or known by the court to:

(a) Be free of influence from anyone interested in the result of the proceeding; and

(b) Have the requisite knowledge, training, or expertise to perform the duties required by this section.

The guardian ad litem shall within five days of receipt of notice of appointment file with the court and serve, either personally or by certified mail with return receipt, each party with a statement including: His or her training relating to the duties as a guardian ad litem; his or her criminal history as defined in RCW 9.94A.030 for the period covering ten years prior to the appointment; his or her hourly rate, if compensated; whether the guardian ad litem has had any contact with a party to the proceeding prior to his or her appointment; and whether he or she has an apparent conflict of interest. Within three days of the later of the actual service or filing of the guardian ad litem's statement, any party may set a hearing and file and serve a motion for an order to show cause why the guardian ad litem should not be removed for one of the following three reasons: (i) Lack of expertise necessary for the proceeding; (ii) an hourly rate higher than what is reasonable for the particular proceeding; or (iii) a conflict of interest. Notice of the hearing shall be provided to the guardian ad litem and all parties. If, after a hearing, the court enters an order replacing the guardian ad litem, findings shall be included, expressly stating the reasons for the removal. If the guardian ad litem is not removed, the court has the authority to assess to the moving party, attorneys' fees and costs related to the motion. The court shall assess attorneys' fees and costs for frivolous motions.

No guardian ad litem need be appointed when a parent is petitioning for a guardian or a limited guardian to be appointed for his or her minor child and the minority of the child, as defined by RCW 11.92.010, is the sole basis of the petition. The order appointing the guardian ad litem shall recite the duties set forth in subsection (4) of this section. The appointment of a guardian ad litem shall have no effect on the legal competency of the alleged incapacitated person and shall not overcome the presumption of competency or full legal and civil rights of the alleged incapacitated person.

(3)(a) The superior court of each county shall develop and maintain a registry of persons who are willing and qualified to serve as guardians ad litem in guardianship matters. The court shall choose as guardian ad litem a person whose name appears on the registry in a system of consistent rotation, except in extraordinary circumstances such as the need for particular expertise. A person appointed under exceptional circumstances because of a particular expertise may be exempt from the training and continuing education requirements by the court if the court limits the scope of the person's appointment and finds the training and continuing education requirements are unrelated to the tasks the court has assigned to the person. The court shall develop procedures for periodic review of the persons on the registry and for probation, suspension, or removal of persons on the registry for failure to perform properly their duties as guardian ad litem. In the event the court does not select the person next on the list, it shall include in the order of appointment a written reason for its decision.

(b) To be eligible for the registry a person shall:

(i) Present a written statement outlining his or her background and qualifications. The background statement shall include, but is not limited to, the following information:

(A) Level of formal education;

(B) Training related to the guardian ad litem's duties;

(C) Number of years' experience as a guardian ad litem;

(D) Number of appointments as a guardian ad litem and the county or counties of appointment;

(E) Criminal history, as defined in RCW 9.94A.030; and

(F) Evidence of the person's knowledge, training, and experience in each of the following:

Needs of impaired elderly people, physical disabilities, mental illness, developmental disabilities, and other areas relevant to the needs of incapacitated persons, legal procedure, and the requirements of chapters 11.88 and 11.92 RCW.

The written statement of qualifications shall include ~~((a statement of the number of times the guardian ad litem has been removed for failure to perform his or her duties as guardian ad litem))~~ the names of any counties in which the person was removed from a guardian ad litem registry pursuant to a grievance action that orders removal from the registry, and the cause number of any case in which the court orders removal of the person because the person fails to perform his or her duties as guardian ad litem; and

(ii) Complete the ~~((model))~~ training ((program)) and continuing educational requirements as described in ~~((d))~~ (e) of this subsection. The training and continuing education requirements are not applicable to guardians ad litem appointed pursuant to court rule solely for the limited purpose of assessing a personal injury settlement.

(c) Superior court shall remove any person from the guardian ad litem registry who misrepresents his or her qualifications.

(d) The background and qualification information shall be updated annually.

~~((d))~~ (e) The department of social and health services shall convene an advisory group to develop a model guardian ad litem training program and establish training and continuing educational requirements. The department, in consultation with the advisory group, shall update the model training program biennially. The advisory group shall consist of representatives from consumer, advocacy, and professional groups knowledgeable in developmental disabilities, neurological impairment, physical disabilities, mental illness, aging, legal, court administration, the Washington state bar association, and other interested parties.

~~((e))~~ (f) The superior court shall require ((utilization of the model program developed by the advisory group as)) that any guardian ad litem appointed pursuant to this chapter comply with the training and continuing education requirements described in ((d)) (e) of this subsection((, to assure that candidates applying for registration as a qualified guardian ad litem shall have satisfactorily completed training to attain these essential minimum qualifications to act as guardian ad litem)), unless the guardian ad litem is appointed solely for the limited purposes of assessing a personal injury settlement.

(4) The guardian ad litem appointed pursuant to this section shall have the following duties:

(a) To meet and consult with the alleged incapacitated person as soon as practicable following appointment and explain, in language which such person can reasonably be expected to understand, the substance of the petition, the nature of the resultant proceedings, the person's right to contest the petition, the identification of the proposed guardian or limited guardian, the right to a jury trial on the issue of his or her alleged incapacity, the right to independent legal counsel as provided by RCW 11.88.045, and the right to be present in court at the hearing on the petition;

(b) To obtain a written report according to RCW 11.88.045; and such other written or oral reports from other qualified professionals as are necessary to permit the guardian ad litem to complete the report required by this section;

(c) To meet with the person whose appointment is sought as guardian or limited guardian and ascertain:

(i) The proposed guardian's knowledge of the duties, requirements, and limitations of a guardian; and

(ii) The steps the proposed guardian intends to take or has taken to identify and meet the needs of the alleged incapacitated person;

(d) To consult as necessary to complete the investigation and report required by this section with those known relatives, friends, or other persons the guardian ad litem determines have had a significant, continuing interest in the welfare of the alleged incapacitated person;

(e) To investigate alternate arrangements made, or which might be created, by or on behalf of the alleged incapacitated person, such as revocable or irrevocable trusts, or durable powers of attorney, or blocked accounts in cases of personal injury settlements; whether good cause exists for any such arrangements to be discontinued; and why such arrangements should not be continued or created in lieu of a guardianship;

(f) To provide the court with a written report which shall include the following:

(i) A description of the nature, cause, and degree of incapacity, and the basis upon which this judgment was made;

(ii) A description of the needs of the incapacitated person for care and treatment, the probable residential requirements of the alleged incapacitated person and the basis upon which these findings were made;

(iii) An evaluation of the appropriateness of the guardian or limited guardian whose appointment is sought and a description of the steps the proposed guardian has taken or intends to take to identify and meet current and emerging needs of the incapacitated person;

(iv) A description of any alternative arrangements previously made by the alleged incapacitated person or which could be made, and whether and to what extent such alternatives should be used in lieu of a guardianship, and if the guardian ad litem is recommending discontinuation of any such arrangements, specific findings as to why such arrangements are contrary to the best interest of the alleged incapacitated person;

(v) A description of the abilities of the alleged incapacitated person and a recommendation as to whether a guardian or limited guardian should be appointed. If appointment of a limited guardian is recommended, the guardian ad litem shall recommend the specific areas of authority the limited guardian should have and the limitations and disabilities to be placed on the incapacitated person;

(vi) An evaluation of the person's mental ability to rationally exercise the right to vote and the basis upon which the evaluation is made;

(vii) Any expression of approval or disapproval made by the alleged incapacitated person concerning the proposed guardian or limited guardian or guardianship or limited guardianship;

(viii) Identification of persons with significant interest in the welfare of the alleged incapacitated person who should be advised of their right to request special notice of proceedings pursuant to RCW 11.92.150; ~~(and)~~

(ix) Unless independent counsel has appeared for the alleged incapacitated person, an explanation of how the alleged incapacitated person responded to the advice of the right to jury trial, to independent counsel and to be present at the hearing on the petition; and

(x) In cases of personal injury settlements, information relevant to the court's analysis of the offered settlement. The information relevant to the court's analysis may be specified by local court rule, and need not include information specified in subsection (4)(f)(i) through (ix) of this section.

Within forty-five days after notice of commencement of the guardianship proceeding has been served upon the guardian ad litem, and at least fifteen days before the hearing on the petition, unless an extension or reduction of time has been granted by the court for good cause, the guardian ad litem shall file its report and send a copy to the alleged incapacitated person and his or her counsel, spouse, all children not residing with a notified person, those persons described in (f)(viii) of this subsection, and persons who have filed a request for special notice pursuant to RCW 11.92.150. If the guardian ad litem needs additional time to finalize his or her report, then the guardian ad litem shall petition the court for a postponement of the hearing or, with the consent of all other parties, an extension or reduction of time for filing the report. If the hearing does not occur within sixty days of filing the petition, then upon the two-month anniversary of filing the petition and on or before the same day of each following month until the hearing, the guardian ad litem shall file interim reports summarizing his or her activities on the proceeding during that time period as well as fees and costs incurred;

(g) To advise the court of the need for appointment of counsel for the alleged incapacitated person within five court days after the meeting described in (a) of this subsection unless (i) counsel has appeared, (ii) the alleged incapacitated person affirmatively communicated a wish not to be represented by counsel after being advised of the right to representation and of the conditions under which court-provided counsel may be available, or (iii) the alleged incapacitated person was unable to communicate at all on the subject, and the guardian ad litem is satisfied that the alleged incapacitated person does not affirmatively desire to be represented by counsel.

(5) If the petition is brought by an interested person or entity requesting the appointment of some other qualified person or entity and a prospective guardian or limited guardian cannot be found, the court shall order the guardian ad litem to investigate the availability of a possible guardian or limited guardian and to include the findings in a report to the court pursuant to subsection (4)(f) of this section.

(6) The parties to the proceeding may file responses to the guardian ad litem report with the court and deliver such responses to the other parties and the guardian ad litem at any time up to the



second day prior to the hearing. If a guardian ad litem fails to file his or her report in a timely manner, the hearing shall be continued to give the court and the parties at least fifteen days before the hearing to review the report. At any time during the proceeding upon motion of any party or on the court's own motion, the court may remove the guardian ad litem for failure to perform his or her duties as specified in this chapter, provided that the guardian ad litem shall have five days' notice of any motion to remove before the court enters such order. In addition, the court in its discretion may reduce a guardian ad litem's fee for failure to carry out his or her duties.

(7) The court appointed guardian ad litem shall have the authority, in the event that the alleged incapacitated person is in need of emergency life-saving medical services, and is unable to consent to such medical services due to incapacity pending the hearing on the petition to give consent for such emergency life-saving medical services on behalf of the alleged incapacitated person.

(8) The court-appointed guardian ad litem shall have the authority to move for temporary relief under chapter 7.40 RCW to protect the alleged incapacitated person from abuse, neglect, abandonment, or exploitation, as those terms are defined in RCW 74.34.020, or to address any other emergency needs of the alleged incapacitated person. Any alternative arrangement executed before filing the petition for guardianship shall remain effective unless the court grants the relief requested under chapter 7.40 RCW, or unless, following notice and a hearing at which all parties directly affected by the arrangement are present, the court finds that the alternative arrangement should not remain effective.

(9) The guardian ad litem shall receive a fee determined by the court. The fee shall be charged to the alleged incapacitated person unless the court finds that such payment would result in substantial hardship upon such person, in which case the county shall be responsible for such costs: PROVIDED, That if no guardian or limited guardian is appointed the court may charge such fee to the petitioner or the alleged incapacitated person, or divide the fee, as it deems just; and if the petition is found to be frivolous or not brought in good faith, the guardian ad litem fee shall be charged to the petitioner. The court shall not be required to provide for the payment of a fee to any salaried employee of a public agency. In cases of personal injury settlements, guardian ad litem fees shall be negotiated among the parties, and approved by the court.

(10) Upon the presentation of the guardian ad litem report and the entry of an order either dismissing the petition for appointment of guardian or limited guardian or appointing a guardian or limited guardian, the guardian ad litem shall be dismissed and shall have no further duties or obligations unless otherwise ordered by the court. If the court orders the guardian ad litem to perform further duties or obligations, they shall not be performed at county expense.

(11) The guardian ad litem shall appear in person at all hearings on the petition unless all parties provide a written waiver of the requirement to appear.

(12) At any hearing the court may consider whether any person who makes decisions regarding the alleged incapacitated person or estate has breached a statutory or fiduciary duty.

NEW SECTION. Sec. 4. A new section is added to chapter 11.88 RCW to read as follows:  
The court shall, in each order of appointment, specify the hourly rate the guardian ad litem may charge for his or her services, and shall specify the maximum amount the guardian ad litem may charge without additional court review and approval.

NEW SECTION. Sec. 5. A new section is added to chapter 11.88 RCW to read as follows:  
All guardians ad litem are prohibited from engaging in ex parte communications with any judicial officer regarding the matter for which he or she is appointed, except as approved pursuant to a hearing conducted with appropriate notice to all parties. All guardians ad litem may petition the court to shorten time to hear any emergency motions pursuant to court rules. Unauthorized communication shall be immediately reported to all parties and their attorneys. The court, upon its own motion, or upon the motion of a party, may consider the removal of any guardian ad litem who violates this section from any pending case or the guardian ad litem rotational registry, and if so removed may require forfeiture of any fees for professional services on any pending cases.

**Sec. 6.** RCW 13.34.100 and 1996 c 249 s 13 are each amended to read as follows:

(1) The court shall appoint a guardian ad litem for a child who is the subject of an action under this chapter, unless a court for good cause finds the appointment unnecessary. The requirement of a guardian ad litem may be deemed satisfied if the child is represented by independent counsel in the proceedings.

(2) If the court does not have available to it a guardian ad litem program with a sufficient number of volunteers, the court may appoint a suitable person to act as guardian ad litem for the child under this chapter. Another party to the proceeding or the party's employee or representative shall not be so appointed.

(3) Each guardian ad litem program shall maintain a background information record for each guardian ad litem in the program. The background file shall include, but is not limited to, the following information:

(a) Level of formal education;

(b) Training related to the guardian's duties;

(c) Number of years' experience as a guardian ad litem;

(d) Number of appointments as a guardian ad litem and the county or counties of appointment;

~~((and))~~

(e) The name of any counties in which the person was removed from a guardian ad litem registry pursuant to a grievance action that orders removal from the registry, and the cause number of any case in which the court orders removal of the person because the person fails to perform his or her duties as guardian ad litem; and

(f) Criminal history, as defined in RCW 9.94A.030.

The background information report shall be updated annually. As a condition of appointment, the guardian ad litem's background information record shall be made available to the court. If the appointed guardian ad litem is not a member of a guardian ad litem program the person shall provide the background information to the court.

Upon appointment, the guardian ad litem, or guardian ad litem program, shall provide the parties or their attorneys with a statement containing: His or her training relating to the duties as a guardian ad litem; the name of any counties in which the person was removed from a guardian ad litem registry pursuant to a grievance action that orders removal from the registry, and the cause number of any case in which the court orders removal of the person because the person fails to perform his or her duties as guardian ad litem; and his or her criminal history as defined in RCW 9.94A.030 for the period covering ten years prior to the appointment. The background statement shall not include identifying information that may be used to harm a guardian ad litem, such as home addresses and home telephone numbers, and for volunteer guardians ad litem the court may allow the use of maiden names or pseudonyms as necessary for their safety.

(4) The appointment of the guardian ad litem shall remain in effect until the court discharges the appointment or no longer has jurisdiction, whichever comes first. The guardian ad litem may also be discharged upon entry of an order of guardianship.

(5) A guardian ad litem through counsel, or as otherwise authorized by the court, shall have the right to present evidence, examine and cross-examine witnesses, and to be present at all hearings. A guardian ad litem shall receive copies of all pleadings and other documents filed or submitted to the court, and notice of all hearings according to court rules. The guardian ad litem shall receive all notice contemplated for a parent or other party in all proceedings under this chapter.

(6) If the child requests legal counsel and is age twelve or older, or if the guardian ad litem or the court determines that the child needs to be independently represented by counsel, the court may appoint an attorney to represent the child's position.

(7) For the purposes of child abuse prevention and treatment act (42 U.S.C. Secs. 5101 et seq.) grants to this state under P.L. 93-247, or any related state or federal legislation, a person appointed pursuant to RCW 13.34.100 shall be deemed a guardian ad litem to represent the best interests of the minor in proceedings before the court.

(8) When a court-appointed special advocate or volunteer guardian ad litem is requested on a case, the program shall give the court the name of the person it recommends and the appointment shall be effective immediately. The court shall appoint the person recommended by the program. If a party in a case reasonably believes the court-appointed special advocate or volunteer is inappropriate or

unqualified, the party may request a review of the appointment by the program. The program must complete the review within five judicial days and remove any appointee for good cause. If the party seeking the review is not satisfied with the outcome of the review, the party may file a motion with the court for the removal of the court-appointed special advocate on the grounds the advocate or volunteer is inappropriate or unqualified.

**Sec. 7.** RCW 13.34.102 and 1997 c 41 s 6 are each amended to read as follows:

(1)(a) All guardians ad litem ~~((, who have not previously served or been trained as a guardian ad litem in this state, who are appointed after January 1, 1998,))~~ must ~~((complete the curriculum developed by the office of the administrator for the courts))~~ comply with the training requirements established under RCW 2.56.030(15), prior to their appointment in cases under Title 13 RCW, except that volunteer guardians ad litem or court-appointed special advocates ~~((accepted into a volunteer program after January 1, 1998,))~~ may ~~((complete an alternative curriculum))~~ comply with alternative training requirements approved by the office of the administrator for the courts that meet((s)) or exceed((s)) the state-wide ~~((curriculum))~~ requirements.

(b) All persons appointed as guardians ad litem or court-appointed special advocates must comply with the continuing education requirements established under RCW 2.56.030(15).

(2)(a) Each guardian ad litem program for compensated guardians ad litem shall establish a rotational registry system for the appointment of guardians ad litem. If a judicial district does not have a program the court shall establish the rotational registry system. Guardians ad litem shall be selected from the registry except in exceptional circumstances as determined and documented by the court. The parties may make a joint recommendation for the appointment of a guardian ad litem from the registry.

(b) In judicial districts with a population over one hundred thousand, a list of three names shall be selected from the registry and given to the parties along with the background information as specified in RCW 13.34.100(3), including their hourly rate for services. Each party may, within three judicial days, strike one name from the list. If more than one name remains on the list, the court shall make the appointment from the names on the list. In the event all three names are stricken the person whose name appears next on the registry shall be appointed.

(c) If a party reasonably believes that the appointed guardian ad litem lacks the necessary expertise for the proceeding, charges an hourly rate higher than what is reasonable for the particular proceeding, or has a conflict of interest, the party may, within three judicial days from the appointment, move for substitution of the appointed guardian ad litem by filing a motion with the court.

(d) Upon the motion of any party the court shall, if located in a judicial district with a population over one hundred thousand, remove a compensated guardian ad litem who was not selected from a rotational registry system. This subsection (2)(d) does not apply when the guardian ad litem was appointed: (i) Under exceptional circumstances authorized under (a) of this subsection; or (ii) as a result of a joint recommendation of the parties.

(3) The rotational registry system shall not apply to court-appointed special advocate programs.

**Sec. 8.** RCW 13.34.105 and 1993 c 241 s 3 are each amended to read as follows:

(1) Unless otherwise directed by the court, the duties of the guardian ad litem include but are not limited to the following:

(a) To ~~((represent))~~ investigate and ~~((be an advocate for))~~ report to the court factual information regarding the best interests of the child;

(b) To collect relevant information about the child's situation;

(c) To monitor all court orders for compliance and to bring to the court's attention any change in circumstances that may require a modification of the court's order; ~~((and))~~

(d) To report to the court information on: (i) The legal status of a child's membership in any Indian tribe or band; and (ii) the facts relating to the child's best interests; and

(e) Court-appointed special advocates may make recommendations based upon an independent investigation in the best interests of the child, which the court may consider and weigh in conjunction with the recommendations of all of the parties.

(2) ~~((The))~~ A guardian ad litem shall be deemed an officer of the court for the purpose of immunity from civil liability.

(3) Except for information or records specified in RCW 13.50.100(4), the guardian ad litem shall have access to all information available to the state or agency on the case. Upon presentation of the order of appointment by the guardian ad litem, any agency, hospital, school organization, division or department of the state, doctor, nurse, or other health care provider, psychologist, psychiatrist, police department, or mental health clinic shall permit the guardian ad litem to inspect and copy any records relating to the child or children involved in the case, without the consent of the parent or guardian of the child, or of the child if the child is under the age of thirteen years, unless such access is otherwise specifically prohibited by law.

(4) A guardian ad litem may release confidential information, records, and reports to the office of the family and children's ombudsman for the purposes of carrying out its duties under chapter 43.06A RCW.

(5) The guardian ad litem shall release case information in accordance with the provisions of RCW 13.50.100.

**NEW SECTION. Sec. 9.** A new section is added to chapter 13.34 RCW to read as follows:  
The court shall, in each order of appointment, specify the hourly rate the guardian ad litem may charge for his or her services, and shall specify the maximum amount the guardian ad litem may charge without additional court review and approval.

**NEW SECTION. Sec. 10.** A new section is added to chapter 13.34 RCW to read as follows:  
All guardians ad litem and court-appointed special advocates are prohibited from engaging in ex parte communications with any judicial officer regarding the matter for which he or she is appointed, except as approved pursuant to a hearing conducted with appropriate notice to all parties. All guardians ad litem may petition the court to shorten time to hear any emergency motions pursuant to court rules. Unauthorized communication shall be immediately reported to all parties and their attorneys. The court, upon its own motion, or upon the motion of a party, may consider the removal of any guardian ad litem or court-appointed special advocate who violates this section from any pending case or from any court-authorized registry, and if so removed may require forfeiture of any fees for professional services on any pending cases.

**Sec. 11.** RCW 26.12.175 and 1996 c 249 s 15 are each amended to read as follows:

(1)(a) The court may appoint a guardian ad litem to represent the interests of a minor or dependent child when the court believes the appointment of a guardian ad litem is necessary to protect the best interests of the child in any proceeding under this chapter. The family court services professionals may also make a recommendation to the court regarding whether a guardian ad litem should be appointed for the child. The court may appoint a guardian ad litem from the court-appointed special advocate program, if that program exists in the county.

(b) Unless otherwise ordered, the guardian ad litem's role is to investigate and report to the court concerning parenting arrangements for the child(~~(, and to represent the child's best interests)).~~  
This should include factual information regarding the best interests of the child. Additionally, if a minor expresses his or her custody wishes, the guardian ad litem must report the wishes to the court. The child's wishes do not determine placement. The court may require the guardian ad litem to provide periodic reports to the parties regarding the status of his or her investigation. The guardian ad litem shall file his or her report at least sixty days prior to trial.

(c) The court shall enter an order for costs, fees, and disbursements to cover the costs of the guardian ad litem. The court may order either or both parents to pay for the costs of the guardian ad litem, according to their ability to pay. If both parents are indigent, the county shall bear the cost of the guardian, subject to appropriation for guardians' ad litem services by the county legislative authority. Guardians ad litem who are not volunteers shall provide the parties with an itemized accounting of their time and billing for services each month.

(2)(a) If the guardian ad litem appointed is from the county court-appointed special advocate program, the program shall supervise any guardian ad litem assigned to the case. The court-appointed special advocate program shall be entitled to notice of all proceedings in the case.

(b) The legislative authority of each county may authorize creation of a court-appointed special advocate program. The county legislative authority may adopt rules of eligibility for court-appointed special advocate program services.

(3) Each guardian ad litem program shall maintain a background information record for each guardian ad litem in the program. The background file shall include, but is not limited to, the following information:

- (a) Level of formal education;
- (b) Training related to the guardian's duties;
- (c) Number of years' experience as a guardian ad litem;
- (d) Number of appointments as a guardian ad litem and county or counties of appointment;

~~((and))~~

(e) The name of any counties in which the person was removed from a guardian ad litem registry pursuant to a grievance action that orders removal from the registry, and the cause number of any case in which the court orders removal of the person because the person fails to perform his or her duties as guardian ad litem; and

(f) Criminal history, as defined in RCW 9.94A.030.

The background information report shall be updated annually. As a condition of appointment, the guardian ad litem's background information record shall be made available to the court. If the appointed guardian ad litem is not a member of a guardian ad litem program the person shall provide the background information to the court.

Upon appointment, the guardian ad litem, or guardian ad litem program, shall provide the parties or their attorneys with a statement containing: His or her training relating to the duties as a guardian ad litem; the name of any counties in which the person was removed from a guardian ad litem registry pursuant to a grievance action that orders removal from the registry, and the cause number of any case in which the court orders removal of the person because the person fails to perform his or her duties as guardian ad litem; and his or her criminal history as defined in RCW 9.94A.030 for the period covering ten years prior to the appointment. The background statement shall not include identifying information that may be used to harm a guardian ad litem, such as home addresses and home telephone numbers, and for volunteer guardians ad litem the court may allow the use of maiden names or pseudonyms as necessary for their safety.

(4) When a court-appointed special advocate or volunteer guardian ad litem is requested on a case, the program shall give the court the name of the person it recommends and the appointment shall be effective immediately. The court shall appoint the person recommended by the program. If a party in a case reasonably believes the court-appointed special advocate or volunteer is inappropriate or unqualified, the party may request a review of the appointment by the program. The program must complete the review within five judicial days and remove any appointee for good cause. If the party seeking the review is not satisfied with the outcome of the review, the party may file a motion with the court for the removal of the court-appointed special advocate on the grounds the advocate or volunteer is inappropriate or unqualified.

**Sec. 12.** RCW 26.12.177 and 1997 c 41 s 7 are each amended to read as follows:

(1)(a) All guardians ad litem ~~((, who have not previously served or been trained as a guardian ad litem in this state, who are appointed after January 1, 1998,))~~ and investigators appointed under RCW 26.09.220 must ~~((complete the curriculum developed by the office of the administrator for the courts))~~ comply with the training requirements established under RCW 2.56.030(15), prior to their appointment in cases under Title 26 RCW, except that volunteer guardians ad litem or court-appointed special advocates ~~((accepted into a volunteer program after January 1, 1998,))~~ may ~~((complete an alternative curriculum))~~ comply with alternative training requirements approved by the office of the administrator for the courts that meet((s)) or exceed((s)) the state-wide ~~((curriculum))~~ requirements.

(b) All persons appointed as guardians ad litem, investigators under RCW 26.09.220, or court-appointed special advocates must comply with the continuing education requirements established under RCW 2.56.030(15).

(2)(a) Each guardian ad litem program for compensated guardians ad litem shall establish a rotational registry system for the appointment of guardians ad litem and investigators under RCW

26.09.220. If a judicial district does not have a program the court shall establish the rotational registry system. Guardians ad litem and investigators under RCW 26.09.220 shall be selected from the registry except in exceptional circumstances as determined and documented by the court. The parties may make a joint recommendation for the appointment of a guardian ad litem from the registry.

(b) In judicial districts with a population over one hundred thousand, a list of three names shall be selected from the registry and given to the parties along with the background information as specified in RCW 26.12.175(3), including their hourly rate for services. Each party may, within three judicial days, strike one name from the list. If more than one name remains on the list, the court shall make the appointment from the names on the list. In the event all three names are stricken the person whose name appears next on the registry shall be appointed.

(c) If a party reasonably believes that the appointed guardian ad litem lacks the necessary expertise for the proceeding, charges an hourly rate higher than what is reasonable for the particular proceeding, or has a conflict of interest, the party may, within three judicial days from the appointment, move for substitution of the appointed guardian ad litem by filing a motion with the court.

(d) Upon the motion of any party the court shall, if located in a judicial district with a population over one hundred thousand, remove a compensated guardian ad litem who was not selected from a rotational registry system. This subsection (2)(d) does not apply when the guardian ad litem was appointed: (i) Under exceptional circumstances authorized under (a) of this subsection; or (ii) as a result of a joint recommendation of the parties.

(e) Under this section, within either registry referred to in (a) of this subsection, a subregistry may be created that consists of guardians ad litem under contract with the department of social and health services' division of child support. Guardians ad litem on such a subregistry shall be selected and appointed in state-initiated paternity cases only.

(3) The rotational registry system shall not apply to court-appointed special advocate programs.

NEW SECTION. Sec. 13. A new section is added to chapter 26.12 RCW to read as follows:

The court shall, in each order of appointment, specify the hourly rate the guardian ad litem or investigator under RCW 26.09.220 may charge for his or her services, and shall specify the maximum amount the guardian ad litem or investigator under RCW 26.09.220 may charge without additional court review and approval.

NEW SECTION. Sec. 14. A new section is added to chapter 26.12 RCW to read as follows:

All guardians ad litem, court-appointed special advocates, and investigators under RCW 26.09.220 are prohibited from engaging in ex parte communications with any judicial officer regarding the matter for which he or she is appointed, except as approved pursuant to a hearing conducted with appropriate notice to all parties. All guardians ad litem or investigators under RCW 26.09.220 may petition the court to shorten time to hear any emergency motions pursuant to court rules. Unauthorized communication shall be immediately reported to all parties and their attorneys. The court, upon its own motion, or upon the motion of a party, may consider the removal of any guardian ad litem, court-appointed special advocate, or investigator who violates this section from any pending case or from any court-authorized registry, and if so removed may require forfeiture of any fees for professional services on any pending cases.

NEW SECTION. Sec. 15. A new section is added to chapter 26.12 RCW to read as follows:

All information, records, and reports obtained or created by a guardian ad litem, court-appointed special advocate, or investigator under RCW 26.09.220, shall be discoverable pursuant to court rule to the parties and their attorneys. The guardian ad litem, court-appointed special advocate, or investigator shall maintain the privacy of the parties and the confidentiality of information obtained, pursuant to the investigation, as to third parties. Any guardian ad litem or investigator under RCW 26.09.220 can move the court to seal the court file to protect information obtained by the guardian ad litem from disclosure to third persons, particularly in cases where no evidentiary rulings have been made on information introduced by affidavit, declaration, or other means. Nothing in this section shall be interpreted to authorize disclosure of guardian ad litem or investigator records in personal injury actions.

NEW SECTION. Sec. 16. A new section is added to chapter 26.12 RCW to read as follows:  
Any guardian ad litem or investigator under RCW 26.09.220 appointed under this chapter may release confidential information, records, and reports to the office of the family and children's ombudsman for the purposes of carrying out its duties under chapter 43.06A RCW.

NEW SECTION. Sec. 17. (1) Sections 1, 3 through 6, 8 through 11, and 13 through 16 of this act take effect June 1, 2000.

(2) Sections 7 and 12 of this act take effect January 1, 2001."

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "guardianship and guardian ad litem proceedings; amending RCW 2.56.030, 11.88.090, 11.88.090, 13.34.100, 13.34.102, 13.34.105, 26.12.175, and 26.12.177; adding new sections to chapter 11.88 RCW; adding new sections to chapter 13.34 RCW; adding new sections to chapter 26.12 RCW; providing effective dates; and declaring an emergency."

and the same are herewith transmitted.

Tony M. Cook, Secretary

#### POINT OF ORDER

Representative Dickerson requested a scope and object ruling on the Senate amendments to Substitute House Bill No. 1525.

#### SPEAKERS' RULING

The Speaker (Representative Ogden presiding): "The Co-Speakers have reviewed Substitute House Bill No. 1525 and the Senate amendments.

The Title is AN ACT Relating to authorizing mediation in guardianship proceedings. They find that Substitute House Bill No. 1525 has a narrow scope and object that authorizes mediation in guardianship proceedings. The Senate amendments make a variety of changes to the statutes governing guardians ad litem including establishing new requirements for training, continuing education, grievance procedures, disclosure, appointment and removal

The Senate amendments go far beyond authorizing mediation and clearly exceed the scope and object of Substitute House Bill No. 1525.

Representative Dickerson, your Point of Order is well taken."

There being no objection, the House refused to concur in the Senate Amendment(s) to Substitute House Bill No. 1525 and asked the Senate to recede therefrom.

#### MESSAGE FROM THE SENATE

April 12, 1999

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1569 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that the purpose of Washington's accountability system is to improve student learning and student achievement of the essential academic learning standards. The legislature finds that only thirty-one percent of students who took the 1998 fourth grade Washington assessment of student learning met the standard for proficiency in mathematics. The legislature also finds that only twenty percent of students who took the seventh

grade trial assessment met the standard for proficiency in mathematics. The legislature intends to identify best practices in mathematics instruction for current and prospective mathematics teachers in the elementary and middle grades, and to provide training opportunities for teachers in using those instructional methods to help students in the classroom.

NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.300 RCW to read as follows:

(1) The excellence in mathematics training program is established to improve the mathematics performance of elementary, middle and junior high school students. The purpose of the program is to improve students' proficiency in mathematics by enhancing teachers' skills in using teaching methods that have been proven to be effective based upon empirical research. The program shall be administered by the office of the superintendent of public instruction.

(2) The superintendent of public instruction, to the extent funds are appropriated, shall establish training programs in mathematics instruction and assessment for educators working with elementary, middle, and junior high school students. The programs shall be designed to prepare educators to select and implement appropriate instructional strategies and effective programs to improve mathematics instruction. Funds, to the extent funds are appropriated, shall be used to develop training programs and to provide the training to the educators both through institutes and in the classroom during the school year. In selecting educators to participate in the program, the superintendent shall give priority to educators from schools and schools districts in which a significant portion of the students performed below standard on one or more mathematics assessments."

On page 1, line 1 of the title, strike the remainder of the title and insert" adding a new section to chapter 28A.300 RCW, and creating a new section."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Substitute House Bill No. 1569 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE**

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Substitute House Bill No. 1569 as amended by the Senate.

Representatives Keiser and Carlson spoke in favor of passage of the bill as amended by the Senate.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1569, as amended by the Senate and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-



Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.  
Excused: Representative Quall - 1.

Substitute House Bill No. 1569, as amended by the Senate, having received the constitutional majority, was declared passed.

## SENATE AMENDMENTS TO HOUSE BILL

April 16, 1999

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2005 with the following amendment(s)

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 42.40.020 and 1995 c 403 s 509 are each amended to read as follows:

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

(1) "Agency" means any state board, commission, bureau, committee, department, institution, division, or tribunal in the legislative, executive, or judicial branch of state government. "Agency" includes all elective offices, the state legislature, those institutions of higher education created and supported by the state government, and those courts that are part of state government.

(2) "Auditor" means the office of the state auditor.

~~((2))~~ (3) "Employee" means any individual employed or holding office in any department or agency of state government.

~~((3))~~ (4) "Good faith" means a reasonable basis in fact for the communication. "Good faith" is lacking when the employee knows or reasonably ought to know that the report is malicious, false, or frivolous.

(5) "Gross waste of funds" means to spend or use funds or to allow funds to be used without valuable result in a manner grossly deviating from the standard of care or competence that a reasonable person would observe in the same situation.

(6)(a) "Improper governmental action" means any action by an employee

~~((i) Which is))~~ undertaken in the performance of the employee's official duties~~((, whether or not the action is within the scope of the employee's employment; and))~~;

~~((ii))~~ (i) Which is ~~((in violation of any state law or rule, is an abuse of authority,))~~ mismanagement or gross waste of public funds or resources as defined in this section;

(ii) Which is in violation of federal or state law or rule, if the violation is not merely technical or of a minimum nature; or

(iii) Which is of substantial and specific danger to the public health or safety~~((, or is a gross waste of public funds)).~~

(b) "Improper governmental action" does not include personnel actions, for which other remedies exist, including but not limited to employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, reemployments, performance evaluations, reductions in pay, dismissals, suspensions, demotions, violations of the state civil service law, alleged labor agreement violations, reprimands, claims of discriminatory treatment, or any action which may be taken under chapter 41.06 RCW, or other disciplinary action except as provided in RCW 42.40.030.

~~((4))~~ (7) "Mismanagement" means the exercise of an executive function in a manner grossly deviating from the standard of care or competence that a reasonable person would observe in the same situation.

(8) "Substantial and specific danger" means a risk of serious injury, illness, peril, or loss, to which the exposure of the public is a gross deviation from the standard of care or competence which a reasonable person would observe in the same situation.

(9) "Use of official authority or influence" includes taking, directing others to take, recommending, processing, or approving any personnel action such as an appointment, promotion, transfer, assignment, reassignment, reinstatement, restoration, reemployment, performance evaluation, or any adverse action under chapter 41.06 RCW, or other disciplinary action.

~~((5))~~ (10) "Whistleblower" means an employee who in good faith reports alleged improper governmental action to the auditor, initiating an investigation under RCW 42.40.040. For purposes of the provisions of this chapter and chapter 49.60 RCW relating to reprisals and retaliatory action, the term "whistleblower" also means: (a) An employee who in good faith provides information to the auditor in connection with an investigation under RCW 42.40.040 and an employee who is believed to have reported (~~alleged~~) asserted improper governmental action to the auditor or to have provided information to the auditor in connection with an investigation under RCW 42.40.040 but who, in fact, has not reported such action or provided such information; or (b) an employee who in good faith identifies rules warranting review or provides information to the rules review committee, and an employee who is believed to have identified rules warranting review or provided information to the rules review committee but who, in fact, has not done so.

NEW SECTION. Sec. 2. An employee must make a reasonable attempt to ascertain the correctness of the information furnished and may be subject to disciplinary actions, including, but not limited to, suspension or termination, for knowingly furnishing false information as determined by the employee's appointing authority.

**Sec. 3.** RCW 42.40.040 and 1992 c 118 s 2 are each amended to read as follows:

(1)(a) In order to be investigated, an assertion of improper governmental action must be provided to the auditor within one year after the occurrence of the asserted improper governmental action.

(b) The auditor has the authority to determine whether to investigate any assertions received. In determining whether to conduct either a preliminary or further investigation, the auditor shall consider factors including, but not limited to: The nature and quality of evidence and the existence of relevant laws and rules; whether the action was isolated or systematic; the history of previous assertions regarding the same subject or subjects or subject matter; whether other avenues are available for addressing the matter; whether the matter has already been investigated or is in litigation; the degree or significance of the asserted improper governmental action; and the cost and benefit of the investigation. The auditor has the sole discretion to determine the priority and weight given to these and other relevant factors and to decide whether a matter is to be investigated. The auditor shall document the factors considered and the analysis applied.

(c) The auditor also has the authority to investigate assertions as part of an audit conducted under chapter 43.09 RCW. The auditor shall document the reasons for handling the matter as part of such an audit.

(2) Subject to subsection (5)(c) of this section, the identity of a whistleblower is confidential at all times unless the whistleblower consents to disclosure by written waiver or by acknowledging his or her identity in a claim against the state for retaliation.

(3) Upon receiving specific information that an employee has engaged in improper governmental action, the auditor shall, within five working days of receipt of the information, mail written acknowledgement to the whistleblower at the address provided stating whether a preliminary investigation will be conducted. For a period not to exceed thirty working days from receipt of the assertion, the auditor shall conduct such preliminary investigation of the matter as the auditor deems appropriate. ~~((In conducting the investigation, the identity of the whistleblower shall be kept confidential.~~

~~((2))~~ (4) In addition to the authority under subsection ~~((4))~~ (3) of this section, the auditor may, on its own initiative, investigate incidents of improper state governmental action.

~~((3))~~ (5)(a) If it appears to the auditor, upon completion of the preliminary investigation, that the matter is so unsubstantiated that no further investigation, prosecution, or administrative action is warranted, the auditor shall so notify the whistleblower.

(b) The written notification shall ~~((be by memorandum containing))~~ contain a summary of the information received ~~((, a summary))~~ and of the results of the preliminary investigation with regard to each ~~((allegation))~~ assertion of improper governmental action ~~((, and any determination made by the auditor under (c) of this subsection))~~.

(c) In any case to which this section applies, the identity of the whistleblower shall be kept confidential unless the auditor determines that the information has been provided other than in good faith.

~~(d) ((If it appears to the auditor that the matter does not meet the definition of an "improper governmental action" under RCW 42.40.020(3), or is other than a gross waste of public funds, the auditor may forward a summary of the allegations to the appropriate agency for investigation and require a response by memorandum no later than thirty days after the allegations are received from the auditor. The response shall contain a summary of the investigation with regard to each allegation and any determination of corrective action taken. The auditor will keep the identity of the whistleblower confidential. Upon receipt of the results of the investigation from the appropriate agency, the auditor will notify the whistleblower as prescribed under (a), (b), and (c) of this subsection))~~ With the agency's consent, the auditor may forward the assertions to an appropriate agency to investigate and report back to the auditor no later than sixty working days after the assertions are received from the auditor. The auditor is entitled to all investigative records resulting from such a referral. All procedural and confidentiality provisions of this chapter apply to investigations conducted under this subsection. The auditor shall document the reasons the assertions were referred.

~~((4))~~ (6) During the preliminary investigation, the auditor shall provide written notification of the nature of the assertions to the subject or subjects of the investigation and the agency head. The notification shall include the relevant facts and laws known at the time and the procedure for the subject or subjects of the investigation and the agency head to respond to the assertions and information obtained during the investigation. This notification does not limit the auditor from considering additional facts or laws which become known during further investigation.

(7)(a) If it appears to the auditor after completion of the preliminary investigation that further investigation, prosecution, or administrative action is warranted, the auditor shall so notify the whistleblower, the subject or subjects of the investigation, and the agency head and either conduct a further investigation~~((s))~~ or issue a report under subsection ~~((6))~~ (10) of this section.

(b) If the preliminary investigation resulted from an anonymous assertion, a decision to conduct further investigation shall be subject to review by a three-person panel convened as necessary by the auditor prior to the commencement of any additional investigation. The panel shall include a state auditor representative knowledgeable of the subject agency operations, a citizen volunteer, and a representative of the attorney general's office. This group shall be briefed on the preliminary investigation and shall recommend whether the auditor should proceed with further investigation.

(c) If further investigation is to occur, the auditor shall provide written notification of the nature of the assertions to the subject or subjects of the investigation and the agency head. The notification shall include the relevant facts known at the time and the procedure to be used by the subject or subjects of the investigation and the agency head to respond to the assertions and information obtained during the investigation.

(8) Within sixty working days after the ~~((thirty-day))~~ preliminary investigation period in subsection ~~((4))~~ (3) of this section, the auditor shall complete the investigation and report its findings to the whistleblower unless written justification for the delay is furnished to the whistleblower, agency head, and subject or subjects of the investigation. In all such cases, the report of the auditor's investigation and findings shall be sent to the whistleblower within one year after the information was filed under subsection ~~((4))~~ (3) of this section.

~~((5))~~ (9)(a) At any stage of an investigation under this section the auditor may require by subpoena the attendance and testimony of witnesses and the production of documentary or other evidence relating to the investigation at any designated place in the state. The auditor may issue subpoenas, administer oaths, examine witnesses, and receive evidence. In the case of contumacy or

failure to obey a subpoena, the superior court for the county in which the person to whom the subpoena is addressed resides or is served may issue an order requiring the person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt thereof.

(b) The auditor may order the taking of depositions at any stage of a proceeding or investigation under this chapter. Depositions shall be taken before an individual designated by the auditor and having the power to administer oaths. Testimony shall be reduced to writing by or under the direction of the individual taking the deposition and shall be subscribed by the deponent.

~~((6))~~ (c) Agencies shall cooperate fully in the investigation and shall take appropriate action to preclude the destruction of any evidence during the course of the investigation.

(d) During the investigation the auditor shall interview each subject of the investigation. If it is determined there is reasonable cause to believe improper governmental action has occurred, the subject or subjects and the agency head shall be given fifteen working days to respond to the assertions prior to the issuance of the final report.

(10)(a) If the auditor determines ~~((that))~~ there is reasonable cause to believe ~~((that))~~ an employee has engaged in ~~((any))~~ improper ~~((activity))~~ governmental action, the auditor shall report the nature and details of the activity to:

(i) The ~~((employee))~~ subject or subjects of the investigation and the head of the employing agency; and

(ii) If appropriate, the attorney general or such other authority as the auditor determines appropriate.

(b) The auditor has no enforcement power except that in any case in which the auditor submits ~~((a))~~ an investigative report ~~((of alleged improper activity))~~ containing reasonable cause determinations to the ~~((head of an))~~ agency, the ~~((attorney general, or any other individual to which a report has been made under this section, the individual shall report to the auditor with respect to any action taken by the individual regarding the activity, the first report being transmitted no later than thirty days after the date of the auditor's report and monthly thereafter until final action is taken))~~ agency shall send its plan for resolution to the auditor within fifteen working days of having received the report. The agency is encouraged to consult with the subject or subjects of the investigation in establishing the resolution plan. The auditor may require periodic reports of agency action until all resolution has occurred. If the auditor determines that appropriate action ~~((is))~~ has not ~~((being))~~ been taken ~~((within a reasonable time))~~, the auditor shall report the determination to the governor and to the legislature and may include this determination in the agency audit under chapter 43.09 RCW.

~~((7))~~ (11) Once the auditor concludes that appropriate action has been taken to resolve the matter, the auditor shall so notify the whistleblower, the agency head, and the subject or subjects of the investigation. If the resolution takes more than one year, the auditor shall provide annual notification of its status to the whistleblower, agency head, and subject or subjects of the investigation.

(12) This section does not limit any authority conferred upon the attorney general or any other agency of government to investigate any matter.

**Sec. 4.** RCW 42.40.050 and 1992 c 118 s 3 are each amended to read as follows:

(1) Any person who is a whistleblower, as defined in RCW 42.40.020, and who as a result of being a whistleblower has been subjected to workplace reprisal or retaliatory action has the remedies provided under chapter 49.60 RCW. For the purpose of this section "reprisal or retaliatory action" means but is not limited to:

~~((1))~~ (a) Denial of adequate staff to perform duties;

~~((2))~~ (b) Frequent staff changes;

~~((3))~~ (c) Frequent and undesirable office changes;

~~((4))~~ (d) Refusal to assign meaningful work;

~~((5))~~ (e) Unwarranted and unsubstantiated letters of reprimand or unsatisfactory performance evaluations;

~~((6))~~ (f) Demotion;

~~((7))~~ (g) Reduction in pay;

~~((8))~~ (h) Denial of promotion;

~~((9))~~ (i) Suspension;  
~~((10))~~ (j) Dismissal;  
~~((11))~~ (k) Denial of employment; ~~((and~~  
~~(12))~~ (l) A supervisor or superior encouraging coworkers to behave in a hostile manner toward the whistleblower;  
(m) Actions which violate RCW 42.40.030; and  
(n) Disclosure of a whistleblower's name unless the whistleblower has consented to disclosure as provided in RCW 42.40.040(2).

(2) Nothing in this section prohibits an agency from making any decision exercising its authority to terminate, suspend, or discipline an employee who engages in workplace reprisal or retaliatory action against a whistleblower. However, the agency also shall implement any order under chapter 49.60 RCW (other than an order of suspension if the agency has terminated the retaliator).

NEW SECTION. **Sec. 5.** The auditor has the authority to contract for any assistance necessary to carry out the provisions of this chapter.

NEW SECTION. **Sec. 6.** The cost of administering this chapter is funded through the auditing services revolving account created in RCW 43.09.410.

NEW SECTION. **Sec. 7.** A whistleblower wishing to provide information under this chapter regarding asserted improper governmental action against the state auditor or an employee of that office shall provide the information to the attorney general who shall act in place of the auditor in investigating and reporting the matter.

NEW SECTION. **Sec. 8.** Chapter . . . , Laws of 1999 (this act) does not affect the jurisdiction of the legislative ethics board, the executive ethics board, or the commission on judicial conduct, as set forth in chapter 42.52 RCW.

NEW SECTION. **Sec. 9.** The office of financial management shall contract for a performance audit of the state employee whistleblower program on a cycle to be determined by the office of financial management. The audit shall be done in accordance with generally accepted government auditing standards beginning with the fiscal year ending June 30, 2001. The audit shall determine at a minimum: Whether the program is acquiring, protecting, and using its resources such as personnel, property, and space economically and efficiently; the causes of inefficiencies or uneconomical practices; and whether the program has complied with laws and rules on matters of economy and efficiency. The audit shall also at a minimum determine the extent to which the desired results or benefits established by the legislature are being achieved, the effectiveness of the program, and whether the auditor has complied with significant laws and rules applicable to the program.

The cost of the audit is a cost of operating the program and shall be funded by the auditing services revolving account created by RCW 43.09.410.

**Sec. 10.** RCW 43.09.410 and 1995 c 301 s 25 are each amended to read as follows:

An auditing services revolving account is hereby created in the state treasury for the purpose of a centralized funding, accounting, and distribution of the actual costs of the audits provided to state agencies by the state auditor and audits of the state employee whistleblower program under section 9 of this act.

NEW SECTION. **Sec. 11.** Sections 2 and 5 through 9 of this act are each added to chapter 42.40 RCW."

On page 1, line 1 of the title, after "whistleblowers;" strike the remainder of the title and insert "amending RCW 42.40.020, 42.40.040, 42.40.050, and 43.09.410; and adding new sections to chapter 42.40 RCW."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House refused to concur in the Senate Amendment(s) to Substitute House Bill No. 2005 and asked the Senate to recede therefrom.

There being no objection, the House advanced to the eleventh order of business.

#### MOTION

On motion of Representative Kessler, the House adjourned until 10:00 a.m., Thursday, April 22, 1999, the 102<sup>nd</sup> Legislative Day.

TIMOTHY A. MARTIN, Chief Clerk      CLYDE BALLARD, Speaker  
DEAN R. FOSTER, Chief Clerk      FRANK CHOPP, Speaker

ONE HUNDRED AND FIRST DAY, APRIL 21, 1999

JOURNAL OF THE HOUSE

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**ONE HUNDRED SECOND DAY**

**MORNING SESSION**

House Chamber, Olympia, Thursday, April 22, 1999

The House was called to order at 10:00 a.m. by Speaker Pro Tempore Pennington. The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Affad Shaikh and Chris Mitchell. Prayer was offered by Reverend Fred Davis, Calvary Presbyterian Church, Enumclaw.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

**MESSAGES FROM THE SENATE**

April 21, 1999

Mr. Speaker:

The Senate receded from its amendment(s) to HOUSE BILL NO. 1936, and passed the bill without said amendment(s), and the same is herewith transmitted.

Tony M. Cook, Secretary

April 21, 1999

Mr. Speaker:

The Senate receded from its amendment(s) to SUBSTITUTE HOUSE BILL NO. 1053 and passed the bill without said amendment(s), and the same is herewith transmitted.

Tony M. Cook, Secretary

April 21, 1999

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5967,

SUBSTITUTE SENATE BILL NO. 5968,

and the same are herewith transmitted.

Tony M. Cook, Secretary

April 21, 1999

Mr. Speaker:

The Senate concurred in the House amendment(s) to the following Senate Bills and passed said bills as amended by the House:

SUBSTITUTE SENATE BILL NO. 5134,

SECOND SUBSTITUTE SENATE BILL NO. 5452,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5508,

SUBSTITUTE SENATE BILL NO. 5513,

SUBSTITUTE SENATE BILL NO. 5619,

SENATE BILL NO. 5628,

SUBSTITUTE SENATE BILL NO. 5638,

SENATE BILL NO. 5643,

ENGROSSED SENATE BILL NO. 5649,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5661,

SUBSTITUTE SENATE BILL NO. 5706,

ENGROSSED SENATE BILL NO. 5720,

SUBSTITUTE SENATE BILL NO. 5728,

SENATE BILL NO. 5731,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5803,

and the same are herewith transmitted.

Tony M. Cook, Secretary

#### **SPEAKER'S PRIVILEGE**

The Speaker (Representative Pennington presiding) introduced Dr. Mohammad Abubakar, a State Representative of the State of Kaduna, Nigeria. He was here to learn about state government and



to create stronger ties between Washington and his State of Kaduna. The Speaker asked the Chamber to acknowledge Dr. Abubakar's presence.

**MESSAGES FROM THE SENATE**

April 22, 1999

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5134,  
SECOND SUBSTITUTE SENATE BILL NO. 5452,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5508,  
SUBSTITUTE SENATE BILL NO. 5513,  
SUBSTITUTE SENATE BILL NO. 5619,  
SENATE BILL NO. 5628,  
SUBSTITUTE SENATE BILL NO. 5638,  
SENATE BILL NO. 5643,  
ENGROSSED SENATE BILL NO. 5649,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5661,  
SUBSTITUTE SENATE BILL NO. 5706,  
ENGROSSED SENATE BILL NO. 5720,  
SUBSTITUTE SENATE BILL NO. 5728,  
SENATE BILL NO. 5731,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5803,

and the same are herewith transmitted.

Tony M. Cook, Secretary

April 22, 1999

Mr. Speaker

The President has signed:

SUBSTITUTE SENATE BILL NO. 5304,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5345,

SUBSTITUTE SENATE BILL NO. 5399,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5424,  
SECOND SUBSTITUTE SENATE BILL NO. 5536,  
SUBSTITUTE SENATE BILL NO. 5553,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5599,  
SUBSTITUTE SENATE BILL NO. 5666,  
SUBSTITUTE SENATE BILL NO. 5828,  
ENGROSSED SENATE BILL NO. 5897,  
SENATE BILL NO. 5911,  
ENGROSSED SENATE BILL NO. 5962,  
SENATE BILL NO. 6025,  
SENATE JOINT RESOLUTION NO. 8206,

and the same are herewith transmitted.

Tony M. Cook, Secretary

**SIGNED BY THE SPEAKERS**

The Speakers signed:

HOUSE BILL NO. 1023,  
SUBSTITUTE HOUSE BILL NO. 1068,  
HOUSE BILL NO. 1080,  
SECOND SUBSTITUTE HOUSE BILL NO. 1116,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1131,  
HOUSE BILL NO. 1154,  
HOUSE BILL NO. 1299,  
SUBSTITUTE HOUSE BILL NO. 1371,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1514,  
HOUSE BILL NO. 1556,  
SUBSTITUTE HOUSE BILL NO. 1558,

HOUSE BILL NO. 1599,  
SUBSTITUTE HOUSE BILL NO. 1647,  
SUBSTITUTE HOUSE BILL NO. 1677,  
HOUSE BILL NO. 1699,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1798,  
SUBSTITUTE HOUSE BILL NO. 1838,  
SUBSTITUTE HOUSE BILL NO. 1848,  
HOUSE BILL NO. 1849,  
SUBSTITUTE HOUSE BILL NO. 1880,  
SUBSTITUTE HOUSE BILL NO. 1951,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1991,  
SUBSTITUTE HOUSE BILL NO. 2053,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2090,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2107,  
HOUSE BILL NO. 2207,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2239,  
HOUSE JOINT MEMORIAL NO. 4012,  
SENATE BILL NO. 5005,  
SENATE BILL NO. 5020,  
ENGROSSED SENATE BILL NO. 5036,  
SENATE BILL NO. 5040,  
SUBSTITUTE SENATE BILL NO. 5064,  
SENATE BILL NO. 5095,  
SECOND SUBSTITUTE SENATE BILL NO. 5108,  
SENATE BILL NO. 5125,  
SENATE BILL NO. 5127,  
SUBSTITUTE SENATE BILL NO. 5147,

SUBSTITUTE SENATE BILL NO. 5153,  
SUBSTITUTE SENATE BILL NO. 5154,  
SUBSTITUTE SENATE BILL NO. 5179,  
SUBSTITUTE SENATE BILL NO. 5213,  
SUBSTITUTE SENATE BILL NO. 5214,  
SUBSTITUTE SENATE BILL NO. 5219,  
SUBSTITUTE SENATE BILL NO. 5273,  
SUBSTITUTE SENATE BILL NO. 5279,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5290,  
SENATE BILL NO. 5307,  
SENATE BILL NO. 5358,  
SENATE BILL NO. 5384,  
SENATE BILL NO. 5385,  
SENATE BILL NO. 5499,  
SENATE BILL NO. 5502,  
SUBSTITUTE SENATE BILL NO. 5671,

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 10:00 a.m., Friday, April 23, 1999, the 103<sup>rd</sup> Legislative Day.

TIMOTHY A. MARTIN, Chief Clerk      CLYDE BALLARD, Speaker  
DEAN R. FOSTER, Chief Clerk      FRANK CHOPP, Speaker

ONE HUNDRED SECOND DAY, APRIL 22, 1999

JOURNAL OF THE HOUSE

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**ONE HUNDRED AND THIRD DAY**

**MORNING SESSION**

House Chamber, Olympia, Friday, April 23, 1999

The House was called to order at 10:00 a.m. by Speaker Pro Tempore Ogden. The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Meghan Byrne, Sean Wood and Brandon Woods. Prayer was offered by Reverend Reggie Buddle, Chaplain, Boeing Auburn Division.

**RESOLUTION**

HOUSE RESOLUTION NO. 99-4688, by Representatives Kenney, Anderson, Skinner, Van Luven, Romero, Regala, Lovick, Santos, O'Brien, Dunn, Linville, Veloria, McIntire, Doumit, Scott, Reardon, Keiser, Murray, Cody, Hurst, Constantine, Dickerson, Kagi, Carlson, McMorris, Lambert, Schual-Berke, Hankins, Conway, Esser and Thomas

WHEREAS, It is the policy of the Washington State legislature to recognize and honor the contributions of individuals who reflect the standards of excellence that advance the well-being and quality of lives of all citizens of the state of Washington; and

WHEREAS, The paintings by Alfredo Arreguin graphically reflect the graceful beauty of our state's untamed natural resources, the vivid color and diverse textures of our bountiful landscapes, and the endless rainbow of hope, pride, and achievement of all our citizens; and

WHEREAS, Alfredo Arreguin was selected by our state's centennial commission to paint the Washington State centennial poster; and

WHEREAS, Alfredo Arreguin is recognized as a pioneer in his field of art for his stylistic introduction of intricately detailed repetitive patterning of abstract motifs combined with vivid portraiture and lush landscapes; and

WHEREAS, The signature patterned paintings of master artist Alfredo Arreguin have brought national and international recognition to the artistic tradition of our state; and

WHEREAS, Works by Alfredo Arreguin have been exhibited in shows across North America, Mexico, Europe, Poland, Russia, South America, and Asia, and have been used in over one hundred books; and

WHEREAS, The Smithsonian Institution's National Museum of American Art, our nation's most prestigious art museum, has selected a recent painting by Alfredo Arreguin for its permanent collection; and

WHEREAS, Alfredo Arreguin has donated countless hours of his time and talent to assist the Hispanic community, and has served as the artistic ambassador for many young and aspiring artists nation-wide;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize and honor Alfredo Arreguin for his artistic genius, creativity, and contributions to the arts and culture in Washington State; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to the Washington State Arts Commission, Seattle Arts Museum, Tacoma Art Museum, and the Consul General of Mexico.

Representative Kenney moved adoption of the resolution.

Representatives Kenney, Skinner, Anderson, H. Sommers, Veloria and Van Luven spoke in favor of the adoption of the resolution.

House Resolution No. 99-4688 was adopted.

### **SPEAKER'S PRIVILEGE**

The Speaker (Representative Ogden presiding) introduced Alfredo Arreguin, his wife Susan Lytle, Jorge Gilbert, Consul of Chile; Miguel Valasquez, Consul of Peru; and Ernie Aguilar, representing the Consul of Mexico, and asked the Chamber to acknowledge them.

### **RESOLUTION**

HOUSE RESOLUTION NO. 99-4691, by Representatives Conway, Fortunato, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Chopp, Clements, Cody, Constantine, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, D. Schmidt, Schindler, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe and Wood

WHEREAS, Nearly 6,000 Washington residents died during World War II, the seminal event of the 20th Century; and

WHEREAS, Thousands of other state residents served in our nation's Armed Forces during that time; and

WHEREAS, Many others served on the "home front" to provide the necessary equipment and support for our men and women in uniform; and

WHEREAS, World War II was a total effort by the citizens of the United States and united our country like no other time in our nation's history; and

WHEREAS, Creation of a World War II memorial on the state Capitol Campus is a fitting and long overdue tribute to acknowledge the sacrifices of these veterans, home front civilians, and family members; and

WHEREAS, The memorial will focus on educating our young people about what took place during the war, where it took place, and why it took place, so future generations may avoid such conflicts, and may understand the pivotal role of the war in the history of our state and country;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington recognize and honor the tremendous sacrifices of the World War II generation for preserving our cherished freedoms and way of life; and

BE IT FURTHER RESOLVED, That our citizens are encouraged to attend the dedication and unveiling ceremony for the Washington state World War II Memorial on Friday, May 28, 1999, at 1:00 p.m. on the state Capitol Campus; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to the Governor.

Representative Conway moved adoption of the resolution.

Representatives Conway, Haigh, K. Schmidt, Parlette, Bensen, Veloria, Lambert, Dickerson, Miloscia, Campbell, Van Luven and Mulliken spoke in favor of the adoption of the resolution.

House Resolution No. 99-4691 was adopted.

### **SPEAKER'S PRIVILEGE**

The Speaker (Representative Ogden presiding) introduced the World War II Memorial and Fund Raising Committee: Richard & Julie Kirk, Chosen Few; Jack and Thelma Colman, Chosen Few; John and Betty Des Jarlais, Chosen Few; Dan Gogerty, Veterans' Legislative Coalition; Keith Sherman, Veterans' Legislative Coalition; Doris Grass, American Legion; Don Newbold, Marine Corps League; Bob and Patty Linden, The Retired Officers Association; Bill and Ginny Merifield, Military Order of Purple Heart; Betty Chandler, Military Order of Purple Heart; Patrick McDonald, Veterans' Legislative Coalition; and Yu Box, Vietnam Veterans of America, and asked the Chamber to acknowledge them.

### **RESOLUTIONS**

HOUSE RESOLUTION NO. 99-4663, by Representatives Lantz, Santos, McMorris, Dunn, Schindler, Miloscia, Keiser, Tokuda, Mitchell, Schual-Berke, Huff, Fortunato, Thomas, Benson and Hankins

WHEREAS, Children represent the future of Washington State, and providing quality education is of paramount interest to our citizens; and

WHEREAS, The annual Golden Apple Awards program has earned a reputation for recognizing and celebrating innovation, dedication, and success in education; and

WHEREAS, The Golden Apple Awards program seeks out and honors outstanding education strategies, and seeks to cultivate an understanding of and excitement for the world of work;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington commend the 1998 recipients of Golden Apple Awards:

Sandra L. Everlove, teacher at Franklin High School in Seattle;

Roland MacNichol, teacher at Gig Harbor High School in Gig Harbor;

Benjamin Ostrom, teacher at Madrona Elementary School in Seattle;

Janet Jones-Preston, family support worker at B.F. Day Elementary School in Seattle;

Suzanne Ruth-Scott, counselor and teacher for the West Valley School District in Spokane;

The African-American parent Support Group at Decatur High School in Federal Way;

The Fifth-Grade Orchard project at Tonasket Elementary School in Tonasket;

The Highline School District Teen Parent program in Des Moines;

The Restoring Animals in Nature program at Fircrest Elementary School in Vancouver;

The Science Education Partnership program at Fred Hutchinson Cancer Research Center in Seattle; and

John Merk, recipient of the 1998 Stanley O. McNaughton Golden Apple Award, noted for his support of vocational building projects at Pasco High School in Pasco; and

BE IT FURTHER RESOLVED, That the House of Representatives commend sponsors of the Golden Apple Awards program, including KCTS Television of Seattle; KYVE Television of Yakima;

and PEMCO Financial Services, with special recognition to the late Stanley O. McNaughton, former chief executive officer, who contributed greatly to the growth and success of the awards program; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to the aforementioned award recipients and program sponsors, and to the family of Stanley O. McNaughton.

Representative Lantz moved adoption of the resolution.

Representatives Lantz, Schual-Berke, McMorris and Santos spoke in favor of the adoption of the resolution.

House Resolution No. 99-4663 was adopted.

HOUSE RESOLUTION NO. 99-4689, by Representatives Ballasiotes, Reardon, Linville, McDonald, Fortunato, Radcliff, Buck, Talcott, Sullivan, Miloscia, Anderson, Constantine, Poulsen, Edwards, Voloria, Cox, K. Schmidt, Mulliken, Kenney, Pflug, D. Schmidt, Campbell, Dunn, Thomas, Mitchell, Santos, Pennington, Hankins, Carlson, Lambert, Mielke, Bush, Crouse, Delvin, Esser, Murray, Schoesler, Wensman, Skinner, Hurst, Dickerson, Keiser, Fisher, Conway, D. Sommers and Benson

WHEREAS, April 25th through May 1st is National Crime Victims' Rights Week; and  
WHEREAS, This event began twenty-three years ago in Philadelphia to remember crime victims; and

WHEREAS, It has since spread throughout the country in an effort to increase the public's awareness and support of crime victims' rights and services; and

WHEREAS, This need is apparent as a violent crime is committed in America every nineteen seconds, and seventy percent of homicides involve firearms; and

WHEREAS, In 1997, more than 18,000 people were murdered in the United States, including two hundred forty-four murders in Washington that were committed with weapons; and

WHEREAS, The highest percentage of murder victims in Washington are young adults, ages eighteen through twenty-four; and

WHEREAS, It is estimated that one woman is battered every nine seconds in the United States and 1.3 adult women are raped every minute; and

WHEREAS, While the number of reported rapes in Washington has decreased since 1992, nearly 3,000 rapes occurred in 1997; and

WHEREAS, Law-abiding citizens are no less deserving of justice, rights, resources, restoration, and rehabilitation than the violent offenders who harm them; and

WHEREAS, The week's theme, "Victims' Voices -- Silent No More", reflects the power generated when crime victims and their advocates speak out against crime victimization; and

WHEREAS, Crime does not concentrate in one specific area; it encompasses rape, murder, robbery, burglary, theft, violence, stalking, domestic violence, child abuse, and vehicular assault; and

WHEREAS, As a nation devoted to liberty and justice for all, America must increase its efforts to protect and expand crime victims' rights and services;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize the pain and suffering victims must endure as a result of crime and express its unequivocal support for crime victims nation-wide, their families, and their friends.

Representative Ballasiotes moved adoption of the resolution.

Representatives Ballasiotes and Lovick spoke in favor of the adoption of the resolution.

House Resolution No. 99-4689 was adopted.



Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

**MESSAGES FROM THE SENATE**

April 22, 1999

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5304,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5345,  
SUBSTITUTE SENATE BILL NO. 5399,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5424,  
SECOND SUBSTITUTE SENATE BILL NO. 5536,  
SUBSTITUTE SENATE BILL NO. 5553,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5599,  
SUBSTITUTE SENATE BILL NO. 5666,  
SUBSTITUTE SENATE BILL NO. 5828,  
ENGROSSED SENATE BILL NO. 5897,  
SENATE BILL NO. 5911,  
ENGROSSED SENATE BILL NO. 5962,  
SENATE BILL NO. 6025,  
SENATE JOINT RESOLUTION NO. 8206,

and the same are herewith transmitted.

Tony M. Cook, Secretary

April 22, 1999

Mr. Speaker:

The Senate receded from its amendment(s) to SUBSTITUTE HOUSE BILL NO. 1935 and passed the bill without said amendment(s), and the same is herewith transmitted.

Tony M. Cook, Secretary

April 22, 1999

Mr. Speaker:

The Senate receded from its amendment(s) to SUBSTITUTE HOUSE BILL NO. 1701 and passed the bill without said amendment(s), and the same is herewith transmitted.

Tony M. Cook, Secretary

April 22, 1999

Mr. Speaker:

The Senate receded from its amendment(s) to SECOND SUBSTITUTE HOUSE BILL NO. 1871 and passed the bill without said amendment(s), and the same is herewith transmitted.

Tony M. Cook, Secretary

April 22, 1999

Mr. Speaker:

The Senate has adopted:

SENATE CONCURRENT RESOLUTION NO. 8410,  
and the same is herewith transmitted.

Tony M. Cook, Secretary

April 23, 1999

Mr. Speaker:

The President has signed:

ENGROSSED SENATE BILL NO. 5109,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5175,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5208,  
SUBSTITUTE SENATE BILL NO. 5312,  
SENATE BILL NO. 5382,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5421,  
SUBSTITUTE SENATE BILL NO. 5744,  
SECOND SUBSTITUTE SENATE BILL NO. 5821,  
SENATE BILL NO. 5837,  
SUBSTITUTE SENATE BILL NO. 5864,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5866,

SENATE BILL NO. 5915,

SUBSTITUTE SENATE BILL NO. 6001,

SENATE BILL NO. 6065,

SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8406,

and the same are herewith transmitted.

Tony M. Cook, Secretary

April 22, 1999

Mr. Speaker:

The Senate receded from its amendment(s) to SUBSTITUTE HOUSE BILL NO. 1525 and passed the bill without said amendment(s), and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House advanced to the seventh order of business.

#### **SENATE AMENDMENTS TO HOUSE BILL**

There being no objection, the House reconsidered the vote concurring in the Senate amendment(s) to House Bill No. 1872. (For message and amendment(s) see Journal, 100<sup>th</sup> Day, April 20, 1999).

There being no objection, the House refused to concur in the Senate Amendment(s) to House Bill No. 1872 and asked the Senate to recede therefrom.

#### **SENATE AMENDMENTS TO HOUSE BILL**

April 14, 1999

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1250 with the following amendment(s)

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1. INTENT.** The legislature finds that financial information is personal and sensitive information that if unlawfully obtained by others may do significant harm to a person's privacy, financial security, and other interests. The legislature finds that unscrupulous persons find ever more clever ways, including identity theft, to improperly obtain and use financial information. The legislature intends to penalize unscrupulous people for improperly obtaining financial information.

**NEW SECTION. Sec. 2. PROHIBITING ATTEMPTS TO IMPROPERLY OBTAIN FINANCIAL INFORMATION.** (1) No person may obtain or attempt to obtain, or cause to be disclosed or attempt to cause to be disclosed to any person, financial information from a financial information repository:

(a) By knowingly making a false, fictitious, or fraudulent statement or representation to an officer, employee, or agent of a financial information repository with the intent to deceive the officer, employee, or agent into relying on that statement or representation for purposes of releasing the financial information;

(b) By knowingly making a false, fictitious, or fraudulent statement or representation to a customer of a financial information repository with the intent to deceive the customer into releasing financial information or authorizing the release of such information;

(c) By knowingly providing any document to an officer, employee, or agent of a financial information repository, knowing that the document is forged, counterfeit, lost, or stolen; was fraudulently obtained; or contains a false, fictitious, or fraudulent statement or representation, if the document is provided with the intent to deceive the officer, employee, or agent to release the financial information.

(2) No person may request another person to obtain financial information from a financial information repository and knows or should have known that the person will obtain or attempt to obtain the information from the financial institution repository in any manner described in subsection (1) of this section.

(3) As used in this section, unless the context clearly requires otherwise:

(a) "Financial information" means, to the extent it is nonpublic, any of the following information identifiable to the individual that concerns the amount and conditions of an individual's assets, liabilities, or credit:

(i) Account numbers and balances;

(ii) Transactional information concerning any account; and

(iii) Codes, passwords, social security numbers, tax identification numbers, driver's license or permit numbers, state identicaid numbers issued by the department of licensing, and other information held for the purpose of account access or transaction initiation.

(b) "Financial information repository" means any person engaged in the business of providing services to customers who have a credit, deposit, trust, stock, or other financial account or relationship with the person.

(c) "Person" means an individual, partnership, corporation, or association.

(4) No provision of this section shall be construed so as to prevent any action by a law enforcement agency, or any officer, employee, or agent of such agency, or any action of an agent of the financial information repository when working in conjunction with a law enforcement agency.

(5) This section does not apply to:

(a) Efforts by the financial information repository to test security procedures or systems of the financial institution repository for maintaining the confidentiality of customer information;

(b) Investigation of alleged employee misconduct or negligence; or

(c) Efforts to recover financial or personal information of the financial institution obtained or received by another person in any manner described in subsection (1) or (2) of this section.

(6) Violation of this section is a class C felony.

(7) A person that violates this section is liable for five hundred dollars or actual damages, whichever is greater, and reasonable attorneys' fees. If the person violating this section is a business that repeatedly violates this section, that person also violates the consumer protection act, chapter 19.86 RCW.

**NEW SECTION. Sec. 3. PROHIBITING IDENTITY THEFT.** (1) No person may knowingly use or knowingly transfer a means of identification of another person with the intent to commit, or to aid or abet, any unlawful activity harming or intending to harm the person whose identity is used, or for committing any felony.

(2) For purposes of this section, "means of identification" means any information or item that is not describing finances or credit but is personal to or identifiable with any individual or other person, including any current or former name of the person, telephone number, and electronic address or identifier of the individual or any member of his or her family, including the ancestor of such person; any information relating to a change in name, address, telephone number, or electronic address or identifier of the individual or his or her family; any social security, driver's license, or tax

identification number of the individual or any member of his or her family; and other information which could be used to identify the person, including unique biometric data.

(3) Violation of this section is a class C felony.

(4) A person that violates this section is liable for five hundred dollars or actual damages, including costs to repair the person's credit record, whichever is greater, and reasonable attorneys' fees. If the person violating this section is a business that repeatedly violates this section, that person also violates the consumer protection act, chapter 19.86 RCW.

**Sec. 4.** RCW 9A.82.010 and 1995 c 285 s 34 and 1995 c 92 s 5 are each reenacted and amended to read as follows:

Unless the context requires the contrary, the definitions in this section apply throughout this chapter.

(1) "Creditor" means a person making an extension of credit or a person claiming by, under, or through a person making an extension of credit.

(2) "Debtor" means a person to whom an extension of credit is made or a person who guarantees the repayment of an extension of credit or in any manner undertakes to indemnify the creditor against loss resulting from the failure of a person to whom an extension is made to repay the same.

(3) "Extortionate extension of credit" means an extension of credit with respect to which it is the understanding of the creditor and the debtor at the time the extension is made that delay in making repayment or failure to make repayment could result in the use of violence or other criminal means to cause harm to the person, reputation, or property of any person.

(4) "Extortionate means" means the use, or an express or implicit threat of use, of violence or other criminal means to cause harm to the person, reputation, or property of any person.

(5) "To collect an extension of credit" means to induce in any way a person to make repayment thereof.

(6) "To extend credit" means to make or renew a loan or to enter into an agreement, tacit or express, whereby the repayment or satisfaction of a debt or claim, whether acknowledged or disputed, valid or invalid, and however arising, may or shall be deferred.

(7) "Repayment of an extension of credit" means the repayment, satisfaction, or discharge in whole or in part of a debt or claim, acknowledged or disputed, valid or invalid, resulting from or in connection with that extension of credit.

(8) "Dealer in property" means a person who buys and sells property as a business.

(9) "Stolen property" means property that has been obtained by theft, robbery, or extortion.

(10) "Traffic" means to sell, transfer, distribute, dispense, or otherwise dispose of stolen property to another person, or to buy, receive, possess, or obtain control of stolen property, with intent to sell, transfer, distribute, dispense, or otherwise dispose of the property to another person.

(11) "Control" means the possession of a sufficient interest to permit substantial direction over the affairs of an enterprise.

(12) "Enterprise" includes any individual, sole proprietorship, partnership, corporation, business trust, or other profit or nonprofit legal entity, and includes any union, association, or group of individuals associated in fact although not a legal entity, and both illicit and licit enterprises and governmental and nongovernmental entities.

(13) "Financial institution" means any bank, trust company, savings and loan association, savings bank, mutual savings bank, credit union, or loan company under the jurisdiction of the state or an agency of the United States.

(14) "Criminal profiteering" means any act, including any anticipatory or completed offense, committed for financial gain, that is chargeable or indictable under the laws of the state in which the act occurred and, if the act occurred in a state other than this state, would be chargeable or indictable under the laws of this state had the act occurred in this state and punishable as a felony and by imprisonment for more than one year, regardless of whether the act is charged or indicted, as any of the following:

(a) Murder, as defined in RCW 9A.32.030 and 9A.32.050;

(b) Robbery, as defined in RCW 9A.56.200 and 9A.56.210;

- (c) Kidnapping, as defined in RCW 9A.40.020 and 9A.40.030;
- (d) Forgery, as defined in RCW 9A.60.020 and 9A.60.030;
- (e) Theft, as defined in RCW 9A.56.030, 9A.56.040, 9A.56.060, and 9A.56.080;
- (f) Unlawful sale of subscription television services, as defined in RCW 9A.56.230;
- (g) Theft of telecommunication services or unlawful manufacture of a telecommunication device, as defined in RCW 9A.56.262 and 9A.56.264;
- (h) Child selling or child buying, as defined in RCW 9A.64.030;
- (i) Bribery, as defined in RCW 9A.68.010, 9A.68.020, 9A.68.040, and 9A.68.050;
- (j) Gambling, as defined in RCW 9.46.220 and 9.46.215 and 9.46.217;
- (k) Extortion, as defined in RCW 9A.56.120 and 9A.56.130;
- (l) Extortionate extension of credit, as defined in RCW 9A.82.020;
- (m) Advancing money for use in an extortionate extension of credit, as defined in RCW 9A.82.030;
- (n) Collection of an extortionate extension of credit, as defined in RCW 9A.82.040;
- (o) Collection of an unlawful debt, as defined in RCW 9A.82.045;
- (p) Delivery or manufacture of controlled substances or possession with intent to deliver or manufacture controlled substances under chapter 69.50 RCW;
- (q) Trafficking in stolen property, as defined in RCW 9A.82.050;
- (r) Leading organized crime, as defined in RCW 9A.82.060;
- (s) Money laundering, as defined in RCW 9A.83.020;
- (t) Obstructing criminal investigations or prosecutions in violation of RCW 9A.72.090, 9A.72.100, 9A.72.110, 9A.72.120, 9A.72.130, 9A.76.070, or 9A.76.180;
- (u) Fraud in the purchase or sale of securities, as defined in RCW 21.20.010;
- (v) Promoting pornography, as defined in RCW 9.68.140;
- (w) Sexual exploitation of children, as defined in RCW 9.68A.040, 9.68A.050, and 9.68A.060;
- (x) Promoting prostitution, as defined in RCW 9A.88.070 and 9A.88.080;
- (y) Arson, as defined in RCW 9A.48.020 and 9A.48.030;
- (z) Assault, as defined in RCW 9A.36.011 and 9A.36.021;
- (aa) Assault of a child, as defined in RCW 9A.36.120 and 9A.36.130;
- (bb) A pattern of equity skimming, as defined in RCW 61.34.020;
- (cc) Commercial telephone solicitation in violation of RCW 19.158.040(1);
- (dd) Trafficking in insurance claims, as defined in RCW 48.30A.015;
- (ee) Unlawful practice of law, as defined in RCW 2.48.180;
- (ff) Commercial bribery, as defined in RCW 9A.68.060;
- (gg) Health care false claims, as defined in RCW 48.80.030; ~~((e))~~
- (hh) Unlicensed practice of a profession or business, as defined in RCW 18.130.190(7); or
- (ii) Identity, theft as defined in section 3 of this act.

(15) "Pattern of criminal profiteering activity" means engaging in at least three acts of criminal profiteering, one of which occurred after July 1, 1985, and the last of which occurred within five years, excluding any period of imprisonment, after the commission of the earliest act of criminal profiteering. In order to constitute a pattern, the three acts must have the same or similar intent, results, accomplices, principals, victims, or methods of commission, or be otherwise interrelated by distinguishing characteristics including a nexus to the same enterprise, and must not be isolated events. However, in any civil proceedings brought pursuant to RCW 9A.82.100 by any person other than the attorney general or county prosecuting attorney in which one or more acts of fraud in the purchase or sale of securities are asserted as acts of criminal profiteering activity, it is a condition to civil liability under RCW 9A.82.100 that the defendant has been convicted in a criminal proceeding of fraud in the purchase or sale of securities under RCW 21.20.400 or under the laws of another state or of the United States requiring the same elements of proof, but such conviction need not relate to any act or acts asserted as acts of criminal profiteering activity in such civil action under RCW 9A.82.100.

(16) "Records" means any book, paper, writing, record, computer program, or other material.

(17) "Documentary material" means any book, paper, document, writing, drawing, graph, chart, photograph, phonograph record, magnetic tape, computer printout, other data compilation from

which information can be obtained or from which information can be translated into usable form, or other tangible item.

(18) "Unlawful debt" means any money or other thing of value constituting principal or interest of a debt that is legally unenforceable in the state in full or in part because the debt was incurred or contracted:

(a) In violation of any one of the following:

(i) Chapter 67.16 RCW relating to horse racing;

(ii) Chapter 9.46 RCW relating to gambling;

(b) In a gambling activity in violation of federal law; or

(c) In connection with the business of lending money or a thing of value at a rate that is at least twice the permitted rate under the applicable state or federal law relating to usury.

(19)(a) "Beneficial interest" means:

(i) The interest of a person as a beneficiary under a trust established under Title 11 RCW in which the trustee for the trust holds legal or record title to real property;

(ii) The interest of a person as a beneficiary under any other trust arrangement under which a trustee holds legal or record title to real property for the benefit of the beneficiary; or

(iii) The interest of a person under any other form of express fiduciary arrangement under which one person holds legal or record title to real property for the benefit of the other person.

(b) "Beneficial interest" does not include the interest of a stockholder in a corporation or the interest of a partner in a general partnership or limited partnership.

(c) A beneficial interest shall be considered to be located where the real property owned by the trustee is located.

(20) "Real property" means any real property or interest in real property, including but not limited to a land sale contract, lease, or mortgage of real property.

(21)(a) "Trustee" means:

(i) A person acting as a trustee under a trust established under Title 11 RCW in which the trustee holds legal or record title to real property;

(ii) A person who holds legal or record title to real property in which another person has a beneficial interest; or

(iii) A successor trustee to a person who is a trustee under subsection (21)(a)(i) or (ii) of this section.

(b) "Trustee" does not mean a person appointed or acting as:

(i) A personal representative under Title 11 RCW;

(ii) A trustee of any testamentary trust;

(iii) A trustee of any indenture of trust under which a bond is issued; or

(iv) A trustee under a deed of trust.

NEW SECTION. **Sec. 5.** EFFECTIVE DATE. This act takes effect January 1, 2000.

NEW SECTION. **Sec. 6.** CAPTIONS NOT LAW. Captions used in this chapter are not part of the law.

NEW SECTION. **Sec. 7.** SEVERABILITY CLAUSE. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 8.** Sections 1 through 3 and 5 through 7 of this act constitute a new chapter in Title 9 RCW."

On page 1, line 1 of the title, after "information;" strike the remainder of the title and insert "reenacting and amending RCW 9A.82.010; adding a new chapter to Title 9 RCW; prescribing penalties; and providing an effective date."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House refused to concur in the Senate Amendment(s) to House Bill No. 1250 and asked the Senate to recede therefrom.

### **SENATE AMENDMENTS TO HOUSE BILL**

April 14, 1999

Mr. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1462 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

#### **'INTENT**

NEW SECTION. **Sec. 1.** INTENT. The legislature finds that the purpose of Washington's accountability system is to improve student learning and student achievement of the essential academic learning requirement standards so that each individual student will be given the opportunity to become a responsible citizen and successfully live, learn, and work in the twenty-first century. To achieve this purpose, the accountability system should be based on continuous improvement at all levels of Washington's education system and on a fundamental principle that all students have access to curriculum and instruction that is aligned to the standards.

The legislature further finds that the accountability system should rely on local responsibility and leadership. Districts and schools should be expected to improve and be evaluated based on their improvement over time. Districts should recognize exceptional progress and work closely with struggling schools. The state should provide technical assistance and expertise where needed.

The legislature further finds that the accountability system must be simple to use and understand. Consequences must be predictable and fair. Differences among students, schools, and districts should be recognized and respected as the system is implemented. There should be a balance of each student's right to privacy and the public's right to know the overall levels of learning and achievement at the school, district, and state levels. In addition, the accountability system should be continuously reviewed and improved as more is learned about how schools operate to meet the learning needs of Washington's students.

#### **PART 1**

#### **OVERSIGHT OF THE ACCOUNTABILITY SYSTEM**

NEW SECTION. **Sec. 101.** COMPOSITION OF THE COMMISSION. (1) The Washington commission on academic achievement is hereby established. The primary purpose of the commission is to provide oversight of the accountability system.

(2) The commission shall include one member of the state board of education, the superintendent of public instruction, and seven members appointed by the governor with the consent of the senate. All appointments shall be made by July 1, 1999. The governor shall appoint a chair from the commission members, and fill any vacancies in gubernatorial appointments that may occur. Gubernatorial and state board appointees shall serve for a term of four years. However, four of the initial seven gubernatorial appointments and the state board appointee shall serve two-year terms. Appointees may be reappointed to serve more than one term. The state board of education shall fill any vacancies of the state board of education appointment that may occur. Of the appointments made by the governor, one shall be from a list of names submitted by the superintendent of public instruction. In making the appointments, educators, business leaders, and parents shall be represented, and nominations from state-wide education, business, and parent organizations shall be requested. Efforts shall be made to ensure that the commission reflects the racial and ethnic diversity of the state's



K-12 student population and that the major geographic regions in the state are represented. Appointees shall be qualified individuals who are supportive of educational improvement and accountability, who have a positive record of service, and who will devote sufficient time to the responsibilities of the commission to ensure that the objectives of the commission are achieved.

**NEW SECTION. Sec. 102. DUTIES OF THE COMMISSION.** (1) For purposes of state-wide accountability, the commission shall:

(a) Establish goals for reading, writing, communications, and mathematics at the appropriate grade level as the commission deems appropriate to improve student learning when assessments in reading, writing, communications, and mathematics are required to be administered state-wide. The commission may revise the state-wide accountability goals as necessary. The commission shall adopt the goals by rule. Before adopting or revising the rules, the commission shall present the goals to the education committees of the senate and the house of representatives for review and comment;

(b) Develop criteria for deciding when it is appropriate for the commission to make recommendations to the superintendent about assistance and recognition;

(c) Review data and make recommendations to the superintendent of public instruction about school districts requiring school assistance and recognition;

(d) Submit recommendations to the superintendent of public instruction about appropriate assistance and recognition;

(e) Develop recommendations to the legislature about criteria for deciding when it is appropriate for the commission to make recommendations for interventions and recommendations for appropriate types of interventions.

(f) Annually review the reporting system to ensure fairness, accuracy, timeliness, and equity of opportunity, especially with regard to schools with special circumstances and unique populations of students, and recommend to the superintendent of public instruction needed improvements;

(g) Recommend changes to the superintendent and the legislature regarding accountability policy and legislation, as necessary;

(h) Report annually by December 1st to the legislature, the governor, the superintendent of public instruction, and the state board of education on the progress, findings, and recommendations of the commission;

(i) By December 1, 2000, and by December 31st annually thereafter, report to the education committees of the house of representatives and the senate on the progress that has been made in achieving the goals, and on the setting of goals and progress in achieving goals; and

(j) Make recommendations to the legislature and take other actions necessary or desirable to help students meet the student learning goals.

(2) The commission shall coordinate its activities with the state board of education and the office of the superintendent of public instruction.

(3) The commission shall seek advice broadly from the public and all interested educational organizations in the conduct of its work, including holding periodic regional public hearings.

(4) The commission may hire an executive director and staff to perform the duties in support of the activities of the commission. The office of the superintendent of public instruction shall provide administrative oversight and be the fiscal agent for the commission. The commission may direct the office of the superintendent of public instruction to enter into subcontracts, within the commission's resources, with school districts, teachers, higher education faculty, state agencies, business organizations, and other individuals and organizations to assist the commission in its deliberations.

(5) Members of the commission shall be reimbursed for per diem and travel expenses as provided in RCW 43.03.050 and 43.03.060.

**NEW SECTION. Sec. 103. RECOGNITION.** (1) The commission on academic achievement annually shall make recommendations to the superintendent of public instruction on school districts and schools that should be recognized based on the results of the Washington assessment of student learning. The commission shall develop the criteria for selecting districts and schools for recognition. Recognition shall be given to schools and school districts that have achieved exceptional growth:

(a) As measured by an increase in the percent of students meeting standards. The level of achievement required for recognition shall be based on the achievement goals established by the legislature and the commission on academic achievement under RCW 28A.630.887 (as recodified by this act);

(b) As measured by an improvement index that measures improvement in all levels of the assessment; and

(c) Despite challenges such as high levels of mobility, poverty, English as a second language learners, and large numbers of students in special populations as measured by either the percent of students meeting the standard, or the improvement index.

(2) When determining the baseline year or years for recognizing individual schools, the commission may use the assessment results from the initial years the assessments were administered, if doing so with individual schools would be appropriate.

**NEW SECTION. Sec. 104. INTERVENTION.** (1) Improved student learning depends on the initiative of educators, parents, and students in each school, the school's local community, and state support. Schools should take responsibility for their own improvement while also having access to assistance from school districts, educational service districts, and the state.

(2) School districts have primary responsibility for intervening in schools with large numbers of students who are not achieving the essential academic learning requirements. In some cases, school district intervention may not prove successful. Beginning in the 2001-02 school year, continuing levels of low achievement in elementary schools in which there is little or no improvement shall trigger an evaluation by the commission on academic achievement. The purpose of the evaluation is to decide whether to initiate additional state-level assistance. For middle and high schools, the evaluation shall occur three years after assessments are required state-wide. When making recommendations to the superintendent of public instruction regarding additional state-level assistance, the commission on academic achievement shall use multiple sources of information including:

- (a) The results of the Washington assessment of student learning;
- (b) Student achievement evidence from district or other state assessments;
- (c) The level of improvement in student achievement over time;
- (d) Student mobility and poverty;
- (e) Attendance and dropout rates;
- (f) Graduation rates and posthigh school indicators;
- (g) Percent of students in special programs; and
- (h) Other factors presented by individual districts or schools.

## **PART 2 ACCOUNTABILITY GOALS**

**Sec. 201.** RCW 28A.630.887 and 1998 c 319 s 101 are each amended to read as follows:

~~((1))~~ By December 15, 1998, each school district board of directors shall:

~~((a))~~ (1) Select the reading standard results on either the 1997 or 1998 fourth grade Washington assessment of student learning as the school district's initial baseline reading standard. Districts may select the 1997 results only if all of the elementary schools with fourth grade students administered the assessment;

~~((b))~~ (2) Establish a three-year, district-wide goal to increase, by the end of the 2000-01 school year, the percentage of students who meet or exceed the reading standard on the fourth grade Washington assessment of student learning. The ~~((three-year))~~ 2000-01 percentage increase goal may not be less than the district's total percentage of students who did not meet the baseline reading standard multiplied by twenty-five percent;

~~((c))~~ (3) Specify the annual district-wide percentage improvement increments to meet the ~~((three-year))~~ 2000-01 goal; and

~~((d))~~ (4) Direct each elementary school to establish a three-year goal for its fourth grade students, subject to approval by the board. The aggregate of the elementary school goals must meet or exceed the district-wide goals established by the board.

- ~~((2) Each school district board of directors shall:~~
- ~~(a) Report biannually to parents in writing and to the community in a public meeting the following information:~~
- ~~(i) District wide and school level three year goals;~~
- ~~(ii) Student performance relative to the goals; and~~
- ~~(iii) District wide and school level plans to achieve the reading goal in kindergarten through fourth grade, including grade level expectations, curriculum and instruction, parental or guardian involvement, and resources available to parents and guardians to help students meet the reading standard;~~
- ~~(b) Report annually to the superintendent of public instruction and in a news release to the local media the district's progress toward meeting the district wide and school level goals; and~~
- ~~(c) Include the reported information in each school's annual school performance report under RCW 28A.320.205.~~
- ~~(3) By December 1, 2000, the superintendent of public instruction shall report to the education committees of the house of representatives and the senate on the progress that has been made in achieving the three year reading goal, and provide recommendations to the legislature on setting reading goals for the next three years.~~
- ~~(4) This section expires July 1, 2006.)~~

### PART 3 REPORTING RESULTS

**Sec. 301.** RCW 28A.630.889 and 1998 c 319 s 301 are each amended to read as follows:

(1) By September 10, 1998, and by September 10th each year thereafter, the superintendent of public instruction shall:

(a) Report to the public, schools, school districts, and the legislature on the results of the ~~((fourth grade))~~ Washington assessment of student learning; and

(b) Post individual school results of the ~~((fourth grade))~~ Washington assessment of student learning on the superintendent of public instruction's internet world-wide web site.

(2) The reports shall include the assessment results by school and school district, and include changes over time. Results shall be reported in two ways:

(a) The percent of students meeting the standards; and

(b) A learning improvement index that shows changes in student performance within the different levels of student learning reported on the Washington assessment of student learning.

(3) Data regarding the different characteristics of schools, such as poverty levels, percent of English as a second language students, drop-out rates, attendance, percent of students in special education, and student mobility shall also be reported so that districts and schools can learn from the improvement efforts of other schools and districts with similar characteristics.

(4) To protect the privacy of students, the results of schools and districts that test fewer than ten students in a grade level shall not be reported. In addition, in order to ensure that results are reported accurately, the superintendent of public instruction shall maintain the confidentiality of state-wide data files until the superintendent determines that the data are complete and accurate.

(5) The superintendent of public instruction shall monitor the percentage and number of special education and limited English-proficient students exempted from taking the assessments by schools and school districts to ensure the exemptions are in compliance with exemption guidelines.

~~((2) This section expires July 1, 2006.)~~

NEW SECTION. **Sec. 302.** DISTRICT REPORTS. (1) Each school district board of directors shall:

(a) Annually report to parents and to the community in a public meeting and twice annually report in writing the following information:

(i) District-wide and school-level three-year goals;

(ii) Student performance relative to the goals; and

(iii) District-wide and school-level plans to achieve the reading goal in kindergarten through fourth grade, including curriculum and instruction, parental or guardian involvement, and resources available to parents and guardians to help students meet the reading standard;

(b) Report annually in a news release to the local media the district's progress toward meeting the district-wide and school-level goals; and

(c) Include the school-level goals, student performance relative to the goals, and a summary of school-level plans to achieve the goals in each school's annual school performance report under RCW 28A.320.205. This shall be considered one of the twice-annual written reports required in (a) of this subsection.

(2) Schools and school districts in which ten or fewer students are eligible to be assessed in a grade level are not required to establish or report numerical improvement goals and performance relative to the goals, but are required to report to parents and the community their plans to improve reading achievement in kindergarten through fourth grade as required in subsection (1)(a)(iii) of this section.

**Sec. 303.** RCW 28A.320.205 and 1993 c 336 s 1006 are each amended to read as follows:

(1) Beginning with the 1994-95 school year, to provide the local community and electorate with access to information on the educational programs in the schools in the district, each school shall publish annually a school performance report and deliver the report to each parent with children enrolled in the school and make the report available to the community served by the school. The annual performance report shall be in a form that can be easily understood and be used by parents, guardians, and other members of the community who are not professional educators to make informed educational decisions. As data from the assessments in RCW 28A.630.885 (as recodified by this act) becomes available, the annual performance report should enable parents, educators, and school board members to determine whether students in the district's schools are attaining mastery of the student learning goals under RCW 28A.150.210, and other important facts about the schools' performance in assisting students to learn. The annual report shall make comparisons to a school's performance in preceding years and shall (~~(project goals in performance categories)~~) include school level goals under RCW 28A.630.887 (as recodified by this act), student performance relative to the goals, and information regarding school-level plans to achieve the goals.

(2) The annual performance report shall include, but not be limited to: A brief statement of the mission of the school and the school district; enrollment statistics including student demographics; expenditures per pupil for the school year; a summary of student scores on all mandated tests; a concise annual budget report; student attendance, graduation, and dropout rates; information regarding the use and condition of the school building or buildings; a brief description of (~~(the restructuring)~~) learning improvement plans for the school; and an invitation to all parents and citizens to participate in school activities.

(3) The superintendent of public instruction shall develop by June 30, 1994, a model report form, which shall also be adapted for computers, that schools may use to meet the requirements of subsections (1) and (2) of this section.

#### **PART 4 ASSISTANCE FOR SCHOOLS AND DISTRICTS**

NEW SECTION. **Sec. 401.** ACCOUNTABILITY IMPLEMENTATION FUNDS. (1) To the extent funds are appropriated, the office of the superintendent of public instruction annually shall allocate accountability implementation funds to school districts. The purposes of the funds are to provide time for teachers and other certificated instructional staff and classified staff to: Develop and update student learning improvement plans; implement curriculum materials and instructional strategies; provide staff professional development to implement the selected curricula and instruction; develop and implement assessment strategies and training in assessment scoring; and fund other activities intended to improve student learning for all students, including students with diverse needs. Activities funded by the allocations shall be consistent with the school or district improvement plan, designed to improve the ability of teachers and other instructional certificated and classified staff to

assist students in meeting the essential academic learning requirements, and designed to achieve state and local accountability goals. Activities funded by the allocations shall be designed to protect the teachers' instructional time with students and minimize the use of substitute teachers.

(2) Schools receiving funds shall develop, update as needed, and keep on file a school student learning improvement plan to achieve the student learning goals and essential academic learning requirements and to implement the assessment system as it is developed. The plan shall describe how the accountability implementation funds will be used to accomplish the requirements of this section. The plan shall be made available to the public and to others upon request.

(3) To the extent funds are appropriated, the state schools for the deaf and blind are eligible to receive allocations under this section.

(4) The superintendent of public instruction may adopt timelines and rules as necessary under chapter 34.05 RCW to administer the program, and require that schools and districts submit reports regarding the use of the funds.

**NEW SECTION. Sec. 402. HELPING CORPS.** (1) In order to increase the availability and quality of technical assistance state-wide, the superintendent of public instruction, subject to available funding, shall employ regional school improvement coordinators and school improvement specialists to provide assistance to schools and districts. The regional coordinators and specialists shall be hired by and work under the direction of a state-wide school improvement coordinator. The improvement specialists shall serve on a rotating basis from one to three years and shall not be permanent employees of the superintendent of public instruction.

(2) The school improvement coordinators and specialists shall provide the following:

(a) Assistance to schools to disaggregate student performance data and develop improvement plans based on those data;

(b) Consultation with schools and districts concerning their performance on the Washington assessment of student learning and other assessments;

(c) Consultation concerning curricula that aligns with the essential academic learning requirements, the Washington assessment of student learning, and meets the needs of diverse learners;

(d) Assistance in the identification and implementation of research-based instructional practices;

(e) Staff training that emphasizes effective instructional strategies and classroom-based assessment;

(f) Assistance in developing and implementing family and community involvement programs; and

(g) Other assistance to schools and school districts intended to improve student learning.

**Sec. 403.** RCW 28A.300.130 and 1996 c 273 s 5 are each amended to read as follows:

(1) Expanding activity in educational research, educational restructuring, and educational improvement initiatives has produced and continues to produce much valuable information. The legislature finds that such information should be shared with the citizens and educational community of the state as widely as possible. To facilitate access to information and materials on educational improvement and research, the superintendent of public instruction, to the extent funds are appropriated, shall establish the center for the improvement of student learning. The primary purpose of the center is to provide assistance and advice to parents, school board members, educators, and the public regarding strategies for assisting students in learning the essential academic learning requirements pursuant to RCW 28A.630.885 (as recodified by this act). The center shall work in conjunction with the commission on ~~((student learning))~~ academic achievement, educational service districts, ~~((and))~~ institutions of higher education, and education, parent, community, and business organizations.

(2) The center, in conjunction with other staff in the office of the superintendent of public instruction, shall:

(a) Serve as a clearinghouse for the completed work and activities of the commission on ~~((student learning))~~ academic achievement;

(b) Serve as a clearinghouse for information regarding successful educational ~~((restructuring))~~ improvement and parental involvement programs in schools and districts, and information about efforts

within institutions of higher education in the state to support educational (~~(restructuring)~~) improvement initiatives in Washington schools and districts;

(c) Provide best practices research and advice that can be used to help schools develop and implement: Programs and practices to improve (~~(reading)~~) instruction of the essential academic learning requirements under section 501 of this act; systems to analyze student assessment data, with an emphasis on systems that will combine the use of state and local data to monitor the academic progress of each and every student in the school district; (~~(school)~~) comprehensive, school-wide improvement plans; school-based shared decision-making models; programs to promote lifelong learning and community involvement in education; school-to-work transition programs; programs to meet the needs of highly capable students; programs and practices to meet the diverse needs of students based on gender, racial, ethnic, economic, and special needs status; research, information, and technology systems; and other programs and practices that will assist educators in helping students learn the essential academic learning requirements;

(d) Develop and distribute, in conjunction with the commission on (~~(student learning)~~) academic achievement, parental involvement materials, including instructional guides developed to inform parents of the essential academic learning requirements. The instructional guides also shall contain actions parents may take to assist their children in meeting the requirements, and should focus on reaching parents who have not previously been involved with their children's education;

(e) Identify obstacles to greater parent and community involvement in school shared decision-making processes and recommend strategies for helping parents and community members to participate effectively in school shared decision-making processes, including understanding and respecting the roles of school building administrators and staff;

(f) Develop and maintain an internet web site to increase the availability of information, research, and other materials;

(g) Take other actions to increase public awareness of the importance of parental and community involvement in education;

~~((g))~~ (h) Work with appropriate organizations to inform teachers, district and school administrators, and school directors about the waivers available (~~(under RCW 28A.305.140)~~) and the broadened school board powers under RCW 28A.320.015;

~~((h))~~ (i) Provide training and consultation services, including conducting regional summer institutes;

~~((i))~~ (j) Address methods for improving the success rates of certain ethnic and racial student groups; and

~~((j))~~ (k) Perform other functions consistent with the purpose of the center as prescribed in subsection (1) of this section.

(3) The superintendent of public instruction, after consultation with the commission on (~~(student learning)~~) academic achievement, shall select and employ a director for the center.

(4) The superintendent may enter into contracts with individuals or organizations including but not limited to: School districts; educational service districts; educational organizations; teachers; higher education faculty; institutions of higher education; state agencies; business or community-based organizations; and other individuals and organizations to accomplish the duties and responsibilities of the center. (~~(The superintendent shall contract out with community-based organizations to meet the provisions of subsection (2)(d) and (e) of this section.)~~) In carrying out the duties and responsibilities of the center, the superintendent, whenever possible, shall use practitioners to assist agency staff as well as assist educators and others in schools and districts.

~~((5) The superintendent shall report annually to the commission on student learning on the activities of the center.)~~

## PART 5 TRANSFER OF DUTIES AND MATERIALS

NEW SECTION. Sec. 501. SUPERINTENDENT OF PUBLIC INSTRUCTION'S DUTIES FOR STANDARDS AND ASSESSMENTS. (1) The superintendent of public instruction shall identify the knowledge and skills all public school students need to know and be able to do based on the student

learning goals in RCW 28A.150.210 to develop student assessments and implement the accountability recommendations of the commission on academic achievement.

(2) The superintendent of public instruction shall periodically revise the essential academic learning requirements, as needed, based on the student learning goals in RCW 28A.150.210. Goals one and two shall be considered primary. To the maximum extent possible, the superintendent shall integrate goal four and the knowledge and skill areas in the other goals in the essential academic learning requirements.

(3) The superintendent of public instruction shall maintain and continue to develop and revise a state-wide academic assessment system for use in the elementary, middle, and high school years designed to determine if each student has mastered the essential academic learning requirements identified in subsection (1) of this section. The academic assessment system shall include a variety of assessment methods, including criterion-referenced and performance-based measures. Performance standards for determining if a student has successfully completed an assessment shall be determined by the superintendent.

(4) The assessment system shall be designed so that the results under the assessment system are used by educators as tools to evaluate instructional practices, and to initiate appropriate educational support for students who have not mastered the essential academic learning requirements at the appropriate periods in the student's educational development.

(5) The assessments in reading, writing, mathematics, and communications are required at the elementary level, beginning with the 1997-98 school year and for middle and secondary levels beginning with the 2000-01 school year. The assessment for middle and high school in science shall be required beginning with the 2000-01 school year. The superintendent shall develop timelines for the remaining assessments in history, civics, geography, arts, health, fitness, and science at the elementary, middle, and high school level, to the extent the legislature has not adopted timelines in statute. However the assessments shall be completed not later than the 2003-04 school year and shall be required in the 2007-08 school year. The assessments shall not be implemented if the legislature takes action to delay or prevent implementation of the assessment system and the essential academic learning requirements.

(6) To the maximum extent possible, the superintendent shall integrate knowledge and skill areas in development of the assessments.

(7) Assessments for goals three and four of RCW 28A.150.210 shall be integrated in the essential academic learning requirements and assessments for goals one and two.

(8) The superintendent shall develop assessments that are directly related to the essential academic learning requirements, and are not biased toward persons with different learning styles, racial or ethnic backgrounds, or on the basis of gender.

(9) The superintendent shall consider methods to address the unique needs of special education students when developing the assessments under this section.

(10) The superintendent shall consider methods to address the unique needs of highly capable students when developing the assessments under this section.

**NEW SECTION. Sec. 502.** COMMISSION ON STUDENT LEARNING--TRANSFER OF POWERS. (1) Beginning July 1, 1999, the powers, duties, and functions of the commission on student learning are transferred to the commission on academic achievement or to the superintendent of public instruction as appropriate under the transfer of duties made from the commission on student learning to the commission on academic achievement or the superintendent of public instruction under this act. All references to the commission on student learning in the Revised Code of Washington shall be construed to mean the commission on academic achievement when addressing the duties, activities, or functions regarding the accountability system under this act. All references to the commission on student learning in the Revised Code of Washington shall be construed to mean the superintendent of public instruction when addressing the duties, activities, or functions regarding the essential academic learning requirements, the standards, or the assessments addressed under this act.

(2) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the commission on student learning shall be delivered to the custody of the commission on academic achievement or the superintendent of public instruction, as appropriate. All cabinets,

furniture, office equipment, motor vehicles, and other tangible property employed by the commission on student learning shall be made available to the commission on academic achievement or the superintendent of public instruction, as appropriate.

(3) The transfer of the powers, duties, functions, and personnel of the commission on student learning shall not affect the validity of any act performed before the effective date of this section.

## **PART 6 MISCELLANEOUS**

**NEW SECTION. Sec. 601.** CONSOLIDATED PLANNING. The superintendent of public instruction, in consultation with school district personnel, shall consolidate and streamline the planning, application, and reporting requirements for major state and federal categorical and grant programs. The superintendent also shall take actions to increase the use of online electronic applications and reporting.

**NEW SECTION. Sec. 602.** SLIGS. RCW 28A.300.138 (Student learning improvement grants) and 1994 c 245 s 1 & 1993 c 336 s 301 are each repealed.

**NEW SECTION. Sec. 603.** REPEALERS. The following acts or parts of acts are each repealed:

- (1). 1998 c 225 s 3 (uncodified);
- (2). 1995 c 209 s 3 (uncodified); and
- (3). 1995 c 209 s 2 & 1992 c 141 s 203 (uncodified).

**NEW SECTION. Sec. 604.** PART HEADINGS AND SECTION CAPTIONS NOT LAW. Part headings and section captions used in this act are not any part of the law.

**NEW SECTION. Sec. 605.** NEW ACCOUNTABILITY CHAPTER CREATED. Sections 101 through 104, 302, 401, 402, 501, and 502 of this act constitute a new chapter in Title 28A RCW.

**NEW SECTION. Sec. 606.** RECODIFICATIONS. RCW 28A.630.887, 28A.630.889, 28A.320.205, 28A.630.885, 28A.630.883, 28A.630.945, 28A.630.950, 28A.630.951, 28A.630.952, 28A.630.953, and 28A.630.954 are each recodified as new sections in the chapter created in section 605 of this act.

**NEW SECTION. Sec. 607.** EMERGENCY CLAUSE. Sections 101, 502, and 603 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately.

**NEW SECTION. Sec. 608.** SEVERABILITY CLAUSE. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "assistance;" strike the remainder of the title and insert "amending RCW 28A.630.887, 28A.630.889, 28A.320.205, and 28A.300.130; adding a new chapter to Title 28A RCW; creating new sections; recodifying RCW 28A.630.887, 28A.630.889, 28A.320.205, 28A.630.885, 28A.630.883, 28A.630.945, 28A.630.950, 28A.630.951, 28A.630.952, 28A.630.953, and 28A.630.954; repealing RCW 28A.300.138; repealing 1998 c 225 s 3 (uncodified); repealing 1995 c 209 s 3 (uncodified); repealing 1995 c 209 s 2 and 1992 c 141 s 203 (uncodified); and declaring an emergency."

and the same are herewith transmitted.

Tony M. Cook, Secretary



There being no objection, the House refused to concur in the Senate Amendment(s) to Second Substitute House Bill No. 1462 and asked the Senate to recede therefrom.

### SENATE AMENDMENTS TO HOUSE BILL

April 14, 1999

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1544 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9.94A.040 and 1997 c 365 s 2 and 1997 c 338 s 3 are each reenacted and amended to read as follows:

- (1) A sentencing guidelines commission is established as an agency of state government.
- (2) The legislature finds that the commission, having accomplished its original statutory directive to implement this chapter, and having expertise in sentencing practice and policies, shall:
  - (a) Evaluate state sentencing policy, to include whether the sentencing ranges and standards are consistent with and further:
    - (i) The purposes of this chapter as defined in RCW 9.94A.010; and
    - (ii) The intent of the legislature to emphasize confinement for the violent offender and alternatives to confinement for the nonviolent offender.

The commission shall provide the governor and the legislature with its evaluation and recommendations under this subsection not later than December 1, 1996, and every two years thereafter;

(b) Recommend to the legislature revisions or modifications to the standard sentence ranges, state sentencing policy, prosecuting standards, and other standards. If implementation of the revisions or modifications would result in exceeding the capacity of correctional facilities, then the commission shall accompany its recommendation with an additional list of standard sentence ranges which are consistent with correction capacity;

(c) Study the existing criminal code and from time to time make recommendations to the legislature for modification;

(d)(i) Serve as a clearinghouse and information center for the collection, preparation, analysis, and dissemination of information on state and local adult and juvenile sentencing practices; (ii) develop and maintain a computerized adult and juvenile sentencing information system by individual superior court judge consisting of offender, offense, history, and sentence information entered from judgment and sentence forms for all adult felons; and (iii) conduct ongoing research regarding adult and juvenile sentencing guidelines, use of total confinement and alternatives to total confinement, plea bargaining, and other matters relating to the improvement of the adult criminal justice system and the juvenile justice system;

(e) Assume the powers and duties of the juvenile disposition standards commission after June 30, 1996;

(f) Evaluate the effectiveness of existing disposition standards and related statutes in implementing policies set forth in RCW 13.40.010 generally, specifically review the guidelines relating to the confinement of minor and first offenders as well as the use of diversion, and review the application of current and proposed juvenile sentencing standards and guidelines for potential adverse impacts on the sentencing outcomes of racial and ethnic minority youth;

(g) Solicit the comments and suggestions of the juvenile justice community concerning disposition standards, and make recommendations to the legislature regarding revisions or modifications of the standards. The evaluations shall be submitted to the legislature on December 1 of each odd-numbered year. The department of social and health services shall provide the commission with available data concerning the implementation of the disposition standards and related statutes and their effect on the performance of the department's responsibilities relating to juvenile offenders, and with recommendations for modification of the disposition standards. The office of the administrator for

the courts shall provide the commission with available data on diversion and dispositions of juvenile offenders under chapter 13.40 RCW; and

(h) Not later than December 1, 1997, and at least every two years thereafter, based on available information, report to the governor and the legislature on:

- (i) Racial disproportionality in juvenile and adult sentencing;
- (ii) The capacity of state and local juvenile and adult facilities and resources; and
- (iii) Recidivism information on adult and juvenile offenders.

(3) Each of the commission's recommended standard sentence ranges shall include one or more of the following: Total confinement, partial confinement, community supervision, community service, and a fine.

(4) The standard sentence ranges of total and partial confinement under this chapter are subject to the following limitations:

(a) If the maximum term in the range is one year or less, the minimum term in the range shall be no less than one-third of the maximum term in the range, except that if the maximum term in the range is ninety days or less, the minimum term may be less than one-third of the maximum;

(b) If the maximum term in the range is greater than one year, the minimum term in the range shall be no less than seventy-five percent of the maximum term in the range, except that for murder in the second degree in seriousness (~~category XIII~~) level XIV under RCW 9.94A.310, the minimum term in the range shall be no less than fifty percent of the maximum term in the range; and

(c) The maximum term of confinement in a range may not exceed the statutory maximum for the crime as provided in RCW 9A.20.021.

(5) The commission shall exercise its duties under this section in conformity with chapter 34.05 RCW.

**Sec. 2.** RCW 9.94A.310 and 1998 c 235 s 1 and 1998 c 211 s 3 are each reenacted and amended to read as follows:

(1) TABLE 1

Sentencing Grid

SERIOUSNESS

~~((SCORE))~~

LEVEL OFFENDER SCORE

0 1 2 3 4 5 6 7 8 more

9 or

~~((XV))~~

XVI Life Sentence without Parole/Death Penalty

~~((XIV))~~

XV 23y4m 24y4m 25y4m 26y4m 27y4m 28y4m 30y4m 32y10m 36y 40y

240- 250- 261- 271- 281- 291- 312- 338- 370- 411-

320 333 347 361 374 388 416 450 493 548

~~((XIII))~~

XIV 14y4m 15y4m 16y2m 17y 17y11m 18y9m 20y5m 22y2m 25y7m 29y

123- 134- 144- 154- 165- 175- 195- 216- 257- 298-

220 234 244 254 265 275 295 316 357 397

XIII 12y 13y 14y 15y 16y 17y 19y 21y 25y 29y

123- 134- 144- 154- 165- 175- 195- 216- 257- 298-  
164 178 192 205 219 233 260 288 342 397

XII 9y 9y11m 10y9m 11y8m 12y6m 13y5m 15y9m 17y3m 20y3m 23y3m  
93- 102- 111- 120- 129- 138- 162- 178- 209- 240-  
123 136 147 160 171 184 216 236 277 318

XI 7y6m 8y4m 9y2m 9y11m 10y9m 11y7m 14y2m 15y5m 17y11m 20y5m  
78- 86- 95- 102- 111- 120- 146- 159- 185- 210-  
102 114 125 136 147 158 194 211 245 280

X 5y 5y6m 6y 6y6m 7y 7y6m 9y6m 10y6m 12y6m 14y6m  
51- 57- 62- 67- 72- 77- 98- 108- 129- 149-  
68 75 82 89 96 102 130 144 171 198

IX 3y 3y6m 4y 4y6m 5y 5y6m 7y6m 8y6m 10y6m 12y6m  
31- 36- 41- 46- 51- 57- 77- 87- 108- 129-  
41 48 54 61 68 75 102 116 144 171

VIII 2y 2y6m 3y 3y6m 4y 4y6m 6y6m 7y6m 8y6m 10y6m  
21- 26- 31- 36- 41- 46- 67- 77- 87- 108-  
27 34 41 48 54 61 89 102 116 144

VII 18m 2y 2y6m 3y 3y6m 4y 5y6m 6y6m 7y6m 8y6m  
15- 21- 26- 31- 36- 41- 57- 67- 77- 87-  
20 27 34 41 48 54 75 89 102 116

VI 13m 18m 2y 2y6m 3y 3y6m 4y6m 5y6m 6y6m 7y6m  
12+ - 15- 21- 26- 31- 36- 46- 57- 67- 77-  
14 20 27 34 41 48 61 75 89 102

V 9m 13m 15m 18m 2y2m 3y2m 4y 5y 6y 7y  
6- 12+ - 13- 15- 22- 33- 41- 51- 62- 72-  
12 14 17 20 29 43 54 68 82 96

IV 6m 9m 13m 15m 18m 2y2m 3y2m 4y2m 5y2m 6y2m  
3- 6- 12+ - 13- 15- 22- 33- 43- 53- 63-  
9 12 14 17 20 29 43 57 70 84

III 2m 5m 8m 11m 14m 20m 2y2m 3y2m 4y2m 5y  
1- 3- 4- 9- 12+ - 17- 22- 33- 43- 51-  
3 8 12 12 16 22 29 43 57 68

II 4m 6m 8m 13m 16m 20m 2y2m 3y2m 4y2m  
0-90 2- 3- 4- 12+ - 14- 17- 22- 33- 43-  
Days 6 9 12 14 18 22 29 43 57

I 3m 4m 5m 8m 13m 16m 20m 2y2m  
0-60 0-90 2- 2- 3- 4- 12+ - 14- 17- 22-  
Days Days 5 6 8 12 14 18 22 29

NOTE: Numbers in the first horizontal row of each seriousness category represent sentencing midpoints in years(y) and months(m). Numbers in the second and third rows represent presumptive sentencing ranges in months, or in days if so designated. 12+ equals one year and one day.

(2) For persons convicted of the anticipatory offenses of criminal attempt, solicitation, or conspiracy under chapter 9A.28 RCW, the presumptive sentence is determined by locating the sentencing grid sentence range defined by the appropriate offender score and the seriousness level of the completed crime, and multiplying the range by 75 percent.

(3) The following additional times shall be added to the presumptive sentence for felony crimes committed after July 23, 1995, if the offender or an accomplice was armed with a firearm as defined in RCW 9.41.010 and the offender is being sentenced for one of the crimes listed in this subsection as eligible for any firearm enhancements based on the classification of the completed felony crime. If the offender is being sentenced for more than one offense, the firearm enhancement or enhancements must be added to the total period of confinement for all offenses, regardless of which underlying offense is subject to a firearm enhancement. If the offender or an accomplice was armed with a firearm as defined in RCW 9.41.010 and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection as eligible for any firearm enhancements, the following additional times shall be added to the presumptive sentence determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(a) Five years for any felony defined under any law as a class A felony or with a maximum sentence of at least twenty years, or both, and not covered under (f) of this subsection.

(b) Three years for any felony defined under any law as a class B felony or with a maximum sentence of ten years, or both, and not covered under (f) of this subsection.

(c) Eighteen months for any felony defined under any law as a class C felony or with a maximum sentence of five years, or both, and not covered under (f) of this subsection.

(d) If the offender is being sentenced for any firearm enhancements under (a), (b), and/or (c) of this subsection and the offender has previously been sentenced for any deadly weapon enhancements after July 23, 1995, under (a), (b), and/or (c) of this subsection or subsection (4)(a), (b), and/or (c) of this section, or both, any and all firearm enhancements under this subsection shall be twice the amount of the enhancement listed.

(e) Notwithstanding any other provision of law, any and all firearm enhancements under this section are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other firearm or deadly weapon enhancements, for all offenses sentenced under this chapter.

(f) The firearm enhancements in this section shall apply to all felony crimes except the following: Possession of a machine gun, possessing a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, and use of a machine gun in a felony.

(g) If the presumptive sentence under this section exceeds the statutory maximum for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender as defined in RCW 9.94A.030. If the addition of a firearm enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced.

(4) The following additional times shall be added to the presumptive sentence for felony crimes committed after July 23, 1995, if the offender or an accomplice was armed with a deadly weapon as defined in this chapter other than a firearm as defined in RCW 9A.41.010 and the offender is being sentenced for one of the crimes listed in this subsection as eligible for any deadly weapon enhancements based on the classification of the completed felony crime. If the offender is being sentenced for more than one offense, the deadly weapon enhancement or enhancements must be added to the total period of confinement for all offenses, regardless of which underlying offense is subject to a deadly weapon enhancement. If the offender or an accomplice was armed with a deadly weapon other than a firearm as defined in RCW 9A.41.010 and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection as eligible for any deadly weapon enhancements, the following additional times shall be added to the presumptive sentence determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(a) Two years for any felony defined under any law as a class A felony or with a maximum sentence of at least twenty years, or both, and not covered under (f) of this subsection.

(b) One year for any felony defined under any law as a class B felony or with a maximum sentence of ten years, or both, and not covered under (f) of this subsection.

(c) Six months for any felony defined under any law as a class C felony or with a maximum sentence of five years, or both, and not covered under (f) of this subsection.

(d) If the offender is being sentenced under (a), (b), and/or (c) of this subsection for any deadly weapon enhancements and the offender has previously been sentenced for any deadly weapon enhancements after July 23, 1995, under (a), (b), and/or (c) of this subsection or subsection (3)(a), (b), and/or (c) of this section, or both, any and all deadly weapon enhancements under this subsection shall be twice the amount of the enhancement listed.

(e) Notwithstanding any other provision of law, any and all deadly weapon enhancements under this section are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other firearm or deadly weapon enhancements, for all offenses sentenced under this chapter.

(f) The deadly weapon enhancements in this section shall apply to all felony crimes except the following: Possession of a machine gun, possessing a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, and use of a machine gun in a felony.

(g) If the presumptive sentence under this section exceeds the statutory maximum for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender as defined in RCW 9.94A.030. If the addition of a deadly weapon enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced.

(5) The following additional times shall be added to the presumptive sentence if the offender or an accomplice committed the offense while in a county jail or state correctional facility as that term is defined in this chapter and the offender is being sentenced for one of the crimes listed in this subsection. If the offender or an accomplice committed one of the crimes listed in this subsection while in a county jail or state correctional facility as that term is defined in this chapter, and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection, the following additional times shall be added to the presumptive sentence determined under subsection (2) of this section:

(a) Eighteen months for offenses committed under RCW 69.50.401(a)(1) (i) or (ii) or 69.50.410;

(b) Fifteen months for offenses committed under RCW 69.50.401(a)(1) (iii), (iv), and (v);

(c) Twelve months for offenses committed under RCW 69.50.401(d).

For the purposes of this subsection, all of the real property of a state correctional facility or county jail shall be deemed to be part of that facility or county jail.

(6) An additional twenty-four months shall be added to the presumptive sentence for any ranked offense involving a violation of chapter 69.50 RCW if the offense was also a violation of RCW 69.50.435.

(7) An additional two years shall be added to the presumptive sentence for vehicular homicide committed while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502 for each prior offense as defined in RCW 46.61.5055.

**Sec. 3.** RCW 9.94A.320 and 1998 c 290 s 4, 1998 c 219 s 4, 1998 c 82 s 1, and 1998 c 78 s 1 are each reenacted and amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

~~((XV))~~

XVI Aggravated Murder 1 (RCW 10.95.020)

~~((XIV))~~

XV Murder 1 (RCW 9A.32.030)  
Homicide by abuse (RCW 9A.32.055)  
Malicious explosion 1 (RCW 70.74.280(1))

~~((XIII))~~

XIV Murder 2 (RCW 9A.32.050)  
XIII Malicious explosion 2 (RCW 70.74.280(2))  
Malicious placement of an explosive 1 (RCW 70.74.270(1))

XII Assault 1 (RCW 9A.36.011)  
Assault of a Child 1 (RCW 9A.36.120)  
Rape 1 (RCW 9A.44.040)  
Rape of a Child 1 (RCW 9A.44.073)  
Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a))

XI Rape 2 (RCW 9A.44.050)  
Rape of a Child 2 (RCW 9A.44.076)  
Manslaughter 1 (RCW 9A.32.060)

X Kidnapping 1 (RCW 9A.40.020)  
Child Molestation 1 (RCW 9A.44.083)  
Malicious explosion 3 (RCW 70.74.280(3))  
Over 18 and deliver heroin, methamphetamine, a narcotic from Schedule I or II, or flunitrazepam from Schedule IV to someone under 18 (RCW 69.50.406)  
Leading Organized Crime (RCW 9A.82.060(1)(a))  
Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))  
Manufacture of methamphetamine (RCW 69.50.401(a)(1)(ii))

IX Assault of a Child 2 (RCW 9A.36.130)  
Robbery 1 (RCW 9A.56.200)  
Explosive devices prohibited (RCW 70.74.180)  
Malicious placement of an explosive 2 (RCW 70.74.270(2))  
Over 18 and deliver narcotic from Schedule III, IV, or V or a nonnarcotic, except flunitrazepam or methamphetamine, from Schedule I-V to someone under 18 and 3 years junior (RCW 69.50.406)

Controlled Substance Homicide (RCW 69.50.415)  
Sexual Exploitation (RCW 9.68A.040)  
Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))  
Vehicular Homicide, by being under the influence of  
intoxicating liquor or any drug (RCW 46.61.520)  
Homicide by Watercraft, by being under the influence of  
intoxicating liquor or any drug (RCW 88.12.029)

VIII Arson 1 (RCW 9A.48.020)

Promoting Prostitution 1 (RCW 9A.88.070)  
Selling for profit (controlled or counterfeit) any controlled  
substance (RCW 69.50.410)  
Manufacture, deliver, or possess with intent to deliver heroin  
or cocaine (RCW 69.50.401(a)(1)(i))  
Deliver or possess with intent to deliver methamphetamine  
(RCW 69.50.401(a)(1)(ii))  
Manufacture, deliver, or possess with intent to deliver  
amphetamine (RCW 69.50.401(a)(1)(ii))  
Possession of ephedrine or pseudoephedrine with intent to  
manufacture methamphetamine (RCW 69.50.440)  
Vehicular Homicide, by the operation of any vehicle in a  
reckless manner (RCW 46.61.520)  
Homicide by Watercraft, by the operation of any vessel in a  
reckless manner (RCW 88.12.029)  
Manslaughter 2 (RCW 9A.32.070)

VII Burglary 1 (RCW 9A.52.020)

Vehicular Homicide, by disregard for the safety of others  
(RCW 46.61.520)  
Homicide by Watercraft, by disregard for the safety of others  
(RCW 88.12.029)  
Introducing Contraband 1 (RCW 9A.76.140)  
Indecent Liberties (without forcible compulsion) (RCW  
9A.44.100(1) (b) and (c))  
Child Molestation 2 (RCW 9A.44.086)  
Dealing in depictions of minor engaged in sexually explicit  
conduct (RCW 9.68A.050)  
Sending, bringing into state depictions of minor engaged in  
sexually explicit conduct (RCW 9.68A.060)  
Involving a minor in drug dealing (RCW 69.50.401(f))  
Drive-by Shooting (RCW 9A.36.045)  
Unlawful Possession of a Firearm in the first degree (RCW  
9.41.040(1)(a))  
Malicious placement of an explosive 3 (RCW 70.74.270(3))  
Use of a Machine Gun in Commission of a Felony (RCW  
9.41.225)

VI Bribery (RCW 9A.68.010)

Rape of a Child 3 (RCW 9A.44.079)  
Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)  
Malicious placement of an imitation device 2 (RCW  
70.74.272(1)(b))  
Incest 1 (RCW 9A.64.020(1))

Manufacture, deliver, or possess with intent to deliver narcotics from Schedule I or II (except heroin or cocaine) or flunitrazepam from Schedule IV (RCW 69.50.401(a)(1)(i))  
Intimidating a Judge (RCW 9A.72.160)  
Bail Jumping with Murder 1 (RCW 9A.76.170(2)(a))  
Theft of a Firearm (RCW 9A.56.300)

V Persistent prison misbehavior (RCW 9.94.070)  
Criminal Mistreatment 1 (RCW 9A.42.020)  
Abandonment of dependent person 1 (RCW 9A.42.060)  
Rape 3 (RCW 9A.44.060)  
Sexual Misconduct with a Minor 1 (RCW 9A.44.093)  
Child Molestation 3 (RCW 9A.44.089)  
Kidnapping 2 (RCW 9A.40.030)  
Extortion 1 (RCW 9A.56.120)  
Incest 2 (RCW 9A.64.020(2))  
Perjury 1 (RCW 9A.72.020)  
Extortionate Extension of Credit (RCW 9A.82.020)  
Advancing money or property for extortionate extension of credit (RCW 9A.82.030)  
Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)  
Rendering Criminal Assistance 1 (RCW 9A.76.070)  
Bail Jumping with class A Felony (RCW 9A.76.170(2)(b))  
Sexually Violating Human Remains (RCW 9A.44.105)  
Delivery of imitation controlled substance by person eighteen or over to person under eighteen (RCW 69.52.030(2))  
Possession of a Stolen Firearm (RCW 9A.56.310)  
On and after July 1, 2000: Stalking (RCW 9A.46.110)  
On and after July 1, 2000: No-Contact Order Violation: Domestic Violence Pretrial Condition (RCW 10.99.040(4) (b) and (c))  
On and after July 1, 2000: No-Contact Order Violation: Domestic Violence Sentence Condition (RCW 10.99.050(2))  
On and after July 1, 2000: Protection Order Violation: Domestic Violence Civil Action (RCW 26.50.110 (4) and (5))

IV Residential Burglary (RCW 9A.52.025)  
Theft of Livestock 1 (RCW 9A.56.080)  
Robbery 2 (RCW 9A.56.210)  
Assault 2 (RCW 9A.36.021)  
Escape 1 (RCW 9A.76.110)  
Arson 2 (RCW 9A.48.030)  
Commercial Bribery (RCW 9A.68.060)  
Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)  
Malicious Harassment (RCW 9A.36.080)  
Threats to Bomb (RCW 9.61.160)  
Willful Failure to Return from Furlough (RCW 72.66.060)  
Hit and Run--Injury Accident (RCW 46.52.020(4))  
Hit and Run with Vessel--Injury Accident (RCW 88.12.155(3))



Vehicular Assault (RCW 46.61.522)  
Assault by Watercraft (RCW 88.12.032)  
Manufacture, deliver, or possess with intent to deliver narcotics from Schedule III, IV, or V or nonnarcotics from Schedule I-V (except marijuana, amphetamine, methamphetamines, or flunitrazepam) (RCW 69.50.401(a)(1) (iii) through (v))  
Influencing Outcome of Sporting Event (RCW 9A.82.070)  
Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))  
Knowingly Trafficking in Stolen Property (RCW 9A.82.050(2))  
Indecent Exposure to Person Under Age Fourteen (subsequent sex offense) (RCW 9A.88.010)

III Criminal Gang Intimidation (RCW 9A.46.120)  
Criminal Mistreatment 2 (RCW 9A.42.030)  
Abandonment of dependent person 2 (RCW 9A.42.070)  
Extortion 2 (RCW 9A.56.130)  
Unlawful Imprisonment (RCW 9A.40.040)  
Assault 3 (RCW 9A.36.031)  
Assault of a Child 3 (RCW 9A.36.140)  
Custodial Assault (RCW 9A.36.100)  
Unlawful possession of firearm in the second degree (RCW 9.41.040(1)(b))  
Harassment (RCW 9A.46.020)  
Promoting Prostitution 2 (RCW 9A.88.080)  
Willful Failure to Return from Work Release (RCW 72.65.070)  
Burglary 2 (RCW 9A.52.030)  
Introducing Contraband 2 (RCW 9A.76.150)  
Communication with a Minor for Immoral Purposes (RCW 9.68A.090)  
Patronizing a Juvenile Prostitute (RCW 9.68A.100)  
Escape 2 (RCW 9A.76.120)  
Perjury 2 (RCW 9A.72.030)  
Bail Jumping with class B or C Felony (RCW 9A.76.170(2)(c))  
Intimidating a Public Servant (RCW 9A.76.180)  
Tampering with a Witness (RCW 9A.72.120)  
Manufacture, deliver, or possess with intent to deliver marijuana (RCW 69.50.401(a)(1)(iii))  
Delivery of a material in lieu of a controlled substance (RCW 69.50.401(c))  
Manufacture, distribute, or possess with intent to distribute an imitation controlled substance (RCW 69.52.030(1))  
Recklessly Trafficking in Stolen Property (RCW 9A.82.050(1))  
Theft of livestock 2 (RCW 9A.56.080)  
Securities Act violation (RCW 21.20.400)  
Maintaining a Dwelling or Place for Controlled Substances (RCW 69.50.402(a)(6))  
Malicious Injury to Railroad Property (RCW 81.60.070)  
Possession of Incendiary Device (RCW 9.40.120)  
Possession of Machine Gun or Short-Barreled Shotgun or Rifle (RCW 9.41.190)

Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230)

Unlawful Use of Building for Drug Purposes (RCW 69.53.010)

II Unlawful Practice of Law (RCW 2.48.180)

Malicious Mischief 1 (RCW 9A.48.070)

Possession of Stolen Property 1 (RCW 9A.56.150)

Theft 1 (RCW 9A.56.030)

~~((Class B Felony))~~ Theft of Rental, Leased, or Lease-purchased Property (valued at one thousand five hundred dollars or more) (RCW 9A.56.096(4))

Trafficking in Insurance Claims (RCW 48.30A.015)

Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))

Health Care False Claims (RCW 48.80.030)

Possession of controlled substance that is either heroin or narcotics from Schedule I or II or flunitrazepam from Schedule IV (RCW 69.50.401(d))

Possession of phencyclidine (PCP) (RCW 69.50.401(d))

Create, deliver, or possess a counterfeit controlled substance (RCW 69.50.401(b))

Computer Trespass 1 (RCW 9A.52.110)

Escape from Community Custody (RCW 72.09.310)

I Theft 2 (RCW 9A.56.040)

~~((Class C Felony))~~ Theft of Rental, Leased, or Lease-purchased Property (valued at two hundred fifty dollars or more but less than one thousand five hundred dollars) (RCW 9A.56.096(4))

Possession of Stolen Property 2 (RCW 9A.56.160)

Forgery (RCW 9A.60.020)

Taking Motor Vehicle Without Permission (RCW 9A.56.070)

Vehicle Prowl 1 (RCW 9A.52.095)

Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)

Malicious Mischief 2 (RCW 9A.48.080)

Reckless Burning 1 (RCW 9A.48.040)

Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)

Unlawful Use of Food Stamps (RCW 9.91.140 (2) and (3))

False Verification for Welfare (RCW 74.08.055)

Forged Prescription (RCW 69.41.020)

Forged Prescription for a Controlled Substance (RCW 69.50.403)

Possess Controlled Substance that is a Narcotic from Schedule III, IV, or V or Non-narcotic from Schedule I-V (except phencyclidine or flunitrazepam) (RCW 69.50.401(d))

**Sec. 4.** RCW 81.60.070 and 1992 c 7 s 60 are each amended to read as follows:

Every person who, in such manner as might, if not discovered, endanger the safety of any engine, motor, car or train, or any person thereon, shall in any manner interfere or tamper with or obstruct any switch, frog, rail, roadbed, sleeper, viaduct, bridge, trestle, culvert, embankment, structure, or appliance pertaining to or connected with any railway, or any train, engine, motor, or car on such railway, and every person who shall discharge any firearm or throw any dangerous missile at

any train, engine, motor, or car on any railway, shall be punished by imprisonment in a state correctional facility for not more than ((~~twenty-five~~)) ten years.

**Sec. 5.** RCW 9.40.120 and 1971 ex.s. c 302 s 4 are each amended to read as follows:

Every person who possesses, manufactures, or disposes of an incendiary device knowing it to be such is guilty of a felony, and upon conviction, shall be punished by imprisonment in a state prison for a term of not more than ((~~twenty-five~~)) ten years.

**NEW SECTION. Sec. 6.** The code reviser shall alphabetize the offenses within each seriousness level in RCW 9.94A.320, including any offenses added in the 1999 legislative session.

**NEW SECTION. Sec. 7.** The amendments made by sections 3 through 5 of this act shall apply to offenses committed on or after the effective date of this act except that the amendments made by this act to seriousness level V in RCW 9.94A.320 shall apply to offenses committed on or after July 1, 2000.

**Sec. 8.** RCW 9.94A.030 and 1998 c 290 s 3 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Collect," or any derivative thereof, "collect and remit," or "collect and deliver," when used with reference to the department of corrections, means that the department is responsible for monitoring and enforcing the offender's sentence with regard to the legal financial obligation, receiving payment thereof from the offender, and, consistent with current law, delivering daily the entire payment to the superior court clerk without depositing it in a departmental account.

(2) "Commission" means the sentencing guidelines commission.

(3) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

(4) "Community custody" means that portion of an inmate's sentence of confinement in lieu of earned early release time or imposed pursuant to RCW 9.94A.120 (6), (8), or (10) served in the community subject to controls placed on the inmate's movement and activities by the department of corrections.

(5) "Community placement" means that period during which the offender is subject to the conditions of community custody and/or postrelease supervision, which begins either upon completion of the term of confinement (postrelease supervision) or at such time as the offender is transferred to community custody in lieu of earned early release. Community placement may consist of entirely community custody, entirely postrelease supervision, or a combination of the two.

(6) "Community service" means compulsory service, without compensation, performed for the benefit of the community by the offender.

(7) "Community supervision" means a period of time during which a convicted offender is subject to crime-related prohibitions and other sentence conditions imposed by a court pursuant to this chapter or RCW 16.52.200(6) or 46.61.524. For first-time offenders, the supervision may include crime-related prohibitions and other conditions imposed pursuant to RCW 9.94A.120(5). For purposes of the interstate compact for out-of-state supervision of parolees and probationers, RCW 9.95.270, community supervision is the functional equivalent of probation and should be considered the same as probation by other states.

(8) "Confinement" means total or partial confinement as defined in this section.

(9) "Conviction" means an adjudication of guilt pursuant to Titles 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

(10) "Court-ordered legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington for legal financial obligations which may include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony

conviction. Upon conviction for vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal financial obligations may also include payment to a public agency of the expense of an emergency response to the incident resulting in the conviction, subject to the provisions in RCW 38.52.430.

(11) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct. However, affirmative acts necessary to monitor compliance with the order of a court may be required by the department.

(12) "Criminal history" means the list of a defendant's prior convictions and juvenile adjudications, whether in this state, in federal court, or elsewhere. The history shall include, where known, for each conviction (a) whether the defendant has been placed on probation and the length and terms thereof; and (b) whether the defendant has been incarcerated and the length of incarceration.

(13) "Day fine" means a fine imposed by the sentencing judge that equals the difference between the offender's net daily income and the reasonable obligations that the offender has for the support of the offender and any dependents.

(14) "Day reporting" means a program of enhanced supervision designed to monitor the defendant's daily activities and compliance with sentence conditions, and in which the defendant is required to report daily to a specific location designated by the department or the sentencing judge.

(15) "Department" means the department of corrections.

(16) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community supervision, the number of actual hours or days of community service work, or dollars or terms of a legal financial obligation. The fact that an offender through "earned early release" can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

(17) "Disposable earnings" means that part of the earnings of an individual remaining after the deduction from those earnings of any amount required by law to be withheld. For the purposes of this definition, "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonuses, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy a court-ordered legal financial obligation, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

(18) "Drug offense" means:

(a) Any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.401(d)) or forged prescription for a controlled substance (RCW 69.50.403);

(b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or

(c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection.

(19) "Escape" means:

(a) Escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), willful failure to return from work release (RCW 72.65.070), or willful failure to be available for supervision by the department while in community custody (RCW 72.09.310); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection.

(20) "Felony traffic offense" means:

(a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), or felony hit-and-run injury-accident (RCW 46.52.020(4)); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection.

(21) "Fines" means the requirement that the offender pay a specific sum of money over a specific period of time to the court.

(22) "First-time offender" means any person who is convicted of a felony (a) not classified as a violent offense or a sex offense under this chapter, or (b) that is not the manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance classified in Schedule I or II that is a narcotic drug or flunitrazepam classified in Schedule IV, nor the manufacture, delivery, or possession with intent to deliver methamphetamine, its salts, isomers, and salts of its isomers as defined in RCW 69.50.206(d)(2), nor the selling for profit of any controlled substance or counterfeit substance classified in Schedule I, RCW 69.50.204, except leaves and flowering tops of marihuana, who previously has never been convicted of a felony in this state, federal court, or another state, and who has never participated in a program of deferred prosecution for a felony offense.

(23) "Most serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies, as now existing or hereafter amended:

(a) Any felony defined under any law as a class A felony or criminal solicitation of or criminal conspiracy to commit a class A felony;

(b) Assault in the second degree;

(c) Assault of a child in the second degree;

(d) Child molestation in the second degree;

(e) Controlled substance homicide;

(f) Extortion in the first degree;

(g) Incest when committed against a child under age fourteen;

(h) Indecent liberties;

(i) Kidnapping in the second degree;

(j) Leading organized crime;

(k) Manslaughter in the first degree;

(l) Manslaughter in the second degree;

(m) Promoting prostitution in the first degree;

(n) Rape in the third degree;

(o) Robbery in the second degree;

(p) Sexual exploitation;

(q) Vehicular assault;

(r) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(s) Any other class B felony offense with a finding of sexual motivation, as "sexual motivation" is defined under this section;

(t) Any other felony with a deadly weapon verdict under RCW 9.94A.125;

(u) Any felony offense in effect at any time prior to December 2, 1993, that is comparable to a most serious offense under this subsection, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a most serious offense under this subsection;

(v)(i) A prior conviction for indecent liberties under RCW 9A.88.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st ex. sess. as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b), and (c) as it existed from July 1, 1979, until June 11, 1986, and RCW 9A.44.100(1) (a), (b), and (d) as it existed from June 11, 1986, until July 1, 1988;

(ii) A prior conviction for indecent liberties under RCW 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988, if: (A) The crime was committed against a child under the age of fourteen; or (B) the relationship between the victim and perpetrator is included in the definition of indecent liberties under RCW 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27, 1997, or RCW 9A.44.100(1) (d) or (e) as it existed from July 25, 1993, through July 27, 1997.

(24) "Nonviolent offense" means an offense which is not a violent offense.

(25) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case is under superior court jurisdiction under RCW 13.04.030 or has been transferred by the appropriate juvenile court to a

criminal court pursuant to RCW 13.40.110. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.

(26) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention or work crew has been ordered by the court, in an approved residence, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release, home detention, work crew, and a combination of work crew and home detention as defined in this section.

(27) "Persistent offender" is an offender who:

(a)(i) Has been convicted in this state of any felony considered a most serious offense; and

(ii) Has, before the commission of the offense under (a) of this subsection, been convicted as an offender on at least two separate occasions, whether in this state or elsewhere, of felonies that under the laws of this state would be considered most serious offenses and would be included in the offender score under RCW 9.94A.360; provided that of the two or more previous convictions, at least one conviction must have occurred before the commission of any of the other most serious offenses for which the offender was previously convicted; or

(b)(i) Has been convicted of: (A) Rape in the first degree, rape of a child in the first degree, child molestation in the first degree, rape in the second degree, rape of a child in the second degree, or indecent liberties by forcible compulsion; (B) murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, or burglary in the first degree, with a finding of sexual motivation; or (C) an attempt to commit any crime listed in this subsection (27)(b)(i); and

(ii) Has, before the commission of the offense under (b)(i) of this subsection, been convicted as an offender on at least one occasion, whether in this state or elsewhere, of an offense listed in (b)(i) of this subsection. A conviction for rape of a child in the first degree constitutes a conviction under subsection (27)(b)(i) only when the offender was sixteen years of age or older when the offender committed the offense. A conviction for rape of a child in the second degree constitutes a conviction under subsection (27)(b)(i) only when the offender was eighteen years of age or older when the offender committed the offense.

(28) "Postrelease supervision" is that portion of an offender's community placement that is not community custody.

(29) "Restitution" means the requirement that the offender pay a specific sum of money over a specific period of time to the court as payment of damages. The sum may include both public and private costs. The imposition of a restitution order does not preclude civil redress.

(30) "Serious traffic offense" means:

(a) Driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502), actual physical control while under the influence of intoxicating liquor or any drug (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or

(b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.

(31) "Serious violent offense" is a subcategory of violent offense and means:

(a) Murder in the first degree, homicide by abuse, murder in the second degree, manslaughter in the first degree, assault in the first degree, kidnapping in the first degree, or rape in the first degree, assault of a child in the first degree, or an attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

(32) "Sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

(33) "Sex offense" means:

(a) A felony that is a violation of chapter 9A.44 RCW, other than RCW 9A.44.130(10), or RCW 9A.64.020 or 9.68A.090 or a felony that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a sex offense in (a) of this subsection;

(c) A felony with a finding of sexual motivation under RCW 9.94A.127 or 13.40.135; or

~~((e))~~ (d) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection.

(34) "Sexual motivation" means that one of the purposes for which the defendant committed the crime was for the purpose of his or her sexual gratification.

(35) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

(36) "Transition training" means written and verbal instructions and assistance provided by the department to the offender during the two weeks prior to the offender's successful completion of the work ethic camp program. The transition training shall include instructions in the offender's requirements and obligations during the offender's period of community custody.

(37) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged.

(38) "Violent offense" means:

(a) Any of the following felonies, as now existing or hereafter amended: Any felony defined under any law as a class A felony or an attempt to commit a class A felony, criminal solicitation of or criminal conspiracy to commit a class A felony, manslaughter in the first degree, manslaughter in the second degree, indecent liberties if committed by forcible compulsion, kidnapping in the second degree, arson in the second degree, assault in the second degree, assault of a child in the second degree, extortion in the first degree, robbery in the second degree, drive-by shooting, vehicular assault, and vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under (a) or (b) of this subsection.

(39) "Work crew" means a program of partial confinement consisting of civic improvement tasks for the benefit of the community of not less than thirty-five hours per week that complies with RCW 9.94A.135. The civic improvement tasks shall have minimal negative impact on existing private industries or the labor force in the county where the service or labor is performed. The civic improvement tasks shall not affect employment opportunities for people with developmental disabilities contracted through sheltered workshops as defined in RCW 82.04.385. Only those offenders sentenced to a facility operated or utilized under contract by a county or the state are eligible to participate on a work crew. Offenders sentenced for a sex offense as defined in subsection (33) of this section are not eligible for the work crew program.

(40) "Work ethic camp" means an alternative incarceration program designed to reduce recidivism and lower the cost of corrections by requiring offenders to complete a comprehensive array of real-world job and vocational experiences, character-building work ethics training, life management skills development, substance abuse rehabilitation, counseling, literacy training, and basic adult education.

(41) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school. Participation in work release shall be conditioned upon the offender attending work or school at regularly defined hours and abiding by the rules of the work release facility.

(42) "Home detention" means a program of partial confinement available to offenders wherein the offender is confined in a private residence subject to electronic surveillance.

**Sec. 9.** RCW 9A.44.130 and 1998 c 220 s 1 and 1998 c 139 s 1 are each reenacted and amended to read as follows:

(1) Any adult or juvenile residing, or who is a student, is employed, or carries on a vocation in this state who has been found to have committed or has been convicted of any sex offense or kidnapping offense, or who has been found not guilty by reason of insanity under chapter 10.77 RCW of committing any sex offense or kidnapping offense, shall register with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation. Where a person required to register under this section is in custody of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility as a result of a sex offense or kidnapping offense, the person shall also register at the time of release from custody with an official designated by the agency that has jurisdiction over the person. In addition, any such adult or juvenile who is admitted to a public or private institution of higher education shall, within ten days of enrolling or by the first business day after arriving at the institution, whichever is earlier, notify the sheriff for the county of the person's residence of the person's intent to attend the institution. Persons required to register under this section who are enrolled in a public or private institution of higher education on June 11, 1998, must notify the county sheriff immediately. The sheriff shall notify the institution's department of public safety and shall provide that department with the same information provided to a county sheriff under subsection (3) of this section.

(2) This section may not be construed to confer any powers pursuant to RCW 4.24.500 upon the public safety department of any public or private institution of higher education.

(3) The person shall provide the following information when registering: (a) Name; (b) address; (c) date and place of birth; (d) place of employment; (e) crime for which convicted; (f) date and place of conviction; (g) aliases used; (h) social security number; (i) photograph; and (j) fingerprints.

(4)(a) Offenders shall register with the county sheriff within the following deadlines. For purposes of this section the term "conviction" refers to adult convictions and juvenile adjudications for sex offenses or kidnapping offenses:

(i) OFFENDERS IN CUSTODY. (A) Sex offenders who committed a sex offense on, before, or after February 28, 1990, and who, on or after July 28, 1991, are in custody, as a result of that offense, of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility, and (B) kidnapping offenders who on or after July 27, 1997, are in custody of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility, must register at the time of release from custody with an official designated by the agency that has jurisdiction over the offender. The agency shall within three days forward the registration information to the county sheriff for the county of the offender's anticipated residence. The offender must also register within twenty-four hours from the time of release with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation. The agency that has jurisdiction over the offender shall provide notice to the offender of the duty to register. Failure to register at the time of release and within twenty-four hours of release constitutes a violation of this section and is punishable as provided in subsection (9) of this section.

When the agency with jurisdiction intends to release an offender with a duty to register under this section, and the agency has knowledge that the offender is eligible for developmental disability services from the department of social and health services, the agency shall notify the division of developmental disabilities of the release. Notice shall occur not more than thirty days before the offender is to be released. The agency and the division shall assist the offender in meeting the initial registration requirement under this section. Failure to provide such assistance shall not constitute a defense for any violation of this section.

(ii) OFFENDERS NOT IN CUSTODY BUT UNDER STATE OR LOCAL JURISDICTION. Sex offenders who, on July 28, 1991, are not in custody but are under the jurisdiction of the indeterminate sentence review board or under the department of correction's active supervision, as defined by the department of corrections, the state department of social and health services, or a local division of youth services, for sex offenses committed before, on, or after February 28, 1990, must register within ten days of July 28, 1991. Kidnapping offenders who, on July 27, 1997, are not in



custody but are under the jurisdiction of the indeterminate sentence review board or under the department of correction's active supervision, as defined by the department of corrections, the state department of social and health services, or a local division of youth services, for kidnapping offenses committed before, on, or after July 27, 1997, must register within ten days of July 27, 1997. A change in supervision status of a sex offender who was required to register under this subsection (4)(a)(ii) as of July 28, 1991, or a kidnapping offender required to register as of July 27, 1997, shall not relieve the offender of the duty to register or to reregister following a change in residence. The obligation to register shall only cease pursuant to RCW 9A.44.140.

(iii) **OFFENDERS UNDER FEDERAL JURISDICTION.** Sex offenders who, on or after July 23, 1995, and kidnapping offenders who, on or after July 27, 1997, as a result of that offense are in the custody of the United States bureau of prisons or other federal or military correctional agency for sex offenses committed before, on, or after February 28, 1990, or kidnapping offenses committed on, before, or after July 27, 1997, must register within twenty-four hours from the time of release with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation. Sex offenders who, on July 23, 1995, are not in custody but are under the jurisdiction of the United States bureau of prisons, United States courts, United States parole commission, or military parole board for sex offenses committed before, on, or after February 28, 1990, must register within ten days of July 23, 1995. Kidnapping offenders who, on July 27, 1997, are not in custody but are under the jurisdiction of the United States bureau of prisons, United States courts, United States parole commission, or military parole board for kidnapping offenses committed before, on, or after July 27, 1997, must register within ten days of July 27, 1997. A change in supervision status of a sex offender who was required to register under this subsection (4)(a)(iii) as of July 23, 1995, or a kidnapping offender required to register as of July 27, 1997 shall not relieve the offender of the duty to register or to reregister following a change in residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation. The obligation to register shall only cease pursuant to RCW 9A.44.140.

(iv) **OFFENDERS WHO ARE CONVICTED BUT NOT CONFINED.** Sex offenders who are convicted of a sex offense on or after July 28, 1991, for a sex offense that was committed on or after February 28, 1990, and kidnapping offenders who are convicted on or after July 27, 1997, for a kidnapping offense that was committed on or after July 27, 1997, but who are not sentenced to serve a term of confinement immediately upon sentencing, shall report to the county sheriff to register immediately upon completion of being sentenced.

(v) **OFFENDERS WHO ARE NEW RESIDENTS OR RETURNING WASHINGTON RESIDENTS.** Sex offenders and kidnapping offenders who move to Washington state from another state or a foreign country that are not under the jurisdiction of the state department of corrections, the indeterminate sentence review board, or the state department of social and health services at the time of moving to Washington, must register within thirty days of establishing residence or reestablishing residence if the person is a former Washington resident. The duty to register under this subsection applies to sex offenders convicted under the laws of another state or a foreign country, federal or military statutes, or Washington state for offenses committed on or after February 28, 1990, and to kidnapping offenders convicted under the laws of another state or a foreign country, federal or military statutes, or Washington state for offenses committed on or after July 27, 1997. Sex offenders and kidnapping offenders from other states or a foreign country who, when they move to Washington, are under the jurisdiction of the department of corrections, the indeterminate sentence review board, or the department of social and health services must register within twenty-four hours of moving to Washington. The agency that has jurisdiction over the offender shall notify the offender of the registration requirements before the offender moves to Washington.

(vi) **OFFENDERS FOUND NOT GUILTY BY REASON OF INSANITY.** Any adult or juvenile who has been found not guilty by reason of insanity under chapter 10.77 RCW of (A) committing a sex offense on, before, or after February 28, 1990, and who, on or after July 23, 1995, is in custody, as a result of that finding, of the state department of social and health services, or (B) committing a kidnapping offense on, before, or after July 27, 1997, and who on or after July 27, 1997, is in custody, as a result of that finding, of the state department of social and health services, must register within twenty-four hours from the time of release with the county sheriff for the county of the

person's residence. The state department of social and health services shall provide notice to the adult or juvenile in its custody of the duty to register. Any adult or juvenile who has been found not guilty by reason of insanity of committing a sex offense on, before, or after February 28, 1990, but who was released before July 23, 1995, or any adult or juvenile who has been found not guilty by reason of insanity of committing a kidnapping offense but who was released before July 27, 1997, shall be required to register within twenty-four hours of receiving notice of this registration requirement. The state department of social and health services shall make reasonable attempts within available resources to notify sex offenders who were released before July 23, 1995, and kidnapping offenders who were released before July 27, 1997. Failure to register within twenty-four hours of release, or of receiving notice, constitutes a violation of this section and is punishable as provided in subsection (9) of this section.

(b) Failure to register within the time required under this section constitutes a per se violation of this section and is punishable as provided in subsection (9) of this section. The county sheriff shall not be required to determine whether the person is living within the county.

(c) An arrest on charges of failure to register, service of an information, or a complaint for a violation of this section, or arraignment on charges for a violation of this section, constitutes actual notice of the duty to register. Any person charged with the crime of failure to register under this section who asserts as a defense the lack of notice of the duty to register shall register immediately following actual notice of the duty through arrest, service, or arraignment. Failure to register as required under this subsection (4)(c) constitutes grounds for filing another charge of failing to register. Registering following arrest, service, or arraignment on charges shall not relieve the offender from criminal liability for failure to register prior to the filing of the original charge.

(d) The deadlines for the duty to register under this section do not relieve any sex offender of the duty to register under this section as it existed prior to July 28, 1991.

(5)(a) If any person required to register pursuant to this section changes his or her residence address within the same county, the person must send written notice of the change of address to the county sheriff within seventy-two hours of moving. If any person required to register pursuant to this section moves to a new county, the person must send written notice of the change of address at least fourteen days before moving to the county sheriff in the new county of residence and must register with that county sheriff within twenty-four hours of moving. The person must also send written notice within ten days of the change of address in the new county to the county sheriff with whom the person last registered. The county sheriff with whom the person last registered shall promptly forward the information concerning the change of address to the county sheriff for the county of the person's new residence. If any person required to register pursuant to this section moves out of Washington state, the person must also send written notice within ten days of moving to the new state or a foreign country to the county sheriff with whom the person last registered in Washington state. Upon receipt of notice of change of address to a new state, the county sheriff shall promptly forward the information regarding the change of address to the agency designated by the new state as the state's offender registration agency.

(b) It is an affirmative defense to a charge that the person failed to send a notice at least fourteen days in advance of moving as required under (a) of this subsection that the person did not know the location of his or her new residence at least fourteen days before moving. The defendant must establish the defense by a preponderance of the evidence and, to prevail on the defense, must also prove by a preponderance that the defendant sent the required notice within twenty-four hours of determining the new address.

(6) A sex offender subject to registration requirements under this section who applies to change his or her name under RCW 4.24.130 or any other law shall submit a copy of the application to the county sheriff of the county of the person's residence and to the state patrol not fewer than five days before the entry of an order granting the name change. No sex offender under the requirement to register under this section at the time of application shall be granted an order changing his or her name if the court finds that doing so will interfere with legitimate law enforcement interests, except that no order shall be denied when the name change is requested for religious or legitimate cultural reasons or in recognition of marriage or dissolution of marriage. A sex offender under the requirement to register under this section who receives an order changing his or her name shall submit a copy of the order to

the county sheriff of the county of the person's residence and to the state patrol within five days of the entry of the order.

(7) The county sheriff shall obtain a photograph of the individual and shall obtain a copy of the individual's fingerprints.

(8) For the purpose of RCW 9A.44.130, 10.01.200, 43.43.540, 70.48.470, and 72.09.330:

(a) "Sex offense" means any offense defined as a sex offense by RCW 9.94A.030 and any violation of RCW 9.68A.040 (sexual exploitation of a minor), 9.68A.050 (dealing in depictions of minor engaged in sexually explicit conduct), 9.68A.060 (sending, bringing into state depictions of minor engaged in sexually explicit conduct), 9.68A.090 (communication with minor for immoral purposes), 9.68A.100 (patronizing juvenile prostitute), or 9A.44.096 (sexual misconduct with a minor in the second degree), as well as any gross misdemeanor that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit an offense that is classified as a sex offense under RCW 9.94A.030.

(b) "Kidnapping offense" means the crimes of kidnapping in the first degree, kidnapping in the second degree, and unlawful imprisonment as defined in chapter 9A.40 RCW, where the victim is a minor and the offender is not the minor's parent.

(c) "Employed" or "carries on a vocation" means employment that is full-time or part-time for a period of time exceeding fourteen days, or for an aggregate period of time exceeding thirty days during any calendar year. A person is employed or carries on a vocation whether the person's employment is financially compensated, volunteered, or for the purpose of government or educational benefit.

(d) "Student" means a person who is enrolled, on a full-time or part-time basis, in any public or private educational institution. An educational institution includes any secondary school, trade or professional institution, or institution of higher education.

(9) A person who knowingly fails to register with the county sheriff or notify the county sheriff, or who changes his or her name without notifying the county sheriff and the state patrol, as required by this section is guilty of a class C felony if the crime for which the individual was convicted was a felony sex offense as defined in subsection (8)(a) of this section or a federal or out-of-state conviction for an offense that under the laws of this state would be a felony sex offense as defined in subsection (8)(a) of this section. If the crime was other than a felony or a federal or out-of-state conviction for an offense that under the laws of this state would be other than a felony, violation of this section is a gross misdemeanor.

(10) A person who knowingly fails to register or who moves without notifying the county sheriff as required by this section is guilty of a class C felony if the crime for which the individual was convicted was a felony kidnapping offense as defined in subsection (8)(b) of this section or a federal or out-of-state conviction for an offense that under the laws of this state would be a felony kidnapping offense as defined in subsection (8)(b) of this section. If the crime was other than a felony or a federal or out-of-state conviction for an offense that under the laws of this state would be other than a felony, violation of this section is a gross misdemeanor.

**Sec. 10.** RCW 9.94A.360 and 1998 c 211 s 4 are each amended to read as follows:

The offender score is measured on the horizontal axis of the sentencing grid. The offender score rules are as follows:

The offender score is the sum of points accrued under this section rounded down to the nearest whole number.

(1) A prior conviction is a conviction which exists before the date of sentencing for the offense for which the offender score is being computed. Convictions entered or sentenced on the same date as the conviction for which the offender score is being computed shall be deemed "other current offenses" within the meaning of RCW 9.94A.400.

(2) Class A and sex prior felony convictions shall always be included in the offender score. Class B prior felony convictions other than sex offenses shall not be included in the offender score, if since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent ten consecutive years in the community without committing any crime that subsequently results in a conviction. Class

C prior felony convictions other than sex offenses shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent five consecutive years in the community without committing any crime that subsequently results in a conviction. Serious traffic convictions shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender spent five years in the community without committing any crime that subsequently results in a conviction. This subsection applies to both adult and juvenile prior convictions.

(3) Out-of-state convictions for offenses shall be classified according to the comparable offense definitions and sentences provided by Washington law. Federal convictions for offenses shall be classified according to the comparable offense definitions and sentences provided by Washington law. If there is no clearly comparable offense under Washington law or the offense is one that is usually considered subject to exclusive federal jurisdiction, the offense shall be scored as a class C felony equivalent if it was a felony under the relevant federal statute.

(4) Score prior convictions for felony anticipatory offenses (attempts, criminal solicitations, and criminal conspiracies) the same as if they were convictions for completed offenses.

(5)(a) In the case of multiple prior convictions, for the purpose of computing the offender score, count all convictions separately, except:

(i) Prior offenses which were found, under RCW 9.94A.400(1)(a), to encompass the same criminal conduct, shall be counted as one offense, the offense that yields the highest offender score. The current sentencing court shall determine with respect to other prior adult offenses for which sentences were served concurrently or prior juvenile offenses for which sentences were served consecutively, whether those offenses shall be counted as one offense or as separate offenses using the "same criminal conduct" analysis found in RCW 9.94A.400(1)(a), and if the court finds that they shall be counted as one offense, then the offense that yields the highest offender score shall be used. The current sentencing court may presume that such other prior offenses were not the same criminal conduct from sentences imposed on separate dates, or in separate counties or jurisdictions, or in separate complaints, indictments, or informations;

(ii) In the case of multiple prior convictions for offenses committed before July 1, 1986, for the purpose of computing the offender score, count all adult convictions served concurrently as one offense, and count all juvenile convictions entered on the same date as one offense. Use the conviction for the offense that yields the highest offender score.

(b) As used in this subsection (5), "served concurrently" means that: (i) The latter sentence was imposed with specific reference to the former; (ii) the concurrent relationship of the sentences was judicially imposed; and (iii) the concurrent timing of the sentences was not the result of a probation or parole revocation on the former offense.

(6) If the present conviction is one of the anticipatory offenses of criminal attempt, solicitation, or conspiracy, count each prior conviction as if the present conviction were for a completed offense.

(7) If the present conviction is for a nonviolent offense and not covered by subsection (11) or (12) of this section, count one point for each adult prior felony conviction and one point for each juvenile prior violent felony conviction and 1/2 point for each juvenile prior nonviolent felony conviction.

(8) If the present conviction is for a violent offense and not covered in subsection (9), (10), (11), or (12) of this section, count two points for each prior adult and juvenile violent felony conviction, one point for each prior adult nonviolent felony conviction, and 1/2 point for each prior juvenile nonviolent felony conviction.

(9) If the present conviction is for (~~Murder 1 or 2, Assault 1, Assault of a Child 1, Kidnapping 1, Homicide by Abuse, or Rape 1~~) a serious violent offense, count three points for prior adult and juvenile convictions for crimes in (~~these categories~~) this category, two points for each prior adult and juvenile violent conviction (not already counted), one point for each prior adult nonviolent felony conviction, and 1/2 point for each prior juvenile nonviolent felony conviction.

(10) If the present conviction is for Burglary 1, count prior convictions as in subsection (8) of this section; however count two points for each prior adult Burglary 2 or residential burglary conviction, and one point for each prior juvenile Burglary 2 or residential burglary conviction.

(11) If the present conviction is for a felony traffic offense count two points for each adult or juvenile prior conviction for Vehicular Homicide or Vehicular Assault; for each felony offense (~~or serious traffic offense,~~) count one point for each adult and 1/2 point for each juvenile prior conviction(~~(. This subsection shall not apply when additional time is added to a sentence pursuant to RCW 46.61.520(2))~~); for each serious traffic offense, other than those used for an enhancement pursuant to RCW 46.61.520(2), count one point for each adult and 1/2 point for each juvenile prior conviction.

(12) If the present conviction is for a drug offense count three points for each adult prior felony drug offense conviction and two points for each juvenile drug offense. All other adult and juvenile felonies are scored as in subsection (8) of this section if the current drug offense is violent, or as in subsection (7) of this section if the current drug offense is nonviolent.

(13) If the present conviction is for Willful Failure to Return from Furlough, RCW 72.66.060, Willful Failure to Return from Work Release, RCW 72.65.070, or Escape from Community Custody, RCW 72.09.310, count only prior escape convictions in the offender score. Count adult prior escape convictions as one point and juvenile prior escape convictions as 1/2 point.

(14) If the present conviction is for Escape 1, RCW 9A.76.110, or Escape 2, RCW 9A.76.120, count adult prior convictions as one point and juvenile prior convictions as 1/2 point.

(15) If the present conviction is for Burglary 2 or residential burglary, count priors as in subsection (7) of this section; however, count two points for each adult and juvenile prior Burglary 1 conviction, two points for each adult prior Burglary 2 or residential burglary conviction, and one point for each juvenile prior Burglary 2 or residential burglary conviction.

(16) If the present conviction is for a sex offense, count priors as in subsections (7) through (15) of this section; however count three points for each adult and juvenile prior sex offense conviction.

(17) If the present conviction is for an offense committed while the offender was under community placement, add one point.

**Sec. 11.** RCW 9.94A.400 and 1998 c 235 s 2 are each amended to read as follows:

(1)(a) Except as provided in (b) or (c) of this subsection, whenever a person is to be sentenced for two or more current offenses, the sentence range for each current offense shall be determined by using all other current and prior convictions as if they were prior convictions for the purpose of the offender score: PROVIDED, That if the court enters a finding that some or all of the current offenses encompass the same criminal conduct then those current offenses shall be counted as one crime. Sentences imposed under this subsection shall be served concurrently. Consecutive sentences may only be imposed under the exceptional sentence provisions of RCW 9.94A.120 and 9.94A.390(2)(g) or any other provision of RCW 9.94A.390. "Same criminal conduct," as used in this subsection, means two or more crimes that require the same criminal intent, are committed at the same time and place, and involve the same victim. This definition applies in cases involving vehicular assault or vehicular homicide even if the victims occupied the same vehicle.

(b) Whenever a person is convicted of two or more serious violent offenses, as defined in RCW 9.94A.030, arising from separate and distinct criminal conduct, the sentence range for the offense with the highest seriousness level under RCW 9.94A.320 shall be determined using the offender's prior convictions and other current convictions that are not serious violent offenses in the offender score and the sentence range for other serious violent offenses shall be determined by using an offender score of zero. The sentence range for any offenses that are not serious violent offenses shall be determined according to (a) of this subsection. All sentences imposed under (b) of this subsection shall be served consecutively to each other and concurrently with sentences imposed under (a) of this subsection.

(c) If an offender is convicted under RCW 9.41.040 for unlawful possession of a firearm in the first or second degree and for the felony crimes of theft of a firearm or possession of a stolen firearm, or both, (~~then~~) the sentence range for each of these current offenses shall be determined by using all other current and prior convictions, except other current convictions for the felony crimes listed in this

subsection (1)(c), as if they were prior convictions. The offender shall serve consecutive sentences for each conviction of the felony crimes listed in this subsection (1)(c), and for each firearm unlawfully possessed.

(2)(a) Except as provided in (b) of this subsection, whenever a person while under sentence of felony commits another felony and is sentenced to another term of confinement, the latter term shall not begin until expiration of all prior terms.

(b) Whenever a second or later felony conviction results in community supervision with conditions not currently in effect, under the prior sentence or sentences of community supervision the court may require that the conditions of community supervision contained in the second or later sentence begin during the immediate term of community supervision and continue throughout the duration of the consecutive term of community supervision.

(3) Subject to subsections (1) and (2) of this section, whenever a person is sentenced for a felony that was committed while the person was not under sentence of a felony, the sentence shall run concurrently with any felony sentence which has been imposed by any court in this or another state or by a federal court subsequent to the commission of the crime being sentenced unless the court pronouncing the current sentence expressly orders that they be served consecutively.

(4) Whenever any person granted probation under RCW 9.95.210 or 9.92.060, or both, has the probationary sentence revoked and a prison sentence imposed, that sentence shall run consecutively to any sentence imposed pursuant to this chapter, unless the court pronouncing the subsequent sentence expressly orders that they be served concurrently.

(5) However, in the case of consecutive sentences, all periods of total confinement shall be served before any partial confinement, community service, community supervision, or any other requirement or conditions of any of the sentences. Except for exceptional sentences as authorized under RCW 9.94A.120(2), if two or more sentences that run consecutively include periods of community supervision, the aggregate of the community supervision period shall not exceed twenty-four months."

On page 1, line 1 of the title, after "offenders;" strike the remainder of the title and insert "amending RCW 81.60.070, 9.40.120, 9.94A.030, 9.94A.360, and 9.94A.400; reenacting and amending RCW 9.94A.040, 9.94A.310, 9.94A.320, and 9A.44.130; creating new sections; and prescribing penalties."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to House Bill No. 1544 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE**

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of House Bill No. 1544 as amended by the Senate.

Representatives O'Brien and Ballasiotes spoke in favor of passage of the bill as amended by the Senate.

#### **MOTION**

On motion of Representative Wolfe, Representatives Quall and Scott were excused.

#### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1544, as amended by the Senate and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Quall and Scott - 2.

House Bill No. 1544, as amended by the Senate, having received the constitutional majority, was declared passed.

### SENATE AMENDMENTS TO HOUSE BILL

April 14, 1999

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1747 with the following amendment(s)

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 89.08.020 and 1973 1st ex.s. c 184 s 3 are each amended to read as follows:

Unless the context clearly indicates otherwise, as used in this chapter:

"Commission" and "state conservation commission" means the agency created hereunder. All former references to "state soil and water conservation committee", "state committee" or "committee" shall be deemed to be references to the "state conservation commission";

"District", or "conservation district" means a governmental subdivision of this state and a public body corporate and politic, organized in accordance with the provisions of ~~((this 1973 amendatory act))~~ chapter 184, Laws of 1973 1st ex. sess., for the purposes, with the powers, and subject to the restrictions set forth in this chapter. All districts created under ~~((this 1973 amendatory act))~~ chapter 184, Laws of 1973 1st ex. sess. shall be known as conservation districts and shall have all the powers and duties set out in ~~((this 1973 amendatory act))~~ chapter 184, Laws of 1973 1st ex. sess.. All references in ~~((this 1973 amendatory act))~~ chapter 184, Laws of 1973 1st ex. sess. to "districts", or "soil and water conservation districts" shall be deemed to be reference to "conservation districts";

"Board" and "supervisors" mean the board of supervisors of a conservation district;

"Land occupier" or "occupier of land" includes any person, firm, political subdivision, government agency, municipality, public or private corporation, copartnership, association, or any other entity whatsoever which holds title to, or is in possession of, any lands lying within a district organized under the provisions of ~~((this 1973 amendatory act))~~ chapter 184, Laws of 1973 1st ex. sess., whether as owner, lessee, renter, tenant, or otherwise;

"District elector" or "voter" means a ~~((qualified county elector occupying land))~~ registered voter in the county where the district is located who resides within the district boundary or in the area affected by a petition;

"Due notice" means a notice published at least twice, with at least six days between publications, in a publication of general circulation within the affected area, or if there is no such publication, by posting at a reasonable number of public places within the area, where it is customary

to post notices concerning county and municipal affairs. Any hearing held pursuant to due notice may be postponed from time to time without a new notice;

"Renewable natural resources", "natural resources" or "resources" includes land, air, water, vegetation, fish, wildlife, wild rivers, wilderness, natural beauty, scenery and open space;

"Conservation" includes conservation, development, improvement, maintenance, preservation, protection and use, and alleviation of floodwater and sediment damages, and the disposal of excess surface waters.

"Farm and agricultural land" means either (a) land in any contiguous ownership of twenty or more acres devoted primarily to agricultural uses; (b) any parcel of land five acres or more but less than twenty acres devoted primarily to agricultural uses, which has produced a gross income from agricultural uses equivalent to one hundred dollars or more per acre per year for three of the five calendar years preceding the date of application for classification under this chapter; or (c) any parcel of land of less than five acres devoted primarily to agricultural uses which has produced a gross income of one thousand dollars or more per year for three of the five calendar years preceding the date of application for classification under this chapter. Agricultural lands shall also include farm woodlots of less than twenty and more than five acres and the land on which appurtenances necessary to production, preparation or sale of the agricultural products exist in conjunction with the lands producing such products. Agricultural lands shall also include any parcel of land of one to five acres, which is not contiguous, but which otherwise constitutes an integral part of farming operations being conducted on land qualifying under this section as "farm and agricultural lands".

**Sec. 2.** RCW 89.08.080 and 1973 1st ex.s. c 184 s 9 are each amended to read as follows:

To form a conservation district, (~~twenty five or more persons occupying land~~) twenty percent of the voters within the area to be affected may file a petition with the commission asking that the area be organized into a district.

The petition shall give the name of the proposed district, state that it is needed in the interest of the public health, safety, and welfare, give a general description of the area proposed to be organized and request that the commission determine that it be created, and that it define the boundaries thereof and call an election on the question of creating the district.

If more than one petition is filed covering parts of the same area, the commission may consolidate all or any of them.

**Sec. 3.** RCW 89.08.110 and 1973 1st ex.s. c 184 s 12 are each amended to read as follows:

If the commission finds that the district is needed, it shall then determine whether it is practicable. To assist the commission in determining this question, it shall, within a reasonable time, submit the proposition to a vote of the (~~land occupiers~~) district electors in the proposed district.

The commission shall fix the date of the election, designate the polling places, fix the hours for opening and closing the polls, and appoint the election officials. The election shall be conducted, the vote counted and returns canvassed and the results published by the commission.

**Sec. 4.** RCW 89.08.130 and 1973 1st ex.s. c 184 s 14 are each amended to read as follows:

The commission shall give due notice of the election, which shall state generally the purpose of the election, the date thereof, the place and hours of voting, and set forth the boundaries of the proposed district.

Only qualified district electors within the proposed district as determined by the commission may vote at the election. Each voter shall vote in the polling place nearest (~~his~~) the voter's residence. (~~If he resides outside the district, he shall vote at the nearest polling place of the district.~~)

**Sec. 5.** RCW 89.08.150 and 1973 1st ex.s. c 184 s 16 are each amended to read as follows:

If a majority of the votes cast at the election are against the creation of the district, the commission shall deny the petition. If a majority favor the district, the commission shall determine the practicability of the project.

In making such determination, the commission shall consider the attitude of the (~~land occupiers~~) voters of the district; the number of eligible voters who voted at the election; the size of the



majority vote; the wealth and income of the land occupiers; the probable expense of carrying out the project; and any other economic factors relevant thereto.

If the commission finds that the project is impracticable it shall enter an order to that effect and deny the petition. When the petition has been denied, no new petition covering the same or substantially the same area may be filed within six months therefrom.

**Sec. 6.** RCW 89.08.180 and 1973 1st ex.s. c 184 s 19 are each amended to read as follows:

Territory may be added to an existing district upon filing a petition as in the case of formation with the commission by ~~((occupiers of the lands))~~ twenty percent of the voters of the affected area to be included. The same procedure shall be followed as for the creation of the district.

As an alternate procedure, the commission may upon the petition of a majority of the ~~((land occupiers))~~ voters in any one or more districts or in unorganized territory adjoining a conservation district change the boundaries of a district, or districts, if such action will promote the practical and feasible administration of such district or districts.

Upon petition of the boards of supervisors of two or more districts, the commission may approve the combining of all or parts of such districts and name the district, or districts, with the approval of the name by the secretary of state. A public hearing and/or a referendum may be held if deemed necessary or desirable by the commission in order to determine the wishes of ~~((land occupiers))~~ the voters.

When districts are combined, the joint boards of supervisors will first select a chairman, secretary and other necessary officers and select a regular date for meetings. All elected supervisors will continue to serve as members of the board until the expiration of their current term of office, and/or until the election date nearest their expiration date. All appointed supervisors will continue to serve until the expiration of their current term of office, at which time the commission will make the necessary appointments. In the event that more than two districts are combined, a similar procedure will be set up and administered by the commission.

When districts are combined or territory is moved from one district to another, the property, records and accounts of the districts involved shall be distributed to the remaining district or districts as approved by the commission. A new certificate of organization, naming and describing the new district or districts, shall be issued by the secretary of state.

NEW SECTION. **Sec. 7.** A new section is added to chapter 89.08 RCW to read as follows:

The local governing body of any city or incorporated town within an existing district may approve by majority vote a petition to withdraw from the district. The petition shall be submitted to the district for its approval. If approved by the district, the petition shall be sent to the commission. The commission shall approve the petition and forward it to the secretary of state and the boundary of the district shall be adjusted accordingly. If the petition is not approved by the district, the district shall adopt a resolution specifying the reasons why the petition is not approved. The petition and the district's resolution shall be sent to the commission for its review. The commission shall approve or reject the petition based upon criteria it has adopted for the evaluation of petitions in dispute. If the commission approves the petition, it shall forward the petition to the secretary of state and the boundaries of the district shall be adjusted accordingly. The criteria used by the commission to evaluate petitions which are in dispute shall be adopted as rules by the commission under chapter 34.05 RCW, the administrative procedure act.

**Sec. 8.** RCW 89.08.350 and 1973 1st ex.s. c 184 s 25 are each amended to read as follows:

At any time after five years from the organization of a district, ~~((one hundred land occupiers))~~ twenty percent of the voters in the district may file with the commission a petition, praying that the district be dissolved. The commission may hold public hearings thereon, and within sixty days from receipt of the petition, shall give due notice of an election on the question of dissolution. It shall provide appropriate ballots, conduct the election, canvass the returns, and declare the results in the same manner as for elections to create a district.

All district electors may vote at the election. No informality relating to the election shall invalidate it if notice is substantially given and the election is fairly conducted.

**Sec. 9.** RCW 89.08.360 and 1973 1st ex.s. c 184 s 26 are each amended to read as follows:

If a majority of the votes cast at the election are for dissolution, the district shall be dissolved. ~~((If two thirds of the votes are against dissolution, the commission shall determine whether the continuance of the district is practicable. In making the determination it shall consider all the factors considered by it in determining that the district was practicable originally. If it finds that further operation of the district is impracticable it shall order it dissolved and certify its determination to the supervisors.))~~

**Sec. 10.** RCW 89.08.370 and 1973 1st ex.s. c 184 s 27 are each amended to read as follows:

If the district is ordered dissolved, the supervisors shall forthwith terminate the affairs of the district and dispose of all district property at public auction, and pay the proceeds therefrom to pay any debts of the district and any remaining balance to the state treasurer.

They shall then file a verified application with the secretary of state for the dissolution of the district, accompanied by a certificate of the commission reciting the determination that further operation of the district is impracticable. The application shall recite that the property of the district has been disposed of, that the proceeds therefrom have been used to pay any debts of the district and any remaining balance paid to the treasurer, and contain a full accounting of the property and proceeds. Thereupon the secretary shall issue to the supervisors a certificate of dissolution and file a copy thereof in his or her records.

NEW SECTION. **Sec. 11.** RCW 89.08.380 (Effect of dissolution--Commission substituted) and 1973 1st ex.s. c 184 s 28 & 1955 c 304 s 28 are each repealed."

On page 1, line 2 of the title, after "liability;" strike the remainder of the title and insert "amending RCW 89.08.020, 89.08.080, 89.08.110, 89.08.130, 89.08.150, 89.08.180, 89.08.350, 89.08.360, and 89.08.370; adding a new section to chapter 89.08 RCW; and repealing RCW 89.08.380."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House refused to concur in the Senate Amendment(s) to Substitute House Bill No. 1747 and asked the Senate to recede therefrom.

### SENATE AMENDMENTS TO HOUSE BILL

April 16, 1999

Mr. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1037 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 19.190.010 and 1998 c 149 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Assist the transmission" means actions taken by a person to provide substantial assistance or support which enables any person to formulate, compose, send, originate, initiate, or transmit a commercial electronic mail message when the person providing the assistance knows or consciously avoids knowing that the initiator of the commercial electronic mail message is engaged, or intends to engage, in any practice that violates the consumer protection act.

(2) "Commercial electronic mail message" means an electronic mail message sent for the purpose of promoting real property, goods, or services for sale or lease. It does not mean an electronic mail message to which an interactive computer service provider has attached an advertisement in exchange for free use of an electronic mail account, when the sender has agreed to such an arrangement.

~~((2))~~ (3) "Electronic mail address" means a destination, commonly expressed as a string of characters, to which electronic mail may be sent or delivered.

~~((3))~~ (4) "Initiate the transmission" refers to the action by the original sender of an electronic mail message, not to the action by any intervening interactive computer service that may handle or retransmit the message, unless such intervening interactive computer service assists in the transmission of an electronic mail message when it knows, or consciously avoids knowing, that the person initiating the transmission is engaged, or intends to engage, in any act or practice that violates the consumer protection act.

~~((4))~~ (5) "Interactive computer service" means any information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including specifically a service or system that provides access to the internet and such systems operated or services offered by libraries or educational institutions.

~~((5))~~ (6) "Internet domain name" refers to a globally unique, hierarchical reference to an internet host or service, assigned through centralized internet naming authorities, comprising a series of character strings separated by periods, with the right-most string specifying the top of the hierarchy.

(7) "Person" means a person, corporation, partnership, or association.

**Sec. 2.** RCW 19.190.020 and 1998 c 149 s 3 are each amended to read as follows:

(1) No person(~~(, corporation, partnership, or association)~~) may initiate the transmission, conspire with another to initiate the transmission, or assist the transmission, of a commercial electronic mail message from a computer located in Washington or to an electronic mail address that the sender knows, or has reason to know, is held by a Washington resident that:

(a) Uses a third party's internet domain name without permission of the third party, or otherwise misrepresents or obscures any information in identifying the point of origin or the transmission path of a commercial electronic mail message; or

(b) Contains false or misleading information in the subject line.

(2) For purposes of this section, a person(~~(, corporation, partnership, or association)~~) knows that the intended recipient of a commercial electronic mail message is a Washington resident if that information is available, upon request, from the registrant of the internet domain name contained in the recipient's electronic mail address.

**Sec. 3.** RCW 19.190.030 and 1998 c 149 s 4 are each amended to read as follows:

(1) It is a violation of the consumer protection act, chapter 19.86 RCW, to conspire with another person to initiate the transmission or to initiate the transmission of a commercial electronic mail message that:

(a) Uses a third party's internet domain name without permission of the third party, or otherwise misrepresents or obscures any information in identifying the point of origin or the transmission path of a commercial electronic mail message; or

(b) Contains false or misleading information in the subject line.

(2) It is a violation of the consumer protection act, chapter 19.86 RCW, to assist in the transmission of a commercial electronic mail message, when the person providing the assistance knows, or consciously avoids knowing, that the initiator of the commercial electronic mail message is engaged, or intends to engage, in any act or practice that violates the consumer protection act.

(3) The legislature finds that the practices covered by this chapter are matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW. A violation of this chapter is not reasonable in relation to the development and preservation of business and is an unfair or deceptive act in trade or commerce and an unfair method of competition for the purpose of applying the consumer protection act, chapter 19.86 RCW.

NEW SECTION. **Sec. 4.** RCW 19.190.005 (Findings) and 1998 c 149 s 1 are each repealed.

NEW SECTION. **Sec. 5.** (1) The legislature finds that:

(a) The internet presents a new medium of communication through which speakers can publish false or defamatory statements about businesses or individuals to vast audiences at little or no cost to the speaker;

(b) The publication of false or defamatory statements via the internet has the potential to cause serious injury to the victims of such statements, particularly financial injury to businesses that are the victims of false or defamatory on-line rumors about their stock, products or services, or executives or personnel;

(c) False or defamatory statements on the internet are often published anonymously, making it difficult for victims to determine the identity and physical location of the speakers; and

(d) Current legal procedures do not adequately address the challenges and opportunities the internet presents as a new medium of communication, both as a tool for publishing false or defamatory statements and for pursuing legal recourse against the speakers of such statements.

(2) The legislature therefore intends that:

(a) When the internet is used to publish false or defamatory statements about individuals residing in Washington or businesses doing business in Washington, a rebuttable presumption is created that the statements are published in Washington; and

(b) When the identity or physical location of a speaker who has published false or defamatory statements via the internet about an individual residing in Washington or a business doing business in Washington is not known, a plaintiff in an action for libel or slander may serve a summons by publication via the internet.

**Sec. 6.** RCW 4.36.120 and Code 1881 s 99 are each amended to read as follows:

In an action for libel or slander, it shall not be necessary to state in the complaint any extrinsic facts, for the purpose of showing the application to the plaintiff, of the defamatory matter out of which the cause arose, but it shall be sufficient to state generally, that the same was published or spoken concerning the plaintiff; and if such allegation be controverted, the plaintiff shall be bound to establish on trial that it was so published or spoken. Where false or defamatory statements concerning a person residing in Washington or a business doing business in Washington are posted or electronically transmitted via the internet, a rebuttable presumption is created that the statements have been published in Washington.

**Sec. 7.** RCW 4.28.100 and 1981 c 331 s 13 are each amended to read as follows:

When the defendant cannot be found within the state, and upon the filing of an affidavit of the plaintiff, his agent, or attorney, with the clerk of the court, stating that he believes that the defendant is not a resident of the state, or cannot be found therein, and that he has deposited a copy of the summons (substantially in the form prescribed in RCW 4.28.110) and complaint in the post office, directed to the defendant at his place of residence, unless it is stated in the affidavit that such residence is not known to the affiant, and stating the existence of one of the cases hereinafter specified, the service may be made by publication of the summons, by the plaintiff or his attorney in any of the following cases:

(1) When the defendant is a foreign corporation, and has property within the state;

(2) When the defendant, being a resident of this state, has departed therefrom with intent to defraud his creditors, or to avoid the service of a summons, or keeps himself concealed therein with like intent;

(3) When the defendant is not a resident of the state, but has property therein and the court has jurisdiction of the subject of the action;

(4) When the action is for divorce in the cases prescribed by law;

(5) When the subject of the action is real or personal property in this state, and the defendant has or claims a lien or interest, actual or contingent, therein, or the relief demanded consists wholly, or partly, in excluding the defendant from any interest or lien therein;

(6) When the action is to foreclose, satisfy, or redeem from a mortgage, or to enforce a lien of any kind on real estate in the county where the action is brought, or satisfy or redeem from the same;

(7) When the action is against any corporation, whether private or municipal, organized under the laws of the state, and the proper officers on whom to make service do not exist or cannot be found;

(8) When the action is brought under RCW 4.08.160 and 4.08.170 to determine conflicting claims to property in this state; and

(9) When the action is for defamation concerning a person residing in Washington or a business doing business in Washington, where the false or defamatory statements were posted or electronically transmitted via the internet and the identity of the defendant is not known or readily ascertainable.

**Sec. 8.** RCW 4.28.110 and 1985 c 469 s 2 are each amended to read as follows:

The publication shall be made in a newspaper of general circulation in the county where the action is brought once a week for six consecutive weeks: PROVIDED, That publication of summons shall not be made until after the filing of the complaint, and the service of the summons shall be deemed complete at the expiration of the time prescribed for publication. The summons must be subscribed by the plaintiff or his attorney or attorneys. The summons shall contain the date of the first publication, and shall require the defendant or defendants upon whom service by publication is desired, to appear and answer the complaint within sixty days from the date of the first publication of the summons; and the summons for publication shall also contain a brief statement of the object of the action. The summons for publication shall be substantially as follows:

In the superior court of the State of Washington for the county of . . . . .  
. . . . ., Plaintiff,  
                                vs.    No. . . . .  
. . . . ., Defendant.

The State of Washington to the said (naming the defendant or defendants to be served by publication):

You are hereby summoned to appear within sixty days after the date of the first publication of this summons, to wit, within sixty days after the . . . . day of . . . . ., 1. . . ., and defend the above entitled action in the above entitled court, and answer the complaint of the plaintiff . . . . ., and serve a copy of your answer upon the undersigned attorneys for plaintiff . . . . ., at his (or their) office below stated; and in case of your failure so to do, judgment will be rendered against you according to the demand of the complaint, which has been filed with the clerk of said court. (Insert here a brief statement of the object of the action.)

Plaintiff's Attorneys.

P.O. Address

County

Washington.

When service of summons by publication is authorized under RCW 4.28.100(9), the publication specified in this section may be made via the internet, provided that the summons shall be posted to the same on-line location where the false or defamatory statements were posted or electronically transmitted to the electronic address of the sender of the false or defamatory statements, once a week for six consecutive weeks.

NEW SECTION. **Sec. 9.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "mail;" strike the remainder of the title and insert "amending RCW 19.190.010, 19.190.020, 19.190.030, 4.36.120, 4.28.100, and 4.28.110; creating a new section; and repealing RCW 19.190.005."

and the same are herewith transmitted.

Tony M. Cook, Secretary

### **POINT OF ORDER**

Representative Poulsen requested a scope and object ruling on the Senate amendments to Second Substitute House Bill No. 1037.

### **SPEAKERS' RULING**

The Speaker (Representative Ogden presiding): "Representative Poulsen, the co-Speakers have examined the Senate amendment to Second Substitute House Bill No. 1037, and agree that the Senate amendment is beyond the scope and object of the bill.

The Title of Second Substitute House Bill No. 1037 is, "AN ACT Relating to commercial electronic mail." The Object of the bill is to address the issue of unsolicited commercial electronic mail.

The Senate amendment, sections 5 through 8, deals with electronic defamation of character. The Senate amendment, to the extent that it deals with defamation of character, is beyond the scope and object of Second Substitute House Bill No. 1037.

Representative Poulsen, the co-Speakers find that your Point of Order is well taken."

There being no objection, the House refused to concur in the Senate Amendment(s) to Second Substitute House Bill No. 1037 and asked the Senate to recede therefrom.

### **SENATE AMENDMENTS TO HOUSE BILL**

April 13, 1999

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1233 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 6.13.010 and 1993 c 200 s 1 are each amended to read as follows:

(1) The homestead consists of real or personal property that the owner uses as a residence. In the case of a dwelling house or mobile home, the homestead consists of the dwelling house or the mobile home in which the owner resides or intends to reside, with appurtenant buildings, and the land on which the same are situated and by which the same are surrounded, or improved or unimproved land owned with the intention of placing a house or mobile home thereon and residing thereon. A mobile home may be exempted under this chapter whether or not it is permanently affixed to the underlying land and whether or not the mobile home is placed upon a lot owned by the mobile home owner. Property included in the homestead must be actually intended or used as the principal home for the owner.

(2) As used in this chapter, the term "owner" includes but is not limited to a purchaser under a deed of trust, mortgage, or real estate contract.

(3) As used in this chapter, the term "net value" means market value less all liens and encumbrances senior to the judgment being executed upon and not including the judgment being executed upon.

**Sec. 2.** RCW 6.13.150 and 1987 c 442 s 215 are each amended to read as follows:

If, from the report, it appears to the court that the value of the homestead, less liens and encumbrances senior to the judgment being executed upon and not including the judgment being executed upon, exceeds the homestead exemption and the property can be divided without material injury and without violation of any governmental restriction, the court may, by an order, direct the appraiser to set off to the owner so much of the land, including the residence, as will amount in net value to the homestead exemption, and the execution may be enforced against the remainder of the land.

**Sec. 3.** RCW 6.13.160 and 1987 c 442 s 216 are each amended to read as follows:

If, from the report, it appears to the court that the appraised value of the homestead property, less liens and encumbrances senior to the judgment being executed upon and not including the judgment being executed upon, exceeds the amount of the homestead exemption and the property is not divided, the court must make an order directing its sale under the execution. The order shall direct that at such sale no bid may be received unless it exceeds the amount of the homestead exemption.

**Sec. 4.** RCW 6.13.030 and 1993 c 200 s 2 are each amended to read as follows:

A homestead may consist of lands, as described in RCW 6.13.010, regardless of area, but the homestead exemption amount shall not exceed the lesser of (1) the total net value of the lands, mobile home, improvements, and other personal property, as described in RCW 6.13.010, or (2) the sum of ~~((thirty))~~ forty thousand dollars in the case of lands, mobile home, and improvements, or the sum of fifteen thousand dollars in the case of other personal property described in RCW 6.13.010, except where the homestead is subject to execution, attachment, or seizure by or under any legal process whatever to satisfy a judgment in favor of any state for failure to pay that state's income tax on benefits received while a resident of the state of Washington from a pension or other retirement plan, in which event there shall be no dollar limit on the value of the exemption."

On page 1, line 1 of the title, after "exemption;" strike the remainder of the title and insert "and amending RCW 6.13.010, 6.13.150, 6.13.160, and 6.13.030."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to House Bill No. 1233 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE**

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of House Bill No. 1233 as amended by the Senate.

Representatives Edmonds and Carrell spoke in favor of passage of the bill as amended by the Senate.

#### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1233, as amended by the Senate and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins,

Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Quall and Scott - 2.

House Bill No. 1233, as amended by the Senate, having received the constitutional majority, was declared passed.

### SENATE AMENDMENTS TO HOUSE BILL

April 15, 1999

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1539 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 48.66.045 and 1995 c 85 s 3 are each amended to read as follows:

Every issuer of a medicare supplement insurance policy or certificate providing coverage to a resident of this state issued on or after January 1, 1996, shall:

(1) Issue coverage under its approved standardized benefit plans (~~((B, C, D, E, F, and G))~~) without evidence of insurability to any resident of this state who is eligible for both medicare hospital and physician services by reason of age or by reason of disability or end-stage renal disease, if the medicare supplement policy replaces another (~~((medicare supplement standardized))~~) benefit plan, policy, or certificate (~~((B, C, D, E, F, or G,))~~) or other (~~((more comprehensive))~~) coverage (~~((than the replaced policy))~~). The replacing issuer shall waive any time periods applicable to preexisting conditions in the medicare supplement contract for similar benefits to the extent that similar exclusions have been satisfied under the original coverage; and

~~(2) ((Issue coverage under its standardized plans A, H, I, and J without evidence of insurability to any resident of this state who is eligible for both medicare hospital and physician services by reason of age or by reason of disability or end-stage renal disease, if the medicare supplement policy replaces another medicare supplement policy or certificate which is the same standardized plan as the replaced policy; and~~

~~(3))~~ Set rates only on a community-rated basis. Premiums shall be equal for all policyholders and certificate holders under a standardized medicare supplement benefit plan form, except that an issuer may develop no more than two rating pools that distinguish between an insured's eligibility for medicare by reason of:

- (a) Age; or
- (b) Disability or end-stage renal disease.

NEW SECTION. **Sec. 2.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House refused to concur in the Senate Amendment(s) to House Bill No. 1539 and asked the Senate to recede therefrom.



## SENATE AMENDMENTS TO HOUSE BILL

April 15, 1999

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2260 with the following amendment(s)

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that while Washington's economy is currently prospering, economic growth continues to be uneven, particularly as between metropolitan and rural areas. This has created in effect two Washingtons: One afflicted by inadequate infrastructure to support and attract investment, another suffering from congestion and soaring housing prices. In order to address these problems, the legislature intends to use resources strategically to build on our state's strengths while addressing threats to our prosperity.

### PART I LOCAL OPTION SALES AND USE TAX

**Sec. 101.** RCW 82.14.370 and 1998 c 55 s 6 are each amended to read as follows:

(1) The legislative authority of a ~~((distressed))~~ rural county may impose a sales and use tax in accordance with the terms of this chapter. The tax is in addition to other taxes authorized by law and shall be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the county. The rate of tax shall not exceed ~~((0-04))~~ 0.08 percent of the selling price in the case of a sales tax or value of the article used in the case of a use tax.

(2) The tax imposed under subsection (1) of this section shall be deducted from the amount of tax otherwise required to be collected or paid over to the department of revenue under chapter 82.08 or 82.12 RCW. The department of revenue shall perform the collection of such taxes on behalf of the county at no cost to the county.

(3) Moneys collected under this section shall only be used for the purpose of financing public facilities in rural counties. The public facility must be listed as an item in the officially adopted county overall economic development plan, or the economic development section of the county's comprehensive plan, or the comprehensive plan of a city or town located within the county for those counties planning under RCW 36.70A.040. For those counties that do not have an adopted overall economic development plan and do not plan under the growth management act, the public facility must be listed in the county's capital facilities plan or the capital facilities plan of a city or town located within the county. In implementing this section, the county shall consult with cities, towns, and port districts located within the county. For the purposes of this section, "public facilities" means bridges, roads, domestic and industrial water facilities, sanitary sewer facilities, storm sewer facilities, railroad, electricity, natural gas, buildings, structures, telecommunications infrastructure, transportation infrastructure, or commercial infrastructure, and port facilities in the state of Washington.

(4) No tax may be collected under this section before July 1, 1998. No tax may be collected under this section by a county more than twenty-five years after the date that a tax is first imposed under this section.

(5) For purposes of this section, "~~((distressed))~~ rural county" means ~~((a county in which the average level of unemployment for the three years before the year in which a tax is first imposed under this section exceeds the average state unemployment for those years by twenty percent))~~ an eligible area as defined in RCW 82.60.020.

### PART II DISTRESSED COUNTY ASSISTANCE ACCOUNT

**Sec. 201.** RCW 82.14.380 and 1998 c 321 s 10 (Referendum Bill No. 49) are each amended to read as follows:

(1) The distressed county assistance account is created in the state treasury. Into this account shall be placed a portion of all motor vehicle excise tax receipts as provided in RCW 82.44.110. At such times as distributions are made under RCW 82.44.150, the state treasurer shall distribute the funds in the distressed county assistance account to each county imposing the sales and use tax authorized under RCW 82.14.370 as of January 1, 1999, in the same proportions as distributions of the tax imposed under RCW 82.14.370 for these counties for the previous quarter.

(2) Funds distributed from the distressed county assistance account shall be expended by the counties for criminal justice and other purposes.

### **PART III TECHNOLOGY-BASED BUSINESSES Software**

NEW SECTION. **Sec. 301.** It is the intent of the legislature to attract and retain technology-based businesses in distressed counties. Section 302 of this act provides a tax incentive to those businesses that develop or manufacture software in distressed counties. Section 303 of this act provides a tax incentive to those businesses that are engaged in the business of providing technical support services from distressed counties. Encouragement of these types of business will stimulate the information technology industry and be of benefit to the state economy in general. To further the impact and benefit of this program, this incentive is limited to those counties of the state that are characterized by unemployment or low income. The legislature finds that providing this targeted incentive will both increase its effectiveness and create a high technology work force in distressed counties.

NEW SECTION. **Sec. 302.** A new section is added to chapter 82.04 RCW to read as follows:

(1) Subject to the limits and provisions of this section, a credit is authorized against the tax otherwise due under this chapter for persons engaged in a distressed county in the business of manufacturing software or programming computers, as those terms are defined in this section.

(2) A person who partially or totally relocates a business from one distressed county to another distressed county is eligible for any qualifying new jobs created as a result of the relocation but is not eligible to receive credit for the jobs moved from one county to the other.

(3)(a) To qualify for the credit, the qualifying activity of the person must be conducted in a distressed county and the qualified employment position must be located in the distressed county.

(b) If an activity is conducted both from a distressed county and outside of a distressed county, the credit is available if at least ninety percent of the qualifying activity takes place within a distressed county. If the qualifying activity is a service taxable activity, the place where the work is performed is the place at which the activity is conducted.

(4)(a) The credit under this section shall equal one thousand dollars for each qualified employment position created after July 1, 1999, in an eligible area. A credit is earned for the calendar year the person is hired to fill the position. Additionally a credit is earned for each year the position is maintained over the subsequent consecutive years, up to six years. The county must meet the definition of a distressed county at the time the position is filled. If the county does not have a distressed county status the following year or years, the position is still eligible for the remaining years if all other conditions are met.

(b) Credit may not be taken for hiring of persons into positions that exist before July 1, 1999. Credit is authorized for new employees hired for new positions created on or after July 1, 1999. New positions filled by existing employees are eligible for the credit under this section only if the position vacated by the existing employee is filled by a new hire. A business that is a sole proprietorship without any employees is equivalent to one employee position and this type of business is eligible to receive credit for one position.

(c) If a position is filled before July 1st, this position is eligible for the full yearly credit. If it is filled after June 30th, this position is eligible for half of the credit.

(d) A person that has engaged in qualifying activities in the distressed county before the effective date of this section qualifies for the credit under this section for positions created and filled after the effective date of this section.

(5) No application is necessary for the tax credit. The person must keep records necessary for the department to verify eligibility under this section. This information includes information relating to description of qualifying activity engaged in the distressed county and outside the distressed county by the person as well as detailed records on positions and employees. The department shall, in consultation with a representative group of affected taxpayers, develop a method of segregating activity and related income so that those persons who engage in multiple activities can determine eligibility for credit under this section.

(6) If at any time the department finds that a person is not eligible for tax credit under this section, the amount of taxes for which a credit has been claimed shall be immediately due. The department shall assess interest, but not penalties, on the taxes for which the person is not eligible. The interest shall be assessed at the rate provided for delinquent excise taxes under chapter 82.32 RCW, shall be assessed retroactively to the date the tax credit was taken, and shall accrue until the taxes for which a credit has been used are repaid.

(7) The credit under this section may be used against any tax due under this chapter, but in no case may a credit earned during one calendar year be carried over to be credited against taxes incurred in a subsequent calendar year. A person is not eligible to receive a credit under this section if the person is receiving credit for the same position under chapter 82.62 RCW or RCW 82.04.44525 or is taking the credit under section 303 of this act. No refunds may be granted for credits under this section.

(8) County eligibility under this section shall be based on the same list as published by the department under chapter 82.60 RCW. The eligibility period is from July 1st of each year to June 30th of the next year.

(9) A person taking tax credits under this section shall make an annual report to the department. The report shall be in a letter form and shall include the following information: Number of positions for which credit is being claimed, type of position for which credit is being claimed, type of activity in which the person is engaged in the county, and how long the person has been located in the county. The report must be filed by January 30th of each year for which credit was claimed during the previous year.

(10) Transfer of ownership does not affect credit eligibility; however, the credit is available to the successor for remaining periods in the seven years only if the eligibility conditions of this section are met.

(11) As used in this section:

(a) "Distressed county" means an eligible area as defined in RCW 82.60.020.

(b) "Manufacturing" means the same as "to manufacture" under RCW 82.04.120.

Manufacturing includes the activities of both manufacturers and processors for hire.

(c) "Programming" means the activities that involve the creation or modification of software, as that term is defined in this chapter, and that are taxable as a service under RCW 82.04.290(2) or as a retail sale under RCW 82.04.050.

(d) "Qualifying activity" means manufacturing of software or programming computers.

(e) "Qualified employment position" means a permanent full-time position doing programming of software or manufacturing of software. This excludes administrative, professional, service, executive, and other similar positions. If an employee is either voluntarily or involuntarily separated from employment, the employment position is considered filled on a full-time basis if the employer is either training or actively recruiting a replacement employee. Full-time means a position for at least thirty-five hours a week.

(f) "Software" has the same meaning as defined in RCW 82.04.215.

(12) No credit may be taken or accrued under this section on or after July 1, 2003.

(13) This section expires June 30, 2003.

## **Help Desk Services**

**NEW SECTION. Sec. 303.** A new section is added to chapter 82.04 RCW to read as follows:

(1) Subject to the limits and provisions of this section, a credit is authorized against the tax otherwise due under this chapter for persons engaged in a distressed county in the business of providing information technology help desk services to third parties.

(2) To qualify for the credit, the help desk services must be conducted from a distressed county.

(3)(a) For the first eighty-four months in which the person is engaged in the activity of providing information technology help desk services in the distressed county, the amount of the credit shall be equal to one hundred percent of the amount of tax due under this chapter that is attributable to providing the services from the distressed county. In order to qualify for the credit under this subsection (3)(a), the county must meet the definition of "distressed county" at the time the person begins to conduct qualifying business in the county. If the county subsequently does not qualify for distressed county status, the person may continue to take the credit for the remaining time in the eighty-four months if all other conditions are met. A person who locates in a county during a period of time for which the county does not meet the distressed county status is not eligible to receive the credit under this subsection (3)(a).

(b) A person who is not eligible for the credit under (a) of this subsection is potentially eligible for credit under this subsection (3)(b). If the person is engaged in the activity of providing information technology help desk services in a distressed county, the amount of the credit shall equal sixty-eight percent of the amount of tax due under this chapter that is attributable to providing the service from the distressed county. In order to qualify for the credit under this subsection, the county must meet the definition of "distressed county" during the period of time for which the credit is being claimed. A person is not eligible for a credit under this subsection (3)(b) for activity conducted during any period of time the county does not have a distressed county status.

(c) A person who has engaged in providing information technology help desk services in the distressed county before the effective date of this section qualifies for the credit under (a) of this subsection for any remaining time in the eighty-four months, after which time the person is potentially eligible for the credit under (b) of this subsection. A person who has engaged in providing information technology help desk services in the distressed county before the effective date of this section for more than eighty-four months is potentially eligible for the credit under (b) of this subsection.

(4) No application is necessary for the tax credit. The person must keep records necessary for the department to verify eligibility under this section. These records include information relating to description of activity engaged in a distressed county by the person.

(5) If at any time the department finds that a person is not eligible for tax credit under this section, the amount of taxes for which a credit has been used is immediately due. The department shall assess interest, but not penalties, on the credited taxes for which the person is not eligible. The interest shall be assessed at the rate provided for delinquent excise taxes under chapter 82.32 RCW, shall be assessed retroactively to the date the tax credit was taken, and shall accrue until the taxes for which a credit has been used are repaid.

(6) The credit under this section may be used against any tax due under this chapter, but in no case may a credit earned during one calendar year be carried over to be credited against taxes incurred in a subsequent calendar year. A person is not eligible to receive a credit under this section if the person is receiving credit under section 302 of this act or RCW 82.04.44525 or chapter 82.62 RCW. No refunds may be granted for credits under this section.

(7) County eligibility under this section shall be based on the same list as published by the department under chapter 82.60 RCW. The eligibility period is from July 1st of each year to June 30th of the next year.

(8) A person taking tax credits under this section shall make an annual report to the department. The report shall be in a letter form and shall include the following information: Type of activity in which the person is engaged in the county, number of employees in the distressed county, and how long the person has been located in the county. The report must be filed by January 30th of each year for which credit was claimed during the previous year.

(9) Transfer of ownership does not affect credit eligibility; however, the credit is available to the successor only if the eligibility conditions of this section are met.

(10) As used in this section:

(a) "Distressed county" means an eligible area as defined in RCW 82.60.020.

(b) "First eighty-four months" means the eighty-four months of operation in a county following commencement of business activity. Business activity is deemed to commence upon the act of engaging in the business of providing the help desk services from the county.

(c) "Information technology help desk services" means the following inbound technical or customer support services performed using electronic and telephonic communication:

(i) Hardware and software maintenance;

(ii) Hardware and software diagnostics and troubleshooting;

(iii) Hardware and software installation;

(iv) Hardware and software repair;

(v) Hardware and software information and training; and

(vi) Hardware and software upgrade.

(11) No credit may be taken or accrued under this section on or after July 1, 2003.

(12) This section expires June 30, 2003.

**NEW SECTION. Sec. 304.** A new section is added to chapter 82.62 RCW to read as follows:

(1) A person is not eligible to receive a credit under this chapter if the person is receiving credit for the same position under section 302 of this act or RCW 82.04.44525 or is receiving a credit under section 303 of this act.

(2) This section expires June 30, 2003.

**NEW SECTION. Sec. 305.** The following acts or parts of acts are each repealed:

(1). RCW 82.60.045 (Eligible projects--Additional requirements) and 1995 1st sp.s. c 3 s 7 & 1994 sp.s. c 1 s 4; and

(2). RCW 82.60.047 (Governor designation of county as eligible area--Natural disaster, business closure, military base closure, mass layoff) and 1994 sp.s. c 1 s 9.

#### **PART IV ELECTRIC UTILITIES**

**NEW SECTION. Sec. 401.** The legislature finds that it is necessary to employ multiple approaches to revitalize the economy of Washington state's rural areas. The legislature also finds that where possible, Washington state should develop programs which can complement other private, state, and federal programs. It is the intent of section 402 of this act to complement such rural economic development efforts by creating a public utility tax offset program to help establish locally based electric utility revolving fund programs to be used for economic development and job creation.

**NEW SECTION. Sec. 402.** A new section is added to chapter 82.16 RCW to read as follows:

(1) The following definitions apply to this section:

(a) "Qualifying project" means a project designed to achieve job creation or business retention, to add or upgrade nonelectrical infrastructure, to add or upgrade health and safety facilities, to accomplish energy and water use efficiency improvements, including renewable energy development, or to add or upgrade emergency services in any designated qualifying rural area.

(b) "Qualifying rural area" means:

(i) An eligible area as defined in RCW 82.60.020; or

(ii) Any geographic area in the state that receives electricity from a light and power business with twelve thousand or fewer customers with fewer than twenty-six meters per mile of distribution line as determined and published by the department of revenue effective July 1st of each year. The department shall use current data provided by the electricity industry.

(c) "Electric utility rural economic development revolving fund" means a fund devoted exclusively to funding qualifying projects in qualifying rural areas.

(d) "Local board" is a board of directors with at least, but not limited to, three members representing local businesses and community groups who have been appointed by the sponsoring

electric utility to oversee and direct the activities of the electric utility rural economic development revolving fund.

(2) A light and power business with fewer than twenty-six active meters per mile of distribution line in any geographic area in the state shall be allowed a credit against taxes due under this chapter in an amount equal to fifty percent of contributions made in any calendar year directly to an electric utility rural economic development revolving fund. The credit shall be taken in a form and manner as required by the department. The credit under this section shall not exceed twenty-five thousand dollars per calendar year per light and power business. The credit may not exceed the tax that would otherwise be due under this chapter. Refunds shall not be granted in the place of credits. Expenditures not used to earn a credit in one calendar year may not be used to earn a credit in subsequent years.

(3) The right to earn tax credits under this section expires December 31, 2005.

(4) To qualify for the credit in subsection (2) of this section, the light and power business shall establish an electric utility rural economic development revolving fund which is governed by a local board whose members shall reside in the qualifying rural area served by the light and power business. The local board shall have authority to determine all criteria and conditions for the expenditure of funds from the electric utility rural economic development fund, and for the terms and conditions of repayment.

(5) Any funds repaid to the electric utility rural economic development fund by recipients shall be made available for additional qualifying projects.

(6) If at any time the electric utility rural economic development fund is dissolved, any moneys claimed as a tax credit under this section shall either be granted to a qualifying project or refunded to the state within two years of termination.

(7) The total amount of credits that may be used in any fiscal year shall not exceed three hundred fifty thousand dollars in any fiscal year. The department shall allow the use of earned credits on a first-come, first-served basis. Unused earned credits may be carried over to subsequent years.

## **PART V DISASTER VICTIMS' RELIEF**

NEW SECTION. **Sec. 501.** A new section is added to chapter 82.08 RCW to read as follows:

(1) The tax levied by RCW 82.08.020 shall not apply to sales of labor and services rendered in respect to:

(a) The moving of houses out of any landslide area that has been declared as a federal disaster area;

(b) The demolition of houses located in a landslide area that has been declared as a federal disaster area; or

(c) The removal of debris from a landslide area that has been declared as a federal disaster area.

(2) This section expires July 1, 2000.

## **PART VI MISCELLANEOUS**

NEW SECTION. **Sec. 601.** Part headings and subheadings used in this act are not any part of the law.

NEW SECTION. **Sec. 602.** Section 501 of this act applies retroactively to March 1, 1998.

NEW SECTION. **Sec. 603.** Section 501 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

NEW SECTION. **Sec. 604.** Sections 1, 101, 201, 301 through 305, 401, 402, 601, and 605 of this act take effect August 1, 1999.

NEW SECTION. Sec. 605. Section 305 of this act does not affect any existing right acquired or liability or obligation under the sections repealed in section 305 of this act or any rule or order adopted under those sections, nor does it affect any proceeding instituted under those sections.

NEW SECTION. Sec. 606. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "counties;" strike the remainder of the title and insert "amending RCW 82.14.370 and 82.14.380; adding new sections to chapter 82.04 RCW; adding a new section to chapter 82.16 RCW; adding a new section to chapter 82.60 RCW; adding a new section to chapter 82.08 RCW; creating new sections; repealing RCW 82.60.045 and 82.60.047; providing an effective date; providing expiration dates; and declaring an emergency."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House refused to concur in the Senate Amendment(s) to Engrossed Substitute House Bill No. 2260 and asked the Senate to recede therefrom.

#### **SENATE AMENDMENTS TO HOUSE BILL**

April 21, 1999

Mr. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1140 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 28B.10 RCW to read as follows:

(1) The legislature finds that the higher education coordinating board, in consultation with the higher education community, has completed a review of the state need grant program. It is the intent of the legislature to endorse the board's proposed changes to the state need grant program, including:

(a) Reaffirmation that the primary purpose of the state need grant program is to assist low-income, needy, and disadvantaged Washington residents attending institutions of higher education;

(b) A goal that the base state need grant amount over time be increased to be equivalent to the rate of tuition charged to resident undergraduate students attending Washington state public colleges and universities;

(c) State need grant recipients be required to contribute a portion of the total cost of their education through self-help;

(d) State need grant recipients be required to document their need for dependent care assistance after taking into account other public funds provided for like purposes; and

(e) Institutional aid administrators be allowed to determine whether a student eligible for a state need grant in a given academic year may remain eligible for the ensuing year if the student's family income increases by no more than a marginal amount.

(2) The legislature further finds that the higher education coordinating board, under its authority to implement the proposed changes in subsection (1) of this section, should do so in a timely manner.

(3) The legislature also finds that:

(a) In most circumstances, need grant eligibility should not extend beyond five years or one hundred twenty-five percent of the published length of the program in which the student is enrolled or the credit or clock-hour equivalent; and

(b) State financial aid programs should continue to adhere to the principle that funding follows resident students to their choice of institution of higher education.

**Sec. 2.** RCW 28B.10.800 and 1993 sp.s. c 18 s 2 are each amended to read as follows:

The ~~((sole))~~ purposes of RCW 28B.10.800 through 28B.10.824 ~~((is))~~ are to establish ~~((a))~~ the principles upon which the state financial aid programs will be based and to establish the state of Washington ~~((student financial aid))~~ state need grant program, thus assisting financially needy or disadvantaged students domiciled in Washington to obtain the opportunity of attending an accredited institution of higher education, as defined in RCW 28B.10.802(1). ~~((Financial aid))~~ State need grants under RCW 28B.10.800 through 28B.10.824 ~~((is))~~ are available only to students who are resident students as defined in RCW 28B.15.012(2) (a) through (d).

**Sec. 3.** RCW 28B.10.804 and 1995 c 269 s 801 are each amended to read as follows:

The ~~((commission))~~ board shall be cognizant of the following guidelines in the performance of its duties:

(1) The ~~((commission))~~ board shall be research oriented, not only at its inception but continually through its existence.

(2) The ~~((commission))~~ board shall coordinate all existing programs of financial aid except those specifically dedicated to a particular institution by the donor.

(3) The ~~((commission))~~ board shall take the initiative and responsibility for coordinating all federal student financial aid programs to ~~((insure))~~ ensure that the state recognizes the maximum potential effect of these programs, and shall design ~~((the))~~ state programs ~~((which))~~ that complement(s) existing federal, state, and institutional programs. The board shall ensure that state programs continue to follow the principle that state financial aid funding follows the student to the student's choice of institution of higher education.

(4) Counseling is a paramount function of the state need grant and other state student financial aid programs, and in most cases could only be properly implemented at the institutional levels; therefore, state student financial aid programs shall be concerned with the attainment of those goals which, in the judgment of the ~~((commission))~~ board, are the reasons for the existence of a student financial aid program, and not solely with administration of the program on an individual basis.

(5) The "package" approach of combining loans, grants and employment for student financial aid shall be the ~~((exceptional))~~ conceptual element of the state's involvement.

**Sec. 4.** RCW 28B.10.806 and 1989 c 254 s 3 are each amended to read as follows:

The ~~((commission))~~ board shall have the following powers and duties:

(1) Conduct a full analysis of student financial aid as a means of:

(a) Fulfilling educational aspirations of students of the state of Washington, and

(b) Improving the general, social, cultural, and economic character of the state.

Such an analysis will be a continuous one and will yield current information relevant to needed improvements in the state program of student financial aid. The ~~((commission))~~ board will disseminate the information yielded by their analyses to all appropriate individuals and agents.

~~((c) This study should include information on the following:~~

~~(i) all programs and sources of available student financial aid,~~

~~(ii) distribution of Washington citizens by socio-economic class,~~

~~(iii) data from federal and state studies useful in identifying:~~

~~(A) demands of students for specific educational goals in colleges, and~~

~~(B) the discrepancy between high school students' preferences and the colleges they actually selected.)~~

(2) Design a state program of student financial aid based on the data of the study referred to in this section. The state programs will supplement available federal and local aid programs. The state programs of student financial aid will not exceed the difference between the budgetary costs of



attending an institution of higher ~~((learning))~~ education and the student's total resources, including family support, personal savings, employment, and federal, state, and local aid programs.

(3) Determine and establish criteria for financial need of the individual applicant based upon the consideration of that particular applicant. In making this determination the ~~((commission))~~ board shall consider the following:

(a) Assets and income of the student.

(b) Assets and income of the parents, or the individuals legally responsible for the care and maintenance of the student.

(c) The cost of attending the institution the student is attending or planning to attend.

(d) Any other criteria deemed relevant to the ~~((commission))~~ board.

(4) Set the amount of financial aid to be awarded to any individual needy or disadvantaged student in any school year.

(5) Award financial aid to needy or disadvantaged students for a school year based upon only that amount necessary to fill the financial gap between the budgetary cost of attending an institution of higher education and the family and student contribution.

(6) Review the need and eligibility of all applications on an annual basis and adjust financial aid to reflect changes in the financial need of the recipients and the cost of attending the institution of higher education.

**Sec. 5.** RCW 28B.10.808 and 1991 c 164 s 4 are each amended to read as follows:

In awarding need grants, the ~~((commission))~~ board shall proceed substantially as follows: PROVIDED, That nothing contained herein shall be construed to prevent the ~~((commission))~~ board, in the exercise of its sound discretion, from following another procedure when the best interest of the program so dictates:

(1) The ~~((commission))~~ board shall annually select the financial aid award ~~((winners))~~ recipients from among Washington residents applying for student financial aid who have been ranked according to financial need as determined by the amount of the family contribution and other considerations brought to the ~~((commission's))~~ board's attention.

(2) The financial need of the highest ranked students shall be met by grants depending upon the evaluation of financial need until the total allocation has been disbursed. Funds from grants which are declined, forfeited or otherwise unused shall be reawarded until dispersed.

~~((A grant may be renewed until the course of study is completed, but not for more than an additional four academic years beyond the first year of the award. These shall not be required to be consecutive years))~~ A student shall be eligible to receive a state need grant for up to five years, or the credit or clock hour equivalent of five years, or up to one hundred twenty-five percent of the published length of time of the student's program. A student may not start a new associate degree program as a state need grant recipient until at least five years have elapsed since earning an associate degree as a need grant recipient, except that a student may earn two associate degrees concurrently. Qualifications for renewal will include maintaining satisfactory academic ~~((standing))~~ progress toward completion of ~~((the course of study, and continued eligibility))~~ an eligible program as determined by the ~~((commission))~~ board. Should the recipient terminate his or her enrollment for any reason during the academic year, the unused portion of the grant shall be returned to the state educational grant fund by the institution according to the institution's own policy for issuing refunds, except as provided in RCW 28B.10.8081.

(4) In computing financial need, the ~~((commission))~~ board shall determine a maximum student expense budget allowance, not to exceed an amount equal to the total maximum student expense budget at the public institutions plus the current average state appropriation per student for operating expense in the public institutions.

**Sec. 6.** RCW 28B.10.810 and 1989 c 254 s 5 are each amended to read as follows:

For a student to be eligible for ~~((financial aid the))~~ a state need grant a student must:

(1) Be a "needy student" or "disadvantaged student" as determined by the ~~((commission))~~ board in accordance with RCW 28B.10.802 (3) and (4).

(2) Have been domiciled within the state of Washington for at least one year.

(3) Be enrolled or accepted for enrollment on at least a half-time basis at an institution of higher education in Washington as defined in RCW 28B.10.802(1).

(4) Have complied with all the rules and regulations adopted by the ~~((commission))~~ board for the administration of RCW 28B.10.800 through 28B.10.824.

**Sec. 7.** RCW 28B.10.822 and 1973 c 62 s 4 are each amended to read as follows:

The ~~((commission))~~ board shall adopt rules ~~((and regulations))~~ as may be necessary or appropriate for effecting the provisions of RCW 28B.10.800 through 28B.10.824 and section 1 of this act, and not in conflict with RCW 28B.10.800 through 28B.10.824, in accordance with the provisions of chapter 34.05 RCW, the ~~((state higher education))~~ administrative procedure act."

On page 1, line 1 of the title, after "education;" strike the remainder of the title and insert "amending RCW 28B.10.800, 28B.10.804, 28B.10.806, 28B.10.808, 28B.10.810, and 28B.10.822; and adding a new section to chapter 28B.10 RCW."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Second Substitute House Bill No. 1140 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE**

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Second Substitute House Bill No. 1140 as amended by the Senate.

Representatives Carlson and Kenney spoke in favor of passage of the bill as amended by the Senate.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1140, as amended by the Senate and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Quall and Scott - 2.

Second Substitute House Bill No. 1140, as amended by the Senate, having received the constitutional majority, was declared passed.

#### **SENATE AMENDMENTS TO HOUSE BILL**

April 21, 1999

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1222 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 43.63A RCW to read as follows:

(1) A competitive grant program to assist nonprofit organizations in acquiring, constructing, or rehabilitating performing arts, art museums, and cultural facilities is created.

(2)(a) The department shall submit a list of recommended performing arts, art museum projects, and cultural organization projects eligible for funding to the governor and the legislature in the department's biennial capital budget request beginning with the 2001-2003 biennium and thereafter. The list, in priority order, shall include a description of each project, the amount of recommended state funding, and documentation of nonstate funds to be used for the project. The total amount of recommended state funding for projects on a biennial project list shall not exceed four million dollars. The department may provide an additional alternate project list which shall not exceed five hundred thousand dollars.

(b) The department shall establish a competitive process to prioritize applications for state assistance as follows:

(i) The department shall conduct a state-wide solicitation of project applications from nonprofit organizations, local governments, and other entities, as determined by the department. The department shall evaluate and rank applications in consultation with a citizen advisory committee, including a representative from the state arts commission, using objective criteria. The evaluation and ranking process shall also consider local community support for projects and an examination of existing assets that applicants may apply to projects.

(ii) The department may establish the amount of state grant assistance for individual project applications but the amount shall not exceed twenty percent of the estimated total capital cost or actual cost of a project, whichever is less. The remaining portions of the project capital cost shall be a match from nonstate sources. The nonstate match may include cash, the value of real property when acquired solely for the purpose of the project, and in-kind contributions. The department is authorized to set matching requirements for individual projects. State assistance may be used to fund separate definable phases of a project if the project demonstrates adequate progress and has secured the necessary match funding.

(iii) The department shall not sign contracts or otherwise financially obligate funds under this section until the legislature has approved a specific list of projects. In contracts for grants authorized under this section, the department shall include provisions requiring that capital improvements be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

**Sec. 2.** RCW 27.34.330 and 1995 c 182 s 2 are each amended to read as follows:

The Washington state historical society shall establish a competitive process to solicit proposals for and prioritize heritage capital projects for potential funding in the state capital budget. The society shall adopt rules governing project eligibility and evaluation criteria. Application for funding of specific projects may be made to the society by local governments, public development authorities, nonprofit corporations, tribal governments, and other entities, as determined by the society. The society, with the advice of leaders in the heritage field, including but not limited to representatives from the office of the secretary of state, the eastern Washington state historical society, and the state office of archaeology and historic preservation, shall establish and submit a prioritized list of heritage capital projects to ~~((be recommended to the governor and the legislature by September 1st of each even numbered year, beginning in 1996. The prioritized list shall be developed through open and public meetings. The governor and the legislature shall consider the prioritized list of heritage projects~~

~~as a guide for appropriating funds to heritage capital projects beginning with the 1997-99 biennium and thereafter))~~ the governor and the legislature in the society's biennial capital budget request. The list shall include a description of each project, the amount of recommended state funding, and documentation of nonstate funds to be used for the project. The total amount of recommended state funding for projects on a biennial project list shall not exceed four million dollars. The department may provide an additional alternate project list which shall not exceed five hundred thousand dollars. The prioritized list shall be developed through open and public meetings and the amount of state funding shall not exceed thirty-three percent of the total cost of the project. The nonstate portion of the total project cost may include cash, the value of real property when acquired solely for the purpose of the project, and in-kind contributions. The department shall not sign contracts or otherwise financially obligate funds under this section until the legislature has approved a specific list of projects. In contracts for grants authorized under this section, the society shall include provisions requiring that capital improvements be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

**Sec. 3.** RCW 43.63A.125 and 1997 c 374 s 2 are each amended to read as follows:

~~((If the legislature provides an appropriation to))~~ (1) The department shall establish a competitive process to solicit proposals for and prioritize projects that assist nonprofit organizations in acquiring, constructing, or rehabilitating facilities used for the delivery of nonresidential social services~~((, the legislature may direct the department of community, trade, and economic development to))~~.

(2) The department shall establish a competitive process to prioritize applications for the assistance as follows:

~~((4))~~ (a) The department shall conduct a state-wide solicitation of project applications from local governments, nonprofit organizations, and other entities, as determined by the department. The department shall evaluate and rank applications in consultation with a citizen advisory committee using objective criteria. At a minimum, applicants must demonstrate that the requested assistance will increase the efficiency or quality of the social services it provides to citizens. The evaluation and ranking process shall also include an examination of existing assets that applicants may apply to projects. Grant assistance under this section shall not exceed twenty-five percent of the total cost of the project. The nonstate portion of the total project cost may include~~((, but is not limited to, land, facilities))~~ cash, the value of real property when acquired solely for the purpose of the project, and in-kind contributions.

~~((2))~~ (b) The department shall submit a prioritized list of recommended projects to the~~((legislature by November 1st following the effective date of the appropriation))~~ governor and the legislature in the department's biennial capital budget request beginning with the 2001-2003 biennium and thereafter. For the 1999-2001 biennium, the department shall conduct a solicitation and ranking process, as described in (a) of this subsection, for projects to be funded by appropriations provided for this program in the 1999-2001 capital budget. The list shall include a description of each project, the amount of recommended state funding, and documentation of nonstate funds to be used for the project. The total amount of recommended state funding for projects on a biennial project list shall not exceed four million dollars. The department may provide an additional alternate project list which shall not exceed five hundred thousand dollars. Except for the 1999-2001 biennium, the department shall not sign contracts or otherwise financially obligate funds under this section until the legislature has approved a specific list of projects.

~~((3))~~ (c) In contracts for grants authorized under this section the department shall include provisions which require that capital improvements shall be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities shall be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate

of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

~~((4) The department shall develop model contract provisions for compliance with subsection (3) of this section and shall distribute its recommendations to the appropriate legislative committees, the office of financial management, and to all state agencies which provide capital grants to nonstate entities.))~~

NEW SECTION. **Sec. 4.** Section 1 of this act, RCW 27.34.330, and 43.63A.125 shall expire June 30, 2007."

On page 1, line 2 of the title, after "organizations;" strike the remainder of the title and insert "amending RCW 27.34.330 and 43.63A.125; adding a new section to chapter 43.63A RCW; and providing an expiration date."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Substitute House Bill No. 1222 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE**

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Substitute House Bill No. 1222 as amended by the Senate.

Representatives Edmonds and Esser spoke in favor of passage of the bill as amended by the Senate.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1222, as amended by the Senate and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Quall and Scott - 2.

Substitute House Bill No. 1222, as amended by the Senate, having received the constitutional majority, was declared passed.

#### **SENATE AMENDMENTS TO HOUSE BILL**

April 15, 1999

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1240 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 74.09.5255 and 1994 c 180 s 6 are each amended to read as follows:

Of the projected federal medicaid and private insurance revenue collected under RCW 74.09.5249, ~~((twenty))~~ one-half of the percent of potential medicaid eligible students billed by the school district as calculated by the superintendent multiplied by the federal portion of medicaid payments, after deduction for billing fees, shall be for incentive payments to districts. Incentive payments shall only be used by districts for children with disabilities.

**Sec. 2.** RCW 74.09.5256 and 1994 c 180 s 7 are each amended to read as follows:

(1) Districts shall reassign medicaid payments to be received under RCW 74.09.5249 through 74.09.5253, 74.09.5254 and 74.09.5255, and this section to the superintendent of public instruction.

(2) The superintendent of public instruction shall receive medicaid payments from the department of social and health services for all state and federal moneys under Title XIX of the federal social security act due to districts for medical assistance provided in the district's special education program.

(3) The superintendent shall use reports from the department of social and health services, the state billing agent, districts acting as their own billing agent, and firms to calculate the appropriate amounts of incentive payments and state special education program moneys due each district.

(4) Moneys received by the superintendent of public instruction shall be disbursed for the following purposes:

(a) Reimbursement to the department of social and health services for the state-funded portion of medicaid payments;

(b) Reimbursement for billing agent's fees, including those of districts acting as their own agent and billing fees of firms;

(c) Incentive payments to each school district((s)) equal to ~~((twenty))~~ one-half of the percent of potential medicaid eligible students billed by the school district as calculated by the superintendent multiplied by the federal portion of medicaid payments after deduction for billing fees; and

(d) The remainder shall be distributed to districts as part of state allocations for the special education program provided under RCW 28A.150.390.

(5) With respect to private insurer funds received by districts, the superintendent of public instruction shall reduce state special education program allocations to the districts by ~~((eighty percent of the amount received))~~ one minus the percent calculated by the superintendent in subsection (4)(c) of this section, after deduction for billing fees."

On page 1, line 1 of the title, after "districts;" strike the remainder of the title and insert "and amending RCW 74.09.5255 and 74.09.5256."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Substitute House Bill No. 1240 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE**

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Substitute House Bill No. 1240 as amended by the Senate.

Representatives Haigh and Cox spoke favor of passage of the bill as amended by the Senate.

## ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1240, as amended by the Senate and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Quall and Scott - 2.

Substitute House Bill No. 1240, as amended by the Senate, having received the constitutional majority, was declared passed.

## MESSAGE FROM THE SENATE

April 23, 1999

Mr. Speaker:

The President has signed:

ENGROSSED SENATE BILL NO. 5109,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5175,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5208,

SUBSTITUTE SENATE BILL NO. 5312,

SENATE BILL NO. 5382,

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5421,

SUBSTITUTE SENATE BILL NO. 5744,

SECOND SUBSTITUTE SENATE BILL NO. 5821,

SENATE BILL NO. 5837,

SUBSTITUTE SENATE BILL NO. 5864,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5866,

SENATE BILL NO. 5915,

SUBSTITUTE SENATE BILL NO. 6001,

SENATE BILL NO. 6065,  
SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8406,

and the same are herewith transmitted.

Tony M. Cook, Secretary

April 23, 1999

Mr. Speaker:

The President has signed:

HOUSE BILL NO. 1023,  
SUBSTITUTE HOUSE BILL NO. 1068,  
HOUSE BILL NO. 1080,  
SECOND SUBSTITUTE HOUSE BILL NO. 1116,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1131,  
HOUSE BILL NO. 1154,  
HOUSE BILL NO. 1299,  
SUBSTITUTE HOUSE BILL NO. 1371,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1514,  
HOUSE BILL NO. 1556,  
SUBSTITUTE HOUSE BILL NO. 1558,  
HOUSE BILL NO. 1599,  
SUBSTITUTE HOUSE BILL NO. 1647,  
SUBSTITUTE HOUSE BILL NO. 1677,  
HOUSE BILL NO. 1699,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1798,  
SUBSTITUTE HOUSE BILL NO. 1838,  
SUBSTITUTE HOUSE BILL NO. 1848,  
HOUSE BILL NO. 1849,  
SUBSTITUTE HOUSE BILL NO. 1880,



SUBSTITUTE HOUSE BILL NO. 1951,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1991,  
SUBSTITUTE HOUSE BILL NO. 2053,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2090,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2107,  
HOUSE BILL NO. 2207,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2239,  
HOUSE JOINT MEMORIAL NO. 4012,

and the same are herewith transmitted.

Tony M. Cook, Secretary

**SIGNED BY THE SPEAKERS**

The Speakers signed the following bills:

SUBSTITUTE HOUSE BILL NO. 1015,  
SUBSTITUTE HOUSE BILL NO. 1016,  
SUBSTITUTE HOUSE BILL NO. 1024,  
SUBSTITUTE HOUSE BILL NO. 1053,  
SECOND SUBSTITUTE HOUSE BILL NO. 1132,  
SUBSTITUTE HOUSE BILL NO. 1163,  
HOUSE BILL NO. 1388,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1407,  
HOUSE BILL NO. 1442,  
HOUSE BILL NO. 1549,  
SUBSTITUTE HOUSE BILL NO. 1569,  
SUBSTITUTE HOUSE BILL NO. 1619,  
HOUSE BILL NO. 1642,  
SECOND SUBSTITUTE HOUSE BILL NO. 1716,  
HOUSE BILL NO. 1761,

SUBSTITUTE HOUSE BILL NO. 1770,  
SUBSTITUTE HOUSE BILL NO. 1811,  
SUBSTITUTE HOUSE BILL NO. 1826,  
SUBSTITUTE HOUSE BILL NO. 1969,  
SUBSTITUTE HOUSE BILL NO. 1971,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2085,  
SUBSTITUTE SENATE BILL NO. 5134,  
SUBSTITUTE SENATE BILL NO. 5304,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5345,  
SUBSTITUTE SENATE BILL NO. 5399,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5424,  
SECOND SUBSTITUTE SENATE BILL NO. 5452,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5508,  
SUBSTITUTE SENATE BILL NO. 5513,  
SECOND SUBSTITUTE SENATE BILL NO. 5536,  
SUBSTITUTE SENATE BILL NO. 5553,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5599,  
SUBSTITUTE SENATE BILL NO. 5619,  
SENATE BILL NO. 5628,  
SUBSTITUTE SENATE BILL NO. 5638,  
SENATE BILL NO. 5643,  
ENGROSSED SENATE BILL NO. 5649,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5661,  
SUBSTITUTE SENATE BILL NO. 5666,  
SUBSTITUTE SENATE BILL NO. 5706,  
ENGROSSED SENATE BILL NO. 5720,  
SUBSTITUTE SENATE BILL NO. 5728,

SENATE BILL NO. 5731,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5803,  
SUBSTITUTE SENATE BILL NO. 5828,  
ENGROSSED SENATE BILL NO. 5897,  
SENATE BILL NO. 5911,  
ENGROSSED SENATE BILL NO. 5962,  
SENATE BILL NO. 6025,  
SENATE JOINT RESOLUTION NO. 8206,

There being no objection, the bills passed in the day's session were immediately transmitted to the Senate.

### SENATE AMENDMENTS TO HOUSE BILL

April 16, 1999

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1192 with the following amendment(s)

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 43.163.010 and 1994 c 238 s 1 and 1994 c 92 s 498 are each reenacted and amended to read as follows:

As used in this chapter, the following words and terms have the following meanings, unless the context requires otherwise:

(1) "Authority" means the Washington economic development finance authority created under RCW 43.163.020 or any board, body, commission, department or officer succeeding to the principal functions of the authority or to whom the powers conferred upon the authority shall be given by law;

(2) "Bonds" means any bonds, notes, debentures, interim certificates, conditional sales or lease financing agreements, lines of credit, forward purchase agreements, investment agreements, and other banking or financial arrangements, guaranties, or other obligations issued by or entered into by the authority. Such bonds may be issued on either a tax-exempt or taxable basis;

(3) "Borrower" means one or more public or private persons or entities acting as lessee, purchaser, mortgagor, or borrower who has obtained or is seeking to obtain financing either from the authority or from an eligible banking organization that has obtained or is seeking to obtain funds from the authority to finance a project. A borrower may include a party who transfers the right of use and occupancy to another party by lease, sublease or otherwise, or a party who is seeking or has obtained a financial guaranty from the authority;

(4) "Eligible banking organization" means any organization subject to regulation by the director of the department of financial institutions, any national bank, federal savings and loan association, and federal credit union located within this state;

(5) "Eligible export transaction" means any preexport or export activity by a person or entity located in the state of Washington involving a sale for export and product sale which, in the judgment of the authority: (a) Will create or maintain employment in the state of Washington, (b) will obtain a material percent of its value from manufactured goods or services made, processed or occurring in Washington, and (c) could not otherwise obtain financing on reasonable terms from an eligible banking organization;

(6) "Eligible farmer" means any person who is a resident of the state of Washington and whose specific acreage qualifying for receipts from the federal department of agriculture under its conservation reserve program is within the state of Washington;

(7) "Eligible person" means an individual, partnership, corporation, or joint venture carrying on business, or proposing to carry on business within the state and is seeking financial assistance under RCW 43.163.210;

(8) "Financial assistance" means the infusion of capital to persons for use in the development and exploitation of specific inventions and products;

(9) "Financing document" means an instrument executed by the authority and one or more persons or entities pertaining to the issuance of or security for bonds, or the application of the proceeds of bonds or other funds of, or payable to, the authority. A financing document may include, but need not be limited to, a lease, installment sale agreement, conditional sale agreement, mortgage, loan agreement, trust agreement or indenture, security agreement, letter or line of credit, reimbursement agreement, insurance policy, guaranty agreement, or currency or interest rate swap agreement. A financing document also may be an agreement between the authority and an eligible banking organization which has agreed to make a loan to a borrower;

(10) "Plan" means the general plan of economic development finance objectives developed and adopted by the authority, and updated from time to time, as required under RCW 43.163.090;

(11) "Economic development activities" means activities related to: Manufacturing, processing, research, production, assembly, tooling, warehousing, airports, docks and wharves, mass commuting facilities, high-speed intercity rail facilities, public broadcasting, pollution control, solid waste recycling, federally qualified hazardous waste facilities, energy generating, conservation, or transmission facilities, ((and sports facilities and)) industrial parks and activities conducted within a federally designated enterprise or empowerment zone or geographic area of similar nature. Economic development activities shall not include parking garages operated primarily for use by the public, sports stadiums or facilities, convention centers, or bridges primarily for motor vehicle use;

(12) "Project costs" means costs of:

(a) Acquisition, lease, construction, reconstruction, remodeling, refurbishing, rehabilitation, extension, and enlargement of land, rights to land, buildings, structures, docks, wharves, fixtures, machinery, equipment, excavations, paving, landscaping, utilities, approaches, roadways and parking, handling and storage areas, and similar ancillary facilities, and any other real or personal property included in an economic development activity;

(b) Architectural, engineering, consulting, accounting, and legal costs related directly to the development, financing, acquisition, lease, construction, reconstruction, remodeling, refurbishing, rehabilitation, extension, and enlargement of an activity included under subsection (11) of this section, including costs of studies assessing the feasibility of an economic development activity;

(c) Finance costs, including the costs of credit enhancement and discounts, if any, the costs of issuing revenue bonds, and costs incurred in carrying out any financing document;

(d) Start-up costs, working capital, capitalized research and development costs, capitalized interest during construction and during the eighteen months after estimated completion of construction, and capitalized debt service or repair and replacement or other appropriate reserves;

(e) The refunding of any outstanding obligations incurred for any of the costs outlined in this subsection; and

(f) Other costs incidental to any of the costs listed in this section;

(13) "Product" means a product, device, technique, or process that is or may be exploitable commercially. "Product" does not refer to pure research, but shall be construed to apply to products, devices, techniques, or processes that have advanced beyond the theoretic stage and are readily capable of being, or have been, reduced to practice;

(14) "Financing agreements" means, and includes without limitation, a contractual arrangement with an eligible person whereby the authority obtains rights from or in an invention or product or proceeds from an invention or product in exchange for the granting of financial and other assistance to the person.

**Sec. 2.** RCW 39.36.020 and 1994 c 277 s 1 are each amended to read as follows:

(1) Except as otherwise expressly provided by law or in subsections (2), (3) and (4) of this section, no taxing district shall for any purpose become indebted in any manner to an amount exceeding three-eighths of one percent of the value of the taxable property in such taxing district without the assent of three-fifths of the voters therein voting at an election to be held for that purpose, nor in cases requiring such assent shall the total indebtedness incurred at any time exceed one and one-fourth percent on the value of the taxable property therein.

(2)(a)(i) Public hospital districts are limited to an indebtedness amount not exceeding three-fourths of one percent of the value of the taxable property in such public hospital districts without the assent of three-fifths of the voters therein voting at an election held for that purpose.

(ii) Counties, cities, and towns are limited to an indebtedness amount not exceeding one and one-half percent of the value of the taxable property in such counties, cities, or towns without the assent of three-fifths of the voters therein voting at an election held for that purpose.

(b) In cases requiring such assent counties, cities, towns, and public hospital districts are limited to a total indebtedness of two and one-half percent of the value of the taxable property therein. However, any county that has assumed the rights, powers, functions, and obligations of a metropolitan municipal corporation under chapter 36.56 RCW may become indebted to a larger amount for its authorized metropolitan functions, as provided under chapter 35.58 RCW, but not exceeding an additional three-fourths of one percent of the value of the taxable property in the county without the assent of three-fifths of the voters therein voting at an election held for that purpose, and in cases requiring such assent not exceeding an additional two and one-half percent of the value of the taxable property in the county.

(3) School districts are limited to an indebtedness amount not exceeding three-eighths of one percent of the value of the taxable property in such district without the assent of three-fifths of the voters therein voting at an election held for that purpose. In cases requiring such assent school districts are limited to a total indebtedness of two and one-half percent of the value of the taxable property therein.

(4) No part of the indebtedness allowed in this chapter shall be incurred for any purpose other than strictly county, city, town, school district, township, port district, metropolitan park district, or other municipal purposes: PROVIDED, That a city or town, with such assent, may become indebted to a larger amount, but not exceeding two and one-half percent additional, determined as herein provided, for supplying such city or town with water, artificial light, and sewers, when the works for supplying such water, light, and sewers shall be owned and controlled by the city or town; and a city or town, with such assent, may become indebted to a larger amount, but not exceeding two and one-half percent additional for acquiring or developing open space (~~and~~), park facilities, and capital facilities associated with economic development: PROVIDED FURTHER, That any school district may become indebted to a larger amount but not exceeding two and one-half percent additional for capital outlays.

(5) Such indebtedness may be authorized in any total amount in one or more propositions and the amount of such authorization may exceed the amount of indebtedness which could then lawfully be incurred. Such indebtedness may be incurred in one or more series of bonds from time to time out of such authorization but at no time shall the total general indebtedness of any taxing district exceed the above limitation.

The term "value of the taxable property" as used in this section shall have the meaning set forth in RCW 39.36.015.

**NEW SECTION. Sec. 3.** A new section is added to chapter 39.36 RCW to read as follows:

A city or town seeking voter approval to increase its total indebtedness above two and one-half percent of the value of the taxable property therein for purposes of acquiring or developing capital facilities associated with economic development as provided in RCW 39.36.020 shall notify the Washington economic development finance authority created under RCW 43.163.020 at least thirty days prior to the election held for the purpose of obtaining such assent.

NEW SECTION. **Sec. 4.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "authority;" strike the remainder of the title and insert "amending RCW 39.36.020; reenacting and amending RCW 43.163.010; adding a new section to chapter 39.36 RCW; and declaring an emergency."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House refused to concur in the Senate Amendment(s) to House Bill No. 1192 and asked the Senate to recede therefrom.

### SENATE AMENDMENTS TO HOUSE BILL

April 21, 1999

Mr. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1484 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 74.46.020 and 1998 c 322 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Accrual method of accounting" means a method of accounting in which revenues are reported in the period when they are earned, regardless of when they are collected, and expenses are reported in the period in which they are incurred, regardless of when they are paid.

(2) "Appraisal" means the process of estimating the fair market value or reconstructing the historical cost of an asset acquired in a past period as performed by a professionally designated real estate appraiser with no pecuniary interest in the property to be appraised. It includes a systematic, analytic determination and the recording and analyzing of property facts, rights, investments, and values based on a personal inspection and inventory of the property.

(3) "Arm's-length transaction" means a transaction resulting from good-faith bargaining between a buyer and seller who are not related organizations and have adverse positions in the market place. Sales or exchanges of nursing home facilities among two or more parties in which all parties subsequently continue to own one or more of the facilities involved in the transactions shall not be considered as arm's-length transactions for purposes of this chapter. Sale of a nursing home facility which is subsequently leased back to the seller within five years of the date of sale shall not be considered as an arm's-length transaction for purposes of this chapter.

(4) "Assets" means economic resources of the contractor, recognized and measured in conformity with generally accepted accounting principles.

(5) "Audit" or "department audit" means an examination of the records of a nursing facility participating in the medicaid payment system, including but not limited to: The contractor's financial and statistical records, cost reports and all supporting documentation and schedules, receivables, and resident trust funds, to be performed as deemed necessary by the department and according to department rule.

(6) "Bad debts" means amounts considered to be uncollectible from accounts and notes receivable.

(7) "Beneficial owner" means:

(a) Any person who, directly or indirectly, through any contract, arrangement, understanding, relationship, or otherwise has or shares:

(i) Voting power which includes the power to vote, or to direct the voting of such ownership interest; and/or

(ii) Investment power which includes the power to dispose, or to direct the disposition of such ownership interest;

(b) Any person who, directly or indirectly, creates or uses a trust, proxy, power of attorney, pooling arrangement, or any other contract, arrangement, or device with the purpose or effect of divesting himself or herself of beneficial ownership of an ownership interest or preventing the vesting of such beneficial ownership as part of a plan or scheme to evade the reporting requirements of this chapter;

(c) Any person who, subject to (b) of this subsection, has the right to acquire beneficial ownership of such ownership interest within sixty days, including but not limited to any right to acquire:

(i) Through the exercise of any option, warrant, or right;

(ii) Through the conversion of an ownership interest;

(iii) Pursuant to the power to revoke a trust, discretionary account, or similar arrangement; or

(iv) Pursuant to the automatic termination of a trust, discretionary account, or similar arrangement;

except that, any person who acquires an ownership interest or power specified in (c)(i), (ii), or (iii) of this subsection with the purpose or effect of changing or influencing the control of the contractor, or in connection with or as a participant in any transaction having such purpose or effect, immediately upon such acquisition shall be deemed to be the beneficial owner of the ownership interest which may be acquired through the exercise or conversion of such ownership interest or power;

(d) Any person who in the ordinary course of business is a pledgee of ownership interest under a written pledge agreement shall not be deemed to be the beneficial owner of such pledged ownership interest until the pledgee has taken all formal steps necessary which are required to declare a default and determines that the power to vote or to direct the vote or to dispose or to direct the disposition of such pledged ownership interest will be exercised; except that:

(i) The pledgee agreement is bona fide and was not entered into with the purpose nor with the effect of changing or influencing the control of the contractor, nor in connection with any transaction having such purpose or effect, including persons meeting the conditions set forth in (b) of this subsection; and

(ii) The pledgee agreement, prior to default, does not grant to the pledgee:

(A) The power to vote or to direct the vote of the pledged ownership interest; or

(B) The power to dispose or direct the disposition of the pledged ownership interest, other than the grant of such power(s) pursuant to a pledge agreement under which credit is extended and in which the pledgee is a broker or dealer.

(8) "Capital portion of the rate" means the sum of the property and financing allowance rate allocations, as established in part E of this chapter.

(9) "Capitalization" means the recording of an expenditure as an asset.

~~((9))~~ (10) "Case mix" means a measure of the intensity of care and services needed by the residents of a nursing facility or a group of residents in the facility.

~~((10))~~ (11) "Case mix index" means a number representing the average case mix of a nursing facility.

~~((11))~~ (12) "Case mix weight" means a numeric score that identifies the relative resources used by a particular group of a nursing facility's residents.

~~((12))~~ (13) "Contractor" means a person or entity licensed under chapter 18.51 RCW to operate a medicare and medicaid certified nursing facility, responsible for operational decisions, and contracting with the department to provide services to medicaid recipients residing in the facility.

~~((13))~~ (14) "Default case" means no initial assessment has been completed for a resident and transmitted to the department by the cut-off date, or an assessment is otherwise past due for the resident, under state and federal requirements.

~~((14))~~ (15) "Department" means the department of social and health services (DSHS) and its employees.

~~((15))~~ (16) "Depreciation" means the systematic distribution of the cost or other basis of tangible assets, less salvage, over the estimated useful life of the assets.

~~((16))~~ (17) "Direct care" means nursing care and related care provided to nursing facility residents. Therapy care shall not be considered part of direct care.

~~((17))~~ (18) "Direct care supplies" means medical, pharmaceutical, and other supplies required for the direct care of a nursing facility's residents.

~~((18))~~ (19) "Entity" means an individual, partnership, corporation, limited liability company, or any other association of individuals capable of entering enforceable contracts.

~~((19))~~ (20) "Equity" means the net book value of all tangible and intangible assets less the recorded value of all liabilities, as recognized and measured in conformity with generally accepted accounting principles.

~~((20))~~ (21) "Facility" or "nursing facility" means a nursing home licensed in accordance with chapter 18.51 RCW, excepting nursing homes certified as institutions for mental diseases, or that portion of a multiservice facility licensed as a nursing home, or that portion of a hospital licensed in accordance with chapter 70.41 RCW which operates as a nursing home.

~~((21))~~ (22) "Fair market value" means the replacement cost of an asset less observed physical depreciation on the date for which the market value is being determined.

~~((22))~~ (23) "Financial statements" means statements prepared and presented in conformity with generally accepted accounting principles including, but not limited to, balance sheet, statement of operations, statement of changes in financial position, and related notes.

~~((23))~~ (24) "Generally accepted accounting principles" means accounting principles approved by the financial accounting standards board (FASB).

~~((24))~~ (25) "Goodwill" means the excess of the price paid for a nursing facility business over the fair market value of all net identifiable tangible and intangible assets acquired, as measured in accordance with generally accepted accounting principles.

~~((25))~~ (26) "Grouper" means a computer software product that groups individual nursing facility residents into case mix classification groups based on specific resident assessment data and computer logic.

~~((26))~~ (27) "Historical cost" means the actual cost incurred in acquiring and preparing an asset for use, including feasibility studies, architect's fees, and engineering studies.

~~((27))~~ (28) "Imprest fund" means a fund which is regularly replenished in exactly the amount expended from it.

~~((28))~~ (29) "Joint facility costs" means any costs which represent resources which benefit more than one facility, or one facility and any other entity.

~~((29))~~ (30) "Lease agreement" means a contract between two parties for the possession and use of real or personal property or assets for a specified period of time in exchange for specified periodic payments. Elimination (due to any cause other than death or divorce) or addition of any party to the contract, expiration, or modification of any lease term in effect on January 1, 1980, or termination of the lease by either party by any means shall constitute a termination of the lease agreement. An extension or renewal of a lease agreement, whether or not pursuant to a renewal provision in the lease agreement, shall be considered a new lease agreement. A strictly formal change in the lease agreement which modifies the method, frequency, or manner in which the lease payments are made, but does not increase the total lease payment obligation of the lessee, shall not be considered modification of a lease term.

~~((30))~~ (31) "Medical care program" or "medicaid program" means medical assistance, including nursing care, provided under RCW 74.09.500 or authorized state medical care services.

~~((31))~~ (32) "Medical care recipient," "medicaid recipient," or "recipient" means an individual determined eligible by the department for the services provided under chapter 74.09 RCW.

~~((32))~~ (33) "Minimum data set" means the overall data component of the resident assessment instrument, indicating the strengths, needs, and preferences of an individual nursing facility resident.

~~((33))~~ (34) "Net book value" means the historical cost of an asset less accumulated depreciation.



~~((34))~~ (35) "Net invested funds" means the net book value of tangible fixed assets employed by a contractor to provide services under the medical care program, including land, buildings, and equipment as recognized and measured in conformity with generally accepted accounting principles~~((, plus an allowance for working capital which shall be five percent of the product of the per patient day rate multiplied by the prior calendar year reported total patient days of each contractor))~~.

~~((35))~~ (36) "Noncapital portion of the rate" means the sum of the direct care, therapy care, operations, support services, and variable return rate allocations, as established in part E of this chapter.

(37) "Operating lease" means a lease under which rental or lease expenses are included in current expenses in accordance with generally accepted accounting principles.

~~((36))~~ (38) "Owner" means a sole proprietor, general or limited partners, members of a limited liability company, and beneficial interest holders of five percent or more of a corporation's outstanding stock.

~~((37))~~ (39) "Ownership interest" means all interests beneficially owned by a person, calculated in the aggregate, regardless of the form which such beneficial ownership takes.

~~((38))~~ (40) "Patient day" or "resident day" means a calendar day of care provided to a nursing facility resident, regardless of payment source, which will include the day of admission and exclude the day of discharge; except that, when admission and discharge occur on the same day, one day of care shall be deemed to exist. A "medicaid day" or "recipient day" means a calendar day of care provided to a medicaid recipient determined eligible by the department for services provided under chapter 74.09 RCW, subject to the same conditions regarding admission and discharge applicable to a patient day or resident day of care.

~~((39))~~ (41) "Professionally designated real estate appraiser" means an individual who is regularly engaged in the business of providing real estate valuation services for a fee, and who is deemed qualified by a nationally recognized real estate appraisal educational organization on the basis of extensive practical appraisal experience, including the writing of real estate valuation reports as well as the passing of written examinations on valuation practice and theory, and who by virtue of membership in such organization is required to subscribe and adhere to certain standards of professional practice as such organization prescribes.

~~((40))~~ (42) "Qualified therapist" means:

- (a) A mental health professional as defined by chapter 71.05 RCW;
- (b) A mental retardation professional who is a therapist approved by the department who has had specialized training or one year's experience in treating or working with the mentally retarded or developmentally disabled;
- (c) A speech pathologist who is eligible for a certificate of clinical competence in speech pathology or who has the equivalent education and clinical experience;
- (d) A physical therapist as defined by chapter 18.74 RCW;
- (e) An occupational therapist who is a graduate of a program in occupational therapy, or who has the equivalent of such education or training; and
- (f) A respiratory care practitioner certified under chapter 18.89 RCW.

~~((41))~~ (43) "Rate" or "rate allocation" means the medicaid per-patient-day payment amount for medicaid patients calculated in accordance with the allocation methodology set forth in part E of this chapter.

~~((42))~~ (44) "Real property," whether leased or owned by the contractor, means the building, allowable land, land improvements, and building improvements associated with a nursing facility.

~~((43))~~ (45) "Rebased rate" or "cost-rebased rate" means a facility-specific component rate assigned to a nursing facility for a particular rate period established on desk-reviewed, adjusted costs reported for that facility covering at least six months of a prior calendar year designated as a year to be used for cost-rebasing payment rate allocations under the provisions of this chapter.

~~((44))~~ (46) "Records" means those data supporting all financial statements and cost reports including, but not limited to, all general and subsidiary ledgers, books of original entry, and transaction documentation, however such data are maintained.

~~((45))~~ (47) "Related organization" means an entity which is under common ownership and/or control with, or has control of, or is controlled by, the contractor.

(a) "Common ownership" exists when an entity is the beneficial owner of five percent or more ownership interest in the contractor and any other entity.

(b) "Control" exists where an entity has the power, directly or indirectly, significantly to influence or direct the actions or policies of an organization or institution, whether or not it is legally enforceable and however it is exercisable or exercised.

~~((46))~~ (48) "Related care" means only those services that are directly related to providing direct care to nursing facility residents. These services include, but are not limited to, nursing direction and supervision, medical direction, medical records, pharmacy services, activities, and social services.

~~((47))~~ (49) "Resident assessment instrument," including federally approved modifications for use in this state, means a federally mandated, comprehensive nursing facility resident care planning and assessment tool, consisting of the minimum data set and resident assessment protocols.

~~((48))~~ (50) "Resident assessment protocols" means those components of the resident assessment instrument that use the minimum data set to trigger or flag a resident's potential problems and risk areas.

~~((49))~~ (51) "Resource utilization groups" means a case mix classification system that identifies relative resources needed to care for an individual nursing facility resident.

~~((50))~~ (52) "Restricted fund" means those funds the principal and/or income of which is limited by agreement with or direction of the donor to a specific purpose.

~~((51))~~ (53) "Secretary" means the secretary of the department of social and health services.

~~((52))~~ (54) "Support services" means food, food preparation, dietary, housekeeping, and laundry services provided to nursing facility residents.

~~((53))~~ (55) "Therapy care" means those services required by a nursing facility resident's comprehensive assessment and plan of care, that are provided by qualified therapists, or support personnel under their supervision, including related costs as designated by the department.

~~((54))~~ (56) "Title XIX" or "medicaid" means the 1965 amendments to the social security act, P.L. 89-07, as amended and the medicaid program administered by the department.

**Sec. 2.** RCW 74.46.360 and 1997 c 277 s 1 are each amended to read as follows:

(1) For all partial or whole rate periods after December 31, 1984, the cost basis of land and depreciation base of depreciable assets shall be the historical cost of the contractor or lessor, when the assets are leased by the contractor, in acquiring the asset in an arm's-length transaction and preparing it for use, less goodwill, and less accumulated depreciation, if applicable, which has been incurred during periods that the assets have been used in or as a facility by any contractor, such accumulated depreciation to be measured in accordance with subsections (4), (5), and (6) of this section and RCW 74.46.350 and 74.46.370. If the department challenges the historical cost of an asset, or if the contractor cannot or will not provide the historical costs, the department will have the department of general administration, through an appraisal procedure, determine the fair market value of the assets at the time of purchase. The cost basis of land and depreciation base of depreciable assets will not exceed such fair market value.

(2) For new or replacement building construction or for substantial building additions requiring the acquisition of land and which commenced to operate on or after July 1, 1997, the department shall determine allowable land costs of the additional land acquired for the replacement construction or building additions to be the lesser of:

(a) The contractor's or lessor's actual cost per square foot; or

(b) The square foot land value as established by an appraisal that meets the latest publication of the Uniform Standards of Professional Appraisal Practice (USPAP) and the financial institutions reform, recovery, and enhancement act (FIRREA).

(3) Subject to the provisions of subsection (2) of this section, if, in the course of financing a project, an arm's-length lender has ordered a Uniform Standards of Professional Appraisal Practice appraisal on the land that meets financial institutions reform, recovery, and enhancement act standards and the arm's-length lender has accepted the ordered appraisal, the department shall accept the appraisal value as allowable land costs for calculation of payment.

If the contractor or lessor is unable or unwilling to provide or cause to be provided to the department, or the department is unable to obtain from the arm's-length lender, a lender-approved appraisal that meets the standards of the Uniform Standards of Professional Appraisal Practice and financial institutions reform, recovery, and enhancement act, the department shall order such an appraisal and accept the appraisal as the allowable land costs. If the department orders the Uniform Standards of Professional Appraisal Practice and financial institutions reform, recovery, and enhancement act appraisal, the contractor shall immediately reimburse the department for the costs incurred.

(4) The historical cost of depreciable and nondepreciable donated assets, or of depreciable and nondepreciable assets received through testate or intestate distribution, shall be the lesser of:

(a) Fair market value at the date of donation or death; or

(b) The historical cost base of the owner last contracting with the department, if any.

(5) Estimated salvage value of acquired, donated, or inherited assets shall be deducted from historical cost where the straight-line or sum-of-the-years' digits method of depreciation is used.

(6)(a) For facilities, other than those described under subsection (2) of this section, operating prior to July 1, 1997, where land or depreciable assets are acquired that were used in the medical care program subsequent to January 1, 1980, the cost basis or depreciation base of the assets will not exceed the net book value which did exist or would have existed had the assets continued in use under the previous contract with the department; except that depreciation shall not be assumed to accumulate during periods when the assets were not in use in or as a facility.

(b) The provisions of (a) of this subsection shall not apply to the most recent arm's-length acquisition if it occurs at least ten years after the ownership of the assets has been previously transferred in an arm's-length transaction nor to the first arm's-length acquisition that occurs after January 1, 1980, for facilities participating in the medical care program prior to January 1, 1980. The new cost basis or depreciation base for such acquisitions shall not exceed the fair market value of the assets as determined by the department of general administration through an appraisal procedure. A determination by the department of general administration of fair market value shall be final unless the procedure used to make such determination is shown to be arbitrary and capricious. For all partial or whole rate periods after July 17, 1984, this subsection is inoperative for any transfer of ownership of any asset, depreciable or nondepreciable, occurring on or after July 18, 1984, leaving (a) of this subsection to apply alone to such transfers: PROVIDED, HOWEVER, That this subsection shall apply to transfers of ownership of assets occurring prior to January 1, 1985, if the costs of such assets have never been reimbursed under medicaid cost reimbursement on an owner-operated basis or as a related-party lease: PROVIDED FURTHER, That for any contractor that can document in writing an enforceable agreement for the purchase of a nursing home dated prior to July 18, 1984, and submitted to the department prior to January 1, 1988, the cost basis of allowable land and the depreciation base of the nursing home, for rates established after July 18, 1984, shall not exceed the fair market value of the assets at the date of purchase as determined by the department of general administration through an appraisal procedure. For medicaid cost reimbursement purposes, an agreement to purchase a nursing home dated prior to July 18, 1984, is enforceable, even though such agreement contains no legal description of the real property involved, notwithstanding the statute of frauds or any other provision of law.

(c) In the case of land or depreciable assets leased by the same contractor since January 1, 1980, in an arm's-length lease, and purchased by the lessee/contractor, the lessee/contractor shall have the option:

(i) To have the provisions of subsection (b) of this section apply to the purchase; or

(ii) To have the reimbursement for property and ~~((return on investment continue to be))~~ ~~financing allowance calculated pursuant to ((the provisions contained in RCW 74.46.530(1)(e) and (f))~~ this chapter based upon the provisions of the lease in existence on the date of the purchase, but only if the purchase date meets one of the following criteria:

(A) The purchase date is after the lessor has declared bankruptcy or has defaulted in any loan or mortgage held against the leased property;

(B) The purchase date is within one year of the lease expiration or renewal date contained in the lease;

(C) The purchase date is after a rate setting for the facility in which the reimbursement rate set pursuant to this chapter no longer is equal to or greater than the actual cost of the lease; or

(D) The purchase date is within one year of any purchase option in existence on January 1, 1988.

(d) For all rate periods past or future where land or depreciable assets are acquired from a related organization, the contractor's cost basis and depreciation base shall not exceed the base the related organization had or would have had under a contract with the department.

(e) Where the land or depreciable asset is a donation or distribution between related organizations, the cost basis or depreciation base shall be the lesser of (i) fair market value, less salvage value, or (ii) the cost basis or depreciation base the related organization had or would have had for the asset under a contract with the department.

**Sec. 3.** RCW 74.46.421 and 1998 c 322 s 18 are each amended to read as follows:

(1) The purpose of part E of this chapter is to determine nursing facility medicaid payment rates that, in the aggregate for all participating nursing facilities, are in accordance with the biennial appropriations act.

(2)(a) The department shall use the nursing facility medicaid payment rate methodologies described in this chapter to determine initial component rate allocations for each medicaid nursing facility.

(b) The initial component rate allocations shall be subject to adjustment as provided in this section in order to assure that the state-wide average payment rate to nursing facilities is less than or equal to the state-wide average payment rate specified in the biennial appropriations act.

(3) Nothing in this chapter shall be construed as creating a legal right or entitlement to any payment that (a) has not been adjusted under this section or (b) would cause the state-wide average payment rate to exceed the state-wide average payment rate specified in the biennial appropriations act.

(4)(a) The state-wide average payment rate for the capital portion of the rate for any state fiscal year under the nursing facility medicaid payment system, weighted by patient days, shall not exceed the annual state-wide weighted average nursing facility payment rate for the capital portion of the rate identified for that fiscal year in the biennial appropriations act.

(b) If the department determines that the weighted average nursing facility payment rate for the capital portion of the rate calculated in accordance with this chapter is likely to exceed the weighted average nursing facility payment rate for the capital portion of the rate identified in the biennial appropriations act, then the department shall adjust all nursing facility property and financing allowance payment rates proportional to the amount by which the weighted average rate allocations would otherwise exceed the budgeted capital portion of the rate amount. Any such adjustments shall only be made prospectively, not retrospectively, and shall be applied proportionately to each component rate allocation for each facility.

(5)(a) The state-wide average payment rate for the noncapital portion of the rate for any state fiscal year under the nursing facility payment system, weighted by patient days, shall not exceed the annual state-wide weighted average nursing facility payment rate for the noncapital portion of the rate identified for that fiscal year in the biennial appropriations act.

(b) If the department determines that the weighted average nursing facility payment rate for the noncapital portion of the rate calculated in accordance with this chapter is likely to exceed the weighted average nursing facility payment rate for the noncapital portion of the rate identified in the biennial appropriations act, then the department shall adjust all nursing facility direct care, therapy care, support services, operations, and variable return payment rates proportional to the amount by which the weighted average rate allocations would otherwise exceed the budgeted noncapital portion of the rate amount. Any such adjustments shall only be made prospectively, not retrospectively, and shall be applied proportionately to each direct care, therapy care, support services, operations, and variable return rate allocation for each facility.

**Sec. 4.** RCW 74.46.431 and 1998 c 322 s 19 are each amended to read as follows:

(1) Effective ((~~October 1, 1998~~)) July 1, 1999, nursing facility medicaid payment rate allocations shall be facility-specific and shall have ((~~six~~)) seven components: Direct care, therapy care,

support services, operations, property, financing allowance, and variable return (~~(on investment)~~). The department shall establish and adjust each of these components, as provided in this section and elsewhere in this chapter, for each medicaid nursing facility in this state.

(2) All component rate allocations shall be based upon a minimum facility occupancy of eighty-five percent of licensed beds, regardless of how many beds are set up or in use.

(3) Information and data sources used in determining medicaid payment rate allocations, including formulas, procedures, cost report periods, resident assessment instrument formats, resident assessment methodologies, and resident classification and case mix weighting methodologies, may be substituted or altered from time to time as determined by the department.

(4)(a) Direct care component rate allocations shall be established using adjusted cost report data covering at least six months. Adjusted cost report data from 1996 will be used for October 1, 1998, through June 30, 2001, direct care component rate allocations; adjusted cost report data from 1999 will be used for July 1, 2001, through June 30, 2004, direct care component rate allocations.

(b) Direct care component rate allocations based on 1996 cost report data shall be adjusted annually for economic trends and conditions by a factor or factors defined in the biennial appropriations act. A different economic trends and conditions adjustment factor or factors may be defined in the biennial appropriations act for facilities whose direct care component rate is set equal to their adjusted June 30, 1998, rate, as provided in RCW 74.46.506(5)(k).

(c) Direct care component rate allocations based on 1999 cost report data shall be adjusted annually for economic trends and conditions by a factor or factors defined in the biennial appropriations act. A different economic trends and conditions adjustment factor or factors may be defined in the biennial appropriations act for facilities whose direct care component rate is set equal to their adjusted June 30, 1998, rate, as provided in RCW 74.46.506(5)(k).

(5)(a) Therapy care component rate allocations shall be established using adjusted cost report data covering at least six months. Adjusted cost report data from 1996 will be used for October 1, 1998, through June 30, 2001, therapy care component rate allocations; adjusted cost report data from 1999 will be used for July 1, 2001, through June 30, 2004, therapy care component rate allocations.

(b) Therapy care component rate allocations shall be adjusted annually for economic trends and conditions by a factor or factors defined in the biennial appropriations act.

(6)(a) Support services component rate allocations shall be established using adjusted cost report data covering at least six months. Adjusted cost report data from 1996 shall be used for October 1, 1998, through June 30, 2001, support services component rate allocations; adjusted cost report data from 1999 shall be used for July 1, 2001, through June 30, 2004, support services component rate allocations.

(b) Support services component rate allocations shall be adjusted annually for economic trends and conditions by a factor or factors defined in the biennial appropriations act.

(7)(a) Operations component rate allocations shall be established using adjusted cost report data covering at least six months. Adjusted cost report data from 1996 shall be used for October 1, 1998, through June 30, 2001, operations component rate allocations; adjusted cost report data from 1999 shall be used for July 1, 2001, through June 30, 2004, operations component rate allocations.

(b) Operations component rate allocations shall be adjusted annually for economic trends and conditions by a factor or factors defined in the biennial appropriations act.

(8) For July 1, 1998, through September 30, 1998, a facility's property and return on investment component rates shall be the facility's June 30, 1998, property and return on investment component rates, without increase. For October 1, 1998, through June 30, 1999, a facility's property and return on investment component rates shall be rebased utilizing 1997 adjusted cost report data covering at least six months of data.

(9) Total payment rates under the nursing facility medicaid payment system shall not exceed facility rates charged to the general public for comparable services.

(10) Medicaid contractors shall pay to all facility staff a minimum wage of the greater of five dollars and fifteen cents per hour or the federal minimum wage.

(11) The department shall establish in rule procedures, principles, and conditions for determining component rate allocations for facilities in circumstances not directly addressed by this chapter, including but not limited to: The need to prorate inflation for partial-period cost report data,

newly constructed facilities, existing facilities entering the medicaid program for the first time or after a period of absence from the program, existing facilities with expanded new bed capacity, existing medicaid facilities following a change of ownership of the nursing facility business, facilities banking beds or converting beds back into service, facilities having less than six months of either resident assessment, cost report data, or both, under the current contractor prior to rate setting, and other circumstances.

(12) The department shall establish in rule procedures, principles, and conditions, including necessary threshold costs, for adjusting rates to reflect capital improvements or new requirements imposed by the department or the federal government. Any such rate adjustments are subject to the provisions of RCW 74.46.421.

**Sec. 5.** RCW 74.46.506 and 1998 c 322 s 25 are each amended to read as follows:

(1) The direct care component rate allocation corresponds to the provision of nursing care for one resident of a nursing facility for one day, including direct care supplies. Therapy services and supplies, which correspond to the therapy care component rate, shall be excluded. The direct care component rate includes elements of case mix determined consistent with the principles of this section and other applicable provisions of this chapter.

(2) Beginning October 1, 1998, the department shall determine and update quarterly for each nursing facility serving medicaid residents a facility-specific per-resident day direct care component rate allocation, to be effective on the first day of each calendar quarter. In determining direct care component rates the department shall utilize, as specified in this section, minimum data set resident assessment data for each resident of the facility, as transmitted to, and if necessary corrected by, the department in the resident assessment instrument format approved by federal authorities for use in this state.

(3) The department may question the accuracy of assessment data for any resident and utilize corrected or substitute information, however derived, in determining direct care component rates. The department is authorized to impose civil fines and to take adverse rate actions against a contractor, as specified by the department in rule, in order to obtain compliance with resident assessment and data transmission requirements and to ensure accuracy.

(4) Cost report data used in setting direct care component rate allocations shall be 1996 and 1999, for rate periods as specified in RCW 74.46.431(4)(a).

(5) Beginning October 1, 1998, the department shall rebase each nursing facility's direct care component rate allocation as described in RCW 74.46.431, adjust its direct care component rate allocation for economic trends and conditions as described in RCW 74.46.431, and update its medicaid average case mix index, consistent with the following:

(a) Reduce total direct care costs reported by each nursing facility for the applicable cost report period specified in RCW 74.46.431(4)(a) to reflect any department adjustments, and to eliminate reported resident therapy costs and adjustments, in order to derive the facility's total allowable direct care cost;

(b) Divide each facility's total allowable direct care cost by its adjusted resident days for the same report period, increased if necessary to a minimum occupancy of eighty-five percent; that is, the greater of actual or imputed occupancy at eighty-five percent of licensed beds, to derive the facility's allowable direct care cost per resident day;

(c) Adjust the facility's per resident day direct care cost by the applicable factor specified in RCW 74.46.431(4) (b) and (c) to derive its adjusted allowable direct care cost per resident day;

(d) Divide each facility's adjusted allowable direct care cost per resident day by the facility average case mix index for the applicable quarters specified by RCW 74.46.501(7)(b) to derive the facility's allowable direct care cost per case mix unit;

(e) Divide nursing facilities into two peer groups: Those located in metropolitan statistical areas as determined and defined by the United States office of management and budget or other appropriate agency or office of the federal government, and those not located in a metropolitan statistical area;

(f) Array separately the allowable direct care cost per case mix unit for all metropolitan statistical area and for all nonmetropolitan statistical area facilities, and determine the median allowable direct care cost per case mix unit for each peer group;

(g) Except as provided in (k) of this subsection, from October 1, 1998, through June 30, 2000, determine each facility's quarterly direct care component rate as follows:

(i) Any facility whose allowable cost per case mix unit is less than eighty-five percent of the facility's peer group median established under (f) of this subsection shall be assigned a cost per case mix unit equal to eighty-five percent of the facility's peer group median, and shall have a direct care component rate allocation equal to the facility's assigned cost per case mix unit multiplied by that facility's medicaid average case mix index from the applicable quarter specified in RCW

74.46.501(7)(c);

(ii) Any facility whose allowable cost per case mix unit is greater than one hundred fifteen percent of the peer group median established under (f) of this subsection shall be assigned a cost per case mix unit equal to one hundred fifteen percent of the peer group median, and shall have a direct care component rate allocation equal to the facility's assigned cost per case mix unit multiplied by that facility's medicaid average case mix index from the applicable quarter specified in RCW

74.46.501(7)(c);

(iii) Any facility whose allowable cost per case mix unit is between eighty-five and one hundred fifteen percent of the peer group median established under (f) of this subsection shall have a direct care component rate allocation equal to the facility's allowable cost per case mix unit multiplied by that facility's medicaid average case mix index from the applicable quarter specified in RCW

74.46.501(7)(c);

(h) Except as provided in (k) of this subsection, from July 1, 2000, through June 30, 2002, determine each facility's quarterly direct care component rate as follows:

(i) Any facility whose allowable cost per case mix unit is less than ninety percent of the facility's peer group median established under (f) of this subsection shall be assigned a cost per case mix unit equal to ninety percent of the facility's peer group median, and shall have a direct care component rate allocation equal to the facility's assigned cost per case mix unit multiplied by that facility's medicaid average case mix index from the applicable quarter specified in RCW

74.46.501(7)(c);

(ii) Any facility whose allowable cost per case mix unit is greater than one hundred ten percent of the peer group median established under (f) of this subsection shall be assigned a cost per case mix unit equal to one hundred ten percent of the peer group median, and shall have a direct care component rate allocation equal to the facility's assigned cost per case mix unit multiplied by that facility's medicaid average case mix index from the applicable quarter specified in RCW 74.46.501(7)(c);

(iii) Any facility whose allowable cost per case mix unit is between ninety and one hundred ten percent of the peer group median established under (f) of this subsection shall have a direct care component rate allocation equal to the facility's allowable cost per case mix unit multiplied by that facility's medicaid average case mix index from the applicable quarter specified in RCW

74.46.501(7)(c);

(i) From July 1, 2002, through June 30, 2004, determine each facility's quarterly direct care component rate as follows:

(i) Any facility whose allowable cost per case mix unit is less than ninety-five percent of the facility's peer group median established under (f) of this subsection shall be assigned a cost per case mix unit equal to ninety-five percent of the facility's peer group median, and shall have a direct care component rate allocation equal to the facility's assigned cost per case mix unit multiplied by that facility's medicaid average case mix index from the applicable quarter specified in RCW

74.46.501(7)(c);

(ii) Any facility whose allowable cost per case mix unit is greater than one hundred five percent of the peer group median established under (f) of this subsection shall be assigned a cost per case mix unit equal to one hundred five percent of the peer group median, and shall have a direct care component rate allocation equal to the facility's assigned cost per case mix unit multiplied by that facility's medicaid average case mix index from the applicable quarter specified in RCW

74.46.501(7)(c);

(iii) Any facility whose allowable cost per case mix unit is between ninety-five and one hundred five percent of the peer group median established under (f) of this subsection shall have a direct care component rate allocation equal to the facility's allowable cost per case mix unit multiplied by that facility's medicaid average case mix index from the applicable quarter specified in RCW 74.46.501(7)(c);

(j) Beginning July 1, 2004, determine each facility's quarterly direct care component rate by multiplying the facility's peer group median allowable direct care cost per case mix unit by that facility's medicaid average case mix index from the applicable quarter as specified in RCW 74.46.501(7)(c).

(k)(i) Between October 1, 1998, and June 30, 2000, the department shall compare each facility's direct care component rate allocation calculated under (g) of this subsection with the facility's nursing services component rate in effect on June 30, 1998, less therapy costs, plus any exceptional care offsets as reported on the cost report, adjusted for economic trends and conditions as provided in RCW 74.46.431. A facility shall receive the higher of the two rates;

(ii) Between July 1, 2000, and June 30, 2002, the department shall compare each facility's direct care component rate allocation calculated under (h) of this subsection with the facility's direct care component rate in effect on June 30, 2000. A facility shall receive the higher of the two rates.

(6) The direct care component rate allocations calculated in accordance with this section shall be adjusted to the extent necessary to comply with RCW 74.46.421. ~~((If the department determines that the weighted average rate allocations for all rate components for all facilities is likely to exceed the weighted average total rate specified in the state biennial appropriations act, the department shall adjust the rate allocations calculated in this section proportional to the amount by which the total weighted average rate allocations would otherwise exceed the budgeted level. Such adjustments shall only be made prospectively, not retrospectively.))~~

**Sec. 6.** RCW 74.46.511 and 1998 c 322 s 26 are each amended to read as follows:

(1) The therapy care component rate allocation corresponds to the provision of medicaid one-on-one therapy provided by a qualified therapist as defined in this chapter, including therapy supplies and therapy consultation, for one day for one medicaid resident of a nursing facility. The therapy care component rate allocation for October 1, 1998, through June 30, 2001, shall be based on adjusted therapy costs and days from calendar year 1996. The therapy component rate allocation for July 1, 2001, through June 30, 2004, shall be based on adjusted therapy costs and days from calendar year 1999. The therapy care component rate shall be adjusted for economic trends and conditions as specified in RCW 74.46.431(5)(b), and shall be determined in accordance with this section.

(2) In rebasing, as provided in RCW 74.46.431(5)(a), the department shall take from the cost reports of facilities the following reported information:

(a) Direct one-on-one therapy charges for all residents by payer including charges for supplies;

(b) The total units or modules of therapy care for all residents by type of therapy provided, for example, speech or physical. A unit or module of therapy care is considered to be fifteen minutes of one-on-one therapy provided by a qualified therapist or support personnel; and

(c) Therapy consulting expenses for all residents.

(3) The department shall determine for all residents the total cost per unit of therapy for each type of therapy by dividing the total adjusted one-on-one therapy expense for each type by the total units provided for that therapy type.

(4) The department shall divide medicaid nursing facilities in this state into two peer groups:

(a) Those facilities located within a metropolitan statistical area; and

(b) Those not located in a metropolitan statistical area.

Metropolitan statistical areas and nonmetropolitan statistical areas shall be as determined by the United States office of management and budget or other applicable federal office. The department shall array the facilities in each peer group from highest to lowest based on their total cost per unit of therapy for each therapy type. The department shall determine the median total cost per unit of therapy for each therapy type and add ten percent of median total cost per unit of therapy. The cost per unit of therapy for each therapy type at a nursing facility shall be the lesser of its cost per unit of therapy for



each therapy type or the median total cost per unit plus ten percent for each therapy type for its peer group.

(5) The department shall calculate each nursing facility's therapy care component rate allocation as follows:

(a) To determine the allowable total therapy cost for each therapy type, the allowable cost per unit of therapy for each type of therapy shall be multiplied by the total therapy units for each type of therapy;

(b) The medicaid allowable one-on-one therapy expense shall be calculated taking the allowable total therapy cost for each therapy type times the medicaid percent of total therapy charges for each therapy type;

(c) The medicaid allowable one-on-one therapy expense for each therapy type shall be divided by total adjusted medicaid days to arrive at the medicaid one-on-one therapy cost per patient day for each therapy type;

(d) The medicaid one-on-one therapy cost per patient day for each therapy type shall be multiplied by total adjusted patient days for all residents to calculate the total allowable one-on-one therapy expense. The lesser of the total allowable therapy consultant expense for the therapy type or a reasonable percentage of allowable therapy consultant expense for each therapy type, as established in rule by the department, shall be added to the total allowable one-on-one therapy expense to determine the allowable therapy cost for each therapy type;

(e) The allowable therapy cost for each therapy type shall be added together, the sum of which shall be the total allowable therapy expense for the nursing facility;

(f) The total allowable therapy expense will be divided by the greater of adjusted total patient days from the cost report on which the therapy expenses were reported, or patient days at eighty-five percent occupancy of licensed beds. The outcome shall be the nursing facility's therapy care component rate allocation.

(6) The therapy care component rate allocations calculated in accordance with this section shall be adjusted to the extent necessary to comply with RCW 74.46.421. ~~((If the department determines that the weighted average rate allocations for all rate components for all facilities is likely to exceed the weighted average total rate specified in the state biennial appropriations act, the department shall adjust the rate allocations calculated in this section proportional to the amount by which the total weighted average rate allocations would otherwise exceed the budgeted level. Such adjustments shall only be made prospectively, not retrospectively.))~~

**Sec. 7.** RCW 74.46.515 and 1998 c 322 s 27 are each amended to read as follows:

(1) The support services component rate allocation corresponds to the provision of food, food preparation, dietary, housekeeping, and laundry services for one resident for one day.

(2) Beginning October 1, 1998, the department shall determine each medicaid nursing facility's support services component rate allocation using cost report data specified by RCW 74.46.431(6).

(3) To determine each facility's support services component rate allocation, the department shall:

(a) Array facilities' adjusted support services costs per adjusted resident day for each facility from facilities' cost reports from the applicable report year, for facilities located within a metropolitan statistical area, and for those not located in any metropolitan statistical area and determine the median adjusted cost for each peer group;

(b) Set each facility's support services component rate at the lower of the facility's per resident day adjusted support services costs from the applicable cost report period or the adjusted median per resident day support services cost for that facility's peer group, either metropolitan statistical area or nonmetropolitan statistical area, plus ten percent; and

(c) Adjust each facility's support services component rate for economic trends and conditions as provided in RCW 74.46.431(6).

(4) The support services component rate allocations calculated in accordance with this section shall be adjusted to the extent necessary to comply with RCW 74.46.421. ~~((If the department determines that the weighted average rate allocations for all rate components for all facilities is likely to exceed the weighted average total rate specified in the state biennial appropriations act, the department~~

~~shall adjust the rate allocations calculated in this section proportional to the amount by which the total weighted average rate allocations would otherwise exceed the budgeted level. Such adjustments shall only be made prospectively, not retrospectively.)~~

**Sec. 8.** RCW 74.46.521 and 1998 c 322 s 28 are each amended to read as follows:

(1) The operations component rate allocation corresponds to the general operation of a nursing facility for one resident for one day, including but not limited to management, administration, utilities, office supplies, accounting and bookkeeping, minor building maintenance, minor equipment repairs and replacements, and other supplies and services, exclusive of direct care, therapy care, support services, property, financing allowance, and variable return (~~(on investment)~~).

(2) Beginning October 1, 1998, the department shall determine each medicaid nursing facility's operations component rate allocation using cost report data specified by RCW 74.46.431(7)(a).

(3) To determine each facility's operations component rate the department shall:

(a) Array facilities' adjusted general operations costs per adjusted resident day for each facility from facilities' cost reports from the applicable report year, for facilities located within a metropolitan statistical area and for those not located in a metropolitan statistical area and determine the median adjusted cost for each peer group;

(b) Set each facility's operations component rate at the lower of the facility's per resident day adjusted operations costs from the applicable cost report period or the adjusted median per resident day general operations cost for that facility's peer group, metropolitan statistical area or nonmetropolitan statistical area; and

(c) Adjust each facility's operations component rate for economic trends and conditions as provided in RCW 74.46.431(7)(b).

(4) The operations component rate allocations calculated in accordance with this section shall be adjusted to the extent necessary to comply with RCW 74.46.421. ~~((If the department determines that the weighted average rate allocations for all rate components for all facilities is likely to exceed the weighted average total rate specified in the state biennial appropriations act, the department shall adjust the rate allocations calculated in this section proportional to the amount by which the total weighted average rate allocations would otherwise exceed the budgeted level. Such adjustments shall only be made prospectively, not retrospectively.))~~

NEW SECTION. **Sec. 9.** (1) The department shall establish for each medicaid nursing facility a variable return component rate allocation. In determining the variable return allowance:

(a) The variable return array and percentage assigned at the October 1, 1998, rate setting shall remain in effect until June 30, 2001.

(b) The department shall then compute the variable return allowance by multiplying the appropriate percentage amounts, which shall not be less than one percent and not greater than four percent, by the sum of the facility's direct care, therapy care, support services, and operations rate components. The percentage amounts will be based on groupings of facilities according to the rankings prescribed in (a) of this subsection, as applicable. Those groups of facilities with lower per diem costs shall receive higher percentage amounts than those with higher per diem costs.

(2) The variable return rate allocation calculated in accordance with this section shall be adjusted to the extent necessary to comply with RCW 74.46.421.

**Sec. 10.** 1998 c 322 s 29 (uncodified) is amended to read as follows:

(1) The property component rate allocation for each facility shall be determined by dividing the sum of the reported allowable prior period actual depreciation, subject to RCW 74.46.310 through 74.46.380, adjusted for any capitalized additions or replacements approved by the department, and the retained savings from such cost center, by the greater of a facility's total resident days for the facility in the prior period or resident days as calculated on eighty-five percent facility occupancy. If a capitalized addition or retirement of an asset will result in a different licensed bed capacity during the ensuing period, the prior period total resident days used in computing the property component rate shall be adjusted to anticipated resident day level.

(2) A nursing facility's property component rate allocation shall be rebased annually, effective July 1st or October 1st as applicable, in accordance with this section and this chapter.

(3) When a certificate of need for a new facility is requested, the department, in reaching its decision, shall take into consideration per-bed land and building construction costs for the facility which shall not exceed a maximum to be established by the secretary.

(4) For the purpose of calculating a nursing facility's property component rate, if a contractor elects to bank licensed beds or to convert banked beds to active service, under chapter 70.38 RCW, the department shall use the facility's anticipated resident occupancy level subsequent to the decrease or increase in licensed bed capacity. However, in no case shall the department use less than eighty-five percent occupancy of the facility's licensed bed capacity after banking or conversion.

(5) The property component rate allocations calculated in accordance with this section shall be adjusted to the extent necessary to comply with ~~((section 18 of this act))~~ RCW 74.46.421. ~~((If the department determines that the weighted average rate allocations for all rate components for all facilities is likely to exceed the weighted average total rate specified in the state biennial appropriations act, the department shall adjust the rate allocations calculated in this section proportional to the amount by which the total weighted average rate allocations would otherwise exceed the budgeted level. Such adjustments shall only be made prospectively, not retrospectively.))~~

**NEW SECTION. Sec. 11.** (1) Beginning July 1, 1999, the department shall establish for each medicaid nursing facility a financing allowance component rate allocation. The financing allowance component rate shall be rebased annually, effective July 1st, in accordance with the provisions of this section and this chapter.

(2) The financing allowance shall be determined by multiplying the net invested funds of each facility by .10, and dividing by the greater of a nursing facility's total resident days from the most recent cost report period or resident days calculated on eighty-five percent facility occupancy. However, assets acquired on or after the effective date of this section shall be grouped in a separate financing allowance calculation that shall be multiplied by .085. The financing allowance factor of .085 shall not be applied to the net invested funds pertaining to new construction or major renovations receiving certificate of need approval or an exemption from certificate of need requirements under chapter 70.38 RCW, or to working drawings that have been submitted to the department of health for construction review approval, prior to the effective date of this section. If a capitalized addition or retirement of an asset will result in a different licensed bed capacity during the ensuing period, the prior period total resident days used in computing the financing allowance shall be adjusted to the greater of the anticipated resident day level or eighty-five percent of the new licensed bed capacity.

(3) In computing the portion of net invested funds representing the net book value of tangible fixed assets, the same assets, depreciation bases, lives, and methods referred to in RCW 74.46.330, 74.46.350, 74.46.360, 74.46.370, and 74.46.380, including owned and leased assets, shall be utilized, except that the capitalized cost of land upon which the facility is located and such other contiguous land which is reasonable and necessary for use in the regular course of providing resident care shall also be included. Subject to provisions and limitations contained in this chapter, for land purchased by owners or lessors before July 18, 1984, capitalized cost of land shall be the buyer's capitalized cost. For all partial or whole rate periods after July 17, 1984, if the land is purchased after July 17, 1984, capitalized cost shall be that of the owner of record on July 17, 1984, or buyer's capitalized cost, whichever is lower. In the case of leased facilities where the net invested funds are unknown or the contractor is unable to provide necessary information to determine net invested funds, the secretary shall have the authority to determine an amount for net invested funds based on an appraisal conducted according to RCW 74.46.360(1).

(4) For the purpose of calculating a nursing facility's financing allowance component rate, if a contractor elects to bank licensed beds or to convert banked beds to active service, under chapter 70.38 RCW, the department shall use the facility's anticipated resident occupancy level subsequent to the decrease or increase in licensed bed capacity. However, in no case shall the department use less than eighty-five percent occupancy of the facility's licensed bed capacity after banking or conversion.

(5) The financing allowance rate allocation calculated in accordance with this section shall be adjusted to the extent necessary to comply with RCW 74.46.421.

**NEW SECTION. Sec. 12.** (1) In the case of a facility that was leased by the contractor as of January 1, 1980, in an arm's-length agreement, which continues to be leased under the same lease agreement, and for which the annualized lease payment, plus any interest and depreciation expenses associated with contractor-owned assets, for the period covered by the prospective rates, divided by the contractor's total resident days, minus the property component rate allocation, is more than the sum of the financing allowance and the variable return rate determined according to this chapter, the following shall apply:

(a) The financing allowance shall be recomputed substituting the fair market value of the assets as of January 1, 1982, as determined by the department of general administration through an appraisal procedure, less accumulated depreciation on the lessor's assets since January 1, 1982, for the net book value of the assets in determining net invested funds for the facility. A determination by the department of general administration of fair market value shall be final unless the procedure used to make such a determination is shown to be arbitrary and capricious.

(b) The sum of the financing allowance computed under (a) of this subsection and the variable return rate shall be compared to the annualized lease payment, plus any interest and depreciation associated with contractor-owned assets, for the period covered by the prospective rates, divided by the contractor's total resident days, minus the property component rate. The lesser of the two amounts shall be called the alternate return on investment rate.

(c) The sum of the financing allowance and variable return rate determined according to this chapter or the alternate return on investment rate, whichever is greater, shall be added to the prospective rates of the contractor.

(2) In the case of a facility that was leased by the contractor as of January 1, 1980, in an arm's-length agreement, if the lease is renewed or extended under a provision of the lease, the treatment provided in subsection (1) of this section shall be applied, except that in the case of renewals or extensions made subsequent to April 1, 1985, reimbursement for the annualized lease payment shall be no greater than the reimbursement for the annualized lease payment for the last year prior to the renewal or extension of the lease.

(3) The alternate return on investment component rate allocations calculated in accordance with this section shall be adjusted to the extent necessary to comply with RCW 74.46.421.

**Sec. 13.** RCW 74.46.350 and 1980 c 177 s 35 are each amended to read as follows:

(1) Buildings, land improvements, and fixed equipment shall be depreciated using the straight-line method of depreciation. For new or replacement building construction or for major renovations, either of which receives certificate of need approval or certificate of need exemption under chapter 70.38 RCW on or after the effective date of this section, the number of years used to depreciate fixed equipment shall be the same number of years as the life of the building to which it is affixed. Major-minor equipment shall be depreciated using either the straight-line method, the sum-of-the-years' digits method, or declining balance method not to exceed one hundred fifty percent of the straight line rate. Contractors who have elected to take either the sum-of-the-years' digits method or the declining balance method of depreciation on major-minor equipment may change to the straight-line method without permission of the department.

(2) The annual provision for depreciation shall be reduced by the portion allocable to use of the asset for purposes which are neither necessary nor related to patient care.

(3) No further depreciation shall be claimed after an asset has been fully depreciated unless a new depreciation base is established pursuant to RCW 74.46.360.

**Sec. 14.** RCW 74.46.370 and 1997 c 277 s 2 are each amended to read as follows:

(1) Except for new buildings, major remodels, and major repair projects, as defined in subsection (2) of this section, the contractor shall use lives which reflect the estimated actual useful life of the asset and which shall be no shorter than guideline lives as established by the department. Lives shall be measured from the date on which the assets were first used in the medical care program or from the date of the most recent arm's-length acquisition of the asset, whichever is more recent. In cases where RCW 74.46.360(6)(a) does apply, the shortest life that may be used for buildings is the

remaining useful life under the prior contract. In all cases, lives shall be extended to reflect periods, if any, when assets were not used in or as a facility.

(2) Effective July 1, 1997, for asset acquisitions and new facilities, major remodels, and major repair projects that begin operations on or after July 1, 1997, the department shall use the most current edition of Estimated Useful Lives of Depreciable Hospital Assets, or as it may be renamed, published by the American Hospital Publishing, Inc., an American hospital association company, for determining the useful life of new buildings, major remodels, and major repair projects, however, the shortest life that may be used for new buildings receiving certificate of need approval or certificate of need exemptions under chapter 70.38 RCW on or after the effective date of this section, is ~~((thirty))~~ forty years. New buildings, major remodels, and major repair projects include those projects that meet or exceed the expenditure minimum established by the department of health pursuant to chapter 70.38 RCW.

(3) Building improvements, other than major remodels and major repairs, shall be depreciated over the remaining useful life of the building, as modified by the improvement.

(4) Improvements to leased property which are the responsibility of the contractor under the terms of the lease shall be depreciated over the useful life of the improvement.

(5) A contractor may change the estimate of an asset's useful life to a longer life for purposes of depreciation.

(6) For new or replacement building construction or for major renovations, either of which receives certificate of need approval or certificate of need exemption under chapter 70.38 RCW on or after the effective date of this section, the number of years used to depreciate fixed equipment shall be the same number of years as the life of the building to which it is affixed.

NEW SECTION. Sec. 15. If a contractor experiences an increase in state or county property taxes as a result of new building construction, replacement building construction, or substantial building additions that require the acquisition of land, then the department shall adjust the contractor's prospective rates to cover the medicaid share of the tax increase. The rate adjustments shall only apply to construction and additions completed on or after July 1, 1997. The rate adjustments authorized by this section are effective on the first day after July 1, 1999, on which the increased tax payment is due. Rate adjustments made under this section are subject to all applicable cost limitations contained in this chapter.

NEW SECTION. Sec. 16. Sections 9 through 12 and 15 of this act are each added to part E of chapter 74.46 RCW.

NEW SECTION. Sec. 17. The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 2001:

- (1) RCW 74.46.--- and 1999 c . . . s 9 (section 9 of this act);
- (2) RCW 74.46.--- and 1999 c . . . s 10 (section 10 of this act) & 1998 c 322 s 29 (uncodified);
- (3) RCW 74.46.--- and 1999 c . . . s 11 (section 11 of this act);
- (4) RCW 74.46.--- and 1999 c . . . s 12 (section 12 of this act);
- (5) RCW 74.46.350 (Methods of depreciation) and 1999 c . . . s 13 (section 13 of this act) & 1980 c 177 s 35;
- (6) RCW 74.46.370 (Lives of assets) and 1999 c . . . s 14 (section 14 of this act), 1997 c 277 s 2, & 1980 c 177 s 37; and
- (7) RCW 74.46.--- and 1999 c . . . s 15 (section 15 of this act).

NEW SECTION. Sec. 18. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions. Section 11 of this act takes effect immediately, and sections 1 through 10 and 12 through 17 take effect July 1, 1999."

On page 1, line 2 of the title, after "facilities;" strike the remainder of the title and insert "amending RCW 74.46.020, 74.46.360, 74.46.421, 74.46.431, 74.46.506, 74.46.511, 74.46.515,

74.46.521, 74.46.350, and 74.46.370; amending 1998 c 322 s 29 (uncodified); adding new sections to chapter 74.46 RCW; repealing RCW 74.46.350 and 74.46.370; repealing 1998 c 322 s 29 (uncodified); providing an effective date; and declaring an emergency."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Engrossed Second Substitute House Bill No. 1484 and advanced the bill as amended by the Senate to final passage.

### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE**

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Engrossed Second Substitute House Bill No. 1484 as amended by the Senate.

Representatives Alexander and Ruderman spoke in favor of passage of the bill as amended by the Senate.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1484, as amended by the Senate and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Quall and Scott - 2.

Engrossed Second Substitute House Bill No. 1484, as amended by the Senate, having received the constitutional majority, was declared passed.

### **SENATE AMENDMENTS TO HOUSE BILL**

April 21, 1999

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1673 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The Washington supreme court in a case involving a ballot measure, *State v. 119 Vote No! Committee*, 135 Wn.2d 618 (1998), found the statute that prohibits persons from sponsoring, with actual malice, political advertising containing false statements of material fact to be invalid under the First Amendment to the United States Constitution.

(2) The legislature finds that a review of the opinions indicates that a majority of the supreme court may find valid a statute that limited such a prohibition on sponsoring with actual malice false statements of material fact in a political campaign to statements about a candidate in an election for public office.

(3) It is the intent of the legislature to amend the current law to provide protection for candidates for public office against false statements of material fact sponsored with actual malice.

**Sec. 2.** RCW 42.17.530 and 1988 c 199 s 2 are each amended to read as follows:

(1) It is a violation of this chapter for a person to sponsor with actual malice:

(a) Political advertising that contains a false statement of material fact about a candidate for public office. However, this subsection (1)(a) does not apply to statements made by a candidate or the candidate's agent about the candidate himself or herself;"

(b) Political advertising that falsely represents that a candidate is the incumbent for the office sought when in fact the candidate is not the incumbent;

(c) Political advertising that makes either directly or indirectly, a false claim stating or implying the support or endorsement of any person or organization when in fact the candidate does not have such support or endorsement.

(2) Any violation of this section shall be proven by clear and convincing evidence."

In line 1 of the title, after "advertising;" strike the remainder of the title and insert "amending RCW 42.17.530; and creating a new section."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Substitute House Bill No. 1673 and advanced the bill as amended by the Senate to final passage.

### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE**

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Substitute House Bill No. 1673 as amended by the Senate.

Representatives Romero and Lambert spoke in favor of passage of the bill as amended by the Senate.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1673, as amended by the Senate and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Quall and Scott - 2.

Substitute House Bill No. 1673, as amended by the Senate, having received the constitutional majority, was declared passed.

## SENATE AMENDMENTS TO HOUSE BILL

April 14, 1999

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1810 with the following amendment(s)

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 74.13.500 and 1997 c 305 s 2 are each amended to read as follows:

(1) Consistent with the provisions of chapter 42.17 RCW and applicable federal law, the secretary, or the secretary's designee, shall disclose information regarding the abuse or neglect of a child, the investigation of the abuse ~~((or)),~~ neglect, or near fatality of a child, and any services related to the abuse or neglect of a child if any one of the following factors is present:

(a) The subject of the report has been charged in an accusatory instrument with committing a crime related to a report maintained by the department in its case and management information system;

(b) The investigation of the abuse or neglect of the child by the department or the provision of services by the department has been publicly disclosed in a report required to be disclosed in the course of their official duties, by a law enforcement agency or official, a prosecuting attorney, any other state or local investigative agency or official, or by a judge of the superior court;

(c) There has been a prior knowing, voluntary public disclosure by an individual concerning a report of child abuse or neglect in which such individual is named as the subject of the report; or

(d) The child named in the report has died and the child's death resulted from abuse or neglect or the child was in the care of, or receiving services from the department at the time of death or within twelve months before death.

(2) The secretary is not required to disclose information if the factors in subsection (1) of this section are present if he or she specifically determines the disclosure is contrary to the best interests of the child, the child's siblings, or other children in the household.

(3) Except for cases in subsection (1)(d) of this section, requests for information under this section shall specifically identify the case about which information is sought and the facts that support a determination that one of the factors specified in subsection (1) of this section is present.

(4) For the purposes of this section, "near fatality" means an act that, as certified by a physician, places the child in serious or critical condition. The secretary is under no obligation to have an act certified by a physician in order to comply with this section.

**Sec. 2.** RCW 13.34.030 and 1998 c 130 s 1 are each amended to read as follows:

For purposes of this chapter:

(1) "Child" and "juvenile" means any individual under the age of eighteen years.

(2) "Current placement episode" means the period of time that begins with the most recent date that the child was removed from the home of the parent, guardian, or legal custodian for purposes of placement in out-of-home care and continues until the child returns home, an adoption decree, a permanent custody order, or guardianship order is entered, or the dependency is dismissed, whichever occurs soonest. If the most recent date of removal occurred prior to the filing of a dependency petition under this chapter or after filing but prior to entry of a disposition order, such time periods shall be included when calculating the length of a child's current placement episode.

(3) "Dependency guardian" means the person, nonprofit corporation, or Indian tribe appointed by the court pursuant to RCW 13.34.232 for the limited purpose of assisting the court in the supervision of the dependency.

(4) "Dependent child" means any child:

(a) Who has been abandoned; that is, where the child's parent, guardian, or other custodian has expressed either by statement or conduct, an intent to forego, for an extended period, parental rights or



parental responsibilities despite an ability to do so. If the court finds that the petitioner has exercised due diligence in attempting to locate the parent, no contact between the child and the child's parent, guardian, or other custodian for a period of three months creates a rebuttable presumption of abandonment, even if there is no expressed intent to abandon;

(b) Who is abused or neglected as defined in chapter 26.44 RCW by a person legally responsible for the care of the child; or

(c) Who has no parent, guardian, or custodian capable of adequately caring for the child, such that the child is in circumstances which constitute a danger of substantial damage to the child's psychological or physical development.

(5) "Guardian" means the person or agency that: (a) Has been appointed as the guardian of a child in a legal proceeding other than a proceeding under this chapter; and (b) has the legal right to custody of the child pursuant to such appointment. The term "guardian" shall not include a "dependency guardian" appointed pursuant to a proceeding under this chapter.

(6) "Guardian ad litem" means a person, appointed by the court to represent the best interest of a child in a proceeding under this chapter, or in any matter which may be consolidated with a proceeding under this chapter. A "court-appointed special advocate" appointed by the court to be the guardian ad litem for the child, or to perform substantially the same duties and functions as a guardian ad litem, shall be deemed to be guardian ad litem for all purposes and uses of this chapter.

(7) "Guardian ad litem program" means a court-authorized volunteer program, which is or may be established by the superior court of the county in which such proceeding is filed, to manage all aspects of volunteer guardian ad litem representation for children alleged or found to be dependent. Such management shall include but is not limited to: Recruitment, screening, training, supervision, assignment, and discharge of volunteers.

(8) "Judicial proceeding" means an action in which a party challenges a finding of the court.

(9) "Out-of-home care" means placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or placement in a home, other than that of the child's parent, guardian, or legal custodian, not required to be licensed pursuant to chapter 74.15 RCW.

~~((9))~~ (10) "Preventive services" means preservation services, as defined in chapter 74.14C RCW, and other reasonably available services capable of preventing the need for out-of-home placement while protecting the child.

**Sec. 3.** RCW 13.34.100 and 1996 c 249 s 13 are each amended to read as follows:

(1) The court shall appoint a guardian ad litem for a child who is the subject of an action under this chapter ~~((, unless a court for good cause finds the appointment unnecessary))~~ that results in a judicial proceeding. The requirement of a guardian ad litem may be deemed satisfied if the child is represented by independent counsel in the proceedings.

(2) If the court does not have available to it a guardian ad litem program with a sufficient number of volunteers, the court may appoint a suitable person to act as guardian ad litem for the child under this chapter. Another party to the proceeding or the party's employee or representative shall not be so appointed.

(3) Each guardian ad litem program shall maintain a background information record for each guardian ad litem in the program. The background file shall include, but is not limited to, the following information:

(a) Level of formal education;

(b) Training related to the guardian's duties;

(c) Number of years' experience as a guardian ad litem;

(d) Number of appointments as a guardian ad litem and the county or counties of appointment;

and

(e) Criminal history, as defined in RCW 9.94A.030.

The background information report shall be updated annually. As a condition of appointment, the guardian ad litem's background information record shall be made available to the court. If the appointed guardian ad litem is not a member of a guardian ad litem program the person shall provide the background information to the court.

Upon appointment, the guardian ad litem, or guardian ad litem program, shall provide the parties or their attorneys with a statement containing his or her training relating to the duties as a guardian ad litem and criminal history as defined in RCW 9.94A.030 for the period covering ten years prior to the appointment. The background statement shall not include identifying information that may be used to harm a guardian ad litem, such as home addresses and home telephone numbers, and for volunteer guardians ad litem the court may allow the use of maiden names or pseudonyms as necessary for their safety.

(4) The appointment of the guardian ad litem shall remain in effect until the court discharges the appointment or no longer has jurisdiction, whichever comes first. The guardian ad litem may also be discharged upon entry of an order of guardianship.

(5) A guardian ad litem through counsel, or as otherwise authorized by the court, shall have the right to present evidence, examine and cross-examine witnesses, and to be present at all hearings. A guardian ad litem shall receive copies of all pleadings and other documents filed or submitted to the court, and notice of all hearings according to court rules. The guardian ad litem shall receive all notice contemplated for a parent or other party in all proceedings under this chapter.

(6) If the child requests legal counsel and is age twelve or older, or if the guardian ad litem or the court determines that the child needs to be independently represented by counsel, the court may appoint an attorney to represent the child's position.

(7) For the purposes of child abuse prevention and treatment act (42 U.S.C. Secs. 5101 et seq.) grants to this state under P.L. 93-247, or any related state or federal legislation, a person appointed pursuant to RCW 13.34.100 shall be deemed a guardian ad litem to represent the best interests of the minor in proceedings before the court.

(8) When a court-appointed special advocate or volunteer guardian ad litem is requested on a case, the program shall give the court the name of the person it recommends and the appointment shall be effective immediately. The court shall appoint the person recommended by the program. If a party in a case reasonably believes the court-appointed special advocate or volunteer is inappropriate or unqualified, the party may request a review of the appointment by the program. The program must complete the review within five judicial days and remove any appointee for good cause. If the party seeking the review is not satisfied with the outcome of the review, the party may file a motion with the court for the removal of the court-appointed special advocate on the grounds the advocate or volunteer is inappropriate or unqualified.

NEW SECTION. **Sec. 4.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "act;" strike the remainder of the title and insert "amending RCW 74.13.500, 13.34.030, and 13.34.100; and declaring an emergency."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House refused to concur in the Senate Amendment(s) to House Bill No. 1810 and asked the Senate to recede therefrom.

#### **SENATE AMENDMENTS TO HOUSE BILL**

April 21, 1999

Mr. Speaker:

The Senate insists on its position on the Senate amendment(s) to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1006 and asks the House to concur in said amendment(s), and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Engrossed Second Substitute House Bill No. 1006 and advanced the bill as amended by the Senate to final passage.

### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE**

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Engrossed Second Substitute House Bill No. 1006 as amended by the Senate.

Representatives Ballasiotes and O'Brien spoke in favor of passage of the bill as amended by the Senate.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1006, as amended by the Senate and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Quall and Scott - 2.

Engrossed Second Substitute House Bill No. 1006, as amended by the Senate, having received the constitutional majority, was declared passed.

### **MESSAGE FROM THE SENATE**

April 21, 1999

Mr. Speaker:

The Senate insists on its position on the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1376 and asks the House to concur in said amendments, and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

There being no objection, the House insisted on its position regarding the Senate Amendment(s) to House Bill No. 1376 and again asked the Senate to recede therefrom.

### **MESSAGE FROM THE SENATE**

April 21, 1999

Mr. Speaker:

The Senate insists on its position on the Senate amendment(s) to HOUSE BILL NO. 1378 and asks the House to concur in said amendment(s), and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

There being no objection, the House insisted on its position regarding the Senate Amendment(s) to House Bill No. 1378 and again asked the Senate to recede therefrom.

**MESSAGE FROM THE SENATE**

April 21, 1999

Mr. Speaker:

The Senate insists on its position on the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1562 and asks the House to concur in said amendment(s), and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

There being no objection, the House insisted on its position regarding the Senate Amendment(s) to Engrossed Substitute House Bill No. 1562 and again asked the Senate to recede therefrom.

**MESSAGE FROM THE SENATE**

April 21, 1999

Mr. Speaker:

The Senate refuses to concur in the House amendment(s) to ENGROSSED SUBSTITUTE SENATE BILL NO. 5988 and asks the House to recede therefrom, and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

There being no objection, the rules were suspended and Engrossed Substitute Senate Bill No. 5988 was returned to second reading for purpose of amendments.

**SECOND READING**

Representative Lambert moved the adoption of amendment (243):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28A.225.020 and 1996 c 134 s 2 are each amended to read as follows:

(1) If a child required to attend school under RCW 28A.225.010 fails to attend school without valid justification, the public school in which the child is enrolled shall:

(a) Inform the child's custodial parent, parents, or guardian by a notice in writing or by telephone whenever the child has failed to attend school after one unexcused absence within any month during the current school year. School officials shall inform the parent of the potential consequences of additional unexcused absences;

(b) Schedule a conference or conferences with the custodial parent, parents, or guardian and child at a time reasonably convenient for all persons included for the purpose of analyzing the causes of

the child's absences after two unexcused absences within any month during the current school year. If a regularly scheduled parent-teacher conference day is to take place within thirty days of the second unexcused absence, then the school district may schedule this conference on that day; and

(c) Take steps to eliminate or reduce the child's absences. These steps shall include, where appropriate, adjusting the child's school program or school or course assignment, providing more individualized or remedial instruction, providing appropriate vocational courses or work experience, referring the child to a community truancy board, if available, requiring the child to attend an alternative school or program, or assisting the parent or child to obtain supplementary services that might eliminate or ameliorate the cause or causes for the absence from school. If the child's parent does not attend the scheduled conference, the conference may be conducted with the student and school official. However, the parent shall be notified of the steps to be taken to eliminate or reduce the child's absence.

(2) For purposes of this chapter, an "unexcused absence" means that a child:

(a) Has failed to attend the majority of hours or periods in an average school day or has failed to comply with a more restrictive school district policy; and

(b) Has failed to meet the school district's policy for excused absences.

(3) If a child transfers from one school district to another during the school year, the receiving school or school district shall include the unexcused absences accumulated at the previous school or from the previous school district for purposes of this section, RCW 28A.225.030, and section 6 of this act.

**Sec. 2.** RCW 28A.225.030 and 1996 c 134 s 3 are each amended to read as follows:

(1) If a child is required to attend school under RCW 28A.225.010 and if the actions taken by a school district under RCW 28A.225.020 are not successful in substantially reducing an enrolled student's absences from public school, not later than the seventh unexcused absence by a child within any month during the current school year or not later than the tenth unexcused absence during the current school year the school district shall file a petition and supporting affidavit for a civil action with the juvenile court alleging a violation of RCW 28A.225.010: (a) By the parent; (b) by the child; or (c) by the parent and the child. Except as provided in this subsection, no additional documents need be filed with the petition.

(2) The district shall not later than the fifth unexcused absence in a month:

(a) Enter into an agreement with a student and parent that establishes school attendance requirements;

(b) Refer a student to a community truancy board, if available, as defined in RCW 28A.225.025. The community truancy board shall enter into an agreement with the student and parent that establishes school attendance requirements and take other appropriate actions to reduce the child's absences; or

(c) File a petition under subsection (1) of this section.

(3) The petition may be filed by a school district employee who is not an attorney.

(4) If the school district fails to file a petition under this section, the parent of a child with five or more unexcused absences in any month during the current school year or upon the tenth unexcused absence during the current school year may file a petition with the juvenile court alleging a violation of RCW 28A.225.010.

(5) Petitions filed under this section may be served by certified mail, return receipt requested. If such service is unsuccessful, or the return receipt is not signed by the addressee, personal service is required.

**Sec. 3.** RCW 28A.225.035 and 1997 c 68 s 1 are each amended to read as follows:

(1) A petition for a civil action under RCW 28A.225.030 or section 6 of this act shall consist of a written notification to the court alleging that:

(a) The child has unexcused absences during the current school year;

(b) Actions taken by the school district have not been successful in substantially reducing the child's absences from school; and

(c) Court intervention and supervision are necessary to assist the school district or parent to reduce the child's absences from school.

(2) The petition shall set forth the name, age, school, and residence of the child and the names and residence of the child's parents.

(3) The petition shall set forth facts that support the allegations in this section and shall generally request relief available under this chapter and provide information about what the court might order under RCW 28A.225.090.

(4) When a petition is filed under RCW 28A.225.030 or section 6 of this act, the juvenile court shall schedule a hearing at which the court shall consider the petition ~~((--However))~~, or if the court determines that a referral to an available community truancy board would substantially reduce the child's unexcused absences, the court may refer the case to a community truancy board under the jurisdiction of the juvenile court.

(5) If a referral is made to a community truancy board, the truancy board must meet with the child, a parent, and the school district representative and enter into an agreement with the petitioner and respondent regarding expectations and any actions necessary to address the child's truancy within thirty days of the referral. If the petition is based on section 6 of this act, the child shall not be required to attend and the agreement under this subsection shall be between the truancy board, the school district, and the child's parent. The agreement shall be presented to the juvenile court for its approval.

(6) The court shall approve the agreement by order or schedule a hearing. The court may, if the school district and community truancy board agree, permit the truancy board to provide continued supervision over the student, or parent if the petition is based on section 6 of this act, and report on compliance with the order.

(7) If the truancy board fails to reach an agreement, the truancy board shall return the case to the juvenile court for a hearing.

(8) Notwithstanding the provisions in subsection (4) of this section, a hearing shall not be required if other actions by the court would substantially reduce the child's unexcused absences. When a juvenile court hearing is held, the court shall:

- (a) Separately notify the child, the parent of the child, and the school district of the hearing;
- (b) Notify the parent and the child of their rights to present evidence at the hearing; and
- (c) Notify the parent and the child of the options and rights available under chapter 13.32A

RCW.

~~((5))~~ (9) The court may require the attendance of ~~((both))~~ the child ~~((and))~~ if eight years old or older, the parents, and the school district at any hearing on a petition filed under RCW 28A.225.030.

~~((6))~~ (10) A school district is responsible for determining who shall represent the school district at hearings on a petition filed under RCW 28A.225.030 or section 6 of this act.

(11) The court may permit the first hearing to be held without requiring that either party be represented by legal counsel, and to be held without a guardian ad litem for the child under RCW 4.08.050. At the request of the school district, the court ~~((may))~~ shall permit a school district representative who is not an attorney to represent the school district at any future hearings.

~~((7))~~ (12) If the allegations in the petition are established by a preponderance of the evidence, the court shall grant the petition and enter an order assuming jurisdiction to intervene for the period of time determined by the court, after considering the facts alleged in the petition and the circumstances of the juvenile, to most likely cause the juvenile to return to and remain in school while the juvenile is subject to this chapter. In no case may the order expire before the end of the school year in which it is entered.

~~((8))~~ (13) If the court assumes jurisdiction, the school district shall regularly report to the court any additional unexcused absences by the child.

~~((9))~~ (14) Community truancy boards and the courts shall coordinate, to the extent possible, proceedings and actions pertaining to children who are subject to truancy petitions and at-risk youth petitions in RCW 13.32A.191 or child in need of services petitions in RCW 13.32A.140.

(15) If after a juvenile court assumes jurisdiction in one county the child relocates to another county, the juvenile court in the receiving county shall, upon the request of a school district or parent, assume jurisdiction of the petition filed in the previous county.

**Sec. 4.** RCW 28A.225.090 and 1998 c 296 s 39 are each amended to read as follows:

(1) A court may order a child subject to a petition under RCW 28A.225.035 to:

(a) Attend the child's current school;

(b) If there is space available and the program can provide educational services appropriate for the child, order the child to attend another public school, an alternative education program, center, a skill center, dropout prevention program, or another public educational program;

(c) Attend a private nonsectarian school or program including an education center. Before ordering a child to attend an approved or certified private nonsectarian school or program, the court shall: (i) Consider the public and private programs available; (ii) find that placement is in the best interest of the child; and (iii) find that the private school or program is willing to accept the child and will not charge any fees in addition to those established by contract with the student's school district. If the court orders the child to enroll in a private school or program, the child's school district shall contract with the school or program to provide educational services for the child. The school district shall not be required to contract for a weekly rate that exceeds the state general apportionment dollars calculated on a weekly basis generated by the child and received by the district. A school district shall not be required to enter into a contract that is longer than the remainder of the school year. A school district shall not be required to enter into or continue a contract if the child is no longer enrolled in the district;

(d) Be referred to a community truancy board, if available; or

(e) Submit to testing for the use of controlled substances or alcohol based on a determination that such testing is appropriate to the circumstances and behavior of the child and will facilitate the child's compliance with the mandatory attendance law.

(2) If the child fails to comply with the court order, the court may order the child to be ~~((punished by))~~ subject to detention, as provided in RCW 7.21.030(2)(e), or may impose alternatives to detention such as community service. Failure by a child to comply with an order issued under this subsection shall not be ~~((punishable by))~~ subject to detention for a period greater than that permitted pursuant to a civil contempt proceeding against a child under chapter 13.32A RCW.

(3) Any parent violating any of the provisions of either RCW 28A.225.010, section 6 of this act, or 28A.225.080 shall be fined not more than twenty-five dollars for each day of unexcused absence from school. It shall be a defense for a parent charged with violating RCW 28A.225.010 to show that he or she exercised reasonable diligence in attempting to cause a child in his or her custody to attend school or that the child's school did not perform its duties as required in RCW 28A.225.020. The court may order the parent to provide community service instead of imposing a fine. Any fine imposed pursuant to this section may be suspended upon the condition that a parent charged with violating RCW 28A.225.010 shall participate with the school and the child in a supervised plan for the child's attendance at school or upon condition that the parent attend a conference or conferences scheduled by a school for the purpose of analyzing the causes of a child's absence.

(4) If a child continues to be truant after entering into a court-approved order with the truancy board under RCW 28A.225.035, the juvenile court shall find the child in contempt, and the court may order the child to be subject to detention, as provided in RCW 7.21.030(2)(e), or may impose alternatives to detention such as meaningful community service. Failure by a child to comply with an order issued under this subsection may not subject a child to detention for a period greater than that permitted under a civil contempt proceeding against a child under chapter 13.32A RCW.

(5) Subsections (1),(2), and (4) of this section shall not apply to a six or seven year-old child required to attend public school under section 6 of this act.

**Sec. 5.** RCW 28A.225.025 and 1996 c 134 s 9 are each amended to read as follows:

For purposes of this chapter, "community truancy board" means a board composed of members of the local community in which the child attends school. ~~((The local school district boards of directors))~~ Juvenile courts may establish and operate community truancy boards. If the juvenile court

and the school district agree, a school district may establish and operate a community truancy board under the jurisdiction of the juvenile court. Juvenile courts may create a community truancy board or may use other ((boards)) entities that exist or are created, such as diversion ((boards)) units. However, a diversion unit or other existing ((board)) entity must agree before it is used as a truancy board. ((Members of the board shall be selected from representatives of the community.)) Duties of a community truancy board shall include, but not be limited to, recommending methods for improving school attendance such as assisting the parent or the child to obtain supplementary services that might eliminate or ameliorate the causes for the absences or suggesting to the school district that the child enroll in another school, an alternative education program, an education center, a skill center, a dropout prevention program, or another public or private educational program.

NEW SECTION. Sec. 6. A new section is added to chapter 28A.225 RCW to read as follows:

(1) If a parent enrolls a child who is six or seven years of age in a public school, the child is required to attend and that parent has the responsibility to ensure the child attends for the full time that school is in session. An exception shall be made to this requirement for children whose parents formally remove them from enrollment if the child is less than eight years old and a petition has not been filed against the parent under subsection (3) of this section. The requirement to attend school under this subsection does not apply to a child enrolled in a public school part-time for the purpose of receiving ancillary services. A child required to attend school under this subsection may be temporarily excused upon the request of his or her parent for purposes agreed upon by the school district and parent.

(2) If a six or seven year-old child is required to attend public school under subsection (1) of this section and that child has unexcused absences, the public school in which the child is enrolled shall:

(a) Inform the child's custodial parent, parents, or guardian by a notice in writing or by telephone whenever the child has failed to attend school after one unexcused absence within any month during the current school year;

(b) Request a conference or conferences with the custodial parent, parents, or guardian and child at a time reasonably convenient for all persons included for the purpose of analyzing the causes of the child's absences after two unexcused absences within any month during the current school year. If a regularly scheduled parent-teacher conference day is to take place within thirty days of the second unexcused absence, then the school district may schedule this conference on that day; and

(c) Take steps to eliminate or reduce the child's absences. These steps shall include, where appropriate, adjusting the child's school program or school or course assignment, providing more individualized or remedial instruction, offering assistance in enrolling the child in available alternative schools or programs, or assisting the parent or child to obtain supplementary services that may help eliminate or ameliorate the cause or causes for the absence from school.

(3) If a child required to attend public school under subsection (1) of this section has seven unexcused absences in a month or ten unexcused absences in a school year, the school district shall file a petition for civil action as provided in RCW 28A.225.035 against the parent of the child.

(4) This section does not require a six or seven year old child to enroll in a public or private school or to receive home-based instruction. This section only applies to six or seven year old-children whose parents enroll them full time in public school and do not formally remove them from enrollment as provided in subsection (1) of this section.

NEW SECTION. Sec. 7. A new section is added to chapter 28A.300 RCW to read as follows:

The superintendent of public instruction shall provide, to the extent funds are appropriated, start-up grants for alternative programs and services that provide instruction and learning for truant, at-risk, and expelled students. Each grant application shall contain proposed performance indicators and an evaluation plan to measure the success of the program and its impact on improved student learning. Applications shall contain the applicant's plan for maintaining the program and services after the grant period.



NEW SECTION. **Sec. 8.** If funds are appropriated by the legislature for this specific purpose, the superintendent of public instruction shall contract with the institute of public policy or a similar agency to: Evaluate the effectiveness of the petition process and community truancy boards in chapter 28A.225 RCW in reducing truancy; determine whether students who do return to school after being subject to court action create disruptions for other students in the school, establish patterns of improved attendance, and successfully complete their education program; and determine the costs imposed on school districts by the petition process and other truancy-related procedural requirements required by the legislature in 1992 and thereafter.

The cost determination shall be submitted to the legislature by December 15, 1999. The evaluation shall be submitted to the appropriate committees of the legislature by December 15, 2000.

This section expires December 31, 2000."

Correct the title.

Representatives Lambert and Rockefeller spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended the second reading considered the third and the bill was placed on final passage.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5988 as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5988 as amended by the House and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Quall and Scott - 2.

Engrossed Substitute Senate Bill No. 5988 as amendment by the House, having received the constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

April 21, 1999

Mr. Speaker:

The Senate refuses to concur in the House amendment(s) to SENATE BILL NO. 5862 and asks the House to recede therefrom, and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

There being no objection, the House insisted on its position regarding the House Amendment(s) to Senate Bill No. 5862 and again asked the Senate to concur therein.

**MESSAGE FROM THE SENATE**

April 23, 1999

Mr. Speaker:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 1015,  
SUBSTITUTE HOUSE BILL NO. 1016,  
SUBSTITUTE HOUSE BILL NO. 1024,  
SUBSTITUTE HOUSE BILL NO. 1053,  
SECOND SUBSTITUTE HOUSE BILL NO. 1132,  
SUBSTITUTE HOUSE BILL NO. 1163,  
HOUSE BILL NO. 1388,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1407,  
HOUSE BILL NO. 1442,  
HOUSE BILL NO. 1549,  
SUBSTITUTE HOUSE BILL NO. 1569,  
SUBSTITUTE HOUSE BILL NO. 1619,  
HOUSE BILL NO. 1642,  
SECOND SUBSTITUTE HOUSE BILL NO. 1716,  
HOUSE BILL NO. 1761,  
SUBSTITUTE HOUSE BILL NO. 1770,  
SUBSTITUTE HOUSE BILL NO. 1811,  
SUBSTITUTE HOUSE BILL NO. 1826,  
SUBSTITUTE HOUSE BILL NO. 1969,  
SUBSTITUTE HOUSE BILL NO. 1971,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2085,

and the same are herewith transmitted.

## RESOLUTIONS

### HOUSE RESOLUTION NO. 99-4679, by Representatives Wensman, Ballasiotes and Esser

WHEREAS, Newport High School, located in Bellevue, Washington, has a reputation for graduating students who have achieved strong academic and athletic records; and

WHEREAS, As an example of such talent, eight students have been selected as semifinalists in the 1999 Merit Scholarship Competition; and

WHEREAS, These exemplary students are: Cedric Dussud, Benjamin Juhn, Dong Kim, Peter Liang, Babak Nazer, Jonathan Royalty, Catherine Williams, and Michael Yu; and

WHEREAS, The Newport High School Girls Cross Country Team won the state championship in 1998; and

WHEREAS, These talented students, who were coached by Mindy Leffler, are: Crystal Lomax, Nicole Ricci, Leslie Howard, Robin Dixon, Jodee Adams Moore, Jeanne Knechtges, and Milena Basile; and

WHEREAS, The Newport High School Girls Gymnastics Team won the state championship in 1999; and

WHEREAS, These accomplished students are: Melissa Crouse, Tricia Chikuma, Karin Fenn, Laura Williamson, Leona Beutal, Tamara Diles, Trudy Baidoo, Jocelyn Diles, and Marisa Mannari; and

WHEREAS, The State of Washington benefits greatly from the accomplishments of these gifted individuals, not only in their role as students, but also as citizens and role models for other young people of our state;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives honor and congratulate these fine young people for their exceptional academic achievements, leadership abilities, and athletic gifts; and

BE IT FURTHER RESOLVED, That the families of these students be commended for the encouragement and support they have provided to these individuals; and

BE IT FURTHER RESOLVED, That the principals, teachers, and classmates of these highly esteemed students be recognized for the important part they played in helping the students learn, contribute, lead, and excel; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to each of the Newport High School students listed above.

There being no objection, House Resolution No. 99-4679 was adopted.

### HOUSE RESOLUTION NO. 99-4690, by Representatives Wensman, Ballasiotes and Esser

WHEREAS, Bellevue High School, located in Bellevue, Washington, has a reputation for graduating students who have achieved strong academic and athletic records; and

WHEREAS, As an example of such talent, the Bellevue High School Math Team won the state championship on February 6, 1999, in Blaine, Washington; and

WHEREAS, The Math Team only missed one question in the whole competition; and

WHEREAS, The Math Team was tested as a group in several areas including: Probability, geometry, advanced algebra, and mental math; and

WHEREAS, Approximately sixty teams competed in the competition, including teams from Seattle, Spokane, Federal Way, Blaine, and Bellingham, thus creating an atmosphere of intense competition; and

WHEREAS, Eric Chu, Steve Sun, Paul Yang, and Wendy Yip, members of the Math Team, are to be congratulated for their outstanding performance in the championship; and

WHEREAS, Bellevue High School recently announced its National Merit Finalists who are: Alison Haddock, Evan Day, Candice Tewell, and Kelsey Ferguson; and

WHEREAS, The Bellevue High School Boys Swim and Dive Team shall be honored for its outstanding season and for having recently won the state title, making it the fifth time this decade it has achieved this honor; and

WHEREAS, The Bellevue High School Boys Swim and Dive Team has the following members, who have all contributed to the success of the team this year: Steve Brockett, Sam Chaya, Eric Chu, John Franck, Erik Gordon, Bobby Albrecht, Cam Cartier, Mathew Franck, Dan Heaton, Andrew Kang, Jensen Kerlee, Brett Leahy, David Trench, T.J. Stone, Brian Turner, Tyler Wilson, John Zook, Michael Dunlap, Tom Douglas, Ian Ferguson, Scott Green, Nick Harriott, Evan Kaseguma, Kevein Kirsch, Adam Ryznar, Kana Sevaetasi, Zach Wilcox, Lennon Atteberry, Richard Franck, Zak Heaton, Arthur Jones, Roger Lee, Oscar Maria, and Justin Neiman; and

WHEREAS, Coach Paul Von Destinon garnered the honor of being named State Coach of the Year for boys swim and dive teams in 1996 and 1997, and he was named State Coach of the Year for the girls swim and dive team in 1998; and

WHEREAS, The season awards for the swim and dive teams recognized the following individuals: Erik Gordon, Captain and "Most Valuable" team member; Sam Chaya, Captain and "Most Inspirational" team member; Steve Brockett, "Most Improved" team member; and John Franck, Captain;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize these outstanding young individuals for their many achievements.

There being no objection, House Resolution No. 99-4690 was adopted.

HOUSE RESOLUTION NO. 99-4693, by Representatives Ballasiotes and Wensman

WHEREAS, The City of Mercer Island is known for having a first-rate public school system; and

WHEREAS, Schools in the city are a galvanizing force, drawing volunteer involvement at every level, be it tutoring, attending school board meetings, assisting with athletics, and lending support and spirit at athletic events; and

WHEREAS, Mercer Island has never failed to pass a school levy, and its students consistently have the highest test scores in the state. Ninety percent of the school district's high school graduates go to college; and

WHEREAS, In sports, champions abound, such as United States Olympic gold medal swimmer Mary Wayte and Mercer Island High School coach Ed Peple, who has won more basketball games than any coach in the state; and

WHEREAS, This year, Mercer Island has built upon that success this year in numerous endeavors; and

WHEREAS, As an example, Ryan Collins, David Hardisty, Raina Kim, Elliot Prasse-Freeman, Peter Tempest, and Timothy Wan were recently named National Merit Finalists from Mercer Island High School; and

WHEREAS, Seventy-four students from the marketing department at Mercer Island High School competed at the Regional DECA conference. Twenty-four went on to compete at the state conference in Bellevue this past March. Nine students won awards from first place to seventh place and will compete at the national level in Orlando, Florida, April 23 through 29, 1999; and

WHEREAS, The names of these outstanding students are: James Defty--first place; Mary Johnstone--second place; Kelly Lisbakken--second place; Sara Moyal--fourth place; Andrew Barnette--sixth place; Allison Rosenthal--second place; Chriss Cahoon--seventh place; and Daniel Bonjour--seventh place. The students were diligently instructed by Carol Wiseley, the DECA teacher; and

WHEREAS, Cacky Calderon and Corey Polis will be attending the leadership academy in Orlando at the same time the DECA conference is being held; and

WHEREAS, The Mercer Island Debaters are: Mayan Bomszyk, Nathan Burstein, Morgan Cohen-Ross, Tom Geggel, Michelle Goodstein, Nicole Kelleher, Peter Leung, Jeslyn Miller, Dan Prince, and Sid Velamoor; and

WHEREAS, The Mercer Island High School Boys Basketball Team head coach Ed Pepple; coaches Kyle Pebble, Lane Davenport, Bill Wiley, Paul Lagerstedt, and Omar Parker; trainer Vito Masinelli; team manager David Sanford; and team members Elliot Prasse-Freeman, Tyler Besecker, Josh Fisher, Taj Mathews, Justin McCullum, Justin Waldie, Blair Richards, Matt Logie, Willie Hutson, Gavin Cree, John Oliver, and Jason Edwards share in the Mercer Island High School Boys Basketball Team's success by combining outstanding coaching with outstanding performance;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington honor the 1999 Mercer Island students listed above; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to the Principal of Mercer Island High School.

There being no objection, House Resolution No. 99-4693 was adopted.

HOUSE RESOLUTION NO. 99-4694, by Representatives Ballard, Chopp, Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, D. Schmidt, Schindler, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe and Wood

WHEREAS, It is the policy of the House of Representatives to recognize excellence in all fields of endeavor; and

WHEREAS, Ronald James Sanford exhibited the highest level of excellence in his long and distinguished career as a photographer; and

WHEREAS, Ronald James Sanford was born in Aberdeen, Washington on June 7, 1934; and

WHEREAS, Ronald James Sanford participated in the Boy Scouts throughout his school years, and achieved the rank of Eagle Scout; and

WHEREAS, Ronald James Sanford graduated from Weatherwax High School in 1952 and went on to serve in the United States Navy, where he worked in the Armed Forces Radio Service; and

WHEREAS, Ronald James Sanford, after leaving the Navy, worked at a number of television and radio stations, including eight years at KTNT TV in Tacoma and four years at KING TV in Seattle; and

WHEREAS, Ronald James Sanford worked in a variety of positions, including announcer, producer, and news photographer; and

WHEREAS, In 1972, Ronald James Sanford started his own freelance news-film agency in Olympia and for the next twenty-five years provided news footage of the Legislature and state government to television stations around the Pacific Northwest; and

WHEREAS, Ronald James Sanford mastered the photographic standards and practices that make American photographic journalism the most respected in the world; and

WHEREAS, Ronald James Sanford produced numerous documentaries and promotional videos, and was frequently recognized for his outstanding work; and

WHEREAS, Ronald James Sanford was a familiar figure around the Capitol campus and the Legislative Building and a friend to generations of lawmakers, staff members, lobbyists, and journalists throughout his long and prodigious career; and

WHEREAS, Ronald James Sanford was a beloved husband, father, grandfather, and great-grandfather; and

WHEREAS, Ronald James Sanford exemplified the quiet dignity and dedication that inspires others to pursue excellence both in their craft and in their character; and

WHEREAS, Ronald James Sanford performed his job with energy, humor, fairness, class, and a love of adventure; and

WHEREAS, Ronald James Sanford, shortly after his retirement in 1997, was diagnosed with aggressive lymphoma and with typical courage and optimism, battled the disease for fifteen months; and

WHEREAS, Ronald James Sanford died on November 6, 1998, at the University of Washington Medical Center, where he was undergoing a stem cell transplant; and

WHEREAS, Ronald James Sanford was a source of great pride to the members of his profession, the Legislature, and the citizenry;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington honor Ronald James Sanford for the values, decency, and dedicated service that characterized his life's work, and for the outstanding example of dignity, diligence, and excellence he set for others; and

BE IT FURTHER RESOLVED, That a copy of this Resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to his beloved wife, Carole Sanford.

There being no objection, House Resolution No. 99-4694 was adopted. There being no objection, all the members' names were added to the resolution.

There being no objection, the House reconsidered its position on Engrossed Substitute House Bill No. 1562

There being no objection, the House concurred in the Senate amendment(s) to Engrossed Substitute House Bill No. 1562 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE**

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1562 as amended by the Senate.

Representatives K. Schmidt and Fisher spoke in favor of passage of the bill as amended by the Senate.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1562, as amended by the Senate and the bill passed the House by the following vote: Yeas - 89, Nays - 7, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, DeBolt, Delvin, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 89.

Voting nay: Representatives Benson, Crouse, Dunn, Koster, Pflug, Schindler and Van Luven - 7.

Excused: Representatives Quall and Scott - 2.

Engrossed Substitute House Bill No. 1562, as amended by the Senate, having received the constitutional majority, was declared passed.

## SENATE AMENDMENTS TO HOUSE BILL

April 14, 1999

Mr. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1176 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 40.14.060 and 1982 c 36 s 5 are each amended to read as follows:

(1) Any destruction of official public records shall be pursuant to a schedule approved under RCW 40.14.050. Official public records shall not be destroyed unless:

(a) Except as provided under RCW 40.14.070(2)(b), the records are six or more years old;

(b) The department of origin of the records has made a satisfactory showing to the state records committee that the retention of the records for a minimum of six years is both unnecessary and uneconomical, particularly if lesser federal retention periods for records generated by the state under federal programs have been established; or

(c) The originals of official public records less than six years old have been copied or reproduced by any photographic or other process approved by the state archivist which accurately reproduces or forms a durable medium for so reproducing the original.

(2) Any lesser term of retention than six years must have the additional approval of the director of financial management, the state auditor and the attorney general, except when records have federal retention guidelines the state records committee may adjust the retention period accordingly. An automatic reduction of retention periods from seven to six years for official public records on record retention schedules existing on June 10, 1982, shall not be made, but the same shall be reviewed individually by the state records committee for approval or disapproval of the change to a retention period of six years.

Recommendations for the destruction or disposition of office files and memoranda shall be submitted to the records committee upon approved forms prepared by the records officer of the agency concerned and the archivist. The committee shall determine the period of time that any office file or memorandum shall be preserved and may authorize the division of archives and records management to arrange for its destruction or disposition.

**Sec. 2.** RCW 40.14.070 and 1995 c 301 s 71 are each amended to read as follows:

(1)(a) County, municipal, and other local government agencies may request authority to destroy noncurrent public records having no further administrative or legal value by submitting to the division of archives and records management lists of such records on forms prepared by the division. The archivist, a representative appointed by the state auditor, and a representative appointed by the attorney general shall constitute a committee, known as the local records committee, which shall review such lists and which may veto the destruction of any or all items contained therein.

(b) A local government agency, as an alternative to submitting lists, may elect to establish a records control program based on recurring disposition schedules recommended by the agency to the local records committee. The schedules are to be submitted on forms provided by the division of archives and records management to the local records committee, which may either veto, approve, or amend the schedule. Approval of such schedule or amended schedule shall be by unanimous vote of the local records committee. Upon such approval, the schedule shall constitute authority for the local government agency to destroy the records listed thereon, after the required retention period, on a recurring basis until the schedule is either amended or revised by the committee.

(2)(a) Except as otherwise provided by law, no public records shall be destroyed until approved for destruction by the local records committee. Official public records shall not be destroyed unless:

- ~~((1))~~ (i) The records are six or more years old;
- ~~((2))~~ (ii) The department of origin of the records has made a satisfactory showing to the state records committee that the retention of the records for a minimum of six years is both unnecessary and uneconomical, particularly where lesser federal retention periods for records generated by the state under federal programs have been established; or
- ~~((3))~~ (iii) The originals of official public records less than six years old have been copied or reproduced by any photographic, photostatic, microfilm, miniature photographic, or other process approved by the state archivist which accurately reproduces or forms a durable medium for so reproducing the original.

An automatic reduction of retention periods from seven to six years for official public records on record retention schedules existing on June 10, 1982, shall not be made, but the same shall be reviewed individually by the local records committee for approval or disapproval of the change to a retention period of six years.

The state archivist may furnish appropriate information, suggestions, and guidelines to local government agencies for their assistance in the preparation of lists and schedules or any other matter relating to the retention, preservation, or destruction of records under this chapter. The local records committee may adopt appropriate regulations establishing procedures to be followed in such matters.

Records of county, municipal, or other local government agencies, designated by the archivist as of primarily historical interest, may be transferred to a recognized depository agency.

(b) Records of investigative reports prepared by any state, county, municipal, or other law enforcement agency pertaining to sex offenders contained in chapter 9A.44 RCW or sexually violent offenses as defined in RCW 71.09.020 that are not required in the current operation of the law enforcement agency or for pending judicial proceedings shall, following the expiration of the applicable schedule of the law enforcement agency's retention of the records, be transferred to the Washington association of sheriffs and police chiefs for permanent electronic retention and retrieval. Upon electronic retention of any document, the association shall be permitted to destroy the paper copy of the document.

(c) Any record transferred to the Washington association of sheriffs and police chiefs pursuant to (b) of this subsection shall be deemed to no longer constitute a public record pursuant to RCW 42.17.020 and shall be exempt from public disclosure. Such records shall be disseminated only to criminal justice agencies as defined in RCW 10.97.030 for the purpose of determining if a sex offender met the criteria of a sexually violent predator as defined in chapter 71.09 RCW.

**Sec. 3.** RCW 42.17.310 and 1998 c 69 s 1 are each amended to read as follows:

- (1) The following are exempt from public inspection and copying:
- (a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients.
- (b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.
- (c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (i) be prohibited to such persons by RCW 84.08.210, 82.32.330, 84.40.020, or 84.40.340 or (ii) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer.
- (d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.
- (e) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim or witness indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.



(f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

(g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

(h) Valuable formulae, designs, drawings, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.

(l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.

(m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (i) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (ii) highway construction or improvement as required by RCW 47.28.070.

(n) Railroad company contracts filed prior to July 28, 1991, with the utilities and transportation commission under RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter.

(o) Financial and commercial information and records supplied by private persons pertaining to export services provided pursuant to chapter 43.163 RCW and chapter 53.31 RCW, and by persons pertaining to export projects pursuant to RCW 43.23.035.

(p) Financial disclosures filed by private vocational schools under chapters 28B.85 and 28C.10 RCW.

(q) Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095 that a court has determined are confidential under RCW 80.04.095.

(r) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency.

(s) Membership lists or lists of members or owners of interests of units in timeshare projects, subdivisions, camping resorts, condominiums, land developments, or common-interest communities affiliated with such projects, regulated by the department of licensing, in the files or possession of the department.

(t) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.

(u) The residential addresses and residential telephone numbers of employees or volunteers of a public agency which are held by the agency in personnel records, employment or volunteer rosters, or mailing lists of employees or volunteers.

(v) The residential addresses and residential telephone numbers of the customers of a public utility contained in the records or lists held by the public utility of which they are customers, except that this information may be released to the division of child support or the agency or firm providing child support enforcement for another state under Title IV-D of the federal social security act, for the establishment, enforcement, or modification of a support order.

(w)(i) The federal social security number of individuals governed under chapter 18.130 RCW maintained in the files of the department of health, except this exemption does not apply to requests

made directly to the department from federal, state, and local agencies of government, and national and state licensing, credentialing, investigatory, disciplinary, and examination organizations; (ii) the current residential address and current residential telephone number of a health care provider governed under chapter 18.130 RCW maintained in the files of the department, if the provider requests that this information be withheld from public inspection and copying, and provides to the department an accurate alternate or business address and business telephone number. On or after January 1, 1995, the current residential address and residential telephone number of a health care provider governed under RCW 18.130.140 maintained in the files of the department shall automatically be withheld from public inspection and copying unless the provider specifically requests the information be released, and except as provided for under RCW 42.17.260(9).

(x) Information obtained by the board of pharmacy as provided in RCW 69.45.090.

(y) Information obtained by the board of pharmacy or the department of health and its representatives as provided in RCW 69.41.044, 69.41.280, and 18.64.420.

(z) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW.

(aa) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information.

(bb) Financial and valuable trade information under RCW 51.36.120.

(cc) Client records maintained by an agency that is a domestic violence program as defined in RCW 70.123.020 or 70.123.075 or a rape crisis center as defined in RCW 70.125.030.

(dd) Information that identifies a person who, while an agency employee: (i) Seeks advice, under an informal process established by the employing agency, in order to ascertain his or her rights in connection with a possible unfair practice under chapter 49.60 RCW against the person; and (ii) requests his or her identity or any identifying information not be disclosed.

(ee) Investigative records compiled by an employing agency conducting a current investigation of a possible unfair practice under chapter 49.60 RCW or of a possible violation of other federal, state, or local laws prohibiting discrimination in employment.

(ff) Business related information protected from public inspection and copying under RCW 15.86.110.

(gg) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW.

(hh) Information and documents created specifically for, and collected and maintained by a quality improvement committee pursuant to RCW 43.70.510, regardless of which agency is in possession of the information and documents.

(ii) Personal information in files maintained in a data base created under RCW 43.07.360.

(jj) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010.

(kk) Names of individuals residing in emergency or transitional housing that are furnished to the department of revenue or a county assessor in order to substantiate a claim for property tax exemption under RCW 84.36.043.

(ll) The names, residential addresses, residential telephone numbers, and other individually identifiable records held by an agency in relation to a vanpool, carpool, or other ride-sharing program or service. However, these records may be disclosed to other persons who apply for ride-matching services and who need that information in order to identify potential riders or drivers with whom to share rides.

(mm) Proprietary financial and commercial information that the submitting entity, with review by the department of health, specifically identifies at the time it is submitted and that is provided to or obtained by the department of health in connection with an application for, or the supervision of, an antitrust exemption sought by the submitting entity under RCW 43.72.310. If a request for such information is received, the submitting entity must be notified of the request. Within ten business days

of receipt of the notice, the submitting entity shall provide a written statement of the continuing need for confidentiality, which shall be provided to the requester. Upon receipt of such notice, the department of health shall continue to treat information designated under this section as exempt from disclosure. If the requester initiates an action to compel disclosure under this chapter, the submitting entity must be joined as a party to demonstrate the continuing need for confidentiality.

(nn) Records maintained by the board of industrial insurance appeals that are related to appeals of crime victims' compensation claims filed with the board under RCW 7.68.110.

(oo) Financial and commercial information supplied by or on behalf of a person, firm, corporation, or entity under chapter 28B.95 RCW relating to the purchase or sale of tuition units and contracts for the purchase of multiple tuition units.

(pp) Any records of investigative reports prepared by any state, county, municipal, or other law enforcement agency pertaining to sex offenses contained in chapter 9A.44 RCW or sexually violent offenses as defined in RCW 71.09.020, which have been transferred to the Washington association of sheriffs and police chiefs for permanent electronic retention and retrieval pursuant to RCW 40.14.070(2)(b).

(2) Except for information described in subsection (1)(c)(i) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this section are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

**NEW SECTION. Sec. 4.** A new section is added to chapter 10.97 RCW to read as follows: Nothing in RCW 40.14.060, 40.14.070, or 42.17.310 precludes dissemination of criminal history record information, including nonconviction data, for the purposes of this chapter."

On page 1, line 2 of the title, after "offenses;" strike the remainder of the title and insert "amending RCW 40.14.060, 40.14.070, and 42.17.310; and adding a new section to chapter 10.97 RCW."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Second Substitute House Bill No. 1176 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE**

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Second Substitute House Bill No. 1176 as amended by the Senate.

Representatives O'Brien and Ballasiotes spoke in favor of passage of the bill as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1176, as amended by the Senate and the bill passed the House by the following vote: Yeas - 76, Nays - 20, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Bush, Cairnes, Campbell, Carlson, Carrell, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Lantz, Linville, Lovick, McDonald, McIntire, Miloscia, Mitchell, Morris, Murray, O'Brien, Ogden, Parlette, Pennington, Poulsen, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, D. Schmidt, K. Schmidt, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 76.

Voting nay: Representatives Boldt, Buck, B. Chandler, Cox, Crouse, DeBolt, Ericksen, Esser, Koster, Lambert, Lisk, Mastin, McMorris, Mielke, Mulliken, Pflug, Radcliff, Schindler, Schoesler and Sump - 20.

Excused: Representatives Quall and Scott - 2.

Second Substitute House Bill No. 1176, as amended by the Senate, having received the constitutional majority, was declared passed.

### SENATE AMENDMENTS TO HOUSE BILL

April 13, 1999

Mr. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1143 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 72.09.480 and 1998 c 261 s 2 are each amended to read as follows:

(1) Unless the context clearly requires otherwise, the definitions in this section apply to this section.

(a) "Cost of incarceration" means the cost of providing an inmate with shelter, food, clothing, transportation, supervision, and other services and supplies as may be necessary for the maintenance and support of the inmate while in the custody of the department, based on the average per inmate costs established by the department and the office of financial management.

(b) "Minimum term of confinement" means the minimum amount of time an inmate will be confined in the custody of the department, considering the sentence imposed and adjusted for the total potential earned early release time available to the inmate.

(c) "Program" means any series of courses or classes necessary to achieve a proficiency standard, certificate, or postsecondary degree.

(2) When an inmate, except as provided in subsection (6) of this section, receives any funds in addition to his or her wages or gratuities, the additional funds shall be subject to the deductions in RCW 72.09.111(1)(a) and the priorities established in chapter 72.11 RCW.

(3) The amount deducted from an inmate's funds under subsection (2) of this section shall not exceed the department's total cost of incarceration for the inmate incurred during the inmate's minimum or actual term of confinement, whichever is longer.

(4) The deductions required under subsection (2) of this section shall not apply to funds received by the department on behalf of an offender for payment of one fee-based education or vocational program that is associated with an inmate's work program or a placement decision made by the department under RCW 72.09.460 to prepare an inmate for work upon release.

An inmate may, prior to the completion of the fee-based education or vocational program authorized under this subsection, apply to a person designated by the secretary for permission to make

a change in his or her program. The secretary, or his or her designee, may approve the application based solely on the following criteria: (a) The inmate has been transferred to another institution by the department for reasons unrelated to education or a change to a higher security classification and the offender's current program is unavailable in the offender's new placement; (b) the inmate entered an academic program as an undeclared major and wishes to declare a major. No inmate may apply for more than one change to his or her major and receive the exemption from deductions specified in this subsection; (c) the educational or vocational institution is terminating the inmate's current program; or (d) the offender's training or education has demonstrated that the current program is not the appropriate program to assist the offender to achieve a placement decision made by the department under RCW 72.09.460 to prepare the inmate for work upon release.

(5) The deductions required under subsection (2) of this section shall not apply to any money received by the department, on behalf of an inmate, from family or other outside sources for the payment of postage expenses. Money received under this subsection may only be used for the payment of postage expenses and may not be transferred to any other account or purpose. Money that remains unused in the inmate's postage fund at the time of release shall be subject to the deductions outlined in subsection (2) of this section.

(6) When an inmate sentenced to life imprisonment without possibility of release or parole, or to death under chapter 10.95 RCW, receives any funds in addition to his or her gratuities, the additional funds shall be subject to: Deductions of five percent to the public safety and education account for the purpose of crime victims' compensation and twenty percent to the department to contribute to the cost of incarceration.

(7) The interest earned on an inmate savings account created as a result of the plan in section 4 of this act shall be exempt from the mandatory deductions under this section and RCW 72.09.111.

**Sec. 2.** RCW 72.09.111 and 1994 sp.s. c 7 s 534 are each amended to read as follows:

(1) The secretary shall deduct from the gross wages or gratuities of each inmate working in correctional industries work programs, taxes and legal financial obligations. The secretary shall develop a formula for the distribution of offender wages and gratuities.

(a) The formula shall include the following minimum deductions from class I gross wages and from all others earning at least minimum wage:

(i) Five percent to the public safety and education account for the purpose of crime victims' compensation;

(ii) Ten percent to a department personal inmate savings account; and

(iii) Twenty percent to the department to contribute to the cost of incarceration.

(b) The formula shall include the following minimum deductions from class II gross gratuities:

(i) Five percent to the public safety and education account for the purpose of crime victims' compensation;

(ii) Ten percent to a department personal inmate savings account; and

(iii) Fifteen percent to the department to contribute to the cost of incarceration.

(c) The formula shall include the following minimum deduction from class IV gross gratuities:

Five percent to the department to contribute to the cost of incarceration.

(d) The formula shall include the following minimum deductions from class III gratuities: Five percent for the purpose of crime victims' compensation.

Any person sentenced to life imprisonment without possibility of release or parole under chapter 10.95 RCW or sentenced to death shall be exempt from the requirement under (a)(ii) or (b)(ii) of this subsection.

The department personal inmate savings account, together with any accrued interest, shall only be available to an inmate at the time of his or her release from confinement, unless the secretary determines that an emergency exists for the inmate, at which time the funds can be made available to the inmate in an amount determined by the secretary. The management of classes I, II, and IV correctional industries may establish an incentive payment for offender workers based on productivity criteria. This incentive shall be paid separately from the hourly wage/gratuity rate and shall not be subject to the specified deduction for cost of incarceration.

In the event that the offender worker's wages or gratuity is subject to garnishment for support enforcement, the crime victims' compensation, savings, and cost of incarceration deductions shall be calculated on the net wages after taxes, legal financial obligations, and garnishment.

(2) The department shall explore other methods of recovering a portion of the cost of the inmate's incarceration and for encouraging participation in work programs, including development of incentive programs that offer inmates benefits and amenities paid for only from wages earned while working in a correctional industries work program.

(3) The department shall develop the necessary administrative structure to recover inmates' wages and keep records of the amount inmates pay for the costs of incarceration and amenities. All funds deducted from inmate wages under subsection (1) of this section for the purpose of contributions to the cost of incarceration shall be deposited in a dedicated fund with the department and shall be used only for the purpose of enhancing and maintaining correctional industries work programs (~~until December 31, 2000, and thereafter all such funds shall be deposited in the general fund~~).

(4) The expansion of inmate employment in class I and class II correctional industries shall be implemented according to the following schedule:

(a) Not later than June 30, 1995, the secretary shall achieve a net increase of at least two hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 1994;

(b) Not later than June 30, 1996, the secretary shall achieve a net increase of at least four hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 1994;

(c) Not later than June 30, 1997, the secretary shall achieve a net increase of at least six hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 1994;

(d) Not later than June 30, 1998, the secretary shall achieve a net increase of at least nine hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 1994;

(e) Not later than June 30, 1999, the secretary shall achieve a net increase of at least one thousand two hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 1994;

(f) Not later than June 30, 2000, the secretary shall achieve a net increase of at least one thousand five hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 1994.

(5) It shall be in the discretion of the secretary to apportion the inmates between class I and class II depending on available contracts and resources.

**NEW SECTION. Sec. 3.** A new section is added to chapter 70.48 RCW to read as follows:

A governing unit may require that each person who is booked at a city, county, or regional jail pay a fee of ten dollars to the sheriff's department of the county or police chief of the city in which the jail is located. The fee is payable immediately from any money then possessed by the person being booked, or any money deposited with the sheriff's department or city jail administration on the person's behalf. If the person has no funds at the time of booking or during the period of incarceration, the sheriff or police chief may notify the court in the county or city where the charges related to the booking are pending, and may request the assessment of the fee. Unless the person is held on other criminal matters, if the person is not charged, is acquitted, or if all charges are dismissed, the sheriff or police chief shall return the fee to the person at the last known address listed in the booking records.

**NEW SECTION. Sec. 4.** The secretary of corrections shall prepare a plan for depositing inmate savings account funds into an interest bearing account. The plan shall assume that the funds shall be deposited into a commingled account for all inmates and that the interest shall be paid in a manner pro rata to the inmate's share of the total deposits. The secretary shall present the plan to the governor and the legislature not later than December 1, 1999. The plan shall minimize the costs of

administering the account and the inmates shall receive interest at a rate not less than the passbook savings rate."

On page 1, line 1 of the title, after "funds;" strike the remainder of the title and insert "amending RCW 72.09.480 and 72.09.111; adding a new section to chapter 70.48.RCW; and creating a new section."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Engrossed Second Substitute House Bill No. 1143 and advanced the bill as amended by the Senate to final passage.

### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE**

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Engrossed Second Substitute House Bill No. 1143 as amended by the Senate.

Representatives O'Brien and Ballasiotes spoke in favor of passage of the bill as amended by the Senate.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1143, as amended by the Senate and the bill passed the House by the following vote: Yeas - 94, Nays - 2, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 94.

Voting nay: Representatives Fisher and Murray - 2.

Excused: Representatives Quall and Scott - 2.

Engrossed Second Substitute House Bill No. 1143, as amended by the Senate, having received the constitutional majority, was declared passed.

### **SENATE AMENDMENTS TO HOUSE BILL**

April 14, 1999

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1392 with the following amendment(s)

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 72.09.480 and 1998 c 261 s 2 are each amended to read as follows:

(1) Unless the context clearly requires otherwise, the definitions in this section apply to this section.

(a) "Cost of incarceration" means the cost of providing an inmate with shelter, food, clothing, transportation, supervision, and other services and supplies as may be necessary for the maintenance and support of the inmate while in the custody of the department, based on the average per inmate costs established by the department and the office of financial management.

(b) "Minimum term of confinement" means the minimum amount of time an inmate will be confined in the custody of the department, considering the sentence imposed and adjusted for the total potential earned early release time available to the inmate.

(c) "Program" means any series of courses or classes necessary to achieve a proficiency standard, certificate, or postsecondary degree.

(2) When an inmate, except as provided in subsection (6) of this section, receives any funds in addition to his or her wages or gratuities, the additional funds shall be subject to the deductions in RCW 72.09.111(1)(a) and the priorities established in chapter 72.11 RCW.

(3) The amount deducted from an inmate's funds under subsection (2) of this section shall not exceed the department's total cost of incarceration for the inmate incurred during the inmate's minimum or actual term of confinement, whichever is longer.

(4) The deductions required under subsection (2) of this section shall not apply to funds received by the department on behalf of an offender for payment of one fee-based education or vocational program that is associated with an inmate's work program or a placement decision made by the department under RCW 72.09.460 to prepare an inmate for work upon release.

An inmate may, prior to the completion of the fee-based education or vocational program authorized under this subsection, apply to a person designated by the secretary for permission to make a change in his or her program. The secretary, or his or her designee, may approve the application based solely on the following criteria: (a) The inmate has been transferred to another institution by the department for reasons unrelated to education or a change to a higher security classification and the offender's current program is unavailable in the offender's new placement; (b) the inmate entered an academic program as an undeclared major and wishes to declare a major. No inmate may apply for more than one change to his or her major and receive the exemption from deductions specified in this subsection; (c) the educational or vocational institution is terminating the inmate's current program; or (d) the offender's training or education has demonstrated that the current program is not the appropriate program to assist the offender to achieve a placement decision made by the department under RCW 72.09.460 to prepare the inmate for work upon release.

(5) The deductions required under subsection (2) of this section shall not apply to any money received by the department, on behalf of an inmate, from family or other outside sources for the payment of postage expenses. Money received under this subsection may only be used for the payment of postage expenses and may not be transferred to any other account or purpose. Money that remains unused in the inmate's postage fund at the time of release shall be subject to the deductions outlined in subsection (2) of this section.

(6) When an inmate sentenced to life imprisonment without possibility of release or parole, or to death under chapter 10.95 RCW, receives any funds in addition to his or her gratuities, the additional funds shall be subject to: Deductions of five percent to the public safety and education account for the purpose of crime victims' compensation and twenty percent to the department to contribute to the cost of incarceration.

(7) The interest earned on an inmate savings account created as a result of the plan in section 4 of this act shall be exempt from the mandatory deductions under this section and RCW 72.09.111.

**Sec. 2.** RCW 72.09.111 and 1994 sp.s. c 7 s 534 are each amended to read as follows:

(1) The secretary shall deduct from the gross wages or gratuities of each inmate working in correctional industries work programs, taxes and legal financial obligations. The secretary shall develop a formula for the distribution of offender wages and gratuities.

(a) The formula shall include the following minimum deductions from class I gross wages and from all others earning at least minimum wage:



(i) Five percent to the public safety and education account for the purpose of crime victims' compensation;

(ii) Ten percent to a department personal inmate savings account; and

(iii) Twenty percent to the department to contribute to the cost of incarceration.

(b) The formula shall include the following minimum deductions from class II gross gratuities:

(i) Five percent to the public safety and education account for the purpose of crime victims' compensation;

(ii) Ten percent to a department personal inmate savings account; and

(iii) Fifteen percent to the department to contribute to the cost of incarceration.

(c) The formula shall include the following minimum deduction from class IV gross gratuities:

Five percent to the department to contribute to the cost of incarceration.

(d) The formula shall include the following minimum deductions from class III gratuities: Five percent for the purpose of crime victims' compensation.

Any person sentenced to life imprisonment without possibility of release or parole under chapter 10.95 RCW or sentenced to death shall be exempt from the requirement under (a)(ii) or (b)(ii) of this subsection.

The department personal inmate savings account, together with any accrued interest, shall only be available to an inmate at the time of his or her release from confinement, unless the secretary determines that an emergency exists for the inmate, at which time the funds can be made available to the inmate in an amount determined by the secretary. The management of classes I, II, and IV correctional industries may establish an incentive payment for offender workers based on productivity criteria. This incentive shall be paid separately from the hourly wage/gratuity rate and shall not be subject to the specified deduction for cost of incarceration.

In the event that the offender worker's wages or gratuity is subject to garnishment for support enforcement, the crime victims' compensation, savings, and cost of incarceration deductions shall be calculated on the net wages after taxes, legal financial obligations, and garnishment.

(2) The department shall explore other methods of recovering a portion of the cost of the inmate's incarceration and for encouraging participation in work programs, including development of incentive programs that offer inmates benefits and amenities paid for only from wages earned while working in a correctional industries work program.

(3) The department shall develop the necessary administrative structure to recover inmates' wages and keep records of the amount inmates pay for the costs of incarceration and amenities. All funds deducted from inmate wages under subsection (1) of this section for the purpose of contributions to the cost of incarceration shall be deposited in a dedicated fund with the department and shall be used only for the purpose of enhancing and maintaining correctional industries work programs (~~until December 31, 2000, and thereafter all such funds shall be deposited in the general fund~~).

(4) The expansion of inmate employment in class I and class II correctional industries shall be implemented according to the following schedule:

(a) Not later than June 30, 1995, the secretary shall achieve a net increase of at least two hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 1994;

(b) Not later than June 30, 1996, the secretary shall achieve a net increase of at least four hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 1994;

(c) Not later than June 30, 1997, the secretary shall achieve a net increase of at least six hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 1994;

(d) Not later than June 30, 1998, the secretary shall achieve a net increase of at least nine hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 1994;

(e) Not later than June 30, 1999, the secretary shall achieve a net increase of at least one thousand two hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 1994;

(f) Not later than June 30, 2000, the secretary shall achieve a net increase of at least one thousand five hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 1994.

(5) It shall be in the discretion of the secretary to apportion the inmates between class I and class II depending on available contracts and resources.

NEW SECTION. Sec. 3. A new section is added to chapter 70.48 RCW to read as follows:

A governing unit may require that each person who is booked at a city, county, or regional jail pay a fee of ten dollars to the sheriff's department of the county or police chief of the city in which the jail is located. The fee is payable immediately from any money then possessed by the person being booked, or any money deposited with the sheriff's department or city jail administration on the person's behalf. If the person has no funds at the time of booking or during the period of incarceration, the sheriff or police chief may notify the court in the county or city where the charges related to the booking are pending, and may request the assessment of the fee. Unless the person is held on other criminal matters, if the person is not charged, is acquitted, or if all charges are dismissed, the sheriff or police chief shall return the fee to the person at the last known address listed in the booking records.

NEW SECTION. Sec. 4. The secretary of corrections shall prepare a plan for depositing inmate savings account funds into an interest bearing account. The plan shall assume that the funds shall be deposited into a commingled account for all inmates and that the interest shall be paid in a manner pro rata to the inmate's share of the total deposits. The secretary shall present the plan to the governor and the legislature not later than December 1, 1999. The plan shall minimize the costs of administering the account and the inmates shall receive interest at a rate not less than the passbook savings rate."

On page 1, line 1 of the title, after "funds;" strike the remainder of the title and insert "amending RCW 72.09.480 and 72.09.111; adding a new section to chapter 70.48.RCW; and creating a new section."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House refused to concur in the Senate Amendment(s) to House Bill No. 1392 and asked the Senate to recede therefrom.

### SENATE AMENDMENTS TO HOUSE BILL

April 21, 1999

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1663 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature recognizes the increasing incidence of concurrent involvement of family members in multiple areas of the justice system. Analysis shows significant case overlap in the case types of juvenile offender, juvenile dependency, at-risk youth, child in need of services, truancy, domestic violence, and domestic relations. Also recognized is the increased complexity of the problems facing family members and the increased complexity of the laws affecting families. It is believed that in such situations, an efficient and effective response is through the creation of a unified court system centered around the family that: Provides a dedicated, trained, and

informed judiciary; incorporates case management practices based on a family's judicial system needs; enables multiple case type resolution by one judicial officer or judicial team; provides coordinated legal and social services; and considers and evaluates the needs of the family as a whole.

**NEW SECTION. Sec. 2.** The administrator for the courts shall conduct a unified family court pilot program.

(1) Pilot program sites shall be selected through a request for proposal process, and shall be established in no more than three superior court judicial districts.

(2) To be eligible for consideration as a pilot project site, judicial districts must have a statutorily authorized judicial complement of at least five judges.

(3) The administrator for the courts shall develop criteria for the unified family court pilot program. The pilot program shall include: (a) All case types under Title 13 RCW, chapters 26.09, 26.10, 26.12, 26.18, 26.19, 26.20, 26.26, 26.50, 26.27, and 28A.225 RCW;

(b) Unified family court judicial officers, who volunteer for the program, and meet training requirements established by local court rule;

(c) Case management practices that provide a flexible response to the diverse court-related needs of families involved in multiple areas of the justice system. Case management practices should result in a reduction in process redundancies and an efficient use of time and resources, and create a system enabling multiple case type resolution by one judicial officer or judicial team;

(d) A court facilitator to provide assistance to parties with matters before the unified family court; and

(e) An emphasis on providing nonadversarial methods of dispute resolution such as a settlement conference, evaluative mediation by attorney mediators, and facilitative mediation by nonattorney mediators.

(4) The office of the administrator for the courts shall publish and disseminate a state-approved listing of definitions of nonadversarial methods of dispute resolution so that court officials, practitioners, and users can choose the most appropriate process for the matter at hand.

(5) The office of the administrator for the courts shall provide to the judicial districts selected for the pilot program the computer resources needed by each judicial district to implement the unified family court pilot program.

(6) The office of the administrator for the courts shall conduct a study of the pilot program measuring improvements in the judicial system's response to family involvement in the judicial system. The administrator for the courts shall report preliminary findings and final results of the study to the governor, the chief justice of the supreme court, and the legislature on a biennial basis. The initial report is due by July 1, 2000, and the final report is due by December 1, 2004.

**NEW SECTION. Sec. 3.** The judges of the superior court judicial districts with unified family court pilot programs shall adopt local court rules directing the program. The local court rules shall comply with the criteria established by the administrator for the courts and shall include:

(1) A requirement that all judicial officers hearing cases in unified family court:

(a) Complete an initial training program including the topic areas of childhood development, domestic violence, cultural awareness, child abuse and neglect, chemical dependency, and mental illness; and

(b) Subsequent to the training in (a) of this subsection, annually attend a minimum of eight hours of continuing education of pertinence to the unified family court;

(2) Case management that is based on the practice of one judge or judicial team handling all matters relating to a family;

(3) An emphasis on coordinating or consolidating, to the extent possible, all cases before the unified family court relating to a family; and

(4) Programs that provide for record confidentiality to protect the confidentiality of court records in accordance with the law. However law enforcement agencies shall have access to the records to the extent permissible under the law.

**Sec. 4.** RCW 10.14.200 and 1995 c 246 s 35 are each amended to read as follows:

Any order available under this chapter may be issued in actions under chapter 13.32A, 26.09, 26.10, or 26.26 RCW. An order available under this chapter that is issued under those chapters shall be fully enforceable and shall be enforced pursuant to the provisions of this chapter.

**Sec. 5.** RCW 13.04.021 and 1994 sp.s. c 7 s 538 are each amended to read as follows:

(1) The juvenile court shall be a division of the superior court. In judicial districts having more than one judge of the superior court, the judges of such court shall annually assign one or more of their number to the juvenile court division. In any judicial district having a court commissioner, the court commissioner shall have the power, authority, and jurisdiction, concurrent with a juvenile court judge, to hear all cases under this chapter and to enter judgment and make orders with the same power, force, and effect as any judge of the juvenile court, subject to motion or demand by any party within ten days from the entry of the order or judgment by the court commissioner as provided in RCW 2.24.050. In any judicial district having a family law commissioner appointed pursuant to chapter 26.12 RCW, the family law commissioner shall have the power, authority, and jurisdiction, concurrent with a juvenile court judge, to hear cases ~~((under chapter 13.34 RCW or any other case))~~ under Title 13 RCW and chapter 28A.225 RCW as provided in RCW 26.12.010, and to enter judgment and make orders with the same power, force, and effect as any judge of the juvenile court, subject to motion or demand by any party within ten days from the entry of the order or judgment by the court commissioner as provided in RCW 2.24.050.

(2) Cases in the juvenile court shall be tried without a jury.

**Sec. 6.** RCW 26.12.010 and 1994 sp.s. c 7 s 537 are each amended to read as follows:

~~((4))~~ Each superior court shall exercise the jurisdiction conferred by this chapter and while sitting in the exercise of such jurisdiction shall be known and referred to as the "family court." A family ~~(law)~~ court proceeding under this chapter is: (1) Any proceeding under this title or any proceeding in which the family court is requested to adjudicate or enforce the rights of the parties or their children regarding the determination or modification of parenting plans, child custody, visitation, or support, or the distribution of property or obligations, or (2) concurrent with the juvenile court, any proceeding under Title 13 or chapter 28A.225 RCW.

~~((2) Superior court judges of a county may by majority vote, grant to the family court the power, authority, and jurisdiction, concurrent with the juvenile court, to hear and decide cases under Title 13 RCW.)~~

**Sec. 7.** RCW 26.12.060 and 1993 c 289 s 3 are each amended to read as follows:

The court commissioners shall: (1) Make appropriate referrals to county family court services program if the county has a family court services program or appoint a guardian ad litem pursuant to RCW 26.12.175; (2) order investigation and reporting of the facts upon which to base warrants, subpoenas, orders or directions in actions or proceedings under this chapter; (3) exercise all the powers and perform all the duties of court commissioners; (4) make written reports of all proceedings had which shall become a part of the record of the family court; (5) provide supervision over the exercise of its jurisdiction as the judge of the family court may order; (6) cause the orders and findings of the family court to be entered in the same manner as orders and findings are entered in cases in the superior court; (7) cause other reports to be made and records kept as will indicate the value and extent of reconciliation, mediation, investigation, and treatment services; and (8) conduct hearings under ~~((chapter 13.34 RCW))~~ Title 13 and chapter 28A.225 RCW, as provided in RCW 13.04.021.

**Sec. 8.** RCW 36.18.016 and 1996 c 56 s 5 are each amended to read as follows:

(1) Revenue collected under this section is not subject to division under RCW 36.18.025 or 27.24.070.

(2) For the filing of a petition for modification of a decree of dissolution or paternity, within the same case as the original action, a fee of twenty dollars must be paid.

(3)(a) The party making a demand for a jury of six in a civil action shall pay, at the time, a fee of ~~((fifty))~~ one hundred twenty-five dollars; if the demand is for a jury of twelve, a fee of ~~((one))~~ two hundred fifty dollars. If, after the party demands a jury of six and pays the required fee, any other

party to the action requests a jury of twelve, an additional (~~fifty dollar~~) one hundred twenty-five dollar fee will be required of the party demanding the increased number of jurors.

(b) Upon conviction in criminal cases a jury demand charge of fifty dollars for a jury of six, or one hundred dollars for a jury of twelve may be imposed as costs under RCW 10.46.190.

(4) For preparing, transcribing, or certifying an instrument on file or of record in the clerk's office, with or without seal, for the first page or portion of the first page, a fee of two dollars, and for each additional page or portion of a page, a fee of one dollar must be charged. For authenticating or exemplifying an instrument, a fee of one dollar for each additional seal affixed must be charged.

(5) For executing a certificate, with or without a seal, a fee of two dollars must be charged.

(6) For a garnishee defendant named in an affidavit for garnishment and for a writ of attachment, a fee of twenty dollars must be charged.

(7) For approving a bond, including justification on the bond, in other than civil actions and probate proceedings, a fee of two dollars must be charged.

(8) For the issuance of a certificate of qualification and a certified copy of letters of administration, letters testamentary, or letters of guardianship, there must be a fee of two dollars.

(9) For the preparation of a passport application, the clerk may collect an execution fee as authorized by the federal government.

(10) For clerk's special services such as processing ex parte orders by mail, performing historical searches, compiling statistical reports, and conducting exceptional record searches, the clerk may collect a fee not to exceed twenty dollars per hour or portion of an hour.

(11) For duplicated recordings of court's proceedings there must be a fee of ten dollars for each audio tape and twenty-five dollars for each video tape.

(12) For the filing of oaths and affirmations under chapter 5.28 RCW, a fee of twenty dollars must be charged.

(13) For filing a disclaimer of interest under RCW 11.86.031(4), a fee of two dollars must be charged.

(14) For registration of land titles, Torrens Act, under RCW 65.12.780, a fee of five dollars must be charged.

(15) For the issuance of extension of judgment under RCW 6.17.020 and chapter 9.94A RCW, a fee of one hundred ten dollars must be charged.

(16) A facilitator surcharge of ten dollars must be charged as authorized under RCW 26.12.240.

(17) For filing a water rights statement under RCW 90.03.180, a fee of twenty-five dollars must be charged.

(18) For filing a warrant for overpayment of state retirement systems benefits under chapter 41.50 RCW, a fee of five dollars shall be charged pursuant to RCW 41.50.136.

(19) A service fee of three dollars for the first page and one dollar for each additional page must be charged for receiving faxed documents, pursuant to Washington state rules of court, general rule 17.

(20) For preparation of clerk's papers under RAP 9.7, a fee of fifty cents per page must be charged.

(21) For copies and reports produced at the local level as permitted by RCW 2.68.020 and supreme court policy, a variable fee must be charged.

(22) Investment service charge and earnings under RCW 36.48.090 must be charged.

(23) Costs for nonstatutory services rendered by clerk by authority of local ordinance or policy must be charged.

(24) For filing a request for trial de novo of an arbitration award, a fee not to exceed two hundred fifty dollars as established by authority of local ordinance must be charged."

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "court operations; amending RCW 10.14.200, 13.04.021, 26.12.010, 26.12.060, and 36.18.016; and creating new sections."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Substitute House Bill No. 1663 and advanced the bill as amended by the Senate to final passage.

### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE**

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Substitute House Bill No. 1663 as amended by the Senate.

Representatives Lambert and Constantine spoke in favor of passage of the bill as amended by the Senate.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1663, as amended by the Senate and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Quall and Scott - 2.

Substitute House Bill No. 1663, as amended by the Senate, having received the constitutional majority, was declared passed.

### **SENATE AMENDMENTS TO HOUSE BILL**

April 15, 1999

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 2015 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 4.22 RCW to read as follows:

(1) The definitions in this section apply throughout this section and sections 2 through 5 of this act.

(a) "Agency" means any state or local government board, commission, bureau, committee, department, institution, division, or tribunal in the legislative, executive, or judicial branch, including elective and legislative offices, institutions of higher education created and supported by state government, counties, cities, towns, special purpose districts, local service districts, municipal corporations, quasi-municipal corporations, and political subdivisions of such agencies and corporations, and any officer, employee, or agent of these entities acting within the scope of the officer, employee, or agent's employment or duties. "Agency" does not include municipal electric or gas utilities formed under Title 35 RCW or electric public utility districts formed under Title 54 RCW.

(b) "Electric cooperative utility" means any nonprofit, member-owned cooperative organized under chapter 23.86 RCW and engaged in the business of distributing electric energy in the state.

(c) "Electric mutual utility" means any nonprofit, member-owned corporation or association organized under chapter 24.06 RCW and engaged in the business of distributing electric energy in the state.

(d) "Electronic computing device" means any computer hardware or software, computer chip, embedded chip, process control equipment, or other information system used to capture, store, manipulate, or process data, or that controls, monitors, or assists in the operation of physical apparatus that is not primarily used as a computer, but that relies on automation or digital technology to function, including but not limited to vehicles, vessels, buildings, structures, facilities, elevators, medical equipment, traffic signals, factory machinery, and the like.

(e) "Public service provider" means any municipal electric or gas utility formed under Title 35 RCW, electric public utility district formed under Title 54 RCW, electrical company, as defined in RCW 80.04.010, gas company, as defined in RCW 80.04.010, electric cooperative utility, and electric mutual utility.

(f) "Year 2000 failure" means with respect to an electronic computing device, a computing failure that prevents such electronic computing device from accurately interpreting, producing, computing, generating, accounting for, processing, calculating, comparing, or sequencing date or time data from, into, or between the years 1999 and 2000, or with regard to leap year calculations.

(2) In any action against an agency or public service provider, whether based in tort, contract, or otherwise, for damages caused in whole or in part by computational or interpretive errors generated by an electronic computing device in connection with a year 2000 failure:

(a) Any liability shall be several, not joint, and the liability shall be determined as a percentage of fault in a manner consistent with RCW 4.22.070; and

(b) Agencies as defined in this section shall have no liability for the first one hundred dollars of damages per claimant that would otherwise be owed by the agency.

(3) This section shall not apply to any action for damages arising from bodily personal injury, or to wrongful death and survival actions under chapter 4.20 RCW or RCW 4.24.010.

(4) This section does not apply to any claim or cause of action filed after December 31, 2003.

(5) This section expires December 31, 2009.

**NEW SECTION. Sec. 2.** A new section is added to chapter 4.24 RCW to read as follows:

(1) A person has an affirmative defense to any claim or action, based on a contract, brought against the person if he or she establishes that:

(a) The default, failure to pay, breach, omission, or other violation that is the basis of the claim against him or her was caused, in whole or in part, by a year 2000 failure associated with an electronic computing device;

(b) The year 2000 failure being asserted was not proximately caused by a failure of the person to update an electronic computing device, that is under his or her dominion or control, to be year 2000 compliant; and

(c) If it were not for the year 2000 failure, the person would have been able to satisfy the contractual obligation that was the basis of the claim.

(2) If an affirmative defense as set forth in subsection (1) of this section is established, then the person or entity making the claim may not reassert the claim against which the affirmative defense was asserted for a period of thirty days from the date on which the court dismissed the case as a result of the affirmative defense. Any statute of limitations applicable to the claim shall be tolled for forty-five days upon the dismissal of the case under this section.

(3) The dismissal of an action as the result of the affirmative defense under this section does not impair, extinguish, discharge, satisfy, or otherwise affect the underlying obligation that is the basis of the claim against which the affirmative defense was asserted. However, the ability of a party to bring the claim based upon the obligation is delayed as set forth in subsection (2) of this section.

(4) A person who has established an affirmative defense as set forth in subsection (1) of this section may dispute directly with a credit reporting agency operating in this state any item of information in the person's consumer file relating to the subject of the affirmative defense. The dispute

shall be filed in accordance with RCW 19.182.090(6). If requested by the person under this subsection (4), the credit reporting agency shall furnish a statement, made in accordance with RCW 19.182.090(7), to the person and include the statement in the person's consumer file. The credit reporting agency may not charge the person a fee for the inclusion of this statement in the person's consumer file.

(5)(a) The definitions in section 1 of this act apply to this section unless the context clearly requires otherwise.

(b) As used in this section, unless the context clearly requires otherwise, "person" means a natural person or a small business as defined in RCW 19.85.020.

(6) This section does not affect those transactions upon which a default has occurred before any disruption of financial or data transfer operations attributable to a year 2000 failure.

(7) This section does not apply to or affect any contract that specifically provides for a year 2000 failure.

(8) This section does not apply to any claim or cause of action filed after December 31, 2003.

(9) This section expires December 31, 2006.

**NEW SECTION. Sec. 3.** A new section is added to chapter 48.18 RCW to read as follows:

(1) An insurer shall reinstate back to the effective date of cancellation, with no penalties or interest, any personal lines insurance policy, subject to this chapter, that was canceled for nonpayment of premium, if the named insured:

(a) Provides notice to the insurer, no later than ten days after the effective date of cancellation, that the failure to pay the premium due for the insurance policy is caused by a year 2000 failure associated with an electronic computing device that is not under the named insured's dominion or control;

(b) Establishes that a year 2000 failure occurred and that if it were not for the year 2000 failure, the named insured would have been able to pay the premium due in a timely manner;

(c) Makes a premium payment to bring the insurance policy current as soon as possible, but no later than ten days after the year 2000 failure has been corrected or reasonably should have been corrected.

(2) If the named insured fails to pay the premium due within ten days after the year 2000 failure has been corrected or reasonably should have been corrected, the insurer's previous notice of cancellation for nonpayment of premium remains effective.

(3)(a) The definitions in section 1 of this act apply to this section unless the context clearly requires otherwise.

(b) As used in this section, unless the context clearly requires otherwise, "named insurer" means a natural person or a small business as defined in RCW 19.85.020.

(4) This section does not effect the cancellation of any insurance policy that is unrelated to a year 2000 failure, or occurs before any disruption of financial or data transfer operations attributable to the year 2000 failure.

(5) This section does not apply to any claim or cause of action filed after December 31, 2003.

(6) This section expires December 31, 2006.

**NEW SECTION. Sec. 4.** A new section is added to chapter 51.04 RCW to read as follows:

(1) No interest or penalties shall be imposed on any employer because of the failure to pay any premium required by this title to be made to the state treasury for the accident fund, the medical aid fund, the supplemental pension fund, or any other fund created under this title if the employer establishes that:

(a) The failure to pay was caused, in whole or in part, by a year 2000 failure associated with an electronic computing device;

(b) The year 2000 failure being asserted was not proximately caused by a failure of the employer to update an electronic computing device, that is under his or her dominion or control, to be year 2000 compliant; and

(c) If it were not for the year 2000 failure, the employer would have been able to satisfy the payment of premiums in a timely manner.



Payment of such premiums shall be made within thirty days after the year 2000 failure has been corrected or reasonably should have been corrected.

(2)(a) The definitions in section 1 of this act apply to this section unless the context clearly requires otherwise.

(b) As used in this section, unless the context clearly requires otherwise, "employer" means a natural person or a small business as defined in RCW 19.85.020.

(3) This section does not affect those transactions upon which a default has occurred before any disruption of financial or data transfer operations attributable to a year 2000 failure.

(4) This section does not apply to any claim or cause of action filed after December 31, 2003.

(5) This section expires December 31, 2006.

**NEW SECTION. Sec. 5.** A new section is added to chapter 82.32 RCW to read as follows:

(1) Notwithstanding any other provision in this chapter, no interest or penalties may be imposed on any person because of the failure to pay excise taxes on or before the date due for payment if the person establishes that:

(a) The failure to pay was caused, in whole or in part, by a year 2000 failure associated with an electronic computing device;

(b) The year 2000 failure being asserted was not proximately caused by a failure of the person to update an electronic computing device, that is under his or her dominion or control, to be year 2000 compliant; and

(c) If it were not for the year 2000 failure, the person would have been able to satisfy the payment of taxes in a timely manner.

Payment of such taxes shall be made within thirty days after the year 2000 failure has been corrected or reasonably should have been corrected.

(2)(a) The definitions in section 1 of this act apply to this section unless the context clearly requires otherwise.

(b) As used in this section, unless the context clearly requires otherwise, "person" means a natural person or a small business as defined in RCW 19.85.020.

(3) This section does not affect those transactions upon which a default has occurred before any disruption of financial or data transfer operations attributable to a year 2000 failure.

(4) This section does not apply to any claim or cause of action filed after December 31, 2003.

(5) This section expires December 31, 2006.

**NEW SECTION. Sec. 6.** A new section is added to chapter 84.56 RCW to read as follows:

(1) Notwithstanding any other provision in this chapter, no interest or penalties may be imposed on any person because of the failure to pay real or personal property taxes on or before the date due for payment if the person establishes that:

(a) The failure to pay was caused, in whole or in part, by a year 2000 failure associated with an electronic computing device;

(b) The year 2000 failure being asserted was not proximately caused by a failure of the person to update an electronic computing device, that is under his or her dominion or control, to be year 2000 compliant; and

(c) If it were not for the year 2000 failure, the person would have been able to satisfy the payment of taxes in a timely manner.

Payment of such taxes shall be made within thirty days after the year 2000 failure has been corrected or reasonably should have been corrected.

(2)(a) The definitions in section 1 of this act apply to this section unless the context clearly requires otherwise.

(b) As used in this section, unless the context clearly requires otherwise, "person" means a natural person or a small business as defined in RCW 19.85.020.

(3) This section does not affect those transactions upon which a default has occurred before any disruption of financial or data transfer operations attributable to a year 2000 failure.

(4) This section does not apply to any claim or cause of action filed after December 31, 2003.

(5) This section expires December 31, 2006.

NEW SECTION. **Sec. 7.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 3 of the title, after "devices;" strike the remainder of the title and insert "adding a new section to chapter 4.22 RCW; adding a new section to chapter 4.24 RCW; adding a new section to chapter 48.18 RCW; adding a new section to chapter 51.04 RCW; adding a new section to chapter 82.32 RCW; adding a new section to chapter 84.56 RCW; providing expiration dates; and declaring an emergency."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Engrossed House Bill No. 2015 and advanced the bill as amended by the Senate to final passage.

### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE**

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Engrossed House Bill No. 2015 as amended by the Senate.

Representatives Radcliff, Constantine, DeBolt and Carrell spoke in favor of passage of the bill as amended by the Senate.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed House Bill No. 2015, as amended by the Senate and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Quall and Scott - 2.

Engrossed House Bill No. 2015, as amended by the Senate, having received the constitutional majority, was declared passed.

### **MESSAGES FROM THE SENATE**

April 22, 1999

Mr. Speaker:

The Senate refuses to concur in the House amendment(s) to SUBSTITUTE SENATE BILL NO. 5626 and asks the House to recede therefrom, and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House insisted on its position in its amendment(s) to Substitute Senate Bill No. 5626, and again asked the Senate to concur therein.

April 16, 1999

Mr. Speaker:

The Senate refuses to concur in the House amendment(s) to ENGROSSED SENATE BILL NO. 5789 and asks the House to recede therefrom, and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the rules were suspended and Engrossed Senate Bill No. 5789 was returned to second reading for purpose of amendments.

### SECOND READING

Representative Mastin moved the adoption of amendment (242):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.105.020 and 1993 c 280 s 78 are each amended to read as follows:

As used in this chapter, unless the context indicates otherwise, the following definitions shall apply:

- (1) "Department" means the department of information services;
- (2) "Board" means the information services board;
- (3) "Local governments" includes all municipal and quasi municipal corporations and political subdivisions, and all agencies of such corporations and subdivisions authorized to contract separately;
- (4) "Director" means the director of the department;
- (5) "Purchased services" means services provided by a vendor to accomplish routine, continuing, and necessary functions. This term includes, but is not limited to, services acquired for equipment maintenance and repair, operation of a physical plant, security, computer hardware and software installation and maintenance, data entry, keypunch services, programming services, and computer time-sharing;
- (6) "Backbone network" means the shared high-density portions of the state's telecommunications transmission facilities. It includes specially conditioned high-speed communications carrier lines, multiplexors, switches associated with such communications lines, and any equipment and software components necessary for management and control of the backbone network;
- (7) "Telecommunications" means the transmission of information by wire, radio, optical cable, electromagnetic, or other means;
- (8) "Information processing" means the electronic capture, collection, storage, manipulation, transmission, retrieval, and presentation of information in the form of data, text, voice, or image and includes telecommunications and office automation functions;
- (9) "Information services" means data processing, telecommunications, and office automation;
- (10) "Equipment" means the machines, devices, and transmission facilities used in information processing, such as computers, word processors, terminals, telephones, and cables;
- (11) "Proprietary software" means that software offered for sale or license;
- (12) "Video telecommunications" means the electronic interconnection of two or more sites for the purpose of transmitting and/or receiving visual and associated audio information. Video telecommunications shall not include existing public television broadcast stations as currently

designated by the department of community, trade, and economic development under chapter 43.330 RCW;

(13) "K-20 educational network board" or "K-20 board" means the K-20 educational network board created in section 2 of this act;

(14) "K-20 network technical steering committee" or "committee" means the K-20 network technical steering committee created in section 6 of this act;

(15) "K-20 network" means the network established in RCW 28D.02.070;

(16) "Educational sectors" means those institutions of higher education, school districts, and educational service districts that use the network for distance education, data transmission, and other uses permitted by the K-20 board.

**NEW SECTION. Sec. 2.** The K-20 educational network board is created. The purpose of the K-20 board is to ensure that the K-20 educational telecommunications network is operated in a way that serves the broad public interest above the interest of any network user.

(1) The K-20 board shall comprise eleven voting and seven nonvoting members as follows:

(a) Voting members shall include: A person designated by the governor; one member of each caucus of the senate, appointed by the president of the senate; one member of each caucus of the house of representatives, appointed by the speaker of the house of representatives; the superintendent of public instruction or his or her designee; the executive director of the higher education coordinating board or his or her designee; the executive director of the state board for community and technical colleges or his or her designee; the chair of the information services board, or his or her designee; the director of the department of information services or his or her designee; and one citizen member.

The citizen member shall be appointed to a four-year term by the governor with the consent of the senate. The governor shall appoint the citizen member of the K-20 board by July 30, 1999.

(b) Nonvoting members shall include one community or technical college president, appointed by the state board for technical and community colleges; one president of a public baccalaureate institution, appointed by the council of presidents; the state librarian; one educational service district superintendent, one school district superintendent, and one representative of an approved private school, appointed by the superintendent of public instruction; and one representative of independent baccalaureate institutions, appointed by the Washington association of independent colleges and universities.

(2) The director of the department of information services or his or her designee shall serve as chair of the K-20 board. The department of information services shall provide staffing to the K-20 board. A majority of the voting members of the K-20 board shall constitute a quorum for the transaction of business.

(3) The citizen member of the K-20 board shall be compensated in accordance with RCW 43.03.250.

**NEW SECTION. Sec. 3.** The new section is added to chapter 43.105 RCW to read as follows:

The K-20 board has the following powers and duties:

(1) In cooperation with the educational sectors and other interested parties, to establish goals and measurable objectives for the network;

(2) To ensure that the goals and measurable objectives of the network are the basis for any decisions or recommendations regarding the technical development and operation of the network;

(3) To adopt, modify, and implement policies to facilitate network development, operation, and expansion. Such policies may include but need not be limited to the following issues: Quality of educational services; access to the network by recognized organizations and accredited institutions that deliver educational programming, including public libraries; prioritization of programming within limited resources; prioritization of access to the system and the sharing of technological advances; network security; identification and evaluation of emerging technologies for delivery of educational programs; future expansion or redirection of the system; network fee structures; and costs for the development and operation of the network;

(4) To prepare and submit to the governor and the legislature a coordinated budget for network development, operation, and expansion. The budget shall include the recommendations of the K-20 board on (a) any state funding requested for network transport and equipment, distance education facilities and hardware or software specific to the use of the network, and proposed new network end sites, (b) annual copayments to be charged to public educational sector institutions and other public entities connected to the network, and (c) charges to nongovernmental entities connected to the network;

(5) To adopt and monitor the implementation of a methodology to evaluate the effectiveness of the network in achieving the educational goals and measurable objectives;

(6) To authorize the release of funds from the K-20 technology account under RCW 28D.02.060 (as recodified by this act) for network expenditures;

(7) To establish by rule acceptable use policies governing user eligibility for participation in the K-20 network, acceptable uses of network resources, and procedures for enforcement of such policies. The K-20 board shall set forth appropriate procedures for enforcement of acceptable use policies, that may include suspension of network connections and removal of shared equipment for violations of network conditions or policies. However, the information services board shall have sole responsibility for the implementation of enforcement procedures relating to technical conditions of use.

**NEW SECTION. Sec. 4.** A new section is added to chapter 43.105 RCW to read as follows:

Actions of the telecommunications oversight and policy committee in effect on June 30, 1999, shall remain in effect thereafter unless modified or repealed by the K-20 board.

**Sec. 5.** RCW 43.105.041 and 1996 c 171 s 8 and 1996 c 137 s 12 are each reenacted and amended to read as follows:

(1) The board shall have the following powers and duties related to information services:

(a) To develop standards governing the acquisition and disposition of equipment, proprietary software and purchased services, and confidentiality of computerized data;

(b) To purchase, lease, rent, or otherwise acquire, dispose of, and maintain equipment, proprietary software, and purchased services, or to delegate to other agencies and institutions of state government, under appropriate standards, the authority to purchase, lease, rent, or otherwise acquire, dispose of, and maintain equipment, proprietary software, and purchased services: PROVIDED, That, agencies and institutions of state government are expressly prohibited from acquiring or disposing of equipment, proprietary software, and purchased services without such delegation of authority. The acquisition and disposition of equipment, proprietary software, and purchased services is exempt from RCW 43.19.1919 and, as provided in RCW 43.19.1901, from the provisions of RCW 43.19.190 through 43.19.200. This subsection (1)(b) does not apply to the legislative branch;

(c) To develop state-wide or interagency technical policies, standards, and procedures;

(d) To review and approve standards and common specifications for new or expanded telecommunications networks proposed by agencies, public postsecondary education institutions, educational service districts, or state-wide or regional providers of K-12 information technology services, and to assure the cost-effective development and incremental implementation of a state-wide video telecommunications system to serve: Public schools; educational service districts; vocational-technical institutes; community colleges; colleges and universities; state and local government; and the general public through public affairs programming;

(e) To provide direction concerning strategic planning goals and objectives for the state. The board shall seek input from the legislature and the judiciary;

(f) To develop and implement a process for the resolution of appeals by:

(i) Vendors concerning the conduct of an acquisition process by an agency or the department;

or

(ii) A customer agency concerning the provision of services by the department or by other state agency providers;

(g) To establish policies for the periodic review by the department of agency performance which may include but are not limited to analysis of:

(i) Planning, management, control, and use of information services;

- (ii) Training and education; and
  - (iii) Project management;
  - (h) To set its meeting schedules and convene at scheduled times, or meet at the request of a majority of its members, the chair, or the director; and
  - (i) To review and approve that portion of the department's budget requests that provides for support to the board.
- (2) State-wide technical standards to promote and facilitate electronic information sharing and access are an essential component of acceptable and reliable public access service and complement content-related standards designed to meet those goals. The board shall:
- (a) Establish technical standards to facilitate electronic access to government information and interoperability of information systems. Local governments are strongly encouraged to follow the standards established by the board; and
  - (b) Require agencies to consider electronic public access needs when planning new information systems or major upgrades of systems.
- In developing these standards, the board is encouraged to include the state library, state archives, and appropriate representatives of state and local government.
- (3)(a) The board, in consultation with the K-20 board, has the duty to govern, operate, and oversee the technical design, implementation, and operation of the K-20 network including, but not limited to, the following duties: Establishment and implementation of K-20 network technical policy, including technical standards and conditions of use; review and approval of network design; procurement of shared network services and equipment; and resolving user/provider disputes concerning technical matters. The board shall delegate general operational and technical oversight to the K-20 network technical steering committee as appropriate.
- (b) The board has the authority to adopt rules under chapter 34.05 RCW to implement the provisions regarding the technical operations and conditions of use of the K-20 network.

**NEW SECTION. Sec. 6.** A new section is added to chapter 43.105 RCW to read as follows:  
The K-20 network technical steering committee is established, and shall report to the information services board.

- (1) The committee consists of the following seven voting members: A representative of the higher education coordinating board, appointed by its executive director; a representative of the superintendent of public instruction, appointed by the superintendent of public instruction; a representative of the state board for community and technical colleges, appointed by its executive director; a representative of the educational services districts, appointed by that organization; a representative of the baccalaureate institutions, appointed by the council of presidents; a representative of the computer or telecommunications industry, appointed by the governor; and a representative of the department, appointed by the director. The committee includes as ex officio, nonvoting members, a representative of the organization that operates the K-20 network under section 8 of this act, appointed by that organization; the state librarian; a representative of the independent nonprofit institutions of higher education, appointed by the Washington association of independent colleges and universities; and such additional ex officio, nonvoting members as may be appointed by the information services board. The committee shall select a chair from among its members.
- (2) The committee shall have general operational and technical oversight over the K-20 network, as delegated by the information services board.
- (3) The department shall supply necessary staff support to the committee.

**NEW SECTION. Sec. 7.** A new section is added to chapter 43.105 RCW to read as follows:

- (1) In overseeing the technical aspects of the K-20 network, the information services board is not intended to duplicate the statutory responsibilities of the higher education coordinating board, the superintendent of public instruction, the information services board, the state librarian, or the governing boards of the institutions of higher education.
- (2) The board may not interfere in any curriculum or legally offered programming offered over the network.

(3) The coordination of telecommunications planning for institutions of higher education as defined in RCW 28B.10.016 remains the responsibility of the higher education coordinating board under RCW 28B.80.600. The board may recommend, but not require, revisions to the higher education coordinating board's telecommunications plan.

(4) The responsibility to review and approve standards and common specifications for the network remains the responsibility of the information services board under RCW 43.105.041.

(5) The coordination of telecommunications planning for the common schools remains the responsibility of the superintendent of public instruction. Except as set forth in RCW 43.105.041(1)(d), the board may recommend, but not require, revisions to the superintendent's telecommunications plans.

**NEW SECTION. Sec. 8.** A new section is added to chapter 43.105 RCW to read as follows:

The department shall maintain, in consultation with the network users and the board, the K-20 operations cooperative, which shall be responsible for day-to-day network management, technical network status monitoring, technical problem response coordination, and other duties as agreed to by the department, the educational sectors, and the information services board. Funding for the K-20 operations cooperative shall be provided from the K-20 revolving fund under RCW 28D.02.065 (as recodified by this act).

**Sec. 9.** RCW 28D.02.060 and 1997 c 180 s 2 are each amended to read as follows:

The K-20 technology account is hereby created in the state treasury. The department of information services shall deposit into the account moneys received from legislative appropriations, gifts, grants, and endowments for the buildout and installation of the K-20 telecommunication system. The account shall be subject to appropriation and may be expended solely for the K-20 telecommunication system (~~(approved by the committee under RCW 28D.02.010)~~). Disbursements from the account shall be on authorization of the director of the department of information services with approval of the (~~(committee under RCW 28D.02.010)~~) board.

**Sec. 10.** RCW 28D.02.065 and 1997 c 180 s 1 are each amended to read as follows:

(1) The education technology revolving fund is created in the custody of the state treasurer. All receipts from billings under subsection (2) of this section must be deposited in the revolving fund. Only the director of the department of information services or the director's designee may authorize expenditures from the fund. The revolving fund shall be used (~~(only)~~) to pay for (~~(the acquisition of)~~) network operations, transport, equipment, software, supplies, and services, maintenance and depreciation of on-site data, and shared infrastructure, and other costs incidental to the (~~(acquisition,)~~) development, operation, and administration of shared educational information technology services, telecommunications, and systems. The revolving fund shall not be used for the acquisition, maintenance, or operations of local (~~(networks or)~~) telecommunications infrastructure or the maintenance or depreciation of on-premises video equipment specific to a particular institution or group of institutions.

(2) The revolving fund and all disbursements from the revolving fund are subject to the allotment procedure under chapter 43.88 RCW, but an appropriation is not required for expenditures. The department of information services shall, in consultation with entities connected to the network under RCW 28D.02.070 (as recodified by this act) and subject to the review and approval of the office (~~(of)~~) of financial management, establish and implement a billing structure (~~(to assure that all network users pay an equitable share of the costs in relation to their usage of the network)~~) for network services identified in subsection (1) of this section.

(3) The department shall charge those public entities connected to the K-20 telecommunications under RCW 28D.02.070 an annual copayment per unit of transport connection as determined by the legislature after consideration of the K-20 board's recommendations. This copayment shall be deposited into the revolving fund to be used for the purposes in subsection (1) of this section. It is the intent of the legislature to appropriate to the revolving fund such moneys as necessary to cover the costs for transport, maintenance, and depreciation of data equipment located at the individual public

institutions, maintenance and depreciation of the network backbone, and services provided to the network under section 8 of this act.

**Sec. 11.** RCW 28D.02.070 and 1996 c 137 s 8 are each amended to read as follows:

The information services board shall prepare a technical plan for the design and construction of the K-20 telecommunication system. The board shall ensure that the technical plan adheres to the ~~((principles described in RCW 28D.02.020 and the))~~ goals and objectives established ~~((by the committee))~~ under RCW ~~((28D.02.010))~~ 43.105.041. The board shall provide formal project approval and oversight during the development and implementation of the K-20 telecommunications network. In approving the plan, the board shall conduct a request for proposal process. The technical plan shall be developed in phases as follows:

(1) Phase one shall provide a telecommunication backbone connecting educational service districts, the main campuses of public baccalaureate institutions, the branch campuses of public research institutions, and the main campuses of community colleges and technical colleges.

(2) Phase two shall provide for (a) connection to the network by entities that include, but need not be limited to: School districts, public higher education off-campus and extension centers, and branch campuses of community colleges and technical colleges, ~~((and independent nonprofit baccalaureate institutions,))~~ as prioritized by the ~~((K-20))~~ K-20 telecommunications oversight and policy committee, or as modified by the board; ~~((and))~~ (b) distance education facilities and components for entities listed in subsections (1) and (2) of this section; and (c) connection for independent nonprofit institutions of higher education, provided that:

(i) The K-20 board and each independent nonprofit institution of higher education to be connected agree in writing to terms and conditions of connectivity. The terms and conditions shall ensure, among other things, that the provision of K-20 services does not violate Article VIII, section 5 of the state Constitution and that the institution shall adhere to network policies; and

(ii) The K-20 board determines that inclusion of the independent nonprofit institutions of higher education will not significantly affect the network's eligibility for federal universal service fund discounts or subsidies.

(3) Subsequent phases may include, but need not be limited to, connections to public libraries, state and local governments, community resource centers, and the private sector.

NEW SECTION. **Sec. 12.** RCW 28D.02.060, 28D.02.065, and 28D.02.070 are each recodified as sections in chapter 43.105 RCW.

NEW SECTION. **Sec. 13.** The following acts or parts of acts are each repealed:

- (1). RCW 28D.02.005 (Intent--Finding) and 1996 c 137 s 1;
- (2). RCW 28D.02.010 (K-20 telecommunications oversight and policy committee) and 1996 c 137 s 2;
- (3). RCW 28D.02.020 (Design and implementation plan) and 1996 c 137 s 3;
- (4). RCW 28D.02.030 (Proposed location plan of higher education delivery sites) and 1996 c 137 s 4;
- (5). RCW 28D.02.040 (Proposed location plan of public education delivery sites) and 1996 c 137 s 5; and
- (6). RCW 28D.02.050 (Network governance structure--Recommendations of the higher education coordinating board and the superintendent of public instruction) and 1996 c 137 s 6.

NEW SECTION. **Sec. 14.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 1999."

Correct the title.

Representatives Huff and Ruderman spoke in favor of the adoption of the amendment.



The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Engrossed Senate Bill No. 5789 as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5789 as amended by the House and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Quall and Scott - 2.

Engrossed Senate Bill No. 5789 as amended by the House, having received the constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

April 21, 1999

Mr. Speaker:

The Senate insists on its position on the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1317 and asks the House to concur in said amendment(s) and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House insisted on its position regarding the Senate amendment(s) to Substitute House Bill No. 1317 and asked the Senate for a conference thereon.

#### APPOINTMENT OF CONFEREES

The Speaker (Representative Ogden presiding) appointed Representatives Murray, Wood, Hankins and Mitchell as conferees on Substitute House Bill No. 1317.

There being no objection, the House reverted to the fourth order of business.

#### INTRODUCTIONS AND FIRST READING

HB 2290 by Representatives Carrell, Sullivan, Lambert, Esser, Cox, Schindler, Mielke, Crouse, Sump, Ballasiotes, Bush, Carlson, Buck and Conway

Preventing access by minors to materials about bomb making.

HJM 4016 by Representatives Carrell, Sullivan, Ballasiotes, Mielke, Sump, Carlson, Bush, Crouse and Buck

Petitioning Congress to enact legislation to prohibit access by minors to information on how to make bombs through interstate commerce.

HCR 4412 by Representatives Miloscia, Ballasiotes and O'Brien

Creating a joint select committee to address the potential uses and concerns of DNA identification.

ESSB 5180 by Committee on Ways & Means (originally sponsored by Senators Loveland, West, Brown and Winsley; by request of Governor Locke)

Making operating appropriations.

SSB 5968 by Committee on Ways & Means (originally sponsored by Senators Loveland and Rasmussen)

Requiring supplemental payments to nursing facilities operated by public hospital districts.

There being no objection, the bills, memorials and resolutions listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

There being no objection, the rules were suspended and House Concurrent Resolution No. 4412 was advanced to the second reading calendar.

There being no objection, the House advanced to the sixth order of business.

## **SECOND READING**

HOUSE CONCURRENT RESOLUTION NO. 4412, by Representatives Miloscia, Ballasiotes and O'Brien

Creating a joint select committee to address the potential uses and concerns of DNA identification.

The resolution was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the resolution was placed on final adoption.

Representative Miloscia spoke in favor of adoption of the resolution.

House Concurrent Resolution No. 4412 was adopted.

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

## **REPORTS OF STANDING COMMITTEES**

April 21, 1999

HCR 4410 Prime Sponsor, Representative Mitchell: Creating a commission on legislative building renovation. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Mitchell, Republican Co-Chair; Murray, Democratic Co-Chair; Edmonds, Democratic Vice Chair; Esser, Republican Vice Chair; Alexander; Barlean; Bush; Dunshee; Hankins; Koster; Lantz; Miloscia; O'Brien; Ogden and Schoesler.

Voting yea: Representatives Mitchell, Murray, Edmonds, Esser, Alexander, Anderson, Barlean, Bush, Dunshee, Hankins, Koster, Lantz, Miloscia, O'Brien, Ogden and Schoesler.  
Excused: Representative(s) Constantine and Mastin.

Passed to Rules Committee for Second Reading.

April 24, 1999

SSB 6090 Prime Sponsor, Senate Committee on Ways & Means: Modifying provisions that relate to the management and administration of agricultural college lands. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

Passed to Rules Committee for second reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the rules were suspended and House Concurrent Resolution No. 4410 and Substitute Senate Bill No. 6090 were advanced to the second reading calendar.

There being no objection, the House advanced to the sixth order of business.

## **SECOND READING**

HOUSE CONCURRENT RESOLUTION NO. 4410, by Representatives Mitchell, Murray, Esser, Edmonds, Alexander, Lambert, Stensen and Bush

Creating a commission on legislative building renovation.

The resolution was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the resolution was placed on final adoption.

Representatives Mitchell, Murray, Lambert, Edmonds and D. Schmidt spoke in favor of adoption of the resolution.

House Concurrent Resolution No. 4410 was adopted.

SUBSTITUTE SENATE BILL NO. 6090, by Senate Committee on Ways & Means (originally sponsored by Senator Loveland)

Modifying provisions that relate to the management and administration of agricultural college lands.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Schoesler spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 6090.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6090 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Quall and Scott - 2.

Substitute Senate Bill No. 6090, having received the constitutional majority, was declared passed.

Speaker Chopp assumed the chair.

#### **SIGNED BY THE SPEAKERS**

The Speakers signed:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1477,

ENGROSSED HOUSE BILL NO. 1894,

HOUSE BILL NO. 1936,

There being no objection, the House advanced to the eleventh order of business.

#### MOTION

On motion of Representative Kessler, the House adjourned until 10:00 a.m., Saturday, April 24, 1999, the 104<sup>th</sup> Legislative Day.

TIMOTHY A. MARTIN, Chief Clerk    CLYDE BALLARD, Speaker  
DEAN R. FOSTER, Chief Clerk    FRANK CHOPP, Speaker

ONE HUNDRED AND THIRD DAY, APRIL 23, 1999

JOURNAL OF THE HOUSE

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

## **ONE HUNDRED AND FOURTH DAY**

### **MORNING SESSION**

House Chamber, Olympia, Saturday, April 24, 1999

The House was called to order at 10:00 a.m. by Speaker Pro Tempore Pennington. The Clerk called the roll and a quorum was present.

Speaker Ballard assumed the Chair.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Aaron Wilson and Jill Summers. Prayer was offered by Representative Lovick.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

### **RESOLUTION**

HOUSE RESOLUTION NO. 99-4695, by Representatives Wolfe, Pennington, O'Brien, Ruderman, Reardon, Miloscia, Stensen, Anderson, Morris, McMorris, Dunshee, Delvin, Schoesler, D. Schmidt, Mitchell, Radcliff, Ballasiotes, Wensman, Skinner, Carlson, Wood, Romero, Lovick, Edwards, Fisher, Cooper, Conway, Eickmeyer, Haigh, Van Luven, Cairnes, Bush, Mastin, K. Schmidt, Alexander, Esser, Lambert, Fortunato, Thomas, Mulliken, Barlean, G. Chandler, Schindler, Hankins, Talcott, Clements, Huff, D. Sommers, Regala, Ogden, Veloria and McDonald

WHEREAS, Habitat for Humanity International is a nonprofit organization dedicated to working with people and families from all walks of life in an effort to eradicate poverty housing and develop communities for people in need; and

WHEREAS, Habitat for Humanity Affiliates are grass-roots organizations that are self-directed and self-initiated by local people who want to address affordable housing needs in their community; and

WHEREAS, Habitat for Humanity International has 250 international affiliates coordinating some 800 building projects in 59 countries around the world; and

WHEREAS, Washington citizens contributed their valuable effort to the 1999 Jimmy Carter Work Project by building homes in the Philippines; and

WHEREAS, Habitat for Humanity International has more than 1,300 active affiliates located in all 50 states with 34 affiliates in Washington; and

WHEREAS, Habitat for Humanity Affiliates, adults and youth in Washington, including House of Representatives staff, have volunteered their time and energy in providing more than 300 families with safe, decent affordable housing; and

WHEREAS, Through the aforementioned volunteer labor and tax deductible donations with the potential homeowner/partner families contributing "sweat equity" Habitat for Humanity has been able to provide people with safe, decent, affordable homes; and

WHEREAS, Habitat for Humanity helps to restore hope, change lives, and break the cycle of need as the homeowner/partner families are given the opportunity of cost-effective long-term maintenance of their homes;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize the successful partnerships that have been created in communities with the combination of volunteer construction, family support committees, and affiliate boards; and

BE IT FURTHER RESOLVED, That the House of Representatives recognize the valuable efforts and innovative solutions to the affordable housing crisis that Habitat for Humanity International has offered our communities and society.

Representative Veloria moved adoption of the resolution.

Representatives Veloria, Lisk, Pennington, Romero, Talcott, Mulliken, Wolfe, Kenney, G. Chandler, Van Luven and Ruderman spoke in favor of the adoption of the resolution.

House Resolution No. 99-4695 was adopted.

#### **SPEAKER'S PRIVILEGE**

Speaker Ballard introduced volunteers from Habitat for Humanity and asked the Chamber to acknowledge them.

#### **MESSAGES FROM THE SENATE**

April 23, 1999

Mr. Speaker:

The Senate has concurred in the House amendment(s) and has passed the following bills as amended by the House:

SUBSTITUTE SENATE BILL NO. 5672,

SUBSTITUTE SENATE BILL NO. 5781,

and the same are herewith transmitted.

Tony M. Cook, Secretary

April 23, 1999

Mr. Speaker:

The Senate receded from its amendment(s) to SUBSTITUTE HOUSE BILL NO. 1250 and passed the bill without said amendments, and the same is herewith transmitted.

Tony M. Cook, Secretary

April 24, 1999

Mr. Speaker:

The President has signed:



ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1477,

ENGROSSED HOUSE BILL NO. 1894,

HOUSE BILL NO. 1936,

and the same are herewith transmitted.

Tony M. Cook, Secretary

April 24, 1999

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5672,

SUBSTITUTE SENATE BILL NO. 5781,

SUBSTITUTE SENATE BILL NO. 6090,

and the same are herewith transmitted.

Tony M. Cook, Secretary

### **SENATE AMENDMENTS TO HOUSE BILL**

April 12, 1999

Mr. Speaker:

The Senate has passed Substitute House Bill No. 1282 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that recruiting and retaining a highly qualified work force is essential to deliver high quality public programs. One factor that impairs recruitment or transfer of public employees is the housing cost differential between the rural and urban areas of the state. This housing cost differential can cause state employees to decline promotional or transfer opportunities if the costs associated with such moves are not compensated.

Therefore, the legislature finds that it is in the interest of the citizens of the state of Washington to authorize an employing agency to offer assistance to state employees to relocate from one part of the state to another. This assistance is referred to as relocation compensation and is commonplace with private and federal government employers.

**NEW SECTION. Sec. 2.** A new section is added to chapter 43.03 RCW to read as follows:  
An agency may, within existing resources, authorize lump sum relocation compensation when it determines it is necessary to successfully recruit and retain qualified candidates who will have to make a domiciliary move in order to accept the position. It is lawful for a state office, commission, department, or institution to, within existing resources, authorize lump sum relocation compensation as authorized by rule under chapter 41.06 RCW and in accordance with the provisions of chapter 43.88 RCW. If the person receiving the relocation payment terminates or causes termination with the state, for reasons other than layoff, disability separation, or other good cause as determined by an agency

director, within one year of the date of the employment, the state is entitled to reimbursement of the lump sum compensation.

**Sec. 3.** RCW 41.06.150 and 1996 c 319 s 2 are each amended to read as follows:

The board shall adopt rules, consistent with the purposes and provisions of this chapter, as now or hereafter amended, and with the best standards of personnel administration, regarding the basis and procedures to be followed for:

- (1) The reduction, dismissal, suspension, or demotion of an employee;
- (2) Certification of names for vacancies, including departmental promotions, with the number of names equal to six more names than there are vacancies to be filled, such names representing applicants rated highest on eligibility lists: PROVIDED, That when other applicants have scores equal to the lowest score among the names certified, their names shall also be certified;
- (3) Examinations for all positions in the competitive and noncompetitive service;
- (4) Appointments;
- (5) Training and career development;
- (6) Probationary periods of six to twelve months and rejections of probationary employees, depending on the job requirements of the class, except that entry level state park rangers shall serve a probationary period of twelve months;
- (7) Transfers;
- (8) Sick leaves and vacations;
- (9) Hours of work;
- (10) Layoffs when necessary and subsequent reemployment, both according to seniority;
- (11) Determination of appropriate bargaining units within any agency: PROVIDED, That in making such determination the board shall consider the duties, skills, and working conditions of the employees, the history of collective bargaining by the employees and their bargaining representatives, the extent of organization among the employees, and the desires of the employees;
- (12) Certification and decertification of exclusive bargaining representatives: PROVIDED, That after certification of an exclusive bargaining representative and upon the representative's request, the director shall hold an election among employees in a bargaining unit to determine by a majority whether to require as a condition of employment membership in the certified exclusive bargaining representative on or after the thirtieth day following the beginning of employment or the date of such election, whichever is the later, and the failure of an employee to comply with such a condition of employment constitutes cause for dismissal: PROVIDED FURTHER, That no more often than once in each twelve-month period after expiration of twelve months following the date of the original election in a bargaining unit and upon petition of thirty percent of the members of a bargaining unit the director shall hold an election to determine whether a majority wish to rescind such condition of employment: PROVIDED FURTHER, That for purposes of this clause, membership in the certified exclusive bargaining representative is satisfied by the payment of monthly or other periodic dues and does not require payment of initiation, reinstatement, or any other fees or fines and includes full and complete membership rights: AND PROVIDED FURTHER, That in order to safeguard the right of nonassociation of public employees, based on bona fide religious tenets or teachings of a church or religious body of which such public employee is a member, such public employee shall pay to the union, for purposes within the program of the union as designated by such employee that would be in harmony with his or her individual conscience, an amount of money equivalent to regular union dues minus any included monthly premiums for union-sponsored insurance programs, and such employee shall not be a member of the union but is entitled to all the representation rights of a union member;
- (13) Agreements between agencies and certified exclusive bargaining representatives providing for grievance procedures and collective negotiations on all personnel matters over which the appointing authority of the appropriate bargaining unit of such agency may lawfully exercise discretion;
- (14) Written agreements may contain provisions for payroll deductions of employee organization dues upon authorization by the employee member and for the cancellation of such payroll deduction by the filing of a proper prior notice by the employee with the appointing authority and the employee organization: PROVIDED, That nothing contained herein permits or grants to any employee the right to strike or refuse to perform his or her official duties;

(15) Adoption and revision of a comprehensive classification plan for all positions in the classified service, based on investigation and analysis of the duties and responsibilities of each such position.

(a) The board shall not adopt job classification revisions or class studies unless implementation of the proposed revision or study will result in net cost savings, increased efficiencies, or improved management of personnel or services, and the proposed revision or study has been approved by the director of financial management in accordance with chapter 43.88 RCW.

(b) Beginning July 1, 1995, through June 30, 1997, in addition to the requirements of (a) of this subsection:

(i) The board may approve the implementation of salary increases resulting from adjustments to the classification plan during the 1995-97 fiscal biennium only if:

(A) The implementation will not result in additional net costs and the proposed implementation has been approved by the director of financial management in accordance with chapter 43.88 RCW;

(B) The implementation will take effect on July 1, 1996, and the total net cost of all such actions approved by the board for implementation during the 1995-97 fiscal biennium does not exceed the amounts specified by the legislature specifically for this purpose; or

(C) The implementation is a result of emergent conditions. Emergent conditions are defined as emergency situations requiring the establishment of positions necessary for the preservation of the public health, safety, or general welfare, which do not exceed \$250,000 of the moneys identified in section 718(2), chapter 18, Laws of 1995 2nd sp. sess.

(ii) The board shall approve only those salary increases resulting from adjustments to the classification plan if they are due to documented recruitment and retention difficulties, salary compression or inversion, increased duties and responsibilities, or inequities. For these purposes, inequities are defined as similar work assigned to different job classes with a salary disparity greater than 7.5 percent.

(iii) Adjustments made to the higher education hospital special pay plan are exempt from (b)(i) through (ii) of this subsection.

(c) Reclassifications, class studies, and salary adjustments to be implemented during the 1997-99 and subsequent fiscal biennia are governed by (a) of this subsection and RCW 41.06.152;

(16) Allocation and reallocation of positions within the classification plan;

(17) Adoption and revision of a state salary schedule to reflect the prevailing rates in Washington state private industries and other governmental units but the rates in the salary schedules or plans shall be increased if necessary to attain comparable worth under an implementation plan under RCW 41.06.155 and that, for institutions of higher education and related boards, shall be competitive for positions of a similar nature in the state or the locality in which an institution of higher education or related board is located, such adoption and revision subject to approval by the director of financial management in accordance with the provisions of chapter 43.88 RCW;

(18) Increment increases within the series of steps for each pay grade based on length of service for all employees whose standards of performance are such as to permit them to retain job status in the classified service;

(19) Optional lump sum relocation compensation approved by the agency director, whenever it is reasonably necessary that a person make a domiciliary move in accepting a transfer or other employment with the state. An agency must provide lump sum compensation within existing resources. If the person receiving the relocation payment terminates or causes termination with the state, for reasons other than layoff, disability separation, or other good cause as determined by an agency director, within one year of the date of the employment, the state is entitled to reimbursement of the lump sum compensation from the person;

(20) Providing for veteran's preference as required by existing statutes, with recognition of preference in regard to layoffs and subsequent reemployment for veterans and their surviving spouses by giving such eligible veterans and their surviving spouses additional credit in computing their seniority by adding to their unbroken state service, as defined by the board, the veteran's service in the military not to exceed five years. For the purposes of this section, "veteran" means any person who has one or more years of active military service in any branch of the armed forces of the United States or who has less than one year's service and is discharged with a disability incurred in the line of duty

or is discharged at the convenience of the government and who, upon termination of such service has received an honorable discharge, a discharge for physical reasons with an honorable record, or a release from active military service with evidence of service other than that for which an undesirable, bad conduct, or dishonorable discharge shall be given: PROVIDED, HOWEVER, That the surviving spouse of a veteran is entitled to the benefits of this section regardless of the veteran's length of active military service: PROVIDED FURTHER, That for the purposes of this section "veteran" does not include any person who has voluntarily retired with twenty or more years of active military service and whose military retirement pay is in excess of five hundred dollars per month;

~~((20))~~ (21) Permitting agency heads to delegate the authority to appoint, reduce, dismiss, suspend, or demote employees within their agencies if such agency heads do not have specific statutory authority to so delegate: PROVIDED, That the board may not authorize such delegation to any position lower than the head of a major subdivision of the agency;

~~((21))~~ (22) Assuring persons who are or have been employed in classified positions before July 1, 1993, will be eligible for employment, reemployment, transfer, and promotion in respect to classified positions covered by this chapter;

~~((22))~~ (23) Affirmative action in appointment, promotion, transfer, recruitment, training, and career development; development and implementation of affirmative action goals and timetables; and monitoring of progress against those goals and timetables.

The board shall consult with the human rights commission in the development of rules pertaining to affirmative action. The department of personnel shall transmit a report annually to the human rights commission which states the progress each state agency has made in meeting affirmative action goals and timetables."

On page 1, beginning on line 2 of the title, after "assistance;" strike the remainder of the title and insert "amending RCW 41.06.150; adding a new section to chapter 43.03 RCW; and creating a new section."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Substitute House Bill No. 1282 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE**

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Substitute House Bill No. 1282 as amended by the Senate.

There being no objection, Representatives Quall and Scott were excused.

Representatives McMorris and Romero spoke in favor of passage of the bill as amended by the Senate.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1282, as amended by the Senate and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville,

Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. K. Schmidt Schmidt, Schoesler, Schual-Berke, Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Quall and Scott - 2.

Substitute House Bill No. 1282, as amended by the Senate, having received the constitutional majority, was declared passed.

## SENATE AMENDMENTS TO HOUSE BILL

April 22, 1999

Mr. Speaker:

The Senate receded from the Judiciary Committee amendment(s) adopted on 4/12/99. Under suspension of rules, the Senate returned ENGROSSED HOUSE BILL NO. 1007 to Second Reading for purpose of amendment(s). The Senate adopted Amendment #450 by Senators Zarelli and others, and passed the bill as amended,

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 9.16 RCW to read as follows: The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Counterfeit mark" means:

(a) Any unauthorized reproduction or copy of intellectual property; or

(b) Intellectual property affixed to any item knowingly sold, offered for sale, manufactured, or distributed, or identifying services offered or rendered, without the authority of the owner of the intellectual property.

(2) "Intellectual property" means any trademark, service mark, trade name, label, term, device, design, or work adopted or used by a person to identify such person's goods or services. Intellectual property does not have exclusive use rights to trade names registered under chapter 19.80 RCW.

(3) "Retail value" means the counterfeiter's regular selling price for the item or service bearing or identified by the counterfeit mark. In the case of items bearing a counterfeit mark which are components of a finished product, the retail value shall be the counterfeiter's regular selling price of the finished product on or in which the component would be utilized.

**Sec. 2.** RCW 9.16.030 and 1909 c 249 s 344 are each amended to read as follows:

~~((Every person who shall use or display or have in his possession with intent to use or display, the genuine label, trademark, term, design, device, or form of advertisement of any person, corporation, association or union, lawfully filed for record in the office of the secretary of state, or the exclusive right to use which is guaranteed to any person, corporation, association or union, by the laws of the United States, without the written authority of such person, corporation, association or union, or who shall wilfully forge or counterfeit or use or display or have in his possession with intent to use or display any representation, likeness, similitude, copy or imitation of any genuine label, trademark, term, design, device, or form of advertisement, so filed or protected, or any die, plate, stamp or other device for manufacturing the same, shall be guilty of a gross misdemeanor.))~~ Any person who willfully and knowingly, and for financial gain, manufactures, uses, displays, advertises, distributes, offers for sale, sells or possesses with intent to sell or distribute any item, or offers any services, bearing or identified by a counterfeit mark, is guilty of the crime of counterfeiting.

Any state or federal certificate of registration of any intellectual property is prima facie evidence of the facts stated in the certificate.

**NEW SECTION. Sec. 3.** A new section is added to chapter 9.16 RCW to read as follows:

- (1) Counterfeiting is a misdemeanor, except as provided in subsections (2), (3) and (4) of this section.
- (2) Counterfeiting is a gross misdemeanor if:
  - (a) The defendant has previously been convicted under RCW 9.16.030; or
  - (b) The violation involves more than one hundred but fewer than one thousand items bearing a counterfeit mark or the total retail value of all items bearing a counterfeit mark or the total retail value of all items bearing, or services identified by, a counterfeit mark is more than one thousand dollars but less than ten thousand dollars.
- (3) Counterfeiting is a class C felony if:
  - (a) The defendant has been previously convicted of two or more offenses under RCW 9.16.030;
  - (b) The violation involves the manufacture or production of items bearing counterfeit marks; or
  - (c) The violation involves one thousand or more items bearing a counterfeit mark or the total retail value of all items bearing, or services identified by, a counterfeit mark is ten thousand dollars or more.
- (4) Counterfeiting is a class C felony if:
  - (a) The violation involves the manufacture, production, or distribution of items bearing counterfeit marks; and
  - (b) The defendant knew or should have known that the counterfeit items, by their intended use, endangered the health or safety of others.
- (5) For purposes of this section, the quantity or retail value of items or services shall include the aggregate quantity or retail value of all items bearing, or services identified by, every counterfeit mark the defendant manufactures, uses, displays, advertises, distributes, possesses, or possesses with intent to sell.
- (6) A person guilty of counterfeiting shall be fined an amount up to three times the retail value of the items bearing, or services identified by, a counterfeit mark, unless extenuating circumstances are shown by the defendant.
- (7) The penalties provided for in this section are cumulative and do not affect any other civil and criminal penalties provided by law.

**NEW SECTION. Sec. 4.** A new section is added to chapter 9.16 RCW to read as follows:

- (1) Any items bearing a counterfeit mark, and all personal property employed or used in connection with counterfeiting, including but not limited to, any items, objects, tools, machines, equipment, instruments, or vehicles of any kind, shall be seized by any law enforcement officer. All seized personal property referenced in this subsection shall be forfeited in accordance with RCW 10.105.010.
- (2) Upon request of the intellectual property owner, all seized items bearing a counterfeit mark shall be released to the intellectual property owner for destruction or disposition.
- (3) If the intellectual property owner does not request release of seized items bearing a counterfeit mark, such items shall be destroyed unless the intellectual property owner consents to another disposition.

**Sec. 5.** RCW 9.94A.320 and 1998 c 290 s 4, 1998 c 219 s 4, 1998 c 82 s 1, and 1998 c 78 s 1 are each reenacted and amended to read as follows:

## TABLE 2

### CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

XV Aggravated Murder 1 (RCW 10.95.020)

XIV Murder 1 (RCW 9A.32.030)

Homicide by abuse (RCW 9A.32.055)

- Malicious explosion 1 (RCW 70.74.280(1))
- XIII Murder 2 (RCW 9A.32.050)
  - Malicious explosion 2 (RCW 70.74.280(2))
  - Malicious placement of an explosive 1 (RCW 70.74.270(1))
- XII Assault 1 (RCW 9A.36.011)
  - Assault of a Child 1 (RCW 9A.36.120)
  - Rape 1 (RCW 9A.44.040)
  - Rape of a Child 1 (RCW 9A.44.073)
  - Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a))
- XI Rape 2 (RCW 9A.44.050)
  - Rape of a Child 2 (RCW 9A.44.076)
  - Manslaughter 1 (RCW 9A.32.060)
- X Kidnapping 1 (RCW 9A.40.020)
  - Child Molestation 1 (RCW 9A.44.083)
  - Malicious explosion 3 (RCW 70.74.280(3))
    - Over 18 and deliver heroin, a narcotic from Schedule I or II, or flunitrazepam from Schedule IV to someone under 18 (RCW 69.50.406)
  - Leading Organized Crime (RCW 9A.82.060(1)(a))
  - Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))
  - Manufacture of methamphetamine (RCW 69.50.401(a)(1)(ii))
- IX Assault of a Child 2 (RCW 9A.36.130)
  - Robbery 1 (RCW 9A.56.200)
  - Explosive devices prohibited (RCW 70.74.180)
  - Malicious placement of an explosive 2 (RCW 70.74.270(2))
    - Over 18 and deliver narcotic from Schedule III, IV, or V or a nonnarcotic, except flunitrazepam, from Schedule I-V to someone under 18 and 3 years junior (RCW 69.50.406)
  - Controlled Substance Homicide (RCW 69.50.415)
  - Sexual Exploitation (RCW 9.68A.040)
  - Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))
  - Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)
  - Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW 88.12.029)
- VIII Arson 1 (RCW 9A.48.020)
  - Promoting Prostitution 1 (RCW 9A.88.070)
  - Selling for profit (controlled or counterfeit) any controlled substance (RCW 69.50.410)
  - Manufacture, deliver, or possess with intent to deliver heroin or cocaine (RCW 69.50.401(a)(1)(i))
  - Deliver or possess with intent to deliver methamphetamine (RCW 69.50.401(a)(1)(ii))
  - Manufacture, deliver, or possess with intent to deliver amphetamine (RCW 69.50.401(a)(1)(ii))

Possession of ephedrine or pseudoephedrine with intent to manufacture methamphetamine (RCW 69.50.440)  
Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)  
Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW 88.12.029)  
Manslaughter 2 (RCW 9A.32.070)

VII Burglary 1 (RCW 9A.52.020)

Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)  
Homicide by Watercraft, by disregard for the safety of others (RCW 88.12.029)  
Introducing Contraband 1 (RCW 9A.76.140)  
Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))  
Child Molestation 2 (RCW 9A.44.086)  
Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050)  
Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)  
Involving a minor in drug dealing (RCW 69.50.401(f))  
Drive-by Shooting (RCW 9A.36.045)  
Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1)(a))  
Malicious placement of an explosive 3 (RCW 70.74.270(3))

VI Bribery (RCW 9A.68.010)

Rape of a Child 3 (RCW 9A.44.079)  
Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)  
Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))  
Incest 1 (RCW 9A.64.020(1))  
Manufacture, deliver, or possess with intent to deliver narcotics from Schedule I or II (except heroin or cocaine) or flunitrazepam from Schedule IV (RCW 69.50.401(a)(1)(i))  
Intimidating a Judge (RCW 9A.72.160)  
Bail Jumping with Murder 1 (RCW 9A.76.170(2)(a))  
Theft of a Firearm (RCW 9A.56.300)

V Persistent prison misbehavior (RCW 9.94.070)

Criminal Mistreatment 1 (RCW 9A.42.020)  
Abandonment of dependent person 1 (RCW 9A.42.060)  
Rape 3 (RCW 9A.44.060)  
Sexual Misconduct with a Minor 1 (RCW 9A.44.093)  
Child Molestation 3 (RCW 9A.44.089)  
Kidnapping 2 (RCW 9A.40.030)  
Extortion 1 (RCW 9A.56.120)  
Incest 2 (RCW 9A.64.020(2))  
Perjury 1 (RCW 9A.72.020)  
Extortionate Extension of Credit (RCW 9A.82.020)  
Advancing money or property for extortionate extension of credit (RCW 9A.82.030)



Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)  
Rendering Criminal Assistance 1 (RCW 9A.76.070)  
Bail Jumping with class A Felony (RCW 9A.76.170(2)(b))  
Sexually Violating Human Remains (RCW 9A.44.105)  
Delivery of imitation controlled substance by person eighteen or over to person under eighteen (RCW 69.52.030(2))  
Possession of a Stolen Firearm (RCW 9A.56.310)

IV Residential Burglary (RCW 9A.52.025)

Theft of Livestock 1 (RCW 9A.56.080)  
Robbery 2 (RCW 9A.56.210)  
Assault 2 (RCW 9A.36.021)  
Escape 1 (RCW 9A.76.110)  
Arson 2 (RCW 9A.48.030)  
Commercial Bribery (RCW 9A.68.060)  
Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)  
Malicious Harassment (RCW 9A.36.080)  
Threats to Bomb (RCW 9.61.160)  
Willful Failure to Return from Furlough (RCW 72.66.060)  
Hit and Run--Injury Accident (RCW 46.52.020(4))  
Hit and Run with Vessel--Injury Accident (RCW 88.12.155(3))  
Vehicular Assault (RCW 46.61.522)  
Assault by Watercraft (RCW 88.12.032)  
Manufacture, deliver, or possess with intent to deliver narcotics from Schedule III, IV, or V or nonnarcotics from Schedule I-V (except marijuana, amphetamine, methamphetamines, or flunitrazepam) (RCW 69.50.401(a)(1) (iii) through (v))  
Influencing Outcome of Sporting Event (RCW 9A.82.070)  
Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))  
Knowingly Trafficking in Stolen Property (RCW 9A.82.050(2))  
Counterfeiting (section 3(4) of this act)

III Criminal Gang Intimidation (RCW 9A.46.120)

Criminal Mistreatment 2 (RCW 9A.42.030)  
Abandonment of dependent person 2 (RCW 9A.42.070)  
Extortion 2 (RCW 9A.56.130)  
Unlawful Imprisonment (RCW 9A.40.040)  
Assault 3 (RCW 9A.36.031)  
Assault of a Child 3 (RCW 9A.36.140)  
Custodial Assault (RCW 9A.36.100)  
Unlawful possession of firearm in the second degree (RCW 9.41.040(1)(b))  
Harassment (RCW 9A.46.020)  
Promoting Prostitution 2 (RCW 9A.88.080)  
Willful Failure to Return from Work Release (RCW 72.65.070)  
Burglary 2 (RCW 9A.52.030)  
Introducing Contraband 2 (RCW 9A.76.150)

Communication with a Minor for Immoral Purposes (RCW 9.68A.090)  
Patronizing a Juvenile Prostitute (RCW 9.68A.100)  
Escape 2 (RCW 9A.76.120)  
Perjury 2 (RCW 9A.72.030)  
Bail Jumping with class B or C Felony (RCW 9A.76.170(2)(c))  
Intimidating a Public Servant (RCW 9A.76.180)  
Tampering with a Witness (RCW 9A.72.120)  
Manufacture, deliver, or possess with intent to deliver marijuana (RCW 69.50.401(a)(1)(iii))  
Delivery of a material in lieu of a controlled substance (RCW 69.50.401(c))  
Manufacture, distribute, or possess with intent to distribute an imitation controlled substance (RCW 69.52.030(1))  
Recklessly Trafficking in Stolen Property (RCW 9A.82.050(1))  
Theft of livestock 2 (RCW 9A.56.080)  
Securities Act violation (RCW 21.20.400)

II Unlawful Practice of Law (RCW 2.48.180)  
Malicious Mischief 1 (RCW 9A.48.070)  
Possession of Stolen Property 1 (RCW 9A.56.150)  
Theft 1 (RCW 9A.56.030)  
Class B Felony Theft of Rental, Leased, or Lease-purchased Property (RCW 9A.56.096(4))  
Trafficking in Insurance Claims (RCW 48.30A.015)  
Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))  
Health Care False Claims (RCW 48.80.030)  
Possession of controlled substance that is either heroin or narcotics from Schedule I or II or flunitrazepam from Schedule IV (RCW 69.50.401(d))  
Possession of phencyclidine (PCP) (RCW 69.50.401(d))  
Create, deliver, or possess a counterfeit controlled substance (RCW 69.50.401(b))  
Computer Trespass 1 (RCW 9A.52.110)  
Escape from Community Custody (RCW 72.09.310)  
Counterfeiting (section 3(3) of this act)

I Theft 2 (RCW 9A.56.040)  
Class C Felony Theft of Rental, Leased, or Lease-purchased Property (RCW 9A.56.096(4))  
Possession of Stolen Property 2 (RCW 9A.56.160)  
Forgery (RCW 9A.60.020)  
Taking Motor Vehicle Without Permission (RCW 9A.56.070)  
Vehicle Prowl 1 (RCW 9A.52.095)  
Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)  
Malicious Mischief 2 (RCW 9A.48.080)  
Reckless Burning 1 (RCW 9A.48.040)  
Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)  
Unlawful Use of Food Stamps (RCW 9.91.140 (2) and (3))  
False Verification for Welfare (RCW 74.08.055)  
Forged Prescription (RCW 69.41.020)

Forged Prescription for a Controlled Substance (RCW  
69.50.403)

Possess Controlled Substance that is a Narcotic from Schedule  
III, IV, or V or Non-narcotic from Schedule I-V  
(except phencyclidine or flunitrazepam) (RCW  
69.50.401(d))

**Sec. 6.** RCW 9.94A.440 and 1996 c 93 s 2 are each amended to read as follows:

(1) Decision not to prosecute.

**STANDARD:** A prosecuting attorney may decline to prosecute, even though technically sufficient evidence to prosecute exists, in situations where prosecution would serve no public purpose, would defeat the underlying purpose of the law in question or would result in decreased respect for the law.

**GUIDELINE/COMMENTARY:**

Examples

The following are examples of reasons not to prosecute which could satisfy the standard.

(a) Contrary to Legislative Intent - It may be proper to decline to charge where the application of criminal sanctions would be clearly contrary to the intent of the legislature in enacting the particular statute.

(b) Antiquated Statute - It may be proper to decline to charge where the statute in question is antiquated in that:

- (i) It has not been enforced for many years; and
- (ii) Most members of society act as if it were no longer in existence; and
- (iii) It serves no deterrent or protective purpose in today's society; and
- (iv) The statute has not been recently reconsidered by the legislature.

This reason is not to be construed as the basis for declining cases because the law in question is unpopular or because it is difficult to enforce.

(c) De Minimus Violation - It may be proper to decline to charge where the violation of law is only technical or insubstantial and where no public interest or deterrent purpose would be served by prosecution.

(d) Confinement on Other Charges - It may be proper to decline to charge because the accused has been sentenced on another charge to a lengthy period of confinement; and

(i) Conviction of the new offense would not merit any additional direct or collateral punishment;

(ii) The new offense is either a misdemeanor or a felony which is not particularly aggravated; and

(iii) Conviction of the new offense would not serve any significant deterrent purpose.

(e) Pending Conviction on Another Charge - It may be proper to decline to charge because the accused is facing a pending prosecution in the same or another county; and

(i) Conviction of the new offense would not merit any additional direct or collateral punishment;

(ii) Conviction in the pending prosecution is imminent;

(iii) The new offense is either a misdemeanor or a felony which is not particularly aggravated; and

(iv) Conviction of the new offense would not serve any significant deterrent purpose.

(f) High Disproportionate Cost of Prosecution - It may be proper to decline to charge where the cost of locating or transporting, or the burden on, prosecution witnesses is highly disproportionate to the importance of prosecuting the offense in question. This reason should be limited to minor cases and should not be relied upon in serious cases.

(g) Improper Motives of Complainant - It may be proper to decline charges because the motives of the complainant are improper and prosecution would serve no public purpose, would defeat the underlying purpose of the law in question or would result in decreased respect for the law.

(h) Immunity - It may be proper to decline to charge where immunity is to be given to an accused in order to prosecute another where the accused's information or testimony will reasonably

lead to the conviction of others who are responsible for more serious criminal conduct or who represent a greater danger to the public interest.

(i) Victim Request - It may be proper to decline to charge because the victim requests that no criminal charges be filed and the case involves the following crimes or situations:

- (i) Assault cases where the victim has suffered little or no injury;
- (ii) Crimes against property, not involving violence, where no major loss was suffered;
- (iii) Where doing so would not jeopardize the safety of society.

Care should be taken to insure that the victim's request is freely made and is not the product of threats or pressure by the accused.

The presence of these factors may also justify the decision to dismiss a prosecution which has been commenced.

#### Notification

The prosecutor is encouraged to notify the victim, when practical, and the law enforcement personnel, of the decision not to prosecute.

(2) Decision to prosecute.

#### STANDARD:

Crimes against persons will be filed if sufficient admissible evidence exists, which, when considered with the most plausible, reasonably foreseeable defense that could be raised under the evidence, would justify conviction by a reasonable and objective fact-finder. With regard to offenses prohibited by RCW 9A.44.040, 9A.44.050, 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, 9A.44.089, and 9A.64.020 the prosecutor should avoid pre-filing agreements or diversions intended to place the accused in a program of treatment or counseling, so that treatment, if determined to be beneficial, can be provided pursuant to RCW 9.94A.120(8).

Crimes against property/other crimes will be filed if the admissible evidence is of such convincing force as to make it probable that a reasonable and objective fact-finder would convict after hearing all the admissible evidence and the most plausible defense that could be raised.

See table below for the crimes within these categories.

### CATEGORIZATION OF CRIMES FOR PROSECUTING STANDARDS

#### CRIMES AGAINST PERSONS

Aggravated Murder

1st Degree Murder

2nd Degree Murder

1st Degree Kidnaping

1st Degree Assault

1st Degree Assault of a Child

1st Degree Rape

1st Degree Robbery

1st Degree Rape of a Child

1st Degree Arson

2nd Degree Kidnaping

2nd Degree Assault

2nd Degree Assault of a Child

2nd Degree Rape

2nd Degree Robbery

1st Degree Burglary

1st Degree Manslaughter

2nd Degree Manslaughter

1st Degree Extortion

Indecent Liberties

Incest

2nd Degree Rape of a Child

Vehicular Homicide

Vehicular Assault  
3rd Degree Rape  
3rd Degree Rape of a Child  
1st Degree Child Molestation  
2nd Degree Child Molestation  
3rd Degree Child Molestation  
2nd Degree Extortion  
1st Degree Promoting Prostitution  
Intimidating a Juror  
Communication with a Minor  
Intimidating a Witness  
Intimidating a Public Servant  
Bomb Threat (if against person)  
3rd Degree Assault  
3rd Degree Assault of a Child  
Unlawful Imprisonment  
Promoting a Suicide Attempt  
Riot (if against person)  
Counterfeiting (if a violation of section 3(4) of this act)

#### CRIMES AGAINST PROPERTY/OTHER CRIMES

2nd Degree Arson  
1st Degree Escape  
2nd Degree Burglary  
1st Degree Theft  
1st Degree Perjury  
1st Degree Introducing Contraband  
1st Degree Possession of Stolen Property  
Bribery  
Bribing a Witness  
Bribe received by a Witness  
Bomb Threat (if against property)  
1st Degree Malicious Mischief  
2nd Degree Theft  
2nd Degree Escape  
2nd Degree Introducing Contraband  
2nd Degree Possession of Stolen Property  
2nd Degree Malicious Mischief  
1st Degree Reckless Burning  
Taking a Motor Vehicle without Authorization  
Forgery  
2nd Degree Perjury  
2nd Degree Promoting Prostitution  
Tampering with a Witness  
Trading in Public Office  
Trading in Special Influence  
Receiving/Granting Unlawful Compensation  
Bigamy  
Eluding a Pursuing Police Vehicle  
Willful Failure to Return from Furlough  
Escape from Community Custody  
Riot (if against property)  
Thefts of Livestock

## ALL OTHER UNCLASSIFIED FELONIES

### Selection of Charges/Degree of Charge

(1) The prosecutor should file charges which adequately describe the nature of defendant's conduct. Other offenses may be charged only if they are necessary to ensure that the charges:

- (a) Will significantly enhance the strength of the state's case at trial; or
- (b) Will result in restitution to all victims.

(2) The prosecutor should not overcharge to obtain a guilty plea. Overcharging includes:

- (a) Charging a higher degree;
- (b) Charging additional counts.

This standard is intended to direct prosecutors to charge those crimes which demonstrate the nature and seriousness of a defendant's criminal conduct, but to decline to charge crimes which are not necessary to such an indication. Crimes which do not merge as a matter of law, but which arise from the same course of conduct, do not all have to be charged.

### GUIDELINES/COMMENTARY:

#### Police Investigation

A prosecuting attorney is dependent upon law enforcement agencies to conduct the necessary factual investigation which must precede the decision to prosecute. The prosecuting attorney shall ensure that a thorough factual investigation has been conducted before a decision to prosecute is made. In ordinary circumstances the investigation should include the following:

(1) The interviewing of all material witnesses, together with the obtaining of written statements whenever possible;

(2) The completion of necessary laboratory tests; and

(3) The obtaining, in accordance with constitutional requirements, of the suspect's version of the events.

If the initial investigation is incomplete, a prosecuting attorney should insist upon further investigation before a decision to prosecute is made, and specify what the investigation needs to include.

#### Exceptions

In certain situations, a prosecuting attorney may authorize filing of a criminal complaint before the investigation is complete if:

(1) Probable cause exists to believe the suspect is guilty; and

(2) The suspect presents a danger to the community or is likely to flee if not apprehended; or

(3) The arrest of the suspect is necessary to complete the investigation of the crime.

In the event that the exception to the standard is applied, the prosecuting attorney shall obtain a commitment from the law enforcement agency involved to complete the investigation in a timely manner. If the subsequent investigation does not produce sufficient evidence to meet the normal charging standard, the complaint should be dismissed.

#### Investigation Techniques

The prosecutor should be fully advised of the investigatory techniques that were used in the case investigation including:

(1) Polygraph testing;

(2) Hypnosis;

(3) Electronic surveillance;

(4) Use of informants.

#### Pre-Filing Discussions with Defendant

Discussions with the defendant or his/her representative regarding the selection or disposition of charges may occur prior to the filing of charges, and potential agreements can be reached.

#### Pre-Filing Discussions with Victim(s)

Discussions with the victim(s) or victims' representatives regarding the selection or disposition of charges may occur before the filing of charges. The discussions may be considered by the prosecutor in charging and disposition decisions, and should be considered before reaching any agreement with the defendant regarding these decisions.

NEW SECTION. **Sec. 7.** RCW 9.16.040 (Displaying goods with false trademark) and 1909 c 249 s 345 are each repealed."

On page 1, line 1 of the title, after "counterfeiting;" strike the remainder of the title and insert "amending RCW 9.16.030 and 9.94A.440; reenacting and amending RCW 9.94A.320; adding new sections to chapter 9.16 RCW; repealing RCW 9.16.040; and prescribing penalties."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Engrossed House Bill No. 1007 and advanced the bill as amended by the Senate to final passage.

### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE**

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Engrossed House Bill No. 1007 as amended by the Senate.

Representatives Ballasiotes and O'Brien spoke in favor of passage of the bill as amended by the Senate.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed House Bill No. 1007, as amended by the Senate and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. G. Chandler Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. K. Schmidt Schmidt, Schoesler, Schual-Berke, Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Quall and Scott - 2.

Engrossed House Bill No. 1007, as amended by the Senate, having received the constitutional majority, was declared passed.

### **SENATE AMENDMENTS TO HOUSE BILL**

April 23, 1999

Mr. Speaker:

The Senate has passed Second Substitute House Bill No. 1037 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 19.190.010 and 1998 c 149 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Assist the transmission" means actions taken by a person to provide substantial assistance or support which enables any person to formulate, compose, send, originate, initiate, or transmit a commercial electronic mail message when the person providing the assistance knows or consciously avoids knowing that the initiator of the commercial electronic mail message is engaged, or intends to engage, in any practice that violates the consumer protection act.

(2) "Commercial electronic mail message" means an electronic mail message sent for the purpose of promoting real property, goods, or services for sale or lease. It does not mean an electronic mail message to which an interactive computer service provider has attached an advertisement in exchange for free use of an electronic mail account, when the sender has agreed to such an arrangement.

~~((2))~~ (3) "Electronic mail address" means a destination, commonly expressed as a string of characters, to which electronic mail may be sent or delivered.

~~((3))~~ (4) "Initiate the transmission" refers to the action by the original sender of an electronic mail message, not to the action by any intervening interactive computer service that may handle or retransmit the message, unless such intervening interactive computer service assists in the transmission of an electronic mail message when it knows, or consciously avoids knowing, that the person initiating the transmission is engaged, or intends to engage, in any act or practice that violates the consumer protection act.

~~((4))~~ (5) "Interactive computer service" means any information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including specifically a service or system that provides access to the internet and such systems operated or services offered by libraries or educational institutions.

~~((5))~~ (6) "Internet domain name" refers to a globally unique, hierarchical reference to an internet host or service, assigned through centralized internet naming authorities, comprising a series of character strings separated by periods, with the right-most string specifying the top of the hierarchy.

(7) "Person" means a person, corporation, partnership, or association.

**Sec. 2.** RCW 19.190.020 and 1998 c 149 s 3 are each amended to read as follows:

(1) No person(~~(, corporation, partnership, or association)~~) may initiate the transmission, conspire with another to initiate the transmission, or assist the transmission, of a commercial electronic mail message from a computer located in Washington or to an electronic mail address that the sender knows, or has reason to know, is held by a Washington resident that:

(a) Uses a third party's internet domain name without permission of the third party, or otherwise misrepresents or obscures any information in identifying the point of origin or the transmission path of a commercial electronic mail message; or

(b) Contains false or misleading information in the subject line.

(2) For purposes of this section, a person(~~(, corporation, partnership, or association)~~) knows that the intended recipient of a commercial electronic mail message is a Washington resident if that information is available, upon request, from the registrant of the internet domain name contained in the recipient's electronic mail address.

**Sec. 3.** RCW 19.190.030 and 1998 c 149 s 4 are each amended to read as follows:

(1) It is a violation of the consumer protection act, chapter 19.86 RCW, to conspire with another person to initiate the transmission or to initiate the transmission of a commercial electronic mail message that:

(a) Uses a third party's internet domain name without permission of the third party, or otherwise misrepresents or obscures any information in identifying the point of origin or the transmission path of a commercial electronic mail message; or

(b) Contains false or misleading information in the subject line.

(2) It is a violation of the consumer protection act, chapter 19.86 RCW, to assist in the transmission of a commercial electronic mail message, when the person providing the assistance



knows, or consciously avoids knowing, that the initiator of the commercial electronic mail message is engaged, or intends to engage, in any act or practice that violates the consumer protection act.

(3) The legislature finds that the practices covered by this chapter are matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW. A violation of this chapter is not reasonable in relation to the development and preservation of business and is an unfair or deceptive act in trade or commerce and an unfair method of competition for the purpose of applying the consumer protection act, chapter 19.86 RCW.

NEW SECTION. **Sec. 4.** RCW 19.190.005 (Findings) and 1998 c 149 s 1 are each repealed."

On page 1, line 1 of the title, after "mail;" strike the remainder of the title and insert "amending RCW 19.190.010, 19.190.020, and 19.190.030; and repealing RCW 19.190.005."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Second Substitute House Bill No. 1037 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE**

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Second Substitute House Bill No. 1037 as amended by the Senate.

Representatives Bush and Morris spoke in favor of passage of the bill as amended by the Senate.

Representative Dunn spoke against the passage of the bill as amended by the Senate.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1037, as amended by the Senate and the bill passed the House by the following vote: Yeas - 95, Nays - 1, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. G. Chandler Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. K. Schmidt Schmidt, Schoesler, Schual-Berke, Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Voting nay: Representative Dunn - 1.

Excused: Representatives Quall and Scott - 2.

Second Substitute House Bill No. 1037, as amended by the Senate, having received the constitutional majority, was declared passed.

There being no objection, the House deferred action on Substitute House Bill No. 1218, and the bill held its place on the concurrence calendar.

## SENATE AMENDMENTS TO HOUSE BILL

April 16, 1999

Mr. Speaker:

The Senate has passed Substitute House Bill No. 1448 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** In order to encourage the cleanup of contaminated areas of aquatic lands, the legislature declares its intent to centralize and streamline the state's decision-making processes. The department of ecology shall assume primary responsibility, on behalf of the state, for working cooperatively with local communities to seek expeditious and innovative cleanup solutions for state-owned aquatic lands. The department of ecology's decisions for remediation of state-owned aquatic lands shall be binding on all other state agencies.

The legislature recognizes that local governments, through the shoreline management act, chapter 90.58 RCW, and the growth management act, chapter 36.70A RCW, have planned comprehensively in conjunction with the state and with port districts for the land uses that will occur on and around aquatic lands.

In all land management matters involving state-owned aquatic land other than the cleanup of state-owned aquatic land, the department of natural resources shall retain all of its powers and responsibilities for implementing chapters 79.90 through 79.96 RCW and shall continue to exercise all of these existing land management powers and responsibilities.

**NEW SECTION. Sec. 2.** A new section is added to chapter 79.90 RCW to read as follows:

(1) The state finds that it may be appropriate to use state-owned aquatic lands as part of a remedial action for contaminated sediments from state or federally required cleanups of aquatic areas, or as mitigation for the habitat impacts of cleanup or disposal actions. In examining a proposal to use state-owned aquatic lands for disposal or habitat mitigation, the department of ecology, as required under chapters 70.105D, 90.48, and 43.21C RCW, shall evaluate a range of alternatives that consider habitat impacts, impacts to navigation and water-borne commerce, cost, and the benefits of expeditiously reducing the availability of hazardous substances to the environment.

(2) The department of ecology may require the disposal or containment of contaminated sediments on state-owned aquatic lands only in an approved multi-user confined aquatic disposal site, or when the following conditions are met:

(a) The department finds that such use presents the most environmentally protective option among a reasonable range of upland, nearshore, and in-water disposal options;

(b) The department of ecology finds that there are no unacceptable adverse environmental impacts from the loss of nearshore vegetated aquatic habitat; and

(c) The normal use of harbor areas for commerce and navigation is not impaired.

(3) In examining alternatives for remedial action, the department shall consult with affected state agencies, federal agencies, tribes, port districts, and local governments. In selecting disposal sites under this section, the department shall strive to limit the number of separate disposal locations.

(4) If the department of ecology, in exercising its regulatory authority to require cleanup of contaminated sediments, chooses a remedial action or concurs with an action required under the comprehensive environmental response, compensation, and liability act of 1980 that requires the use of state-owned aquatic land for containment or disposal of sediments, or for mitigation of habitat, the department of natural resources shall issue a use authorization within sixty days of the date the department of ecology issues or concurs in a final remedial action. This use authorization must contain the provisions needed to expeditiously allow the use of state-owned aquatic lands for the implementation of those activities required, or concurred with, by the department of ecology. The use authorization may not contain terms or conditions which, in the judgment of the department of ecology, delay or alter the purpose of the remedial action. Any such use authorization may contain measures to indemnify or otherwise hold the state harmless from any additional liability arising out of the use of

state-owned aquatic lands. Nothing in this section shall be construed to impose liability on the state as a result of the department of ecology's exercise of its regulatory authority to require cleanup.

(5) This section only applies to the cleanup and mitigation of the impacts of cleanup of state-owned aquatic land. It does not affect the powers and responsibilities of the department of natural resources for implementing chapters 79.90 through 79.96 RCW in any other land management matters.

**Sec. 3.** RCW 79.90.465 and 1984 c 221 s 4 are each amended to read as follows:

The definitions in this section apply throughout chapters 79.90 through 79.96 RCW.

(1) "Water-dependent use" means a use which cannot logically exist in any location but on the water. Examples include, but are not limited to, water-borne commerce; terminal and transfer facilities; ferry terminals; watercraft sales in conjunction with other water-dependent uses; watercraft construction, repair, and maintenance; moorage and launching facilities; aquaculture; log booming; aquatic habitat mitigation; and public fishing piers and parks.

(2) "Water-oriented use" means a use which historically has been dependent on a waterfront location, but with existing technology could be located away from the waterfront. Examples include, but are not limited to, wood products manufacturing, watercraft sales, fish processing, petroleum refining, sand and gravel processing, log storage, and house boats. For the purposes of determining rent under this chapter, water-oriented uses shall be classified as water-dependent uses if the activity either is conducted on state-owned aquatic lands leased on October 1, 1984, or was actually conducted on the state-owned aquatic lands for at least three years before October 1, 1984. If, after October 1, 1984, the activity is changed to a use other than a water-dependent use, the activity shall be classified as a nonwater-dependent use. If continuation of the existing use requires leasing additional state-owned aquatic lands and is permitted under the shoreline management act of 1971, chapter 90.58 RCW, the department may allow reasonable expansion of the water-oriented use.

(3) "Nonwater-dependent use" means a use which can operate in a location other than on the waterfront. Examples include, but are not limited to, hotels, condominiums, apartments, restaurants, retail stores, and warehouses not part of a marine terminal or transfer facility.

(4) "Log storage" means the water storage of logs in rafts or otherwise prepared for shipment in water-borne commerce, but does not include the temporary holding of logs to be taken directly into a vessel or processing facility.

(5) "Log booming" means placing logs into and taking them out of the water, assembling and disassembling log rafts before or after their movement in water-borne commerce, related handling and sorting activities taking place in the water, and the temporary holding of logs to be taken directly into a processing facility. "Log booming" does not include the temporary holding of logs to be taken directly into a vessel.

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

(7) "Port district" means a port district created under Title 53 RCW.

(8) The "real rate of return" means the average for the most recent ten calendar years of the average rate of return on conventional real property mortgages as reported by the federal home loan bank board or any successor agency, minus the average inflation rate for the most recent ten calendar years.

(9) The "inflation rate" for a given year is the percentage rate of change in the previous calendar year's all commodity producer price index of the bureau of labor statistics of the United States department of commerce. If the index ceases to be published, the department shall designate by rule a comparable substitute index.

(10) "Public utility lines" means pipes, conduits, and similar facilities for distribution of water, electricity, natural gas, telephone, other electronic communication, and sewers, including sewer outfall lines.

(11) "Terminal" means a point of interchange between land and water carriers, such as a pier, wharf, or group of such, equipped with facilities for care and handling of cargo and/or passengers.

(12) "State-owned aquatic lands" means those aquatic lands and waterways administered by the department of natural resources or managed under RCW 79.90.475 by a port district. "State-owned aquatic lands" does not include aquatic lands owned in fee by, or withdrawn for the use of, state agencies other than the department of natural resources."

On page 1, line 2 of the title, after "sediments;" strike the remainder of the title and insert "amending RCW 79.90.465; adding a new section to chapter 79.90 RCW; and creating a new section." and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Substitute House Bill No. 1448 and advanced the bill as amended by the Senate to final passage.

### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE**

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Substitute House Bill No. 1448 as amended by the Senate.

Representatives Linville and Ericksen spoke in favor of passage of the bill as amended by the Senate.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1448, as amended by the Senate and the bill passed the House by the following vote: Yeas - 66, Nays - 30, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Ballasiotes, Boldt, Buck, Cairnes, Carlson, Carrell, B. G. Chandler Chandler, Clements, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Eickmeyer, Ericksen, Esser, Fortunato, Grant, Hankins, Hatfield, Huff, Kastama, Keiser, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McMorris, Mielke, Mitchell, Morris, Mulliken, O'Brien, Parlette, Pennington, Radcliff, Reardon, Ruderman, Schindler, D. K. Schmidt Schmidt, Schoesler, Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Van Luven, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 66.

Voting nay: Representatives Anderson, Barlean, Benson, Bush, Campbell, Cody, Constantine, Dunshee, Edmonds, Edwards, Fisher, Gombosky, Haigh, Hurst, Kagi, Kenney, McIntire, Miloscia, Murray, Ogden, Pflug, Poulsen, Regala, Rockefeller, Romero, Santos, Schual-Berke, Thomas, Tokuda and Veloria - 30.

Excused: Representatives Quall and Scott - 2.

Substitute House Bill No. 1448, as amended by the Senate, having received the constitutional majority, was declared passed.

### **STATEMENT FOR THE JOURNAL**

I intended to vote NAY on Substitute House Bill No. 1448.

PATRICIA LANTZ, 26<sup>th</sup> District

### **STATEMENT FOR THE JOURNAL**

I intended to vote NAY on Substitute House Bill No. 1448.

ED MURRAY, 43<sup>rd</sup> District

### **SENATE AMENDMENTS TO HOUSE BILL**

April 15, 1999

Mr. Speaker:

The Senate has passed Second Substitute House Bill No. 1574 with the following amendment(s)

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 13.34.030 and 1998 c 130 s 1 are each amended to read as follows:

For purposes of this chapter:

(1) "Chemical dependency treatment" means a service certified by the department as qualified in helping individuals successfully recover from the nonprescription use of controlled substances.

(2) "Child" and "juvenile" means any individual under the age of eighteen years.

~~((2))~~ (3) "Current placement episode" means the period of time that begins with the most recent date that the child was removed from the home of the parent, guardian, or legal custodian for purposes of placement in out-of-home care and continues until the child returns home, an adoption decree, a permanent custody order, or guardianship order is entered, or the dependency is dismissed, whichever occurs soonest. If the most recent date of removal occurred prior to the filing of a dependency petition under this chapter or after filing but prior to entry of a disposition order, such time periods shall be included when calculating the length of a child's current placement episode.

~~((3))~~ (4) "Department" means the department of social and health services.

(5) "Dependency finding" means a determination by the court that a child is a dependent child.

(6) "Dependency guardian" means the person, nonprofit corporation, or Indian tribe appointed by the court pursuant to RCW 13.34.232 for the limited purpose of assisting the court in the supervision of the dependency.

~~((4))~~ (7) "Dependency petition" means a petition filed under this chapter.

(8) "Dependent child" means any child:

(a) Who has been abandoned; that is, where the child's parent, guardian, or other custodian has expressed either by statement or conduct, an intent to forego, for an extended period, parental rights or parental responsibilities despite an ability to do so. If the court finds that the petitioner has exercised due diligence in attempting to locate the parent, no contact between the child and the child's parent, guardian, or other custodian for a period of three months creates a rebuttable presumption of abandonment, even if there is no expressed intent to abandon;

(b) Who is abused or neglected as defined in chapter 26.44 RCW by a person legally responsible for the care of the child; or

(c) Who has no parent, guardian, or custodian capable of adequately caring for the child, such that the child is in circumstances which constitute a danger of substantial damage to the child's psychological or physical development.

~~((5))~~ (9) "Drug-affected infant" has the definition created by the department of health in conjunction with the department of social and health services under RCW 13.34.801 and the infant requires treatment for withdrawal from controlled substances the infant was exposed to from the mother's use of nonprescription controlled substances or the infant requires treatment and services related to conditions that extend beyond the point of withdrawal.

(10) "Family planning" means the process of limiting or spacing the birth of children, education, counseling, information, and services. "Family planning" does not include pregnancy termination.

(11) "Guardian" means the person or agency that: (a) Has been appointed as the guardian of a child in a legal proceeding other than a proceeding under this chapter; and (b) has the legal right to custody of the child pursuant to such appointment. The term "guardian" shall not include a "dependency guardian" appointed pursuant to a proceeding under this chapter.

~~((6))~~ (12) "Guardian ad litem" means a person, appointed by the court to represent the best interest of a child in a proceeding under this chapter, or in any matter which may be consolidated with a proceeding under this chapter. A "court-appointed special advocate" appointed by the court to be the guardian ad litem for the child, or to perform substantially the same duties and functions as a guardian ad litem, shall be deemed to be guardian ad litem for all purposes and uses of this chapter.

~~((7))~~ (13) "Guardian ad litem program" means a court-authorized volunteer program, which is or may be established by the superior court of the county in which such proceeding is filed, to manage all aspects of volunteer guardian ad litem representation for children alleged or found to be dependent. Such management shall include but is not limited to: Recruitment, screening, training, supervision, assignment, and discharge of volunteers.

~~((8))~~ (14) "Newborn infant" means an infant within seven days after birth.

(15) "Out-of-home care" means placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or placement in a home, other than that of the child's parent, guardian, or legal custodian, not required to be licensed pursuant to chapter 74.15 RCW.

~~((9))~~ (16) "Preventive services" means preservation services, as defined in chapter 74.14C RCW, and other reasonably available services capable of preventing the need for out-of-home placement while protecting the child.

(17) "Test" means use of a medically accepted standard of care for determining whether a newborn infant is a drug-affected infant.

NEW SECTION. Sec. 2. A new section is added to chapter 13.34 RCW to read as follows:

In an effort to reduce the harmful effects of drug-affected infants:

(1)(a) A woman's primary health care provider shall:

(i) Screen pregnant and lactating women for nonprescription use of controlled substances while pregnant. Screening criteria may include, but is not limited to, the criteria developed by the department of health pursuant to chapter 70.83E RCW;

(ii) Convey to the infant's primary health care provider screening findings that would suggest the need for testing of the infant, or conduct the testing; and

(iii) Inform each woman identified by screening for testing of her infant that if her infant is born drug-affected she can have a tubal ligation at no cost to her within six months following the birth if she is eligible for support under RCW 74.09.310, and how to access appropriate chemical dependency treatment.

(b) The provider shall not be liable for a decision regarding testing or reporting unless the decision amounts to gross negligence or intentional misconduct.

(2)(a) The health care provider of a newborn infant shall:

(i) Test any infant the provider reasonably believes is drug-affected; and

(ii) Notify the department of the name and address of the parent or parents of a drug-affected infant.

(b) The provider shall not be liable for a decision regarding testing or reporting unless the decision amounts to gross negligence or intentional misconduct.

(3) The department shall investigate all reports received under this section.

NEW SECTION. Sec. 3. A new section is added to chapter 13.34 RCW to read as follows:

When an infant is determined to be a first drug-affected infant, the department shall file a dependency petition in appropriate cases. The drug-affected status of an infant is not by itself sufficient to establish a finding that the drug-affected infant is dependent.

(1) The department and the mother may enter an agreement in which the mother agrees to chemical dependency treatment on an inpatient or outpatient basis. The mother must be offered education regarding family planning and medically appropriate pharmaceutical pregnancy prevention during the course of chemical dependency treatment with a preference for those methods administered not less than once every thirty days. In addition, the agreement shall:

(a) Specify completion dates for each of the conditions of treatment;

(b) Expire within twelve months of the date of execution; and

(c) Not be renegotiated or extended beyond twelve months of the date of execution unless the conditions, which were negotiated, cannot be fulfilled in twelve months and the reason the conditions cannot be fulfilled are completely beyond the control of the mother.

(2) If the department has filed a dependency petition and the department and the mother enter an agreement under subsection (1) of this section, the department shall request the court defer entry of

a dependency finding for as long as the mother abides by the terms of the agreement subject to the department's monitoring compliance.

(3) As a condition of deferral of the dependency finding, the parties shall stipulate to facts sufficient to constitute a dependency. In the event a party unreasonably refuses to stipulate to facts sufficient to constitute a dependency, the court may proceed with hearings on the petition.

(4) If the court orders deferral of the dependency finding, the court shall order performance of the agreement and shall prohibit nonprescription use of controlled substances.

(5) The department or any party to the petition may request the court dismiss a deferred finding at any time if the mother demonstrates by clear and convincing evidence that she has not used controlled substances for at least twelve consecutive months unless the court finds compelling reasons to shorten the time after consulting with the substance abuse provider, but under no circumstances less than six months, and she can safely provide for the child's welfare without continuing supervision by the department or court.

(6) In the event the department does not file a petition or enter an agreement, the department shall refer the mother to available chemical dependency treatment.

**NEW SECTION. Sec. 4.** A new section is added to chapter 13.34 RCW to read as follows:

When an infant is determined to be a second drug-affected infant, the department shall file a dependency petition for the second drug-affected infant unless compelling reasons exist to the contrary. The department may proceed immediately with a dependency petition on the first drug-affected infant. The drug-affected status of an infant is not by itself sufficient to establish a finding that the drug-affected infant is dependent.

(1) The department and the mother may enter an agreement in which the mother agrees to inpatient chemical dependency treatment unless the department determines outpatient treatment is in the best interest of the child and participation in a model project developed under RCW 13.34.800 for aftercare services if the model project is available. The mother must be offered education regarding family planning and medically appropriate pharmaceutical pregnancy prevention during the course of chemical dependency treatment with a preference for those methods administered not less than once every thirty days. In addition, the agreement shall:

(a) Specify completion dates for each of the conditions of treatment;

(b) Expire within twelve months of the date of execution; and

(c) Not be renegotiated or extended beyond twelve months of the date of execution unless the conditions, which were negotiated, cannot be fulfilled in twelve months and the reason the conditions cannot be fulfilled are completely outside the control of the mother.

(2) If the department has filed a dependency petition and the department and the mother enter an agreement under subsection (1) of this section, the department shall request the court defer entry of a dependency finding for as long as the mother abides by the terms of the agreement subject to the department's monitoring compliance.

(3) As a condition of deferral of the dependency finding, the parties shall stipulate to facts sufficient to constitute a dependency. In the event a party unreasonably refuses to stipulate to facts sufficient to constitute a dependency, the court may proceed with hearings on the petition.

(4) If the court orders deferral of the dependency finding, the court shall order performance of the agreement and shall prohibit nonprescription use of controlled substances.

(5) The department or the mother may request the court dismiss a deferred finding at any time if the mother demonstrates by clear and convincing evidence that she has not used controlled substances for at least twelve consecutive months unless the court finds compelling reasons to shorten the time after consulting with the substance abuse provider, but under no circumstances less than six months, and she can safely provide for the child's welfare without continuing supervision by the department or court.

(6) In the event the department does not file a petition or enter an agreement, the department shall refer the mother to available chemical dependency treatment programs.

**NEW SECTION. Sec. 5.** A new section is added to chapter 13.34 RCW to read as follows:

Unless compelling reasons exist to the contrary, the department shall file a dependency petition when an infant is determined to be a third or subsequent drug-affected infant. Unless compelling reasons exist to the contrary, the department shall proceed with dependency petitions on all drug-affected children born before the third or subsequent birth. The drug-affected status of an infant is not by itself sufficient to establish a finding that the drug-affected infant is dependent.

(1) The court shall order evaluation by a designated chemical dependency specialist, as defined in RCW 70.96A.020, who shall undertake the processes described in RCW 70.96A.140. If the mother enters chemical dependency treatment, the mother must be offered education regarding family planning and medically appropriate pharmaceutical pregnancy prevention during the course of chemical dependency treatment with a preference for those methods administered not less than once every thirty days.

(2) If the court has ordered removal of a child or children, the out-of-home placement order shall remain in effect until the petition is dismissed or the mother has successfully completed inpatient chemical dependency treatment and an aftercare chemical dependency treatment program unless compelling reasons exist to the contrary. The mother must establish to the court that she can safely provide for the welfare of her child or children.

**NEW SECTION. Sec. 6.** A new section is added to chapter 13.34 RCW to read as follows: Nothing in sections 2 through 5 of this act may be interpreted to prohibit or compel action in the best interests of the child by the department independent from the drug-affected status of an infant.

**NEW SECTION. Sec. 7.** A new section is added to chapter 13.34 RCW to read as follows: Notwithstanding sections 2 through 5 of this act, no provider of chemical dependency treatment services may be required by law or contract in any circumstance to participate in the provision of family planning services if the provider objects to so doing for reasons of conscience or religion. Each provider of chemical dependency treatment that invokes the exemption provided under this section shall promptly provide written notice to persons admitted to treatment listing the family planning services the provider refuses to provide for the reason of conscience or religion and how a person admitted to treatment may access family planning in an expeditious manner. When negotiating contracts for chemical dependency treatment services, the department shall prioritize contracted services under sections 3 through 5 of this act for the purpose of maximizing the number of providers who can show effective measurable outcomes in reducing chemical dependency and the birth of drug-affected infants through effective treatment regardless of whether or not they provide family planning services.

**Sec. 8.** RCW 13.34.070 and 1993 c 358 s 1 are each amended to read as follows:

(1) Upon the filing of the petition, the clerk of the court shall issue a summons, one directed to the child, if the child is twelve or more years of age, and another to the parents, guardian, or custodian, and such other persons as appear to the court to be proper or necessary parties to the proceedings, requiring them to appear personally before the court at the time fixed to hear the petition. If the child is developmentally disabled and not living at home, the notice shall be given to the child's custodian as well as to the child's parent. The developmentally disabled child shall not be required to appear unless requested by the court. Where the custodian is summoned, the parent or guardian or both shall also be served with a summons. The fact-finding hearing on the petition shall be held no later than seventy-five days after the filing of the petition, unless exceptional reasons for a continuance are found. In cases of a drug-affected infant, exceptional reasons for a continuance exist if the mother and the department have executed an agreement that will take more than seventy-five days to fulfill. The party requesting the continuance shall have the burden of proving by a preponderance of the evidence that exceptional circumstances do exist. To ensure that the hearing on the petition occurs within the seventy-five day time limit, the court shall schedule and hear the matter on an expedited basis.

(2) A copy of the petition shall be attached to each summons.

(3) The summons shall advise the parties of the right to counsel. The summons shall also inform the child's parent, guardian, or legal custodian of his or (~~her~~) her right to appointed counsel, if indigent, and of the procedure to use to secure appointed counsel.



(4) The summons shall advise the parents that they may be held responsible for the support of the child if the child is placed in out-of-home care.

(5) The judge may endorse upon the summons an order directing any parent, guardian, or custodian having the custody or control of the child to bring the child to the hearing.

(6) If it appears from affidavit or sworn statement presented to the judge that there is probable cause for the issuance of a warrant of arrest or that the child needs to be taken into custody pursuant to RCW 13.34.050, the judge may endorse upon the summons an order that an officer serving the summons shall at once take the child into custody and take him to the place of shelter designated by the court.

(7) If the person summoned as provided in this section is subject to an order of the court pursuant to subsection (5) or (6) of this section, and if the person fails to abide by the order, he may be proceeded against as for contempt of court. The order endorsed upon the summons shall conspicuously display the following legend:

NOTICE:  
VIOLATION OF THIS ORDER  
IS SUBJECT TO PROCEEDING  
FOR CONTEMPT OF COURT  
PURSUANT TO RCW 13.34.070.

(8) If a party to be served with a summons can be found within the state, the summons shall be served upon the party personally as soon as possible following the filing of the petition, but in no case later than fifteen court days before the fact-finding hearing, or such time as set by the court. If the party is within the state and cannot be personally served, but the party's address is known or can with reasonable diligence be ascertained, the summons may be served upon the party by mailing a copy thereof by certified mail as soon as possible following the filing of the petition, but in no case later than fifteen court days before the hearing, or such time as set by the court. If a party other than the child is without the state but can be found or the address is known, or can with reasonable diligence be ascertained, service of the summons may be made either by delivering a copy thereof to the party personally or by mailing a copy thereof to the party by certified mail at least ten court days before the fact-finding hearing, or such time as set by the court.

(9) Service of summons may be made under the direction of the court by any person eighteen years of age or older who is not a party to the proceedings or by any law enforcement officer, probation counselor, or department of social and health services social worker.

(10) In any proceeding brought under this chapter where the court knows or has reason to know that the child involved is a member of an Indian tribe, notice of the pendency of the proceeding shall also be sent by registered mail, return receipt requested, to the child's tribe. If the identity or location of the tribe cannot be determined, such notice shall be transmitted to the secretary of the interior of the United States.

**Sec. 9.** RCW 13.34.130 and 1998 c 314 s 2 and 1998 c 130 s 2 are each reenacted and amended to read as follows:

If, after a fact-finding hearing pursuant to RCW 13.34.110, it has been proven by a preponderance of the evidence that the child is dependent within the meaning of RCW 13.34.030; after consideration of the predisposition report prepared pursuant to RCW 13.34.110 and after a disposition hearing has been held pursuant to RCW 13.34.110, the court shall enter an order of disposition pursuant to this section.

(1) The court shall order one of the following dispositions of the case:

(a) Order a disposition other than removal of the child from his or her home, which shall provide a program designed to alleviate the immediate danger to the child, to mitigate or cure any damage the child has already suffered, and to aid the parents so that the child will not be endangered in the future. In selecting a program, the court should choose those services that least interfere with family autonomy, provided that the services are adequate to protect the child.

(b) Order that the child be removed from his or her home and ordered into the custody, control, and care of a relative or the department of social and health services or a licensed child placing agency for placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or in a home not required to be licensed pursuant to chapter 74.15 RCW. Unless there is reasonable cause to believe that the safety or welfare of the child would be jeopardized or that efforts to reunite the parent and child will be hindered, such child shall be placed with a person who is related to the child as defined in RCW 74.15.020~~((4))~~ (2)(a) and with whom the child has a relationship and is comfortable, and who is willing and available to care for the child. Placement of the child with a relative under this subsection shall be given preference by the court. An order for out-of-home placement may be made only if the court finds that reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home, specifying the services that have been provided to the child and the child's parent, guardian, or legal custodian, and that preventive services have been offered or provided and have failed to prevent the need for out-of-home placement, unless the health, safety, and welfare of the child cannot be protected adequately in the home, and that:

(i) There is no parent or guardian available to care for such child;

(ii) The parent, guardian, or legal custodian is not willing to take custody of the child;

(iii) The court finds, by clear, cogent, and convincing evidence, a manifest danger exists that the child will suffer serious abuse or neglect if the child is not removed from the home and an order under RCW 26.44.063 would not protect the child from danger; or

(iv) The extent of the child's disability is such that the parent, guardian, or legal custodian is unable to provide the necessary care for the child and the parent, guardian, or legal custodian has determined that the child would benefit from placement outside of the home.

(2) If the court has ordered a child removed from his or her home pursuant to subsection (1)(b) of this section, the court may order that a petition seeking termination of the parent and child relationship be filed if the court finds: (a) Termination is recommended by the supervising agency; (b) termination is in the best interests of the child; and (c) that because of the existence of aggravated circumstances, reasonable efforts to unify the family are not required. Notwithstanding the existence of aggravated circumstances, reasonable efforts may be required if the court or department determines it is in the best interest of the child. In determining whether aggravated circumstances exist, the court shall consider one or more of the following:

(i) Conviction of the parent of rape of the child in the first, second, or third degree as defined in RCW 9A.44.073, 9A.44.076, and 9A.44.079;

(ii) Conviction of the parent of criminal mistreatment of the child in the first or second degree as defined in RCW 9A.42.020 and 9A.42.030;

(iii) Conviction of the parent of one of the following assault crimes, when the child is the victim: Assault in the first or second degree as defined in RCW 9A.36.011 and 9A.36.021 or assault of a child in the first or second degree as defined in RCW 9A.36.120 or 9A.36.130;

(iv) Conviction of the parent of murder, manslaughter, or homicide by abuse of the child's other parent, sibling, or another child;

(v) Conviction of the parent of attempting, soliciting, or conspiracy to commit a crime listed in (c)(i), (ii), (iii), or (iv) of this subsection;

(vi) A finding by a court that a parent is a sexually violent predator as defined in RCW 71.09.020;

(vii) Failure of the parent to complete available treatment ordered under this chapter or the equivalent laws of another state, where such failure has resulted in a prior termination of parental rights to another child and the parent has failed to effect significant change in the interim. In the case of a parent of an Indian child, as defined in the Indian Child Welfare Act, P.L. 95-608 (25 U.S.C. ~~((Sec.))~~ Sec. 1903), the court shall also consider tribal efforts to assist the parent in completing treatment and make it possible for the child to return home;

(viii) An infant under three years of age has been abandoned as defined in RCW 13.34.030~~((4))~~ (8)(a);

(ix) The mother has given birth to three or more drug-affected infants, resulting in the department filing a petition under ~~((section 23 of this act))~~ section 5 of this act.

(3) If reasonable efforts are not ordered under subsection (2) of this section a permanency ~~((plan [planning]))~~ planning hearing shall be held within thirty days. Reasonable efforts shall be made to place the child in a timely manner in accordance with the permanency plan, and to complete whatever steps are necessary to finalize the permanent placement of the child.

(4) Whenever a child is ordered removed from the child's home, the agency charged with his or her care shall provide the court with:

(a) A permanency plan of care that shall identify one of the following outcomes as a primary goal and may identify additional outcomes as alternative goals: Return of the child to the home of the child's parent, guardian, or legal custodian; adoption; guardianship; permanent legal custody; or long-term relative or foster care, until the child is age eighteen, with a written agreement between the parties and the care provider; and independent living, if appropriate and if the child is age sixteen or older. Whenever a permanency plan identifies independent living as a goal, the plan shall also specifically identify the services that will be provided to assist the child to make a successful transition from foster care to independent living. Before the court approves independent living as a permanency plan of care, the court shall make a finding that the provision of services to assist the child in making a transition from foster care to independent living will allow the child to manage his or her financial affairs and to manage his or her personal, social, educational, and nonfinancial affairs. The department shall not discharge a child to an independent living situation before the child is eighteen years of age unless the child becomes emancipated pursuant to chapter 13.64 RCW.

(b) Unless the court has ordered, pursuant to subsection (2) of this section, that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to return the child home, and what actions the agency will take to maintain parent-child ties. All aspects of the plan shall include the goal of achieving permanence for the child.

(i) The agency plan shall specify what services the parents will be offered in order to enable them to resume custody, what requirements the parents must meet in order to resume custody, and a time limit for each service plan and parental requirement.

(ii) The agency shall be required to encourage the maximum parent-child contact possible, including regular visitation and participation by the parents in the care of the child while the child is in placement. Visitation may be limited or denied only if the court determines that such limitation or denial is necessary to protect the child's health, safety, or welfare.

(iii) A child shall be placed as close to the child's home as possible, preferably in the child's own neighborhood, unless the court finds that placement at a greater distance is necessary to promote the child's or parents' well-being.

(iv) The agency charged with supervising a child in placement shall provide all reasonable services that are available within the agency, or within the community, or those services which the department of social and health services has existing contracts to purchase. It shall report to the court if it is unable to provide such services.

(c) If the court has ordered, pursuant to subsection (2) of this section, that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to achieve permanency for the child, services to be offered or provided to the child, and, if visitation would be in the best interests of the child, a recommendation to the court regarding visitation between parent and child pending a fact-finding hearing on the termination petition. The agency shall not be required to develop a plan of services for the parents or provide services to the parents.

(5) If the court determines that the continuation of reasonable efforts to prevent or eliminate the need to remove the child from his or her home or to safely return the child home should not be part of the permanency plan of care for the child, reasonable efforts shall be made to place the child in a timely manner and to complete whatever steps are necessary to finalize the permanent placement of the child.

(6) If there is insufficient information at the time of the disposition hearing upon which to base a determination regarding the suitability of a proposed placement with a relative, the child shall remain in foster care and the court shall direct the supervising agency to conduct necessary background investigations as provided in chapter 74.15 RCW and report the results of such investigation to the court within thirty days. However, if such relative appears otherwise suitable and competent to provide care and treatment, the criminal history background check need not be completed before

placement, but as soon as possible after placement. Any placements with relatives, pursuant to this section, shall be contingent upon cooperation by the relative with the agency case plan and compliance with court orders related to the care and supervision of the child including, but not limited to, court orders regarding parent-child contacts and any other conditions imposed by the court. Noncompliance with the case plan or court order shall be grounds for removal of the child from the relative's home, subject to review by the court.

(7) Except for children whose cases are reviewed by a citizen review board under chapter 13.70 RCW, the status of all children found to be dependent shall be reviewed by the court at least every six months from the beginning date of the placement episode or the date dependency is established, whichever is first, at a hearing in which it shall be determined whether court supervision should continue. The review shall include findings regarding the agency and parental completion of disposition plan requirements, and if necessary, revised permanency time limits. The supervising agency shall provide a foster parent, preadoptive parent, or relative with notice of, and their right to an opportunity to be heard in, a review hearing pertaining to the child, but only if that person is currently providing care to that child at the time of the hearing. This section shall not be construed to grant party status to any person who has been provided an opportunity to be heard.

(a) A child shall not be returned home at the review hearing unless the court finds that a reason for removal as set forth in this section no longer exists. The parents, guardian, or legal custodian shall report to the court the efforts they have made to correct the conditions which led to removal. If a child is returned, casework supervision shall continue for a period of six months, at which time there shall be a hearing on the need for continued intervention.

(b) If the child is not returned home, the court shall establish in writing:

(i) Whether reasonable services have been provided to or offered to the parties to facilitate reunion, specifying the services provided or offered;

(ii) Whether the child has been placed in the least-restrictive setting appropriate to the child's needs, including whether consideration and preference has been given to placement with the child's relatives;

(iii) Whether there is a continuing need for placement and whether the placement is appropriate;

(iv) Whether there has been compliance with the case plan by the child, the child's parents, and the agency supervising the placement;

(v) Whether progress has been made toward correcting the problems that necessitated the child's placement in out-of-home care;

(vi) Whether the parents have visited the child and any reasons why visitation has not occurred or has been infrequent;

(vii) Whether additional services are needed to facilitate the return of the child to the child's parents; if so, the court shall order that reasonable services be offered specifying such services; and

(viii) The projected date by which the child will be returned home or other permanent plan of care will be implemented.

(c) The court at the review hearing may order that a petition seeking termination of the parent and child relationship be filed.

**Sec. 10.** RCW 74.09.310 and 1998 c 314 s 34 are each amended to read as follows:

The department may make available, or cause to be made available, pharmaceutical birth control services, information, and counseling to any person who enters chemical dependency treatment under ~~((section 20 or 21 of this act))~~ sections 3 through 5 of this act. Within available funds, the department may pay for any tubal ligations requested under ~~((section 19 of this act))~~ section 2 of this act if the mother's income is less than two hundred percent of the federal poverty level. The department shall report by December 1st of each year to the governor and legislature: (1) The number of tubal ligations performed as a result of ~~((chapter 314, Laws of 1998))~~ this act; (2) the number of women who decline to undergo the surgery; (3) the number of women who obtain pharmaceutical birth control, by type of birth control; and (4) the number of women who are reported to the department.

**Sec. 11.** RCW 18.71.950 and 1998 c 314 s 36 are each amended to read as follows:

~~((1))~~ Nothing in ~~((section 19 of this act))~~ sections 2 through 5 of this act imposes any additional duties or responsibilities on, or removes any duties or responsibilities from, a physician licensed under this chapter, except as specifically included in chapter 13.34 RCW ~~((and RCW 70.96A.330))~~ and RCW 74.09.310.

~~((2) This section expires June 30, 2002.)~~

**Sec. 12.** RCW 18.57.920 and 1998 c 314 s 37 are each amended to read as follows:

~~((1))~~ Nothing in ~~((section 19 of this act))~~ sections 2 through 5 of this act imposes any additional duties or responsibilities on, or removes any duties or responsibilities from, an osteopath licensed under this chapter, except as specifically included in chapter 13.34 RCW ~~((and RCW 70.96A.330))~~ and RCW 74.09.310.

~~((2) This section expires June 30, 2002.)~~

**Sec. 13.** RCW 18.79.903 and 1998 c 314 s 38 are each amended to read as follows:

~~((1))~~ Nothing in ~~((section 19 of this act))~~ sections 2 through 5 of this act imposes any additional duties or responsibilities on, or removes any duties or responsibilities from, an advanced registered nurse practitioner licensed under this chapter, except as specifically included in chapter 13.34 RCW ~~((and RCW 70.96A.330))~~ and RCW 74.09.310.

~~((2) This section expires June 30, 2002.)~~

NEW SECTION. **Sec. 14.** The following acts or parts of acts are each repealed:

- (1) RCW 18.57.930 (Application--1998 c 314) and 1998 c 314 s 43;
- (2) RCW 18.71.960 (Application--1998 c 314) and 1998 c 314 s 42;
- (3) RCW 18.79.904 (Application--1998 c 314) and 1998 c 314 s 44;
- (4) RCW 70.96A.330 (Treatment programs and model projects--Provision of family planning) and 1998 c 314 s 33; and
- (5) RCW 70.96A.340 (Treatment programs and model projects--Provision of family planning) and 1998 c 314 s 41.

NEW SECTION. **Sec. 15.** This act applies only to drug-affected infants born on or after the effective date of this act.

NEW SECTION. **Sec. 16.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 17.** The Washington institute for public policy shall evaluate the outcomes of this act and report its findings to the legislature and governor not later than December 1, 2001. The evaluation shall include:

- (1) The number of women who use nonprescription controlled substances during pregnancy and give birth to drug-affected infants;
- (2) The number of women who use nonprescription controlled substances during pregnancy and give birth to subsequent drug-affected infants;
- (3) The number of women who accept pharmaceutical pregnancy prevention while in chemical dependency treatment;
- (4) The number of women who continue to engage in pharmaceutical pregnancy prevention or other reliable pregnancy prevention methods after concluding chemical dependency treatment;
- (5) The number of women who accept the offer of free tubal ligation;
- (6) The rate of successful completion of chemical dependency treatment among women who enter treatment under this act;
- (7) The number of dependencies filed and deferred under this act and outcomes of the deferrals; and
- (8) A description of the mother's chemical dependency including identification of the drugs and/or alcohol abused.

**Sec. 18.** RCW 71.24.310 and 1989 c 205 s 6 are each amended to read as follows:

The legislature finds that administration of chapter 71.05 RCW and this chapter can be most efficiently and effectively implemented as part of the regional support network defined in RCW 71.24.025. For this reason, the legislature intends that any enhanced program funding for implementation of chapter 71.05 RCW or this chapter, except for funds allocated for implementation of mandatory state-wide programs as required by federal statute, and except for funds appropriated for the purposes under section 19 of this act, be made available primarily to those counties participating in regional support networks.

NEW SECTION. **Sec. 19.** A new section is added to chapter 71.24 RCW to read as follows:

(1) To the extent funds are specifically appropriated for this purpose, the department shall establish a mechanism for providing financial assistance in accessing atypical antipsychotic medications for low-income persons not eligible for such assistance through medicaid or other third party payors or who are transitioning to medicaid eligibility. Persons eligible for atypical antipsychotic medication financial assistance through the mechanism established by the department shall include persons who:

(a) Have been appropriately prescribed atypical antipsychotic medications for a mental health condition; and

(b)(i) Are unable to function in daily activities, or (ii) cannot retain employment; or (iii) pose a likelihood of serious harm as defined in RCW 71.05.020; and

(c) Are low income and not eligible for such assistance through medicaid or other third party payors or are in the process of transitioning to medicaid eligibility. Persons must actively pursue medicaid eligibility or other third party payment. The department shall offer assistance in achieving medicaid eligibility to those persons who need assistance.

(2) The mechanism shall include an evaluation component measuring the outcomes and cost savings resulting from state financial assistance for atypical antipsychotic medications.

(3) Atypical antipsychotic medications purchased through the mechanism shall be competitively procured at a rate not greater than the rates paid for atypical antipsychotic medications under the department's medicaid program.

(4) The mechanism shall include provisions for distribution to communities state-wide based upon need.

(5) Any funds appropriated for this purpose shall not be subject to the funding formula developed pursuant to RCW 71.24.310.

(6) The mechanism shall include performance standards deemed appropriate by the department.

(7) The department shall pursue both state and federal funding sources for atypical antipsychotic medications.

(8) The department is authorized to adopt rules to implement the provisions of this section.

NEW SECTION. **Sec. 20.** If specific funding for the purposes of section 19 of this act, referencing section 19 of this act by section and bill or chapter number, is not provided by June 30, 1999, in the omnibus appropriations act, section 19 of this act is null and void."

On page 1, line 2 of the title, after "Relating to" strike the remainder of the title and insert "services to pregnant or mentally ill persons using pharmaceuticals; amending RCW 13.34.030, 13.34.070, 74.09.310, 18.71.950, 18.57.920, 18.79.903, and 71.24.310; reenacting and amending RCW 13.34.130; adding new sections to chapter 13.34 RCW; adding a new section to chapter 71.24 RCW; creating new sections; and repealing RCW 18.57.930, 18.71.960, 18.79.904, 70.96A.330, and 70.96A.340."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House refused to concur in the Senate Amendment(s) to Second Substitute House Bill No. 1574 and asked the Senate to recede therefrom.

## SENATE AMENDMENTS TO HOUSE BILL

April 22, 1999

Mr. Speaker:

The Senate receded from the Ways & Means Committee amendment(s) adopted on 4/8/99. Under suspension of rules, the Senate returned SECOND SUBSTITUTE HOUSE BILL NO. 1681 to Second Reading for purpose of amendment(s). The Senate adopted Amendment #470 by Senator Swecker, and passed the bill as amended,

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that it is beneficial to improve opportunities for trout fishing in order to satisfy the public's demand for recreational fishing during a time of declining opportunities to catch anadromous salmon and steelhead trout.

Fish farmers can produce trout in a triploid genetic configuration for the purpose of certifying that the fish are sterile and that they cannot interbreed with wild trout. These fish are ideally suited to planting into public lakes and ponds to provide immediate recreational fishing at a reasonable cost. The fish continue to grow throughout their life cycle and have the potential to grow to trophy size.

Planting of these catchable trout can provide increased angler participation, increased fishing license sales, increased tourism activities, and a boost to local economies.

The department of fish and wildlife is authorized to purchase these privately produced fish to supplement existing department trout hatchery production. The planting of these catchable trout in water bodies with water quality sufficient to support fish life must not have an adverse impact on the wild trout population.

NEW SECTION. **Sec. 2.** The fish and wildlife commission in consultation with the department is authorized to determine which waters of the state are appropriate for this use during the 1999 and 2000 calendar years. In making this determination, the commission shall seek geographic distribution to assure opportunity to fishers state-wide.

The commission in consultation with the department will determine the maximum number of fish that may be planted into state waters so as not to compete with the wild populations of fish species in the water body.

NEW SECTION. **Sec. 3.** The fish and wildlife commission may authorize purchase of privately produced fish for the purposes of sections 1 and 2 of this act only if the cost of the program will be recovered by the estimated increase in revenue from license sales and federal funds directly attributable to the planting of these privately purchased fish.

NEW SECTION. **Sec. 4.** The department of fish and wildlife shall report to the appropriate legislative committees by February 1, 2001, regarding the implementation of this act. The report shall include information regarding the location and number of fish planted, the size of the fish planted, and information relating to the cost-effectiveness of the catchable trout program, including an estimate of new license revenues generated by the programs.

NEW SECTION. **Sec. 5.** Sections 1 through 3 of this act are each added to Title 77 RCW.

NEW SECTION. **Sec. 6.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "waters;" strike the remainder of the title and insert "adding new sections to Title 77 RCW; creating a new section; and declaring an emergency."

and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Second Substitute House Bill No. 1681 and advanced the bill as amended by the Senate to final passage.

### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE**

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Second Substitute House Bill No. 1681 as amended by the Senate.

Representatives Buck and Regala spoke in favor of passage of the bill as amended by the Senate.

Representative Dunshee spoke against the passage of the bill as amended by the Senate.

### **ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1681, as amended by the Senate and the bill passed the House by the following vote: Yeas - 91, Nays - 5, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. G. Chandler Chandler, Clements, Cody, Constantine, Conway, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Ruderman, Santos, Schindler, D. K. Schmidt Schmidt, Schoesler, Schual-Berke, Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 91.

Voting nay: Representatives Cooper, Dunshee, Edmonds, Edwards and Romero - 5.

Excused: Representatives Quall and Scott - 2.

Second Substitute House Bill No. 1681, as amended by the Senate, having received the constitutional majority, was declared passed.

### **SENATE AMENDMENTS TO HOUSE BILL**

April 23, 1999

Mr. Speaker:

The Senate has passed Substitute House Bill No. 1747 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 89.08.020 and 1973 1st ex.s. c 184 s 3 are each amended to read as follows:

Unless the context clearly indicates otherwise, as used in this chapter:

"Commission" and "state conservation commission" means the agency created hereunder. All former references to "state soil and water conservation committee", "state committee" or "committee" shall be deemed to be references to the "state conservation commission";

"District", or "conservation district" means a governmental subdivision of this state and a public body corporate and politic, organized in accordance with the provisions of ((this 1973



~~amendatory act~~) chapter 184, Laws of 1973 1st ex. sess., for the purposes, with the powers, and subject to the restrictions set forth in this chapter. All districts created under (~~this 1973 amendatory act~~) chapter 184, Laws of 1973 1st ex. sess. shall be known as conservation districts and shall have all the powers and duties set out in (~~this 1973 amendatory act~~) chapter 184, Laws of 1973 1st ex. sess.. All references in (~~this 1973 amendatory act~~) chapter 184, Laws of 1973 1st ex. sess. to "districts", or "soil and water conservation districts" shall be deemed to be reference to "conservation districts";

"Board" and "supervisors" mean the board of supervisors of a conservation district;

"Land occupier" or "occupier of land" includes any person, firm, political subdivision, government agency, municipality, public or private corporation, copartnership, association, or any other entity whatsoever which holds title to, or is in possession of, any lands lying within a district organized under the provisions of (~~this 1973 amendatory act~~) chapter 184, Laws of 1973 1st ex. sess., whether as owner, lessee, renter, tenant, or otherwise;

"District elector" or "voter" means a (~~qualified county elector occupying land~~) registered voter in the county where the district is located who resides within the district boundary or in the area affected by a petition;

"Due notice" means a notice published at least twice, with at least six days between publications, in a publication of general circulation within the affected area, or if there is no such publication, by posting at a reasonable number of public places within the area, where it is customary to post notices concerning county and municipal affairs. Any hearing held pursuant to due notice may be postponed from time to time without a new notice;

"Renewable natural resources", "natural resources" or "resources" includes land, air, water, vegetation, fish, wildlife, wild rivers, wilderness, natural beauty, scenery and open space;

"Conservation" includes conservation, development, improvement, maintenance, preservation, protection and use, and alleviation of floodwater and sediment damages, and the disposal of excess surface waters.

"Farm and agricultural land" means either (a) land in any contiguous ownership of twenty or more acres devoted primarily to agricultural uses; (b) any parcel of land five acres or more but less than twenty acres devoted primarily to agricultural uses, which has produced a gross income from agricultural uses equivalent to one hundred dollars or more per acre per year for three of the five calendar years preceding the date of application for classification under this chapter; or (c) any parcel of land of less than five acres devoted primarily to agricultural uses which has produced a gross income of one thousand dollars or more per year for three of the five calendar years preceding the date of application for classification under this chapter. Agricultural lands shall also include farm woodlots of less than twenty and more than five acres and the land on which appurtenances necessary to production, preparation or sale of the agricultural products exist in conjunction with the lands producing such products. Agricultural lands shall also include any parcel of land of one to five acres, which is not contiguous, but which otherwise constitutes an integral part of farming operations being conducted on land qualifying under this section as "farm and agricultural lands".

**Sec. 2.** RCW 89.08.080 and 1973 1st ex.s. c 184 s 9 are each amended to read as follows:

To form a conservation district, (~~twenty five or more persons occupying land~~) twenty percent of the voters within the area to be affected may file a petition with the commission asking that the area be organized into a district.

The petition shall give the name of the proposed district, state that it is needed in the interest of the public health, safety, and welfare, give a general description of the area proposed to be organized and request that the commission determine that it be created, and that it define the boundaries thereof and call an election on the question of creating the district.

If more than one petition is filed covering parts of the same area, the commission may consolidate all or any of them.

**Sec. 3.** RCW 89.08.110 and 1973 1st ex.s. c 184 s 12 are each amended to read as follows:

If the commission finds that the district is needed, it shall then determine whether it is practicable. To assist the commission in determining this question, it shall, within a reasonable time, submit the proposition to a vote of the (~~land occupiers~~) district electors in the proposed district.

The commission shall fix the date of the election, designate the polling places, fix the hours for opening and closing the polls, and appoint the election officials. The election shall be conducted, the vote counted and returns canvassed and the results published by the commission.

**Sec. 4.** RCW 89.08.130 and 1973 1st ex.s. c 184 s 14 are each amended to read as follows:

The commission shall give due notice of the election, which shall state generally the purpose of the election, the date thereof, the place and hours of voting, and set forth the boundaries of the proposed district.

Only qualified district electors within the proposed district as determined by the commission may vote at the election. Each voter shall vote in the polling place nearest ~~((his))~~ the voter's residence. ~~((If he resides outside the district, he shall vote at the nearest polling place of the district.))~~

**Sec. 5.** RCW 89.08.150 and 1973 1st ex.s. c 184 s 16 are each amended to read as follows:

If a majority of the votes cast at the election are against the creation of the district, the commission shall deny the petition. If a majority favor the district, the commission shall determine the practicability of the project.

In making such determination, the commission shall consider the attitude of the ~~((land occupiers))~~ voters of the district; the number of eligible voters who voted at the election; the size of the majority vote; the wealth and income of the land occupiers; the probable expense of carrying out the project; and any other economic factors relevant thereto.

If the commission finds that the project is impracticable it shall enter an order to that effect and deny the petition. When the petition has been denied, no new petition covering the same or substantially the same area may be filed within six months therefrom.

**Sec. 6.** RCW 89.08.180 and 1973 1st ex.s. c 184 s 19 are each amended to read as follows:

Territory may be added to an existing district upon filing a petition as in the case of formation with the commission by ~~((occupiers of the lands))~~ twenty percent of the voters of the affected area to be included. The same procedure shall be followed as for the creation of the district.

As an alternate procedure, the commission may upon the petition of a majority of the ~~((land occupiers))~~ voters in any one or more districts or in unorganized territory adjoining a conservation district change the boundaries of a district, or districts, if such action will promote the practical and feasible administration of such district or districts.

Upon petition of the boards of supervisors of two or more districts, the commission may approve the combining of all or parts of such districts and name the district, or districts, with the approval of the name by the secretary of state. A public hearing and/or a referendum may be held if deemed necessary or desirable by the commission in order to determine the wishes of ~~((land occupiers))~~ the voters.

When districts are combined, the joint boards of supervisors will first select a chairman, secretary and other necessary officers and select a regular date for meetings. All elected supervisors will continue to serve as members of the board until the expiration of their current term of office, and/or until the election date nearest their expiration date. All appointed supervisors will continue to serve until the expiration of their current term of office, at which time the commission will make the necessary appointments. In the event that more than two districts are combined, a similar procedure will be set up and administered by the commission.

When districts are combined or territory is moved from one district to another, the property, records and accounts of the districts involved shall be distributed to the remaining district or districts as approved by the commission. A new certificate of organization, naming and describing the new district or districts, shall be issued by the secretary of state.

NEW SECTION. **Sec. 7.** A new section is added to chapter 89.08 RCW to read as follows:

The local governing body of any city or incorporated town within an existing district may approve by majority vote a petition to withdraw from the district. The petition shall be submitted to the district for its approval. If approved by the district, the petition shall be sent to the commission. The commission shall approve the petition and forward it to the secretary of state and the boundary of

the district shall be adjusted accordingly. If the petition is not approved by the district, the district shall adopt a resolution specifying the reasons why the petition is not approved. The petition and the district's resolution shall be sent to the commission for its review. The commission shall approve or reject the petition based upon criteria it has adopted for the evaluation of petitions in dispute. If the commission approves the petition, it shall forward the petition to the secretary of state and the boundaries of the district shall be adjusted accordingly. The criteria used by the commission to evaluate petitions which are in dispute shall be adopted as rules by the commission under chapter 34.05 RCW, the administrative procedure act.

**Sec. 8.** RCW 89.08.220 and 1973 1st ex.s. c 184 s 23 are each amended to read as follows:

A conservation district organized under the provisions of this 1973 amendatory act shall constitute a governmental subdivision of this state, and a public body corporate and politic exercising public powers, but shall not levy taxes or issue bonds and such district, and the supervisors thereof, shall have the following powers, in addition to others granted in other sections of this 1973 amendatory act:

(1) To conduct surveys, investigations, and research relating to the conservation of renewable natural resources and the preventive and control measures and works of improvement needed, to publish the results of such surveys, investigations, or research, and to disseminate information concerning such preventive and control measures and works of improvement: PROVIDED, That in order to avoid duplication of research activities, no district shall initiate any research program except in cooperation with the government of this state or any of its agencies, or with the United States or any of its agencies;

(2) To conduct educational and demonstrational projects on any lands within the district upon obtaining the consent of the occupier of such lands and such necessary rights or interests in such lands as may be required in order to demonstrate by example the means, methods, measures, and works of improvement by which the conservation of renewable natural resources may be carried out;

(3) To carry out preventative and control measures and works of improvement for the conservation of renewable natural resources, within the district including, but not limited to, engineering operations, methods of cultivation, the growing of vegetation, changes in use of lands, and the measures listed in RCW 89.08.010, on any lands within the district upon obtaining the consent of the occupier of such lands and such necessary rights or interests in such lands as may be required;

(4) To cooperate or enter into agreements with, and within the limits of appropriations duly made available to it by law, to furnish financial or other aid to any agency, governmental or otherwise, or any occupier of lands within the district in the carrying on of preventive and control measures and works of improvement for the conservation of renewable natural resources within the district, subject to such conditions as the supervisors may deem necessary to advance the purposes of this 1973 amendatory act. For purposes of this subsection only, land occupiers who are also district supervisors are not subject to the provisions of RCW 42.23.030;

(5) To obtain options upon and to acquire in any manner, except by condemnation, by purchase, exchange, lease, gift, bequest, devise, or otherwise, any property, real or personal, or rights or interests therein; to maintain, administer, and improve any properties acquired, to receive income from such properties and to expend such income in carrying out the purposes and provisions of this 1973 amendatory act; and to sell, lease, or otherwise dispose of any of its property or interests therein in furtherance of the purposes and the provisions of this act;

(6) To make available, on such terms, as it shall prescribe, to land occupiers within the district, agricultural and engineering machinery and equipment, fertilizer, seeds, seedlings, and such other equipment and material as will assist them to carry on operations upon their lands for the conservation of renewable natural resources;

(7) To prepare and keep current a comprehensive long-range program recommending the conservation of all the renewable natural resources of the district. Such programs shall be directed toward the best use of renewable natural resources and in a manner that will best meet the needs of the district and the state, taking into consideration, where appropriate, such uses as farming, grazing, timber supply, forest, parks, outdoor recreation, potable water supplies for urban and rural areas, water for agriculture, minimal flow, and industrial uses, watershed stabilization, control of soil

erosion, retardation of water run-off, flood prevention and control, reservoirs and other water storage, restriction of developments of flood plains, protection of open space and scenery, preservation of natural beauty, protection of fish and wildlife, preservation of wilderness areas and wild rivers, the prevention or reduction of sedimentation and other pollution in rivers and other waters, and such location of highways, schools, housing developments, industries, airports and other facilities and structures as will fit the needs of the state and be consistent with the best uses of the renewable natural resources of the state. The program shall include an inventory of all renewable natural resources in the district, a compilation of current resource needs, projections of future resource requirements, priorities for various resource activities, projected timetables, descriptions of available alternatives, and provisions for coordination with other resource programs.

The district shall also prepare an annual work plan, which shall describe the action programs, services, facilities, materials, working arrangements and estimated funds needed to carry out the parts of the long-range programs that are of the highest priorities.

The districts shall hold public hearings at appropriate times in connection with the preparation of programs and plans, shall give careful consideration to the views expressed and problems revealed in hearings, and shall keep the public informed concerning their programs, plans, and activities. Occupiers of land shall be invited to submit proposals for consideration to such hearings. The districts may supplement such hearings with meetings, referenda and other suitable means to determine the wishes of interested parties and the general public in regard to current and proposed plans and programs of a district. They shall confer with public and private agencies, individually and in groups, to give and obtain information and understanding of the impact of district operations upon agriculture, forestry, water supply and quality, flood control, particular industries, commercial concerns and other public and private interests, both rural and urban.

Each district shall submit to the commission its proposed long-range program and annual work plans for review and comment.

The long-range renewable natural resource program, together with the supplemental annual work plans, developed by each district under the foregoing procedures shall have official status as the authorized program of the district, and it shall be published by the districts as its "renewable resources program". Copies shall be made available by the districts to the appropriate counties, municipalities, special purpose districts and state agencies, and shall be made available in convenient places for examination by public land occupier or private interest concerned. Summaries of the program and selected material therefrom shall be distributed as widely as feasible for public information;

(8) To administer any project or program concerned with the conservation of renewable natural resources located within its boundaries undertaken by any federal, state, or other public agency by entering into a contract or other appropriate administrative arrangement with any agency administering such project or program;

(9) Cooperate with other districts organized under this 1973 amendatory act in the exercise of any of its powers;

(10) To accept donations, gifts, and contributions in money, services, materials, or otherwise, from the United States or any of its agencies, from this state or any of its agencies, or from any other source, and to use or expend such moneys, services, materials, or any contributions in carrying out the purposes of this act;

(11) To sue and be sued in the name of the district; to have a seal which shall be judicially noticed; have perpetual succession unless terminated as hereinafter provided; to make and execute contracts and other instruments, necessary or convenient to the exercise of its powers; to borrow money and to pledge, mortgage and assign the income of the district and its real or personal property therefor; and to make, amend rules and regulations not inconsistent with this 1973 amendatory act and to carry into effect its purposes;

(12) Any two or more districts may engage in joint activities by agreement between or among them in planning, financing, constructing, operating, maintaining, and administering any program or project concerned with the conservation of renewable natural resources. The districts concerned may make available for purposes of the agreement any funds, property, personnel, equipment, or services available to them under this 1973 amendatory act;

Any district may enter into such agreements with a district or districts in adjoining states to carry out such purposes if the law in such other states permits the districts in such states to enter into such agreements.

The commission shall have authority to propose, guide, and facilitate the establishment and carrying out of any such agreement;

(13) Every district shall, through public hearings, annual meetings, publications, or other means, keep the general public, agencies and occupiers of land within the district, informed of the works and activities planned and administered by the district, of the purposes these will serve, of the income and expenditures of the district, of the funds borrowed by the district and the purposes for which such funds are expended, and of the results achieved annually by the district; and

(14) The supervisors of conservation districts may designate an area, state, and national association of conservation districts as a coordinating agency in the execution of the duties imposed by this chapter, and to make gifts in the form of dues, quotas, or otherwise to such associations for costs of services rendered, and may support and attend such meetings as may be required to promote and perfect the organization and to effect its purposes.

**Sec. 9.** RCW 89.08.350 and 1973 1st ex.s. c 184 s 25 are each amended to read as follows:

At any time after five years from the organization of a district, (~~one hundred land occupiers~~) twenty percent of the voters in the district may file with the commission a petition, praying that the district be dissolved. The commission may hold public hearings thereon, and within sixty days from receipt of the petition, shall give due notice of an election on the question of dissolution. It shall provide appropriate ballots, conduct the election, canvass the returns, and declare the results in the same manner as for elections to create a district.

All district electors may vote at the election. No informality relating to the election shall invalidate it if notice is substantially given and the election is fairly conducted.

**Sec. 10.** RCW 89.08.360 and 1973 1st ex.s. c 184 s 26 are each amended to read as follows:

If a majority of the votes cast at the election are for dissolution, the district shall be dissolved. (~~If two thirds of the votes are against dissolution, the commission shall determine whether the continuance of the district is practicable. In making the determination it shall consider all the factors considered by it in determining that the district was practicable originally. If it finds that further operation of the district is impracticable it shall order it dissolved and certify its determination to the supervisors.~~)

**Sec. 11.** RCW 89.08.370 and 1973 1st ex.s. c 184 s 27 are each amended to read as follows:

If the district is ordered dissolved, the supervisors shall forthwith terminate the affairs of the district and dispose of all district property at public auction, and pay the proceeds therefrom to pay any debts of the district and any remaining balance to the state treasurer.

They shall then file a verified application with the secretary of state for the dissolution of the district, accompanied by a certificate of the commission reciting the determination that further operation of the district is impracticable. The application shall recite that the property of the district has been disposed of, that the proceeds therefrom have been used to pay any debts of the district and any remaining balance paid to the treasurer, and contain a full accounting of the property and proceeds. Thereupon the secretary shall issue to the supervisors a certificate of dissolution and file a copy thereof in his or her records.

NEW SECTION. **Sec. 12.** RCW 89.08.380 (Effect of dissolution--Commission substituted) and 1973 1st ex.s. c 184 s 28 & 1955 c 304 s 28 are each repealed."

On page 1, line 2 of the title, after "liability;" strike the remainder of the title and insert "amending RCW 89.08.020, 89.08.080, 89.08.110, 89.08.130, 89.08.150, 89.08.180, 89.08.220, 89.08.350, 89.08.360, and 89.08.370; adding a new section to chapter 89.08 RCW; and repealing RCW 89.08.380."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Substitute House Bill No. 1747 and advanced the bill as amended by the Senate to final passage.

### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE**

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Substitute House Bill No. 1747 as amended by the Senate.

Representatives G. Chandler and Linville spoke in favor of passage of the bill as amended by the Senate.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1747, as amended by the Senate and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. G. Chandler Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. K. Schmidt Schmidt, Schoesler, Schual-Berke, Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Quall and Scott - 2.

Substitute House Bill No. 1747, as amended by the Senate, having received the constitutional majority, was declared passed.

### **SENATE AMENDMENTS TO HOUSE BILL**

April 13, 1999

Mr. Speaker:

The Senate has passed Engrossed House Bill No. 1749 with the following amendment(s)

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 13.40.127 and 1997 c 338 s 21 are each amended to read as follows:

(1) A juvenile is eligible for deferred disposition unless he or she:

- (a) Is charged with a sex or violent offense;
- (b) Has a criminal history which includes any felony; or
- (c) Has a prior deferred disposition or deferred adjudication; or
- (d) Has two or more diversions; or
- (e) Has two or more gross misdemeanors or misdemeanors.

(2) The juvenile court may, upon motion at least fourteen days before commencement of trial and, after consulting the juvenile's custodial parent or parents or guardian and with the consent of the juvenile, continue the case for disposition for a period not to exceed one year from the date the juvenile

is found guilty. The court shall consider whether the offender and the community will benefit from a deferred disposition before deferring the disposition.

(3) Any juvenile who agrees to a deferral of disposition shall:

(a) Stipulate to the admissibility of the facts contained in the written police report;  
(b) Acknowledge that the report will be entered and used to support a finding of guilt and to impose a disposition if the juvenile fails to comply with terms of supervision; and

(c) Waive the following rights to: (i) A speedy disposition; and (ii) call and confront witnesses.

The adjudicatory hearing shall be limited to a reading of the court's record.

(4) Following the stipulation, acknowledgment, waiver, and entry of a finding or plea of guilt, the court shall defer entry of an order of disposition of the juvenile.

(5) Any juvenile granted a deferral of disposition under this section shall be placed under community supervision. The court may impose any conditions of supervision that it deems appropriate including posting a probation bond. Payment of restitution under RCW 13.40.190 shall be a condition of community supervision under this section.

(6) A parent who signed for a probation bond has the right to notify the counselor if the juvenile fails to comply with the bond or conditions of supervision. The counselor shall notify the court and surety of any failure to comply. A surety shall notify the court of the juvenile's failure to comply with the probation bond. The state shall bear the burden to prove, by a preponderance of the evidence, that the juvenile has failed to comply with the terms of community supervision.

(7) A juvenile's lack of compliance shall be determined by the judge upon written motion by the prosecutor or the juvenile's juvenile court community supervision counselor. If a juvenile fails to comply with terms of supervision, the court shall enter an order of disposition.

(8) At any time following deferral of disposition the court may, following a hearing, continue the case for an additional one-year period for good cause.

(9) At the conclusion of the period set forth in the order of deferral and upon a finding by the court of full compliance with conditions of supervision and payment of full restitution, the respondent's conviction shall be vacated and the court shall dismiss the case with prejudice.

**Sec. 2.** RCW 13.40.020 and 1997 c 338 s 10 are each amended to read as follows:

For the purposes of this chapter:

(1) "Community-based rehabilitation" means one or more of the following: Employment; attendance of information classes; literacy classes; counseling, outpatient substance abuse treatment programs, outpatient mental health programs, anger management classes, education or outpatient treatment programs to prevent animal cruelty, or other services; or attendance at school or other educational programs appropriate for the juvenile as determined by the school district. Placement in community-based rehabilitation programs is subject to available funds;

(2) Community-based sanctions may include one or more of the following:

(a) A fine, not to exceed five hundred dollars;

(b) Community service not to exceed one hundred fifty hours of service;

(3) "Community service" means compulsory service, without compensation, performed for the benefit of the community by the offender as punishment for committing an offense. Community service may be performed through public or private organizations or through work crews;

(4) "Community supervision" means an order of disposition by the court of an adjudicated youth not committed to the department or an order granting a deferred disposition. A community supervision order for a single offense may be for a period of up to two years for a sex offense as defined by RCW 9.94A.030 and up to one year for other offenses. As a mandatory condition of any term of community supervision, the court shall order the juvenile to refrain from committing new offenses. As a mandatory condition of community supervision, the court shall order the juvenile to comply with the mandatory school attendance provisions of chapter 28A.225 RCW and to inform the school of the existence of this requirement. Community supervision is an individualized program comprised of one or more of the following:

(a) Community-based sanctions;

(b) Community-based rehabilitation;

- (c) Monitoring and reporting requirements;
- (d) Posting of a probation bond;
- (5) "Confinement" means physical custody by the department of social and health services in a facility operated by or pursuant to a contract with the state, or physical custody in a detention facility operated by or pursuant to a contract with any county. The county may operate or contract with vendors to operate county detention facilities. The department may operate or contract to operate detention facilities for juveniles committed to the department. Pretrial confinement or confinement of less than thirty-one days imposed as part of a disposition or modification order may be served consecutively or intermittently, in the discretion of the court;
- (6) "Court," when used without further qualification, means the juvenile court judge(s) or commissioner(s);
- (7) "Criminal history" includes all criminal complaints against the respondent for which, prior to the commission of a current offense:
  - (a) The allegations were found correct by a court. If a respondent is convicted of two or more charges arising out of the same course of conduct, only the highest charge from among these shall count as an offense for the purposes of this chapter; or
  - (b) The criminal complaint was diverted by a prosecutor pursuant to the provisions of this chapter on agreement of the respondent and after an advisement to the respondent that the criminal complaint would be considered as part of the respondent's criminal history. A successfully completed deferred adjudication that was entered before July 1, 1998, or a deferred disposition shall not be considered part of the respondent's criminal history;
- (8) "Department" means the department of social and health services;
- (9) "Detention facility" means a county facility, paid for by the county, for the physical confinement of a juvenile alleged to have committed an offense or an adjudicated offender subject to a disposition or modification order. "Detention facility" includes county group homes, inpatient substance abuse programs, juvenile basic training camps, and electronic monitoring;
- (10) "Diversion unit" means any probation counselor who enters into a diversion agreement with an alleged youthful offender, or any other person, community accountability board, youth court under the supervision of the juvenile court, or other entity except a law enforcement official or entity, with whom the juvenile court administrator has contracted to arrange and supervise such agreements pursuant to RCW 13.40.080, or any person, community accountability board, or other entity specially funded by the legislature to arrange and supervise diversion agreements in accordance with the requirements of this chapter. For purposes of this subsection, "community accountability board" means a board comprised of members of the local community in which the juvenile offender resides. The superior court shall appoint the members. The boards shall consist of at least three and not more than seven members. If possible, the board should include a variety of representatives from the community, such as a law enforcement officer, teacher or school administrator, high school student, parent, and business owner, and should represent the cultural diversity of the local community;
- (11) "Foster care" means temporary physical care in a foster family home or group care facility as defined in RCW 74.15.020 and licensed by the department, or other legally authorized care;
- (12) "Institution" means a juvenile facility established pursuant to chapters 72.05 and 72.16 through 72.20 RCW;
- (13) "Intensive supervision program" means a parole program that requires intensive supervision and monitoring, offers an array of individualized treatment and transitional services, and emphasizes community involvement and support in order to reduce the likelihood a juvenile offender will commit further offenses;
- (14) "Juvenile," "youth," and "child" mean any individual who is under the chronological age of eighteen years and who has not been previously transferred to adult court pursuant to RCW 13.40.110 or who is otherwise under adult court jurisdiction;
- (15) "Juvenile offender" means any juvenile who has been found by the juvenile court to have committed an offense, including a person eighteen years of age or older over whom jurisdiction has been extended under RCW 13.40.300;
- (16) "Local sanctions" means one or more of the following: (a) 0-30 days of confinement; (b) 0-12 months of community supervision; (c) 0-150 hours of community service; or (d) \$0-\$500 fine;



(17) "Manifest injustice" means a disposition that would either impose an excessive penalty on the juvenile or would impose a serious, and clear danger to society in light of the purposes of this chapter;

(18) "Monitoring and reporting requirements" means one or more of the following: Curfews; requirements to remain at home, school, work, or court-ordered treatment programs during specified hours; restrictions from leaving or entering specified geographical areas; requirements to report to the probation officer as directed and to remain under the probation officer's supervision; and other conditions or limitations as the court may require which may not include confinement;

(19) "Offense" means an act designated a violation or a crime if committed by an adult under the law of this state, under any ordinance of any city or county of this state, under any federal law, or under the law of another state if the act occurred in that state;

(20) "Probation bond" means a bond, posted with sufficient security by a surety justified and approved by the court, to secure the offender's appearance at required court proceedings and compliance with court-ordered community supervision or conditions of release ordered pursuant to RCW 13.40.040 or 13.40.050. It also means a deposit of cash or posting of other collateral in lieu of a bond if approved by the court;

(21) "Respondent" means a juvenile who is alleged or proven to have committed an offense;

(22) "Restitution" means financial reimbursement by the offender to the victim, and shall be limited to easily ascertainable damages for injury to or loss of property, actual expenses incurred for medical treatment for physical injury to persons, lost wages resulting from physical injury, and costs of the victim's counseling reasonably related to the offense if the offense is a sex offense. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses. Nothing in this chapter shall limit or replace civil remedies or defenses available to the victim or offender;

(23) "Secretary" means the secretary of the department of social and health services.

"Assistant secretary" means the assistant secretary for juvenile rehabilitation for the department;

(24) "Services" means services which provide alternatives to incarceration for those juveniles who have pleaded or been adjudicated guilty of an offense or have signed a diversion agreement pursuant to this chapter;

(25) "Sex offense" means an offense defined as a sex offense in RCW 9.94A.030;

(26) "Sexual motivation" means that one of the purposes for which the respondent committed the offense was for the purpose of his or her sexual gratification;

(27) "Surety" means an entity licensed under state insurance laws or by the state department of licensing, to write corporate, property, or probation bonds within the state, and justified and approved by the superior court of the county having jurisdiction of the case;

(28) "Violation" means an act or omission, which if committed by an adult, must be proven beyond a reasonable doubt, and is punishable by sanctions which do not include incarceration;

(29) "Violent offense" means a violent offense as defined in RCW 9.94A.030.

(30) "Youth court" means a program under the supervision of the juvenile court.

**Sec. 3.** RCW 13.40.080 and 1997 c 338 s 70 are each amended to read as follows:

(1) A diversion agreement shall be a contract between a juvenile accused of an offense and a diversionary unit whereby the juvenile agrees to fulfill certain conditions in lieu of prosecution. Such agreements may be entered into only after the prosecutor, or probation counselor pursuant to this chapter, has determined that probable cause exists to believe that a crime has been committed and that the juvenile committed it. Such agreements shall be entered into as expeditiously as possible.

(2) A diversion agreement shall be limited to one or more of the following:

(a) Community service not to exceed one hundred fifty hours, not to be performed during school hours if the juvenile is attending school;

(b) Restitution limited to the amount of actual loss incurred by the victim;

(c) Attendance at up to ten hours of counseling and/or up to twenty hours of educational or informational sessions at a community agency. The educational or informational sessions may include sessions relating to respect for self, others, and authority; victim awareness; accountability; self-worth; responsibility; work ethics; good citizenship; literacy; and life skills. For purposes of this section,

"community agency" may also mean a community-based nonprofit organization, if approved by the diversion unit. The state shall not be liable for costs resulting from the diversionary unit exercising the option to permit diversion agreements to mandate attendance at up to ten hours of counseling and/or up to twenty hours of educational or informational sessions;

(d) A fine, not to exceed one hundred dollars. In determining the amount of the fine, the diversion unit shall consider only the juvenile's financial resources and whether the juvenile has the means to pay the fine. The diversion unit shall not consider the financial resources of the juvenile's parents, guardian, or custodian in determining the fine to be imposed; and

(e) Requirements to remain during specified hours at home, school, or work, and restrictions on leaving or entering specified geographical areas.

(3) Notwithstanding the provisions of subsection (2) of this section, youth courts are not limited to the conditions imposed by subsection (2) of this section in imposing sanctions on juveniles pursuant to section 9 of this act.

(4) In assessing periods of community service to be performed and restitution to be paid by a juvenile who has entered into a diversion agreement, the court officer to whom this task is assigned shall consult with the juvenile's custodial parent or parents or guardian and victims who have contacted the diversionary unit and, to the extent possible, involve members of the community. Such members of the community shall meet with the juvenile and advise the court officer as to the terms of the diversion agreement and shall supervise the juvenile in carrying out its terms.

~~((4))~~ (5)(a) A diversion agreement may not exceed a period of six months and may include a period extending beyond the eighteenth birthday of the divertee.

(b) If additional time is necessary for the juvenile to complete restitution to the victim, the time period limitations of this subsection may be extended by an additional six months.

(c) If the juvenile has not paid the full amount of restitution by the end of the additional six-month period, then the juvenile shall be referred to the juvenile court for entry of an order establishing the amount of restitution still owed to the victim. In this order, the court shall also determine the terms and conditions of the restitution, including a payment plan extending up to ten years if the court determines that the juvenile does not have the means to make full restitution over a shorter period. For the purposes of this subsection ~~((4))~~ (5)(c), the juvenile shall remain under the court's jurisdiction for a maximum term of ten years after the juvenile's eighteenth birthday. Prior to the expiration of the initial ten-year period, the juvenile court may extend the judgment for restitution an additional ten years. The court may not require the juvenile to pay full or partial restitution if the juvenile reasonably satisfies the court that he or she does not have the means to make full or partial restitution and could not reasonably acquire the means to pay the restitution over a ten-year period. The county clerk shall make disbursements to victims named in the order. The restitution to victims named in the order shall be paid prior to any payment for other penalties or monetary assessments. A juvenile under obligation to pay restitution may petition the court for modification of the restitution order.

~~((5))~~ (6) The juvenile shall retain the right to be referred to the court at any time prior to the signing of the diversion agreement.

~~((6))~~ (7) Divertees and potential divertees shall be afforded due process in all contacts with a diversionary unit regardless of whether the juveniles are accepted for diversion or whether the diversion program is successfully completed. Such due process shall include, but not be limited to, the following:

(a) A written diversion agreement shall be executed stating all conditions in clearly understandable language;

(b) Violation of the terms of the agreement shall be the only grounds for termination;

(c) No divertee may be terminated from a diversion program without being given a court hearing, which hearing shall be preceded by:

(i) Written notice of alleged violations of the conditions of the diversion program; and

(ii) Disclosure of all evidence to be offered against the divertee;

(d) The hearing shall be conducted by the juvenile court and shall include:

(i) Opportunity to be heard in person and to present evidence;

(ii) The right to confront and cross-examine all adverse witnesses;

- (iii) A written statement by the court as to the evidence relied on and the reasons for termination, should that be the decision; and
- (iv) Demonstration by evidence that the divertee has substantially violated the terms of his or her diversion agreement.
- (e) The prosecutor may file an information on the offense for which the divertee was diverted:
  - (i) In juvenile court if the divertee is under eighteen years of age; or
  - (ii) In superior court or the appropriate court of limited jurisdiction if the divertee is eighteen years of age or older.

~~((7))~~ (8) The diversion unit shall, subject to available funds, be responsible for providing interpreters when juveniles need interpreters to effectively communicate during diversion unit hearings or negotiations.

~~((8))~~ (9) The diversion unit shall be responsible for advising a divertee of his or her rights as provided in this chapter.

~~((9))~~ (10) The diversion unit may refer a juvenile to community-based counseling or treatment programs.

~~((10))~~ (11) The right to counsel shall inure prior to the initial interview for purposes of advising the juvenile as to whether he or she desires to participate in the diversion process or to appear in the juvenile court. The juvenile may be represented by counsel at any critical stage of the diversion process, including intake interviews and termination hearings. The juvenile shall be fully advised at the intake of his or her right to an attorney and of the relevant services an attorney can provide. For the purpose of this section, intake interviews mean all interviews regarding the diversion agreement process.

The juvenile shall be advised that a diversion agreement shall constitute a part of the juvenile's criminal history as defined by RCW 13.40.020(~~((9))~~) (7). A signed acknowledgment of such advisement shall be obtained from the juvenile, and the document shall be maintained by the diversionary unit together with the diversion agreement, and a copy of both documents shall be delivered to the prosecutor if requested by the prosecutor. The supreme court shall promulgate rules setting forth the content of such advisement in simple language.

~~((11))~~ (12) When a juvenile enters into a diversion agreement, the juvenile court may receive only the following information for dispositional purposes:

- (a) The fact that a charge or charges were made;
- (b) The fact that a diversion agreement was entered into;
- (c) The juvenile's obligations under such agreement;
- (d) Whether the alleged offender performed his or her obligations under such agreement; and
- (e) The facts of the alleged offense.

~~((12))~~ (13) A diversionary unit may refuse to enter into a diversion agreement with a juvenile. When a diversionary unit refuses to enter a diversion agreement with a juvenile, it shall immediately refer such juvenile to the court for action and shall forward to the court the criminal complaint and a detailed statement of its reasons for refusing to enter into a diversion agreement. The diversionary unit shall also immediately refer the case to the prosecuting attorney for action if such juvenile violates the terms of the diversion agreement.

~~((13))~~ (14) A diversionary unit may, in instances where it determines that the act or omission of an act for which a juvenile has been referred to it involved no victim, or where it determines that the juvenile referred to it has no prior criminal history and is alleged to have committed an illegal act involving no threat of or instance of actual physical harm and involving not more than fifty dollars in property loss or damage and that there is no loss outstanding to the person or firm suffering such damage or loss, counsel and release or release such a juvenile without entering into a diversion agreement. A diversion unit's authority to counsel and release a juvenile under this subsection shall include the authority to refer the juvenile to community-based counseling or treatment programs. Any juvenile released under this subsection shall be advised that the act or omission of any act for which he or she had been referred shall constitute a part of the juvenile's criminal history as defined by RCW 13.40.020(~~((9))~~) (7). A signed acknowledgment of such advisement shall be obtained from the juvenile, and the document shall be maintained by the unit, and a copy of the document shall be delivered to the prosecutor if requested by the prosecutor. The supreme court shall promulgate rules

setting forth the content of such advisement in simple language. A juvenile determined to be eligible by a diversionary unit for release as provided in this subsection shall retain the same right to counsel and right to have his or her case referred to the court for formal action as any other juvenile referred to the unit.

~~((14))~~ (15) A diversion unit may supervise the fulfillment of a diversion agreement entered into before the juvenile's eighteenth birthday and which includes a period extending beyond the diverttee's eighteenth birthday.

~~((15))~~ (16) If a fine required by a diversion agreement cannot reasonably be paid due to a change of circumstance, the diversion agreement may be modified at the request of the diverttee and with the concurrence of the diversion unit to convert an unpaid fine into community service. The modification of the diversion agreement shall be in writing and signed by the diverttee and the diversion unit. The number of hours of community service in lieu of a monetary penalty shall be converted at the rate of the prevailing state minimum wage per hour.

~~((16))~~ (17) Fines imposed under this section shall be collected and paid into the county general fund in accordance with procedures established by the juvenile court administrator under RCW 13.04.040 and may be used only for juvenile services. In the expenditure of funds for juvenile services, there shall be a maintenance of effort whereby counties exhaust existing resources before using amounts collected under this section.

NEW SECTION. **Sec. 4.** A new section is added to chapter 13.40 RCW to read as follows:

Youth courts provide a diversion for cases involving juvenile offenders, in which participants, under the supervision of an adult coordinator, may serve in various capacities within the program, acting in the role of jurors, lawyers, bailiffs, clerks, and judges. Youths who appear before youth courts are youths eligible for diversion pursuant to RCW 13.40.070 (6) and (7). Youth courts have no jurisdiction except as provided for in this act. Youth courts are diversion units and not courts established under Article IV of the state Constitution.

NEW SECTION. **Sec. 5.** A new section is added to chapter 13.40 RCW to read as follows:

(1) The office of the administrator for the courts shall encourage the juvenile courts to work with cities and counties to implement, expand, or use youth court programs for juveniles who commit diversion-eligible offenses, civil, or traffic infractions. Program operations of youth court programs may be funded by government and private grants. Youth court programs are limited to those that:

- (a) Are developed using the guidelines for creating and operating teen court programs developed by the American probation and parole association teen courts project;
- (b) Target offenders age eight through seventeen; and
- (c) Emphasize the following principles:
  - (i) Youth must be held accountable for their problem behavior;
  - (ii) Youth must be educated about the impact their actions have on themselves and others including their victims, their families, and their community;
  - (iii) Youth must develop skills to resolve problems with their peers more effectively; and
  - (iv) Youth should be provided a meaningful forum to practice and enhance newly developed skills.

(2) Youth court programs may be established by law enforcement entities, municipal courts, district courts, juvenile probation departments, private nonprofit organizations, and schools, under the supervision of juvenile court.

NEW SECTION. **Sec. 6.** A new section is added to chapter 13.40 RCW to read as follows:

- (1) Youth courts have authority over juveniles ages eight through seventeen who:
- (a) Along with their parent, guardian, or legal custodian, voluntarily and in writing request youth court involvement;
  - (b) Admit they have committed the offense they are referred for;
  - (c) Along with their parent, guardian, or legal custodian, waive any privilege against self-incrimination concerning the offense; and

(d) Along with their parent, guardian, or legal custodian, agree to comply with the youth court disposition of the case.

(2) Youth courts shall not exercise authority over youth who are under the continuing jurisdiction of the juvenile court for law violations, including a youth with a matter pending before the juvenile court but which has not yet been adjudicated.

(3) Youth courts may decline to accept a youth for youth court disposition for any reason and may terminate a youth from youth court participation at any time.

(4) A youth or his or her parent, guardian, or legal custodian may withdraw from the youth court process at any time.

(5) Youth courts shall give any victims of a juvenile the opportunity to be notified, present, and heard in any youth court proceeding.

**NEW SECTION. Sec. 7.** A new section is added to chapter 13.40 RCW to read as follows:  
Youth court may not notify the juvenile court of satisfaction of conditions until all ordered restitution has been paid.

**NEW SECTION. Sec. 8.** A new section is added to chapter 13.40 RCW to read as follows:  
Every youth appearing before a youth court shall be accompanied by his or her parent, guardian, or legal custodian.

**NEW SECTION. Sec. 9.** A new section is added to chapter 13.40 RCW to read as follows:  
(1) Youth court dispositional options include those delineated in RCW 13.40.080, and may also include:

(a) Participating in law-related education classes, appropriate counseling, treatment, or other education programs;

(b) Providing periodic reports to the youth court;

(c) Participating in mentoring programs;

(d) Serving as a participant in future youth court proceedings;

(e) Writing apology letters; or

(f) Writing essays.

(2) Youth courts shall not impose a term of confinement or detention. Youth courts may require that the youth pay reasonable fees to participate in youth court and in classes, counseling, treatment, or other educational programs that are the disposition of the youth court.

(3) A youth court disposition shall be completed within one hundred eighty days from the date of referral.

(4) Pursuant to RCW 13.40.080(1), a youth court disposition shall be reduced to writing and signed by the youth and his or her parent, guardian, or legal custodian accepting the disposition terms.

(5) Youth court shall notify the juvenile court upon successful or unsuccessful completion of the disposition.

(6) Youth court shall notify the prosecutor or probation counselor of a failure to successfully complete the youth court disposition.

**NEW SECTION. Sec. 10.** A new section is added to chapter 13.40 RCW to read as follows:  
A youth court may require that a youth pay a nonrefundable fee, not exceeding thirty dollars, to cover the costs of administering the program. The fee may be reduced or waived for a participant. Fees shall be paid to and accounted for by the youth court.

**NEW SECTION. Sec. 11.** A new section is added to chapter 28A.320 RCW to read as follows:

Local school boards may provide for school credit for participation as a member of a youth court as defined in RCW 13.40.020.

**Sec. 12.** RCW 13.40.250 and 1997 c 338 s 36 are each amended to read as follows:

A traffic or civil infraction case involving a juvenile under the age of sixteen may be diverted in accordance with the provisions of this chapter or filed in juvenile court.

(1) If a notice of a traffic or civil infraction is filed in juvenile court, the juvenile named in the notice shall be afforded the same due process afforded to adult defendants in traffic infraction cases.

(2) A monetary penalty imposed upon a juvenile under the age of sixteen who is found to have committed a traffic or civil infraction may not exceed one hundred dollars. At the juvenile's request, the court may order performance of a number of hours of community service in lieu of a monetary penalty, at the rate of the prevailing state minimum wage per hour.

(3) A diversion agreement entered into by a juvenile referred pursuant to this section shall be limited to thirty hours of community service, or educational or informational sessions.

(4) Traffic or civil infractions referred to a youth court pursuant to this section are subject to the conditions imposed by section 9 of this act.

(5) If a case involving the commission of a traffic or civil infraction or offense by a juvenile under the age of sixteen has been referred to a diversion unit, an abstract of the action taken by the diversion unit may be forwarded to the department of licensing in the manner provided for in RCW 46.20.270(2).

**Sec. 13.** RCW 46.63.040 and 1984 c 258 s 137 are each amended to read as follows:

(1) All violations of state law, local law, ordinance, regulation, or resolution designated as traffic infractions in RCW 46.63.020 may be heard and determined by a district court, except as otherwise provided in this section.

(2) Any municipal court has the authority to hear and determine traffic infractions pursuant to this chapter.

(3) Any city or town with a municipal court may contract with the county to have traffic infractions committed within the city or town adjudicated by a district court.

(4) District court commissioners have the authority to hear and determine traffic infractions pursuant to this chapter.

(5) Any district or municipal court may, with the consent of the juvenile court, refer juveniles age sixteen or seventeen to a youth court, as defined in RCW 13.40.020, for traffic infractions.

(6) The boards of regents of the state universities, and the boards of trustees of the regional universities and of The Evergreen State College have the authority to hear and determine traffic infractions under RCW 28B.10.560."

On page 1, line 1 of the title, after "disposition;" strike the remainder of the title and insert "amending RCW 13.40.127, 13.40.020, 13.40.080, 13.40.250, and 46.63.040; adding new sections to chapter 13.40 RCW; and adding a new section to chapter 28A.320 RCW."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House refused to concur in the Senate Amendment(s) to Engrossed House Bill No. 1749 and asked the Senate to recede therefrom.

### SENATE AMENDMENTS TO HOUSE BILL

April 14, 1999

Mr. Speaker:

The Senate has passed Substitute House Bill No. 1774 with the following amendment(s)

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 46.20.391 and 1998 c 209 s 4 and 1998 c 207 s 9 are each reenacted and amended to read as follows:

(1) Any person licensed under this chapter who is convicted of an offense relating to motor vehicles for which suspension or revocation of the driver's license is mandatory, other than vehicular homicide or vehicular assault, or who has had his or her license suspended under RCW 46.20.3101 (2)(a) or (3)(a), may submit to the department an application for an occupational driver's license. The department, upon receipt of the prescribed fee and upon determining that the petitioner is engaged in an occupation or trade that makes it essential that the petitioner operate a motor vehicle, may issue an occupational driver's license and may set definite restrictions as provided in RCW 46.20.394. No person may petition for, and the department shall not issue, an occupational driver's license that is effective during the first thirty days of any suspension or revocation imposed for a violation of RCW 46.61.502 or 46.61.504 or pursuant to RCW 46.20.3101 (2)(a) or (3)(a). A person aggrieved by the decision of the department on the application for an occupational driver's license may request a hearing as provided by rule of the department.

(2)(a) A person licensed under this chapter whose driver's license is suspended administratively due to failure to appear or pay a traffic ticket under RCW 46.20.289; a violation of the financial responsibility laws under chapter 46.29 RCW; or for multiple violations within a specified period of time under RCW 46.20.291, may apply to the department for an occupational driver's license if the applicant demonstrates to the satisfaction of the department that one of the following additional conditions are met:

(i) The applicant is in an apprenticeship program or an on-the-job training program for which a driver's license is required;

(ii) The applicant presents evidence that he or she has applied for a position in an apprenticeship or on-the-job training program and the program has certified that a driver's license is required to begin the program, provided that a license granted under this provision shall be in effect no longer than fourteen days;

(iii) The applicant is in a program that assists persons who are enrolled in a WorkFirst program pursuant to chapter 74.08A RCW to become gainfully employed and the program requires a driver's license; or

(iv) The applicant is undergoing substance abuse treatment or is participating in meetings of a twelve-step group such as alcoholics anonymous.

(b) If the suspension is for failure to respond, pay, or comply with a notice of traffic infraction or conviction, the applicant must enter into a payment plan with the court.

(c) An occupational driver's license issued to an applicant described in (a) of this subsection shall be valid for the period of the suspension or revocation but not more than two years.

(d) Upon receipt of evidence that a holder of an occupational driver's license granted under this subsection is no longer enrolled in an apprenticeship or on-the-job training program, the director shall give written notice by first class mail to the driver that the occupational driver's license shall be canceled. The effective date of cancellation shall be fifteen days from the date of mailing the notice. If at any time before the cancellation goes into effect the driver submits evidence of continued enrollment in the program, the cancellation shall be stayed. If the cancellation becomes effective, the driver may obtain, at no additional charge, a new occupational driver's license upon submittal of evidence of enrollment in another program that meets the criteria set forth in this subsection.

(3) An applicant for an occupational driver's license is eligible to receive such license only if:

(a) Within one year immediately preceding the date of the offense that gave rise to the present conviction, the applicant has not committed any offense relating to motor vehicles for which suspension or revocation of a driver's license is mandatory; and

(b) Within seven years immediately preceding the date of the offense that gave rise to the present conviction or incident, the applicant has not committed any of the following offenses: (i) Driving or being in actual physical control of a motor vehicle while under the influence of intoxicating liquor; (ii) vehicular homicide under RCW 46.61.520; or (iii) vehicular assault under RCW 46.61.522; and

(c) The applicant is engaged in an occupation or trade that makes it essential that he or she operate a motor vehicle, except as allowed under subsection (2)(a) of this section; and

(d) The applicant files satisfactory proof of financial responsibility pursuant to chapter 46.29 RCW.

~~((3))~~ (4) The director shall cancel an occupational driver's license upon receipt of notice that the holder thereof has been convicted of operating a motor vehicle in violation of its restrictions, or of an offense that pursuant to chapter 46.20 RCW would warrant suspension or revocation of a regular driver's license. The cancellation is effective as of the date of the conviction, and continues with the same force and effect as any suspension or revocation under this title.

**Sec. 2.** RCW 46.20.394 and 1983 c 165 s 26 are each amended to read as follows:

In issuing an occupational driver's license under RCW 46.20.391, the department shall describe the type of occupation permitted and shall set forth in detail the specific hours of the day during which the person may drive to and from his place of work, which may not exceed twelve hours in any one day; the days of the week during which the license may be used; and the general routes over which the person may travel. In issuing an occupational driver's license under RCW 46.20.391(2)(a)(iii), the department shall set forth in detail the specific hours during which the person may drive to and from substance abuse treatment or meetings of a twelve-step group such as alcoholics anonymous, the days of the week during which the license may be used, and the general routes over which the person may travel. These restrictions shall be prepared in written form by the department, which document shall be carried in the vehicle at all times and presented to a law enforcement officer under the same terms as the occupational driver's license. Any violation of the restrictions constitutes a violation of RCW 46.20.342 and subjects the person to all procedures and penalties therefor.

NEW SECTION. **Sec. 3.** This act takes effect January 1, 2000."

On page 1, line 1 of the title, after "licenses;" strike the remainder of the title and insert "amending RCW 46.20.394; reenacting and amending RCW 46.20.391; and providing an effective date."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House refused to concur in the Senate Amendment(s) to Substitute House Bill No. 1774 and asked the Senate to recede therefrom.

### SENATE AMENDMENTS TO HOUSE BILL

April 23, 1999

Mr. Speaker:

The Senate receded from the Committee on Ways and Means amendment to HOUSE BILL NO. 1833 adopted on April 13, 1999. Under suspension of rules, the Senate returned the bill to Second Reading for purpose of amendment(s). The Senate adopted Amendment # 474 by Senator Bauer, and passed the bill as amended,

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 28A.335.170 and 1990 c 33 s 360 are each amended to read as follows:

The board of directors of any school district may enter into contracts for their respective districts ~~((for periods not exceeding five years in duration))~~ with public and private persons, organizations, and entities for the following purposes:

(1) To rent or lease building space~~((,))~~ and portable buildings~~((, security systems, computers and other equipment))~~ for periods not exceeding ten years in duration;



(2) To rent security systems, computers, and other equipment or to have maintained and repaired security systems, computers, and other equipment for periods not exceeding five years in duration; and

(3) To provide pupil transportation services for periods not exceeding five years in duration.

No school district may enter into a contract for pupil transportation unless it has notified the superintendent of public instruction that, in the best judgment of the district, the cost of contracting will not exceed the projected cost of operating its own pupil transportation.

The budget of each school district shall identify that portion of each contractual liability incurred pursuant to this section extending beyond the fiscal year by amount, duration, and nature of the contracted service and/or item in accordance with rules and regulations of the superintendent of public instruction adopted pursuant to RCW 28A.505.140 and 28A.310.330.

The provisions of this section shall not have any effect on the length of contracts for school district employees specified by RCW 28A.400.300 and 28A.405.210.

**NEW SECTION.** **Sec. 2.** A new section is added to chapter 28A.525 RCW to read as follows:

The board of directors of any school district may use the proceeds of voter-approved bonds, voter-approved levies, state allocations for financial assistance, or other funds available to the district for: (1) Payment of an installment purchase contract for school plant facilities; or (2) payments under any financing lease the term of which is ten years or longer and that contains an option by the school district to purchase the leased property for nominal consideration. The authority granted by this section for the use of moneys from such sources is in addition to, and not in limitation of, any other authority provided by law, and the proceeds of voter-approved bonds or tax levies may be used for such payments to the full extent allowed by Article VII, section 2 of the state Constitution.

**Sec. 3.** RCW 28A.530.010 and 1991 c 114 s 3 are each amended to read as follows:

The board of directors of any school district may borrow money and issue negotiable bonds therefor for the purpose of:

(1) Funding outstanding indebtedness or bonds theretofore issued; or

(2) For the purchase of sites for all buildings, playgrounds, physical education and athletic facilities and structures authorized by law or necessary or proper to carry out the functions of a school district; or

(3) For erecting all buildings authorized by law, including but not limited to those mentioned in subsection (2) of this section immediately above or necessary or proper to carry out the functions of a school district, and providing the necessary furniture, apparatus, or equipment therefor; or

(4) For improving the energy efficiency of school district buildings and/or installing systems and components to utilize renewable and/or inexhaustible energy resources; or

(5) For major and minor structural changes and structural additions to buildings, structures, facilities and sites necessary or proper to carrying out the functions of the school district; or

(6) For payment of (a) an installment purchase contract for school plant facilities or (b) a financing lease the term of which is ten years or longer and that contains an option by the school district to purchase the leased property for nominal consideration, but only to the extent such payment constitutes a capital expenditure; or

(7) For any or all of these and other capital purposes.

Neither the amount of money borrowed nor bonds issued therefor shall exceed the limitation of indebtedness prescribed by chapter 39.36 RCW, as now or hereafter amended.

Except for bonds issued under RCW 28A.530.080, bonds may be issued only when authorized by the vote of the qualified electors of the district as provided by law.

The bonds shall be issued and sold in accordance with chapter 39.46 RCW."

On page 1, line 1 of the title, after "schools;" strike the remainder of the title and insert "amending RCW 28A.335.170 and 28A.530.010; and adding a new section to chapter 28A.525 RCW."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to House Bill No. 1833 and advanced the bill as amended by the Senate to final passage.

### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE**

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of House Bill No. 1833 as amended by the Senate.

Representatives Thomas and Dunshee spoke in favor of passage of the bill as amended by the Senate.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1833, as amended by the Senate and the bill passed the House by the following vote: Yeas - 95, Nays - 1, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. G. Chandler Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. K. Schmidt Schmidt, Schoesler, Schual-Berke, Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Voting nay: Representative Hankins - 1.

Excused: Representatives Quall and Scott - 2.

House Bill No. 1833, as amended by the Senate, having received the constitutional majority, was declared passed.

There being no objection, the House deferred action on Engrossed Second Substitute House Bill No. 1893, and the bill held its place on the concurrence calendar.

### **SENATE AMENDMENTS TO HOUSE BILL**

April 23, 1999

Mr. Speaker:

The Senate has passed Substitute House Bill No. 2005 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 42.40.020 and 1995 c 403 s 509 are each amended to read as follows:

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

(1) "Auditor" means the office of the state auditor.

(2) "Employee" means any individual employed or holding office in any department or agency of state government.

(3) "Good faith" means a reasonable basis in fact for the communication. "Good faith" is lacking when the employee knows or reasonably ought to know that the report is malicious, false, or frivolous.

(4) "Gross waste of funds" means to spend or use funds or to allow funds to be used without valuable result in a manner grossly deviating from the standard of care or competence that a reasonable person would observe in the same situation.

(5)(a) "Improper governmental action" means any action by an employee(~~(=~~  
~~(i) Which is~~) undertaken in the performance of the employee's official duties(~~(, whether or not~~  
~~the action is within the scope of the employee's employment; and~~);

~~((ii))~~ (i) Which is (~~in violation of any state law or rule, is an abuse of authority,~~) gross waste of public funds or resources as defined in this section;

(ii) Which is in violation of federal or state law or rule, if the violation is not merely technical or of a minimum nature; or

(iii) Which is of substantial and specific danger to the public health or safety(~~(, or is a gross waste of public funds)~~).

(b) "Improper governmental action" does not include personnel actions, for which other remedies exist, including but not limited to employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, reemployments, performance evaluations, reductions in pay, dismissals, suspensions, demotions, violations of the state civil service law, alleged labor agreement violations, reprimands, claims of discriminatory treatment, or any action which may be taken under chapter 41.06 RCW, or other disciplinary action except as provided in RCW 42.40.030.

~~((4))~~ (6) "Substantial and specific danger" means a risk of serious injury, illness, peril, or loss, to which the exposure of the public is a gross deviation from the standard of care or competence which a reasonable person would observe in the same situation.

(7) "Use of official authority or influence" includes taking, directing others to take, recommending, processing, or approving any personnel action such as an appointment, promotion, transfer, assignment, reassignment, reinstatement, restoration, reemployment, performance evaluation, or any adverse action under chapter 41.06 RCW, or other disciplinary action.

~~((5))~~ (8) "Whistleblower" means an employee who in good faith reports alleged improper governmental action to the auditor, initiating an investigation under RCW 42.40.040. For purposes of the provisions of this chapter and chapter 49.60 RCW relating to reprisals and retaliatory action, the term "whistleblower" also means: (a) An employee who in good faith provides information to the auditor in connection with an investigation under RCW 42.40.040 and an employee who is believed to have reported (~~alleged~~) asserted improper governmental action to the auditor or to have provided information to the auditor in connection with an investigation under RCW 42.40.040 but who, in fact, has not reported such action or provided such information; or (b) an employee who in good faith identifies rules warranting review or provides information to the rules review committee, and an employee who is believed to have identified rules warranting review or provided information to the rules review committee but who, in fact, has not done so.

NEW SECTION. Sec. 2. An employee must make a reasonable attempt to ascertain the correctness of the information furnished and may be subject to disciplinary actions, including, but not limited to, suspension or termination, for knowingly furnishing false information as determined by the employee's appointing authority.

**Sec. 3.** RCW 42.40.040 and 1992 c 118 s 2 are each amended to read as follows:

(1)(a) In order to be investigated, an assertion of improper governmental action must be provided to the auditor within one year after the occurrence of the asserted improper governmental action.

(b) The auditor has the authority to determine whether to investigate any assertions received. In determining whether to conduct either a preliminary or further investigation, the auditor shall consider factors including, but not limited to: The nature and quality of evidence and the existence of relevant laws and rules; whether the action was isolated or systematic; the history of previous

assertions regarding the same subject or subjects or subject matter; whether other avenues are available for addressing the matter; whether the matter has already been investigated or is in litigation; the seriousness or significance of the asserted improper governmental action; and the cost and benefit of the investigation. The auditor has the sole discretion to determine the priority and weight given to these and other relevant factors and to decide whether a matter is to be investigated. The auditor shall document the factors considered and the analysis applied.

(c) The auditor also has the authority to investigate assertions of improper governmental actions as part of an audit conducted under chapter 43.09 RCW. The auditor shall document the reasons for handling the matter as part of such an audit.

(2) Subject to subsection (5)(c) of this section, the identity of a whistleblower is confidential at all times unless the whistleblower consents to disclosure by written waiver or by acknowledging his or her identity in a claim against the state for retaliation.

(3) Upon receiving specific information that an employee has engaged in improper governmental action, the auditor shall, within five working days of receipt of the information, mail written acknowledgement to the whistleblower at the address provided stating whether a preliminary investigation will be conducted. For a period not to exceed thirty working days from receipt of the assertion, the auditor shall conduct such preliminary investigation of the matter as the auditor deems appropriate. ~~(In conducting the investigation, the identity of the whistleblower shall be kept confidential.~~

~~((2))~~ (4) In addition to the authority under subsection ~~((4))~~ (3) of this section, the auditor may, on its own initiative, investigate incidents of improper state governmental action.

~~((3))~~ (5)(a) If it appears to the auditor, upon completion of the preliminary investigation, that the matter is so unsubstantiated that no further investigation, prosecution, or administrative action is warranted, the auditor shall so notify the whistleblower.

(b) The written notification shall ~~((be by memorandum containing))~~ contain a summary of the information received~~((, a summary))~~ and of the results of the preliminary investigation with regard to each ~~((allegation))~~ assertion of improper governmental action~~((, and any determination made by the auditor under (c) of this subsection))~~.

(c) In any case to which this section applies, the identity of the whistleblower shall be kept confidential unless the auditor determines that the information has been provided other than in good faith.

~~(d) ((If it appears to the auditor that the matter does not meet the definition of an "improper governmental action" under RCW 42.40.020(3), or is other than a gross waste of public funds, the auditor may forward a summary of the allegations to the appropriate agency for investigation and require a response by memorandum no later than thirty days after the allegations are received from the auditor. The response shall contain a summary of the investigation with regard to each allegation and any determination of corrective action taken. The auditor will keep the identity of the whistleblower confidential. Upon receipt of the results of the investigation from the appropriate agency, the auditor will notify the whistleblower as prescribed under (a), (b), and (c) of this subsection)) With the agency's consent, the auditor may forward the assertions to an appropriate agency to investigate and report back to the auditor no later than sixty working days after the assertions are received from the auditor. The auditor is entitled to all investigative records resulting from such a referral. All procedural and confidentiality provisions of this chapter apply to investigations conducted under this subsection. The auditor shall document the reasons the assertions were referred.~~

~~((4))~~ (6) During the preliminary investigation, the auditor shall provide written notification of the nature of the assertions to the subject or subjects of the investigation and the agency head. The notification shall include the relevant facts and laws known at the time and the procedure for the subject or subjects of the investigation and the agency head to respond to the assertions and information obtained during the investigation. This notification does not limit the auditor from considering additional facts or laws which become known during further investigation.

(7)(a) If it appears to the auditor after completion of the preliminary investigation that further investigation, prosecution, or administrative action is warranted, the auditor shall so notify the whistleblower, the subject or subjects of the investigation, and the agency head and either conduct a further investigation~~((s))~~ or issue a report under subsection ~~((6))~~ (10) of this section.

(b) If the preliminary investigation resulted from an anonymous assertion, a decision to conduct further investigation shall be subject to review by a three-person panel convened as necessary by the auditor prior to the commencement of any additional investigation. The panel shall include a state auditor representative knowledgeable of the subject agency operations, a citizen volunteer, and a representative of the attorney general's office. This group shall be briefed on the preliminary investigation and shall recommend whether the auditor should proceed with further investigation.

(c) If further investigation is to occur, the auditor shall provide written notification of the nature of the assertions to the subject or subjects of the investigation and the agency head. The notification shall include the relevant facts known at the time and the procedure to be used by the subject or subjects of the investigation and the agency head to respond to the assertions and information obtained during the investigation.

(8) Within sixty working days after the ~~((thirty-day))~~ preliminary investigation period in subsection ~~((4))~~ (3) of this section, the auditor shall complete the investigation and report its findings to the whistleblower unless written justification for the delay is furnished to the whistleblower, agency head, and subject or subjects of the investigation. In all such cases, the report of the auditor's investigation and findings shall be sent to the whistleblower within one year after the information was filed under subsection ~~((4))~~ (3) of this section.

~~((5))~~ (9)(a) At any stage of an investigation under this section the auditor may require by subpoena the attendance and testimony of witnesses and the production of documentary or other evidence relating to the investigation at any designated place in the state. The auditor may issue subpoenas, administer oaths, examine witnesses, and receive evidence. In the case of contumacy or failure to obey a subpoena, the superior court for the county in which the person to whom the subpoena is addressed resides or is served may issue an order requiring the person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt thereof.

(b) The auditor may order the taking of depositions at any stage of a proceeding or investigation under this chapter. Depositions shall be taken before an individual designated by the auditor and having the power to administer oaths. Testimony shall be reduced to writing by or under the direction of the individual taking the deposition and shall be subscribed by the deponent.

~~((6))~~ (c) Agencies shall cooperate fully in the investigation and shall take appropriate action to preclude the destruction of any evidence during the course of the investigation.

(d) During the investigation the auditor shall interview each subject of the investigation. If it is determined there is reasonable cause to believe improper governmental action has occurred, the subject or subjects and the agency head shall be given fifteen working days to respond to the assertions prior to the issuance of the final report.

(10)(a) If the auditor determines ~~((that))~~ there is reasonable cause to believe ~~((that))~~ an employee has engaged in ~~((any))~~ improper ~~((activity))~~ governmental action, the auditor shall report the nature and details of the activity to:

(i) The ~~((employee))~~ subject or subjects of the investigation and the head of the employing agency; and

(ii) If appropriate, the attorney general or such other authority as the auditor determines appropriate.

(b) The auditor has no enforcement power except that in any case in which the auditor submits ~~((a))~~ an investigative report ~~((of alleged improper activity))~~ containing reasonable cause determinations to the ~~((head of an))~~ agency, the ~~((attorney general, or any other individual to which a report has been made under this section, the individual shall report to the auditor with respect to any action taken by the individual regarding the activity, the first report being transmitted no later than thirty days after the date of the auditor's report and monthly thereafter until final action is taken))~~ agency shall send its plan for resolution to the auditor within fifteen working days of having received the report. The agency is encouraged to consult with the subject or subjects of the investigation in establishing the resolution plan. The auditor may require periodic reports of agency action until all resolution has occurred. If the auditor determines that appropriate action ~~((is))~~ has not ~~((being))~~ been taken ~~((within a reasonable time))~~, the auditor shall report the determination to the governor and to the legislature and may include this determination in the agency audit under chapter 43.09 RCW.

~~((7))~~ (11) Once the auditor concludes that appropriate action has been taken to resolve the matter, the auditor shall so notify the whistleblower, the agency head, and the subject or subjects of the investigation. If the resolution takes more than one year, the auditor shall provide annual notification of its status to the whistleblower, agency head, and subject or subjects of the investigation.

(12) This section does not limit any authority conferred upon the attorney general or any other agency of government to investigate any matter.

NEW SECTION. Sec. 4. The auditor has the authority to contract for any assistance necessary to carry out the provisions of this chapter.

NEW SECTION. Sec. 5. The cost of administering this chapter is funded through the auditing services revolving account created in RCW 43.09.410.

NEW SECTION. Sec. 6. A whistleblower wishing to provide information under this chapter regarding asserted improper governmental action against the state auditor or an employee of that office shall provide the information to the attorney general who shall act in place of the auditor in investigating and reporting the matter.

NEW SECTION. Sec. 7. Chapter . . . , Laws of 1999 (this act) does not affect the jurisdiction of the legislative ethics board, the executive ethics board, or the commission on judicial conduct, as set forth in chapter 42.52 RCW. The senate, the house of representatives, and the supreme court shall adopt policies regarding the applicability of chapter 42.40 RCW to the senate, house of representatives, and judicial branch.

NEW SECTION. Sec. 8. The office of financial management shall contract for a performance audit of the state employee whistleblower program on a cycle to be determined by the office of financial management. The audit shall be done in accordance with generally accepted government auditing standards beginning with the fiscal year ending June 30, 2001. The audit shall determine at a minimum: Whether the program is acquiring, protecting, and using its resources such as personnel, property, and space economically and efficiently; the causes of inefficiencies or uneconomical practices; and whether the program has complied with laws and rules on matters of economy and efficiency. The audit shall also at a minimum determine the extent to which the desired results or benefits established by the legislature are being achieved, the effectiveness of the program, and whether the auditor has complied with significant laws and rules applicable to the program.

The cost of the audit is a cost of operating the program and shall be funded by the auditing services revolving account created by RCW 43.09.410.

**Sec. 9.** RCW 43.09.410 and 1995 c 301 s 25 are each amended to read as follows:

An auditing services revolving account is hereby created in the state treasury for the purpose of a centralized funding, accounting, and distribution of the actual costs of the audits provided to state agencies by the state auditor and audits of the state employee whistleblower program under section 8 of this act.

NEW SECTION. Sec. 10. Sections 2 and 4 through 8 of this act are each added to chapter 42.40 RCW."

On page 1, line 1 of the title, after "whistleblowers;" strike the remainder of the title and insert "amending RCW 42.40.020, 42.40.040, and 43.09.410; and adding new sections to chapter 42.40 RCW."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Substitute House Bill No. 2005 and advanced the bill as amended by the Senate to final passage.

### FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Substitute House Bill No. 2005 as amended by the Senate.

Representatives Wolfe and D. Sommers spoke in favor of passage of the bill as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2005, as amended by the Senate and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. G. Chandler Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. K. Schmidt Schmidt, Schoesler, Schual-Berke, Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Quall and Scott - 2.

Substitute House Bill No. 2005, as amended by the Senate, having received the constitutional majority, was declared passed.

There being no objection, the House deferred action on Engrossed Substitute House Bill No. 2079, and the bill held its place on the concurrence calendar.

### SENATE AMENDMENTS TO HOUSE BILL

April 23, 1999

Mr. Speaker:

The Senate has passed House Bill No. 2259 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.20.120 and 1999 c 6 s 19 are each amended to read as follows:

An applicant for a new or renewed driver's license must successfully pass a driver licensing examination to qualify for a driver's license. The department shall give examinations at places and times reasonably available to the people of this state.

(1) **Waiver.** The department may waive:

(a) All or any part of the examination of any person applying for the renewal of a driver's license unless the department determines that the applicant is not qualified to hold a driver's license under this title; or

(b) The actual demonstration of the ability to operate a motor vehicle if the applicant:

(i) Surrenders a valid driver's license issued by the person's previous home state; and

(ii) Is otherwise qualified to be licensed.

- (2) **Fee.** Each applicant for a new license must pay an examination fee of seven dollars.
- (a) The examination fee is in addition to the fee charged for issuance of the license.
- (b) "New license" means a license issued to a driver:
- (i) Who has not been previously licensed in this state; or
- (ii) Whose last previous Washington license has been expired for more than ~~((four))~~ five years.

**Sec. 2.** RCW 46.20.161 and 1999 c 6 s 22 are each amended to read as follows:

The department, upon receipt of a fee of ~~((fourteen))~~ twenty-five dollars, unless the driver's license is issued for a period other than five years, in which case the fee shall be five dollars for each year that the license is issued, which includes the fee for the required photograph, shall issue to every qualifying applicant a driver's license. The license must include a distinguishing number assigned to the licensee, the name of record, date of birth, Washington residence address, photograph, a brief description of the licensee, and either a facsimile of the signature of the licensee or a space upon which the licensee shall write his or her usual signature with pen and ink immediately upon receipt of the license. No license is valid until it has been so signed by the licensee.

**Sec. 3.** RCW 46.20.181 and 1999 c 6 s 23 are each amended to read as follows:

(1) Except as provided in subsection (4) of this section, every driver's license expires on the ~~((fourth))~~ fifth anniversary of the licensee's birthdate following the issuance of the license.

(2) A person may renew his or her license on or before the expiration date by submitting an application as prescribed by the department and paying a fee of ~~((fourteen))~~ twenty-five dollars. This fee includes the fee for the required photograph.

(3) A person renewing his or her driver's license more than sixty days after the license has expired shall pay a penalty fee of ten dollars in addition to the renewal fee, unless his or her license expired when:

(a) The person was outside the state and he or she renews the license within sixty days after returning to this state; or

(b) The person was incapacitated and he or she renews the license within sixty days after the termination of the incapacity.

(4) During the period from July 1, 2000, to July 1, 2006, the department may issue or renew a driver's license for a period other than five years, or may extend by mail a license that has already been issued, in order to evenly distribute, as nearly as possible, the yearly renewal rate of licensed drivers. The fee for a driver's license issued or renewed for a period other than five years, or that has been extended by mail, is five dollars for each year that the license is issued, renewed, or extended. The department may adopt any rules as are necessary to carry out this subsection.

**Sec. 4.** RCW 46.20.470 and 1989 c 178 s 21 are each amended to read as follows:

There shall be an additional fee for issuing any class of commercial driver's license in addition to the prescribed fee required for the issuance of the original driver's license. The additional fee for each class shall not exceed ~~((twelve))~~ twenty dollars for the original commercial driver's license or subsequent renewals, unless the commercial driver's license is renewed or extended for a period other than five years, in which case the fee for each class shall not exceed four dollars for each year that the commercial driver's license is renewed or extended. The fee shall be deposited in the highway safety fund.

**Sec. 5.** RCW 46.20.505 and 1993 c 115 s 1 are each amended to read as follows:

Every person applying for a special endorsement or a new category of endorsement of a driver's license authorizing such person to drive a motorcycle or a motor-driven cycle shall pay an examination fee of two dollars which is not refundable. In addition, the endorsement fee for the initial or new category motorcycle endorsement shall ~~((be six))~~ not exceed ten dollars, and the subsequent renewal endorsement fee shall ~~((be fourteen))~~ not exceed twenty-five dollars, unless the endorsement is renewed or extended for a period other than five years, in which case the subsequent renewal endorsement fee shall not exceed five dollars for each year that the endorsement is renewed or



extended. The initial or new category and renewal endorsement fees shall be deposited in the motorcycle safety education account of the highway safety fund.

NEW SECTION. **Sec. 6.** Sections 1 through 5 of this act take effect July 1, 2000."

In line 1 of the title, after "licenses;" strike the remainder of the title and insert "amending RCW 46.20.120, 46.20.161, 46.20.181, 46.20.470, and 46.20.505; and providing an effective date."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to House Bill No. 2259 and advanced the bill as amended by the Senate to final passage.

### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE**

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of House Bill No. 2259 as amended by the Senate.

Representative Fisher spoke in favor of passage of the bill as amended by the Senate.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2259, as amended by the Senate and the bill passed the House by the following vote: Yeas - 91, Nays - 5, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, B. G. Chandler Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, D. K. Schmidt Schmidt, Schoesler, Schual-Berke, Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 91.

Voting nay: Representatives Benson, Carrell, Crouse, McDonald and Schindler - 5.

Excused: Representatives Quall and Scott - 2.

House Bill No. 2259, as amended by the Senate, having received the constitutional majority, was declared passed.

### **SENATE AMENDMENTS TO HOUSE BILL**

April 23, 1999

Mr. Speaker:

The Senate has passed Engrossed Substitute House Bill No. 2260 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that while Washington's economy is currently prospering, economic growth continues to be uneven, particularly as between metropolitan and rural areas. This has created in effect two Washingtons: One afflicted by inadequate infrastructure to support and attract investment, another suffering from congestion and soaring housing prices. In order to address these problems, the legislature intends to use resources strategically to build on our state's strengths while addressing threats to our prosperity.

## **PART I LOCAL OPTION SALES AND USE TAX**

**Sec. 101.** RCW 82.14.370 and 1998 c 55 s 6 are each amended to read as follows:

(1) The legislative authority of a ~~((distressed))~~ rural county may impose a sales and use tax in accordance with the terms of this chapter. The tax is in addition to other taxes authorized by law and shall be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the county. The rate of tax shall not exceed ~~((0.04))~~ 0.08 percent of the selling price in the case of a sales tax or value of the article used in the case of a use tax, except that for rural counties with population densities between sixty and one hundred persons per square mile, the rate shall not exceed 0.04 percent before January 1, 2000.

(2) The tax imposed under subsection (1) of this section shall be deducted from the amount of tax otherwise required to be collected or paid over to the department of revenue under chapter 82.08 or 82.12 RCW. The department of revenue shall perform the collection of such taxes on behalf of the county at no cost to the county.

(3) Moneys collected under this section shall only be used for the purpose of financing public facilities in rural counties. The public facility must be listed as an item in the officially adopted county overall economic development plan, or the economic development section of the county's comprehensive plan, or the comprehensive plan of a city or town located within the county for those counties planning under RCW 36.70A.040. For those counties that do not have an adopted overall economic development plan and do not plan under the growth management act, the public facility must be listed in the county's capital facilities plan or the capital facilities plan of a city or town located within the county. In implementing this section, the county shall consult with cities, towns, and port districts located within the county. For the purposes of this section, "public facilities" means bridges, roads, domestic and industrial water facilities, sanitary sewer facilities, earth stabilization, storm sewer facilities, railroad, electricity, natural gas, buildings, structures, telecommunications infrastructure, transportation infrastructure, or commercial infrastructure, and port facilities in the state of Washington.

(4) No tax may be collected under this section before July 1, 1998. No tax may be collected under this section by a county more than twenty-five years after the date that a tax is first imposed under this section.

(5) For purposes of this section, "~~((distressed))~~ rural county" means a county ~~((in which the average level of unemployment for the three years before the year in which a tax is first imposed under this section exceeds the average state unemployment for those years by twenty percent))~~ with a population density of less than one hundred persons per square mile as determined by the office of financial management and published each year by the department for the period July 1st to June 30th.

## **PART II DISTRESSED COUNTY ASSISTANCE ACCOUNT**

**Sec. 201.** RCW 82.14.380 and 1998 c 321 s 10 (Referendum Bill No. 49) are each amended to read as follows:

(1) The distressed county assistance account is created in the state treasury. Into this account shall be placed a portion of all motor vehicle excise tax receipts as provided in RCW 82.44.110. At such times as distributions are made under RCW 82.44.150, the state treasurer shall distribute the funds in the distressed county assistance account to each county imposing the sales and use tax

authorized under RCW 82.14.370 as of January 1, 1999, in the same proportions as distributions of the tax imposed under RCW 82.14.370 for these counties for the previous quarter.

(2) Funds distributed from the distressed county assistance account shall be expended by the counties for criminal justice and other purposes.

**PART III**  
**TECHNOLOGY-BASED BUSINESSES**  
**Software**

NEW SECTION. Sec. 301. It is the intent of the legislature to attract and retain technology-based businesses in rural counties. Section 302 of this act provides a tax incentive to those businesses that develop or manufacture software and hardware in rural counties. Section 303 of this act provides a tax incentive to those businesses that are engaged in the business of providing technical support services from rural counties. Encouragement of these types of business will stimulate the information technology industry and be of benefit to the state economy in general. To further the impact and benefit of this program, this incentive is limited to those counties of the state that are characterized by unemployment or low income. The legislature finds that providing this targeted incentive will both increase its effectiveness and create a high technology work force in rural counties.

NEW SECTION. Sec. 302. A new section is added to chapter 82.04 RCW to read as follows:

(1) Subject to the limits and provisions of this section, a credit is authorized against the tax otherwise due under this chapter for persons engaged in a rural county in the business of manufacturing software or programming, as those terms are defined in this section.

(2) A person who partially or totally relocates a business from one rural county to another rural county is eligible for any qualifying new jobs created as a result of the relocation but is not eligible to receive credit for the jobs moved from one county to the other.

(3)(a) To qualify for the credit, the qualifying activity of the person must be conducted in a rural county and the qualified employment position must be located in the rural county.

(b) If an activity is conducted both from a rural county and outside of a rural county, the credit is available if at least ninety percent of the qualifying activity takes place within a rural county. If the qualifying activity is a service taxable activity, the place where the work is performed is the place at which the activity is conducted.

(4)(a) The credit under this section shall equal one thousand dollars for each qualified employment position created after July 1, 1999, in an eligible area. A credit is earned for the calendar year the person is hired to fill the position. Additionally a credit is earned for each year the position is maintained over the subsequent consecutive years, up to four years. The county must meet the definition of a rural county at the time the position is filled. If the county does not have a rural county status the following year or years, the position is still eligible for the remaining years if all other conditions are met.

(b) Credit may not be taken for hiring of persons into positions that exist before July 1, 1999. Credit is authorized for new employees hired for new positions created on or after July 1, 1999. New positions filled by existing employees are eligible for the credit under this section only if the position vacated by the existing employee is filled by a new hire. A business that is a sole proprietorship without any employees is equivalent to one employee position and this type of business is eligible to receive credit for one position.

(c) If a position is filled before July 1st, this position is eligible for the full yearly credit. If it is filled after June 30th, this position is eligible for half of the credit.

(d) A person that has engaged in qualifying activities in the rural county before the effective date of this section qualifies for the credit under this section for positions created and filled after the effective date of this section.

(5) No application is necessary for the tax credit. The person must keep records necessary for the department to verify eligibility under this section. This information includes information relating to description of qualifying activity engaged in the rural county and outside the rural county by the person as well as detailed records on positions and employees. The department shall, in consultation with a

representative group of affected taxpayers, develop a method of segregating activity and related income so that those persons who engage in multiple activities can determine eligibility for credit under this section.

(6) If at any time the department finds that a person is not eligible for tax credit under this section, the amount of taxes for which a credit has been claimed shall be immediately due. The department shall assess interest, but not penalties, on the taxes for which the person is not eligible. The interest shall be assessed at the rate provided for delinquent excise taxes under chapter 82.32 RCW, shall be assessed retroactively to the date the tax credit was taken, and shall accrue until the taxes for which a credit has been used are repaid.

(7) The credit under this section may be used against any tax due under this chapter, but in no case may a credit earned during one calendar year be carried over to be credited against taxes incurred in a subsequent calendar year. A person is not eligible to receive a credit under this section if the person is receiving credit for the same position under chapter 82.62 RCW or RCW 82.04.44525 or is taking the credit under section 303 of this act. No refunds may be granted for credits under this section.

(8) A person taking tax credits under this section shall make an annual report to the department. The report shall be in a letter form and shall include the following information: Number of positions for which credit is being claimed, type of position for which credit is being claimed, type of activity in which the person is engaged in the county, and how long the person has been located in the county. The report must be filed by January 30th of each year for which credit was claimed during the previous year.

(9) Transfer of ownership does not affect credit eligibility; however, the credit is available to the successor for remaining periods in the five years only if the eligibility conditions of this section are met.

(10) As used in this section:

(a) "Manufacturing" means the same as "to manufacture" under RCW 82.04.120.

Manufacturing includes the activities of both manufacturers and processors for hire.

(b) "Programming" means the activities that involve the creation or modification of software, as that term is defined in this chapter, and that are taxable as a service under RCW 82.04.290(2) or as a retail sale under RCW 82.04.050.

(c) "Qualifying activity" means manufacturing of software or programming.

(d) "Qualified employment position" means a permanent full-time position doing programming of software or manufacturing of software. This excludes administrative, professional, service, executive, and other similar positions. If an employee is either voluntarily or involuntarily separated from employment, the employment position is considered filled on a full-time basis if the employer is either training or actively recruiting a replacement employee. Full-time means a position for at least thirty-five hours a week.

(e) "Rural county" means a county with a population density of less than one hundred persons per square mile as determined by the office of financial management and published each year by the department for the period July 1st to June 30th.

(f) "Software" has the same meaning as defined in RCW 82.04.215.

(11) No credit may be taken or accrued under this section on or after January 1, 2004.

(12) This section expires December 31, 2003.

### **Help Desk Services**

NEW SECTION. **Sec. 303.** A new section is added to chapter 82.04 RCW to read as follows:

(1) Subject to the limits and provisions of this section, a credit is authorized against the tax otherwise due under this chapter for persons engaged in a rural county in the business of providing information technology help desk services to third parties.

(2) To qualify for the credit, the help desk services must be conducted from a rural county.

(3) The amount of the tax credit for persons engaged in the activity of providing information technology help desk services in rural counties shall be equal to one hundred percent of the amount of tax due under this chapter that is attributable to providing the services from the rural county. In order

to qualify for the credit under this subsection, the county must meet the definition of rural county at the time the person begins to conduct qualifying business in the county.

(4) No application is necessary for the tax credit. The person must keep records necessary for the department to verify eligibility under this section. These records include information relating to description of activity engaged in a rural county by the person.

(5) If at any time the department finds that a person is not eligible for tax credit under this section, the amount of taxes for which a credit has been used is immediately due. The department shall assess interest, but not penalties, on the credited taxes for which the person is not eligible. The interest shall be assessed at the rate provided for delinquent excise taxes under chapter 82.32 RCW, shall be assessed retroactively to the date the tax credit was taken, and shall accrue until the taxes for which a credit has been used are repaid.

(6) The credit under this section may be used against any tax due under this chapter, but in no case may a credit earned during one calendar year be carried over to be credited against taxes incurred in a subsequent calendar year. No refunds may be granted for credits under this section.

(7) A person taking tax credits under this section shall make an annual report to the department. The report shall be in a letter form and shall include the following information: Type of activity in which the person is engaged in the county, number of employees in the rural county, and how long the person has been located in the county. The report must be filed by January 30th of each year for which credit was claimed during the previous year.

(8) Transfer of ownership does not affect credit eligibility; however, the credit is available to the successor only if the eligibility conditions of this section are met.

(9) As used in this section:

(a) "Information technology help desk services" means the following services performed using electronic and telephonic communication:

- (i) Software and hardware maintenance;
- (ii) Software and hardware diagnostics and troubleshooting;
- (iii) Software and hardware installation;
- (iv) Software and hardware repair;
- (v) Software and hardware information and training; and
- (vi) Software and hardware upgrade.

(b) "Rural county" means a county with a population density of less than one hundred persons per square mile, as determined by the office of financial management and published each year by the department for the period July 1st to June 30th.

(10) This section expires December 31, 2003.

**NEW SECTION. Sec. 304.** A new section is added to chapter 82.62 RCW to read as follows:

(1) A person is not eligible to receive a credit under this chapter if the person is receiving credit for the same position under section 303 of this act or RCW 82.04.44525.

(2) This section expires December 31, 2003.

**NEW SECTION. Sec. 305.** The following acts or parts of acts are each repealed:

(1) RCW 82.60.045 (Eligible projects--Additional requirements) and 1995 1st sp.s. c 3 s 7 & 1994 sp.s. c 1 s 4; and

(2) RCW 82.60.047 (Governor designation of county as eligible area--Natural disaster, business closure, military base closure, mass layoff) and 1994 sp.s. c 1 s 9.

#### **PART IV ELECTRIC UTILITIES**

**NEW SECTION. Sec. 401.** The legislature finds that it is necessary to employ multiple approaches to revitalize the economy of Washington state's rural areas. The legislature also finds that where possible, Washington state should develop programs which can complement other private, state, and federal programs. It is the intent of section 402 of this act to complement such rural economic

development efforts by creating a public utility tax offset program to help establish locally based electric utility revolving fund programs to be used for economic development and job creation.

**NEW SECTION. Sec. 402.** A new section is added to chapter 82.16 RCW to read as follows:

(1) The following definitions apply to this section:

(a) "Qualifying project" means a project designed to achieve job creation or business retention, to add or upgrade nonelectrical infrastructure, to add or upgrade health and safety facilities, to accomplish energy and water use efficiency improvements, including renewable energy development, or to add or upgrade emergency services in any designated qualifying rural area.

(b) "Qualifying rural area" means:

(i) A rural county, which is a county with a population density of less than one hundred persons per square mile as determined by the office of financial management and published each year by the department for the period July 1st to June 30th; or

(ii) Any geographic area in the state that receives electricity from a light and power business with twelve thousand or fewer customers and with fewer than twenty-six meters per mile of distribution line as determined and published by the department of revenue effective July 1st of each year. The department shall use current data provided by the electricity industry.

(c) "Electric utility rural economic development revolving fund" means a fund devoted exclusively to funding qualifying projects in qualifying rural areas.

(d) "Local board" is a board of directors with at least, but not limited to, three members representing local businesses and community groups who have been appointed by the sponsoring electric utility to oversee and direct the activities of the electric utility rural economic development revolving fund.

(2) A light and power business with fewer than twenty-six active meters per mile of distribution line in any geographic area in the state shall be allowed a credit against taxes due under this chapter in an amount equal to fifty percent of contributions made in any calendar year directly to an electric utility rural economic development revolving fund. The credit shall be taken in a form and manner as required by the department. The credit under this section shall not exceed twenty-five thousand dollars per calendar year per light and power business. The credit may not exceed the tax that would otherwise be due under this chapter. Refunds shall not be granted in the place of credits. Expenditures not used to earn a credit in one calendar year may not be used to earn a credit in subsequent years.

(3) The right to earn tax credits under this section expires December 31, 2005.

(4) To qualify for the credit in subsection (2) of this section, the light and power business shall establish an electric utility rural economic development revolving fund which is governed by a local board whose members shall reside in the qualifying rural area served by the light and power business. The local board shall have authority to determine all criteria and conditions for the expenditure of funds from the electric utility rural economic development fund, and for the terms and conditions of repayment.

(5) Any funds repaid to the electric utility rural economic development fund by recipients shall be made available for additional qualifying projects.

(6) If at any time the electric utility rural economic development fund is dissolved, any moneys claimed as a tax credit under this section shall either be granted to a qualifying project or refunded to the state within two years of termination.

(7) The total amount of credits that may be used in any fiscal year shall not exceed three hundred fifty thousand dollars in any fiscal year. The department shall allow the use of earned credits on a first-come, first-served basis. Unused earned credits may be carried over to subsequent years.

## **PART V DISASTER VICTIMS' RELIEF**

**NEW SECTION. Sec. 501.** A new section is added to chapter 82.08 RCW to read as follows:

(1) The tax levied by RCW 82.08.020 shall not apply to sales of labor and services rendered in respect to:

- (a) The moving of houses out of any landslide area that has been declared as a federal disaster area;
  - (b) The demolition of houses located in a landslide area that has been declared as a federal disaster area; or
  - (c) The removal of debris from a landslide area that has been declared as a federal disaster area.
- (2) This section expires July 1, 2000.

## **PART VI MISCELLANEOUS**

NEW SECTION. **Sec. 601.** Part headings and subheadings used in this act are not any part of the law.

NEW SECTION. **Sec. 602.** Section 501 of this act applies retroactively to March 1, 1998.

NEW SECTION. **Sec. 603.** Section 501 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

NEW SECTION. **Sec. 604.** Sections 1, 101, 201, 301 through 305, 401, 402, 601, and 605 of this act take effect August 1, 1999.

NEW SECTION. **Sec. 605.** Section 305 of this act does not affect any existing right acquired or liability or obligation under the sections repealed in section 305 of this act or any rule or order adopted under those sections, nor does it affect any proceeding instituted under those sections.

NEW SECTION. **Sec. 606.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "counties;" strike the remainder of the title and insert "amending RCW 82.14.370 and 82.14.380; adding new sections to chapter 82.04 RCW; adding a new section to chapter 82.62 RCW; adding a new section to chapter 82.16 RCW; adding a new section to chapter 82.08 RCW; creating new sections; repealing RCW 82.60.045 and 82.60.047; providing an effective date; providing expiration dates; and declaring an emergency."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Engrossed Substitute House Bill No. 2260 and advanced the bill as amended by the Senate to final passage.

### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE**

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 2260 as amended by the Senate.

Representatives Eickemeyer and Alexander spoke in favor of passage of the bill as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2260, as amended by the Senate and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. G. Chandler Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. K. Schmidt Schmidt, Schoesler, Schual-Berke, Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Quall and Scott - 2.

Engrossed Substitute House Bill No. 2260, as amended by the Senate, having received the constitutional majority, was declared passed.

There being no objection, the House deferred action on Senate Bill No. 5343, and the bill held its place on the concurrence calendar.

#### **MESSAGE FROM THE SENATE**

April 23, 1999

Mr. Speaker:

The Senate refuses to concur in the House amendment(s) to SUBSTITUTE SENATE BILL NO. 5364 and asks the House to recede therefrom, and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House receded from its amendments to Substitute Senate Bill No. 5364, and advanced the bill to final passage.

#### **FINAL PASSAGE OF SENATE BILL**

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5364.

#### **MOTION**

On motion of Representative Wensman, Representative Huff was excused.

Representatives Wood and Cairnes spoke in favor of passage of the bill.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5364, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. G. Chandler Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins,



Hatfield, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. K. Schmidt Schmidt, Schoesler, Schual-Berke, Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Huff, Quall and Scott - 3.

Substitute Senate Bill No. 5364, having received the constitutional majority, was declared passed.

### **MESSAGE FROM THE SENATE**

April 20, 1999

Mr. Speaker:

The Senate refuses to concur in the House amendment(s) #166 by Representatives K. Schmidt and Fisher on page 23, after line 21, to SENATE BILL NO. 5374 and asks the House to recede therefrom. The Senate concurs in the remainder of the House amendment(s), and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House receded from amendment #166 to Senate Bill No. 5374 and advanced the bill to final passage.

### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE**

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Senate Bill No. 5374.

Representative K. Schmidt spoke in favor of passage of the bill.

### **ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5374 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. G. Chandler Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. K. Schmidt Schmidt, Schoesler, Schual-Berke, Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Huff, Quall and Scott - 3.

Senate Bill No. 5374, having received the constitutional majority, was declared passed.

The House deferred action on Substitute Senate Bill No. 5418 and Engrossed Second Substitute Senate Bill No. 5594, and the bills held their places on the concurrence calendar.

## MESSAGE FROM THE SENATE

April 23, 1999

Mr. Speaker:

The Senate refuses to concur in the House amendment(s) to SUBSTITUTE SENATE BILL NO. 5640 and asks the House to recede therefrom, and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the rules were suspended and Substitute Senate Bill No. 5640 was returned to second reading for the purpose of an amendment.

There being no objection, amendment 247 was withdrawn.

Representative D. Schmidt moved the adoption of amendment (250):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that:

(1) The current statute relating to the timing of the primary election may not allow adequate time for absentee voters, especially military personnel living overseas, to review the candidates and issues appearing on the general election ballot before casting their votes;

(2) The proliferation of permanent absentee voters presents increasing difficulties for county auditors to canvass ballots in a timely way, which in turn may adversely affect the general election campaign of a candidate involved in a close primary race; and

(3) A delay in counting votes and processing ballots negatively impacts the public's right to timely election results and thus harms our electoral process.

Therefore, the mission of the task force established by section 2 of this act includes, but is not limited to, a review of issues relating to the timing of the primary election, the canvassing of ballots, and the certification of election results. The task force shall consider alternates to the current statutes that relate to these issues, and shall provide recommendations accordingly.

NEW SECTION. **Sec. 2.** A task force to study and make recommendations regarding the date for primary elections is established. The task force membership consists of the following thirteen members:

(1) Three citizen members from across the state, appointed jointly by the secretary of state, the president of the senate, and the co-speakers of the house of representatives;

(2) Two members of the senate, one from each of the largest two caucuses, appointed by the president of the senate, and two members of the house of representatives, one from each of the largest two caucuses, appointed by the co-speakers of the house of representatives;

(3) The secretary of state or the secretary's designee;

(4) Three county elections officials designated by the Washington Association of County Officials; and

(5) A representative of each major political party in the state, appointed by the chair of the state central committee for the party.

NEW SECTION. **Sec. 3.** The task force shall report its recommendations to the governor, the secretary of state, and the appropriate standing committees of the senate and house of representatives no later than December 1, 1999. The task force terminates on December 31, 1999.

**Sec. 4.** RCW 29.62.020 and 1995 c 139 s 2 are each amended to read as follows:

(1) ~~((No later than the tenth day after a special election or primary and no later than the fifteenth day after a general election, the county auditor shall convene the county canvassing board to process the absentee ballots and canvass the votes cast at that primary or election.))~~ At least every third day after a special election, primary, or general election and before certification of the election results, except Sundays and legal holidays, the county auditor shall convene the county canvassing board or their designees to process absentee ballots and canvass the votes cast at that special election, primary, or general election, if the county auditor is in possession of more than twenty-five ballots that have yet to be canvassed. The county auditor may use his or her discretion in determining when to convene the canvassing board or their designees during the final four days before the certification of election results in order to protect the secrecy of any ballot.

Each absentee ballot previously not canvassed that was received by the county auditor two days or more before the convening of the canvassing board or their designees and that either was received by the county auditor before the closing of the polls on the day of the special election, primary, or general election for which it was issued, or that bears a date of mailing on or before the special election, primary, or general election for which it was issued, must be processed at that time. The tabulation of votes that results from that day's canvass must be made available to the general public immediately upon completion of the canvass.

(2) On the tenth day after a special election or a primary and on the fifteenth day after a general election, the canvassing board shall complete the canvass and certify the results. Each absentee ballot that was returned before the closing of the polls on the date of the primary or election for which it was issued, and each absentee ballot with a date of mailing on or before the date of the primary or election for which it was issued and received on or before the date on which the primary or election is certified, shall be included in the canvass report.

~~((2))~~ (3) At the request of any caucus of the state legislature, the county auditor shall transmit copies of all unofficial returns of state and legislative primaries or elections prepared by or for the county canvassing board to either the secretary of the senate or the chief clerk of the house."

Representative D. Schmidt spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended and Substitute Senate Bill No. 5640 was advanced to second reading and read the second time in full.

Representative D. Schmidt spoke in favor of final passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5640 as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5640, as amended by the House and the bill passed the House by the following vote: Yeas - 93, Nays - 2, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. G. Chandler, Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. K. Schmidt, Schoesler, Schual-Berke, Skinner, D. H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 93.

Voting nay: Representatives Dunn and Van Luven - 2.  
Excused: Representatives Huff, Quall and Scott - 3.  
Substitute Senate Bill No. 5640, as amended by the House, having received the constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

April 21, 1999

Mr. Speaker:

The Senate refuses to concur in the House amendment(s) to ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5931 and asks the House to recede therefrom, and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

There being no objection, the rules were suspended and Engrossed Second Substitute Senate Bill No. 5931 was returned to second reading for the purpose of an amendment.

### SECOND READING

There being no objection, amendment 248 was withdrawn.

Representative Romero moved the adoption of amendment (251):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 42.17 RCW to read as follows:

It is the intent of the legislature to ensure that the commission provide the general public timely access to all contribution and expenditure reports submitted by candidates, continuing political committees, bona fide political parties, lobbyists, and lobbyists' employers. The legislature finds that failure to meet goals for full and timely disclosure threatens to undermine our electoral process.

Furthermore, the legislature intends for the commission to consult with the department of information services as it seeks to implement this act, and that the commission follow the standards and procedures established by the department of information services in chapter 43.105 RCW as they relate to information technology.

NEW SECTION. **Sec. 2.** A new section is added to chapter 42.17 RCW to read as follows:

(1) The commission shall establish goals that all reports, copies of reports, or copies of the data or information included in reports, filed under RCW 42.17.040, 42.17.065, 42.17.080, 42.17.100, 42.17.105, 42.17.150, 42.17.170, 42.17.175, and 42.17.180, that are:

(a) Submitted using the commission's electronic filing system shall be accessible in the commission's office within two business days of the commission's receipt of the report and shall be accessible on the commission's web site within seven business days of the commission's receipt of the report; and

(b) Submitted in any format or using any method other than as described in (a) of this subsection, shall be accessible in the commission's office within four business days of the actual physical receipt of the report, and not the technical date of filing as provided under RCW 42.17.420, and shall be accessible on the commission's web site within fourteen business days of the actual physical receipt of the report, and not the technical date of filing as provided under RCW 42.17.420, as specified in rule adopted by the commission.

(2) On January 1, 2001, or shortly thereafter, the commission shall revise these goals to reflect that all reports, copies of reports, or copies of the data or information included in reports, filed under

RCW 42.17.040, 42.17.065, 42.17.080, 42.17.100, 42.17.105, 42.17.150, 42.17.170, 42.17.175, and 42.17.180, that are:

(a) Submitted using the commission's electronic filing system shall be accessible in the commission's office and on the commission's web site within two business days of the commission's receipt of the report; and

(b) Submitted in any format or using any method other than as described in (a) of this subsection, shall be accessible in the commission's office and on the commission's web site within four business days of the actual physical receipt of the report, and not the technical date of filing as provided under RCW 42.17.420, as specified in rule adopted by the commission.

**NEW SECTION. Sec. 3.** A new section is added to chapter 42.17 RCW to read as follows:

By July 1st of each year beginning in 2000, the commission shall calculate the following performance measures, provide a copy of the performance measures to the governor and appropriate legislative committees, and make the performance measures available to the public:

(1) The average number of days that elapse between the commission's receipt of reports filed under RCW 42.17.040, 42.17.065, 42.17.080, and 42.17.100 and the time that the report, a copy of the report, or a copy of the data or information included in the report, is first accessible to the general public (a) in the commission's office, and (b) via the commission's web site;

(2) The average number of days that elapse between the commission's receipt of reports filed under RCW 42.17.105 and the time that the report, a copy of the report, or a copy of the data or information included in the report, is first accessible to the general public (a) in the commission's office, and (b) via the commission's web site;

(3) The average number of days that elapse between the commission's receipt of reports filed under RCW 42.17.150, 42.17.170, 42.17.175, and 42.17.180 and the time that the report, a copy of the report, or a copy of the data or information included in the report, is first accessible to the general public (a) in the commission's office, and (b) via the commission's web site;

(4) The percentage of candidates, categorized as state-wide, state legislative, or local, that have used each of the following methods to file reports under RCW 42.17.080 or 42.17.105: (a) Hard copy paper format; (b) electronic format via diskette; (c) electronic format via modem or satellite; (d) electronic format via the Internet; and (e) any other format or method;

(5) The percentage of continuing political committees that have used each of the following methods to file reports under RCW 42.17.065 or 42.17.105: (a) Hard copy paper format; (b) electronic format via diskette; (c) electronic format via modem or satellite; (d) electronic format via the Internet; and (e) any other format or method; and

(6) The percentage of lobbyists and lobbyists' employers that have used each of the following methods to file reports under RCW 42.17.150, 42.17.170, 42.17.175, or 42.17.180: (a) Hard copy paper format; (b) electronic format via diskette; (c) electronic format via modem or satellite; (d) electronic format via the Internet; and (e) any other format or method.

**NEW SECTION. Sec. 4.** A new section is added to chapter 42.17 RCW to read as follows:

(1) The commission shall develop an information technology plan consistent with plans or portfolios required by chapter 43.105 RCW.

(2) The plan must include, but not be limited to, the following:

(a) A baseline assessment of the agency's information technology resources and capabilities that will serve as the benchmark for subsequent planning and performance measures;

(b) A statement of the agency's mission, goals, and objectives for information technology, including goals and objectives for achieving electronic access to agency records, information, and services for at least the next five years;

(c) An explanation of how the agency's mission, goals, and objectives for information technology support and conform to the state strategic information technology plan;

(d) An implementation strategy to enhance electronic access to public records and information required to be filed with and disclosed by the commission. This implementation strategy must be assembled to include:

(i) Adequate public notice and opportunity for comment;

- (ii) Consideration of a variety of electronic technologies, including those that help to transcend geographic locations, standard business hours, economic conditions of users, and disabilities;
- (iii) Methods to educate agency employees, the public, and the news media in the effective use of agency technology;
- (iv) Ways to simplify and improve public access to information held by the commission through electronic means;
- (e) Projects and resources required to meet the objectives of the plan; and
- (f) If feasible, estimated schedules and funding required to implement identified projects.

**NEW SECTION. Sec. 5.** A new section is added to chapter 42.17 RCW to read as follows:

In preparing the information technology plan, the commission shall consult with affected state agencies, the department of information services, and stakeholders in the commission's work, including representatives of political committees, bona fide political parties, news media, and the general public.

**NEW SECTION. Sec. 6.** A new section is added to chapter 42.17 RCW to read as follows:

The commission shall submit the information technology plan to the senate and house of representatives fiscal committees, the governor, the senate state and local government committee, the house of representatives state government committee, and the department of information services by February 1, 2000. It is the intent of the legislature that the commission thereafter comply with the requirements of chapter 43.105 RCW with respect to preparation and submission of biennial performance reports on the commission's information technology.

**NEW SECTION. Sec. 7.** A new section is added to chapter 42.17 RCW to read as follows:

The commission shall prepare and submit to the department of information services a biennial performance report in accordance with chapter 43.105 RCW.

The report must include:

- (1) An evaluation of the agency's performance relating to information technology;
- (2) An assessment of progress made toward implementing the agency information technology plan;
- (3) An analysis of the commission's performance measures, set forth in section 3 of this act, that relate to the electronic filing of reports and timely public access to those reports via the commission's web site;
- (4) A comprehensive description of the methods by which citizens may interact with the agency in order to obtain information and services from the commission; and
- (5) An inventory of agency information services, equipment, and proprietary software.

**Sec. 8.** RCW 42.17.365 and 1993 c 2 s 29 are each amended to read as follows:

The commission shall conduct a sufficient number of audits and field investigations so as to provide a statistically valid finding regarding the degree of compliance with the provisions of this chapter by all required filers. Any documents, records, reports, computer files, papers, or materials provided to the commission for use in conducting audits and investigations must be returned to the candidate, campaign, or political committee from which they were received within one week of the commission's completion of an audit or field investigation.

**Sec. 9.** RCW 42.17.367 and 1994 c 40 s 2 are each amended to read as follows:

By ~~((January 1, 1995))~~ February 1, 2000, the ~~((public disclosure))~~ commission shall ~~((design a program for electronic access to public documents filed with the commission. The program may include on-line access to the commission's magic and electronic bulletin board systems, providing information for the internet system, fax request service, automated telephone service, electronic filing of reports, and other service delivery options. Documents available in the program shall include, but are not limited to, public documents filed with the public disclosure commission, including, but not limited to, commission meeting schedules, financial affairs reports, contribution reports, expenditure reports, and gift reports. Implementation of the program is contingent on the availability of funds))~~ operate a web site or contract for the operation of a web site that allows access to reports, copies of

reports, or copies of data and information submitted in reports, filed with the commission under RCW 42.17.040, 42.17.065, 42.17.080, 42.17.100, and 42.17.105. By January 1, 2001, the web site shall allow access to reports, copies of reports, or copies of data and information submitted in reports, filed with the commission under RCW 42.17.150, 42.17.170, 42.17.175, and 42.17.180. In addition, the commission shall attempt to make available via the web site other public records submitted to or generated by the commission that are required by this chapter to be available for public use or inspection.

**Sec. 10.** RCW 42.17.420 and 1995 c 397 s 18 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, when any application, report, statement, notice, or payment required to be made under the provisions of this chapter has been deposited postpaid in the United States mail properly addressed, it shall be deemed to have been received on the date of mailing. It shall be presumed that the date shown by the post office cancellation mark on the envelope is the date of mailing. The provisions of this section do not apply to reports required to be delivered under RCW 42.17.105 and 42.17.175.

(2) When a report is filed electronically with the commission, it is deemed to have been received on the file transfer date. The commission shall notify the filer of receipt of the electronically filed report. Such notification may be sent by mail, facsimile, or electronic mail. If the notification of receipt of the electronically filed report is not received by the filer, the filer may offer his or her own proof of sending the report, and such proof shall be treated as if it were a receipt sent by the commission. Electronic filing may be used for purposes of filing the special reports required to be delivered under RCW 42.17.105 and 42.17.175.

NEW SECTION. **Sec. 11.** A new section is added to chapter 42.17 RCW to read as follows:

(1) By July 1, 1999, the commission shall offer every candidate, public official, political committee, and party organization that is required to file reports under this chapter the option of filing financial affairs reports, contribution reports, and expenditure reports electronically by diskette or via modem, satellite, or the Internet.

(2) By January 1, 2001, the commission shall offer all lobbyists and lobbyists' employers required to file reports under RCW 42.17.150, 42.17.170, 42.17.175, or 42.17.180 the option of filing these reports electronically by diskette or via modem, satellite, or the Internet.

(3) The commission shall make available to each candidate, public official, political committee, lobbyist, lobbyist employer, and party organization an electronic copy of the appropriate reporting forms at no charge.

NEW SECTION. **Sec. 12.** A new section is added to chapter 42.17 RCW to read as follows:

Beginning January 1, 2001, each continuing political committee, that expended ten thousand dollars or more in the preceding year or expects to expend ten thousand dollars or more in expenditures in the current year, shall file all contribution reports and expenditure reports required by this chapter electronically by diskette or via modem, satellite, or the Internet. Failure by a continuing political committee to comply with this section is a violation of this chapter.

**Sec. 13.** RCW 42.17.080 and 1995 c 397 s 2 are each amended to read as follows:

(1) On the day the treasurer is designated, each candidate or political committee shall file with the commission and the county auditor or elections officer of the county in which the candidate resides, or in the case of a political committee, the county in which the treasurer resides, in addition to any statement of organization required under RCW 42.17.040 or 42.17.050, a report of all contributions received and expenditures made prior to that date, if any.

(2) At the following intervals each treasurer shall file with the commission and the county auditor or elections officer of the county in which the candidate resides, or in the case of a political committee, the county in which the committee maintains its office or headquarters, and if there is no office or headquarters then in the county in which the treasurer resides, a report containing the information required by RCW 42.17.090:

(a) On the twenty-first day and the seventh day immediately preceding the date on which the election is held; and

(b) On the tenth day of the first month after the election: PROVIDED, That this report shall not be required following a primary election from:

(i) A candidate whose name will appear on the subsequent general election ballot; or

(ii) Any continuing political committee; and

(c) On the tenth day of each month in which no other reports are required to be filed under this section: PROVIDED, That such report shall only be filed if the committee has received a contribution or made an expenditure in the preceding calendar month and either the total contributions received or total expenditures made since the last such report exceed two hundred dollars.

When there is no outstanding debt or obligation, and the campaign fund is closed, and the campaign is concluded in all respects, and in the case of a political committee, the committee has ceased to function and has dissolved, the treasurer shall file a final report. Upon submitting a final report, the duties of the treasurer shall cease and there shall be no obligation to make any further reports.

The report filed twenty-one days before the election shall report all contributions received and expenditures made as of the end of the fifth business day before the date of the report. The report filed seven days before the election shall report all contributions received and expenditures made as of the end of the one business day before the date of the report. Reports filed on the tenth day of the month shall report all contributions received and expenditures made from the closing date of the last report filed through the last day of the month preceding the date of the current report.

(3) For the period beginning the first day of the fourth month preceding the date on which the special or general election is held and ending on the date of that election, each Friday the treasurer shall file with the commission and the appropriate county elections officer a report of each bank deposit made during the previous seven calendar days. The report shall contain the name of each person contributing the funds so deposited and the amount contributed by each person. However, contributions of no more than twenty-five dollars in the aggregate from any one person may be deposited without identifying the contributor. A copy of the report shall be retained by the treasurer for his or her records. In the event of deposits made by a deputy treasurer, the copy shall be forwarded to the treasurer for his or her records. Each report shall be certified as correct by the treasurer or deputy treasurer making the deposit.

(4) The treasurer or candidate shall maintain books of account accurately reflecting all contributions and expenditures on a current basis within five business days of receipt or expenditure. During the eight days immediately preceding the date of the election the books of account shall be kept current within one business day (~~and shall~~). As specified in the committee's statement of organization filed under RCW 42.17.040, the books of account must be open for public inspection as follows:

(a) For at least two consecutive hours (~~(Monday through Friday, excluding legal holidays)~~) on the eighth day immediately before the election, between 8:00 a.m. and 8:00 p.m., as specified in the committee's statement of organization filed pursuant to RCW 42.17.040, at the principal headquarters or, if there is no headquarters, at the address of the treasurer or such other place as may be authorized by the commission; and

(b) By appointment for inspections to be conducted at the designated place for inspections between 8:00 a.m. and 8:00 p.m. on any other day from the seventh day through the day immediately before the election, other than Saturday, Sunday, or a legal holiday. It is a violation of this chapter for a candidate or political committee to refuse to allow and keep an appointment for an inspection to be conducted during these authorized times and days in the week prior to the election. The appointment must be allowed at an authorized time and day for such inspections that is within twenty-four hours of the time and day that is requested for the inspection.

(5) The treasurer or candidate shall preserve books of account, bills, receipts, and all other financial records of the campaign or political committee for not less than five calendar years following the year during which the transaction occurred.

~~((5))~~ (6) All reports filed pursuant to subsections (1) or (2) of this section shall be certified as correct by the candidate and the treasurer.



~~((6))~~ (7) Copies of all reports filed pursuant to this section shall be readily available for public inspection for at least two consecutive hours Monday through Friday, excluding legal holidays, between 8:00 a.m. and 8:00 p.m., as specified in the committee's statement of organization filed pursuant to RCW 42.17.040, at the principal headquarters or, if there is no headquarters, at the address of the treasurer or such other place as may be authorized by the commission.

~~((7))~~ (8) The commission shall adopt administrative rules establishing requirements for filer participation in any system designed and implemented by the commission for the electronic filing of reports.

NEW SECTION. **Sec. 14.** By December 1, 2000, the joint legislative audit and review committee shall have completed a performance audit of the duties and staffing of the public disclosure commission."

Correct the title.

Representative Romero spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended the second reading considered the third and the bill was placed on final passage.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Engrossed Second Substitute Senate Bill No. 5931 as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5931, as amended by the House and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. G. Chandler Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. K. Schmidt Schmidt, Schoesler, Schual-Berke, Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Huff, Quall and Scott - 3.

Engrossed Second Substitute Senate Bill No. 5931, as amended by the House, having received the constitutional majority, was declared passed.

There being no objection, the House deferred action on Substitute Senate Joint Resolution No. 8208, and the bill held its place on the second reading calendar.

#### MESSAGE FROM THE SENATE

April 16, 1999

Mr. Speaker:

The Senate refuses to concur in the House amendment(s) to SENATE BILL NO. 5664 and asks the House to recede therefrom, and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the rules were suspended and Senate Bill No. 5664 was returned to second reading for the purpose of an amendment.

## SECOND READING

Representative O'Brien moved the adoption of amendment (241):

Strike everything after the enacting clause and insert the following:

**Sec. 1.** RCW 7.80.130 and 1987 c 456 s 21 are each amended to read as follows:

(1) An order entered after the receipt of a response which does not contest the determination, or after it has been established at a hearing that the civil infraction was committed, or after a hearing for the purpose of explaining mitigating circumstances is civil in nature.

(2) The court may waive, reduce, or suspend the monetary penalty prescribed for the civil infraction. If the court determines that a person has insufficient funds to pay the monetary penalty, the court may order performance of a number of hours of community ((~~service~~)) restitution in lieu of a monetary penalty, at the rate of the then state minimum wage per hour.

**Sec. 2.** RCW 7.80.160 and 1989 c 373 s 12 are each amended to read as follows:

(1) A person who fails to sign a notice of civil infraction is guilty of a misdemeanor.

(2) Any person willfully violating his or her written and signed promise to appear in court or his or her written and signed promise to respond to a notice of civil infraction is guilty of a misdemeanor regardless of the disposition of the notice of civil infraction. A written promise to appear in court or a written promise to respond to a notice of civil infraction may be complied with by an appearance by counsel.

(3) A person who willfully fails to pay a monetary penalty or to perform community ((~~service~~)) restitution as required by a court under this chapter may be found in contempt of court as provided in chapter 7.21 RCW.

**Sec. 3.** RCW 7.84.110 and 1987 c 380 s 11 are each amended to read as follows:

(1) An order entered after the receipt of a response which does not contest the determination, or after it has been established at a hearing that the infraction was committed, or after a hearing for the purpose of explaining mitigating circumstances, is civil in nature.

(2) The court may, in its discretion, waive, reduce, or suspend the monetary penalty prescribed for the infraction. At the person's request, the court may order performance of a number of hours of community ((~~service~~)) restitution in lieu of a monetary penalty, at the rate of the then state minimum wage per hour.

**Sec. 4.** RCW 7.84.130 and 1987 c 380 s 13 are each amended to read as follows:

(1) Failure to pay a monetary penalty assessed by a court under the provisions of this chapter is a misdemeanor under chapter 9A.20 RCW.

(2) Failure to complete community ((~~service~~)) restitution ordered by a court under the provisions of this chapter is a misdemeanor under chapter 9A.20 RCW.

**Sec. 5.** RCW 9.94A.030 and 1998 c 290 s 3 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Collect," or any derivative thereof, "collect and remit," or "collect and deliver," when used with reference to the department of corrections, means that the department is responsible for

monitoring and enforcing the offender's sentence with regard to the legal financial obligation, receiving payment thereof from the offender, and, consistent with current law, delivering daily the entire payment to the superior court clerk without depositing it in a departmental account.

(2) "Commission" means the sentencing guidelines commission.

(3) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

(4) "Community custody" means that portion of an inmate's sentence of confinement in lieu of earned early release time or imposed pursuant to RCW 9.94A.120 (6), (8), or (10) served in the community subject to controls placed on the inmate's movement and activities by the department of corrections.

(5) "Community placement" means that period during which the offender is subject to the conditions of community custody and/or postrelease supervision, which begins either upon completion of the term of confinement (postrelease supervision) or at such time as the offender is transferred to community custody in lieu of earned early release. Community placement may consist of entirely community custody, entirely postrelease supervision, or a combination of the two.

(6) "Community ((service)) restitution" means compulsory service, without compensation, performed for the benefit of the community by the offender.

(7) "Community supervision" means a period of time during which a convicted offender is subject to crime-related prohibitions and other sentence conditions imposed by a court pursuant to this chapter or RCW 16.52.200(6) or 46.61.524. For first-time offenders, the supervision may include crime-related prohibitions and other conditions imposed pursuant to RCW 9.94A.120(5). For purposes of the interstate compact for out-of-state supervision of parolees and probationers, RCW 9.95.270, community supervision is the functional equivalent of probation and should be considered the same as probation by other states.

(8) "Confinement" means total or partial confinement as defined in this section.

(9) "Conviction" means an adjudication of guilt pursuant to Titles 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

(10) "Court-ordered legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington for legal financial obligations which may include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction. Upon conviction for vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal financial obligations may also include payment to a public agency of the expense of an emergency response to the incident resulting in the conviction, subject to the provisions in RCW 38.52.430.

(11) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct. However, affirmative acts necessary to monitor compliance with the order of a court may be required by the department.

(12) "Criminal history" means the list of a defendant's prior convictions and juvenile adjudications, whether in this state, in federal court, or elsewhere. The history shall include, where known, for each conviction (a) whether the defendant has been placed on probation and the length and terms thereof; and (b) whether the defendant has been incarcerated and the length of incarceration.

(13) "Day fine" means a fine imposed by the sentencing judge that equals the difference between the offender's net daily income and the reasonable obligations that the offender has for the support of the offender and any dependents.

(14) "Day reporting" means a program of enhanced supervision designed to monitor the defendant's daily activities and compliance with sentence conditions, and in which the defendant is required to report daily to a specific location designated by the department or the sentencing judge.

(15) "Department" means the department of corrections.

(16) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community supervision, the number of actual hours or days of community ((service)) restitution work, or dollars or terms of a legal financial obligation. The fact that an offender through "earned early release" can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

(17) "Disposable earnings" means that part of the earnings of an individual remaining after the deduction from those earnings of any amount required by law to be withheld. For the purposes of this definition, "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonuses, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy a court-ordered legal financial obligation, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

(18) "Drug offense" means:

(a) Any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.401(d)) or forged prescription for a controlled substance (RCW 69.50.403);

(b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or

(c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection.

(19) "Escape" means:

(a) Escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), willful failure to return from work release (RCW 72.65.070), or willful failure to be available for supervision by the department while in community custody (RCW 72.09.310); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection.

(20) "Felony traffic offense" means:

(a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), or felony hit-and-run injury-accident (RCW 46.52.020(4)); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection.

(21) "Fines" means the requirement that the offender pay a specific sum of money over a specific period of time to the court.

(22) "First-time offender" means any person who is convicted of a felony (a) not classified as a violent offense or a sex offense under this chapter, or (b) that is not the manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance classified in Schedule I or II that is a narcotic drug or flunitrazepam classified in Schedule IV, nor the manufacture, delivery, or possession with intent to deliver methamphetamine, its salts, isomers, and salts of its isomers as defined in RCW 69.50.206(d)(2), nor the selling for profit of any controlled substance or counterfeit substance classified in Schedule I, RCW 69.50.204, except leaves and flowering tops of marijuana, who previously has never been convicted of a felony in this state, federal court, or another state, and who has never participated in a program of deferred prosecution for a felony offense.

(23) "Most serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies, as now existing or hereafter amended:

(a) Any felony defined under any law as a class A felony or criminal solicitation of or criminal conspiracy to commit a class A felony;

(b) Assault in the second degree;

(c) Assault of a child in the second degree;

(d) Child molestation in the second degree;

(e) Controlled substance homicide;

(f) Extortion in the first degree;

(g) Incest when committed against a child under age fourteen;

(h) Indecent liberties;

- (i) Kidnapping in the second degree;
  - (j) Leading organized crime;
  - (k) Manslaughter in the first degree;
  - (l) Manslaughter in the second degree;
  - (m) Promoting prostitution in the first degree;
  - (n) Rape in the third degree;
  - (o) Robbery in the second degree;
  - (p) Sexual exploitation;
  - (q) Vehicular assault;
  - (r) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;
  - (s) Any other class B felony offense with a finding of sexual motivation, as "sexual motivation" is defined under this section;
  - (t) Any other felony with a deadly weapon verdict under RCW 9.94A.125;
  - (u) Any felony offense in effect at any time prior to December 2, 1993, that is comparable to a most serious offense under this subsection, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a most serious offense under this subsection;
  - (v)(i) A prior conviction for indecent liberties under RCW 9A.88.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st ex. sess. as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b), and (c) as it existed from July 1, 1979, until June 11, 1986, and RCW 9A.44.100(1) (a), (b), and (d) as it existed from June 11, 1986, until July 1, 1988;
  - (ii) A prior conviction for indecent liberties under RCW 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988, if: (A) The crime was committed against a child under the age of fourteen; or (B) the relationship between the victim and perpetrator is included in the definition of indecent liberties under RCW 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27, 1997, or RCW 9A.44.100(1) (d) or (e) as it existed from July 25, 1993, through July 27, 1997.
- (24) "Nonviolent offense" means an offense which is not a violent offense.
- (25) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case is under superior court jurisdiction under RCW 13.04.030 or has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.
- (26) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention or work crew has been ordered by the court, in an approved residence, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release, home detention, work crew, and a combination of work crew and home detention as defined in this section.
- (27) "Persistent offender" is an offender who:
- (a)(i) Has been convicted in this state of any felony considered a most serious offense; and
  - (ii) Has, before the commission of the offense under (a) of this subsection, been convicted as an offender on at least two separate occasions, whether in this state or elsewhere, of felonies that under the laws of this state would be considered most serious offenses and would be included in the offender score under RCW 9.94A.360; provided that of the two or more previous convictions, at least one conviction must have occurred before the commission of any of the other most serious offenses for which the offender was previously convicted; or
  - (b)(i) Has been convicted of: (A) Rape in the first degree, rape of a child in the first degree, child molestation in the first degree, rape in the second degree, rape of a child in the second degree, or indecent liberties by forcible compulsion; (B) murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, or burglary in the first degree, with a finding of sexual motivation; or (C) an attempt to commit any crime listed in this subsection (27)(b)(i); and

(ii) Has, before the commission of the offense under (b)(i) of this subsection, been convicted as an offender on at least one occasion, whether in this state or elsewhere, of an offense listed in (b)(i) of this subsection. A conviction for rape of a child in the first degree constitutes a conviction under subsection (27)(b)(i) only when the offender was sixteen years of age or older when the offender committed the offense. A conviction for rape of a child in the second degree constitutes a conviction under subsection (27)(b)(i) only when the offender was eighteen years of age or older when the offender committed the offense.

(28) "Postrelease supervision" is that portion of an offender's community placement that is not community custody.

(29) "Restitution" means the requirement that the offender pay a specific sum of money over a specific period of time to the court as payment of damages. The sum may include both public and private costs. The imposition of a restitution order does not preclude civil redress.

(30) "Serious traffic offense" means:

(a) Driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502), actual physical control while under the influence of intoxicating liquor or any drug (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or

(b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.

(31) "Serious violent offense" is a subcategory of violent offense and means:

(a) Murder in the first degree, homicide by abuse, murder in the second degree, manslaughter in the first degree, assault in the first degree, kidnapping in the first degree, or rape in the first degree, assault of a child in the first degree, or an attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

(32) "Sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

(33) "Sex offense" means:

(a) A felony that is a violation of chapter 9A.44 RCW or RCW 9A.64.020 or 9.68A.090 or a felony that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes;

(b) A felony with a finding of sexual motivation under RCW 9.94A.127 or 13.40.135; or

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection.

(34) "Sexual motivation" means that one of the purposes for which the defendant committed the crime was for the purpose of his or her sexual gratification.

(35) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

(36) "Transition training" means written and verbal instructions and assistance provided by the department to the offender during the two weeks prior to the offender's successful completion of the work ethic camp program. The transition training shall include instructions in the offender's requirements and obligations during the offender's period of community custody.

(37) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged.

(38) "Violent offense" means:

(a) Any of the following felonies, as now existing or hereafter amended: Any felony defined under any law as a class A felony or an attempt to commit a class A felony, criminal solicitation of or criminal conspiracy to commit a class A felony, manslaughter in the first degree, manslaughter in the second degree, indecent liberties if committed by forcible compulsion, kidnapping in the second degree, arson in the second degree, assault in the second degree, assault of a child in the second degree, extortion in the first degree, robbery in the second degree, drive-by shooting, vehicular assault, and vehicular homicide, when proximately caused by the driving of any vehicle by any person while

under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under (a) or (b) of this subsection.

(39) "Work crew" means a program of partial confinement consisting of civic improvement tasks for the benefit of the community of not less than thirty-five hours per week that complies with RCW 9.94A.135. The civic improvement tasks shall have minimal negative impact on existing private industries or the labor force in the county where the service or labor is performed. The civic improvement tasks shall not affect employment opportunities for people with developmental disabilities contracted through sheltered workshops as defined in RCW 82.04.385. Only those offenders sentenced to a facility operated or utilized under contract by a county or the state are eligible to participate on a work crew. Offenders sentenced for a sex offense as defined in subsection (33) of this section are not eligible for the work crew program.

(40) "Work ethic camp" means an alternative incarceration program designed to reduce recidivism and lower the cost of corrections by requiring offenders to complete a comprehensive array of real-world job and vocational experiences, character-building work ethics training, life management skills development, substance abuse rehabilitation, counseling, literacy training, and basic adult education.

(41) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school. Participation in work release shall be conditioned upon the offender attending work or school at regularly defined hours and abiding by the rules of the work release facility.

(42) "Home detention" means a program of partial confinement available to offenders wherein the offender is confined in a private residence subject to electronic surveillance.

**Sec. 6.** RCW 9.94A.040 and 1997 c 365 s 2 and 1997 c 338 s 3 are each reenacted and amended to read as follows:

(1) A sentencing guidelines commission is established as an agency of state government.

(2) The legislature finds that the commission, having accomplished its original statutory directive to implement this chapter, and having expertise in sentencing practice and policies, shall:

(a) Evaluate state sentencing policy, to include whether the sentencing ranges and standards are consistent with and further:

(i) The purposes of this chapter as defined in RCW 9.94A.010; and

(ii) The intent of the legislature to emphasize confinement for the violent offender and alternatives to confinement for the nonviolent offender.

The commission shall provide the governor and the legislature with its evaluation and recommendations under this subsection not later than December 1, 1996, and every two years thereafter;

(b) Recommend to the legislature revisions or modifications to the standard sentence ranges, state sentencing policy, prosecuting standards, and other standards. If implementation of the revisions or modifications would result in exceeding the capacity of correctional facilities, then the commission shall accompany its recommendation with an additional list of standard sentence ranges which are consistent with correction capacity;

(c) Study the existing criminal code and from time to time make recommendations to the legislature for modification;

(d)(i) Serve as a clearinghouse and information center for the collection, preparation, analysis, and dissemination of information on state and local adult and juvenile sentencing practices; (ii) develop and maintain a computerized adult and juvenile sentencing information system by individual superior court judge consisting of offender, offense, history, and sentence information entered from judgment and sentence forms for all adult felons; and (iii) conduct ongoing research regarding adult and juvenile sentencing guidelines, use of total confinement and alternatives to total confinement, plea bargaining,

and other matters relating to the improvement of the adult criminal justice system and the juvenile justice system;

(e) Assume the powers and duties of the juvenile disposition standards commission after June 30, 1996;

(f) Evaluate the effectiveness of existing disposition standards and related statutes in implementing policies set forth in RCW 13.40.010 generally, specifically review the guidelines relating to the confinement of minor and first offenders as well as the use of diversion, and review the application of current and proposed juvenile sentencing standards and guidelines for potential adverse impacts on the sentencing outcomes of racial and ethnic minority youth;

(g) Solicit the comments and suggestions of the juvenile justice community concerning disposition standards, and make recommendations to the legislature regarding revisions or modifications of the standards. The evaluations shall be submitted to the legislature on December 1 of each odd-numbered year. The department of social and health services shall provide the commission with available data concerning the implementation of the disposition standards and related statutes and their effect on the performance of the department's responsibilities relating to juvenile offenders, and with recommendations for modification of the disposition standards. The office of the administrator for the courts shall provide the commission with available data on diversion and dispositions of juvenile offenders under chapter 13.40 RCW; and

(h) Not later than December 1, 1997, and at least every two years thereafter, based on available information, report to the governor and the legislature on:

(i) Racial disproportionality in juvenile and adult sentencing;

(ii) The capacity of state and local juvenile and adult facilities and resources; and

(iii) Recidivism information on adult and juvenile offenders.

(3) Each of the commission's recommended standard sentence ranges shall include one or more of the following: Total confinement, partial confinement, community supervision, community ~~(service)~~ restitution, and a fine.

(4) The standard sentence ranges of total and partial confinement under this chapter are subject to the following limitations:

(a) If the maximum term in the range is one year or less, the minimum term in the range shall be no less than one-third of the maximum term in the range, except that if the maximum term in the range is ninety days or less, the minimum term may be less than one-third of the maximum;

(b) If the maximum term in the range is greater than one year, the minimum term in the range shall be no less than seventy-five percent of the maximum term in the range, except that for murder in the second degree in seriousness category XIII under RCW 9.94A.310, the minimum term in the range shall be no less than fifty percent of the maximum term in the range; and

(c) The maximum term of confinement in a range may not exceed the statutory maximum for the crime as provided in RCW 9A.20.021.

(5) The commission shall exercise its duties under this section in conformity with chapter 34.05 RCW.

**Sec. 7.** RCW 9.94A.120 and 1998 c 260 s 3 are each amended to read as follows:

When a person is convicted of a felony, the court shall impose punishment as provided in this section.

(1) Except as authorized in subsections (2), (4), (5), (6), and (8) of this section, the court shall impose a sentence within the sentence range for the offense.

(2) The court may impose a sentence outside the standard sentence range for that offense if it finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(3) Whenever a sentence outside the standard range is imposed, the court shall set forth the reasons for its decision in written findings of fact and conclusions of law. A sentence outside the standard range shall be a determinate sentence.

(4) A persistent offender shall be sentenced to a term of total confinement for life without the possibility of parole or, when authorized by RCW 10.95.030 for the crime of aggravated murder in the first degree, sentenced to death, notwithstanding the maximum sentence under any other law. An



offender convicted of the crime of murder in the first degree shall be sentenced to a term of total confinement not less than twenty years. An offender convicted of the crime of assault in the first degree or assault of a child in the first degree where the offender used force or means likely to result in death or intended to kill the victim shall be sentenced to a term of total confinement not less than five years. An offender convicted of the crime of rape in the first degree shall be sentenced to a term of total confinement not less than five years. The foregoing minimum terms of total confinement are mandatory and shall not be varied or modified as provided in subsection (2) of this section. In addition, all offenders subject to the provisions of this subsection shall not be eligible for community custody, earned early release time, furlough, home detention, partial confinement, work crew, work release, or any other form of early release as defined under RCW 9.94A.150 (1), (2), (3), (5), (7), or (8), or any other form of authorized leave of absence from the correctional facility while not in the direct custody of a corrections officer or officers during such minimum terms of total confinement except in the case of an offender in need of emergency medical treatment or for the purpose of commitment to an inpatient treatment facility in the case of an offender convicted of the crime of rape in the first degree.

(5) In sentencing a first-time offender the court may waive the imposition of a sentence within the sentence range and impose a sentence which may include up to ninety days of confinement in a facility operated or utilized under contract by the county and a requirement that the offender refrain from committing new offenses. The sentence may also include up to two years of community supervision, which, in addition to crime-related prohibitions, may include requirements that the offender perform any one or more of the following:

- (a) Devote time to a specific employment or occupation;
- (b) Undergo available outpatient treatment for up to two years, or inpatient treatment not to exceed the standard range of confinement for that offense;
- (c) Pursue a prescribed, secular course of study or vocational training;
- (d) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;
- (e) Report as directed to the court and a community corrections officer; or
- (f) Pay all court-ordered legal financial obligations as provided in RCW 9.94A.030 and/or perform community (~~service~~) restitution work.

(6)(a) An offender is eligible for the special drug offender sentencing alternative if:

(i) The offender is convicted of the manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance classified in Schedule I or II that is a narcotic drug or a felony that is, under chapter 9A.28 RCW or RCW 69.50.407, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes, and the violation does not involve a sentence enhancement under RCW 9.94A.310 (3) or (4);

(ii) The offender has no prior convictions for a felony in this state, another state, or the United States; and

(iii) The offense involved only a small quantity of the particular controlled substance as determined by the judge upon consideration of such factors as the weight, purity, packaging, sale price, and street value of the controlled substance.

(b) If the midpoint of the standard range is greater than one year and the sentencing judge determines that the offender is eligible for this option and that the offender and the community will benefit from the use of the special drug offender sentencing alternative, the judge may waive imposition of a sentence within the standard range and impose a sentence that must include a period of total confinement in a state facility for one-half of the midpoint of the standard range. During incarceration in the state facility, offenders sentenced under this subsection shall undergo a comprehensive substance abuse assessment and receive, within available resources, treatment services appropriate for the offender. The treatment services shall be designed by the division of alcohol and substance abuse of the department of social and health services, in cooperation with the department of corrections. If the midpoint of the standard range is twenty-four months or less, no more than three months of the sentence may be served in a work release status. The court shall also impose one year of concurrent community custody and community supervision that must include appropriate outpatient substance abuse treatment, crime-related prohibitions including a condition not to use illegal controlled

substances, and a requirement to submit to urinalysis or other testing to monitor that status. The court may require that the monitoring for controlled substances be conducted by the department or by a treatment alternatives to street crime program or a comparable court or agency-referred program. The offender may be required to pay thirty dollars per month while on community custody to offset the cost of monitoring. In addition, the court shall impose three or more of the following conditions:

- (i) Devote time to a specific employment or training;
  - (ii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer before any change in the offender's address or employment;
  - (iii) Report as directed to a community corrections officer;
  - (iv) Pay all court-ordered legal financial obligations;
  - (v) Perform community ((~~service~~)) restitution work;
  - (vi) Stay out of areas designated by the sentencing judge.
- (c) If the offender violates any of the sentence conditions in (b) of this subsection, the department shall impose sanctions administratively, with notice to the prosecuting attorney and the sentencing court. Upon motion of the court or the prosecuting attorney, a violation hearing shall be held by the court. If the court finds that conditions have been willfully violated, the court may impose confinement consisting of up to the remaining one-half of the midpoint of the standard range. All total confinement served during the period of community custody shall be credited to the offender, regardless of whether the total confinement is served as a result of the original sentence, as a result of a sanction imposed by the department, or as a result of a violation found by the court. The term of community supervision shall be tolled by any period of time served in total confinement as a result of a violation found by the court.

(d) The department shall determine the rules for calculating the value of a day fine based on the offender's income and reasonable obligations which the offender has for the support of the offender and any dependents. These rules shall be developed in consultation with the administrator for the courts, the office of financial management, and the commission.

(7) If a sentence range has not been established for the defendant's crime, the court shall impose a determinate sentence which may include not more than one year of confinement, community ((~~service~~)) restitution work, a term of community supervision not to exceed one year, and/or other legal financial obligations. The court may impose a sentence which provides more than one year of confinement if the court finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(8)(a)(i) When an offender is convicted of a sex offense other than a violation of RCW 9A.44.050 or a sex offense that is also a serious violent offense and has no prior convictions for a sex offense or any other felony sex offenses in this or any other state, the sentencing court, on its own motion or the motion of the state or the defendant, may order an examination to determine whether the defendant is amenable to treatment.

The report of the examination shall include at a minimum the following: The defendant's version of the facts and the official version of the facts, the defendant's offense history, an assessment of problems in addition to alleged deviant behaviors, the offender's social and employment situation, and other evaluation measures used. The report shall set forth the sources of the evaluator's information.

The examiner shall assess and report regarding the defendant's amenability to treatment and relative risk to the community. A proposed treatment plan shall be provided and shall include, at a minimum:

- (A) Frequency and type of contact between offender and therapist;
- (B) Specific issues to be addressed in the treatment and description of planned treatment modalities;
- (C) Monitoring plans, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members and others;
- (D) Anticipated length of treatment; and
- (E) Recommended crime-related prohibitions.

The court on its own motion may order, or on a motion by the state shall order, a second examination regarding the offender's amenability to treatment. The evaluator shall be selected by the

party making the motion. The defendant shall pay the cost of any second examination ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost.

(ii) After receipt of the reports, the court shall consider whether the offender and the community will benefit from use of this special sex offender sentencing alternative and consider the victim's opinion whether the offender should receive a treatment disposition under this subsection. If the court determines that this special sex offender sentencing alternative is appropriate, the court shall then impose a sentence within the sentence range. If this sentence is less than eleven years of confinement, the court may suspend the execution of the sentence and impose the following conditions of suspension:

(A) The court shall place the defendant on community custody for the length of the suspended sentence or three years, whichever is greater, and require the offender to comply with any conditions imposed by the department of corrections under subsection (14) of this section;

(B) The court shall order treatment for any period up to three years in duration. The court in its discretion shall order outpatient sex offender treatment or inpatient sex offender treatment, if available. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment. The offender shall not change sex offender treatment providers or treatment conditions without first notifying the prosecutor, the community corrections officer, and the court, and shall not change providers without court approval after a hearing if the prosecutor or community corrections officer object to the change. In addition, as conditions of the suspended sentence, the court may impose other sentence conditions including up to six months of confinement, not to exceed the sentence range of confinement for that offense, crime-related prohibitions, and requirements that the offender perform any one or more of the following:

(I) Devote time to a specific employment or occupation;

(II) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;

(III) Report as directed to the court and a community corrections officer;

(IV) Pay all court-ordered legal financial obligations as provided in RCW 9.94A.030, perform community ((~~service~~)) restitution work, or any combination thereof; or

(V) Make recoupment to the victim for the cost of any counseling required as a result of the offender's crime; and

(C) Sex offenders sentenced under this special sex offender sentencing alternative are not eligible to accrue any earned early release time while serving a suspended sentence.

(iii) The sex offender therapist shall submit quarterly reports on the defendant's progress in treatment to the court and the parties. The report shall reference the treatment plan and include at a minimum the following: Dates of attendance, defendant's compliance with requirements, treatment activities, the defendant's relative progress in treatment, and any other material as specified by the court at sentencing.

(iv) At the time of sentencing, the court shall set a treatment termination hearing for three months prior to the anticipated date for completion of treatment. Prior to the treatment termination hearing, the treatment professional and community corrections officer shall submit written reports to the court and parties regarding the defendant's compliance with treatment and monitoring requirements, and recommendations regarding termination from treatment, including proposed community supervision conditions. Either party may request and the court may order another evaluation regarding the advisability of termination from treatment. The defendant shall pay the cost of any additional evaluation ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost. At the treatment termination hearing the court may: (A) Modify conditions of community custody, and either (B) terminate treatment, or (C) extend treatment for up to the remaining period of community custody.

(v) If a violation of conditions occurs during community custody, the department shall either impose sanctions as provided for in RCW 9.94A.205(2)(a) or refer the violation to the court and recommend revocation of the suspended sentence as provided for in (a)(vi) of this subsection.

(vi) The court may revoke the suspended sentence at any time during the period of community custody and order execution of the sentence if: (A) The defendant violates the conditions of the suspended sentence, or (B) the court finds that the defendant is failing to make satisfactory progress in

treatment. All confinement time served during the period of community custody shall be credited to the offender if the suspended sentence is revoked.

(vii) Except as provided in (a)(viii) of this subsection, after July 1, 1991, examinations and treatment ordered pursuant to this subsection shall only be conducted by sex offender treatment providers certified by the department of health pursuant to chapter 18.155 RCW.

(viii) A sex offender therapist who examines or treats a sex offender pursuant to this subsection (8) does not have to be certified by the department of health pursuant to chapter 18.155 RCW if the court finds that: (A) The offender has already moved to another state or plans to move to another state for reasons other than circumventing the certification requirements; (B) no certified providers are available for treatment within a reasonable geographical distance of the offender's home; and (C) the evaluation and treatment plan comply with this subsection (8) and the rules adopted by the department of health.

(ix) For purposes of this subsection (8), "victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a result of the crime charged. "Victim" also means a parent or guardian of a victim who is a minor child unless the parent or guardian is the perpetrator of the offense.

(x) If the defendant was less than eighteen years of age when the charge was filed, the state shall pay for the cost of initial evaluation and treatment.

(b) When an offender commits any felony sex offense on or after July 1, 1987, and is sentenced to a term of confinement of more than one year but less than six years, the sentencing court may, on its own motion or on the motion of the offender or the state, request the department of corrections to evaluate whether the offender is amenable to treatment and the department may place the offender in a treatment program within a correctional facility operated by the department.

Except for an offender who has been convicted of a violation of RCW 9A.44.040 or 9A.44.050, if the offender completes the treatment program before the expiration of his or her term of confinement, the department of corrections may request the court to convert the balance of confinement to community supervision and to place conditions on the offender including crime-related prohibitions and requirements that the offender perform any one or more of the following:

- (i) Devote time to a specific employment or occupation;
- (ii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;
- (iii) Report as directed to the court and a community corrections officer;
- (iv) Undergo available outpatient treatment.

If the offender violates any of the terms of his or her community supervision, the court may order the offender to serve out the balance of his or her community supervision term in confinement in the custody of the department of corrections.

Nothing in this subsection (8)(b) shall confer eligibility for such programs for offenders convicted and sentenced for a sex offense committed prior to July 1, 1987. This subsection (8)(b) does not apply to any crime committed after July 1, 1990.

(c) Offenders convicted and sentenced for a sex offense committed prior to July 1, 1987, may, subject to available funds, request an evaluation by the department of corrections to determine whether they are amenable to treatment. If the offender is determined to be amenable to treatment, the offender may request placement in a treatment program within a correctional facility operated by the department. Placement in such treatment program is subject to available funds.

(9)(a) When a court sentences a person to a term of total confinement to the custody of the department of corrections for an offense categorized as a sex offense or a serious violent offense committed after July 1, 1988, but before July 1, 1990, assault in the second degree, assault of a child in the second degree, any crime against a person where it is determined in accordance with RCW 9.94A.125 that the defendant or an accomplice was armed with a deadly weapon at the time of commission, or any felony offense under chapter 69.50 or 69.52 RCW not sentenced under subsection (6) of this section, committed on or after July 1, 1988, the court shall in addition to the other terms of the sentence, sentence the offender to a one-year term of community placement beginning either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned early release in accordance with RCW 9.94A.150 (1) and (2). When the

court sentences an offender under this subsection to the statutory maximum period of confinement then the community placement portion of the sentence shall consist entirely of such community custody to which the offender may become eligible, in accordance with RCW 9.94A.150 (1) and (2). Any period of community custody actually served shall be credited against the community placement portion of the sentence.

(b) When a court sentences a person to a term of total confinement to the custody of the department of corrections for an offense categorized as a sex offense committed on or after July 1, 1990, but before June 6, 1996, a serious violent offense, vehicular homicide, or vehicular assault, committed on or after July 1, 1990, the court shall in addition to other terms of the sentence, sentence the offender to community placement for two years or up to the period of earned early release awarded pursuant to RCW 9.94A.150 (1) and (2), whichever is longer. The community placement shall begin either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned early release in accordance with RCW 9.94A.150 (1) and (2). When the court sentences an offender under this subsection to the statutory maximum period of confinement then the community placement portion of the sentence shall consist entirely of the community custody to which the offender may become eligible, in accordance with RCW 9.94A.150 (1) and (2). Any period of community custody actually served shall be credited against the community placement portion of the sentence. Unless a condition is waived by the court, the terms of community placement for offenders sentenced pursuant to this section shall include the following conditions:

- (i) The offender shall report to and be available for contact with the assigned community corrections officer as directed;
- (ii) The offender shall work at department of corrections-approved education, employment, and/or community ((service)) restitution;
- (iii) The offender shall not possess or consume controlled substances except pursuant to lawfully issued prescriptions;
- (iv) The offender shall pay supervision fees as determined by the department of corrections;
- (v) The residence location and living arrangements are subject to the prior approval of the department of corrections during the period of community placement; and
- (vi) The offender shall submit to affirmative acts necessary to monitor compliance with the orders of the court as required by the department.

(c) As a part of any sentence imposed under (a) or (b) of this subsection, the court may also order any of the following special conditions:

- (i) The offender shall remain within, or outside of, a specified geographical boundary;
- (ii) The offender shall not have direct or indirect contact with the victim of the crime or a specified class of individuals;
- (iii) The offender shall participate in crime-related treatment or counseling services;
- (iv) The offender shall not consume alcohol;
- (v) The offender shall comply with any crime-related prohibitions; or
- (vi) For an offender convicted of a felony sex offense against a minor victim after June 6, 1996, the offender shall comply with any terms and conditions of community placement imposed by the department of corrections relating to contact between the sex offender and a minor victim or a child of similar age or circumstance as a previous victim.

(d) Prior to transfer to, or during, community placement, any conditions of community placement may be removed or modified so as not to be more restrictive by the sentencing court, upon recommendation of the department of corrections.

(10)(a) When a court sentences a person to the custody of the department of corrections for an offense categorized as a sex offense committed on or after June 6, 1996, the court shall, in addition to other terms of the sentence, sentence the offender to community custody for three years or up to the period of earned early release awarded pursuant to RCW 9.94A.150 (1) and (2), whichever is longer. The community custody shall begin either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned early release in accordance with RCW 9.94A.150 (1) and (2).

(b) Unless a condition is waived by the court, the terms of community custody shall be the same as those provided for in subsection (9)(b) of this section and may include those provided for in

subsection (9)(c) of this section. As part of any sentence that includes a term of community custody imposed under this subsection, the court shall also require the offender to comply with any conditions imposed by the department of corrections under subsection (14) of this section.

(c) At any time prior to the completion of a sex offender's term of community custody, if the court finds that public safety would be enhanced, the court may impose and enforce an order extending any or all of the conditions imposed pursuant to this section for a period up to the maximum allowable sentence for the crime as it is classified in chapter 9A.20 RCW, regardless of the expiration of the offender's term of community custody. If a violation of a condition extended under this subsection occurs after the expiration of the offender's term of community custody, it shall be deemed a violation of the sentence for the purposes of RCW 9.94A.195 and may be punishable as contempt of court as provided for in RCW 7.21.040.

(11) If the court imposes a sentence requiring confinement of thirty days or less, the court may, in its discretion, specify that the sentence be served on consecutive or intermittent days. A sentence requiring more than thirty days of confinement shall be served on consecutive days. Local jail administrators may schedule court-ordered intermittent sentences as space permits.

(12) If a sentence imposed includes payment of a legal financial obligation, the sentence shall specify the total amount of the legal financial obligation owed, and shall require the offender to pay a specified monthly sum toward that legal financial obligation. Restitution to victims shall be paid prior to any other payments of monetary obligations. Any legal financial obligation that is imposed by the court may be collected by the department, which shall deliver the amount paid to the county clerk for credit. The offender's compliance with payment of legal financial obligations shall be supervised by the department for ten years following the entry of the judgment and sentence or ten years following the offender's release from total confinement. All monetary payments ordered shall be paid no later than ten years after the last date of release from confinement pursuant to a felony conviction or the date the sentence was entered unless the superior court extends the criminal judgment an additional ten years. If the legal financial obligations including crime victims' assessments are not paid during the initial ten-year period, the superior court may extend jurisdiction under the criminal judgment an additional ten years as provided in RCW 9.94A.140, 9.94A.142, and 9.94A.145. If jurisdiction under the criminal judgment is extended, the department is not responsible for supervision of the offender during the subsequent period. Independent of the department, the party or entity to whom the legal financial obligation is owed shall have the authority to utilize any other remedies available to the party or entity to collect the legal financial obligation. Nothing in this section makes the department, the state, or any of its employees, agents, or other persons acting on their behalf liable under any circumstances for the payment of these legal financial obligations. If an order includes restitution as one of the monetary assessments, the county clerk shall make disbursements to victims named in the order.

(13) Except as provided under RCW 9.94A.140(1) and 9.94A.142(1), a court may not impose a sentence providing for a term of confinement or community supervision or community placement which exceeds the statutory maximum for the crime as provided in chapter 9A.20 RCW.

(14) All offenders sentenced to terms involving community supervision, community ~~(service)~~ restitution, community placement, or legal financial obligation shall be under the supervision of the department of corrections and shall follow explicitly the instructions and conditions of the department of corrections. The department may require an offender to perform affirmative acts it deems appropriate to monitor compliance with the conditions of the sentence imposed.

(a) The instructions shall include, at a minimum, reporting as directed to a community corrections officer, remaining within prescribed geographical boundaries, notifying the community corrections officer of any change in the offender's address or employment, and paying the supervision fee assessment.

(b) For offenders sentenced to terms involving community custody for crimes committed on or after June 6, 1996, the department may include, in addition to the instructions in (a) of this subsection, any appropriate conditions of supervision, including but not limited to, prohibiting the offender from having contact with any other specified individuals or specific class of individuals. The conditions authorized under this subsection (14)(b) may be imposed by the department prior to or during an offender's community custody term. If a violation of conditions imposed by the court or the

department pursuant to subsection (10) of this section occurs during community custody, it shall be deemed a violation of community placement for the purposes of RCW 9.94A.207 and shall authorize the department to transfer an offender to a more restrictive confinement status as provided in RCW 9.94A.205. At any time prior to the completion of a sex offender's term of community custody, the department may recommend to the court that any or all of the conditions imposed by the court or the department pursuant to subsection (10) of this section be continued beyond the expiration of the offender's term of community custody as authorized in subsection (10)(c) of this section.

The department may require offenders to pay for special services rendered on or after July 25, 1993, including electronic monitoring, day reporting, and telephone reporting, dependent upon the offender's ability to pay. The department may pay for these services for offenders who are not able to pay.

(15) All offenders sentenced to terms involving community supervision, community ~~(service)~~ restitution, or community placement under the supervision of the department of corrections shall not own, use, or possess firearms or ammunition. Offenders who own, use, or are found to be in actual or constructive possession of firearms or ammunition shall be subject to the appropriate violation process and sanctions. "Constructive possession" as used in this subsection means the power and intent to control the firearm or ammunition. "Firearm" as used in this subsection means a weapon or device from which a projectile may be fired by an explosive such as gunpowder.

(16) The sentencing court shall give the offender credit for all confinement time served before the sentencing if that confinement was solely in regard to the offense for which the offender is being sentenced.

(17) A departure from the standards in RCW 9.94A.400 (1) and (2) governing whether sentences are to be served consecutively or concurrently is an exceptional sentence subject to the limitations in subsections (2) and (3) of this section, and may be appealed by the defendant or the state as set forth in RCW 9.94A.210 (2) through (6).

(18) The court shall order restitution whenever the offender is convicted of a felony that results in injury to any person or damage to or loss of property, whether the offender is sentenced to confinement or placed under community supervision, unless extraordinary circumstances exist that make restitution inappropriate in the court's judgment. The court shall set forth the extraordinary circumstances in the record if it does not order restitution.

(19) As a part of any sentence, the court may impose and enforce an order that relates directly to the circumstances of the crime for which the offender has been convicted, prohibiting the offender from having any contact with other specified individuals or a specific class of individuals for a period not to exceed the maximum allowable sentence for the crime, regardless of the expiration of the offender's term of community supervision or community placement.

(20) The court may order an offender whose sentence includes community placement or community supervision to undergo a mental status evaluation and to participate in available outpatient mental health treatment, if the court finds that reasonable grounds exist to believe that the offender is a mentally ill person as defined in RCW 71.24.025, and that this condition is likely to have influenced the offense. An order requiring mental status evaluation or treatment must be based on a presentence report and, if applicable, mental status evaluations that have been filed with the court to determine the offender's competency or eligibility for a defense of insanity. The court may order additional evaluations at a later date if deemed appropriate.

(21) In any sentence of partial confinement, the court may require the defendant to serve the partial confinement in work release, in a program of home detention, on work crew, or in a combined program of work crew and home detention.

(22) All court-ordered legal financial obligations collected by the department and remitted to the county clerk shall be credited and paid where restitution is ordered. Restitution shall be paid prior to any other payments of monetary obligations.

**Sec. 8.** RCW 9.94A.200 and 1998 c 260 s 4 are each amended to read as follows:

(1) If an offender violates any condition or requirement of a sentence, the court may modify its order of judgment and sentence and impose further punishment in accordance with this section.

(2) In cases where conditions from a second or later sentence of community supervision begin prior to the term of the second or later sentence, the court shall treat a violation of such conditions as a violation of the sentence of community supervision currently being served.

(3) If an offender fails to comply with any of the requirements or conditions of a sentence the following provisions apply:

(a)(i) Following the violation, if the offender and the department make a stipulated agreement, the department may impose sanctions such as work release, home detention with electronic monitoring, work crew, community ((~~service~~)) restitution, inpatient treatment, daily reporting, curfew, educational or counseling sessions, supervision enhanced through electronic monitoring, jail time, or other sanctions available in the community.

(ii) Within seventy-two hours of signing the stipulated agreement, the department shall submit a report to the court and the prosecuting attorney outlining the violation or violations, and sanctions imposed. Within fifteen days of receipt of the report, if the court is not satisfied with the sanctions, the court may schedule a hearing and may modify the department's sanctions. If this occurs, the offender may withdraw from the stipulated agreement.

(iii) If the offender fails to comply with the sanction administratively imposed by the department, the court may take action regarding the original noncompliance. Offender failure to comply with the sanction administratively imposed by the department may be considered an additional violation.

(b) In the absence of a stipulated agreement, or where the court is not satisfied with the department's sanctions as provided in (a) of this subsection, the court, upon the motion of the state, or upon its own motion, shall require the offender to show cause why the offender should not be punished for the noncompliance. The court may issue a summons or a warrant of arrest for the offender's appearance;

(c) The state has the burden of showing noncompliance by a preponderance of the evidence. If the court finds that the violation has occurred, it may order the offender to be confined for a period not to exceed sixty days for each violation, and may (i) convert a term of partial confinement to total confinement, (ii) convert community ((~~service~~)) restitution obligation to total or partial confinement, (iii) convert monetary obligations, except restitution and the crime victim penalty assessment, to community ((~~service~~)) restitution hours at the rate of the state minimum wage as established in RCW 49.46.020 for each hour of community ((~~service~~)) restitution, or (iv) order one or more of the penalties authorized in (a)(i) of this subsection. Any time served in confinement awaiting a hearing on noncompliance shall be credited against any confinement order by the court;

(d) If the court finds that the violation was not willful, the court may modify its previous order regarding payment of legal financial obligations and regarding community ((~~service~~)) restitution obligations; and

(e) If the violation involves a failure to undergo or comply with mental status evaluation and/or outpatient mental health treatment, the community corrections officer shall consult with the treatment provider or proposed treatment provider. Enforcement of orders concerning outpatient mental health treatment must reflect the availability of treatment and must pursue the least restrictive means of promoting participation in treatment. If the offender's failure to receive care essential for health and safety presents a risk of serious physical harm or probable harmful consequences, the civil detention and commitment procedures of chapter 71.05 RCW shall be considered in preference to incarceration in a local or state correctional facility.

(4) The community corrections officer may obtain information from the offender's mental health treatment provider on the offender's status with respect to evaluation, application for services, registration for services, and compliance with the supervision plan, without the offender's consent, as described under RCW 71.05.630.

(5) An offender under community placement or community supervision who is civilly detained under chapter 71.05 RCW, and subsequently discharged or conditionally released to the community, shall be under the supervision of the department of corrections for the duration of his or her period of community placement or community supervision. During any period of inpatient mental health treatment that falls within the period of community placement or community supervision, the inpatient



treatment provider and the supervising community corrections officer shall notify each other about the offender's discharge, release, and legal status, and shall share other relevant information.

(6) Nothing in this section prohibits the filing of escape charges if appropriate.

**Sec. 9.** RCW 9.94A.380 and 1988 c 157 s 4 and 1988 c 155 s 3 are each reenacted and amended to read as follows:

Alternatives to total confinement are available for offenders with sentences of one year or less. These alternatives include the following sentence conditions that the court may order as substitutes for total confinement: (1) One day of partial confinement may be substituted for one day of total confinement; (2) in addition, for offenders convicted of nonviolent offenses only, eight hours of community ((~~service~~)) restitution may be substituted for one day of total confinement, with a maximum conversion limit of two hundred forty hours or thirty days. Community ((~~service~~)) restitution hours must be completed within the period of community supervision or a time period specified by the court, which shall not exceed twenty-four months, pursuant to a schedule determined by the department.

For sentences of nonviolent offenders for one year or less, the court shall consider and give priority to available alternatives to total confinement and shall state its reasons in writing on the judgment and sentence form if the alternatives are not used.

**Sec. 10.** RCW 9.94A.400 and 1998 c 235 s 2 are each amended to read as follows:

(1)(a) Except as provided in (b) or (c) of this subsection, whenever a person is to be sentenced for two or more current offenses, the sentence range for each current offense shall be determined by using all other current and prior convictions as if they were prior convictions for the purpose of the offender score: PROVIDED, That if the court enters a finding that some or all of the current offenses encompass the same criminal conduct then those current offenses shall be counted as one crime. Sentences imposed under this subsection shall be served concurrently. Consecutive sentences may only be imposed under the exceptional sentence provisions of RCW 9.94A.120 and 9.94A.390(2)(g) or any other provision of RCW 9.94A.390. "Same criminal conduct," as used in this subsection, means two or more crimes that require the same criminal intent, are committed at the same time and place, and involve the same victim. This definition applies in cases involving vehicular assault or vehicular homicide even if the victims occupied the same vehicle.

(b) Whenever a person is convicted of two or more serious violent offenses, as defined in RCW 9.94A.030, arising from separate and distinct criminal conduct, the sentence range for the offense with the highest seriousness level under RCW 9.94A.320 shall be determined using the offender's prior convictions and other current convictions that are not serious violent offenses in the offender score and the sentence range for other serious violent offenses shall be determined by using an offender score of zero. The sentence range for any offenses that are not serious violent offenses shall be determined according to (a) of this subsection. All sentences imposed under (b) of this subsection shall be served consecutively to each other and concurrently with sentences imposed under (a) of this subsection.

(c) If an offender is convicted under RCW 9.41.040 for unlawful possession of a firearm in the first or second degree and for the felony crimes of theft of a firearm or possession of a stolen firearm, or both, then the offender shall serve consecutive sentences for each conviction of the felony crimes listed in this subsection, and for each firearm unlawfully possessed.

(2)(a) Except as provided in (b) of this subsection, whenever a person while under sentence of felony commits another felony and is sentenced to another term of confinement, the latter term shall not begin until expiration of all prior terms.

(b) Whenever a second or later felony conviction results in community supervision with conditions not currently in effect, under the prior sentence or sentences of community supervision the court may require that the conditions of community supervision contained in the second or later sentence begin during the immediate term of community supervision and continue throughout the duration of the consecutive term of community supervision.

(3) Subject to subsections (1) and (2) of this section, whenever a person is sentenced for a felony that was committed while the person was not under sentence of a felony, the sentence shall run concurrently with any felony sentence which has been imposed by any court in this or another state or

by a federal court subsequent to the commission of the crime being sentenced unless the court pronouncing the current sentence expressly orders that they be served consecutively.

(4) Whenever any person granted probation under RCW 9.95.210 or 9.92.060, or both, has the probationary sentence revoked and a prison sentence imposed, that sentence shall run consecutively to any sentence imposed pursuant to this chapter, unless the court pronouncing the subsequent sentence expressly orders that they be served concurrently.

(5) However, in the case of consecutive sentences, all periods of total confinement shall be served before any partial confinement, community ~~((service))~~ restitution, community supervision, or any other requirement or conditions of any of the sentences. Except for exceptional sentences as authorized under RCW 9.94A.120(2), if two or more sentences that run consecutively include periods of community supervision, the aggregate of the community supervision period shall not exceed twenty-four months.

**Sec. 11.** RCW 10.98.040 and 1985 c 201 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Arrest and fingerprint form" means the reporting form prescribed by the identification, child abuse, vulnerable adult abuse, and criminal history section to initiate compiling arrest and identification information.

(2) "Chief law enforcement officer" includes the sheriff or director of public safety of a county, the chief of police of a city or town, and chief officers of other law enforcement agencies operating within the state.

(3) "Department" means the department of corrections.

(4) "Disposition" means the conclusion of a criminal proceeding at any stage it occurs in the criminal justice system. Disposition includes but is not limited to temporary or permanent outcomes such as charges dropped by police, charges not filed by the prosecuting attorney, deferred prosecution, defendant absconded, charges filed by the prosecuting attorney pending court findings such as not guilty, dismissed, guilty, or guilty--case appealed to higher court.

(5) "Disposition report" means the reporting form prescribed by the identification, child abuse, vulnerable adult abuse, and criminal history section to report the legal procedures taken after completing an arrest and fingerprint form. The disposition report shall include but not be limited to the following types of information:

(a) The type of disposition;

(b) The statutory citation for the arrests;

(c) The sentence structure if the defendant was convicted of a felony;

(d) The state identification number; and

(e) Identification information and other information that is prescribed by the identification, child abuse, vulnerable adult abuse, and criminal history section.

(6) "Fingerprints" means the fingerprints taken from arrested or charged persons under the procedures prescribed by the Washington state patrol identification, child abuse, vulnerable adult abuse, and criminal history section.

(7) "Prosecuting attorney" means the public or private attorney prosecuting a criminal case.

(8) "Section" refers to the Washington state patrol section on identification, child abuse, vulnerable adult abuse, and criminal history.

(9) "Sentence structure" means itemizing the components of the felony sentence. The sentence structure shall include but not be limited to the total or partial confinement sentenced, and whether the sentence is prison or jail, community supervision, fines, restitution, or community ~~((service))~~ restitution.

**Sec. 12.** RCW 13.40.020 and 1997 c 338 s 10 are each amended to read as follows:

For the purposes of this chapter:

(1) "Community-based rehabilitation" means one or more of the following: Employment; attendance of information classes; literacy classes; counseling, outpatient substance abuse treatment programs, outpatient mental health programs, anger management classes, education or outpatient

treatment programs to prevent animal cruelty, or other services; or attendance at school or other educational programs appropriate for the juvenile as determined by the school district. Placement in community-based rehabilitation programs is subject to available funds;

(2) Community-based sanctions may include one or more of the following:

(a) A fine, not to exceed five hundred dollars;

(b) Community ~~((service))~~ restitution not to exceed one hundred fifty hours of ~~((service))~~ community restitution;

(3) "Community ~~((service))~~ restitution" means compulsory service, without compensation, performed for the benefit of the community by the offender as punishment for committing an offense. Community ~~((service))~~ restitution may be performed through public or private organizations or through work crews;

(4) "Community supervision" means an order of disposition by the court of an adjudicated youth not committed to the department or an order granting a deferred disposition. A community supervision order for a single offense may be for a period of up to two years for a sex offense as defined by RCW 9.94A.030 and up to one year for other offenses. As a mandatory condition of any term of community supervision, the court shall order the juvenile to refrain from committing new offenses. As a mandatory condition of community supervision, the court shall order the juvenile to comply with the mandatory school attendance provisions of chapter 28A.225 RCW and to inform the school of the existence of this requirement. Community supervision is an individualized program comprised of one or more of the following:

(a) Community-based sanctions;

(b) Community-based rehabilitation;

(c) Monitoring and reporting requirements;

(d) Posting of a probation bond;

(5) "Confinement" means physical custody by the department of social and health services in a facility operated by or pursuant to a contract with the state, or physical custody in a detention facility operated by or pursuant to a contract with any county. The county may operate or contract with vendors to operate county detention facilities. The department may operate or contract to operate detention facilities for juveniles committed to the department. Pretrial confinement or confinement of less than thirty-one days imposed as part of a disposition or modification order may be served consecutively or intermittently, in the discretion of the court;

(6) "Court," when used without further qualification, means the juvenile court judge(s) or commissioner(s);

(7) "Criminal history" includes all criminal complaints against the respondent for which, prior to the commission of a current offense:

(a) The allegations were found correct by a court. If a respondent is convicted of two or more charges arising out of the same course of conduct, only the highest charge from among these shall count as an offense for the purposes of this chapter; or

(b) The criminal complaint was diverted by a prosecutor pursuant to the provisions of this chapter on agreement of the respondent and after an advisement to the respondent that the criminal complaint would be considered as part of the respondent's criminal history. A successfully completed deferred adjudication that was entered before July 1, 1998, or a deferred disposition shall not be considered part of the respondent's criminal history;

(8) "Department" means the department of social and health services;

(9) "Detention facility" means a county facility, paid for by the county, for the physical confinement of a juvenile alleged to have committed an offense or an adjudicated offender subject to a disposition or modification order. "Detention facility" includes county group homes, inpatient substance abuse programs, juvenile basic training camps, and electronic monitoring;

(10) "Diversion unit" means any probation counselor who enters into a diversion agreement with an alleged youthful offender, or any other person, community accountability board, or other entity except a law enforcement official or entity, with whom the juvenile court administrator has contracted to arrange and supervise such agreements pursuant to RCW 13.40.080, or any person, community accountability board, or other entity specially funded by the legislature to arrange and supervise diversion agreements in accordance with the requirements of this chapter. For purposes of this

subsection, "community accountability board" means a board comprised of members of the local community in which the juvenile offender resides. The superior court shall appoint the members. The boards shall consist of at least three and not more than seven members. If possible, the board should include a variety of representatives from the community, such as a law enforcement officer, teacher or school administrator, high school student, parent, and business owner, and should represent the cultural diversity of the local community;

(11) "Foster care" means temporary physical care in a foster family home or group care facility as defined in RCW 74.15.020 and licensed by the department, or other legally authorized care;

(12) "Institution" means a juvenile facility established pursuant to chapters 72.05 and 72.16 through 72.20 RCW;

(13) "Intensive supervision program" means a parole program that requires intensive supervision and monitoring, offers an array of individualized treatment and transitional services, and emphasizes community involvement and support in order to reduce the likelihood a juvenile offender will commit further offenses;

(14) "Juvenile," "youth," and "child" mean any individual who is under the chronological age of eighteen years and who has not been previously transferred to adult court pursuant to RCW 13.40.110 or who is otherwise under adult court jurisdiction;

(15) "Juvenile offender" means any juvenile who has been found by the juvenile court to have committed an offense, including a person eighteen years of age or older over whom jurisdiction has been extended under RCW 13.40.300;

(16) "Local sanctions" means one or more of the following: (a) 0-30 days of confinement; (b) 0-12 months of community supervision; (c) 0-150 hours of community ~~(service)~~ restitution; or (d) \$0-\$500 fine;

(17) "Manifest injustice" means a disposition that would either impose an excessive penalty on the juvenile or would impose a serious, and clear danger to society in light of the purposes of this chapter;

(18) "Monitoring and reporting requirements" means one or more of the following: Curfews; requirements to remain at home, school, work, or court-ordered treatment programs during specified hours; restrictions from leaving or entering specified geographical areas; requirements to report to the probation officer as directed and to remain under the probation officer's supervision; and other conditions or limitations as the court may require which may not include confinement;

(19) "Offense" means an act designated a violation or a crime if committed by an adult under the law of this state, under any ordinance of any city or county of this state, under any federal law, or under the law of another state if the act occurred in that state;

(20) "Probation bond" means a bond, posted with sufficient security by a surety justified and approved by the court, to secure the offender's appearance at required court proceedings and compliance with court-ordered community supervision or conditions of release ordered pursuant to RCW 13.40.040 or 13.40.050. It also means a deposit of cash or posting of other collateral in lieu of a bond if approved by the court;

(21) "Respondent" means a juvenile who is alleged or proven to have committed an offense;

(22) "Restitution" means financial reimbursement by the offender to the victim, and shall be limited to easily ascertainable damages for injury to or loss of property, actual expenses incurred for medical treatment for physical injury to persons, lost wages resulting from physical injury, and costs of the victim's counseling reasonably related to the offense if the offense is a sex offense. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses. Nothing in this chapter shall limit or replace civil remedies or defenses available to the victim or offender;

(23) "Secretary" means the secretary of the department of social and health services.

"Assistant secretary" means the assistant secretary for juvenile rehabilitation for the department;

(24) "Services" means services which provide alternatives to incarceration for those juveniles who have pleaded or been adjudicated guilty of an offense or have signed a diversion agreement pursuant to this chapter;

(25) "Sex offense" means an offense defined as a sex offense in RCW 9.94A.030;

(26) "Sexual motivation" means that one of the purposes for which the respondent committed the offense was for the purpose of his or her sexual gratification;

(27) "Surety" means an entity licensed under state insurance laws or by the state department of licensing, to write corporate, property, or probation bonds within the state, and justified and approved by the superior court of the county having jurisdiction of the case;

(28) "Violation" means an act or omission, which if committed by an adult, must be proven beyond a reasonable doubt, and is punishable by sanctions which do not include incarceration;

(29) "Violent offense" means a violent offense as defined in RCW 9.94A.030.

**Sec. 13.** RCW 13.40.0357 and 1998 c 290 s 5 are each amended to read as follows:

**DESCRIPTION AND OFFENSE CATEGORY**

| JUVENILE<br>DISPOSITION<br>OFFENSE<br>CATEGORY              | DESCRIPTION (RCW CITATION)                           | JUVENILE<br>DISPOSITION<br>CATEGORY<br>FOR ATTEMPT,<br>BAILJUMP,<br>CONSPIRACY,<br>OR<br>SOLICITATION |
|---|--|---|
| <b>Arson and Malicious Mischief</b>                         |  |   |
| A   | Arson 1 (9A.48.020)                                  | B+  |
| B   | Arson 2 (9A.48.030)                                  | C   |
| C   | Reckless Burning 1 (9A.48.040)                       | D   |
| D   | Reckless Burning 2 (9A.48.050)                       | E   |
| B   | Malicious Mischief 1 (9A.48.070)                     | C   |
| C   | Malicious Mischief 2 (9A.48.080)                     | D   |
| D   | Malicious Mischief 3 (< \$50 is E class) (9A.48.090) | E   |
| E   | Tampering with Fire Alarm Apparatus (9.40.100)       | E   |
| A   | Possession of Incendiary Device (9.40.120)           | B+  |
| <b>Assault and Other Crimes<br/>Involving Physical Harm</b> |  |   |
| A   | Assault 1 (9A.36.011)                                | B+  |
| B+  | Assault 2 (9A.36.021)                                | C+  |
| C+  | Assault 3 (9A.36.031)                                | D+  |
| D+  | Assault 4 (9A.36.041)                                | E   |
| B+  | Drive-By Shooting (9A.36.045)                        | C+  |
| D+  | Reckless Endangerment (9A.36.050)                    | E   |
| C+  | Promoting Suicide Attempt (9A.36.060)                | D+  |
| D+  | Coercion (9A.36.070)                                 | E   |
| C+  | Custodial Assault (9A.36.100)                        | D+  |
| <b>Burglary and Trespass</b>                                |  |   |
| B+  | Burglary 1 (9A.52.020)                               | C+  |
| B   | Residential Burglary (9A.52.025)                     | C   |
| B   | Burglary 2 (9A.52.030)                               | C   |
| D   | Burglary Tools (Possession of) (9A.52.060)           | E   |
| D   | Criminal Trespass 1 (9A.52.070)                      | E   |

|   |                                 |   |
|---|---------------------------------|---|
| E | Criminal Trespass 2 (9A.52.080) | E |
| C | Vehicle Prowling 1 (9A.52.095)  | D |
| D | Vehicle Prowling 2 (9A.52.100)  | E |

#### **Drugs**

|    |   |    |
|----|---|----|
| E  | Possession/Consumption of Alcohol (66.44.270)   | E  |
| C  | Illegally Obtaining Legend Drug (69.41.020)   | D  |
| C+ | Sale, Delivery, Possession of Legend Drug with Intent to Sell (69.41.030)   | D+ |
| E  | Possession of Legend Drug (69.41.030)   | E  |
| B+ | Violation of Uniform Controlled Substances Act - Narcotic, Methamphetamine, or Flunitrazepam Sale (69.50.401(a)(1) (i) or (ii))                   | B+ |
| C  | Violation of Uniform Controlled Substances Act - Nonnarcotic Sale (69.50.401(a)(1)(iii))  | C  |
| E  | Possession of Marihuana < 40 grams (69.50.401(e))   | E  |
| C  | Fraudulently Obtaining Controlled Substance (69.50.403)   | C  |
| C+ | Sale of Controlled Substance for Profit (69.50.410)   | C+ |
| E  | Unlawful Inhalation (9.47A.020)   | E  |
| B  | Violation of Uniform Controlled Substances Act - Narcotic, Methamphetamine, or Flunitrazepam Counterfeit Substances (69.50.401(b)(1) (i) or (ii)) | B  |
| C  | Violation of Uniform Controlled Substances Act - Nonnarcotic Counterfeit Substances (69.50.401(b)(1) (iii), (iv), (v))                            | C  |
| C  | Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.401(d))  | C  |
| C  | Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.401(c))  | C  |

#### **Firearms and Weapons**

|    |   |   |
|----|---|---|
| B  | Theft of Firearm (9A.56.300)                                | C |
| B  | Possession of Stolen Firearm (9A.56.310)                    | C |
| E  | Carrying Loaded Pistol Without Permit (9.41.050)            | E |
| C  | Possession of Firearms by Minor (< 18)(9.41.040(1)(b)(iii)) | C |
| D+ | Possession of Dangerous Weapon (9.41.250)                   | E |
| D  | Intimidating Another Person by use of Weapon (9.41.270)     | E |

#### **Homicide**

|    |                                |    |
|----|--------------------------------|----|
| A+ | Murder 1 (9A.32.030)           | A  |
| A+ | Murder 2 (9A.32.050)           | B+ |
| B+ | Manslaughter 1 (9A.32.060)     | C+ |
| C+ | Manslaughter 2 (9A.32.070)     | D+ |
| B+ | Vehicular Homicide (46.61.520) | C+ |

#### **Kidnapping**

|    |                      |    |
|----|----------------------|----|
| A  | Kidnap 1 (9A.40.020) | B+ |
| B+ | Kidnap 2 (9A.40.030) | C+ |

|   |   |    |
|---|---|----|
| C+  | Unlawful Imprisonment (9A.40.040)                 | D+ |
| <b>Obstructing Governmental Operation</b>     |   |    |
| D   | Obstructing a Law Enforcement Officer (9A.76.020) | E  |
| E   | Resisting Arrest (9A.76.040)                      | E  |
| B   | Introducing Contraband 1 (9A.76.140)              | C  |
| C   | Introducing Contraband 2 (9A.76.150)              | D  |
| E   | Introducing Contraband 3 (9A.76.160)              | E  |
| B+  | Intimidating a Public Servant (9A.76.180)         | C+ |
| B+  | Intimidating a Witness (9A.72.110)                | C+ |
| <b>Public Disturbance</b>                     |   |    |
| C+  | Riot with Weapon (9A.84.010)                      | D+ |
| D+  | Riot Without Weapon (9A.84.010)                   | E  |
| E   | Failure to Disperse (9A.84.020)                   | E  |
| E   | Disorderly Conduct (9A.84.030)                    | E  |
| <b>Sex Crimes</b>                             |   |    |
| A   | Rape 1 (9A.44.040)                                | B+ |
| A-  | Rape 2 (9A.44.050)                                | B+ |
| C+  | Rape 3 (9A.44.060)                                | D+ |
| A-  | Rape of a Child 1 (9A.44.073)                     | B+ |
| B+  | Rape of a Child 2 (9A.44.076)                     | C+ |
| B   | Incest 1 (9A.64.020(1))                           | C  |
| C   | Incest 2 (9A.64.020(2))                           | D  |
| D+  | Indecent Exposure (Victim < 14) (9A.88.010)       | E  |
| E   | Indecent Exposure (Victim 14 or over) (9A.88.010) | E  |
| B+  | Promoting Prostitution 1 (9A.88.070)              | C+ |
| C+  | Promoting Prostitution 2 (9A.88.080)              | D+ |
| E   | O & A (Prostitution) (9A.88.030)                  | E  |
| B+  | Indecent Liberties (9A.44.100)                    | C+ |
| A-  | Child Molestation 1 (9A.44.083)                   | B+ |
| B   | Child Molestation 2 (9A.44.086)                   | C+ |
| <b>Theft, Robbery, Extortion, and Forgery</b> |   |    |
| B   | Theft 1 (9A.56.030)                               | C  |
| C   | Theft 2 (9A.56.040)                               | D  |
| D   | Theft 3 (9A.56.050)                               | E  |
| B   | Theft of Livestock (9A.56.080)                    | C  |
| C   | Forgery (9A.60.020)                               | D  |
| A   | Robbery 1 (9A.56.200)                             | B+ |
| B+  | Robbery 2 (9A.56.210)                             | C+ |
| B+  | Extortion 1 (9A.56.120)                           | C+ |
| C+  | Extortion 2 (9A.56.130)                           | D+ |
| B   | Possession of Stolen Property 1 (9A.56.150)       | C  |
| C   | Possession of Stolen Property 2 (9A.56.160)       | D  |
| D   | Possession of Stolen Property 3 (9A.56.170)       | E  |

|                                     |  |    |
|-------------------------------------|--|----|
| C                                   | Taking Motor Vehicle Without Owner's Permission<br>(9A.56.070)                                       | D  |
| <b>Motor Vehicle Related Crimes</b> |  |    |
| E                                   | Driving Without a License (46.20.005)  | E  |
| C                                   | Hit and Run - Injury (46.52.020(4))  | D  |
| D                                   | Hit and Run-Attended (46.52.020(5))  | E  |
| E                                   | Hit and Run-Unattended (46.52.010)   | E  |
| C                                   | Vehicular Assault (46.61.522)  | D  |
| C                                   | Attempting to Elude Pursuing Police Vehicle (46.61.024)  | D  |
| E                                   | Reckless Driving (46.61.500)   | E  |
| D                                   | Driving While Under the Influence (46.61.502 and<br>46.61.504)                                       | E  |
| <b>Other</b>                        |  |    |
| B                                   | Bomb Threat (9.61.160)   | C  |
| C                                   | Escape 1 <sup>1</sup> (9A.76.110)  | C  |
| C                                   | Escape 2 <sup>1</sup> (9A.76.120)  | C  |
| D                                   | Escape 3 (9A.76.130)   | E  |
| E                                   | Obscene, Harassing, Etc., Phone Calls (9.61.230)   | E  |
| A                                   | Other Offense Equivalent to an Adult Class A Felony  | B+ |
| B                                   | Other Offense Equivalent to an Adult Class B Felony  | C  |
| C                                   | Other Offense Equivalent to an Adult Class C Felony  | D  |
| D                                   | Other Offense Equivalent to an Adult Gross Misdemeanor   | E  |
| E                                   | Other Offense Equivalent to an Adult Misdemeanor   | E  |
| V                                   | Violation of Order of Restitution, Community<br>Supervision, or Confinement (13.40.200) <sup>2</sup> | V  |

<sup>1</sup>Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses and the standard range is established as follows:

- 1st escape or attempted escape during 12-month period - 4 weeks confinement
- 2nd escape or attempted escape during 12-month period - 8 weeks confinement
- 3rd and subsequent escape or attempted escape during 12-month period - 12 weeks confinement

<sup>2</sup>If the court finds that a respondent has violated terms of an order, it may impose a penalty of up to 30 days of confinement.

### **JUVENILE SENTENCING STANDARDS**

This schedule must be used for juvenile offenders. The court may select sentencing option A, B, or C.

#### **OPTION A JUVENILE OFFENDER SENTENCING GRID STANDARD RANGE**

A+ 180 WEEKS TO AGE 21 YEARS



A 103 WEEKS TO 129 WEEKS

A- 15-36 | 52-65 | 80-100 | 103-129  
WEEKS | WEEKS | WEEKS | WEEKS  
EXCEPT | | |  
30-40 | | |  
WEEKS FOR | | |  
15-17 | | |  
YEAR OLDS | | |

Current B+ 15-36 | 52-65 | 80-100 | 103-129  
Offense WEEKS | WEEKS | WEEKS | WEEKS  
Category  
B LOCAL | | 52-65  
SANCTIONS (LS) | 15-36 WEEKS | WEEKS

C+ LS |  
| 15-36 WEEKS

C LS | 15-36 WEEKS  
Local Sanctions: |  
0 to 30 Days  
D+ LS 0 to 12 Months Community Supervision  
0 to 150 Hours Community ((Service)) Restitution  
D LS \$0 to \$500 Fine

E LS  
0 1 2 3 4 or more

#### PRIOR ADJUDICATIONS

NOTE: References in the grid to days or weeks mean periods of confinement.

(1) The vertical axis of the grid is the current offense category. The current offense category is determined by the offense of adjudication.

(2) The horizontal axis of the grid is the number of prior adjudications included in the juvenile's criminal history. Each prior felony adjudication shall count as one point. Each prior violation, misdemeanor, and gross misdemeanor adjudication shall count as 1/4 point. Fractional points shall be rounded down.

(3) The standard range disposition for each offense is determined by the intersection of the column defined by the prior adjudications and the row defined by the current offense category.

(4) RCW 13.40.180 applies if the offender is being sentenced for more than one offense.

(5) A current offense that is a violation is equivalent to an offense category of E. However, a disposition for a violation shall not include confinement.

**OR**

#### **OPTION B CHEMICAL DEPENDENCY DISPOSITION ALTERNATIVE**

If the juvenile offender is subject to a standard range disposition of local sanctions or 15 to 36 weeks of confinement and has not committed an A- or B+ offense, the court may impose a disposition under RCW 13.40.160(5) and 13.40.165.

OR

**OPTION C  
MANIFEST INJUSTICE**

If the court determines that a disposition under option A or B would effectuate a manifest injustice, the court shall impose a disposition outside the standard range under RCW 13.40.160(2).

**Sec. 14.** RCW 13.40.080 and 1997 c 338 s 70 are each amended to read as follows:

(1) A diversion agreement shall be a contract between a juvenile accused of an offense and a diversionary unit whereby the juvenile agrees to fulfill certain conditions in lieu of prosecution. Such agreements may be entered into only after the prosecutor, or probation counselor pursuant to this chapter, has determined that probable cause exists to believe that a crime has been committed and that the juvenile committed it. Such agreements shall be entered into as expeditiously as possible.

(2) A diversion agreement shall be limited to one or more of the following:

(a) Community ~~((service))~~ restitution not to exceed one hundred fifty hours, not to be performed during school hours if the juvenile is attending school;

(b) Restitution limited to the amount of actual loss incurred by the victim;

(c) Attendance at up to ten hours of counseling and/or up to twenty hours of educational or informational sessions at a community agency. The educational or informational sessions may include sessions relating to respect for self, others, and authority; victim awareness; accountability; self-worth; responsibility; work ethics; good citizenship; literacy; and life skills. For purposes of this section, "community agency" may also mean a community-based nonprofit organization, if approved by the diversion unit. The state shall not be liable for costs resulting from the diversionary unit exercising the option to permit diversion agreements to mandate attendance at up to ten hours of counseling and/or up to twenty hours of educational or informational sessions;

(d) A fine, not to exceed one hundred dollars. In determining the amount of the fine, the diversion unit shall consider only the juvenile's financial resources and whether the juvenile has the means to pay the fine. The diversion unit shall not consider the financial resources of the juvenile's parents, guardian, or custodian in determining the fine to be imposed; and

(e) Requirements to remain during specified hours at home, school, or work, and restrictions on leaving or entering specified geographical areas.

(3) In assessing periods of community ~~((service))~~ restitution to be performed and restitution to be paid by a juvenile who has entered into a diversion agreement, the court officer to whom this task is assigned shall consult with the juvenile's custodial parent or parents or guardian and victims who have contacted the diversionary unit and, to the extent possible, involve members of the community. Such members of the community shall meet with the juvenile and advise the court officer as to the terms of the diversion agreement and shall supervise the juvenile in carrying out its terms.

(4)(a) A diversion agreement may not exceed a period of six months and may include a period extending beyond the eighteenth birthday of the divertee.

(b) If additional time is necessary for the juvenile to complete restitution to the victim, the time period limitations of this subsection may be extended by an additional six months.

(c) If the juvenile has not paid the full amount of restitution by the end of the additional six-month period, then the juvenile shall be referred to the juvenile court for entry of an order establishing the amount of restitution still owed to the victim. In this order, the court shall also determine the terms and conditions of the restitution, including a payment plan extending up to ten years if the court determines that the juvenile does not have the means to make full restitution over a shorter period. For the purposes of this subsection (4)(c), the juvenile shall remain under the court's jurisdiction for a maximum term of ten years after the juvenile's eighteenth birthday. Prior to the expiration of the initial ten-year period, the juvenile court may extend the judgment for restitution an additional ten years. The court may not require the juvenile to pay full or partial restitution if the juvenile reasonably satisfies the court that he or she does not have the means to make full or partial restitution and could not reasonably acquire the means to pay the restitution over a ten-year period. The county clerk shall make disbursements to victims named in the order. The restitution to victims named in the order shall

be paid prior to any payment for other penalties or monetary assessments. A juvenile under obligation to pay restitution may petition the court for modification of the restitution order.

(5) The juvenile shall retain the right to be referred to the court at any time prior to the signing of the diversion agreement.

(6) Divertees and potential divertees shall be afforded due process in all contacts with a diversionary unit regardless of whether the juveniles are accepted for diversion or whether the diversion program is successfully completed. Such due process shall include, but not be limited to, the following:

(a) A written diversion agreement shall be executed stating all conditions in clearly understandable language;

(b) Violation of the terms of the agreement shall be the only grounds for termination;

(c) No divertee may be terminated from a diversion program without being given a court hearing, which hearing shall be preceded by:

(i) Written notice of alleged violations of the conditions of the diversion program; and

(ii) Disclosure of all evidence to be offered against the divertee;

(d) The hearing shall be conducted by the juvenile court and shall include:

(i) Opportunity to be heard in person and to present evidence;

(ii) The right to confront and cross-examine all adverse witnesses;

(iii) A written statement by the court as to the evidence relied on and the reasons for termination, should that be the decision; and

(iv) Demonstration by evidence that the divertee has substantially violated the terms of his or her diversion agreement.

(e) The prosecutor may file an information on the offense for which the divertee was diverted:

(i) In juvenile court if the divertee is under eighteen years of age; or

(ii) In superior court or the appropriate court of limited jurisdiction if the divertee is eighteen years of age or older.

(7) The diversion unit shall, subject to available funds, be responsible for providing interpreters when juveniles need interpreters to effectively communicate during diversion unit hearings or negotiations.

(8) The diversion unit shall be responsible for advising a divertee of his or her rights as provided in this chapter.

(9) The diversion unit may refer a juvenile to community-based counseling or treatment programs.

(10) The right to counsel shall inure prior to the initial interview for purposes of advising the juvenile as to whether he or she desires to participate in the diversion process or to appear in the juvenile court. The juvenile may be represented by counsel at any critical stage of the diversion process, including intake interviews and termination hearings. The juvenile shall be fully advised at the intake of his or her right to an attorney and of the relevant services an attorney can provide. For the purpose of this section, intake interviews mean all interviews regarding the diversion agreement process.

The juvenile shall be advised that a diversion agreement shall constitute a part of the juvenile's criminal history as defined by RCW 13.40.020(~~((9))~~) (7). A signed acknowledgment of such advisement shall be obtained from the juvenile, and the document shall be maintained by the diversionary unit together with the diversion agreement, and a copy of both documents shall be delivered to the prosecutor if requested by the prosecutor. The supreme court shall promulgate rules setting forth the content of such advisement in simple language.

(11) When a juvenile enters into a diversion agreement, the juvenile court may receive only the following information for dispositional purposes:

(a) The fact that a charge or charges were made;

(b) The fact that a diversion agreement was entered into;

(c) The juvenile's obligations under such agreement;

(d) Whether the alleged offender performed his or her obligations under such agreement; and

(e) The facts of the alleged offense.

(12) A diversionary unit may refuse to enter into a diversion agreement with a juvenile. When a diversionary unit refuses to enter a diversion agreement with a juvenile, it shall immediately refer such juvenile to the court for action and shall forward to the court the criminal complaint and a detailed statement of its reasons for refusing to enter into a diversion agreement. The diversionary unit shall also immediately refer the case to the prosecuting attorney for action if such juvenile violates the terms of the diversion agreement.

(13) A diversionary unit may, in instances where it determines that the act or omission of an act for which a juvenile has been referred to it involved no victim, or where it determines that the juvenile referred to it has no prior criminal history and is alleged to have committed an illegal act involving no threat of or instance of actual physical harm and involving not more than fifty dollars in property loss or damage and that there is no loss outstanding to the person or firm suffering such damage or loss, counsel and release or release such a juvenile without entering into a diversion agreement. A diversion unit's authority to counsel and release a juvenile under this subsection shall include the authority to refer the juvenile to community-based counseling or treatment programs. Any juvenile released under this subsection shall be advised that the act or omission of any act for which he or she had been referred shall constitute a part of the juvenile's criminal history as defined by RCW 13.40.020((9)) (7). A signed acknowledgment of such advisement shall be obtained from the juvenile, and the document shall be maintained by the unit, and a copy of the document shall be delivered to the prosecutor if requested by the prosecutor. The supreme court shall promulgate rules setting forth the content of such advisement in simple language. A juvenile determined to be eligible by a diversionary unit for release as provided in this subsection shall retain the same right to counsel and right to have his or her case referred to the court for formal action as any other juvenile referred to the unit.

(14) A diversion unit may supervise the fulfillment of a diversion agreement entered into before the juvenile's eighteenth birthday and which includes a period extending beyond the divertee's eighteenth birthday.

(15) If a fine required by a diversion agreement cannot reasonably be paid due to a change of circumstance, the diversion agreement may be modified at the request of the divertee and with the concurrence of the diversion unit to convert an unpaid fine into community ((service)) restitution. The modification of the diversion agreement shall be in writing and signed by the divertee and the diversion unit. The number of hours of community ((service)) restitution in lieu of a monetary penalty shall be converted at the rate of the prevailing state minimum wage per hour.

(16) Fines imposed under this section shall be collected and paid into the county general fund in accordance with procedures established by the juvenile court administrator under RCW 13.04.040 and may be used only for juvenile services. In the expenditure of funds for juvenile services, there shall be a maintenance of effort whereby counties exhaust existing resources before using amounts collected under this section.

**Sec. 15.** RCW 13.40.160 and 1997 c 338 s 25 and 1997 c 265 s 1 are each reenacted and amended to read as follows:

(1) The standard range disposition for a juvenile adjudicated of an offense is determined according to RCW 13.40.0357.

(a) When the court sentences an offender to a local sanction as provided in RCW 13.40.0357 option A, the court shall impose a determinate disposition within the standard ranges, except as provided in subsections (2), (4), and (5) of this section. The disposition may be comprised of one or more local sanctions.

(b) When the court sentences an offender to a standard range as provided in RCW 13.40.0357 option A that includes a term of confinement exceeding thirty days, commitment shall be to the department for the standard range of confinement, except as provided in subsections (2), (4), and (5) of this section.

(2) If the court concludes, and enters reasons for its conclusion, that disposition within the standard range would effectuate a manifest injustice the court shall impose a disposition outside the standard range, as indicated in option C of RCW 13.40.0357. The court's finding of manifest injustice shall be supported by clear and convincing evidence.

A disposition outside the standard range shall be determinate and shall be comprised of confinement or community supervision, or a combination thereof. When a judge finds a manifest injustice and imposes a sentence of confinement exceeding thirty days, the court shall sentence the juvenile to a maximum term, and the provisions of RCW 13.40.030(2) shall be used to determine the range. A disposition outside the standard range is appealable under RCW 13.40.230 by the state or the respondent. A disposition within the standard range is not appealable under RCW 13.40.230.

(3) Where a respondent is found to have committed an offense for which the respondent declined to enter into a diversion agreement, the court shall impose a term of community supervision limited to the conditions allowed in a diversion agreement as provided in RCW 13.40.080(2).

(4) When a juvenile offender is found to have committed a sex offense, other than a sex offense that is also a serious violent offense as defined by RCW 9.94A.030, and has no history of a prior sex offense, the court, on its own motion or the motion of the state or the respondent, may order an examination to determine whether the respondent is amenable to treatment.

The report of the examination shall include at a minimum the following: The respondent's version of the facts and the official version of the facts, the respondent's offense history, an assessment of problems in addition to alleged deviant behaviors, the respondent's social, educational, and employment situation, and other evaluation measures used. The report shall set forth the sources of the evaluator's information.

The examiner shall assess and report regarding the respondent's amenability to treatment and relative risk to the community. A proposed treatment plan shall be provided and shall include, at a minimum:

- (a)(i) Frequency and type of contact between the offender and therapist;
- (ii) Specific issues to be addressed in the treatment and description of planned treatment modalities;
- (iii) Monitoring plans, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members, legal guardians, or others;
- (iv) Anticipated length of treatment; and
- (v) Recommended crime-related prohibitions.

The court on its own motion may order, or on a motion by the state shall order, a second examination regarding the offender's amenability to treatment. The evaluator shall be selected by the party making the motion. The defendant shall pay the cost of any second examination ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost.

After receipt of reports of the examination, the court shall then consider whether the offender and the community will benefit from use of this special sex offender disposition alternative and consider the victim's opinion whether the offender should receive a treatment disposition under this section. If the court determines that this special sex offender disposition alternative is appropriate, then the court shall impose a determinate disposition within the standard range for the offense, or if the court concludes, and enters reasons for its conclusions, that such disposition would cause a manifest injustice, the court shall impose a disposition under option C, and the court may suspend the execution of the disposition and place the offender on community supervision for at least two years. As a condition of the suspended disposition, the court may impose the conditions of community supervision and other conditions, including up to thirty days of confinement and requirements that the offender do any one or more of the following:

- (b)(i) Devote time to a specific education, employment, or occupation;
- (ii) Undergo available outpatient sex offender treatment for up to two years, or inpatient sex offender treatment not to exceed the standard range of confinement for that offense. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment. The respondent shall not change sex offender treatment providers or treatment conditions without first notifying the prosecutor, the probation counselor, and the court, and shall not change providers without court approval after a hearing if the prosecutor or probation counselor object to the change;
- (iii) Remain within prescribed geographical boundaries and notify the court or the probation counselor prior to any change in the offender's address, educational program, or employment;

- (iv) Report to the prosecutor and the probation counselor prior to any change in a sex offender treatment provider. This change shall have prior approval by the court;
- (v) Report as directed to the court and a probation counselor;
- (vi) Pay all court-ordered legal financial obligations, perform community ((~~service~~)) restitution, or any combination thereof;
- (vii) Make restitution to the victim for the cost of any counseling reasonably related to the offense;
- (viii) Comply with the conditions of any court-ordered probation bond; or
- (ix) The court shall order that the offender may not attend the public or approved private elementary, middle, or high school attended by the victim or the victim's siblings. The parents or legal guardians of the offender are responsible for transportation or other costs associated with the offender's change of school that would otherwise be paid by the school district. The court shall send notice of the disposition and restriction on attending the same school as the victim or victim's siblings to the public or approved private school the juvenile will attend, if known, or if unknown, to the approved private schools and the public school district board of directors of the district in which the juvenile resides or intends to reside. This notice must be sent at the earliest possible date but not later than ten calendar days after entry of the disposition.

The sex offender treatment provider shall submit quarterly reports on the respondent's progress in treatment to the court and the parties. The reports shall reference the treatment plan and include at a minimum the following: Dates of attendance, respondent's compliance with requirements, treatment activities, the respondent's relative progress in treatment, and any other material specified by the court at the time of the disposition.

At the time of the disposition, the court may set treatment review hearings as the court considers appropriate.

Except as provided in this subsection (4), after July 1, 1991, examinations and treatment ordered pursuant to this subsection shall only be conducted by sex offender treatment providers certified by the department of health pursuant to chapter 18.155 RCW. A sex offender therapist who examines or treats a juvenile sex offender pursuant to this subsection does not have to be certified by the department of health pursuant to chapter 18.155 RCW if the court finds that: (A) The offender has already moved to another state or plans to move to another state for reasons other than circumventing the certification requirements; (B) no certified providers are available for treatment within a reasonable geographical distance of the offender's home; and (C) the evaluation and treatment plan comply with this subsection (4) and the rules adopted by the department of health.

If the offender violates any condition of the disposition or the court finds that the respondent is failing to make satisfactory progress in treatment, the court may revoke the suspension and order execution of the disposition or the court may impose a penalty of up to thirty days' confinement for violating conditions of the disposition. The court may order both execution of the disposition and up to thirty days' confinement for the violation of the conditions of the disposition. The court shall give credit for any confinement time previously served if that confinement was for the offense for which the suspension is being revoked.

For purposes of this section, "victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged. "Victim" may also include a known parent or guardian of a victim who is a minor child unless the parent or guardian is the perpetrator of the offense.

A disposition entered under this subsection (4) is not appealable under RCW 13.40.230.

(5) If the juvenile offender is subject to a standard range disposition of local sanctions or 15 to 36 weeks of confinement and has not committed an A- or B+ offense, the court may impose the disposition alternative under RCW 13.40.165.

(6) RCW 13.40.193 shall govern the disposition of any juvenile adjudicated of possessing a firearm in violation of RCW 9.41.040(1)(b)(iii) or any crime in which a special finding is entered that the juvenile was armed with a firearm.

(7) Whenever a juvenile offender is entitled to credit for time spent in detention prior to a dispositional order, the dispositional order shall specifically state the number of days of credit for time served.

(8) Except as provided under subsection (4) or (5) of this section or RCW 13.40.127, the court shall not suspend or defer the imposition or the execution of the disposition.

(9) In no case shall the term of confinement imposed by the court at disposition exceed that to which an adult could be subjected for the same offense.

**Sec. 16.** RCW 13.40.165 and 1997 c 338 s 26 are each amended to read as follows:

(1) When a juvenile offender is subject to a standard range disposition of local sanctions or 15 to 36 weeks of confinement and has not committed an A- or B+ offense, the court, on its own motion or the motion of the state or the respondent if the evidence shows that the offender may be chemically dependent, may order an examination by a chemical dependency counselor from a chemical dependency treatment facility approved under chapter 70.96A RCW to determine if the youth is chemically dependent and amenable to treatment.

(2) The report of the examination shall include at a minimum the following: The respondent's version of the facts and the official version of the facts, the respondent's offense history, an assessment of drug-alcohol problems and previous treatment attempts, the respondent's social, educational, and employment situation, and other evaluation measures used. The report shall set forth the sources of the examiner's information.

(3) The examiner shall assess and report regarding the respondent's amenability to treatment and relative risk to the community. A proposed treatment plan shall be provided and shall include, at a minimum:

- (a) Whether inpatient and/or outpatient treatment is recommended;
- (b) Availability of appropriate treatment;
- (c) Monitoring plans, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members, legal guardians, or others;
- (d) Anticipated length of treatment;
- (e) Recommended crime-related prohibitions; and
- (f) Whether the respondent is amenable to treatment.

(4) The court on its own motion may order, or on a motion by the state shall order, a second examination regarding the offender's amenability to treatment. The evaluator shall be selected by the party making the motion. The defendant shall pay the cost of any examination ordered under this subsection (4) or subsection (1) of this section unless the court finds that the offender is indigent and no third party insurance coverage is available, in which case the state shall pay the cost.

(5)(a) After receipt of reports of the examination, the court shall then consider whether the offender and the community will benefit from use of this chemical dependency disposition alternative and consider the victim's opinion whether the offender should receive a treatment disposition under this section.

(b) If the court determines that this chemical dependency disposition alternative is appropriate, then the court shall impose the standard range for the offense, suspend execution of the disposition, and place the offender on community supervision for up to one year. As a condition of the suspended disposition, the court shall require the offender to undergo available outpatient drug/alcohol treatment and/or inpatient drug/alcohol treatment. For purposes of this section, the sum of confinement time and inpatient treatment may not exceed ninety days. As a condition of the suspended disposition, the court may impose conditions of community supervision and other sanctions, including up to thirty days of confinement, one hundred fifty hours of community ((~~service~~)) restitution, and payment of legal financial obligations and restitution.

(6) The drug/alcohol treatment provider shall submit monthly reports on the respondent's progress in treatment to the court and the parties. The reports shall reference the treatment plan and include at a minimum the following: Dates of attendance, respondent's compliance with requirements, treatment activities, the respondent's relative progress in treatment, and any other material specified by the court at the time of the disposition.

At the time of the disposition, the court may set treatment review hearings as the court considers appropriate.

If the offender violates any condition of the disposition or the court finds that the respondent is failing to make satisfactory progress in treatment, the court may revoke the suspension and order

execution of the disposition. The court shall give credit for any confinement time previously served if that confinement was for the offense for which the suspension is being revoked.

(7) For purposes of this section, "victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the offense charged.

(8) Whenever a juvenile offender is entitled to credit for time spent in detention prior to a dispositional order, the dispositional order shall specifically state the number of days of credit for time served.

(9) In no case shall the term of confinement imposed by the court at disposition exceed that to which an adult could be subjected for the same offense.

(10) A disposition under this section is not appealable under RCW 13.40.230.

**Sec. 17.** RCW 13.40.180 and 1981 c 299 s 14 are each amended to read as follows:

Where a disposition is imposed on a youth for two or more offenses, the terms shall run consecutively, subject to the following limitations:

(1) Where the offenses were committed through a single act or omission, omission, or through an act or omission which in itself constituted one of the offenses and also was an element of the other, the aggregate of all the terms shall not exceed one hundred fifty percent of the term imposed for the most serious offense;

(2) The aggregate of all consecutive terms shall not exceed three hundred percent of the term imposed for the most serious offense; and

(3) The aggregate of all consecutive terms of community supervision shall not exceed two years in length, or require payment of more than two hundred dollars in fines or the performance of more than two hundred hours of community ~~((service))~~ restitution.

**Sec. 18.** RCW 13.40.200 and 1997 c 338 s 31 are each amended to read as follows:

(1) When a respondent fails to comply with an order of restitution, community supervision, penalty assessments, or confinement of less than thirty days, the court upon motion of the prosecutor or its own motion, may modify the order after a hearing on the violation.

(2) The hearing shall afford the respondent the same due process of law as would be afforded an adult probationer. The court may issue a summons or a warrant to compel the respondent's appearance. The state shall have the burden of proving by a preponderance of the evidence the fact of the violation. The respondent shall have the burden of showing that the violation was not a willful refusal to comply with the terms of the order. If a respondent has failed to pay a fine, penalty assessments, or restitution or to perform community ~~((service))~~ restitution hours, as required by the court, it shall be the respondent's burden to show that he or she did not have the means and could not reasonably have acquired the means to pay the fine, penalty assessments, or restitution or perform community ~~((service))~~ restitution.

(3) If the court finds that a respondent has willfully violated the terms of an order pursuant to subsections (1) and (2) of this section, it may impose a penalty of up to thirty days' confinement. Penalties for multiple violations occurring prior to the hearing shall not be aggregated to exceed thirty days' confinement. Regardless of the number of times a respondent is brought to court for violations of the terms of a single disposition order, the combined total number of days spent by the respondent in detention shall never exceed the maximum term to which an adult could be sentenced for the underlying offense.

(4) If a respondent has been ordered to pay a fine or monetary penalty and due to a change of circumstance cannot reasonably comply with the order, the court, upon motion of the respondent, may order that the unpaid fine or monetary penalty be converted to community ~~((service))~~ restitution. The number of hours of community ~~((service))~~ restitution in lieu of a monetary penalty or fine shall be converted at the rate of the prevailing state minimum wage per hour. The monetary penalties or fines collected shall be deposited in the county general fund. A failure to comply with an order under this subsection shall be deemed a failure to comply with an order of community supervision and may be proceeded against as provided in this section.



(5) When a respondent has willfully violated the terms of a probation bond, the court may modify, revoke, or retain the probation bond as provided in RCW 13.40.054.

**Sec. 19.** RCW 13.40.205 and 1990 c 3 s 103 are each amended to read as follows:

(1) A juvenile sentenced to a term of confinement to be served under the supervision of the department shall not be released from the physical custody of the department prior to the release date established under RCW 13.40.210 except as otherwise provided in this section.

(2) A juvenile serving a term of confinement under the supervision of the department may be released on authorized leave from the physical custody of the department only if consistent with public safety and if:

(a) Sixty percent of the minimum term of confinement has been served; and

(b) The purpose of the leave is to enable the juvenile:

(i) To visit the juvenile's family for the purpose of strengthening or preserving family relationships;

(ii) To make plans for parole or release which require the juvenile's personal appearance in the community and which will facilitate the juvenile's reintegration into the community; or

(iii) To make plans for a residential placement out of the juvenile's home which requires the juvenile's personal appearance in the community.

(3) No authorized leave may exceed seven consecutive days. The total of all pre-minimum term authorized leaves granted to a juvenile prior to final discharge from confinement shall not exceed thirty days.

(4) Prior to authorizing a leave, the secretary shall require a written leave plan, which shall detail the purpose of the leave and how it is to be achieved, the address at which the juvenile shall reside, the identity of the person responsible for supervising the juvenile during the leave, and a statement by such person acknowledging familiarity with the leave plan and agreeing to supervise the juvenile and to notify the secretary immediately if the juvenile violates any terms or conditions of the leave. The leave plan shall include such terms and conditions as the secretary deems appropriate and shall be signed by the juvenile.

(5) Upon authorizing a leave, the secretary shall issue to the juvenile an authorized leave order which shall contain the name of the juvenile, the fact that the juvenile is on leave from a designated facility, the time period of the leave, and the identity of an appropriate official of the department to contact when necessary. The authorized leave order shall be carried by the juvenile at all times while on leave.

(6) Prior to the commencement of any authorized leave, the secretary shall give notice of the leave to the appropriate law enforcement agency in the jurisdiction in which the juvenile will reside during the leave period. The notice shall include the identity of the juvenile, the time period of the leave, the residence of the juvenile during the leave, and the identity of the person responsible for supervising the juvenile during the leave.

(7) The secretary may authorize a leave, which shall not exceed forty-eight hours plus travel time, to meet an emergency situation such as a death or critical illness of a member of the juvenile's family. The secretary may authorize a leave, which shall not exceed the period of time medically necessary, to obtain medical care not available in a juvenile facility maintained by the department. In cases of emergency or medical leave the secretary may waive all or any portions of subsections (2)(a), (3), (4), (5), and (6) of this section.

(8) If requested by the juvenile's victim or the victim's immediate family, the secretary shall give notice of any leave to the victim or the victim's immediate family.

(9) A juvenile who violates any condition of an authorized leave plan may be taken into custody and returned to the department in the same manner as an adult in identical circumstances.

(10) Notwithstanding the provisions of this section, a juvenile placed in minimum security status may participate in work, educational, community (~~(service)~~) restitution, or treatment programs in the community up to twelve hours a day if approved by the secretary. Such a release shall not be deemed a leave of absence.

(11) Subsections (6), (7), and (8) of this section do not apply to juveniles covered by RCW 13.40.215.

**Sec. 20.** RCW 13.40.210 and 1997 c 338 s 32 are each amended to read as follows:

(1) The secretary shall, except in the case of a juvenile committed by a court to a term of confinement in a state institution outside the appropriate standard range for the offense(s) for which the juvenile was found to be guilty established pursuant to RCW 13.40.030, set a release or discharge date for each juvenile committed to its custody. The release or discharge date shall be within the prescribed range to which a juvenile has been committed except as provided in RCW 13.40.320 concerning offenders the department determines are eligible for the juvenile offender basic training camp program. Such dates shall be determined prior to the expiration of sixty percent of a juvenile's minimum term of confinement included within the prescribed range to which the juvenile has been committed. The secretary shall release any juvenile committed to the custody of the department within four calendar days prior to the juvenile's release date or on the release date set under this chapter. Days spent in the custody of the department shall be tolled by any period of time during which a juvenile has absented himself or herself from the department's supervision without the prior approval of the secretary or the secretary's designee.

(2) The secretary shall monitor the average daily population of the state's juvenile residential facilities. When the secretary concludes that in-residence population of residential facilities exceeds one hundred five percent of the rated bed capacity specified in statute, or in absence of such specification, as specified by the department in rule, the secretary may recommend reductions to the governor. On certification by the governor that the recommended reductions are necessary, the secretary has authority to administratively release a sufficient number of offenders to reduce in-residence population to one hundred percent of rated bed capacity. The secretary shall release those offenders who have served the greatest proportion of their sentence. However, the secretary may deny release in a particular case at the request of an offender, or if the secretary finds that there is no responsible custodian, as determined by the department, to whom to release the offender, or if the release of the offender would pose a clear danger to society. The department shall notify the committing court of the release at the time of release if any such early releases have occurred as a result of excessive in-residence population. In no event shall an offender adjudicated of a violent offense be granted release under the provisions of this subsection.

(3)(a) Following the juvenile's release under subsection (1) of this section, the secretary may require the juvenile to comply with a program of parole to be administered by the department in his or her community which shall last no longer than eighteen months, except that in the case of a juvenile sentenced for rape in the first or second degree, rape of a child in the first or second degree, child molestation in the first degree, or indecent liberties with forcible compulsion, the period of parole shall be twenty-four months and, in the discretion of the secretary, may be up to thirty-six months when the secretary finds that an additional period of parole is necessary and appropriate in the interests of public safety or to meet the ongoing needs of the juvenile. A parole program is mandatory for offenders released under subsection (2) of this section. The decision to place an offender on parole shall be based on an assessment by the department of the offender's risk for reoffending upon release. The department shall prioritize available parole resources to provide supervision and services to offenders at moderate to high risk for reoffending.

(b) The secretary shall, for the period of parole, facilitate the juvenile's reintegration into his or her community and to further this goal shall require the juvenile to refrain from possessing a firearm or using a deadly weapon and refrain from committing new offenses and may require the juvenile to: (i) Undergo available medical, psychiatric, drug and alcohol, sex offender, mental health, and other offense-related treatment services; (ii) report as directed to a parole officer and/or designee; (iii) pursue a course of study, vocational training, or employment; (iv) notify the parole officer of the current address where he or she resides; (v) be present at a particular address during specified hours; (vi) remain within prescribed geographical boundaries; (vii) submit to electronic monitoring; (viii) refrain from using illegal drugs and alcohol, and submit to random urinalysis when requested by the assigned parole officer; (ix) refrain from contact with specific individuals or a specified class of individuals; (x) meet other conditions determined by the parole officer to further enhance the juvenile's reintegration into the community; (xi) pay any court-ordered fines or restitution; and (xii) perform community ~~((service))~~ restitution. Community ~~((service))~~ restitution for the purpose of this section means compulsory service, without compensation, performed for the benefit of the community by the

offender. Community ((~~service~~)) restitution may be performed through public or private organizations or through work crews.

(c) The secretary may further require up to twenty-five percent of the highest risk juvenile offenders who are placed on parole to participate in an intensive supervision program. Offenders participating in an intensive supervision program shall be required to comply with all terms and conditions listed in (b) of this subsection and shall also be required to comply with the following additional terms and conditions: (i) Obey all laws and refrain from any conduct that threatens public safety; (ii) report at least once a week to an assigned community case manager; and (iii) meet all other requirements imposed by the community case manager related to participating in the intensive supervision program. As a part of the intensive supervision program, the secretary may require day reporting.

(d) After termination of the parole period, the juvenile shall be discharged from the department's supervision.

(4)(a) The department may also modify parole for violation thereof. If, after affording a juvenile all of the due process rights to which he or she would be entitled if the juvenile were an adult, the secretary finds that a juvenile has violated a condition of his or her parole, the secretary shall order one of the following which is reasonably likely to effectuate the purpose of the parole and to protect the public: (i) Continued supervision under the same conditions previously imposed; (ii) intensified supervision with increased reporting requirements; (iii) additional conditions of supervision authorized by this chapter; (iv) except as provided in (a)(v) of this subsection, imposition of a period of confinement not to exceed thirty days in a facility operated by or pursuant to a contract with the state of Washington or any city or county for a portion of each day or for a certain number of days each week with the balance of the days or weeks spent under supervision; and (v) the secretary may order any of the conditions or may return the offender to confinement for the remainder of the sentence range if the offense for which the offender was sentenced is rape in the first or second degree, rape of a child in the first or second degree, child molestation in the first degree, indecent liberties with forcible compulsion, or a sex offense that is also a serious violent offense as defined by RCW 9.94A.030.

(b) If the department finds that any juvenile in a program of parole has possessed a firearm or used a deadly weapon during the program of parole, the department shall modify the parole under (a) of this subsection and confine the juvenile for at least thirty days. Confinement shall be in a facility operated by or pursuant to a contract with the state or any county.

(5) A parole officer of the department of social and health services shall have the power to arrest a juvenile under his or her supervision on the same grounds as a law enforcement officer would be authorized to arrest the person.

(6) If so requested and approved under chapter 13.06 RCW, the secretary shall permit a county or group of counties to perform functions under subsections (3) through (5) of this section.

**Sec. 21.** RCW 13.40.250 and 1997 c 338 s 36 are each amended to read as follows:

A traffic or civil infraction case involving a juvenile under the age of sixteen may be diverted in accordance with the provisions of this chapter or filed in juvenile court.

(1) If a notice of a traffic or civil infraction is filed in juvenile court, the juvenile named in the notice shall be afforded the same due process afforded to adult defendants in traffic infraction cases.

(2) A monetary penalty imposed upon a juvenile under the age of sixteen who is found to have committed a traffic or civil infraction may not exceed one hundred dollars. At the juvenile's request, the court may order performance of a number of hours of community ((~~service~~)) restitution in lieu of a monetary penalty, at the rate of the prevailing state minimum wage per hour.

(3) A diversion agreement entered into by a juvenile referred pursuant to this section shall be limited to thirty hours of community ((~~service~~)) restitution, or educational or informational sessions.

(4) If a case involving the commission of a traffic or civil infraction or offense by a juvenile under the age of sixteen has been referred to a diversion unit, an abstract of the action taken by the diversion unit may be forwarded to the department of licensing in the manner provided for in RCW 46.20.270(2).

**Sec. 22.** RCW 28A.225.090 and 1998 c 296 s 39 are each amended to read as follows:

- (1) A court may order a child subject to a petition under RCW 28A.225.035 to:
- (a) Attend the child's current school;
  - (b) If there is space available and the program can provide educational services appropriate for the child, order the child to attend another public school, an alternative education program, center, a skill center, dropout prevention program, or another public educational program;
  - (c) Attend a private nonsectarian school or program including an education center. Before ordering a child to attend an approved or certified private nonsectarian school or program, the court shall: (i) Consider the public and private programs available; (ii) find that placement is in the best interest of the child; and (iii) find that the private school or program is willing to accept the child and will not charge any fees in addition to those established by contract with the student's school district. If the court orders the child to enroll in a private school or program, the child's school district shall contract with the school or program to provide educational services for the child. The school district shall not be required to contract for a weekly rate that exceeds the state general apportionment dollars calculated on a weekly basis generated by the child and received by the district. A school district shall not be required to enter into a contract that is longer than the remainder of the school year. A school district shall not be required to enter into or continue a contract if the child is no longer enrolled in the district;
  - (d) Be referred to a community truancy board, if available; or
  - (e) Submit to testing for the use of controlled substances or alcohol based on a determination that such testing is appropriate to the circumstances and behavior of the child and will facilitate the child's compliance with the mandatory attendance law.
- (2) If the child fails to comply with the court order, the court may order the child to be punished by detention, as provided in RCW 7.21.030(2)(e), or may impose alternatives to detention such as community ~~((service))~~ restitution. Failure by a child to comply with an order issued under this subsection shall not be punishable by detention for a period greater than that permitted pursuant to a civil contempt proceeding against a child under chapter 13.32A RCW.
- (3) Any parent violating any of the provisions of either RCW 28A.225.010 or 28A.225.080 shall be fined not more than twenty-five dollars for each day of unexcused absence from school. It shall be a defense for a parent charged with violating RCW 28A.225.010 to show that he or she exercised reasonable diligence in attempting to cause a child in his or her custody to attend school or that the child's school did not perform its duties as required in RCW 28A.225.020. The court may order the parent to provide community ~~((service))~~ restitution instead of imposing a fine. Any fine imposed pursuant to this section may be suspended upon the condition that a parent charged with violating RCW 28A.225.010 shall participate with the school and the child in a supervised plan for the child's attendance at school or upon condition that the parent attend a conference or conferences scheduled by a school for the purpose of analyzing the causes of a child's absence.

**Sec. 23.** RCW 35.21.209 and 1984 c 24 s 1 are each amended to read as follows:

The legislative authority of a city or town may purchase liability insurance in an amount it deems reasonable to protect the city or town, its officers, and employees against liability for the wrongful acts of offenders or injury or damage incurred by offenders in the course of court-ordered community ~~((service))~~ restitution, and may elect to treat offenders as employees and/or workers under Title 51 RCW.

**Sec. 24.** RCW 35A.21.220 and 1984 c 24 s 2 are each amended to read as follows:

The legislative authority of a code city may purchase liability insurance in an amount it deems reasonable to protect the code city, its officers, and employees against liability for the wrongful acts of offenders or injury or damage incurred by offenders in the course of court-ordered community ~~((service))~~ restitution, and may elect to treat offenders as employees and/or workers under Title 51 RCW.

**Sec. 25.** RCW 36.16.139 and 1984 c 24 s 3 are each amended to read as follows:

The legislative authority of a county may purchase liability insurance in an amount it deems reasonable to protect the county, its officers, and employees against liability for the wrongful acts of

offenders or injury or damage incurred by offenders in the course of community ((service)) restitution imposed by court order or pursuant to RCW 13.40.080. The legislative authority of a county may elect to treat offenders as employees and/or workers under Title 51 RCW.

**Sec. 26.** RCW 43.51.048 and 1996 c 263 s 3 are each amended to read as follows:

(1) The commission shall establish a policy and procedures for supervising and evaluating community ((service)) restitution activities that may be imposed under RCW 70.93.060(3) including a description of what constitutes satisfactory completion of community ((service)) restitution.

(2) The commission shall inform each state park of the policy and procedures regarding community ((service)) restitution activities, and each state park shall then notify the commission as to whether or not the park elects to participate in the community ((service)) restitution program. The commission shall transmit a list notifying the district courts of each state park that elects to participate.

**Sec. 27.** RCW 46.16.381 and 1998 c 294 s 1 are each amended to read as follows:

(1) The director shall grant special parking privileges to any person who has a disability that limits or impairs the ability to walk and meets one of the following criteria, as determined by a licensed physician:

- (a) Cannot walk two hundred feet without stopping to rest;
- (b) Is severely limited in ability to walk due to arthritic, neurological, or orthopedic condition;
- (c) Is so severely disabled, that the person cannot walk without the use of or assistance from a brace, cane, another person, prosthetic device, wheelchair, or other assistive device;
- (d) Uses portable oxygen;
- (e) Is restricted by lung disease to such an extent that forced expiratory respiratory volume, when measured by spirometry is less than one liter per second or the arterial oxygen tension is less than sixty mm/hg on room air at rest;
- (f) Impairment by cardiovascular disease or cardiac condition to the extent that the person's functional limitations are classified as class III or IV under standards accepted by the American Heart Association; or

(g) Has a disability resulting from an acute sensitivity to automobile emissions which limits or impairs the ability to walk. The personal physician of the applicant shall document that the disability is comparable in severity to the others listed in this subsection.

(2) The applications for disabled parking permits and temporary disabled parking permits are official state documents. Knowingly providing false information in conjunction with the application is a gross misdemeanor punishable under chapter 9A.20 RCW. The following statement must appear on each application form immediately below the physician's signature and immediately below the applicant's signature: "A disabled parking permit may be issued only for a medical necessity that severely affects mobility (RCW 46.16.381). Knowingly providing false information on this application is a gross misdemeanor. The penalty is up to one year in jail and a fine of up to \$5,000 or both."

(3) Persons who qualify for special parking privileges are entitled to receive from the department of licensing a removable windshield placard bearing the international symbol of access and an individual serial number, along with a special identification card bearing the photograph, name, and date of birth of the person to whom the placard is issued, and the placard's serial number. The department shall design the placard to be displayed when the vehicle is parked by suspending it from the rearview mirror, or in the absence of a rearview mirror the card may be displayed on the dashboard of any vehicle used to transport the disabled person. Instead of regular motor vehicle license plates, disabled persons are entitled to receive special license plates bearing the international symbol of access for one vehicle registered in the disabled person's name. Disabled persons who are not issued the special license plates are entitled to receive a second special placard upon submitting a written request to the department. Persons who have been issued the parking privileges and who are using a vehicle or are riding in a vehicle displaying the special license plates or placard may park in places reserved for mobility disabled persons. The director shall adopt rules providing for the issuance of special placards and license plates to public transportation authorities, nursing homes licensed under chapter 18.51 RCW, boarding homes licensed under chapter 18.20 RCW, senior citizen centers, private nonprofit agencies as defined in chapter 24.03 RCW, and vehicles registered with the department as cabulances

that regularly transport disabled persons who have been determined eligible for special parking privileges provided under this section. The director may issue special license plates for a vehicle registered in the name of the public transportation authority, nursing home, boarding homes, senior citizen center, private nonprofit agency, or cabulance service if the vehicle is primarily used to transport persons with disabilities described in this section. Public transportation authorities, nursing homes, boarding homes, senior citizen centers, private nonprofit agencies, and cabulance services are responsible for insuring that the special placards and license plates are not used improperly and are responsible for all fines and penalties for improper use.

(4) Whenever the disabled person transfers or assigns his or her interest in the vehicle, the special license plates shall be removed from the motor vehicle. If another vehicle is acquired by the disabled person and the vehicle owner qualifies for a special plate, the plate shall be attached to the vehicle, and the director shall be immediately notified of the transfer of the plate. If another vehicle is not acquired by the disabled person, the removed plate shall be immediately surrendered to the director.

(5) The special license plate shall be renewed in the same manner and at the time required for the renewal of regular motor vehicle license plates under this chapter. No special license plate may be issued to a person who is temporarily disabled. A person who has a condition expected to improve within six months may be issued a temporary placard for a period not to exceed six months. If the condition exists after six months a new temporary placard shall be issued upon receipt of a new certification from the disabled person's physician. The permanent parking placard and photo identification card of a disabled person shall be renewed at least every five years, as required by the director, by satisfactory proof of the right to continued use of the privileges. In the event of the permit holder's death, the parking placard and photo identification card must be immediately surrendered to the department. The department shall match and purge its disabled permit data base with available death record information at least every twelve months.

(6) Each person who has been issued a permanent disabled parking permit on or before July 1, 1998, must renew the permit no later than July 1, 2003, subject to a schedule to be set by the department, or the permit will expire.

(7) Additional fees shall not be charged for the issuance of the special placards or the photo identification cards. No additional fee may be charged for the issuance of the special license plates except the regular motor vehicle registration fee and any other fees and taxes required to be paid upon registration of a motor vehicle.

(8) Any unauthorized use of the special placard, special license plate, or photo identification card is a traffic infraction with a monetary penalty of two hundred fifty dollars.

(9) It is a parking infraction, with a monetary penalty of two hundred fifty dollars for a person to make inaccessible the access aisle located next to a space reserved for physically disabled persons. The clerk of the court shall report all violations related to this subsection to the department.

(10) It is a parking infraction, with a monetary penalty of two hundred fifty dollars for any person to park a vehicle in a parking place provided on private property without charge or on public property reserved for physically disabled persons without a special license plate or placard. If a person is charged with a violation, the person shall not be determined to have committed an infraction if the person produces in court or before the court appearance the special license plate or placard required under this section. A local jurisdiction providing nonmetered, on-street parking places reserved for physically disabled persons may impose by ordinance time restrictions of no less than four hours on the use of these parking places. A local jurisdiction may impose by ordinance time restrictions of no less than four hours on the use of nonreserved, on-street parking spaces by vehicles displaying the special parking placards. All time restrictions must be clearly posted.

(11) The penalties imposed under subsections (9) and (10) of this section shall be used by that local jurisdiction exclusively for law enforcement. The court may also impose an additional penalty sufficient to reimburse the local jurisdiction for any costs it may have incurred in removal and storage of the improperly parked vehicle.

(12) Except as provided by subsection (2) of this section, it is a traffic infraction with a monetary penalty of two hundred fifty dollars for any person willfully to obtain a special license plate, placard, or photo identification card in a manner other than that established under this section.

(13)(a) A law enforcement agency authorized to enforce parking laws may appoint volunteers, with a limited commission, to issue notices of infractions for violations of this section or RCW 46.61.581. Volunteers must be at least twenty-one years of age. The law enforcement agency appointing volunteers may establish any other qualifications the agency deems desirable.

(b) An agency appointing volunteers under this section must provide training to the volunteers before authorizing them to issue notices of infractions.

(c) A notice of infraction issued by a volunteer appointed under this subsection has the same force and effect as a notice of infraction issued by a police officer for the same offense.

(d) A police officer or a volunteer may request a person to show the person's photo identification card or special parking placard when investigating the possibility of a violation of this section. If the request is refused, the person in charge of the vehicle may be issued a notice of infraction for a violation of this section.

(14) For second or subsequent violations of this section, in addition to a monetary fine, the violator must complete a minimum of forty hours of:

(a) Community ~~((service))~~ restitution for a nonprofit organization that serves the disabled community or persons having disabling diseases; or

(b) Any other community ~~((service))~~ restitution that may sensitize the violator to the needs and obstacles faced by persons who have disabilities.

(15) The court may not suspend more than one-half of any fine imposed under subsection (8), (9), (10), or (12) of this section.

**Sec. 28.** RCW 46.20.031 and 1995 c 219 s 1 are each amended to read as follows:

The department shall not issue a driver's license hereunder:

(1) To any person who is under the age of sixteen years;

(2) To any person whose license has been suspended during such suspension, nor to any person whose license has been revoked, except as provided in RCW 46.20.311;

(3) To any person who has been evaluated by a program approved by the department of social and health services as being an alcoholic, drug addict, alcohol abuser, and/or drug abuser: PROVIDED, That a license may be issued if the department determines that such person has been granted a deferred prosecution, pursuant to chapter 10.05 RCW, or is satisfactorily participating in or has successfully completed an alcohol or drug abuse treatment program approved by the department of social and health services and has established control of his or her alcohol and/or drug abuse problem;

(4) To any person who has previously been adjudged to be mentally ill or insane, or to be incompetent due to any mental disability or disease, and who has not at the time of application been restored to competency by the methods provided by law: PROVIDED, HOWEVER, That no person so adjudged shall be denied a license for such cause if the superior court should find him able to operate a motor vehicle with safety upon the highways during such incompetency;

(5) To any person who is required by this chapter to take an examination, unless such person shall have successfully passed such examination;

(6) To any person who is required under the laws of this state to deposit proof of financial responsibility and who has not deposited such proof;

(7) To any person when the department has good and substantial evidence to reasonably conclude that such person by reason of physical or mental disability would not be able to operate a motor vehicle with safety upon the highways; subject to review by a court of competent jurisdiction;

(8) To a person when the department has been notified by a court that the person has violated his or her written promise to appear, respond, or comply regarding a notice of infraction issued for a violation of RCW 46.55.105, unless the department has received notice from the court showing that the person has been found not to have committed the violation of RCW 46.55.105, or that the person has paid all monetary penalties owing, including completion of community ~~((service))~~ restitution, and that the court is satisfied that the person has made restitution as provided by RCW 46.55.105(2).

**Sec. 29.** RCW 46.30.020 and 1991 sp.s. c 25 s 1 are each amended to read as follows:

(1)(a) No person may operate a motor vehicle subject to registration under chapter 46.16 RCW in this state unless the person is insured under a motor vehicle liability policy with liability limits of at

least the amounts provided in RCW 46.29.090, is self-insured as provided in RCW 46.29.630, is covered by a certificate of deposit in conformance with RCW 46.29.550, or is covered by a liability bond of at least the amounts provided in RCW 46.29.090. Written proof of financial responsibility for motor vehicle operation must be provided on the request of a law enforcement officer in the format specified under RCW 46.30.030.

(b) A person who drives a motor vehicle that is required to be registered in another state that requires drivers and owners of vehicles in that state to maintain insurance or financial responsibility shall, when requested by a law enforcement officer, provide evidence of financial responsibility or insurance as is required by the laws of the state in which the vehicle is registered.

(c) When asked to do so by a law enforcement officer, failure to display an insurance identification card as specified under RCW 46.30.030 creates a presumption that the person does not have motor vehicle insurance.

(d) Failure to provide proof of motor vehicle insurance is a traffic infraction and is subject to penalties as set by the supreme court under RCW 46.63.110 or community ~~((service))~~ restitution.

(2) If a person cited for a violation of subsection (1) of this section appears in person before the court and provides written evidence that at the time the person was cited, he or she was in compliance with the financial responsibility requirements of subsection (1) of this section, the citation shall be dismissed. In lieu of personal appearance, a person cited for a violation of subsection (1) of this section may, before the date scheduled for the person's appearance before the court, submit by mail to the court written evidence that at the time the person was cited, he or she was in compliance with the financial responsibility requirements of subsection (1) of this section, in which case the citation shall be dismissed without cost, except that the court may assess court administrative costs of twenty-five dollars at the time of dismissal.

(3) The provisions of this chapter shall not govern:

(a) The operation of a motor vehicle registered under RCW 46.16.305(1), governed by RCW 46.16.020, or registered with the Washington utilities and transportation commission as common or contract carriers; or

(b) The operation of a motorcycle as defined in RCW 46.04.330, a motor-driven cycle as defined in RCW 46.04.332, or a moped as defined in RCW 46.04.304.

(4) RCW 46.29.490 shall not be deemed to govern all motor vehicle liability policies required by this chapter but only those certified for the purposes stated in chapter 46.29 RCW.

**Sec. 30.** RCW 46.63.120 and 1979 ex.s. c 136 s 14 are each amended to read as follows:

(1) An order entered after the receipt of a response which does not contest the determination, or after it has been established at a hearing that the infraction was committed, or after a hearing for the purpose of explaining mitigating circumstances is civil in nature.

(2) The court may include in the order the imposition of any penalty authorized by the provisions of this chapter for the commission of an infraction. The court may, in its discretion, waive, reduce, or suspend the monetary penalty prescribed for the infraction. At the person's request the court may order performance of a number of hours of community ~~((service))~~ restitution in lieu of a monetary penalty, at the rate of the then state minimum wage per hour.

**Sec. 31.** RCW 51.12.045 and 1986 c 193 s 1 are each amended to read as follows:

Offenders performing community ~~((services))~~ restitution pursuant to court order or under RCW 13.40.080 may be deemed employees and/or workers under this title at the option of the state, county, city, town, or nonprofit organization under whose authorization the ~~((services are))~~ community restitution is performed. Any premiums or assessments due under this title for community ~~((services))~~ restitution work shall be the obligation of and be paid for by the state agency, county, city, town, or nonprofit organization for which the offender performed the community ~~((services))~~ restitution. Coverage commences when a state agency, county, city, town, or nonprofit organization has given notice to the director that it wishes to cover offenders performing community ~~((services))~~ restitution before the occurrence of an injury or contraction of an occupational disease.

**Sec. 32.** RCW 66.20.200 and 1994 c 201 s 1 are each amended to read as follows:



It shall be unlawful for the owner of a card of identification to transfer the card to any other person for the purpose of aiding such person to procure alcoholic beverages from any licensee or store employee. Any person who shall permit his or her card of identification to be used by another or transfer such card to another for the purpose of aiding such transferee to obtain alcoholic beverages from a licensee or store employee or gain admission to a premises or portion of a premises classified by the board as off-limits to persons under twenty-one years of age, shall be guilty of a misdemeanor punishable as provided by RCW 9A.20.021, except that a minimum fine of two hundred fifty dollars shall be imposed and any sentence requiring community ~~((service))~~ restitution shall require not fewer than twenty-five hours of ~~((such service))~~ community restitution. Any person not entitled thereto who unlawfully procures or has issued or transferred to him or her a card of identification, and any person who possesses a card of identification not issued to him or her, and any person who makes any false statement on any certification card required by RCW 66.20.190, as now or hereafter amended, to be signed by him or her, shall be guilty of a misdemeanor punishable as provided by RCW 9A.20.021, except that a minimum fine of two hundred fifty dollars shall be imposed and any sentence requiring community ~~((service))~~ restitution shall require not fewer than twenty-five hours of ~~((such service))~~ community restitution.

**Sec. 33.** RCW 66.44.291 and 1987 c 101 s 1 are each amended to read as follows:

Every person between the ages of eighteen and twenty, inclusive, who is convicted of a violation of RCW 66.44.290 is guilty of a misdemeanor punishable as provided by RCW 9A.20.021, except that a minimum fine of two hundred fifty dollars shall be imposed and any sentence requiring community ~~((service))~~ restitution shall require not fewer than twenty-five hours of ~~((such service))~~ community restitution.

**Sec. 34.** RCW 66.44.325 and 1987 c 101 s 2 are each amended to read as follows:

Any person who transfers in any manner an identification of age to a minor for the purpose of permitting such minor to obtain alcoholic beverages shall be guilty of a misdemeanor punishable as provided by RCW 9A.20.021, except that a minimum fine of two hundred fifty dollars shall be imposed and any sentence requiring community ~~((service))~~ restitution shall require not fewer than twenty-five hours of ~~((such service))~~ community restitution: PROVIDED, That corroborative testimony of a witness other than the minor shall be a condition precedent to conviction.

**Sec. 35.** RCW 69.50.425 and 1989 c 271 s 105 are each amended to read as follows:

A person who is convicted of a misdemeanor violation of any provision of this chapter shall be punished by imprisonment for not less than twenty-four consecutive hours, and by a fine of not less than two hundred fifty dollars. On a second or subsequent conviction, the fine shall not be less than five hundred dollars. These fines shall be in addition to any other fine or penalty imposed. Unless the court finds that the imposition of the minimum imprisonment will pose a substantial risk to the defendant's physical or mental well-being or that local jail facilities are in an overcrowded condition, the minimum term of imprisonment shall not be suspended or deferred. If the court finds such risk or overcrowding exists, it shall sentence the defendant to a minimum of forty hours of community ~~((service))~~ restitution. If a minimum term of imprisonment is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based. Unless the court finds the person to be indigent, the minimum fine shall not be suspended or deferred.

**Sec. 36.** RCW 70.93.060 and 1997 c 159 s 1 are each amended to read as follows:

(1) No person shall throw, drop, deposit, discard, or otherwise dispose of litter upon any public property in the state or upon private property in this state not owned by him or her or in the waters of this state whether from a vehicle or otherwise including but not limited to any public highway, public park, beach, campground, forest land, recreational area, trailer park, highway, road, street, or alley except:

(a) When the property is designated by the state or its agencies or political subdivisions for the disposal of garbage and refuse, and the person is authorized to use such property for that purpose;

(b) Into a litter receptacle in a manner that will prevent litter from being carried away or deposited by the elements upon any part of said private or public property or waters.

(2)(a) Except as provided in subsection (4) of this section, it is a class 3 civil infraction as provided in RCW 7.80.120 for a person to litter in an amount less than or equal to one cubic foot.

(b) It is a class 1 civil infraction as provided in RCW 7.80.120 for a person to litter in an amount greater than one cubic foot. Unless suspended or modified by a court, the person shall also pay a litter cleanup fee of twenty-five dollars per cubic foot of litter. The court may, in addition to or in lieu of part or all of the cleanup fee, order the person to pick up and remove litter from the property, with prior permission of the legal owner or, in the case of public property, of the agency managing the property.

(3) If the violation occurs in a state park, the court shall, in addition to any other penalties assessed, order the person to perform twenty-four hours of community ((~~service~~)) restitution in the state park where the violation occurred if the state park has stated an intent to participate as provided in RCW 43.51.048(2).

(4) It is a class 1 civil infraction as provided in RCW 7.80.120 for a person to discard, in violation of this section, a cigarette, cigar, or other tobacco product that is capable of starting a fire.

**Sec. 37.** RCW 70.93.250 and 1998 c 257 s 10 and 1998 c 245 s 128 are each reenacted and amended to read as follows:

(1) The department shall provide funding to local units of government to establish, conduct, and evaluate community ((~~service~~)) restitution and other programs for waste reduction, litter and illegal dump cleanup, and recycling. Programs eligible for funding under this section shall include, but not be limited to, programs established pursuant to RCW 72.09.260.

(2) Funds may be offered for costs associated with community waste reduction, litter cleanup and prevention, and recycling activities. The funding program must be flexible, allowing local governments to use funds broadly to meet their needs to reduce waste, control litter and illegal dumping, and promote recycling. Local governments are required to contribute resources or in-kind services. The department shall evaluate funding requests from local government according to the same criteria as those developed in RCW 70.93.220, provide funds according to the effectiveness and efficiency of local government litter control programs, and monitor the results of all local government programs under this section.

(3) Local governments shall report information as requested by the department in funding agreements entered into by the department and a local government. The department shall report to the appropriate standing committees of the legislature by December of even-numbered years on the effectiveness of local government waste reduction, litter, and recycling programs funded under this section.

**Sec. 38.** RCW 70.155.080 and 1998 c 133 s 2 are each amended to read as follows:

(1) A person under the age of eighteen who purchases or attempts to purchase, possesses, or obtains or attempts to obtain cigarettes or tobacco products commits a class 3 civil infraction under chapter 7.80 RCW and is subject to a fine as set out in chapter 7.80 RCW or participation in up to four hours of community ((~~service~~)) restitution, or both. The court may also require participation in a smoking cessation program. This provision does not apply if a person under the age of eighteen, with parental authorization, is participating in a controlled purchase as part of a liquor control board, law enforcement, or local health department activity.

(2) Municipal and district courts within the state have jurisdiction for enforcement of this section.

**Sec. 39.** RCW 72.09.060 and 1989 c 185 s 3 are each amended to read as follows:

The department of corrections may be organized into such divisions or offices as the secretary may determine, but shall include divisions for (1) correctional industries, (2) prisons and other custodial institutions and (3) probation, parole, community ((~~service~~)) restitution, restitution, and other nonincarcerative sanctions. The secretary shall have at least one person on his or her staff who shall have the responsibility for developing a program which encourages the use of volunteers, for citizen

advisory groups, and for similar public involvement programs in the corrections area. Minimum qualification for staff assigned to public involvement responsibilities shall include previous experience in working with volunteers or volunteer agencies.

**Sec. 40.** RCW 72.09.100 and 1995 1st sp.s. c 19 s 33 are each amended to read as follows:

It is the intent of the legislature to vest in the department the power to provide for a comprehensive inmate work program and to remove statutory and other restrictions which have limited work programs in the past. For purposes of establishing such a comprehensive program, the legislature recommends that the department consider adopting any or all, or any variation of, the following classes of work programs:

(1) **CLASS I: FREE VENTURE INDUSTRIES.** The employer model industries in this class shall be operated and managed in total or in part by any profit or nonprofit organization pursuant to an agreement between the organization and the department. The organization shall produce goods or services for sale to both the public and private sector.

The customer model industries in this class shall be operated and managed by the department to provide Washington state manufacturers or businesses with products or services currently produced or provided by out-of-state or foreign suppliers. The correctional industries board of directors shall review these proposed industries before the department contracts to provide such products or services. The review shall include an analysis of the potential impact of the proposed products and services on the Washington state business community and labor market.

The department of corrections shall supply appropriate security and custody services without charge to the participating firms.

Inmates who work in free venture industries shall do so at their own choice. They shall be paid a wage comparable to the wage paid for work of a similar nature in the locality in which the industry is located, as determined by the director of correctional industries. If the director cannot reasonably determine the comparable wage, then the pay shall not be less than the federal minimum wage.

An inmate who is employed in the class I program of correctional industries shall not be eligible for unemployment compensation benefits pursuant to any of the provisions of Title 50 RCW until released on parole or discharged.

(2) **CLASS II: TAX REDUCTION INDUSTRIES.** Industries in this class shall be state-owned and operated enterprises designed to reduce the costs for goods and services for tax-supported agencies and for nonprofit organizations. The industries selected for development within this class shall, as much as possible, match the available pool of inmate work skills and aptitudes with the work opportunities in the free community. The industries shall be closely patterned after private sector industries but with the objective of reducing public support costs rather than making a profit. The products and services of this industry, including purchased products and services necessary for a complete product line, may be sold to public agencies, to nonprofit organizations, and to private contractors when the goods purchased will be ultimately used by a public agency or a nonprofit organization. Clothing manufactured by an industry in this class may be donated to nonprofit organizations that provide clothing free of charge to low-income persons. Correctional industries products and services shall be reviewed by the correctional industries board of directors before offering such products and services for sale to private contractors. The board of directors shall conduct a yearly marketing review of the products and services offered under this subsection. Such review shall include an analysis of the potential impact of the proposed products and services on the Washington state business community. To avoid waste or spoilage and consequent loss to the state, when there is no public sector market for such goods, byproducts and surpluses of timber, agricultural, and animal husbandry enterprises may be sold to private persons, at private sale. Surplus byproducts and surpluses of timber, agricultural and animal husbandry enterprises that cannot be sold to public agencies or to private persons may be donated to nonprofit organizations. All sales of surplus products shall be carried out in accordance with rules prescribed by the secretary.

Security and custody services shall be provided without charge by the department of corrections.

Inmates working in this class of industries shall do so at their own choice and shall be paid for their work on a gratuity scale which shall not exceed the wage paid for work of a similar nature in the locality in which the industry is located and which is approved by the director of correctional industries.

Subject to approval of the correctional industries board, provisions of RCW 41.06.380 prohibiting contracting out work performed by classified employees shall not apply to contracts with Washington state businesses entered into by the department of corrections through class II industries.

(3) CLASS III: INSTITUTIONAL SUPPORT INDUSTRIES. Industries in this class shall be operated by the department of corrections. They shall be designed and managed to accomplish the following objectives:

(a) Whenever possible, to provide basic work training and experience so that the inmate will be able to qualify for better work both within correctional industries and the free community. It is not intended that an inmate's work within this class of industries should be his or her final and total work experience as an inmate.

(b) Whenever possible, to provide forty hours of work or work training per week.

(c) Whenever possible, to offset tax and other public support costs.

Supervising, management, and custody staff shall be employees of the department.

All able and eligible inmates who are assigned work and who are not working in other classes of industries shall work in this class.

Except for inmates who work in work training programs, inmates in this class shall be paid for their work in accordance with an inmate gratuity scale. The scale shall be adopted by the secretary of corrections.

(4) CLASS IV: COMMUNITY WORK INDUSTRIES. Industries in this class shall be operated by the department of corrections. They shall be designed and managed to provide services in the inmate's resident community at a reduced cost. The services shall be provided to public agencies, to persons who are poor or infirm, or to nonprofit organizations.

Inmates in this program shall reside in facilities owned by, contracted for, or licensed by the department of corrections. A unit of local government shall provide work supervision services without charge to the state and shall pay the inmate's wage.

The department of corrections shall reimburse participating units of local government for liability and workers compensation insurance costs.

Inmates who work in this class of industries shall do so at their own choice and shall receive a gratuity which shall not exceed the wage paid for work of a similar nature in the locality in which the industry is located.

(5) CLASS V: COMMUNITY ((~~SERVICE~~)) RESTITUTION PROGRAMS. Programs in this class shall be subject to supervision by the department of corrections. The purpose of this class of industries is to enable an inmate, placed on community supervision, to work off all or part of a community ((~~service~~)) restitution order as ordered by the sentencing court.

Employment shall be in a community ((~~service~~)) restitution program operated by the state, local units of government, or a nonprofit agency.

To the extent that funds are specifically made available for such purposes, the department of corrections shall reimburse nonprofit agencies for workers compensation insurance costs.

**Sec. 41.** RCW 72.09.260 and 1990 c 66 s 2 are each amended to read as follows:

(1) The department shall assist local units of government in establishing community ((~~service~~)) restitution programs for litter cleanup. Community ((~~service~~)) restitution litter cleanup programs must include the following: (a) Procedures for documenting the number of community ((~~service~~)) restitution hours worked in litter cleanup by each offender; (b) plans to coordinate litter cleanup activities with local governmental entities responsible for roadside and park maintenance; (c) insurance coverage for offenders during litter cleanup activities pursuant to RCW 51.12.045; (d) provision of adequate safety equipment and, if needed, weather protection gear; and (e) provision for including felons and misdemeanants in the program.

(2) Community ((~~service~~)) restitution programs established under this section shall involve, but not be limited to, persons convicted of nonviolent, drug-related offenses.

(3) Nothing in this section shall diminish the department's authority to place offenders in community ((service)) restitution programs or to determine the suitability of offenders for specific programs.

(4) As used in this section, "litter cleanup" includes cleanup and removal of solid waste that is illegally dumped."

Correct the title.

Representative O'Brien spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended the second reading considered the third and the bill was placed on final passage.

There being no objection, the House deferred action on Senate Bill No. 5664, and the bill held its place on the third reading calendar.

### **MESSAGES FROM THE SENATE**

April 24, 1999

Mr. Speaker:

The Senate has passed:

HOUSE CONCURRENT RESOLUTION NO. 4412,

and the same is herewith transmitted.

Tony M. Cook, Secretary

April 24, 1999

Mr. Speaker:

The Senate has concurred in the House amendment(s) and has passed the following bills as amended by the House:

SUBSTITUTE SENATE BILL NO. 5626,

ENGROSSED SENATE BILL NO. 5789,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5988,

and the same are herewith transmitted.

Tony M. Cook, Secretary

### **SIGNED BY THE SPEAKERS**

Speakers announced they were signing:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1006,  
SUBSTITUTE HOUSE BILL NO. 1113,  
SECOND SUBSTITUTE HOUSE BILL NO. 1140,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1143,  
ENGROSSED HOUSE BILL NO. 1151,  
SUBSTITUTE HOUSE BILL NO. 1153,  
SECOND SUBSTITUTE HOUSE BILL NO. 1176,  
SUBSTITUTE HOUSE BILL NO. 1183,  
HOUSE BILL NO. 1194,  
SUBSTITUTE HOUSE BILL NO. 1222,  
ENGROSSED HOUSE BILL NO. 1232,  
HOUSE BILL NO. 1233,  
HOUSE BILL NO. 1261,  
SUBSTITUTE HOUSE BILL NO. 1291,  
SUBSTITUTE HOUSE BILL NO. 1304,  
ENGROSSED HOUSE BILL NO. 1313,  
HOUSE BILL NO. 1432,  
SUBSTITUTE HOUSE BILL NO. 1494,  
HOUSE BILL NO. 1524,  
SUBSTITUTE HOUSE BILL NO. 1525,  
HOUSE BILL NO. 1544,  
HOUSE BILL NO. 1550,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1562,  
SUBSTITUTE HOUSE BILL NO. 1623,  
SUBSTITUTE HOUSE BILL NO. 1663,  
SUBSTITUTE HOUSE BILL NO. 1673,  
SUBSTITUTE HOUSE BILL NO. 1701,

HOUSE BILL NO. 1741,  
HOUSE BILL NO. 1827,  
HOUSE BILL NO. 1831,  
ENGROSSED HOUSE BILL NO. 1832,  
HOUSE BILL NO. 1863,  
SUBSTITUTE HOUSE BILL NO. 1864,  
SECOND SUBSTITUTE HOUSE BILL NO. 1871,  
SUBSTITUTE HOUSE BILL NO. 1935,  
SUBSTITUTE HOUSE BILL NO. 1992,  
ENGROSSED HOUSE BILL NO. 2015,  
SECOND SUBSTITUTE HOUSE BILL NO. 2061,  
HOUSE JOINT MEMORIAL NO. 4015,  
ENGROSSED SENATE BILL NO. 5109,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5175,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5208,  
SUBSTITUTE SENATE BILL NO. 5312,  
SENATE BILL NO. 5382,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5421,  
SUBSTITUTE SENATE BILL NO. 5672,  
SUBSTITUTE SENATE BILL NO. 5744,  
SUBSTITUTE SENATE BILL NO. 5781,  
SECOND SUBSTITUTE SENATE BILL NO. 5821,  
SENATE BILL NO. 5837,  
SUBSTITUTE SENATE BILL NO. 5864,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5866,  
SENATE BILL NO. 5915,  
SUBSTITUTE SENATE BILL NO. 6001,

SENATE BILL NO. 6065,  
SUBSTITUTE SENATE BILL NO. 6090,  
SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8406,

**MESSAGE FROM THE SENATE**

April 23, 1999

Mr. Speaker:

The Senate refuses to concur in the House amendment(s) to SUBSTITUTE SENATE BILL NO. 5418 and asks the House to recede therefrom, and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the rules were suspended and Substitute Senate Bill No. 5418 was returned to second reading for the purpose of an amendment.

**SECOND READING**

Representative Talcott moved the adoption of amendment (276):

Strike everything after the enacting clause and insert the following:

**'INTENT**

NEW SECTION. **Sec. 1.** INTENT. The legislature finds that the purpose of Washington's accountability system is to improve student learning and student achievement of the essential academic learning requirement standards so that each individual student will be given the opportunity to become a responsible citizen and successfully live, learn, and work in the twenty-first century. To achieve this purpose, the accountability system should be based on student achievement and continuous improvement at all levels of Washington's education system and on a fundamental principle that all public school students have access to curriculum and instruction that is aligned to the standards.

The legislature further finds that the accountability system should rely on local responsibility and leadership. Districts and schools should be expected to improve and be evaluated based on their improvement over time. Districts should recognize exceptional progress and work closely with schools needing assistance.

The legislature further finds that the accountability system must be simple to use and understand. Consequences must be predictable and fair. Differences among students, schools, and districts should be recognized and respected as the system is implemented. There should be a balance of each student's right to privacy and the public's right to know the overall levels of learning and achievement at the school, district, and state levels. In addition, the accountability system should be continuously reviewed and improved as more is learned about how schools operate to meet the learning needs of Washington's students.

**PART 1  
OVERSIGHT OF THE ACCOUNTABILITY SYSTEM**

NEW SECTION. **Sec. 101.** COMMISSION FORMED AND MEMBERS APPOINTED. (1) The academic achievement and accountability commission is established.

(2) The primary purpose of the commission is to provide oversight of the state's educational accountability system.



(3) The commission shall consist of nine members selected as follows:

(a) One member shall be the superintendent of public instruction or the superintendent's designee; and

(b) Eight members shall be appointed by the governor. Four of the members shall be selected as follows: Each major caucus of the house of representatives and the senate shall submit a list of three names. The lists may not include the names of members of the legislature. The governor shall select a member from each list provided by each caucus. All members appointed by the governor shall be subject to confirmation by the senate.

(4) The governor shall appoint a chair from among the commission members.

(5) Appointees shall be individuals who are supportive of educational improvement, who have a positive record of service, and who will devote sufficient time to the responsibilities of the commission to ensure that the objectives of the commission are achieved. The commission shall be composed of a balance of individuals from within and outside the public education system. The commission shall include educators, business leaders, and parents.

(6) The governor shall appoint its initial commission members by July 1, 1999. The first meeting of the commission shall be convened by the superintendent of public instruction no later than July 30, 1999.

(7) Appointed members shall serve for terms of four years, with the terms expiring on June 30th of the fourth year of the term. However, in the case of the initial members, four members shall serve four-year terms, two members shall serve three-year terms, and two members shall serve two-year terms, with each of the terms expiring on June 30th of the applicable year. Appointees may be reappointed to serve more than one term.

(8) The governor shall fill any vacancy in appointments that may occur. When filling a vacancy of a member nominated by a major caucus of the legislature, the governor shall select the new member from a list of three names submitted by the same caucus that provided the list from which the retiring member was appointed.

**NEW SECTION. Sec. 102. COMMISSION'S POWERS AND DUTIES.** The powers and duties of the academic achievement and accountability commission shall include, but are not limited to the following:

(1) For purposes of state-wide accountability, the commission shall:

(a) Adopt and revise performance improvement goals in reading, writing, science, and mathematics by subject and grade level as the commission deems appropriate to improve student learning, once assessments in these subjects are required state-wide. The goals shall be in addition to any goals adopted in RCW 28A.630.887 (as recodified by this act). The commission may also revise any goal adopted in RCW 28A.630.887 (as recodified by this act). The commission shall adopt the goals by rule. However, before each goal is implemented, the commission shall present the goal to the education committees of the house of representatives and the senate for the committees' review and comment in a time frame that will permit the legislature to take statutory action on the goal if such action is deemed warranted by the legislature;

(b) Identify the scores students must achieve in order to meet the standard on the Washington assessment of student learning and determine student scores that identify levels of student performance below and beyond the standard. The commission shall set such performance standards and levels in consultation with the superintendent of public instruction and after consideration of any recommendations that may be developed by any advisory committees that may be established for this purpose;

(c) Adopt objective, systematic criteria to identify successful schools and school districts and recommend to the superintendent of public instruction schools and districts to be recognized for two types of accomplishments, student achievement and improvements in student achievement. Recognition for improvements in student achievement shall include consideration of one or more of the following accomplishments:

(i) An increase in the percent of students meeting standards. The level of achievement required for recognition may be based on the achievement goals established by the legislature under RCW 28A.630.887 (as recodified by this act) and the commission under (a) of this subsection;

(ii) Positive progress on an improvement index that measures improvement in all levels of the assessment; and

(iii) Improvements despite challenges such as high levels of mobility, poverty, English as a second language learners, and large numbers of students in special populations as measured by either the percent of students meeting the standard, or the improvement index.

When determining the baseline year or years for recognizing individual schools, the commission may use the assessment results from the initial years the assessments were administered, if doing so with individual schools would be appropriate;

(d) Adopt objective, systematic criteria to identify schools and school districts in need of assistance and those in which significant numbers of students persistently fail to meet state standards. In its deliberations, the commission shall consider the use of all state-wide mandated criterion-referenced and norm-referenced standardized tests;

(e) Identify schools and school districts in which state intervention measures will be needed and a range of appropriate intervention strategies, beginning no earlier than June 30, 2001, and after the legislature has authorized a set of intervention strategies. Beginning no earlier than June 30, 2001, and after the legislature has authorized a set of intervention strategies, at the request of the commission, the superintendent shall intervene in the school or school district and take corrective actions. This chapter does not provide additional authority for the commission or the superintendent of public instruction to intervene in a school or school district;

(f) Identify performance incentive systems that have improved or have the potential to improve student achievement;

(g) Annually review the assessment reporting system to ensure fairness, accuracy, timeliness, and equity of opportunity, especially with regard to schools with special circumstances and unique populations of students, and a recommendation to the superintendent of public instruction of any improvements needed to the system;

(h) Annually report by December 1st to the legislature, the governor, the superintendent of public instruction, and the state board of education on the progress, findings, and recommendations of the commission. The report may include recommendations of actions to help improve student achievement;

(i) By December 1, 2000, and by December 1st annually thereafter, report to the education committees of the house of representatives and the senate on the progress that has been made in achieving the reading goal under RCW 28A.630.887 (as recodified by this act) and any additional goals adopted by the commission;

(j) Coordinate its activities with the state board of education and the office of the superintendent of public instruction;

(k) Seek advice from the public and all interested educational organizations in the conduct of its work; and

(1) Establish advisory committees, which may include persons who are not members of the commission;

(2) Holding meetings and public hearings, which may include regional meetings and hearings;

(3) Hiring necessary staff and determining the staff's duties and compensation. However, the office of the superintendent of public instruction shall provide staff support to the commission until the commission has hired its own staff, and shall provide most of the technical assistance and logistical support needed by the commission thereafter. The office of the superintendent of public instruction shall be the fiscal agent for the commission. The commission may direct the office of the superintendent of public instruction to enter into subcontracts, within the commission's resources, with school districts, teachers, higher education faculty, state agencies, business organizations, and other individuals and organizations to assist the commission in its deliberations; and

(4) Receiving per diem and travel allowances as permitted under RCW 43.03.050 and 43.03.060.

**NEW SECTION. Sec. 103. COMMISSION'S REPORT ON ACCOUNTABILITY POLICIES.** By September 5, 2000, the academic achievement and accountability commission shall recommend accountability policies to the governor, the superintendent of public instruction, and the

education and fiscal committees of the house of representatives and senate. The policies shall include, but need not be limited to:

(1) A graduated series of increasingly intensive state intervention strategies for schools and school districts in which low-performance persists over an identified period of time.

(a) The strategies shall be formulated in accordance with the assumption that school districts have primary responsibility for intervening in schools with relatively large numbers of students who are not achieving the essential academic learning requirements.

(b) The strategies shall be formulated in accordance with the assumption that continued low performance despite school district efforts shall trigger an evaluation by the commission. The evaluation is intended to identify the next steps needed to improve student performance. In its evaluation, the commission shall use multiple sources of information that may include, but need not be limited to:

- (i) The results of the Washington assessment of student learning;
- (ii) The results of state-mandated norm-referenced standardized tests;
- (iii) Student achievement evidence from other district or school assessments;
- (iv) The level of improvement in student achievement over time;
- (v) Student mobility and poverty;
- (vi) Attendance and dropout rates;
- (vii) Graduation rates and posthigh school indicators;
- (viii) The percent of students in special programs; and
- (ix) Other factors presented by individual districts or schools.

(c) In its deliberations, the commission shall consider issues of due process, student dropout rates, management and personnel, and educational options, including public school choice options, for students attending schools in which the state has intervened. The commission may consider intervention strategies underway in Washington and other states;

(2) Additional assistance measures for students and schools;

(3) Rewards for successful schools and school districts; and

(4) Any statutory changes necessary to give the superintendent of public instruction the authority to implement, in a school or school district, the state intervention strategies identified in subsection (1) of this section.

## PART 2 ACCOUNTABILITY GOALS, INCLUDING GOALS IN READING AND MATHEMATICS

**Sec. 201.** RCW 28A.630.887 and 1998 c 319 s 101 are each amended to read as follows:

(1) (~~By December 15, 1998,~~) Each school district board of directors shall:

(a) Select the reading standard results on either the 1997 or 1998 fourth grade Washington assessment of student learning as the school district's initial baseline reading standard. Districts may select the 1997 results only if all of the elementary schools with fourth grade students administered the assessment;

(b) By December 15, 2001, select the mathematics standard results on the 1998, 1999, or 2000 fourth grade Washington assessment of student learning as the school district's fourth grade baseline mathematics standard, using for its baseline a year in which all of the elementary schools with fourth grade students administered the assessment;

(c) Establish ((a)) three-year, district-wide goals to increase, by the end of the 2000-01 school year, the percentage of students who meet or exceed the reading standard, and by the 2003-04 school year, the percentage of students who meet or exceed the mathematics standard on the fourth grade Washington assessment of student learning. The three-year percentage increase goal in each subject may not be less than the district's total percentage of students who did not meet the baseline ((reading)) standard in each subject multiplied by twenty-five percent;

~~(((c)))~~ (d) Specify the annual district-wide percentage improvement increments to meet the ((three-year)) goals; and

~~((d))~~ (e) Direct each elementary school to establish ~~((a))~~ three-year goals for its fourth grade students, subject to approval by the board. The aggregate of the elementary school goals must meet or exceed the district-wide goals established by the board.

~~(2) ((Each school district board of directors shall:~~

~~(a) Report biannually to parents in writing and to the community in a public meeting the following information:~~

~~(i) District wide and school level three year goals;~~

~~(ii) Student performance relative to the goals; and~~

~~(iii) District wide and school level plans to achieve the reading goal in kindergarten through fourth grade, including grade level expectations, curriculum and instruction, parental or guardian involvement, and resources available to parents and guardians to help students meet the reading standard;~~

~~(b) Report annually to the superintendent of public instruction and in a news release to the local media the district's progress toward meeting the district wide and school level goals; and~~

~~(c) Include the reported information in each school's annual school performance report under RCW 28A.320.205.~~

~~(3) By December 1, 2000, the superintendent of public instruction shall report to the education committees of the house of representatives and the senate on the progress that has been made in achieving the three year reading goal, and provide recommendations to the legislature on setting reading goals for the next three years.~~

~~(4) This section expires July 1, 2006))~~ By December 15, 2001, each school district board of directors shall:

(a) Select the mathematics standard results on the 1998, 1999, 2000, or 2001 seventh grade Washington assessment of student learning as the school district's seventh grade baseline mathematics standard;

(b) Establish a three-year district-wide goal to increase, by the end of the 2003-04 school year, the percentage of students who meet or exceed the mathematics standard, on the seventh grade Washington assessment of student learning. The district shall select for its baseline a year in which all of the schools with seventh grade students administered the assessment. The percentage increase goal may not be less than the district's total percentage of students who did not meet the baseline standard in mathematics multiplied by twenty-five percent;

(c) Specify the annual district-wide percentage improvement increments necessary to meet the goal; and

(d) Direct each middle or junior high school, as appropriate, to establish a mathematics goal for its seventh grade students, subject to approval by the board. The aggregate of the middle or junior high school goals must meet or exceed the district-wide goals established by the board in each subject.

(3) Schools and school districts in which ten or fewer students are eligible to be assessed in a grade level are not required to establish numerical improvement goals and performance relative to the goals.

### **PART 3 REPORTING RESULTS**

**Sec. 301.** RCW 28A.630.889 and 1998 c 319 s 301 are each amended to read as follows:

(1) By September 10, 1998, and by September 10th each year thereafter, the superintendent of public instruction shall~~((:~~

~~((a))~~ report to schools, school districts, and the legislature on the results of the ~~((fourth grade))~~ Washington assessment of student learning~~((; and~~

~~((b) Post individual school results of the fourth grade Washington assessment of student learning on the superintendent of public instruction's internet world wide web site))~~ and state-mandated norm-referenced standardized tests.

(2) The reports shall include the assessment results by school and school district, and include changes over time. For the Washington assessment of student learning, results shall be reported as follows:

- (a) The percentage of students meeting the standards;
  - (b) The percentage of students performing at each level of the assessment; and
  - (c) A learning improvement index that shows changes in student performance within the different levels of student learning reported on the Washington assessment of student learning.
  - (3) The reports shall contain data regarding the different characteristics of schools, such as poverty levels, percent of English as a second language students, dropout rates, attendance, percent of students in special education, and student mobility so that districts and schools can learn from the improvement efforts of other schools and districts with similar characteristics.
  - (4) The reports shall contain student scores on mandated tests by comparable Washington schools of similar characteristics.
  - (5) The reports shall contain information on public school choice options available to students, including vocational education.
  - (6) The reports shall be posted on the superintendent of public instruction's internet web site.
  - (7) To protect the privacy of students, the results of schools and districts that test fewer than ten students in a grade level shall not be reported. In addition, in order to ensure that results are reported accurately, the superintendent of public instruction shall maintain the confidentiality of state-wide data files until the superintendent determines that the data are complete and accurate.
  - (8) The superintendent of public instruction shall monitor the percentage and number of special education and limited English-proficient students exempted from taking the assessments by schools and school districts to ensure the exemptions are in compliance with exemption guidelines.
- ~~((2) This section expires July 1, 2006.)~~

**NEW SECTION. Sec. 302. SCHOOL DISTRICT REPORTS ON PROGRESS TOWARD PERFORMANCE GOALS.** Each school district board of directors shall:

- (1)(a) Annually report to parents and to the community in a public meeting and annually report in writing the following information:
    - (i) District-wide and school-level performance improvement goals;
    - (ii) Student performance relative to the goals; and
    - (iii) District-wide and school-level plans to achieve the goals, including curriculum and instruction, parental or guardian involvement, and resources available to parents and guardians to help students meet the state standards;
  - (b) Report annually in a news release to the local media the district's progress toward meeting the district-wide and school-level goals; and
  - (c) Include the school-level goals, student performance relative to the goals, and a summary of school-level plans to achieve the goals in each school's annual school performance report under RCW 28A.320.205 (as recodified by this act).
- (2) School districts in which ten or fewer students in the district or in a school in the district are eligible to be assessed in a grade level are not required to report numerical improvement goals and performance relative to the goals, but are required to report to parents and the community their plans to improve student achievement.

**Sec. 303.** RCW 28A.320.205 and 1993 c 336 s 1006 are each amended to read as follows:

- (1) Beginning with the 1994-95 school year, to provide the local community and electorate with access to information on the educational programs in the schools in the district, each school shall publish annually a school performance report and deliver the report to each parent with children enrolled in the school and make the report available to the community served by the school. The annual performance report shall be in a form that can be easily understood and be used by parents, guardians, and other members of the community who are not professional educators to make informed educational decisions. As data from the assessments in RCW 28A.630.885 (as recodified by this act) becomes available, the annual performance report should enable parents, educators, and school board members to determine whether students in the district's schools are attaining mastery of the student learning goals under RCW 28A.150.210, and other important facts about the schools' performance in assisting students to learn. The annual report shall make comparisons to a school's performance in preceding years and shall ~~((project goals in performance categories))~~ include school level goals under

RCW 28A.630.887 (as recodified by this act), student performance relative to the goals and the percentage of students performing at each level of the assessment, a comparison of student performance at each level of the assessment to the previous year's performance, and information regarding school-level plans to achieve the goals.

(2) The annual performance report shall include, but not be limited to: (a) A brief statement of the mission of the school and the school district; (b) enrollment statistics including student demographics; (c) expenditures per pupil for the school year; (d) a summary of student scores on all mandated tests; (e) a concise annual budget report; (f) student attendance, graduation, and dropout rates; (g) information regarding the use and condition of the school building or buildings; (h) a brief description of the ~~((restructuring))~~ learning improvement plans for the school; and (i) an invitation to all parents and citizens to participate in school activities.

(3) The superintendent of public instruction shall develop by June 30, 1994, and update periodically, a model report form, which shall also be adapted for computers, that schools may use to meet the requirements of subsections (1) and (2) of this section. In order to make school performance reports broadly accessible to the public, the superintendent of public instruction, to the extent feasible, shall make information on each school's report available on or through the superintendent's internet web site.

#### **PART 4 ASSISTANCE FOR SCHOOLS AND DISTRICTS**

**Sec. 401.** RCW 28A.300.130 and 1996 c 273 s 5 are each amended to read as follows:

(1) Expanding activity in educational research, educational restructuring, and educational improvement initiatives has produced and continues to produce much valuable information. The legislature finds that such information should be shared with the citizens and educational community of the state as widely as possible. To facilitate access to information and materials on educational improvement and research, the superintendent of public instruction, to the extent funds are appropriated, shall establish the center for the improvement of student learning. The primary purpose of the center is to provide assistance and advice to parents, school board members, educators, and the public regarding strategies for assisting students in learning the essential academic learning requirements pursuant to RCW 28A.630.885. The center shall work in conjunction with the academic achievement and accountability commission ~~((on student learning))~~, educational service districts, ~~((and))~~ institutions of higher education, and education, parent, community, and business organizations.

(2) The center, in conjunction with other staff in the office of the superintendent of public instruction, shall:

(a) Serve as a clearinghouse for the completed work and activities of the academic achievement and accountability commission ~~((on student learning))~~;

(b) Serve as a clearinghouse for information regarding successful educational ~~((restructuring))~~ improvement and parental involvement programs in schools and districts, and information about efforts within institutions of higher education in the state to support educational ~~((restructuring))~~ improvement initiatives in Washington schools and districts;

(c) Provide best practices research and advice that can be used to help schools develop and implement: Programs and practices to improve ~~((reading))~~ instruction of the essential academic learning requirements under section 701 of this act; systems to analyze student assessment data, with an emphasis on systems that will combine the use of state and local data to monitor the academic progress of each and every student in the school district; ((school)) comprehensive, school-wide improvement plans; school-based shared decision-making models; programs to promote lifelong learning and community involvement in education; school-to-work transition programs; programs to meet the needs of highly capable students; programs and practices to meet the diverse needs of students based on gender, racial, ethnic, economic, and special needs status; research, information, and technology systems; and other programs and practices that will assist educators in helping students learn the essential academic learning requirements;

(d) Develop and distribute, in conjunction with the academic achievement and accountability commission ~~((on student learning))~~, parental involvement materials, including instructional guides

developed to inform parents of the essential academic learning requirements. The instructional guides also shall contain actions parents may take to assist their children in meeting the requirements, and should focus on reaching parents who have not previously been involved with their children's education;

(e) Identify obstacles to greater parent and community involvement in school shared decision-making processes and recommend strategies for helping parents and community members to participate effectively in school shared decision-making processes, including understanding and respecting the roles of school building administrators and staff;

(f) Develop and maintain an internet web site to increase the availability of information, research, and other materials;

(g) Take other actions to increase public awareness of the importance of parental and community involvement in education;

~~((g))~~ (h) Work with appropriate organizations to inform teachers, district and school administrators, and school directors about the waivers available ~~((under RCW 28A.305.140))~~ and the broadened school board powers under RCW 28A.320.015;

~~((h))~~ (i) Provide training and consultation services, including conducting regional summer institutes;

~~((i))~~ (j) Address methods for improving the success rates of certain ethnic and racial student groups; and

~~((j))~~ (k) Perform other functions consistent with the purpose of the center as prescribed in subsection (1) of this section.

(3) The superintendent of public instruction, after consultation with the academic achievement and accountability commission ~~((on student learning))~~, shall select and employ a director for the center.

(4) The superintendent may enter into contracts with individuals or organizations including but not limited to: School districts; educational service districts; educational organizations; teachers; higher education faculty; institutions of higher education; state agencies; business or community-based organizations; and other individuals and organizations to accomplish the duties and responsibilities of the center. ~~((The superintendent shall contract out with community-based organizations to meet the provisions of subsection (2)(d) and (e) of this section.))~~ In carrying out the duties and responsibilities of the center, the superintendent, whenever possible, shall use practitioners to assist agency staff as well as assist educators and others in schools and districts.

~~((5) The superintendent shall report annually to the commission on student learning on the activities of the center.))~~

**NEW SECTION. Sec. 402. ACCOUNTABILITY IMPLEMENTATION FUNDS.** (1) To the extent funds are appropriated, the office of the superintendent of public instruction annually shall allocate accountability implementation funds to school districts. The purposes of the funds are to: Develop and update student learning improvement plans; implement curriculum materials and instructional strategies; provide staff professional development to implement the selected curricula and instruction; develop and implement assessment strategies and training in assessment scoring; and fund other activities intended to improve student learning for all students, including students with diverse needs. Activities funded by the allocations must be consistent with the school or district improvement plan, designed to improve the ability of teachers and other instructional certificated and classified staff to assist students in meeting the essential academic learning requirements, and designed to achieve state and local accountability goals. Activities funded by the allocations shall be designed to protect the teachers' instructional time with students and minimize the use of substitute teachers.

(2) Schools receiving funds shall develop, update as needed, and keep on file a school student learning improvement plan to achieve the student learning goals and essential academic learning requirements and to implement the assessment system as it is developed. The plan shall delineate how the accountability implementation funds will be used to accomplish the requirements of this section. The plan shall be made available to the public and to others upon request.

(3) The amount of allocations shall be determined in the omnibus appropriations act.

(4) The state schools for the deaf and blind are eligible to receive allocations under this section.

(5) The superintendent of public instruction may adopt timelines and rules as necessary under chapter 34.05 RCW to administer the program, and require that schools and districts submit reports regarding the use of the funds.

**NEW SECTION. Sec. 403. HELPING CORPS.** (1) In order to increase the availability and quality of technical assistance state-wide, the superintendent of public instruction, subject to available funding, may employ school improvement coordinators and school improvement specialists to provide assistance to schools and districts. The improvement specialists shall serve on a rotating basis and shall not be permanent employees.

(2) The types of assistance provided by the improvement coordinators and specialists may include, but need not be limited to:

(a) Assistance to schools to use student performance data and develop improvement plans based on those data;

(b) Consultation with schools and districts concerning their performance on the Washington assessment of student learning and other assessments;

(c) Consultation concerning curricula that aligns with the essential academic learning requirements and the Washington assessment of student learning and that meets the needs of diverse learners;

(d) Assistance in the identification and implementation of research-based instructional practices;

(e) Staff training that emphasizes effective instructional strategies and classroom-based assessment;

(f) Assistance in developing and implementing family and community involvement programs; and

(g) Other assistance to schools and school districts intended to improve student learning.

## **PART 5 TRANSFER OF DUTIES AND MATERIALS**

**NEW SECTION. Sec. 501. SUPERINTENDENT OF PUBLIC INSTRUCTION'S DUTIES FOR STANDARDS AND ASSESSMENTS.** (1) The superintendent of public instruction shall identify the knowledge and skills all public school students need to know and be able to do based on the student learning goals in RCW 28A.150.210, develop student assessments, and implement the accountability recommendations and requests regarding assistance, rewards, and recognition of the academic achievement and accountability commission.

(2) The superintendent of public instruction shall periodically revise the essential academic learning requirements, as needed, based on the student learning goals in RCW 28A.150.210. Goals one and two shall be considered primary. To the maximum extent possible, the superintendent shall integrate goal four and the knowledge and skill areas in the other goals in the essential academic learning requirements.

(3) In consultation with the academic achievement and accountability commission, the superintendent of public instruction shall maintain and continue to develop and revise a state-wide academic assessment system for use in the elementary, middle, and high school years designed to determine if each student has mastered the essential academic learning requirements identified in subsection (1) of this section. The academic assessment system shall include a variety of assessment methods, including criterion-referenced and performance-based measures.

(4) The assessment system shall be designed so that the results under the assessment system are used by educators as tools to evaluate instructional practices, and to initiate appropriate educational support for students who have not mastered the essential academic learning requirements at the appropriate periods in the student's educational development.

(5) To the maximum extent possible, the superintendent shall integrate knowledge and skill areas in development of the assessments.

(6) Assessments for goals three and four of RCW 28A.150.210 shall be integrated in the essential academic learning requirements and assessments for goals one and two.



(7) The superintendent shall develop assessments that are directly related to the essential academic learning requirements, and are not biased toward persons with different learning styles, racial or ethnic backgrounds, or on the basis of gender.

(8) The superintendent shall consider methods to address the unique needs of special education students when developing the assessments under this section.

(9) The superintendent shall consider methods to address the unique needs of highly capable students when developing the assessments under this section.

**NEW SECTION. Sec. 502.** COMMISSION ON STUDENT LEARNING--TRANSFER OF POWERS. (1) Beginning July 1, 1999, the powers, duties, and functions of the commission on student learning are transferred to the academic achievement and accountability commission or to the superintendent of public instruction as appropriate under the transfer of duties made from the commission on student learning to the academic achievement and accountability commission or the superintendent of public instruction under this act. All references to the commission on student learning in the Revised Code of Washington shall be construed to mean the academic achievement and accountability commission when addressing the duties, activities, or functions regarding the accountability system under this act. All references to the commission on student learning in the Revised Code of Washington shall be construed to mean the superintendent of public instruction when addressing the duties, activities, or functions regarding the essential academic learning requirements, the standards, or the assessments addressed under this act.

(2) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the commission on student learning shall be delivered to the custody of the academic achievement and accountability commission or the superintendent of public instruction, as appropriate. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the commission on student learning shall be made available to the academic achievement and accountability commission or the superintendent of public instruction, as appropriate.

(3) The transfer of the powers, duties, functions, and personnel of the commission on student learning shall not affect the validity of any act performed before the effective date of this section.

## **PART 6 MISCELLANEOUS**

**NEW SECTION. Sec. 601.** ANALYSIS OF FOURTH GRADE MATHEMATICS ASSESSMENT. By August 1, 2000, the superintendent of public instruction shall complete an objective analysis of the fourth grade mathematics assessment. The analysis shall include, but need not be limited to, the student developmental level required to achieve the fourth grade standard successfully and the extent to which the assessment measures a student's computational skills, problem-solving skills, math communications skills, and a breakdown of other skills assessed. The analysis shall include the percentage of items that: Require students to use computational skills without the use of technology; require the use of technology to complete an item; measure mathematics communication skills; measure problem-solving skills; and measure other skills included in the mathematics assessment. The superintendent of public instruction shall consult recognized experts with differing views on the instruction of mathematics, and report the results of the analysis to the governor and the education committees of the house of representatives and the senate by August 15, 2000.

**NEW SECTION. Sec. 602.** CONSOLIDATED PLANNING. The superintendent of public instruction, in consultation with school district personnel, shall consolidate and streamline the planning, application, and reporting requirements for major state and federal categorical and grant programs. The superintendent also shall take actions to increase the use of online electronic applications and reporting.

**NEW SECTION. Sec. 603.** SLIGS REPEALED. RCW 28A.300.138 (Student learning improvement grants) and 1994 c 245 s 1 & 1993 c 336 s 301 are each repealed.

NEW SECTION. Sec. 604. REPEALERS. The following acts or parts of acts are each repealed:

- (1) 1998 c 225 s 3 (uncodified);
- (2) 1995 c 209 s 3 (uncodified); and
- (3) 1995 c 209 s 2 & 1992 c 141 s 203 (uncodified).

NEW SECTION. Sec. 605. PART HEADINGS AND SECTION CAPTIONS NOT LAW. Part headings and section captions used in this act are not any part of the law.

NEW SECTION. Sec. 606. NEW ACCOUNTABILITY CHAPTER CREATED. Sections 101 through 103, 302, 402, 403, 501, 502, and 602 of this act constitute a new chapter in Title 28A RCW.

NEW SECTION. Sec. 607. RECODIFICATIONS. The following sections are each recodified as new sections in the chapter created in section 606 of this act:

RCW 28A.320.205  
RCW 28A.630.887  
RCW 28A.630.889  
RCW 28A.630.883  
RCW 28A.630.885  
RCW 28A.630.945  
RCW 28A.630.950  
RCW 28A.630.951  
RCW 28A.630.952  
RCW 28A.630.953  
RCW 28A.630.954

NEW SECTION. Sec. 608. EMERGENCY CLAUSE. (1) Section 101 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 1999.

(2) Sections 502 and 604 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately.

NEW SECTION. Sec. 609. SEVERABILITY CLAUSE. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "assistance;" strike the remainder of the title and insert "amending RCW 28A.630.887, 28A.630.889, 28A.320.205, and 28A.300.130; adding a new chapter to Title 28A RCW; creating new sections; recodifying RCW 28A.320.205, 28A.630.887, 28A.630.889, 28A.630.883, 28A.630.885, 28A.630.945, 28A.630.950, 28A.630.951, 28A.630.952, 28A.630.953, and 28A.630.954; repealing RCW 28A.300.138; repealing 1998 c 225 s 3 (uncodified); repealing 1995 c 209 s 3 (uncodified); repealing 1995 c 209 s 2 and 1992 c 141 s 203 (uncodified); providing an effective date; and declaring an emergency."

Representatives Talcott, Rockefeller, Haigh and Cox spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Talcott and Haigh spoke in favor of the passage of the bill.

Representative Fortunato spoke against the passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5418.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5418 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. G. Chandler Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. K. Schmidt Schmidt, Schoesler, Schual-Berke, Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Huff, Quall and Scott - 3.

Substitute Senate Bill No. 5418, having received the constitutional majority, was declared passed.

#### POINT OF PERSONAL PRIVILEGE

Representative Morris congratulated Representative Quall on his first bill through the legislative process and asked the Chamber to acknowledge his accomplishment.

There being no objection, all bills passed to that point were immediately transmitted to the Senate.

#### MESSAGE FROM THE SENATE

April 19, 1999

Mr. Speaker:

The Senate refuses to concur in the House amendment(s) to ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5594 and asks the House to recede therefrom, and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the rules were suspended and Engrossed Second Substitute Senate Bill No. 5594 was returned to second reading for the purpose of an amendment.

#### SECOND READING

Representative Mulliken moved the adoption of amendment (270):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that while Washington's economy is currently prospering, economic growth continues to be uneven, particularly as between metropolitan and rural areas. This has created in effect two Washingtons. One afflicted by inadequate infrastructure to support and attract investment, another suffering from congestion and soaring housing prices. In order to address these problems, the legislature intends to use resources strategically to build on our state's strengths while addressing threats to our prosperity.

**PART I**  
**RURAL ECONOMIC DEVELOPMENT**  
**Enhanced Flexibility for Use of Community Economic**  
**Revitalization Board Funds**

**Sec. 101.** RCW 43.160.010 and 1996 c 51 s 1 are each amended to read as follows:

(1) The legislature finds that it is the public policy of the state of Washington to direct financial resources toward the fostering of economic development through the stimulation of investment and job opportunities and the retention of sustainable existing employment for the general welfare of the inhabitants of the state. Reducing unemployment and reducing the time citizens remain jobless is important for the economic welfare of the state. A valuable means of fostering economic development is the construction of public facilities which contribute to the stability and growth of the state's economic base. Strengthening the economic base through issuance of industrial development bonds, whether single or umbrella, further serves to reduce unemployment. Consolidating issues of industrial development bonds when feasible to reduce costs additionally advances the state's purpose to improve economic vitality. Expenditures made for these purposes as authorized in this chapter are declared to be in the public interest, and constitute a proper use of public funds. A community economic revitalization board is needed which shall aid the development of economic opportunities. The general objectives of the board should include:

- (a) Strengthening the economies of areas of the state which have experienced or are expected to experience chronically high unemployment rates or below average growth in their economies;
- (b) Encouraging the diversification of the economies of the state and regions within the state in order to provide greater seasonal and cyclical stability of income and employment;
- (c) Encouraging wider access to financial resources for both large and small industrial development projects;
- (d) Encouraging new economic development or expansions to maximize employment;
- (e) Encouraging the retention of viable existing firms and employment; and
- (f) Providing incentives for expansion of employment opportunities for groups of state residents that have been less successful relative to other groups in efforts to gain permanent employment.

(2) The legislature also finds that the state's economic development efforts can be enhanced by, in certain instances, providing funds to improve state highways ~~((in the vicinity of new)), county roads, or city streets for industries considering locating or expanding in this state ((or existing industries that are considering significant expansion))~~.

(a) The legislature finds it desirable to provide a process whereby the need for diverse public works improvements necessitated by planned economic development can be addressed in a timely fashion and with coordination among all responsible governmental entities.

(b) ~~((It is the intent of the legislature to create an economic development account within the motor vehicle fund from which expenditures can be made by the department of transportation for state highway improvements necessitated by planned economic development.)) All ((such)) transportation improvements on state highways must first be approved by the state transportation commission and the community economic revitalization board in accordance with the procedures established by RCW 43.160.074 and 47.01.280. ((It is further the intent of the legislature that such improvements not jeopardize any other planned highway construction projects. The improvements are intended to be of limited size and cost, and to include such items as additional turn lanes, signalization, illumination, and safety improvements.))~~

(3) The legislature also finds that the state's economic development efforts can be enhanced by, in certain instances, providing funds to assist development of telecommunications infrastructure that

supports business development, retention, and expansion in rural natural resources impact areas and rural counties of the state.

(4) The legislature also finds that the state's economic development efforts can be enhanced by providing funds to improve markets for those recyclable materials representing a large fraction of the waste stream. The legislature finds that public facilities which result in private construction of processing or remanufacturing facilities for recyclable materials are eligible for consideration from the board.

~~((4))~~ (5) The legislature finds that sharing economic growth state-wide is important to the welfare of the state. Rural counties and rural natural resources impact areas do not share in the economic vitality of the Puget Sound region. The ability of these communities to pursue business and job retention, expansion, and development opportunities depends on their capacity to ready necessary economic development project plans, sites, permits, and infrastructure for private investments. Project-specific planning, predevelopment, and infrastructure (is one of several) are critical ingredients (that are critical) for economic development. Rural counties and rural natural resources impact areas generally lack (the infrastructure) these necessary tools and resources to diversify and revitalize their economies. It is, therefore, the intent of the legislature to increase the (availability of funds to help provide infrastructure to rural natural resource impact areas) amount of funding available through the community economic revitalization board for rural counties and rural natural resources impact areas, and to authorize flexibility for available resources in these areas to help fund planning, predevelopment, and construction costs of infrastructure and facilities and sites that foster economic vitality and diversification.

**Sec. 102.** RCW 43.160.020 and 1997 c 367 s 8 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the community economic revitalization board.

(2) "Bond" means any bond, note, debenture, interim certificate, or other evidence of financial indebtedness issued by the board pursuant to this chapter.

(3) "Department" means the department of community, trade, and economic development.

(4) "Financial institution" means any bank, savings and loan association, credit union, development credit corporation, insurance company, investment company, trust company, savings institution, or other financial institution approved by the board and maintaining an office in the state.

(5) "Industrial development facilities" means "industrial development facilities" as defined in RCW 39.84.020.

(6) "Industrial development revenue bonds" means tax-exempt revenue bonds used to fund industrial development facilities.

(7) "Local government" or "political subdivision" means any port district, county, city, town, special purpose district, and any other municipal corporations or quasi-municipal corporations in the state providing for public facilities under this chapter.

(8) "Sponsor" means any of the following entities which customarily provide service or otherwise aid in industrial or other financing and are approved as a sponsor by the board: A bank, trust company, savings bank, investment bank, national banking association, savings and loan association, building and loan association, credit union, insurance company, or any other financial institution, governmental agency, or holding company of any entity specified in this subsection.

(9) "Umbrella bonds" means industrial development revenue bonds from which the proceeds are loaned, transferred, or otherwise made available to two or more users under this chapter.

(10) "User" means one or more persons acting as lessee, purchaser, mortgagor, or borrower under a financing document and receiving or applying to receive revenues from bonds issued under this chapter.

(11) "Public facilities" means a project of a local government for the planning, acquisition, construction, repair, reconstruction, replacement, rehabilitation, or improvement of bridges, roads, domestic and industrial water, earth stabilization, sanitary sewer, storm sewer, railroad, electricity, telecommunications, transportation, natural gas, buildings or structures, and port facilities, all for the purpose of job creation, job retention, or job expansion.

(12) "Rural county" means a county with a population density of fewer than one hundred persons per square mile as determined by the office of financial management.

(13) "Rural natural resources impact area" means:

(a) A nonmetropolitan county, as defined by the 1990 decennial census, that meets three of the five criteria set forth in subsection ~~((13))~~ (14) of this section;

(b) A nonmetropolitan county with a population of less than forty thousand in the 1990 decennial census, that meets two of the five criteria as set forth in subsection ~~((13))~~ (14) of this section; or

(c) A nonurbanized area, as defined by the 1990 decennial census, that is located in a metropolitan county that meets three of the five criteria set forth in subsection ~~((13))~~ (14) of this section.

~~((13))~~ (14) For the purposes of designating rural natural resources impact areas, the following criteria shall be considered:

(a) A lumber and wood products employment location quotient at or above the state average;

(b) A commercial salmon fishing employment location quotient at or above the state average;

(c) Projected or actual direct lumber and wood products job losses of one hundred positions or more;

(d) Projected or actual direct commercial salmon fishing job losses of one hundred positions or more; and

(e) An unemployment rate twenty percent or more above the state average. The counties that meet these criteria shall be determined by the employment security department for the most recent year for which data is available. For the purposes of administration of programs under this chapter, the United States post office five-digit zip code delivery areas will be used to determine residence status for eligibility purposes. For the purpose of this definition, a zip code delivery area of which any part is ten miles or more from an urbanized area is considered nonurbanized. A zip code totally surrounded by zip codes qualifying as nonurbanized under this definition is also considered nonurbanized. The office of financial management shall make available a zip code listing of the areas to all agencies and organizations providing services under this chapter.

**Sec. 103.** RCW 43.160.060 and 1996 c 51 s 5 are each amended to read as follows:

The board is authorized to make direct loans to political subdivisions of the state for the purposes of assisting the political subdivisions in financing the cost of public facilities, including development of land and improvements for public facilities, project-specific environmental, capital facilities, land use, permitting, feasibility and marketing studies and plans; project design, site planning, and analysis; project debt and revenue impact analysis; as well as the construction, rehabilitation, alteration, expansion, or improvement of the facilities. A grant may also be authorized for purposes designated in this chapter, but only when, and to the extent that, a loan is not reasonably possible, given the limited resources of the political subdivision and the finding by the board that ~~((unique)) financial circumstances ((exist. The board shall not obligate more than twenty percent of its biennial appropriation as grants))~~ require grant assistance to enable the project to move forward.

Application for funds shall be made in the form and manner as the board may prescribe. In making grants or loans the board shall conform to the following requirements:

(1) The board shall not provide financial assistance:

(a) For a project the primary purpose of which is to facilitate or promote a retail shopping development or expansion.

(b) For any project that evidence exists would result in a development or expansion that would displace existing jobs in any other community in the state.

(c) For the acquisition of real property, including buildings and other fixtures which are a part of real property.

(2) The board shall only provide financial assistance:

(a) For those projects which would result in specific private developments or expansions (i) in manufacturing, production, food processing, assembly, warehousing, advanced technology, research and development, and industrial distribution; (ii) for processing recyclable materials or for facilities that support recycling, including processes not currently provided in the state, including but not limited

to, de-inking facilities, mixed waste paper, plastics, yard waste, and problem-waste processing; (iii) for manufacturing facilities that rely significantly on recyclable materials, including but not limited to waste tires and mixed waste paper; (iv) which support the relocation of businesses from nondistressed urban areas to ~~((distressed))~~ rural counties or rural natural resources impact areas; or (v) which substantially support the trading of goods or services outside of the state's borders.

(b) For projects which it finds will improve the opportunities for the successful maintenance, establishment, or expansion of industrial or commercial plants or will otherwise assist in the creation or retention of long-term economic opportunities.

(c) When the application includes convincing evidence that a specific private development or expansion is ready to occur and will occur only if the public facility improvement is made.

(3) The board shall prioritize each proposed project according to:

(a) The relative benefits provided to the community by the jobs the project would create, not just the total number of jobs it would create after the project is completed and according to the unemployment rate in the area in which the jobs would be located~~((—As long as there is more demand for financial assistance than there are funds available, the board is instructed to fund projects in order of their priority))~~; and

(b) The rate of return of the state's investment, that includes the expected increase in state and local tax revenues associated with the project.

(4) A responsible official of the political subdivision shall be present during board deliberations and provide information that the board requests.

Before any financial assistance application is approved, the political subdivision seeking the assistance must demonstrate to the community economic revitalization board that no other timely source of funding is available to it at costs reasonably similar to financing available from the community economic revitalization board.

**Sec. 104.** RCW 43.160.070 and 1998 c 321 s 27 (Referendum Bill No. 49) are each amended to read as follows:

Public facilities financial assistance, when authorized by the board, is subject to the following conditions:

(1) The moneys in the public facilities construction loan revolving account and the distressed county public facilities construction loan account shall be used solely to fulfill commitments arising from financial assistance authorized in this chapter or, during the 1989-91 fiscal biennium, for economic development purposes as appropriated by the legislature. The total outstanding amount which the board shall dispense at any time pursuant to this section shall not exceed the moneys available from the accounts. The total amount of outstanding financial assistance in Pierce, King, and Snohomish counties shall never exceed sixty percent of the total amount of outstanding financial assistance disbursed by the board under this chapter without reference to financial assistance provided under RCW 43.160.220.

(2) On contracts made for public facilities loans the board shall determine the interest rate which loans shall bear. The interest rate shall not exceed ten percent per annum. The board may provide reasonable terms and conditions for repayment for loans, including partial forgiveness of loan principal and interest payments on projects located in rural counties or rural natural resources impact areas, as the board determines. The loans shall not exceed twenty years in duration.

(3) Repayments of loans made from the public facilities construction loan revolving account under the contracts for public facilities construction loans shall be paid into the public facilities construction loan revolving account. Repayments of loans made from the distressed county public facilities construction loan account under the contracts for public facilities construction loans shall be paid into the distressed county public facilities construction loan account. Repayments of loans from moneys from the new appropriation from the public works assistance account for the fiscal biennium ending June 30, 1999, shall be paid into the public works assistance account.

(4) When every feasible effort has been made to provide loans and loans are not possible, the board may provide grants upon finding that unique circumstances exist.

**Sec. 105.** RCW 43.160.076 and 1998 c 321 s 28 (Referendum Bill No. 49) and 1998 c 55 s 4 are each reenacted and amended to read as follows:

(1) Except as authorized to the contrary under subsection (2) of this section, from all funds available to the board for financial assistance in a biennium under this chapter without reference to financial assistance provided under RCW 43.160.220, the board shall spend at least seventy-five percent for financial assistance for projects in ~~((distressed))~~ rural counties or rural natural resources impact areas. ~~((For purposes of this section, the term "distressed counties" includes any county, in which the average level of unemployment for the three years before the year in which an application for financial assistance is filed, exceeds the average state unemployment for those years by twenty percent.))~~

(2) If at any time during the last six months of a biennium the board finds that the actual and anticipated applications for qualified projects in ~~((distressed))~~ rural counties or rural natural resources impact areas are clearly insufficient to use up the seventy-five percent allocation under subsection (1) of this section, then the board shall estimate the amount of the insufficiency and during the remainder of the biennium may use that amount of the allocation for financial assistance to projects not located in ~~((distressed))~~ rural counties or rural natural resources impact areas.

~~((3) This section expires June 30, 2000.))~~

**Sec. 106.** RCW 43.160.900 and 1993 c 320 s 8 are each amended to read as follows:

(1) The community economic revitalization board shall report to the appropriate standing committees of the legislature biennially on the implementation of this chapter. The report shall include information on the number of applications for community economic revitalization board assistance, the number and types of projects approved, the grant or loan amount awarded each project, the projected number of jobs created or retained by each project, the actual number of jobs created or retained by each project, the amount of state and local tax revenue generated by projects funded under this chapter, the number of delinquent loans, and the number of project terminations. The report may also include additional performance measures and recommendations for programmatic changes. The first report shall be submitted by December 1, 1994.

(2) The joint legislative audit and review committee shall conduct performance reviews on the effectiveness of the program administered by the board under this chapter. The committee may contract for services to conduct the performance reviews. The costs for the performance reviews shall be paid from repayments of principal and interest on loans made under this chapter. The performance reviews shall be submitted to the appropriate committees of the legislature by December 1, 2000, December 1, 2004, and December 1, 2008.

**Sec. 107.** RCW 43.160.200 and 1996 c 51 s 9 are each amended to read as follows:

(1) The economic development account is created within the public facilities construction loan revolving fund under RCW 43.160.080. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the purposes of RCW 43.160.010~~((3))~~ (5) and this section. The account is subject to allotment procedures under chapter 43.88 RCW.

(2) Applications under this section for assistance from the economic development account are subject to all of the applicable criteria set forth under this chapter, as well as procedures and criteria established by the board, except as otherwise provided.

(3) Eligible applicants under this section are limited to political subdivisions of the state in rural natural resources impact areas ~~((that demonstrate, to the satisfaction of the board, the local economy's dependence on the forest products and salmon fishing industries))~~ and rural counties.

(4) Applicants must demonstrate that their request is part of an economic development plan consistent with applicable state planning requirements. Applicants must demonstrate that tourism projects have been approved by the local government. Industrial projects must be approved by the local government and the associate development organization.

(5) Publicly owned projects may be financed under this section upon proof by the applicant that the public project is a necessary component of, or constitutes in whole, a tourism project.



(6) Applications must demonstrate local match and participation. Such match may include: Land donation, other public or private funds or both, or other means of local commitment to the project.

(7) Board financing for project-specific environmental, capital facilities, land use, permitting, feasibility and marketing studies and plans; project engineering, design, and site planning and analysis; and project debt and revenue impact analysis shall not exceed ~~((twenty five))~~ fifty thousand dollars per study. Board funds for ~~((feasibility studies))~~ these purposes may be provided as a grant and require a ~~((dollar for dollar))~~ match ~~((with up to one half in kind match allowed))~~.

(8) Board financing for tourism projects shall not exceed two hundred fifty thousand dollars. Other public facility construction projects under this section shall not exceed ~~((five hundred thousand))~~ one million dollars. Loans with flexible terms and conditions to meet the needs of the applicants shall be provided. Grants may also be authorized, but only when, and to the extent that, a loan is not reasonably possible, given the limited resources of the political subdivision.

(9) The board shall develop guidelines for allowable local match and ~~((feasibility studies))~~ planning and predevelopment activities.

(10) The board may allow de minimis general system improvements to be funded if they are critically linked to the viability of the economic development project assisted under this section.

(11) Applications under this section need not demonstrate evidence that specific private development or expansion is ready to occur or will occur if funds are provided.

~~((11))~~ (12) The board shall establish guidelines for providing financial assistance under this section to ensure that the requirements of this chapter are complied with. The guidelines shall include:

(a) A process to equitably compare and evaluate applications from competing communities.

(b) Criteria to ensure that approved projects will have a high probability of success and are likely to provide long-term economic benefits to the community. The criteria shall include: (i) A minimum amount of local participation, determined by the board per application, to verify community support for the project; (ii) an analysis that establishes the project is feasible using standard economic principles; and (iii) an explanation from the applicant regarding how the project is consistent with the communities' economic strategy and goals.

(c) A method of evaluating the impact of the financial assistance on the economy of the community and whether the financial assistance achieved its purpose.

## **PART II HOUSING**

### **Increasing the Housing Finance Commission's Debt Limit**

**Sec. 201.** RCW 43.180.160 and 1996 c 310 s 2 are each amended to read as follows:

The total amount of outstanding indebtedness of the commission may not exceed ~~((two))~~ three billion dollars at any time. The calculation of outstanding indebtedness shall include the initial principal amount of an issue and shall not include interest that is either currently payable or that accrues as a part of the face amount of an issue payable at maturity or earlier redemption. Outstanding indebtedness shall not include notes or bonds as to which the obligation of the commission has been satisfied and discharged by refunding or for which payment has been provided by reserves or otherwise.

NEW SECTION. **Sec. 202.** A new section is added to chapter 43.63A RCW to read as follows:

The department shall establish and administer a "one-stop clearinghouse" to coordinate state assistance for growers and nonprofit organizations in developing housing for agricultural employees. Growers, housing authorities, and nonprofit organizations shall have direct access to the one-stop clearinghouse. The department one-stop clearinghouse shall provide assistance on planning and design, building codes, temporary worker housing regulations, financing options, and management to growers and nonprofit organizations interested in farmworker construction. The department one-stop clearinghouse shall also provide educational materials and services to local government authorities on Washington state law concerning farmworker housing.

**PART III**  
**DISTRESSED AREA TAX INCENTIVES**  
**Distressed Area Sales and Use Tax Deferral**

**Sec. 301.** RCW 82.60.020 and 1996 c 290 s 4 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Applicant" means a person applying for a tax deferral under this chapter.

(2) "Department" means the department of revenue.

(3) "Eligible area" means(~~((a) A county in which the average level of unemployment for the three years before the year in which an application is filed under this chapter exceeds the average state unemployment for those years by twenty percent; (b) a county that has a median household income that is less than seventy five percent of the state median household income for the previous three years; (c) a metropolitan statistical area, as defined by the office of federal statistical policy and standards, United States department of commerce, in which the average level of unemployment for the calendar year immediately preceding the year in which an application is filed under this chapter exceeds the average state unemployment for such calendar year by twenty percent; (d) a designated community empowerment zone approved under RCW 43.63A.700 or a county containing such a community empowerment zone; (e) a town with a population of less than twelve hundred persons in those counties that are not covered under (a) of this subsection that are timber impact areas as defined in RCW 43.31.601; (f) a county designated by the governor as an eligible area under RCW 82.60.047; or (g) a county that is contiguous to a county that qualifies as an eligible area under (a) or (f) of this subsection))~~) a county with fewer than one hundred persons per square mile as determined annually by the office of financial management and published by the department of revenue effective for the period July 1st through June 30th.

(4)(a) "Eligible investment project" means(~~((~~

~~(i)) an investment project in an eligible area as defined in subsection (3)((a), (b), (c), (e), or (f)) of this section(~~;~~ or~~

~~(ii) That portion of an investment project in an eligible area as defined in subsection (3)(d) or (g) of this section which is directly utilized to create at least one new full time qualified employment position for each three hundred thousand dollars of investment on which a deferral is requested in an application approved before July 1, 1994, and for each seven hundred fifty thousand dollars of investment on which a deferral is requested in an application approved after June 30, 1994)).~~

(b) The lessor/owner of a qualified building is not eligible for a deferral unless the underlying ownership of the buildings, machinery, and equipment vests exclusively in the same person, or unless the lessor by written contract agrees to pass the economic benefit of the deferral to the lessee in the form of reduced rent payments.

(c) (~~For purposes of (a)(ii) of this subsection:~~

~~(i) The department shall consider the entire investment project, including any investment in machinery and equipment that otherwise qualifies for exemption under RCW 82.08.02565 or 82.12.02565, for purposes of determining the portion of the investment project that qualifies for deferral as an eligible investment project; and~~

~~(ii) The number of new full time qualified employment positions created by an investment project shall be deemed to be reduced by the number of full time employment positions maintained by the recipient in any other community in this state that are displaced as a result of the investment project.~~

~~(d)) "Eligible investment project" does not include any portion of an investment project undertaken by a light and power business as defined in RCW 82.16.010(5), other than that portion of a cogeneration project that is used to generate power for consumption within the manufacturing site of which the cogeneration project is an integral part, or investment projects which have already received deferrals under this chapter.~~

(5) "Investment project" means an investment in qualified buildings or qualified machinery and equipment, including labor and services rendered in the planning, installation, and construction of the project.

(6) "Manufacturing" means all activities of a commercial or industrial nature wherein labor or skill is applied, by hand or machinery, to materials so that as a result thereof a new, different, or useful substance or article of tangible personal property is produced for sale or commercial or industrial use and shall include the production or fabrication of specially made or custom made articles.

"Manufacturing" also includes computer programming, the production of computer software, and other computer-related services, and the activities performed by research and development laboratories and commercial testing laboratories.

(7) "Person" has the meaning given in RCW 82.04.030.

(8) "Qualified buildings" means construction of new structures, and expansion or renovation of existing structures for the purpose of increasing floor space or production capacity used for manufacturing and research and development activities, including plant offices and warehouses or other facilities for the storage of raw material or finished goods if such facilities are an essential or an integral part of a factory, mill, plant, or laboratory used for manufacturing or research and development. If a building is used partly for manufacturing or research and development and partly for other purposes, the applicable tax deferral shall be determined by apportionment of the costs of construction under rules adopted by the department.

~~(9) ("Qualified employment position" means a permanent full-time employee employed in the eligible investment project during the entire tax year.~~

~~(10))~~ (10) "Qualified machinery and equipment" means all new industrial and research fixtures, equipment, and support facilities that are an integral and necessary part of a manufacturing or research and development operation. "Qualified machinery and equipment" includes: Computers; software; data processing equipment; laboratory equipment; manufacturing components such as belts, pulleys, shafts, and moving parts; molds, tools, and dies; operating structures; and all equipment used to control or operate the machinery.

~~((11))~~ (11) "Recipient" means a person receiving a tax deferral under this chapter.

~~((12))~~ (12) "Research and development" means the development, refinement, testing, marketing, and commercialization of a product, service, or process before commercial sales have begun. As used in this subsection, "commercial sales" excludes sales of prototypes or sales for market testing if the total gross receipts from such sales of the product, service, or process do not exceed one million dollars.

**Sec. 302.** RCW 82.60.040 and 1997 c 156 s 5 are each amended to read as follows:

(1) The department shall issue a sales and use tax deferral certificate for state and local sales and use taxes due under chapters 82.08, 82.12, and 82.14 RCW on each eligible investment project that

~~(a) is located in an eligible area as defined in RCW 82.60.020((3) (a), (b), (c), (e), or (f));~~  
~~(b) is located in an eligible area as defined in RCW 82.60.020(3)(g) if seventy five percent of the new qualified employment positions are to be filled by residents of a contiguous county that is an eligible area as defined in RCW 82.60.020(3) (a) or (f); or~~  
~~(c) is located in an eligible area as defined in RCW 82.60.020(3)(d) if seventy five percent of the new qualified employment positions are to be filled by residents of a designated community empowerment zone approved under RCW 43.63A.700 located within the county in which the eligible investment project is located).~~

(2) The department shall keep a running total of all deferrals granted under this chapter during each fiscal biennium.

(3) This section expires July 1, 2004.

**Sec. 303.** RCW 82.60.070 and 1995 1st sp.s. c 3 s 9 are each amended to read as follows:

(1) ~~((Each recipient of a deferral granted under this chapter prior to July 1, 1994, shall submit a report to the department on December 31st of each year during the repayment period until the tax deferral is repaid.))~~ Each recipient of a deferral granted under this chapter after June 30, 1994, shall submit a report to the department on December 31st of the year in which the investment project is certified by the department as having been operationally completed, and on December 31st of each of the seven succeeding calendar years. The report shall contain information, as required by the

department, from which the department may determine whether the recipient is meeting the requirements of this chapter. If the recipient fails to submit a report or submits an inadequate report, the department may declare the amount of deferred taxes outstanding to be immediately assessed and payable.

(2) If, on the basis of a report under this section or other information, the department finds that an investment project is not eligible for tax deferral under this chapter (~~for reasons other than failure to create the required number of qualified employment positions~~), the amount of deferred taxes outstanding for the project shall be immediately due.

(3) (~~If, on the basis of a report under this section or other information, the department finds that an investment project for which a deferral has been granted under this chapter prior to July 1, 1994, has been operationally complete for three years and has failed to create the required number of qualified employment positions, the department shall assess interest, but not penalties, on the deferred taxes for the project. The interest shall be assessed at the rate provided for delinquent excise taxes, shall be assessed retroactively to the date of deferral, and shall accrue until the deferred taxes are repaid.~~

(4) (~~If, on the basis of a report under this section or other information, the department finds that an investment project for which a deferral has been granted under this chapter after June 30, 1994, has been operationally complete for three years and has failed to create the required number of qualified employment positions, the amount of taxes not eligible for deferral shall be immediately due. The department shall assess interest at the rate provided for delinquent excise taxes, but not penalties, retroactively to the date of deferral.~~

(5) (~~If, on the basis of a report under this section or other information, the department finds that an investment project qualifying for deferral under RCW 82.60.040(1) (b) or (c) has failed to comply with any requirement of RCW 82.60.045 for any calendar year for which reports are required under subsection (1) of this section, twelve and one half percent of the amount of deferred taxes shall be immediately due. The department shall assess interest at the rate provided for delinquent excise taxes, but not penalties, retroactively to the date of deferral.~~

(6)) Notwithstanding any other subsection of this section, deferred taxes need not be repaid on machinery and equipment for lumber and wood products industries, and sales of or charges made for labor and services, of the type which qualifies for exemption under RCW 82.08.02565 or 82.12.02565 to the extent the taxes have not been repaid before July 1, 1995.

((7)) (4) Notwithstanding any other subsection of this section, deferred taxes on the following need not be repaid:

(a) Machinery and equipment, and sales of or charges made for labor and services, which at the time of purchase would have qualified for exemption under RCW 82.08.02565; and

(b) Machinery and equipment which at the time of first use would have qualified for exemption under RCW 82.12.02565.

**NEW SECTION. Sec. 304.** A new section is added to chapter 82.60 RCW to read as follows:

(1) For the purposes of this section:

(a) "Eligible area" also means a designated community empowerment zone approved under RCW 43.63A.700 or a county containing a community empowerment zone.

(b) "Eligible investment project" also means an investment project in an eligible area as defined in this section.

(2) In addition to the provisions of RCW 82.60.040, the department shall issue a sales and use tax deferral certificate for state and local sales and use taxes due under chapters 82.08, 82.12, and 82.14 RCW, on each eligible investment project that is located in an eligible area, if the applicant establishes that at the time the project is operationally complete:

(a) The applicant will hire at least one qualified employment position for each seven hundred fifty thousand dollars of investment on which a deferral is requested; and

(b) The positions will be filled by persons who at the time of hire are residents of the community empowerment zone in which the project is located. As used in this subsection, "resident" means the person makes his or her home in the community empowerment zone. A mailing address

alone is insufficient to establish that a person is a resident for the purposes of this section. The persons must be hired after the date the application is filed with the department.

(3) All other provisions and eligibility requirements of this chapter apply to applicants eligible under this section.

(4) If a person does not meet the requirements of this section by the end of the calendar year following the year in which the project is certified as operationally complete, all deferred taxes are immediately due.

### **Distressed Area Business and Occupation Tax Job Credit**

**Sec. 305.** RCW 82.62.010 and 1996 c 290 s 5 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Applicant" means a person applying for a tax credit under this chapter.

(2) "Department" means the department of revenue.

(3) "Eligible area" means(~~(: (a) A county in which the average level of unemployment for the three years before the year in which an application is filed under this chapter exceeds the average state unemployment for those years by twenty percent; (b) a county that has a median household income that is less than seventy five percent of the state median household income for the previous three years; (c) a metropolitan statistical area, as defined by the office of federal statistical policy and standards, United States department of commerce, in which the average level of unemployment for the calendar year immediately preceding the year in which an application is filed under this chapter exceeds the average state unemployment for such calendar year by twenty percent; (d) a designated community empowerment zone approved under RCW 43.63A.700; or (e) subcounty areas in those counties that are not covered under (a) of this subsection that are timber impact areas as defined in RCW 43.31.601)) an area as defined in RCW 82.60.020.~~

(4)(a) "Eligible business project" means manufacturing or research and development activities which are conducted by an applicant in an eligible area at a specific facility, provided the applicant's average full-time qualified employment positions at the specific facility will be at least fifteen percent greater in the year for which the credit is being sought than the applicant's average full-time qualified employment positions at the same facility in the immediately preceding year.

(b) "Eligible business project" does not include any portion of a business project undertaken by a light and power business as defined in RCW 82.16.010(5) or that portion of a business project creating qualified full-time employment positions outside an eligible area or those recipients of a sales tax deferral under chapter 82.61 RCW.

(5) "Manufacturing" means all activities of a commercial or industrial nature wherein labor or skill is applied, by hand or machinery, to materials so that as a result thereof a new, different, or useful substance or article of tangible personal property is produced for sale or commercial or industrial use and shall include the production or fabrication of specially made or custom made articles. "Manufacturing" also includes computer programming, the production of computer software, and other computer-related services, and the activities performed by research and development laboratories and commercial testing laboratories.

(6) "Person" has the meaning given in RCW 82.04.030.

(7) "Qualified employment position" means a permanent full-time employee employed in the eligible business project during the entire tax year.

(8) "Tax year" means the calendar year in which taxes are due.

(9) "Recipient" means a person receiving tax credits under this chapter.

(10) "Research and development" means the development, refinement, testing, marketing, and commercialization of a product, service, or process before commercial sales have begun. As used in this subsection, "commercial sales" excludes sales of prototypes or sales for market testing if the total gross receipts from such sales of the product, service, or process do not exceed one million dollars.

**Sec. 306.** RCW 82.62.030 and 1997 c 366 s 5 are each amended to read as follows:

(1) A person shall be allowed a credit against the tax due under chapter 82.04 RCW as provided in this section. ~~((For an application approved before January 1, 1996, the credit shall equal one thousand dollars for each qualified employment position directly created in an eligible business project. For an application approved on or after January 1, 1996, the credit shall equal two thousand dollars for each qualified employment position directly created in an eligible business project. For an application approved on or after July 1, 1997,))~~ The credit shall equal: (a) Four thousand dollars for each qualified employment position with wages and benefits greater than forty thousand dollars annually that is directly created in an eligible business~~((For an application approved on or after July 1, 1997, the credit shall equal))~~ and (b) two thousand dollars for each qualified employment position with wages and benefits less than or equal to forty thousand dollars annually that is directly created in an eligible business.

(2) The department shall keep a running total of all credits granted under this chapter during each fiscal year. The department shall not allow any credits which would cause the tabulation to exceed ~~((five million five hundred thousand dollars in fiscal year 1998 or 1999 or))~~ seven million five hundred thousand dollars in any fiscal year ~~((thereafter))~~. If all or part of an application for credit is disallowed under this subsection, the disallowed portion shall be carried over for approval the next fiscal year. However, the applicant's carryover into the next fiscal year is only permitted if the tabulation for the next fiscal year does not exceed the cap for that fiscal year as of the date on which the department has disallowed the application.

(3) No recipient may use the tax credits to decertify a union or to displace existing jobs in any community in the state.

(4) No recipient may receive a tax credit on taxes which have not been paid during the taxable year.

NEW SECTION. Sec. 307. A new section is added to chapter 82.62 RCW to read as follows:

(1) For the purposes of this section "eligible area" also means a designated community empowerment zone approved under RCW 43.63A.700.

(2) An eligible business project located within an eligible area as defined in this section qualifies for a credit under this chapter for those employees who at the time of hire are residents of the community empowerment zone in which the project is located, if the fifteen percent threshold is met. As used in this subsection, "resident" means the person makes his or her home in the community empowerment zone. A mailing address alone is insufficient to establish that a person is a resident for the purposes of this section.

(3) All other provisions and eligibility requirements of this chapter apply to applicants eligible under this section.

#### **PART IV ECONOMIC VITALITY COMMITTEE**

NEW SECTION. Sec. 401. (1) The legislature shall establish an ad hoc economic development group to analyze potential economic development projects of state-wide significance and recommend appropriate administrative or legislative actions.

(2) The group shall include one representative each from the department of community, trade, and economic development, the department of agriculture, and the department of revenue as well as two representatives from rural economic development councils appointed by the legislature.

(3) The group shall promote economic development and business diversification throughout the state with special attention given to the economic difficulties of rural counties.

(4) In order to expedite coordinated responses, the governor may direct the group to meet on an emergency basis when projects of state-wide significance arise.

(5) The department of community, trade, and economic development shall establish criteria to determine whether a project meets the standards of a "project of state-wide significance." These criteria may include such economic indicators as local unemployment and personal income levels and project scope indicators such as the assessed value of the project in relation to the assessed value of the county.

**PART V**  
**RURAL WASHINGTON LOAN FUND**

**Sec. 501.** RCW 43.168.010 and 1985 c 164 s 1 are each amended to read as follows:

The legislature finds that:

- (1) The economic health and well-being of the state, particularly in areas of high unemployment, economic stagnation, and poverty, is of substantial public concern.
- (2) The consequences of minimal economic activity and persistent unemployment and underemployment are serious threats to the safety, health, and welfare of residents of these areas, decreasing the value of private investments and jeopardizing the sources of public revenue.
- (3) The economic and social interdependence of communities and the vitality of industrial and economic activity necessitates, and is in part dependent on preventing substantial dislocation of residents and rebuilding the diversification of the areas' economy.
- (4) The ability to remedy problems in stagnant areas of the state is beyond the power and control of the regulatory process and influence of the state, and the ordinary operations of private enterprise without additional governmental assistance are insufficient to adequately remedy the problems of poverty and unemployment.
- (5) The revitalization of depressed communities requires the stimulation of private investment, the development of new business ventures, the provision of capital to ventures sponsored by local organizations and capable of growth in the business markets, and assistance to viable, but under-financed, small businesses in order to create and preserve jobs that are sustainable in the local economy.

Therefore, the legislature declares there to be a substantial public purpose in providing capital to promote economic development and job creation in areas of economic stagnation, unemployment, and poverty. To accomplish this purpose, the legislature hereby creates the rural Washington ~~((state development))~~ loan fund ~~((committee))~~ and vests in the ~~((committee))~~ department of community, trade, and economic development the authority to spend federal funds to stimulate the economy of distressed areas.

**Sec. 502.** RCW 43.168.020 and 1996 c 290 s 3 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

- ~~((1))~~ ~~(("Committee" means the Washington state development loan fund committee.~~
- ~~((2))~~ "Department" means the department of community, trade, and economic development.
- ~~((3))~~ ~~((2))~~ "Director" means the director of community, trade, and economic development.
- ~~((4))~~ ~~((3))~~ "Distressed area" means: (a) A rural county; (b) a county which has an unemployment rate which is twenty percent above the state average for the immediately previous three years; ~~((b))~~ ~~((c))~~ a county that has a median household income that is less than seventy-five percent of the state median household income for the previous three years; ~~((c))~~ ~~((d))~~ a metropolitan statistical area, as defined by the office of federal statistical policy and standards, United States department of commerce, in which the average level of unemployment for the calendar year immediately preceding the year in which an application is filed under this chapter exceeds the average state unemployment for such calendar year by twenty percent; ~~((d))~~ ~~((e))~~ an area within a county, which area: (i) Is composed of contiguous census tracts; (ii) has a minimum population of five thousand persons; (iii) has at least seventy percent of its families and unrelated individuals with incomes below eighty percent of the county's median income for families and unrelated individuals; and (iv) has an unemployment rate which is at least forty percent higher than the county's unemployment rate; or ~~((e))~~ ~~((f))~~ a county designated as a rural natural resources impact area under RCW 43.31.601 if an application is filed by July 1, 1997. For purposes of this definition, "families and unrelated individuals" has the same meaning that is ascribed to that term by the federal department of housing and urban development in its regulations authorizing action grants for economic development and neighborhood revitalization projects.

~~((5))~~ ~~((4))~~ "Fund" means the rural Washington ~~((state development))~~ loan fund.

~~((6))~~ (5) "Local development organization" means a nonprofit organization which is organized to operate within an area, demonstrates a commitment to a long-standing effort for an economic development program, and makes a demonstrable effort to assist in the employment of unemployed or underemployed residents in an area.

~~((7))~~ (6) "Project" means the establishment of a new or expanded business in an area which when completed will provide employment opportunities. "Project" also means the retention of an existing business in an area which when completed will provide employment opportunities.

(7) "Rural county" means a county with a population density of fewer than one hundred persons per square mile as determined by the office of financial management.

NEW SECTION. Sec. 503. A new section is added to chapter 43.168 RCW to read as follows:

In addition to the requirements of RCW 43.168.050, the department shall, subject to applicable federal funding criteria, give priority to applications that capitalize or recapitalize an existing or new local revolving fund based on criteria established by the department.

**Sec. 504.** RCW 43.168.110 and 1992 c 235 s 11 are each amended to read as follows:

There is established the rural Washington ~~((state development))~~ loan fund which shall be an account in the state treasury. All loan payments of principal and interest which are transferred under RCW 43.168.050 shall be deposited into the account. Moneys in the account may be spent only after legislative appropriation for loans under this chapter. Any expenditures of these moneys shall conform to federal law.

**Sec. 505.** RCW 43.168.120 and 1987 c 461 s 6 are each amended to read as follows:

(1) The ~~((committee))~~ department shall develop guidelines for ~~((development))~~ rural Washington loan funds to be used to fund existing economic development revolving loan funds. Consideration shall be given to the selection process for grantees, loan quality criteria, legal and regulatory issues, and ways to minimize duplication between ~~((development))~~ rural Washington loan funds and local economic development revolving loan funds.

(2) If it appears that all of the funds appropriated to the ~~((development loan))~~ fund for a biennium will not be fully granted to local governments within that biennium, the ~~((committee))~~ department may make available up to twenty percent of the eighty percent of the funds available to projects in distressed areas under RCW 43.168.050~~((9))~~ (10) for grants to local governments to assist existing economic development revolving loan funds in distressed areas. The grants to local governments shall be utilized to make loans to businesses that meet the specifications for loans under this chapter. The local governments shall, to the extent permitted under federal law, agree to convey to the ~~((development loan))~~ fund the principal and interest payments from existing loans that the local governments have made through their revolving loan funds. Under circumstances where the federal law does not permit the ~~((committee))~~ department to require such transfer, the ~~((committee))~~ department shall give priority to applications where the applicants on their own volition make commitments to provide for the transfer.

## PART VI PUBLIC FACILITIES GRANTS AND LOANS

**Sec. 601.** RCW 43.17.250 and 1991 sp.s. c 32 s 25 are each amended to read as follows:

(1) Whenever a state agency is considering awarding grants or loans for a county, city, or town planning under RCW 36.70A.040 to finance public facilities, it shall consider whether the county, city, or town ~~((that is))~~ requesting the grant or loan ~~((is a party to a county wide planning policy under RCW 36.70A.210 relating to the type of public facility for which the grant or loan is sought, and shall accord additional preference to the county, city, or town if such county wide planning policy exists))~~ has adopted a comprehensive plan and development regulations as required by RCW 36.70A.040.

(2) When reviewing competing requests from counties, cities, or towns planning under RCW 36.70A.040, a state agency considering awarding grants or loans for public facilities shall accord



additional preference to those counties, cities, or towns that have adopted a comprehensive plan and development regulations as required by RCW 36.70A.040. For the purposes of the preference accorded in this section, a county, city, or town planning under RCW 36.70A.040 is deemed to have satisfied the requirements for adopting a comprehensive plan and development regulations specified in RCW 36.70A.040 if the county, city, or town:

(a) Adopts or has adopted a comprehensive plan and development regulations within the time periods specified in RCW 36.70A.040;

(b) Adopts or has adopted a comprehensive plan and development regulations before submitting a request for a grant or loan if the county, city, or town failed to adopt a comprehensive plan and/or development regulations within the time periods specified in RCW 36.70A.040; or

(c) Demonstrates substantial progress toward adopting a comprehensive plan or development regulations within the time periods specified in RCW 36.70A.040. A county, city, or town that is more than six months out of compliance with the time periods specified in RCW 36.70A.040 shall not be deemed to demonstrate substantial progress for purposes of this section.

(3) The preference specified in subsection (2) of this section applies only to competing requests for grants or loans from counties, cities, or towns planning under RCW 36.70A.040. A request from a county, city, or town planning under RCW 36.70A.040 shall be accorded no additional preference based on subsection (2) of this section over a request from a county, city, or town not planning under RCW 36.70A.040.

(4) Whenever a state agency is considering awarding grants or loans ~~((to a special district))~~ for public facilities to a special district requesting funding for a proposed facility located in a county, city, or town planning under RCW 36.70A.040, it shall consider whether the county, city, or town in whose planning jurisdiction the proposed facility is located ~~((is a party to a county wide planning policy under RCW 36.70A.210 relating to the type of public facility for which the grant or loan is sought))~~ has adopted a comprehensive plan and development regulations as required by RCW 36.70A.040 and shall apply the preference specified in subsection (2) of this section and restricted in subsection (3) of this section.

**Sec. 602.** RCW 43.155.070 and 1997 c 429 s 29 are each amended to read as follows:

(1) To qualify for loans or pledges under this chapter the board must determine that a local government meets all of the following conditions:

(a) The city or county must be imposing a tax under chapter 82.46 RCW at a rate of at least one-quarter of one percent;

(b) The local government must have developed a long-term plan for financing public works needs; and

(c) The local government must be using all local revenue sources which are reasonably available for funding public works, taking into consideration local employment and economic factors~~((; and))~~.

~~((d))~~ (2) Except where necessary to address a public health need or substantial environmental degradation, a county, city, or town ~~((that is required or chooses to plan))~~ planning under RCW 36.70A.040 must have adopted a comprehensive plan ~~((in conformance with the requirements of chapter 36.70A RCW, after it is required that the comprehensive plan be adopted, and must have adopted development regulations in conformance with the requirements of chapter 36.70A RCW, after it is required that development regulations be adopted))~~, including a capital facilities plan element, and development regulations as required by RCW 36.70A.040. This subsection does not require any county, city, or town planning under RCW 36.70A.040 to adopt a comprehensive plan or development regulations before requesting or receiving a loan or loan guarantee under this chapter if such request is made before the expiration of the time periods specified in RCW 36.70A.040. A county, city, or town planning under RCW 36.70A.040 which has not adopted a comprehensive plan and development regulations within the time periods specified in RCW 36.70A.040 is not prohibited from receiving a loan or loan guarantee under this chapter if the comprehensive plan and development regulations are adopted as required by RCW 36.70A.040 before submitting a request for a loan or loan guarantee.

(3) In considering awarding loans for public facilities to special districts requesting funding for a proposed facility located in a county, city, or town planning under RCW 36.70A.040, the board shall

consider whether the county, city, or town planning under RCW 36.70A.040 in whose planning jurisdiction the proposed facility is located has adopted a comprehensive plan and development regulations as required by RCW 36.70A.040.

~~((2))~~ (4) The board shall develop a priority process for public works projects as provided in this section. The intent of the priority process is to maximize the value of public works projects accomplished with assistance under this chapter. The board shall attempt to assure a geographical balance in assigning priorities to projects. The board shall consider at least the following factors in assigning a priority to a project:

(a) Whether the local government receiving assistance has experienced severe fiscal distress resulting from natural disaster or emergency public works needs;

(b) Whether the project is critical in nature and would affect the health and safety of a great number of citizens;

(c) The cost of the project compared to the size of the local government and amount of loan money available;

(d) The number of communities served by or funding the project;

(e) Whether the project is located in an area of high unemployment, compared to the average state unemployment;

(f) Whether the project is the acquisition, expansion, improvement, or renovation by a local government of a public water system that is in violation of health and safety standards, including the cost of extending existing service to such a system;

(g) The relative benefit of the project to the community, considering the present level of economic activity in the community and the existing local capacity to increase local economic activity in communities that have low economic growth; and

(h) Other criteria that the board considers advisable.

~~((3))~~ (5) Existing debt or financial obligations of local governments shall not be refinanced under this chapter. Each local government applicant shall provide documentation of attempts to secure additional local or other sources of funding for each public works project for which financial assistance is sought under this chapter.

~~((4))~~ (6) Before November 1 of each year, the board shall develop and submit to the appropriate fiscal committees of the senate and house of representatives a description of the loans made under RCW 43.155.065, 43.155.068, and subsection ~~((7))~~ (9) of this section during the preceding fiscal year and a prioritized list of projects which are recommended for funding by the legislature, including one copy to the staff of each of the committees. The list shall include, but not be limited to, a description of each project and recommended financing, the terms and conditions of the loan or financial guarantee, the local government jurisdiction and unemployment rate, demonstration of the jurisdiction's critical need for the project and documentation of local funds being used to finance the public works project. The list shall also include measures of fiscal capacity for each jurisdiction recommended for financial assistance, compared to authorized limits and state averages, including local government sales taxes; real estate excise taxes; property taxes; and charges for or taxes on sewerage, water, garbage, and other utilities.

~~((5))~~ (7) The board shall not sign contracts or otherwise financially obligate funds from the public works assistance account before the legislature has appropriated funds for a specific list of public works projects. The legislature may remove projects from the list recommended by the board. The legislature shall not change the order of the priorities recommended for funding by the board.

~~((6))~~ (8) Subsection ~~((5))~~ (7) of this section does not apply to loans made under RCW 43.155.065, 43.155.068, and subsection ~~((7))~~ (9) of this section.

~~((7))~~ (9)(a) Loans made for the purpose of capital facilities plans shall be exempted from subsection ~~((5))~~ (7) of this section. In no case shall the total amount of funds utilized for capital facilities plans and emergency loans exceed the limitation in RCW 43.155.065.

(b) For the purposes of this section "capital facilities plans" means those plans required by the growth management act, chapter 36.70A RCW, and plans required by the public works board for local governments not subject to the growth management act.

~~((8))~~ (10) To qualify for loans or pledges for solid waste or recycling facilities under this chapter, a city or county must demonstrate that the solid waste or recycling facility is consistent with

and necessary to implement the comprehensive solid waste management plan adopted by the city or county under chapter 70.95 RCW.

**Sec. 603.** RCW 70.146.070 and 1997 c 429 s 30 are each amended to read as follows:

(1) When making grants or loans for water pollution control facilities, the department shall consider the following:

- ~~((1))~~ (a) The protection of water quality and public health;
- ~~((2))~~ (b) The cost to residential ratepayers if they had to finance water pollution control facilities without state assistance;
- ~~((3))~~ (c) Actions required under federal and state permits and compliance orders;
- ~~((4))~~ (d) The level of local fiscal effort by residential ratepayers since 1972 in financing water pollution control facilities;
- ~~((5))~~ (e) The extent to which the applicant county or city, or if the applicant is another public body, the extent to which the county or city in which the applicant public body is located, has established programs to mitigate nonpoint pollution of the surface or subterranean water sought to be protected by the water pollution control facility named in the application for state assistance; and
- ~~((6))~~ (f) The recommendations of the Puget Sound action team and any other board, council, commission, or group established by the legislature or a state agency to study water pollution control issues in the state.

(2) Except where necessary to address a public health need or substantial environmental degradation, a county, city, or town ~~((that is required or chooses to plan))~~ planning under RCW 36.70A.040 may not receive a grant or loan for water pollution control facilities unless it has adopted a comprehensive plan ~~((in conformance with the requirements of chapter 36.70A RCW, after it is required that the comprehensive plan be adopted, or unless it has adopted development regulations in conformance with the requirements of chapter 36.70A RCW, after it is required that development regulations be adopted)),~~ including a capital facilities plan element, and development regulations as required by RCW 36.70A.040. This subsection does not require any county, city, or town planning under RCW 36.70A.040 to adopt a comprehensive plan or development regulations before requesting or receiving a grant or loan under this chapter if such request is made before the expiration of the time periods specified in RCW 36.70A.040. A county, city, or town planning under RCW 36.70A.040 which has not adopted a comprehensive plan and development regulations within the time periods specified in RCW 36.70A.040 is not prohibited from receiving a grant or loan under this chapter if the comprehensive plan and development regulations are adopted as required by RCW 36.70A.040 before submitting a request for a grant or loan.

(3) Whenever the department is considering awarding grants or loans for public facilities to special districts requesting funding for a proposed facility located in a county, city, or town planning under RCW 36.70A.040, it shall consider whether the county, city, or town planning under RCW 36.70A.040 in whose planning jurisdiction the proposed facility is located has adopted a comprehensive plan and development regulations as required by RCW 36.70A.040.

## PART VII REPEALED SECTIONS

**Sec. 701.** RCW 43.131.386 and 1997 c 367 s 19 are each amended to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 2001:

- (1) RCW 43.31.601 and 1997 c 367 s 1, 1995 c 226 s 1, 1992 c 21 s 2, & 1991 c 314 s 2;
- (2) RCW 43.31.641 and 1997 c 367 s 6, 1995 c 226 s 4, 1993 c 280 s 50, & 1991 c 314 s 7;
- (3) RCW 50.22.090 and ~~((1995 c 226 s 5, 1993 c 316 s 10, 1992 c 47 s 2, & 1991 c 315 s 4))~~  
1997 c 367 s 4;
- (4) ~~((RCW 43.160.212 and 1996 c 168 s 4, 1995 c 226 s 6, & 1993 c 316 s 5;~~  
~~(5))~~ RCW 43.63A.021 and 1997 c 367 s 5 & 1995 c 226 s 11;
- ~~((6))~~ (5) RCW 43.63A.600 and 1995 c 226 s 12, 1994 c 114 s 1, 1993 c 280 s 77, & 1991 c 315 s 23;

~~((7))~~ (6) RCW 43.63A.440 and 1997 c 367 s 7, 1995 c 226 s 13, 1993 c 280 s 74, & 1989 c 424 s 7;  
~~((8))~~ RCW 43.160.200 and 1995 c 226 s 16, 1993 c 320 s 7, 1993 c 316 s 4, & 1991 c 314 s 23;  
~~((9))~~ (7) RCW 28B.50.258 and 1995 c 226 s 18 & 1991 c 315 s 16;  
~~((10))~~ (8) RCW 28B.50.262 and 1995 c 226 s 19 & 1994 c 282 s 3;  
~~((11))~~ (9) RCW 28B.80.570 and 1997 c 367 s 14, 1995 c 226 s 20, 1992 c 21 s 6, & 1991 c 315 s 18;  
~~((12))~~ (10) RCW 28B.80.575 and 1995 c 269 s 1001, 1995 c 226 s 21, & 1991 c 315 s 19;  
~~((13))~~ (11) RCW 28B.80.580 and 1997 c 367 s 15, 1995 c 226 s 22, 1993 sp.s. c 18 s 34, 1992 c 231 s 31, & 1991 c 315 s 20;  
~~((14))~~ (12) RCW 28B.80.585 and 1995 c 226 s 23 & 1991 c 315 s 21;  
~~((15))~~ (13) RCW 43.17.065 and 1995 c 226 s 24, 1993 c 280 s 37, 1991 c 314 s 28, & 1990 1st ex.s. c 17 s 77;  
~~((16))~~ (14) RCW 43.20A.750 and ~~((1995 c 226 s 25, 1993 c 280 s 38, 1992 c 21 s 4, & 1991 c 153 s 28))~~ 1997 c 367 s 16;  
~~((17))~~ (15) RCW 43.168.140 and 1995 c 226 s 28 & 1991 c 314 s 20;  
~~((18))~~ (16) RCW 50.12.270 and 1997 c 367 s 17, 1995 c 226 s 30, & 1991 c 315 s 3;  
~~((19))~~ (17) RCW 50.70.010 and 1995 c 226 s 31, 1992 c 21 s 1, & 1991 c 315 s 5; and  
~~((20))~~ (18) RCW 50.70.020 and 1995 c 226 s 32 & 1991 c 315 s 6.

NEW SECTION. Sec. 702. RCW 43.160.212 (Rural natural resources impact areas--Loans for public works facilities) and 1996 c 168 s 4, 1995 c 226 s 6, 1993 c 316 s 5, 1992 c 21 s 8, & 1991 c 314 s 26 are each repealed.

NEW SECTION. Sec. 703. 1997 c 367 s 11, 1995 c 226 s 8, 1993 c 316 s 7, & 1991 c 314 s 33 (uncodified) are each repealed.

## PART VIII MISCELLANEOUS

NEW SECTION. Sec. 801. Part headings and subheadings used in this act are not any part of the law.

NEW SECTION. Sec. 802. This act takes effect August 1, 1999.

NEW SECTION. Sec. 803. Sections 301 through 303, 305, 306, and 601 through 603 of this act do not affect any existing right acquired or liability or obligation under the sections amended or repealed in those sections or any rule or order adopted under those sections, nor does it affect any proceeding instituted under those sections.

NEW SECTION. Sec. 804. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "vitality;" strike the remainder of the title and insert "amending RCW 43.160.010, 43.160.020, 43.160.060, 43.160.070, 43.160.900, 43.160.200, 43.180.160, 82.60.020, 82.60.040, 82.60.070, 82.62.010, 82.62.030, 43.168.010, 43.168.020, 43.168.110, 43.168.120, 43.17.250, 43.155.070, 70.146.070, and 43.131.386; reenacting and amending RCW 43.160.076; adding a new section to chapter 43.63A RCW; adding a new section to chapter 82.60 RCW; adding a new section to chapter 82.62 RCW; adding a new section to chapter 43.168 RCW; creating new sections; repealing RCW 43.160.212; repealing 1997 c 367 s 11, 1995 c 226 s 8, 1993 c 316 s 7, and 1991 c 314 s 33 (uncodified); providing an effective date; and providing an expiration date."

Representatives Mulliken and Kessler spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives DeBolt, Eickmeyer, Kessler and Mulliken spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Engrossed Second Substitute Senate Bill No. 5594, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5594, as amended by the House, and the bill passed the House by the following vote: Yeas - 94, Nays - 1, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. G. Chandler Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. K. Schmidt Schmidt, Schoesler, Schual-Berke, Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 94.

Voting nay: Representative Poulsen - 1.

Excused: Representatives Huff, Quall and Scott - 3.

Engrossed Second Substitute Senate Bill No. 5594, as amended by the House, having received the constitutional majority, was declared passed.

#### SENATE AMENDMENTS TO HOUSE BILL

April 24, 1999

Mr. Speaker:

The Senate receded from the Judiciary Committee striking amendment(s) to SUBSTITUTE HOUSE BILL NO. 1392 adopted as amended on 4/14/99. Under suspension of rules, the Senate returned the bill to Second Reading for purpose of amendment(s). The Senate adopted Amendment #480 by Senators Heavey and others, and passed the bill as amended,

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 9.96 RCW to read as follows:

(1) Every person convicted of a misdemeanor or gross misdemeanor offense who has completed all of the terms of the sentence for the misdemeanor or gross misdemeanor offense may apply to the sentencing court for a vacation of the applicant's record of conviction for the offense. If the court finds the applicant meets the tests prescribed in subsection (2) of this section, the court may in its discretion clear the record of conviction by: (a)(i) Permitting the applicant to withdraw the applicant's plea of guilty and to enter a plea of not guilty; or (ii) if the applicant has been convicted after a plea of not guilty, the court setting aside the verdict of guilty; and (b) the court dismissing the information or indictment against the applicant.

(2) An applicant may not have the record of conviction for a misdemeanor or gross misdemeanor offense cleared if any one of the following is present: (a) There are any criminal charges against the applicant pending in any court of this state or another state, or in any federal court; (b) the offense was a violent offense as defined in RCW 9.94A.030 or an attempt to commit a violent offense; (c) the offense was a violation of RCW 46.61.502 (Driving while under the influence), 46.61.504 (Actual physical control while under the influence), or 9.91.020 (Operating a railroad, etc. while intoxicated); (d) the offense was any misdemeanor or gross misdemeanor attempt to commit a sex offense as defined in RCW 9.94A.030; (e) the offense was any misdemeanor or gross misdemeanor violation, including attempt, of chapter 9.68 (Obscenity and pornography) or 9.68A (Sexual exploitation of children) RCW; (f) the applicant has been convicted of a new crime in this state, another state, or federal court since the date the applicant completed all of the terms of the sentence for the misdemeanor or gross misdemeanor offense; (g) the offense was a domestic violence offense as defined in RCW 10.99.020, and less than ten years have passed since the date the offender successfully completed all terms of his or her sentence, including probation. The court shall not grant the motion to vacate a domestic violence conviction if, upon review of the police report and any evidence from the prosecution or the defense, the court finds that the defendant's behavior in the commission of the crime was particularly egregious; or (h) less than five years have passed since the date the applicant completed all of the terms of the sentence for the misdemeanor or gross misdemeanor offense.

(3) Once the court vacates a record of conviction under subsection (1) of this section, the person shall be released from all penalties and disabilities resulting from the offense, except that the fact that the person had been convicted of the offense may be used in any subsequent criminal prosecution consistent with any other legal use and may be included in the person's criminal history for purposes of determining a sentence in any subsequent conviction. For all other purposes, including responding to questions on employment applications, a person whose conviction has been vacated may state that the person has never been convicted of that crime.

(4) All costs incurred by the court and probation services shall be paid by the person making the motion to vacate the record unless a determination is made pursuant to chapter 10.101 RCW that the person making the motion is indigent, at the time the motion is brought.

(5) Any conviction that is vacated under this section shall be treated as nonconviction data as defined in chapter 10.97 RCW for the purposes of the defendant's criminal history. The clerk of the court in which the motion is brought shall transmit the order vacating the conviction to the Washington state patrol. The Washington state patrol shall transmit the order vacating the conviction to the federal bureau of investigation.

(6) No person may seek or be granted a vacation of record of conviction for an offense committed after the date upon which the person received a vacation of record of conviction for any other offense.

**Sec. 2.** RCW 9.94A.230 and 1987 c 486 s 7 are each amended to read as follows:

(1) Every offender who has been discharged under RCW 9.94A.220 may apply to the sentencing court for a vacation of the offender's record of conviction. If the court finds the offender meets the tests prescribed in subsection (2) of this section, the court may in its discretion clear the record of conviction by: (a)(i) Permitting the offender to withdraw the offender's plea of guilty and to enter a plea of not guilty; or ~~((b))~~ (ii) if the offender has been convicted after a plea of not guilty, ~~((by))~~ the court setting aside the verdict of guilty; and ~~((e-by))~~ (b) the court dismissing the information or indictment against the offender.

(2) An offender may not have the record of conviction cleared if any one of the following is present: (a) There are any criminal charges against the offender pending in any court of this state or another state, or in any federal court; (b) the offense was a violent offense as defined in RCW 9.94A.030; (c) the offense was a domestic violence offense as defined in RCW 10.99.020; (d) the offense was a crime against persons as defined in RCW 43.43.830; ~~((d))~~ (e) the offender has been convicted of a new crime in this state, another state, or federal court since the date of the offender's discharge under RCW 9.94A.220; ~~((e))~~ (f) the offense is a class B felony and less than ten years have passed since the date the applicant was discharged under RCW 9.94A.220; ~~((and (f)))~~ or (g) the offense

was a class C felony and less than five years have passed since the date the applicant was discharged under RCW 9.94A.220.

(3) Once the court vacates a record of conviction under subsection (1) of this section, ~~((the fact that the offender has been convicted of the offense shall not be included in the offender's criminal history for purposes of determining a sentence in any subsequent conviction, and the offender shall be released from all penalties and disabilities resulting from the offense. For all purposes, including responding to questions on employment applications,))~~ an offender whose conviction has been vacated may state that the offender has never been convicted of that crime, including responses to questions when making application for employment. Nothing in this section affects or prevents the use of an offender's prior conviction in a later criminal prosecution.

(4) All costs incurred by the court and probation services shall be paid by the person making the motion to vacate the record unless a determination is made pursuant to chapter 10.101 RCW that the person making the motion is indigent, at the time the motion is brought.

(5) Any conviction that is vacated under this section shall be treated as nonconviction data as defined in chapter 10.97 RCW for the purposes of the defendant's criminal history. The clerk of the court in which the motion is brought shall transmit the order vacating the conviction to the Washington state patrol. The Washington state patrol shall transmit the order vacating the conviction to the federal bureau of investigation.

(6) No person may seek or be granted a vacation of record of conviction for an offense committed after the date upon which the person received a vacation of record of conviction for any other offense.

**Sec. 3.** RCW 9.95.240 and 1957 c 227 s 7 are each amended to read as follows:

(1) Every defendant who has fulfilled the conditions of his of her probation for the entire period thereof, or who ~~((shall have))~~ has been discharged from probation prior to the termination of the period thereof, may ~~((at any time prior to the expiration of the maximum period of punishment for the offense for which he has been convicted be permitted in the discretion of the court to withdraw his plea of guilty and enter a plea of not guilty, or if he has been convicted after a plea of not guilty, the court may in its discretion set aside the verdict of guilty; and in either case, the court may thereupon dismiss the information or indictment against such defendant, who shall thereafter be released from all penalties and disabilities resulting from the offense or crime of which he has been convicted. The probationer shall be informed of this right in his probation papers: PROVIDED, That in any subsequent prosecution, for any other offense, such prior conviction may be pleaded and proved, and shall have the same effect as if probation had not been granted, or the information or indictment dismissed))~~ apply to the sentencing court for a vacation of the defendant's record of conviction. If the court finds the defendant meets the tests prescribed in subsection (2) of this section, the court may in its discretion clear the record of conviction by: (a)(i) Permitting the defendant to withdraw the defendant's plea of guilty and to enter a plea of not guilty; or (ii) if the defendant has been convicted after a plea of not guilty, the court setting aside the verdict of guilty; and (b) the court dismissing the information or indictment against the defendant.

(2) An offender may not have the record of conviction cleared if: (a) There are any criminal charges against the defendant pending in any court of this state or another state, or in any federal court; (b) the offense was a violent offense as defined in RCW 9.94A.030; (c) the offense was a felony crime against persons as defined in RCW 43.43.830; (d) the defendant has been convicted of a new crime in this state, another state, or federal court since the date the defendant successfully completed probation; (e) the offense is a class B felony and less than ten years have passed since the date the defendant successfully completed probation; (f) the offense was a class C felony and less than five years have passed since the date the defendant successfully completed probation; (g) the offense was a misdemeanor or gross misdemeanor and less than five years have passed since the date the defendant successfully completed probation; or (h) the offense was a misdemeanor or gross misdemeanor and operated to interrupt the washout of a class B felony under RCW 9.94A.360 and less than ten years have passed since the date of the conviction for the misdemeanor or gross misdemeanor.

(3) Once the court vacates a record of conviction under subsection (1) of this section, an offender whose conviction has been vacated may state that the offender has never been convicted of

that crime, including responses to questions when making application for employment. Nothing in this section affects or prevents the use of an offender's prior conviction in a later criminal case.

(4) No person may seek or be granted a vacation of record of conviction for an offense committed after the date upon which the person received a vacation of record of conviction for any other offense.

(5) Any conviction that is vacated under this section shall be treated as nonconviction data as defined in chapter 10.97 RCW for the purposes of the defendant's criminal history. The clerk of the court in which the motion is brought shall transmit the order vacating the conviction to the Washington state patrol. The Washington state patrol shall transmit the order vacating the conviction to the federal bureau of investigation.

(6) All costs incurred by the court and probation services shall be paid by the person making the motion to vacate the record unless a determination is made pursuant to chapter 10.101 RCW that the person making the motion is indigent, at the time the motion is brought.

**Sec. 4.** RCW 13.50.050 and 1997 c 338 s 40 are each amended to read as follows:

(1) This section governs records relating to the commission of juvenile offenses, including records relating to diversions.

(2) The official juvenile court file of any alleged or proven juvenile offender shall be open to public inspection, unless sealed pursuant to subsection ~~((44))~~ (12) of this section.

(3) All records other than the official juvenile court file are confidential and may be released only as provided in this section, RCW 13.50.010, 13.40.215, and 4.24.550.

(4) Except as otherwise provided in this section and RCW 13.50.010, records retained or produced by any juvenile justice or care agency may be released to other participants in the juvenile justice or care system only when an investigation or case involving the juvenile in question is being pursued by the other participant or when that other participant is assigned the responsibility for supervising the juvenile.

(5) Except as provided in RCW 4.24.550, information not in an official juvenile court file concerning a juvenile or a juvenile's family may be released to the public only when that information could not reasonably be expected to identify the juvenile or the juvenile's family.

(6) Notwithstanding any other provision of this chapter, the release, to the juvenile or his or her attorney, of law enforcement and prosecuting attorneys' records pertaining to investigation, diversion, and prosecution of juvenile offenses shall be governed by the rules of discovery and other rules of law applicable in adult criminal investigations and prosecutions.

(7) The juvenile court and the prosecutor may set up and maintain a central record-keeping system which may receive information on all alleged juvenile offenders against whom a complaint has been filed pursuant to RCW 13.40.070 whether or not their cases are currently pending before the court. The central record-keeping system may be computerized. If a complaint has been referred to a diversion unit, the diversion unit shall promptly report to the juvenile court or the prosecuting attorney when the juvenile has agreed to diversion. An offense shall not be reported as criminal history in any central record-keeping system without notification by the diversion unit of the date on which the offender agreed to diversion.

(8) Upon request of the victim of a crime or the victim's immediate family, the identity of an alleged or proven juvenile offender alleged or found to have committed a crime against the victim and the identity of the alleged or proven juvenile offender's parent, guardian, or custodian and the circumstance of the alleged or proven crime shall be released to the victim of the crime or the victim's immediate family.

(9) Subject to the rules of discovery applicable in adult criminal prosecutions, the juvenile offense records of an adult criminal defendant or witness in an adult criminal proceeding shall be released upon request to prosecution and defense counsel after a charge has actually been filed. The juvenile offense records of any adult convicted of a crime and placed under the supervision of the adult corrections system shall be released upon request to the adult corrections system.

(10) In any case in which an information has been filed pursuant to RCW 13.40.100 or a complaint has been filed with the prosecutor and referred for diversion pursuant to RCW 13.40.070, the person the subject of the information or complaint may file a motion with the court to have the



court vacate its order and findings, if any, and, subject to subsection ~~((22))~~ (23) of this section, order the sealing of the official juvenile court file, the social file, and records of the court and of any other agency in the case.

(11) The court has the discretion to grant the motion to seal records made pursuant to subsection (10) of this section if it finds that for class B offenses other than sex offenses, since the last date of release from confinement, including full-time residential treatment, if any, or entry of disposition:

(a) The person has spent five consecutive years in the community without committing another offense or crime that results in conviction in this state, another state, or federal court;

(b) There are no criminal charges against the person pending in any court of this state, another state, or federal court;

(c) Through credible evidence presented to the court that the person has a present career path that is impeded by the record of the courts order and findings;

(d) That the person is twenty-one years of age or older; and

(e) The person has lived an exemplary life since the court's order and findings.

(12) The court shall grant the motion to seal records made pursuant to subsection (10) of this section if it finds that:

(a) For class B offenses other than sex offenses, since the last date of release from confinement, including full-time residential treatment, if any, or entry of disposition, the person has spent ten consecutive years in the community without committing any offense or crime that subsequently results in conviction. For class C offenses, gross misdemeanors, and misdemeanors, other than sex offenses, since the last date of release from confinement, including full-time residential treatment, if any, or entry of disposition, the person has spent five consecutive years in the community without committing any offense or crime that subsequently results in conviction;

(b) No proceeding is pending against the moving party seeking the conviction of a juvenile offense or a criminal offense;

(c) No proceeding is pending seeking the formation of a diversion agreement with that person;

(d) The person has not been convicted of a class A or sex offense; and

(e) Full restitution has been paid.

~~((12))~~ (13) The person making a motion pursuant to subsection (10) of this section shall give reasonable notice of the motion to the prosecution and to any person or agency whose files are sought to be sealed.

~~((13))~~ (14) If the court grants the motion to seal made pursuant to subsection (10) of this section, it shall, subject to subsection ~~((22))~~ (23) of this section, order sealed the official juvenile court file, the social file, and other records relating to the case as are named in the order. Thereafter, the proceedings in the case shall be treated as if they never occurred, and the subject of the records may reply accordingly to any inquiry about the events, records of which are sealed. Any agency shall reply to any inquiry concerning confidential or sealed records that records are confidential, and no information can be given about the existence or nonexistence of records concerning an individual. Any record that is sealed under this section shall be treated as nonconviction data as defined in chapter 10.97 RCW for the purposes of the defendant's criminal history. The clerk of the court in which the motion is brought shall transmit the order sealing the record to the Washington state patrol. The Washington state patrol shall transmit the order sealing the record to the federal bureau of investigation.

~~((14))~~ (15) Inspection of the files and records included in the order to seal may thereafter be permitted only by order of the court upon motion made by the person who is the subject of the information or complaint, except as otherwise provided in RCW 13.50.010(8) and subsection ~~((22))~~ (23) of this section.

~~((15))~~ (16) Any adjudication of a juvenile offense or a crime subsequent to sealing has the effect of nullifying the sealing order. Any charging of an adult felony subsequent to the sealing has the effect of nullifying the sealing order for the purposes of chapter 9.94A RCW.

~~((16))~~ (17) A person eighteen years of age or older whose criminal history consists of only one referral for diversion may request that the court order the records in that case destroyed. The

request shall be granted, subject to subsection ~~((22))~~ (23) of this section, if the court finds that two years have elapsed since completion of the diversion agreement.

~~((17))~~ (18) If the court grants the motion to destroy records made pursuant to subsection ~~((16))~~ (17) of this section, it shall, subject to subsection ~~((22))~~ (23) of this section, order the official juvenile court file, the social file, and any other records named in the order to be destroyed.

~~((18))~~ (19) The person making the motion pursuant to subsection ~~((16))~~ (17) of this section shall give reasonable notice of the motion to the prosecuting attorney and to any agency whose records are sought to be destroyed.

~~((19))~~ (20) Any juvenile to whom the provisions of this section may apply shall be given written notice of his or her rights under this section at the time of his or her disposition hearing or during the diversion process.

~~((20))~~ (21) Nothing in this section may be construed to prevent a crime victim or a member of the victim's family from divulging the identity of the alleged or proven juvenile offender or his or her family when necessary in a civil proceeding.

~~((21))~~ (22) Any juvenile justice or care agency may, subject to the limitations in subsection ~~((22))~~ (23) of this section and (a) and (b) of this subsection, develop procedures for the routine destruction of records relating to juvenile offenses and diversions.

(a) Records may be routinely destroyed only when the person the subject of the information or complaint has attained twenty-three years of age or older, or is eighteen years of age or older and his or her criminal history consists entirely of one diversion agreement and two years have passed since completion of the agreement.

(b) The court may not routinely destroy the official juvenile court file or recordings or transcripts of any proceedings.

~~((22))~~ (23) No identifying information held by the Washington state patrol in accordance with chapter 43.43 RCW is subject to destruction or sealing under this section. For the purposes of this subsection, identifying information includes photographs, fingerprints, palmprints, soleprints, toeprints and any other data that identifies a person by physical characteristics, name, birthdate or address, but does not include information regarding criminal activity, arrest, charging, diversion, conviction or other information about a person's treatment by the criminal justice system or about the person's behavior.

~~((23))~~ (24) Information identifying child victims under age eighteen who are victims of sexual assaults by juvenile offenders is confidential and not subject to release to the press or public without the permission of the child victim or the child's legal guardian. Identifying information includes the child victim's name, addresses, location, photographs, and in cases in which the child victim is a relative of the alleged perpetrator, identification of the relationship between the child and the alleged perpetrator. Information identifying a child victim of sexual assault may be released to law enforcement, prosecutors, judges, defense attorneys, or private or governmental agencies that provide services to the child victim of sexual assault.

(25) All costs incurred by the court and probation services shall be paid by the person making the motion to seal the record under subsection (10) of this section unless a determination is made pursuant to chapter 10.101 RCW that the person making the motion is indigent, at the time the motion is brought."

On page 1, line 1 of the title, after "conviction;" strike the remainder of the title and insert "amending RCW 9.94A.230, 9.95.240, and 13.50.050; and adding a new section to chapter 9.96 RCW."

and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House refused to concur in the Senate Amendment(s) to Substitute House Bill No. 1392 and asked the Senate to recede therefrom.

There being no objection, all bills passed were immediately transmitted to the Senate.

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

### REPORTS OF STANDING COMMITTEES

April 20, 1999

HB 2256 Prime Sponsor, Representative Conway: Changing the work force development system.  
Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Commerce & Labor. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

MINORITY recommendation: Without recommendation. Signed by Representatives Benson and Boldt.

Voting yea: Representatives Huff, H. Sommers, Alexander, Doumit, D. Schmidt, Barlean, Benson, Boldt, Carlson, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Lisk, Mastin, McIntire, McMorris, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Tokuda and Wensman.

Excused: Representative(s) Mulliken.

April 20, 1999

HB 2285 Prime Sponsor, Representative Van Luven: Creating the department of community development and the department of trade and economic development. Reported by Committee on Economic Development, Housing & Trade

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Van Luven, Republican Co-Chair; Veloria, Democratic Co-Chair; Dunn, Republican Vice Chair; Eickmeyer, Democratic Vice Chair; Ballasiotes; Gombosky; Miloscia; Morris; Radcliff; Skinner; D. Sommers and Wolfe.

Voting yea: Representatives Veloria, Dunn, Eickmeyer, Ballasiotes, Gombosky, Miloscia, Morris, Radcliff, Skinner, D. Sommers and Wolfe.

April 20, 1999

SSB 5359 Prime Sponsor, Senate Committee on Ways & Means: Managing moneys received under tobacco company litigation. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 43.79 RCW to read as follows:  
The legislature recognizes that the citizens of the state of Washington have suffered substantial harm as a result of the marketing, sale, and use of tobacco products. Moneys received by the state of

Washington in accordance with the settlement of the state's legal action against tobacco product manufacturers, exclusive of costs and attorneys' fees, shall be deposited in the tobacco settlement account created in section 2 of this act.

**NEW SECTION.** **Sec. 2.** A new section is added to chapter 43.79 RCW to read as follows:

The tobacco settlement account is created in the state treasury. Moneys in the tobacco settlement account may be transferred to the health services account for the purposes set forth in RCW 43.72.900 and to the tobacco prevention and control account for purposes set forth in section 3 of this act.

**NEW SECTION.** **Sec. 3.** A new section is added to chapter 43.79 RCW to read as follows:

The tobacco prevention and control account is created in the state treasury. The sources of revenue for this account are moneys transferred to the account from the tobacco settlement account, investment earnings, donations to the account, and other revenues as directed by law. Expenditures from the account are subject to appropriation.

**Sec. 4.** RCW 43.84.092 and 1997 c 218 s 5 are each amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the drinking water assistance account, the Eastern Washington University capital projects account, the education construction fund, the emergency reserve fund, the federal forest revolving account, the health services account, the public health services account, the health system capacity account, the personal health services account, the highway infrastructure account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the municipal criminal justice

assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the perpetual surveillance and maintenance account, the public employees' retirement system plan I account, the public employees' retirement system plan II account, the Puyallup tribal settlement account, the resource management cost account, the site closure account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the teachers' retirement system plan I account, the teachers' retirement system plan II account, the tobacco prevention and control account, the tobacco settlement account, the transportation infrastructure account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer fire fighters' relief and pension principal account, the volunteer fire fighters' relief and pension administrative account, the Washington judicial retirement system account, the Washington law enforcement officers' and fire fighters' system plan I retirement account, the Washington law enforcement officers' and fire fighters' system plan II retirement account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the central Puget Sound public transportation account, the city hardship assistance account, the county arterial preservation account, the department of licensing services account, the economic development account, the essential rail assistance account, the essential rail banking account, the ferry bond retirement fund, the gasohol exemption holding account, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway construction stabilization account, the highway safety account, the marine operating fund, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the safety and education account, the small city account, the special category C account, the state patrol highway account, the transfer relief account, the transportation capital facilities account, the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation revolving loan account, and the urban arterial trust account.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

**Sec. 5.** RCW 43.84.092 and 1998 c 341 s 708 are each amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the drinking water assistance account, the Eastern Washington University capital projects account, the education construction fund, the emergency reserve fund, the federal forest revolving account, the health services account, the public health services account, the health system capacity account, the personal health services account, the highway infrastructure account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the perpetual surveillance and maintenance account, the public employees' retirement system plan I account, the public employees' retirement system plan II account, the Puyallup tribal settlement account, the resource management cost account, the site closure account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the teachers' retirement system plan I account, the teachers' retirement system combined plan II and plan III account, the tobacco prevention and control account, the tobacco settlement account, the transportation infrastructure account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer fire fighters' relief and pension principal account, the volunteer fire fighters' relief and pension administrative account, the Washington judicial retirement system account, the Washington law enforcement officers' and fire fighters' system plan I retirement account, the Washington law enforcement officers' and fire fighters' system plan II retirement account, the Washington school employees' retirement system combined plan II and III account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the central Puget Sound public transportation account, the city hardship assistance account, the county arterial preservation account, the department of licensing services account, the economic development account, the essential rail assistance account, the essential rail banking account, the ferry bond retirement fund, the gasohol exemption holding account, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway construction stabilization account, the highway safety account, the marine

operating fund, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the safety and education account, the small city account, the special category C account, the state patrol highway account, the transfer relief account, the transportation capital facilities account, the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation revolving loan account, and the urban arterial trust account.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. **Sec. 6.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 7.** Section 4 of this act expires September 1, 2000.

NEW SECTION. **Sec. 8.** (1) Sections 1 through 4 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately.

(2) Section 5 of this act takes effect September 1, 2000."

Correct the title.

Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

Passed to Rules Committee for second reading.

April 20, 1999

SB 5538 Prime Sponsor, Senator Costa: Clarifying sentencing requirements for certain crimes.

Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9.94A.320 and 1998 c 290 s 4, 1998 c 219 s 4, 1998 c 82 s 1, and 1998 c 78 s 1 are each reenacted and amended to read as follows:

## TABLE 2

### CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

XV Aggravated Murder 1 (RCW 10.95.020)

XIV Murder 1 (RCW 9A.32.030)

Homicide by abuse (RCW 9A.32.055)

Malicious explosion 1 (RCW 70.74.280(1))

XIII Murder 2 (RCW 9A.32.050)

Malicious explosion 2 (RCW 70.74.280(2))  
Malicious placement of an explosive 1 (RCW 70.74.270(1))

XII Assault 1 (RCW 9A.36.011)  
Assault of a Child 1 (RCW 9A.36.120)  
Rape 1 (RCW 9A.44.040)  
Rape of a Child 1 (RCW 9A.44.073)  
Malicious placement of an imitation device 1 (RCW  
70.74.272(1)(a))

XI Rape 2 (RCW 9A.44.050)  
Rape of a Child 2 (RCW 9A.44.076)  
Manslaughter 1 (RCW 9A.32.060)

X Kidnapping 1 (RCW 9A.40.020)  
Child Molestation 1 (RCW 9A.44.083)  
Malicious explosion 3 (RCW 70.74.280(3))  
Over 18 and deliver heroin, a narcotic from Schedule I or  
II, or flunitrazepam from Schedule IV to someone  
under 18 (RCW 69.50.406)  
Leading Organized Crime (RCW 9A.82.060(1)(a))  
Indecent Liberties (with forcible compulsion) (RCW  
9A.44.100(1)(a))  
Manufacture of methamphetamine (RCW  
69.50.401(a)(1)(ii))

IX Assault of a Child 2 (RCW 9A.36.130)  
Robbery 1 (RCW 9A.56.200)  
Explosive devices prohibited (RCW 70.74.180)  
Malicious placement of an explosive 2 (RCW 70.74.270(2))  
Over 18 and deliver narcotic from Schedule III, IV, or V or  
a nonnarcotic, except flunitrazepam, from Schedule  
I-V to someone under 18 and 3 years junior (RCW  
69.50.406)  
Controlled Substance Homicide (RCW 69.50.415)  
Sexual Exploitation (RCW 9.68A.040)  
Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))  
Vehicular Homicide, by being under the influence of  
intoxicating liquor or any drug (RCW 46.61.520)  
Homicide by Watercraft, by being under the influence of  
intoxicating liquor or any drug (RCW 88.12.029)

VIII Arson 1 (RCW 9A.48.020)  
Promoting Prostitution 1 (RCW 9A.88.070)  
Selling for profit (controlled or counterfeit) any controlled  
substance (RCW 69.50.410)  
Manufacture, deliver, or possess with intent to deliver  
heroin or cocaine (RCW 69.50.401(a)(1)(i))  
Deliver or possess with intent to deliver methamphetamine  
(RCW 69.50.401(a)(1)(ii))  
Manufacture, deliver, or possess with intent to deliver  
amphetamine (RCW 69.50.401(a)(1)(ii))  
Possession of ephedrine or pseudoephedrine with intent to  
manufacture methamphetamine (RCW 69.50.440)



Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)  
Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW 88.12.029)  
Manslaughter 2 (RCW 9A.32.070)

VII Burglary 1 (RCW 9A.52.020)

Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)  
Homicide by Watercraft, by disregard for the safety of others (RCW 88.12.029)  
Introducing Contraband 1 (RCW 9A.76.140)  
Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))  
Child Molestation 2 (RCW 9A.44.086)  
Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050)  
Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)  
Involving a minor in drug dealing (RCW 69.50.401(f))  
Drive-by Shooting (RCW 9A.36.045)  
Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1)(a))  
Malicious placement of an explosive 3 (RCW 70.74.270(3))  
Use of a Machine Gun in Commission of a Felony (RCW 9.41.225)

VI Bribery (RCW 9A.68.010)

Rape of a Child 3 (RCW 9A.44.079)  
Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)  
Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))  
Incest 1 (RCW 9A.64.020(1))  
Manufacture, deliver, or possess with intent to deliver narcotics from Schedule I or II (except heroin or cocaine) or flunitrazepam from Schedule IV (RCW 69.50.401(a)(1)(i))  
Intimidating a Judge (RCW 9A.72.160)  
Bail Jumping with Murder 1 (RCW 9A.76.170(2)(a))  
Theft of a Firearm (RCW 9A.56.300)

V Persistent prison misbehavior (RCW 9.94.070)

Criminal Mistreatment 1 (RCW 9A.42.020)  
Abandonment of dependent person 1 (RCW 9A.42.060)  
Rape 3 (RCW 9A.44.060)  
Sexual Misconduct with a Minor 1 (RCW 9A.44.093)  
Child Molestation 3 (RCW 9A.44.089)  
Kidnapping 2 (RCW 9A.40.030)  
Extortion 1 (RCW 9A.56.120)  
Incest 2 (RCW 9A.64.020(2))  
Perjury 1 (RCW 9A.72.020)  
Extortionate Extension of Credit (RCW 9A.82.020)  
Advancing money or property for extortionate extension of credit (RCW 9A.82.030)

Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)  
Rendering Criminal Assistance 1 (RCW 9A.76.070)  
Bail Jumping with class A Felony (RCW 9A.76.170(2)(b))  
Sexually Violating Human Remains (RCW 9A.44.105)  
Delivery of imitation controlled substance by person eighteen or over to person under eighteen (RCW 69.52.030(2))  
Possession of a Stolen Firearm (RCW 9A.56.310)  
Stalking (RCW 9A.46.110)  
No-Contact Order Violation: Domestic Violence Pretrial Condition (RCW 10.99.040(4) (b) and (c))  
No-Contact Order Violation: Domestic Violence Sentence Condition (RCW 10.99.050(2))  
Protection Order Violation: Domestic Violence Civil Action (RCW 26.50.110 (4) and (5))

IV Residential Burglary (RCW 9A.52.025)  
Theft of Livestock 1 (RCW 9A.56.080)  
Robbery 2 (RCW 9A.56.210)  
Assault 2 (RCW 9A.36.021)  
Escape 1 (RCW 9A.76.110)  
Arson 2 (RCW 9A.48.030)  
Commercial Bribery (RCW 9A.68.060)  
Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)  
Malicious Harassment (RCW 9A.36.080)  
Threats to Bomb (RCW 9.61.160)  
Willful Failure to Return from Furlough (RCW 72.66.060)  
Hit and Run--Injury Accident (RCW 46.52.020(4))  
Hit and Run with Vessel--Injury Accident (RCW 88.12.155(3))  
Vehicular Assault (RCW 46.61.522)  
Assault by Watercraft (RCW 88.12.032)  
Manufacture, deliver, or possess with intent to deliver narcotics from Schedule III, IV, or V or nonnarcotics from Schedule I-V (except marijuana, amphetamine, methamphetamines, or flunitrazepam) (RCW 69.50.401(a)(1) (iii) through (v))  
Influencing Outcome of Sporting Event (RCW 9A.82.070)  
Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))  
Knowingly Trafficking in Stolen Property (RCW 9A.82.050(2))  
Indecent Exposure to Person Under Age Fourteen (subsequent sex offense) (RCW 9A.88.010)

III Criminal Gang Intimidation (RCW 9A.46.120)  
Criminal Mistreatment 2 (RCW 9A.42.030)  
Abandonment of dependent person 2 (RCW 9A.42.070)  
Extortion 2 (RCW 9A.56.130)  
Unlawful Imprisonment (RCW 9A.40.040)  
Assault 3 (RCW 9A.36.031)  
Assault of a Child 3 (RCW 9A.36.140)

Custodial Assault (RCW 9A.36.100)  
Unlawful possession of firearm in the second degree (RCW 9.41.040(1)(b))  
Harassment (RCW 9A.46.020)  
Promoting Prostitution 2 (RCW 9A.88.080)  
Willful Failure to Return from Work Release (RCW 72.65.070)  
Burglary 2 (RCW 9A.52.030)  
Introducing Contraband 2 (RCW 9A.76.150)  
Communication with a Minor for Immoral Purposes (RCW 9.68A.090)  
Patronizing a Juvenile Prostitute (RCW 9.68A.100)  
Escape 2 (RCW 9A.76.120)  
Perjury 2 (RCW 9A.72.030)  
Bail Jumping with class B or C Felony (RCW 9A.76.170(2)(c))  
Intimidating a Public Servant (RCW 9A.76.180)  
Tampering with a Witness (RCW 9A.72.120)  
Manufacture, deliver, or possess with intent to deliver marijuana (RCW 69.50.401(a)(1)(iii))  
Delivery of a material in lieu of a controlled substance (RCW 69.50.401(c))  
Manufacture, distribute, or possess with intent to distribute an imitation controlled substance (RCW 69.52.030(1))  
Recklessly Trafficking in Stolen Property (RCW 9A.82.050(1))  
Theft of livestock 2 (RCW 9A.56.080)  
Securities Act violation (RCW 21.20.400)  
Maintaining a Dwelling or Place for Controlled Substances (RCW 69.50.402(a)(6))  
Malicious Injury to Railroad Property (RCW 81.60.070)  
Possession of Incendiary Device (RCW 9.40.120)  
Possession of Machine Gun or Short-Barreled Shotgun or Rifle (RCW 9.41.190)  
Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230)  
Unlawful Use of Building for Drug Purposes (RCW 69.53.010)

II Unlawful Practice of Law (RCW 2.48.180)  
Malicious Mischief 1 (RCW 9A.48.070)  
Possession of Stolen Property 1 (RCW 9A.56.150)  
Theft 1 (RCW 9A.56.030)  
~~((Class B Felony))~~ Theft of Rental, Leased, or Lease-purchased Property (valued at one thousand five hundred dollars or more) (RCW 9A.56.096(4))  
Trafficking in Insurance Claims (RCW 48.30A.015)  
Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))  
Health Care False Claims (RCW 48.80.030)  
Possession of controlled substance that is either heroin or narcotics from Schedule I or II or flunitrazepam from Schedule IV (RCW 69.50.401(d))  
Possession of phencyclidine (PCP) (RCW 69.50.401(d))

Create, deliver, or possess a counterfeit controlled substance  
(RCW 69.50.401(b))  
Computer Trespass 1 (RCW 9A.52.110)  
Escape from Community Custody (RCW 72.09.310)

I Theft 2 (RCW 9A.56.040)  
~~((Class C Felony))~~ Theft of Rental, Leased, or Lease-  
purchased Property (valued at two hundred fifty  
dollars or more but less than one thousand five  
hundred dollars) (RCW 9A.56.096(4))  
Possession of Stolen Property 2 (RCW 9A.56.160)  
Forgery (RCW 9A.60.020)  
Taking Motor Vehicle Without Permission (RCW  
9A.56.070)  
Vehicle Prowl 1 (RCW 9A.52.095)  
Attempting to Elude a Pursuing Police Vehicle (RCW  
46.61.024)  
Malicious Mischief 2 (RCW 9A.48.080)  
Reckless Burning 1 (RCW 9A.48.040)  
Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)  
Unlawful Use of Food Stamps (RCW 9.91.140 (2) and (3))  
False Verification for Welfare (RCW 74.08.055)  
Forged Prescription (RCW 69.41.020)  
Forged Prescription for a Controlled Substance (RCW  
69.50.403)  
Possess Controlled Substance that is a Narcotic from  
Schedule III, IV, or V or Non-narcotic from  
Schedule I-V (except phencyclidine or  
flunitrazepam) (RCW 69.50.401(d))

**Sec. 2.** RCW 81.60.070 and 1992 c 7 s 60 are each amended to read as follows:

Every person who, in such manner as might, if not discovered, endanger the safety of any engine, motor, car or train, or any person thereon, shall in any manner interfere or tamper with or obstruct any switch, frog, rail, roadbed, sleeper, viaduct, bridge, trestle, culvert, embankment, structure, or appliance pertaining to or connected with any railway, or any train, engine, motor, or car on such railway, and every person who shall discharge any firearm or throw any dangerous missile at any train, engine, motor, or car on any railway, shall be punished by imprisonment in a state correctional facility for not more than ~~((twenty-five))~~ ten years.

**Sec. 3.** RCW 9.40.120 and 1971 ex.s. c 302 s 4 are each amended to read as follows:

Every person who possesses, manufactures, or disposes of an incendiary device knowing it to be such is guilty of a felony, and upon conviction, shall be punished by imprisonment in a state prison for a term of not more than ~~((twenty-five))~~ ten years.

NEW SECTION. **Sec. 4.** The code reviser shall alphabetize the offenses within each seriousness level in RCW 9.94A.320, including any offenses added in the 1999 legislative session.

NEW SECTION. **Sec. 5.** The amendments made by this act shall apply to offenses committed on or after July 1, 2000."

Correct the title.

Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair;  
Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican

Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

Passed to Rules Committee for second reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the rules were suspended and House Bill No. 2285 was advanced to second reading.

There being no objection, the House advanced to the sixth order of business.

### **SECOND READING**

HOUSE BILL NO. 2285, by Representatives Van Luven, Veloria, Ballasiotes, Morris, Kenney, H. Sommers, Radcliff, Dunn, D. Schmidt, McDonald, O'Brien, Skinner, Hankins, Campbell and Esser; by request of Governor Locke

Creating the department of community development and the department of trade and economic development.

The bill was read the second time.

There being no objection, the committee recommendation by Committee on Economic Development, Housing and Trade was not adopted.

There being no objection, amendments 244 and 246 were withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Van Luven, Veloria, Mulliken, D. Schmidt, Ogden, Morris and Schoesler spoke in favor of passage of the bill.

Representative Alexander spoke against passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of House Bill No. 2285.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2285, and the bill passed the House by the following vote: Yeas - 84, Nays - 12, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Ballasiotes, Barlean, Benson, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. G. Chandler, Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, Delvin, Dickerson, Doumit, Dunn, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Grant, Haigh, Hankins, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McMorris, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. K. Schmidt, Schmidt, Schoesler, Schual-Berke, Skinner, D.

H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Mr. Speaker Ballard and Mr. Speaker Chopp - 84.

Voting nay: Representatives Alexander, Boldt, Constantine, DeBolt, Dunshee, Gombosky, Hatfield, Koster, McIntire, Mielke, Poulsen and Wood - 12.

Excused: Representatives Quall and Scott - 2.

House Bill No. 2285, having received the constitutional majority, was declared passed.

There being no objection, all bills passed were immediately transmitted to the Senate.

## **RESOLUTIONS**

HOUSE RESOLUTION NO. 99-4692, by Representatives Regala, Fisher, Lantz, Conway and Wolfe

WHEREAS, Our nation, state, and the Tacoma community in particular, have lost a great treasure and a wonderful inspiration with the passing this week of a true friend, Alberta Canada; and

WHEREAS, Alberta Canada provided an exceptional and honorable example for us all to follow; and

WHEREAS, The promise and pride of Tacoma's Hilltop neighborhood is a reflection of the work and compassion of this brilliant and caring citizen; and

WHEREAS, Even though her time among us was all too short, her significant impact on the community will be felt for years to come; and

WHEREAS, Alberta Canada was born in Tacoma just fifty-one years ago; and

WHEREAS, Eleven years ago she founded the Martin Luther King Housing Development Association, an organization that has restored hopes and homes for countless families; and

WHEREAS, Alberta Canada saw the good and worth of every individual, trusting her gentle instincts in tireless work with troubled young people; and

WHEREAS, Alberta Canada graduated at the top of her St. Leo's High School class in Tacoma, graduated with honors from Seattle University, and completed a graduate program at the University of Washington; and

WHEREAS, Even while raising three daughters on her own, Alberta Canada's early professional life quickly flourished as she earned her way into an important management position with the Social Security Administration; and

WHEREAS, Her service on the boards of trustees of Bellarmine Preparatory High School and Tacoma Community College reflected her love and respect for education, a vibrant theme running through the many civic and community activities to which this remarkable soul dedicated her boundless energy and estimable talents; and

WHEREAS, A Tacoma newspaper reported these very appropriate remembrances of this unique and special citizen: "Passionate and articulate. Brilliant, a person of great vision, wisdom and dreams, who didn't just talk about changes. She made changes.";

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington celebrate and honor the life, the work, and the dedication of Alberta Canada; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to the family of Alberta Canada, to Bellarmine Preparatory High School, to Seattle University, to the University of Washington, to St. Leo's Roman Catholic Church, and to the Martin Luther King Housing Development Association.

Representative Regala moved adoption of the resolution.

Representatives Regala, Fisher, Lantz, Talcott, Wolfe and Conway spoke in favor of the adoption of the resolution.

House Resolution No. 99-4692 was adopted.

HOUSE RESOLUTION NO. 99-4698, by Representatives Radcliff and Cooper

WHEREAS, Soundsation, the pride of Edmonds Community College, is a musical organization dedicated to the advancement of singing jazz music; and

WHEREAS, Soundsation was founded in 1974 by highly respected music educator, Frank DeMiero, Soundsation has enjoyed twenty-five years of establishing, advancing, and preserving the integrity of vocal jazz education; and

WHEREAS, Soundsation is comprised of sixteen vocalists, piano, bass, drums, and support personnel, the group has toured extensively over the years, including show-stopping performances at the prestigious Concord Jazz Festival and both the Montreux and North Sea Jazz Festivals in Europe. In recent years, Soundsation has toured throughout Asia, in conjunction with the Edmonds Community College Japan Campus, in Kobe; and

WHEREAS, Soundsation has proudly shared the stage with some of the greatest names in all of jazz, including Joe Williams, The Count Basie Orchestra, Dianne Schuur, Jon Hendricks, Carmen McRae, Mark Murphy, the Four Freshman, the Hi-Lo's, and many more; and

WHEREAS, Soundsation performs concerts and clinics at high schools, colleges, and universities throughout the western United States and Canada. Over the years, Soundsation graduates have gone on to become leaders in vocal jazz education and professional performance, including such groups as the Four Freshman, the Ritz, the Glenn Miller Orchestra, and many others;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize the accomplishments of Soundsation; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to Soundsation at Edmonds Community College.

There being no objection, House Resolution No. 99-4698 was adopted.

HOUSE RESOLUTION NO. 99-4696, by Representatives Ruderman, Poulsen, McIntire, Miloscia, Morris, Linville, Gombosky, DeBolt, Skinner, Bush, Hankins, Wolfe, Grant, Rockefeller, Radcliff and Esser

WHEREAS, *Access Washington*--the State of Washington's web site, developed and managed by the state Department of Information Services--was named The Best Public Service Site in the prestigious Business On the Internet Awards sponsored by CMP Media's *InternetWeek* and *Network Computing* at Internet World in Los Angeles on April 14, 1999; and

WHEREAS, *Access Washington* was key to Washington State being named the nation's Digital State in 1997 and 1998 by the Progress and Freedom Foundation; and

WHEREAS, *Access Washington* helped Washington receive the nation's only "A" rating for technology management in *Governing's* 50-State Performance Report by Syracuse University's Maxwell School of Citizenship and Public Affairs; and

WHEREAS, Each month more people use *Access Washington* for government services and information, with page views totaling nearly three and one-half million since its November launch; and

WHEREAS, *Access Washington* is the Internet portal to more than 130 state agencies, supporting web-based services from the Departments of Revenue, Licensing, Employment Security, Labor and Industries, General Administration, and Ecology;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize and honor *Access Washington* and the Department of Information Services for making government information and services more available, accessible, and affordable for the people and businesses of Washington state; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to Governor Gary Locke and to the members of the State of Washington Information Services Board.

There being no objection, House Resolution No. 99-4696 was adopted.

There being no objection, the House reverted to the fourth order of business.

### **INTRODUCTIONS AND FIRST READING**

HB 2290 by Representatives Carrell, Sullivan, Lambert, Esser, Cox, Schindler, Mielke, Crouse, Sump, Ballasiotes, Bush, Carlson, Buck, Dunn, D. Sommers, McDonald and Conway

Preventing access by minors to materials about bomb making.

HB 2291 by Representative Benson

Regulating structured settlements.

HB 2292 by Representatives Schoesler and Benson

Changing provisions relating to rebating by practitioners of healing professions.

HJM 4016 by Representatives Carrell, Sullivan, Ballasiotes, Mielke, Sump, Carlson, Bush, Crouse, Buck, Dunn, D. Sommers, McDonald and Conway

Petitioning Congress to enact legislation to prohibit access by minors to information on how to make bombs through interstate commerce.

ESSB 5180 by Senate Committee on Ways & Means (originally sponsored by Senators Loveland, West, Brown and Winsley; by request of Governor Locke)

Making operating appropriations.

SSB 5967 by Senate Committee on Ways & Means (originally sponsored by Senators Loveland and Rasmussen)

Determining nursing home bed capacity.

SSB 5968 by Senate Committee on Ways & Means (originally sponsored by Senators Loveland and Rasmussen)

Requiring supplemental payments to nursing facilities operated by public hospital districts.

There being no objection, the rules were suspended and Engrossed Substitute Senate Bill No. 5180, Substitute Senate Bill No. 5967 and Substitute Senate Bill No. 5968 were advanced to the second reading calendar.

There being no objection, the rules were suspended and the Committee on Finance was relieved of House Bill No. 2267 and the bill was placed on the second reading calendar.

There being no objection, the Rules Committee was relieved of Senate Bill No. 5255, Engrossed Senate Bill No. 5485, and Senate Bill No. 5670, and the bills were placed on the second reading calendar.

There being no objection, the Committee on Appropriations was relieved of the following bills which were placed on the second reading calendar:

HOUSE BILL NO. 2073,



HOUSE BILL NO. 2091,  
SUBSTITUTE SENATE BILL NO. 5011,  
SUBSTITUTE SENATE BILL NO. 5277,  
SUBSTITUTE SENATE BILL NO. 5298,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5825,

There being no objection, the Committee on Health Care was relieved of Substitute Senate Bill No. 5416 and the bill was placed on second reading.

**MESSAGES FROM THE SENATE**

April 24, 1999

Mr. Speaker:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 1113,  
SECOND SUBSTITUTE HOUSE BILL NO. 1140,  
ENGROSSED HOUSE BILL NO. 1151,  
SUBSTITUTE HOUSE BILL NO. 1153,  
SUBSTITUTE HOUSE BILL NO. 1183,  
HOUSE BILL NO. 1194,  
SUBSTITUTE HOUSE BILL NO. 1222,  
ENGROSSED HOUSE BILL NO. 1232,  
HOUSE BILL NO. 1261,  
SUBSTITUTE HOUSE BILL NO. 1291,  
SUBSTITUTE HOUSE BILL NO. 1304,  
ENGROSSED HOUSE BILL NO. 1313,  
HOUSE BILL NO. 1432,  
SUBSTITUTE HOUSE BILL NO. 1494,  
HOUSE BILL NO. 1524,  
SUBSTITUTE HOUSE BILL NO. 1525,  
HOUSE BILL NO. 1550,

SUBSTITUTE HOUSE BILL NO. 1623,  
SUBSTITUTE HOUSE BILL NO. 1701,  
HOUSE BILL NO. 1741,  
HOUSE BILL NO. 1827,  
HOUSE BILL NO. 1831,  
ENGROSSED HOUSE BILL NO. 1832,  
HOUSE BILL NO. 1863,  
SUBSTITUTE HOUSE BILL NO. 1864,  
SECOND SUBSTITUTE HOUSE BILL NO. 1871,  
SUBSTITUTE HOUSE BILL NO. 1935,  
SUBSTITUTE HOUSE BILL NO. 1992,  
SECOND SUBSTITUTE HOUSE BILL NO. 2061,  
HOUSE JOINT MEMORIAL NO. 4015,

and the same are herewith transmitted.

Tony M. Cook, Secretary

April 24, 1999

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5418,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5594,  
SUBSTITUTE SENATE BILL NO. 5640,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5931,

and the same are herewith transmitted.

April 24, 1999

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5364,  
SUBSTITUTE SENATE BILL NO. 5626,

ENGROSSED SENATE BILL NO. 5789,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5988,

and the same are herewith transmitted.

Tony M. Cook, Secretary

April 24, 1999

Mr. Speaker:

The Senate has concurred in the House amendment(s) and has passed the following bills as amended by the House:

SUBSTITUTE SENATE BILL NO. 5418,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5594,  
SUBSTITUTE SENATE BILL NO. 5640,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5931,

and the same are herewith transmitted.

Tony M. Cook, Secretary

**SIGNED BY THE SPEAKERS**

The Speakers signed the following bills:

SUBSTITUTE SENATE BILL NO. 5364,  
SUBSTITUTE SENATE BILL NO. 5418,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5594,  
SUBSTITUTE SENATE BILL NO. 5626,  
SUBSTITUTE SENATE BILL NO. 5640,  
ENGROSSED SENATE BILL NO. 5789,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5931,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5988,

There being no objection, the House advanced to the sixth order of business.

**SECOND READING**

HOUSE BILL NO. 2073, by Representatives Conway, Cairnes, O'Brien, McDonald, Delvin, DeBolt, Kastama, Miloscia, Campbell, Sullivan, D. Schmidt, Cooper, Mielke, Pennington, Kenney,

Bush, Lovick, Hurst, Wood, Clements, Reardon, Barlean, Haigh, Linville, Fisher, Fortunato, Dunshee, Mulliken, Keiser, G. Chandler, Eickmeyer, Lantz, Hatfield, Benson, Romero, Morris, Koster, Quall, Esser, Buck, Kessler, Dickerson, Scott, Anderson, Poulsen, Rockefeller, Veloria, Cody, Constantine, K. Schmidt, Murray, Schindler, Stensen, Edmonds, Schual-Berke, Kagi, Tokuda, Ruderman, Edwards, Skinner, Santos and McIntire

Retiring under the law enforcement officers' and fire fighters' retirement system, plan 2.

The bill was read the second time.

Representative Conway moved the adoption of amendment (305):

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 41.26.430 and 1993 c 517 s 3 are each amended to read as follows:

(1) **NORMAL RETIREMENT.** Any member with at least five service credit years of service who has attained at least age fifty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.26.420.

(2) **EARLY RETIREMENT.** Any member who has completed at least ~~((twenty))~~ fifteen service credit years of service and has attained age fifty shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.26.420, except that a member retiring pursuant to this subsection shall have the retirement allowance ~~((actuarially))~~ reduced by two percent per year to reflect the difference in the number of years between age at retirement and the attainment of age fifty-five.

**Sec. 2.** RCW 41.26.470 and 1995 c 144 s 18 are each amended to read as follows:

(1) A member of the retirement system who becomes totally incapacitated for continued employment by an employer as determined by the director shall be eligible to receive an allowance under the provisions of RCW 41.26.410 through 41.26.550. Such member shall receive a monthly disability allowance computed as provided for in RCW 41.26.420 and shall have such allowance ~~((actuarially))~~ reduced by two percent per year to reflect the difference in the number of years between age at disability and the attainment of age fifty-five.

(2) Any member who receives an allowance under the provisions of this section shall be subject to such comprehensive medical examinations as required by the department. If such medical examinations reveal that such a member has recovered from the incapacitating disability and the member is no longer entitled to benefits under Title 51 RCW, the retirement allowance shall be canceled and the member shall be restored to duty in the same civil service rank, if any, held by the member at the time of retirement or, if unable to perform the duties of the rank, then, at the member's request, in such other like or lesser rank as may be or become open and available, the duties of which the member is then able to perform. In no event shall a member previously drawing a disability allowance be returned or be restored to duty at a salary or rate of pay less than the current salary attached to the rank or position held by the member at the date of the retirement for disability. If the department determines that the member is able to return to service, the member is entitled to notice and a hearing. Both the notice and the hearing shall comply with the requirements of chapter 34.05 RCW, the Administrative Procedure Act.

(3) Those members subject to this chapter who became disabled in the line of duty on or after July 23, 1989, and who receive benefits under RCW 41.04.500 through 41.04.530 or similar benefits under RCW 41.04.535 shall receive or continue to receive service credit subject to the following:

(a) No member may receive more than one month's service credit in a calendar month.

(b) No service credit under this section may be allowed after a member separates or is separated without leave of absence.

(c) Employer contributions shall be paid by the employer at the rate in effect for the period of the service credited.

(d) Employee contributions shall be collected by the employer and paid to the department at the rate in effect for the period of service credited.

(e) State contributions shall be as provided in RCW 41.26.450.

(f) Contributions shall be based on the regular compensation which the member would have received had the disability not occurred.

(g) The service and compensation credit under this section shall be granted for a period not to exceed six consecutive months.

(h) Should the legislature revoke the service credit authorized under this section or repeal this section, no affected employee is entitled to receive the credit as a matter of contractual right.

(4)(a) If the recipient of a monthly retirement allowance under this section dies before the total of the retirement allowance paid to the recipient equals the amount of the accumulated contributions at the date of retirement, then the balance shall be paid to the member's estate, or such person or persons, trust, or organization as the recipient has nominated by written designation duly executed and filed with the director, or, if there is no such designated person or persons still living at the time of the recipient's death, then to the surviving spouse, or, if there is neither such designated person or persons still living at the time of his or her death nor a surviving spouse, then to his or her legal representative.

(b) If a recipient of a monthly retirement allowance under this section died before April 27, 1989, and before the total of the retirement allowance paid to the recipient equaled the amount of his or her accumulated contributions at the date of retirement, then the department shall pay the balance of the accumulated contributions to the member's surviving spouse or, if there is no surviving spouse, then in equal shares to the member's children. If there is no surviving spouse or children, the department shall retain the contributions."

Correct the title.

Representatives Conway, Cairnes, Cooper and Campbell spoke in favor of the adoption of the amendment.

Division was demanded. Speaker Ballard divided the House. The results of the division was 69-YEAS; 27-NAYS.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Conway, Cairnes, Pflug, Thomas, Alexander and Fortunato spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Engrossed House Bill No. 2073.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2073, and the bill passed the House by the following vote: Yeas - 95, Nays - 1, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. G. Chandler Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken,

Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. K. Schmidt Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Voting nay: Representative H. Sommers - 1.

Excused: Representatives Quall and Scott - 2.

Engrossed House Bill No. 2073, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5277, by Senate Committee on Higher Education (originally sponsored by Senators Kohl-Welles, Hale, Shin, Brown, Patterson, Finkbeiner, Eide, Bauer, Swecker, Rasmussen, Sellar, Prentice and Winsley)

Creating programs for child care at institutions of higher education.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kenney and Radcliff spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute Senate Bill No. 5277.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5277 and the bill passed the House by the following vote: Yeas - 93, Nays - 3, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. G. Chandler Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. K. Schmidt Schmidt, Schoesler, Schual-Berke, Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 93.

Voting nay: Representatives Dunn, Esser and Mulliken - 3.

Excused: Representatives Quall and Scott - 2.

Substitute Senate Bill No. 5277, having received the constitutional majority, was declared passed.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5825, by Senate Committee on Ways & Means (originally sponsored by Senator McAuliffe; by request of Commission on Student Learning and Superintendent of Public Instruction)

Changing student assessments.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Education was not adopted. (For committee amendment(s), see Journal, 82<sup>nd</sup> Day, April 2, 1999.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Talcott and Keiser spoke in favor of passage of the bill.

Representative Schindler spoke against passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Engrossed Second Substitute Senate Bill No. 5825, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5825, as amended by the House, and the bill passed the House by the following vote: Yeas - 87, Nays - 9, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. G. Chandler Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Delvin, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, D. K. Schmidt Schmidt, Schoesler, Schual-Berke, Skinner, D. H. Sommers Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood and Mr. Speaker Chopp - 87.

Voting nay: Representatives Crouse, DeBolt, Dunn, Fortunato, Koster, McMorris, Pflug, Schindler and Mr. Speaker Ballard - 9.

Excused: Representatives Quall and Scott - 2.

Engrossed Second Substitute Senate Bill No. 5825, as amended by the House, having received the constitutional majority, was declared passed.

### RESOLUTION

HOUSE RESOLUTION NO. 99-4697, by Representatives Pennington, Hatfield, Mielke, Haigh and Doumit

WHEREAS, Heavy rains over the past three years have caused landslides in Kelso, Longview, Canyon Beach, and Sunrise Beach leaving many homes unlivable; and

WHEREAS, Winter storms that began in November 1998, created both river and ground water flooding, as well as numerous landslides that have damaged homes around the state in Clallam, Cowlitz, Grays Harbor, Jefferson, Kitsap, Mason, Pacific, and Thurston counties; and

WHEREAS, Governor Locke has declared a state of emergency in Clallam, Cowlitz, Grays Harbor, Jefferson, Kitsap, Mason, Pacific, and Thurston counties as a result of the winter storms; and

WHEREAS, On October 16, 1998, President Clinton declared a federal disaster area in regards to a landslide occurring in the city of Kelso and the Aldercrest area; and

WHEREAS, Private homeowners' insurance typically fails to cover homes damaged by landslides; and

WHEREAS, Owning a home is part of the American dream, and residents in the affected areas have lost their homes with little opportunity of recovering their value; and

WHEREAS, Certain credit unions and banks have effectively forgiven interest on loans as well as the entire debts of landslide victims, thereby assisting with their economic recovery and contributing to the prosperity and well-being of the affected communities;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives acknowledge and honor those credit unions and banks forgiving interest on loans as well as the entire debts of landslide victims for their contributions to the impacted citizens and their communities; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to those credit unions and banks recognized by this resolution.

House Resolution No. 99-4697 was adopted.

There being no objection, Rule 10 was suspended.

SENATE BILL NO. 5670, by Senators Snyder and Rasmussen

Creating criteria for the issuance of water quality permits for the treatment of noxious weeds.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Agriculture & Ecology was adopted. (For committee amendment(s), see Journal, 82<sup>nd</sup> Day, April 2, 1999.)

Representative Linville moved the adoption of amendment (316):

On page 3, after line 18, insert the following:

"**Sec. 1.** RCW 90.48.010 and 1973 c 155 s 1 are each amended to read as follows:

(1) It is declared to be the public policy of the state of Washington to maintain the highest possible standards to insure the purity of all waters of the state consistent with public health and public enjoyment thereof, the propagation and protection of (~~wild life, birds, game,~~) fish and (~~other aquatic life~~) wildlife, and the (~~industrial~~) economic development of the state, and to that end require the use of all known available and reasonable methods by industries and others to prevent and control the pollution of the waters of the state of Washington. Consistent with this policy, the state of Washington will exercise its powers, as fully and as effectively as possible, to retain and secure high quality for all waters of the state. Consistent with this policy, the experimental use of herbicides when appropriate for controlling aquatic noxious weeds such as spartina will help maintain current beneficial uses of water without degrading water quality. The state of Washington in recognition of the federal government's interest in the quality of the navigable waters of the United States, of which certain portions thereof are within the jurisdictional limits of this state, proclaims a public policy of working cooperatively with the federal government in a joint effort to extinguish the sources of water quality degradation, while at the same time preserving and vigorously exercising state powers to insure that present and future standards of water quality within the state shall be determined by the citizenry, through and by the efforts of state government, of the state of Washington.

(2) The legislature finds that while existing federal and state water pollution control laws have resulted in cleaner water for citizens of Washington state, too many water bodies still exceed existing water quality standards. Such exceedances are caused both by point and nonpoint sources of pollution. It is the policy of the state of Washington to ensure the attainment of water quality standards that protect and restore the ability of the state's waters to provide multiple benefits as defined in RCW 90.54.020.

(3) Water quality standards should be attained through a variety of means, including the development and implementation of total maximum daily loads as provided under the federal clean water act, and the implementation of other pollution controls. The legislature believes that such flexibility must be available if the state is to attain water quality standards as efficiently and effectively



as possible. The legislature also believes that many activities and programs are currently being implemented in watersheds across the state that will result in substantial water quality improvement, and that such activities and programs should have an opportunity to demonstrate success before the imposition of a total maximum daily load requirement.

(4) The burden of changing existing practices and obtaining pollutant discharge reductions as needed to attain water quality standards should be shared among the various contributors to water quality impairment in proportion to their contribution and in consideration of other equitable factors and natural background conditions. For water quality limited segments in waters that are shared with, or are upstream or downstream of waters subject to the jurisdiction of another state or Canada, the legislature intends that the department coordinate the development of total maximum daily loads with the United States environmental protection agency and with water quality regulatory agencies in other jurisdictions to ensure equity for dischargers in Washington.

(5) The legislature finds that a watershed approach to water quality improvement allows the consideration of multiple factors and of their interactions. It also provides a means for bringing together those persons who will need to implement necessary measures to improve water quality, as well as others who may be interested in water quality.

(6) Water quality monitoring is becoming increasingly important as the state makes commitments to attain water quality standards, recover aquatic species, and evaluate the effectiveness of actions taken to attain those goals. As a result, the legislature believes it is important to enhance the quality of existing water quality monitoring programs.

(7) While the legislature believes the state is the best manager of the state's water quality, it recognizes that the federal government has ultimate authority over any state total maximum daily load program under the federal clean water act. Therefore, it is the intent of the legislature that the department have no authority to implement or enforce this act if and when the federal government assumes direct responsibility for implementation of the total maximum daily load program by providing written notice to the department that this act, taken as a whole, is inconsistent with federal law. However, this subsection does not affect the ability of the state to continue implementing other programs that improve water quality.

**Sec. 2.** RCW 90.48.020 and 1995 c 255 s 7 are each amended to read as follows:

((Whenever the word)) Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Characteristic uses" means the uses for which a water body has been classified by the department under state law and the federal clean water act.

(2) "Person" ((is used in this chapter, it shall be construed to)) includes any political subdivision, government agency, municipality, industry, public or private corporation, copartnership, association, firm, individual or any other entity whatsoever.

((Wherever the words)) (3) "Waters of the state" ((shall be used in this chapter, they shall be construed to)) includes lakes, rivers, ponds, streams, inland waters, underground waters, salt waters and all other surface waters and watercourses within the jurisdiction of the state of Washington.

((Whenever the word)) (4) "Pollution" ((is used in this chapter, it shall be construed to)) means such contamination, or other alteration of the physical, chemical or biological properties, of any waters of the state, including change in temperature, taste, color, turbidity, or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive, or other substance into any waters of the state as will or is likely to create a nuisance or render such waters harmful, detrimental or injurious to the public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life.

((Wherever the word)) (5) "Department" ((is used in this chapter it shall)) means the department of ecology.

((Whenever the word)) (6) "Director" ((is used in this chapter it shall)) means the director of ecology.

((Whenever the words)) (7) "Clean water act" means the federal water pollution control act of 1972, as amended (86 Stat. 896; 33 U.S.C. Sec. 1251 et seq.).

(8) "Aquatic noxious weed" (~~(are used in this chapter, they have)~~) has the meaning prescribed under RCW 17.26.020.

(9) "Listing cycle" means the period, as determined by the federal environmental protection agency, between publication of a list of water quality limited segments by the department and the publication of the next list of such segments by the department.

(10) "Load" means an amount of matter or thermal energy that is introduced into a receiving water.

(11) "Loading capacity" means the greatest amount of loading that a water can receive without violating water quality standards.

(12) "Load allocation" means that portion of a receiving water's loading capacity that is attributed either to one of its existing or future nonpoint sources of pollution, or to natural background sources. Load allocations are best estimates of the loading, which may range from reasonably accurate estimates to gross allotments, depending on the availability of data and appropriate techniques for predicting loading. Wherever possible, natural background conditions and nonpoint sources shall be distinguished. Wherever possible, loads shall be allocated to categories of like sources, rather than to aggregates of different categories of sources.

(13) "Wasteload allocation" means that portion of a receiving water's loading capacity that is allocated to one of its existing or future point sources of pollution. Wasteload allocations constitute a type of water quality-based effluent limitation.

(14) "Total maximum daily loads" means the sum of the individual wasteload allocations for point sources and load allocations for nonpoint sources and natural background conditions. Such loads shall be established at a level necessary to implement the applicable water quality standards with seasonal variations and a margin of safety, and may contain a reserve for growth. Total maximum daily loads may be expressed in terms other than mass per volume.

(15) "Other pollution controls" include, but are not limited to, the following list of laws, rules, regulations, programs, or activities:

(a) Provisions related to the federal conservation reserve enhancement program;

(b) Approved farm plans based on current field office technical guides;

(c) The dairy nutrient management act under chapter 90.64 RCW;

(d) The forest practices act under chapter 76.09 RCW;

(e) Irrigation district water quality management plans that meet the requirements of (k) of this subsection;

(f) Habitat conservation plans for aquatic species prepared under section 10 of the federal endangered species act (16 U.S.C. 1531 et seq.);

(g) Reasonable and prudent conditions established under a biological opinion under section 7 of the federal endangered species act;

(h) Watershed plans that implement best management practices approved by the conservation commission and the department;

(i) Implementation of cleanup of contaminated sediments under the federal comprehensive environmental response, compensation, and liability act of 1980 (42 U.S.C. 9601 et seq.); the model toxics control act, chapter 70.105D RCW; or other statutory authorities;

(j) Cooperative resource management plans administered by the department of natural resources that meet the requirements of (k) of this subsection; or

(k) Any other programs, measures, and activities that include:

(i) Specific methods and approaches intended to lead to water quality improvement and attainment of water quality standards;

(ii) Water quality improvement goals or milestones for identified water quality limited segments;

(iii) Monitoring provisions that enable the department to measure progress toward attainment of water quality standards; and

(iv) Enforcement mechanisms or feedback and modification strategies to ensure or promote compliance with the measures and goals identified in this subsection.

This definition shall not be construed as expanding the reach of existing regulatory controls.

(16) "Wastewater discharge permit" means an individual, model, or general permit issued by the department that specifies treatment, monitoring, and reporting requirements for the discharge of wastewater, and that is intended to satisfy the requirements of the clean water act and of this chapter.

(17) "Water quality limited segment" means any surface water segment, as defined by the department, where it is known that water quality does not meet applicable water quality standards, or is not expected to meet applicable water quality standards by the next listing cycle, even after the application of technology-based effluent limitations required by the federal clean water act.

(18) "Effluent trading" means a method to attain or maintain water quality standards by allowing sources of pollution that can achieve greater pollutant reduction than is otherwise required to sell or trade the credits for their excess reduction to another source.

(19) "Adaptive management" means the processes and principles designed to modify rules adopted under the forest practices act, and their application based on cooperative research, monitoring, and evaluation, and set out in Appendix L to the forestry module memorandum of agreement, also known as the Forests and Fish Report (1999).

NEW SECTION. Sec. 3. A new section is added to chapter 90.48 RCW to read as follows:  
WATER QUALITY LIMITED SEGMENTS--DATA RELIABILITY FOR DECISIONS TO

LIST. (1) The list of water quality limited segments that is required to be submitted to the federal environmental protection agency under the clean water act shall be based upon data that are accurate and reflective of current conditions and that comply with high standards of quality assurance and quality control guidance as prescribed by the department under this section. A water segment may be listed as water quality limited under section 6 of this act only when:

(a) Documentation is provided showing the submitted data have met the data quality objectives and other requirements of an approved quality assurance program plan; or

(b) The department independently samples the water body segment in compliance with its data quality objectives and other requirements of an approved quality assurance program plan to verify the suspected water quality exceedance.

(2) The department shall coordinate a state-wide water quality monitoring network that relies upon existing water quality data collected by the department and others in compliance with the data quality objectives and the data quality assurance and quality control guidelines prescribed by the department under this section. To the extent possible and appropriate, the water quality monitoring network shall include other state agencies, tribes, counties, cities, federal agencies, sewer and water districts, and special purpose districts, as well as private entities that wish to provide such data. The network shall provide data for both ambient water quality monitoring and development of the list of water quality limited segments. The department shall coordinate the collection of water quality data among state agencies to ensure that monitoring for the purposes of this section is comprehensive without being duplicative, and that state monitoring resources are directed toward filling the most critical information gaps. In coordinating this network, the department shall ensure state-wide consistency, provide calibration of local monitoring efforts, provide data verification and validation, and assess long-term water quality trends.

(3) By September 1, 1999, the department shall appoint an advisory committee comprised of one representative selected by each of the following agencies and interests: The department, the Northwest Indian fisheries commission, the United States environmental protection agency, the United States geological survey, the department of health, the department of fish and wildlife, the department of transportation, the Puget Sound action team, the Washington state association of counties, the association of Washington cities, the Washington association of sewer and water districts, the conservation commission, the University of Washington, Washington State University, the association of Washington business, the Washington state farm bureau, the Washington state water resources association, and the Washington state office of the national Audubon society. Each of these representatives shall have experience in the collection, analysis, and interpretation of environmental data. The committee shall also consist of a state senator from each of the two major caucuses appointed by the president of the senate, and a state representative from each of the two major caucuses appointed by the speaker of the house of representatives. The committee shall have the following purposes:

(a) Development of data quality objectives regarding the precision, bias, representativeness, completeness, and comparability required for water quality monitoring data to serve program purposes;

(b) Development of data interpretation guidelines regarding the quantity and representativeness of data required to determine whether water quality standards are being met, and whether a water quality condition is caused by natural background or human factors;

(c) Development of quality assurance and quality control guidelines for the collection, analysis, and interpretation of water quality data for freshwater; and

(d) Comparison of the proposed use-based water quality standards with the current classification system in terms of the protection provided to characteristic uses, and the regulatory and economic impacts on point and nonpoint sources.

(4) The committee identified in subsection (3) of this section shall provide its recommendations on subsection (3)(a) through (c) of this section to the legislature by December 31, 2000. The committee shall provide its recommendations on subsection (3)(d) of this section to the legislature by December 31, 1999.

(5) The department shall develop a system of water quality standards, data quality objectives, data interpretation guidelines, and data quality assurance and quality control guidelines based upon the recommendations of the committee identified in subsection (3) of this section. The water quality standards shall be adopted by rule under RCW 90.48.035 and the administrative procedure act, chapter 34.05 RCW. After issuance, the data quality objectives, data interpretation guidelines, and data quality assurance and quality control guidelines shall be updated periodically to reflect new methods and instrumentation.

(6) After July 1, 2001, the department shall require that any water quality data submitted to the state for purposes of ambient monitoring or compiling a list of water quality limited segments comply with the department's data quality objectives and data quality assurance and quality control guidelines.

**NEW SECTION. Sec. 4.** A new section is added to chapter 90.48 RCW to read as follows:  
**ACCESS TO PRIVATE PROPERTY.** (1) Except as provided in subsection (2) of this section, and before collecting water quality samples that can only be obtained by entering upon private property, the department or its designee must receive permission from either:

(a) The owner of the property to be entered;

(b) The lessee or operator of the property to be entered; or

(c) A superior court of the state of Washington. The superior courts of the state may issue administrative search warrants to the department to carry out the provisions of this chapter.

(2) If the department believes there is an imminent and substantial threat to human health or the environment from pollution of an acute or emergency nature, the department may collect such samples after first having made a reasonable attempt to obtain permission from the owner, lessee, or operator. The department shall subsequently inform the owner, lessee, or operator of such sampling and the results thereof.

(3) The department or its designee shall offer to divide any water sample and provide a portion to the property owner, lessee, or operator in sufficient quantity that he or she may have a separate analysis conducted at his or her expense.

**NEW SECTION. Sec. 5.** A new section is added to chapter 90.48 RCW to read as follows:  
**LISTING OF WATER QUALITY LIMITED SEGMENTS.** (1) After July 1, 2001, the department shall prepare a revised list of water quality limited segments, as required under section 303(d) of the clean water act, that is based upon data that are collected and analyzed in compliance with the department's data quality objectives and quality assurance and quality control guidelines. The list shall include all surface water segments that do not meet water quality standards, or are not expected to meet water quality standards by the next listing cycle, even after the application of technology-based effluent limitations required by the federal clean water act. The list shall not include:

(a) Surface water segments that are expected to meet water quality standards before the next listing cycle;

(b) Surface water segments for which natural background conditions are the reason for not meeting the standards; or

(c) Ground waters.

(2) Surface water segments shall remain on the list until they meet water quality standards and shall be removed from the list when they are found to meet water quality standards. Deletions from the list shall be based on monitoring data of the same quality and rigor as data used for additions to the list. Additions to, and deletions from, the list of water quality limited segments shall be recorded when the list is updated in the next listing cycle. The list shall be submitted to the federal environmental protection agency at a frequency determined by the environmental protection agency.

(3) To ensure an opportunity for public participation in the process of listing water quality limited segments, the department shall:

(a) Provide notice in the Washington State Register that it is beginning a new cycle for listing of water quality limited segments;

(b) Develop a proposed list of water quality limited segments, and compare the proposed list to the previous list approved by the environmental protection agency to identify water quality trends;

(c) Submit the proposed list to the environmental protection agency and the general public for review;

(d) Develop responses to the comments received, and provide those responses to those persons who have requested them;

(e) Develop a final list of water quality limited segments and publish a notice of the availability of the final list in the Washington State Register; and

(f) Submit the final list to the environmental protection agency for approval.

(4) Publication of a notice of the availability of the final list of water quality limited segments in the Washington State Register is an agency action that may be appealed to the Thurston county superior court under RCW 34.05.570(4) within thirty days of the date of publication.

(5) Listing of water quality limited segments as required under this chapter is not subject to the state environmental policy act, chapter 43.21C RCW.

**NEW SECTION. Sec. 6.** A new section is added to chapter 43.21C RCW to read as follows:  
This chapter does not apply to:

(1) Publication by the department of a list of water quality limited segments;

(2) The authorization of other pollution controls in lieu of total maximum daily loads; and

(3) The development of total maximum daily loads.

**NEW SECTION. Sec. 7.** A new section is added to chapter 90.48 RCW to read as follows:

**EFFECT OF LISTING.** (1) No permit may be issued to a new source or to a new discharger, as these terms are defined in section 306 of the federal clean water act and in 40 C.F.R. 122.2 and 40 C.F.R. 122.29 as of the effective date of this section, if the discharge would cause or contribute to a violation of water quality standards.

(2) This chapter shall not prevent any existing point source discharge, or any activity that may lead to a nonpoint source discharge conducted in compliance with all applicable federal, state, or local laws, rules, regulations, and requirements affecting water quality, solely because a total maximum daily load has not been completed.

(3) This chapter shall not prevent any new or expanded activity that may lead to a nonpoint source discharge conducted in compliance with all applicable federal, state, or local laws, rules, regulations, and requirements that protect water quality, solely because a total maximum daily load has not been completed.

**NEW SECTION. Sec. 8.** A new section is added to chapter 90.48 RCW to read as follows:

**WATER QUALITY LIMITED SEGMENTS--LIST--MANAGEMENT.** (1) After a list of water quality limited segments has been submitted to the federal environmental protection agency, the department shall sort the list of water quality limited segments by WRIA as defined in RCW 90.82.020 for management purposes.

(2) By June 30, 2001, the department shall determine:

(a) Whether other pollution controls exist in each WRIA that address the causes of the problems that led to the listing of segments as water quality limited in 1996 and in 1998;

(b) Whether such measures are being implemented; and

(c) Whether such measures are expected to result in attainment of water quality standards within a reasonable period of time based upon the nature of the problem.

(3) For water quality limited segments on lists approved after January 1, 2000, the department shall make the determinations identified under subsection (2) of this section within two years of the approval of the list by the environmental protection agency.

(4) To make the determinations under subsections (2) and (3) of this section, the department:

(a) May request information and recommendations from other state and federal agencies, local governments, tribes, conservation districts, and other sources; and

(b) Shall gather available data and information on the other pollution controls being used to address water quality in the relevant WRIAs. If entities implementing other pollution controls collect water quality data, they shall provide such data to the department. The department shall conduct independent sampling to obtain any additional data or information necessary to make its determination.

(5) Where a planning group has chosen to address water quality under RCW 90.82.090, the group shall perform a preliminary evaluation as described in subsection (2) of this section within one year of receiving the first grant to conduct watershed assessments under RCW 90.82.040(2)(b), or within one year of the effective date of this section, whichever is later, and shall forward its findings and recommendations to the department. The department shall consider the planning group's findings and recommendations, if any, in making its initial determinations as to the existence and adequacy of the proposed other pollution controls.

(6) The department shall obtain public comment on its draft initial determinations, and shall finalize its determinations after considering the available information and comments received.

(7) If the department determines that other pollution controls in a WRIA are expected to result in attainment of water quality standards within a reasonable period of time, the department shall allow the use of those other pollution controls and shall not establish total maximum daily loads, except as provided under subsection (11) of this section.

(8) The department shall refer those dischargers who may not have fully implemented other pollution controls to appropriate agencies for technical assistance, or shall offer such assistance directly. The department's goal shall be to encourage the broad use of other pollution controls.

(9) For waters where the department determines that other pollution controls are available and are expected to attain water quality standards within a reasonable period of time, the department shall evaluate ambient water quality data at no greater than five-year intervals to determine whether substantial progress in water quality improvement has been achieved relative to specific listed segments, except that other pollution controls approved under subsection (7) of this section shall be allowed to perform for at least five years before their effectiveness is evaluated. The department may use its watershed approach to water quality management to focus and rotate its resources through succeeding areas of the state. Entities implementing other pollution controls shall provide any available monitoring data to the department so that it may determine the effectiveness of the controls in correcting the water quality problem. The department shall conduct independent sampling to obtain any additional information needed to determine the effectiveness of the other pollution controls.

(10) If the evaluation of ambient water quality data in a given WRIA as provided under subsection (9) of this section demonstrates other pollution controls have not made substantial progress toward the attainment of water quality standards within a reasonable period of time, the department shall enter into discussions with representatives selected by users of other pollution controls in that WRIA to revise the controls so that their implementation results in substantial progress toward the attainment of water quality standards. Such proposed revisions shall be submitted to the department within ninety days of the start of discussions under this subsection.

(11) The department shall develop total maximum daily loads for those water segments where:

(a) Other pollution controls do not exist, have not been implemented, or are not expected to attain water quality standards within a reasonable period of time based upon the nature of the problem;

(b) Discussions under subsection (10) of this section to revise other pollution controls are not successful within ninety days;

(c) Substantial progress toward meeting water quality standards has not been made five years after other pollution controls have been revised through discussions initiated under subsection (10) of this section; or

(d) The complexity of the problems and sources precludes a determination under subsection (2) of this section.

(12) Notwithstanding any other provisions of this chapter:

(a) Total maximum daily loads for water quality limited segments impaired by sediment, habitat degradation, flow, turbidity, or temperature caused by forest practices subject to regulation under the forest practices act, chapter 76.09 RCW, or covered in the forestry module memorandum of agreement, also known as the Forests and Fish Report (1999), are a lower priority for the department and need not be initiated before July 1, 2009;

(b) The department shall not require more stringent forest practices in a total maximum daily load or its implementation before July 1, 2009, except through adaptive management as defined in this act; and

(c) If the achievement of the total maximum daily load allocations cannot be met through forest practices rules, the adjustment of those management practices shall be through adaptive management as defined in this act.

(13) This section does not prohibit the department from completing the total maximum daily loads already in development upon the effective date of this section. Nothing in this act authorizes a shift in emphasis to point sources that would be inconsistent with the priorities established under this section.

**Sec. 9.** RCW 90.82.090 and 1998 c 247 s 5 are each amended to read as follows:

If the initiating governments choose to include a water quality component, the watershed plan shall include the following elements:

(1) An examination based on existing studies conducted by federal, state, and local agencies of the degree to which legally established water quality standards are being met in the management area;

(2) An examination based on existing studies conducted by federal, state, and local agencies of the causes of water quality violations in the management area, including an examination of information regarding pollutants, point and nonpoint sources of pollution, and pollution-carrying capacities of water bodies in the management area. The analysis shall take into account seasonal stream flow or level variations, natural events, and pollution from natural sources that occurs independent of human activities;

(3) An identification and evaluation of the existence of other pollution controls as defined in chapter 90.48 RCW in use in the management area, of the extent of implementation of such measures, and of the effectiveness of such measures in attaining water quality standards within a reasonable period of time, as well as any recommendations for improving the effectiveness of other pollution controls in the management area;

(4) An examination of the legally established characteristic uses of each of the nonmarine bodies of water in the management area;

~~((4))~~ (5) An examination of any total maximum daily load established for nonmarine bodies of water in the management area, unless a total maximum daily load process has begun in the management area as of the date the watershed planning process is initiated under RCW 90.82.060;

~~((5))~~ (6) An examination of existing data related to the impact of fresh water on marine water quality;

~~((6))~~ (7) A recommended approach for implementing the total maximum daily load established for achieving compliance with water quality standards for the nonmarine bodies of water in the management area, unless a total maximum daily load process has begun in the management area as of the date the watershed planning process is initiated under RCW 90.82.060; and

~~((7))~~ (8) Recommended means of monitoring by appropriate government agencies whether actions taken to implement the approach to bring about improvements in water quality are sufficient to achieve compliance with water quality standards.

This chapter does not obligate the state to undertake analysis or to develop strategies required under the federal clean water act (33 U.S.C. Sec. 1251 et seq.). This chapter does not authorize any

planning unit, lead agency, or local government to adopt water quality standards or total maximum daily loads under the federal clean water act.

NEW SECTION. **Sec. 10.** A new section is added to chapter 90.48 RCW to read as follows:

**TOTAL MAXIMUM DAILY LOADS.** (1) Total maximum daily loads shall only be established for surface waters and shall include the following elements:

(a) A determination of the pollutant of concern and a quantification of the target or desired end point of the total maximum daily load process that indicates compliance with water quality standards taking into account the assimilative capacity of the water segment;

(b) A quantification of the reduction in total pollutant load that must be achieved to meet water quality standards;

(c) Identification of the responsible sources, or categories of sources, of the pollutant that causes water quality standards not to be met, and a quantification of the degree to which each source or source category contributes to the failure to meet water quality standards; and

(d) Establishment of the wasteload and load allocations for identified sources, including categories of nonpoint sources, along with a quantified margin of safety, and any allocations for natural background and future growth.

(2) The department shall control sources of pollution to ground water as otherwise provided for in this chapter or under other state and federal programs and authorities. In identifying the responsible source or categories of sources, as set forth in subsection (1)(c) of this section, and in establishing wasteload and load allocations for identified sources, as set forth in subsection (1)(d) of this section, the department shall not attempt to identify sources of pollutants within ground water, nor shall the department allocate loads or wasteloads to ground water.

(3) Each total maximum daily load shall be implemented through a plan that includes the following elements:

(a) Identification and quantification of control actions and implementation tools, methods, and authorities that will be used to achieve the allocations, in addition to schedules, milestones, and funding options for implementing the identified actions;

(b) A determination of the degree to which uses are being supported, remaining variance from the target, compliance with implementation plans, and the accuracy of sources and source contributions identified in the total maximum daily load; and

(c) A description of how the implementation plan will be modified or revised to ensure water quality standards are met in response to follow-up monitoring and evaluation results.

(4) Department hearings and other public proceedings to initiate total maximum daily loads shall be held in the town or city nearest to the location of the water quality limited segment in order to facilitate participation by affected persons. Those persons who would be affected by an allocation of loads must be given an opportunity to be involved in the total maximum daily load development process from the outset.

(5) Allocations should be developed through consensus among those discharging or releasing pollutants into the relevant watershed. If consensus is not achievable, a mediator may be retained at the dischargers' expense to negotiate an allocation. If an agreement on allocations has not been developed within one hundred eighty days from the start of negotiations on allocations, the department shall allocate loads.

(6) To encourage public participation in the process of developing total maximum daily loads, the department shall provide an opportunity for public comment on any total maximum daily load that meets all of the requirements of this section before its adoption by the department.

(7) A notice and summary of a total maximum daily load that meets all of the requirements of this section shall be published in the Washington State Register. A total maximum daily load may be implemented only through wastewater discharge permits or through regulatory and nonregulatory programs that address nonpoint sources.

(8) Publication of a notice and summary of a total maximum daily load in the Washington State Register is an agency action that may be appealed to Thurston county superior court pursuant to RCW 34.05.570(4) within thirty days of the date of publication in the Washington State Register.



(9) Publications of total maximum daily loads as required under this chapter are not subject to the state environmental policy act, chapter 43.21C RCW.

(10) When information is available, load allocations for those nonpoint sources that have not made substantial progress toward water quality improvement as described in section 9 of this act shall be based on the following considerations:

(a) Loads shall first be reduced in proportion to the reductions made by others in the same source category for those sources that have not made expected reductions in their loads, either because they have failed to implement other pollution controls, or because the measures are not effective in making such reductions;

(b) Loads shall next be reduced proportionally, or as the department deems appropriate, across all sources in order to achieve the pollutant reductions necessary to achieve water quality standards.

(11) The department shall provide a report to the legislature by December 31, 2001, regarding the implementation of this act and its effects on the attainment of water quality standards for surface waters.

**NEW SECTION. Sec. 11.** A new section is added to chapter 90.48 RCW to read as follows:

**EFFLUENT TRADING.** (1) By July 1, 2001, the department shall investigate, develop, and implement a procedure for effluent trading. The procedure shall enable persons discharging or releasing pollutants to enter into contracts or other enforceable agreements with each other, appropriately overseen and administered by the department, to offset or trade quantifiable amounts of pollutants so as to efficiently and effectively attain or maintain water quality standards.

(2) Reductions in pollutant units from amounts or quantities authorized under a total maximum daily load as implemented through a federal clean water act discharge permit or a state wastewater discharge permit, or through nonpoint sources, may be freely exchanged with other persons within the same receiving watershed subject to the procedures and rules of the department.

(3) In developing the mechanisms and procedures required by this section, the department shall not:

(a) Compel or require any person to engage in effluent trading as an alternative to other means or mechanisms to attain or maintain water quality standards; or

(b) Set or determine the price or payment made, if any, in any effluent trade.

(4) The department shall seek any approvals, waivers, or authorizations from the environmental protection agency or other state and federal agencies needed to implement or to facilitate effluent trading to its fullest extent. However, such effluent trading shall not affect or restrict the authority of the department to implement categorical effluent limits or treatment requirements adopted by the department or the federal environmental protection agency, nor shall any effluent trade create any property rights of any sort.

(5) The department shall adopt rules as necessary implementing effluent trading. Such rules shall allow pollutant trading and other procedures to receive any necessary approvals with the minimum of administrative processing consistent with federal and state laws and rules.

**NEW SECTION. Sec. 12.** A new section is added to chapter 90.48 RCW to read as follows:

**MARINE WATERS--TOTAL MAXIMUM DAILY LOADS.** Because of their location downstream of most human activities, marine sediments tend to be the final repository of many pollutants generated by human activity. Sediment cleanup alone, however, may be insufficient to attain water quality standards, unless the record of decision issued under a cleanup under the federal comprehensive environmental response, compensation, and liability act of 1980, or chapter 70.105D RCW, or other cleanup authority also includes a plan for controlling ongoing pollutant sources.

For water quality limited segments caused by contaminated sediments in marine waters where a sediment cleanup has been planned or completed, but no source control plan has been adopted; a total maximum daily load shall be developed and implemented.

**NEW SECTION. Sec. 13.** A new section is added to chapter 90.48 RCW to read as follows:

**LIMITATIONS ON COMPLIANCE ACTIONS.** (1) Except as provided in subsections (2) and (3) of this section, the department shall not take compliance actions against persons causing

exceedances of water quality standards identified as limiting for salmonids, other aquatic life, or other water-dependent wildlife that are listed as threatened or endangered under the federal endangered species act, or that are candidates for such listing, if such persons have entered into binding agreements with the national marine fisheries service or the United States fish and wildlife service to implement mechanisms that:

- (a) Have been designed to meet water quality standards as identified in this subsection (1);
- (b) Have been designed to conserve listed species; and
- (c) Contain provisions for monitoring and adaptive management.

Such mechanisms may include, but are not limited to, the pollution controls identified in RCW 90.48.020.

(2) The immunity provided under subsection (1) of this section shall be provided:

(a) Only as long as substantial measurable progress toward attainment of water quality standards can be demonstrated at five-year intervals after adoption of the mechanisms described under subsection (2) of this section for up to fifteen years;

(b) Only for activities and facilities that are specifically addressed in the mechanisms described under subsection (1) of this section; and

(c) Only for pollutants that are specifically addressed in the mechanisms described in subsection (1) of this section.

(3) The immunity provided under subsection (1) of this section shall lapse:

(a) If substantial measurable progress cannot be demonstrated in each five-year period for up to fifteen years; or

(b) Following any violation of or failure to implement any of the terms of the binding agreements identified in subsection (1) of this section.

(4) Except as provided in subsections (1), (2), and (3) of this section, the authority of any regulatory agency to take any enforcement action authorized by law shall not be limited. This section shall not limit a regulatory agency's authority to take any compliance actions as authorized by law based upon a person's failure to comply with specific terms and conditions of any permit or license issued by the agency to that person, failure to obtain a permit for discharges requiring a permit under the federal clean water act, or knowing or willful violations of this chapter and implementing rules.

**NEW SECTION. Sec. 14.** STORM WATER ADVISORY COMMITTEE. (1) The department of ecology shall convene a storm water advisory committee for the purpose of updating the department's storm water management plan and the Puget Sound storm water management manual. The advisory committee shall include, but not be limited to, one representative selected by each of the following agencies and associations: The department of ecology; the department of natural resources; the department of community, trade, and economic development; the department of fish and wildlife; the department of transportation; the Puget Sound action team; the Washington state association of counties; the association of Washington cities; the Washington association of sewer and water districts; the American public works association; the national association of industrial and office properties; the American society of civil engineers; the association of Washington business; the Washington state farm bureau; people for Puget Sound; and the Washington environmental council.

(2) The advisory committee shall be appointed no later than September 1, 1999, and shall complete its work by June 30, 2001. The department of ecology shall provide a progress report to the legislature on storm water management issues and the approach to these issues taken by the advisory committee no later than December 31, 1999.

(3) This section expires December 31, 2001.

**NEW SECTION. Sec. 15.** A new section is added to chapter 90.48 RCW to read as follows:  
**CONFLICT WITH FEDERAL LAW--RESOLUTION.** If notified by responsible officials of any conflict of this chapter with federal law or program requirements or with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the regulatory agency notified of the conflict shall actively seek to resolve the conflict. If the agency determines that the conflict cannot be resolved without the loss of benefits or authority to the state, the agency shall notify the

governor, the president of the senate, and the speaker of the house of representatives in writing within thirty days of making that determination.

NEW SECTION. **Sec. 16.** CAPTIONS NOT LAW. Captions used in this act are not any part of the law.

NEW SECTION. **Sec. 17.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 18.** If specific funding for the purposes of sections 2 through 18 of this act, referencing this act by bill or chapter and section numbers, is not provided by June 30, 1999, in the omnibus appropriations act, sections 2 through 18 of this act are null and void."

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

On page 3, beginning on line 19, strike all of section 2 and insert the following:

"NEW SECTION. **Sec. 19.** Section 1 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

On page 1, line 11, after "as" strike "defined in 40 C.F.R. Sec. 172.3" and insert "described in 40 C.F.R. Sec. 172.3(c)(2)"

On page 2, line 23, after "as" strike "defined in 40 C.F.R. Sec. 172.3" and insert "described in 40 C.F.R. Sec. 172.3(c)(2)"

On page 3, line 14, after "as" strike "defined in 40 C.F.R. Sec. 172.3" and insert "described in 40 C.F.R. Sec. 172.3(c)(2)"

Representatives Linville, G. Chandler and Parlette spoke in favor of the adoption of the amendment.

Representative Romero spoke against the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Linville, G. Chandler, Schoesler and Anderson spoke in favor of passage of the bill.

Representative Regala spoke against passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Senate Bill No. 5670, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5670, as amended by the House, and the bill passed the House by the following vote: Yeas - 70, Nays - 26, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. G. Chandler Chandler, Clements, Conway, Cox, Crouse, DeBolt, Delvin, Doumit, Dunn, Edwards, Eickmeyer, Ericksen, Esser, Fortunato, Grant, Haigh, Hankins, Hatfield, Huff, Kastama, Kessler, Koster, Lambert, Linville, Lisk, Lovick, Mastin, McDonald, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Radcliff, Reardon, Ruderman, Santos, Schindler, D. K. Schmidt Schmidt, Schoesler, Skinner, D. H. Sommers Sommers, Sump, Talcott, Van Luven, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 70.

Voting nay: Representatives Cody, Constantine, Cooper, Dickerson, Dunshee, Edmonds, Fisher, Gombosky, Hurst, Kagi, Keiser, Kenney, Lantz, McIntire, Poulsen, Regala, Rockefeller, Romero, Schual-Berke, Stensen, Sullivan, Thomas, Tokuda, Veloria, Wensman and Wolfe - 26.

Excused: Representatives Quall and Scott - 2.

Senate Bill No. 5670, as amended by the House, having received the constitutional majority, was declared passed.

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 9:30 a.m., Sunday, April 25, 1999, the 105<sup>th</sup> Legislative Day.

TIMOTHY A. MARTIN, Chief Clerk      CLYDE BALLARD, Speaker  
DEAN R. FOSTER, Chief Clerk      FRANK CHOPP, Speaker

ONE HUNDRED AND FOURTH DAY, APRIL 24, 1999

JOURNAL OF THE HOUSE

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

## **ONE HUNDRED AND FIFTH DAY**

### **MORNING SESSION**

House Chamber, Olympia, Sunday, April 25, 1999

The House was called to order at 9:30 a.m. by Speaker Pro Tempore Ogden. The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Rachael Grove and Derek Willis. Prayer was offered by Speaker Clyde Ballard.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

Speaker Chopp assumed the chair.

### **SIGNED BY THE SPEAKERS**

The Speakers announced they were signing:

SUBSTITUTE HOUSE BILL NO. 1250,

HOUSE CONCURRENT RESOLUTION NO. 4412,

### **POINT OF PERSONAL PRIVILEGE**

Representative Lisk updated the Chamber on Speaker Ballard's condition. Having had chest pains, Speaker Ballard drove himself to the hospital where he was admitted for a battery of tests. He was expected to spend only one night in the hospital.

### **POINT OF PERSONAL PRIVILEGE**

Representative Kessler voiced the Chamber's concern for Speaker Ballard and asked that he be kept in the hearts and minds of the Chamber and all House staff.

There being no objection, the House advanced to the sixth order of business.

### **SECOND READING**

#### **MOTION**

On motion of Representative Lisk, Speaker Ballard was excused. On motion of Representative Wolfe, Representative Quall was excused.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5180, by Senate Committee on Ways & Means (originally sponsored by Senators Loveland, West, Brown and Winsley; by request of Governor Locke)

Making operating appropriations.

The bill was read the second time.

Representative Radcliff moved the adoption of amendment (342):

On page 2, line 28, increase the general fund-state appropriation for fiscal year 2000 by \$2,500,000

On page 2, line 32, correct the total accordingly

On page 3, after line 5, insert the following:

"(3) \$2,500,000 of the general fund--state appropriation for fiscal year 2000 shall be provided solely for a special legislative session in the event of general fund expenditures in excess of the spending limit established by chapter 43.135 RCW (I-601)."

On page 3, line 7, increase the general fund-state appropriation for fiscal year 2000 by \$2,500,000

On page 3, line 11, correct the total accordingly

On page 3, after line 26, insert the following:

"(4) \$2,500,000 of the general fund--state appropriation for fiscal year 2000 shall be provided solely for a special legislative session in the event of general fund expenditures in excess of the spending limit established by chapter 43.135 RCW (I-601)."

Representative Radcliff spoke in favor of the adoption of the amendment.

Representative H. Sommers spoke against the adoption of the amendment.

The amendment was not adopted.

There being no objection, amendment 328 was withdrawn.

Representative Lambert moved the adoption of the following amendment (271):

On page 8, line 5, increase the public safety and education account appropriation by \$25,000

On page 8, after line 17, insert the following: "(4)\$ 25,000 of the public safety and education account appropriation is provided solely for the implementation of Substitute Senate Bill No. 5744 (regarding providing for the representation of parties in child dependency and termination proceedings). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse."

Representative Lambert spoke in favor of the adoption of the amendment.

Representative H. Sommers spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Skinner moved the adoption of the following amendment (330):

On page 8, line 19, decrease the general fund-state appropriation for fiscal year 2000 by \$402,000

On page 8, line 20, decrease the general fund-state appropriation for fiscal year 2001 by \$402,000

On page 8, line 23, correct the total accordingly

On page 146, line 9, reduce the general fund--state appropriation for fiscal year 2000 by \$170,000

On page 146, line 10, reduce the general fund--state appropriation for fiscal year 2001 by \$170,000

On page 146, line 11, correct the total accordingly

On page 156, line 17, decrease the general fund-state appropriation for fiscal year 2000 by \$442,000

On page 156, line 18, decrease the general fund-state appropriation for fiscal year 2001 by \$443,000

On page 156, line 21, correct the total accordingly

On page 31, line 32, decrease the general fund--state appropriation for fiscal year 2000 by \$368,000

On page 31, line 33, decrease the general fund--state appropriation for fiscal year 2001 by \$369,000

On page 32, line 3, correct total accordingly

On page 34, line 12, strike "\$2,311,000" and insert "1,943,000"

On page 34, line 13, strike "\$2,370,000" and insert "2,001,000"

On page 69, line 22, decrease the general fund--state appropriation for fiscal year 2000 by \$500,000.

On page 70, line 32, correct total accordingly

On page 71, beginning on line 29, strike all material through line 2 on page 72

On page 14, line 32, decrease the general fund--state appropriation for fiscal year 2000 by \$500,000

On page 15, line 18, correct total accordingly

On page 19, strike lines 11 through 16. Renumber remaining subsections consecutively

On page 149, after line 3, insert the following:  
"General Fund--State Appropriation (FY 2000)..\$746,000



General Fund--State Appropriation (FY 2001)..\$746,000  
TOTAL APPROPRIATION...\$2,932,000"

On page 149, after line 19, insert the following:  
"General Fund--State Appropriation (FY 2000)..\$497,000  
General Fund--State Appropriation (FY 2001)..\$498,000  
TOTAL APPROPRIATION...\$1,955,000"

On page 160, line 33, increase the County Criminal Justice Assistance Account amount by \$1,492,000

On page 161, line 1, correct the total accordingly

Representative Skinner spoke in favor of the adoption of the amendment.

Representative Gombosky spoke against the adoption of the amendment.

Representative Schoesler demanded an electronic roll call and the demand was sustained.

Speaker Chopp stated the question before the House to be adoption of amendment (330) to Engrossed Substitute Senate Bill No. 5180

#### ROLL CALL

The Clerk called the roll on the adoption of the amendment (330) to Engrossed Substitute Senate Bill No. 5180, and the amendment was not adopted by the following vote: Yeas - 46, Nays - 50, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, B. Chandler, G. Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Fortunato, Hankins, Huff, Koster, Lambert, Lisk, Mastin, McMorris, Mielke, Mitchell, Mulliken, Parlette, Pennington, Pflug, Radcliff, Schindler, D. Schmidt, K. Schmidt, Schoesler, Skinner, D. Sommers, Sump, Talcott, Thomas, Van Luven and Wensman - 46.

Voting nay: Representatives Anderson, Carlson, Cody, Constantine, Conway, Cooper, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Fisher, Gombosky, Grant, Haigh, Hatfield, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Lantz, Linville, Lovick, McDonald, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Poulsen, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Scott, H. Sommers, Stensen, Sullivan, Tokuda, Veloria, Wolfe, Wood and Mr. Speaker Chopp - 50.

Excused: Representatives Quall and Mr. Speaker Ballard - 2.

Representative Thomas moved the adoption of the following amendment (331):

On page 8, line 19, decrease the general fund-state appropriation for fiscal year 2000 by \$402,000

On page 8, line 20, decrease the general fund-state appropriation for fiscal year 2001 by \$402,000

On page 8, line 23, correct the total accordingly

On page 74, line 21, increase the general fund-state appropriation for fiscal year 2000 by \$402,000

On page 74, line 22, increase the general fund-state appropriation for fiscal year 2001 by \$402,000

On page 74, line 36, correct the total accordingly

Representative(s) Thomas, Pennington, DeBolt and Huff spoke in favor of the adoption of the amendment.

Representative(s) Regala and H. Sommers spoke against the adoption of the amendment.

Representative Schoesler demanded an electronic roll call and the demand was sustained.

Speaker Chopp stated the question before the House to be adoption of amendment (331) to Engrossed Substitute Senate Bill No. 5180

#### ROLL CALL

The Clerk called the roll on the adoption of the amendment (331) to Engrossed Substitute Senate Bill No. 5180, and the amendment was not adopted by the following vote: Yeas - 47, Nays - 49, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, B. Chandler, G. Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Fortunato, Hankins, Huff, Koster, Lambert, Lisk, Mastin, McDonald, McMorris, Mielke, Mitchell, Mulliken, Parlette, Pennington, Pflug, Radcliff, Schindler, D. Schmidt, K. Schmidt, Schoesler, Skinner, D. Sommers, Sump, Talcott, Thomas, Van Luven and Wensman - 47.

Voting nay: Representatives Anderson, Carlson, Cody, Constantine, Conway, Cooper, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Fisher, Gombosky, Grant, Haigh, Hatfield, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Lantz, Linville, Lovick, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Poulsen, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Scott, H. Sommers, Stensen, Sullivan, Tokuda, Veloria, Wolfe, Wood and Mr. Speaker Chopp - 49.

Excused: Representatives Quall and Mr. Speaker Ballard - 2.

Representative Skinner moved the adoption of amendment (349):

On page 8, line 19, decrease the general fund-state appropriation for fiscal year 2000 by \$402,000

On page 8, line 20, decrease the general fund-state appropriation for fiscal year 2001 by \$402,000

On page 8, line 23, correct the total accordingly

On page 146, line 9, reduce the general fund--state appropriation for fiscal year 2000 by \$170,000

On page 146, line 10, reduce the general fund--state appropriation for fiscal year 2001 by \$170,000

On page 146, line 11, correct the total accordingly

On page 156, line 17, decrease the general fund-state appropriation for fiscal year 2000 by \$442,000

On page 156, line 18, decrease the general fund-state appropriation for fiscal year 2001 by \$443,000

On page 156, line 21, correct the total accordingly

On page 31, line 32, decrease the general fund--state appropriation for fiscal year 2000 by \$368,000

On page 31, line 33, decrease the general fund--state appropriation for fiscal year 2001 by \$369,000

On page 32, line 3, correct total accordingly

On page 34, line 12, strike "\$2,311,000" and insert "1,943,000"

On page 34, line 13, strike "\$2,370,000" and insert "2,001,000"

On page 69, line 22, decrease the general fund--state appropriation for fiscal year 2000 by \$500,000.

On page 70, line 32, correct total accordingly

On page 71, beginning on line 29, strike all material through line 2 on page 72

On page 149, after line 3, insert the following:  
"General Fund--State Appropriation (FY 2000)..\$746,000  
General Fund--State Appropriation (FY 2001)..\$746,000  
TOTAL APPROPRIATION...\$2,932,000"

On page 149, after line 19, insert the following:  
"General Fund--State Appropriation (FY 2000)..\$497,000  
General Fund--State Appropriation (FY 2001)..\$498,000  
TOTAL APPROPRIATION...\$1,955,000"

On page 160, line 33, increase the County Criminal Justice Assistance Account amount by \$1,492,000

On page 161, line 1, correct the total accordingly

Representative Skinner spoke in favor of the adoption of the amendment.

Representative Doumit spoke against the adoption of the amendment.

Division was demanded. Speaker Chopp divided the House. The results of the division was 47-YEAS; 49-NAYS. The amendment was not adopted.

Representative Lambert moved the adoption of amendment (286):

On page 12, line 34, increase the state auditing services revolving account appropriation by \$100,000

On page 13, line 1, correct the total accordingly

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

"The appropriations in this section are subject to the following conditions and limitations: \$100,000 of the state auditing services revolving account appropriation is provided solely for staff and related costs to audit at least five vendors contracted with the department of community, trade and economic development under the early childhood education assistance program. The audit shall evaluate compliance with state minimum licensing standards and with program by-laws. In addition, the audit shall address health and safety risks, accessibility of the program to participating children's parents, use of program funding, and any irregularities in the services offered to children and families. The auditor shall submit a report of the audit to the governor and the appropriate fiscal committees of the legislature by October 1, 2000."

On page 20, after line 19, insert the following:

"(29) Of the general fund--state appropriation amounts for fiscal year 2000 provided to the early childhood education assistance program under this section, \$100,000 shall be deposited into the auditing services revolving account--state for the purpose of a program evaluation to be conducted by the state auditor."

Representative Lambert spoke in favor of the adoption of the amendment.

Representative Tokuda spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Lambert moved the adoption of the following amendment (245):

On page 13, line 24, increase the public safety and education account appropriation by \$800,000

On page 13, line 29, correct the total appropriation

On page 14, after line 21, insert the following:

"(4) \$800,000 of the public safety and education account appropriation is provided solely for completing the statewide implementation of the supervision management and recidivist tracking program."

On page 63, line 35, reduce the public safety and education account appropriation by \$800,000

On page 63, line 26, correct the total appropriation

On page 63, line 31, strike "5,216,000" and insert "4,416,000"

On page 172, starting on line 16, strike all of section 915 and insert the following:

"**Sec. 915.** RCW 43.08.250 and 1997 c 149 s 910 are each amended to read as follows:

The money received by the state treasurer from fees, fines, forfeitures, penalties, reimbursements or assessments by any court organized under Title 3 or 35 RCW, or chapter 2.08 RCW, shall be deposited in the public safety and education account which is hereby created in the state treasury. The legislature shall appropriate the funds in the account to promote traffic safety education, highway safety, criminal justice training, crime victims' compensation, judicial education, the judicial information system, civil representation of indigent persons, winter recreation parking, and state game programs. During the fiscal biennium ending June 30, (~~1999~~) 2001, the legislature may appropriate moneys from the public safety and education account for purposes of appellate indigent defense and other operations of the office of public defense, the criminal litigation unit of the attorney general's office, the supervision management and recidivist tracking program, the treatment alternatives to street crimes program, crime victims advocacy programs, justice information network telecommunication planning, sexual assault treatment, operations of the office of administrator for the courts, security in the common schools, alternative school start-up grants, programs for disruptive

students, criminal justice data collection, ((and)) Washington state patrol criminal justice activities, and the replacement of the department of corrections' offender-based tracking system."

Representative Lambert and Schoesler spoke in favor of the adoption of the amendment.

Representative H. Sommers spoke against the adoption of the amendment.

Representative Schoesler demanded an electronic roll call and the demand was sustained.

Speaker Chopp stated the question before the House to be adoption of amendment (245) to Engrossed Substitute Senate Bill No. 5180

#### ROLL CALL

The Clerk called the roll on the adoption of the amendment (245) to Engrossed Substitute Senate Bill No. 5180, and the amendment was not adopted by the following vote: Yeas - 47, Nays - 49, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, B. Chandler, G. Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Fortunato, Hankins, Huff, Koster, Lambert, Lisk, Mastin, McDonald, McMorris, Mielke, Mitchell, Mulliken, Parlette, Pennington, Pflug, Radcliff, Schindler, D. Schmidt, K. Schmidt, Schoesler, Skinner, D. Sommers, Sump, Talcott, Thomas, Van Luven and Wensman - 47.

Voting nay: Representatives Anderson, Carlson, Cody, Constantine, Conway, Cooper, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Fisher, Gombosky, Grant, Haigh, Hatfield, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Lantz, Linville, Lovick, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Poulsen, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Scott, H. Sommers, Stensen, Sullivan, Tokuda, Veloria, Wolfe, Wood and Mr. Speaker Chopp - 49.

Excused: Representatives Quall and Mr. Speaker Ballard - 2.

Representative Pennington moved the adoption of the following amendment (322):

On page 14, line 32, decrease the general fund--state appropriation for fiscal year 2000 by \$500,000

On page 15, line 18, correct the total appropriation accordingly

On page 19, line 11, strike all of subsection (19)

Renumber remaining subsections consecutively

On page 74, line 21, increase the general fund--state appropriation for fiscal year 2000 by \$500,000

On page 74, line 36, correct the total accordingly

On page 75, after line 26, insert the following:

"(7) \$500,000 of the general fund--state appropriation for fiscal year 2000 is provided solely for purchase of property damaged in the 1998 Kelso and Carlyon Beach landslides for purposes of public recreation."

Representative(s) Pennington, DeBolt, G. Chandler, Van Luven, Mielke and Pennington (again) spoke in favor of the adoption of the amendment.

Representative(s) Doumit and Eickmeyer spoke against the adoption of the amendment.

Division was demanded. Speaker Chopp divided the House. The results of the division was 46-YEAS; 50-NAYS. The amendment was not adopted.

Representative Dunn moved the adoption of amendment (332):

On page 14, line 32, increase the general fund--state appropriation for fiscal year 2000 by \$100,000

On page 15, line 18, correct the total accordingly

On page 20, after line 19, insert the following:

"(29)(a) \$100,000 of the general fund--state fiscal year 2000 appropriation is provided solely for a housing needs and affordability assessment. Of the amounts provided in this subsection, no less than \$80,000 shall be contracted to other entities for completing the assessment.

(b) The housing needs and affordability assessment shall identify housing needs and affordability for all economic segments. The assessment shall provide recommendations for policy alternatives that would assist in meeting housing needs necessary to accommodate growth for all economic segments, consistent with the goals of chapter 36.70A RCW.

(c) At a minimum, the assessment shall consider the following: Growth trends and projections; net new housing statistics; average and median home selling prices; rental and vacancy rates; employment and wage data; and information included in local government comprehensive plans or county-wide planning policies on projected numbers of households and size of households for the 20 year planning period required under chapter 36.70A RCW.

(d) The office of financial management shall cooperate with the department in the completion of the housing needs and affordability assessment and may enter into interagency agreements. The office of financial management shall provide a compilation of the growth trends and projections, net new housing statistics, and other information and data prepared by local governments useful to the completion of this assessment.

(e) The department shall provide a compilation by jurisdiction of the appropriate household data contained in all adopted county-wide planning policies or adopted comprehensive plans prepared by local governments. The department shall assist in identifying obstacles to accommodating housing needs affordable to all economic segments and shall compile data based on the adopted local government comprehensive plans.

(f) The existing affordable housing advisory board established by RCW 43.185.020, as well as any other groups or state agencies as deemed necessary, shall advise the department for the purposes of completing the housing affordability assessment under this subsection. The board and other groups or agencies selected shall recommend criteria and projects to assist in meeting the requirements set forth in chapter 36.70A RCW.

(g) The department shall issue a report to the governor, the house of representatives local government committee, and the senate state and local government committee by December 31, 1999."

On page 64, line 4, reduce the general fund--state appropriation for fiscal year 2000 by \$50,000

On page 64, line 5, reduce the general fund--state appropriation for fiscal year 2001 by \$50,000

On page 64, line 69, correct the total accordingly

Representative Dunn spoke in favor of the adoption of the amendment.

Representative Morris spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Sump moved the adoption of amendment (333):

On page 14, line 32, reduce the general fund--state appropriation for fiscal year 2000 by \$500,000

On page 15, line 18, correct the total accordingly

On page 19, starting on line 11, strike all of subsection (19)

Renumber the remaining subsections consecutively

On page 77, line 14, increase the general fund--state appropriation for fiscal year 2000 by \$500,000

On page 78, line 9, correct the total accordingly

Representative(s) Sump and Sump (again) spoke in favor of the adoption of the amendment.

Representative Kastama spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Skinner moved the adoption of amendment (334):

On page 14, line 32, reduce the general fund--state appropriation for fiscal year 2000 by \$500,000

On page 14, line 33, reduce the general fund--state appropriation for fiscal year 2001 by \$500,000

On page 18, starting on line 15, strike all of subsection (13) Renumber remaining subsections consecutively

On page 60, line 18, increase the general fund--state appropriation for fiscal year 2000 by \$500,000

On page 60, line 19, increase the general fund--state appropriation for fiscal year 2001 by \$500,000

Representative(s) Skinner, Huff, Skinner (again) and Thomas spoke in favor of the adoption of the amendment.

Representative(s) Kessler and H. Sommers spoke against the adoption of the amendment.

Representative Schoesler demanded an electronic roll call and the demand was sustained.

#### ROLL CALL

The Clerk called the roll on the adoption of the amendment (334) to Engrossed Senate Bill No. 5180 and the amendment was not adopted by the following vote: Yeas - 47, Nays - 49, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, B. Chandler, G. Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Fortunato, Hankins, Huff, Koster, Lambert, Lisk, Mastin, McDonald, McMorris, Mielke, Mitchell, Mulliken, Parlette, Pennington, Pflug, Radcliff, Schindler, D. Schmidt, K. Schmidt, Schoesler, Skinner, D. Sommers, Sump, Talcott, Thomas, Van Luven and Wensman - 47.

Voting nay: Representatives Anderson, Carlson, Cody, Constantine, Conway, Cooper, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Fisher, Gombosky, Grant, Haigh, Hatfield, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Lantz, Linville, Lovick, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Poulsen, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Scott, H. Sommers, Stensen, Sullivan, Tokuda, Veloria, Wolfe, Wood and Mr. Speaker Chopp - 49.

Excused: Representatives Quall and Mr. Speaker Ballard - 2.

Representative Koster moved the adoption of amendment (335):

On page 14, line 32, reduce the general fund--state appropriation for fiscal year 2000 by \$250,000

On page 15, line 18, correct the total accordingly

On page 19, starting on line 23, strike all of subsection (21)

Renumber remaining subsections consecutively

On page 69, line 22, reduce the general fund--state appropriation for fiscal year 2000 by \$500,000

On page 69, line 30, increase the flood control assistance account appropriation by \$750,000

On page 70, line 32, correct the total accordingly

On page 71, line 29, strike all of subsections (6) and (7)

Renumber remaining subsections consecutively

On page 74, after line 18, insert the following:

"(24) \$750,000 of the flood control assistance account appropriation is provided solely for the purpose of providing technical and financial support to local governments in developing and updating maps to accurately identify floodways and floodplains. Mapping standards shall meet or exceed the minimum standards established by the federal emergency management administration. Those watershed resource inventory areas that demonstrate a history of significant repetitive loss, including but not limited to Snohomish, Skokomish, Skagit, Yakima, and Chehalis, shall receive first priority for funding. Qualified activities include map development and generation, identification of mapping needs, developing mapping inventories, and establishing mapping standards and specifications."

On page 147, after line 24, insert the following:

**"NEW SECTION. Sec. 713. FOR THE FLOOD CONTROL ASSISTANCE ACCOUNT**

The sum of seven hundred fifty thousand dollars from the general fund--state appropriation for fiscal year 2000 shall be deposited into the flood control assistance account."

Renumber the remaining sections consecutively

Representative(s) Koster and G. Chandler spoke in favor of the adoption of the amendment.

Representative Constantine spoke against the adoption of the amendment.

Representative Schoesler demanded an electronic roll call vote and the demand was sustained.

Speaker Chopp stated the question before the House to be adoption of amendment 335 to Engrossed Substitute Senate Bill No. 5180.

#### ROLL CALL

The Clerk called the roll on the adoption of amendment 335 to Engrossed Substitute Senate Bill No. 5180, and the amendment was not adopted by the following vote: Yeas - 46, Nays - 50, Absent - 0, Excused - 2.



Voting yea: Representatives Alexander, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Carrell, B. Chandler, G. Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Fortunato, Hankins, Huff, Koster, Lambert, Lisk, Mastin, McDonald, McMorris, Mielke, Mitchell, Mulliken, Parlette, Pennington, Pflug, Radcliff, Schindler, D. Schmidt, K. Schmidt, Schoesler, Skinner, D. Sommers, Sump, Talcott, Thomas, Van Luven and Wensman - 46.

Voting nay: Representatives Anderson, Campbell, Carlson, Cody, Constantine, Conway, Cooper, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Fisher, Gombosky, Grant, Haigh, Hatfield, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Lantz, Linville, Lovick, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Poulsen, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Scott, H. Sommers, Stensen, Sullivan, Tokuda, Veloria, Wolfe, Wood and Mr. Speaker Chopp - 50.

Excused: Representatives Quall and Mr. Speaker Ballard - 2.

Representative Mielke moved the adoption of amendment (312):

On page 20, after line 19, insert the following:

"(29) \$50,000 of the general fund--state appropriation is provided solely to undertake a study and report findings and recommendations to the legislature regarding the assumption by cities of water and sewer districts. The study shall examine the services provided, determine the extent to which they are local or regional services, examine the impacts of assumption on all ratepayers within districts which serve more than one jurisdiction, and develop recommendations regarding appropriate governance structures for water and sewer districts which serve multiple jurisdictions. The department shall report its findings and recommendations to the legislature by December 1, 2000. Until July 1, 2001, should a city, under RCW 35.13A.030 or 35.13A.040, decide to assume jurisdiction over all or a portion of a water-sewer district which serves territory both within and without the city and such assumption includes a transfer of water rights, such assumption may not occur unless the voters of the entire water-sewer district approve a ballot proposition authorizing the assumption."

Representative Mielke spoke in favor of the adoption of the amendment.

Representative H. Sommers spoke against the adoption of the amendment.

The amendment was not adopted.

There being no objection, amendment (272) was withdrawn.

Representative Thomas moved the adoption of amendment (336):

On page 24, line 17, increase the general fund-state appropriation for fiscal year 2000 by \$100,000

On page 24, line 18, increase the general fund-state appropriation for fiscal year 2001 by \$300,000

On page 24, line 27, correct the total accordingly.

On page 24, line 29, after "limitations:" insert (1)

On page 25, after line 16, insert the following:

"(2) \$100,000 of the general fund--state appropriation for fiscal year 2000, and \$300,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for distribution to counties for citizen education to encourage eligible persons to participate in property tax relief programs for the elderly."

On page 156, line 17, decrease the general fund--state appropriation for fiscal year 2000 by \$100,000

On page 156, line 18, decrease the general fund--state appropriation for fiscal year 2001 by \$300,000

On page 156, line 21, correct the total accordingly

Representative(s) Thomas, DeBolt, Pennington, Schoesler and Van Luven spoke in favor of the adoption of the amendment.

Representative(s) Dunshee and Sullivan spoke against the adoption of the amendment.

Representative Schoesler demanded an electronic roll call vote and the demand was sustained.

Speaker Chopp stated the question before the House to be adoption of amendment 336 to Engrossed Substitute Senate Bill No. 5180.

#### ROLL CALL

The Clerk called the roll on the adoption of amendment 336 to Engrossed Substitute Senate Bill No. 5180, and the amendment was not adopted by the following vote: Yeas - 47, Nays - 49, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, B. Chandler, G. Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Fortunato, Hankins, Huff, Koster, Lambert, Lisk, Mastin, McDonald, McMorris, Mielke, Mitchell, Mulliken, Parlette, Pennington, Pflug, Radcliff, Schindler, D. Schmidt, K. Schmidt, Schoesler, Skinner, D. Sommers, Sump, Talcott, Thomas, Van Luven and Wensman - 47.

Voting nay: Representatives Anderson, Carlson, Cody, Constantine, Conway, Cooper, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Fisher, Gombosky, Grant, Haigh, Hatfield, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Lantz, Linville, Lovick, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Poulsen, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Scott, H. Sommers, Stensen, Sullivan, Tokuda, Veloria, Wolfe, Wood and Mr. Speaker Chopp - 49.

Excused: Representatives Quall and Mr. Speaker Ballard - 2.

Representative McDonald moved the adoption of amendment (325):

On page 25, line 33, strike "279,000" and insert "429,000"

On page 25, line 34, strike "279,000" and insert "429,000"

On page 26, line 8, strike "47,645,000" and insert "47,945,000"

On page 26, line 9, before "The appropriations" insert "(1)"

On page 26, after line 18, insert the following:

"(2) \$150,000 of the general fund--state appropriation for fiscal year 2000 and \$150,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for the retaining wall for the law enforcement memorial, and its associated costs."

Representative McDonald spoke in favor of the adoption of the amendment.

Representative O'Brien spoke against the adoption of the amendment.

The amendment was not adopted.

Representative D. Schmidt moved the adoption of amendment (303):

On page 1, line 13, after "(2)" insert "This section shall not apply to mobile home parks located in a county, including all cities and towns located within the county, if the legislative authority of the county has enacted an ordinance to exempt the application of the consumer protection act to violations of this chapter. (3)"

On page 1, line 22, after "(2)" insert the following: "The provisions of this section shall not apply to a city that is located within a county where the legislative authority of the county has enacted an ordinance that exempts the county and all cities and towns within the county from the provisions of this section. (3)"

On page 2, line 3, after "(2)" insert the following: "The provisions of this section shall not apply to a code city that is located within a county where the legislative authority of the county has enacted an ordinance that exempts the county and all cities and towns within the county from the provisions of this section. (3)"

On page 2, line 24, after "(2)." insert the following: "The provisions of this section shall not apply to a county where the legislative authority of the county has enacted an ordinance that exempts the county and all cities and towns within the county from the provisions of this section. (3)"

On page 3, line 2, after "(2)" insert the following: "(2) The provisions of this section shall not apply if the legislative authority of the county has enacted an ordinance that exempts the county and all cities and towns within the county from the provisions of this section. (3)"

Representative D. Schmidt spoke in favor of the adoption of the amendment.

Representative H. Sommers spoke against the adoption of the amendment.

The amendment was not adopted.

Representative D. Schmidt moved the adoption of amendment (284):

On page 30, after line 20, insert the following:  
"(5) Up to \$5,000 of the general fund--state fiscal year 2000 appropriation and up to \$5,000 of the general fund--state fiscal year 2001 appropriation may be used for license plate emblems at the discretion of the adjutant general."

Representative D. Schmidt spoke in favor of the adoption of the amendment.

Representative Fisher spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Clements moved the adoption of amendment (268):

On page 31, after line 29, insert the following:  
"(4) Amounts appropriated to the department of social and health services in this act may not be distributed by the department to entities audited under RCW 43.09.055, except as obligated by contracts entered into prior to the effective date of this act, until the state auditor releases the audit

and, if the audit identifies overpayments made to the entity, the department enters into a repayment agreement with the entity for reimbursement of overpayment amounts as set by the department. All repayment agreements are subject to approval by the office of financial management and the state auditor."

Representative Clements spoke in favor of the adoption of the amendment.

Representative Dickerson spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Boldt moved the adoption of amendment (320):

On page 31, line 32, decrease the general fund--state appropriation for fiscal year 2000 by \$114,000

On page 31, line 33, decrease the general fund--state appropriation for fiscal year 2001 by \$118,000

On page 32, line 3, correct the total accordingly.

On page 34, starting on line 12, strike all of subsection (7) and insert the following:

"(7) \$376,000 of the general fund--state appropriation for fiscal year 2000, \$380,000 of the general fund--state appropriation for fiscal year 2001, and \$4,182,000 of the violence reduction and drug enforcement account appropriation are provided solely for the operation of the family policy council and the community public health and safety networks. These shall be the only funds made available in this section to the family policy council and the community public health and safety networks."

On page 35, line 7, decrease the general fund--state appropriation for fiscal year 2001 by \$3,049,000

On page 35, line 8, increase the general fund--federal appropriation by \$3,049,000

On page 43, line 28, increase the general fund--state appropriation for fiscal year 2000 by \$3,234,000

On page 43, line 29, increase the general fund--state appropriation for fiscal year 2001 by \$5,427,000

On page 43, line 30, increase the general fund--federal appropriation by \$6,988,000

On page 43, line 32, correct the total accordingly.

On page 44, line 29, strike "\$1,919,000" and insert "\$2,702,000"

On page 44, line 30, strike "\$2,892,000" and insert "\$3,666,000"

On page 44, line 31, strike "\$4,992,000" and insert "\$5,504,000"

On page 45, line 33, strike "Within amounts appropriated in this subsection" and insert "\$227,000 of the general fund--state appropriation for fiscal year 2000 and \$370,000 of the general fund--state appropriation for fiscal year 2001 and \$1,289,000 of the general fund--federal appropriation are provided solely for"

On page 45, line 34, strike "shall" and insert "to"

On page 49, line 17, decrease the general fund--state appropriation for fiscal year 2000 by \$2,000,000

On page 49, line 18, decrease the general fund--state appropriation for fiscal year 2001 by \$2,000,000

On page 49, line 19, decrease the general fund--federal appropriation by \$5,138,000

On page 49, line 21, correct the total accordingly.

On page 50, after line 26, insert the following:

"(4) The department is expected to meet the food stamp program reinvestments required by the federal government prior to the 1999-01 biennium. Any continuation of these activities shall be funded within appropriated amounts."

On page 50, line 29, decrease the general fund--state appropriation for fiscal year 2000 by \$1,534,000

On page 50, line 30, decrease the general fund--state appropriation for fiscal year 2001 by \$1,574,000

On page 50, line 34, decrease the public safety and education account--state appropriation by \$330,000

On page 50, line 37, correct the total accordingly.

On page 51, beginning on line 21, delete all of subsection (3) and insert the following:

"(3) \$760,000 of the fiscal year 2000 general fund--state appropriation and \$760,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to fund a program serving mothers of children affected by fetal alcohol syndrome and related conditions, known as the parent child assistance program. The program may be operated in two cities in the state."

Representative Boldt spoke in favor of the adoption of the amendment.

Representative Tokuda spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Lambert moved the adoption of amendment (337):

On page 36, line 18, after "revisions)." insert the following:

"The institute for public policy shall include, in the evaluation of this legislation, a study to determine which youth sentenced to state institutions may, based on risk assessment tools, be most likely to safely serve their sanctions in the community and at a lower cost to the state."

Representative(s) Lambert and Lambert (again) spoke in favor of the adoption of the amendment.

Representative H. Sommers spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Parlette moved the adoption of amendment (338):

On page 40, line 9, increase the general fund--state appropriation by \$1,600,000

On page 40, line 10, increase the general fund--state appropriations by \$1,600,000

On page 40, line 13, adjust the total accordingly.

On page 41, after line 26, insert the following:

"(g) \$1,600,000 of the general fund--state appropriation in fiscal year 2000 and \$1,600,000 of the general fund--state appropriation in fiscal year 2001 are provided solely to increase disbursements to the regional support networks."

On page 43, line 28, increase the general fund--state appropriation by \$750,000

On page 43, line 29, increase the general fund--state appropriation by \$750,000

On page 43, line 30, increase the general fund--federal appropriation by \$250,000

On page 43, line 32, adjust the total accordingly.

On page 46, after line 2, insert the following:

"(i) \$500,000 of the general fund--state appropriation in fiscal year 2000 and \$500,000 of the general fund--state appropriation in fiscal year 2001 and \$250,000 of the general fund--federal appropriation is provided solely to increase family support grants.

(j) \$250,000 of the general fund--state appropriation in fiscal year 2000 and \$250,000 of the general fund--state appropriation in fiscal year 2001 are provided solely to increase employment and day services."

On page 130, line 8, increase the increase the general fund--state appropriation by \$250,000

On page 130, line 9, increase the general fund--state appropriation by \$250,000

On page 130, line 13, adjust the total accordingly.

On page 131, after line 27, insert the following:

"(13) \$250,000 of the general fund--state appropriation in fiscal year 2000 and \$250,000 of the general fund--state appropriation in fiscal year 2001 are provided solely to conduct a feasibility study of establishing a regional, multi-disciplinary center for prostate cancer research and treatment of prostate cancer patients."

On page 159, after line 17, insert the following:

**"NEW SECTION. Sec. 732. ACROSS-THE-BOARD REDUCTIONS.** The director of the office of financial management shall direct state agencies to make across-the-board reductions to planned general fund--state expenditures for personal services contracts, travel, and equipment. Institutions of higher education and agencies with fewer than 50 full-time equivalent staff shall be exempt from these reductions. Total general fund--state savings shall not be less than \$2,600,000 in each fiscal year of the 1999-01 biennium."

Representative(s) Parlette, Huff and Schoesler spoke in favor of the adoption of the amendment.

Representative(s) H. Sommers and Tokuda spoke against the adoption of the amendment.

Representative Buck demanded an electronic roll call vote and the demand was sustained.

Speaker Chopp stated the question before the House to be adoption of amendment 338 to Engrossed Substitute Senate Bill No. 5180.

#### ROLL CALL

The Clerk called the roll on the adoption of amendment 338 to Engrossed Substitute Senate Bill No. 5180, and the amendment was not adopted by the following vote: Yeas - 46, Nays - 50, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Carrell, B. Chandler, G. Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Fortunato, Hankins, Huff, Koster, Lambert, Lisk, Mastin, McDonald, McMorris, Mielke, Mitchell, Mulliken, Parlette, Pennington, Pflug, Radcliff, Schindler, D. Schmidt, K. Schmidt, Schoesler, Skinner, D. Sommers, Sump, Talcott, Thomas, Van Luven and Wensman - 46.

Voting nay: Representatives Anderson, Campbell, Carlson, Cody, Constantine, Conway, Cooper, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Fisher, Gombosky, Grant, Haigh, Hatfield, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Lantz, Linville, Lovick, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Poulsen, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Scott, H. Sommers, Stensen, Sullivan, Tokuda, Veloria, Wolfe, Wood and Mr. Speaker Chopp - 50.

Excused: Representatives Quall and Mr. Speaker Ballard - 2.

Representative Alexander moved the adoption of amendment (317):

On page 41, after line 26, insert "\$1,000,000 of the general fund--state appropriation for fiscal year 2000 and \$1,000,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to establish a pilot program in a limited number of counties to evaluate the treatment outcomes and cost benefits of providing funding for atypical antipsychotic medications, and other antipsychotic medications when appropriate, in community settings for persons who are not currently eligible for benefits under the medicaid program, Title XIX of the federal social security act. The program shall be developed in consultation with the regional support networks and other interested organizations, and implemented through the regional support networks. The program design shall include the establishment of a funding mechanism separate from the regional support network funding formula for distributing specific appropriations for the atypical antipsychotic medications to community settings and regional support networks participating in the pilot.

(i) Atypical antipsychotic medications provided through the program shall be purchased by the department through competitive procurement. The procurement shall include at a minimum: (A) a requirement that rates paid for the medications not exceed those paid to pharmacists for dispensing fees and ingredient costs of atypical antipsychotic medications under the state medicaid program, exclusive of rebate payments made by pharmaceutical manufacturers to the department; (B) a requirement that there be an adequate distribution mechanism to make the medications available in communities served by the program; (C) a requirement that all federal drug administration approved atypical antipsychotic medications be included in the program, using the same formulary guidelines that exist for state Medicaid enrollees, and provided to eligible persons as prescribed by the consulting mental health services provider; and (D) other performance standards deemed appropriate by the department.

(ii) Benefits under the pilot program will be targeted to the following groups of persons: (A) Persons in crisis who are not medicaid eligible; (B) working poor persons who are not medicaid eligible and who need continued access to antipsychotic medications in order to retain their employment; (C) persons transitioning from jail or from department of corrections facilities to medicaid eligibility; and (D) persons in jail.

(iii) The pilot program shall include an evaluation component. The evaluation shall assess whether the availability of atypical antipsychotic medications through the program results in cost savings to the state and positive treatment outcomes for persons served through the program, including the ability to obtain and maintain employment; and whether the funding mechanism developed for the pilot adequately provides services to identified persons in need in the pilot counties."

On page 40, line 9, increase the general fund--state appropriation for fiscal year 2000 by \$1,000,000

On page 40, line 10, increase the general fund--state appropriation for fiscal year 2001 by \$1,000,000

On page 40, line 13, correct the total accordingly.

Representative Alexander spoke in favor of the adoption of the amendment.

Representative Cody spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Boldt moved the adoption of amendment (319):

On page 49, line 19, decrease the general fund--federal appropriation by \$956,000

On page 49, line 21, correct the total accordingly.

On page 50, after line 5, insert the following:

"(c) \$13,202,000 of the general fund--federal appropriation is provided solely for additional child care expenditures associated with the change in good cause exemption status for parents of children between the ages of three months and one year.

(d) No general fund--federal monies in this subsection shall be expended for the provisions of Engrossed Substitute Senate Bill 5625, drug affected infant programs, or the parent-child assistance program."

Renumber remaining subsections consecutively.

Representative Boldt spoke in favor of the adoption of the amendment.

Representative H. Sommers spoke against the adoption of the amendment.

The amendment was not adopted.

Representative McMorris moved the adoption of amendment (339):

On page 50, after line 26, insert the following:

"(4) The department shall reduce staffing by 149 FTE staff to reflect the reduction in welfare caseloads. Savings of \$17,900,000 associated with the staffing reduction shall be reinvested in the following manner: (a) \$10,000,000 for working connections child care and (b) \$7,900,000 for the early childhood education program administered by the department of community, trade and economic development."

Representative(s) McMorris and Delvin spoke in favor of the adoption of the amendment.

Representative H. Sommers spoke against the adoption of the amendment.

Representative Schoesler demanded an electronic roll call vote and the demand was sustained.

Speaker Chopp stated the question before the House to be adoption of amendment 339 to Engrossed Substitute Senate Bill No. 5180.

#### ROLL CALL

The Clerk called the roll on the adoption of amendment 339 to Engrossed Substitute Senate Bill No. 5180, and the amendment was not adopted by the following vote: Yeas - 46, Nays - 50, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Carrell, B. Chandler, G. Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Fortunato, Hankins, Huff, Koster, Lambert, Lisk, Mastin, McDonald, McMorris, Mielke, Mitchell, Mulliken, Parlette, Pennington, Pflug, Radcliff, Schindler, D. Schmidt, K. Schmidt, Schoesler, Skinner, D. Sommers, Sump, Talcott, Thomas, Van Luven and Wensman - 46.

Voting nay: Representatives Anderson, Campbell, Carlson, Cody, Constantine, Conway, Cooper, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Fisher, Gombosky, Grant, Haigh, Hatfield, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Lantz, Linville, Lovick, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Poulsen, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Scott, H. Sommers, Stensen, Sullivan, Tokuda, Veloria, Wolfe, Wood and Mr. Speaker Chopp - 50.

Excused: Representatives Quall and Mr. Speaker Ballard - 2.

Representative Alexander moved the adoption of amendment (340):

On page 52, line 1, increase the general fund--federal appropriation by \$7,651,000

On page 52, line 5, increase the health services account--state appropriation by \$3,992,000

On page 52, line 6, correct the total accordingly

On page 53, line 20, strike "\$3,992,000" and insert "\$7,984,000"



On page 53, line 21, strike "\$7,651,000" and insert "\$15,302,000"

On page 162, line 15, strike "\$223,087,000" and insert "\$227,079,000"

On page 184, line 3, strike "one hundred million dollars" and insert "\$96,008,000"

Representative(s) Alexander and Parlette spoke in favor of the adoption of the amendment.

Representative Cody spoke against the adoption of the amendment.

Representative Schoesler demanded an electronic roll call vote and the demand was sustained.

Speaker Chopp stated the question before the House to be adoption of amendment 340 to Engrossed Substitute Senate Bill No. 5180.

### ROLL CALL

The Clerk called the roll on the adoption of amendment 340 to Engrossed Substitute Senate Bill No. 5180, and the amendment was not adopted by the following vote: Yeas - 47, Nays - 49, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, B. Chandler, G. Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Fortunato, Hankins, Huff, Koster, Lambert, Lisk, Mastin, McDonald, McMorris, Mielke, Mitchell, Mulliken, Parlette, Pennington, Pflug, Radcliff, Schindler, D. Schmidt, K. Schmidt, Schoesler, Skinner, D. Sommers, Sump, Talcott, Thomas, Van Luven and Wensman - 47.

Voting nay: Representatives Anderson, Carlson, Cody, Constantine, Conway, Cooper, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Fisher, Gombosky, Grant, Haigh, Hatfield, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Lantz, Linville, Lovick, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Poulsen, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Scott, H. Sommers, Stensen, Sullivan, Tokuda, Veloria, Wolfe, Wood and Mr. Speaker Chopp - 49.

Excused: Representatives Quall and Mr. Speaker Ballard - 2.

There being no objection, Representative Radcliff withdrew amendment 343 and asked for a moment of personal privilege.

### POINT OF PERSONAL PRIVILEGE

Representative Radcliff explained that the amendment had been drafted due to programs within the Washington State Apprenticeship and Training Council. She has seen significant movement by the Council to come within compliance with Federal law which she feels the Legislature must be committed to financially supporting programs which are in compliance with all laws, State and Federal.

Representative Dunn moved the adoption of amendment (363):

On page 60, line 18, strike "68,937,000" and insert "68,980,000"

On page 60, line 19, strike "69,635,000" and insert "69,678,000"

On page 61, line 8, strike "550,151,000" and insert "550,237,000"

On page 63, after line 19, insert the following:

"(11) \$43,000 of the general fund--state appropriation for fiscal year 2000 and \$43,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the Native American bone marrow recruitment program."

Representative Dunn spoke in favor of the adoption of the amendment.

Representative Cody spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Ballasiotes moved the adoption of amendment (327):

On page 64, line 4, decrease the general fund--state appropriation for fiscal year 2000 by \$3,100,000.

On page 64, line 5, increase the general fund--state appropriation for fiscal year 2001 by \$600,000.

On page 64, line 9, correct the total accordingly.

On page 50, line 29, increase the general fund--state appropriation for fiscal year 2000 by \$1,250,000

On page 50, line 30, increase the general fund--state appropriation for fiscal year 2001 by \$1,250,000

On page 50, line 37, correct the total accordingly.

On page 51, after line 34, insert the following:

"(4) \$1,250,000 of the general fund--state appropriation for fiscal year 2000 and \$1,250,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the drug and alcohol assessment and treatment components of drug court operations. Funding may be provided only to counties that have exhausted all federal funding received from the office of national drug control policy that is available to support the operations of its drug court and associated services."

Representative(s) Ballasiotes and Huff spoke in favor of the adoption of the amendment.

Representative H. Sommers spoke against the adoption of the amendment.

Representative Schoesler demanded an electronic roll call vote and the demand was sustained.

Speaker Chopp stated the question before the House to be adoption of amendment 327 to Engrossed Substitute Senate Bill No. 5180.

#### ROLL CALL

The Clerk called the roll on the adoption of amendment 327 to Engrossed Substitute Senate Bill No. 5180, and the amendment was not adopted by the following vote: Yeas - 46, Nays - 50, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Carrell, B. Chandler, G. Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Fortunato, Hankins, Huff, Koster, Lambert, Lisk, Mastin, McDonald, McMorris, Mielke, Mitchell, Mulliken, Parlette, Pennington, Pflug, Radcliff, Schindler, D. Schmidt, K. Schmidt, Schoesler, Skinner, D. Sommers, Sump, Talcott, Thomas, Van Luven and Wensman - 46.

Voting nay: Representatives Anderson, Campbell, Carlson, Cody, Constantine, Conway, Cooper, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Fisher, Gombosky, Grant, Haigh, Hatfield, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Lantz, Linville, Lovick, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Poulsen, Reardon, Regala, Rockefeller, Romero,

Ruderman, Santos, Schual-Berke, Scott, H. Sommers, Stensen, Sullivan, Tokuda, Veloria, Wolfe, Wood and Mr. Speaker Chopp - 50.

Excused: Representatives Quall and Mr. Speaker Ballard - 2.

There being no objection, amendment 252 was withdrawn.

Representative Mulliken moved the adoption of amendment (341):

On page 69, line 22, strike "33,558,000" and insert "33,175,000"

On page 69, line 23, strike "33,539,000" and insert "33,008,000"

On page 70, line 32, strike "266,537,000" and insert "265,770,000"

On page 72, line 27, strike all of subsection (12)

Renumber remaining subsections consecutively

On page 88, line 5, increase the general fund - state appropriation by \$647,350

On page 88, line 6, increase the general fund - state appropriation by \$66,650

On page 88, line 13, increase the total appropriation by \$714,000

On page 93, after line 25, add a new subsection:

"(cc) \$647,350 in fiscal year 2000 and \$66,650 in fiscal year 2001 are provided solely for a study of the adequacy and efficiency of the state allocation formula for funding pupil transportation."

Representative(s) Mulliken and Mielke spoke in favor of the adoption of the amendment.

Representative Doumit spoke against the adoption of the amendment.

The amendment was not adopted.

Speaker Chopp called upon Representative Ogden to preside.

There being no objection, amendment 344 was withdrawn.

Representative Alexander moved the adoption of amendment (345):

On page 69, line 22, decrease the general fund--state appropriation for fiscal year 2000 by \$515,000

On page 69, line 23, decrease the general fund--state appropriation for fiscal year 2001 by \$15,000

On page 70, line 32, correct total accordingly

On page 71, beginning on line 29, strike all material through line 2 on page 72

On page 72, strike lines 6 through 10

On page 14, line 32, decrease the general fund-state appropriation for fiscal year 2000 by \$950,000

On page 14, line 33, decrease the general fund-state appropriation for fiscal year 2001 by \$50,000

On page 15, line 18, correct the total accordingly

On page 18, strike lines 30 through 33

On page 19, strike lines 11 through 16

On page 19, strike lines 23 through 25

On page 19, strike lines 35 through 37

Representative(s) Alexander, Schoesler and Dunn spoke in favor of the adoption of the amendment.

Representative Morris spoke against the adoption of the amendment.

The amendment was not adopted.

There being no objection, amendment 346 was withdrawn.

Representative B. Chandler moved the adoption of amendment (347):

On page 74, line 35, strike "25,907,000" and insert "35,526,000"

On page 74, line 36, correct the total accordingly.

On page 75, after line 6, insert "(7) \$9,619,000 of parks renewal and stewardship account appropriation is provided solely for immediate maintenance and repair needs at state parks facilities."

On page 135, line 3, reduce the general fund--state appropriation for fiscal year 2000 by \$600,000

On page 135, line 6, correct the total accordingly.

On page 136, on line 10, strike all of subsection (5)

Renumber remaining subsections accordingly.

On page 136, line 35, reduce the general fund--state appropriation for fiscal year 2000 by \$2,800,000

On page 136, line 36, reduce the general fund--state appropriation for fiscal year 2001 by \$6,200,000

On page 137, line 2, correct the total accordingly.

On page 138, line 3, strike "\$103,686,000" and insert "\$100,886,000"

On page 138, line 4, strike "\$114,700,000" and insert "\$108,500,000"

On page 139, beginning on line 34, strike all material through "program." on page 141, line

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On page 147, after line 6, insert the following:

**"NEW SECTION. Sec. 711. FOR THE PARKS RENEWAL AND STEWARDSHIP**

**ACCOUNT.**

|   |    |           |
|---|----|-----------|
| General Fund--State Appropriation (FY 2000) | \$ | 3,400,000 |
| General Fund--State Appropriation (FY 2001) | \$ | 6,219,000 |
| TOTAL APPROPRIATION                         | \$ | 9,619,000 |

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriation is for deposit to the parks renewal and stewardship account for the purposes under RCW 43.51.275."

Renumber the remaining sections consecutively.

Representative B. Chandler spoke in favor of the adoption of the amendment.

Representative Kenney spoke against the adoption of the amendment.

The amendment was not adopted.

Speaker Chopp assumed the chair.

There being no objection, amendment 273 was withdrawn.

Representative Koster moved the adoption of amendment (348):

On page 77, line 14, strike "42,896,000" and insert "43,085,000"

On page 77, line 15, strike "42,443,000" and insert "42,632,000"

On page 78, line 9, strike "271,161,000" and insert "271,539,000"

On page 81, after line 34, insert " (23) \$189,000 of the general fund--state appropriation for fiscal year 2000 and \$189,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to restore production of steelhead and trout at the Reiter pond, Spokane, Lakewood, Priest Rapids, Puyallup, Klickitat, Grays Harbor, Green River, and Skagit hatchery complexes."

On page 69, line 22, strike "33,558,000" and insert "33,308,000"

On page 69, line 23, strike "33,539,000" and insert "33,289,000"

On page 70, line 32, strike "266,537,000" and insert "266,037,000"

On page 72, line 27, strike "383,000" and insert "133,000"

On page 72, line 28, strike "384,000" and insert "134,000"

Representative(s) Koster, Koster (again), Schoesler, Mulliken and Koster (again) spoke in favor of the adoption of the amendment.

Representative(s) Romero, Dunshee and Doumit spoke against the adoption of the amendment.

Representative Schoesler demanded an electronic roll call vote and the demand was sustained.

Speaker Chopp stated the question before the House to be adoption of amendment 348 to Engrossed Substitute Senate Bill No. 5180.

#### ROLL CALL

The Clerk called the roll on the adoption of amendment 348 to Engrossed Substitute Senate Bill No. 5180, and the amendment was not adopted by the following vote: Yeas - 47, Nays - 49, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Carrell, B. Chandler, G. Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Dunshee, Ericksen, Esser, Fortunato, Hankins, Huff, Koster, Lambert, Lisk, Mastin, McDonald, McMorris, Mielke, Mitchell, Mulliken, Parlette, Pennington, Pflug, Radcliff, Schindler, D. Schmidt, K. Schmidt, Schoesler, Skinner, D. Sommers, Sump, Talcott, Thomas, Van Luven and Wensman - 47.

Voting nay: Representatives Anderson, Campbell, Carlson, Cody, Constantine, Conway, Cooper, Dickerson, Doumit, Edmonds, Edwards, Eickmeyer, Fisher, Gombosky, Grant, Haigh, Hatfield, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Lantz, Linville, Lovick, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Poulsen, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Scott, H. Sommers, Stensen, Sullivan, Tokuda, Voloria, Wolfe, Wood and Mr. Speaker Chopp - 49.

Excused: Representatives Quall and Mr. Speaker Ballard - 2.

Representative Lambert moved the adoption of amendment (309):

On page 81, after line 34, insert "(23) Within the general fund--state appropriations provided in this section, the department shall conduct a pilot project with at least two representative and willing drainage districts in cooperation with the conservation commission, local farmers, and other interested parties. The purpose of the pilot project is to develop interim guidelines to serve as a model for application state-wide. The department shall update and distribute the irrigation and fish pamphlet describing the methods of watercourse maintenance activities. The department shall adopt rules applicable to watercourse maintenance activities. The department shall adopt these rules in cooperation with the affected communities and other interested parties. The department shall develop rules for watercourse maintenance activities that will use, divert, obstruct, or change the natural flow or bed of any of the salt or fresh waters of the state. Rules shall include criteria for differentiation of wholly artificial watercourses from natural watercourses that have been altered by man. Following the adoption of the rules, the department shall update and distribute the irrigation and fish pamphlet describing the methods of watercourse maintenance activities that are approved under the rules. The pamphlet serves as the hydraulic project approval for any project that is conducted solely for watercourse maintenance and that is conducted as described in the pamphlet. No further hydraulic project approval is required for such a project. Nothing in this section prohibits the department from requiring a hydraulic project approval for those parts of hydraulic projects that are not specifically described in the pamphlet. The pilot will focus on natural watercourses that have been substantially altered by humans in previous times and are commonly referred to as drainage ditches. Management practices will be developed that provide for occasional maintenance to remove build up of silt and noxious weeds, such as reed canary grass, in a manner that does not decrease, and where possible increases, fish habitat and water quality in these watercourses. The growing of shade trees on one side of drainage ditches as a means of discouraging growth of reed canary grass while providing improved fish and wildlife benefits shall be considered. The project shall also include an investigation, in cooperation with the department of ecology, of the adequacy of storm water programs for upland urbanized land that may drain into the project area. Any local jurisdictions with inadequate storm water programs will be notified accordingly. The department of fish and wildlife shall submit a report to the appropriate policy and fiscal committees of the legislature by December 1, 2000, concerning the pilot projects."

Representative Lambert spoke in favor of the adoption of the amendment.

Representative Linville spoke against the adoption of the amendment.

The amendment was not adopted.

There being no objection, amendments 267, 350, 218 and 269 were withdrawn.

Representative Lambert moved the adoption of amendment (285):

On page 89, after "year." on line 29, insert the following:  
On page 89, after "year." on line 29, insert the following: "(f) \$3,600 of the general fund--state fiscal year 2000 appropriation shall be used to make a publication for use by school districts of when it would be appropriate for students, teachers, and administrators in the common schools to exercise their rights of freedom of religion guaranteed by the First Amendment to the United States Constitution and Article I, section 11 of the Washington State Constitution, including prayer and spiritual counseling, on school grounds and at school-related activities in seeking comfort or assistance in response to a disaster, crisis, or emergency involving the student or the student's family, the school, the community, the state, or the nation, or involving another student, school, community, state, or nation."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Representative(s) Lambert and Koster spoke in favor of the adoption of the amendment.

Representative Keiser spoke against the adoption of the amendment.

Division was demanded. Speaker Chopp divided the House. The results of the division was 45-YEAS; 51-NAYS. The amendment was not adopted.

There being no objection, amendment 274 was withdrawn.

Representative Lambert moved the adoption of amendment (275):

On page 90, starting on line 31, strike all of subsection (2)(l)

On page 90, after line 30, insert the following:

"(l)(i)\$2,000,000 of the public safety and education account appropriation is provided for start-up grants for alternative programs and services that improve instruction and learning for at-risk students. Grants shall be awarded to applicants showing the greatest potential for improved student learning for at-risk students including:

(A) Students who are disruptive or have been suspended, expelled, or subject to other disciplinary actions;

(B) Students with unexcused absences who need intervention;

(C) Students who have left school; and

(D) Students involved with the court system.

(ii) Of the amounts provided under this subsection, \$500,000 shall be awarded based on the criteria enumerated in (l)(i) for programs coordinated with local law enforcement agencies."

Representative Lambert spoke in favor of the adoption of the amendment.

Representative Keiser spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Wensman moved the adoption of amendment (351):

On page 93, line 28, increase the general fund state appropriation by \$8,817,000

On page 93, line 29, increase the general fund state appropriation by \$10,523,000

On page 93, line 30, increase the total appropriation by \$19,340,000

On page 94, line 15, strike "4.2" and insert "4.53"

On page 94, line 16, strike "7.2" and insert "7.53"

On page 94, line 22, strike "53.2" and insert "53.53"

On page 94, line 31, strike "53.2" and insert "53.53"

On page 95, line 1, strike "53.2" and insert "53.53"

On page 118, line 22, reduce the general fund state appropriation by \$8,287,000

On page 118, line 23, reduce the general fund state appropriation by \$11,053,000

On page 118, line 24, reduce the total appropriation by \$19,340,000

Representative Wensman spoke in favor of the adoption of the amendment.

Representative Rockefeller spoke against the adoption of the amendment.

Representative Schoesler demanded an electronic roll call vote and the demand was sustained.

Speaker Chopp stated the question before the House to be adoption of amendment 351 to Engrossed Substitute Senate Bill No. 5180.

## ROLL CALL

The Clerk called the roll on the adoption of amendment 351 to Engrossed Substitute Senate Bill No. 5180, and the amendment was not adopted by the following vote: Yeas - 46, Nays - 50, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Carrell, B. Chandler, G. Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Fortunato, Hankins, Huff, Koster, Lambert, Lisk, Mastin, McDonald, McMorris, Mielke, Mitchell, Mulliken, Parlette, Pennington, Pflug, Radcliff, Schindler, D. Schmidt, K. Schmidt, Schoesler, Skinner, D. Sommers, Sump, Talcott, Thomas, Van Luven and Wensman - 46.

Voting nay: Representatives Anderson, Campbell, Carlson, Cody, Constantine, Conway, Cooper, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Fisher, Gombosky, Grant, Haigh, Hatfield, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Lantz, Linville, Lovick, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Poulsen, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Scott, H. Sommers, Stensen, Sullivan, Tokuda, Veloria, Wolfe, Wood and Mr. Speaker Chopp - 50.

Excused: Representatives Quall and Mr. Speaker Ballard - 2.

There being no objection, amendment 318 was withdrawn.

Representative Dunn moved the adoption of amendment (352):

On page 104, line 25, reduce the general fund state appropriation by \$10,724,000

On page 104, line 26, reduce the general fund state appropriation by \$13,483,000

On page 104, line 27, reduce the total appropriation by \$24,207,000

On page 105, after line 13, insert new subsection:

"(b) The appropriation in this section incorporates reductions for one learning improvement day at a cost of \$24,207,000. All salary schedules, factors, and percentages in sections 503 and 504 shall be adjusted to conform with the amount identified in this subsection."

Re-number remaining subsections consecutively

On page 127, line 10, increase the general fund--state appropriation for fiscal year 2000 by \$10,724,000

On page 127, line 11, increase the general fund--state appropriation for fiscal year 2001 by \$13,483,000

On page 127, line 15, increase the total by \$24,207,000

On page 127, line 21, strike "\$5,000,000" and insert "\$15,724,000"

On page 127, line 22, strike "\$5,000,000" and insert "\$18,483,000"

Representative(s) Dunn and Carrell spoke in favor of the adoption of the amendment.

Representative Keiser spoke against the adoption of the amendment.

Representative Schoesler demanded an electronic roll call vote and the demand was sustained.

Speaker Chopp stated the question before the House to be adoption of amendment 352 to Engrossed Substitute Senate Bill No. 5180.

## ROLL CALL

The Clerk called the roll on the adoption of amendment 352 to Engrossed Substitute Senate Bill No. 5180, and the amendment was not adopted by the following vote: Yeas - 44, Nays - 53, Absent - 0, Excused - 1.



Voting yea: Representatives Alexander, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Carrell, B. Chandler, G. Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Esser, Fortunato, Huff, Koster, Lambert, Lisk, Mastin, McDonald, McMorris, Mielke, Mitchell, Mulliken, Parlette, Pennington, Pflug, Radcliff, Schindler, D. Schmidt, K. Schmidt, Schoesler, Skinner, D. Sommers, Sump, Talcott, Thomas, Van Luven and Wensman - 44.

Voting nay: Representatives Anderson, Campbell, Carlson, Cody, Constantine, Conway, Cooper, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Fisher, Gombosky, Grant, Haigh, Hankins, Hatfield, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Lantz, Linville, Lovick, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Poulsen, Quall, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Scott, H. Sommers, Stensen, Sullivan, Tokuda, Voloria, Wolfe, Wood and Mr. Speaker Chopp - 53.

Excused: Representative Mr. Speaker Ballard - 1.

There being no objection, amendment (353) was withdrawn.

Representative Mulliken moved the adoption of amendment (365):

On page 104, line 25, reduce the general fund state appropriation by \$10,901,000

On page 104, line 26, reduce the general fund state appropriation by \$13,705,000

On page 104, line 27, reduce the total appropriation by \$24,606,000

On page 105, after line 13, insert new subsection:

"(b) The appropriation in this section incorporates a reduction for the equivalent of one learning improvement day at a cost of \$24,606,000. All salary schedules, factors and percentages in sections 503 and 504 shall be adjusted to conform with the amount identified in this subsection."

On page 119, line 25, increase the general fund state by \$13,533,000

On page 119, line 26, increase the general fund state by \$11,073,000

On page 119, line 27, increase the total appropriation by \$24,606,000

On page 119, line 37, strike "28.81" and insert "40.82"

On page 119, line 37, strike "28.81" and insert "40.82"

Representative Mulliken spoke in favor of the adoption of the amendment.

Representative Keiser spoke against the adoption of the amendment.

The amendment was not adopted.

There being no objection, amendment 354 was withdrawn.

Representative Huff moved the adoption of amendment (355):

Beginning on page 122, line 1, strike everything through page 136, line 32 and insert the following:

## **"PART VI HIGHER EDUCATION**

NEW SECTION. **Sec. 601.** The appropriations in sections 603 through 609 of this act are subject to the following conditions and limitations:

(1) "Institutions" means the institutions of higher education receiving appropriations under sections 603 through 609 of this act.

(2)(a) The salary increases provided or referenced in this subsection shall be the only allowable salary increases provided at institutions of higher education, excluding increases associated with normally occurring promotions and increases related to faculty and professional staff retention, and

excluding increases associated with employees under the jurisdiction of chapter 41.56 RCW pursuant to the provisions of RCW 28B.16.015.

(b) Each institution of higher education shall provide to each classified staff employee as defined by the office of financial management a salary increase of 3.0 percent on July 1, 1999, and a salary increase of 3.0 percent on July 1, 2000.

(c) Each institution of higher education shall provide to instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants as classified by the office of financial management, and all other nonclassified staff, including those employees under RCW 28B.16.015, an average salary increase of 3.0 percent on July 1, 1999, and an average salary increase of 3.0 percent on July 1, 2000.

(d) For employees under the jurisdiction of chapter 41.56 RCW pursuant to the provisions of RCW 28B.16.015, distribution of the salary increases will be in accordance with the applicable collective bargaining agreement. However, an increase shall not be provided to any classified employee whose salary is above the approved salary range maximum for the class to which the employee's position is allocated.

(e) Each institution of higher education receiving appropriations under sections 604 through 609 of this act may provide additional salary increases to instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015. Any salary increase granted under the authority of this subsection (2)(e) shall not be included in an institution's salary base. It is the intent of the legislature that general fund--state support for an institution shall not increase during the current or any future biennium as a result of any salary increases authorized under this subsection (2)(e).

(f) Each institution of higher education may also provide additional salary increases to instructional and research faculty funded from reductions in the maximum level of employer contributions to retirement plans offered pursuant to RCW 28B.10.400. Any salary increase granted under the authority of this subsection (2)(f) shall not be included in an institution's salary base. It is the intent of the legislature that general fund--state support for an institution shall not increase during the current or any future biennium as a result of any salary increases authorized under this subsection (2)(f).

(g) To collect consistent data for use by the legislature, the office of financial management, and other state agencies for policy and planning purposes, institutions of higher education shall report personnel data to be used in the department of personnel's human resource data warehouse in compliance with uniform reporting procedures established by the department of personnel.

(h) Specific salary increases authorized in sections 603 through 609 of this act are in addition to any salary increase provided in this subsection.

(3) The tuition fees, as defined in chapter 28B.15 RCW, charged to full-time students at the state's institutions of higher education for the 1999-00 and 2000-01 academic years, other than the summer term, may be adjusted by the governing boards of the state universities, regional universities, The Evergreen State College, and the state board for community and technical colleges as provided in this subsection.

(a) For the 1999-00 academic year, the governing boards and the state board may implement an increase no greater than four and six-tenths percent over tuition fees charged to full-time students for the 1998-99 academic year.

(b) For the 2000-01 academic year, the governing boards and the state board may implement an increase no greater than three and six-tenths percent over the tuition fees charged to full-time students for the 1999-00 academic year.

(c) For the 1999-01 biennium, the governing boards and the state board may adjust full-time operating fees for factors that may include time of day and day of week, as well as delivery method and campus, to encourage full use of the state's educational facilities and resources.

(d) The tuition increases adopted under (a), (b) and (c) of this subsection need not apply uniformly across student categories as defined in chapter 28B.15 RCW so long as the increase for each student category does not exceed the percentages specified in this subsection.

(e) In addition to waivers granted under the authority of RCW 28B.15.910, the governing boards and the state board may waive all or a portion of the operating fees for any student. State general fund appropriations shall not be provided to replace tuition and fee revenue foregone as a result of waivers granted under this subsection.

(4) Pursuant to RCW 43.15.055, institutions of higher education receiving appropriations under sections 603 through 609 of this act are authorized to increase summer term tuition in excess of the fiscal growth factor during the 1999-01 biennium. Tuition levels increased pursuant to this subsection shall not exceed the per credit hour rate calculated from the academic year tuition levels adopted under this act.

(5) Community colleges may increase services and activities fee charges in excess of the fiscal growth factor up to the maximum level authorized in RCW 28B.15.069.

(6)(a) Each institution receiving appropriations under sections 604 through 609 of this act shall submit plans for achieving measurable and specific improvements in academic years 1999-00 and 2000-01 to the higher education coordinating board. The plans, to be prepared at the direction of the board, shall be submitted by August 15, 1999 (for academic year 1999-00) and June 30, 2000 (for academic year 2000-01). Each institution's plan shall include specific and measurable targets for each year of the biennium and shall identify specific strategies to achieve each year's targets. The following measures and long-term goals are the basis for developing plans appropriate to each institution:

|   | Goal |
|---|------|
| (i) Undergraduate graduation efficiency index:  |      |
| For students beginning as freshmen  | 95   |
| For transfer students   | 90   |
| (ii) Undergraduate student retention, defined as the percentage of all undergraduate students who return for the next year at the same institution, measured from fall to fall: |      |
| Research universities   | 95%  |
| Comprehensive universities and college  | 90%  |
| (iii) Graduation rates, defined as the percentage of an entering freshmen class at each institution that graduates within five years:   |      |
| Research universities   | 65%  |
| Comprehensive universities and college  | 55%  |

(iv) A measure of faculty productivity, with goals and targets in accord with the legislative intent to achieve measurable and specific improvements, to be determined by the higher education coordinating board, in consultation with the institutions receiving appropriations under sections 604 through 609 of this act.

(v) A measure of performance demonstrating specific and measurable improvements related to distance education and education provided primarily through technology. Academic year 1999-00 shall be the baseline year against which performance in academic year 2000-01 shall be measured.

(vi) An additional measure and goal to be selected by the higher education coordinating board for each institution, in consultation with each institution.

(b) The higher education coordinating board, in consultation with the institutions, shall determine the appropriate baseline for each strategy against which progress will be measured in the 1999-01 biennium. Beginning on November 1, 1999, each institution shall report to the higher

education coordinating board, by November 1 of each year, on its actual performance achievement for each measure for the preceding academic year.

(7)(a) The state board for community and technical colleges shall develop implementation plans for measurable and specific improvements in academic years 1999-00 and 2000-01 consistent with the performance management system developed by the work force training and education coordinating board and for the following long-term performance goals:

|  | Goal                 |
|--|----------------------|
| (i) Number of students prepared for employment<br>(close the skilled labor force training gap) | 25,000 students/year |
| (ii) Percent of students prepared for<br>transfer  | 50,000 students/year |
| (iii) Percent of basic skills students accomplishing<br>skills gains                           | 80 percent           |
| (iv) Share of students served by technology supported<br>instruction and student services      | 100 percent          |

(b) The state board for community and technical colleges shall determine the appropriate baseline for each strategy against which progress will be measured in the 1999-01 biennium. The state board for community and technical colleges shall set performance targets for closing the performance gap for each measure. Performance targets shall be set at levels that reflect meaningful and substantial progress towards the state-wide performance goals. Beginning on November 1, 1999, the board shall report, by November 1 of each year, on actual performance achievement for each measure for the preceding academic year.

(8) Institutions receiving appropriations under sections 603 through 609 of this act shall provide enrollment data for students engaged in distance learning to the office of financial management as part of the distance learning enrollment information project.

**NEW SECTION. Sec. 602.** The appropriations in sections 603 through 609 of this act provide state general fund support or employment and training trust account support for full-time equivalent student enrollments at each institution of higher education. Listed below are the annual full-time equivalent student enrollments by institutions assumed in this act.

|                          | 1999-2000 | 2000-2001 |
|--------------------------|-----------|-----------|
|                          | Annual    | Annual    |
|                          | Average   | Average   |
| University of Washington |           |           |
| Main campus              | 31,927    | 32,266    |
| Bothell branch           | 993       | 1,136     |
| Tacoma branch            | 1,143     | 1,316     |

|  |         |         |
|--|---------|---------|
| Washington State University                      |         |         |
| Main campus                                      | 17,272  | 17,649  |
| Spokane branch                                   | 472     | 601     |
| Tri-Cities branch                                | 754     | 754     |
| Vancouver branch                                 | 1,021   | 1,121   |
| Central Washington University                    | 7,670   | 7,867   |
| Eastern Washington University                    | 7,739   | 7,739   |
| The Evergreen State College                      | 3,638   | 3,713   |
| Western Washington University                    | 10,648  | 10,761  |
| State Board for Community and Technical Colleges | 120,529 | 123,332 |
| Higher Education Coordinating Board              | 50      | 550     |

**NEW SECTION. Sec. 603. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

|   |           |                    |
|---|-----------|--------------------|
| General Fund--State Appropriation (FY 2000)               | \$        | 455,664,000        |
| General Fund--State Appropriation (FY 2001)               | \$        | 487,987,000        |
| General Fund--Federal Appropriation                       | \$        | 11,404,000         |
| Employment and Training Trust Account—State Appropriation | \$        | 1,474,000          |
| <b>TOTAL APPROPRIATION</b>                                | <b>\$</b> | <b>956,529,000</b> |

The appropriations in this section are subject to the following conditions and limitations:

(1) The technical colleges may increase tuition and fees in excess of the fiscal growth factor to conform with the percentage increase in community college operating fees.

(2)(a) \$5,000,000 of the general fund--state appropriation for fiscal year 2000 and \$5,000,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to increase salaries and related benefits for part-time faculty. The state board for community and technical colleges shall allocate these funds to college districts based on the headcount of part-time faculty under contract for the 1998-99 academic year. To earn these funds, a college district must match the state funds with local revenue, the amounts for which shall be determined by the state board. State fund allocations that go unclaimed by a college district shall lapse. The board may provide salary increases to part-time faculty in a total amount not to exceed \$10,000,000 from tuition revenues. The board shall report to the office of financial management and legislative fiscal committees on the distribution of state funds, match requirements of each district, and the wage adjustments for part-time faculty by October 1 of each fiscal year.

(b) Each college district shall examine its current ratio of part-time to full-time faculty by discipline and report to the board a plan to reduce wage disparity and reliance on part-time faculty through salary improvements, conversion of positions to full-time status, and other remedies deemed

appropriate given labor market conditions and educational programs offered in each community. The board shall set long-term performance targets for each district with respect to use of part-time faculty and monitor progress annually. The board shall report to the fiscal and higher education committees of the legislature on implementation of this subsection by no later than December 1, 1999, with recommendations for the ensuing biennium provided no later than December 1, 2000.

(3) \$1,155,000 of the general fund--state appropriation for fiscal year 2000 and \$2,345,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for faculty salary increments and associated benefits and may be used in combination with salary and benefit savings from faculty turnover to provide faculty salary increments and associated benefits. To the extent general salary increase funding is used to pay faculty increments, the general salary increase shall be reduced by the same amount.

(4) \$950,000 of the general fund--state appropriation for fiscal year 2000 and \$950,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to lower the part-time faculty retirement eligibility threshold to fifty percent of the full-time workload.

(5) \$332,000 of the general fund--state appropriation for fiscal year 2000 and \$3,153,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for Cascadia Community College start-up and enrollment costs.

(6) \$1,441,000 of the general fund--state appropriation for fiscal year 2000 and \$1,441,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for 500 FTE enrollment slots to implement RCW 28B.50.259 (timber-dependent communities).

(7) \$27,361,000 of the general fund--state appropriation for fiscal year 2000, \$28,761,000 of the general fund--state appropriation for fiscal year 2001, and the entire employment and training trust account appropriation are provided solely as special funds for training and related support services, including financial aid, child care, and transportation, as specified in chapter 226, Laws of 1993 (employment and training for unemployed workers).

(a) Funding is provided to support up to 7,200 full-time equivalent students in each fiscal year.

(b) The state board for community and technical colleges shall submit a plan for allocation of the full-time equivalent students provided in this subsection to the workforce training and education coordinating board for review and approval.

(8) \$1,000,000 of the general fund--state appropriation for fiscal year 2000 and \$1,000,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for tuition support for students enrolled in work-based learning programs.

(9) \$567,000 of the general fund--state appropriation for fiscal year 2000 and \$568,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for administration and customized training contracts through the job skills program.

(10) \$750,000 of the general fund--state appropriation for fiscal year 2000 and \$750,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for grants to expand information technology and computer science programs. Successful grant applications from a college, partnerships of colleges, or partnerships of colleges and K-12 school districts must include a match of cash, in-kind, or donations equivalent to the grant amount. Grant applications shall receive priority that prepare students to meet industry standards, achieve industry skill certificates, or continue to upper division computer science or computer engineering studies. No college may receive more than \$300,000 from appropriations in this section. The state board for community and technical colleges shall report the implementation of this section to the governor and legislative fiscal committees by June 30, 2001, including plans of successful grant recipients for the continuation of programs funded by this section.

(11) \$1,000,000 of the general fund--state appropriation for fiscal year 2000 and \$1,000,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the Pierce College branch at Puyallup.

(12) \$50,000 of the general fund--state appropriation for fiscal year 2000 and \$50,000 of the general fund--state appropriation for fiscal year 2001 are solely for implementation of Substitute Senate Bill No. 5277 (higher education student child care matching grants). In no case shall funds provided in this subsection be used to construct or remodel facilities. If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(13) Funding in this section provides for the collection and reporting of Washington enrollment data, and related activities, for the distance learning information project described in section 129 of this act.

(14) \$1,600,000 of the general fund--state appropriation for fiscal year 2001 is provided solely as a performance and accountability incentive pool for the community and technical colleges. The board shall award incentive funds to community and technical colleges based upon specific and measurable improvements towards performance and accountability goals as set forth in section 601(7) of this act.

**NEW SECTION. Sec. 604. FOR UNIVERSITY OF WASHINGTON**

|   |           |                    |
|---|-----------|--------------------|
| General Fund--State Appropriation (FY 2000)       | \$        | 316,592,000        |
| General Fund--State Appropriation (FY 2001)       | \$        | 335,314,000        |
| Death Investigations Account--State Appropriation | \$        | 221,000            |
| Accident Account--State Appropriation             | \$        | 5,773,000          |
| Medical Aid Account--State Appropriation          | \$        | 5,815,000          |
| <b>TOTAL APPROPRIATION</b>                        | <b>\$</b> | <b>663,715,000</b> |

The appropriations in this section are subject to the following conditions and limitations:

(1) \$8,617,000 of the general fund--state appropriation for fiscal year 2000 and \$10,528,000 of the general fund--state appropriation for fiscal year 2001 are provided for upper division and graduate courses and other educational services offered at the Bothell branch campus.

(2) \$10,147,000 of the general fund--state appropriation for fiscal year 2000 and \$11,438,000 of the general fund--state appropriation for fiscal year 2001 are provided for upper division and graduate courses and other educational services offered at the Tacoma branch campus.

(3) \$2,312,000 of the general fund--state appropriation for fiscal year 2000 and \$2,312,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for competitively offered faculty recruitment and retention salary adjustments. Tuition revenues may be expended in addition to those required by this section to further provide recruitment and retention salary adjustments. The university shall provide a report in their 2001-03 biennial operating budget request submittal on the effective expenditure of funds for the purposes of this section.

(4) \$1,975,000 of the general fund--state appropriation for fiscal year 2000 and \$1,975,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to extend the next-generation internet hub and related expertise.

(5) \$200,000 of the death investigations account appropriation is provided solely for the forensic pathologist fellowship program.

(6) \$136,000 of the general fund--state appropriation for fiscal year 2000 and \$137,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the implementation of the Puget Sound work plan and agency action item UW-01.

(7) \$75,000 of the general fund--state appropriation for fiscal year 2000 and \$75,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the Olympic natural resource center.

(8) \$50,000 of the general fund--state appropriation for fiscal year 2000 and \$50,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the dental education in care of persons with disabilities program.

(9) \$904,000 of the accident account and medical aid account appropriations is provided solely for a bio-contaminant laboratory and consultation service in the department of environmental health.

(10) For the 1999-01 biennium, five percent of tuition and fee revenue collected from law students may be used when privately matched dollar-for-dollar to provide public interest law scholarships to enrolled students at the university.

(11) \$958,000 of the general fund--state appropriation for fiscal year 2000 and \$958,000 of the general fund--state appropriation for fiscal year 2001 are provided for the mathematics, engineering, science achievement (MESA) program.

(12) \$1,250,000 of the general fund--state appropriation for fiscal year 2000 and \$1,250,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for research faculty clusters in the advanced technology initiative program.

(13)(a) \$2,000,000 of the general fund appropriation for fiscal year 2000 and \$2,000,000 of the general fund appropriation for fiscal year 2001 shall be placed in reserve. These amounts are provided for the achievement of the university's performance strategies pursuant to section 601(6) of this act. The office of financial management shall approve the allotment of amounts under this subsection upon notification by the higher education coordinating board.

(b) \$1,000,000 of the general fund appropriation for fiscal year 2001 shall be placed in reserve. This amount is provided for allocation to the Washington distinguished professorship trust fund under RCW 28B.10.868 for the University of Washington. For each \$1,000,000 approved for allotment under (a) of this subsection, the office of financial management shall approve the allotment of \$250,000 of the amount in this subsection (b).

**NEW SECTION. Sec. 605. FOR WASHINGTON STATE UNIVERSITY**

|  |           |                    |
|--|-----------|--------------------|
| General Fund--State Appropriation (FY 2000)        | \$        | 183,551,000        |
| General Fund--State Appropriation (FY 2001)        | \$        | 197,515,000        |
| Air Pollution Control Account--State Appropriation | \$        | 198,000            |
| <b>TOTAL APPROPRIATION</b>                         | <b>\$</b> | <b>381,066,000</b> |

The appropriations in this section are subject to the following conditions and limitations:

(1) \$7,145,000 of the general fund--state appropriation for fiscal year 2000 and \$8,718,000 of the general fund--state appropriation for fiscal year 2001 are provided for upper division and graduate courses and other educational services offered at the Spokane branch campus.

(2) \$5,134,000 of the general fund--state appropriation for fiscal year 2000 and \$5,325,000 of the general fund--state appropriation for fiscal year 2001 are provided for upper division and graduate courses and other educational services offered at the Tri-Cities branch campus.

(3) \$8,537,000 of the general fund--state appropriation for fiscal year 2000 and \$10,164,000 of the general fund--state appropriation for fiscal year 2001 are provided for upper division and graduate courses and other educational services offered at the Vancouver branch campus.

(4) \$1,438,000 of the general fund--state appropriation for fiscal year 2000 and \$1,438,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for competitively offered faculty recruitment and retention salary adjustments. Tuition revenues may be expended in addition to those required by this section to further provide recruitment and retention salary adjustments. The university shall provide a report in their 2001-03 biennial operating budget request submittal on the effective expenditure of funds for the purposes of this section.

(5) \$565,000 of the general fund--state appropriation in fiscal year 2000 and \$340,000 of the general fund--state appropriation in fiscal year 2001 are provided for learning centers in Skagit, Walla Walla, and Grays Harbor counties.

(6) \$500,000 of the general fund--state appropriation for fiscal year 2000 and \$3,750,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the safe food initiative. Of these amounts, \$500,000 each fiscal year is provided solely for the commission on pesticide registration.



(7) \$44,000 of the general fund--state appropriation for fiscal year 2000 and \$44,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for research efforts to develop suitable and economical alternatives to field burning of grass seed harvest residue.

(8) \$165,000 of the general fund--state appropriation for fiscal year 2000 and \$166,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the implementation of the Puget Sound work plan and agency action item WSU-01.

(9) \$750,000 of the general fund--state appropriation for fiscal year 2000 and \$750,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for research faculty clusters in the advanced technology initiative program.

(10)(a) \$1,000,000 of the general fund appropriation for fiscal year 2000 and \$1,000,000 of the general fund appropriation for fiscal year 2001 shall be placed in reserve. These amounts are provided for the achievement of the university's performance strategies pursuant to section 601(6) of this act. The office of financial management shall approve the allotment of amounts under this subsection upon notification by the higher education coordinating board.

(b) \$500,000 of the general fund appropriation for fiscal year 2001 shall be placed in reserve. This amount is provided for allocation to the Washington distinguished professorship trust fund under RCW 28B.10.868 for Washington State University. For each \$1,000,000 approved for allotment under (a) of this subsection, the office of financial management shall approve the allotment of \$250,000 of the amount in this subsection (b).

**NEW SECTION. Sec. 606. FOR EASTERN WASHINGTON UNIVERSITY**

|   |    |            |
|---|----|------------|
| General Fund--State Appropriation (FY 2000) | \$ | 41,620,000 |
| General Fund--State Appropriation (FY 2001) | \$ | 43,470,000 |
| TOTAL APPROPRIATION                         | \$ | 85,090,000 |

The appropriations in this section are subject to the following conditions and limitations:

(1) \$375,000 of the general fund--state appropriation for fiscal year 2000 and \$375,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for competitively offered faculty recruitment and retention salary adjustments. Tuition revenues may be expended in addition to those required by this section to further provide recruitment and retention salary adjustments. The university shall provide a report in their 2001-03 biennial operating budget request submittal on the effective expenditure of funds for the purposes of this section.

(2)(a) \$250,000 of the general fund appropriation for fiscal year 2000 and \$250,000 of the general fund appropriation for fiscal year 2001 shall be placed in reserve. These amounts are provided for the achievement of the university's performance strategies pursuant to section 601(6) of this act. The office of financial management shall approve the allotment of amounts under this subsection upon notification by the higher education coordinating board.

(b) \$125,000 of the general fund appropriation for fiscal year 2001 shall be placed in reserve. This amount is provided for allocation to the Washington graduate fellowship trust fund under RCW 28B.10.881 for Eastern Washington University. For each \$100,000 approved for allotment under (a) of this subsection, the office of financial management shall approve the allotment of \$25,000 of the amount in this subsection (b).

**NEW SECTION. Sec. 607. FOR CENTRAL WASHINGTON UNIVERSITY**

|   |    |            |
|---|----|------------|
| General Fund--State Appropriation (FY 2000) | \$ | 41,898,000 |
| General Fund--State Appropriation (FY 2001) | \$ | 44,590,000 |
| TOTAL APPROPRIATION                         | \$ | 86,488,000 |

The appropriations in this section are subject to the following conditions and limitations:

(1) \$312,000 of the general fund--state appropriation for fiscal year 2000 and \$312,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for competitively offered faculty recruitment, retention, and equity salary adjustments. Tuition revenues may be expended in addition to those required by this section to further provide recruitment and retention salary adjustments. The university shall provide a report in their 2001-03 biennial operating budget request submittal on the effective expenditure of funds for the purposes of this section.

(2)(a) \$250,000 of the general fund appropriation for fiscal year 2000 and \$250,000 of the general fund appropriation for fiscal year 2001 shall be placed in reserve. These amounts are provided for the achievement of the university's performance strategies pursuant to section 601(6) of this act. The office of financial management shall approve the allotment of amounts under this subsection upon notification by the higher education coordinating board.

(b) \$125,000 of the general fund appropriation for fiscal year 2001 shall be placed in reserve. This amount is provided for allocation to the Washington graduate fellowship trust fund under RCW 28B.10.881 for Eastern Washington University. For each \$100,000 approved for allotment under (a) of this subsection, the office of financial management shall approve the allotment of \$25,000 of the amount in this subsection (b).

**NEW SECTION. Sec. 608. FOR THE EVERGREEN STATE COLLEGE**

|   |    |            |
|---|----|------------|
| General Fund--State Appropriation (FY 2000) | \$ | 22,359,000 |
| General Fund--State Appropriation (FY 2001) | \$ | 24,333,000 |
| TOTAL APPROPRIATION                         | \$ | 46,692,000 |

The appropriations in this section are subject to the following conditions and limitations:

(1) \$188,000 of the general fund--state appropriation for fiscal year 2000 and \$188,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for competitively offered faculty recruitment and retention salary adjustments. Tuition revenues may be expended in addition to those required by this section to further provide recruitment and retention salary adjustments. The college shall provide a report in their 2001-03 biennial operating budget request submittal on the effective expenditure of funds for the purposes of this section.

(2) \$101,000 of the general fund--state appropriation for fiscal year 2000 and \$102,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the institute for public policy to complete studies of services described in section 202(1) (a) and (b) of this act. If those subsections are not enacted, the amounts provided in this subsection shall lapse.

(3) \$40,000 of the general fund--state appropriation for fiscal year 2000 is provided solely for the institute for public policy to facilitate a work group pursuant to Second Substitute House Bill No. 1692 (child witness/victim interviews). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.

(4)(a) \$200,000 of the general fund appropriation for fiscal year 2000 and \$200,000 of the general fund appropriation for fiscal year 2001 shall be placed in reserve. These amounts are provided for the achievement of the college's performance strategies pursuant to section 601(6) of this act. The office of financial management shall approve the allotment of amounts under this subsection upon notification by the higher education coordinating board.

(b) \$100,000 of the general fund appropriation for fiscal year 2001 shall be placed in reserve. This amount is provided for allocation to the Washington graduate fellowship trust fund under RCW 28B.10.881 for The Evergreen State College. For each \$100,000 approved for allotment under (a) of this subsection, the office of financial management shall approve the allotment of \$25,000 of the amount in this subsection (b).

**NEW SECTION. Sec. 609. FOR WESTERN WASHINGTON UNIVERSITY**

|   |    |
|---|----|
| General Fund--State Appropriation (FY 2000) | \$ |
|---|----|

|   |    |             |
|---|----|-------------|
| General Fund--State Appropriation (FY 2001) | \$ | 53,293,000  |
|   |    | 56,397,000  |
| TOTAL APPROPRIATION                         | \$ | 109,690,000 |

The appropriations in this section are subject to the following conditions and limitations:

(1) \$375,000 of the general fund--state appropriation for fiscal year 2000 and \$375,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for competitively offered faculty recruitment and retention salary adjustments. Tuition revenues may be expended in addition to those required by this section to further provide recruitment and retention salary adjustments. The university shall provide a report in their 2001-03 biennial operating budget request submittal on the effective expenditure of funds for the purposes of this section.

(2)(a) \$250,000 of the general fund appropriation for fiscal year 2000 and \$250,000 of the general fund appropriation for fiscal year 2001 shall be placed in reserve. These amounts are provided for the achievement of the university's performance strategies pursuant to section 601(6) of this act. The office of financial management shall approve the allotment of amounts under this subsection upon notification by the higher education coordinating board.

(b) \$125,000 of the general fund appropriation for fiscal year 2001 shall be placed in reserve. This amount is provided for allocation to the Washington graduate fellowship trust fund under RCW 28B.10.881 for Western Washington University. For each \$100,000 approved for allotment under (a) of this subsection, the office of financial management shall approve the allotment of \$25,000 of the amount in this subsection (b).

**NEW SECTION. Sec. 610. FOR THE HIGHER EDUCATION COORDINATING BOARD--POLICY COORDINATION AND ADMINISTRATION**

|   |    |            |
|---|----|------------|
| General Fund--State Appropriation (FY 2000) | \$ | 4,458,000  |
| General Fund--State Appropriation (FY 2001) | \$ | 8,027,000  |
| General Fund--Federal Appropriation         | \$ | 653,000    |
| TOTAL APPROPRIATION                         | \$ | 13,138,000 |

The appropriations in this section are provided to carry out the accountability, performance measurement, policy coordination, planning, studies and administrative functions of the board and are subject to the following conditions and limitations:

(1) The board shall review, recommend changes if necessary, and approve plans defined in section 601(6) of this act for achieving measurable and specific improvements in academic years 1999-00 and 2000-01.

(2) \$280,000 of the general fund--state appropriation for fiscal year 2000 and \$280,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for enrollment to implement RCW 28B.80.570 through 28B.80.585 (rural natural resources impact areas). The number of students served shall be 50 full-time equivalent students per fiscal year. The board shall ensure that enrollments reported under this subsection meet the criteria outlined in RCW 28B.80.570 through 28B.80.585.

(3) \$100,000 of the general fund--state appropriation for fiscal year 2000 and \$4,650,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to contract for 500 full-time equivalent undergraduate students in high-demand fields and programs as evidenced by limited current access, despite graduates who are highly sought after by employers of this state. The board shall consult with the office of financial management and the legislative fiscal and higher education committees to design and implement a bidding process to solicit proposals from public institutions to deliver these student enrollments. Participating institutions shall cooperate with the board to collect the data necessary to report to the governor and the legislature on the impact of this subsection,

particularly the degree of improved access to high-demand fields and programs for students and successful job placements for graduates.

(4) \$1,000,000 of the general fund--state appropriation for fiscal year 2000 and \$1,000,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for competitive grants to public baccalaureate institutions to expand information technology programs. Successful grant applications to fund faculty, staff, or equipment for computer science, computer engineering, or related disciplines must include a match of nonstate cash or donations equivalent to the grant amount. No institution may receive more than \$1,000,000 from appropriations in this section. The board shall report on the implementation of this section to the governor and legislative fiscal committees by June 30, 2001, including plans of successful grant recipients for the continuation of programs funded by this section.

(5) \$600,000 of the general fund--state appropriation for fiscal year 2000 is provided solely for the higher education coordinating board fund for innovation and quality under RCW 28B.120.040. If Substitute House Bill No. 1013 is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.

(6) \$150,000 of the general fund--state appropriation for fiscal year 2000 and \$150,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to implement Second Substitute House Bill No. 1729 (teacher training pilot program). If Second Substitute House Bill No. 1729 is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(7) With funding provided in this section, the higher education coordinating board, in cooperation with the office of financial management and the state board for community and technical colleges, shall study the feasibility of collecting Washington enrollment data on distance learning programs sponsored by private institutions in Washington as well as by institutions outside the state of Washington, and it shall report findings to the legislature by January, 2000.

(8) \$432,000 of the general fund--state appropriation for fiscal year 2000 and \$68,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for a demonstration project to improve rural access to post-secondary education by bringing distance learning technologies into Jefferson county.

(9) The board shall develop criteria to assess institutions' performance and shall use those criteria in determining the allotment of performance and accountability funds. The board shall annually evaluate each institution's achievement of performance targets and, by November 15 of each year, the board shall notify the office of financial management to allot institutions' performance funds held in reserve, based upon each institution's performance.

(10) By December 2000, the board shall provide a performance and accountability report to the office of financial management and appropriate legislative committees including specific recommendations for additions, deletions, or revisions to the performance and accountability measures in section 601(3) of this act. The recommendations shall be developed in consultation with the institutions of higher education."

On page 159, after line 17, insert the following:

**"NEW SECTION. Sec. 732. ACROSS-THE-BOARD REDUCTIONS.** The director of the office of financial management shall direct state agencies to make across-the-board reductions to planned general fund--state expenditures for personal services contracts, travel, and equipment. Institutions of higher education and agencies with fewer than 50 full-time equivalent staff shall be exempt from these reductions. Total general fund--state savings shall not be less than \$2,600,000 in each fiscal year of the 1999-01 biennium."

Representative Huff spoke in favor of the adoption of the amendment.

Representative H. Sommers spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Radcliff moved the adoption of amendment (356):

On page 134, line 24, increase the general fund--state appropriation for fiscal year 2000 by \$500,000

On page 134, line 25, increase the general fund--state appropriation for fiscal year 2001 by \$500,000

On page 134, line 26, correct the total accordingly.

On page 134, line 28, after "limitations:" insert "(1)"

On page 134, after line 36, insert the following:

"(2) \$587,000 of the general fund--state appropriation for fiscal year 2000 and \$820,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the North Snohomish, Skagit, and Island counties consortium."

On page 136, line 35, reduce the general fund--state appropriation for fiscal year 2000 by \$500,000

On page 136, line 36, reduce the general fund--state appropriation for fiscal year 2001 by \$500,000

On page 137, line 2, correct the total accordingly

On page 137, line 13, strike "\$1,000,000" and insert "\$500,000"

On page 137, line 14, strike "\$1,000,000" and insert "\$500,000"

Representative(s) Radcliff and Koster spoke in favor of the adoption of the amendment.

Representative Keiser spoke against the adoption of the amendment.

Representative Schoesler demanded an electronic roll call vote and the demand was sustained.

Speaker Chopp stated the question before the House to be adoption of amendment 356 to Engrossed Substitute Senate Bill No. 5180.

#### ROLL CALL

The Clerk called the roll on the adoption of amendment 356 to Engrossed Substitute Senate Bill No. 5180, and the amendment was not adopted by the following vote: Yeas - 44, Nays - 53, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Carrell, B. Chandler, G. Chandler, Clements, Crouse, DeBolt, Delvin, Dunn, Esser, Fortunato, Hankins, Huff, Koster, Lambert, Lisk, Mastin, McDonald, McMorris, Mielke, Mitchell, Mulliken, Parlette, Pennington, Pflug, Radcliff, Schindler, D. Schmidt, K. Schmidt, Schoesler, Skinner, D. Sommers, Sump, Talcott, Thomas, Van Luven and Wensman - 44.

Voting nay: Representatives Anderson, Campbell, Carlson, Cody, Constantine, Conway, Cooper, Cox, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Fisher, Gombosky, Grant, Haigh, Hatfield, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Lantz, Linville, Lovick, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Poulsen, Quall, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Scott, H. Sommers, Stensen, Sullivan, Tokuda, Voloria, Wolfe, Wood and Mr. Speaker Chopp - 53.

Excused: Representative Mr. Speaker Ballard - 1.

There being no objection, amendment 357 was withdrawn.

Representative Lambert moved the adoption of amendment (358):

On page 146, line 13, after "limitations:" insert "(1)"

On page 146, after line 15, insert the following:

"(2) Amounts provided in this section shall be expended only for natural disaster relief, unanticipated urgent funding needs, and other emergency relief. Amounts provided in this section may not be expended for ongoing agency expenses.

(3) The governor shall inform the legislative fiscal committees prior to each expenditure of amounts provided in this section."

Representative Lambert spoke in favor of the adoption of the amendment.

Representative H. Sommers spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Hankins moved the adoption of amendment (359):

On page 161, after line 20, insert the following:

"General Fund: For transfer to the Common School Construction Fund in fiscal year 2000  
\$12,700,000

"General Fund: For transfer to the Common School Construction Fund in fiscal year 2001  
\$12,700,000"

Representative(s) Hankins, Alexander, Hankins (again) and Huff spoke in favor of the adoption of the amendment.

Representative Dunshee spoke against the adoption of the amendment.

Representative Schoesler demanded an electronic roll call vote and the demand was sustained.

Speaker Chopp stated the question before the House to be adoption of amendment 359 to Engrossed Substitute Senate Bill No. 5180.

#### ROLL CALL

The Clerk called the roll on the adoption of amendment 359 to Engrossed Substitute Senate Bill No. 5180, and the amendment was not adopted by the following vote: Yeas - 47, Nays - 50, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, B. Chandler, G. Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Fortunato, Hankins, Huff, Koster, Lambert, Lisk, Mastin, McDonald, McMorris, Mielke, Mitchell, Mulliken, Parlette, Pennington, Pflug, Radcliff, Schindler, D. Schmidt, K. Schmidt, Schoesler, Skinner, D. Sommers, Sump, Talcott, Thomas, Van Luven and Wensman - 47.

Voting nay: Representatives Anderson, Carlson, Cody, Constantine, Conway, Cooper, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Fisher, Gombosky, Grant, Haigh, Hatfield, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Lantz, Linville, Lovick, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Poulsen, Quall, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Scott, H. Sommers, Stensen, Sullivan, Tokuda, Voloria, Wolfe, Wood and Mr. Speaker Chopp - 50.

Excused: Representative Mr. Speaker Ballard - 1.

Representative Carrell moved the adoption of amendment (326):

On page 176, beginning on line 20, strike all of section 920.

Renumber remaining sections consecutively and correct title and internal references accordingly.

Representative(s) Carrell and Carrell (again) spoke in favor of the adoption of the amendment.

Representative O'Brien spoke against the adoption of the amendment.

Division was demanded. Speaker Chopp divided the House. The results of the division was 46-YEAS; 51-NAYS. The amendment was not adopted.

There being no objection, amendments 313 and 249 were withdrawn.

Representative H. Sommers moved the adoption of amendment (364):

On page 3, line 29, strike "1,539,000" and insert "1,604,000"

On page 3, line 30, strike "1,596,000" and insert "1,661,000"

On page 3, line 31, strike "3,135,000" and insert "3,265,000"

On page 3, line 33, strike "\$150,000" and insert "\$280,000"

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

"The appropriations in this section are subject to the following conditions and limitations:

(1) Audits of school districts by the division of municipal corporations shall include findings regarding the accuracy of: (a) Student enrollment data; and (b) the experience and education of the district's certified instructional staff, as reported to the superintendent of public instruction for allocation of state funding.

(2) \$420,000 of the general fund appropriation for fiscal year 2000 and \$420,000 of the general fund appropriation for fiscal year 2001 are provided solely for staff and related costs to audit special education programs that exhibit unusual rates of growth, extraordinarily high costs, or other characteristics requiring attention of the state safety net committee, and other school districts for baseline purposes and to determine if there are common errors. The auditor shall consult with the superintendent of public instruction regarding training and other staffing assistance needed to provide expertise to the audit staff.

(3) \$490,000 of the general fund fiscal year 2000 appropriation and \$490,000 of the general fund fiscal year 2001 appropriation are provided solely for staff and related costs to: Verify the accuracy of reported school district data submitted for state funding purposes or program audits of state funded public school programs; and establish the specific amount of funds to be recovered whenever the amount is not firmly established in the course of any public school audits conducted by the state auditor's office. The results of the audits shall be submitted to the superintendent of public instruction for corrections of data and adjustments of funds.

On page 34, beginning on line 29, strike all of subsection (10)

Renumber remaining subsections consecutively and correct any internal references.

On page 35, strike all material on lines 1 and 2 and insert "or sections 1 through 7 of Senate Bill No. 5127 (child abuse investigations). If neither of these bills is enacted by June 30, 1999, the amounts provided in this subsection shall lapse."

On page 35, line 6, strike "32,800,000" and insert "32,816,000"

On page 35, line 7, strike "34,078,000" and insert "34,094,000"

On page 35, line 14, strike "101,791,000" and insert "101,823,000"

On page 37, after line 13, insert the following:

"(k) \$16,000 of the general fund--state appropriation for fiscal year 2000 and \$16,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the implementation of Substitute Senate Bill No. 5214 (firearms on school property). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse. The amounts provided in this subsection are intended to provide funding for county impacts associated with the implementation of Substitute Senate Bill No. 5214 and shall be distributed to counties as prescribed in the current consolidated juvenile services (CJS) formula."

On page 40, line 9, strike "166,224,000" and insert "166,271,000"

On page 40, line 10, strike "174,494,000" and insert "174,541,000"

On page 40, line 13, strike "649,092,000" and insert "649,186,000"

On page 41, after line 26, insert the following:

(g) \$47,000 of the general fund--state appropriation for fiscal year 2000 and \$47,000 of the general fund--state appropriation for fiscal year 2001 are provided for implementation of Substitute Senate Bill No. 5214 (firearms on school premises). If the bill is not enacted by June 30, 1999, the amounts provided shall lapse."

On page 47, line 10, strike "2000" and insert "2001"

On page 47, beginning on line 15, strike all of subsection (4)

Renumber remaining subsections consecutively and correct any internal references.

On page 51, line 17, after "for" strike all material through "lapse." on line 20 and insert "activities related to chemical dependency services under subsection 202(1) of this act. If that subsection is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse."

On page 52, line 34, after "(b)" strike everything through "program" on line 38, and insert "a net profitability factor shall be included with other factors to determine LI-DSH payments. The net profitability factor shall inversely relate hospital percent net operating income to payment under the program."

On page 53, line 37, after "(13)" strike everything through "year." on page 54, line 2, and insert: "Except in the case of rural hospitals and Harborview medical center, weighted average payments under the ratio-of-cost-to-charges hospital payment system shall increase by no more than 175 percent of the DRI HCFA hospital reimbursement market basket index."

On page 57, line 36, after "1692" strike all material through "lapse." on line 38 and insert "or sections 1 through 7 of Senate Bill No. 5127 (child abuse investigations). If neither of these bills is enacted by June 30, 1999, the amount provided in this subsection shall lapse."

On page 61, line 8, strike "550,151,000" and insert "550,139,000"

On page 61, line 29, strike "reclamation" and insert "conservation"

On page 61, line 29, after "reuse." strike all material through "this" on line 33 and insert: "\$339,000 of the general fund--federal"



Renumber remaining sections consecutively and correct any internal references.

On page 66, line 21, strike "54,227,000" and insert "54,371,000"

On page 66, line 23, strike "115,548,000" and insert "115,692,000"

On page 67, line 5, strike "\$75,000" and insert "\$219,000"

On page 71, line 25, after "provided" strike all material through "lapse." on line 28 and insert "to employ residents of the state between eighteen and twenty-five years of age in activities to enhance Washington's natural, historic, environmental, and recreational resources."

On page 72, line 34, after "solely" insert "to implement Substitute Senate Bill No. 5670 (noxious weed herbicide)"

On page 72, line 37, after "DOE-2." insert "If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse."

On page 75, line 16, after "provided" strike all material through "lapse." on line 18 and insert "to employ residents of the state between eighteen and twenty-five years of age in activities to enhance Washington's natural, historic, environmental, and recreational resources."

On page 77, line 20, strike "4,432,000" and insert "6,432,000"

On page 78, strike all material on lines 5 through 8

On page 78, line 9, strike "271,161,000" and insert "272,931,000"

On page 79, line 22, after "provided" strike all material through "lapse." on line 24 and insert "to employ residents of the state between eighteen and twenty-five years of age in activities to enhance Washington's natural, historic, environmental, and recreational resources."

On page 80, line 14, after "steelhead." insert "Within these funds, the department shall provide support to the department of health to enforce state shellfish harvest laws."

On page 80, line 24, after "hatchery" insert "to implement House Bill No. 1716 (warm water fish culture). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse"

On page 81, after line 34, insert the following:

"(23) \$50,000 of the general fund--state appropriation for fiscal year 2000 and \$50,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to implement Senate Bill No. 5508 (crab fishery catch records). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(24) \$2,000,000 of the aquatic lands enhancement account appropriation is provided for cooperative volunteer projects."

On page 82, line 38, after "provided" strike all material through "lapse." on page 83, line 2, and insert "to employ residents of the state between eighteen and twenty-five years of age in activities to enhance Washington's natural, historic, environmental, and recreational resources."

On page 85, after line 18, insert the following:

"Washington Real Estate Research Account Appropriation . . . . . \$ 368,000

On page 85, line 19, strike "33,323,000" and insert "33,691,000"

On page 85, line 21, after "limitations:" insert "(1)"

On page 85, after line 27, insert:

"(2) \$368,000 of the Washington real estate research account appropriation is provided solely for the implementation of Engrossed Senate Bill No. 5720 (real estate research). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse."

On page 87, line 7, after "under" strike everything through "sections are" on line 8 and insert "subsection 202(1) of this act. If that subsection is"

On page 130, line 26, after "offered" strike "faculty"

On page 130, line 27, after "adjustments" insert "for instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015"

On page 131, line 36, strike "\$7,145,000" and insert "\$6,702,000"

On page 131, line 37, strike "\$8,718,000" and insert "\$7,980,000"

On page 132, line 13, after "offered" strike "faculty"

On page 132, line 14, after "adjustments" insert "for instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015"

On page 133, line 11, after "offered" strike "faculty"

On page 133, line 12, after "adjustments" insert "for instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015"

On page 133, line 25, after "offered" strike "faculty"

On page 133, line 26, after "adjustments" insert "for instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015"

On page 134, line 5, after "offered" strike "faculty"

On page 134, line 6, after "adjustments" insert "for instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015"

On page 134, line 15, after "described in" strike everything through "subsections are" on line 16 and insert "subsection 202(1) of this act. If that subsection is"

On page 134, line 21, after "1692" strike all material through "lapse." on line 22 and insert "or sections 1 through 7 of Senate Bill No. 5127 (child abuse investigations). If neither of these bills are enacted by June 30, 1999, the amount provided in this subsection shall lapse."

On page 134, line 31, after "offered" strike "faculty"

On page 134, line 32, after "adjustments" insert "for instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015"

On page 144, line 6, strike "614,672,000" and insert "604,672,000"

On page 144, line 7, strike "445,689,000" and insert "455,689,000"

On page 147, line 19, strike "2,475,000" and insert "475,000"

On page 147, line 21, strike "24,538,000" and insert "22,538,000"

On page 151, line 4, after "2001," insert "solely"

On page 151, line 17, after "(g)" strike all material through "section." on line 22 and insert: "The health care authority shall use funds accruing to the public employees' and retirees' insurance account in fiscal year 1999 from payments made by the standard insurance company to the state of Washington related to the state's basic long-term disability plan, for insurance costs in the 1999-2001 biennium."

On page 152, line 1, strike "\$21.54" and insert "\$22.03"

On page 152, line 2, strike "\$24.15" and insert "\$25.06"

On page 152, line 6, strike "\$21.54" and insert "\$22.03"

On page 152, line 7, strike "\$24.15" and insert "\$25.06"

On page 161, line 22, strike "105,245,700" and insert "83,423,000"

On page 351, after line 18, insert the following:

"(3) If this section is enacted after the state treasurer transmits the April 1999 distribution data to the banks, then the state treasurer shall adjust the amount distributed based on subsection (2) of this section by June 30, 1999."

Representative(s) H. Sommers and Huff spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives H. Sommers, Gombosky, Keiser, Doumit, Morris, Kastama spoke in favor of passage of the bill.

Representatives Huff, Buck, Pennington, DeBolt, G. Chandler, McDonald, Fortunato, Mulliken, Koster, Clements and Radcliff spoke against passage of the bill.

Representative Radcliff demanded the previous question and the demand was sustained.

Speaker Chopp stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5180, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5180, as amended by the House, and the bill passed the House by the following vote: Yeas - 53, Nays - 44, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Campbell, Carlson, Cody, Constantine, Conway, Cooper, Delvin, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Fisher, Gombosky, Grant, Haigh, Hankins, Hatfield, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Lantz, Linville, Lovick, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Poulsen, Quall, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Scott, H. Sommers, Stensen, Sullivan, Tokuda, Voloria, Wolfe, Wood and Mr. Speaker Chopp - 53.

Voting nay: Representatives Alexander, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Carrell, B. Chandler, G. Chandler, Clements, Cox, Crouse, DeBolt, Dunn, Ericksen, Esser, Fortunato, Huff, Koster, Lambert, Lisk, Mastin, McDonald, McMorris, Mielke, Mitchell, Mulliken, Parlette, Pennington, Pflug, Radcliff, Schindler, D. Schmidt, K. Schmidt, Schoesler, Skinner, D. Sommers, Sump, Talcott, Thomas, Van Luven and Wensman - 44.

Excused: Representative Mr. Speaker Ballard - 1.

Engrossed Substitute Senate Bill No. 5180, as amended by the House, having received the constitutional majority, was declared passed.

#### STATEMENT FOR THE JOURNAL

I inadvertently pressed the wrong button on the voting machine. My intent was to vote NAY on Engrossed Substitute Senate Bill No. 5180.

JEROME DELVIN, 8<sup>th</sup> District

There being no objection, Engrossed Senate Bill No. 5180 was immediately transmitted to the Senate.

#### RESOLUTIONS

##### HOUSE RESOLUTION NO. 99-4700, by Representatives Mastin and Grant

WHEREAS, It is the policy of the Legislature to honor excellence in every field of endeavor;  
and

WHEREAS, Participation in sports helps students gain stronger leadership abilities and become more productive members of their school and community; and

WHEREAS, Team members' commitment to their sports and pride in their school sets a good example for their peers; and

WHEREAS, The DeSales School baseball team had an outstanding year this past baseball season; and

WHEREAS, Head Coach Kim Cox, and Coaches Tim Duncan, Joe Gonzales, Pat Graham, and Rob Holtzinger led the team to many victories; and

WHEREAS, The DeSales School baseball team consists of players: Allen Stanley, Josh Wolfram, Eric Dutton, Brian Fortin, Ryan Deccio, Ryan Driver, JC Biagi, Marshall Donnelly, Chris Spiess, Kris Wolfram, Joe Levens, Mat Heinzman, Colin Baffney, Brian Lindgren, Pat Barry, Michael Wolford, and Ty Baffney;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives honor and congratulate the DeSales School baseball team, and the teachers, classmates, and parents of the team members, who played an important part in helping these student athletes excel; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to head coach Kim Cox and each member of the DeSales School baseball team.

House Resolution No. 99-4700 was adopted.

HOUSE RESOLUTION NO. 99-4701, by Representatives Mastin and Grant

WHEREAS, It is the policy of the Legislature to honor excellence in every field of endeavor; and

WHEREAS, The DeSales School Football Team had an outstanding team during the 1998-99 school year; and

WHEREAS, Head Coach Pat Graham, and coaches Kim Cox, Mike Mele, Tom Richard, and Brian Hamada led the team to many victories; and

WHEREAS, Senior Brian Lindgren was named: The Washington State B-11 Player of the Year, the National Football Foundation Inland Northwest Scholar Athlete of the Year, and the All State and All Conference Quarterback; Senior Ty Baffney was named the All State and All Conference Wide Receiver; Senior Keith Michels was named All Conference Offensive Lineman; Senior Brian Fortin was named All Conference Running Back; Senior Pat Barry was named All Conference Line Backer; Senior Eric Dutton was named All Conference Defensive Back; Junior Matt Harri was named All Conference Offensive Lineman; Sophomore Marshall Donnelly was named All Conference Wide Receiver; and Mike Pankaskie was named All Conference Defensive Lineman; and

WHEREAS, The DeSales School Football Team consists of: Brian Lindgren, Ty Baffney, Keith Michel, Brian Fortin, Pat Barry, Eric Dutton, Michael Wolford, Luke Ferraro, Ryan Driver, Peter Rusch, JC Biagi, Matt Harri, Casey Richard, Carlos Cruz, Christian Schmidt, Jeff Murray, Nick Wiese, Marshall Donnelly, Mike Pankaskie, Chris Spiess, Pat Chase, Ned Cox, Nick Whitaker, Nathan Schacht, Kellin Nielson, Nick Elia, Brian Hall, Tim Lynch, Dean Delevan, Juan Betancourt, Eric Johnson, Travis Fouts, Jose Lopez, Derek Moramarco, Matt Stacey, and Connor Barry; and

WHEREAS, Team members' commitment to their sport and pride in their school set a good example for their peers;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives honor and congratulate the DeSales School Football Team; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to Head Coach Pat Graham and each member of the DeSales School Football Team.

House Resolution No. 99-4701 was adopted.

HOUSE RESOLUTION NO. 99-4702, by Representatives Mastin and Grant

WHEREAS, It is the policy of the Legislature to honor excellence in every field of endeavor; and

WHEREAS, Participation in sports helps students gain strong leadership abilities and become more productive members of their school and community; and

WHEREAS, Team members' commitment to their sport and pride in their school sets a good example for their peers; and

WHEREAS, The Walla Walla High School Boys' Basketball Team recently won the 1999 4A State Championship in Tacoma on March 13, 1999. The team erased a forty-seven year hiatus to bring the championship back to Walla Walla. The team went undefeated in league play before posting an impressive 9-2 postseason record, including a double digit championship victory over favored Ferris High School of Spokane; and

WHEREAS, Head Coach Jim Thacker was named the Seattle Post Intelligencer's Coach of the Year, and Senior guard Kyle Bankhead, Championship Tournament MVP, and Senior Forward Jon DeWolfe were named to the 4A First Team All State Squad; and

WHEREAS, The Walla Walla High School Boys' Basketball Team consists of: Kyle Bankhead, Jon DeWolfe, Matt Hamlin, Andy Thompson, Pat Kjack, Jeremy Harper, Joe Wilkins, Jeff Bennett, Bryan Erlebach, Thomas Kelati, Shawn Reese, and Pat McConn; and

WHEREAS, Head Coach Jim Thacker, Assistant Coach Earl Streufert, and Assistant Coach John Golden are congratulated for their outstanding coaching this past season;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives honor and congratulate the Walla Walla High School Boys' Basketball Team for their hard work, dedication, and sacrifice in achieving this significant accomplishment; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to Head Coach Jim Thacker and each member of the Walla Walla High School Boys' Basketball Team.

House Resolution No. 99-4702 was adopted.

HOUSE RESOLUTION NO. 99-4703, by Representatives Mastin and Grant

WHEREAS, It is the policy of the Washington State Legislature to recognize excellence in all fields of endeavor; and

WHEREAS, The Touchet High School Indians Football Team exhibited the highest level of excellence in winning the 1998 Washington State High School Football "B-8" Championship, with a final championship game score of 71 to 48 over Clallam Bay High School; and

WHEREAS, The Touchet High School Indians Football Team has an outstanding record with the 1998 "B-8" Championship being their second state championship in "B-8" league play action in the last five years, and their third state championship in "B-8" league play action overall; and

WHEREAS, The Touchet High School Indians Football Team demonstrated amazing skill and admirable sportsmanship in achieving these outstanding accomplishments; and

WHEREAS, Head Coach Wayne Dickey and Assistant Coaches Gary Dorman, LeLand Weber, and Donny Weaver, and all the players share in the Touchet High School Football Team's success by combining outstanding coaching with outstanding playing; and

WHEREAS, The Touchet High School Indians Football Team includes: Nathan Carlisle; Jeremiah Schuetze, Honor Student; John Leusink, Honor Student; Darren Riggle; Nick Jaggar; Jose Godinez; Timothy Dickey, Honor Student, letters in three sports; Sam Putman, Honor Student; Jesus Solis, state B-8 field goal record, first with 37 yards and then again with 42 yards, 1st Team All Conference, All Star Kicker; Nick Tucker; Alfredo Lomeli, state B-8 Player of the Year, 1st Team All Conference Defense and Offense, All State Defense and Offense, four years letters in three sports; Andrew Gerla, ASB President, 2nd Team All Conference, letters in three sports, Honor Student; Guy Matteson, 2nd Team All Conference, All State Defense; Adam Sumpter, 1st Team All Conference Offense and Defense, All State Quarterback; William Fowler; Tyler Bronkhorst, 1st Team All Conference, All State Defense and Offense; George Martinez; Brandon Ingham, Honor Student; Chris Plucker, 4.0 GPA, Honor Student; John Davis; Tim Wagoner, 2nd Team All Conference, United States Scholar Athlete Games participant, letters in three sports, Honor Student; Scott Hanson, Honor Student; Todd Slater, 4.0 GPA, United States Scholar Athlete Games participant, National Honor Society President; John Walker; Tim Henrichs; and Toby Slater; and

WHEREAS, All these extraordinary accomplishments could not have been achieved without the support and encouragement of all the students, cheerleaders, band members, faculty, staff, alumni, families, friends, community members, and fans who backed them all the way; and

WHEREAS, The inspiring individual and team achievements of the 1998 Touchet High School Indians Football Team will always be remembered when commemorating their winning year; and

WHEREAS, The victorious Touchet High School Indians Football Team is a source of great pride to all the citizens of the state of Washington;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington honor the 1998 Touchet High School Indians Football Team; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to the 1998 Touchet High School Indians Football Team Head Coach, Wayne Dickey, Touchet High School Principal, Mark Heid, and School District Superintendent, Samuel Gerla.

House Resolution No. 99-4703 was adopted.

#### MESSAGES FROM THE SENATE

April 25, 1999

Mr. Speaker:

The President has signed:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1006,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1143,

SECOND SUBSTITUTE HOUSE BILL NO. 1176,

HOUSE BILL NO. 1233,

HOUSE BILL NO. 1544,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1562,

SUBSTITUTE HOUSE BILL NO. 1663,

SUBSTITUTE HOUSE BILL NO. 1673,

ENGROSSED HOUSE BILL NO. 2015,

and the same are herewith transmitted.

Tony M. Cook, Secretary

April 24, 1999

Mr. Speaker:

The Senate has passed SENATE BILL NO. 5374 without the House amendment(s) #166 to page 3, line 21, inserting sections 9 through 13. The Senate concurred in the remainder of the House amendment(s) and passed the bill as amended by the House, and the same is herewith transmitted.

Tony M. Cook, Secretary

April 25, 1999

Mr. Speaker:

The President has signed:

and the same is herewith transmitted.

SENATE BILL NO. 5374,

Tony M. Cook, Secretary

April 24, 1999

Mr. Speaker:

The Senate receded from the Commerce, Trade, Housing and Financial Institutions Committee amendment(s) to HOUSE BILL NO. 1192, adopted as amended on 4/16/99, and passed the bill without said amendment(s), and the same is herewith transmitted.

Tony M. Cook, Secretary

April 24, 1999

Mr. Speaker:

The Senate has passed:

and the same are herewith transmitted.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6067,

Tony M. Cook, Secretary

April 25, 1999

Mr. Speaker:

The President has signed:

and the same is herewith transmitted.

SUBSTITUTE SENATE BILL NO. 5277,

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5825,

Tony M. Cook, Secretary

April 25, 1999

Mr. Speaker:

The Senate receded from its amendment(s) to HOUSE BILL NO. 1810 and passed the bill without said amendment(s), and the same is herewith transmitted.

Tony M. Cook, Secretary

April 25, 1999

Mr. Speaker:



The Senate receded from its amendment(s) to HOUSE BILL NO. 1539 and passed the bill without said amendment(s), and the same is herewith transmitted.

Tony M. Cook, Secretary

April 25, 1999

Mr. Speaker:

The Senate receded from its amendment(s) to HOUSE BILL NO. 1378 and passed the bill without said amendment(s), and the same is herewith transmitted.

Tony M. Cook, Secretary

April 25, 1999

Mr. Speaker:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 1250,  
HOUSE CONCURRENT RESOLUTION NO. 4412,

and the same is herewith transmitted.

Tony M. Cook, Secretary

April 25, 1999

Mr. Speaker:

The Senate has concurred in the House amendment(s) and has passed the following bills as amended by the House:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5180,

and the same is herewith transmitted.

Tony M. Cook, Secretary

April 25, 1999

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 5693,

and the same is herewith transmitted.

Tony M. Cook, Secretary

**SIGNED BY THE SPEAKERS**

The Speakers have signed:

ENGROSSED HOUSE BILL NO. 1007,  
HOUSE BILL NO. 1192,  
HOUSE BILL NO. 1378,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1484,  
SUBSTITUTE HOUSE BILL NO. 1747,  
HOUSE BILL NO. 2259,

**SENATE AMENDMENTS TO HOUSE BILL**

April 24, 1999

Mr. Speaker:

The Senate receded from Amendment #384 to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1493 adopted 4/14/99. Under suspension of rules, the Senate returned the bill to Second Reading for purpose of amendment(s). The Senate adopted Amendment #491 and passed the bill as amended,

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that homelessness for families with children is a serious, widespread problem that has a devastating effect on children, including significant adverse effects upon their growth and development. Planning for and serving the shelter and housing needs of homeless families with children has been and continues to be a responsibility of the department of community, trade, and economic development. The legislature further finds that the department of social and health services also plays an important role in addressing the service needs of homeless families with children. In order to adequately and effectively address the complex issues confronting homeless families with children, planning for, implementing, and evaluating such services must be a collaborative effort between the department of community, trade, and economic development and the department of social and health services, other local, state, and federal agencies, and community organizations. It is the intent of the legislature that the department of community, trade, and economic development and the department of social and health services jointly present the plan to the appropriate committees of the legislature as required in section 3 of this act. It is the intent of the legislature that children should not be placed or retained in the foster care system if family homelessness is the primary reason for placement or the continuation of their placement. It is the further intent of the legislature that services to homeless families with children shall be provided within funds appropriated for that specific purpose by the legislature in the operating and capital budgets. Nothing in this act is intended to prevent the court's review of the plan developed by the department of social and health services and the department of community, trade, and economic development under *Washington State Coalition for the Homeless v. Department of Social and Health Services*, King County Superior Court No. 91-2-15889-4. However, it is the intent of the legislature that the court's review in that proceeding be confined solely to review of the plan submitted under the order of February 4, 1998. Nothing in sections 1 through 10 of this act is intended to grant the court in this proceeding continuing review over the department of social and health services after the effective date of this act.

NEW SECTION. **Sec. 2.** A new section is added to chapter 43.20A RCW to read as follows:  
(1) The department shall collaborate with the department of community, trade, and economic development in the development of the coordinated and comprehensive plan for homeless families with

children required under RCW 43.63A.650, which designates the department of community, trade, and economic development as the state agency with primary responsibility for providing shelter and housing services to homeless families with children. In fulfilling its responsibilities to collaborate with the department of community, trade, and economic development pursuant to RCW 43.63A.650, the department shall develop, administer, supervise, and monitor its portion of the plan. The department's portion of the plan shall contain at least the following elements:

- (a) Coordination or linkage of services with shelter and housing;
  - (b) Accommodation and addressing the needs of homeless families in the design and administration of department programs;
  - (c) Participation of the department's local offices in the identification, assistance, and referral of homeless families; and
  - (d) Ongoing monitoring of the efficiency and effectiveness of the plan's design and implementation.
- (2) The department shall include community organizations involved in the delivery of services to homeless families with children, and experts in the development and ongoing evaluation of the plan.
- (3) The duties under this section shall be implemented within amounts appropriated for that specific purpose by the legislature in the operating and capital budgets.

**Sec. 3.** RCW 43.63A.650 and 1993 c 478 s 13 are each amended to read as follows:

(1) The department shall be the principal state department responsible for coordinating federal and state resources and activities in housing, except for programs administered by the Washington state housing finance commission under chapter 43.180 RCW, and for evaluating the operations and accomplishments of other state departments and agencies as they affect housing.

(2) The department shall work with local governments, tribal organizations, local housing authorities, nonprofit community or neighborhood-based organizations, and regional or state-wide nonprofit housing assistance organizations, for the purpose of coordinating federal and state resources with local resources for housing.

(3) The department shall be the principal state department responsible for providing shelter and housing services to homeless families with children. The department shall have the principal responsibility to coordinate, plan, and oversee the state's activities for developing a coordinated and comprehensive plan to serve homeless families with children. The plan shall be developed collaboratively with the department of social and health services. The department shall include community organizations involved in the delivery of services to homeless families with children, and experts in the development and ongoing evaluation of the plan. The department shall follow professionally recognized standards and procedures. The plan shall be implemented within amounts appropriated by the legislature for that specific purpose in the operating and capital budgets. The department shall submit the plan to the appropriate committees of the senate and house of representatives no later than September 1, 1999, and shall update the plan and submit it to the appropriate committees of the legislature by January 1st of every odd-numbered year through 2007. The plan shall address at least the following: (a) The need for prevention assistance; (b) the need for emergency shelter; (c) the need for transitional assistance to aid families into permanent housing; (d) the need for linking services with shelter or housing; and (e) the need for ongoing monitoring of the efficiency and effectiveness of the plan's design and implementation.

**NEW SECTION. Sec. 4.** A new section is added to chapter 43.63A RCW to read as follows:

(1) In order to improve services for the homeless, the department, within amounts appropriated by the legislature for this specific purpose, shall implement a system for the ongoing collection and analysis of data about the extent and nature of homelessness in Washington state, giving emphasis to information about extent and nature of homelessness in Washington state families with children. The system may be merged with other data gathering and reporting systems and shall:

- (a) Protect the right of privacy of individuals;
- (b) Provide for consultation and collaboration with state agencies including the department of social and health services, experts, and community organizations involved in the delivery of services to homeless persons; and

(c) Include related information held or gathered by other state agencies.

(2) Within amounts appropriated by the legislature, for this specific purpose, the department shall evaluate the information gathered and disseminate the analysis and the evaluation broadly, using appropriate computer networks as well as written reports.

**NEW SECTION. Sec. 5.** A new section is added to chapter 43.63A RCW to read as follows:  
The department shall, by rule, establish program standards, eligibility standards, eligibility criteria, and administrative rules for emergency housing programs and specify other benefits that may arise in consultation with providers.

**Sec. 6.** RCW 13.34.030 and 1998 c 130 s 1 are each amended to read as follows:

For purposes of this chapter:

(1) "Child" and "juvenile" means any individual under the age of eighteen years.

(2) "Current placement episode" means the period of time that begins with the most recent date that the child was removed from the home of the parent, guardian, or legal custodian for purposes of placement in out-of-home care and continues until the child returns home, an adoption decree, a permanent custody order, or guardianship order is entered, or the dependency is dismissed, whichever occurs soonest. If the most recent date of removal occurred prior to the filing of a dependency petition under this chapter or after filing but prior to entry of a disposition order, such time periods shall be included when calculating the length of a child's current placement episode.

(3) "Dependency guardian" means the person, nonprofit corporation, or Indian tribe appointed by the court pursuant to RCW 13.34.232 for the limited purpose of assisting the court in the supervision of the dependency.

(4) "Dependent child" means any child:

(a) Who has been abandoned; that is, where the child's parent, guardian, or other custodian has expressed either by statement or conduct, an intent to forego, for an extended period, parental rights or parental responsibilities despite an ability to do so. If the court finds that the petitioner has exercised due diligence in attempting to locate the parent, no contact between the child and the child's parent, guardian, or other custodian for a period of three months creates a rebuttable presumption of abandonment, even if there is no expressed intent to abandon;

(b) Who is abused or neglected as defined in chapter 26.44 RCW by a person legally responsible for the care of the child; or

(c) Who has no parent, guardian, or custodian capable of adequately caring for the child, such that the child is in circumstances which constitute a danger of substantial damage to the child's psychological or physical development.

(5) "Guardian" means the person or agency that: (a) Has been appointed as the guardian of a child in a legal proceeding other than a proceeding under this chapter; and (b) has the legal right to custody of the child pursuant to such appointment. The term "guardian" shall not include a "dependency guardian" appointed pursuant to a proceeding under this chapter.

(6) "Guardian ad litem" means a person, appointed by the court to represent the best interest of a child in a proceeding under this chapter, or in any matter which may be consolidated with a proceeding under this chapter. A "court-appointed special advocate" appointed by the court to be the guardian ad litem for the child, or to perform substantially the same duties and functions as a guardian ad litem, shall be deemed to be guardian ad litem for all purposes and uses of this chapter.

(7) "Guardian ad litem program" means a court-authorized volunteer program, which is or may be established by the superior court of the county in which such proceeding is filed, to manage all aspects of volunteer guardian ad litem representation for children alleged or found to be dependent. Such management shall include but is not limited to: Recruitment, screening, training, supervision, assignment, and discharge of volunteers.

(8) "Out-of-home care" means placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or placement in a home, other than that of the child's parent, guardian, or legal custodian, not required to be licensed pursuant to chapter 74.15 RCW.

(9) "Preventive services" means preservation services, as defined in chapter 74.14C RCW, and other reasonably available services, including housing services, capable of preventing the need for out-

of-home placement while protecting the child. Housing services may include, but are not limited to, referrals to federal, state, local, or private agencies or organizations, assistance with forms and applications, or financial subsidies for housing.

**Sec. 7.** RCW 74.13.020 and 1979 c 155 s 76 are each amended to read as follows:

As used in Title 74 RCW, child welfare services shall be defined as public social services including adoption services which strengthen, supplement, or substitute for, parental care and supervision for the purpose of:

- (1) Preventing or remedying, or assisting in the solution of problems which may result in families in conflict, or the neglect, abuse, exploitation, or criminal behavior of children;
- (2) Protecting and caring for (~~homeless,~~) dependent(~~(-)~~) or neglected children;
- (3) Assisting children who are in conflict with their parents, and assisting parents who are in conflict with their children with services designed to resolve such conflicts;
- (4) Protecting and promoting the welfare of children, including the strengthening of their own homes where possible, or, where needed;
- (5) Providing adequate care of children away from their homes in foster family homes or day care or other child care agencies or facilities.

As used in this chapter, child means a person less than eighteen years of age.

The department's duty to provide services to homeless families with children is set forth in section 2 of this act and in appropriations provided by the legislature for implementation of the plan.

**Sec. 8.** RCW 74.13.031 and 1998 c 314 s 10 are each amended to read as follows:

The department shall have the duty to provide child welfare services and shall:

- (1) Develop, administer, supervise, and monitor a coordinated and comprehensive plan that establishes, aids, and strengthens services for the protection and care of (~~homeless,~~) runaway, dependent, or neglected children.
- (2) Within available resources, recruit an adequate number of prospective adoptive and foster homes, both regular and specialized, i.e. homes for children of ethnic minority, including Indian homes for Indian children, sibling groups, handicapped and emotionally disturbed, teens, pregnant and parenting teens, and annually report to the governor and the legislature concerning the department's success in: (a) Meeting the need for adoptive and foster home placements; (b) reducing the foster parent turnover rate; (c) completing home studies for legally free children; and (d) implementing and operating the passport program required by RCW 74.13.285. The report shall include a section entitled "Foster Home Turn-Over, Causes and Recommendations."
- (3) Investigate complaints of any recent act or failure to act on the part of a parent or caretaker that results in death, serious physical or emotional harm, or sexual abuse or exploitation, or that presents an imminent risk of serious harm, and on the basis of the findings of such investigation, offer child welfare services in relation to the problem to such parents, legal custodians, or persons serving in loco parentis, and/or bring the situation to the attention of an appropriate court, or another community agency: PROVIDED, That an investigation is not required of nonaccidental injuries which are clearly not the result of a lack of care or supervision by the child's parents, legal custodians, or persons serving in loco parentis. If the investigation reveals that a crime against a child may have been committed, the department shall notify the appropriate law enforcement agency.
- (4) Offer, on a voluntary basis, family reconciliation services to families who are in conflict.
- (5) Monitor out-of-home placements, on a timely and routine basis, to assure the safety, well-being, and quality of care being provided is within the scope of the intent of the legislature as defined in RCW 74.13.010 and 74.15.010, and annually submit a report measuring the extent to which the department achieved the specified goals to the governor and the legislature.
- (6) Have authority to accept custody of children from parents and to accept custody of children from juvenile courts, where authorized to do so under law, to provide child welfare services including placement for adoption, and to provide for the physical care of such children and make payment of maintenance costs if needed. Except where required by Public Law 95-608 (25 U.S.C. Sec. 1915), no private adoption agency which receives children for adoption from the department shall discriminate on the basis of race, creed, or color when considering applications in their placement for adoption.

(7) Have authority to provide temporary shelter to children who have run away from home and who are admitted to crisis residential centers.

(8) Have authority to purchase care for children; and shall follow in general the policy of using properly approved private agency services for the actual care and supervision of such children insofar as they are available, paying for care of such children as are accepted by the department as eligible for support at reasonable rates established by the department.

(9) Establish a children's services advisory committee which shall assist the secretary in the development of a partnership plan for utilizing resources of the public and private sectors, and advise on all matters pertaining to child welfare, licensing of child care agencies, adoption, and services related thereto. At least one member shall represent the adoption community.

(10) Have authority to provide continued foster care or group care for individuals from eighteen through twenty years of age to enable them to complete their high school or vocational school program.

(11) Have authority within funds appropriated for foster care services to purchase care for Indian children who are in the custody of a federally recognized Indian tribe or tribally licensed child-placing agency pursuant to parental consent, tribal court order, or state juvenile court order; and the purchase of such care shall be subject to the same eligibility standards and rates of support applicable to other children for whom the department purchases care.

Notwithstanding any other provision of RCW 13.32A.170 through 13.32A.200 and 74.13.032 through 74.13.036, or of this section all services to be provided by the department of social and health services under subsections (4), (6), and (7) of this section, subject to the limitations of these subsections, may be provided by any program offering such services funded pursuant to Titles II and III of the federal juvenile justice and delinquency prevention act of 1974.

(12) Within amounts appropriated for this specific purpose, provide preventive services to families with children that prevent or shorten the duration of an out-of-home placement.

**Sec. 9.** RCW 13.34.130 and 1998 c 314 s 2 and 1998 c 130 s 2 are each reenacted and amended to read as follows:

If, after a fact-finding hearing pursuant to RCW 13.34.110, it has been proven by a preponderance of the evidence that the child is dependent within the meaning of RCW 13.34.030; after consideration of the predisposition report prepared pursuant to RCW 13.34.110 and after a disposition hearing has been held pursuant to RCW 13.34.110, the court shall enter an order of disposition pursuant to this section.

(1) The court shall order one of the following dispositions of the case:

(a) Order a disposition other than removal of the child from his or her home, which shall provide a program designed to alleviate the immediate danger to the child, to mitigate or cure any damage the child has already suffered, and to aid the parents so that the child will not be endangered in the future. In selecting a program, the court should choose those services, including housing assistance, that least interfere with family autonomy, provided that the services are adequate to protect the child.

(b) Order that the child be removed from his or her home and ordered into the custody, control, and care of a relative or the department of social and health services or a licensed child placing agency for placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or in a home not required to be licensed pursuant to chapter 74.15 RCW. Unless there is reasonable cause to believe that the safety or welfare of the child would be jeopardized or that efforts to reunite the parent and child will be hindered, such child shall be placed with a person who is related to the child as defined in RCW 74.15.020(~~((4)(a))~~) (2)(a) and with whom the child has a relationship and is comfortable, and who is willing and available to care for the child. Placement of the child with a relative under this subsection shall be given preference by the court. An order for out-of-home placement may be made only if the court finds that reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home, specifying the services that have been provided to the child and the child's parent, guardian, or legal custodian, and that preventive services have been offered or provided and have failed

to prevent the need for out-of-home placement, unless the health, safety, and welfare of the child cannot be protected adequately in the home, and that:

- (i) There is no parent or guardian available to care for such child;
- (ii) The parent, guardian, or legal custodian is not willing to take custody of the child;
- (iii) The court finds, by clear, cogent, and convincing evidence, a manifest danger exists that the child will suffer serious abuse or neglect if the child is not removed from the home and an order under RCW 26.44.063 would not protect the child from danger; or
- (iv) The extent of the child's disability is such that the parent, guardian, or legal custodian is unable to provide the necessary care for the child and the parent, guardian, or legal custodian has determined that the child would benefit from placement outside of the home.

(2) If the court has ordered a child removed from his or her home pursuant to subsection (1)(b) of this section, the court may order that a petition seeking termination of the parent and child relationship be filed if the court finds: (a) Termination is recommended by the supervising agency; (b) termination is in the best interests of the child; and (c) that because of the existence of aggravated circumstances, reasonable efforts to unify the family are not required. Notwithstanding the existence of aggravated circumstances, reasonable efforts may be required if the court or department determines it is in the best interest of the child. In determining whether aggravated circumstances exist, the court shall consider one or more of the following:

- (i) Conviction of the parent of rape of the child in the first, second, or third degree as defined in RCW 9A.44.073, 9A.44.076, and 9A.44.079;
- (ii) Conviction of the parent of criminal mistreatment of the child in the first or second degree as defined in RCW 9A.42.020 and 9A.42.030;
- (iii) Conviction of the parent of one of the following assault crimes, when the child is the victim: Assault in the first or second degree as defined in RCW 9A.36.011 and 9A.36.021 or assault of a child in the first or second degree as defined in RCW 9A.36.120 or 9A.36.130;
- (iv) Conviction of the parent of murder, manslaughter, or homicide by abuse of the child's other parent, sibling, or another child;
- (v) Conviction of the parent of attempting, soliciting, or conspiracy to commit a crime listed in (c)(i), (ii), (iii), or (iv) of this subsection;
- (vi) A finding by a court that a parent is a sexually violent predator as defined in RCW 71.09.020;
- (vii) Failure of the parent to complete available treatment ordered under this chapter or the equivalent laws of another state, where such failure has resulted in a prior termination of parental rights to another child and the parent has failed to effect significant change in the interim. In the case of a parent of an Indian child, as defined in the Indian Child Welfare Act, P.L. 95-608 (25 U.S.C. ~~((Sec.))~~ Sec. 1903), the court shall also consider tribal efforts to assist the parent in completing treatment and make it possible for the child to return home;
- (viii) An infant under three years of age has been abandoned as defined in RCW 13.34.030(4)(a);
- (ix) The mother has given birth to three or more drug-affected infants, resulting in the department filing a petition under section 23 of this act.

(3) If reasonable efforts are not ordered under subsection (2) of this section a permanency ~~((plan [planning]))~~ planning hearing shall be held within thirty days. Reasonable efforts shall be made to place the child in a timely manner in accordance with the permanency plan, and to complete whatever steps are necessary to finalize the permanent placement of the child.

(4) Whenever a child is ordered removed from the child's home, the agency charged with his or her care shall provide the court with:

- (a) A permanency plan of care that shall identify one of the following outcomes as a primary goal and may identify additional outcomes as alternative goals: Return of the child to the home of the child's parent, guardian, or legal custodian; adoption; guardianship; permanent legal custody; ~~((or))~~ long-term relative or foster care, until the child is age eighteen, with a written agreement between the parties and the care provider; and independent living, if appropriate and if the child is age sixteen or older; or a responsible living skills program. Whenever a permanency plan identifies independent living as a goal, the plan shall also specifically identify the services that will be provided to assist the

child to make a successful transition from foster care to independent living. Before the court approves independent living as a permanency plan of care, the court shall make a finding that the provision of services to assist the child in making a transition from foster care to independent living will allow the child to manage his or her financial affairs and to manage his or her personal, social, educational, and nonfinancial affairs. The department shall not discharge a child to an independent living situation before the child is eighteen years of age unless the child becomes emancipated pursuant to chapter 13.64 RCW.

(b) Unless the court has ordered, pursuant to subsection (2) of this section, that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to return the child home, and what actions the agency will take to maintain parent-child ties. All aspects of the plan shall include the goal of achieving permanence for the child.

(i) The agency plan shall specify what services the parents will be offered in order to enable them to resume custody, what requirements the parents must meet in order to resume custody, and a time limit for each service plan and parental requirement.

(ii) The agency shall be required to encourage the maximum parent-child contact possible, including regular visitation and participation by the parents in the care of the child while the child is in placement. Visitation may be limited or denied only if the court determines that such limitation or denial is necessary to protect the child's health, safety, or welfare.

(iii) A child shall be placed as close to the child's home as possible, preferably in the child's own neighborhood, unless the court finds that placement at a greater distance is necessary to promote the child's or parents' well-being.

(iv) The agency charged with supervising a child in placement shall provide all reasonable services that are available within the agency, or within the community, or those services which the department of social and health services has existing contracts to purchase. It shall report to the court if it is unable to provide such services.

(c) If the court has ordered, pursuant to subsection (2) of this section, that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to achieve permanency for the child, services to be offered or provided to the child, and, if visitation would be in the best interests of the child, a recommendation to the court regarding visitation between parent and child pending a fact-finding hearing on the termination petition. The agency shall not be required to develop a plan of services for the parents or provide services to the parents.

(5) If the court determines that the continuation of reasonable efforts to prevent or eliminate the need to remove the child from his or her home or to safely return the child home should not be part of the permanency plan of care for the child, reasonable efforts shall be made to place the child in a timely manner and to complete whatever steps are necessary to finalize the permanent placement of the child.

(6) If there is insufficient information at the time of the disposition hearing upon which to base a determination regarding the suitability of a proposed placement with a relative, the child shall remain in foster care and the court shall direct the supervising agency to conduct necessary background investigations as provided in chapter 74.15 RCW and report the results of such investigation to the court within thirty days. However, if such relative appears otherwise suitable and competent to provide care and treatment, the criminal history background check need not be completed before placement, but as soon as possible after placement. Any placements with relatives, pursuant to this section, shall be contingent upon cooperation by the relative with the agency case plan and compliance with court orders related to the care and supervision of the child including, but not limited to, court orders regarding parent-child contacts and any other conditions imposed by the court. Noncompliance with the case plan or court order shall be grounds for removal of the child from the relative's home, subject to review by the court.

(7) Except for children whose cases are reviewed by a citizen review board under chapter 13.70 RCW, the status of all children found to be dependent shall be reviewed by the court at least every six months from the beginning date of the placement episode or the date dependency is established, whichever is first, at a hearing in which it shall be determined whether court supervision should continue. The review shall include findings regarding the agency and parental completion of disposition plan requirements, and if necessary, revised permanency time limits. The supervising



agency shall provide a foster parent, preadoptive parent, or relative with notice of, and their right to an opportunity to be heard in, a review hearing pertaining to the child, but only if that person is currently providing care to that child at the time of the hearing. This section shall not be construed to grant party status to any person who has been provided an opportunity to be heard.

(a) A child shall not be returned home at the review hearing unless the court finds that a reason for removal as set forth in this section no longer exists. The parents, guardian, or legal custodian shall report to the court the efforts they have made to correct the conditions which led to removal. If a child is returned, casework supervision shall continue for a period of six months, at which time there shall be a hearing on the need for continued intervention.

(b) If the child is not returned home, the court shall establish in writing:

(i) Whether reasonable services have been provided to or offered to the parties to facilitate reunion, specifying the services provided or offered;

(ii) Whether the child has been placed in the least-restrictive setting appropriate to the child's needs, including whether consideration and preference has been given to placement with the child's relatives;

(iii) Whether there is a continuing need for placement and whether the placement is appropriate;

(iv) Whether there has been compliance with the case plan by the child, the child's parents, and the agency supervising the placement;

(v) Whether progress has been made toward correcting the problems that necessitated the child's placement in out-of-home care;

(vi) Whether the parents have visited the child and any reasons why visitation has not occurred or has been infrequent;

(vii) Whether additional services, including housing assistance, are needed to facilitate the return of the child to the child's parents; if so, the court shall order that reasonable services be offered specifying such services; and

(viii) The projected date by which the child will be returned home or other permanent plan of care will be implemented.

(c) The court at the review hearing may order that a petition seeking termination of the parent and child relationship be filed.

(8) The court's ability to order housing assistance under this section is: (a) Limited to cases in which homelessness or the lack of adequate and safe housing is the primary reason for an out-of-home placement; and (b) subject to the availability of funds appropriated for this specific purpose.

**NEW SECTION. Sec. 10.** Sections 10 through 26 of this act may be referred to as the homeless youth prevention, protection, and education act, or the HOPE act. Every day many youth in this state seek shelter out on the street. A nurturing nuclear family does not exist for them, and state-sponsored alternatives such as foster homes do not meet the demand and isolate youth, who feel like outsiders in families not their own. The legislature recognizes the need to develop placement alternatives for dependent youth ages sixteen to eighteen, who are living on the street. The HOPE act is an effort to engage youth and provide them access to services through development of life skills in a setting that supports them. Nothing in sections 10 through 26 of this act shall constitute an entitlement.

**Sec. 11.** RCW 74.15.020 and 1998 c 269 s 3 are each amended to read as follows:

For the purpose of chapter 74.15 RCW and RCW 74.13.031, and unless otherwise clearly indicated by the context thereof, the following terms shall mean:

(1) "Agency" means any person, firm, partnership, association, corporation, or facility which receives children, expectant mothers, or persons with developmental disabilities for control, care, or maintenance outside their own homes, or which places, arranges the placement of, or assists in the placement of children, expectant mothers, or persons with developmental disabilities for foster care or placement of children for adoption, and shall include the following irrespective of whether there is compensation to the agency or to the children, expectant mothers or persons with developmental disabilities for services rendered:

(a) "Child day-care center" means an agency which regularly provides care for a group of children for periods of less than twenty-four hours;

(b) "Child-placing agency" means an agency which places a child or children for temporary care, continued care, or for adoption;

(c) "Community facility" means a group care facility operated for the care of juveniles committed to the department under RCW 13.40.185. A county detention facility that houses juveniles committed to the department under RCW 13.40.185 pursuant to a contract with the department is not a community facility;

(d) "Crisis residential center" means an agency which is a temporary protective residential facility operated to perform the duties specified in chapter 13.32A RCW, in the manner provided in RCW 74.13.032 through 74.13.036;

(e) "Family day-care provider" means a child day-care provider who regularly provides child day care for not more than twelve children in the provider's home in the family living quarters;

(f) "Foster-family home" means an agency which regularly provides care on a twenty-four hour basis to one or more children, expectant mothers, or persons with developmental disabilities in the family abode of the person or persons under whose direct care and supervision the child, expectant mother, or person with a developmental disability is placed;

(g) "Group-care facility" means an agency, other than a foster-family home, which is maintained and operated for the care of a group of children on a twenty-four hour basis;

(h) "HOPE center" means an agency licensed by the secretary to provide temporary residential placement and other services to street youth. A street youth may remain in a HOPE center for thirty days while services are arranged and permanent placement is coordinated. No street youth may stay longer than thirty days unless approved by the department and any additional days approved by the department must be based on the unavailability of a long-term placement option. A street youth whose parent wants him or her returned to home may remain in a HOPE center until his or her parent arranges return of the youth, not longer. All other street youth must have court approval under chapter 13.34 or 13.32A RCW to remain in a HOPE center up to thirty days;

(i) "Maternity service" means an agency which provides or arranges for care or services to expectant mothers, before or during confinement, or which provides care as needed to mothers and their infants after confinement;

~~((+))~~ (j) "Responsible living skills program" means an agency licensed by the secretary that provides residential and transitional living services to persons ages sixteen to eighteen who are dependent under chapter 13.34 RCW and who have been unable to live in his or her legally authorized residence and, as a result, the minor lived outdoors or in another unsafe location not intended for occupancy by the minor. Dependent minors ages fourteen and fifteen may be eligible if no other placement alternative is available and the department approves the placement;

(k) "Service provider" means the entity that operates a community facility.

(2) "Agency" shall not include the following:

(a) Persons related to the child, expectant mother, or person with developmental disability in the following ways:

(i) Any blood relative, including those of half-blood, and including first cousins, nephews or nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great-great;

(ii) Stepfather, stepmother, stepbrother, and stepsister;

(iii) A person who legally adopts a child or the child's parent as well as the natural and other legally adopted children of such persons, and other relatives of the adoptive parents in accordance with state law;

(iv) Spouses of any persons named in (i), (ii), or (iii) of this subsection (2)(a), even after the marriage is terminated; or

(v) Extended family members, as defined by the law or custom of the Indian child's tribe or, in the absence of such law or custom, a person who has reached the age of eighteen and who is the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent who provides care in the family abode on a twenty-four-hour basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4);

(b) Persons who are legal guardians of the child, expectant mother, or persons with developmental disabilities;

(c) Persons who care for a neighbor's or friend's child or children, with or without compensation, where: (i) The person providing care for periods of less than twenty-four hours does not conduct such activity on an ongoing, regularly scheduled basis for the purpose of engaging in business, which includes, but is not limited to, advertising such care; or (ii) the parent and person providing care on a twenty-four-hour basis have agreed to the placement in writing and the state is not providing any payment for the care;

(d) Parents on a mutually cooperative basis exchange care of one another's children;

(e) A person, partnership, corporation, or other entity that provides placement or similar services to exchange students or international student exchange visitors or persons who have the care of an exchange student in their home;

(f) Nursery schools or kindergartens which are engaged primarily in educational work with preschool children and in which no child is enrolled on a regular basis for more than four hours per day;

(g) Schools, including boarding schools, which are engaged primarily in education, operate on a definite school year schedule, follow a stated academic curriculum, accept only school-age children and do not accept custody of children;

(h) Seasonal camps of three months' or less duration engaged primarily in recreational or educational activities;

(i) Hospitals licensed pursuant to chapter 70.41 RCW when performing functions defined in chapter 70.41 RCW, nursing homes licensed under chapter 18.51 RCW and boarding homes licensed under chapter 18.20 RCW;

(j) Licensed physicians or lawyers;

(k) Facilities providing care to children for periods of less than twenty-four hours whose parents remain on the premises to participate in activities other than employment;

(l) Facilities approved and certified under chapter 71A.22 RCW;

(m) Any agency having been in operation in this state ten years prior to June 8, 1967, and not seeking or accepting moneys or assistance from any state or federal agency, and is supported in part by an endowment or trust fund;

(n) Persons who have a child in their home for purposes of adoption, if the child was placed in such home by a licensed child-placing agency, an authorized public or tribal agency or court or if a replacement report has been filed under chapter 26.33 RCW and the placement has been approved by the court;

(o) An agency operated by any unit of local, state, or federal government or an agency, located within the boundaries of a federally recognized Indian reservation, licensed by the Indian tribe;

(p) An agency located on a federal military reservation, except where the military authorities request that such agency be subject to the licensing requirements of this chapter.

(3) "Department" means the state department of social and health services.

(4) "Juvenile" means a person under the age of twenty-one who has been sentenced to a term of confinement under the supervision of the department under RCW 13.40.185.

(5) "Probationary license" means a license issued as a disciplinary measure to an agency that has previously been issued a full license but is out of compliance with licensing standards.

(6) "Requirement" means any rule, regulation, or standard of care to be maintained by an agency.

(7) "Secretary" means the secretary of social and health services.

(8) "Street youth" means a person under the age of eighteen who lives outdoors or in another unsafe location not intended for occupancy by the minor and who is not residing with his or her parent or at his or her legally authorized residence.

(9) "Transitional living services" means at a minimum, to the extent funds are available, the following:

(a) Educational services, including basic literacy and computational skills training, either in local alternative or public high schools or in a high school equivalency program that leads to obtaining a high school equivalency degree;

(b) Assistance and counseling related to obtaining vocational training or higher education, job readiness, job search assistance, and placement programs;

(c) Counseling and instruction in life skills such as money management, home management, consumer skills, parenting, health care, access to community resources, and transportation and housing options;

(d) Individual and group counseling; and

(e) Establishing networks with federal agencies and state and local organizations such as the United States department of labor, employment and training administration programs including the job training partnership act which administers private industry councils and the job corps; vocational rehabilitation; and volunteer programs.

**NEW SECTION. Sec. 12.** A new section is added to chapter 74.15 RCW to read as follows:

The secretary shall establish HOPE centers that provide no more than seventy-five beds across the state and may establish HOPE centers by contract, within funds appropriated by the legislature specifically for this purpose. HOPE centers shall be operated in a manner to reasonably assure that street youth placed there will not run away. Street youth may leave a HOPE center during the course of the day to attend school or other necessary appointments, but the street youth must be accompanied by an administrator or an administrator's designee. The street youth must provide the administration with specific information regarding his or her destination and expected time of return to the HOPE center. Any street youth who runs away from a HOPE center shall not be readmitted unless specifically authorized by the street youth's placement and liaison specialist, and the placement and liaison specialist shall document with specific factual findings an appropriate basis for readmitting any street youth to a HOPE center. HOPE centers are required to have the following:

(1) A license issued by the secretary;

(2) A professional with a master's degree in counseling, social work, or related field and at least one year of experience working with street youth or a bachelor of arts degree in social work or a related field and five years of experience working with street youth. This professional staff person may be contractual or a part-time employee, but must be available to work with street youth in a HOPE center at a ratio of one to every fifteen youth staying in a HOPE center. This professional shall be known as a placement and liaison specialist. Preference shall be given to those professionals cross-credentialed in mental health and chemical dependency. The placement and liaison specialist shall:

(a) Conduct an assessment of the street youth that includes a determination of the street youth's legal status regarding residential placement;

(b) Facilitate the street youth's return to his or her legally authorized residence at the earliest possible date or initiate processes to arrange legally authorized appropriate placement. Any street youth who may meet the definition of dependent child under RCW 13.34.030 must be referred to the department. The department shall determine whether a dependency petition should be filed under chapter 13.34 RCW. A shelter care hearing must be held within seventy-two hours to authorize out-of-home placement for any youth the department determines is appropriate for out-of-home placement under chapter 13.34 RCW. All of the provisions of chapter 13.32A RCW must be followed for children in need of services or at-risk youth;

(c) Interface with other relevant resources and system representatives to secure long-term residential placement and other needed services for the street youth;

(d) Be assigned immediately to each youth and meet with the youth within eight hours of the youth receiving HOPE center services;

(e) Facilitate a physical examination of any street youth who has not seen a physician within one year prior to residence at a HOPE center and facilitate evaluation by a county-designated mental health professional, a chemical dependency specialist, or both if appropriate; and

(f) Arrange an educational assessment to measure the street youth's competency level in reading, writing, and basic mathematics, and that will measure learning disabilities or special needs;

(3) Staff trained in development needs of street youth as determined by the secretary, including an administrator who is a professional with a master's degree in counseling, social work, or a related field and at least one year of experience working with street youth, or a bachelor of arts degree in

social work or a related field and five years of experience working with street youth, who must work with the placement and liaison specialist to provide appropriate services on site;

(4) A data collection system that measures outcomes for the population served, and enables research and evaluation that can be used for future program development and service delivery. Data collection systems must have confidentiality rules and protocols developed by the secretary;

(5) Notification requirements that meet the notification requirements of chapter 13.32A RCW. The youth's arrival date and time must be logged at intake by HOPE center staff. The staff must immediately notify law enforcement and dependency caseworkers if a street youth runs away from a HOPE center. A child may be transferred to a secure facility as defined in RCW 13.32A.030 whenever the staff reasonably believes that a street youth is likely to leave the HOPE center and not return after full consideration of the factors set forth in RCW 13.32A.130(2)(a) (i) and (ii). The street youth's temporary placement in the HOPE center must be authorized by the court or the secretary if the youth is a dependent of the state under chapter 13.34 RCW or the department is responsible for the youth under chapter 13.32A RCW, or by the youth's parent or legal custodian, until such time as the parent can retrieve the youth who is returning to home;

(6) HOPE centers must identify to the department any street youth it serves who is not returning promptly to home. The department then must contact the missing children's clearinghouse identified in chapter 13.60 RCW and either report the youth's location or report that the youth is the subject of a dependency action and the parent should receive notice from the department;

(7) Services that provide counseling and education to the street youth; and

(8) The department shall only award contracts for the operation of HOPE center beds and responsible living skills programs in departmental regions: (a) With operating secure crisis residential centers; or (b) in which the secretary finds significant progress is made toward opening a secure crisis residential center.

**NEW SECTION. Sec. 13.** A new section is added to chapter 74.15 RCW to read as follows:

The secretary shall establish responsible living skills programs that provide no more than seventy-five beds across the state and may establish responsible living skills programs by contract, within funds appropriated by the legislature specifically for this purpose. Responsible living skills programs shall have the following:

(1) A license issued by the secretary;

(2) A professional with a master's degree in counseling, social work, or related field and at least one year of experience working with street youth available to serve residents or a bachelor of arts degree in social work or a related field and five years of experience working with street youth. The professional shall provide counseling services and interface with other relevant resources and systems to prepare the minor for adult living. Preference shall be given to those professionals cross-credentialed in mental health and chemical dependency;

(3) Staff trained in development needs of older adolescents eligible to participate in responsible living skills programs as determined by the secretary;

(4) Transitional living services and a therapeutic model of service delivery that provides necessary program supervision of residents and at the same time includes a philosophy, program structure, and treatment planning that emphasizes achievement of competency in independent living skills. Independent living skills include achieving basic educational requirements such as a GED, enrollment in vocational and technical training programs offered at the community and vocational colleges, obtaining and maintaining employment; accomplishing basic life skills such as money management, nutrition, preparing meals, and cleaning house. A baseline skill level in ability to function productively and independently shall be determined at entry. Performance shall be measured and must demonstrate improvement from involvement in the program. Each resident shall have a plan for achieving independent living skills by the time the resident leaves the placement. The plan shall be written within the first thirty days of placement and reviewed every ninety days. A resident who fails to consistently adhere to the elements of the plan shall be subject to reassessment by the professional staff of the program and may be placed outside the program; and

(5) A data collection system that measures outcomes for the population served, and enables research and evaluation that can be used for future program development and service delivery. Data collection systems must have confidentiality rules and protocols developed by the secretary.

(6) The department shall not award contracts for the operation of responsible living skills programs until HOPE center beds are operational.

**NEW SECTION. Sec. 14.** A new section is added to chapter 74.15 RCW to read as follows:

To be eligible for placement in a responsible living skills program, the minor must be dependent under chapter 13.34 RCW and must have lived in a HOPE center or in a secure crisis residential center. Responsible living skills centers are intended as a placement alternative for dependent youth that the department chooses for the youth because no other services or alternative placements have been successful. Responsible living skills centers are not for dependent youth whose permanency plan includes return to home or family reunification.

**NEW SECTION. Sec. 15.** A new section is added to chapter 74.15 RCW to read as follows:

The secretary is authorized to license HOPE centers and responsible living skills programs that meet statutory and rule requirements created by the secretary. The secretary is authorized to develop rules necessary to carry out the provisions of sections 10 through 26 of this act. The secretary may rely upon existing licensing provisions in development of licensing requirements for HOPE centers and responsible living skills programs, as are appropriate to carry out the intent of sections 10 through 26 of this act. HOPE centers and responsible living skills programs shall be required to adhere to departmental regulations prohibiting the use of alcohol, tobacco, controlled substances, violence, and sexual activity between residents.

**Sec. 16.** RCW 13.34.130 and 1998 c 314 s 2 and 1998 c 130 s 2 are each reenacted and amended to read as follows:

If, after a fact-finding hearing pursuant to RCW 13.34.110, it has been proven by a preponderance of the evidence that the child is dependent within the meaning of RCW 13.34.030; after consideration of the predisposition report prepared pursuant to RCW 13.34.110 and after a disposition hearing has been held pursuant to RCW 13.34.110, the court shall enter an order of disposition pursuant to this section.

(1) The court shall order one of the following dispositions of the case:

(a) Order a disposition other than removal of the child from his or her home, which shall provide a program designed to alleviate the immediate danger to the child, to mitigate or cure any damage the child has already suffered, and to aid the parents so that the child will not be endangered in the future. In selecting a program, the court should choose those services that least interfere with family autonomy, provided that the services are adequate to protect the child.

(b) Order that the child be removed from his or her home and ordered into the custody, control, and care of a relative or the department of social and health services or a licensed child placing agency for placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or in a home not required to be licensed pursuant to chapter 74.15 RCW. Unless there is reasonable cause to believe that the safety or welfare of the child would be jeopardized or that efforts to reunite the parent and child will be hindered, such child shall be placed with a person who is related to the child as defined in RCW 74.15.020(~~((4))~~) (2)(a) and with whom the child has a relationship and is comfortable, and who is willing and available to care for the child. Placement of the child with a relative under this subsection shall be given preference by the court. An order for out-of-home placement may be made only if the court finds that reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home, specifying the services that have been provided to the child and the child's parent, guardian, or legal custodian, and that preventive services have been offered or provided and have failed to prevent the need for out-of-home placement, unless the health, safety, and welfare of the child cannot be protected adequately in the home, and that:

(i) There is no parent or guardian available to care for such child;

(ii) The parent, guardian, or legal custodian is not willing to take custody of the child;

(iii) The court finds, by clear, cogent, and convincing evidence, a manifest danger exists that the child will suffer serious abuse or neglect if the child is not removed from the home and an order under RCW 26.44.063 would not protect the child from danger; or

(iv) The extent of the child's disability is such that the parent, guardian, or legal custodian is unable to provide the necessary care for the child and the parent, guardian, or legal custodian has determined that the child would benefit from placement outside of the home.

(2) If the court has ordered a child removed from his or her home pursuant to subsection (1)(b) of this section, the court may order that a petition seeking termination of the parent and child relationship be filed if the court finds: (a) Termination is recommended by the supervising agency; (b) termination is in the best interests of the child; and (c) that because of the existence of aggravated circumstances, reasonable efforts to unify the family are not required. Notwithstanding the existence of aggravated circumstances, reasonable efforts may be required if the court or department determines it is in the best interest of the child. In determining whether aggravated circumstances exist, the court shall consider one or more of the following:

(i) Conviction of the parent of rape of the child in the first, second, or third degree as defined in RCW 9A.44.073, 9A.44.076, and 9A.44.079;

(ii) Conviction of the parent of criminal mistreatment of the child in the first or second degree as defined in RCW 9A.42.020 and 9A.42.030;

(iii) Conviction of the parent of one of the following assault crimes, when the child is the victim: Assault in the first or second degree as defined in RCW 9A.36.011 and 9A.36.021 or assault of a child in the first or second degree as defined in RCW 9A.36.120 or 9A.36.130;

(iv) Conviction of the parent of murder, manslaughter, or homicide by abuse of the child's other parent, sibling, or another child;

(v) Conviction of the parent of attempting, soliciting, or conspiracy to commit a crime listed in (c)(i), (ii), (iii), or (iv) of this subsection;

(vi) A finding by a court that a parent is a sexually violent predator as defined in RCW 71.09.020;

(vii) Failure of the parent to complete available treatment ordered under this chapter or the equivalent laws of another state, where such failure has resulted in a prior termination of parental rights to another child and the parent has failed to effect significant change in the interim. In the case of a parent of an Indian child, as defined in the Indian Child Welfare Act, P.L. 95-608 (25 U.S.C. ~~((Sec.))~~ Sec. 1903), the court shall also consider tribal efforts to assist the parent in completing treatment and make it possible for the child to return home;

(viii) An infant under three years of age has been abandoned as defined in RCW 13.34.030(4)(a);

(ix) The mother has given birth to three or more drug-affected infants, resulting in the department filing a petition under section 23 ~~((of this act))~~, chapter 314, Laws of 1998.

(3) If reasonable efforts are not ordered under subsection (2) of this section a permanency ~~((plan [planning]))~~ planning hearing shall be held within thirty days. Reasonable efforts shall be made to place the child in a timely manner in accordance with the permanency plan, and to complete whatever steps are necessary to finalize the permanent placement of the child.

(4) Whenever a child is ordered removed from the child's home, the agency charged with his or her care shall provide the court with:

(a) A permanency plan of care that shall identify one of the following outcomes as a primary goal and may identify additional outcomes as alternative goals: Return of the child to the home of the child's parent, guardian, or legal custodian; adoption; guardianship; permanent legal custody; ~~((or))~~ long-term relative or foster care, until the child is age eighteen, with a written agreement between the parties and the care provider; a responsible living skills program; and independent living, if appropriate and if the child is age sixteen or older. Whenever a permanency plan identifies independent living as a goal, the plan shall also specifically identify the services that will be provided to assist the child to make a successful transition from foster care to independent living. Before the court approves independent living as a permanency plan of care, the court shall make a finding that the provision of services to assist the child in making a transition from foster care to independent living will allow the child to manage his or her financial affairs and to manage his or her personal, social, educational, and

nonfinancial affairs. The department shall not discharge a child to an independent living situation before the child is eighteen years of age unless the child becomes emancipated pursuant to chapter 13.64 RCW.

(b) Unless the court has ordered, pursuant to subsection (2) of this section, that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to return the child home, and what actions the agency will take to maintain parent-child ties. All aspects of the plan shall include the goal of achieving permanence for the child.

(i) The agency plan shall specify what services the parents will be offered in order to enable them to resume custody, what requirements the parents must meet in order to resume custody, and a time limit for each service plan and parental requirement.

(ii) The agency shall be required to encourage the maximum parent-child contact possible, including regular visitation and participation by the parents in the care of the child while the child is in placement. Visitation may be limited or denied only if the court determines that such limitation or denial is necessary to protect the child's health, safety, or welfare.

(iii) A child shall be placed as close to the child's home as possible, preferably in the child's own neighborhood, unless the court finds that placement at a greater distance is necessary to promote the child's or parents' well-being.

(iv) The agency charged with supervising a child in placement shall provide all reasonable services that are available within the agency, or within the community, or those services which the department of social and health services has existing contracts to purchase. It shall report to the court if it is unable to provide such services.

(c) If the court has ordered, pursuant to subsection (2) of this section, that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to achieve permanency for the child, services to be offered or provided to the child, and, if visitation would be in the best interests of the child, a recommendation to the court regarding visitation between parent and child pending a fact-finding hearing on the termination petition. The agency shall not be required to develop a plan of services for the parents or provide services to the parents.

(5) If the court determines that the continuation of reasonable efforts to prevent or eliminate the need to remove the child from his or her home or to safely return the child home should not be part of the permanency plan of care for the child, reasonable efforts shall be made to place the child in a timely manner and to complete whatever steps are necessary to finalize the permanent placement of the child.

(6) If there is insufficient information at the time of the disposition hearing upon which to base a determination regarding the suitability of a proposed placement with a relative, the child shall remain in foster care and the court shall direct the supervising agency to conduct necessary background investigations as provided in chapter 74.15 RCW and report the results of such investigation to the court within thirty days. However, if such relative appears otherwise suitable and competent to provide care and treatment, the criminal history background check need not be completed before placement, but as soon as possible after placement. Any placements with relatives, pursuant to this section, shall be contingent upon cooperation by the relative with the agency case plan and compliance with court orders related to the care and supervision of the child including, but not limited to, court orders regarding parent-child contacts and any other conditions imposed by the court. Noncompliance with the case plan or court order shall be grounds for removal of the child from the relative's home, subject to review by the court.

(7) Except for children whose cases are reviewed by a citizen review board under chapter 13.70 RCW, the status of all children found to be dependent shall be reviewed by the court at least every six months from the beginning date of the placement episode or the date dependency is established, whichever is first, at a hearing in which it shall be determined whether court supervision should continue. The review shall include findings regarding the agency and parental completion of disposition plan requirements, and if necessary, revised permanency time limits. The supervising agency shall provide a foster parent, preadoptive parent, or relative with notice of, and their right to an opportunity to be heard in, a review hearing pertaining to the child, but only if that person is currently providing care to that child at the time of the hearing. This section shall not be construed to grant party status to any person who has been provided an opportunity to be heard.



(a) A child shall not be returned home at the review hearing unless the court finds that a reason for removal as set forth in this section no longer exists. The parents, guardian, or legal custodian shall report to the court the efforts they have made to correct the conditions which led to removal. If a child is returned, casework supervision shall continue for a period of six months, at which time there shall be a hearing on the need for continued intervention.

(b) If the child is not returned home, the court shall establish in writing:

(i) Whether reasonable services have been provided to or offered to the parties to facilitate reunion, specifying the services provided or offered;

(ii) Whether the child has been placed in the least-restrictive setting appropriate to the child's needs, including whether consideration and preference has been given to placement with the child's relatives;

(iii) Whether there is a continuing need for placement and whether the placement is appropriate;

(iv) Whether there has been compliance with the case plan by the child, the child's parents, and the agency supervising the placement;

(v) Whether progress has been made toward correcting the problems that necessitated the child's placement in out-of-home care;

(vi) Whether the parents have visited the child and any reasons why visitation has not occurred or has been infrequent;

(vii) Whether additional services are needed to facilitate the return of the child to the child's parents; if so, the court shall order that reasonable services be offered specifying such services; and

(viii) The projected date by which the child will be returned home or other permanent plan of care will be implemented.

(c) The court at the review hearing may order that a petition seeking termination of the parent and child relationship be filed.

**Sec. 17.** RCW 13.34.145 and 1998 c 314 s 3 and 1998 c 130 s 3 are each reenacted and amended to read as follows:

(1) A permanency plan shall be developed no later than sixty days from the time the supervising agency assumes responsibility for providing services, including placing the child, or at the time of a hearing under RCW 13.34.130, whichever occurs first. The permanency planning process continues until a permanency planning goal is achieved or dependency is dismissed. The planning process shall include reasonable efforts to return the child to the parent's home.

(a) Whenever a child is placed in out-of-home care pursuant to RCW 13.34.130, the agency that has custody of the child shall provide the court with a written permanency plan of care directed towards securing a safe, stable, and permanent home for the child as soon as possible. The plan shall identify one of the following outcomes as the primary goal and may also identify additional outcomes as alternative goals: Return of the child to the home of the child's parent, guardian, or legal custodian; adoption; guardianship; permanent legal custody; ~~((or))~~ long-term relative or foster care, until the child is age eighteen, with a written agreement between the parties and the care provider; a responsible living skills program; and independent living, if appropriate and if the child is age sixteen or older and the provisions of subsection (2) of this section are met.

(b) The identified outcomes and goals of the permanency plan may change over time based upon the circumstances of the particular case.

(c) Permanency planning goals should be achieved at the earliest possible date, preferably before the child has been in out-of-home care for fifteen months. In cases where parental rights have been terminated, the child is legally free for adoption, and adoption has been identified as the primary permanency planning goal, it shall be a goal to complete the adoption within six months following entry of the termination order.

(d) For purposes related to permanency planning:

(i) "Guardianship" means a dependency guardianship pursuant to this chapter, a legal guardianship pursuant to chapter 11.88 RCW, or equivalent laws of another state or a federally recognized Indian tribe.

(ii) "Permanent custody order" means a custody order entered pursuant to chapter 26.10 RCW.

(iii) "Permanent legal custody" means legal custody pursuant to chapter 26.10 RCW or equivalent laws of another state or of a federally recognized Indian tribe.

(2) Whenever a permanency plan identifies independent living as a goal, the plan shall also specifically identify the services that will be provided to assist the child to make a successful transition from foster care to independent living. Before the court approves independent living as a permanency plan of care, the court shall make a finding that the provision of services to assist the child in making a transition from foster care to independent living will allow the child to manage his or her financial affairs and to manage his or her personal, social, educational, and nonfinancial affairs. The department shall not discharge a child to an independent living situation before the child is eighteen years of age unless the child becomes emancipated pursuant to chapter 13.64 RCW.

(3) A permanency planning hearing shall be held in all cases where the child has remained in out-of-home care for at least nine months and an adoption decree, guardianship order, or permanent custody order has not previously been entered. The hearing shall take place no later than twelve months following commencement of the current placement episode.

(4) Whenever a child is removed from the home of a dependency guardian or long-term relative or foster care provider, and the child is not returned to the home of the parent, guardian, or legal custodian but is placed in out-of-home care, a permanency planning hearing shall take place no later than twelve months, as provided in subsection (3) of this section, following the date of removal unless, prior to the hearing, the child returns to the home of the dependency guardian or long-term care provider, the child is placed in the home of the parent, guardian, or legal custodian, an adoption decree, guardianship order, or permanent custody order is entered, or the dependency is dismissed.

(5) No later than ten working days prior to the permanency planning hearing, the agency having custody of the child shall submit a written permanency plan to the court and shall mail a copy of the plan to all parties and their legal counsel, if any.

(6) At the permanency planning hearing, the court shall enter findings as required by RCW 13.34.130(7) and shall review the permanency plan prepared by the agency. If the child has resided in the home of a foster parent or relative for more than six months prior to the permanency planning hearing, the court shall also enter a finding regarding whether the foster parent or relative was informed of the hearing as required in RCW 74.13.280 and 13.34.130(7). If a goal of long-term foster or relative care has been achieved prior to the permanency planning hearing, the court shall review the child's status to determine whether the placement and the plan for the child's care remain appropriate. In cases where the primary permanency planning goal has not yet been achieved, the court shall inquire regarding the reasons why the primary goal has not been achieved and determine what needs to be done to make it possible to achieve the primary goal. In all cases, the court shall:

- (a)(i) Order the permanency plan prepared by the agency to be implemented; or
- (ii) Modify the permanency plan, and order implementation of the modified plan; and
- (b)(i) Order the child returned home only if the court finds that a reason for removal as set forth in RCW 13.34.130 no longer exists; or
- (ii) Order the child to remain in out-of-home care for a limited specified time period while efforts are made to implement the permanency plan.

(7) If the court orders the child returned home, casework supervision shall continue for at least six months, at which time a review hearing shall be held pursuant to RCW 13.34.130(7), and the court shall determine the need for continued intervention.

(8) Continued juvenile court jurisdiction under this chapter shall not be a barrier to the entry of an order establishing a legal guardianship or permanent legal custody when, (a) the court has ordered implementation of a permanency plan that includes legal guardianship or permanent legal custody, and (b) the party pursuing the legal guardianship or permanent legal custody is the party identified in the permanency plan as the prospective legal guardian or custodian. During the pendency of such proceeding, juvenile court shall conduct review hearings and further permanency planning hearings as provided in this chapter. At the conclusion of the legal guardianship or permanent legal custody proceeding, a juvenile court hearing shall be held for the purpose of determining whether dependency should be dismissed. If a guardianship or permanent custody order has been entered, the dependency shall be dismissed.

(9) Following the first permanency planning hearing, the court shall hold a further permanency planning hearing in accordance with this section at least once every twelve months until a permanency planning goal is achieved or the dependency is dismissed, whichever occurs first.

(10) Except as otherwise provided in RCW 13.34.235, the status of all dependent children shall continue to be reviewed by the court at least once every six months, in accordance with RCW 13.34.130(7), until the dependency is dismissed. Prior to the second permanency planning hearing, the agency that has custody of the child shall consider whether to file a petition for termination of parental rights.

(11) Nothing in this chapter may be construed to limit the ability of the agency that has custody of the child to file a petition for termination of parental rights or a guardianship petition at any time following the establishment of dependency. Upon the filing of such a petition, a fact-finding hearing shall be scheduled and held in accordance with this chapter unless the agency requests dismissal of the petition prior to the hearing or unless the parties enter an agreed order terminating parental rights, establishing guardianship, or otherwise resolving the matter.

(12) The approval of a permanency plan that does not contemplate return of the child to the parent does not relieve the supervising agency of its obligation to provide reasonable services, under this chapter, intended to effectuate the return of the child to the parent, including but not limited to, visitation rights.

(13) Nothing in this chapter may be construed to limit the procedural due process rights of any party in a termination or guardianship proceeding filed under this chapter.

**NEW SECTION. Sec. 18.** A new section is added to chapter 13.60 RCW to read as follows:

The department of social and health services shall develop a procedure for reporting missing children information to the missing children clearinghouse on children who are receiving departmental services in each of its administrative regions. The purpose of this procedure is to link parents to missing children. When the department has obtained information that a minor child has been located at a facility funded by the department, the department shall notify the clearinghouse and the child's legal custodian, advising the custodian of the child's whereabouts or that the child is subject to a dependency action. The department shall inform the clearinghouse when reunification occurs.

**NEW SECTION. Sec. 19.** The Washington institute for public policy shall review the effectiveness of the procedures established in section 18 of this act. The study shall include: (1) The number of legal custodians who utilize the clearinghouse; (2) the number of children who are located after the department's procedures are operational; (3) the impediments to effective utilization of the procedures and what steps may be taken to reduce or eliminate the impediments; (4) the methods of public education regarding the availability of the program and how to increase public awareness of the program.

The review shall be submitted to the legislature and the governor not later than December 1, 2001.

**Sec. 20.** RCW 26.44.030 and 1998 c 328 s 5 are each amended to read as follows:

(1)(a) When any practitioner, county coroner or medical examiner, law enforcement officer, professional school personnel, registered or licensed nurse, social service counselor, psychologist, pharmacist, licensed or certified child care providers or their employees, employee of the department, juvenile probation officer, placement and liaison specialist, responsible living skills program staff, HOPE center staff, or state family and children's ombudsman or any volunteer in the ombudsman's office has reasonable cause to believe that a child or adult dependent or developmentally disabled person, has suffered abuse or neglect, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(b) The reporting requirement shall also apply to department of corrections personnel who, in the course of their employment, observe offenders or the children with whom the offenders are in contact. If, as a result of observations or information received in the course of his or her employment, any department of corrections personnel has reasonable cause to believe that a child or adult dependent or developmentally disabled person has suffered abuse or neglect, he or she shall report the incident, or

cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(c) The reporting requirement shall also apply to any adult who has reasonable cause to believe that a child or adult dependent or developmentally disabled person, who resides with them, has suffered severe abuse, and is able or capable of making a report. For the purposes of this subsection, "severe abuse" means any of the following: Any single act of abuse that causes physical trauma of sufficient severity that, if left untreated, could cause death; any single act of sexual abuse that causes significant bleeding, deep bruising, or significant external or internal swelling; or more than one act of physical abuse, each of which causes bleeding, deep bruising, significant external or internal swelling, bone fracture, or unconsciousness.

(d) The report shall be made at the first opportunity, but in no case longer than forty-eight hours after there is reasonable cause to believe that the child or adult has suffered abuse or neglect. The report shall include the identity of the accused if known.

(2) The reporting requirement of subsection (1) of this section does not apply to the discovery of abuse or neglect that occurred during childhood if it is discovered after the child has become an adult. However, if there is reasonable cause to believe other children, dependent adults, or developmentally disabled persons are or may be at risk of abuse or neglect by the accused, the reporting requirement of subsection (1) of this section shall apply.

(3) Any other person who has reasonable cause to believe that a child or adult dependent or developmentally disabled person has suffered abuse or neglect may report such incident to the proper law enforcement agency or to the department of social and health services as provided in RCW 26.44.040.

(4) The department, upon receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child or adult dependent or developmentally disabled person who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means or who has been subjected to alleged sexual abuse, shall report such incident to the proper law enforcement agency. In emergency cases, where the child, adult dependent, or developmentally disabled person's welfare is endangered, the department shall notify the proper law enforcement agency within twenty-four hours after a report is received by the department. In all other cases, the department shall notify the law enforcement agency within seventy-two hours after a report is received by the department. If the department makes an oral report, a written report shall also be made to the proper law enforcement agency within five days thereafter.

(5) Any law enforcement agency receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child or adult dependent or developmentally disabled person who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means, or who has been subjected to alleged sexual abuse, shall report such incident in writing as provided in RCW 26.44.040 to the proper county prosecutor or city attorney for appropriate action whenever the law enforcement agency's investigation reveals that a crime may have been committed. The law enforcement agency shall also notify the department of all reports received and the law enforcement agency's disposition of them. In emergency cases, where the child, adult dependent, or developmentally disabled person's welfare is endangered, the law enforcement agency shall notify the department within twenty-four hours. In all other cases, the law enforcement agency shall notify the department within seventy-two hours after a report is received by the law enforcement agency.

(6) Any county prosecutor or city attorney receiving a report under subsection (5) of this section shall notify the victim, any persons the victim requests, and the local office of the department, of the decision to charge or decline to charge a crime, within five days of making the decision.

(7) The department may conduct ongoing case planning and consultation with those persons or agencies required to report under this section, with consultants designated by the department, and with designated representatives of Washington Indian tribes if the client information exchanged is pertinent to cases currently receiving child protective services or department case services for the developmentally disabled. Upon request, the department shall conduct such planning and consultation with those persons required to report under this section if the department determines it is in the best interests of the child or developmentally disabled person. Information considered privileged by statute

and not directly related to reports required by this section shall not be divulged without a valid written waiver of the privilege.

(8) Any case referred to the department by a physician licensed under chapter 18.57 or 18.71 RCW on the basis of an expert medical opinion that child abuse, neglect, or sexual assault has occurred and that the child's safety will be seriously endangered if returned home, the department shall file a dependency petition unless a second licensed physician of the parents' choice believes that such expert medical opinion is incorrect. If the parents fail to designate a second physician, the department may make the selection. If a physician finds that a child has suffered abuse or neglect but that such abuse or neglect does not constitute imminent danger to the child's health or safety, and the department agrees with the physician's assessment, the child may be left in the parents' home while the department proceeds with reasonable efforts to remedy parenting deficiencies.

(9) Persons or agencies exchanging information under subsection (7) of this section shall not further disseminate or release the information except as authorized by state or federal statute. Violation of this subsection is a misdemeanor.

(10) Upon receiving reports of alleged abuse or neglect, the department or law enforcement agency may interview children. The interviews may be conducted on school premises, at day-care facilities, at the child's home, or at other suitable locations outside of the presence of parents. Parental notification of the interview shall occur at the earliest possible point in the investigation that will not jeopardize the safety or protection of the child or the course of the investigation. Prior to commencing the interview the department or law enforcement agency shall determine whether the child wishes a third party to be present for the interview and, if so, shall make reasonable efforts to accommodate the child's wishes. Unless the child objects, the department or law enforcement agency shall make reasonable efforts to include a third party in any interview so long as the presence of the third party will not jeopardize the course of the investigation.

(11) Upon receiving a report of alleged child abuse and neglect, the department or investigating law enforcement agency shall have access to all relevant records of the child in the possession of mandated reporters and their employees.

(12) The department shall maintain investigation records and conduct timely and periodic reviews of all cases constituting abuse and neglect. The department shall maintain a log of screened-out nonabusive cases.

(13) The department shall use a risk assessment process when investigating alleged child abuse and neglect referrals. The department shall present the risk factors at all hearings in which the placement of a dependent child is an issue. Substance abuse must be a risk factor. The department shall, within funds appropriated for this purpose, offer enhanced community-based services to persons who are determined not to require further state intervention.

The department shall provide annual reports to the legislature on the effectiveness of the risk assessment process.

(14) Upon receipt of a report of alleged abuse or neglect the law enforcement agency may arrange to interview the person making the report and any collateral sources to determine if any malice is involved in the reporting.

(15) The department shall make reasonable efforts to learn the name, address, and telephone number of each person making a report of abuse or neglect under this section. The department shall provide assurances of appropriate confidentiality of the identification of persons reporting under this section. If the department is unable to learn the information required under this subsection, the department shall only investigate cases in which: (a) The department believes there is a serious threat of substantial harm to the child; (b) the report indicates conduct involving a criminal offense that has, or is about to occur, in which the child is the victim; or (c) the department has, after investigation, a report of abuse or neglect that has been founded with regard to a member of the household within three years of receipt of the referral.

**NEW SECTION. Sec. 21.** A new section is added to chapter 74.15 RCW to read as follows:

The department shall provide technical assistance in preparation of grant proposals for HOPE centers and responsible living skills programs to nonprofit organizations unfamiliar with and inexperienced in submission of requests for proposals to the department.

NEW SECTION. **Sec. 22.** A new section is added to chapter 74.15 RCW to read as follows:  
The department shall consider prioritizing, on an ongoing basis, the awarding of contracts for HOPE centers and responsible living skills programs to providers who have not traditionally been awarded contracts with the department.

NEW SECTION. **Sec. 23.** The department of social and health services shall seek any necessary federal waivers for federal funding of the programs created under sections 10 through 26 of this act. The department shall pursue federal funding sources for the programs created under sections 10 through 26 of this act, and report to the legislature any statutory barriers to federal funding.

NEW SECTION. **Sec. 24.** The Washington state institute for public policy shall review the effectiveness of the HOPE centers and the responsible living skills programs. The study shall include the characteristics of the youth being served, the services offered to participating youth, the success of permanent placement of youth, the number of youth participating in each program, the number of youth who successfully complete the responsible living skills program, educational achievement of participants, employment history of participants, the outcomes for youth who have progressed through the programs, and other measures that the institute deems helpful in determining the measurable outcomes of sections 10 through 26 of this act.

The review shall be submitted to the legislature and the governor not later than December 1, 2001.

NEW SECTION. **Sec. 25.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 26.** Within funds specifically appropriated by the legislature, HOPE center beds referenced in section 12 of this act and responsible living skills program beds referenced in section 13 of this act shall be phased in at the rate of twenty-five percent each year beginning January 1, 2000, until the maximum is attained.

NEW SECTION. **Sec. 27.** Sections 12 and 13 of this act take effect January 1, 2000."

On page 1, line 1 of the title, after "families;" strike the remainder of the title and insert "amending RCW 43.63A.650, 13.34.030, 74.13.020, 74.13.031, 74.15.020, and 26.44.030; reenacting and amending RCW 13.34.130, 13.34.130, and 13.34.145; adding a new section to chapter 43.20A RCW; adding new sections to chapter 43.63A RCW; adding new sections to chapter 74.15 RCW; adding a new section to chapter 13.60 RCW; creating new sections; and providing an effective date."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Engrossed Second Substitute House Bill No. 1493 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE**

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Engrossed Second Substitute House Bill No. 1493 as amended by the Senate.

MOTION

On motion of Representative Wolfe, Representative Scott was excused.

Representatives Tokuda, Boldt, Kagi and Carrell spoke in favor of passage of the bill as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1493, as amended by the Senate and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood and Mr. Speaker Chopp - 96.

Excused: Representatives Scott and Mr. Speaker Ballard - 2.

Engrossed Second Substitute House Bill No. 1493, as amended by the Senate, having received the constitutional majority, was declared passed.

#### STATEMENT FOR THE JOURNAL

Had I been present, I would have voted YEA on Engrossed Second Substitute House Bill No. 1493.

PAT SCOTT, 38th District

#### SENATE AMENDMENTS TO HOUSE BILL

April 24, 1999

Mr. Speaker:

Under suspension of rules, the Senate returned SUBSTITUTE HOUSE BILL NO. 1774 to Second Reading for purpose of amendment(s). The Senate reconsidered the Judiciary Committee amendment adopted as amended on 4/14/99, and further amended the adopted amendment with amendment #487 by Senators Morton and Heavey, and passed the bill as amended,

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.20.391 and 1998 c 209 s 4 and 1998 c 207 s 9 are each reenacted and amended to read as follows:

(1) Any person licensed under this chapter who is convicted of an offense relating to motor vehicles for which suspension or revocation of the driver's license is mandatory, other than vehicular homicide or vehicular assault, or who has had his or her license suspended under RCW 46.20.3101 (2)(a) or (3)(a), may submit to the department an application for an occupational driver's license. The department, upon receipt of the prescribed fee and upon determining that the petitioner is engaged in an occupation or trade that makes it essential that the petitioner operate a motor vehicle, may issue an occupational driver's license and may set definite restrictions as provided in RCW 46.20.394. No

person may petition for, and the department shall not issue, an occupational driver's license that is effective during the first thirty days of any suspension or revocation imposed for a violation of RCW 46.61.502 or 46.61.504 or pursuant to RCW 46.20.3101 (2)(a) or (3)(a). A person aggrieved by the decision of the department on the application for an occupational driver's license may request a hearing as provided by rule of the department.

(2)(a) A person licensed under this chapter whose driver's license is suspended administratively due to failure to appear or pay a traffic ticket under RCW 46.20.289; a violation of the financial responsibility laws under chapter 46.29 RCW; or for multiple violations within a specified period of time under RCW 46.20.291, may apply to the department for an occupational driver's license if the applicant demonstrates to the satisfaction of the department that one of the following additional conditions are met:

(i) The applicant is in an apprenticeship program or an on-the-job training program for which a driver's license is required;

(ii) The applicant presents evidence that he or she has applied for a position in an apprenticeship or on-the-job training program and the program has certified that a driver's license is required to begin the program, provided that a license granted under this provision shall be in effect no longer than fourteen days;

(iii) The applicant is in a program that assists persons who are enrolled in a WorkFirst program pursuant to chapter 74.08A RCW to become gainfully employed and the program requires a driver's license; or

(iv) The applicant is undergoing substance abuse treatment or is participating in meetings of a twelve-step group such as alcoholics anonymous.

(b) If the suspension is for failure to respond, pay, or comply with a notice of traffic infraction or conviction, the applicant must enter into a payment plan with the court.

(c) An occupational driver's license issued to an applicant described in (a) of this subsection shall be valid for the period of the suspension or revocation but not more than two years.

(d) Upon receipt of evidence that a holder of an occupational driver's license granted under this subsection is no longer enrolled in an apprenticeship or on-the-job training program, the director shall give written notice by first class mail to the driver that the occupational driver's license shall be canceled. The effective date of cancellation shall be fifteen days from the date of mailing the notice. If at any time before the cancellation goes into effect the driver submits evidence of continued enrollment in the program, the cancellation shall be stayed. If the cancellation becomes effective, the driver may obtain, at no additional charge, a new occupational driver's license upon submittal of evidence of enrollment in another program that meets the criteria set forth in this subsection.

(e) The department shall not issue an occupational driver's license under (a)(iv) of this subsection if the applicant is able to receive transit services sufficient to allow for the applicant's participation in the programs referenced under (a)(iv) of this subsection.

(3) An applicant for an occupational driver's license is eligible to receive such license only if:

(a) Within one year immediately preceding the date of the offense that gave rise to the present conviction, the applicant has not committed any offense relating to motor vehicles for which suspension or revocation of a driver's license is mandatory; and

(b) Within seven years immediately preceding the date of the offense that gave rise to the present conviction or incident, the applicant has not committed any of the following offenses: (i) Driving or being in actual physical control of a motor vehicle while under the influence of intoxicating liquor; (ii) vehicular homicide under RCW 46.61.520; or (iii) vehicular assault under RCW 46.61.522; and

(c) The applicant is engaged in an occupation or trade that makes it essential that he or she operate a motor vehicle, except as allowed under subsection (2)(a) of this section; and

(d) The applicant files satisfactory proof of financial responsibility pursuant to chapter 46.29 RCW.

~~((3))~~ (4) The director shall cancel an occupational driver's license upon receipt of notice that the holder thereof has been convicted of operating a motor vehicle in violation of its restrictions, or of an offense that pursuant to chapter 46.20 RCW would warrant suspension or revocation of a regular



driver's license. The cancellation is effective as of the date of the conviction, and continues with the same force and effect as any suspension or revocation under this title.

**Sec. 2.** RCW 46.20.394 and 1983 c 165 s 26 are each amended to read as follows:

In issuing an occupational driver's license under RCW 46.20.391, the department shall describe the type of occupation permitted and shall set forth in detail the specific hours of the day during which the person may drive to and from his place of work, which may not exceed twelve hours in any one day; the days of the week during which the license may be used; and the general routes over which the person may travel. In issuing an occupational driver's license under RCW 46.20.391(2)(a)(iv), the department shall set forth in detail the specific hours during which the person may drive to and from substance abuse treatment or meetings of a twelve-step group such as alcoholics anonymous, the days of the week during which the license may be used, and the general routes over which the person may travel. These restrictions shall be prepared in written form by the department, which document shall be carried in the vehicle at all times and presented to a law enforcement officer under the same terms as the occupational driver's license. Any violation of the restrictions constitutes a violation of RCW 46.20.342 and subjects the person to all procedures and penalties therefor.

NEW SECTION. **Sec. 3.** This act takes effect January 1, 2000."

On page 1, line 1 of the title, after "licenses;" strike the remainder of the title and insert "amending RCW 46.20.394; reenacting and amending RCW 46.20.391; and providing an effective date."

and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Substitute House Bill No. 1774 and advanced the bill as amended by the Senate to final passage.

### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE**

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Substitute House Bill No. 1774 as amended by the Senate.

Representatives Wolfe and K. Schmidt spoke in favor of passage of the bill as amended by the Senate.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1774, as amended by the Senate and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood and Mr. Speaker Chopp - 96.

Excused: Representatives Scott and Mr. Speaker Ballard - 2.

Substitute House Bill No. 1774, as amended by the Senate, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

Had I been present, I would have voted YEA on Substitute Bill No. 1774.

PAT SCOTT, 38th District

SENATE AMENDMENTS TO HOUSE BILL

April 24, 1999

Mr. Speaker:

The Senate receded from the Committee on Human Services and Corrections Amendment to HOUSE BILL NO. 1757 adopted 4/16/99. Under suspension of rules, the Senate returned the bill to Second Reading for purpose of amendment(s). The Senate adopted Amendment #479 by Senators Hargrove, Costa, Long, Haugen and Stevens and passed the bill as amended,

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds it necessary to expand the current pool of convicted offenders who must have a blood sample drawn for purposes of DNA identification analysis. The legislature further finds that there is a high rate of recidivism among certain types of violent and sex offenders and that drawing blood is minimally intrusive. Creating an expanded DNA data bank bears a rational relationship to the public's interest in enabling law enforcement to better identify convicted violent and sex offenders who are involved in unsolved crimes, who escape to reoffend, and who reoffend after release.

**Sec. 2.** RCW 43.43.754 and 1994 c 271 s 402 are each amended to read as follows:

Every adult or juvenile individual convicted of a felony or adjudicated guilty of an equivalent juvenile offense defined as a sex offense under RCW 9.94A.030(~~((31))~~) (33)(a) or a violent offense as defined in RCW 9.94A.030 shall have a blood sample drawn for purposes of DNA identification analysis. For persons convicted of such offenses or adjudicated guilty of an equivalent juvenile offense who are serving or who are to serve a term of confinement in a county jail or detention facility, the county shall be responsible for obtaining blood samples (~~((prior to release from))~~) either as part of the intake process into the county jail or detention facility for those persons convicted on or after the effective date of this act, or within a reasonable time after the effective date of this act for those persons incarcerated prior to the effective date of this act who have not yet had a blood sample drawn, beginning with those persons who will be released the soonest. For persons convicted of such offenses or adjudicated guilty of an equivalent juvenile offense, who are serving or who are to serve a term of confinement in a department of corrections facility or a division of juvenile rehabilitation facility, the facility holding the person shall be responsible for obtaining blood samples (~~((prior to release from))~~) either as part of the intake process into such facility for those persons convicted on or after the effective date of this act, or within a reasonable time after the effective date of this act for those persons incarcerated prior to the effective date of this act who have not yet had a blood sample drawn, beginning with those persons who will be released the soonest. Any blood sample taken pursuant to RCW 43.43.752 through 43.43.758 shall be used solely for the purpose of providing DNA or other blood grouping tests for identification analysis and prosecution of a sex offense or a violent offense.

This section applies to all adults who are convicted after July 1, 1990; and to all adults who were convicted on or prior to July 1, 1990, and who are still incarcerated on or after the effective date of this act. This section applies to all juveniles who are adjudicated guilty after July 1, 1994; and to all

juveniles who were adjudicated guilty on or prior to July 1, 1994, and who are still incarcerated on or after the effective date of this act.

**NEW SECTION. Sec. 3.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "identification;" strike the remainder of the title and insert "amending RCW 43.43.754; and creating a new section."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to House Bill No. 1757 and advanced the bill as amended by the Senate to final passage.

### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE**

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of House Bill No. 1757 as amended by the Senate.

Representatives Miloscia spoke in favor of passage of the bill as amended by the Senate.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1757, as amended by the Senate and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood and Mr. Speaker Chopp - 96.

Excused: Representatives Scott and Mr. Speaker Ballard - 2.

House Bill No. 1757, as amended by the Senate, having received the constitutional majority, was declared passed.

### **STATEMENT FOR THE JOURNAL**

Had I been present, I would have voted YEA on House Bill No. 1757.

PAT SCOTT, 38th District

### **MESSAGE FROM THE SENATE**

April 24, 1999

Mr. Speaker:

The Senate receded from its striking amendment(s) #480 to SUBSTITUTE HOUSE BILL NO. 1392, adopted on 4/24/99. Under suspension of rules, the Senate returned the bill to Second Reading for purpose of amendment(s). The Senate adopted Amendment #1392-S AMS HEAV S2969.2 (FLR #490), and passed the bill as amended,

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 9.96 RCW to read as follows:

(1) Every person convicted of a misdemeanor or gross misdemeanor offense who has completed all of the terms of the sentence for the misdemeanor or gross misdemeanor offense may apply to the sentencing court for a vacation of the applicant's record of conviction for the offense. If the court finds the applicant meets the tests prescribed in subsection (2) of this section, the court may in its discretion clear the record of conviction by: (a)(i) Permitting the applicant to withdraw the applicant's plea of guilty and to enter a plea of not guilty; or (ii) if the applicant has been convicted after a plea of not guilty, the court setting aside the verdict of guilty; and (b) the court dismissing the information or indictment against the applicant.

(2) An applicant may not have the record of conviction for a misdemeanor or gross misdemeanor offense cleared if any one of the following is present: (a) There are any criminal charges against the applicant pending in any court of this state or another state, or in any federal court; (b) the offense was a violent offense as defined in RCW 9.94A.030 or an attempt to commit a violent offense; (c) the offense was a violation of RCW 46.61.502 (Driving while under the influence), 46.61.504 (Actual physical control while under the influence), or 9.91.020 (Operating a railroad, etc. while intoxicated); (d) the offense was any misdemeanor or gross misdemeanor attempt to commit a sex offense as defined in RCW 9.94A.030; (e) the offense was any misdemeanor or gross misdemeanor violation, including attempt, of chapter 9.68 (Obscenity and pornography) or 9.68A (Sexual exploitation of children) RCW; (f) the applicant has been convicted of a new crime in this state, another state, or federal court since the date the applicant completed all of the terms of the sentence for the misdemeanor or gross misdemeanor offense; (g) the offense was a domestic violence offense as defined in RCW 10.99.020, and less than ten years have passed since the date the offender successfully completed all terms of his or her sentence, including probation. The court shall not grant the motion to vacate a domestic violence conviction if, upon review of the police report and any evidence from the prosecution or the defense, the court finds that the defendant's behavior in the commission of the crime was particularly egregious; or (h) less than five years have passed since the date the applicant completed all of the terms of the sentence for the misdemeanor or gross misdemeanor offense.

(3) Once the court vacates a record of conviction under subsection (1) of this section, the person shall be released from all penalties and disabilities resulting from the offense, except that the fact that the person had been convicted of the offense may be used in any subsequent criminal prosecution consistent with any other legal use and may be included in the person's criminal history for purposes of determining a sentence in any subsequent conviction. For all other purposes, including responding to questions on employment applications, a person whose conviction has been vacated may state that the person has never been convicted of that crime.

(4) All costs incurred by the court and probation services shall be paid by the person making the motion to vacate the record unless a determination is made pursuant to chapter 10.101 RCW that the person making the motion is indigent, at the time the motion is brought.

(5) Any conviction that is vacated under this section shall be treated as nonconviction data as defined in chapter 10.97 RCW for the purposes of the defendant's criminal history. The clerk of the court in which the motion is brought shall transmit the order vacating the conviction to the Washington state patrol. The Washington state patrol shall transmit the order vacating the conviction to the federal bureau of investigation.

(6) No person may seek or be granted a vacation of record of conviction for an offense committed after the date upon which the person received a vacation of record of conviction for any other offense.

**Sec. 2.** RCW 9.94A.230 and 1987 c 486 s 7 are each amended to read as follows:

(1) Every offender who has been discharged under RCW 9.94A.220 may apply to the sentencing court for a vacation of the offender's record of conviction. If the court finds the offender meets the tests prescribed in subsection (2) of this section, the court may in its discretion clear the record of conviction by: (a)(i) Permitting the offender to withdraw the offender's plea of guilty and to enter a plea of not guilty; or ~~((b))~~ (ii) if the offender has been convicted after a plea of not guilty, ~~((by))~~ the court setting aside the verdict of guilty; and ~~((e-by))~~ (b) the court dismissing the information or indictment against the offender.

(2) An offender may not have the record of conviction cleared if any one of the following is present: (a) There are any criminal charges against the offender pending in any court of this state or another state, or in any federal court; (b) the offense was a violent offense as defined in RCW 9.94A.030; (c) the offense was a domestic violence offense as defined in RCW 10.99.020, and less than ten years have passed since the date the applicant was discharged under RCW 9.94A.220. The court shall not grant the motion to vacate a domestic violence conviction if, upon review of the police report and any evidence from the prosecution or the defense, the court finds that the defendant's behavior in the commission of the crime was particularly egregious; (d) the offense was a crime against persons as defined in RCW 43.43.830; ~~((d))~~ (e) the offender has been convicted of a new crime in this state, another state, or federal court since the date of the offender's discharge under RCW 9.94A.220; ~~((e))~~ (f) the offense is a class B felony and less than ten years have passed since the date the applicant was discharged under RCW 9.94A.220; ~~((and (f)))~~ or (g) the offense was a class C felony and less than five years have passed since the date the applicant was discharged under RCW 9.94A.220.

(3) Once the court vacates a record of conviction under subsection (1) of this section, ~~((the fact that the offender has been convicted of the offense shall not be included in the offender's criminal history for purposes of determining a sentence in any subsequent conviction, and the offender shall be released from all penalties and disabilities resulting from the offense. For all purposes, including responding to questions on employment applications,))~~ an offender whose conviction has been vacated may state that the offender has never been convicted of that crime, including responses to questions when making application for employment. Nothing in this section affects or prevents the use of an offender's prior conviction in a later criminal prosecution.

(4) All costs incurred by the court and probation services shall be paid by the person making the motion to vacate the record unless a determination is made pursuant to chapter 10.101 RCW that the person making the motion is indigent, at the time the motion is brought.

(5) Any conviction that is vacated under this section shall be treated as nonconviction data as defined in chapter 10.97 RCW for the purposes of the defendant's criminal history. The clerk of the court in which the motion is brought shall transmit the order vacating the conviction to the Washington state patrol. The Washington state patrol shall transmit the order vacating the conviction to the federal bureau of investigation.

(6) No person may seek or be granted a vacation of record of conviction for an offense committed after the date upon which the person received a vacation of record of conviction for any other offense.

**Sec. 3.** RCW 9.95.240 and 1957 c 227 s 7 are each amended to read as follows:

(1) Every defendant who has fulfilled the conditions of his of her probation for the entire period thereof, or who ~~((shall have))~~ has been discharged from probation prior to the termination of the period thereof, may ~~((at any time prior to the expiration of the maximum period of punishment for the offense for which he has been convicted be permitted in the discretion of the court to withdraw his plea of guilty and enter a plea of not guilty, or if he has been convicted after a plea of not guilty, the court may in its discretion set aside the verdict of guilty; and in either case, the court may thereupon dismiss the information or indictment against such defendant, who shall thereafter be released from all penalties and disabilities resulting from the offense or crime of which he has been convicted. The probationer shall be informed of this right in his probation papers: PROVIDED, That in any subsequent prosecution, for any other offense, such prior conviction may be pleaded and proved, and shall have the same effect as if probation had not been granted, or the information or indictment dismissed))~~ apply to the sentencing court for a vacation of the defendant's record of conviction. If the court finds the

defendant meets the tests prescribed in subsection (2) of this section, the court may in its discretion clear the record of conviction by: (a)(i) Permitting the defendant to withdraw the defendant's plea of guilty and to enter a plea of not guilty; or (ii) if the defendant has been convicted after a plea of not guilty, the court setting aside the verdict of guilty; and (b) the court dismissing the information or indictment against the defendant.

(2) An offender may not have the record of conviction cleared if: (a) There are any criminal charges against the defendant pending in any court of this state or another state, or in any federal court; (b) the offense was a violent offense as defined in RCW 9.94A.030; (c) the offense was a felony crime against persons as defined in RCW 43.43.830; (d) the defendant has been convicted of a new crime in this state, another state, or federal court since the date the defendant successfully completed probation; (e) the offense is a class B felony and less than ten years have passed since the date the defendant successfully completed probation; (f) the offense was a class C felony and less than five years have passed since the date the defendant successfully completed probation; (g) the offense was a misdemeanor or gross misdemeanor and less than five years have passed since the date the defendant successfully completed probation; or (h) the offense was a misdemeanor or gross misdemeanor and operated to interrupt the washout of a class B felony under RCW 9.94A.360 and less than ten years have passed since the date of the conviction for the misdemeanor or gross misdemeanor.

(3) Once the court vacates a record of conviction under subsection (1) of this section, an offender whose conviction has been vacated may state that the offender has never been convicted of that crime, including responses to questions when making application for employment. Nothing in this section affects or prevents the use of an offender's prior conviction in a later criminal case.

(4) No person may seek or be granted a vacation of record of conviction for an offense committed after the date upon which the person received a vacation of record of conviction for any other offense.

(5) Any conviction that is vacated under this section shall be treated as nonconviction data as defined in chapter 10.97 RCW for the purposes of the defendant's criminal history. The clerk of the court in which the motion is brought shall transmit the order vacating the conviction to the Washington state patrol. The Washington state patrol shall transmit the order vacating the conviction to the federal bureau of investigation.

(6) All costs incurred by the court and probation services shall be paid by the person making the motion to vacate the record unless a determination is made pursuant to chapter 10.101 RCW that the person making the motion is indigent, at the time the motion is brought.

**Sec. 4.** RCW 13.50.050 and 1997 c 338 s 40 are each amended to read as follows:

(1) This section governs records relating to the commission of juvenile offenses, including records relating to diversions.

(2) The official juvenile court file of any alleged or proven juvenile offender shall be open to public inspection, unless sealed pursuant to subsection ~~((11))~~ (12) of this section.

(3) All records other than the official juvenile court file are confidential and may be released only as provided in this section, RCW 13.50.010, 13.40.215, and 4.24.550.

(4) Except as otherwise provided in this section and RCW 13.50.010, records retained or produced by any juvenile justice or care agency may be released to other participants in the juvenile justice or care system only when an investigation or case involving the juvenile in question is being pursued by the other participant or when that other participant is assigned the responsibility for supervising the juvenile.

(5) Except as provided in RCW 4.24.550, information not in an official juvenile court file concerning a juvenile or a juvenile's family may be released to the public only when that information could not reasonably be expected to identify the juvenile or the juvenile's family.

(6) Notwithstanding any other provision of this chapter, the release, to the juvenile or his or her attorney, of law enforcement and prosecuting attorneys' records pertaining to investigation, diversion, and prosecution of juvenile offenses shall be governed by the rules of discovery and other rules of law applicable in adult criminal investigations and prosecutions.

(7) The juvenile court and the prosecutor may set up and maintain a central record-keeping system which may receive information on all alleged juvenile offenders against whom a complaint has

been filed pursuant to RCW 13.40.070 whether or not their cases are currently pending before the court. The central record-keeping system may be computerized. If a complaint has been referred to a diversion unit, the diversion unit shall promptly report to the juvenile court or the prosecuting attorney when the juvenile has agreed to diversion. An offense shall not be reported as criminal history in any central record-keeping system without notification by the diversion unit of the date on which the offender agreed to diversion.

(8) Upon request of the victim of a crime or the victim's immediate family, the identity of an alleged or proven juvenile offender alleged or found to have committed a crime against the victim and the identity of the alleged or proven juvenile offender's parent, guardian, or custodian and the circumstance of the alleged or proven crime shall be released to the victim of the crime or the victim's immediate family.

(9) Subject to the rules of discovery applicable in adult criminal prosecutions, the juvenile offense records of an adult criminal defendant or witness in an adult criminal proceeding shall be released upon request to prosecution and defense counsel after a charge has actually been filed. The juvenile offense records of any adult convicted of a crime and placed under the supervision of the adult corrections system shall be released upon request to the adult corrections system.

(10) In any case in which an information has been filed pursuant to RCW 13.40.100 or a complaint has been filed with the prosecutor and referred for diversion pursuant to RCW 13.40.070, the person the subject of the information or complaint may file a motion with the court to have the court vacate its order and findings, if any, and, subject to subsection ~~((22))~~ (23) of this section, order the sealing of the official juvenile court file, the social file, and records of the court and of any other agency in the case.

(11) The court has the discretion to grant the motion to seal records made pursuant to subsection (10) of this section if it finds that for class B offenses other than sex offenses, since the last date of release from confinement, including full-time residential treatment, if any, or entry of disposition:

(a) The person has spent five consecutive years in the community without committing another offense or crime that results in conviction in this state, another state, or federal court;

(b) There are no criminal charges against the person pending in any court of this state, another state, or federal court;

(c) Through credible evidence presented to the court that the person has a present career path that is impeded by the record of the courts order and findings;

(d) That the person is twenty-one years of age or older; and

(e) The person has lived an exemplary life since the court's order and findings.

(12) The court shall grant the motion to seal records made pursuant to subsection (10) of this section if it finds that:

(a) For class B offenses other than sex offenses, since the last date of release from confinement, including full-time residential treatment, if any, or entry of disposition, the person has spent ten consecutive years in the community without committing any offense or crime that subsequently results in conviction. For class C offenses, gross misdemeanors, and misdemeanors, other than sex offenses, since the last date of release from confinement, including full-time residential treatment, if any, or entry of disposition, the person has spent five consecutive years in the community without committing any offense or crime that subsequently results in conviction;

(b) No proceeding is pending against the moving party seeking the conviction of a juvenile offense or a criminal offense;

(c) No proceeding is pending seeking the formation of a diversion agreement with that person;

(d) The person has not been convicted of a class A or sex offense; and

(e) Full restitution has been paid.

~~((12))~~ (13) The person making a motion pursuant to subsection (10) of this section shall give reasonable notice of the motion to the prosecution and to any person or agency whose files are sought to be sealed.

~~((13))~~ (14) If the court grants the motion to seal made pursuant to subsection (10) of this section, it shall, subject to subsection ~~((22))~~ (23) of this section, order sealed the official juvenile court file, the social file, and other records relating to the case as are named in the order. Thereafter,

the proceedings in the case shall be treated as if they never occurred, and the subject of the records may reply accordingly to any inquiry about the events, records of which are sealed. Any agency shall reply to any inquiry concerning confidential or sealed records that records are confidential, and no information can be given about the existence or nonexistence of records concerning an individual. Any record that is sealed under this section shall be treated as nonconviction data as defined in chapter 10.97 RCW for the purposes of the defendant's criminal history. The clerk of the court in which the motion is brought shall transmit the order sealing the record to the Washington state patrol. The Washington state patrol shall transmit the order sealing the record to the federal bureau of investigation.

~~((14))~~ (15) Inspection of the files and records included in the order to seal may thereafter be permitted only by order of the court upon motion made by the person who is the subject of the information or complaint, except as otherwise provided in RCW 13.50.010(8) and subsection ~~((22))~~ (23) of this section.

~~((15))~~ (16) Any adjudication of a juvenile offense or a crime subsequent to sealing has the effect of nullifying the sealing order. Any charging of an adult felony subsequent to the sealing has the effect of nullifying the sealing order for the purposes of chapter 9.94A RCW.

~~((16))~~ (17) A person eighteen years of age or older whose criminal history consists of only one referral for diversion may request that the court order the records in that case destroyed. The request shall be granted, subject to subsection ~~((22))~~ (23) of this section, if the court finds that two years have elapsed since completion of the diversion agreement.

~~((17))~~ (18) If the court grants the motion to destroy records made pursuant to subsection ~~((16))~~ (17) of this section, it shall, subject to subsection ~~((22))~~ (23) of this section, order the official juvenile court file, the social file, and any other records named in the order to be destroyed.

~~((18))~~ (19) The person making the motion pursuant to subsection ~~((16))~~ (17) of this section shall give reasonable notice of the motion to the prosecuting attorney and to any agency whose records are sought to be destroyed.

~~((19))~~ (20) Any juvenile to whom the provisions of this section may apply shall be given written notice of his or her rights under this section at the time of his or her disposition hearing or during the diversion process.

~~((20))~~ (21) Nothing in this section may be construed to prevent a crime victim or a member of the victim's family from divulging the identity of the alleged or proven juvenile offender or his or her family when necessary in a civil proceeding.

~~((21))~~ (22) Any juvenile justice or care agency may, subject to the limitations in subsection ~~((22))~~ (23) of this section and (a) and (b) of this subsection, develop procedures for the routine destruction of records relating to juvenile offenses and diversions.

(a) Records may be routinely destroyed only when the person the subject of the information or complaint has attained twenty-three years of age or older, or is eighteen years of age or older and his or her criminal history consists entirely of one diversion agreement and two years have passed since completion of the agreement.

(b) The court may not routinely destroy the official juvenile court file or recordings or transcripts of any proceedings.

~~((22))~~ (23) No identifying information held by the Washington state patrol in accordance with chapter 43.43 RCW is subject to destruction or sealing under this section. For the purposes of this subsection, identifying information includes photographs, fingerprints, palmprints, soleprints, toeprints and any other data that identifies a person by physical characteristics, name, birthdate or address, but does not include information regarding criminal activity, arrest, charging, diversion, conviction or other information about a person's treatment by the criminal justice system or about the person's behavior.

~~((23))~~ (24) Information identifying child victims under age eighteen who are victims of sexual assaults by juvenile offenders is confidential and not subject to release to the press or public without the permission of the child victim or the child's legal guardian. Identifying information includes the child victim's name, addresses, location, photographs, and in cases in which the child victim is a relative of the alleged perpetrator, identification of the relationship between the child and the alleged perpetrator. Information identifying a child victim of sexual assault may be released to law enforcement,



prosecutors, judges, defense attorneys, or private or governmental agencies that provide services to the child victim of sexual assault.

(25) All costs incurred by the court and probation services shall be paid by the person making the motion to seal the record under subsection (10) of this section unless a determination is made pursuant to chapter 10.101 RCW that the person making the motion is indigent, at the time the motion is brought."

On page 1, line 1 of the title, after "conviction;" strike the remainder of the title and insert "amending RCW 9.94A.230, 9.95.240, and 13.50.050; and adding a new section to chapter 9.96 RCW."

and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House refused to concur in the Senate amendment(s) to Substitute House Bill No. 1392 and again asked the Senate to recede therefrom.

There being no objection, Substitute House Bill No. 1392 was immediately transmitted to the Senate.

Speaker Chopp assumed the chair.

There being no objection, the House reverted to the sixth order of business.

## **SECOND READING**

ENGROSSED SENATE BILL NO. 5485, by Senators Thibaudeau, Deccio, McDonald, Snyder, Winsley, Kline, Oke and Costa; by request of Attorney General

Regulating certain tobacco product manufacturers.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Parlette, Cody and Schual-Berke spoke in favor of passage of the bill.

Representatives Benson, Dunn and Fortunato spoke against passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Engrossed Senate Bill No. 5485.

## **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5485 and the bill passed the House by the following vote: Yeas - 77, Nays - 19, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Buck, Bush, Cairnes, Campbell, Carlson, Clements, Cody, Constantine, Conway, Cooper, Cox, DeBolt, Delvin, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Gombosky, Grant, Haigh, Hankins, Hatfield, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, Miloscia, Mitchell, Morris, Murray, O'Brien, Ogden, Parlette, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, D. Schmidt, K.

Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood and Mr. Speaker Chopp - 77.

Voting nay: Representatives Benson, Boldt, Carrell, B. Chandler, G. Chandler, Crouse, Dunn, Fortunato, Huff, Koster, Lambert, McMorris, Mielke, Mulliken, Pennington, Schindler, Sump, Talcott and Thomas - 19.

Excused: Representatives Scott and Mr. Speaker Ballard - 2.

Engrossed Senate Bill No. 5485, having received the constitutional majority, was declared passed.

#### STATEMENT FOR THE JOURNAL

Had I been present, I would have voted YEA on Engrossed Senate Bill No. 5485.

PAT SCOTT, 38th District

SENATE BILL NO. 5255, by Senators Jacobsen, Oke, Rasmussen and Finkbeiner; by request of Department of Fish and Wildlife

Changing Washington conservation corps provisions.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Natural Resources was before the body for purposes of amendment (For committee amendment(s), see Journal, 79<sup>th</sup> Day, March 30, 1999).

Representative Wensman moved the adoption of amendment (167) to the committee amendment(s):

On page 6, after line 37, insert:

"NEW SECTION. Sec. 9. The Washington conservation corps terminates June 30, 2001."

Renumber remaining sections consecutively and correct title and internal references accordingly.

Representative(s) Wensman, McMorris, Huff, Schindler and Huff (again) spoke in favor of the adoption of the amendment.

Representative(s) Regala, H. Sommers and Dunshee spoke against the adoption of the amendment.

Division was demanded. Speaker Chopp divided the House. The results of the division was 43-YEAS; 53-NAYS. The amendment was not adopted.

There being no objection, the committee amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Buck, Regala, Rockefeller and Pennington spoke in favor of passage of the bill.

Representative DeBolt spoke against passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Senate Bill No. 5255, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5255, as amended by the House, and the bill passed the House by the following vote: Yeas - 94, Nays - 2, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood and Mr. Speaker Chopp - 94.

Voting nay: Representatives Benson and Dunn - 2.

Excused: Representatives Scott and Mr. Speaker Ballard - 2.

Senate Bill No. 5255, as amended by the House, having received the constitutional majority, was declared passed.

#### STATEMENT FOR THE JOURNAL

Had I been present, I would have voted YEA on Senate Bill No. 5255.

PAT SCOTT, 38th District

#### STATEMENT FOR THE JOURNAL

I intended to vote YEA on Senate Bill No. 5255.

JIM DUNN, 17<sup>th</sup> District

SUBSTITUTE SENATE BILL NO. 5967, by Senate Committee on Ways & Means (originally sponsored by Senators Loveland and Rasmussen)

Determining nursing home bed capacity.

The bill was read the second time.

Representative Alexander moved the adoption of amendment (306):

On page 2, after line 23, insert the following:

"Sec. 3. 1999 c ... (ESSB 5180) s 207 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--AGING AND ADULT SERVICES PROGRAM**

General Fund--State Appropriation (FY 2000) \$

((451,758,000))

452,04

4,000

General Fund--State Appropriation (FY 2001) \$

|               |  |                   |
|---------------|--|-------------------|
|               |  | ((476,187,000))   |
|               |  | <u>476,76</u>     |
| <u>1,000</u>  | General Fund--Federal Appropriation          | \$                |
|               |  | ((4,000,701,000)) |
|               |  | <u>1,001,6</u>    |
| <u>29,000</u> | General Fund--Private/Local Appropriation    | \$                |
|               |  | 4,274,000         |
|               | Health Services Account--State Appropriation | \$                |
|               |  | 2,104,000         |
|               | TOTAL APPROPRIATION                          | \$                |
|               |  | ((4,935,024,000)) |
|               |  | <u>1,936,8</u>    |
| <u>12,000</u> |  |                   |

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire health services account appropriation, \$2,118,000 of the general fund--federal appropriation, \$923,000 of the general fund--state appropriation for fiscal year 2000, and \$958,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for health care benefits for home care workers who are employed through state contracts for at least twenty hours per week. Premium payments for individual provider home care workers shall be made only to the subsidized basic health plan. Home care agencies may obtain coverage either through the basic health plan or through an alternative plan with substantially equivalent benefits.

(2) \$1,640,000 of the general fund--state appropriation for fiscal year 2000 and \$1,640,000 of the general fund--state appropriation for fiscal year 2001, plus the associated vendor rate increase for each year, are provided solely for operation of the volunteer chore services program.

(3) For purposes of implementing Engrossed Second Substitute House Bill No. 1484 (nursing home payment rates), the weighted average nursing facility payment rate for fiscal year 2000 shall be no more than \$10.36 for the capital portion of the rate and no more than \$108.20 for the noncapital portion of the rate. For fiscal year ~~((2000))~~ 2001, the weighted average nursing facility payment rate shall be no more than \$10.57 for the capital portion of the rate and no more than \$110.91 for the noncapital portion of the rate. These rates include vendor rate increases, but exclude nurse's aide training.

~~(4) ((If Engrossed Second Substitute House Bill No. 1484 is not enacted by June 30, 1999, for purposes of implementing chapter 322, Laws of 1998 (nursing home payment rates), the weighted average nursing home payment rate shall be no more than \$118.39 for fiscal year 2000 and no more than \$120.36 for fiscal year 2001, including vendor rate increases but excluding nurse's aide training. The appropriations in this section include \$69,173,000 for fiscal year 2000 and \$68,123,000 for fiscal year 2001 for the department of social and health services to include a property component, a financing allowance component, and a variable return component in the rate it pays to nursing facilities. By July 1, 1999, the department shall adopt rules on an emergency basis pursuant to RCW 34.05.350 under which each nursing facility contractor shall continue to be paid the property, the financing allowance, and the variable return rate which it was paid on June 30, 1999. Each nursing facility contractor's June 30, 1999, variable return rate shall be increased by 1 percent effective July 1, 1999. Each nursing facility contractor's June 30, 2000 variable return rate shall be increased by 1 percent effective July 1, 2000. With respect to a nursing facility which enters the medicaid program for the first time on or after July 1, 1999, the department shall pay the lesser of (a) the property, the financing allowance, and the variable return rate for which the facility would qualify under chapter 388-96 WAC; or (b) the state wide average rate for each of those rate components, weighted by medicaid patient days. With respect to a nursing facility which makes a capitalized addition or replacement which requires a certificate of need and which is approved by the department of health on or after July 1, 1999, the department shall pay the lesser of (a) the property, the financing allowance, and the variable return rate for which the facility would qualify under chapter 388-96 WAC; or (b) the state wide average rate for~~

~~each of those rate components, weighted by medicaid patient days.)~~ In addition to the rates set forth in subsection (3), \$286,000 of the general fund--state appropriation for fiscal year 2000, \$574,000 of the general fund--state appropriation for fiscal year 2001, and \$928,000 of the general fund--federal appropriation are provided solely for supplemental rate adjustments for certain nursing facilities. In accordance with RCW 74.46.431, the department shall use these funds to apply an additional economic trends and conditions adjustment factor to the rate of any facility whose total rate allocation would otherwise be less than its April 1, 1999, total rate, adjusted for case-mix changes. This supplemental adjustment factor shall be the percentage by which the facility's April 1, 1999, rate would otherwise exceed the rate calculated in accordance with chapter 74.46 RCW and sub-section (3) of this section, except that (a) no adjustment shall be provided for any amounts by which a facility's rate is lower due to a reduction in its facility-average medicaid case-mix score; and (b) the adjustment factor shall be reduced proportionately for all facilities by the percentage by which total supplemental payments would otherwise exceed the funds provided for such payments in this sub-section.

(5) \$50,000 of the general fund--state appropriation for fiscal year 2000 and \$50,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for payments to any nursing facility licensed under chapter 18.51 RCW which meets all of the following criteria: (a) The nursing home entered into an arm's length agreement for a facility lease prior to January 1, 1980; (b) the lessee purchased the leased nursing home after January 1, 1980; and (c) the lessor defaulted on its loan or mortgage for the assets of the home after January 1, 1991, and prior to January 1, 1992. Payments provided pursuant to this subsection shall not be subject to the settlement, audit, or rate-setting requirements contained in chapter 74.46 RCW.

(6) \$6,264,000 of the general fund--state appropriation for fiscal year 2000, \$13,860,000 of the general fund--state appropriation for fiscal year 2001, and \$21,795,000 of the general fund--federal appropriation are provided solely to increase compensation for individual and for agency home care providers. Payments to individual home care providers are to be increased from \$6.18 per hour to \$6.68 per hour on July 1, 1999, and to \$7.18 per hour on July 1, 2000. Payments to agency providers are to increase to \$11.97 per hour on July 1, 1999, and to \$12.62 per hour on July 1, 2000. All but 14 cents per hour of the July 1, 1999, increase to agency providers, and all but 15 cents per hour of the additional July 1, 2000, increase is to be used to increase wages for direct care workers. The appropriations in this subsection also include the funds needed for the employer share of unemployment and social security taxes on the amount of the increase.

(7) \$200,000 of the general fund--state appropriation for fiscal year 2000, \$80,000 of the general fund--state appropriation for fiscal year 2001, and \$280,000 of the general fund--federal appropriation are provided solely for enhancement and integration of existing management information systems to (a) provide data at the local office level on service utilization, costs, and recipient characteristics; and (b) reduce the staff time devoted to data entry.

(8) The department of social and health services shall provide access and choice to consumers of adult day health services for the purposes of nursing services, physical therapy, occupational therapy, and psychosocial therapy. Adult day health services shall not be considered a duplication of services for persons receiving care in long-term care settings licensed under chapter 18.20, 72.36, or 70.128 RCW.

(9) \$1,452,000 of the general fund--state appropriation for fiscal year 2000, \$1,528,000 of the general fund--state appropriation for fiscal year 2001, and \$2,980,000 of the general fund--federal appropriation are provided solely for implementation of Second Substitute House Bill No. 1546 (in-home care services). If Second Substitute House Bill No. 1546 is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 4.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 1999."

Representative(s) Alexander, Cody and Parlette spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cody and Alexander spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Substitute Senate Bill No. 5967, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5967, as amended by the House, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood and Mr. Speaker Chopp - 96.

Excused: Representatives Scott and Mr. Speaker Ballard - 2.

Substitute Senate Bill No. 5967, as amended by the House, having received the constitutional majority, was declared passed.

#### STATEMENT FOR THE JOURNAL

Had I been present, I would have voted YEA on Substitute Senate Bill No. 5967.

PAT SCOTT, 38th District

SUBSTITUTE SENATE BILL NO. 5968, by Senate Committee on Ways & Means (originally sponsored by Senators Loveland and Rasmussen)

Requiring supplemental payments to nursing facilities operated by public hospital districts.

The bill was read the second time.

Representative Cody moved the adoption of amendment (366):

On page 1, after line 17, insert the following:

"**Sec. 1.** 1999 c ... (ESSB 5180) s 210 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MEDICAL ASSISTANCE PROGRAM**

|   |    |             |
|---|----|-------------|
| General Fund--State Appropriation (FY 2000) | \$ | 722,863,000 |
| General Fund--State Appropriation (FY 2001) | \$ | 784,657,000 |

|  |    |                      |
|--|----|----------------------|
| General Fund--Federal Appropriation  | \$ | ((2,345,803,000))    |
|  |    | <u>2,401,804,000</u> |
| General Fund--Private/Local Appropriation  | \$ | 261,534,000          |
| Emergency Medical Services and Trauma Care Systems<br>Trust Account--State Appropriation | \$ | 9,200,000            |
| Health Services Account--State Appropriation   | \$ | ((339,535,000))      |
|  |    | <u>391,582,000</u>   |
| TOTAL APPROPRIATION  | \$ | ((4,463,592,000))    |
|  |    | <u>4,571,641,000</u> |

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall continue to make use of the special eligibility category created for children through age 18 and in households with incomes below 200 percent of the federal poverty level made eligible for medicaid as of July 1, 1994.

(2) It is the intent of the legislature that Harborview medical center continue to be an economically viable component of the health care system and that the state's financial interest in Harborview medical center be recognized.

(3) Funding is provided in this section for the adult dental program for Title XIX categorically eligible and medically needy persons and to provide foot care services by podiatric physicians and surgeons.

(4) \$1,647,000 of the general fund--state appropriation for fiscal year 2000 and \$1,672,000 of the general fund--state appropriation for fiscal year 2001 are provided for treatment of low-income kidney dialysis patients.

(5) \$80,000 of the general fund--state appropriation for fiscal year 2000, \$80,000 of the general fund--state appropriation for fiscal year 2001, and \$160,000 of the general fund--federal appropriation are provided solely for the prenatal triage clearinghouse to provide access and outreach to reduce infant mortality.

(6) The department shall adopt a new formula for distributing funds under the low-income disproportionate share hospital (LI-DSH) program. Under this new formula, (a) the state's Level 1 trauma center shall continue to receive the same amount of LI-DSH payments as in fiscal year 1999; and (b) ~~((in addition to other factors, the amount of a hospital's LI-DSH payment shall be inversely related to its net operating income as a percentage of total expenditures, such that more profitable hospitals receive a relatively smaller payment under the program))~~ a net profitability factor shall be included with other factors to determine LI-DSH payments. The net profitability factor shall inversely relate hospital percent net operating income to payment under the program.

(7) The department shall report to the fiscal committees of the legislature by September 15, 1999, and again by December 15, 1999, on (a) actions it has taken and proposes to take to increase the share of medicare part B premium payments upon which it is collecting medicaid matching funds; (b) the percentage of such premium payments for each month of service subsequent to June 1998 which have been paid with unmatched, state-only funds; and (c) why matching funds could not be collected on those payments.

(8) The department shall report to the fiscal committees of the legislature by December 1, 1999, and again by October 1, 2000, on the amount which has been recovered from third-party payers as a result of its efforts to improve coordination of benefits on behalf of "basic health plan-plus" enrollees.

(9) The department shall report to the health care and fiscal committees of the legislature by December 1, 1999, on options for controlling the growth in medicaid prescription drug expenditures through strategies such as but not limited to volume purchasing, selective contracting, supplemental drug discounts, and improved care coordination for high utilizers.

(10) \$3,992,000 of the health services account appropriation and \$7,651,000 of the general fund--federal appropriation are provided solely for health insurance coverage for children with family incomes between 200 percent and 250 percent of the federal poverty level, as provided in Substitute Senate Bill No. 5416 (children's health insurance program). If the bill is not enacted by June 30, 1999, these amounts shall lapse.

(11) \$191,000 of the general fund--state appropriation for fiscal year 2000 and \$391,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for implementation of Substitute Senate Bill No. 5587 (patient bill of rights). If the bill is not enacted by June 30, 1999, these amounts shall lapse.

(12) Upon approval from the federal health care financing administration, the department shall implement the section 1115 family planning waiver to provide family planning services to persons with family incomes at or below two hundred percent of the federal poverty level.

(13) Except in the case of rural hospitals and Harborview medical center, weighted average payments (~~rates~~) under the ratio-of-cost-to-charges hospital payment system shall increase by no more than ~~(4.7)~~ 175 percent (~~per year~~) of the DRI HCFA hospital reimbursement market basket index.

(14) From the funds appropriated in this section, the department shall provide chiropractic services for persons qualifying for medical assistance services under chapter 74.09 RCW.

(15) In accordance with Substitute Senate Bill No. 5968, \$25,978,000 of the health services account appropriation for fiscal year 2000, \$26,069,000 of the health services account appropriation for fiscal year 2001, and \$56,002,000 of the general fund--federal appropriation, or so much thereof as may be expended without exceeding the medicare upper payment limit, are provided solely for supplemental payments to nursing homes operated by rural public hospital districts. Such payments shall be distributed among the participating rural public hospital districts proportional to the number of days of medicaid-funded nursing home care provided by each district during the preceding calendar year, relative to the total number of such days of care provided by all participating rural public hospital districts. Prior to making any supplemental payments, the department shall first obtain federal approval for such payments under the medicaid state plan. The payments shall further be conditioned upon (a) a contractual commitment by the association of public hospital districts and participating rural public hospital districts to make an intergovernmental transfer to the state treasurer, for deposit into the health services account, equal to at least 82 percent of the supplemental payment amount; and (b) a contractual commitment by the participating districts to not allow expenditures covered by the supplemental payments to be used for medicaid nursing home rate-setting."

Correct the title.

Representative(s) Cody and Parlette spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Cody spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Substitute Senate Bill No. 5968, as amended by the House.

ROLL CALL



The Clerk called the roll on the final passage of Substitute Senate Bill No. 5968, as amended by the House, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood and Mr. Speaker Chopp - 96.

Excused: Representatives Scott and Mr. Speaker Ballard - 2.

Substitute Senate Bill No. 5968, as amended by the House, having received the constitutional majority, was declared passed.

#### STATEMENT FOR THE JOURNAL

Had I been present, I would have voted YEA on Substitute Senate Bill No. 5968.

PAT SCOTT, 38th District

SUBSTITUTE SENATE BILL NO. 5011, by Senate Committee on Human Services & Corrections (originally sponsored by Senators Long, Hargrove, Franklin, Loveland, Winsley, Patterson, Deccio, McCaslin, Goings, Oke and Costa)

Changing provisions relating to dangerous mentally ill offenders.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lovick and Ballasiotes spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Substitute Senate Bill No. 5011.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5011 and the bill passed the House by the following vote: Yeas - 94, Nays - 2, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood and Mr. Speaker Chopp - 94.

Voting nay: Representatives Benson and Huff - 2.  
Excused: Representatives Scott and Mr. Speaker Ballard - 2.

Substitute Senate Bill No. 5011, having received the constitutional majority, was declared passed.

#### STATEMENT FOR THE JOURNAL

Had I been present, I would have voted YEA on Substitute Senate Bill No. 5011.

PAT SCOTT, 38th District

SUBSTITUTE SENATE BILL NO. 5298, by Senate Committee on Education (originally sponsored by Senators McAuliffe, Winsley, Goings, Honeyford, Eide, Brown, Kohl-Welles and Patterson; by request of Superintendent of Public Instruction)

Changing local assistance funds provisions.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cox and Rockefeller spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Substitute Senate Bill No. 5298.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5298 and the bill passed the House by the following vote: Yeas - 94, Nays - 2, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood and Mr. Speaker Chopp - 94.

Voting nay: Representatives Huff and Lisk - 2.

Excused: Representatives Scott and Mr. Speaker Ballard - 2.

Substitute Senate Bill No. 5298, having received the constitutional majority, was declared passed.

#### STATEMENT FOR THE JOURNAL

Had I been present, I would have voted YEA on Substitute Senate Bill No. 5299.

PAT SCOTT, 38th District

SUBSTITUTE SENATE BILL NO. 5416, by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Thibaudeau, Eide, Patterson, Franklin, Rasmussen, Snyder, Wojahn, Bauer, Kohl-Welles and McAuliffe; by request of Governor Locke)

Creating the children's health insurance program.

The bill was read the second time.

Representative Alexander moved the adoption of amendment (362):

On page 1, line 18, strike "and"

On page 1, line 19, after "Title XXI" strike "." and insert "; and (e) who has a special health care need. A child with a special health care need is: (i) one who has a chronic health condition that is expected to last at least one year and have significant sequelae requiring ongoing extensive medical care. Examples of such conditions may include but are not limited to: birth defects including genetic, congenital, or acquired disorders; developmental disabilities; and chronic illnesses such as diabetes, sickle cell disease, cystic fibrosis, muscular dystrophy, and cerebral palsy. A child who has any of these conditions, as diagnosed by their primary care or specialty physician, shall be eligible for the Washington state children's health insurance program with minimal ongoing evaluation; or (ii) one who has a condition that is initially severe but will improve over time as a result of appropriate treatment. Examples of these conditions may include but are not limited to: malignancies, chronic respiratory disease of prematurity, and severe injuries. A child who has any of these conditions, will require extensive medical services for a limited time, and will be initially eligible for the children's health insurance program. In order for such a child to remain eligible in the children's health insurance program, the health status of the child must be reviewed on an annual basis by a physician experienced in providing care to children with special health care needs.

(3) Upon notification to the Legislature that the department has exceeded by 10,000 the 1999-01 budget goal of the ongoing outreach project to enroll 21,500 additional children with family incomes at or below 200% of federal poverty level, the department may expand the children's health insurance program to all children in families below 250 percent of the federal poverty level not otherwise eligible for Medicaid. Such expansion shall be contingent upon the Legislature's acknowledgment of the achievement of this level of performance, at which time, subsection (2)(e) of this section shall no longer be applicable. The department shall report to the fiscal committees of the Legislature on December 1, 1999 and December 1, 2000 the incremental number of average monthly eligible children enrolled each month as a result of this outreach effort.

(4) By December 15, 1999, the Washington health care authority shall provide recommendations to the Legislature on the design of a state program to meet the health care coverage needs of children in families between 200 and 250 percent of the federal poverty level that meets the requirements of the federal Children's Health Insurance Program. In preparing the recommendations the authority shall contract with an actuarial firm to develop the final recommendations reported to the Legislature. The firm must have extensive knowledge of the operations of health care coverage systems, both public and private, and must have experience in providing recommendations to at least one other state that has designed a state program that received approval by the federal government to serve children eligible for the Children's Health Insurance Program as authorized by Congress. In preparing the final recommendations, the firm must evaluate and bring forward recommendations to implement all of the following program structures: employer partnership programs; premium payment assistance for eligible families; employer tax credits or other incentives to employers to provide family coverage; expansion of existing state programs other than Medicaid; and creation of a separate state program to specifically implement the Children's Health Insurance Program."

Renumber remaining subsections consecutively.

Representative(s) Alexander, Huff, Pflug, Mastin, Parlette, Fortunato, Pflug (again), Cox and Huff spoke in favor of the adoption of the amendment.

Representative(s) Schual-Berke, Cody, Conway, Gombosky, Ruderman and Kessler spoke against the adoption of the amendment.

Representative Schual-Berke demanded the previous question.

Division was demanded. Speaker Chopp divided the House. The results of the division was 45-YEAS; 51-NAYS. The amendment was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Edwards and Eickmeyer spoke in favor of passage of the bill.

Representatives Benson and Pflug spoke against passage of the bill.

Representative Morris demanded the previous question.

#### MOTION

On motion of Representative Schoesler, Representative Huff was excused.

Speaker Chopp stated the question before the House to be final passage of Substitute Senate Bill No. 5416, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5416, as amended by the House, and the bill passed the House by the following vote: Yeas - 67, Nays - 28, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Ballasiotes, Barlean, Buck, Cairnes, Campbell, Carlson, Clements, Cody, Constantine, Conway, Cooper, Cox, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Fisher, Gombosky, Grant, Haigh, Hankins, Hatfield, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Lambert, Lantz, Linville, Lovick, McDonald, McIntire, Miloscia, Mitchell, Morris, Murray, O'Brien, Ogden, Parlette, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, D. Schmidt, Schoesler, Schual-Berke, Skinner, H. Sommers, Stensen, Sullivan, Tokuda, Veloria, Wensman, Wolfe, Wood and Mr. Speaker Chopp - 67.

Voting nay: Representatives Alexander, Benson, Boldt, Bush, Carrell, B. Chandler, G. Chandler, Crouse, DeBolt, Delvin, Dunn, Esser, Fortunato, Koster, Lisk, Mastin, McMorris, Mielke, Mulliken, Pennington, Pflug, Schindler, K. D. Schmidt Sommers, Sump, Talcott, Thomas and Van Luven - 28.

Excused: Representatives Huff, Scott and Mr. Speaker Ballard - 3.

Substitute Senate Bill No. 5416, as amended by the House, having received the constitutional majority, was declared passed.

#### STATEMENT FOR THE JOURNAL

Had I been present, I would have voted YEA on Substitute Senate Bill No. 5416.

PAT SCOTT, 38th District

There being no objection, all bills passed were immediately transmitted to the Senate.

Speaker Chopp called upon Representative Ogden to preside.

There being no objection, the House reverted to the fourth order of business.

### **INTRODUCTIONS AND FIRST READING**

HB 2290 by Representatives Carrell, Sullivan, Lambert, Esser, Cox, Schindler, Mielke, Crouse, Sump, Ballasiotes, Bush, Carlson, Buck, Dunn, D. Sommers, McDonald and Conway

AN ACT Relating to preventing access by minors to materials about bomb making.

HB 2291 by Representative Benson

AN ACT Relating to regulating structured settlements.

HB 2292 by Representatives Schoesler and Benson

AN ACT Relating to changing provisions relating to rebating by practitioners of healing professions.

HB 2293 by Representatives Cody and Van Luven

AN ACT Relating to certifying hemodialysis technicians.

HJM 4016 by Representatives Carrell, Sullivan, Ballasiotes, Mielke, Sump, Carlson, Bush, Crouse, Buck, Dunn, D. Sommers, McDonald and Conway

AN ACT Relating to petitioning Congress to enact legislation to prohibit access by minors to information on how to make bombs through interstate commerce.

HCR 4413 by Representatives Carrell, Constantine, Kastama, McDonald, Lantz, Schindler, Lambert, Dickerson, Lovick, Cox, Hurst and Esser

AN ACT Relating to establishing a joint task force on equal access to justice.

HCR 4414 by Representative Kessler

AN ACT Relating to making exceptions to cutoff dates.

HCR 4415 by Representative Kessler

AN ACT Relating to making exceptions to cutoff dates.

HCR 4416 by Representative Kessler

AN ACT Relating to making exceptions to cutoff dates.

HCR 4417 by Representative Kessler

AN ACT Relating to making exceptions to cutoff dates.

HCR 4418 by Representative Kessler

AN ACT Relating to making exceptions to cutoff dates.

HCR 4419 by Representative Kessler

AN ACT Relating to making exceptions to cutoff dates.

HCR 4420 by Representative Kessler

AN ACT Relating to making exceptions to cutoff dates.

HCR 4421 by Representative Kessler

AN ACT Relating to making exceptions to cutoff dates.

ESSB 5693 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Wojahn, McDonald, Deccio, Thibaudeau, Roach, Winsley, Oke, Rasmussen, Prentice and Costa)

Establishing the developmental disabilities endowment trust fund.

ESSB 6067 by Committee on Health & Long-Term Care (originally sponsored by Senator Thibaudeau)

AN ACT Relating to modifying provisions concerning access to individual health insurance coverage.

SCR 8410 by Senator B. Sheldon

AN ACT Relating to making exceptions to cutoff dates.

There being no objection, the rules were suspended and Substitute Senate Bill No. 5693 was advanced to second reading.

Speaker Chopp assumed the chair.

## **SECOND READING**

ENGROSSED SUBSTITUTE SENATE BILL NO. 5693, by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Wojahn, McDonald, Deccio, Thibaudeau, Roach, Winsley, Oke, Rasmussen, Prentice and Costa)

Establishing the developmental disabilities endowment trust fund.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Fortunato and Tokuda spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Substitute Senate Bill No. 5693.

## **ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5693 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood and Mr. Speaker Chopp - 96.

Excused: Representatives Scott and Mr. Speaker Ballard - 2.

Substitute Senate Bill No. 5693, having received the constitutional majority, was declared passed.

#### STATEMENT FOR THE JOURNAL

Had I been present, I would have voted YEA on Substitute Senate Bill No. 5693.

PAT SCOTT, 38th District

Speaker Chopp called upon Representative Ogden to preside.

#### MESSAGE FROM THE SENATE

April 22, 1999

Mr. Speaker:

The Senate refuses to concur in the House amendment(s) to SUBSTITUTE SENATE JOINT RESOLUTION NO. 8208 and asks the House to recede therefrom, and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House receded from its amendments to Substitute Senate Joint Resolution No. 8208 and advanced the resolution to final passage.

#### FINAL PASSAGE

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Substitute Senate Joint Memorial No. 8208.

Representative H. Sommers spoke in favor of final passage.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Joint Memorial No. 8208 and the resolution passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville,

Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood and Mr. Speaker Chopp - 96.

Excused: Representatives Scott and Mr. Speaker Ballard - 2.

Substitute Senate Joint Memorial No. 8208, having received a two thirds majority, was declared passed.

#### STATEMENT FOR THE JOURNAL

Had I been present, I would have voted YEA on Substitute Senate Joint Memorial No. 8208.

PAT SCOTT, 38th District

#### MESSAGES FROM THE SENATE

April 25, 1999

Mr. Speaker:

The Senate receded from its from its amendment(s) to ENGROSSED HOUSE BILL NO. 1773 (1773.E AAS 4/16/99 S2853.1) adopted on 4/16/99. Under suspension of rules, the Senate returned the bill to Second Reading for purpose of amendment(s) and adopted amendment(s) #521 by Senators Heavey and others. The Senate failed to pass the bill as amended, and the same is herewith transmitted.

Tony M. Cook, Secretary

April 25, 1999

Mr. Speaker:

The Senate has concurred in the House amendment(s) and has passed the following bills as amended by the House:

SUBSTITUTE SENATE BILL NO. 5967,

SUBSTITUTE SENATE BILL NO. 5968,

and the same are herewith transmitted.

Tony M. Cook, Secretary

#### SIGNED BY THE SPEAKERS

The Speakers have signed:

SECOND SUBSTITUTE HOUSE BILL NO. 1493,

HOUSE BILL NO. 1757,



SUBSTITUTE HOUSE BILL NO. 1774,

There being no objection, the Committee on Agriculture & Ecology was relieve of Substitute Senate Bill No. 5729, the rules were suspended and the bill was advanced to second reading.

**SECOND READING**

SUBSTITUTE SENATE BILL NO. 5729, by Senate Committee on Environmental Quality & Water Resources (originally sponsored by Senators Rasmussen and Swecker)

Establishing parameters for solid waste facility locational standards.

The bill was read the second time.

Representative Koster moved the adoption of amendment (324):

On page 2, line 2, after "section." insert "This section shall not apply to the construction of any landfill which has received some or all of the required permits, or for which permit applications have been filed."

Representative(s) Koster and G. Chandler spoke in favor of the adoption of the amendment.

Representative Campbell spoke against the adoption of the amendment.

The amendment was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Campbell, Thomas and Bush spoke in favor of passage of the bill.

Representative G. Chandler spoke against passage of the bill.

Representative Kessler demanded the previous question and the demand was sustained.

**MOTION**

On motion of Representative Schoesler, Representatives Alexander and DeBolt were excused.

Speaker Chopp stated the question before the House to be final passage of Substitute Senate Bill No. 5729, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5729, as amended by the House, and the bill passed the House by the following vote: Yeas - 56, Nays - 38, Absent - 0, Excused - 4.

Voting yea: Representatives Barlean, Benson, Bush, Campbell, Carlson, Clements, Cody, Constantine, Conway, Cooper, Dickerson, Dunn, Dunshee, Edwards, Eickmeyer, Fisher, Gombosky, Haigh, Hatfield, Hurst, Kastama, Keiser, Kenney, Kessler, Lambert, Lantz, Lovick, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Pennington, Pflug, Poulsen, Quall, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, D. Schmidt, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Thomas, Tokuda, Van Luven, Veloria, Wolfe, Wood and Mr. Speaker Chopp - 56.

Voting nay: Representatives Anderson, Ballasiotes, Boldt, Buck, Cairnes, Carrell, B. Chandler, G. Chandler, Cox, Crouse, Delvin, Doumit, Edmonds, Ericksen, Esser, Fortunato, Grant, Hankins, Huff, Kagi, Koster, Linville, Lisk, Mastin, McDonald, McMorris, Mielke, Mitchell, Mulliken, Parlette, Radcliff, Schindler, K. Schmidt, Schoesler, Sullivan, Sump, Talcott and Wensman - 38.

Excused: Representatives Alexander, DeBolt, Scott and Mr. Speaker Ballard - 4.

Substitute Senate Bill No. 5729, as amended by the House, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

Had I been present, I would have voted YEA on Substitute Senate Bill No. 5729.

PAT SCOTT, 38th District

SENATE AMENDMENTS TO HOUSE BILL

April 25, 1999

Mr. Speaker:

Under suspension of rules, the Senate returned SUBSTITUTE HOUSE BILL NO. 1165 to Second Reading for purpose of amendment(s). The Senate adopted the Ways & Means Committee amendment(s) as amended by 1165-S AMS BAUE S3009.2 (FLR 319), and passed the bill as amended,

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A capital budget is hereby adopted and, subject to the provisions set forth in this act, the several dollar amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for capital projects during the period ending June 30, 2001, out of the several funds specified in this act.

NEW SECTION. **Sec. 2.** Numbers in parentheses refer to project identifier codes established by the office of financial management. For projects with two identifier codes, the first identifier code refers to the reappropriation and the second identifier code refers to the new appropriation.

**PART 1  
GENERAL GOVERNMENT**

NEW SECTION. **Sec. 101. FOR THE COURT OF APPEALS**  
Division II Court and Office: Renovation (00-1-001)

Appropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 2,400,000 |
| Prior Biennia (Expenditures)               | \$ | 0         |
| Future Biennia (Projected Costs)           | \$ | 0         |
|  |    | -----     |
| TOTAL                                      | \$ |           |

2,400,000

**NEW SECTION. Sec. 102. FOR THE OFFICE OF THE SECRETARY OF STATE**  
Northwest Washington Regional Archives: HVAC system upgrade and balancing (00-1-001)

Appropriation:

|  |    |                 |
|--|----|-----------------|
| State Building Construction Account--State | \$ | 70,000          |
| Prior Biennia (Expenditures)               | \$ | 0               |
| Future Biennia (Projected Costs)           | \$ | 0               |
| TOTAL                                      |    | -----<br>70,000 |

**NEW SECTION. Sec. 103. FOR THE OFFICE OF THE SECRETARY OF STATE**  
Tumwater Records Center: Expansion (00-2-001)

Appropriation:

|  |    |                    |
|--|----|--------------------|
| State Building Construction Account--State | \$ | 250,000            |
| Prior Biennia (Expenditures)               | \$ | 0                  |
| Future Biennia (Projected Costs)           | \$ | 2,550,000          |
| TOTAL                                      |    | -----<br>2,800,000 |

**NEW SECTION. Sec. 104. FOR THE OFFICE OF THE SECRETARY OF STATE**  
Puget Sound Archives Building (94-2-003)

Reappropriation:

|  |    |                    |
|--|----|--------------------|
| State Building Construction Account--State | \$ | 200,000            |
| Prior Biennia (Expenditures)               | \$ | 6,540,125          |
| Future Biennia (Projected Costs)           | \$ | 0                  |
| TOTAL                                      |    | -----<br>6,740,125 |

**NEW SECTION. Sec. 105. FOR THE OFFICE OF THE SECRETARY OF STATE**  
Birch Bay Records Storage: Asbestos Abatement (94-1-002)

Reappropriation:

|  |    |         |
|--|----|---------|
| State Building Construction Account--State | \$ | 89,355  |
| Prior Biennia (Expenditures)               | \$ | 110,645 |
| Future Biennia (Projected Costs)           | \$ | 0       |
|  |    | -----   |
| TOTAL                                      | \$ | 200,000 |

**NEW SECTION. Sec. 106. FOR THE OFFICE OF THE SECRETARY OF STATE**  
 Eastern Branch Archives Building: Design (98-2-001)

The reappropriation in this section is provided solely for completion of the design phase for the eastern regional archives facility to be sited on the south campus of the Riverpoint higher education park in Spokane.

Reappropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 48,645    |
| Prior Biennia (Expenditures)               | \$ | 530,972   |
| Future Biennia (Projected Costs)           | \$ | 5,135,000 |
|  |    | -----     |
| TOTAL                                      | \$ | 5,714,617 |

**NEW SECTION. Sec. 107. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Community Economic Revitalization (86-1-001) (00-2-001)

The reappropriation in this section from the public facilities construction loan revolving account is subject to the following conditions and limitations:

(1) The department shall ensure that all funds transferred from the public works assistance account into the public facilities construction loan revolving account during the 1997-99 biennium are used only for loans to local governments.

(2) The department shall also ensure that all principal and interest payments from these loans are paid into the public works assistance account.

(3) The new appropriation from the public facility construction loan revolving account shall be used solely to provide loans to eligible local governments and grants to the extent permitted by law. The department shall ensure that all principal and interest payments from loans made on moneys from this account are paid into this account.

Reappropriation:

|  |    |           |
|--|----|-----------|
| Public Works Assistance Account--State                     | \$ | 1,539,515 |
| Public Facility Construction Loan Revolving Account--State | \$ | 9,500,000 |

|  |    |       |            |
|--|----|-------|------------|
| Subtotal Reappropriation                                   | \$ | ----- | 11,539,515 |
| Appropriation:   |    |       |            |
| Public Facility Construction Loan Revolving Account--State | \$ |       | 13,000,000 |
| Prior Biennia (Expenditures)                               | \$ |       | 559,003    |
| Future Biennia (Projected Costs)                           | \$ |       | 36,000,000 |
|  |    | ----- |            |
| TOTAL  | \$ |       | 60,598,518 |

**NEW SECTION. Sec. 108. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

County Public Facility Construction (00-2-010)

The appropriations in this section shall be used solely for financial assistance to distressed counties that have experienced extraordinary costs due to the location of a major new business facility or the substantial expansion of an existing business facility in the county. The entire appropriation from the state building construction account shall be provided as a grant to support the Grays Harbor water system project.

|   |    |       |            |
|---|----|-------|------------|
| Appropriation:  |    |       |            |
| Distressed County Facilities Construction Loan Account--State | \$ |       | 4,000,000  |
| State Building Construction Account--State                    | \$ |       | 3,500,000  |
|   |    | ----- |            |
| Subtotal Appropriation  | \$ |       | 7,500,000  |
| Prior Biennia (Expenditures)                                  | \$ |       | 0          |
| Future Biennia (Projected Costs)                              | \$ |       | 16,000,000 |
|   |    | ----- |            |
| TOTAL   | \$ |       | 23,500,000 |

**NEW SECTION. Sec. 109. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Burke Museum Governance and Siting Study

The appropriation in this section is subject to the following condition and limitation:  
Funds are provided for a study of the governance of the Burke museum and for an examination of the potential expansion of the museum facility including siting issues. The study shall be facilitated by the department. The study members shall include representatives from the University of

Washington, the department of community, trade, and economic development's tourism and economic development units, the executive director of the Washington state historical society, the city of Seattle, King county, and members of the community and businesses from various geographic regions of the state. The department shall provide a report to the legislature by June 30, 2001, outlining funding strategies for an expanded state natural history museum which recognizes the limited state resources for capital facilities programmatic enhancements, and outlines alternative funding resources and partners.

Appropriation:

|  |    |                  |
|--|----|------------------|
| University of Washington Building Account--State | \$ | 350,000          |
| Prior Biennia (Expenditures)                     | \$ | 0                |
| Future Biennia (Projected Costs)                 | \$ | 0                |
| TOTAL  |    | -----<br>350,000 |

**NEW SECTION. Sec. 110. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Public Works Trust Fund (94-2-001) (00-2-002)

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$10,000,000 of the new appropriation in this section is provided solely for the preconstruction program as set forth in RCW 43.155.068.
- (2) \$2,000,000 of the new appropriation in this section is for the emergency loan program as set forth in RCW 43.155.065.

Reappropriation:

|  |    |             |
|--|----|-------------|
| Public Works Assistance Account--State | \$ | 179,446,108 |
|--|----|-------------|

Appropriation:

|  |    |                        |
|--|----|------------------------|
| Public Works Assistance Account--State | \$ | 203,150,000            |
| Prior Biennia (Expenditures)           | \$ | 68,904,717             |
| Future Biennia (Projected Costs)       | \$ | 852,600,000            |
| TOTAL                                  |    | -----<br>1,304,100,825 |

**NEW SECTION. Sec. 111. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Housing Assistance, Weatherization, and Affordable Housing (88-5-015) (00-2-003)

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$5,000,000 of the new appropriation from the state building construction account is provided solely to promote development of safe and affordable housing units for persons eligible for

services from the division of developmental disabilities within the department of social and health services.

(2) \$1,800,000 of the reappropriation from the state building construction account is provided solely to promote development of safe and affordable housing units for persons eligible for services from the division of developmental disabilities within the department of social and health services.

(3) \$1,000,000 of the new appropriation from the state building construction account is provided solely for shelters, transitional housing, or other housing facilities for victims of domestic violence.

Reappropriation:

|  |    |            |
|--|----|------------|
| State Building Construction Account--State | \$ | 22,000,000 |
|--|----|------------|

Appropriation:

|  |    |            |
|--|----|------------|
| State Building Construction Account--State | \$ | 57,500,000 |
|--|----|------------|

|   |    |           |
|---|----|-----------|
| Washington Housing Trust Account--State | \$ | 4,300,000 |
|---|----|-----------|

|                        |    |            |
|------------------------|----|------------|
| Subtotal Appropriation | \$ | 61,800,000 |
|------------------------|----|------------|

|                              |    |            |
|------------------------------|----|------------|
| Prior Biennia (Expenditures) | \$ | 43,790,503 |
|------------------------------|----|------------|

|                                  |    |             |
|----------------------------------|----|-------------|
| Future Biennia (Projected Costs) | \$ | 200,000,000 |
|----------------------------------|----|-------------|

|       |    |             |
|-------|----|-------------|
| TOTAL | \$ | 327,590,503 |
|-------|----|-------------|

**NEW SECTION. Sec. 112. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Development Loan Fund (88-2-006) (00-2-004)

Reappropriation:

|  |    |         |
|--|----|---------|
| State Building Construction Account--State | \$ | 558,716 |
|--|----|---------|

|  |    |           |
|--|----|-----------|
| Washington State Development Loan Account--State | \$ | 2,439,932 |
|--|----|-----------|

|                          |    |           |
|--------------------------|----|-----------|
| Subtotal Reappropriation | \$ | 2,998,648 |
|--------------------------|----|-----------|

Appropriation:

|  |    |           |
|--|----|-----------|
| Washington State Development Loan Account--State | \$ | 3,500,000 |
|--|----|-----------|

|                              |    |         |
|------------------------------|----|---------|
| Prior Biennia (Expenditures) | \$ | 805,237 |
|------------------------------|----|---------|

|                                  |    |            |
|----------------------------------|----|------------|
| Future Biennia (Projected Costs) | \$ | 18,000,000 |
|----------------------------------|----|------------|

TOTAL \$

-----  
25,303,885

**NEW SECTION. Sec. 113. FOR THE DEPARTMENT OF COMMUNITY, TRADE,  
AND ECONOMIC DEVELOPMENT**

Building for the Arts (92-5-100) (00-2-005)

The appropriation in this section is subject to the following conditions and limitations:

(1) The following projects are eligible for funding:

| Location  | Recommendation |
|---|----------------|
| Projects Previously Approved                        |                |
| Columbia Theatre (Phase II), Longview               | \$75,000       |
| Mt. Baker Theatre (Phase II), Bellingham            | \$137,000      |
| People's Lodge, Seattle                             | \$256,000      |
| Seattle Symphony, Seattle                           | \$1,600,000    |
| New Projects  |                |
| Arts West, Seattle                                  | \$262,000      |
| Bellevue Art Museum, Bellevue                       | \$1,250,000    |
| Chewelah Com. Celebrations, Chewelah                | \$6,500        |
| Children's Museum/Spokane, Spokane                  | \$62,000       |
| Columbia Point (Phase II), Richland                 | \$428,000      |
| Everett Theatre, Everett                            | \$91,000       |
| Filipino-American Community Hall, Bainbridge Island | \$32,000       |
| Gladish Center, Pullman                             | \$36,000       |
| Harlequin Productions, Olympia                      | \$170,000      |
| Harrington Opera House, Harrington                  | \$35,000       |
| Icicle Creek Music Center, Leavenworth              | \$54,000       |
| Intiman Theatre, Seattle                            | \$380,000      |
| International Glass Museum, Tacoma                  | \$750,000      |
| Kirkland Arts Center, Kirkland                      | \$9,900        |
| Knutzen Theatre, Federal Way                        | \$413,000      |



|                                    |             |
|------------------------------------|-------------|
| Maple Hall, La Conner              | \$135,000   |
| Nisqually Cultural Museum, Olympia | \$2,400     |
| Pottery Northwest, Seattle         | \$298,000   |
| Richard Hugo House, Seattle        | \$50,000    |
| Spokane Civic Theatre, Spokane     | \$69,000    |
| Tacoma Art Museum, Tacoma          | \$1,250,000 |
| West Olympic Council/Arts, Forks   | \$18,000    |
| Total All Projects                 | \$7,869,800 |

(2) State grants shall not exceed fifteen percent of either the estimated total capital cost or actual capital cost of a project, whichever is less. The remaining portions of the project capital costs shall be a match from nonstate sources. The match may include cash and land value. The department is authorized to set matching requirements for individual projects.

(3) State grants shall be distributed in the order in which matching requirements are met. The department may fund projects that demonstrate adequate progress and have secured the necessary match funding. The recommendations for funding in this section do not imply a commitment on the part of the state. Those projects listed in subsection (1) of this section that do not receive funding from the appropriation in this section are required to recompile for future funding.

(4) By December 15, 1999, the department shall submit a report to the appropriate fiscal committees of the legislature on the progress of the building for the arts program, including a list of projects funded under this section.

Reappropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 3,099,519 |
|--|----|-----------|

Appropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 5,600,000 |
|--|----|-----------|

|                              |    |           |
|------------------------------|----|-----------|
| Prior Biennia (Expenditures) | \$ | 4,444,375 |
|------------------------------|----|-----------|

|                                  |    |            |
|----------------------------------|----|------------|
| Future Biennia (Projected Costs) | \$ | 16,000,000 |
|----------------------------------|----|------------|

|       |    |            |
|-------|----|------------|
| TOTAL | \$ | 29,143,894 |
|-------|----|------------|

**NEW SECTION. Sec. 114. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Community Services Facilities Program (98-2-007) (00-2-006)

The appropriation in this section is subject to the following conditions and limitations:

(1) The state grant may provide no more than twenty-five percent of either the estimated total capital cost or actual total capital cost, whichever is less. The remaining portion of the project capital

cost shall be a match from nonstate sources and may include cash, land value, and other in-kind contributions.

(2) \$1,500,000 is provided for development, renovation, and expansion of boys and girls clubs in Washington.

Reappropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 1,416,470 |
|--|----|-----------|

Appropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 4,000,000 |
|--|----|-----------|

|                              |    |           |
|------------------------------|----|-----------|
| Prior Biennia (Expenditures) | \$ | 3,022,997 |
|------------------------------|----|-----------|

|                                  |    |            |
|----------------------------------|----|------------|
| Future Biennia (Projected Costs) | \$ | 16,000,000 |
|----------------------------------|----|------------|

|       |    |            |
|-------|----|------------|
| TOTAL | \$ | 24,439,467 |
|-------|----|------------|

**NEW SECTION. Sec. 115. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Drinking Water Assistance Program (98-2-008) (00-2-007)

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding from the state shall be matched with new federal sources to improve the quality of drinking water in the state, and shall be used solely for projects that achieve the goals of the federal safe drinking water act.

(2) The department shall report to the appropriate committees of the legislature by January 1, 2000, on the progress of the program, including administrative and technical assistance procedures, the application process, and funding priorities.

Reappropriation:

|  |    |           |
|--|----|-----------|
| Drinking Water Assistance Account--State | \$ | 9,058,862 |
|--|----|-----------|

Appropriation:

|  |    |           |
|--|----|-----------|
| Drinking Water Assistance Account--State | \$ | 7,700,000 |
|--|----|-----------|

|                              |    |         |
|------------------------------|----|---------|
| Prior Biennia (Expenditures) | \$ | 890,138 |
|------------------------------|----|---------|

|                                  |    |            |
|----------------------------------|----|------------|
| Future Biennia (Projected Costs) | \$ | 20,000,000 |
|----------------------------------|----|------------|

|       |    |            |
|-------|----|------------|
| TOTAL | \$ | 37,649,000 |
|-------|----|------------|

**NEW SECTION. Sec. 116. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Housing for Homeless Families With Children Program (00-2-009)

The appropriation in this section is provided solely for the development of additional emergency shelters and transitional housing opportunities for homeless families with children. The department shall endeavor to minimize the amount of these funds that are utilized for staff and administrative purposes.

Appropriation:

|  |    |            |
|--|----|------------|
| State Building Construction Account--State | \$ | 5,000,000  |
| Prior Biennia (Expenditures)               | \$ | 0          |
| Future Biennia (Projected Costs)           | \$ | 20,000,000 |
|  |    | -----      |
| TOTAL                                      | \$ | 25,000,000 |

**NEW SECTION. Sec. 117. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Farm Worker Housing Assistance (00-2-011)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely for low-income farmworker housing and low-income temporary farmworker facilities.

(2) \$2,000,000 of the appropriation is provided for land acquisition in areas that would facilitate development of low-income farmworker housing and facilities.

(3) It is the intent of the legislature that operation of the facilities built under this section be in compliance with 8 U.S.C. Sec. 1342.

(4) The department shall endeavor to minimize the amount of these funds that are utilized for staff and administrative purposes.

(5) By December 15, 1999, the department shall submit a report to the appropriate committees of the legislature on the progress of the development of housing for farmworkers, including a list of projects funded under this section.

(6) The department shall work with the farmworker housing advisory committee to prioritize funding of projects to the areas of highest need.

(7) Except as directed in subsection (2) of this section, funding may also be provided, to the extent qualified projects are submitted, for health and safety projects.

Appropriation:

|  |    |            |
|--|----|------------|
| State Building Construction Account--State | \$ | 8,000,000  |
| Prior Biennia (Expenditures)               | \$ | 0          |
| Future Biennia (Projected Costs)           | \$ | 32,000,000 |
|  |    | -----      |
| TOTAL                                      | \$ | 40,000,000 |

**NEW SECTION. Sec. 118. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Seventh Street Theatre (90-2-008)

Reappropriation:

|  |    |         |
|--|----|---------|
| State Building Construction Account--State | \$ | 123,984 |
| Prior Biennia (Expenditures)               | \$ | 6,016   |
| Future Biennia (Projected Costs)           | \$ | 0       |
| TOTAL                                      |    | \$      |
|  |    | 130,000 |

**NEW SECTION. Sec. 119. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Snohomish County Drainage (92-2-011)

The reappropriation in this section shall be matched by at least \$585,000 provided from nonstate sources for capital costs of this project.

Reappropriation:

|  |    |         |
|--|----|---------|
| State Building Construction Account--State | \$ | 344,829 |
| Prior Biennia (Expenditures)               | \$ | 0       |
| Future Biennia (Projected Costs)           | \$ | 0       |
| TOTAL                                      |    | \$      |
|  |    | 344,829 |

**NEW SECTION. Sec. 120. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Challenger Learning Center (93-5-006)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation is provided solely for support of science education at the Challenger learning center at the museum of flight; and

(2) Each dollar expended from the reappropriation in this section shall be matched by at least one dollar from nonstate sources for the same purpose.

Reappropriation:

|  |    |         |
|--|----|---------|
| State Building Construction Account--State | \$ | 61,673  |
| Prior Biennia (Expenditures)               | \$ | 258,639 |
| Future Biennia (Projected Costs)           | \$ | 0       |

|  |       |    |  |       |         |
|--|-------|----|--|-------|---------|
|  | TOTAL | \$ |  | ----- |         |
|  |       |    |  |       | 320,312 |

**NEW SECTION. Sec. 121. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Washington Technology Center: Equipment (94-2-002)

The reappropriation in this section is provided solely for equipment installation on the first floor of Fluke Hall. The reappropriation shall be transferred and administered by the University of Washington.

Reappropriation:

|  |  |    |  |  |       |
|--|--|----|--|--|-------|
|  | State Building Construction Account--State | \$ |  |  | 9,435 |
|--|--|----|--|--|-------|

|  |                              |    |  |  |   |
|--|------------------------------|----|--|--|---|
|  | Prior Biennia (Expenditures) | \$ |  |  | 0 |
|--|------------------------------|----|--|--|---|

|  |                                  |    |  |  |   |
|--|----------------------------------|----|--|--|---|
|  | Future Biennia (Projected Costs) | \$ |  |  | 0 |
|--|----------------------------------|----|--|--|---|

|  |       |    |  |       |       |
|--|-------|----|--|-------|-------|
|  | TOTAL | \$ |  | ----- |       |
|  |       |    |  |       | 9,435 |

**NEW SECTION. Sec. 122. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Olympic Peninsula Natural History Museum (94-2-005)

The reappropriation in this section is subject to the following conditions and limitations:

(1) Each two dollars expended from this reappropriation shall be matched by at least one dollar from other sources. The match may include cash, land, and in-kind donations.

(2) It is the intent of the legislature that this reappropriation represents a one-time grant for this project.

Reappropriation:

|  |  |    |  |  |         |
|--|--|----|--|--|---------|
|  | State Building Construction Account--State | \$ |  |  | 164,827 |
|--|--|----|--|--|---------|

|  |                              |    |  |  |   |
|--|------------------------------|----|--|--|---|
|  | Prior Biennia (Expenditures) | \$ |  |  | 0 |
|--|------------------------------|----|--|--|---|

|  |                                  |    |  |  |   |
|--|----------------------------------|----|--|--|---|
|  | Future Biennia (Projected Costs) | \$ |  |  | 0 |
|--|----------------------------------|----|--|--|---|

|  |       |    |  |       |         |
|--|-------|----|--|-------|---------|
|  | TOTAL | \$ |  | ----- |         |
|  |       |    |  |       | 164,827 |

**NEW SECTION. Sec. 123. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Thorp Grist Mill (94-2-007)

The total state funding in this section shall be matched by at least \$47,500 from nonstate and nonfederal sources. The match may include cash or in-kind contributions. The department shall assist

the Thorp Mill town historical preservation society in soliciting moneys from the intermodal surface transportation efficiency act to support the project.

Reappropriation:

|  |    |        |
|--|----|--------|
| State Building Construction Account--State | \$ | 23,425 |
| Prior Biennia (Expenditures)               | \$ | 39,449 |
| Future Biennia (Projected Costs)           | \$ | 0      |
|  |    | -----  |
| TOTAL                                      | \$ | 62,874 |

**NEW SECTION. Sec. 124. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Daybreak Star Center (94-2-100)

Reappropriation:

|  |    |         |
|--|----|---------|
| State Building Construction Account--State | \$ | 155,274 |
| Prior Biennia (Expenditures)               | \$ | 514,416 |
| Future Biennia (Projected Costs)           | \$ | 0       |
|  |    | -----   |
| TOTAL                                      | \$ | 669,690 |

**NEW SECTION. Sec. 125. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Timber Ports Capital Asset Improvement (94-2-102)

The appropriation in this section is provided to continue assisting the ports of Grays Harbor, Port Angeles, and Longview with infrastructure development and facilities improvements to increase economic diversity and enhance employment opportunities. The reappropriation is subject to the following conditions and limitations:

(1) Each port shall provide, at a minimum, six dollars of nonstate match for every five dollars received from the reappropriation. The match may include cash and land value.

(2) State assistance to each port shall not exceed the following amounts:

| Port         | Amount      |
|--------------|-------------|
| Grays Harbor | \$ 564,000  |
| Port Angeles | \$1,500,000 |
| Longview     | \$1,855,000 |

Reappropriation:

|  |    |         |
|--|----|---------|
| State Building Construction Account--State | \$ | 941,479 |
|--|----|---------|

|                                  |    |           |
|----------------------------------|----|-----------|
| Prior Biennia (Expenditures)     | \$ | 1,359,689 |
| Future Biennia (Projected Costs) | \$ | 0         |
|                                  |    | -----     |
| TOTAL                            | \$ | 2,301,168 |

**NEW SECTION. Sec. 126. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Mirabeau Point Community Complex (98-2-010)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The amount is provided solely for a grant to Spokane county for design and development costs for Mirabeau Point community complex.

(2) The amount represents the entire state contribution to the project and shall be matched by \$8,500,000 in contributions toward the project from nonstate sources.

Reappropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 1,206,437 |
| Prior Biennia (Expenditures)               | \$ | 293,563   |
| Future Biennia (Projected Costs)           | \$ | 0         |
|  |    | -----     |
| TOTAL                                      | \$ | 1,500,000 |

**NEW SECTION. Sec. 127. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Infrastructure Needs Assessment (99-2-008)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The public works board, "board", in consultation with the department of community, trade, and economic development, shall contract for a local government infrastructure needs assessment. The board shall issue a progress report to the governor, house of representatives capital budget committee, the senate ways and means committee, the joint legislative transportation committee, the house of representative government administration committee, and the senate government operations committee by January 31, 1999. The final report shall be delivered by June 30, 1999.

(2) The infrastructure needs assessment shall use local capital improvement plans, to the extent available, to identify local government infrastructure needs for the planning, acquisition, construction, repair, replacement, rehabilitation, or improvements necessary for the next six years. The definitions and principles to be used in determining infrastructure needs shall be those set forth in chapter 36.70A RCW, including economic development. The infrastructure assessment shall also include a listing, description and evaluation of utilization of all private and public financing options, and policy alternatives that would assist in meeting local government infrastructure needs. For the purpose of this infrastructure needs assessment:

(a) Local government shall include each city, town, and each water, sewer, storm water, and public utility district providing water or sewer services in the state of Washington.

(b) Infrastructure shall be limited to bridges, roadways, domestic water, sanitary sewer, and storm water systems.

(3) The board shall contract for the collection and review of local capital expenditure data, the evaluation of local government infrastructure needs, the projection of future infrastructure needs, including needs to meet requirements under chapter 36.70A RCW. The board shall also contract for the development of criteria for a data base which can be maintained and updated, and such other matters as the board may deem necessary to provide an adequate representation of local capital needs and the ability of local governments to finance such needs.

(4) The legislative evaluation and accountability program shall cooperate with the department in the completion of the infrastructure needs assessment and may enter into interagency agreements. The legislative evaluation and accountability program shall develop the structure of the local government infrastructure data base and provide recommendations on the maintenance of the data base. The data base shall: Use the data compiled by and be compatible with that developed by the board's contractor; and have a structure to maintain its future use and update.

The department shall provide a compilation of all capital improvement plans prepared by local governments. The department shall identify: Federal, state, and local infrastructure financing sources currently in use; all revenue sources available, but fully utilized by each local government, and obstacles to full utilization; and the compilation of local government expenditures for infrastructure investments by source of funds and by jurisdiction for the period beginning January 1, 1993, and ending December 31, 1997, for local governments with a population greater than fifty thousand; and January 1, 1995, and ending December 31, 1997, for local governments with fewer than fifty thousand population.

(5) The board shall convene an advisory committee of stakeholders to include representatives from the department of community, trade, and economic development, the office of financial management, the legislative evaluation and accountability program, the association of Washington cities, the Washington association of realtors, the national association of industrial office properties, the building industry association of Washington, the associated general contractors, the association of Washington business, Washington state building and construction trades council, and 1000 friends of Washington. The board may, as it deems necessary, utilize technical advisory groups or state agencies in addition to the advisory committee to assist itself in implementing this proviso.

The advisory committee shall serve assist the board in guiding the infrastructure assessment and in developing interpretation of this proviso as necessary. The committee shall establish criteria and categorize infrastructure projects as necessary to meet the requirements set forth in chapter 36.70A RCW, or as reflective of other community priorities, and review elements and standards of infrastructure needs identified in the study.

Reappropriation:

|  |    |        |
|--|----|--------|
| Public Works Assistance Account--State | \$ | 50,000 |
| Prior Biennia (Expenditures)           | \$ | 0      |
| Future Biennia (Projected Costs)       | \$ | 0      |
|  |    | -----  |
| TOTAL                                  | \$ | 50,000 |

**NEW SECTION. Sec. 128. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Emergency Flood and Erosion Repairs (99-2-009)

The reappropriation in this section is provided solely to continue shoreline repairs at Ocean Shores to prevent further erosion and flood control.



Reappropriation:

|  |    |                     |
|--|----|---------------------|
| State Building Construction Account--State | \$ | 150,000             |
| Prior Biennia (Expenditures)               | \$ | 0                   |
| Future Biennia (Projected Costs)           | \$ | 0                   |
| TOTAL                                      |    | -----<br>\$ 150,000 |

**NEW SECTION. Sec. 129. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Grays Harbor Dredging (88-2-006)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation is provided solely for the state's share of remaining cost for Grays Harbor dredging and associated mitigation.

(2) State funds shall be disbursed at a rate not to exceed one dollar for every four dollars of federal funds expended by the army corps of engineers and one dollar from other nonstate sources.

(3) Expenditure of moneys from this reappropriation is contingent on a cost-sharing arrangement and the execution of a local cooperation agreement between the port of Grays Harbor and the army corps of engineers pursuant to P.L. 99-662, the federal water resources development act of 1986, whereby the corps of engineers will construct the project as authorized by the federal act.

(4) In the event the project cost is reduced, any resulting reduction and reimbursement of nonfederal costs realized by the port of Grays Harbor shall be shared proportionally with the state.

Reappropriation:

|  |    |                       |
|--|----|-----------------------|
| State Building Construction Account--State | \$ | 1,000,000             |
| Prior Biennia (Expenditures)               | \$ | 0                     |
| Future Biennia (Projected Costs)           | \$ | 0                     |
| TOTAL                                      |    | -----<br>\$ 1,000,000 |

**NEW SECTION. Sec. 130. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Cedar River Dredging

The appropriation in this section is provided solely for a grant to the city of Renton for dredging the Cedar river where it enters Lake Washington.

Appropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 1,500,000 |
| Prior Biennia (Expenditures)               | \$ |           |

|                                  |    |           |
|----------------------------------|----|-----------|
| Future Biennia (Projected Costs) | \$ | 0         |
|                                  |    | 0         |
|                                  |    | -----     |
| TOTAL                            | \$ | 1,500,000 |

**NEW SECTION. Sec. 131. FOR THE OFFICE OF FINANCIAL MANAGEMENT**  
 Underground Storage Tank: Pool (00-1-001)

The appropriation in this section is subject to the following conditions and limitations:

- (1) The money provided in this section shall be allocated to agencies and institutions for removal, replacement, and environmental cleanup projects related to underground storage tanks.
- (2) No moneys appropriated in this section or in any section specifically referencing this section shall be expended unless the office of financial management has reviewed and approved the cost estimates for the project. Projects to replace tanks shall conform with guidelines to minimize risk of environmental contamination. Above ground storage tanks shall be used whenever possible and agencies shall avoid duplication of tanks.
- (3) Funds not needed for the purposes identified in this section may be transferred for expenditure to the Year 2000 Building, Facility, and Equipment Date Conversion project in section 135 of this act.

Appropriation:

|  |    |            |
|--|----|------------|
| State Building Construction Account--State | \$ | 2,000,000  |
| Prior Biennia (Expenditures)               | \$ | 0          |
| Future Biennia (Projected Costs)           | \$ | 8,000,000  |
|  |    | -----      |
| TOTAL                                      | \$ | 10,000,000 |

**NEW SECTION. Sec. 132. FOR THE OFFICE OF FINANCIAL MANAGEMENT**  
 Hazardous Materials: Pool (00-1-002)

The appropriation in this section is subject to the following conditions and limitations:

- (1) The money provided in this section shall be allocated to agencies and institutions for removal or abatement of asbestos and other hazardous materials.
- (2) No moneys appropriated in this section or in any section specifically referencing this section shall be expended unless the office of financial management has reviewed and approved the cost estimates for the project.

Appropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 2,000,000 |
| Prior Biennia (Expenditures)               | \$ | 0         |
| Future Biennia (Projected Costs)           | \$ | 8,000,000 |

|  |       |    |  |            |
|--|-------|----|--|------------|
|  | TOTAL | \$ |  | -----      |
|  |       |    |  | 10,000,000 |

**NEW SECTION. Sec. 133. FOR THE OFFICE OF FINANCIAL MANAGEMENT**  
 Budget System Improvements (00-1-004)

Appropriation:

|  |  |    |  |           |
|--|--|----|--|-----------|
|  | State Building Construction Account--State | \$ |  | 300,000   |
|  | Prior Biennia (Expenditures)               | \$ |  | 0         |
|  | Future Biennia (Projected Costs)           | \$ |  | 1,200,000 |
|  |  |    |  | -----     |
|  | TOTAL                                      | \$ |  | 1,500,000 |

**NEW SECTION. Sec. 134. FOR THE OFFICE OF FINANCIAL MANAGEMENT**  
 Colocated Cascadia Branch Campus (94-1-003)

Reappropriation:

|  |  |    |  |            |
|--|--|----|--|------------|
|  | State Building Construction Account--State | \$ |  | 2,000,000  |
|  | Prior Biennia (Expenditures)               | \$ |  | 15,421,888 |
|  | Future Biennia (Projected Costs)           | \$ |  | 0          |
|  |  |    |  | -----      |
|  | TOTAL                                      | \$ |  | 17,421,888 |

**NEW SECTION. Sec. 135. FOR THE OFFICE OF FINANCIAL MANAGEMENT**  
 Year 2000 Building, Facility, and Equipment Date Conversion (99-1-001)

The office of financial management shall allocate appropriations to be used by state agencies and universities in performing Year 2000 assessments of facility management systems, control systems, and other computer systems related to capital facilities and equipment. Funds available in this appropriation may also be allocated for corrective measures on a priority basis to address critical system repairs.

Reappropriation:

|  |  |    |  |         |
|--|--|----|--|---------|
|  | State Building Construction Account--State | \$ |  | 500,000 |
|--|--|----|--|---------|

Appropriation:

|  |  |    |  |           |
|--|--|----|--|-----------|
|  | State Building Construction Account--State | \$ |  | 2,000,000 |
|  | Prior Biennia (Expenditures)               | \$ |  | 0         |

|                                  |    |           |
|----------------------------------|----|-----------|
| Future Biennia (Projected Costs) | \$ | 0         |
|                                  |    | -----     |
| TOTAL                            | \$ | 2,500,000 |

**NEW SECTION. Sec. 136. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Emergency and Small Repairs (00-1-002)

The appropriations in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

|   |    |           |
|---|----|-----------|
| Capitol Building Construction Account--State      | \$ | 100,000   |
| State Building Construction Account--State        | \$ | 125,000   |
| Thurston County Capital Facilities Account--State | \$ | 775,000   |
|   |    | -----     |
| Subtotal Appropriation                            | \$ | 1,000,000 |
| Prior Biennia (Expenditures)                      | \$ | 2,076,473 |
| Future Biennia (Projected Costs)                  | \$ | 6,200,000 |
|   |    | -----     |
| TOTAL   | \$ | 9,276,473 |

**NEW SECTION. Sec. 137. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Capitol Campus Facilities: Preservation (00-1-003)

The appropriations shall support the detailed list of projects maintained by the office of financial management. Funding in this section may be spent for interior and exterior building repairs and upgrades to the governor's mansion.

Appropriation:

|   |    |           |
|---|----|-----------|
| Capitol Building Construction Account--State      | \$ | 1,350,000 |
| State Building Construction Account--State        | \$ | 2,850,000 |
| Thurston County Capital Facilities Account--State | \$ | 1,940,000 |
|   |    | -----     |
| Subtotal Appropriation                            | \$ | 6,140,000 |

|                                  |    |            |
|----------------------------------|----|------------|
| Prior Biennia (Expenditures)     | \$ | 0          |
| Future Biennia (Projected Costs) | \$ | 24,335,000 |
|                                  |    | -----      |
| TOTAL                            | \$ | 30,475,000 |

**NEW SECTION. Sec. 138. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

General Administration Building: Preservation (00-1-004)

Appropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 2,275,000 |
| Prior Biennia (Expenditures)               | \$ | 0         |
| Future Biennia (Projected Costs)           | \$ | 5,900,000 |
|  |    | -----     |
| TOTAL                                      | \$ | 8,175,000 |

**NEW SECTION. Sec. 139. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Alaska Street Building: Renovation (00-1-005)

Appropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 2,000,000 |
| Prior Biennia (Expenditures)               | \$ | 0         |
| Future Biennia (Projected Costs)           | \$ | 0         |
|  |    | -----     |
| TOTAL                                      | \$ | 2,000,000 |

**NEW SECTION. Sec. 140. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Washington State Training and Conference Center: Preservation (00-1-008)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations shall support the detailed list of projects maintained by the office of financial management.

(2) The department shall coordinate all work with the tenants of the center.

Appropriation:

|                             |    |  |
|-----------------------------|----|--|
| General Fund--Private/Local | \$ |  |
|-----------------------------|----|--|

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 125,000   |
|  |    | 1,000,000 |
|  |    | -----     |
| Subtotal Appropriation                     | \$ | 1,125,000 |
| Prior Biennia (Expenditures)               | \$ | 0         |
| Future Biennia (Projected Costs)           | \$ | 1,200,000 |
|  |    | -----     |
| TOTAL                                      | \$ | 2,325,000 |

**NEW SECTION. Sec. 141. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Thurston County Facilities: Preservation (00-1-009)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations shall support the detailed list of projects maintained by the office of financial management.

(2) The department shall coordinate all work with the tenants in facilities undergoing preservation work.

Appropriation:

|   |    |            |
|---|----|------------|
| Capitol Building Construction Account--State      | \$ | 500,000    |
| Thurston County Capital Facilities Account--State | \$ | 1,700,000  |
|   |    | -----      |
| Subtotal Appropriation                            | \$ | 2,200,000  |
| Prior Biennia (Expenditures)                      | \$ | 0          |
| Future Biennia (Projected Costs)                  | \$ | 8,225,000  |
|   |    | -----      |
| TOTAL   | \$ | 10,425,000 |

**NEW SECTION. Sec. 142. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

North Cascade Gateway Center (Northern State Multi-Service Center): Preservation (00-1-010)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations shall support the detailed list of projects maintained by the office of financial management.

(2) The department shall coordinate all work with the tenants of the center.

Appropriation:

|  |    |           |
|--|----|-----------|
| General Fund--Private/Local                | \$ | 607,000   |
| State Building Construction Account--State | \$ | 800,000   |
|  |    | -----     |
| Subtotal Appropriation                     | \$ | 1,407,000 |
| Prior Biennia (Expenditures)               | \$ | 0         |
| Future Biennia (Projected Costs)           | \$ | 6,770,000 |
|  |    | -----     |
| TOTAL                                      | \$ | 8,177,000 |

**NEW SECTION. Sec. 143. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Americans with Disabilities Act: Pool (00-1-011)

The appropriation in this section is subject to the following conditions and limitations:

(1) The money provided in this section shall be solely allocated to agencies and institutions, except for the state community and technical colleges, for improvements to state-owned facilities for program access enhancements.

(2) No moneys appropriated in this section or in any section specifically referencing this section shall be expended unless the department of general administration has reviewed and approved the cost estimates for the project. The department of general administration shall implement an agency request and evaluation procedure similar to the one adopted in the 1997-99 biennium for distribution of funds.

(3) No moneys appropriated in this section shall be available to institutions of higher education to modify dormitories.

Appropriation:

|  |    |            |
|--|----|------------|
| State Building Construction Account--State | \$ | 3,000,000  |
| Prior Biennia (Expenditures)               | \$ | 0          |
| Future Biennia (Projected Costs)           | \$ | 14,000,000 |
|  |    | -----      |
| TOTAL                                      | \$ | 17,000,000 |

**NEW SECTION. Sec. 144. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Infrastructure Project: Savings (00-1-999)

Projects that are completed in accordance with section 913 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilating, and air conditioning repairs; (7) emergency repairs due to natural disasters or accidents; and, (8) critical year 2000 embedded chip modifications.

Appropriation:

|   |    |  |       |
|---|----|--|-------|
| Capitol Building Construction Account--State      | \$ |  | 1     |
| State Building Construction Account--State        | \$ |  | 1     |
| Thurston County Capital Facilities Account--State | \$ |  | 1     |
| Subtotal Appropriation                            | \$ |  | 3     |
| Prior Biennia (Expenditures)                      | \$ |  | 0     |
| Future Biennia (Projected Costs)                  | \$ |  | 0     |
|   |    |  | ----- |
| TOTAL   | \$ |  | 3     |

**NEW SECTION. Sec. 145. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Engineering and Architectural Services: Project management (00-2-007)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section shall be used to provide those services to state agencies required by RCW 43.19.450 that are essential and mandated activities defined as core services and are included in the engineering and architectural services responsibilities and task list for general public works projects of normal complexity. The department may negotiate agreements with agencies for additional fees to manage exceptional projects or for services above core services as described as optional and extra services in the task list.

(2) The department shall create a central repository and distribution point for information and knowledge that can improve design and construction projects and practices. Copies of all completed predesigns, BEST studies, and value engineering and constructability reviews shall be collected by the department and be distributed electronically.

Appropriation:

|   |    |  |           |
|---|----|--|-----------|
| Capitol Building Construction Account--State                                | \$ |  | 200,000   |
| Charitable, Educational, Penal, and Reformatory Institutions Account--State | \$ |  | 700,000   |
| State Building Construction Account--State                                  | \$ |  | 7,300,000 |
| Thurston County Capital Facilities Account--State                           | \$ |  | 350,000   |
|   |    |  | -----     |



|                                  |    |            |
|----------------------------------|----|------------|
| Subtotal Appropriation           | \$ | 8,550,000  |
| Prior Biennia (Expenditures)     | \$ | 0          |
| Future Biennia (Projected Costs) | \$ | 37,550,000 |
|                                  |    | -----      |
| TOTAL                            | \$ | 46,100,000 |

**NEW SECTION. Sec. 146. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

East Plaza and Plaza Garage Repairs (96-1-002)

The appropriations in this section are subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

|  |    |           |
|--|----|-----------|
| Capitol Building Construction Account--State | \$ | 1,800,000 |
|--|----|-----------|

Appropriation:

|  |    |           |
|--|----|-----------|
| Capitol Building Construction Account--State | \$ | 700,000   |
| State Building Construction Account--State   | \$ | 3,700,000 |
|  |    | -----     |

|                                  |    |            |
|----------------------------------|----|------------|
| Subtotal Appropriation           | \$ | 4,400,000  |
| Prior Biennia (Expenditures)     | \$ | 7,395,572  |
| Future Biennia (Projected Costs) | \$ | 30,000,000 |
|                                  |    | -----      |
| TOTAL                            | \$ | 43,595,572 |

**NEW SECTION. Sec. 147. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Legislative Buildings: Safety and infrastructure (98-1-005)

(1) The appropriations shall support the detailed list of projects maintained by the office of financial management.

(2) \$270,000 of the new appropriation is provided to complete heating, ventilation, and air conditioning repair and improvements in the Newhouse building.

Reappropriation:

|   |    |         |
|---|----|---------|
| State Building Construction Account--State        | \$ | 179,454 |
| Thurston County Capital Facilities Account--State | \$ |         |

|   |    |           |
|---|----|-----------|
|   |    | 475,000   |
|   |    | -----     |
| Subtotal Reappropriation                          | \$ | 654,454   |
| Appropriation:                                    |    |           |
| Capitol Building Construction Account--State      | \$ | 4,250,000 |
| Thurston County Capital Facilities Account--State | \$ | 585,000   |
| State Building Construction Account--State        | \$ | 270,000   |
|   |    | -----     |
| Subtotal Appropriation                            | \$ | 5,105,000 |
| Prior Biennia (Expenditures)                      | \$ | 1,415,546 |
| Future Biennia (Projected Costs)                  | \$ | 0         |
|   |    | -----     |
| TOTAL   | \$ | 7,175,000 |

**NEW SECTION. Sec. 148. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

OB-2 Building: Preservation (98-1-007)

The appropriations in this section are subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

|  |    |           |
|--|----|-----------|
| Capitol Building Construction Account--State | \$ | 1,700,000 |
|--|----|-----------|

Appropriation:

|   |    |           |
|---|----|-----------|
| State Building Construction Account--State        | \$ | 3,100,000 |
| Thurston County Capital Facilities Account--State | \$ | 3,900,000 |

|                        |    |           |
|------------------------|----|-----------|
| Subtotal Appropriation | \$ | 7,000,000 |
|------------------------|----|-----------|

|                              |    |           |
|------------------------------|----|-----------|
| Prior Biennia (Expenditures) | \$ | 2,750,000 |
|------------------------------|----|-----------|

|                                  |    |            |
|----------------------------------|----|------------|
| Future Biennia (Projected Costs) | \$ | 40,200,000 |
|----------------------------------|----|------------|

|       |    |       |
|-------|----|-------|
| TOTAL | \$ | ----- |
|-------|----|-------|

51,650,000

**NEW SECTION. Sec. 149. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Transportation Building: Preservation (98-1-008)

The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

Thurston County Capital Facilities Account--State \$ 300,000

Appropriation:

Thurston County Capital Facilities Account--State \$ 1,500,000

Prior Biennia (Expenditures) \$ 434,000

Future Biennia (Projected Costs) \$ 6,000,000

TOTAL \$ -----  
8,234,000

**NEW SECTION. Sec. 150. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Monumental Buildings: Cleaning (98-1-011)

Reappropriation:

Capitol Building Construction Account--State \$ 700,000

Prior Biennia (Expenditures) \$ 2,300,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ -----  
3,000,000

**NEW SECTION. Sec. 151. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Heritage Park/Capitol Lake (98-2-003) (00-1-007)

The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Appropriation:

Capitol Building Construction Account--State \$ 2,000,000

State Building Construction Account--State \$ 1,600,000

|                                  |    |            |
|----------------------------------|----|------------|
| Subtotal Appropriation           | \$ | -----      |
|                                  |    | 3,600,000  |
| Prior Biennia (Expenditures)     | \$ | 10,379,774 |
| Future Biennia (Projected Costs) | \$ | 16,000,000 |
|                                  |    | -----      |
| TOTAL                            | \$ | 29,979,774 |

**NEW SECTION. Sec. 152. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Washington State Training and Conference Center: Dorm (98-2-004)

Reappropriation:

|  |    |           |
|--|----|-----------|
| Public Safety Reimbursable Bond Account--State | \$ | 1,400,000 |
| Prior Biennia (Expenditures)                   | \$ | 1,200,000 |
| Future Biennia (Projected Costs)               | \$ | 0         |
|  |    | -----     |
| TOTAL  | \$ | 2,600,000 |

**NEW SECTION. Sec. 153. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Fire Safety Sprinkler Systems (Northern State Multi-Service Center) (99-1-001)

Reappropriation:

|  |    |         |
|--|----|---------|
| State Building Construction Account--State | \$ | 150,000 |
| Prior Biennia (Expenditures)               | \$ | 450,000 |
| Future Biennia (Projected Costs)           | \$ | 0       |
|  |    | -----   |
| TOTAL                                      | \$ | 600,000 |

**NEW SECTION. Sec. 154. FOR THE MILITARY DEPARTMENT**

Centralia - Readiness Center: Preservation (00-1-030)

Appropriation:

|  |    |         |
|--|----|---------|
| State Building Construction Account--State | \$ | 700,000 |
|--|----|---------|

|                                  |    |         |
|----------------------------------|----|---------|
| Prior Biennia (Expenditures)     | \$ | 0       |
| Future Biennia (Projected Costs) | \$ | 0       |
|                                  |    | -----   |
| TOTAL                            | \$ | 700,000 |

**NEW SECTION. Sec. 155. FOR THE MILITARY DEPARTMENT**  
**Energy Management Systems (00-4-001)**

Appropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 278,000   |
| Prior Biennia (Expenditures)               | \$ | 0         |
| Future Biennia (Projected Costs)           | \$ | 908,000   |
|  |    | -----     |
| TOTAL                                      | \$ | 1,186,000 |

**NEW SECTION. Sec. 156. FOR THE MILITARY DEPARTMENT**  
**Infrastructure Project: Savings (00-4-002)**

Projects that are completed in accordance with section 913 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilating, and air conditioning repairs; (7) emergency repairs due to natural disasters or accidents; and, (8) critical year 2000 embedded chip modifications.

Appropriation:

|  |    |       |
|--|----|-------|
| State Building Construction Account--State | \$ | 1     |
| Prior Biennia (Expenditures)               | \$ | 0     |
| Future Biennia (Projected Costs)           | \$ | 0     |
|  |    | ----- |
| TOTAL                                      | \$ | 1     |

**NEW SECTION. Sec. 157. FOR THE MILITARY DEPARTMENT**  
**Camp Murray - Military Support Civilian Activities Center (00-5-002)**

Appropriation:

|                       |    |         |
|-----------------------|----|---------|
| General Fund--Federal | \$ | 365,000 |
|-----------------------|----|---------|

|  |    |         |
|--|----|---------|
| State Building Construction Account--State | \$ | 385,000 |
|  |    | -----   |
| Subtotal Appropriation                     | \$ | 750,000 |
| Prior Biennia (Expenditures)               | \$ | 0       |
| Future Biennia (Projected Costs)           | \$ | 0       |
|  |    | -----   |
| TOTAL                                      | \$ | 750,000 |

**NEW SECTION. Sec. 158. FOR THE MILITARY DEPARTMENT**  
Camp Murray Infrastructure: Preservation (96-1-006)

Appropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 450,000   |
| Prior Biennia (Expenditures)               | \$ | 0         |
| Future Biennia (Projected Costs)           | \$ | 2,300,000 |
|  |    | -----     |
| TOTAL                                      | \$ | 2,750,000 |

**NEW SECTION. Sec. 159. FOR THE MILITARY DEPARTMENT**  
Minor Works: Federal construction projects (98-1-001)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

|  |    |            |
|--|----|------------|
| General Fund--Federal                      | \$ | 5,078,400  |
| State Building Construction Account--State | \$ | 1,274,100  |
|  |    | -----      |
| Subtotal Appropriation                     | \$ | 6,352,500  |
| Prior Biennia (Expenditures)               | \$ | 0          |
| Future Biennia (Projected Costs)           | \$ | 43,821,100 |
|  |    | -----      |

|       |    |            |
|-------|----|------------|
| TOTAL | \$ | 50,173,600 |
|-------|----|------------|

**NEW SECTION. Sec. 160. FOR THE MILITARY DEPARTMENT**

Minor Works: Preservation (98-1-002)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 1,100,000 |
| Prior Biennia (Expenditures)               | \$ | 0         |
| Future Biennia (Projected Costs)           | \$ | 5,700,000 |
|  |    | -----     |
| TOTAL                                      | \$ | 6,800,000 |

**NEW SECTION. Sec. 161. FOR THE MILITARY DEPARTMENT**

Yakima National Guard Armory and Readiness Center: Design and utilities (98-2-001)

The reappropriation in this section is subject to the following conditions and limitations:

Funds expended on this project for off-site utility infrastructure which may include the provision of electricity, natural gas service, water service, or sewer service shall be for the benefit of the state. Entities that subsequently connect or use this off-site utility infrastructure shall reimburse the state at a rate proportional to their use. The military department shall develop policies and procedures to ensure that this reimbursement occurs.

Reappropriation:

|  |    |            |
|--|----|------------|
| State Building Construction Account--State | \$ | 2,725,000  |
| General Fund--Federal                      | \$ | 8,275,000  |
|  |    | -----      |
| Subtotal Reappropriation                   | \$ | 11,000,000 |
| Prior Biennia (Expenditures)               | \$ | 2,573,000  |
| Future Biennia (Projected Costs)           | \$ | 3,288,000  |
|  |    | -----      |
| TOTAL                                      | \$ | 16,861,000 |

**NEW SECTION. Sec. 162. FOR THE STATE CONVENTION AND TRADE CENTER**

Seattle - Convention Center: Expansion (00-2-001)

Appropriation:

|  |    |           |
|--|----|-----------|
| State Convention and Trade Center Account--State | \$ | 5,750,000 |
| Prior Biennia (Expenditures)                     | \$ | 0         |
| Future Biennia (Projected Costs)                 | \$ | 0         |
| TOTAL  | \$ | 5,750,000 |

**PART 2  
HUMAN SERVICES**

**NEW SECTION. Sec. 201. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Rainier School - Laundry: Equipment (00-1-001)

Appropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 450,000   |
| Prior Biennia (Expenditures)               | \$ | 0         |
| Future Biennia (Projected Costs)           | \$ | 1,250,000 |
| TOTAL                                      | \$ | 1,700,000 |

**NEW SECTION. Sec. 202. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Lakeland Village: Cottage renovation (00-1-002)

Appropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 450,000   |
| Prior Biennia (Expenditures)               | \$ | 0         |
| Future Biennia (Projected Costs)           | \$ | 1,250,000 |
| TOTAL                                      | \$ | 1,700,000 |

**NEW SECTION. Sec. 203. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Maple Lane School - Multi-Services Building: Renovation (00-1-003)



The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Appropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 700,000   |
| Prior Biennia (Expenditures)               | \$ | 0         |
| Future Biennia (Projected Costs)           | \$ | 5,000,000 |
|  |    | -----     |
| TOTAL                                      | \$ | 5,700,000 |

**NEW SECTION. Sec. 204. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Division of Land and Buildings: Project management (00-1-005)

Appropriation:

|   |    |            |
|---|----|------------|
| Charitable, Educational, Penal, and Reformatory Institutions Account--State | \$ | 2,000,000  |
| Prior Biennia (Expenditures)  | \$ | 0          |
| Future Biennia (Projected Costs)  | \$ | 8,500,000  |
|   |    | -----      |
| TOTAL   | \$ | 10,500,000 |

**NEW SECTION. Sec. 205. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Emergency and Small Repairs (00-1-006)

Appropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 750,000   |
| Prior Biennia (Expenditures)               | \$ | 0         |
| Future Biennia (Projected Costs)           | \$ | 3,000,000 |
|  |    | -----     |
| TOTAL                                      | \$ | 3,750,000 |

**NEW SECTION. Sec. 206. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Mission Creek Youth Camp - Main Building: Renovation phase II (00-1-010)

Appropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 2,000,000 |
| Prior Biennia (Expenditures)               | \$ | 0         |
| Future Biennia (Projected Costs)           | \$ | 300,000   |
| TOTAL                                      |    | \$        |
|  |    | 2,300,000 |

**NEW SECTION. Sec. 207. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Child Study & Treatment Center: Cottage modifications (00-1-015)

Appropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 1,400,000 |
| Prior Biennia (Expenditures)               | \$ | 0         |
| Future Biennia (Projected Costs)           | \$ | 2,200,000 |
| TOTAL                                      |    | \$        |
|  |    | 3,600,000 |

**NEW SECTION. Sec. 208. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Minor Works: Preservation (00-1-018)

The appropriations in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

|   |    |            |
|---|----|------------|
| Charitable, Educational, Penal, and Reformatory Institutions Account--State | \$ | 4,000,000  |
| State Building Construction Account--State                                  | \$ | 4,000,000  |
| Subtotal Appropriation  |    | \$         |
|   |    | 8,000,000  |
| Prior Biennia (Expenditures)  | \$ | 0          |
| Future Biennia (Projected Costs)  | \$ | 32,000,000 |
|   |    | -----      |

TOTAL \$ 40,000,000

**NEW SECTION. Sec. 209. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Echo Glen - Cottage Renovation (00-1-041)

The appropriation in this section is subject to the review and allotment procedures under section 902 of this act.

Appropriation:

|  |    |            |
|--|----|------------|
| State Building Construction Account--State | \$ | 75,000     |
| Prior Biennia (Expenditures)               | \$ | 0          |
| Future Biennia (Projected Costs)           | \$ | 11,100,000 |
|  |    | -----      |
| TOTAL                                      | \$ | 11,175,000 |

**NEW SECTION. Sec. 210. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Infrastructure Project: Savings (00-1-053)

Projects that are completed in accordance with section 913 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilating, and air conditioning repairs; (7) emergency repairs due to natural disasters or accidents; and, (8) critical year 2000 embedded chip modifications.

Appropriation:

|   |    |       |
|---|----|-------|
| Charitable, Educational, Penal, and Reformatory Institutions Account--State | \$ | 1     |
| State Building Construction Account--State                                  | \$ | 1     |
|   |    | ----- |
| Subtotal Appropriation  | \$ | 2     |
| Prior Biennia (Expenditures)  | \$ | 0     |
| Future Biennia (Projected Costs)  | \$ | 0     |
|   |    | ----- |
| TOTAL   | \$ | 2     |

**NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Eastern State Hospital: Campus renovation phase V (00-2-002)

The appropriation in this section is subject to the review and allotment procedures under section 903 of this act.

Appropriation:

|  |    |            |
|--|----|------------|
| State Building Construction Account--State | \$ | 945,250    |
| Prior Biennia (Expenditures)               | \$ | 0          |
| Future Biennia (Projected Costs)           | \$ | 14,014,450 |
|  |    | -----      |
| TOTAL                                      | \$ | 14,959,700 |

**NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Minor Works: Program (00-2-019)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 1,000,000 |
| Prior Biennia (Expenditures)               | \$ | 0         |
| Future Biennia (Projected Costs)           | \$ | 4,000,000 |
|  |    | -----     |
| TOTAL                                      | \$ | 5,000,000 |

**NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Maple Lane School: Wastewater treatment plant (94-1-201)

Reappropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 419,587   |
| Prior Biennia (Expenditures)               | \$ | 3,852,913 |
| Future Biennia (Projected Costs)           | \$ | 0         |
|  |    | -----     |

TOTAL \$ 4,272,500

**NEW SECTION. Sec. 214. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Naselle Youth Camp: Water system improvements (94-1-202)

Reappropriation:

State Building Construction Account--State \$ 148,456

Prior Biennia (Expenditures) \$ 1,017,239

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,165,695

**NEW SECTION. Sec. 215. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Western State Hospital: Ward renovation phase 6 (94-1-316)

Reappropriation:

State Building Construction Account--State \$ 768,458

Prior Biennia (Expenditures) \$ 5,400,765

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 6,169,223

**NEW SECTION. Sec. 216. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Asbestos Abatement (96-1-002)

Reappropriation:

State Building Construction Account--State \$ 58,680

Prior Biennia (Expenditures) \$ 1,767,319

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,825,999

**NEW SECTION. Sec. 217. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Americans With Disabilities Act Improvements (96-1-003)

Reappropriation:

|  |    |         |
|--|----|---------|
| State Building Construction Account--State | \$ | 61,899  |
| Prior Biennia (Expenditures)               | \$ | 415,953 |
| Future Biennia (Projected Costs)           | \$ | 0       |
|  |    | -----   |
| TOTAL                                      | \$ | 477,852 |

**NEW SECTION. Sec. 218. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Minor Works: Preservation (96-1-004)

The reappropriations shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

|  |    |            |
|--|----|------------|
| Charitable, Educational, Penal, and Reformatory<br>Institutions Account--State | \$ | 3,562,348  |
| State Building Construction Account--State                                     | \$ | 3,245,803  |
|  |    | -----      |
| Subtotal Reappropriation   | \$ | 6,808,151  |
| Prior Biennia (Expenditures)   | \$ | 11,305,885 |
| Future Biennia (Projected Costs)   | \$ | 0          |
|  |    | -----      |
| TOTAL  | \$ | 18,114,036 |

**NEW SECTION. Sec. 219. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Chlorofluorocarbon Abatement (96-1-008)

Reappropriation:

|  |    |        |
|--|----|--------|
| Charitable, Educational, Penal, and Reformatory<br>Institutions Account--State | \$ | 76,756 |
| Prior Biennia (Expenditures)   | \$ |        |

|                                  |    |         |
|----------------------------------|----|---------|
| Future Biennia (Projected Costs) | \$ | 173,245 |
|                                  |    | 0       |
|                                  |    | -----   |
| TOTAL                            | \$ | 250,001 |

**NEW SECTION. Sec. 220. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Juvenile Facilities Preservation (96-1-020)

Reappropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 95,000    |
| Prior Biennia (Expenditures)               | \$ | 1,984,600 |
| Future Biennia (Projected Costs)           | \$ | 0         |
|  |    | -----     |
| TOTAL                                      | \$ | 2,079,600 |

**NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Minor Works Projects: Mental health (96-1-030)

Reappropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 385,105   |
| Prior Biennia (Expenditures)               | \$ | 3,414,287 |
| Future Biennia (Projected Costs)           | \$ | 0         |
|  |    | -----     |
| TOTAL                                      | \$ | 3,799,392 |

**NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Minor Works Projects: Division of developmental disabilities (96-1-040)

The reappropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

|  |    |         |
|--|----|---------|
| State Building Construction Account--State | \$ | 113,920 |
| Prior Biennia (Expenditures)               | \$ |         |

|                                  |    |           |
|----------------------------------|----|-----------|
| Future Biennia (Projected Costs) | \$ | 957,426   |
|                                  |    | 0         |
|                                  |    | -----     |
| TOTAL                            | \$ | 1,071,346 |

**NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Underground Storage Tanks Removal and Replacement (96-1-060)

Reappropriation:

|  |    |         |
|--|----|---------|
| Charitable, Educational, Penal, and Reformatory<br>Institutions Account--State | \$ | 25,651  |
| State Building Construction Account--State                                     | \$ | 78,872  |
|  |    | -----   |
| Subtotal Reappropriation   | \$ | 104,523 |
| Prior Biennia (Expenditures)   | \$ | 675,268 |
| Future Biennia (Projected Costs)   | \$ | 0       |
|  |    | -----   |
| TOTAL  | \$ | 779,791 |

**NEW SECTION. Sec. 224. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Maintenance Management and Planning (96-1-150)

Reappropriation:

|  |    |         |
|--|----|---------|
| Charitable, Educational, Penal, and Reformatory<br>Institutions Account--State | \$ | 109,380 |
| Prior Biennia (Expenditures)   | \$ | 200,001 |
| Future Biennia (Projected Costs)   | \$ | 0       |
|  |    | -----   |
| TOTAL  | \$ | 309,381 |

**NEW SECTION. Sec. 225. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Medical Lake Wastewater Treatment Facility (96-1-301)



|  |    |            |
|--|----|------------|
| Reappropriation:                           |    |            |
| State Building Construction Account--State | \$ | 1,158,322  |
| Appropriation:                             |    |            |
| State Building Construction Account--State | \$ | 7,500,000  |
| Prior Biennia (Expenditures)               | \$ | 1,356,122  |
| Future Biennia (Projected Costs)           | \$ | 0          |
|  |    | -----      |
| TOTAL                                      | \$ | 10,014,444 |

**NEW SECTION. Sec. 226. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Western State Hospital: Replace boiler 1 (96-1-322)

|  |    |           |
|--|----|-----------|
| Reappropriation:                           |    |           |
| State Building Construction Account--State | \$ | 178,538   |
| Prior Biennia (Expenditures)               | \$ | 1,261,463 |
| Future Biennia (Projected Costs)           | \$ | 0         |
|  |    | -----     |
| TOTAL                                      | \$ | 1,440,001 |

**NEW SECTION. Sec. 227. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Crisis Residential Centers (96-1-900)

The reappropriation in this section is provided to the department of social and health services for grants to provide secure crisis residential centers consistent with the plan developed pursuant to the omnibus 1995-97 operating budget.

|  |    |           |
|--|----|-----------|
| Reappropriation:                           |    |           |
| State Building Construction Account--State | \$ | 2,800,000 |
| Prior Biennia (Expenditures)               | \$ | 200,000   |
| Future Biennia (Projected Costs)           | \$ | 0         |
|  |    | -----     |
| TOTAL                                      | \$ | 3,000,000 |

**NEW SECTION. Sec. 228. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Echo Glen: New beds and infrastructure (96-2-229)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 2,229,358 |
| Prior Biennia (Expenditures)               | \$ | 1,932,411 |
| Future Biennia (Projected Costs)           | \$ | 0         |
| TOTAL                                      |    | -----     |
|  | \$ | 4,161,769 |

**NEW SECTION. Sec. 229. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Green Hill School Redevelopment: 416 bed institution (96-2-230)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

(2) Up to \$200,000 of the reappropriation in this section may be used to purchase property to accommodate either off-site parking, or to increase the buffer between Green Hill School's secure perimeter and adjacent neighborhoods as required by the city of Chehalis, or both.

Reappropriation:

|  |    |            |
|--|----|------------|
| State Building Construction Account--State | \$ | 20,563,742 |
| Prior Biennia (Expenditures)               | \$ | 25,568,689 |
| Future Biennia (Projected Costs)           | \$ | 0          |
| TOTAL                                      |    | -----      |
|  | \$ | 46,132,431 |

**NEW SECTION. Sec. 230. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Maple Lane School: Renovation and infrastructure improvements (96-2-231)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

|  |    |         |
|--|----|---------|
| State Building Construction Account--State | \$ | 317,342 |
|--|----|---------|

|                                  |    |           |
|----------------------------------|----|-----------|
| Prior Biennia (Expenditures)     | \$ | 5,538,159 |
| Future Biennia (Projected Costs) | \$ | 0         |
|                                  |    | -----     |
| TOTAL                            | \$ | 5,855,501 |

**NEW SECTION. Sec. 231. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Mission Creek Preservation Projects (96-2-233)

Reappropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 160,190   |
| Prior Biennia (Expenditures)               | \$ | 1,029,887 |
| Future Biennia (Projected Costs)           | \$ | 0         |
|  |    | -----     |
| TOTAL                                      | \$ | 1,190,077 |

**NEW SECTION. Sec. 232. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Indian Ridge Youth Camp: Utility Upgrade (96-2-234)

Reappropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 74,851    |
| Prior Biennia (Expenditures)               | \$ | 1,446,649 |
| Future Biennia (Projected Costs)           | \$ | 0         |
|  |    | -----     |
| TOTAL                                      | \$ | 1,521,500 |

**NEW SECTION. Sec. 233. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Minor Works: State-owned Juvenile Rehabilitation Administration group homes (96-2-235)

The reappropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

|  |    |       |
|--|----|-------|
| State Building Construction Account--State | \$ | 1,517 |
|--|----|-------|

|                                  |    |         |
|----------------------------------|----|---------|
| Prior Biennia (Expenditures)     | \$ | 342,883 |
| Future Biennia (Projected Costs) | \$ | 0       |
|                                  |    | -----   |
| TOTAL                            | \$ | 344,400 |

**NEW SECTION. Sec. 234. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Underground Storage Tank Pool (98-1-001)

Reappropriation:

|  |    |         |
|--|----|---------|
| State Building Construction Account--State | \$ | 130,495 |
| Prior Biennia (Expenditures)               | \$ | 99,505  |
| Future Biennia (Projected Costs)           | \$ | 0       |
|  |    | -----   |
| TOTAL                                      | \$ | 230,000 |

**NEW SECTION. Sec. 235. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Asbestos and Demolition Pool (98-1-002)

Reappropriation:

|  |    |         |
|--|----|---------|
| State Building Construction Account--State | \$ | 399,113 |
| Prior Biennia (Expenditures)               | \$ | 100,887 |
| Future Biennia (Projected Costs)           | \$ | 0       |
|  |    | -----   |
| TOTAL                                      | \$ | 500,000 |

**NEW SECTION. Sec. 236. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Western State Hospital: South hall HVAC retrofit (98-1-041)

Reappropriation:

|  |    |         |
|--|----|---------|
| State Building Construction Account--State | \$ | 958,128 |
| Prior Biennia (Expenditures)               | \$ | 41,872  |
| Future Biennia (Projected Costs)           | \$ |         |

0

TOTAL \$

-----  
1,000,000

**NEW SECTION. Sec. 237. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Renovate Main Building: Mission Creek (98-1-166)

Reappropriation:

State Building Construction Account--State \$

1,589,710

Prior Biennia (Expenditures) \$

910,290

Future Biennia (Projected Costs) \$

0

TOTAL \$

-----  
2,500,000

**NEW SECTION. Sec. 238. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Emergency Projects (98-1-428)

Reappropriation:

State Building Construction Account--State \$

211,449

Prior Biennia (Expenditures) \$

38,551

Future Biennia (Projected Costs) \$

0

TOTAL \$

-----  
250,000

**NEW SECTION. Sec. 239. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Americans with Disabilities Act (98-1-993)

Reappropriation:

State Building Construction Account--State \$

90,567

Prior Biennia (Expenditures) \$

48,533

Future Biennia (Projected Costs) \$

0

-----

TOTAL \$ 139,100

**NEW SECTION. Sec. 240. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Eastern State Hospital: Legal offender unit (98-2-002)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account--State \$ 6,297,315

Prior Biennia (Expenditures) \$ 12,398,685

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 18,696,000

**NEW SECTION. Sec. 241. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Western State Hospital: Legal offender unit (98-2-052)

The appropriations in this section are subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account--State \$ 1,683,766

Appropriation:

State Building Construction Account--State \$ 43,870,000

Prior Biennia (Expenditures) \$ 2,681,575

Future Biennia (Projected Costs) \$ 10,000,000

TOTAL \$ 58,235,341

**NEW SECTION. Sec. 242. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Naselle Youth Camp: Academic school and support space (98-2-154)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 43,239    |
| Prior Biennia (Expenditures)               | \$ | 1,494,269 |
| Future Biennia (Projected Costs)           | \$ | 0         |
|  |    | -----     |
| TOTAL                                      | \$ | 1,537,508 |

**NEW SECTION. Sec. 243. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Echo Glen: Vocational program addition (98-2-211)

The appropriations in this section are subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

|  |    |        |
|--|----|--------|
| State Building Construction Account--State | \$ | 25,217 |
|--|----|--------|

Appropriation:

|  |    |         |
|--|----|---------|
| State Building Construction Account--State | \$ | 370,000 |
|--|----|---------|

|                              |    |        |
|------------------------------|----|--------|
| Prior Biennia (Expenditures) | \$ | 74,783 |
|------------------------------|----|--------|

|                                  |    |           |
|----------------------------------|----|-----------|
| Future Biennia (Projected Costs) | \$ | 3,725,000 |
|----------------------------------|----|-----------|

|       |    |           |
|-------|----|-----------|
|       |    | -----     |
| TOTAL | \$ | 4,195,000 |

**NEW SECTION. Sec. 244. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Maple Lane School: 124 bed housing replacement/support services (98-2-216)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 2,681,146 |
|--|----|-----------|

|                              |    |           |
|------------------------------|----|-----------|
| Prior Biennia (Expenditures) | \$ | 6,651,494 |
|------------------------------|----|-----------|

|                                  |    |   |
|----------------------------------|----|---|
| Future Biennia (Projected Costs) | \$ | 0 |
|----------------------------------|----|---|

|       |    |           |
|-------|----|-----------|
|       |    | -----     |
| TOTAL | \$ | 9,332,640 |

**NEW SECTION. Sec. 245. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Northern State Hospital: Safe passage program space (98-2-395)

Reappropriation:

|  |    |         |
|--|----|---------|
| State Building Construction Account--State | \$ | 267,922 |
| Prior Biennia (Expenditures)               | \$ | 61,578  |
| Future Biennia (Projected Costs)           | \$ | 0       |
|  |    | -----   |
| TOTAL                                      | \$ | 329,500 |

**NEW SECTION. Sec. 246. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Minor Works: Program (98-2-409)

The reappropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

|  |    |         |
|--|----|---------|
| State Building Construction Account--State | \$ | 347,933 |
| Prior Biennia (Expenditures)               | \$ | 495,202 |
| Future Biennia (Projected Costs)           | \$ | 0       |
|  |    | -----   |
| TOTAL                                      | \$ | 843,135 |

**NEW SECTION. Sec. 247. FOR THE DEPARTMENT OF HEALTH**

Waste Water Treatment System: Upgrade (00-1-008)

Appropriation:

|  |    |         |
|--|----|---------|
| State Building Construction Account--State | \$ | 208,802 |
| Prior Biennia (Expenditures)               | \$ | 0       |
| Future Biennia (Projected Costs)           | \$ | 0       |
|  |    | -----   |
| TOTAL                                      | \$ | 208,802 |

**NEW SECTION. Sec. 248. FOR THE DEPARTMENT OF HEALTH**



Referendum 38: Water bonds (86-2-099)

Reappropriation:

|  |    |                  |
|--|----|------------------|
| State and Local Improvements Revolving Account<br>(Water Supply Facilities)--State | \$ | 500,000          |
| Prior Biennia (Expenditures)   | \$ | 199,483          |
| Future Biennia (Projected Costs)   | \$ | 0                |
| TOTAL  |    | -----<br>699,483 |

**NEW SECTION. Sec. 249. FOR THE DEPARTMENT OF HEALTH**  
Public Health Laboratory: Repairs and improvements (96-1-001)

Reappropriation:

|  |    |                    |
|--|----|--------------------|
| Charitable, Educational, Penal, and Reformatory<br>Institutions Account--State | \$ | 99,827             |
| State Building Construction Account--State                                     | \$ | 1,071,896          |
| Subtotal Reappropriation   |    | -----<br>1,171,723 |

Appropriation:

|  |    |                    |
|--|----|--------------------|
| State Building Construction Account--State | \$ | 857,274            |
| Prior Biennia (Expenditures)               | \$ | 537,185            |
| Future Biennia (Projected Costs)           | \$ | 2,233,800          |
| TOTAL                                      |    | -----<br>4,799,982 |

**NEW SECTION. Sec. 250. FOR THE DEPARTMENT OF HEALTH**  
Emergency Power System (96-1-009)

Reappropriation:

|  |    |         |
|--|----|---------|
| Charitable, Educational, Penal, and Reformatory<br>Institutions Account--State | \$ | 453,468 |
| Prior Biennia (Expenditures)   | \$ | 74,553  |
| Future Biennia (Projected Costs)   | \$ |         |

0

TOTAL \$

-----  
528,021

**NEW SECTION. Sec. 251. FOR THE DEPARTMENT OF HEALTH**  
Public Health Laboratory: Consolidation of facilities (96-2-001)

The appropriations in this section shall not be expended until the documents described in the capital project review requirements process and procedures prescribed by the office of financial management have been complied with under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account--State \$ 336,307

Appropriation:

State Building Construction Account--State \$ 5,012,750

Prior Biennia (Expenditures) \$ 323,993

Future Biennia (Projected Costs) \$ 0

TOTAL \$

-----  
5,673,050

**NEW SECTION. Sec. 252. FOR THE DEPARTMENT OF HEALTH**  
Drinking Water Assistance Program (97-2-001)

The reappropriation in this section is provided solely for an interagency agreement with the department of community, trade, and economic development to make, in cooperation with the public works board, loans to local governments and public water systems for projects and activities to protect and improve the state's drinking water facilities and resources.

Reappropriation:

Drinking Water Assistance Account--Federal \$ 16,133,576

Prior Biennia (Expenditures) \$ 17,739,874

Future Biennia (Projected Costs) \$ 34,000,000

TOTAL \$

-----  
67,873,450

**NEW SECTION. Sec. 253. FOR THE DEPARTMENT OF HEALTH**  
Public Health Laboratory: Building 5 system upgrade (98-1-002)

Reappropriation:

|  |    |         |
|--|----|---------|
| Charitable, Educational, Penal, and Reformatory<br>Institutions Account--State | \$ | 282,774 |
| Prior Biennia (Expenditures)   | \$ | 28,266  |
| Future Biennia (Projected Costs)   | \$ | 0       |
|  |    | -----   |
| TOTAL  | \$ | 311,040 |

**NEW SECTION. Sec. 254. FOR THE DEPARTMENT OF VETERANS AFFAIRS**  
Orting - Washington Soldiers' Home, Fire Alarm System: Upgrade (00-1-009)

Appropriation:

|  |    |         |
|--|----|---------|
| Charitable, Educational, Penal, and Reformatory<br>Institutions Account--State | \$ | 450,000 |
| Prior Biennia (Expenditures)   | \$ | 0       |
| Future Biennia (Projected Costs)   | \$ | 0       |
|  |    | -----   |
| TOTAL  | \$ | 450,000 |

**NEW SECTION. Sec. 255. FOR THE DEPARTMENT OF VETERANS AFFAIRS**  
State-wide - Emergency Fund (00-1-012)

Appropriation:

|  |    |           |
|--|----|-----------|
| Charitable, Educational, Penal, and Reformatory<br>Institutions Account--State | \$ | 500,000   |
| Prior Biennia (Expenditures)   | \$ | 0         |
| Future Biennia (Projected Costs)   | \$ | 3,000,000 |
|  |    | -----     |
| TOTAL  | \$ | 3,500,000 |

**NEW SECTION. Sec. 256. FOR THE DEPARTMENT OF VETERANS AFFAIRS**  
Orting - Grounds Projects: Preservation (00-1-013)

Appropriation:

|  |    |         |
|--|----|---------|
| Charitable, Educational, Penal, and Reformatory<br>Institutions Account--State | \$ | 700,000 |
|--|----|---------|

|                                  |    |           |
|----------------------------------|----|-----------|
| Prior Biennia (Expenditures)     | \$ | 0         |
| Future Biennia (Projected Costs) | \$ | 575,000   |
|                                  |    | -----     |
| TOTAL                            | \$ | 1,275,000 |

**NEW SECTION. Sec. 257. FOR THE DEPARTMENT OF VETERANS AFFAIRS**  
State-wide - Master Plan (00-2-015)

The appropriation in this section is provided for a master plan for future uses and improvements of agency assets. The master plan shall include at least the following:

(1) A forecast of the future demand for nursing, assisted living, domiciliary, and community-based rehabilitative care by the state's veterans, based upon the projected age, sex, marital, and income composition of that population;

(2) An assessment of the most cost-effective role for the state to play in addressing such demand;

(3) A comprehensive analysis of the programmatic, community, capital, and operating costs and benefits of consolidating western Washington veterans home operations, including proposed alternative uses for the other campus if operations are consolidated;

(4) An assessment of alternatives for providing skilled nursing and assisted living services in eastern Washington; and

(5) An assessment of the feasibility, costs, and benefits of alternative strategies for providing rehabilitative care to younger veterans, such as those now served in the state-operated domiciliary units.

Appropriation:

|  |    |         |
|--|----|---------|
| Charitable, Educational, Penal, and Reformatory<br>Institutions Account--State | \$ | 300,000 |
| Prior Biennia (Expenditures)   | \$ | 0       |
| Future Biennia (Projected Costs)   | \$ | 600,000 |
|  |    | -----   |
| TOTAL  | \$ | 900,000 |

**NEW SECTION. Sec. 258. FOR THE DEPARTMENT OF VETERANS AFFAIRS**  
Retsil - Washington Veterans' Home, Building Exteriors: Preservation (99-1-001)

Reappropriation:

|  |    |        |
|--|----|--------|
| Charitable, Educational, Penal, and Reformatory<br>Institutions Account--State | \$ | 50,000 |
|--|----|--------|

Appropriation:

|  |    |         |
|--|----|---------|
| Charitable, Educational, Penal, and Reformatory<br>Institutions Account--State | \$ | 400,000 |
|--|----|---------|

|                                  |    |         |
|----------------------------------|----|---------|
| Prior Biennia (Expenditures)     | \$ | 0       |
| Future Biennia (Projected Costs) | \$ | 540,000 |
|                                  |    | -----   |
| TOTAL                            | \$ | 990,000 |

**NEW SECTION. Sec. 259. FOR THE DEPARTMENT OF VETERANS AFFAIRS**  
Orting - Washington Soldiers' Home, Mechanical/Electrical/HVAC: Preservation (99-1-002)

Reappropriation:

|  |    |         |
|--|----|---------|
| Charitable, Educational, Penal, and Reformatory<br>Institutions Account--State | \$ | 350,000 |
|--|----|---------|

Appropriation:

|  |    |         |
|--|----|---------|
| Charitable, Educational, Penal, and Reformatory<br>Institutions Account--State | \$ | 650,000 |
|--|----|---------|

|                                  |    |           |
|----------------------------------|----|-----------|
| Prior Biennia (Expenditures)     | \$ | 0         |
| Future Biennia (Projected Costs) | \$ | 1,275,000 |
|                                  |    | -----     |
| TOTAL                            | \$ | 2,275,000 |

**NEW SECTION. Sec. 260. FOR THE DEPARTMENT OF VETERANS AFFAIRS**  
Orting: Dining Hall Remodel (97-1-002)

Reappropriation:

|  |    |         |
|--|----|---------|
| Charitable, Educational, Penal, and Reformatory<br>Institutions Account--State | \$ | 350,000 |
|--|----|---------|

|                                  |    |         |
|----------------------------------|----|---------|
| Prior Biennia (Expenditures)     | \$ | 750,000 |
| Future Biennia (Projected Costs) | \$ | 0       |
|                                  |    | -----   |

|       |    |           |
|-------|----|-----------|
| TOTAL | \$ | 1,100,000 |
|-------|----|-----------|

**NEW SECTION. Sec. 261. FOR THE DEPARTMENT OF VETERANS AFFAIRS**  
Retsil - Washington Veterans' Home: Kitchen Remodel (02-1-011)

Appropriation:

|  |    |         |
|--|----|---------|
| Charitable, Educational, Penal, and Reformatory<br>Institutions Account--State | \$ | 600,000 |
|--|----|---------|

|                                  |    |         |
|----------------------------------|----|---------|
| Prior Biennia (Expenditures)     | \$ | 0       |
| Future Biennia (Projected Costs) | \$ | 0       |
|                                  |    | -----   |
| TOTAL                            | \$ | 600,000 |

**NEW SECTION. Sec. 262. FOR THE DEPARTMENT OF CORRECTIONS**  
Minor Works: Preservation (00-1-020)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

|  |    |             |
|--|----|-------------|
| State Building Construction Account--State | \$ | 20,000,000  |
| Prior Biennia (Expenditures)               | \$ | 0           |
| Future Biennia (Projected Costs)           | \$ | 80,000,000  |
|  |    | -----       |
| TOTAL                                      | \$ | 100,000,000 |

**NEW SECTION. Sec. 263. FOR THE DEPARTMENT OF CORRECTIONS**  
Emergency and Small Repairs (00-1-021)

Appropriation:

|  |    |           |
|--|----|-----------|
| Charitable, Educational, Penal, and Reformatory<br>Institutions Account--State | \$ | 1,600,000 |
| State Building Construction Account--State                                     | \$ | 1         |
|  |    | -----     |
| Subtotal Appropriation   | \$ | 1,600,001 |
| Prior Biennia (Expenditures)   | \$ | 0         |
| Future Biennia (Projected Costs)   | \$ | 7,400,000 |
|  |    | -----     |
| TOTAL  | \$ | 9,000,001 |

**NEW SECTION. Sec. 264. FOR THE DEPARTMENT OF CORRECTIONS**  
Infrastructure Project: Savings (00-1-024)

Projects that are completed in accordance with section 913 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilating, and air conditioning repairs; (7) emergency repairs due to natural disasters or accidents; and, (8) critical year 2000 embedded chip modifications.

Appropriation:

|  |    |       |
|--|----|-------|
| State Building Construction Account--State | \$ | 1     |
| Prior Biennia (Expenditures)               | \$ | 0     |
| Future Biennia (Projected Costs)           | \$ | 0     |
|  |    | ----- |
| TOTAL                                      | \$ | 1     |

**NEW SECTION. Sec. 265. FOR THE DEPARTMENT OF CORRECTIONS**

Washington State Penitentiary - Intensive Management Unit: Improvements (00-1-025)

Appropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 3,500,000 |
| Prior Biennia (Expenditures)               | \$ | 0         |
| Future Biennia (Projected Costs)           | \$ | 0         |
|  |    | -----     |
| TOTAL                                      | \$ | 3,500,000 |

**NEW SECTION. Sec. 266. FOR THE DEPARTMENT OF CORRECTIONS**

Monroe Correctional Complex - Twin Rivers: 512-bed expansion (00-2-004)

The appropriation is subject to the review and allotment procedures under sections 902 and 903 of this act.

Appropriation:

|  |    |           |
|--|----|-----------|
| General Fund--Federal                      | \$ | 4,213,000 |
| State Building Construction Account--State | \$ | 487,000   |
|  |    | -----     |
| Subtotal Appropriation                     | \$ | 4,700,000 |
| Prior Biennia (Expenditures)               | \$ | 0         |

|                                  |    |            |
|----------------------------------|----|------------|
| Future Biennia (Projected Costs) | \$ | 60,400,000 |
|                                  |    | -----      |
| TOTAL                            | \$ | 65,100,000 |

**NEW SECTION. Sec. 267. FOR THE DEPARTMENT OF CORRECTIONS**  
 McNeil Island Corrections Center - 200-bed department of social and health services-Special  
 Commitment Center (00-2-005)

The appropriation is subject to the review and allotment procedures under sections 902 and 903 of this act.

Appropriation:

|  |    |            |
|--|----|------------|
| State Building Construction Account--State | \$ | 2,500,000  |
| Prior Biennia (Expenditures)               | \$ | 0          |
| Future Biennia (Projected Costs)           | \$ | 37,100,000 |
|  |    | -----      |
| TOTAL                                      | \$ | 39,600,000 |

**NEW SECTION. Sec. 268. FOR THE DEPARTMENT OF CORRECTIONS**  
 Monroe Correctional Complex - Reformatory: 100-bed Intensive Management Unit (00-2-008)

To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 2000.

Appropriation:

|  |    |            |
|--|----|------------|
| State Building Construction Account--State | \$ | 190,000    |
| Prior Biennia (Expenditures)               | \$ | 0          |
| Future Biennia (Projected Costs)           | \$ | 21,500,000 |
|  |    | -----      |
| TOTAL                                      | \$ | 21,690,000 |

**NEW SECTION. Sec. 269. FOR THE DEPARTMENT OF CORRECTIONS**  
 Minor Works: Program (00-2-010)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:



|  |    |            |
|--|----|------------|
| State Building Construction Account--State | \$ | 5,000,000  |
| Prior Biennia (Expenditures)               | \$ | 0          |
| Future Biennia (Projected Costs)           | \$ | 20,000,000 |
|  |    | -----      |
| TOTAL                                      | \$ | 25,000,000 |

**NEW SECTION. Sec. 270. FOR THE DEPARTMENT OF CORRECTIONS**  
Monroe Correctional Complex: Kitchen consolidation/modifications (00-2-011)

The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Appropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 1,100,000 |
| Prior Biennia (Expenditures)               | \$ | 0         |
| Future Biennia (Projected Costs)           | \$ | 8,000,000 |
|  |    | -----     |
| TOTAL                                      | \$ | 9,100,000 |

**NEW SECTION. Sec. 271. FOR THE DEPARTMENT OF CORRECTIONS**  
Washington State Penitentiary Steam System (96-1-016)

Reappropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 234,000   |
| Prior Biennia (Expenditures)               | \$ | 1,641,443 |
| Future Biennia (Projected Costs)           | \$ | 0         |
|  |    | -----     |
| TOTAL                                      | \$ | 1,875,443 |

**NEW SECTION. Sec. 272. FOR THE DEPARTMENT OF CORRECTIONS**  
Washington State Corrections Center for Women (96-2-001)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 483,000   |
| Prior Biennia (Expenditures)               | \$ | 1,590,272 |
| Future Biennia (Projected Costs)           | \$ | 0         |
|  |    | -----     |
| TOTAL                                      | \$ | 2,073,272 |

**NEW SECTION. Sec. 273. FOR THE DEPARTMENT OF CORRECTIONS**  
Monroe Correctional Complex - Reformatory: 400-bed facility (96-2-002)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 153,000   |
| Prior Biennia (Expenditures)               | \$ | 2,331,969 |
| Future Biennia (Projected Costs)           | \$ | 0         |
|  |    | -----     |
| TOTAL                                      | \$ | 2,484,969 |

**NEW SECTION. Sec. 274. FOR THE DEPARTMENT OF CORRECTIONS**  
Airway Heights Expansion (96-2-003)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

|  |    |            |
|--|----|------------|
| State Building Construction Account--State | \$ | 1,423,000  |
| Prior Biennia (Expenditures)               | \$ | 17,617,752 |
| Future Biennia (Projected Costs)           | \$ | 0          |
|  |    | -----      |
| TOTAL                                      | \$ | 19,040,752 |

**NEW SECTION. Sec. 275. FOR THE DEPARTMENT OF CORRECTIONS**  
Washington Corrections Center for Women Mental Health, Special Needs, and Reception Unit (96-2-006)

The appropriations in this section are subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 1,273,000 |
|--|----|-----------|

Appropriation:

|  |    |            |
|--|----|------------|
| State Building Construction Account--State | \$ | 23,300,000 |
|--|----|------------|

|                              |    |         |
|------------------------------|----|---------|
| Prior Biennia (Expenditures) | \$ | 227,000 |
|------------------------------|----|---------|

|                                  |    |   |
|----------------------------------|----|---|
| Future Biennia (Projected Costs) | \$ | 0 |
|----------------------------------|----|---|

|       |    |            |
|-------|----|------------|
| TOTAL | \$ | 24,800,000 |
|-------|----|------------|

**NEW SECTION. Sec. 276. FOR THE DEPARTMENT OF CORRECTIONS**  
Larch and Cedar Creek Expansions (96-2-010)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

|  |    |         |
|--|----|---------|
| State Building Construction Account--State | \$ | 876,000 |
|--|----|---------|

|                              |    |            |
|------------------------------|----|------------|
| Prior Biennia (Expenditures) | \$ | 21,124,000 |
|------------------------------|----|------------|

|                                  |    |   |
|----------------------------------|----|---|
| Future Biennia (Projected Costs) | \$ | 0 |
|----------------------------------|----|---|

|       |    |            |
|-------|----|------------|
| TOTAL | \$ | 22,000,000 |
|-------|----|------------|

**NEW SECTION. Sec. 277. FOR THE DEPARTMENT OF CORRECTIONS**  
Clallam Bay Corrections Center - Juvenile Justice Program: Improvements (97-2-005)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 3,948,000 |
|--|----|-----------|

|                              |    |         |
|------------------------------|----|---------|
| Prior Biennia (Expenditures) | \$ | 552,000 |
|------------------------------|----|---------|

|                                  |    |   |
|----------------------------------|----|---|
| Future Biennia (Projected Costs) | \$ | 0 |
|----------------------------------|----|---|

TOTAL \$ 4,500,000

**NEW SECTION. Sec. 278. FOR THE DEPARTMENT OF CORRECTIONS**  
State-wide Preservation Projects (98-1-001)

The reappropriations in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

|  |    |            |
|--|----|------------|
| Charitable, Educational, Penal, and Reformatory<br>Institutions Account--State | \$ | 3,150,000  |
| State Building Construction Account--State                                     | \$ | 10,752,000 |
|  |    | -----      |
| Subtotal Reappropriation   | \$ | 13,902,000 |
| Prior Biennia (Expenditures)   | \$ | 31,369,536 |
| Future Biennia (Projected Costs)   | \$ | 0          |
|  |    | -----      |
| TOTAL  | \$ | 45,271,536 |

**NEW SECTION. Sec. 279. FOR THE DEPARTMENT OF CORRECTIONS**  
Underground Storage Tank and Above Ground Storage Tank Program (98-1-002)

Reappropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 1,038,000 |
| Prior Biennia (Expenditures)               | \$ | 932,300   |
| Future Biennia (Projected Costs)           | \$ | 0         |
|  |    | -----     |
| TOTAL                                      | \$ | 1,970,300 |

**NEW SECTION. Sec. 280. FOR THE DEPARTMENT OF CORRECTIONS**  
State-wide Asbestos Removal (98-1-003)

Reappropriation:

|  |    |         |
|--|----|---------|
| State Building Construction Account--State | \$ | 783,000 |
| Prior Biennia (Expenditures)               | \$ | 272,068 |

|                                  |    |           |
|----------------------------------|----|-----------|
| Future Biennia (Projected Costs) | \$ | 0         |
|                                  |    | -----     |
| TOTAL                            | \$ | 1,055,068 |

**NEW SECTION. Sec. 281. FOR THE DEPARTMENT OF CORRECTIONS**  
State-wide Americans with Disabilities Act Compliance Projects (98-1-004)

Reappropriation:

|  |    |         |
|--|----|---------|
| State Building Construction Account--State | \$ | 112,000 |
| Prior Biennia (Expenditures)               | \$ | 59,150  |
| Future Biennia (Projected Costs)           | \$ | 0       |
|  |    | -----   |
| TOTAL                                      | \$ | 171,150 |

**NEW SECTION. Sec. 282. FOR THE DEPARTMENT OF CORRECTIONS**  
Emergency Funds (98-1-005)

Reappropriation:

|  |    |           |
|--|----|-----------|
| Charitable, Educational, Penal, and Reformatory<br>Institutions Account--State | \$ | 360,000   |
| State Building Construction Account--State                                     | \$ | 970,000   |
|  |    | -----     |
| Subtotal Reappropriation   | \$ | 1,330,000 |
| Prior Biennia (Expenditures)   | \$ | 3,299,100 |
| Future Biennia (Projected Costs)   | \$ | 0         |
|  |    | -----     |
| TOTAL  | \$ | 4,629,100 |

**NEW SECTION. Sec. 283. FOR THE DEPARTMENT OF CORRECTIONS**  
Stafford Creek Corrections Center (98-2-001)

The appropriations in this section are subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

|  |    |
|--|----|
| State Building Construction Account--State | \$ |
|--|----|

|  |    |             |
|--|----|-------------|
| Appropriation:                             |    | 105,000,000 |
| General Fund--Federal                      | \$ |             |
|  |    | 11,794,800  |
| State Building Construction Account--State | \$ |             |
|  |    | 10,670,616  |
|  |    | -----       |
| Subtotal Appropriation                     | \$ |             |
|  |    | 22,465,416  |
| Prior Biennia (Expenditures)               | \$ |             |
|  |    | 67,490,800  |
| Future Biennia (Projected Costs)           | \$ |             |
|  |    | 0           |
|  |    | -----       |
| TOTAL                                      | \$ |             |
|  |    | 194,956,216 |

**NEW SECTION. Sec. 284. FOR THE DEPARTMENT OF CORRECTIONS**

Washington State Reformatory: Convert medium to close custody (98-2-002)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

|  |    |           |
|--|----|-----------|
| Reappropriation:                           |    |           |
| State Building Construction Account--State | \$ |           |
|  |    | 1,400,000 |
| Prior Biennia (Expenditures)               | \$ |           |
|  |    | 3,324,588 |
| Future Biennia (Projected Costs)           | \$ |           |
|  |    | 0         |
|  |    | -----     |
| TOTAL                                      | \$ |           |
|  |    | 4,724,588 |

**NEW SECTION. Sec. 285. FOR THE DEPARTMENT OF CORRECTIONS**

Tacoma: Design 400-bed prerelease facility (98-2-003)

The reappropriation is subject to the review and allotment procedures under sections 902 and 903 of this act.

|  |    |           |
|--|----|-----------|
| Reappropriation:                           |    |           |
| State Building Construction Account--State | \$ |           |
|  |    | 1,129,047 |
| Prior Biennia (Expenditures)               | \$ |           |
|  |    | 496,653   |
| Future Biennia (Projected Costs)           | \$ |           |
|  |    | 0         |

TOTAL \$ -----  
1,625,700

**NEW SECTION. Sec. 286. FOR THE DEPARTMENT OF CORRECTIONS**  
State-wide: Correctional industries expansion (98-2-005)

Reappropriation:

State Building Construction Account--State \$ 2,918,000

Prior Biennia (Expenditures) \$ 382,000

Future Biennia (Projected Costs) \$ 16,000,000

TOTAL \$ -----  
19,300,000

**NEW SECTION. Sec. 287. FOR THE DEPARTMENT OF CORRECTIONS**  
Expand Special Offenders Center to 400 Beds (98-2-010)

The appropriations in this section are subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account--State \$ 2,507,879

Appropriation:

State Building Construction Account--State \$ 38,800,000

Prior Biennia (Expenditures) \$ 1,327,400

Future Biennia (Projected Costs) \$ 0

TOTAL \$ -----  
42,635,279

**NEW SECTION. Sec. 288. FOR THE DEPARTMENT OF CORRECTIONS**  
New 1,936-Bed Multicustody Facility: Predesign and site selection (98-2-011)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account--State \$ 958,000

Prior Biennia (Expenditures) \$ 290,453

|                                  |    |             |
|----------------------------------|----|-------------|
| Future Biennia (Projected Costs) | \$ | 242,000,000 |
|                                  |    | -----       |
| TOTAL                            | \$ | 243,248,453 |

**NEW SECTION. Sec. 289. FOR THE DEPARTMENT OF CORRECTIONS**  
State-wide Programmatic Projects (98-2-013)

The reappropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

|  |    |            |
|--|----|------------|
| State Building Construction Account--State | \$ | 4,400,000  |
| Prior Biennia (Expenditures)               | \$ | 15,150,401 |
| Future Biennia (Projected Costs)           | \$ | 0          |
|  |    | -----      |
| TOTAL                                      | \$ | 19,550,401 |

**NEW SECTION. Sec. 290. FOR THE DEPARTMENT OF CORRECTIONS**  
Washington Corrections Center: Replace razor ribbon (99-1-001)

Reappropriation:

|  |    |         |
|--|----|---------|
| State Building Construction Account--State | \$ | 485,000 |
| Prior Biennia (Expenditures)               | \$ | 316,000 |
| Future Biennia (Projected Costs)           | \$ | 0       |
|  |    | -----   |
| TOTAL                                      | \$ | 801,000 |

**NEW SECTION. Sec. 291. FOR THE DEPARTMENT OF CORRECTIONS**  
McNeil Island Corrections Center: Still harbor dock (99-2-001)

Reappropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 2,500,000 |
| Prior Biennia (Expenditures)               | \$ | 200,000   |
| Future Biennia (Projected Costs)           | \$ | 0         |



|  |       |    |  |           |
|--|-------|----|--|-----------|
|  | TOTAL | \$ |  | -----     |
|  |       |    |  | 2,700,000 |

**NEW SECTION. Sec. 292. FOR THE DEPARTMENT OF CORRECTIONS**  
 Washington State Reformatory Farm: Dairy animal waste lagoon improvement (99-2-002)

Reappropriation:

|  |  |    |  |           |
|--|--|----|--|-----------|
|  | State Building Construction Account--State | \$ |  | 182,000   |
|  | Prior Biennia (Expenditures)               | \$ |  | 1,060,000 |
|  | Future Biennia (Projected Costs)           | \$ |  | 0         |

|  |       |    |  |           |
|--|-------|----|--|-----------|
|  | TOTAL | \$ |  | -----     |
|  |       |    |  | 1,242,000 |

**NEW SECTION. Sec. 293. FOR THE DEPARTMENT OF CORRECTIONS**  
 Local Government Criminal Justice Facilities (99-2-003)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are provided solely for the purpose of construction, developing, expanding, modifying, or improving local jails and other correctional facilities in accordance with the violent offender incarceration and truth-in-sentencing grant requirements.

(2) The department of corrections, in consultation with the Washington association of sheriffs and police chiefs, shall develop criteria for allocating moneys appropriated in this section to local governments.

Reappropriation:

|  |                       |    |  |         |
|--|-----------------------|----|--|---------|
|  | General Fund--Federal | \$ |  | 639,196 |
|--|-----------------------|----|--|---------|

Appropriation:

|  |                                  |    |  |           |
|--|----------------------------------|----|--|-----------|
|  | General Fund--Federal            | \$ |  | 2,894,165 |
|  | Prior Biennia (Expenditures)     | \$ |  | 0         |
|  | Future Biennia (Projected Costs) | \$ |  | 0         |

|  |       |    |  |           |
|--|-------|----|--|-----------|
|  | TOTAL | \$ |  | -----     |
|  |       |    |  | 3,533,361 |

**NEW SECTION. Sec. 294. FOR THE DEPARTMENT OF CORRECTIONS**  
 Grant Administration and Minor Improvements (99-2-004)

The appropriations in this section are provided solely for cost associated with administration of the violent offender incarceration and truth-in-sentencing grant program to local governments and other agencies receiving a subaward from the grant and minor improvements for correctional facilities.

|  |    |  |         |
|--|----|--|---------|
| Reappropriation:   |    |  |         |
| General Fund--Federal  | \$ |  | 120,000 |
| Appropriation:   |    |  |         |
| General Fund--Federal  | \$ |  | 392,113 |
| Charitable, Educational, Penal, and Reformatory<br>Institutions Account--State | \$ |  | 60,851  |
|  |    |  | -----   |
| Subtotal Appropriation   | \$ |  | 452,964 |
| Prior Biennia (Expenditures)   | \$ |  | 35,550  |
| Future Biennia (Projected Costs)   | \$ |  | 0       |
|  |    |  | -----   |
| TOTAL  | \$ |  | 608,514 |

**NEW SECTION. Sec. 295. FOR THE DEPARTMENT OF CORRECTIONS**

Washington Corrections Center: Infrastructure evaluation

The appropriation in this section is provided solely for conducting an evaluation of the current sewer and water systems at the Washington corrections center. The evaluation shall identify: (1) The capacity of the current systems based on current and planned average daily population; (2) any deficiencies with the current systems; and (3) the most cost-effective options for addressing any issues identified in subsections (1) and (2) of this section, including changes in programmatic operations or financing alternatives with other entities for off-site infrastructure improvements.

|  |    |  |         |
|--|----|--|---------|
| Appropriation:                             |    |  |         |
| State Building Construction Account--State | \$ |  | 350,000 |
| Prior Biennia (Expenditures)               | \$ |  | 0       |
| Future Biennia (Projected Costs)           | \$ |  | 0       |
|  |    |  | -----   |
| TOTAL                                      | \$ |  | 350,000 |

**PART 3  
NATURAL RESOURCES**

**NEW SECTION. Sec. 301. FOR THE DEPARTMENT OF ECOLOGY**

Water Rights Purchase

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided for a pilot project for the purchase of water rights under the trust water rights program under chapter 90.42 RCW, for the purpose of improving stream and river flows in fish critical basins. This appropriation shall only be used to acquire water rights in basins with current or proposed listings of salmon or steelhead under the federal endangered species act (16 U.S.C. Sec. 1531 et seq.) and where low flows have been identified as a limiting factor for salmon recovery. Priority for funding such purchases and leases shall take into consideration the following:

- (a) Proposals providing the greatest benefit for restoring and protecting fish;
- (b) Proposals providing benefits in addition to protecting fish critical streams and rivers;
- (c) Proposals that include funds from other sources;
- (d) Proposals showing a broad level of support among interested parties;
- (e) Proposals requiring the lowest administrative costs to implement; and
- (f) Proposals requiring the lowest overall cost within the context of the local marketplace.

(2) On or before December 1, 2000, the department shall report to the governor and appropriate legislative committees on the progress in implementing the pilot program and recommendations for continuation of the program.

Appropriation:

|  |    |            |
|--|----|------------|
| State Building Construction Account--State | \$ | 1,000,000  |
| Prior Biennia (Expenditures)               | \$ | 0          |
| Future Biennia (Projected Costs)           | \$ | 24,000,000 |
|  |    | -----      |
| TOTAL                                      | \$ | 25,000,000 |

**NEW SECTION. Sec. 302. FOR THE DEPARTMENT OF ECOLOGY**

Referendum 26 Waste Disposal Facilities (74-2-004)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation in this section is provided solely for projects under contracts on or before June 30, 1999. Reappropriated funds not associated with contracted projects shall lapse on June 30, 1999.

(2) The office of financial management may grant waivers from this lapse requirement for specific projects upon findings of exceptional circumstances after notification of the chairs of the house of representatives capital budget committee and senate ways and means committee.

(3) The department shall submit a report to the office of financial management and the house of representatives capital budget committee and senate ways and means committee by December 1, 1999, listing all projects funded from this section.

Reappropriation:

|   |    |           |
|---|----|-----------|
| State and Local Improvements Revolving Account<br>(Waste Facilities)--State | \$ | 2,204,376 |
| Prior Biennia (Expenditures)  | \$ | 4,186,488 |
| Future Biennia (Projected Costs)  | \$ | 0         |
|   |    | -----     |

TOTAL \$ 6,390,864

**NEW SECTION. Sec. 303. FOR THE DEPARTMENT OF ECOLOGY**  
Referendum 38 Water Supply Facilities (74-2-006)

The appropriations in this section are subject to the following conditions and limitations:

(1) The reappropriation in this section is provided solely for projects under contracts on or before June 30, 1999. Reappropriated funds not associated with contracted projects shall lapse on June 30, 1999.

(2) The office of financial management may grant waivers from this lapse requirement for specific projects upon findings of exceptional circumstances after notification of the chairs of the house of representatives capital budget committee and senate ways and means committee.

(3) The department shall submit a report to the office of financial management and the house of representatives capital budget committee and senate ways and means committee by December 1, 1999, listing all projects funded from this section.

Reappropriation:

State and Local Improvements Revolving Account  
(Water Supply Facilities)--State \$ 6,004,436

Appropriation:

State and Local Improvements Revolving Account  
(Water Supply Facilities)--State \$ 4,100,000

State Drought Preparedness Account--State \$ 6,800,000

Subtotal Appropriation \$ 10,900,000

Prior Biennia (Expenditures) \$ 4,320,950

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 21,225,386

**NEW SECTION. Sec. 304. FOR THE DEPARTMENT OF ECOLOGY**  
State Emergency Water Projects Revolving Account (76-2-003)

Reappropriation:

State Emergency Water Projects Revolving Account--State \$ 577,833

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$

577,833

**NEW SECTION. Sec. 305. FOR THE DEPARTMENT OF ECOLOGY**  
Referendum 39 Waste Disposal Facilities (82-2-005)

The reappropriation in this section is provided solely for projects under contracts on or before June 30, 1999. Reappropriated funds not associated with contracted projects shall lapse on June 30, 1999. The office of financial management may grant waivers from this lapse requirement for specific projects upon findings of exceptional circumstances after notification of the chairs of the house of representatives capital budget committee and senate ways and means committee. The department shall submit a report to the office of financial management and the house of representatives capital budget committee and senate ways and means committee by December 1, 1999, listing all projects funded from this section.

Reappropriation:

State and Local Improvements Revolving Account  
(Waste Facilities 1980)--State \$

6,113,126

Prior Biennia (Expenditures) \$

12,293,785

Future Biennia (Projected Costs) \$

0

TOTAL \$

-----  
18,406,911

**NEW SECTION. Sec. 306. FOR THE DEPARTMENT OF ECOLOGY**  
Centennial Clean Water Fund (86-2-007)

The appropriations in this section are subject to the following conditions and limitations:

(1) Up to \$15,000,000 of the water quality account appropriation is provided for the extended grant payment to Metro/King county. The department shall, in cooperation with Metro/King county, document the eligible costs remaining for the extended grant payment, and submit a revised payment schedule to the governor and appropriate legislative committees by December 1, 1999.

(2) Up to \$10,000,000 of the water quality account appropriation is provided for the extended grant payment to Spokane for the Spokane-Rathdrum Prairie aquifer.

(3) \$3,600,000 of the water quality account appropriation is provided for the construction of a wastewater treatment plant at the city of Connell.

(4) The entire public works assistance account appropriation is provided for water quality facility grants for communities with populations less than 5,000. The department shall give priority consideration to: (a) Communities subject to a regulatory order from the department of ecology for noncompliance with water quality regulations; (b) projects for which design work has been completed; and (c) projects with a local match from reasonable water quality rates and charges.

(5) The remaining appropriation in this section is provided for state-wide water quality implementation and planning grants and loans. The department shall give priority consideration to projects located in basins with critical or depressed salmonid stocks.

(6) The reappropriation in this section is provided solely for projects under contract on or before June 30, 1999. Reappropriated funds not associated with contracted projects lapse on June 30, 1999. The office of financial management may grant waivers from this subsection for specific projects upon findings of exceptional circumstances after notification of the chairs of the house of representatives capital budget committee and the senate ways and means committee. The department

shall submit a report to the office of financial management and the house of representatives capital budget committee and the senate ways and means committee by December 1, 1999, listing all projects funded from the reappropriation in this section.

Reappropriation:

|                              |    |            |
|------------------------------|----|------------|
| Water Quality Account--State | \$ |            |
|                              |    | 32,336,890 |

Appropriation:

|                              |    |            |
|------------------------------|----|------------|
| Water Quality Account--State | \$ |            |
|                              |    | 52,000,000 |

|  |    |            |
|--|----|------------|
| Public Works Assistance Account--State | \$ |            |
|  |    | 10,000,000 |

|                        |    |            |
|------------------------|----|------------|
| Subtotal Appropriation | \$ |            |
|                        |    | 62,000,000 |

|                              |    |             |
|------------------------------|----|-------------|
| Prior Biennia (Expenditures) | \$ |             |
|                              |    | 158,376,857 |

|                                  |    |             |
|----------------------------------|----|-------------|
| Future Biennia (Projected Costs) | \$ |             |
|                                  |    | 140,000,000 |

|       |    |             |
|-------|----|-------------|
| TOTAL | \$ |             |
|       |    | 392,713,747 |

**NEW SECTION. Sec. 307. FOR THE DEPARTMENT OF ECOLOGY**  
Local Toxics Control Account (88-2-008)

The reappropriation in this section is provided solely for projects under contract on or before June 30, 1999. Reappropriated funds not associated with contracted projects shall lapse on June 30, 1999. The office of financial management may grant waivers from this lapse requirement for specific projects upon findings of exceptional circumstances after notification of the chairs of the house of representatives capital budget committee and senate ways and means committee. The department shall submit a report to the office of financial management and the house of representatives capital budget committee and senate ways and means committee by December 1, 1999, listing all projects funded from this section.

Reappropriation:

|                                     |    |            |
|-------------------------------------|----|------------|
| Local Toxics Control Account--State | \$ |            |
|                                     |    | 25,833,809 |

Appropriation:

|                                     |    |            |
|-------------------------------------|----|------------|
| Local Toxics Control Account--State | \$ |            |
|                                     |    | 42,479,000 |

|                              |    |            |
|------------------------------|----|------------|
| Prior Biennia (Expenditures) | \$ |            |
|                              |    | 65,202,174 |

|                                  |    |             |
|----------------------------------|----|-------------|
| Future Biennia (Projected Costs) | \$ |             |
|                                  |    | 180,000,000 |

|       |    |             |
|-------|----|-------------|
| TOTAL | \$ |             |
|       |    | 313,514,983 |

**NEW SECTION. Sec. 308. FOR THE DEPARTMENT OF ECOLOGY**  
Water Pollution Control Revolving Fund (90-2-002)

Reappropriation:

|  |    |            |
|--|----|------------|
| Water Pollution Control Revolving Account--State   | \$ | 55,640,931 |
| Water Pollution Control Revolving Account--Federal | \$ | 34,914,688 |
|  |    | -----      |
| Subtotal Reappropriation                           | \$ | 90,555,619 |

Appropriation:

|  |    |            |
|--|----|------------|
| Water Pollution Control Revolving Account--State   | \$ | 32,375,833 |
| Water Pollution Control Revolving Account--Federal | \$ | 46,830,366 |
|  |    | -----      |
| Subtotal Appropriation                             | \$ | 79,206,199 |

|                                  |    |             |
|----------------------------------|----|-------------|
| Prior Biennia (Expenditures)     | \$ | 120,971,790 |
| Future Biennia (Projected Costs) | \$ | 320,207,299 |
|                                  |    | -----       |
| TOTAL                            | \$ | 610,940,907 |

**NEW SECTION. Sec. 309. FOR THE DEPARTMENT OF ECOLOGY**  
Methow Basin Water Conservation (92-2-009)

Reappropriation:

|  |    |         |
|--|----|---------|
| State Building Construction Account--State | \$ | 87,689  |
| Prior Biennia (Expenditures)               | \$ | 312,311 |
| Future Biennia (Projected Costs)           | \$ | 0       |
|  |    | -----   |
| TOTAL                                      | \$ | 400,000 |

**NEW SECTION. Sec. 310. FOR THE DEPARTMENT OF ECOLOGY**  
Low-Level Nuclear Waste Disposal Trench Closure (97-2-012)

Reappropriation:

|                             |    |           |
|-----------------------------|----|-----------|
| Site Closure Account--State | \$ | 5,443,978 |
|-----------------------------|----|-----------|

|                                  |    |           |
|----------------------------------|----|-----------|
| Prior Biennia (Expenditures)     | \$ | 989,386   |
| Future Biennia (Projected Costs) | \$ | 0         |
|                                  |    | -----     |
| TOTAL                            | \$ | 6,433,364 |

**NEW SECTION. Sec. 311. FOR THE STATE PARKS AND RECREATION COMMISSION**

Coastal Facility Relocation (00-1-005)

Appropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 2,000,000 |
| Prior Biennia (Expenditures)               | \$ | 0         |
| Future Biennia (Projected Costs)           | \$ | 2,000,000 |
|  |    | -----     |
| TOTAL                                      | \$ | 4,000,000 |

**NEW SECTION. Sec. 312. FOR THE STATE PARKS AND RECREATION COMMISSION**

Historic Structure and Land Use Stewardship Program (00-1-007)

Appropriation:

|  |    |            |
|--|----|------------|
| State Building Construction Account--State | \$ | 6,500,000  |
| Prior Biennia (Expenditures)               | \$ | 0          |
| Future Biennia (Projected Costs)           | \$ | 35,500,000 |
|  |    | -----      |
| TOTAL                                      | \$ | 42,000,000 |

**NEW SECTION. Sec. 313. FOR THE STATE PARKS AND RECREATION COMMISSION**

Lewis and Clark Trail Bicentennial: Preservation (00-1-010)

Appropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 1,500,000 |
| Prior Biennia (Expenditures)               | \$ | 0         |
| Future Biennia (Projected Costs)           | \$ | 0         |



1,000,000

TOTAL \$

-----  
2,500,000

**NEW SECTION. Sec. 314. FOR THE STATE PARKS AND RECREATION COMMISSION**

Park Housing (00-1-014)

Appropriation:

State Building Construction Account--State \$

500,000

Prior Biennia (Expenditures) \$

0

Future Biennia (Projected Costs) \$

2,000,000

TOTAL \$

-----  
2,500,000

**NEW SECTION. Sec. 315. FOR THE STATE PARKS AND RECREATION COMMISSION**

Pacific County: Seashore conservation (00-1-015)

Appropriation:

State Building Construction Account--State \$

50,000

Prior Biennia (Expenditures) \$

0

Future Biennia (Projected Costs) \$

0

TOTAL \$

-----  
50,000

**NEW SECTION. Sec. 316. FOR THE STATE PARKS AND RECREATION COMMISSION**

Park Land Acquisition Account (00-3-001)

Appropriation:

Park Land Acquisition Account--State \$

250,000

Prior Biennia (Expenditures) \$

0

Future Biennia (Projected Costs) \$

0

-----

TOTAL \$ 250,000

**NEW SECTION. Sec. 317. FOR THE STATE PARKS AND RECREATION COMMISSION**

Spokane Centennial Trail (89-5-112)

Reappropriation:

General Fund--Federal \$ 375,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ -----  
375,000

**NEW SECTION. Sec. 318. FOR THE STATE PARKS AND RECREATION COMMISSION**

Statewide - Boat Pumpouts: Federal Clean Vessel Act (96-2-008)

Reappropriation:

General Fund--Federal \$ 300,000

Appropriation:

General Fund--Federal \$ 900,000

Prior Biennia (Expenditures) \$ 211,246

Future Biennia (Projected Costs) \$ 0

TOTAL \$ -----  
1,411,246

**NEW SECTION. Sec. 319. FOR THE STATE PARKS AND RECREATION COMMISSION**

Americans with Disabilities Act Improvements (98-1-993)

Reappropriation:

State Building Construction Account--State \$ 200,000

Prior Biennia (Expenditures) \$ 153,855

Future Biennia (Projected Costs) \$ 0

-----

TOTAL \$ 353,855

**NEW SECTION. Sec. 320. FOR THE STATE PARKS AND RECREATION COMMISSION**

Statewide - Emergency Projects (98-1-001)

Reappropriation:

State Building Construction Account--State \$ 50,000

Appropriation:

State Building Construction Account--State \$ 500,000

Prior Biennia (Expenditures) \$ 198,618

Future Biennia (Projected Costs) \$ 2,650,000

TOTAL \$ 3,398,618

**NEW SECTION. Sec. 321. FOR THE STATE PARKS AND RECREATION COMMISSION**

Underground Storage Tank Replacement (98-1-002)

Reappropriation:

State Building Construction Account--State \$ 493,367

Prior Biennia (Expenditures) \$ 345,922

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 839,289

**NEW SECTION. Sec. 322. FOR THE STATE PARKS AND RECREATION COMMISSION**

Facilities Preservation: State-wide (98-1-003)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation shall support the detailed list of projects maintained by the office of financial management.

(2) The parks renewal and stewardship account appropriation in this section is provided on the condition the parks renewal and stewardship account receives in excess of \$26,000,000 in biennial revenue.

Reappropriation:

State Building Construction Account--State \$ 2,750,000

Appropriation:

|  |    |            |
|--|----|------------|
| State Building Construction Account--State   | \$ | 8,000,000  |
| Parks Renewal and Stewardship Account--State | \$ | 1,000,000  |
|  |    | -----      |
| Subtotal Appropriation                       | \$ | 9,000,000  |
| Prior Biennia (Expenditures)                 | \$ | 643,234    |
| Future Biennia (Projected Costs)             | \$ | 31,000,000 |
|  |    | -----      |
| TOTAL  | \$ | 43,393,234 |

**NEW SECTION. Sec. 323. FOR THE STATE PARKS AND RECREATION COMMISSION**

Historic Facilities Renovation (98-1-004)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 1,000,000 |
| Prior Biennia (Expenditures)               | \$ | 1,370,628 |
| Future Biennia (Projected Costs)           | \$ | 0         |
|  |    | -----     |
| TOTAL                                      | \$ | 2,370,628 |

**NEW SECTION. Sec. 324. FOR THE STATE PARKS AND RECREATION COMMISSION**

Natural and Historic Stewardship: State-wide (98-1-007)

The reappropriation in this section shall support the detailed list resulting from the 1996 historic structures condition assessment study which is maintained by the office of financial management.

Reappropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 1,200,000 |
| Prior Biennia (Expenditures)               | \$ | 300,000   |

|                                  |    |           |
|----------------------------------|----|-----------|
| Future Biennia (Projected Costs) | \$ | 0         |
|                                  |    | -----     |
| TOTAL                            | \$ | 1,500,000 |

**NEW SECTION. Sec. 325. FOR THE STATE PARKS AND RECREATION COMMISSION**

State-wide - Recreation Development Program (98-2-008)

The appropriations in this section are subject to the following conditions and limitations:

(1) The commission shall prioritize recreation development projects that have the greatest potential to generate revenue for the park system.

(2) \$200,000 of the state building construction account is provided solely for repairs and improvements at the Goldendale observatory.

(3) \$50,000 of the state building construction account is provided solely for parking and trail system improvements at west Hylebos state park.

Reappropriation:

|  |    |           |
|--|----|-----------|
| General Fund--Federal                      | \$ | 920,000   |
| State Building Construction Account--State | \$ | 1,500,000 |
|  |    | -----     |
| Subtotal Reappropriation                   | \$ | 2,420,000 |

Appropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 2,500,000 |
| General Fund--Federal                      | \$ | 165,000   |
| General Fund--Private/Local                | \$ | 33,000    |
|  |    | -----     |
| Subtotal Appropriation                     | \$ | 2,698,000 |

|                                  |    |            |
|----------------------------------|----|------------|
| Prior Biennia (Expenditures)     | \$ | 369,953    |
| Future Biennia (Projected Costs) | \$ | 15,500,000 |
|                                  |    | -----      |

|       |    |            |
|-------|----|------------|
| TOTAL | \$ | 20,987,953 |
|-------|----|------------|

**NEW SECTION. Sec. 326. FOR THE STATE PARKS AND RECREATION COMMISSION**

Storm Disaster Recovery (99-1-001)

Reappropriation:

|  |    |         |
|--|----|---------|
| State Building Construction Account--State | \$ | 526,647 |
| Prior Biennia (Expenditures)               | \$ | 3,353   |
| Future Biennia (Projected Costs)           | \$ | 0       |
| TOTAL                                      |    | \$      |
|  |    | 530,000 |

**NEW SECTION. Sec. 327. FOR THE STATE PARKS AND RECREATION COMMISSION**

Cama Beach Donation (99-2-001)

Reappropriation:

|  |    |           |
|--|----|-----------|
| Parks Renewal and Stewardship Account--State | \$ | 1,000,000 |
| Prior Biennia (Expenditures)                 | \$ | 0         |
| Future Biennia (Projected Costs)             | \$ | 0         |
| TOTAL  |    | \$        |
|  |    | 1,000,000 |

**NEW SECTION. Sec. 328. FOR THE STATE PARKS AND RECREATION COMMISSION**

State-wide: Facility preservation and deferred maintenance

The appropriation in this section is subject to the following condition and limitation: The commission shall contract out for completion of critical park maintenance projects throughout the state.

Appropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 4,000,000 |
| Prior Biennia (Expenditures)               | \$ | 0         |
| Future Biennia (Projected Costs)           | \$ | 0         |
| TOTAL                                      |    | \$        |
|  |    | 4,000,000 |

**NEW SECTION. Sec. 329. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

Boating Facilities (98-2-001)

|                                     |    |            |
|-------------------------------------|----|------------|
| Reappropriation:                    |    |            |
| Outdoor Recreation Account--State   | \$ | 1,613,672  |
| Recreation Resources Account--State | \$ | 12,098,000 |
|                                     |    | -----      |
| Subtotal Reappropriation            | \$ | 13,711,672 |
| Appropriation:                      |    |            |
| Recreation Resources Account--State | \$ | 8,433,414  |
| Prior Biennia (Expenditures)        | \$ | 7,347,788  |
| Future Biennia (Projected Costs)    | \$ | 38,855,506 |
|                                     |    | -----      |
| TOTAL                               | \$ | 68,348,380 |

**NEW SECTION. Sec. 330. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

Nonhighway and Off-Road Vehicle Activities Program (98-2-002)

The appropriations in this section are subject to the following condition and limitation: \$1,604,486 of the appropriation is provided solely to implement chapter . . . (Second Substitute Senate Bill No. 5556 (fuel tax transfers)), Laws of 1999. Of this amount, up to \$260,000 is provided for a study of the source and distribution of nonhighway road funds. If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

|                                  |    |            |
|----------------------------------|----|------------|
| Reappropriation:                 |    |            |
| NOVA Program Account--State      | \$ | 7,733,899  |
| Appropriation:                   |    |            |
| NOVA Program Account--State      | \$ | 7,038,576  |
| Prior Biennia (Expenditures)     | \$ | 7,691,855  |
| Future Biennia (Projected Costs) | \$ | 23,141,446 |
|                                  |    | -----      |
| TOTAL                            | \$ | 45,605,776 |

**NEW SECTION. Sec. 331. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

Washington Wildlife and Recreation Program (98-2-003)

The appropriations in this section for the wildlife and recreation program under chapter 43.98A RCW and RCW 43.98A.040 are subject to the following condition and limitation:

(1) The new appropriations in this section are provided for the approved list of projects included in LEAP capital document No. 99-1, as developed on April 8, 1999.

(2) Any funding provided in this section for the Mt. Spokane - Quartz Mountain acquisition by the state parks and recreation commission shall not exceed fair market value as determined by an evaluation of three independent appraisals.

Reappropriation:

|  |    |            |
|--|----|------------|
| State Building Construction Account--State | \$ | 6,475,416  |
| Outdoor Recreation Account--State          | \$ | 23,733,311 |
| Habitat Conservation Account--State        | \$ | 25,872,718 |
|  |    | -----      |
| Subtotal Reappropriation                   | \$ | 56,081,445 |

Appropriation:

|                                     |    |             |
|-------------------------------------|----|-------------|
| Outdoor Recreation Account--State   | \$ | 23,000,000  |
| Habitat Conservation Account--State | \$ | 25,000,000  |
|                                     |    | -----       |
| Subtotal Appropriation              | \$ | 48,000,000  |
| Prior Biennia (Expenditures)        | \$ | 213,018,555 |
| Future Biennia (Projected Costs)    | \$ | 190,000,000 |
|                                     |    | -----       |
| TOTAL                               | \$ | 507,100,000 |

**NEW SECTION. Sec. 332. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

Firearms Range Program (98-2-004)

Reappropriation:

|                               |    |         |
|-------------------------------|----|---------|
| Firearms Range Account--State | \$ | 668,101 |
|-------------------------------|----|---------|

Appropriation:

|                                  |    |         |
|----------------------------------|----|---------|
| Firearms Range Account--State    | \$ | 354,400 |
| Prior Biennia (Expenditures)     | \$ | 758,960 |
| Future Biennia (Projected Costs) | \$ | 800,000 |



TOTAL \$ -----  
2,581,461

**NEW SECTION. Sec. 333. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

Land and Water Conservation Fund (98-2-005)

Reappropriation:

Outdoor Recreation Account--Federal \$ 252,665

Prior Biennia (Expenditures) \$ 1,578,014

Future Biennia (Projected Costs) \$ 0

TOTAL \$ -----  
1,830,679

**NEW SECTION. Sec. 334. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

National Recreation Trails Act (98-2-006)

Reappropriation:

Outdoor Recreation Account--Federal \$ 22,815

Recreation Resources Account--Federal \$ 589,264

Subtotal Reappropriation \$ -----  
612,079

Appropriation:

Recreation Resources Account--Federal \$ 1,478,350

Prior Biennia (Expenditures) \$ 682,304

Future Biennia (Projected Costs) \$ 2,797,251

TOTAL \$ -----  
5,569,984

**NEW SECTION. Sec. 335. FOR THE STATE CONSERVATION COMMISSION**

Conservation Reserve Enhancement Program (00-2-004)

Reappropriation:

State Building Construction Account--State \$ 5,000,000

Appropriation:

|  |    |            |
|--|----|------------|
| State Building Construction Account--State | \$ | 5,000,000  |
| Prior Biennia (Expenditures)               | \$ | 0          |
| Future Biennia (Projected Costs)           | \$ | 10,000,000 |
|  |    | -----      |
| TOTAL                                      | \$ | 20,000,000 |

**NEW SECTION. Sec. 336. FOR THE STATE CONSERVATION COMMISSION**  
Water Quality Grants Program (98-2-001)

The appropriations in this section are subject to the following conditions and limitations:

- (1) Appropriations equal to \$3,840,000 are provided solely for grants to qualifying conservation districts for nonpoint water quality projects and programs.
- (2) Appropriations equal to \$80,000 are provided for audits of districts receiving grants conducted by the office of the state auditor.
- (3) Remaining funds are to be distributed by a competitive process that uses state priorities to rank proposals from districts.

Reappropriation:

|                              |    |           |
|------------------------------|----|-----------|
| Water Quality Account--State | \$ | 1,732,102 |
|------------------------------|----|-----------|

Appropriation:

|                                  |    |            |
|----------------------------------|----|------------|
| Water Quality Account--State     | \$ | 5,000,000  |
| Prior Biennia (Expenditures)     | \$ | 8,767,898  |
| Future Biennia (Projected Costs) | \$ | 20,000,000 |
|                                  |    | -----      |
| TOTAL                            | \$ | 35,500,000 |

**NEW SECTION. Sec. 337. FOR THE STATE CONSERVATION COMMISSION**  
Dairy Waste Management Grants Program (98-2-002)

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$1,500,000 of the appropriation is provided solely for a state-wide grant program to assist dairy operators in implementing dairy waste management systems; and
- (2) \$1,500,000 of the appropriation is provided solely for a state-wide grant program to provide technical assistance to dairy operators for development and implementation of dairy waste management plans.

Reappropriation:

|                              |    |         |
|------------------------------|----|---------|
| Water Quality Account--State | \$ | 529,132 |
|------------------------------|----|---------|

Appropriation:

|                                  |    |            |
|----------------------------------|----|------------|
| Water Quality Account--State     | \$ | 3,000,000  |
| Prior Biennia (Expenditures)     | \$ | 2,470,868  |
| Future Biennia (Projected Costs) | \$ | 12,000,000 |
|                                  |    | -----      |
| TOTAL                            | \$ | 18,000,000 |

**NEW SECTION. Sec. 338. FOR THE STATE CONSERVATION COMMISSION**  
**Puget Sound Action Plan (98-2-003)**

Reappropriation:

|                                  |    |         |
|----------------------------------|----|---------|
| Water Quality Account--State     | \$ | 137,071 |
| Prior Biennia (Expenditures)     | \$ | 692,929 |
| Future Biennia (Projected Costs) | \$ | 0       |
|                                  |    | -----   |
| TOTAL                            | \$ | 830,000 |

**NEW SECTION. Sec. 339. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
**Upland Wildlife Habitat: Replacement (00-2-005)**

Appropriation:

|                                  |    |           |
|----------------------------------|----|-----------|
| Wildlife Account--State          | \$ | 600,000   |
| Prior Biennia (Expenditures)     | \$ | 0         |
| Future Biennia (Projected Costs) | \$ | 600,000   |
|                                  |    | -----     |
| TOTAL                            | \$ | 1,200,000 |

**NEW SECTION. Sec. 340. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
**Watchable Wildlife Program (00-2-007)**

Appropriation:

|  |    |         |
|--|----|---------|
| State Building Construction Account--State | \$ | 100,000 |
| Prior Biennia (Expenditures)               | \$ | 0       |
| Future Biennia (Projected Costs)           | \$ | 0       |

|       |    |         |
|-------|----|---------|
|       |    | 800,000 |
|       |    | -----   |
| TOTAL | \$ | 900,000 |

**NEW SECTION. Sec. 341. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
 Grandy Creek Hatchery (92-5-024)

Reappropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ |           |
|  |    | 3,667,100 |
| Prior Biennia (Expenditures)               | \$ |           |
|  |    | 652,080   |
| Future Biennia (Projected Costs)           | \$ |           |
|  |    | 0         |
|  |    | -----     |
| TOTAL                                      | \$ | 4,319,180 |

**NEW SECTION. Sec. 342. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
 Tideland Acquisition (94-2-003)

Reappropriation:

|                                  |    |           |
|----------------------------------|----|-----------|
| General Fund--Federal            | \$ |           |
|                                  |    | 1,208,000 |
| Prior Biennia (Expenditures)     | \$ |           |
|                                  |    | 3,792,000 |
| Future Biennia (Projected Costs) | \$ |           |
|                                  |    | 0         |
|                                  |    | -----     |
| TOTAL                            | \$ | 5,000,000 |

**NEW SECTION. Sec. 343. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
 Nemah Hatchery Building and Incubation System Replacement (96-1-006)

Reappropriation:

|                                  |    |           |
|----------------------------------|----|-----------|
| General Fund--Federal            | \$ |           |
|                                  |    | 172,000   |
| Prior Biennia (Expenditures)     | \$ |           |
|                                  |    | 1,528,000 |
| Future Biennia (Projected Costs) | \$ |           |
|                                  |    | 0         |
|                                  |    | -----     |
| TOTAL                            | \$ | 1,700,000 |

**NEW SECTION. Sec. 344. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
Shellfish Laboratory and Hatchery Upgrades (96-1-009)

Reappropriation:

|  |    |        |
|--|----|--------|
| State Building Construction Account--State | \$ | 50,000 |
|--|----|--------|

Appropriation:

|  |    |         |
|--|----|---------|
| Aquatic Lands Enhancement Account--State   | \$ | 190,400 |
| State Building Construction Account--State | \$ | 115,000 |

|                        |    |                  |
|------------------------|----|------------------|
| Subtotal Appropriation | \$ | -----<br>305,400 |
|------------------------|----|------------------|

|                              |    |         |
|------------------------------|----|---------|
| Prior Biennia (Expenditures) | \$ | 804,578 |
|------------------------------|----|---------|

|                                  |    |           |
|----------------------------------|----|-----------|
| Future Biennia (Projected Costs) | \$ | 1,000,000 |
|----------------------------------|----|-----------|

|       |    |                    |
|-------|----|--------------------|
| TOTAL | \$ | -----<br>2,159,978 |
|-------|----|--------------------|

**NEW SECTION. Sec. 345. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
Minter Creek Hatchery Renovation (96-2-019)

Reappropriation:

|  |    |         |
|--|----|---------|
| State Building Construction Account--State | \$ | 400,000 |
|--|----|---------|

|                              |    |           |
|------------------------------|----|-----------|
| Prior Biennia (Expenditures) | \$ | 5,100,000 |
|------------------------------|----|-----------|

|                                  |    |   |
|----------------------------------|----|---|
| Future Biennia (Projected Costs) | \$ | 0 |
|----------------------------------|----|---|

|       |    |                    |
|-------|----|--------------------|
| TOTAL | \$ | -----<br>5,500,000 |
|-------|----|--------------------|

**NEW SECTION. Sec. 346. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
Minor Works: Preservation (98-1-001)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

|  |    |         |
|--|----|---------|
| State Building Construction Account--State | \$ | 330,000 |
|--|----|---------|

Appropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 2,300,000 |
|--|----|-----------|

|                                  |    |            |
|----------------------------------|----|------------|
| Prior Biennia (Expenditures)     | \$ | 6,705,303  |
| Future Biennia (Projected Costs) | \$ | 9,600,000  |
|                                  |    | -----      |
| TOTAL                            | \$ | 18,935,303 |

**NEW SECTION. Sec. 347. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
 Underground Storage Tank Removal and Replacement (98-1-002)

Reappropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 25,000    |
| Prior Biennia (Expenditures)               | \$ | 2,572,900 |
| Future Biennia (Projected Costs)           | \$ | 0         |
|  |    | -----     |
| TOTAL                                      | \$ | 2,597,900 |

**NEW SECTION. Sec. 348. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
 Emergency Repairs (98-1-003)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

|  |    |         |
|--|----|---------|
| State Building Construction Account--State | \$ | 135,000 |
|--|----|---------|

Appropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 700,000   |
| Prior Biennia (Expenditures)               | \$ | 1,610,923 |
| Future Biennia (Projected Costs)           | \$ | 2,300,000 |
|  |    | -----     |
| TOTAL                                      | \$ | 4,745,923 |

**NEW SECTION. Sec. 349. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
 Dam Inspection and Repair (98-1-004)

Reappropriation:

|  |    |         |
|--|----|---------|
| State Building Construction Account--State | \$ | 100,000 |
|--|----|---------|

Appropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 1,000,000 |
| Prior Biennia (Expenditures)               | \$ | 50,000    |
| Future Biennia (Projected Costs)           | \$ | 1,700,000 |
|  |    | -----     |
| TOTAL                                      | \$ | 2,850,000 |

**NEW SECTION. Sec. 350. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
**Facilities Renovation (98-1-005)**

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

|  |    |         |
|--|----|---------|
| State Building Construction Account--State | \$ | 190,000 |
|--|----|---------|

Appropriation:

|  |    |            |
|--|----|------------|
| State Building Construction Account--State | \$ | 1,200,000  |
| Prior Biennia (Expenditures)               | \$ | 4,984,258  |
| Future Biennia (Projected Costs)           | \$ | 6,400,000  |
|  |    | -----      |
| TOTAL                                      | \$ | 12,774,258 |

**NEW SECTION. Sec. 351. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
**Hatchery Renovations (98-1-006) (98-1-015)**

The appropriations in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

|  |    |         |
|--|----|---------|
| State Building Construction Account--State | \$ | 150,000 |
|--|----|---------|

Appropriation:

|  |    |            |
|--|----|------------|
| State Building Construction Account--State | \$ | 4,000,000  |
| Prior Biennia (Expenditures)               | \$ | 16,698,022 |
| Future Biennia (Projected Costs)           | \$ | 18,000,000 |
|  |    | -----      |
| TOTAL                                      | \$ |            |

38,848,022

**NEW SECTION. Sec. 352. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
Recreational Access Redevelopment (98-1-007)

Reappropriation:

State Building Construction Account--State \$ 60,000

Appropriation:

General Fund--Federal \$ 550,000

State Building Construction Account--State \$ 400,000

Subtotal Appropriation \$ -----  
950,000

Prior Biennia (Expenditures) \$ 4,427,787

Future Biennia (Projected Costs) \$ 4,000,000

TOTAL \$ -----  
9,437,787

**NEW SECTION. Sec. 353. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
Coast and Puget Sound Wild Salmonid Habitat Restoration (98-1-009)

Reappropriation:

State Building Construction Account--State \$ 350,000

Prior Biennia (Expenditures) \$ 11,986,386

Future Biennia (Projected Costs) \$ 0

TOTAL \$ -----  
12,336,386

**NEW SECTION. Sec. 354. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
Coast and Puget Sound Wildstock Restoration: Hatcheries (98-1-010)

Reappropriation:

State Building Construction Account--State \$ 580,000

Prior Biennia (Expenditures) \$ 5,520,626

Future Biennia (Projected Costs) \$ 0



|       |    |           |
|-------|----|-----------|
| TOTAL | \$ | -----     |
|       |    | 6,100,626 |

**NEW SECTION. Sec. 355. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
 Fish Protection Facilities (98-1-011)

Reappropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ |           |
|  |    | 50,000    |
| Prior Biennia (Expenditures)               | \$ |           |
|  |    | 3,382,806 |
| Future Biennia (Projected Costs)           | \$ |           |
|  |    | 0         |

|       |    |           |
|-------|----|-----------|
| TOTAL | \$ | -----     |
|       |    | 3,432,806 |

**NEW SECTION. Sec. 356. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
 State-wide Fencing Renovation and Construction (98-1-012)

Reappropriation:

|  |    |        |
|--|----|--------|
| State Building Construction Account--State | \$ |        |
|  |    | 85,000 |

Appropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ |           |
|  |    | 500,000   |
| Prior Biennia (Expenditures)               | \$ |           |
|  |    | 2,543,070 |
| Future Biennia (Projected Costs)           | \$ |           |
|  |    | 2,550,000 |

|       |    |           |
|-------|----|-----------|
| TOTAL | \$ | -----     |
|       |    | 5,678,070 |

**NEW SECTION. Sec. 357. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
 Wildlife Area Renovation (98-1-013)

Reappropriation:

|                         |    |        |
|-------------------------|----|--------|
| Wildlife Account--State | \$ |        |
|                         |    | 85,000 |

Appropriation:

|  |    |         |
|--|----|---------|
| State Building Construction Account--State | \$ |         |
|  |    | 250,000 |
| Wildlife Account--State                    | \$ |         |
|  |    | 288,300 |

|                        |    |         |
|------------------------|----|---------|
| Subtotal Appropriation | \$ | -----   |
|                        |    | 538,300 |

|                                  |    |           |
|----------------------------------|----|-----------|
| Prior Biennia (Expenditures)     | \$ | 1,912,000 |
| Future Biennia (Projected Costs) | \$ | 2,300,000 |
|                                  |    | -----     |
| TOTAL                            | \$ | 4,835,300 |

**NEW SECTION. Sec. 358. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
Issaquah Hatchery Improvements (98-1-015)

Reappropriation:

|  |    |        |
|--|----|--------|
| State Building Construction Account--State | \$ | 30,000 |
|--|----|--------|

Appropriation:

|  |    |           |
|--|----|-----------|
| General Fund--Private/Local                | \$ | 600,000   |
| State Building Construction Account--State | \$ | 2,615,000 |

|                        |    |           |
|------------------------|----|-----------|
| Subtotal Appropriation | \$ | -----     |
|                        |    | 3,215,000 |

|                                  |    |           |
|----------------------------------|----|-----------|
| Prior Biennia (Expenditures)     | \$ | 4,190,955 |
| Future Biennia (Projected Costs) | \$ | 0         |

|       |    |           |
|-------|----|-----------|
| TOTAL | \$ | -----     |
|       |    | 7,435,955 |

**NEW SECTION. Sec. 359. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
Crop and Orchard Protection Fencing (98-2-002)

Reappropriation:

|  |    |        |
|--|----|--------|
| State Building Construction Account--State | \$ | 10,000 |
|--|----|--------|

Appropriation:

|  |    |         |
|--|----|---------|
| State Building Construction Account--State | \$ | 300,000 |
|--|----|---------|

|                                  |    |           |
|----------------------------------|----|-----------|
| Prior Biennia (Expenditures)     | \$ | 290,000   |
| Future Biennia (Projected Costs) | \$ | 1,700,000 |

|       |    |           |
|-------|----|-----------|
| TOTAL | \$ | -----     |
|       |    | 2,300,000 |

**NEW SECTION. Sec. 360. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Game Farm Consolidation (98-2-005)

Reappropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 80,000    |
| Prior Biennia (Expenditures)               | \$ | 2,094,388 |
| Future Biennia (Projected Costs)           | \$ | 0         |
| TOTAL                                      |    | -----     |
|  | \$ | 2,174,388 |

**NEW SECTION. Sec. 361. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Warm Water Game Fish Access Facilities (98-2-006)

Reappropriation:

|                                     |    |         |
|-------------------------------------|----|---------|
| Warm Water Game Fish Account--State | \$ | 210,000 |
|-------------------------------------|----|---------|

Appropriation:

|                                     |    |           |
|-------------------------------------|----|-----------|
| Warm Water Game Fish Account--State | \$ | 600,000   |
| Prior Biennia (Expenditures)        | \$ | 0         |
| Future Biennia (Projected Costs)    | \$ | 2,080,000 |
| TOTAL                               |    | -----     |
|                                     | \$ | 2,890,000 |

**NEW SECTION. Sec. 362. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Recreational Fish Enhancement (98-2-007)

Reappropriation:

|   |    |         |
|---|----|---------|
| Recreational Fisheries Enhancement--State | \$ | 515,000 |
|---|----|---------|

|                              |    |         |
|------------------------------|----|---------|
| Prior Biennia (Expenditures) | \$ | 285,000 |
|------------------------------|----|---------|

|                                  |    |           |
|----------------------------------|----|-----------|
| Future Biennia (Projected Costs) | \$ | 2,000,000 |
|----------------------------------|----|-----------|

|       |    |           |
|-------|----|-----------|
| TOTAL |    | -----     |
|       | \$ | 2,800,000 |

**NEW SECTION. Sec. 363. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Mitigation Projects and Dedicated Funds (98-2-008)

Reappropriation:

|  |    |            |
|--|----|------------|
| Game Special Wildlife Account--State         | \$ | 50,000     |
| Game Special Wildlife Account--Private/Local | \$ | 1,150,000  |
|  |    | -----      |
| Subtotal Reappropriation                     | \$ | 1,200,000  |
| Appropriation:                               |    |            |
| General Fund--Federal                        | \$ | 4,000,000  |
| General Fund--Private/Local                  | \$ | 2,000,000  |
| Game Special Wildlife Account--State         | \$ | 60,000     |
|  |    | -----      |
| Subtotal Appropriation                       | \$ | 6,060,000  |
| Prior Biennia (Expenditures)                 | \$ | 28,249,081 |
| Future Biennia (Projected Costs)             | \$ | 26,270,000 |
|  |    | -----      |
| TOTAL  | \$ | 61,779,081 |

**NEW SECTION. Sec. 364. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
**Migratory Waterfowl Habitat Acquisition and Development (98-2-009)**

|                                  |    |           |
|----------------------------------|----|-----------|
| Reappropriation:                 |    |           |
| Wildlife Account--State          | \$ | 200,000   |
| Appropriation:                   |    |           |
| Wildlife Account--State          | \$ | 750,000   |
| Prior Biennia (Expenditures)     | \$ | 1,865,044 |
| Future Biennia (Projected Costs) | \$ | 2,000,000 |
|                                  |    | -----     |
| TOTAL                            | \$ | 4,815,044 |

**NEW SECTION. Sec. 365. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
**Columbia River Wildlife Mitigation (98-2-010)**

|  |    |  |
|--|----|--|
| Reappropriation:                       |    |  |
| Game Special Wildlife Account--Federal | \$ |  |

|  |    |            |
|--|----|------------|
| Appropriation:                         |    | 2,000,000  |
| Game Special Wildlife Account--Federal | \$ |            |
|  |    | 2,000,000  |
| Prior Biennia (Expenditures)           | \$ | 4,654,773  |
| Future Biennia (Projected Costs)       | \$ | 21,600,000 |
|  |    | -----      |
| TOTAL                                  | \$ | 30,254,773 |

**NEW SECTION. Sec. 366. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
**Deep Water Slough Restoration (98-2-013)**

|  |    |         |
|--|----|---------|
| Appropriation:                             |    |         |
| State Building Construction Account--State | \$ | 400,000 |
| Prior Biennia (Expenditures)               | \$ | 14,968  |
| Future Biennia (Projected Costs)           | \$ | 300,000 |
|  |    | -----   |
| TOTAL                                      | \$ | 714,968 |

**NEW SECTION. Sec. 367. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
**Clam and Oyster Beach Enhancement (98-2-019)**

|  |    |           |
|--|----|-----------|
| Reappropriation:                         |    |           |
| Aquatic Lands Enhancement Account--State | \$ | 90,000    |
| Appropriation:                           |    |           |
| Aquatic Lands Enhancement Account--State | \$ | 130,000   |
| Prior Biennia (Expenditures)             | \$ | 2,803,803 |
| Future Biennia (Projected Costs)         | \$ | 600,000   |
|  |    | -----     |
| TOTAL                                    | \$ | 3,623,803 |

**NEW SECTION. Sec. 368. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
**Salmon Restoration (99-2-001)**

|  |    |  |
|--|----|--|
| Reappropriation:                           |    |  |
| State Building Construction Account--State | \$ |  |

|                                  |    |           |
|----------------------------------|----|-----------|
| Salmon Recovery Account--State   | \$ | 750,000   |
|                                  |    | 1,000,000 |
|                                  |    | -----     |
| Subtotal Reappropriation         | \$ | 1,750,000 |
| Prior Biennia (Expenditures)     | \$ | 0         |
| Future Biennia (Projected Costs) | \$ | 0         |
|                                  |    | -----     |
| TOTAL                            | \$ | 1,750,000 |

**NEW SECTION. Sec. 369. FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
**Goldsborough Creek Restoration**

The appropriation in this section is provided solely to remove a fish barrier and restore habitat on Goldsborough creek. Each dollar expended from this appropriation shall be matched by at least three dollars from other sources for the same purpose.

Appropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 1,100,000 |
| Prior Biennia (Expenditures)               | \$ | 0         |
| Future Biennia (Projected Costs)           | \$ | 0         |
|  |    | -----     |
| TOTAL                                      | \$ | 1,100,000 |

**NEW SECTION. Sec. 370. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
**Agricultural Asset Preservation and Emergency Repairs (00-1-001)**

Appropriation:

|  |    |           |
|--|----|-----------|
| Resources Management Cost Account--State | \$ | 125,000   |
| Prior Biennia (Expenditures)             | \$ | 100,000   |
| Future Biennia (Projected Costs)         | \$ | 1,080,000 |
|  |    | -----     |
| TOTAL                                    | \$ | 1,305,000 |

**NEW SECTION. Sec. 371. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Repairs, Maintenance and Tenant Improvements (00-1-002)

Appropriation:

|  |    |           |
|--|----|-----------|
| Resources Management Cost Account--State | \$ | 677,000   |
| Prior Biennia (Expenditures)             | \$ | 893,900   |
| Future Biennia (Projected Costs)         | \$ | 3,065,000 |
|  |    | -----     |
| TOTAL                                    | \$ | 4,635,900 |

**NEW SECTION. Sec. 372. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
 Communication Site Repair Program (00-1-003)

Appropriation:

|  |    |           |
|--|----|-----------|
| Forest Development Account--State        | \$ | 50,000    |
| Resources Management Cost Account--State | \$ | 40,000    |
|  |    | -----     |
| Subtotal Appropriation                   | \$ | 90,000    |
| Prior Biennia (Expenditures)             | \$ | 150,000   |
| Future Biennia (Projected Costs)         | \$ | 964,000   |
|  |    | -----     |
| TOTAL                                    | \$ | 1,204,000 |

**NEW SECTION. Sec. 373. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
 Small Timber Landowner Program (00-5-001)

The appropriation in this section is subject to the following conditions and limitations:

- (1) This appropriation is provided solely to purchase or lease riparian and other sensitive aquatic areas from willing owners of small parcels of forest land.
- (2) If federal grants for salmon recovery efforts are equal to or less than \$50,000,000 during the 1999-2001 fiscal biennium, then \$5,000,000 of the appropriation in this section may be expended. If federal grants for salmon recovery efforts during the 1999-2001 biennium exceed \$50,000,000, then the entire appropriation in this section may be expended.

Appropriation:

|                              |    |            |
|------------------------------|----|------------|
| General Fund--Federal        | \$ | 10,000,000 |
| Prior Biennia (Expenditures) | \$ | 0          |

|                                  |    |            |
|----------------------------------|----|------------|
| Future Biennia (Projected Costs) | \$ | 0          |
|                                  |    | -----      |
| TOTAL                            | \$ | 10,000,000 |

**NEW SECTION. Sec. 374. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
 Underground Storage Tank Removal and Upgrade (00-1-005)

Appropriation:

|  |    |         |
|--|----|---------|
| Forest Development Account--State          | \$ | 10,800  |
| Resources Management Cost Account--State   | \$ | 30,000  |
| State Building Construction Account--State | \$ | 19,200  |
|  |    | -----   |
| Subtotal Appropriation                     | \$ | 60,000  |
| Prior Biennia (Expenditures)               | \$ | 193,120 |
| Future Biennia (Projected Costs)           | \$ | 61,200  |
|  |    | -----   |
| TOTAL                                      | \$ | 314,320 |

**NEW SECTION. Sec. 375. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
 State-wide Emergency Repairs (00-1-006)

Appropriation:

|  |    |         |
|--|----|---------|
| Forest Development Account--State          | \$ | 18,000  |
| Resources Management Cost Account--State   | \$ | 50,000  |
| State Building Construction Account--State | \$ | 32,000  |
|  |    | -----   |
| Subtotal Appropriation                     | \$ | 100,000 |
| Prior Biennia (Expenditures)               | \$ | 98,000  |
| Future Biennia (Projected Costs)           | \$ | 400,000 |
|  |    | -----   |
| TOTAL                                      | \$ | 598,000 |



**NEW SECTION. Sec. 376. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
Americans with Disabilities Act Compliance (00-1-009)

Appropriation:

|  |    |         |
|--|----|---------|
| Forest Development Account--State          | \$ |         |
|  |    | 18,000  |
| Resources Management Cost Account--State   | \$ |         |
|  |    | 50,000  |
| State Building Construction Account--State | \$ |         |
|  |    | 32,000  |
|  |    | -----   |
| Subtotal Appropriation                     | \$ | 100,000 |
| Prior Biennia (Expenditures)               | \$ | 34,000  |
| Future Biennia (Projected Costs)           | \$ | 272,000 |
|  |    | -----   |
| TOTAL                                      | \$ | 406,000 |

**NEW SECTION. Sec. 377. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
Hazardous Material and Waste Removal (00-1-010)

Appropriation:

|  |    |         |
|--|----|---------|
| Forest Development Account--State          | \$ |         |
|  |    | 34,000  |
| Resources Management Cost Account--State   | \$ |         |
|  |    | 50,000  |
| State Building Construction Account--State | \$ |         |
|  |    | 16,000  |
|  |    | -----   |
| Subtotal Appropriation                     | \$ | 100,000 |
| Prior Biennia (Expenditures)               | \$ | 160,800 |
| Future Biennia (Projected Costs)           | \$ | 336,000 |
|  |    | -----   |
| TOTAL                                      | \$ | 596,800 |

**NEW SECTION. Sec. 378. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
NAP/NRCA Management and Emergency Repairs (00-1-011)

Appropriation:

|  |    |         |
|--|----|---------|
| State Building Construction Account--State | \$ |         |
|  |    | 400,000 |

|                                  |    |           |
|----------------------------------|----|-----------|
| Prior Biennia (Expenditures)     | \$ | 710,500   |
| Future Biennia (Projected Costs) | \$ | 1,600,000 |
|                                  |    | -----     |
| TOTAL                            | \$ | 2,710,500 |

**NEW SECTION. Sec. 379. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
 NRCA Management Plan Implementation (00-1-012)

Appropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 450,000   |
| Prior Biennia (Expenditures)               | \$ | 400,000   |
| Future Biennia (Projected Costs)           | \$ | 1,800,000 |
|  |    | -----     |
| TOTAL                                      | \$ | 2,650,000 |

**NEW SECTION. Sec. 380. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
 Emergency Repairs: Recreation sites (00-1-015)

Appropriation:

|  |    |         |
|--|----|---------|
| State Building Construction Account--State | \$ | 150,000 |
| Prior Biennia (Expenditures)               | \$ | 154,200 |
| Future Biennia (Projected Costs)           | \$ | 600,000 |
|  |    | -----   |
| TOTAL                                      | \$ | 904,200 |

**NEW SECTION. Sec. 381. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
 Recreation Health and Safety (00-1-016)

Appropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 300,000   |
| Prior Biennia (Expenditures)               | \$ | 578,900   |
| Future Biennia (Projected Costs)           | \$ | 1,200,000 |
|  |    | -----     |

|       |    |           |
|-------|----|-----------|
| TOTAL | \$ | 2,078,900 |
|-------|----|-----------|

**NEW SECTION. Sec. 382. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
 Americans with Disabilities Act: Recreation site improvements (00-1-017)

Appropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 100,000   |
| Prior Biennia (Expenditures)               | \$ | 968,100   |
| Future Biennia (Projected Costs)           | \$ | 1,200,000 |
|  |    | -----     |
| TOTAL                                      | \$ | 2,268,100 |

**NEW SECTION. Sec. 383. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
 Administrative Site Preservation (00-1-018)

Appropriation:

|  |    |           |
|--|----|-----------|
| Forest Development Account--State          | \$ | 203,580   |
| Resources Management Cost Account--State   | \$ | 565,500   |
| State Building Construction Account--State | \$ | 361,920   |
|  |    | -----     |
| Subtotal Appropriation                     | \$ | 1,131,000 |
| Prior Biennia (Expenditures)               | \$ | 938,000   |
| Future Biennia (Projected Costs)           | \$ | 5,118,000 |
|  |    | -----     |
| TOTAL                                      | \$ | 7,187,000 |

**NEW SECTION. Sec. 384. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
 Trust Land Transfer (00-2-001)

The state building construction account appropriation in this section is subject to the following conditions and limitations:

(1) The total appropriation is provided to the department solely to transfer from trust status or enter into thirty-year timber harvest restrictive easements for certain trust lands of state-wide significance deemed appropriate for state park, fish and wildlife habitat, natural area preserve, natural resources conservation area, open space, or recreation purposes.

(2) Property transferred under this section shall be appraised and transferred at fair market value. The value of the timber transferred shall be deposited by the department to the common school

construction account in the same manner as timber revenues from other common school trust lands. No deduction shall be made for the resource management cost account under RCW 79.64.040. The value of the land transferred shall be deposited in the natural resources real property replacement account. These funds shall be expended by the department for the exclusive purpose of acquiring real property of equal value to be managed as common school trust land.

(3) Property subject to easement agreements under this section shall be appraised at fair market value both with and without the imposition of the easement. The entire difference in appraised value shall be deposited by the department to the common school construction fund in the same manner as lease revenues from other common school trust lands. No deduction shall be made for the resource management cost account under RCW 79.64.040.

(4) All reasonable costs incurred by the department to implement this section are authorized to be paid out of this appropriation. Authorized costs include the actual cost of appraisals, staff time, environmental reviews, surveys, and other similar costs.

(5) Intergrant exchanges between common school and other trust lands of equal value may occur if the exchange is in the interest of each trust, as determined by the board of natural resources.

(6) Prior to or concurrent with conveyance of these properties, the department, with full cooperation of the receiving agencies, shall execute and record a real property instrument that dedicates the transferred properties to the purposes identified in subsection (1) of this section for a minimum period of thirty years. The department of natural resources, in consultation with the receiving state agencies, shall develop policy to address requests to replace transferred properties subject to the recorded property instrument that are no longer deemed appropriate for the purposes identified in subsection (1) of this section.

(7) The department and receiving agencies shall work in good faith to carry out the intent of this section. However, the department or receiving agencies may remove a property from the transfer list in subsection (8) of this section if, based on new, substantive information, it is determined that transfer of the property is not in the state-wide interest of either the common school trust or the receiving agency.

(8) The appropriation in this section is provided to execute transfers or easements for the list of properties identified in LEAP capital document No. 99-3, as developed on April 8, 1999, as follows: Projects in category A shall be transferred; to the extent that local funding is provided for the land value of the property, projects in category B shall be transferred; and projects in category C and remaining projects in category B may be transferred or leased as funding allows.

(9) The department shall execute trust land transfers and easements such that 90 percent of the appropriation in this section is deposited in the common school construction fund. To achieve the 90:10 ratio, the department may offset transfers of property with low timber-to-land ratios with easements on other properties.

(10) On June 30, 2001, the state treasurer shall transfer all remaining uncommitted funds from this appropriation to the common school construction fund and the appropriation in this section shall be reduced by an equivalent amount.

Appropriation:

|  |    |             |
|--|----|-------------|
| Natural Resources Real Property Replacement--State | \$ | 6,200,000   |
| State Building Construction Account--State         | \$ | 66,000,000  |
|  |    | -----       |
| Subtotal Appropriation                             | \$ | 72,200,000  |
| Prior Biennia (Expenditures)                       | \$ | 34,500,000  |
| Future Biennia (Projected Costs)                   | \$ | 220,000,000 |

|       |    |             |
|-------|----|-------------|
| TOTAL | \$ | -----       |
|       |    | 326,700,000 |

**NEW SECTION. Sec. 385. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
 Natural Resources Real Property Replacement (00-2-002)

Appropriation:

|  |    |            |
|--|----|------------|
| Natural Resources Real Property Replacement--State | \$ |            |
|  |    | 8,000,000  |
| Prior Biennia (Expenditures)                       | \$ |            |
|  |    | 12,400,000 |
| Future Biennia (Projected Costs)                   | \$ |            |
|  |    | 48,000,000 |
|  |    | -----      |
| TOTAL  | \$ |            |
|  |    | 68,400,000 |

**NEW SECTION. Sec. 386. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
 Land Bank (00-2-003)

Appropriation:

|  |    |            |
|--|----|------------|
| Resources Management Cost Account--State | \$ |            |
|  |    | 2,000,000  |
| Prior Biennia (Expenditures)             | \$ |            |
|  |    | 1,800,000  |
| Future Biennia (Projected Costs)         | \$ |            |
|  |    | 8,000,000  |
|  |    | -----      |
| TOTAL                                    | \$ |            |
|  |    | 11,800,000 |

**NEW SECTION. Sec. 387. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
 Community and Technical College Trust Land Acquisition (00-2-004)

Appropriation:

|   |    |         |
|---|----|---------|
| Community and Technical College Forest Reserve Account--State | \$ |         |
|   |    | 200,000 |
| Prior Biennia (Expenditures)                                  | \$ |         |
|   |    | 0       |
| Future Biennia (Projected Costs)                              | \$ |         |
|   |    | 0       |
|   |    | -----   |
| TOTAL   | \$ |         |
|   |    | 200,000 |

**NEW SECTION. Sec. 388. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
 Right-of-Way Acquisition (00-2-005)

Appropriation:

|  |    |           |
|--|----|-----------|
| Forest Development Account--State        | \$ | 387,000   |
| Resources Management Cost Account--State | \$ | 650,000   |
|  |    | -----     |
| Subtotal Appropriation                   | \$ | 1,037,000 |
| Prior Biennia (Expenditures)             | \$ | 1,392,000 |
| Future Biennia (Projected Costs)         | \$ | 6,000,000 |
|  |    | -----     |
| TOTAL                                    | \$ | 8,429,000 |

**NEW SECTION. Sec. 389. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
Jobs for the Environment (00-2-009)

The reappropriation in this section is provided solely for projects under contract on or before June 30, 1999. Reappropriated funds not committed to contracted projects shall lapse on June 30, 1999.

Reappropriation:

|                                  |    |            |
|----------------------------------|----|------------|
| Water Quality Account--State     | \$ | 2,800,000  |
| Prior Biennia (Expenditures)     | \$ | 9,133,000  |
| Future Biennia (Projected Costs) | \$ | 0          |
|                                  |    | -----      |
| TOTAL                            | \$ | 11,933,000 |

**NEW SECTION. Sec. 390. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
Minor Works: Program (00-2-011)

The appropriations in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

|  |    |         |
|--|----|---------|
| Forest Development Account--State          | \$ | 136,600 |
| Resources Management Cost Account--State   | \$ | 379,500 |
| State Building Construction Account--State | \$ | 242,900 |
|  |    | -----   |

|                                  |    |           |
|----------------------------------|----|-----------|
| Subtotal Appropriation           | \$ | 759,000   |
| Prior Biennia (Expenditures)     | \$ | 609,000   |
| Future Biennia (Projected Costs) | \$ | 5,580,000 |
|                                  |    | -----     |
| TOTAL                            | \$ | 6,948,000 |

**NEW SECTION. Sec. 391. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
Mineral Resource Testing (00-2-012)

Appropriation:

|                                   |    |         |
|-----------------------------------|----|---------|
| Forest Development Account--State | \$ | 18,000  |
| Prior Biennia (Expenditures)      | \$ | 28,000  |
| Future Biennia (Projected Costs)  | \$ | 175,000 |
|                                   |    | -----   |
| TOTAL                             | \$ | 221,000 |

**NEW SECTION. Sec. 392. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
Commercial Development - Local Improvement Districts (00-2-013)

Appropriation:

|  |    |         |
|--|----|---------|
| Resources Management Cost Account--State | \$ | 90,000  |
| Prior Biennia (Expenditures)             | \$ | 200,000 |
| Future Biennia (Projected Costs)         | \$ | 451,000 |
|  |    | -----   |
| TOTAL                                    | \$ | 741,000 |

**NEW SECTION. Sec. 393. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
Aquatic Lands Enhancement Grants (00-2-014)

The appropriation in this section is provided for a list of projects in LEAP capital document No. 99-2, as developed on April 8, 1999.

The department shall submit a list of recommended projects to be funded from the aquatic lands enhancement account in the 2001-03 capital budget. The list shall result from a competitive grants program developed by the department based upon, at a minimum: A uniform criteria for the selection of projects and awarding of grants for up to fifty percent of the total project cost; local community

support for the project; and a state-wide geographic distribution of projects. The list of projects shall be submitted to the office of financial management by September 15, 2000.

Reappropriation:

|  |    |           |
|--|----|-----------|
| Aquatic Lands Enhancement Account--State | \$ |           |
|  |    | 2,340,000 |

Appropriation:

|  |    |           |
|--|----|-----------|
| Aquatic Lands Enhancement Account--State | \$ |           |
|  |    | 5,800,000 |

|                              |    |           |
|------------------------------|----|-----------|
| Prior Biennia (Expenditures) | \$ |           |
|                              |    | 9,716,817 |

|                                  |    |            |
|----------------------------------|----|------------|
| Future Biennia (Projected Costs) | \$ |            |
|                                  |    | 24,000,000 |

|       |    |                     |
|-------|----|---------------------|
|       | \$ |                     |
| TOTAL |    | -----<br>41,856,817 |

**NEW SECTION. Sec. 394. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
Mobile Radio System Upgrade (00-2-017)

Appropriation:

|                                   |    |         |
|-----------------------------------|----|---------|
| Forest Development Account--State | \$ |         |
|                                   |    | 106,300 |

|  |    |         |
|--|----|---------|
| Resources Management Cost Account--State | \$ |         |
|  |    | 177,200 |

|  |    |         |
|--|----|---------|
| State Building Construction Account--State | \$ |         |
|  |    | 500,000 |

|                        |    |                  |
|------------------------|----|------------------|
|                        | \$ |                  |
| Subtotal Appropriation |    | -----<br>783,500 |

|                              |    |   |
|------------------------------|----|---|
| Prior Biennia (Expenditures) | \$ |   |
|                              |    | 0 |

|                                  |    |           |
|----------------------------------|----|-----------|
| Future Biennia (Projected Costs) | \$ |           |
|                                  |    | 2,623,500 |

|       |    |                    |
|-------|----|--------------------|
|       | \$ |                    |
| TOTAL |    | -----<br>3,407,000 |

**NEW SECTION. Sec. 395. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
Compound: Utilization study (00-2-019)

Appropriation:

|                                   |    |        |
|-----------------------------------|----|--------|
| Forest Development Account--State | \$ |        |
|                                   |    | 27,000 |

|  |    |        |
|--|----|--------|
| Resources Management Cost Account--State | \$ |        |
|  |    | 75,000 |

|  |    |        |
|--|----|--------|
| State Building Construction Account--State | \$ |        |
|  |    | 48,000 |



|                                  |    |         |
|----------------------------------|----|---------|
| Subtotal Appropriation           | \$ | -----   |
|                                  |    | 150,000 |
| Prior Biennia (Expenditures)     | \$ | 0       |
| Future Biennia (Projected Costs) | \$ | 0       |
|                                  |    | -----   |
| TOTAL                            | \$ | 150,000 |

**NEW SECTION. Sec. 396. FOR THE DEPARTMENT OF NATURAL RESOURCES**  
Forest Legacy and Wetlands Conservation Grants (00-2-020)

Reappropriation:

|                       |    |           |
|-----------------------|----|-----------|
| General Fund--Federal | \$ | 2,366,500 |
|-----------------------|----|-----------|

Appropriation:

|                       |    |           |
|-----------------------|----|-----------|
| General Fund--Federal | \$ | 6,340,000 |
|-----------------------|----|-----------|

|                              |    |           |
|------------------------------|----|-----------|
| Prior Biennia (Expenditures) | \$ | 1,756,820 |
|------------------------------|----|-----------|

|                                  |    |   |
|----------------------------------|----|---|
| Future Biennia (Projected Costs) | \$ | 0 |
|----------------------------------|----|---|

|       |    |            |
|-------|----|------------|
|       |    | -----      |
| TOTAL | \$ | 10,463,320 |

**PART 4**  
**TRANSPORTATION**

**NEW SECTION. Sec. 501. FOR THE WASHINGTON STATE PATROL**  
Fire Training Academy: Minor works (00-1-005)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

|  |    |         |
|--|----|---------|
| State Building Construction Account--State | \$ | 110,000 |
|--|----|---------|

|                              |    |         |
|------------------------------|----|---------|
| Prior Biennia (Expenditures) | \$ | 320,000 |
|------------------------------|----|---------|

|                                  |    |           |
|----------------------------------|----|-----------|
| Future Biennia (Projected Costs) | \$ | 6,900,000 |
|----------------------------------|----|-----------|

|       |    |           |
|-------|----|-----------|
|       |    | -----     |
| TOTAL | \$ | 7,330,000 |

**NEW SECTION. Sec. 502. FOR THE WASHINGTON STATE PATROL**  
 Seattle Crime Laboratory (00-2-008)

The appropriation in this section shall not be expended until the documents described in the capital project review requirements process and procedures prescribed by the office of financial management have been complied with under sections 902 and 903 of this act.

Reappropriation:

|  |    |         |
|--|----|---------|
| State Building Construction Account--State | \$ |         |
|  |    | 900,000 |

Appropriation:

|  |    |           |
|--|----|-----------|
| County Criminal Justice Assistance Account--State    | \$ |           |
|  |    | 650,000   |
| Municipal Criminal Justice Assistance Account--State | \$ |           |
|  |    | 250,000   |
| State Building Construction Account--State           | \$ |           |
|  |    | 9,100,000 |

|                        |    |            |
|------------------------|----|------------|
| Subtotal Appropriation | \$ | -----      |
|                        |    | 10,000,000 |

|                              |    |         |
|------------------------------|----|---------|
| Prior Biennia (Expenditures) | \$ |         |
|                              |    | 200,000 |

|                                  |    |   |
|----------------------------------|----|---|
| Future Biennia (Projected Costs) | \$ |   |
|                                  |    | 0 |

|       |    |            |
|-------|----|------------|
| TOTAL | \$ | -----      |
|       |    | 11,100,000 |

**NEW SECTION. Sec. 503. FOR THE WASHINGTON STATE PATROL**  
 Boarding Home Fire Safety Program

The appropriation in this section is provided solely for grants for the installation or retrofit of fire sprinklers in adult boarding homes. The appropriation in this section is subject to the following conditions and limitations:

(1) The state fire marshal in consultation with the department of social and health services may develop rules to implement the grant program.

(2) The amount of the grant for an existing adult boarding home shall not be greater than the difference between the cost of retrofitting and the cost of installing sprinklers during original construction of a comparable adult boarding home with fire sprinklers.

(3) To be eligible for a grant under this section, the adult group home shall be licensed and accredited with the department of social and health services. To be eligible for a grant under this section, at least fifteen percent of the adult group home's residents must be department of social and health services clients. The adult group home must maintain the department of social and health services client ratio level for a period of no less than five years. If the department of social and health services client ratio level is not maintained, then the adult group home shall reimburse the state for the amount of the grant plus appropriate interest.

(4) Any home receiving a grant shall complete the installation of the fire sprinklers by June 30, 2001.

Appropriation:

|  |    |  |
|--|----|--|
| State Building Construction Account--State | \$ |  |
|--|----|--|

|                                  |    |           |
|----------------------------------|----|-----------|
|                                  |    | 2,500,000 |
| Prior Biennia (Expenditures)     | \$ | 0         |
| Future Biennia (Projected Costs) | \$ | 0         |
|                                  |    | -----     |
| TOTAL                            | \$ | 2,500,000 |

**NEW SECTION. Sec. 504. FOR THE WASHINGTON STATE PATROL**  
Fire Training Academy: Water systems upgrades (00-2-009)

Appropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 1,845,000 |
| Prior Biennia (Expenditures)               | \$ | 0         |
| Future Biennia (Projected Costs)           | \$ | 500,000   |
|  |    | -----     |
| TOTAL                                      | \$ | 2,345,000 |

**PART 5  
EDUCATION**

**NEW SECTION. Sec. 601. FOR THE HIGHER EDUCATION COORDINATING**  
**BOARD**

North Snohomish, Island, Skagit Consortium Development (00-2-001)

Appropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 1,000,000 |
| Prior Biennia (Expenditures)               | \$ | 0         |
| Future Biennia (Projected Costs)           | \$ | 0         |
|  |    | -----     |
| TOTAL                                      | \$ | 1,000,000 |

**NEW SECTION. Sec. 602. FOR THE HIGHER EDUCATION COORDINATING**  
**BOARD**

Facility Assessment and Space Utilization: Study (00-2-002)

Appropriation:

|  |    |         |
|--|----|---------|
| State Building Construction Account--State | \$ | 200,000 |
|--|----|---------|

|                                  |    |         |
|----------------------------------|----|---------|
| Prior Biennia (Expenditures)     | \$ | 0       |
| Future Biennia (Projected Costs) | \$ | 0       |
|                                  |    | -----   |
| TOTAL                            | \$ | 200,000 |

**NEW SECTION. Sec. 603. FOR THE STATE BOARD OF EDUCATION**  
Common School Construction: Quality and value improvements (00-2-002)

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$9,800,000 of this appropriation is provided to implement chapter . . . (House Bill No. 1831), Laws of 1999. If the bill is not enacted by June 30, 1999, this appropriation shall lapse.
- (2) \$200,000 from this appropriation is provided to fund two FTEs in the office of state fire marshal to exclusively review K-12 construction documents for fire and life safety in accordance with the state building code. It is the intent of this appropriation to provide these services only to those districts that are located in counties without qualified review capabilities.
- (3) On an annual basis, the state board shall report to the fiscal committees of the legislature and the office of financial management with a summary of the results of the value engineering studies and constructability reviews, and an evaluation of the use of building commissioning construction management services and fire marshal reviews.

Appropriation:

|   |    |            |
|---|----|------------|
| Common School Construction Account--State | \$ | 10,000,000 |
| Prior Biennia (Expenditures)              | \$ | 0          |
| Future Biennia (Projected Costs)          | \$ | 40,000,000 |
|   |    | -----      |
| TOTAL                                     | \$ | 50,000,000 |

**NEW SECTION. Sec. 604. FOR THE STATE BOARD OF EDUCATION**  
Public School Building Construction (98-2-001)(00-2-001)

The appropriations in this section are subject to the following conditions and limitations:

- (1) Up to \$6,491,519 of the new appropriation provided in this section may be provided for emergency repairs.
  - (a) Prior to the distribution of funds authorized by this subsection, the state board shall develop rules for school district eligibility to receive emergency grants and requirements for repayment of recovered costs. It is intended that these funds be provided to school districts only for emergency repairs due to accidents, natural disasters, fire, floods, vandalism, or similar events and only after all avenues of local funding have been exhausted.
  - (b) The state board shall report to the fiscal committees of the legislature and the office of financial management the amount and purpose of each grant provided to school districts.
  - (c) Any recoveries by the districts from insurance, litigation, or other sources for repairs and improvements funded from this appropriation shall be returned to the state in proportion to the state assistance as a share of total project cost.

(2) Total cash disbursed from the common school construction account may not exceed the available cash balance.

Reappropriation:

|  |    |             |
|--|----|-------------|
| State Building Construction Account--State | \$ | 1,993,556   |
| Common School Construction Account--State  | \$ | 112,424,633 |
|  |    | -----       |
| Subtotal Reappropriation                   | \$ | 114,418,189 |

Appropriation:

|   |    |               |
|---|----|---------------|
| Common School Construction Account--State | \$ | 315,081,000   |
| Prior Biennia (Expenditures)              | \$ | 607,956,559   |
| Future Biennia (Projected Costs)          | \$ | 1,390,582,000 |
|   |    | -----         |
| TOTAL                                     | \$ | 2,428,037,748 |

**NEW SECTION. Sec. 605. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

Program Management (98-1-001)

Funding is provided for five FTE regional coordinators. The coordinators shall have direct construction or architectural training and experience and be strategically located across the state. The coordinators shall assist local school districts with: State board of education rules relating to school construction and modernization projects, building condition analysis, development of state studies and surveys, architect/engineer and construction manager selection, value engineering, and constructability reviews during design, building commissioning, construction administration, maintenance issues, and data verification to allow equitable administration of the state board priority system.

Appropriation:

|   |    |           |
|---|----|-----------|
| Common School Construction Account--State | \$ | 1,619,000 |
| Prior Biennia (Expenditures)              | \$ | 0         |
| Future Biennia (Projected Costs)          | \$ | 7,644,000 |
|   |    | -----     |
| TOTAL                                     | \$ | 9,263,000 |

**NEW SECTION. Sec. 606. FOR THE STATE SCHOOL FOR THE BLIND**  
Irwin Building, HVAC: Upgrade (00-1-001)

Appropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 1,098,500 |
| Prior Biennia (Expenditures)               | \$ | 0         |
| Future Biennia (Projected Costs)           | \$ | 300,000   |
|  |    | -----     |
| TOTAL                                      | \$ | 1,398,500 |

**NEW SECTION. Sec. 607. FOR THE STATE SCHOOL FOR THE BLIND**  
Old Main and Alhsten Buildings, HVAC: Upgrade (00-1-002)

Appropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 1,915,160 |
| Prior Biennia (Expenditures)               | \$ | 0         |
| Future Biennia (Projected Costs)           | \$ | 500,000   |
|  |    | -----     |
| TOTAL                                      | \$ | 2,415,160 |

**NEW SECTION. Sec. 608. FOR THE STATE SCHOOL FOR THE BLIND**  
Minor Works: Preservation (00-1-003)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 600,000   |
| Prior Biennia (Expenditures)               | \$ | 0         |
| Future Biennia (Projected Costs)           | \$ | 5,500,000 |
|  |    | -----     |
| TOTAL                                      | \$ | 6,100,000 |

**NEW SECTION. Sec. 609. FOR THE STATE SCHOOL FOR THE BLIND**  
Multi-Purpose Center

Appropriation:

|  |    |         |
|--|----|---------|
| State Building Construction Account--State | \$ | 300,000 |
|--|----|---------|

|                                  |    |         |
|----------------------------------|----|---------|
| Prior Biennia (Expenditures)     | \$ | 0       |
| Future Biennia (Projected Costs) | \$ | 0       |
|                                  |    | -----   |
| TOTAL                            | \$ | 300,000 |

**NEW SECTION. Sec. 610. FOR THE STATE SCHOOL FOR THE DEAF**  
Northrup Elementary School, HVAC: Upgrade (00-1-002)

Appropriation:

|  |    |         |
|--|----|---------|
| State Building Construction Account--State | \$ | 900,000 |
| Prior Biennia (Expenditures)               | \$ | 0       |
| Future Biennia (Projected Costs)           | \$ | 0       |
|  |    | -----   |
| TOTAL                                      | \$ | 900,000 |

**NEW SECTION. Sec. 611. FOR THE STATE SCHOOL FOR THE DEAF**  
Epperson Middle School, HVAC: Upgrade (00-1-003)

Appropriation:

|  |    |         |
|--|----|---------|
| State Building Construction Account--State | \$ | 900,000 |
| Prior Biennia (Expenditures)               | \$ | 0       |
| Future Biennia (Projected Costs)           | \$ | 0       |
|  |    | -----   |
| TOTAL                                      | \$ | 900,000 |

**NEW SECTION. Sec. 612. FOR THE STATE SCHOOL FOR THE DEAF**  
Minor Works: Preservation (00-1-004)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

|  |    |         |
|--|----|---------|
| State Building Construction Account--State | \$ | 500,000 |
| Prior Biennia (Expenditures)               | \$ | 0       |
| Future Biennia (Projected Costs)           | \$ | 0       |

4,850,000

TOTAL \$

-----  
5,350,000

**NEW SECTION. Sec. 613. FOR THE STATE SCHOOL FOR THE DEAF**  
Clark Hall, HVAC: Upgrade (00-1-006)

Appropriation:

State Building Construction Account--State \$

500,000

Prior Biennia (Expenditures) \$

0

Future Biennia (Projected Costs) \$

1,275,000

TOTAL \$

-----  
1,775,000

**NEW SECTION. Sec. 614. FOR THE STATE SCHOOL FOR THE DEAF**  
Campus Master Plan - Phase II Tech Ed/Student Commons (00-2-001)

Appropriation:

State Building Construction Account--State \$

540,000

Prior Biennia (Expenditures) \$

0

Future Biennia (Projected Costs) \$

3,385,000

TOTAL \$

-----  
3,925,000

**NEW SECTION. Sec. 615. FOR THE STATE SCHOOL FOR THE DEAF**  
Campus Wide: Seismic stabilization (02-1-008)

Appropriation:

State Building Construction Account--State \$

500,000

Prior Biennia (Expenditures) \$

0

Future Biennia (Projected Costs) \$

500,000

TOTAL \$

-----  
1,000,000



**NEW SECTION. Sec. 616. FOR THE UNIVERSITY OF WASHINGTON**  
 Minor Works: Various infrastructure upgrades (00-1-001)

The appropriations in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

|  |    |            |
|--|----|------------|
| State Building Construction Account--State       | \$ | 1,837,160  |
| University of Washington Building Account--State | \$ | 8,950,000  |
|  |    | -----      |
| Subtotal Appropriation                           | \$ | 10,787,160 |
| Prior Biennia (Expenditures)                     | \$ | 0          |
| Future Biennia (Projected Costs)                 | \$ | 52,100,000 |
|  |    | -----      |
| TOTAL  | \$ | 62,887,160 |

**NEW SECTION. Sec. 617. FOR THE UNIVERSITY OF WASHINGTON**  
 UW Bothell Campus and Cascadia Community College: Future Phases (00-2-015)

The appropriation in this section is subject to the following conditions and limitations:

(1) No money from this appropriation may be expended that would be inconsistent with the recommendations of the higher education coordinating board and the project design, scope, and schedule approved by the office of financial management.

(2) \$7,500,000 of this appropriation is provided solely for equipment and completion of phase I of the colocated campus.

(3) The appropriation in this section is subject to the review and allotment procedures under sections 902 through 904 of this act.

(4) The appropriation in this section is to be combined with the appropriations shown in sections 639, 640, 769, and 823 of this act and shall be managed by the department of general administration.

(5) \$42,600,000 of this appropriation is provided solely for the completion of construction of phase IIA of the campus. The appropriation represents the total state contribution for all costs including design, construction and equipping of phase IIA of the campus.

(6) Phase IIA shall accommodate 1,000 additional FTE students when completed.

Appropriation:

|  |    |             |
|--|----|-------------|
| State Building Construction Account--State | \$ | 50,100,000  |
| Prior Biennia (Expenditures)               | \$ | 0           |
| Future Biennia (Projected Costs)           | \$ | 105,000,000 |
|  |    | -----       |

|       |    |  |             |
|-------|----|--|-------------|
| TOTAL | \$ |  | 155,100,000 |
|-------|----|--|-------------|

**NEW SECTION. Sec. 618. FOR THE UNIVERSITY OF WASHINGTON**

UW Tacoma - Branch Campus Phase IIA: To construct phase IIA and provide parking for 600 vehicles (00-2-017)

The appropriation in this section is subject to the following conditions and limitations:

(1) No money from this appropriation may be expended that would be inconsistent with the recommendations of the higher education coordinating board and the project design, scope, and schedule approved by the office of financial management.

(2) The appropriation in this section is subject to the review and allotment procedures under sections 902 through 904 of this act.

(3) Phase IIA shall accommodate and additional 600 FTE students upon completion of new construction and renovated spaces. The appropriation in this section includes all costs for completion of this phase, including equipment, parking, and site improvements.

Reappropriation:

|  |    |  |           |
|--|----|--|-----------|
| State Building Construction Account--State | \$ |  | 1,450,000 |
|--|----|--|-----------|

Appropriation:

|  |    |  |            |
|--|----|--|------------|
| State Building Construction Account--State | \$ |  | 36,420,000 |
|--|----|--|------------|

|                              |    |  |           |
|------------------------------|----|--|-----------|
| Prior Biennia (Expenditures) | \$ |  | 2,000,000 |
|------------------------------|----|--|-----------|

|                                  |    |  |   |
|----------------------------------|----|--|---|
| Future Biennia (Projected Costs) | \$ |  | 0 |
|----------------------------------|----|--|---|

|       |    |  |            |
|-------|----|--|------------|
| TOTAL | \$ |  | 39,870,000 |
|-------|----|--|------------|

**NEW SECTION. Sec. 619. FOR THE UNIVERSITY OF WASHINGTON**

Electrical Engineering and Computer Science Engineering Building (90-2-013)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

|  |    |  |           |
|--|----|--|-----------|
| State Building Construction Account--State | \$ |  | 7,300,000 |
|--|----|--|-----------|

|                              |    |  |            |
|------------------------------|----|--|------------|
| Prior Biennia (Expenditures) | \$ |  | 88,491,000 |
|------------------------------|----|--|------------|

|                                  |    |  |   |
|----------------------------------|----|--|---|
| Future Biennia (Projected Costs) | \$ |  | 0 |
|----------------------------------|----|--|---|

|       |    |  |            |
|-------|----|--|------------|
| TOTAL | \$ |  | 95,791,000 |
|-------|----|--|------------|

**NEW SECTION. Sec. 620. FOR THE UNIVERSITY OF WASHINGTON**

Old Physics Hall: (Mary Gates hall) design and construction (92-2-008)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

|  |    |            |
|--|----|------------|
| State Building Construction Account--State | \$ | 12,000,000 |
| Prior Biennia (Expenditures)               | \$ | 19,407,000 |
| Future Biennia (Projected Costs)           | \$ | 0          |
|  |    | -----      |
| TOTAL                                      | \$ | 31,407,000 |

**NEW SECTION. Sec. 621. FOR THE UNIVERSITY OF WASHINGTON**  
 Minor Repairs: Preservation (94-1-003)

The reappropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

|  |    |            |
|--|----|------------|
| State Building Construction Account--State | \$ | 8,000,000  |
| Prior Biennia (Expenditures)               | \$ | 2,985,199  |
| Future Biennia (Projected Costs)           | \$ | 0          |
|  |    | -----      |
| TOTAL                                      | \$ | 10,985,199 |

**NEW SECTION. Sec. 622. FOR THE UNIVERSITY OF WASHINGTON**

Suzzallo library renovation--Phase I design and construction: To design the phase I remodeling of the 1925, 1935, and 1963 building and additions to address structural, mechanical, electrical, and life safety deficiencies (94-1-015)

Reappropriation:

|  |    |         |
|--|----|---------|
| State Building Construction Account--State       | \$ | 320,000 |
| University of Washington Building Account--State | \$ | 270,000 |
|  |    | -----   |
| Subtotal Reappropriation                         | \$ | 590,000 |

Appropriation:

|  |    |            |
|--|----|------------|
| State Building Construction Account--State | \$ | 39,306,000 |
|--|----|------------|

|                                  |    |            |
|----------------------------------|----|------------|
| Prior Biennia (Expenditures)     | \$ | 8,863,833  |
| Future Biennia (Projected Costs) | \$ | 0          |
|                                  |    | -----      |
| TOTAL                            | \$ | 48,759,833 |

**NEW SECTION. Sec. 623. FOR THE UNIVERSITY OF WASHINGTON**  
Harborview Research and Training Facility: Construction (94-2-013)

The reappropriations in this section are subject to the following conditions and limitations:

(1) The reappropriations in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

(2) The reappropriations in this section are provided solely for the completion of construction of this facility. The reappropriations represents the total state contribution for all costs including design, construction and equipping this facility.

(3) The reappropriation from the state building construction account may be expended before the higher education construction account moneys.

Reappropriation:

|  |    |            |
|--|----|------------|
| Higher Education Construction Account--State | \$ | 3,000,000  |
| State Building Construction Account--State   | \$ | 14,200,000 |
|  |    | -----      |
| Subtotal Reappropriation                     | \$ | 17,200,000 |
| Prior Biennia (Expenditures)                 | \$ | 61,561,000 |
| Future Biennia (Projected Costs)             | \$ | 0          |
|  |    | -----      |
| TOTAL  | \$ | 78,761,000 |

**NEW SECTION. Sec. 624. FOR THE UNIVERSITY OF WASHINGTON**  
New Law School Building (94-2-017)

The appropriations in this section are subject to the following condition and limitation: The appropriations in this section are subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

|  |    |        |
|--|----|--------|
| University of Washington Building Account--State | \$ | 68,000 |
|--|----|--------|

Appropriation:

|  |    |            |
|--|----|------------|
| Higher Education Construction Account--State                         | \$ | 44,801,500 |
| Higher Education Nonproprietary Local Capital Account--Private/Local | \$ |            |

|                                  |    |            |
|----------------------------------|----|------------|
|                                  |    | 24,186,000 |
|                                  |    | -----      |
| Subtotal Appropriation           | \$ | 68,987,500 |
| Prior Biennia (Expenditures)     | \$ | 1,200,000  |
| Future Biennia (Projected Costs) | \$ | 0          |
|                                  |    | -----      |
| TOTAL                            | \$ | 70,255,500 |

**NEW SECTION. Sec. 625. FOR THE UNIVERSITY OF WASHINGTON**

Tacoma Branch Campus: To complete phase IB, conduct predesign of phase II, design of phase II, to acquire property, and to remediate unknown site conditions (94-2-500)

The reappropriation in this section is subject to the following conditions and limitations:

(1) No money from this reappropriation may be expended that would be inconsistent with the recommendations of the higher education coordinating board and the project design, scope, and schedule approved by the office of financial management.

(2) The reappropriation in this section is subject to the review and allotment procedures under sections 902 through 904 of this act.

(3) The predesign for phase II to serve at least 1,200 additional student full-time equivalents shall be conducted in accordance with the predesign manual published by the office of financial management. Design of phase IIA to serve at least 600 student full-time equivalents shall not proceed until the completed predesign requirements have been reviewed and approved by the office of financial management.

Reappropriation:

|  |    |            |
|--|----|------------|
| State Building Construction Account--State | \$ | 17,900,000 |
| Prior Biennia (Expenditures)               | \$ | 34,692,087 |
| Future Biennia (Projected Costs)           | \$ | 0          |
|  |    | -----      |
| TOTAL                                      | \$ | 52,592,087 |

**NEW SECTION. Sec. 626. FOR THE UNIVERSITY OF WASHINGTON**

Minor Works: Utility infrastructure (96-1-004)

The reappropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

|  |    |         |
|--|----|---------|
| State Building Construction Account--State | \$ | 445,000 |
|--|----|---------|

|                                  |    |           |
|----------------------------------|----|-----------|
| Prior Biennia (Expenditures)     | \$ | 5,455,000 |
| Future Biennia (Projected Costs) | \$ | 0         |
|                                  |    | -----     |
| TOTAL                            | \$ | 5,900,000 |

**NEW SECTION. Sec. 627. FOR THE UNIVERSITY OF WASHINGTON**  
Health Sciences Center BB Tower Elevators (96-1-007)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are subject to the review and allotment procedures under sections 902 and 903 of this act.

(2) The appropriation represents the total state contribution for all costs including design, construction, and equipping this facility.

Reappropriation:

|  |    |         |
|--|----|---------|
| State Building Construction Account--State       | \$ | 310,000 |
| University of Washington Building Account--State | \$ | 93,100  |
|  |    | -----   |
| Subtotal Reappropriation                         | \$ | 403,100 |

Appropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 6,182,586 |
| Prior Biennia (Expenditures)               | \$ | 699,499   |
| Future Biennia (Projected Costs)           | \$ | 0         |
|  |    | -----     |
| TOTAL                                      | \$ | 7,285,185 |

**NEW SECTION. Sec. 628. FOR THE UNIVERSITY OF WASHINGTON**

Health Sciences Center D-Wing Dental Student Laboratory: Design and construction (96-1-016)

Reappropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 447,000   |
| Prior Biennia (Expenditures)               | \$ | 2,570,100 |
| Future Biennia (Projected Costs)           | \$ | 0         |

|       |    |           |
|-------|----|-----------|
| TOTAL | \$ | -----     |
|       |    | 3,017,100 |

**NEW SECTION. Sec. 629. FOR THE UNIVERSITY OF WASHINGTON**  
 Fisheries Science - Oceanography Science Buildings (96-2-006)

The appropriations in this section are subject to the following conditions and limitations:

(1) The reappropriations in this section are subject to the review and allotment procedures under sections 902 and 903 of this act.

(2) The reappropriations represent the total state contribution for all costs including design, construction, and equipping this facility.

Reappropriation:

|  |    |            |
|--|----|------------|
| State Building Construction Account--State | \$ |            |
|  |    | 12,507,000 |
| Prior Biennia (Expenditures)               | \$ |            |
|  |    | 67,787,751 |
| Future Biennia (Projected Costs)           | \$ |            |
|  |    | 0          |
|  |    | -----      |
| TOTAL                                      | \$ |            |
|  |    | 80,294,751 |

**NEW SECTION. Sec. 630. FOR THE UNIVERSITY OF WASHINGTON**  
 Social Work Third Floor Addition (96-2-010)

Reappropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ |           |
|  |    | 1,000,000 |
| Prior Biennia (Expenditures)               | \$ |           |
|  |    | 2,415,600 |
| Future Biennia (Projected Costs)           | \$ |           |
|  |    | 0         |
|  |    | -----     |
| TOTAL                                      | \$ |           |
|  |    | 3,415,600 |

**NEW SECTION. Sec. 631. FOR THE UNIVERSITY OF WASHINGTON**  
 West Electrical Power Station (96-2-011)

Reappropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ |           |
|  |    | 550,000   |
| Prior Biennia (Expenditures)               | \$ |           |
|  |    | 6,254,000 |
| Future Biennia (Projected Costs)           | \$ |           |
|  |    | 0         |

|       |    |           |
|-------|----|-----------|
| TOTAL | \$ | -----     |
|       |    | 6,804,000 |

**NEW SECTION. Sec. 632. FOR THE UNIVERSITY OF WASHINGTON**  
Power Plant Boiler 7 (96-2-020)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ |           |
|  |    | 6,250,000 |
| Prior Biennia (Expenditures)               | \$ |           |
|  |    | 3,662,000 |
| Future Biennia (Projected Costs)           | \$ |           |
|  |    | 0         |
| TOTAL                                      | \$ | -----     |
|  |    | 9,912,000 |

**NEW SECTION. Sec. 633. FOR THE UNIVERSITY OF WASHINGTON**  
Southwest Campus Utilities Phase I (96-2-027)

Reappropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ |           |
|  |    | 500,000   |
| Prior Biennia (Expenditures)               | \$ |           |
|  |    | 8,809,500 |
| Future Biennia (Projected Costs)           | \$ |           |
|  |    | 0         |
| TOTAL                                      | \$ | -----     |
|  |    | 9,309,500 |

**NEW SECTION. Sec. 634. FOR THE UNIVERSITY OF WASHINGTON**  
Minor Works: Safety (98-1-001)

The reappropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ |           |
|  |    | 2,500,000 |
| Prior Biennia (Expenditures)               | \$ |           |
|  |    | 1,200,000 |
| Future Biennia (Projected Costs)           | \$ |           |
|  |    | 0         |



|       |    |           |
|-------|----|-----------|
| TOTAL | \$ | -----     |
|       |    | 3,700,000 |

**NEW SECTION. Sec. 635. FOR THE UNIVERSITY OF WASHINGTON**  
 Minor Works: Preservation (98-1-002)

The reappropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

|  |    |           |
|--|----|-----------|
| University of Washington Building Account--State | \$ |           |
|  |    | 3,400,000 |
| Prior Biennia (Expenditures)                     | \$ |           |
|  |    | 1,946,075 |
| Future Biennia (Projected Costs)                 | \$ |           |
|  |    | 0         |
| TOTAL  | \$ | -----     |
|  |    | 5,346,075 |

**NEW SECTION. Sec. 636. FOR THE UNIVERSITY OF WASHINGTON**  
 Utility and Data Communications Projects: Preservation (98-1-004)

The reappropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ |           |
|  |    | 2,100,000 |
| Prior Biennia (Expenditures)               | \$ |           |
|  |    | 900,000   |
| Future Biennia (Projected Costs)           | \$ |           |
|  |    | 0         |
| TOTAL                                      | \$ | -----     |
|  |    | 3,000,000 |

**NEW SECTION. Sec. 637. FOR THE UNIVERSITY OF WASHINGTON**  
 Minor Works: Program (98-2-003)

The reappropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

|  |    |           |
|--|----|-----------|
| University of Washington Building Account--State | \$ |           |
|  |    | 1,900,000 |
| Prior Biennia (Expenditures)                     | \$ |           |
|  |    | 100,000   |

|                                  |    |           |
|----------------------------------|----|-----------|
| Future Biennia (Projected Costs) | \$ | 0         |
|                                  |    | -----     |
| TOTAL                            | \$ | 2,000,000 |

**NEW SECTION. Sec. 638. FOR THE UNIVERSITY OF WASHINGTON**  
 Building Communication: Upgrade (98-2-009)

Reappropriation:

|  |    |           |
|--|----|-----------|
| University of Washington Building Account--State | \$ | 1,000,000 |
| Prior Biennia (Expenditures)                     | \$ | 2,000,000 |
| Future Biennia (Projected Costs)                 | \$ | 0         |
|  |    | -----     |
| TOTAL  | \$ | 3,000,000 |

**NEW SECTION. Sec. 639. FOR THE UNIVERSITY OF WASHINGTON**  
 UW Bothell and Cascadia Community College Phase I (98-2-899)

The reappropriation in this section is subject to the following conditions and limitations:

(1) No money from this reappropriation may be expended that would be inconsistent with the recommendations of the higher education coordinating board and the project design, scope, and schedule approved by the office of financial management.

(2) The reappropriation in this section is subject to the review and allotment procedures under sections 902 through 904 of this act.

(3) The reappropriation in this section is to be combined with the appropriations shown in sections 617, 639, 768, and 821 of this act and shall be managed by the department of general administration to construct a campus to serve at least 2,000 student full-time equivalents with approximately 1,200 for the University of Washington and 800 for Cascadia Community College.

Reappropriation:

|  |    |            |
|--|----|------------|
| State Building Construction Account--State | \$ | 40,000,000 |
| Prior Biennia (Expenditures)               | \$ | 7,970,000  |
| Future Biennia (Projected Costs)           | \$ | 0          |
|  |    | -----      |
| TOTAL                                      | \$ | 47,970,000 |

**NEW SECTION. Sec. 640. FOR THE UNIVERSITY OF WASHINGTON**  
 UW Bothell and Cascadia Community College Future Phases (98-2-999)

The reappropriation in this section is subject to the following conditions and limitations:

(1) No money from this reappropriation may be expended that would be inconsistent with the recommendations of the higher education coordinating board and the project design, scope, and schedule approved by the office of financial management.

(2) The reappropriation in this section is subject to the review and allotment procedures under sections 902 through 904 of this act.

(3) The reappropriation in this section is to be combined with the appropriations shown in sections 617, 638, 768, and 821 of this act and shall be managed by the department of general administration.

(4) The predesign for phase II to serve at least 2,000 additional University of Washington and community college student full-time equivalents included in this reappropriation shall be conducted in accordance with the predesign manual published by the office of financial management.

(5) Design of phase IIA to serve at least 1,000 total University of Washington and Cascadia Community College student full-time equivalents shall not proceed until the completed predesign requirements in subsection (4) of this section have been reviewed and approved by the office of financial management.

Reappropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 2,069,063 |
| Prior Biennia (Expenditures)               | \$ | 930,937   |
| Future Biennia (Projected Costs)           | \$ | 0         |
|  |    | -----     |
| TOTAL                                      | \$ | 3,000,000 |

**NEW SECTION. Sec. 641. FOR THE UNIVERSITY OF WASHINGTON**  
Nuclear Reactor: Decommissioning (99-2-009)

Reappropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 750,000   |
| Prior Biennia (Expenditures)               | \$ | 450,000   |
| Future Biennia (Projected Costs)           | \$ | 0         |
|  |    | -----     |
| TOTAL                                      | \$ | 1,200,000 |

**NEW SECTION. Sec. 642. FOR THE UNIVERSITY OF WASHINGTON**  
Tacoma Branch Campus: Phase III predesign (00-2-021)

Appropriation:

|  |    |         |
|--|----|---------|
| State Building Construction Account--State | \$ | 500,000 |
| Prior Biennia (Expenditures)               | \$ | 0       |

|                                  |    |            |
|----------------------------------|----|------------|
| Future Biennia (Projected Costs) | \$ | 55,000,000 |
|                                  |    | -----      |
| TOTAL                            | \$ | 55,500,000 |

**NEW SECTION. Sec. 643. FOR THE UNIVERSITY OF WASHINGTON**  
University of Washington Medical Center: Improvements

Appropriation:

|  |    |            |
|--|----|------------|
| Higher Education Construction Account--State | \$ | 80,000,000 |
| Prior Biennia (Expenditures)                 | \$ | 0          |
| Future Biennia (Projected Costs)             | \$ | 0          |
|  |    | -----      |
| TOTAL  | \$ | 80,000,000 |

**NEW SECTION. Sec. 644. FOR WASHINGTON STATE UNIVERSITY**  
Minor Works: Safety and environmental (00-1-001)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

|  |    |            |
|--|----|------------|
| State Building Construction Account--State | \$ | 2,000,000  |
| Prior Biennia (Expenditures)               | \$ | 0          |
| Future Biennia (Projected Costs)           | \$ | 8,000,000  |
|  |    | -----      |
| TOTAL                                      | \$ | 10,000,000 |

**NEW SECTION. Sec. 645. FOR WASHINGTON STATE UNIVERSITY**  
Minor Works: Preservation (00-1-004)

The appropriations in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

|   |    |           |
|---|----|-----------|
| State Building Construction Account--State          | \$ | 1,130,000 |
| Washington State University Building Account--State | \$ | 4,870,000 |

|                                  |    |            |
|----------------------------------|----|------------|
| Subtotal Appropriation           | \$ | -----      |
|                                  |    | 6,000,000  |
| Prior Biennia (Expenditures)     | \$ | 0          |
| Future Biennia (Projected Costs) | \$ | 24,000,000 |
|                                  |    | -----      |
| TOTAL                            | \$ | 30,000,000 |

**NEW SECTION. Sec. 646. FOR WASHINGTON STATE UNIVERSITY**  
Child Care Facility - Human Development Lab, Infant Care (00-1-039)

Appropriation:

|   |    |           |
|---|----|-----------|
| Washington State University Building Account--State | \$ |           |
|   |    | 3,100,000 |
| Prior Biennia (Expenditures)                        | \$ | 0         |
| Future Biennia (Projected Costs)                    | \$ | 0         |
|   |    | -----     |
| TOTAL   | \$ | 3,100,000 |

**NEW SECTION. Sec. 647. FOR WASHINGTON STATE UNIVERSITY**  
Scholars Hall - White Hall: Renovation (00-1-078)

The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Appropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ |           |
|  |    | 5,000,000 |
| Prior Biennia (Expenditures)               | \$ | 0         |
| Future Biennia (Projected Costs)           | \$ | 0         |
|  |    | -----     |
| TOTAL                                      | \$ | 5,000,000 |

**NEW SECTION. Sec. 648. FOR WASHINGTON STATE UNIVERSITY**  
Minor Works - Branch Campus: Preservation (00-1-901)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

|   |    |           |
|---|----|-----------|
| Washington State University Building Account--State | \$ | 1,000,000 |
| Prior Biennia (Expenditures)                        | \$ | 0         |
| Future Biennia (Projected Costs)                    | \$ | 4,000,000 |
|   |    | -----     |
| TOTAL   | \$ | 5,000,000 |

**NEW SECTION. Sec. 649. FOR WASHINGTON STATE UNIVERSITY**

Minor Works: Program (00-2-002)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

|   |    |            |
|---|----|------------|
| Washington State University Building Account--State | \$ | 5,000,000  |
| Prior Biennia (Expenditures)                        | \$ | 0          |
| Future Biennia (Projected Costs)                    | \$ | 28,000,000 |
|   |    | -----      |
| TOTAL   | \$ | 33,000,000 |

**NEW SECTION. Sec. 650. FOR WASHINGTON STATE UNIVERSITY**

Major Equipment: Acquisition (00-2-003)

Appropriation:

|   |    |            |
|---|----|------------|
| Washington State University Building Account--State | \$ | 3,500,000  |
| Prior Biennia (Expenditures)                        | \$ | 0          |
| Future Biennia (Projected Costs)                    | \$ | 16,000,000 |
|   |    | -----      |
| TOTAL   | \$ | 19,500,000 |

**NEW SECTION. Sec. 651. FOR WASHINGTON STATE UNIVERSITY**

Animal Disease Biotechnology Facility: Equipment (00-2-067)

Appropriation:

|   |    |           |
|---|----|-----------|
| Washington State University Building Account--State | \$ | 1,200,000 |
|---|----|-----------|

|                                  |    |           |
|----------------------------------|----|-----------|
| Prior Biennia (Expenditures)     | \$ | 0         |
| Future Biennia (Projected Costs) | \$ | 6,200,000 |
|                                  |    | -----     |
| TOTAL                            | \$ | 7,400,000 |

**NEW SECTION. Sec. 652. FOR WASHINGTON STATE UNIVERSITY**  
Museum of Art Building (00-2-071)

To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 2000.

Appropriation:

|   |    |            |
|---|----|------------|
| Washington State University Building Account--State | \$ | 125,000    |
| Prior Biennia (Expenditures)                        | \$ | 0          |
| Future Biennia (Projected Costs)                    | \$ | 14,100,000 |
|   |    | -----      |
| TOTAL   | \$ | 14,225,000 |

**NEW SECTION. Sec. 653. FOR WASHINGTON STATE UNIVERSITY**  
Shock Physics Building (00-2-080)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

(2) The program scope and project budget for this project shall comply with the approved predesign document on file with the office of financial management.

Appropriation:

|  |    |            |
|--|----|------------|
| State Building Construction Account--State | \$ | 1,760,000  |
| Prior Biennia (Expenditures)               | \$ | 0          |
| Future Biennia (Projected Costs)           | \$ | 10,400,000 |
|  |    | -----      |
| TOTAL                                      | \$ | 12,160,000 |

**NEW SECTION. Sec. 654. FOR WASHINGTON STATE UNIVERSITY**  
WSU Vancouver - Engineering/Life Science Building (00-2-904)

The appropriation in this section is subject to the review and allotment procedures under sections 902 through 904 of this act.

Appropriation:

|  |    |            |
|--|----|------------|
| State Building Construction Account--State | \$ | 27,000,000 |
| Prior Biennia (Expenditures)               | \$ | 0          |
| Future Biennia (Projected Costs)           | \$ | 0          |
|  |    | -----      |
| TOTAL                                      | \$ | 27,000,000 |

**NEW SECTION. Sec. 655. FOR WASHINGTON STATE UNIVERSITY**  
 WSU Vancouver - New Academic Building D (00-2-905)

To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 2000. The project shall serve at least 1,200 additional student full-time equivalents on the Vancouver campus.

Appropriation:

|  |    |            |
|--|----|------------|
| State Building Construction Account--State | \$ | 250,000    |
| Prior Biennia (Expenditures)               | \$ | 0          |
| Future Biennia (Projected Costs)           | \$ | 29,700,000 |
|  |    | -----      |
| TOTAL                                      | \$ | 29,950,000 |

**NEW SECTION. Sec. 656. FOR WASHINGTON STATE UNIVERSITY**  
 WSU Spokane - Study of Future Campus Development (00-2-906)

To conduct a study of future campus developments, including alternatives regarding the size and timing of future building construction.

Appropriation:

|  |    |            |
|--|----|------------|
| State Building Construction Account--State | \$ | 250,000    |
| Prior Biennia (Expenditures)               | \$ | 0          |
| Future Biennia (Projected Costs)           | \$ | 44,000,000 |
|  |    | -----      |
| TOTAL                                      | \$ |            |



44,250,000

**NEW SECTION. Sec. 657. FOR WASHINGTON STATE UNIVERSITY**  
Plant Biotech - Johnson Hall

Appropriation:

|   |    |            |
|---|----|------------|
| Washington State University Building Account--State | \$ | 300,000    |
| Prior Biennia (Expenditures)                        | \$ | 0          |
| Future Biennia (Projected Costs)                    | \$ | 37,500,000 |
|   |    | -----      |
| TOTAL   | \$ | 37,800,000 |

**NEW SECTION. Sec. 658. FOR WASHINGTON STATE UNIVERSITY**  
Hazardous, Pathological, and Radioactive Waste Handling Facilities (92-1-019)

Reappropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 632,221   |
| Prior Biennia (Expenditures)               | \$ | 710,779   |
| Future Biennia (Projected Costs)           | \$ | 0         |
|  |    | -----     |
| TOTAL                                      | \$ | 1,343,000 |

**NEW SECTION. Sec. 659. FOR WASHINGTON STATE UNIVERSITY**  
Todd Hall Renovation (92-1-021)

The reappropriations in this section are subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

|   |    |            |
|---|----|------------|
| State Building Construction Account--State          | \$ | 100,918    |
| Washington State University Building Account--State | \$ | 168,909    |
|   |    | -----      |
| Subtotal Reappropriation                            | \$ | 269,827    |
| Prior Biennia (Expenditures)                        | \$ | 14,343,680 |
| Future Biennia (Projected Costs)                    | \$ | 0          |

|  |       |    |  |            |
|--|-------|----|--|------------|
|  | TOTAL | \$ |  | -----      |
|  |       |    |  | 14,613,507 |

**NEW SECTION. Sec. 660. FOR WASHINGTON STATE UNIVERSITY**  
 Veterinary Teaching Hospital: Construction (92-2-013)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

|  |   |    |  |            |
|--|---|----|--|------------|
|  | Washington State University Building Account--State | \$ |  | 300,173    |
|  |   |    |  |            |
|  | Prior Biennia (Expenditures)                        | \$ |  | 14,420,827 |
|  | Future Biennia (Projected Costs)                    | \$ |  | 0          |
|  |   |    |  | -----      |
|  | TOTAL   | \$ |  | 14,721,000 |

**NEW SECTION. Sec. 661. FOR WASHINGTON STATE UNIVERSITY**  
 Fulmer Hall: Fulmer annex renovation (92-2-023)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

|  |  |    |  |            |
|--|--|----|--|------------|
|  | State Building Construction Account--State | \$ |  | 97,138     |
|  |  |    |  |            |
|  | Prior Biennia (Expenditures)               | \$ |  | 11,521,329 |
|  | Future Biennia (Projected Costs)           | \$ |  | 0          |
|  |  |    |  | -----      |
|  | TOTAL                                      | \$ |  | 11,618,467 |

**NEW SECTION. Sec. 662. FOR WASHINGTON STATE UNIVERSITY**  
 Bohler Gym Renovation: Construction (94-1-010)

The reappropriations in this section are subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

|  |   |    |  |            |
|--|---|----|--|------------|
|  | State Building Construction Account--State          | \$ |  | 12,500,000 |
|  |   |    |  |            |
|  | Washington State University Building Account--State | \$ |  | 297,925    |

|                                  |    |            |
|----------------------------------|----|------------|
| Subtotal Reappropriation         | \$ | -----      |
|                                  |    | 12,797,925 |
| Prior Biennia (Expenditures)     | \$ |            |
|                                  |    | 6,215,375  |
| Future Biennia (Projected Costs) | \$ |            |
|                                  |    | 0          |
|                                  |    | -----      |
| TOTAL                            | \$ |            |
|                                  |    | 19,013,300 |

**NEW SECTION. Sec. 663. FOR WASHINGTON STATE UNIVERSITY**  
Thompson Hall Renovation: Construction (94-1-024)

The reappropriations in this section are subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

|   |    |            |
|---|----|------------|
| State Building Construction Account--State          | \$ |            |
|   |    | 6,500,000  |
| Washington State University Building Account--State | \$ |            |
|   |    | 101,325    |
|   |    | -----      |
| Subtotal Reappropriation                            | \$ |            |
|   |    | 6,601,325  |
| Prior Biennia (Expenditures)                        | \$ |            |
|   |    | 5,095,075  |
| Future Biennia (Projected Costs)                    | \$ |            |
|   |    | 0          |
|   |    | -----      |
| TOTAL   | \$ |            |
|   |    | 11,696,400 |

**NEW SECTION. Sec. 664. FOR WASHINGTON STATE UNIVERSITY**  
Infrastructure Project: Savings (94-1-999)

Projects that are completed in accordance with section 911 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilating, and air conditioning repairs; (7) emergency repairs due to natural disasters or accidents; and (8) critical year 2000 embedded chip modifications.

Reappropriation:

|  |    |         |
|--|----|---------|
| State Building Construction Account--State | \$ |         |
|  |    | 212,474 |
| Prior Biennia (Expenditures)               | \$ |         |
|  |    | 376,662 |

|                                  |    |         |
|----------------------------------|----|---------|
| Future Biennia (Projected Costs) | \$ | 0       |
|                                  |    | -----   |
| TOTAL                            | \$ | 589,136 |

**NEW SECTION. Sec. 665. FOR WASHINGTON STATE UNIVERSITY**  
Hazardous Waste Facilities: Construction (94-2-006)

The appropriations in this section are subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

|   |    |         |
|---|----|---------|
| Washington State University Building Account--State | \$ | 822,722 |
|---|----|---------|

Appropriation:

|   |    |           |
|---|----|-----------|
| Washington State University Building Account--State | \$ | 3,000,000 |
|---|----|-----------|

|                              |    |         |
|------------------------------|----|---------|
| Prior Biennia (Expenditures) | \$ | 888,278 |
|------------------------------|----|---------|

|                                  |    |           |
|----------------------------------|----|-----------|
| Future Biennia (Projected Costs) | \$ | 9,000,000 |
|----------------------------------|----|-----------|

|       |    |            |
|-------|----|------------|
|       |    | -----      |
| TOTAL | \$ | 13,711,000 |

**NEW SECTION. Sec. 666. FOR WASHINGTON STATE UNIVERSITY**  
Pathological and Biomedical Incinerator: Design and construction (94-2-012)

Reappropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 2,042,690 |
|--|----|-----------|

|                              |    |           |
|------------------------------|----|-----------|
| Prior Biennia (Expenditures) | \$ | 1,400,310 |
|------------------------------|----|-----------|

|                                  |    |   |
|----------------------------------|----|---|
| Future Biennia (Projected Costs) | \$ | 0 |
|----------------------------------|----|---|

|       |    |           |
|-------|----|-----------|
|       |    | -----     |
| TOTAL | \$ | 3,443,000 |

**NEW SECTION. Sec. 667. FOR WASHINGTON STATE UNIVERSITY**  
Engineering Teaching and Research Laboratory Building: Construction (94-2-014)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

|  |    |         |
|--|----|---------|
| State Building Construction Account--State | \$ | 128,797 |
|--|----|---------|

|                                  |    |            |
|----------------------------------|----|------------|
| Prior Biennia (Expenditures)     | \$ | 17,011,503 |
| Future Biennia (Projected Costs) | \$ | 0          |
|                                  |    | -----      |
| TOTAL                            | \$ | 17,140,300 |

**NEW SECTION. Sec. 668. FOR WASHINGTON STATE UNIVERSITY**  
 Chemical Waste Collection Facilities: Design and construction (94-2-016)

Reappropriation:

|   |    |           |
|---|----|-----------|
| Washington State University Building Account--State | \$ | 112,999   |
| Prior Biennia (Expenditures)                        | \$ | 887,001   |
| Future Biennia (Projected Costs)                    | \$ | 0         |
|   |    | -----     |
| TOTAL   | \$ | 1,000,000 |

**NEW SECTION. Sec. 669. FOR WASHINGTON STATE UNIVERSITY**  
 Bohler Gym: Addition (94-2-017)

Reappropriation:

|   |    |            |
|---|----|------------|
| Washington State University Building Account--State | \$ | 364,708    |
| Prior Biennia (Expenditures)                        | \$ | 10,319,108 |
| Future Biennia (Projected Costs)                    | \$ | 0          |
|   |    | -----      |
| TOTAL   | \$ | 10,683,816 |

**NEW SECTION. Sec. 670. FOR WASHINGTON STATE UNIVERSITY**  
 Kimbrough Hall Addition and Remodeling (94-2-019)

The reappropriations in this section are subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

|   |    |           |
|---|----|-----------|
| State Building Construction Account--State          | \$ | 5,295,806 |
| Washington State University Building Account--State | \$ | 121,875   |
|   |    | -----     |

|                                  |    |            |
|----------------------------------|----|------------|
| Subtotal Reappropriation         | \$ | 5,417,681  |
| Prior Biennia (Expenditures)     | \$ | 6,315,319  |
| Future Biennia (Projected Costs) | \$ | 0          |
|                                  |    | -----      |
| TOTAL                            | \$ | 11,733,000 |

**NEW SECTION. Sec. 671. FOR WASHINGTON STATE UNIVERSITY**  
 WSU Vancouver: Campus construction (94-2-902)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 through 904 of this act.

Reappropriation:

|  |    |            |
|--|----|------------|
| State Building Construction Account--State | \$ | 1,000,000  |
| Prior Biennia (Expenditures)               | \$ | 37,722,462 |
| Future Biennia (Projected Costs)           | \$ | 0          |
|  |    | -----      |
| TOTAL                                      | \$ | 38,722,462 |

**NEW SECTION. Sec. 672. FOR WASHINGTON STATE UNIVERSITY**  
 Plant Growth: Wheat research center (96-2-047)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act and shall not be expended until the university has received the federal money or an equivalent amount from other sources.

Reappropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 608,518   |
| Prior Biennia (Expenditures)               | \$ | 3,391,482 |
| Future Biennia (Projected Costs)           | \$ | 0         |
|  |    | -----     |
| TOTAL                                      | \$ | 4,000,000 |

**NEW SECTION. Sec. 673. FOR WASHINGTON STATE UNIVERSITY**  
 Minor Works: Preservation (98-1-004)

The reappropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

|   |    |           |
|---|----|-----------|
| Washington State University Building Account--State | \$ | 2,985,280 |
| Prior Biennia (Expenditures)                        | \$ | 2,067,720 |
| Future Biennia (Projected Costs)                    | \$ | 0         |
| TOTAL   |    | -----     |
|   |    | 5,053,000 |

**NEW SECTION. Sec. 674. FOR WASHINGTON STATE UNIVERSITY**  
Campus Infrastructure and Road Improvements (98-1-073)

The reappropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 3,493,480 |
|--|----|-----------|

Appropriation:

|   |    |            |
|---|----|------------|
| Washington State University Building Account--State | \$ | 4,000,000  |
| Prior Biennia (Expenditures)                        | \$ | 4,798,520  |
| Future Biennia (Projected Costs)                    | \$ | 12,000,000 |
| TOTAL   |    | -----      |
|   |    | 24,292,000 |

**NEW SECTION. Sec. 675. FOR WASHINGTON STATE UNIVERSITY**  
WSU Spokane - Minor Works: Program (98-1-821)

The reappropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

|  |    |        |
|--|----|--------|
| State Building Construction Account--State | \$ | 36,815 |
| Prior Biennia (Expenditures)               | \$ | 25,885 |
| Future Biennia (Projected Costs)           | \$ | 0      |
|  |    | -----  |

|       |    |        |
|-------|----|--------|
| TOTAL | \$ | 62,700 |
|-------|----|--------|

**NEW SECTION. Sec. 676. FOR WASHINGTON STATE UNIVERSITY**  
 Americans with Disabilities Act Pool Account (98-1-993)

Reappropriation:

|  |    |         |
|--|----|---------|
| State Building Construction Account--State | \$ | 140,159 |
| Prior Biennia (Expenditures)               | \$ | 3,900   |
| Future Biennia (Projected Costs)           | \$ | 0       |
|  |    | -----   |
| TOTAL                                      | \$ | 144,059 |

**NEW SECTION. Sec. 677. FOR WASHINGTON STATE UNIVERSITY**  
 Minor Works: Safety and environmental (98-2-001)

The reappropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

|   |    |           |
|---|----|-----------|
| State Building Construction Account--State          | \$ | 958,129   |
| Washington State University Building Account--State | \$ | 1,749,586 |
|   |    | -----     |
| Subtotal Reappropriation                            | \$ | 2,707,715 |
| Prior Biennia (Expenditures)                        | \$ | 700,085   |
| Future Biennia (Projected Costs)                    | \$ | 0         |
|   |    | -----     |
| TOTAL   | \$ | 3,407,800 |

**NEW SECTION. Sec. 678. FOR WASHINGTON STATE UNIVERSITY**  
 Minor Works: Program (98-2-002)

The reappropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

|   |    |           |
|---|----|-----------|
| Washington State University Building Account--State | \$ | 4,179,248 |
|---|----|-----------|



|                                  |    |           |
|----------------------------------|----|-----------|
| Prior Biennia (Expenditures)     | \$ | 1,820,752 |
| Future Biennia (Projected Costs) | \$ | 0         |
|                                  |    | -----     |
| TOTAL                            | \$ | 6,000,000 |

**NEW SECTION. Sec. 679. FOR WASHINGTON STATE UNIVERSITY**  
Major Equipment: Acquisition (98-2-003)

Reappropriation:

|   |    |           |
|---|----|-----------|
| State Building Construction Account--State          | \$ | 371,310   |
| Washington State University Building Account--State | \$ | 800,000   |
|   |    | -----     |
| Subtotal Reappropriation                            | \$ | 1,171,310 |

|                                  |    |           |
|----------------------------------|----|-----------|
| Prior Biennia (Expenditures)     | \$ | 3,828,690 |
| Future Biennia (Projected Costs) | \$ | 0         |
|                                  |    | -----     |
| TOTAL                            | \$ | 5,000,000 |

**NEW SECTION. Sec. 680. FOR WASHINGTON STATE UNIVERSITY**  
Murrow Hall: Renovation and addition (98-2-008)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

(2) The program scope and project budget for this project shall comply with the approved predesign document on file with the office of financial management.

Reappropriation:

|   |    |        |
|---|----|--------|
| Washington State University Building Account--State | \$ | 23,645 |
|---|----|--------|

Appropriation:

|  |    |            |
|--|----|------------|
| State Building Construction Account--State | \$ | 1,650,000  |
| Prior Biennia (Expenditures)               | \$ | 81,355     |
| Future Biennia (Projected Costs)           | \$ | 10,100,000 |
|  |    | -----      |

TOTAL \$

11,855,000

**NEW SECTION. Sec. 681. FOR WASHINGTON STATE UNIVERSITY**  
Cleveland Hall: Renovation and addition (98-2-032)

The appropriations in this section are subject to the following conditions and limitations:  
(1) The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.  
(2) The program scope and project budget for this project shall comply with the approved predesign document on file with the office of financial management.

Reappropriation:

Washington State University Building Account--State   \$  
37,493

Appropriation:

State Building Construction Account--State   \$  
1,400,000

Prior Biennia (Expenditures)   \$  
102,507

Future Biennia (Projected Costs)   \$  
9,400,000

TOTAL   \$  
-----  
10,940,000

**NEW SECTION. Sec. 682. FOR WASHINGTON STATE UNIVERSITY**  
South Campus Electrical Services: Design and construction (98-2-044)

Reappropriation:

State Building Construction Account--State   \$  
313,486

Prior Biennia (Expenditures)   \$  
2,586,514

Future Biennia (Projected Costs)   \$  
0

TOTAL   \$  
-----  
2,900,000

**NEW SECTION. Sec. 683. FOR WASHINGTON STATE UNIVERSITY**  
Teaching and Learning Center: Design and construction (98-2-062)

The appropriations in this section are subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account--State   \$  
1,194,073

Washington State University Building Account--State   \$  
611,094

|  |    |            |
|--|----|------------|
| Subtotal Reappropriation                   | \$ | -----      |
|  |    | 1,805,167  |
| Appropriation:                             |    |            |
| State Building Construction Account--State | \$ |            |
|  |    | 28,900,000 |
| Prior Biennia (Expenditures)               | \$ |            |
|  |    | 869,333    |
| Future Biennia (Projected Costs)           | \$ |            |
|  |    | 0          |
|  |    | -----      |
| TOTAL                                      | \$ |            |
|  |    | 31,574,500 |

**NEW SECTION. Sec. 684. FOR WASHINGTON STATE UNIVERSITY**  
Apparel, Merchandise, and Interior Design and Landscape Architecture Building (98-2-072)

The appropriation in this section is subject to the following conditions and limitations:  
(1) The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.  
(2) The program scope and project budget for this project shall comply with the approved predesign document on file with the office of financial management.

|   |    |            |
|---|----|------------|
| Reappropriation:                                    |    |            |
| Washington State University Building Account--State | \$ |            |
|   |    | 20,527     |
| Appropriation:                                      |    |            |
| State Building Construction Account--State          | \$ |            |
|   |    | 2,780,000  |
| Prior Biennia (Expenditures)                        | \$ |            |
|   |    | 77,473     |
| Future Biennia (Projected Costs)                    | \$ |            |
|   |    | 26,400,000 |
|   |    | -----      |
| TOTAL   | \$ |            |
|   |    | 29,278,000 |

**NEW SECTION. Sec. 685. FOR WASHINGTON STATE UNIVERSITY**  
WSUnet: Infrastructure (98-2-074)

|   |    |           |
|---|----|-----------|
| Reappropriation:                                    |    |           |
| Washington State University Building Account--State | \$ |           |
|   |    | 750,000   |
| Appropriation:                                      |    |           |
| Washington State University Building Account--State | \$ |           |
|   |    | 3,000,000 |
| Prior Biennia (Expenditures)                        | \$ |           |
|   |    | 3,325,000 |

|                                  |    |            |
|----------------------------------|----|------------|
| Future Biennia (Projected Costs) | \$ | 12,000,000 |
|                                  |    | -----      |
| TOTAL                            | \$ | 19,075,000 |

**NEW SECTION. Sec. 686. FOR WASHINGTON STATE UNIVERSITY**  
**WSU Spokane - Health Sciences Building (98-2-903)**

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation in this section is subject to the review and allotment procedures under sections 902 through 904 of this act.

(2) No money from the reappropriation may be expended in a manner that is inconsistent with the recommendations of the higher education coordinating board and the project design, scope, and schedule approved by the office of financial management.

(3) Design and construction of this building shall accommodate at least 240 additional full-time equivalent students on the Riverpoint campus.

Reappropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 1,871,010 |
|--|----|-----------|

Appropriation:

|  |    |            |
|--|----|------------|
| Higher Education Construction Account--State | \$ | 36,300,000 |
|--|----|------------|

|                              |    |         |
|------------------------------|----|---------|
| Prior Biennia (Expenditures) | \$ | 814,365 |
|------------------------------|----|---------|

|                                  |    |       |
|----------------------------------|----|-------|
| Future Biennia (Projected Costs) | \$ | 0     |
|                                  |    | ----- |

|       |    |            |
|-------|----|------------|
| TOTAL | \$ | 38,985,375 |
|-------|----|------------|

**NEW SECTION. Sec. 687. FOR WASHINGTON STATE UNIVERSITY**  
**WSU Tri-Cities - Science Education Center (98-2-905)**

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation in this section is subject to the review and allotment procedures under sections 902 through 904 of this act.

(2) The program scope and project budget for this project shall comply with the approved predesign document on file with the office of financial management.

Reappropriation:

|  |    |       |
|--|----|-------|
| State Building Construction Account--State | \$ | 4,954 |
|--|----|-------|

|                              |    |         |
|------------------------------|----|---------|
| Prior Biennia (Expenditures) | \$ | 135,046 |
|------------------------------|----|---------|

|                                  |    |            |
|----------------------------------|----|------------|
| Future Biennia (Projected Costs) | \$ | 22,500,000 |
|                                  |    | -----      |

TOTAL \$ 22,640,000

**NEW SECTION. Sec. 688. FOR WASHINGTON STATE UNIVERSITY**  
 WSU Vancouver: Phase II (98-2-911)

The reappropriation in this section is subject to the following conditions and limitations:

(1) No money from this appropriation may be expended that would be inconsistent with the recommendations of the higher education coordinating board and the project design, scope, and schedule approved by the office of financial management.

(2) The reappropriation in this section is subject to the review and allotment procedures under sections 902 through 904 of this act.

(3) This reappropriation includes the design phase of the engineering/life science building and multimedia building and to construct campus infrastructure and physical plant shops. Section 653 of this act appropriates the funds for construction phase and equipping the engineering/life science building.

Reappropriation:

|  |    |            |
|--|----|------------|
| State Building Construction Account--State | \$ | 11,054,521 |
| Prior Biennia (Expenditures)               | \$ | 2,445,479  |
| Future Biennia (Projected Costs)           | \$ | 0          |
|  |    | -----      |
| TOTAL                                      | \$ | 13,500,000 |

**NEW SECTION. Sec. 689. FOR EASTERN WASHINGTON UNIVERSITY**  
 Senior Hall: Renovation (00-1-003)

To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 2000.

Appropriation:

|  |    |            |
|--|----|------------|
| State Building Construction Account--State | \$ | 100,000    |
| Prior Biennia (Expenditures)               | \$ | 0          |
| Future Biennia (Projected Costs)           | \$ | 11,600,000 |
|  |    | -----      |
| TOTAL                                      | \$ | 11,700,000 |

**NEW SECTION. Sec. 690. FOR EASTERN WASHINGTON UNIVERSITY**  
 Minor Works: Preservation (00-1-004)

The appropriations in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

|   |    |           |
|---|----|-----------|
| State Building Construction Account--State                    | \$ | 16,000    |
| Eastern Washington University Capital Projects Account--State | \$ | 1,310,000 |
|   |    | -----     |
| Subtotal Reappropriation                                      | \$ | 1,326,000 |

Appropriation:

|   |    |            |
|---|----|------------|
| State Building Construction Account--State                    | \$ | 1,000,000  |
| Eastern Washington University Capital Projects Account--State | \$ | 2,000,000  |
|   |    | -----      |
| Subtotal Appropriation  | \$ | 3,000,000  |
| Prior Biennia (Expenditures)                                  | \$ | 9,096,505  |
| Future Biennia (Projected Costs)                              | \$ | 14,000,000 |
|   |    | -----      |
| TOTAL   | \$ | 27,422,505 |

**NEW SECTION. Sec. 691. FOR EASTERN WASHINGTON UNIVERSITY**  
 Infrastructure Project: Savings (00-1-999)

Projects that are completed in accordance with section 911 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilating, and air conditioning repairs; (7) emergency repairs due to natural disasters or accidents; and, (8) critical year 2000 embedded chip modifications.

Appropriation:

|  |    |       |
|--|----|-------|
| State Building Construction Account--State | \$ | 1     |
| Prior Biennia (Expenditures)               | \$ | 0     |
| Future Biennia (Projected Costs)           | \$ | 0     |
|  |    | ----- |
| TOTAL                                      | \$ | 1     |

**NEW SECTION. Sec. 692. FOR EASTERN WASHINGTON UNIVERSITY**  
Minor Works: Program (00-2-002)

The appropriations in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

|   |    |           |
|---|----|-----------|
| State Building Construction Account--State                    | \$ | 381,000   |
| Eastern Washington University Capital Projects Account--State | \$ | 702,502   |
|   |    | -----     |
| Subtotal Reappropriation                                      | \$ | 1,083,502 |

Appropriation:

|   |    |            |
|---|----|------------|
| Eastern Washington University Capital Projects Account--State | \$ | 2,190,000  |
| Prior Biennia (Expenditures)                                  | \$ | 5,956,138  |
| Future Biennia (Projected Costs)                              | \$ | 11,600,000 |
|   |    | -----      |
| TOTAL   | \$ | 20,829,640 |

**NEW SECTION. Sec. 693. FOR EASTERN WASHINGTON UNIVERSITY**  
Campus Network and Cable: Replacement (90-2-004)

Reappropriation:

|  |    |         |
|--|----|---------|
| State Building Construction Account--State | \$ | 500,000 |
|--|----|---------|

Appropriation:

|  |    |            |
|--|----|------------|
| State Building Construction Account--State | \$ | 1,000,000  |
| Prior Biennia (Expenditures)               | \$ | 6,173,800  |
| Future Biennia (Projected Costs)           | \$ | 4,000,000  |
|  |    | -----      |
| TOTAL                                      | \$ | 11,673,800 |

**NEW SECTION. Sec. 694. FOR EASTERN WASHINGTON UNIVERSITY**  
JFK Library Addition and Remodel: Construction (90-5-003)

Reappropriation:

|  |    |         |
|--|----|---------|
| State Building Construction Account--State | \$ | 300,000 |
|--|----|---------|

|   |    |            |
|---|----|------------|
| Eastern Washington University Capital Projects Account--State | \$ | 34,662     |
|   |    | -----      |
| Subtotal Reappropriation                                      | \$ | 334,662    |
| Prior Biennia (Expenditures)                                  | \$ | 20,381,581 |
| Future Biennia (Projected Costs)                              | \$ | 0          |
|   |    | -----      |
| TOTAL   | \$ | 20,716,243 |

**NEW SECTION. Sec. 695. FOR EASTERN WASHINGTON UNIVERSITY**  
 Chillers, Heating, Ventilation, and Air Conditioning (94-1-003)

Reappropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 153,000   |
| Prior Biennia (Expenditures)               | \$ | 2,444,711 |
| Future Biennia (Projected Costs)           | \$ | 0         |
|  |    | -----     |
| TOTAL                                      | \$ | 2,597,711 |

**NEW SECTION. Sec. 696. FOR EASTERN WASHINGTON UNIVERSITY**  
 Monroe Hall: Renovation (96-1-002)

The appropriations in this section are subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

|  |    |         |
|--|----|---------|
| State Building Construction Account--State | \$ | 395,000 |
|--|----|---------|

Appropriation:

|   |    |            |
|---|----|------------|
| State Building Construction Account--State                    | \$ | 10,750,000 |
| Eastern Washington University Capital Projects Account--State | \$ | 250,000    |
|   |    | -----      |
| Subtotal Appropriation  | \$ | 11,000,000 |
| Prior Biennia (Expenditures)                                  | \$ | 629,000    |
| Future Biennia (Projected Costs)                              | \$ |            |



0

TOTAL \$

-----  
12,024,000

**NEW SECTION. Sec. 697. FOR EASTERN WASHINGTON UNIVERSITY**  
Campus Classroom: Renewal (96-2-001)

Reappropriation:

State Building Construction Account--State \$ 448,000

Eastern Washington University Capital Projects Account--State \$ 457,191

-----  
Subtotal Reappropriation \$ 905,191

Appropriation:

State Building Construction Account--State \$ 1,000,000

Eastern Washington University Capital Projects Account--State \$ 500,000

-----  
Subtotal Appropriation \$ 1,500,000

Prior Biennia (Expenditures) \$ 4,244,809

Future Biennia (Projected Costs) \$ 10,700,000

-----  
TOTAL \$ 17,350,000

**NEW SECTION. Sec. 698. FOR EASTERN WASHINGTON UNIVERSITY**  
Water System: Preservation and expansion (98-1-002)

Reappropriation:

State Building Construction Account--State \$ 290,000

Appropriation:

Eastern Washington University Capital Projects Account--State \$ 880,000

Prior Biennia (Expenditures) \$ 210,000

Future Biennia (Projected Costs) \$ 7,500,000

-----

TOTAL \$ 8,880,000

**NEW SECTION. Sec. 699. FOR EASTERN WASHINGTON UNIVERSITY**  
Electrical Substations: Preservation (98-1-004)

Reappropriation:

State Building Construction Account--State \$ 2,872,000

Prior Biennia (Expenditures) \$ 128,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,000,000

**NEW SECTION. Sec. 700. FOR EASTERN WASHINGTON UNIVERSITY**  
Roof Replacements (98-1-006)

Reappropriation:

State Building Construction Account--State \$ 475,000

Prior Biennia (Expenditures) \$ 4,230,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 4,705,000

**NEW SECTION. Sec. 701. FOR EASTERN WASHINGTON UNIVERSITY**  
Infrastructure: Preservation (98-1-007)

The appropriations in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

State Building Construction Account--State \$ 3,662,000

Appropriation:

State Building Construction Account--State \$ 1,000,000

Prior Biennia (Expenditures) \$ 338,000

Future Biennia (Projected Costs) \$ 4,000,000

TOTAL \$ 9,000,000

**NEW SECTION. Sec. 702. FOR EASTERN WASHINGTON UNIVERSITY**  
Heating, Ventilation, and Air Conditioning Systems: Preservation (98-1-008)

Reappropriation:

State Building Construction Account--State \$ 799,000

Prior Biennia (Expenditures) \$ 201,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,000,000

**NEW SECTION. Sec. 703. FOR EASTERN WASHINGTON UNIVERSITY**  
Boiler Plant Expansion (98-1-011)

Reappropriation:

State Building Construction Account--State \$ 400,000

Eastern Washington University Capital Projects Account--State \$ 106,415

Subtotal Reappropriation \$ 506,415

Appropriation:

State Building Construction Account--State \$ 6,725,000

Prior Biennia (Expenditures) \$ 277,210

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 7,508,625

**NEW SECTION. Sec. 704. FOR EASTERN WASHINGTON UNIVERSITY**  
Childcare Center (00-02-003)

Appropriation:

State Building Construction Account--State \$ 539,000

Eastern Washington University Capital Projects Account--State \$ 600,000

|                                  |    |       |           |
|----------------------------------|----|-------|-----------|
| Subtotal Appropriation           | \$ | ----- | 1,139,000 |
| Prior Biennia (Expenditures)     | \$ |       | 0         |
| Future Biennia (Projected Costs) | \$ |       | 0         |
| TOTAL                            | \$ | ----- | 1,139,000 |

**NEW SECTION. Sec. 705. FOR CENTRAL WASHINGTON UNIVERSITY**  
**Infrastructure Project: Savings (00-1-001)**

Projects that are completed in accordance with section 911 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilating, and air conditioning repairs; (7) emergency repairs due to natural disasters or accidents; and (8) critical year 2000 embedded chip modifications.

Appropriation:

|  |    |       |   |
|--|----|-------|---|
| State Building Construction Account--State | \$ |       | 1 |
| Prior Biennia (Expenditures)               | \$ |       | 0 |
| Future Biennia (Projected Costs)           | \$ |       | 0 |
| TOTAL                                      | \$ | ----- | 1 |

**NEW SECTION. Sec. 706. FOR CENTRAL WASHINGTON UNIVERSITY**  
**Minor Works: Preservation (00-1-120)**

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

|   |    |       |            |
|---|----|-------|------------|
| Central Washington University Capital Projects Account--State | \$ |       | 3,000,000  |
| Prior Biennia (Expenditures)                                  | \$ |       | 0          |
| Future Biennia (Projected Costs)                              | \$ |       | 27,500,000 |
| TOTAL   | \$ | ----- | 30,500,000 |

**NEW SECTION. Sec. 707. FOR CENTRAL WASHINGTON UNIVERSITY**  
Music Facility (00-2-001)

Appropriation:

|  |    |            |
|--|----|------------|
| State Building Construction Account--State | \$ | 2,300,000  |
| Prior Biennia (Expenditures)               | \$ | 116,372    |
| Future Biennia (Projected Costs)           | \$ | 24,600,000 |
|  |    | -----      |
| TOTAL                                      | \$ | 27,016,372 |

**NEW SECTION. Sec. 708. FOR CENTRAL WASHINGTON UNIVERSITY**  
Minor Works: Program (00-2-110)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

|   |    |            |
|---|----|------------|
| Central Washington University Capital Projects Account--State | \$ | 3,000,000  |
| Prior Biennia (Expenditures)                                  | \$ | 0          |
| Future Biennia (Projected Costs)                              | \$ | 13,000,000 |
|   |    | -----      |
| TOTAL   | \$ | 16,000,000 |

**NEW SECTION. Sec. 709. FOR CENTRAL WASHINGTON UNIVERSITY**  
Fiber Optic Backbone: Upgrade (00-2-130)

Appropriation:

|   |    |           |
|---|----|-----------|
| Central Washington University Capital Projects Account--State | \$ | 500,000   |
| Prior Biennia (Expenditures)                                  | \$ | 0         |
| Future Biennia (Projected Costs)                              | \$ | 2,550,000 |
|   |    | -----     |
| TOTAL   | \$ | 3,050,000 |

**NEW SECTION. Sec. 710. FOR CENTRAL WASHINGTON UNIVERSITY**  
Science Facility: Design and construction (94-2-002)

The reappropriations in this section are subject to the review and allotment procedures under sections 902 through 904 of this act.

Reappropriation:

|   |    |            |
|---|----|------------|
| State Building Construction Account--State                    | \$ | 1,500,000  |
| Central Washington University Capital Projects Account--State | \$ | 600,000    |
|   |    | -----      |
| Subtotal Reappropriation                                      | \$ | 2,100,000  |
| Prior Biennia (Expenditures)                                  | \$ | 56,293,500 |
| Future Biennia (Projected Costs)                              | \$ | 0          |
|   |    | -----      |
| TOTAL   | \$ | 58,393,500 |

**NEW SECTION. Sec. 711. FOR CENTRAL WASHINGTON UNIVERSITY**  
Black Hall: Design and construction (94-2-010)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

|  |    |            |
|--|----|------------|
| State Building Construction Account--State | \$ | 1,000,000  |
| Prior Biennia (Expenditures)               | \$ | 26,403,401 |
| Future Biennia (Projected Costs)           | \$ | 0          |
|  |    | -----      |
| TOTAL                                      | \$ | 27,403,401 |

**NEW SECTION. Sec. 712. FOR CENTRAL WASHINGTON UNIVERSITY**  
Minor Works: Infrastructure preservation (96-1-040)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation in this section shall support the detailed list of projects maintained by the office of financial management.

(2) No money from this reappropriation may be expended for remodeling or repairing the president's residence.

Reappropriation:

|   |    |         |
|---|----|---------|
| Central Washington University Capital Projects Account--State | \$ | 100,000 |
|---|----|---------|

|                                  |    |           |
|----------------------------------|----|-----------|
| Prior Biennia (Expenditures)     | \$ | 2,300,000 |
| Future Biennia (Projected Costs) | \$ | 0         |
|                                  |    | -----     |
| TOTAL                            | \$ | 2,400,000 |

**NEW SECTION. Sec. 713. FOR CENTRAL WASHINGTON UNIVERSITY**  
Minor Works: Preservation (96-1-120)

The reappropriation in this section is subject to the following conditions and limitations:  
(1) The reappropriation in this section shall support the detailed list of projects maintained by the office of financial management.  
(2) A maximum of \$85,000 from this reappropriation may be expended for remodeling the president's residence.

Reappropriation:

|   |    |           |
|---|----|-----------|
| Central Washington University Capital Projects Account--State | \$ | 500,000   |
| Prior Biennia (Expenditures)                                  | \$ | 1,700,000 |
| Future Biennia (Projected Costs)                              | \$ | 0         |
|   |    | -----     |
| TOTAL   | \$ | 2,200,000 |

**NEW SECTION. Sec. 714. FOR CENTRAL WASHINGTON UNIVERSITY**  
Minor Works: Program (96-2-130)

The reappropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

|   |    |           |
|---|----|-----------|
| Central Washington University Capital Projects Account--State | \$ | 75,000    |
| Prior Biennia (Expenditures)                                  | \$ | 2,425,000 |
| Future Biennia (Projected Costs)                              | \$ | 0         |
|   |    | -----     |
| TOTAL   | \$ | 2,500,000 |

**NEW SECTION. Sec. 715. FOR CENTRAL WASHINGTON UNIVERSITY**  
Heating System Improvements (98-1-030)

Reappropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 1,000,000 |
| Prior Biennia (Expenditures)               | \$ | 450,000   |
| Future Biennia (Projected Costs)           | \$ | 0         |
|  |    | -----     |
| TOTAL                                      | \$ | 1,450,000 |

**NEW SECTION. Sec. 716. FOR CENTRAL WASHINGTON UNIVERSITY**  
**Electrical Utility: Upgrade (98-1-110)**

|  |    |           |
|--|----|-----------|
| Reappropriation:                           |    |           |
| State Building Construction Account--State | \$ | 2,300,000 |
| Appropriation:                             |    |           |
| State Building Construction Account--State | \$ | 3,700,000 |
| Prior Biennia (Expenditures)               | \$ | 200,000   |
| Future Biennia (Projected Costs)           | \$ | 0         |
|  |    | -----     |
| TOTAL                                      | \$ | 6,200,000 |

**NEW SECTION. Sec. 717. FOR CENTRAL WASHINGTON UNIVERSITY**  
**Steamline Replacement (98-1-120)**

|   |    |           |
|---|----|-----------|
| Reappropriation:  |    |           |
| Central Washington University Capital Projects Account--State | \$ | 100,000   |
| Appropriation:  |    |           |
| State Building Construction Account--State                    | \$ | 1,500,000 |
| Prior Biennia (Expenditures)                                  | \$ | 1,350,000 |
| Future Biennia (Projected Costs)                              | \$ | 4,500,000 |
|   |    | -----     |
| TOTAL   | \$ | 7,450,000 |

**NEW SECTION. Sec. 718. FOR CENTRAL WASHINGTON UNIVERSITY**  
**Minor Works: Preservation (98-1-130)**

Reappropriation:



|   |    |           |
|---|----|-----------|
| Central Washington University Capital Projects Account--State | \$ | 1,700,000 |
| Prior Biennia (Expenditures)                                  | \$ | 1,463,000 |
| Future Biennia (Projected Costs)                              | \$ | 0         |
|   |    | -----     |
| TOTAL   | \$ | 3,163,000 |

**NEW SECTION. Sec. 719. FOR CENTRAL WASHINGTON UNIVERSITY**  
**Building Indoor Air Quality: Improvements (98-1-170)**

Reappropriation:

|   |    |         |
|---|----|---------|
| Central Washington University Capital Projects Account--State | \$ | 200,000 |
| Prior Biennia (Expenditures)                                  | \$ | 229,000 |
| Future Biennia (Projected Costs)                              | \$ | 0       |
|   |    | -----   |
| TOTAL   | \$ | 429,000 |

**NEW SECTION. Sec. 720. FOR CENTRAL WASHINGTON UNIVERSITY**  
**SeaTac Center Building: Renovation (98-2-010)**

Reappropriation:

|  |    |         |
|--|----|---------|
| State Building Construction Account--State | \$ | 500,000 |
| Prior Biennia (Expenditures)               | \$ | 162,500 |
| Future Biennia (Projected Costs)           | \$ | 0       |
|  |    | -----   |
| TOTAL                                      | \$ | 662,500 |

**NEW SECTION. Sec. 721. FOR CENTRAL WASHINGTON UNIVERSITY**  
**Lynnwood Higher Education Center (98-2-080)**

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

(2) The program scope and project budget for this project shall comply with the approved predesign document on file with the office of financial management.

(3) The design of this facility shall be based on a combination of construction funding included in this section, the state board for community and technical colleges, and in section 905 of this act.

Reappropriation:

Central Washington University Capital Projects Account--State \$ 875,000

Appropriation:

State Building Construction Account--State \$ 4,000,000

Central Washington University Capital Projects Account--State \$ 1,000,000

Subtotal Appropriation \$ 5,000,000

Prior Biennia (Expenditures) \$ 125,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 6,000,000

**NEW SECTION. Sec. 722. FOR CENTRAL WASHINGTON UNIVERSITY**  
Minor Works: Program (98-2-135)

The reappropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

Central Washington University Capital Projects Account--State \$ 600,000

Prior Biennia (Expenditures) \$ 1,782,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,382,000

**NEW SECTION. Sec. 723. FOR THE EVERGREEN STATE COLLEGE**  
Minor Works: Safety and code (00-1-001)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

State Building Construction Account--State \$ 1,900,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

11,000,000

TOTAL \$

-----  
12,900,000

**NEW SECTION. Sec. 724. FOR THE EVERGREEN STATE COLLEGE**

Minor Works: Preservation (00-1-002)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

The Evergreen State College Capital Projects Account--State \$

3,600,000

Prior Biennia (Expenditures) \$

0

Future Biennia (Projected Costs) \$

13,800,000

TOTAL \$

-----  
17,400,000

**NEW SECTION. Sec. 725. FOR THE EVERGREEN STATE COLLEGE**

Emergency and Small Repairs (00-1-003)

Appropriation:

The Evergreen State College Capital Projects Account--State \$

560,000

Prior Biennia (Expenditures) \$

0

Future Biennia (Projected Costs) \$

2,510,000

TOTAL \$

-----  
3,070,000

**NEW SECTION. Sec. 726. FOR THE EVERGREEN STATE COLLEGE**

Infrastructure Project: Savings (00-1-004)

Projects that are completed in accordance with section 911 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilating, and air conditioning repairs; (7) emergency repairs due to natural disasters or accidents; and (8) critical year 2000 embedded chip modifications.

Appropriation:

State Building Construction Account--State \$

|                                  |    |       |
|----------------------------------|----|-------|
| Prior Biennia (Expenditures)     | \$ | 0     |
| Future Biennia (Projected Costs) | \$ | 0     |
|                                  |    | ----- |
| TOTAL                            | \$ | 1     |

**NEW SECTION. Sec. 727. FOR THE EVERGREEN STATE COLLEGE**  
**Lab II First Floor Remodel - CAL and Adjacent Labs (00-2-005)**

Appropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 2,600,000 |
| Prior Biennia (Expenditures)               | \$ | 0         |
| Future Biennia (Projected Costs)           | \$ | 0         |
|  |    | -----     |
| TOTAL                                      | \$ | 2,600,000 |

**NEW SECTION. Sec. 728. FOR THE EVERGREEN STATE COLLEGE**  
**Minor Works: Program (00-2-007)**

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

|   |    |           |
|---|----|-----------|
| State Building Construction Account--State                  | \$ | 1,000,000 |
| The Evergreen State College Capital Projects Account--State | \$ | 100,000   |
|   |    | -----     |
| Subtotal Appropriation                                      | \$ | 1,100,000 |
| Prior Biennia (Expenditures)                                | \$ | 0         |
| Future Biennia (Projected Costs)                            | \$ | 7,250,000 |
|   |    | -----     |
| TOTAL   | \$ | 8,350,000 |

**NEW SECTION. Sec. 729. FOR THE EVERGREEN STATE COLLEGE**  
**Library Building - Technology Center (00-2-008)**

To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 2000.

Appropriation:

|   |    |            |
|---|----|------------|
| The Evergreen State College Capital Projects Account--State | \$ | 150,000    |
| Prior Biennia (Expenditures)                                | \$ | 0          |
| Future Biennia (Projected Costs)                            | \$ | 16,450,000 |
|   |    | -----      |
| TOTAL   | \$ | 16,600,000 |

**NEW SECTION. Sec. 730. FOR THE EVERGREEN STATE COLLEGE**

Minor Works: Safety and code (98-1-001)

The reappropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 166,000   |
| Prior Biennia (Expenditures)               | \$ | 2,284,000 |
| Future Biennia (Projected Costs)           | \$ | 0         |
|  |    | -----     |
| TOTAL                                      | \$ | 2,450,000 |

**NEW SECTION. Sec. 731. FOR THE EVERGREEN STATE COLLEGE**

Minor Works: Preservation (98-1-002)

The reappropriations in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

|   |    |           |
|---|----|-----------|
| State Building Construction Account--State                  | \$ | 1,304,319 |
| The Evergreen State College Capital Projects Account--State | \$ | 249,389   |
|   |    | -----     |
| Subtotal Reappropriation                                    | \$ | 1,553,708 |
| Prior Biennia (Expenditures)                                | \$ | 1,070,631 |

|                                  |    |           |
|----------------------------------|----|-----------|
| Future Biennia (Projected Costs) | \$ | 0         |
|                                  |    | -----     |
| TOTAL                            | \$ | 2,624,339 |

**NEW SECTION. Sec. 732. FOR THE EVERGREEN STATE COLLEGE**  
Seminar Phase II: Design (98-2-004)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

(2) The program scope and project budget for this project shall comply with the approved predesign document on file with the office of financial management.

Appropriation:

|  |    |            |
|--|----|------------|
| State Building Construction Account--State | \$ | 3,000,000  |
| Prior Biennia (Expenditures)               | \$ | 140,000    |
| Future Biennia (Projected Costs)           | \$ | 34,600,000 |
|  |    | -----      |
| TOTAL                                      | \$ | 37,740,000 |

**NEW SECTION. Sec. 733. FOR THE EVERGREEN STATE COLLEGE**  
Minor Works: Program (98-2-006)

The reappropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

|   |    |           |
|---|----|-----------|
| The Evergreen State College Capital Projects Account--State | \$ | 1,442,084 |
| Prior Biennia (Expenditures)                                | \$ | 357,916   |
| Future Biennia (Projected Costs)                            | \$ | 0         |
|   |    | -----     |
| TOTAL   | \$ | 1,800,000 |

**NEW SECTION. Sec. 734. FOR WESTERN WASHINGTON UNIVERSITY**  
Minor Works: Preservation (00-1-068)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

|  |    |            |
|--|----|------------|
| State Building Construction Account--State | \$ | 4,500,000  |
| Prior Biennia (Expenditures)               | \$ | 0          |
| Future Biennia (Projected Costs)           | \$ | 24,800,000 |
|  |    | -----      |
| TOTAL                                      | \$ | 29,300,000 |

**NEW SECTION. Sec. 735. FOR WESTERN WASHINGTON UNIVERSITY**  
Minor Works: Program (00-2-069)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

|   |    |            |
|---|----|------------|
| Western Washington University Capital Projects Account--State | \$ | 6,730,000  |
| Prior Biennia (Expenditures)                                  | \$ | 0          |
| Future Biennia (Projected Costs)                              | \$ | 24,500,000 |
|   |    | -----      |
| TOTAL   | \$ | 31,230,000 |

**NEW SECTION. Sec. 736. FOR WESTERN WASHINGTON UNIVERSITY**  
Infrastructure Project: Savings (94-1-999)

Projects that are completed in accordance with section 911 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilating, and air conditioning repairs; (7) emergency repairs due to natural disasters or accidents; and (8) critical year 2000 embedded chip modifications.

Reappropriation:

|  |    |         |
|--|----|---------|
| State Building Construction Account--State | \$ | 1       |
| Prior Biennia (Expenditures)               | \$ | 970,000 |
| Future Biennia (Projected Costs)           | \$ | 0       |
|  |    | -----   |
| TOTAL                                      | \$ | 970,001 |

**NEW SECTION. Sec. 737. FOR WESTERN WASHINGTON UNIVERSITY**  
Haggard Hall Renovation and Abatement: Construction (94-2-015)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

|  |    |            |
|--|----|------------|
| State Building Construction Account--State | \$ | 1,900,000  |
| Prior Biennia (Expenditures)               | \$ | 20,304,405 |
| Future Biennia (Projected Costs)           | \$ | 0          |
|  |    | -----      |
| TOTAL                                      | \$ | 22,204,405 |

**NEW SECTION. Sec. 738. FOR WESTERN WASHINGTON UNIVERSITY**  
Campus Services Facility: Construction (96-2-025)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

(2) The university shall comply with local comprehensive land use laws and regulations for this project.

Reappropriation:

|  |    |         |
|--|----|---------|
| State Building Construction Account--State | \$ | 958,000 |
|--|----|---------|

Appropriation:

|  |    |            |
|--|----|------------|
| State Building Construction Account--State | \$ | 10,100,000 |
| Prior Biennia (Expenditures)               | \$ | 333,800    |
| Future Biennia (Projected Costs)           | \$ | 0          |
|  |    | -----      |
| TOTAL                                      | \$ | 11,391,800 |

**NEW SECTION. Sec. 739. FOR WESTERN WASHINGTON UNIVERSITY**  
Integrated Signal Distribution: Construction (96-2-056)

Reappropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 5,800,000 |
|--|----|-----------|

Appropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 4,000,000 |
|--|----|-----------|



|                                  |    |            |
|----------------------------------|----|------------|
| Prior Biennia (Expenditures)     | \$ | 3,677,900  |
| Future Biennia (Projected Costs) | \$ | 0          |
|                                  |    | -----      |
| TOTAL                            | \$ | 13,477,900 |

**NEW SECTION. Sec. 740. FOR WESTERN WASHINGTON UNIVERSITY**  
Minor Works: Preservation (98-1-064)

The reappropriations in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

|   |    |           |
|---|----|-----------|
| State Building Construction Account--State                    | \$ | 2,100,000 |
| Western Washington University Capital Projects Account--State | \$ | 1,800,000 |
|   |    | -----     |
| Subtotal Reappropriation                                      | \$ | 3,900,000 |
| Prior Biennia (Expenditures)                                  | \$ | 2,800,000 |
| Future Biennia (Projected Costs)                              | \$ | 0         |
|   |    | -----     |
| TOTAL   | \$ | 6,700,000 |

**NEW SECTION. Sec. 741. FOR WESTERN WASHINGTON UNIVERSITY**  
Facility and Property Acquisition (98-2-023)

The university shall comply with local comprehensive land use laws and regulations for this project.

Reappropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 2,720,000 |
|--|----|-----------|

Appropriation:

|   |    |           |
|---|----|-----------|
| Western Washington University Capital Projects Account--State | \$ | 1,000,000 |
| Prior Biennia (Expenditures)                                  | \$ | 1,280,000 |
| Future Biennia (Projected Costs)                              | \$ | 4,000,000 |
|   |    | -----     |
| TOTAL   | \$ |           |

9,000,000

**NEW SECTION. Sec. 742. FOR WESTERN WASHINGTON UNIVERSITY**  
Campus Infrastructure: Development (98-2-024)

The university shall comply with local comprehensive land use laws and regulations for this project.

Appropriation:

|  |    |            |
|--|----|------------|
| State Building Construction Account--State | \$ | 2,000,000  |
| Prior Biennia (Expenditures)               | \$ | 450,000    |
| Future Biennia (Projected Costs)           | \$ | 20,000,000 |
|  |    | -----      |
| TOTAL                                      | \$ | 22,450,000 |

**NEW SECTION. Sec. 743. FOR WESTERN WASHINGTON UNIVERSITY**  
Communications Facility: Design (98-2-053)

The appropriation in this section is subject to the following conditions and limitations:  
(1) The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.  
(2) The program scope and project budget for this project shall comply with the approved predesign document on file with the office of financial management.

Appropriation:

|  |    |            |
|--|----|------------|
| State Building Construction Account--State | \$ | 3,750,000  |
| Prior Biennia (Expenditures)               | \$ | 204,400    |
| Future Biennia (Projected Costs)           | \$ | 36,500,000 |
|  |    | -----      |
| TOTAL                                      | \$ | 40,454,400 |

**NEW SECTION. Sec. 744. FOR WESTERN WASHINGTON UNIVERSITY**  
Minor Works: Program (98-2-063)

The reappropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

|   |    |           |
|---|----|-----------|
| Western Washington University Capital Projects Account--State | \$ | 3,300,000 |
| Prior Biennia (Expenditures)                                  | \$ |           |

|                                  |    |           |
|----------------------------------|----|-----------|
| Future Biennia (Projected Costs) | \$ | 2,328,529 |
|                                  |    | 0         |
|                                  |    | -----     |
| TOTAL                            | \$ | 5,628,529 |

**NEW SECTION. Sec. 745. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**  
**Stadium Way Facility: Seismic and infrastructure repair (96-1-102)**

The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Appropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 1,745,000 |
| Prior Biennia (Expenditures)               | \$ | 3,422,626 |
| Future Biennia (Projected Costs)           | \$ | 0         |
|  |    | -----     |
| TOTAL                                      | \$ | 5,167,626 |

**NEW SECTION. Sec. 746. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**  
**State Capital Museum: Preservation (98-1-001)**

Appropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 284,000   |
| Prior Biennia (Expenditures)               | \$ | 200,000   |
| Future Biennia (Projected Costs)           | \$ | 1,150,000 |
|  |    | -----     |
| TOTAL                                      | \$ | 1,634,000 |

**NEW SECTION. Sec. 747. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**  
**Minor Works (98-1-003)**

Appropriation:

|  |    |         |
|--|----|---------|
| State Building Construction Account--State | \$ | 90,000  |
| Prior Biennia (Expenditures)               | \$ | 83,000  |
| Future Biennia (Projected Costs)           | \$ | 390,000 |

TOTAL \$

-----  
563,000

**NEW SECTION. Sec. 748. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**  
Washington Heritage Projects (98-2-004)

The appropriation in this section is subject to the following conditions and limitations:

(1) The state grant may provide no more than one-third of the actual total capital cost of the project, or the amount of state assistance listed in this section, whichever is less. The remaining portions of capital project costs shall be a match from nonstate sources. The match may include cash, land value, and documented in-kind gifts and support. State grants shall be disbursed in the order in which matching requirements are met. The society may only fund projects that demonstrate adequate progress and have secured the necessary match funding. The recommendation for funding in this section does not imply a commitment on the part of the state. Those projects listed in subsection (3) of this section that do not receive funding from the appropriations in this section shall be required to recompile in order to receive future funding.

(2) By December 15, 1999, the society shall submit a report to the appropriate fiscal committees of the legislature and to the office of financial management on the progress of the heritage program, including a list of projects funded under this section.

(3) The appropriation is provided for the following list of projects:

| Organization                                  | Amount Recommended | Total Project Cost |
|---|--------------------|--------------------|
| Port Townsend Marine Science Center           | 70,000             | 711,530            |
| Yakima Valley Museum                          | 400,000            | 3,266,771          |
| Northwest Railway Museum                      | 118,000            | 377,209            |
| Columbia Breaks Fire Interpretive Center      | 48,298             | 175,764            |
| Fort Nisqually Historic Site                  | 121,435            | 364,303            |
| Kittitas County                               | 500,000            | 2,878,285          |
| South Whidbey Historical Society              | 25,000             | 114,301            |
| Shoreline Historical Museum                   | 196,073            | 597,148            |
| Okanogan County                               | 113,000            | 459,342            |
| North Central Washington Museum               | 500,000            | 2,572,750          |
| Historic Seattle Public Development Authority | 330,000            | 4,781,600          |
| Pearson Field                                 | 250,000            | 1,154,711          |
| Touchet Valley                                | 180,000            | 632,607            |
| Anacortes Museum - W.T. Preston               | 54,004             | 195,198            |
| Whatcom Museum                                | 360,000            | 2,929,050          |
| Oysterville Community Club                    | 37,799             | 113,400            |
| Meadowbrook Farm                              | 94,000             | 4,208,000          |
| City of Lynnwood (9971)                       | 50,391             | 151,175            |
| Grays Harbor Historical Seaport               | 220,000            | 3,865,800          |
| Lewis County                                  | 25,000             | 80,574             |
| City of Des Moines                            | 120,000            | 712,852            |
| Steilacoom Historical Society                 | 187,000            | 905,739            |
| Kalispel Tribe                                | 132,000            | 3,943,744          |
| White River Valley Museum                     | 71,000             | 312,520            |
| Whitman County Historical Society             | 50,013             | 150,325            |
| City of Stanwood                              | 249,873            | 788,564            |
| Maritime Heritage Foundation                  | 500,000            | 37,750,000         |
| Highline School District                      | 363,575            | 1,090,725          |
| Total Recommended                             | 5,481,374          |                    |

Reappropriation:

|  |    |            |
|--|----|------------|
| State Building Construction Account--State | \$ | 815,000    |
| Appropriation:                             |    |            |
| State Building Construction Account--State | \$ | 4,000,000  |
| Prior Biennia (Expenditures)               | \$ | 3,285,000  |
| Future Biennia (Projected Costs)           | \$ | 16,000,000 |
|  |    | -----      |
| TOTAL                                      | \$ | 24,100,000 |

**NEW SECTION. Sec. 749. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY**

Cheney Cowles Museum: Addition and remodel (98-2-001)

- The appropriations in this section are subject to the following conditions and limitations:
- (1) The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.
  - (2) The program scope and project budget for this project shall comply with the approved predesign document on file with the office of financial management.
  - (3) The appropriation in this section shall be matched by at least twenty percent from nonstate sources.

|  |    |            |
|--|----|------------|
| Reappropriation:   |    |            |
| State Building Construction Account--State               | \$ | 300,000    |
| Appropriation:   |    |            |
| State Building Construction Account--State               | \$ | 18,891,600 |
| Washington State Historical Trust Account--Private/Local | \$ | 4,372,900  |
|  |    | -----      |
| Subtotal Appropriation                                   | \$ | 23,264,500 |
| Prior Biennia (Expenditures)                             | \$ | 2,425,000  |
| Future Biennia (Projected Costs)                         | \$ | 0          |
|  |    | -----      |
| TOTAL  | \$ | 25,989,500 |

**NEW SECTION. Sec. 750. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Minor Works: Preservation (00-1-001)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

|  |    |            |
|--|----|------------|
| Community and Technical Colleges Capital Projects Account--State | \$ | 11,700,000 |
| Prior Biennia (Expenditures)                                     | \$ | 0          |
| Future Biennia (Projected Costs)                                 | \$ | 54,000,000 |
|  |    | -----      |
| TOTAL  | \$ | 65,700,000 |

**NEW SECTION. Sec. 751. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Roof Repairs (00-1-010)

Appropriation:

|  |    |            |
|--|----|------------|
| Community and Technical Colleges Capital Projects Account--State | \$ | 4,597,000  |
| Prior Biennia (Expenditures)                                     | \$ | 0          |
| Future Biennia (Projected Costs)                                 | \$ | 16,000,000 |
|  |    | -----      |
| TOTAL  | \$ | 20,597,000 |

**NEW SECTION. Sec. 752. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Facility Repairs (00-1-050)

Appropriation:

|  |    |            |
|--|----|------------|
| State Building Construction Account--State                       | \$ | 23,500,000 |
| Community and Technical Colleges Capital Projects Account--State | \$ | 3,900,000  |
|  |    | -----      |
| Subtotal Appropriation   | \$ | 27,400,000 |
| Prior Biennia (Expenditures)                                     | \$ | 0          |
| Future Biennia (Projected Costs)                                 | \$ | 75,000,000 |
|  |    | -----      |
| TOTAL  | \$ |            |

102,400,000

**NEW SECTION. Sec. 753. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Site Repairs (00-1-090)

The appropriation in this section is subject to the following condition and limitation: \$250,000 is provided solely to Seattle Central Community College for site work at the Lincoln reservoir.

Appropriation:

|  |    |            |
|--|----|------------|
| State Building Construction Account--State | \$ | 3,842,000  |
| Prior Biennia (Expenditures)               | \$ | 0          |
| Future Biennia (Projected Costs)           | \$ | 12,000,000 |
|  |    | -----      |
| TOTAL                                      | \$ | 15,842,000 |

**NEW SECTION. Sec. 754. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Pierce College - Portable Buildings: Replacement (00-1-223)

Appropriation:

|  |    |           |
|--|----|-----------|
| Community and Technical Colleges Capital Projects Account--State | \$ | 5,640,000 |
| Prior Biennia (Expenditures)                                     | \$ | 0         |
| Future Biennia (Projected Costs)                                 | \$ | 0         |
|  |    | -----     |
| TOTAL  | \$ | 5,640,000 |

**NEW SECTION. Sec. 755. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Columbia Basin College - N Building: Replacement (00-1-232)

Appropriation:

|  |    |           |
|--|----|-----------|
| Community and Technical Colleges Capital Projects Account--State | \$ | 1,351,700 |
| Prior Biennia (Expenditures)                                     | \$ | 0         |
| Future Biennia (Projected Costs)                                 | \$ | 0         |
|  |    | -----     |
| TOTAL  | \$ |           |

1,351,700

**NEW SECTION. Sec. 756. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Edmonds Community College - Relocatable Buildings: Replacement (00-1-236)

Appropriation:

|  |    |           |
|--|----|-----------|
| Community and Technical Colleges Capital Projects Account--State | \$ | 6,400,000 |
| Prior Biennia (Expenditures)                                     | \$ | 0         |
| Future Biennia (Projected Costs)                                 | \$ | 0         |
| TOTAL  |    | -----     |
|  | \$ | 6,400,000 |

**NEW SECTION. Sec. 757. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

South Puget Sound Community College - Portable Building: Replacement (00-1-237)

Appropriation:

|  |    |           |
|--|----|-----------|
| Community and Technical Colleges Capital Projects Account--State | \$ | 4,612,400 |
| Prior Biennia (Expenditures)                                     | \$ | 0         |
| Future Biennia (Projected Costs)                                 | \$ | 0         |
| TOTAL  |    | -----     |
|  | \$ | 4,612,400 |

**NEW SECTION. Sec. 758. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Minor Works: Program (00-1-130)

The appropriation in this section are subject to the following conditions and limitations:

(1) \$350,000 is provided for technical engineering analysis and financial planning regarding the conversion to digital transmission for Washington public broadcast stations. The financial plan shall assess state, federal, nonprofit foundations, viewer donations, and other sources of revenue to implement the conversion from analog to digital transmission. The provision of these study funds do not imply a further commitment of funding by the state of Washington.

(2) Funding is provided from the state building construction account as capital project matching funds to the following colleges: Wenatchee Valley, \$250,000; Clark, \$250,000; Lake Washington, \$300,000; Bellevue, \$500,000; Walla Walla, \$500,000; Grays Harbor, \$400,000. State funds shall be matched by an equal or greater amount of nonstate moneys.

(3) Following the allocation of funds for the projects in subsections (1) and (2) of this section, the appropriations in this section shall support the detailed list of projects maintained by the office of financial management.



Appropriation:

|  |    |            |
|--|----|------------|
| State Building Construction Account--State                       | \$ | 15,050,000 |
| Community and Technical Colleges Capital Projects Account--State | \$ | 1,800,000  |
|  |    | -----      |
| Subtotal Appropriation   | \$ | 16,850,000 |
| Prior Biennia (Expenditures)                                     | \$ | 0          |
| Future Biennia (Projected Costs)                                 | \$ | 0          |
|  |    | -----      |
| TOTAL  | \$ | 16,850,000 |

**NEW SECTION. Sec. 759. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Olympic College - Plant Operations Building: Replacement (00-2-002)

The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Appropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 1,029,000 |
| Prior Biennia (Expenditures)               | \$ | 0         |
| Future Biennia (Projected Costs)           | \$ | 3,971,000 |
|  |    | -----     |
| TOTAL                                      | \$ | 5,000,000 |

**NEW SECTION. Sec. 760. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Columbia Basin College: Electrical substation

Appropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 1,000,000 |
| Prior Biennia (Expenditures)               | \$ | 0         |
| Future Biennia (Projected Costs)           | \$ | 0         |
|  |    | -----     |
| TOTAL                                      | \$ |           |

1,000,000

**NEW SECTION. Sec. 761. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Bellevue Community College - Robinswood School: Replacement (00-2-005)

The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Appropriation:

|  |    |            |
|--|----|------------|
| State Building Construction Account--State | \$ | 15,806,600 |
| Prior Biennia (Expenditures)               | \$ | 0          |
| Future Biennia (Projected Costs)           | \$ | 0          |
| TOTAL                                      |    | -----      |
|  | \$ | 15,806,600 |

**NEW SECTION. Sec. 762. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Shoreline Community College - Library/Technology Center (00-2-319)

Appropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 7,250,000 |
| Prior Biennia (Expenditures)               | \$ | 0         |
| Future Biennia (Projected Costs)           | \$ | 0         |
| TOTAL                                      |    | -----     |
|  | \$ | 7,250,000 |

**NEW SECTION. Sec. 763. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Green River Community College - Drama and Music Class/Labs: Renovation (00-2-322)

Appropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 3,430,000 |
| Prior Biennia (Expenditures)               | \$ | 0         |
| Future Biennia (Projected Costs)           | \$ | 0         |
| TOTAL                                      |    | -----     |
|  | \$ |           |

3,430,000

**NEW SECTION. Sec. 764. FOR THE COMMUNITY AND TECHNICAL COLLEGE**  
**SYSTEM**

Clark College - Applied Arts IV Building: Renovation (00-2-326)

Appropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ |           |
|  |    | 2,540,000 |
| Prior Biennia (Expenditures)               | \$ | 0         |
| Future Biennia (Projected Costs)           | \$ | 0         |
|  |    | -----     |
| TOTAL                                      | \$ | 2,540,000 |

**NEW SECTION. Sec. 765. FOR THE COMMUNITY AND TECHNICAL COLLEGE**  
**SYSTEM**

Wenatchee Valley College - Sexton Hall Computer Labs: Renovation (00-2-327)

Appropriation:

|  |    |         |
|--|----|---------|
| State Building Construction Account--State | \$ |         |
|  |    | 700,000 |
| Prior Biennia (Expenditures)               | \$ | 0       |
| Future Biennia (Projected Costs)           | \$ | 0       |
|  |    | -----   |
| TOTAL                                      | \$ | 700,000 |

**NEW SECTION. Sec. 766. FOR THE COMMUNITY AND TECHNICAL COLLEGE**  
**SYSTEM**

Yakima Valley Community College - Mechanics Complex: Renovation (00-2-328)

Appropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ |           |
|  |    | 1,715,000 |
| Prior Biennia (Expenditures)               | \$ | 0         |
| Future Biennia (Projected Costs)           | \$ | 0         |
|  |    | -----     |
| TOTAL                                      | \$ | 1,715,000 |

**NEW SECTION. Sec. 767. FOR THE COMMUNITY AND TECHNICAL COLLEGE**  
**SYSTEM**

Tacoma Community College - Building 5: Renovation (00-2-335)

Appropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 1,500,000 |
| Prior Biennia (Expenditures)               | \$ | 0         |
| Future Biennia (Projected Costs)           | \$ | 0         |
| TOTAL                                      |    | -----     |
|  | \$ | 1,500,000 |

**NEW SECTION. Sec. 768. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Bellingham Technical College - Building B: Renovation (00-2-338)

Appropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 1,926,800 |
| Prior Biennia (Expenditures)               | \$ | 0         |
| Future Biennia (Projected Costs)           | \$ | 0         |
| TOTAL                                      |    | -----     |
|  | \$ | 1,926,800 |

**NEW SECTION. Sec. 769. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Cascadia Community College: Development (00-2-501)

The appropriation in this section is subject to the following conditions and limitations:

(1) No money from this appropriation may be expended that would be inconsistent with the recommendations of the higher education coordinating board and the project design, scope, and schedule approved by the office of financial management.

(2) \$7,500,000 of this appropriation is provided solely for equipment and completion of phase I of the colocated campus.

(3) The appropriation in this section is subject to the review and allotment procedures under sections 902 through 904 of this act.

(4) The appropriation in this section is to be combined with the appropriations shown in sections 617, 638, 639, and 821 of this act and shall be managed by the department of general administration.

(5) \$42,600,000 of this appropriation is provided solely for the completion of construction of phase IIA of the campus. The appropriation represents the total state contribution for all costs including design, construction, and equipping of phase IIA of the campus.

(6) Phase IIA shall accommodate 1,000 additional full-time equivalent students when completed.

Appropriation:

|  |    |             |
|--|----|-------------|
| State Building Construction Account--State | \$ | 50,100,000  |
| Prior Biennia (Expenditures)               | \$ | 0           |
| Future Biennia (Projected Costs)           | \$ | 105,000,000 |
|  |    | -----       |
| TOTAL                                      | \$ | 155,100,000 |

**NEW SECTION. Sec. 770. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Pierce College - Puyallup Campus Phase 3 Expansion: Predesign (00-2-676)

Appropriation:

|  |    |            |
|--|----|------------|
| State Building Construction Account--State | \$ | 217,200    |
| Prior Biennia (Expenditures)               | \$ | 0          |
| Future Biennia (Projected Costs)           | \$ | 19,400,000 |
|  |    | -----      |
| TOTAL                                      | \$ | 19,617,200 |

**NEW SECTION. Sec. 771. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Whatcom Community College - Classroom/Laboratory Building (00-2-677)

To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 2000.

Appropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 80,000    |
| Prior Biennia (Expenditures)               | \$ | 0         |
| Future Biennia (Projected Costs)           | \$ | 9,300,000 |
|  |    | -----     |
| TOTAL                                      | \$ | 9,380,000 |

**NEW SECTION. Sec. 772. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Highline Community College - 21st Century Careers Center (00-2-678)

To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 2000.

Appropriation:

|  |    |            |
|--|----|------------|
| State Building Construction Account--State | \$ | 117,000    |
| Prior Biennia (Expenditures)               | \$ | 0          |
| Future Biennia (Projected Costs)           | \$ | 17,900,000 |
|  |    | -----      |
| TOTAL                                      | \$ | 18,017,000 |

**NEW SECTION. Sec. 773. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

South Puget Sound Community College - Humanities/General Education Complex (00-2-679)

To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 2000.

Appropriation:

|  |    |            |
|--|----|------------|
| State Building Construction Account--State | \$ | 124,000    |
| Prior Biennia (Expenditures)               | \$ | 0          |
| Future Biennia (Projected Costs)           | \$ | 14,900,000 |
|  |    | -----      |
| TOTAL                                      | \$ | 15,024,000 |

**NEW SECTION. Sec. 774. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Clark College - Higher Education Center at WSU Vancouver (00-2-680)

To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 2000.

Appropriation:

|  |    |            |
|--|----|------------|
| State Building Construction Account--State | \$ | 120,000    |
| Prior Biennia (Expenditures)               | \$ | 0          |
| Future Biennia (Projected Costs)           | \$ | 18,350,000 |

|  |       |    |            |
|--|-------|----|------------|
|  | TOTAL | \$ | -----      |
|  |       |    | 18,470,000 |

**NEW SECTION. Sec. 775. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Wenatchee Valley Omak - Science Lab (00-2-952)

Appropriation:

|  |  |    |         |
|--|--|----|---------|
|  | State Building Construction Account--State | \$ | 900,000 |
|  | Prior Biennia (Expenditures)               | \$ | 0       |
|  | Future Biennia (Projected Costs)           | \$ | 0       |
|  | TOTAL                                      | \$ | -----   |
|  |  |    | 900,000 |

**NEW SECTION. Sec. 776. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Yakima Valley Higher Education Center: Acquisition and design (00-2-954)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

(2) The program scope and project budget for this project shall comply with the approved predesign document on file with the office of financial management.

Appropriation:

|  |  |    |            |
|--|--|----|------------|
|  | State Building Construction Account--State | \$ | 4,000,000  |
|  | Prior Biennia (Expenditures)               | \$ | 0          |
|  | Future Biennia (Projected Costs)           | \$ | 17,000,000 |
|  | TOTAL                                      | \$ | -----      |
|  |  |    | 21,000,000 |

**NEW SECTION. Sec. 777. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Construct Classroom and Laboratory Building: Edmonds Community College (94-2-604)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

|  |  |    |         |
|--|--|----|---------|
|  | State Building Construction Account--State | \$ | 318,142 |
|--|--|----|---------|

|                                  |    |           |
|----------------------------------|----|-----------|
| Prior Biennia (Expenditures)     | \$ | 4,840,318 |
| Future Biennia (Projected Costs) | \$ | 0         |
|                                  |    | -----     |
| TOTAL                            | \$ | 5,158,460 |

**NEW SECTION. Sec. 778. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Construct Center for Information Technology: Green River Community College (94-2-606)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 350,000   |
| Prior Biennia (Expenditures)               | \$ | 2,681,551 |
| Future Biennia (Projected Costs)           | \$ | 0         |
|  |    | -----     |
| TOTAL                                      | \$ | 3,031,551 |

**NEW SECTION. Sec. 779. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Americans with Disabilities Act: Improvements (94-5-001)

Reappropriation:

|  |    |         |
|--|----|---------|
| State Building Construction Account--State | \$ | 30,000  |
| Prior Biennia (Expenditures)               | \$ | 97,939  |
| Future Biennia (Projected Costs)           | \$ | 0       |
|  |    | -----   |
| TOTAL                                      | \$ | 127,939 |

**NEW SECTION. Sec. 780. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Small Repairs, Improvements, and Underground Storage Tank Removal (96-1-001)

Reappropriation:

|  |    |         |
|--|----|---------|
| State Building Construction Account--State | \$ | 100,000 |
|--|----|---------|



|                                  |    |           |
|----------------------------------|----|-----------|
| Prior Biennia (Expenditures)     | \$ | 3,372,038 |
| Future Biennia (Projected Costs) | \$ | 0         |
|                                  |    | -----     |
| TOTAL                            | \$ | 3,472,038 |

**NEW SECTION. Sec. 781. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Asbestos Abatement (96-1-002)

Reappropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 200,000   |
| Prior Biennia (Expenditures)               | \$ | 959,890   |
| Future Biennia (Projected Costs)           | \$ | 0         |
|  |    | -----     |
| TOTAL                                      | \$ | 1,159,890 |

**NEW SECTION. Sec. 782. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Roof Repairs (96-1-010)

Reappropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 500,000   |
| Prior Biennia (Expenditures)               | \$ | 1,015,690 |
| Future Biennia (Projected Costs)           | \$ | 0         |
|  |    | -----     |
| TOTAL                                      | \$ | 1,515,690 |

**NEW SECTION. Sec. 783. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Heating, Ventilating, and Air Conditioning Repairs (96-1-030)

Reappropriation:

|  |    |         |
|--|----|---------|
| State Building Construction Account--State | \$ | 45,000  |
| Prior Biennia (Expenditures)               | \$ | 640,356 |
| Future Biennia (Projected Costs)           | \$ | 0       |

TOTAL \$ -----  
685,356

**NEW SECTION. Sec. 784. FOR THE COMMUNITY AND TECHNICAL COLLEGE**  
**SYSTEM**

Mechanical Repairs (96-1-060)

Reappropriation:

State Building Construction Account--State \$ 100,000

Prior Biennia (Expenditures) \$ 441,547

Future Biennia (Projected Costs) \$ 0

TOTAL \$ -----  
541,547

**NEW SECTION. Sec. 785. FOR THE COMMUNITY AND TECHNICAL COLLEGE**  
**SYSTEM**

Electrical Repairs (96-1-080)

Reappropriation:

State Building Construction Account--State \$ 450,000

Prior Biennia (Expenditures) \$ 351,387

Future Biennia (Projected Costs) \$ 0

TOTAL \$ -----  
801,387

**NEW SECTION. Sec. 786. FOR THE COMMUNITY AND TECHNICAL COLLEGE**  
**SYSTEM**

Exterior Repairs (96-1-100)

Reappropriation:

State Building Construction Account--State \$ 30,000

Prior Biennia (Expenditures) \$ 1,501,582

Future Biennia (Projected Costs) \$ 0

TOTAL \$ -----  
1,531,582

**NEW SECTION. Sec. 787. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Interior Repairs (96-1-120)

Reappropriation:

|  |    |         |
|--|----|---------|
| State Building Construction Account--State | \$ | 100,000 |
| Prior Biennia (Expenditures)               | \$ | 895,514 |
| Future Biennia (Projected Costs)           | \$ | 0       |
| TOTAL                                      |    | -----   |
|  | \$ | 995,514 |

**NEW SECTION. Sec. 788. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Site Repairs (96-1-140)

Reappropriation:

|  |    |         |
|--|----|---------|
| State Building Construction Account--State | \$ | 100,000 |
| Prior Biennia (Expenditures)               | \$ | 295,040 |
| Future Biennia (Projected Costs)           | \$ | 0       |
| TOTAL                                      |    | -----   |
|  | \$ | 395,040 |

**NEW SECTION. Sec. 789. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Yakima Valley College--Replace pedestrian street crossing (96-1-400)

The appropriation in this section is provided solely to use with other nonstate sources for the construction or installation of a pedestrian street crossing or other safety improvements.

Reappropriation:

|  |    |         |
|--|----|---------|
| State Building Construction Account--State | \$ | 100,000 |
|--|----|---------|

Appropriation:

|  |    |         |
|--|----|---------|
| State Building Construction Account--State | \$ | 170,000 |
| Prior Biennia (Expenditures)               | \$ | 0       |
| Future Biennia (Projected Costs)           | \$ | 0       |
|  |    | -----   |

TOTAL \$

270,000

**NEW SECTION. Sec. 790. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Infrastructure Project: Savings (96-1-500)

Projects that are completed in accordance with section 911 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilating, and air conditioning repairs; (7) emergency repairs due to natural disasters or accidents; and (8) critical year 2000 embedded chip modifications.

Reappropriation:

|  |    |       |
|--|----|-------|
| State Building Construction Account--State | \$ | 1     |
| Prior Biennia (Expenditures)               | \$ | 0     |
| Future Biennia (Projected Costs)           | \$ | 0     |
|  |    | ----- |
| TOTAL                                      | \$ | 1     |

**NEW SECTION. Sec. 791. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Repair and Minor Improvement Projects (96-2-199)

Reappropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 1,000,000 |
| Prior Biennia (Expenditures)               | \$ | 2,176,473 |
| Future Biennia (Projected Costs)           | \$ | 0         |
|  |    | -----     |
| TOTAL                                      | \$ | 3,176,473 |

**NEW SECTION. Sec. 792. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Project Artwork Consolidation Account (96-2-400)

Reappropriation:

|  |    |         |
|--|----|---------|
| State Building Construction Account--State | \$ | 241,000 |
| Prior Biennia (Expenditures)               | \$ | 219,270 |

|                                  |    |         |
|----------------------------------|----|---------|
| Future Biennia (Projected Costs) | \$ | 0       |
|                                  |    | -----   |
| TOTAL                            | \$ | 460,270 |

**NEW SECTION. Sec. 793. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

North Seattle Community College - Vocational/Child Care Buildings: Construction (96-2-651)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

|  |    |            |
|--|----|------------|
| State Building Construction Account--State | \$ | 12,000,000 |
| Prior Biennia (Expenditures)               | \$ | 2,704,161  |
| Future Biennia (Projected Costs)           | \$ | 0          |
|  |    | -----      |
| TOTAL                                      | \$ | 14,704,161 |

**NEW SECTION. Sec. 794. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Everett Community College - Instructional Technology Center: Construction (96-2-652)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

|  |    |            |
|--|----|------------|
| State Building Construction Account--State | \$ | 1,600,000  |
| Prior Biennia (Expenditures)               | \$ | 15,017,483 |
| Future Biennia (Projected Costs)           | \$ | 0          |
|  |    | -----      |
| TOTAL                                      | \$ | 16,617,483 |

**NEW SECTION. Sec. 795. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

South Seattle Community College - Integrated Learning Assistance Resource Center: Construction (96-2-653)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 6,000,000 |
| Prior Biennia (Expenditures)               | \$ | 2,460,167 |
| Future Biennia (Projected Costs)           | \$ | 0         |
|  |    | -----     |
| TOTAL                                      | \$ | 8,460,167 |

**NEW SECTION. Sec. 796. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Olympic College - Poulsbo Center: Construction (96-2-654)

The appropriations in this section are subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

|  |    |         |
|--|----|---------|
| State Building Construction Account--State | \$ | 147,034 |
|--|----|---------|

Appropriation:

|  |    |            |
|--|----|------------|
| State Building Construction Account--State | \$ | 12,900,000 |
| Prior Biennia (Expenditures)               | \$ | 0          |
| Future Biennia (Projected Costs)           | \$ | 0          |
|  |    | -----      |
| TOTAL                                      | \$ | 13,047,034 |

**NEW SECTION. Sec. 797. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Bellevue Community College - Classrooms and Labs: Construction (96-2-655)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 250,000   |
| Prior Biennia (Expenditures)               | \$ | 9,419,551 |
| Future Biennia (Projected Costs)           | \$ | 0         |
|  |    | -----     |
| TOTAL                                      | \$ |           |

9,669,551

**NEW SECTION. Sec. 798. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Clover Park Technical College - Transportation Trades: Design (96-2-662)

The appropriations in this section are subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account--State \$ 25,000

Appropriation:

State Building Construction Account--State \$ 1,200,000

Prior Biennia (Expenditures) \$ 25,000

Future Biennia (Projected Costs) \$ 16,230,000

TOTAL \$ -----  
17,480,000

**NEW SECTION. Sec. 799. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Clover Park Technical College - Aviation Trades Complex: Construction (96-2-998)

The appropriations in this section are subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

Community/Technical College Capital Projects Account--State \$ 5,200,000

Appropriation:

State Building Construction Account--State \$ 4,700,000

Prior Biennia (Expenditures) \$ 2,100,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ -----  
12,000,000

**NEW SECTION. Sec. 800. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Repair and Minor Improvement (98-1-001)

Reappropriation:

State Building Construction Account--State \$

|                                  |    |            |
|----------------------------------|----|------------|
|                                  |    | 4,200,000  |
| Prior Biennia (Expenditures)     | \$ |            |
|                                  |    | 7,000,000  |
| Future Biennia (Projected Costs) | \$ | 0          |
|                                  |    | -----      |
| TOTAL                            | \$ | 11,200,000 |

**NEW SECTION. Sec. 801. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Asbestos Abatement (98-1-002)

Reappropriation:

|  |    |         |
|--|----|---------|
| State Building Construction Account--State | \$ | 150,000 |
|  |    |         |
| Prior Biennia (Expenditures)               | \$ |         |
|  |    | 744,097 |
| Future Biennia (Projected Costs)           | \$ | 0       |
|  |    | -----   |
| TOTAL                                      | \$ | 894,097 |

**NEW SECTION. Sec. 802. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Underground Storage Tanks (98-1-003)

Reappropriation:

|  |    |         |
|--|----|---------|
| State Building Construction Account--State | \$ | 400,000 |
|  |    |         |
| Prior Biennia (Expenditures)               | \$ |         |
|  |    | 390,490 |
| Future Biennia (Projected Costs)           | \$ | 0       |
|  |    | -----   |
| TOTAL                                      | \$ | 790,490 |

**NEW SECTION. Sec. 803. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Roof Repairs (98-1-010)

Reappropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 4,500,000 |
|  |    |           |
| Prior Biennia (Expenditures)               | \$ |           |



|                                  |    |            |
|----------------------------------|----|------------|
| Future Biennia (Projected Costs) | \$ | 7,080,400  |
|                                  |    | 0          |
|                                  |    | -----      |
| TOTAL                            | \$ | 11,580,400 |

**NEW SECTION. Sec. 804. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Heating, Ventilating, and Air Conditioning Repairs (98-1-040)

Reappropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 2,000,000 |
| Prior Biennia (Expenditures)               | \$ | 5,940,000 |
| Future Biennia (Projected Costs)           | \$ | 0         |
|  |    | -----     |
| TOTAL                                      | \$ | 7,940,000 |

**NEW SECTION. Sec. 805. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Mechanical Repairs (98-1-070)

Reappropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 800,000   |
| Prior Biennia (Expenditures)               | \$ | 1,832,300 |
| Future Biennia (Projected Costs)           | \$ | 0         |
|  |    | -----     |
| TOTAL                                      | \$ | 2,632,300 |

**NEW SECTION. Sec. 806. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Electrical Repairs (98-1-090)

Reappropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 2,500,000 |
| Prior Biennia (Expenditures)               | \$ | 1,549,400 |
| Future Biennia (Projected Costs)           | \$ | 0         |

TOTAL \$ -----  
4,049,400

**NEW SECTION. Sec. 807. FOR THE COMMUNITY AND TECHNICAL COLLEGE**  
**SYSTEM**

Exterior Repairs (98-1-110)

Reappropriation:

State Building Construction Account--State \$ 3,000,000

Prior Biennia (Expenditures) \$ 914,200

Future Biennia (Projected Costs) \$ 0

TOTAL \$ -----  
3,914,200

**NEW SECTION. Sec. 808. FOR THE COMMUNITY AND TECHNICAL COLLEGE**  
**SYSTEM**

Interior Repairs (98-1-130)

Reappropriation:

State Building Construction Account--State \$ 1,000,000

Prior Biennia (Expenditures) \$ 1,361,500

Future Biennia (Projected Costs) \$ 0

TOTAL \$ -----  
2,361,500

**NEW SECTION. Sec. 809. FOR THE COMMUNITY AND TECHNICAL COLLEGE**  
**SYSTEM**

Site Repairs (98-1-150)

Reappropriation:

State Building Construction Account--State \$ 850,000

Prior Biennia (Expenditures) \$ 325,400

Future Biennia (Projected Costs) \$ 0

TOTAL \$ -----  
1,175,400

**NEW SECTION. Sec. 810. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Bates Technical College: Renovation (98-1-190)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 8,400,000 |
| Prior Biennia (Expenditures)               | \$ | 294,716   |
| Future Biennia (Projected Costs)           | \$ | 0         |
| TOTAL                                      |    | -----     |
|  | \$ | 8,694,716 |

**NEW SECTION. Sec. 811. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Bellingham Technical College: Renovation (98-1-191)

Reappropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 400,000   |
| Prior Biennia (Expenditures)               | \$ | 992,648   |
| Future Biennia (Projected Costs)           | \$ | 0         |
| TOTAL                                      |    | -----     |
|  | \$ | 1,392,648 |

**NEW SECTION. Sec. 812. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Clover Park Technical College: Renovation (98-1-192)

Reappropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 2,000,000 |
| Prior Biennia (Expenditures)               | \$ | 1,781,518 |
| Future Biennia (Projected Costs)           | \$ | 0         |
| TOTAL                                      |    | -----     |
|  | \$ | 3,781,518 |

**NEW SECTION. Sec. 813. FOR THE COMMUNITY AND TECHNICAL COLLEGE**  
**SYSTEM**

Seattle Central Community College: Renovation (98-1-193)

Reappropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 4,700,000 |
| Prior Biennia (Expenditures)               | \$ | 133,605   |
| Future Biennia (Projected Costs)           | \$ | 0         |
|  |    | -----     |
| TOTAL                                      | \$ | 4,833,605 |

**NEW SECTION. Sec. 814. FOR THE COMMUNITY AND TECHNICAL COLLEGE**  
**SYSTEM**

Americans with Disabilities Act: Improvements (98-1-993)

Reappropriation:

|  |    |         |
|--|----|---------|
| State Building Construction Account--State | \$ | 333,000 |
| Prior Biennia (Expenditures)               | \$ | 289,393 |
| Future Biennia (Projected Costs)           | \$ | 0       |
|  |    | -----   |
| TOTAL                                      | \$ | 622,393 |

**NEW SECTION. Sec. 815. FOR THE COMMUNITY AND TECHNICAL COLLEGE**  
**SYSTEM**

Minor Improvements (98-2-200)

Reappropriation:

|  |    |            |
|--|----|------------|
| State Building Construction Account--State | \$ | 5,000,000  |
| Prior Biennia (Expenditures)               | \$ | 7,900,369  |
| Future Biennia (Projected Costs)           | \$ | 0          |
|  |    | -----      |
| TOTAL                                      | \$ | 12,900,369 |

**NEW SECTION. Sec. 816. FOR THE COMMUNITY AND TECHNICAL COLLEGE**  
**SYSTEM**

Olympic College - Library: Replacement (98-2-500)

The appropriations in this section are subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

|  |    |           |
|--|----|-----------|
| General Fund--Federal                      | \$ |           |
|  |    | 3,700,000 |
| State Building Construction Account--State | \$ |           |
|  |    | 1,600,000 |
|  |    | -----     |
| Subtotal Reappropriation                   | \$ | 5,300,000 |

Appropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ |           |
|  |    | 976,000   |
| Prior Biennia (Expenditures)               | \$ |           |
|  |    | 836,448   |
| Future Biennia (Projected Costs)           | \$ |           |
|  |    | 0         |
|  |    | -----     |
| TOTAL                                      | \$ | 7,112,448 |

**NEW SECTION. Sec. 817. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Highline Community College - Classroom/Laboratory Building: Construction (98-2-660)

The appropriations in this section are subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

|  |    |         |
|--|----|---------|
| State Building Construction Account--State | \$ |         |
|  |    | 310,000 |

Appropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ |           |
|  |    | 5,700,000 |
| Prior Biennia (Expenditures)               | \$ |           |
|  |    | 79,717    |
| Future Biennia (Projected Costs)           | \$ |           |
|  |    | 0         |
|  |    | -----     |
| TOTAL                                      | \$ | 6,089,717 |

**NEW SECTION. Sec. 818. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Spokane Community College - Allied Health Building: Addition (98-2-661)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

|  |    |         |
|--|----|---------|
| State Building Construction Account--State | \$ | 600,000 |
|--|----|---------|

Appropriation:

|  |    |            |
|--|----|------------|
| State Building Construction Account--State | \$ | 10,700,000 |
|--|----|------------|

|                              |    |        |
|------------------------------|----|--------|
| Prior Biennia (Expenditures) | \$ | 91,108 |
|------------------------------|----|--------|

|                                  |    |   |
|----------------------------------|----|---|
| Future Biennia (Projected Costs) | \$ | 0 |
|----------------------------------|----|---|

|       |    |                     |
|-------|----|---------------------|
| TOTAL | \$ | -----<br>11,391,108 |
|-------|----|---------------------|

**NEW SECTION. Sec. 819. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Bellingham Technical College - Business and Health Technology Building (98-2-672)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

(2) The program scope and project budget for this project shall comply with the approved predesign document on file with the office of financial management.

Reappropriation:

|  |    |        |
|--|----|--------|
| State Building Construction Account--State | \$ | 19,693 |
|--|----|--------|

Appropriation:

|  |    |         |
|--|----|---------|
| State Building Construction Account--State | \$ | 775,000 |
|--|----|---------|

|                              |    |        |
|------------------------------|----|--------|
| Prior Biennia (Expenditures) | \$ | 55,307 |
|------------------------------|----|--------|

|                                  |    |           |
|----------------------------------|----|-----------|
| Future Biennia (Projected Costs) | \$ | 8,080,000 |
|----------------------------------|----|-----------|

|       |    |                    |
|-------|----|--------------------|
| TOTAL | \$ | -----<br>8,930,000 |
|-------|----|--------------------|

**NEW SECTION. Sec. 820. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Lake Washington Technical College - Phase III: Design (98-2-673)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

(2) The program scope and project budget for this project shall comply with the approved predesign document on file with the office of financial management.

Reappropriation:

|  |    |        |
|--|----|--------|
| State Building Construction Account--State | \$ | 26,923 |
|--|----|--------|

Appropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 1,050,000 |
|--|----|-----------|

|                              |    |        |
|------------------------------|----|--------|
| Prior Biennia (Expenditures) | \$ | 88,077 |
|------------------------------|----|--------|

|                                  |    |            |
|----------------------------------|----|------------|
| Future Biennia (Projected Costs) | \$ | 14,600,000 |
|----------------------------------|----|------------|

|       |    |            |
|-------|----|------------|
| TOTAL | \$ | 15,765,000 |
|-------|----|------------|

**NEW SECTION. Sec. 821. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Renton Technical College - Technology Resource Center: Design (98-2-674)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

(2) The program scope and project budget for this project shall comply with the approved predesign document on file with the office of financial management.

Reappropriation:

|  |    |        |
|--|----|--------|
| State Building Construction Account--State | \$ | 67,064 |
|--|----|--------|

Appropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 1,010,000 |
|--|----|-----------|

|                              |    |        |
|------------------------------|----|--------|
| Prior Biennia (Expenditures) | \$ | 67,936 |
|------------------------------|----|--------|

|                                  |    |            |
|----------------------------------|----|------------|
| Future Biennia (Projected Costs) | \$ | 10,760,000 |
|----------------------------------|----|------------|

|       |    |            |
|-------|----|------------|
| TOTAL | \$ | 11,905,000 |
|-------|----|------------|

**NEW SECTION. Sec. 822. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Skagit Valley College Higher Education Center (98-2-675)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

(2) The program scope and project budget for this project shall comply with the approved predesign document on file with the office of financial management.

(3) The project shall be coordinated with Western Washington University in order to incorporate a distance education classroom and additional classroom, lab, and office space for use by the university.

Reappropriation:

|  |    |        |
|--|----|--------|
| State Building Construction Account--State | \$ |        |
|  |    | 17,942 |

Appropriation:

|  |    |         |
|--|----|---------|
| State Building Construction Account--State | \$ |         |
|  |    | 660,000 |

|                              |    |        |
|------------------------------|----|--------|
| Prior Biennia (Expenditures) | \$ |        |
|                              |    | 32,058 |

|                                  |    |           |
|----------------------------------|----|-----------|
| Future Biennia (Projected Costs) | \$ |           |
|                                  |    | 9,175,000 |

|       |    |           |
|-------|----|-----------|
|       | \$ |           |
| TOTAL |    | 9,885,000 |

**NEW SECTION. Sec. 823. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Cascadia Community College and UW - Bothell: Construction (98-2-999)

The reappropriation in this section is subject to the following conditions and limitations:

(1) No money from this appropriation may be expended that would be inconsistent with the recommendations of the higher education coordinating board and the project design, scope, and schedule approved by the office of financial management.

(2) \$3,000,000 of this appropriation is provided solely for design of phase IIA of this project to accommodate an additional 1,000 University of Washington and community college student full-time equivalents for the colocated campus.

(3) The appropriation in this section is subject to the review and allotment procedures under sections 902 through 904 of this act.

(4) The appropriation in this section is to be combined with the appropriations shown in sections 617, 639, 640, and 769 of this act and shall be managed by the department of general administration to construct a campus to serve at least 2,000 student full-time equivalents with approximately 1,200 for the University of Washington and 800 for Cascadia Community College.

Reappropriation:

|  |    |            |
|--|----|------------|
| State Building Construction Account--State | \$ |            |
|  |    | 37,370,237 |

|                              |    |           |
|------------------------------|----|-----------|
| Prior Biennia (Expenditures) | \$ |           |
|                              |    | 8,599,763 |

|                                  |    |   |
|----------------------------------|----|---|
| Future Biennia (Projected Costs) | \$ |   |
|                                  |    | 0 |

|       |    |            |
|-------|----|------------|
|       | \$ |            |
| TOTAL |    | 45,970,000 |

**NEW SECTION. Sec. 824. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Centralia College - Instructional Building: Replacement (99-2-001)



The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Appropriation:

|  |    |            |
|--|----|------------|
| State Building Construction Account--State | \$ | 14,400,000 |
| Prior Biennia (Expenditures)               | \$ | 1,434,614  |
| Future Biennia (Projected Costs)           | \$ | 0          |
|  |    | -----      |
| TOTAL                                      | \$ | 15,834,614 |

## PART 6 MISCELLANEOUS

**NEW SECTION. Sec. 901.** The estimated debt service costs impacting future general fund expenditures related solely to new capital appropriations within this act are \$15,330,000 during the 1999-01 fiscal period; \$96,189,000 during the 2001-03 fiscal period; \$136,763,000 during the 2003-05 fiscal period; \$137,126,000 during the 2005-07 fiscal period; and \$137,126,000 during the 2007-09 fiscal period.

**NEW SECTION. Sec. 902.** To ensure that major construction projects are carried out in accordance with legislative and executive intent, appropriations in this act referencing this section or in excess of \$5,000,000 shall not be expended until the office of financial management has reviewed and approved the agency's predesign and other documents and approved an allotment for the project. The predesign document shall include but not be limited to program, site, and cost analysis in accordance with the predesign manual adopted by the office of financial management. To improve monitoring of major construction projects, progress reports shall be submitted by the agency administering the project to the office of financial management and to the fiscal committees of the house of representatives and senate. Reports will be submitted on July 1st and December 31st each year in a format to be developed by the office of financial management.

**NEW SECTION. Sec. 903.** Allotments for appropriations shall be provided in accordance with the capital project review requirements adopted by the office of financial management. The office of financial management shall notify the house of representatives capital budget committee and the senate ways and means committee of allotment releases based on review by the office of financial management. No expenditure may be incurred or obligation entered into for appropriations referring to this section until the allotment of the funds to be expended has been approved by the office of financial management. Projects that will be employing alternative public works construction procedures, under chapter 39.10 RCW, are subject to the allotment procedures defined in this section and RCW 43.88.110. Contracts shall not be executed that call for expenditures in excess of the approved allotment, and the total amount shown in such contracts for the cost of future work that has not been appropriated shall not exceed the amount identified for such work in the level of funding approved by the office of financial management at the completion of predesign.

**NEW SECTION. Sec. 904.** Appropriations for design and construction of facilities on higher education branch campuses shall be expended only after funds are allotted to institutions of higher education on the basis of: (1) Comparable unit cost standards, as determined by the office of financial management in consultation with the higher education coordinating board; (2) costs consistent with other higher education teaching facilities in the state; and (3) student full-time equivalent enrollment

levels as established by the office of financial management in consultation with the higher education coordinating board.

**NEW SECTION. Sec. 905. ACQUISITION OF PROPERTIES AND FACILITIES THROUGH FINANCIAL CONTRACTS.** The following agencies may enter into financial contracts, paid for from operating revenues, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. When securing properties under this section, agencies shall use the most economical financial contract option available, including long-term leases, lease-purchase agreements, lease-development with option to purchase agreements or financial contracts using certificates of participation. The director of general administration shall ensure that the clustering of state facilities and the collocation and consolidation of state agencies take place where such configurations are economical and consistent with agency space needs. Agencies shall assist the department of general administration with facility collocation and consolidation efforts.

State agencies may enter into agreements with the department of general administration and the state treasurer's office to develop requests to the legislature for acquisition of properties and facilities through financial contracts. The agreements may include charges for services rendered.

(1) Department of general administration:

(a) Enter into a financing contract in the amount of \$9,435,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW, to purchase an existing office building and associated land in Yakima for use by state agencies.

(b) Enter into a financing contract in the amount of \$4,621,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW, to purchase an existing office building and associated land in Kelso for use by the department of social and health services and the employment security department.

(2) Department of corrections: Enter into a financing contract on behalf of the department of corrections in the amount of \$2,300,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase or construct a correctional industries transportation services warehouse.

(3) State parks and recreation: It is the intent of the legislature that the operating revenues of the department provide the primary source of funds necessary to meet financing contract obligations for the projects financed under this authority. In addition, state parks and recreation is authorized to pledge to make payments from appropriated funds pursuant to chapter 39.94 RCW:

(a) Enter into financing contracts on behalf of state parks and recreation in the amount of \$500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct cabins at Cama beach.

(b) Enter into financing contracts on behalf of state parks and recreation in the amount of \$250,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to complete improvements at the interpretive center/store at Deception Pass.

(c) Enter into financing contracts on behalf of state parks and recreation in the amount of \$1,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase and install additional yurts and cabins state-wide.

(d) Enter into financing contracts on behalf of state parks and recreation in the amount of \$500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a day use shelter at Lake Sammamish.

(e) Enter into financing contracts on behalf of state parks and recreation in the amount of \$500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to improve campsite electrification state-wide.

(f) Enter into financing contracts on behalf of state parks and recreation in the amount of \$750,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to develop additional campsites state-wide.

(4) Community and technical colleges:

(a) Enter into a financing contract on behalf of Green River Community College in the amount of \$1,526,150 plus financing expenses and reserves pursuant to chapter 39.94 RCW for remodel of the Lindbloom student center building.

(b) Enter into a financing contract on behalf of Highline Community College in the amount of \$2,070,613 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the purchase of the Federal Way Center, currently being leased by the college.

(c) Enter into a financial contract on behalf of Green River Community College in the amount of \$100,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase approximately 1.5 acres of land adjacent to the westside parking lot.

(d) Enter into a financing contract on behalf of Grays Harbor Community College in the amount of \$600,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the purchase and remodeling of the Riverview School and 2.83 acres of property, currently being leased by the college.

(e) Enter into a financing contract on behalf of Everett Community College in the amount of \$1,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the remodeling of the fitness center.

(f) Enter into a financing contract on behalf of Tacoma Community College in the amount of \$1,697,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for a 10,000 gross square foot addition to the existing student center.

(g) Enter into a financing contract on behalf of Spokane Community College in the amount of \$3,840,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for a 20,000 gross square foot addition and remodeling to the existing Lair student service building costing \$6,000,000. The balance of project cost will be cash from student and activity fees and enterprise funds.

(h) Enter into a financing contract on behalf of Big Bend Community College in the amount of \$150,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the exchange of 10 acres of land with Grant county.

(i) Enter into a financing contract on behalf of Green River Community College in the amount of \$7,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for purchase and development of property in the downtown Kent area.

(j) Enter into a financing contract on behalf of Columbia Basin Community College in the amount of \$1,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for a 10,000 gross square foot student services auditorium.

(k) Enter into a financing contract on behalf of Yakima Valley Community College in the amount of \$375,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for a 2,700 gross square foot addition and remodeling to the existing student union building costing \$1,400,000. Prior to commencing, the college shall prepare and present a business plan describing the financing of the complete project to the state board for community and technical colleges, the office of financial management, and the legislative fiscal committees.

(l) Enter into a financing contract on behalf of Peninsula Community College in the amount of \$2,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for a 10,000 gross square foot addition to the student union building.

(m) Enter into a financing contract on behalf of Whatcom Community College in the amount of \$2,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for a 20,000 gross square foot addition and remodeling to the existing extended learning/work force facility costing \$4,388,000. Prior to commencing, the college shall prepare and present a business plan describing the financing of the complete project to the state board for community and technical colleges, the office of financial management, and the legislative fiscal committees.

(n) Enter into a financial contract on behalf of Green River Community College in the amount of \$350,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase Lea Hill park from King county.

(o) Enter into a financial contract on behalf of Bellevue Community College in the amount of \$4,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for

replacement of the Robinswood school. This authority is provided in addition to the appropriation in section 761 of this act.

(p) Enter into a financial contract on behalf of Wenatchee Valley College in the amount of \$500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase two buildings and property contiguous to the college campus.

(q) Enter into a financing contract on behalf of Whatcom Community College in the amount of \$1,918,483 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the purchase of 10.71 acres of property for the completion of the Whatcom Community College campus.

(r) Enter into a financing contract on behalf of Edmonds Community College in the amount of \$3,700,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to develop a music building on the college campus.

(5) Central Washington University: Enter into a financing contract on behalf of Central Washington University in the amount of \$5,700,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the Central Washington University/Edmonds Community College center.

(6) University of Washington:

(a) Enter into a financing contract on behalf of the University of Washington in the amount of \$7,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to finance real property improvements to the Sand Point building.

(b) Enter into a financing contract on behalf of the University of Washington in the amount of \$7,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to finance primate center tenant improvements.

(7) Washington state convention and trade center: Enter into one or more financing contracts not exceeding an aggregate total amount of \$27,500,000 plus financing expenses and reserves pursuant to chapter 39.94 RCW, for funding unanticipated costs in excess of the \$111,700,000 principal amount of the financing contract authorized in section 802(10)(b), chapter 16, Laws of 1995 2nd sp. sess., for the construction of the expansion of the Washington state convention and trade center as authorized under chapter 386, Laws of 1995. The balance of the expansion project funds shall be provided from interest earnings and public or private funds. The financing contract or contracts representing all or part of the amount authorized by this section shall not be executed without prior written approval of the office of financial management based upon its determination that such financing contract or contracts are reasonably necessary for the expansion project.

**NEW SECTION. Sec. 906.** FOR THE ARTS COMMISSION--ART WORK ALLOWANCE POOLING. (1) One-half of one percent of moneys appropriated in this act for original construction of school plant facilities is provided solely for the purposes of RCW 28A.335.210. The Washington state arts commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays in consultation with the superintendent of public instruction and representatives of school district boards.

(2) One-half of one percent of moneys appropriated in this act for original construction or any major renovation or remodel work exceeding two hundred thousand dollars by colleges or universities is provided solely for the purposes of RCW 28B.10.027. The Washington state arts commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays in consultation with the board of regents or trustees.

(3) One-half of one percent of moneys appropriated in this act for original construction of any public building by a state agency as defined in RCW 43.17.200 is provided solely for the purposes of RCW 43.17.200. The Washington state arts commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays in consultation with the state agency.

(4) At least eighty-five percent of the moneys spent by the Washington state arts commission during the 1999-01 biennium for the purposes of RCW 28A.335.210, 28B.10.027, and 43.17.200 shall be spent solely for direct acquisition of works of art.

NEW SECTION. **Sec. 907.** The amounts shown under the headings "Prior Biennia," "Future Biennia," and "Total" in this act are for informational purposes only and do not constitute legislative approval of these amounts.

NEW SECTION. **Sec. 908.** "Reappropriations" in this act are appropriations and, unless the context clearly provides otherwise, are subject to the relevant conditions and limitations applicable to appropriations. Reappropriations shall be limited to the unexpended balances remaining on June 30, 1999, from the 1997-99 biennial appropriations for each project.

NEW SECTION. **Sec. 909.** To carry out the provisions of this act, the governor may assign responsibility for predesign, design, construction, and other related activities to any appropriate agency.

NEW SECTION. **Sec. 910.** If any federal moneys appropriated by this act for capital projects are not received by the state, the department or agency to which the moneys were appropriated may replace the federal moneys with funds available from private or local sources. No replacement may occur under this section without the prior approval of the director of financial management in consultation with the senate committee on ways and means and the house of representatives capital budget committee.

NEW SECTION. **Sec. 911.** (1) Unless otherwise stated, for all appropriations under this act that require a match of nonstate money or in-kind contributions, the following requirement, consistent with RCW 43.88.150, shall apply: Expenditures of state money shall be timed so that the state share of project expenditures never exceeds the intended state share of total project costs.

(2) Provision of the full amount of required matching funds is not required to permit the expenditure of capital budget appropriations for phased projects if a proportional amount of the required matching funds is provided for each distinct, identifiable phase of the project.

NEW SECTION. **Sec. 912.** Any capital improvements or capital projects involving construction or major expansion of a state office facility, including, but not limited to, district headquarters, detachment offices, and off-campus faculty offices, shall be reviewed by the department of general administration for possible consolidation, colocation, and compliance with state office standards before allotment of funds. The intent of the requirement imposed by this section is to eliminate duplication and reduce total office space requirements where feasible, while ensuring proper service to the public.

NEW SECTION. **Sec. 913.** The governor, through the office of financial management, may authorize a transfer of appropriation authority provided for a capital project that is in excess of the amount required for the completion of such project to another capital project for which the appropriation is insufficient. No such transfer may be used to expand the capacity of any facility beyond that intended by the legislature in making the appropriation. Such transfers may be effected only between capital appropriations to a specific department, commission, agency, or institution of higher education and only between capital projects that are funded from the same fund or account. No transfers may occur between projects to local government agencies except where the grants are provided within a single omnibus appropriation and where such transfers are specifically authorized by the implementing statutes which govern the grants.

For purposes of this section, the governor may find that an amount is in excess of the amount required for the completion of a project only if: (1) The project as defined in the notes to the budget document is substantially complete and there are funds remaining; or (2) bids have been let on a project and it appears to a substantial certainty that the project as defined in the notes to the budget document can be completed within the biennium for less than the amount appropriated in this act.

For the purposes of this section, the legislature intends that each project be defined as proposed to the legislature in the governor's budget document, unless it clearly appears from the legislative history that the legislature intended to define the scope of a project in a different way.

A report of any transfer effected under this section except emergency projects or any transfer under \$250,000 shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management at least thirty days before the date the transfer is effected. The office of financial management shall report all emergency or smaller transfers within thirty days from the date of transfer.

**NEW SECTION. Sec. 914.** The department of information services shall act as lead agency in coordinating video telecommunications services for state agencies. As lead agency, the department shall develop standards and common specifications for leased and purchased telecommunications equipment and assist state agencies in developing a video telecommunications expenditure plan. No agency may spend any portion of any appropriation in this act for new video telecommunications equipment, new video telecommunications transmission, or new video telecommunications systems without first complying with chapter 43.105 RCW, including but not limited to RCW 43.105.041(2), and without first submitting a video telecommunications equipment expenditure plan, in accordance with the policies of the department of information services, for review and assessment by the department of information services under RCW 43.105.052. Before any such expenditure by a public school, a video telecommunications expenditure plan shall be approved by the superintendent of public instruction. The office of the superintendent of public instruction shall submit the plans to the department of information services in a form prescribed by the department. The office of the superintendent of public instruction shall coordinate the use of the video telecommunications in public schools by providing educational information to local school districts and shall assist local school districts and educational service districts in telecommunications planning and curriculum development. Before any such expenditure by a public institution of postsecondary education, a telecommunications expenditure plan shall be approved by the higher education coordinating board. The higher education coordinating board shall coordinate the use of video telecommunications for instruction and instructional support in postsecondary education, including the review and approval of instructional telecommunications course offerings.

**NEW SECTION. Sec. 915.** Electronic copies of all completed predesigns, BEST studies, value engineering studies, and constructability reviews performed pursuant to appropriations contained in this act will be forwarded to the department of general administration in a format prescribed by the department. These documents will serve as a means to share information and lessons that may be useful in other projects. Best practices, changes in technology and materials, new approaches to resolving facility and construction problems, and any other useful information will be shared among all agencies and the public through use of the Internet.

**NEW SECTION. Sec. 916.** The legislature finds that opportunities for additional student enrollment capacity at higher education facilities can be created by increased course scheduling, more intensive space utilization practices, and the delivery of distance learning programs. By May 1, 2000, the institutions of higher education and the state board for community and technical colleges shall review course scheduling and weekly room use standards and determine if additional student capacity can be reasonably obtained by changes in practices. Further, this review shall include an assessment of options to increase distance learning programs as a means to further increase student full-time equivalent capacity. The findings of this review and the delineation of the course scheduling and weekly room use assumptions shall be submitted to the higher education coordinating board and the office of financial management for review and approval.

Institutions of higher education receiving appropriations for predesign, design, or construction of branch campus facilities in this act shall work with the higher education coordinating board and the office of financial management to identify options and prepare plans to increase the full-time equivalent capacity of these projects and all future construction phases for these campuses. The goal of these plans is to substantially increase full-time equivalent delivery capacity above the level identified in the appropriation section. The plans shall identify alternative program delivery strategies, options to increase use of distance learning and technology, plans to improve space utilization, and other recommendations to meet this goal. Branch campuses to be analyzed in these plans include Vancouver,

Tacoma, Bothell, Tri-Cities, and Spokane. The development of these plans shall include consultation with every institution that is planned to offer services at each site. Proposals for changes in the facilities to be constructed in future phases shall clearly identify costs and schedule alternatives, and currently designed construction projects shall proceed on schedule.

**Sec. 917.** RCW 43.98A.040 and 1997 c 235 s 718 are each amended to read as follows:

(1) Moneys appropriated for this chapter to the habitat conservation account shall be distributed in the following way:

- (a) Not less than thirty-five percent for the acquisition and development of critical habitat;
- (b) Not less than twenty percent for the acquisition and development of natural areas;
- (c) Not less than fifteen percent for the acquisition and development of urban wildlife habitat;

and

(d) The remaining amount shall be considered unallocated and shall be used by the committee to fund high priority acquisition and development needs for critical habitat, natural areas, and urban wildlife habitat. During the fiscal biennium ending June 30, ~~((1999))~~ 2001, the remaining amount reappropriated from the fiscal biennium ending June 30, 1999, may be allocated for matching grants for riparian zone habitat protection projects that implement watershed plans under the program established in section 329(6), chapter 235, Laws of 1997.

(2) In distributing these funds, the committee retains discretion to meet the most pressing needs for critical habitat, natural areas, and urban wildlife habitat, and is not required to meet the percentages described in subsection (1) of this section in any one biennium.

(3) Only state agencies may apply for acquisition and development funds for critical habitat and natural areas projects under subsection (1)(a), (b), and (d) of this section.

(4) State and local agencies may apply for acquisition and development funds for urban wildlife habitat projects under subsection (1)(c) and (d) of this section.

**Sec. 918.** RCW 43.98A.060 and 1997 c 235 s 719 are each amended to read as follows:

(1) The committee may adopt rules establishing acquisition policies and priorities for distributions from the habitat conservation account.

(2) Moneys appropriated for this chapter may not be used by the committee to fund additional staff positions or other overhead expenses, or by a state, regional, or local agency to fund operation and maintenance of areas acquired under this chapter, except that the committee may use moneys appropriated for this chapter for the fiscal biennium ending June 30, ~~((1999))~~ 2001, for the administrative costs of implementing the pilot watershed plan implementation program established in section 329(6), chapter 235, Laws of 1997, and developing an inventory of publicly owned lands established in section 329(7), chapter 235, Laws of 1997.

(3) Moneys appropriated for this chapter may be used for costs incidental to acquisition, including, but not limited to, surveying expenses, fencing, and signing.

(4) Except as provided in subsection (5) of this section, the committee may not approve a local project where the local agency share is less than the amount to be awarded from the habitat conservation account.

(5) During the fiscal biennium ending June 30, ~~((1999))~~ 2001, the committee may approve a riparian zone habitat protection project established in section 329(6), chapter 235, Laws of 1997, where the local agency share is less than the amount to be awarded from the habitat conservation account.

(6) In determining acquisition priorities with respect to the habitat conservation account, the committee shall consider, at a minimum, the following criteria:

- (a) For critical habitat and natural areas proposals:
  - (i) Community support;
  - (ii) Immediacy of threat to the site;
  - (iii) Uniqueness of the site;
  - (iv) Diversity of species using the site;
  - (v) Quality of the habitat;
  - (vi) Long-term viability of the site;
  - (vii) Presence of endangered, threatened, or sensitive species;

(viii) Enhancement of existing public property;  
(ix) Consistency with a local land use plan, or a regional or state-wide recreational or resource plan; and

(x) Educational and scientific value of the site.

(b) For urban wildlife habitat proposals, in addition to the criteria of (a) of this subsection:

(i) Population of, and distance from, the nearest urban area;

(ii) Proximity to other wildlife habitat;

(iii) Potential for public use; and

(iv) Potential for use by special needs populations.

(7) Before October 1st of each even-numbered year, the committee shall recommend to the governor a prioritized list of state agency projects to be funded under RCW 43.98A.040(1) (a), (b), and (c). The governor may remove projects from the list recommended by the committee and shall submit this amended list in the capital budget request to the legislature. The list shall include, but not be limited to, a description of each project; and shall describe for each project any anticipated restrictions upon recreational activities allowed prior to the project.

(8) Before October 1st of each year, the committee shall recommend to the governor a prioritized list of all local projects to be funded under RCW 43.98A.040(1)(c). The governor may remove projects from the list recommended by the committee and shall submit this amended list in the capital budget request to the legislature. The list shall include, but not be limited to, a description of each project and any particular match requirement, and describe for each project any anticipated restrictions upon recreational activities allowed prior to the project.

**Sec. 919.** RCW 43.98A.070 and 1997 c 235 s 720 are each amended to read as follows:

(1) In determining which state parks proposals and local parks proposals to fund, the committee shall use existing policies and priorities.

(2) Moneys appropriated for this chapter may not be used by the committee to fund additional staff or other overhead expenses, or by a state, regional, or local agency to fund operation and maintenance of areas acquired under this chapter, except that the committee may use moneys appropriated for this chapter for the fiscal biennium ending June 30, ((1999)) 2001, for the administrative costs of implementing the pilot watershed plan implementation program established in section 329(6), chapter 235, Laws of 1997, and developing an inventory of publicly owned lands established in section 329(7), chapter 235, Laws of 1997.

(3) Moneys appropriated for this chapter may be used for costs incidental to acquisition, including, but not limited to, surveying expenses, fencing, and signing.

(4) The committee may not approve a project of a local agency where the share contributed by the local agency is less than the amount to be awarded from the outdoor recreation account.

(5) The committee may adopt rules establishing acquisition policies and priorities for the acquisition and development of trails and water access sites to be financed from moneys in the outdoor recreation account.

(6) In determining the acquisition and development priorities, the committee shall consider, at a minimum, the following criteria:

(a) For trails proposals:

(i) Community support;

(ii) Immediacy of threat to the site;

(iii) Linkage between communities;

(iv) Linkage between trails;

(v) Existing or potential usage;

(vi) Consistency with an existing local land use plan or a regional or state-wide recreational or resource plan;

(vii) Availability of water access or views;

(viii) Enhancement of wildlife habitat; and

(ix) Scenic values of the site.

(b) For water access proposals:

(i) Community support;



- (ii) Distance from similar water access opportunities;
- (iii) Immediacy of threat to the site;
- (iv) Diversity of possible recreational uses; and
- (v) Public demand in the area.

(7) Before October 1st of each even-numbered year, the committee shall recommend to the governor a prioritized list of state agency projects to be funded under RCW 43.98A.050(1) (a), (c), and (d). The governor may remove projects from the list recommended by the committee and shall submit this amended list in the capital budget request to the legislature. The list shall include, but not be limited to, a description of each project; and shall describe for each project any anticipated restrictions upon recreational activities allowed prior to the project.

(8) Before October 1st of each year, the committee shall recommend to the governor a prioritized list of all local projects to be funded under RCW 43.98A.050(1) (b), (c), and (d) of this act. The governor may remove projects from the list recommended by the committee and shall submit this amended list in the capital budget request to the legislature. The list shall include, but not be limited to, a description of each project and any particular match requirement, and describe for each project any anticipated restrictions upon recreational activities allowed prior to the project.

**Sec. 920.** RCW 43.98A.050 and 1990 1st ex.s. c 14 s 6 are each amended to read as follows:

(1) Moneys appropriated for this chapter to the outdoor recreation account shall be distributed in the following way:

(a) Not less than twenty-five percent to the state parks and recreation commission for the acquisition and development of state parks, with at least seventy-five percent of this money for acquisition costs. However, during the 1999-2001 biennium, distributions for acquisition and development of state parks shall not exceed four million two hundred fifty thousand dollars, and the proportion for acquisition costs shall be determined by the commission;

(b) Not less than twenty-five percent for the acquisition, development, and renovation of local parks, with at least fifty percent of this money for acquisition costs;

(c) Not less than fifteen percent for the acquisition and development of trails;

(d) Not less than ten percent for the acquisition and development of water access sites, with at least seventy-five percent of this money for acquisition costs; and

(e) The remaining amount shall be considered unallocated and shall be distributed by the committee to state and local agencies to fund high priority acquisition and development needs for parks, trails, and water access sites, except that for the 1999-2001 biennium, unallocated funds may not be distributed to projects in the state parks category.

(2) In distributing these funds, the committee retains discretion to meet the most pressing needs for state and local parks, trails, and water access sites, and is not required to meet the percentages described in subsection (1) of this section in any one biennium.

(3) Only local agencies may apply for acquisition, development, or renovation funds for local parks under subsection (1)(b) of this section.

(4) State and local agencies may apply for funds for trails under subsection (1)(c) of this section.

(5) State and local agencies may apply for funds for water access sites under subsection (1)(d) of this section.

NEW SECTION. **Sec. 921.** A new section is added to chapter 43.83B RCW to read as follows:

The state drought preparedness account is created in the state treasury. All receipts from appropriated funds designated for the account and funds transferred from the state emergency water projects revolving account must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for drought preparedness.

NEW SECTION. **Sec. 922.** The state treasurer shall transfer \$6,800,000 from the state emergency water projects revolving account to the state drought preparedness account created in

section 920 of this act. \$500,000 will remain in the state emergency water projects revolving account for its original purpose or purposes.

**NEW SECTION. Sec. 923. FOR THE OFFICE OF THE GOVERNOR**  
Salmon Recovery Grants Program (00-2-001)

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire \$111,875,000 appropriation is provided solely to the salmon recovery funding board within the office of the governor to provide grants to local governments, state agencies, tribes, conservation districts, and nonprofit entities for salmon recovery activities pursuant to House Bill No. 2079 or Senate Bill No. 5595. If neither House Bill No. 2079 nor Senate Bill No. 5595 are enacted by June 30, 1999, the amount provided in this section shall lapse.

(2) Up to \$14,000,000 of the general fund--federal appropriation is provided for grants to local governments for salmon recovery in accordance with a grant from the department of interior, United States fish and wildlife service received in December 1998.

(3) The remaining appropriations in this section shall be distributed by the salmon recovery funding board within the following categories:

(a) A minimum of thirty percent of the appropriation shall be provided for fish passage barrier correction projects;

(b) A minimum of thirty percent of the appropriation shall be provided for habitat enhancement projects, which may include but are not limited to: Purchase of riparian easements; stream restoration; stream flow augmentation; water quality improvement; water conservation; and storm water mitigation;

(c) A minimum of twenty percent of the appropriation for planning activities related to salmon recovery, which may include, but is not limited to: Regional salmon recovery planning; shoreline master program amendment; critical areas ordinance updates; lead entity administration and development of project lists; and project planning; and

(d) The remaining twenty percent of the appropriation may be distributed among the categories for highest priority projects as determined by the salmon recovery funding board.

(4) In developing project lists for funding, the salmon recovery funding board shall give priority consideration to:

(a) Proposals that support the recovery of salmon or steelhead runs listed as threatened or endangered under the federal endangered species act (16 U.S.C. Sec. 1531 et seq.);

(b) Projects supported by a limiting factors analysis conducted according to RCW 75.46.070(2);

(c) Projects sponsored by a lead entity formed according to 75.46 RCW;

(d) Projects supporting a watershed plan developed according to chapter 90.82 RCW;

(e) Projects that create market wage jobs for displaced workers in rural natural resource impact areas, as defined under RCW 43.31.601(2);

(f) Projects with a local funding match, which may include a match of volunteer labor;

(g) Projects that include provisions for long-term maintenance and monitoring; and

(h) Other priorities identified by the salmon recovery funding board.

(5) For the 1999-2001 biennium, proposals shall be ranked by the interagency review team, for review, approval, and funding by the salmon recovery funding board. A final list of projects funded with appropriation from this section shall be submitted to the office of financial management and the legislature by June 30th of each year.

(6) The salmon recovery funding board shall develop a list of projects in each of the categories identified in subsection (3) of this section proposed for funding in the 2001-2003 biennium, for submittal to the office of financial management and the legislature by December 1, 2000.

Appropriation:

|  |    |            |
|--|----|------------|
| General Fund--Federal                      | \$ | 74,835,000 |
| State Building Construction Account--State | \$ | 6,200,000  |

|                                  |    |             |
|----------------------------------|----|-------------|
| Salmon Recovery Account          | \$ | 30,840,000  |
|                                  |    | -----       |
| Subtotal Appropriation           | \$ | 111,875,000 |
| Prior Biennia (Expenditures)     | \$ | 0           |
| Future Biennia (Projected Costs) | \$ | 0           |
|                                  |    | -----       |
| TOTAL                            | \$ | 111,875,000 |

**Sec. 924.** 1999 c ... (SHB 1165) s 112 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
Housing Assistance, Weatherization, and Affordable Housing (88-5-015) (00-2-003)

The appropriations in this section are subject to the following conditions and limitations:

(1) \$5,000,000 of the new appropriation from the state building construction account is provided solely to promote development of safe and affordable housing units for persons eligible for services from the division of developmental disabilities within the department of social and health services.

(2) (~~(\$1,800,000)~~) \$800,000 of the reappropriation from the state building construction account is provided solely to promote development of safe and affordable housing units for persons eligible for services from the division of developmental disabilities within the department of social and health services.

(3) \$1,000,000 of the new appropriation from the state building construction account is provided solely for shelters, transitional housing, or other housing facilities for victims of domestic violence.

Reappropriation:

|  |    |            |
|--|----|------------|
| State Building Construction Account--State | \$ | 22,000,000 |
|--|----|------------|

Appropriation:

|  |    |            |
|--|----|------------|
| State Building Construction Account--State | \$ | 57,500,000 |
| Washington Housing Trust Account--State    | \$ | 4,300,000  |

|                                  |    |             |
|----------------------------------|----|-------------|
|                                  |    | -----       |
| Subtotal Appropriation           | \$ | 61,800,000  |
| Prior Biennia (Expenditures)     | \$ | 43,790,503  |
| Future Biennia (Projected Costs) | \$ | 200,000,000 |
|                                  |    | -----       |
| TOTAL                            | \$ | 327,590,503 |

**Sec. 925.** 1999 c ... (SHB 1165) s 139 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**  
 General Administration Building: Preservation (00-1-004)

Appropriation:

|  |    |                  |
|--|----|------------------|
| State Building Construction Account--State | \$ |                  |
|  |    | ((2,275,000))    |
|  |    | <u>1,000,000</u> |
| Prior Biennia (Expenditures)               | \$ | 0                |
| Future Biennia (Projected Costs)           | \$ | 5,900,000        |
|  |    | -----            |
| TOTAL                                      | \$ | ((8,175,000))    |
|  |    | <u>6,900,000</u> |

**Sec. 926.** 1999 c ... (SHB 1165) s 144 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**  
 Americans with Disabilities Act: Pool (00-1-011)

The appropriation in this section is subject to the following conditions and limitations:

(1) The money provided in this section shall be solely allocated to agencies and institutions ~~(except for the state community and technical colleges,)~~ for improvements to state-owned facilities for program access enhancements.

(2) No moneys appropriated in this section or in any section specifically referencing this section shall be expended unless the department of general administration has reviewed and approved the cost estimates for the project. The department of general administration shall implement an agency request and evaluation procedure similar to the one adopted in the 1997-99 biennium for distribution of funds.

(3) No moneys appropriated in this section shall be available to institutions of higher education to modify dormitories.

Appropriation:

|  |    |            |
|--|----|------------|
| State Building Construction Account--State | \$ |            |
|  |    | 3,000,000  |
| Prior Biennia (Expenditures)               | \$ | 0          |
| Future Biennia (Projected Costs)           | \$ | 14,000,000 |
|  |    | -----      |
| TOTAL                                      | \$ | 17,000,000 |

**Sec. 927.** 1999 c ... (SHB 1165) s 148 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**  
 Legislative Buildings: Safety and infrastructure (98-1-005)

(1) The appropriations shall support the detailed list of projects maintained by the office of financial management.

(2) \$270,000 of the new appropriation is provided to complete heating, ventilation, and air conditioning repair and improvements in the Newhouse building.

Reappropriation:

|   |    |         |
|---|----|---------|
| State Building Construction Account--State        | \$ | 179,454 |
| Thurston County Capital Facilities Account--State | \$ | 475,000 |
|   |    | -----   |
| Subtotal Reappropriation                          | \$ | 654,454 |

Appropriation:

|   |    |                          |
|---|----|--------------------------|
| Capitol Building Construction Account--State      | \$ | 4,250,000                |
| Thurston County Capital Facilities Account--State | \$ | 585,000                  |
| State Building Construction Account--State        | \$ | <del>((270,000))</del>   |
|   |    | <u>495,000</u>           |
|   |    | -----                    |
| Subtotal Appropriation                            | \$ | <del>((5,105,000))</del> |
|   |    | <u>5,330,000</u>         |
| Prior Biennia (Expenditures)                      | \$ | 1,415,546                |
| Future Biennia (Projected Costs)                  | \$ | 0                        |
|   |    | -----                    |
| TOTAL   | \$ | <del>((7,175,000))</del> |
|   |    | <u>7,400,000</u>         |

**Sec. 928.** 1999 c ... (SHB 1165) s 162 (uncodified) is amended to read as follows:  
**FOR THE MILITARY DEPARTMENT**

Yakima National Guard Armory and Readiness Center: Design and utilities (98-2-001)

The reappropriation in this section is subject to the following conditions and limitations:  
 Funds expended on this project for off-site utility infrastructure, and facility construction and design, which may include the provision of electricity, natural gas service, water service, ~~((or))~~ sewer service, or facility construction and design shall be for the benefit of the state. Entities that subsequently connect or use this off-site utility infrastructure shall reimburse the state at a rate proportional to their use. The military department shall develop policies and procedures to ensure that this reimbursement occurs.

Reappropriation:

|  |    |            |
|--|----|------------|
| State Building Construction Account--State | \$ | 2,725,000  |
| General Fund--Federal                      | \$ | 8,275,000  |
|  |    | -----      |
| Subtotal Reappropriation                   | \$ | 11,000,000 |
|  |    |            |
| Prior Biennia (Expenditures)               | \$ | 2,573,000  |
| Future Biennia (Projected Costs)           | \$ | 3,288,000  |
|  |    | -----      |
| TOTAL                                      | \$ | 16,861,000 |

**Sec. 929.** 1999 c ... (SHB 1165) s 267 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**

McNeil Island Corrections Center (~~(-200-bed)~~): Department of social and health services-Special Commitment Center (00-2-005)

The appropriation is subject to the review and allotment procedures under sections 902 and 903 of this act.

Appropriation:

|  |    |            |
|--|----|------------|
| State Building Construction Account--State | \$ | 2,500,000  |
| Prior Biennia (Expenditures)               | \$ | 0          |
| Future Biennia (Projected Costs)           | \$ | 37,100,000 |
|  |    | -----      |
| TOTAL                                      | \$ | 39,600,000 |

**Sec. 930.** 1999 c ... (SHB 1165) s 331 (uncodified) is amended to read as follows:

**FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

Washington Wildlife and Recreation Program (98-2-003)

The appropriations in this section for the wildlife and recreation program under chapter 43.98A RCW and RCW 43.98A.040 are subject to the following condition and limitation:

(1) The new appropriations in this section are provided for the approved list of projects included in LEAP capital document No. (~~(99-1)~~) 1999-W3, as developed on April (~~(8)~~) 23, 1999.

(2) Any funding provided in this section for the Mt. Spokane - Quartz Mountain acquisition by the state parks and recreation commission shall not exceed fair market value as determined by an evaluation of three independent appraisals.

Reappropriation:

|  |    |             |
|--|----|-------------|
| State Building Construction Account--State | \$ | 6,475,416   |
| Outdoor Recreation Account--State          | \$ | 23,733,311  |
| Habitat Conservation Account--State        | \$ | 25,872,718  |
|  |    | -----       |
| Subtotal Reappropriation                   | \$ | 56,081,445  |
| Appropriation:                             |    |             |
| Outdoor Recreation Account--State          | \$ | 23,000,000  |
| Habitat Conservation Account--State        | \$ | 25,000,000  |
|  |    | -----       |
| Subtotal Appropriation                     | \$ | 48,000,000  |
| Prior Biennia (Expenditures)               | \$ | 213,018,555 |
| Future Biennia (Projected Costs)           | \$ | 190,000,000 |
|  |    | -----       |
| TOTAL                                      | \$ | 507,100,000 |

**Sec. 931.** 1999 c ... (SHB 1165) s 393 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF NATURAL RESOURCES**  
Aquatic Lands Enhancement Grants (00-2-014)

The appropriation in this section is provided for a list of projects in LEAP capital document No. ~~((99-2))~~ 1999-A1, as developed on April ~~((8))~~ 23, 1999.

The department shall submit a list of recommended projects to be funded from the aquatic lands enhancement account in the 2001-03 capital budget. The list shall result from a competitive grants program developed by the department based upon, at a minimum: A uniform criteria for the selection of projects and awarding of grants for up to fifty percent of the total project cost; local community support for the project; and a state-wide geographic distribution of projects. The list of projects shall be submitted to the office of financial management by September 15, 2000.

Reappropriation:

|  |    |           |
|--|----|-----------|
| Aquatic Lands Enhancement Account--State | \$ | 2,340,000 |
|--|----|-----------|

Appropriation:

|  |    |                          |
|--|----|--------------------------|
| Aquatic Lands Enhancement Account--State | \$ | <del>((5,800,000))</del> |
|  |    | <u>5,550,000</u>         |

|                              |    |           |
|------------------------------|----|-----------|
| Prior Biennia (Expenditures) | \$ | 9,716,817 |
|------------------------------|----|-----------|

|                                  |    |                   |
|----------------------------------|----|-------------------|
| Future Biennia (Projected Costs) | \$ | 24,000,000        |
|                                  |    | -----             |
| TOTAL                            | \$ | ((41,856,817))    |
|                                  |    | <u>41,606,817</u> |

**Sec. 932.** 1999 c ... (SHB 1165) s 503 (uncodified) is amended to read as follows:  
**FOR THE WASHINGTON STATE PATROL**  
Boarding Home Fire Safety Program

The appropriation in this section is provided solely for grants for the installation or retrofit of fire sprinklers in ~~((adult))~~ licensed boarding homes. The appropriation in this section is subject to the following conditions and limitations:

(1) The state fire marshal in consultation with the department of social and health services may develop rules to implement the grant program.

(2) The amount of the grant for an existing ~~((adult))~~ licensed boarding home shall not be greater than the difference between the cost of retrofitting and the cost of installing sprinklers during original construction of a comparable ~~((adult))~~ licensed boarding home with fire sprinklers.

(3) To be eligible for a grant under this section, the ~~((adult group))~~ boarding home shall be licensed and accredited with the department of social and health services. To be eligible for a grant under this section, at least fifteen percent of the ~~((adult group))~~ boarding home's residents must be department of social and health services clients. The ~~((adult group))~~ boarding home must maintain the department of social and health services client ratio level for a period of no less than five years. If the department of social and health services client ratio level is not maintained, then the ~~((adult group))~~ boarding home shall reimburse the state for the amount of the grant plus appropriate interest.

(4) Any licensed boarding home receiving a grant shall complete the installation of the fire sprinklers by June 30, 2001.

Appropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 2,500,000 |
| Prior Biennia (Expenditures)               | \$ | 0         |
| Future Biennia (Projected Costs)           | \$ | 0         |
|  |    | -----     |
| TOTAL                                      | \$ | 2,500,000 |

**Sec. 933.** 1999 c ... (SHB 1165) s 639 (uncodified) is amended to read as follows:  
**FOR THE UNIVERSITY OF WASHINGTON**  
UW Bothell and Cascadia Community College Phase I (98-2-899)

The reappropriation in this section is subject to the following conditions and limitations:

(1) No money from this reappropriation may be expended that would be inconsistent with the recommendations of the higher education coordinating board and the project design, scope, and schedule approved by the office of financial management.

(2) The reappropriation in this section is subject to the review and allotment procedures under sections 902 through 904 of this act.



(3) The reappropriation in this section is to be combined with the appropriations shown in sections 617, (~~639, 768, and 821~~) 640, 769, and 823 of this act and shall be managed by the department of general administration to construct a campus to serve at least 2,000 student full-time equivalents with approximately 1,200 for the University of Washington and 800 for Cascadia Community College.

Reappropriation:

|  |    |            |
|--|----|------------|
| State Building Construction Account--State | \$ | 40,000,000 |
| Prior Biennia (Expenditures)               | \$ | 7,970,000  |
| Future Biennia (Projected Costs)           | \$ | 0          |
|  |    | -----      |
| TOTAL                                      | \$ | 47,970,000 |

**Sec. 934.** 1999 c ... (SHB 1165) s 640 (uncodified) is amended to read as follows:  
**FOR THE UNIVERSITY OF WASHINGTON**  
 UW Bothell and Cascadia Community College Future Phases (98-2-999)

The reappropriation in this section is subject to the following conditions and limitations:

(1) No money from this reappropriation may be expended that would be inconsistent with the recommendations of the higher education coordinating board and the project design, scope, and schedule approved by the office of financial management.

(2) The reappropriation in this section is subject to the review and allotment procedures under sections 902 through 904 of this act.

(3) The reappropriation in this section is to be combined with the appropriations shown in sections 617, (~~638, 768, and 821~~) 639, 769, and 823 of this act and shall be managed by the department of general administration.

(4) The predesign for phase II to serve at least 2,000 additional University of Washington and community college student full-time equivalents included in this reappropriation shall be conducted in accordance with the predesign manual published by the office of financial management.

(5) Design of phase IIA to serve at least 1,000 total University of Washington and Cascadia Community College student full-time equivalents shall not proceed until the completed predesign requirements in subsection (4) of this section have been reviewed and approved by the office of financial management.

Reappropriation:

|  |    |           |
|--|----|-----------|
| State Building Construction Account--State | \$ | 2,069,063 |
| Prior Biennia (Expenditures)               | \$ | 930,937   |
| Future Biennia (Projected Costs)           | \$ | 0         |
|  |    | -----     |
| TOTAL                                      | \$ | 3,000,000 |

**Sec. 935.** 1999 c ... (SHB 1165) s 769 (uncodified) is amended to read as follows:

**FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Cascadia Community College: Development (00-2-501)

The appropriation in this section is subject to the following conditions and limitations:

(1) No money from this appropriation may be expended that would be inconsistent with the recommendations of the higher education coordinating board and the project design, scope, and schedule approved by the office of financial management.

(2) \$7,500,000 of this appropriation is provided solely for equipment and completion of phase I of the colocated campus.

(3) The appropriation in this section is subject to the review and allotment procedures under sections 902 through 904 of this act.

(4) The appropriation in this section is to be combined with the appropriations shown in sections 617, ~~((638,))~~ 639, 640, and ~~((824))~~ 823 of this act and shall be managed by the department of general administration.

(5) \$42,600,000 of this appropriation is provided solely for the completion of construction of phase IIA of the campus. The appropriation represents the total state contribution for all costs including design, construction, and equipping of phase IIA of the campus.

(6) Phase IIA shall accommodate 1,000 additional full-time equivalent students when completed.

Appropriation:

|  |    |             |
|--|----|-------------|
| State Building Construction Account--State | \$ | 50,100,000  |
| Prior Biennia (Expenditures)               | \$ | 0           |
| Future Biennia (Projected Costs)           | \$ | 105,000,000 |
|  |    | -----       |
| TOTAL                                      | \$ | 155,100,000 |

**Sec. 936.** 1999 c ... (SHB 1165) s 798 (uncodified) is amended to read as follows:

**FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Clover Park Technical College - Transportation Trades: Design (96-2-662)

The appropriations in this section are subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

|  |    |        |
|--|----|--------|
| State Building Construction Account--State | \$ | 25,000 |
|--|----|--------|

Appropriation:

|  |    |                          |
|--|----|--------------------------|
| State Building Construction Account--State | \$ | <del>((1,200,000))</del> |
|  |    | <u>1,240,000</u>         |
| Prior Biennia (Expenditures)               | \$ | 25,000                   |
| Future Biennia (Projected Costs)           | \$ | 16,230,000               |

|  |       |    |  |                   |
|--|-------|----|--|-------------------|
|  | TOTAL | \$ |  | -----             |
|  |       |    |  | ((17,480,000))    |
|  |       |    |  | <u>17,520,000</u> |

**Sec. 937.** 1999 c ... (SHB 1165) s 817 (uncodified) is amended to read as follows:  
**FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Highline Community College - Classroom/Laboratory Building: Construction (98-2-660)

The appropriations in this section are subject to the review and allotment procedures under sections 902 and 903 of this act.

|                  |  |    |  |                  |
|------------------|--|----|--|------------------|
| Reappropriation: |  |    |  |                  |
|                  | State Building Construction Account--State | \$ |  | 310,000          |
| Appropriation:   |  |    |  |                  |
|                  | State Building Construction Account--State | \$ |  | ((5,700,000))    |
|                  |  |    |  | <u>5,900,000</u> |
|                  | Prior Biennia (Expenditures)               | \$ |  | 79,717           |
|                  | Future Biennia (Projected Costs)           | \$ |  | 0                |
|                  |  |    |  | -----            |
|                  | TOTAL                                      | \$ |  | ((6,089,717))    |
|                  |  |    |  | <u>6,289,717</u> |

**Sec. 938.** 1999 c ... (SHB 1165) s 821 (uncodified) is amended to read as follows:  
**FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Renton Technical College - Technology Resource Center: Design (98-2-674)

The appropriations in this section are subject to the following conditions and limitations:  
 (1) The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

(2) The program scope and project budget for this project shall comply with the approved predesign document on file with the office of financial management.

|                  |  |    |  |                  |
|------------------|--|----|--|------------------|
| Reappropriation: |  |    |  |                  |
|                  | State Building Construction Account--State | \$ |  | 67,064           |
| Appropriation:   |  |    |  |                  |
|                  | State Building Construction Account--State | \$ |  | ((1,010,000))    |
|                  |  |    |  | <u>1,045,000</u> |
|                  | Prior Biennia (Expenditures)               | \$ |  | 67,936           |

|                                  |    |                   |
|----------------------------------|----|-------------------|
| Future Biennia (Projected Costs) | \$ | 10,760,000        |
|                                  |    | -----             |
| TOTAL                            | \$ | ((11,905,000))    |
|                                  |    | <u>11,940,000</u> |

**Sec. 939.** 1999 c ... (SHB 1165) s 822 (uncodified) is amended to read as follows:  
**FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Skagit Valley College Higher Education Center (98-2-675)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

(2) The program scope and project budget for this project shall comply with the approved predesign document on file with the office of financial management.

(3) The project shall be coordinated with Western Washington University in order to incorporate a distance education classroom and additional classroom, lab, and office space for use by the university.

Reappropriation:

|  |    |        |
|--|----|--------|
| State Building Construction Account--State | \$ | 17,942 |
|--|----|--------|

Appropriation:

|  |    |                |
|--|----|----------------|
| State Building Construction Account--State | \$ | ((660,000))    |
|  |    | <u>685,000</u> |

|                                  |    |           |
|----------------------------------|----|-----------|
| Prior Biennia (Expenditures)     | \$ | 32,058    |
| Future Biennia (Projected Costs) | \$ | 9,175,000 |
|                                  |    | -----     |

|       |    |                  |
|-------|----|------------------|
| TOTAL | \$ | ((9,885,000))    |
|       |    | <u>9,910,000</u> |

**Sec. 940.** 1999 c ... (SHB 1165) s 923 (uncodified) is amended to read as follows:  
 ((The state treasurer shall transfer)) \$2,500,000 is appropriated from the state ((convention and trade center account)) building construction account for fiscal year 2000. The appropriation in this section shall be deposited to the Washington housing trust account.

**Sec. 941.** RCW 43.98A.050 and 1999 c ... (SHB 1165) s 920 are each amended to read as follows:

(1) Moneys appropriated for this chapter to the outdoor recreation account shall be distributed in the following way:

(a) Not less than twenty-five percent to the state parks and recreation commission for the acquisition and development of state parks, with at least seventy-five percent of this money for acquisition costs. However, during the 1999-2001 biennium, distributions for acquisition and

development of state parks shall not exceed four million two hundred fifty thousand dollars, and the proportion for acquisition costs shall be determined by the commission;

(b) Not less than twenty-five percent for the acquisition, development, and renovation of local parks, with at least fifty percent of this money for acquisition costs;

(c) Not less than fifteen percent for the acquisition and development of trails;

(d) Not less than ten percent for the acquisition and development of water access sites, with at least seventy-five percent of this money for acquisition costs; and

(e) The remaining amount shall be considered unallocated and shall be distributed by the committee to state and local agencies to fund high priority acquisition and development needs for parks, trails, and water access sites(~~(, except that for the 1999-2001 biennium, unallocated funds may not be distributed to projects in the state parks category)~~).

(2) In distributing these funds, the committee retains discretion to meet the most pressing needs for state and local parks, trails, and water access sites, and is not required to meet the percentages described in subsection (1) of this section in any one biennium.

(3) Only local agencies may apply for acquisition, development, or renovation funds for local parks under subsection (1)(b) of this section.

(4) State and local agencies may apply for funds for trails under subsection (1)(c) of this section.

(5) State and local agencies may apply for funds for water access sites under subsection (1)(d) of this section.

NEW SECTION. Sec. 924. A new section is added to 1999 c ... (SHB 1165) to read as follows:

**FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Thurston County Office Space Study

The appropriation in this section is subject to the following condition and limitation: The appropriation in this section is provided to conduct an analysis of future state office space needs in Thurston county, by agency, for the next ten years. The department shall consult with state agencies, private developers, and building owners to determine the inventory of space available and planned over the next ten years in government and nongovernment buildings. Planning for state office expansion shall consider the impact on current office space.

Appropriation:

|  |    |         |
|--|----|---------|
| State Building Construction Account--State | \$ |         |
|  |    | 100,000 |
| Prior Biennia (Expenditures)               | \$ | 0       |
| Future Biennia (Projected Costs)           | \$ | 0       |
|  |    | -----   |
| TOTAL                                      | \$ | 100,000 |

NEW SECTION. Sec. 943. A new section is added to 1999 c ... (SHB 1165) to read as follows:

**FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Sand Point Shoreline Restoration

The appropriation in this section is provided to the city of Seattle for shoreline improvements and wetland restoration at Sand Point.

Appropriation:

|  |    |         |
|--|----|---------|
| State Building Construction Account--State | \$ | 500,000 |
| Prior Biennia (Expenditures)               | \$ | 0       |
| Future Biennia (Projected Costs)           | \$ | 0       |
|  |    | -----   |
| TOTAL                                      | \$ | 500,000 |

NEW SECTION. Sec. 944. A new section is added to 1999 c ... (SHB 1165) to read as follows:

For the purposes of section 905 of this act, "operating revenues" shall include, but not be limited to, any funds of an agency, appropriated or nonappropriated.

NEW SECTION. Sec. 945. A new section is added to 1999 c ... (SHB 1165) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT**

\$6,400,000 of the State Building Construction Account--State is reappropriated for allocation to the University of Washington for the following projects:

- Old Physics Hall: (Mary Gates Hall) Design and Construction (92-2-008)
- Minor Repairs: Preservation (94-1-003)
- Minor Works: Utility Infrastructure (96-1-004)
- Health Sciences Center D-Wing Dent Student Lab (96-1-016)
- Fisheries Science - Oceanography Science Buildings (96-2-006)
- Social Work Third Floor Addition (96-2-010)
- Southwest Campus Utilities Phase I (96-2-027)
- Minor Works: Safety (98-1-001)
- Minor Works: Preservation (98-1-004)
- Underground Storage Tanks, Motor Pool (98-1-999)
- Nuclear Reactor: Decommissioning (99-2-009)

NEW SECTION. Sec. 946. A new section is added to 1999 c ... (SHB 1165) to read as follows:

**FOR THE STATE CONVENTION AND TRADE CENTER**

Seattle - Convention Center: Replacement housing (00-2-002)

\$5,000,000 of the appropriation in this section is provided solely for additional low-income and affordable housing associated with the expansion of the convention center. The housing division of the department of community, trade, and economic development shall select the low-income and affordable housing projects, which shall be distributed throughout King county.

Appropriation:

|  |    |           |
|--|----|-----------|
| State Convention and Trade Center Account--State | \$ | 5,000,000 |
| Prior Biennia (Expenditures)                     | \$ | 0         |
| Future Biennia (Projected Costs)                 | \$ | 0         |

TOTAL \$

-----  
5,000,000

NEW SECTION. Sec. 947. A new section is added to 1999 c ... (ESSB 5180) to read as follows:

**FOR THE MILITARY DEPARTMENT**

General Fund--State Appropriation (FY 2000) \$

3,000,000

The appropriation in this section is provided for emergency services readiness centers in Bremerton, Yakima, and Spokane.

NEW SECTION. Sec. 948. The state treasurer shall transfer \$2,500,000 from the state convention and trade center account to the Washington housing trust account.

NEW SECTION. Sec. 949. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

On page 1, line 2 of the title, after "improvements;" strike the remainder of the title and insert "amending RCW 43.98A.040, 43.98A.060, 43.98A.070, 43.98A.050, and 43.98A.050; amending 1999 c ... (SHB 1165) ss 112, 139, 144, 148, 162, 267, 331, 393, 503, 639, 640, 769, 798, 817, 821, 822, and 923 (uncodified); adding a new section to chapter 43.83B RCW; adding new sections to 1999 c ... (SHB 1165); adding a new section to 1999 c ... (ESSB 5180); creating new sections; and declaring an emergency."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Substitute House Bill No. 1165 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE**

Speaker Chopp stated the question before the House to be final passage of Substitute House Bill No. 1165 as amended by the Senate.

Representatives Mitchell, Murray and Edmonds spoke in favor of passage of the bill as amended by the Senate.

Representative Hankins spoke against the passage of the bill as amended by the Senate.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1165, as amended by the Senate and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville,

Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood and Mr. Speaker Chopp - 96.

Excused: Representatives Scott and Mr. Speaker Ballard - 2.

Substitute House Bill No. 1165, as amended by the Senate, having received the constitutional majority, was declared passed.

#### STATEMENT FOR THE JOURNAL

Had I been present, I would have voted YEA on Substitute House Bill No. 1165.

PAT SCOTT, 38th District

#### SENATE AMENDMENTS TO HOUSE BILL

April 8, 1999

Mr. Speaker:

The Senate has passed Engrossed House Bill No. 1014 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 88.12.115 and 1993 c 244 s 14 are each amended to read as follows:

(1) No person may operate or permit the operation of a vessel on the waters of the state without a personal flotation device on board for each person on the vessel. Each personal flotation device shall be in serviceable condition, of an appropriate size, and readily accessible.

(2) Except as provided in RCW 88.12.015, a violation of subsection (1) of this section is an infraction under chapter 7.84 RCW if the vessel is not carrying passengers for hire.

(3) A violation of subsection (1) of this section is a misdemeanor punishable under RCW 9.92.030, if the vessel is carrying passengers for hire.

(4) No person shall operate a vessel under nineteen feet in length on the waters of this state with a child twelve years old and under, unless the child is wearing a personal flotation device that meets or exceeds the United States coast guard approval standards of the appropriate size, while the vessel is underway. For the purposes of this section, a personal flotation device is not considered readily accessible for children twelve years old and under unless the device is worn by the child while the vessel is underway. The personal flotation device must be worn at all times by a child twelve years old and under whenever the vessel is underway and the child is on an open deck or open cockpit of the vessel. The following circumstances are excepted:

(a) While a child is below deck or in the cabin of a boat with an enclosed cabin;

(b) While a child is on a United States coast guard inspected passenger-carrying vessel operating on the navigable waters of the United States; or

(c) While on board a vessel at a time and place where no person would reasonably expect a danger of drowning to occur.

(5) Except as provided in RCW 88.12.015, a violation of subsection (4) of this section is an infraction under chapter 7.84 RCW. Enforcement of subsection (4) of this section by law enforcement officers may be accomplished as a primary action, and need not be accompanied by the suspected violation of some other offense."

On page 1, line 1 of the title, after "devices;" strike the remainder of the title and insert "amending RCW 88.12.115; and prescribing penalties."



and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Engrossed House Bill No. 1014 and advanced the bill as amended by the Senate to final passage.

### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE**

Speaker Chopp stated the question before the House to be final passage of Engrossed House Bill No. 1014 as amended by the Senate.

Representatives Regala and Carlson spoke in favor of passage of the bill as amended by the Senate.

Representative Van Luven spoke against the passage of the bill as amended by the Senate.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed House Bill No. 1014, as amended by the Senate and the bill passed the House by the following vote: Yeas - 61, Nays - 35, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Barlean, Buck, Cairnes, Carlson, Carrell, Clements, Cody, Constantine, Conway, Cooper, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Fisher, Gombosky, Grant, Haigh, Hatfield, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Lantz, Linville, Lovick, McDonald, McIntire, Miloscia, Mitchell, Morris, Murray, O'Brien, Ogden, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, D. Schmidt, K. Schmidt, Schual-Berke, Skinner, H. Sommers, Stensen, Sullivan, Talcott, Tokuda, Voloria, Wolfe, Wood and Mr. Speaker Chopp - 61.

Voting nay: Representatives Alexander, Ballasiotes, Benson, Boldt, Bush, Campbell, B. Chandler, G. Chandler, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Fortunato, Hankins, Huff, Koster, Lambert, Lisk, Mastin, McMorris, Mielke, Mulliken, Parlette, Pennington, Pflug, Schindler, Schoesler, D. Sommers, Sump, Thomas, Van Luven and Wensman - 35.

Excused: Representatives Scott and Mr. Speaker Ballard - 2.

Engrossed House Bill No. 1014, as amended by the Senate, having received the constitutional majority, was declared passed.

### **STATEMENT FOR THE JOURNAL**

Had I been present, I would have voted YEA on Engrossed House Bill No. 1014.

PAT SCOTT, 38th District

### **MESSAGES FROM THE SENATE**

April 25, 1999

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5967,

SUBSTITUTE SENATE BILL NO. 5968,

and the same are herewith transmitted.

Tony M. Cook, Secretary

April 25, 1999

Mr. Speaker:

The President has signed:

ENGROSSED HOUSE BILL NO. 1007,  
HOUSE BILL NO. 1192,  
HOUSE BILL NO. 1378,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1484,  
SUBSTITUTE HOUSE BILL NO. 1747,  
HOUSE BILL NO. 2259,

and the same are herewith transmitted.

Tony M. Cook, Secretary

**SIGNED BY THE SPEAKERS**

The Speakers have signed:

SECOND SUBSTITUTE HOUSE BILL NO. 1037,  
SUBSTITUTE HOUSE BILL NO. 1240,  
SUBSTITUTE HOUSE BILL NO. 1282,  
SUBSTITUTE HOUSE BILL NO. 1448,  
SECOND SUBSTITUTE HOUSE BILL NO. 1681,  
HOUSE BILL NO. 1833,  
SUBSTITUTE HOUSE BILL NO. 2005,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2260,

There being no objection, the House reverted to the fourth order of business.

**INTRODUCTION AND FIRST READING**

There being no objection, the bills, memorial and resolutions listed on the day's Introduction and First Reading under the fourth order of business were referred to the committees to designated.

**SENATE AMENDMENTS TO HOUSE BILL**

April 25, 1999

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2201 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.16.160 and 1996 c 184 s 2 are each amended to read as follows:

(1) The owner of a vehicle which under reciprocal relations with another jurisdiction would be required to obtain a license registration in this state or an unlicensed vehicle which would be required to obtain a license registration for operation on public highways of this state may, as an alternative to such license registration, secure and operate such vehicle under authority of a trip permit issued by this state in lieu of a Washington certificate of license registration, and licensed gross weight if applicable. The licensed gross weight may not exceed eighty thousand pounds for a combination of vehicles nor forty thousand pounds for a single unit vehicle with three or more axles. Trip permits may also be issued for movement of mobile homes pursuant to RCW 46.44.170. For the purpose of this section, a vehicle is considered unlicensed if the licensed gross weight currently in effect for the vehicle or combination of vehicles is not adequate for the load being carried. Vehicles registered under RCW 46.16.135 shall not be operated under authority of trip permits in lieu of further registration within the same registration year.

(2) Each trip permit shall authorize the operation of a single vehicle at the maximum legal weight limit for such vehicle for a period of three consecutive days commencing with the day of first use. No more than three such permits may be used for any one vehicle in any period of thirty consecutive days, except that in the case of a recreational vehicle as defined in RCW 43.22.335, no more than two trip permits may be used for any one vehicle in a one-year period. Every permit shall identify, as the department may require, the vehicle for which it is issued and shall be completed in its entirety and signed by the operator before operation of the vehicle on the public highways of this state. Correction of data on the permit such as dates, license number, or vehicle identification number invalidates the permit. The trip permit shall be displayed on the vehicle to which it is issued as prescribed by the department.

(3) Vehicles operating under authority of trip permits are subject to all laws, rules, and regulations affecting the operation of like vehicles in this state.

(4) Prorate operators operating commercial vehicles on trip permits in Washington shall retain the customer copy of such permit for four years.

(5) Trip permits may be obtained from field offices of the department of transportation, Washington state patrol, department of licensing, or other agents appointed by the department. For each permit issued, there shall be collected a filing fee as provided by RCW 46.01.140, an administrative fee of eight dollars, and an excise tax of one dollar. If the filing fee amount of one dollar prescribed by RCW 46.01.140 is increased or decreased after January 1, 1981, the administrative fee shall be adjusted to compensate for such change to insure that the total amount collected for the filing fee, administrative fee, and excise tax remain at ten dollars. These fees and taxes are in lieu of all other vehicle license fees and taxes. No exchange, credits, or refunds may be given for trip permits after they have been purchased.

(6) The department may appoint county auditors or businesses as agents for the purpose of selling trip permits to the public. County auditors or businesses so appointed may retain the filing fee collected for each trip permit to defray expenses incurred in handling and selling the permits.

(7) A violation of or a failure to comply with any provision of this section is a gross misdemeanor.

(8) The department of licensing may adopt rules as it deems necessary to administer this section.

(9) A surcharge of five dollars is imposed on the issuance of trip permits. The portion of the surcharge paid by motor carriers must be deposited in the motor vehicle fund for the purpose of supporting vehicle weigh stations, weigh-in-motion programs, and the commercial vehicle information systems and networks program. The remaining portion of the surcharge must be deposited in the

motor vehicle fund for the purpose of supporting congestion relief programs. All other administrative fees and excise taxes collected under the provisions of this chapter shall be forwarded by the department with proper identifying detailed report to the state treasurer who shall deposit the administrative fees to the credit of the motor vehicle fund and the excise taxes to the credit of the general fund. Filing fees will be forwarded and reported to the state treasurer by the department as prescribed in RCW 46.01.140.

**Sec. 2.** RCW 82.38.100 and 1998 c 176 s 62 are each amended to read as follows:

(1) Any special fuel user operating a motor vehicle into this state for commercial purposes may make application for a trip permit that shall be good for a period of three consecutive days beginning and ending on the dates specified on the face of the permit issued, and only for the vehicle for which it is issued.

(2) Every permit shall identify, as the department may require, the vehicle for which it is issued and shall be completed in its entirety, signed, and dated by the operator before operation of the vehicle on the public highways of this state. Correction of data on the permit such as dates, vehicle license number, or vehicle identification number invalidates the permit. A violation of, or a failure to comply with, this subsection is a gross misdemeanor.

(3) For each permit issued, there shall be collected a filing fee of one dollar, an administrative fee of ten dollars, and an excise tax of nine dollars. Such fees and tax shall be in lieu of the special fuel tax otherwise assessable against the permit holder for importing and using special fuel in a motor vehicle on the public highways of this state, and no report of mileage shall be required with respect to such vehicle. Trip permits will not be issued if the applicant has outstanding fuel taxes, penalties, or interest owing to the state or has had a special fuel license revoked for cause and the cause has not been removed.

(4) Blank permits may be obtained from field offices of the department of transportation, Washington state patrol, department of licensing, or other agents appointed by the department. The department may appoint county auditors or businesses as agents for the purpose of selling trip permits to the public. County auditors or businesses so appointed may retain the filing fee collected for each trip permit to defray expenses incurred in handling and selling the permits.

(5) A surcharge of five dollars is imposed on the issuance of trip permits. The portion of the surcharge paid by motor carriers must be deposited in the motor vehicle fund for the purpose of supporting vehicle weigh stations, weigh-in-motion programs, and the commercial vehicle information systems and networks program. The remaining portion of the surcharge must be deposited in the motor vehicle fund for the purpose of supporting congestion relief programs. All other fees and excise taxes collected by the department for trip permits shall be credited and deposited in the same manner as the special fuel tax collected under this chapter and shall not be subject to exchange, refund, or credit.

In line 1 of the title, after "surcharges;" strike the remainder of the title and insert "and amending RCW 46.16.160 and 82.38.100."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to House Bill No. 2201 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE**

Speaker Chopp stated the question before the House to be final passage of House Bill No. 2201 as amended by the Senate.

Representative K. Schmidt spoke in favor of passage of the bill as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2201, as amended by the Senate and the bill passed the House by the following vote: Yeas - 83, Nays - 13, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Benson, Buck, Bush, Cairnes, Campbell, Carlson, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Crouse, Delvin, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, D. Schmidt, K. Schmidt, Schual-Berke, Skinner, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Veloria, Wolfe, Wood and Mr. Speaker Chopp - 83.

Voting nay: Representatives Barlean, Boldt, Carrell, Cox, DeBolt, Dunn, Ericksen, Koster, Schindler, Schoesler, D. Sommers, Van Luven and Wensman - 13.

Excused: Representatives Scott and Mr. Speaker Ballard - 2.

House Bill No. 2201, as amended by the Senate, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

Had I been present, I would have voted YEA on House Bill No. 2201.

PAT SCOTT, 38th District

MESSAGE FROM THE SENATE

April 25, 1999

Mr. Speaker:

The Senate has passed:

HOUSE CONCURRENT RESOLUTION NO. 4410,

and the same is herewith transmitted.

Tony M. Cook, Secretary

April 25, 1999

Mr. Speaker:

The President has signed:

HOUSE BILL NO. 1539,

HOUSE BILL NO. 1810,

and the same are herewith transmitted.

Tony M. Cook, Secretary

April 25, 1999

Mr. Speaker:

The Senate has passed:

and the same is herewith transmitted.

SUBSTITUTE HOUSE BILL NO. 1166,

Tony M. Cook, Secretary

April 25, 1999

Mr. Speaker:

The Senate has passed:

and the same is herewith transmitted.

SENATE CONCURRENT RESOLUTION NO. 8411,

Tony M. Cook, Secretary

April 25, 1999

Mr. Speaker:

The Senate has adopted:

and the same is herewith transmitted.

SENATE CONCURRENT RESOLUTION NO. 8413,

Tony M. Cook, Secretary

April 25, 1999

Mr. Speaker:

The Senate has adopted:

and the same is herewith transmitted.

SENATE CONCURRENT RESOLUTION NO. 8414,

Tony M. Cook, Secretary

April 25, 1999

Mr. Speaker:

The Senate has adopted:

and the same is herewith transmitted. SENATE CONCURRENT RESOLUTION NO. 8415,

Tony M. Cook, Secretary

April 25, 1999

Mr. Speaker:

The Senate has concurred in the House amendment(s) to SENATE BILL NO. 5255 and passed the bill as amended by the House, and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House reverted to the fourth order of business.

### **INTRODUCTIONS AND FIRST READING**

SCR 8413 by Senators Snyder and McDonald

Returning bills to their house of origin.

SCR 8414 by Senators Snyder and McDonald

Notifying the Governor the legislature will adjourn SINE DIE.

SCR 8415 Senators Snyder and McDonald

Adjourning SINE DIE.

There being no objection, the resolutions listed on the day's introduction sheet under the fourth order of business were read the first time.

There being no objection, the rules were suspended and the following resolutions were advanced to second reading:

SENATE CONCURRENT RESOLUTION NO. 8413,

SENATE CONCURRENT RESOLUTION NO. 8414,

SENATE CONCURRENT RESOLUTION NO. 8415,

There being no objection, the House advanced to the sixth order of business.

### **SECOND READING**

SENATE CONCURRENT RESOLUTION NO. 8413, by Senators Snyder and McDonald

Returning bills to their house of origin.

The resolution was read the second time.

There being no objection, the rules were suspended, the second considered the third and the resolution was placed on final adoption.

Speaker Chopp stated the question to be final adoption of Senate Concurrent Resolution No. 8413, and the resolution was adopted.

SENATE CONCURRENT RESOLUTION NO. 8414, by Senators Snyder and McDonald

Notifying the Governor the legislature will adjourn SINE DIE.

The resolution was read the second time.

There being no objection, the rules were suspended, the second considered the third and the resolution was placed on final adoption.

Speaker Chopp stated the question to be final adoption of Senate Concurrent Resolution No. 8414, and the resolution was adopted.

SENATE CONCURRENT RESOLUTION NO. 8415, by Senators Snyder and McDonald

Adjourning SINE DIE.

The resolution was read the second time.

There being no objection, the rules were suspended, the second considered the third and the resolution was placed on final adoption.

Speaker Chopp stated the question to be final adoption of Senate Concurrent Resolution No. 8415, and the resolution was adopted.

There being no objection, Senate Concurrent Resolution No. 8413, Senate Concurrent Resolution No. 8414 and Senate Concurrent Resolution No. 8415 were immediately transmitted to the Senate.

#### **MESSAGES FROM THE SENATE**

April 25, 1999

Mr. Speaker:

The President has signed:

SENATE CONCURRENT RESOLUTION NO. 8413,

SENATE CONCURRENT RESOLUTION NO. 8414,

SENATE CONCURRENT RESOLUTION NO. 8415,

and the same are herewith transmitted.

Tony M. Cook, Secretary

#### **SIGNED BY THE SPEAKERS**

The Speakers have signed:



SENATE CONCURRENT RESOLUTION NO. 8413,

SENATE CONCURRENT RESOLUTION NO. 8414,

SENATE CONCURRENT RESOLUTION NO. 8415,

Speaker Chopp appointed Representatives Ericksen, Miloscia, Pflug and Veloria to notify the Senate that the House was ready to SINE DIE. Speaker Chopp appointed Representatives Alexander, Cox, Doumit and Schual-Berke to notify the Governor that the House was ready to SINE DIE.

**MESSAGES FROM THE SENATE**

April 25, 1999

Mr. Speaker:

The President has signed:

SENATE BILL NO. 5255,

SUBSTITUTE SENATE BILL NO. 5729,

and the same are herewith transmitted.

Tony M. Cook, Secretary

April 25, 1999

Mr. Speaker:

The President has signed

ENGROSSED SUBSTITUTE SENATE BILL NO. 5180,

and the same is herewith transmitted.

Tony M. Cook, Secretary

**SIGNED BY THE SPEAKERS**

The Speakers have signed

ENGROSSED SUBSTITUTE SENATE BILL NO. 5180.

**MESSAGE FROM THE SENATE**

April 25, 1999

Mr. Speaker:

The President has signed:

SENATE BILL NO. 5255,

SUBSTITUTE SENATE BILL NO. 5729,

and the same are herewith transmitted.

Tony M. Cook, Secretary

**SIGNED BY THE SPEAKERS**

The Speakers have signed:

SUBSTITUTE SENATE BILL NO. 5967,

SUBSTITUTE SENATE BILL NO. 5968,

**MESSAGES FROM THE SENATE**

April 25, 1999

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5011,

SUBSTITUTE SENATE BILL NO. 5298,

SUBSTITUTE SENATE BILL NO. 5416,

ENGROSSED SENATE BILL NO. 5485,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5693,

SUBSTITUTE SENATE JOINT RESOLUTION NO. 8208,

and the same are herewith transmitted.

Tony M. Cook, Secretary

April 25, 1999

Mr. Speaker:

The President has signed:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1493,

HOUSE BILL NO. 1757,

SUBSTITUTE HOUSE BILL NO. 1774,

and the same are herewith transmitted.

Tony M. Cook, Secretary

April 25, 1999

Mr. Speaker:

The President has signed:

SECOND SUBSTITUTE HOUSE BILL NO. 1037,  
SUBSTITUTE HOUSE BILL NO. 1240,  
SUBSTITUTE HOUSE BILL NO. 1282,  
SUBSTITUTE HOUSE BILL NO. 1448,  
SECOND SUBSTITUTE HOUSE BILL NO. 1681,  
HOUSE BILL NO. 1833,  
SUBSTITUTE HOUSE BILL NO. 2005,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2260,

and the same are herewith transmitted.

Tony M. Cook, Secretary

**SIGNED BY THE SPEAKERS**

The Speakers have signed:

ENGROSSED HOUSE BILL NO. 1014,  
SUBSTITUTE HOUSE BILL NO. 1165,  
SUBSTITUTE HOUSE BILL NO. 1166,  
HOUSE BILL NO. 1539,  
HOUSE BILL NO. 1810,  
HOUSE BILL NO. 2201,  
HOUSE CONCURRENT RESOLUTION NO. 4410,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5693,

**MESSAGES FROM THE SENATE**

April 25, 1999

Mr. Speaker:

The President has signed:

ENGROSSED HOUSE BILL NO. 1014,

SUBSTITUTE HOUSE BILL NO. 1165,  
SUBSTITUTE HOUSE BILL NO. 1166,  
HOUSE BILL NO. 2201,  
HOUSE CONCURRENT RESOLUTION NO. 4410,

and the same are herewith transmitted.

Tony M. Cook, Secretary

April 25, 1999

Mr. Speaker:

Under the provisions of Senate Concurrent Resolution No. 8413, the following House Bills were returned to the House of Representatives:

HOUSE BILL NO. 1019,  
HOUSE BILL NO. 1021,  
HOUSE BILL NO. 1022,  
HOUSE BILL NO. 1025,  
HOUSE BILL NO. 1031,  
SUBSTITUTE HOUSE BILL NO. 1046,  
HOUSE BILL NO. 1051,  
SUBSTITUTE HOUSE BILL NO. 1054,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1059,  
SUBSTITUTE HOUSE BILL NO. 1061,  
HOUSE BILL NO. 1070,  
SUBSTITUTE HOUSE BILL NO. 1072,  
SUBSTITUTE HOUSE BILL NO. 1074,  
SUBSTITUTE HOUSE BILL NO. 1078,  
ENGROSSED HOUSE BILL NO. 1085,  
HOUSE BILL NO. 1095,  
HOUSE BILL NO. 1096,

ENGROSSED HOUSE BILL NO. 1097,  
HOUSE BILL NO. 1098,  
SUBSTITUTE HOUSE BILL NO. 1125,  
HOUSE BILL NO. 1138,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1147,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1156,  
HOUSE BILL NO. 1159,  
HOUSE BILL NO. 1164,  
HOUSE BILL NO. 1170,  
SUBSTITUTE HOUSE BILL NO. 1171,  
SUBSTITUTE HOUSE BILL NO. 1177,  
SUBSTITUTE HOUSE BILL NO. 1178,  
SECOND SUBSTITUTE HOUSE BILL NO. 1184,  
HOUSE BILL NO. 1188,  
HOUSE BILL NO. 1198,  
HOUSE BILL NO. 1200,  
ENGROSSED HOUSE BILL NO. 1202,  
HOUSE BILL NO. 1203,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1210,  
SUBSTITUTE HOUSE BILL NO. 1234,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1252,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1274,  
SUBSTITUTE HOUSE BILL NO. 1285,  
HOUSE BILL NO. 1288,  
HOUSE BILL NO. 1293,  
HOUSE BILL NO. 1306,  
HOUSE BILL NO. 1320,

ENGROSSED HOUSE BILL NO. 1325,  
HOUSE BILL NO. 1346,  
HOUSE BILL NO. 1352,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1362,  
SUBSTITUTE HOUSE BILL NO. 1368,  
HOUSE BILL NO. 1369,  
HOUSE BILL NO. 1370,  
SUBSTITUTE HOUSE BILL NO. 1376,  
HOUSE BILL NO. 1377,  
SUBSTITUTE HOUSE BILL NO. 1382,  
HOUSE BILL NO. 1383,  
SUBSTITUTE HOUSE BILL NO. 1391,  
HOUSE BILL NO. 1455,  
SECOND SUBSTITUTE HOUSE BILL NO. 1462,  
SUBSTITUTE HOUSE BILL NO. 1487,  
ENGROSSED HOUSE BILL NO. 1513,  
SUBSTITUTE HOUSE BILL NO. 1529,  
HOUSE BILL NO. 1540,  
HOUSE BILL NO. 1555,  
SECOND SUBSTITUTE HOUSE BILL NO. 1574,  
ENGROSSED HOUSE BILL NO. 1577,  
HOUSE BILL NO. 1579,  
HOUSE BILL NO. 1585,  
SUBSTITUTE HOUSE BILL NO. 1588,  
ENGROSSED HOUSE BILL NO. 1613,  
HOUSE BILL NO. 1621,  
SUBSTITUTE HOUSE BILL NO. 1650,

SECOND SUBSTITUTE HOUSE BILL NO. 1674,  
HOUSE BILL NO. 1685,  
SECOND SUBSTITUTE HOUSE BILL NO. 1692,  
HOUSE BILL NO. 1711,  
HOUSE BILL NO. 1715,  
ENGROSSED HOUSE BILL NO. 1749,  
SUBSTITUTE HOUSE BILL NO. 1755,  
SUBSTITUTE HOUSE BILL NO. 1789,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1817,  
SECOND SUBSTITUTE HOUSE BILL NO. 1818,  
HOUSE BILL NO. 1829,  
SUBSTITUTE HOUSE BILL NO. 1862,  
HOUSE BILL NO. 1866,  
HOUSE BILL NO. 1869,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1884,  
SECOND SUBSTITUTE HOUSE BILL NO. 1891,  
HOUSE BILL NO. 1923,  
SUBSTITUTE HOUSE BILL NO. 1955,  
SUBSTITUTE HOUSE BILL NO. 1960,  
ENGROSSED HOUSE BILL NO. 1968,  
SECOND SUBSTITUTE HOUSE BILL NO. 1987,  
SUBSTITUTE HOUSE BILL NO. 1990,  
ENGROSSED HOUSE BILL NO. 2073,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2078,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2094,  
SECOND SUBSTITUTE HOUSE BILL NO. 2098,  
SUBSTITUTE HOUSE BILL NO. 2099,

SECOND SUBSTITUTE HOUSE BILL NO. 2109,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2123,  
SUBSTITUTE HOUSE BILL NO. 2177,  
SUBSTITUTE HOUSE BILL NO. 2210,  
SUBSTITUTE HOUSE BILL NO. 2234,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2238,  
HOUSE BILL NO. 2246,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2254,  
SUBSTITUTE HOUSE BILL NO. 2263,  
SUBSTITUTE HOUSE BILL NO. 2269,  
SUBSTITUTE HOUSE BILL NO. 2273,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2284,  
HOUSE BILL NO. 2285,  
HOUSE JOINT MEMORIAL NO. 4001,  
SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4005,  
ENGROSSED SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4010,

and the same are herewith transmitted.

Tony M. Cook, Secretary

**RETURNED TO THE SENATE**

Under the provisions of Senate Concurrent Resolutions No. 8413 the House returned the following Senate bill(s):

ENGROSSED SUBSTITUTE SENATE BILL NO. 5000,  
SUBSTITUTE SENATE BILL NO. 5001,  
ENGROSSED SENATE BILL NO. 5013,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5019,  
SENATE BILL NO. 5024,  
SUBSTITUTE SENATE BILL NO. 5027,



SUBSTITUTE SENATE BILL NO. 5032,  
SENATE BILL NO. 5033,  
SENATE BILL NO. 5038,  
ENGROSSED SENATE BILL NO. 5044,  
SUBSTITUTE SENATE BILL NO. 5049,  
SUBSTITUTE SENATE BILL NO. 5050,  
SENATE BILL NO. 5053,  
SUBSTITUTE SENATE BILL NO. 5059,  
SENATE BILL NO. 5060,  
SUBSTITUTE SENATE BILL NO. 5061,  
SUBSTITUTE SENATE BILL NO. 5065,  
SUBSTITUTE SENATE BILL NO. 5066,  
SENATE BILL NO. 5071,  
SUBSTITUTE SENATE BILL NO. 5074,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5082,  
SENATE BILL NO. 5084,  
SUBSTITUTE SENATE BILL NO. 5094,  
ENGROSSED SENATE BILL NO. 5097,  
SUBSTITUTE SENATE BILL NO. 5099,  
SENATE BILL NO. 5100,  
SUBSTITUTE SENATE BILL NO. 5103,  
SENATE BILL NO. 5106,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5111,  
SUBSTITUTE SENATE BILL NO. 5112,  
SUBSTITUTE SENATE BILL NO. 5113,  
SUBSTITUTE SENATE BILL NO. 5115,  
SENATE BILL NO. 5117,

SUBSTITUTE SENATE BILL NO. 5121,  
SENATE BILL NO. 5124,  
SUBSTITUTE SENATE BILL NO. 5148,  
SUBSTITUTE SENATE BILL NO. 5149,  
SENATE BILL NO. 5152,  
SUBSTITUTE SENATE BILL NO. 5160,  
ENGROSSED SENATE BILL NO. 5163,  
SENATE BILL NO. 5170,  
SUBSTITUTE SENATE BILL NO. 5176,  
SUBSTITUTE SENATE BILL NO. 5177,  
SUBSTITUTE SENATE BILL NO. 5181,  
SENATE BILL NO. 5186,  
ENGROSSED SENATE BILL NO. 5187,  
SENATE BILL NO. 5188,  
SUBSTITUTE SENATE BILL NO. 5192,  
SENATE BILL NO. 5193,  
SUBSTITUTE SENATE BILL NO. 5199,  
SENATE BILL NO. 5200,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5205,  
SUBSTITUTE SENATE BILL NO. 5212,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5226,  
SENATE BILL NO. 5240,  
SUBSTITUTE SENATE BILL NO. 5248,  
ENGROSSED SENATE BILL NO. 5250,  
SENATE BILL NO. 5258,  
SUBSTITUTE SENATE BILL NO. 5260,  
SUBSTITUTE SENATE BILL NO. 5264,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5268,  
SENATE BILL NO. 5270,  
SENATE BILL NO. 5275,  
SUBSTITUTE SENATE BILL NO. 5280,  
SUBSTITUTE SENATE BILL NO. 5283,  
SENATE BILL NO. 5284,  
SUBSTITUTE SENATE BILL NO. 5285,  
SENATE BILL NO. 5291,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5295,  
SUBSTITUTE SENATE BILL NO. 5299,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5300,  
SUBSTITUTE SENATE BILL NO. 5309,  
SUBSTITUTE SENATE BILL NO. 5325,  
SUBSTITUTE SENATE BILL NO. 5328,  
ENGROSSED SENATE BILL NO. 5330,  
SECOND SUBSTITUTE SENATE BILL NO. 5331,  
ENGROSSED SENATE BILL NO. 5336,  
ENGROSSED SENATE BILL NO. 5337,  
SUBSTITUTE SENATE BILL NO. 5340,  
SENATE BILL NO. 5341,  
SENATE BILL NO. 5343,  
ENGROSSED SENATE BILL NO. 5346,  
SUBSTITUTE SENATE BILL NO. 5349,  
SENATE BILL NO. 5353,  
SENATE BILL NO. 5355,  
SUBSTITUTE SENATE BILL NO. 5359,  
SUBSTITUTE SENATE BILL NO. 5363,

SENATE BILL NO. 5370,  
SUBSTITUTE SENATE BILL NO. 5376,  
SUBSTITUTE SENATE BILL NO. 5378,  
SENATE BILL NO. 5380,  
SENATE BILL NO. 5381,  
SUBSTITUTE SENATE BILL NO. 5383,  
SUBSTITUTE SENATE BILL NO. 5386,  
SUBSTITUTE SENATE BILL NO. 5387,  
SUBSTITUTE SENATE BILL NO. 5400,  
SENATE BILL NO. 5410,  
SUBSTITUTE SENATE BILL NO. 5413,  
SUBSTITUTE SENATE BILL NO. 5415,  
SUBSTITUTE SENATE BILL NO. 5430,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5433,  
SENATE BILL NO. 5434,  
ENGROSSED SENATE BILL NO. 5437,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5439,  
SENATE BILL NO. 5443,  
SENATE BILL NO. 5445,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5447,  
SUBSTITUTE SENATE BILL NO. 5453,  
SENATE BILL NO. 5454,  
SENATE BILL NO. 5464,  
SUBSTITUTE SENATE BILL NO. 5465,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5470,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5480,  
SUBSTITUTE SENATE BILL NO. 5482,

SENATE BILL NO. 5483,  
ENGROSSED SENATE BILL NO. 5490,  
SUBSTITUTE SENATE BILL NO. 5491,  
SUBSTITUTE SENATE BILL NO. 5492,  
SENATE BILL NO. 5496,  
SENATE BILL NO. 5497,  
SUBSTITUTE SENATE BILL NO. 5501,  
SENATE BILL NO. 5503,  
SUBSTITUTE SENATE BILL NO. 5510,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5512,  
SENATE BILL NO. 5514,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5516,  
SUBSTITUTE SENATE BILL NO. 5518,  
SENATE BILL NO. 5519,  
SUBSTITUTE SENATE BILL NO. 5522,  
SUBSTITUTE SENATE BILL NO. 5528,  
SENATE BILL NO. 5529,  
SENATE BILL NO. 5530,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5531,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5533,  
SENATE BILL NO. 5538,  
SENATE BILL NO. 5542,  
SUBSTITUTE SENATE BILL NO. 5547,  
SUBSTITUTE SENATE BILL NO. 5549,  
SECOND SUBSTITUTE SENATE BILL NO. 5556,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5557,  
SENATE BILL NO. 5560,

SUBSTITUTE SENATE BILL NO. 5561,  
SENATE BILL NO. 5563,  
ENGROSSED SENATE BILL NO. 5568,  
SENATE BILL NO. 5570,  
SENATE BILL NO. 5575,  
SUBSTITUTE SENATE BILL NO. 5578,  
SENATE BILL NO. 5579,  
ENGROSSED SENATE BILL NO. 5580,  
SENATE BILL NO. 5584,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5587,  
SUBSTITUTE SENATE BILL NO. 5590,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5593,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5595,  
SENATE BILL NO. 5597,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5598,  
SUBSTITUTE SENATE BILL NO. 5604,  
SUBSTITUTE SENATE BILL NO. 5607,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5608,  
SUBSTITUTE SENATE BILL NO. 5611,  
ENGROSSED SENATE BILL NO. 5613,  
SENATE BILL NO. 5617,  
SENATE BILL NO. 5624,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5625,  
ENGROSSED SENATE BILL NO. 5631,  
SUBSTITUTE SENATE BILL NO. 5641,  
SUBSTITUTE SENATE BILL NO. 5657,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5659,

ENGROSSED SENATE BILL NO. 5662,  
SENATE BILL NO. 5664,  
SENATE BILL NO. 5665,  
SENATE BILL NO. 5667,  
SENATE BILL NO. 5670,  
ENGROSSED SENATE BILL NO. 5675,  
SUBSTITUTE SENATE BILL NO. 5679,  
SECOND SUBSTITUTE SENATE BILL NO. 5681,  
SUBSTITUTE SENATE BILL NO. 5683,  
SENATE BILL NO. 5684,  
SENATE BILL NO. 5703,  
SECOND ENGROSSED SENATE BILL NO. 5704,  
SUBSTITUTE SENATE BILL NO. 5710,  
SUBSTITUTE SENATE BILL NO. 5718,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5730,  
SUBSTITUTE SENATE BILL NO. 5733,  
SENATE BILL NO. 5739,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5743,  
SENATE BILL NO. 5748,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5750,  
SENATE BILL NO. 5760,  
SUBSTITUTE SENATE BILL NO. 5764,  
SUBSTITUTE SENATE BILL NO. 5770,  
ENGROSSED SENATE BILL NO. 5779,  
SUBSTITUTE SENATE BILL NO. 5792,  
SUBSTITUTE SENATE BILL NO. 5793,  
SUBSTITUTE SENATE BILL NO. 5797,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5800,  
SUBSTITUTE SENATE BILL NO. 5805,  
SUBSTITUTE SENATE BILL NO. 5810,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5811,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5812,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5813,  
ENGROSSED SENATE BILL NO. 5816,  
ENGROSSED SENATE BILL NO. 5819,  
SUBSTITUTE SENATE BILL NO. 5822,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5848,  
SUBSTITUTE SENATE BILL NO. 5850,  
SENATE BILL NO. 5869,  
ENGROSSED SENATE BILL NO. 5881,  
ENGROSSED SENATE BILL NO. 5886,  
SUBSTITUTE SENATE BILL NO. 5893,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5899,  
SUBSTITUTE SENATE BILL NO. 5900,  
SUBSTITUTE SENATE BILL NO. 5902,  
SUBSTITUTE SENATE BILL NO. 5903,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5914,  
SENATE BILL NO. 5920,  
SUBSTITUTE SENATE BILL NO. 5921,  
SUBSTITUTE SENATE BILL NO. 5929,  
SUBSTITUTE SENATE BILL NO. 5932,  
SUBSTITUTE SENATE BILL NO. 5933,  
SENATE BILL NO. 5944,  
SENATE BILL NO. 5951,



ENGROSSED SUBSTITUTE SENATE BILL NO. 5955,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5957,  
SUBSTITUTE SENATE BILL NO. 5963,  
SUBSTITUTE SENATE BILL NO. 5989,  
SUBSTITUTE SENATE BILL NO. 6003,  
ENGROSSED SENATE BILL NO. 6004,  
SUBSTITUTE SENATE BILL NO. 6008,  
SENATE BILL NO. 6010,  
SUBSTITUTE SENATE BILL NO. 6031,  
SUBSTITUTE SENATE BILL NO. 6032,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6035,  
SENATE BILL NO. 6037,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6067,  
SENATE JOINT MEMORIAL NO. 8000,  
SENATE JOINT MEMORIAL NO. 8010,  
SUBSTITUTE SENATE JOINT RESOLUTION NO. 8200,  
SECOND SUBSTITUTE SENATE JOINT RESOLUTION NO. 8205,  
SENATE CONCURRENT RESOLUTION NO. 8402,  
ENGROSSED SENATE CONCURRENT RESOLUTION NO. 8408,  
SENATE CONCURRENT RESOLUTION NO. 8409,  
SENATE CONCURRENT RESOLUTIONS NO. 8410,  
SENATE CONCURRENT RESOLUTION NO. 8411,  
SENATE BILL NO. 5484,

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

#### MOTION

On motion of Representative Kessler, the reading of the Journal of the 56<sup>th</sup> Legislature was dispensed with and ordered to stand approved.

#### SENATE DELEGATION

The Sergeant at Arms of the House and Senate escorted Senators Sheahan, Eide and Goings to the Bar of the Chamber. The Senators notified the House the Senate was ready to SINE DIE.

#### **HOUSE DELEGATION**

Representatives Ericksen, Miloscia, Pflug and Veloria returned from the Senate. Representatives Alexander, Cox, Doumit and Schual-Berke returned from the Governor's Office.

#### **SPEAKERS' PRIVILEGE**

Speaker Chopp, on behalf of himself and Speaker Ballard, thanked the staff for their dedication and hard work making the 56<sup>th</sup> Legislative Session a success.

There being no objection, the House advanced to the eleventh order of business.

#### **MOTION**

On motion of Representative Kessler, the House adjourned SINE DIE.

TIMOTHY A. MARTIN, Chief Clerk      CLYDE BALLARD, Speaker  
DEAN R. FOSTER, Chief Clerk      FRANK CHOPP, Speaker

ONE HUNDRED AND FIFTH DAY, APRIL 25, 1999

JOURNAL OF THE HOUSE

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

## **FIRST DAY - SPECIAL SESSION**

### **MORNING SESSION**

House Chamber, Olympia, Monday, May 17, 1999

The House was called to order at 9:00 a.m. by Speaker Ballard. The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Chad Cozby and Tony Berry. Speaker Ballard lead the Chamber in the Pledge of Alliance. Prayer was offered by Secretary of State Ralph Munro.

### **PROCLAMATION BY THE GOVERNOR**

**WHEREAS**, in accordance with Article II, Section 12 (Amendment 68) of the Washington State Constitution, the Legislature adjourned its 1999 regular session on April 25, 1999, the 105<sup>th</sup> day of the session; and

**WHEREAS**, substantial work remains to be done with respect to education, including school safety, teacher testing, and professional teaching standards; and

**WHEREAS**, substantial work also remains to be done with respect to salmon recovery efforts, and a biennial transportation budget for the state was not passed;

**NOW, THEREFORE**, I Gary Locke, Governor of the State of Washington, by virtue of the authority vested in me by Article II, Section 12 (Amendment 68) and Article III, Section 7 of the Washington State Constitution, do hereby convene the Washington State Legislature in Special Session in the Capitol at Olympia at nine o'clock a.m. on Monday, May 17, 1999 for a period of not more than one week for the purpose of enacting legislation as described above.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Seal of the State of Washington to be affixed at Olympia this 30<sup>th</sup> day of April, A.D., nineteen hundred and ninety-nine.

Gary Locke, Governor of Washington

Ralph Munro, Secretary of State

There being no objection, the following bills were re-introduced and held on the same status as at SINE DIE:

HOUSE BILL NO. 1004,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1147,

HOUSE BILL NO. 2091,

There being no objection, the Rules Committee was relieved of the following bills and the bills were placed on the appropriate calendars:

HOUSE BILL NO. 1004,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1147,

HOUSE BILL NO. 2091,

There being no objection, the House advanced to the sixth order.

### SECOND READING

HOUSE BILL NO. 1004, by Representatives Ballasiotes, O'Brien, Benson, Radcliff, Mitchell, Quall, Dickerson, Cairnes, Morris, Hurst, Campbell, Koster, Bush, Mulliken, Kastama, Miloscia, Conway, Esser, Scott, McIntire, Kessler, Keiser, Mielke, Carrell, McDonald, Dunn, Kenney, Ogden, Schoesler, Rockefeller and Wood

Requiring transient sex offenders to report regularly to the county sheriff.

The bill was read the second time. There being no objection, Substitute House Bill No. 1004 was substituted for House Bill No. 1004 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1004 was read the second time.

There being no objection, amendments 63 and 62 were withdrawn.

Representative Ballasiotes moved the adoption of amendment (381):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9A.44.130 and 1998 c 220 s 1 and 1998 c 139 s 1 are each reenacted and amended to read as follows:

(1) Any adult or juvenile residing, or who is a student, is employed, or carries on a vocation in this state who has been found to have committed or has been convicted of any sex offense or kidnapping offense, or who has been found not guilty by reason of insanity under chapter 10.77 RCW of committing any sex offense or kidnapping offense, shall register with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation. Where a person required to register under this section is in custody of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility as a result of a sex offense or kidnapping offense, the person shall also register at the time of release from custody with an official designated by the agency that has jurisdiction over the person. In addition, any such adult or juvenile who is admitted to a public or private institution of higher education shall, within ten days of enrolling or by the first business day after arriving at the institution, whichever is earlier, notify the sheriff for the county of the person's residence of the person's intent to attend the institution. Persons required to register under this section who are enrolled in a public or private institution of higher education on June 11, 1998, must notify the county sheriff immediately. The

sheriff shall notify the institution's department of public safety and shall provide that department with the same information provided to a county sheriff under subsections (3) and (4) of this section.

(2) This section may not be construed to confer any powers pursuant to RCW 4.24.500 upon the public safety department of any public or private institution of higher education.

(3) The person shall provide the following information when registering: (a) Name; (b) address; (c) date and place of birth; (d) place of employment; (e) crime for which convicted; (f) date and place of conviction; (g) aliases used; (h) social security number; (i) photograph; and (j) fingerprints.

(4) Any person who lacks a fixed residence shall be deemed to reside in any county where the person is physically present. Such person shall report in person to the county sheriff's office within twenty-four hours after entering the county. Thereafter, the person shall report in person monthly, if he or she has been classified as a risk level I sex offender, or weekly, if the person has been classified as a risk level II or III sex offender. When reporting, the person shall provide the information set out in subsection (3) of this section and shall additionally state where he or she plans to stay. The lack of a fixed residence is a factor to be considered in determining a sex offender's risk level.

(5)(a) Offenders shall register with the county sheriff within the following deadlines. For purposes of this section the term "conviction" refers to adult convictions and juvenile adjudications for sex offenses or kidnapping offenses:

(i) OFFENDERS IN CUSTODY. (A) Sex offenders who committed a sex offense on, before, or after February 28, 1990, and who, on or after July 28, 1991, are in custody, as a result of that offense, of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility, and (B) kidnapping offenders who on or after July 27, 1997, are in custody of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility, must register at the time of release from custody with an official designated by the agency that has jurisdiction over the offender. The agency shall within three days forward the registration information to the county sheriff for the county of the offender's anticipated residence. The offender must also register within twenty-four hours from the time of release with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation. The agency that has jurisdiction over the offender shall provide notice to the offender of the duty to register. Failure to register at the time of release and within twenty-four hours of release constitutes a violation of this section and is punishable as provided in subsection ~~((9))~~ (10) of this section.

When the agency with jurisdiction intends to release an offender with a duty to register under this section, and the agency has knowledge that the offender is eligible for developmental disability services from the department of social and health services, the agency shall notify the division of developmental disabilities of the release. Notice shall occur not more than thirty days before the offender is to be released. The agency and the division shall assist the offender in meeting the initial registration requirement under this section. Failure to provide such assistance shall not constitute a defense for any violation of this section.

(ii) OFFENDERS NOT IN CUSTODY BUT UNDER STATE OR LOCAL JURISDICTION. Sex offenders who, on July 28, 1991, are not in custody but are under the jurisdiction of the indeterminate sentence review board or under the department of correction's active supervision, as defined by the department of corrections, the state department of social and health services, or a local division of youth services, for sex offenses committed before, on, or after February 28, 1990, must register within ten days of July 28, 1991. Kidnapping offenders who, on July 27, 1997, are not in custody but are under the jurisdiction of the indeterminate sentence review board or under the department of correction's active supervision, as defined by the department of corrections, the state department of social and health services, or a local division of youth services, for kidnapping offenses committed before, on, or after July 27, 1997, must register within ten days of July 27, 1997. A change in supervision status of a sex offender who was required to register under this subsection ~~((4))~~ (5)(a)(ii) as of July 28, 1991, or a kidnapping offender required to register as of July 27, 1997, shall not relieve the offender of the duty to register or to reregister following a change in residence. The obligation to register shall only cease pursuant to RCW 9A.44.140.

(iii) OFFENDERS UNDER FEDERAL JURISDICTION. Sex offenders who, on or after July 23, 1995, and kidnapping offenders who, on or after July 27, 1997, as a result of that offense are in the custody of the United States bureau of prisons or other federal or military correctional agency for sex offenses committed before, on, or after February 28, 1990, or kidnapping offenses committed on, before, or after July 27, 1997, must register within twenty-four hours from the time of release with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation. Sex offenders who, on July 23, 1995, are not in custody but are under the jurisdiction of the United States bureau of prisons, United States courts, United States parole commission, or military parole board for sex offenses committed before, on, or after February 28, 1990, must register within ten days of July 23, 1995. Kidnapping offenders who, on July 27, 1997, are not in custody but are under the jurisdiction of the United States bureau of prisons, United States courts, United States parole commission, or military parole board for kidnapping offenses committed before, on, or after July 27, 1997, must register within ten days of July 27, 1997. A change in supervision status of a sex offender who was required to register under this subsection (~~((4))~~) (5)(a)(iii) as of July 23, 1995, or a kidnapping offender required to register as of July 27, 1997 shall not relieve the offender of the duty to register or to reregister following a change in residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation. The obligation to register shall only cease pursuant to RCW 9A.44.140.

(iv) OFFENDERS WHO ARE CONVICTED BUT NOT CONFINED. Sex offenders who are convicted of a sex offense on or after July 28, 1991, for a sex offense that was committed on or after February 28, 1990, and kidnapping offenders who are convicted on or after July 27, 1997, for a kidnapping offense that was committed on or after July 27, 1997, but who are not sentenced to serve a term of confinement immediately upon sentencing, shall report to the county sheriff to register immediately upon completion of being sentenced.

(v) OFFENDERS WHO ARE NEW RESIDENTS OR RETURNING WASHINGTON RESIDENTS. Sex offenders and kidnapping offenders who move to Washington state from another state or a foreign country that are not under the jurisdiction of the state department of corrections, the indeterminate sentence review board, or the state department of social and health services at the time of moving to Washington, must register within thirty days of establishing residence or reestablishing residence if the person is a former Washington resident. The duty to register under this subsection applies to sex offenders convicted under the laws of another state or a foreign country, federal or military statutes, or Washington state for offenses committed on or after February 28, 1990, and to kidnapping offenders convicted under the laws of another state or a foreign country, federal or military statutes, or Washington state for offenses committed on or after July 27, 1997. Sex offenders and kidnapping offenders from other states or a foreign country who, when they move to Washington, are under the jurisdiction of the department of corrections, the indeterminate sentence review board, or the department of social and health services must register within twenty-four hours of moving to Washington. The agency that has jurisdiction over the offender shall notify the offender of the registration requirements before the offender moves to Washington.

(vi) OFFENDERS FOUND NOT GUILTY BY REASON OF INSANITY. Any adult or juvenile who has been found not guilty by reason of insanity under chapter 10.77 RCW of (A) committing a sex offense on, before, or after February 28, 1990, and who, on or after July 23, 1995, is in custody, as a result of that finding, of the state department of social and health services, or (B) committing a kidnapping offense on, before, or after July 27, 1997, and who on or after July 27, 1997, is in custody, as a result of that finding, of the state department of social and health services, must register within twenty-four hours from the time of release with the county sheriff for the county of the person's residence. The state department of social and health services shall provide notice to the adult or juvenile in its custody of the duty to register. Any adult or juvenile who has been found not guilty by reason of insanity of committing a sex offense on, before, or after February 28, 1990, but who was released before July 23, 1995, or any adult or juvenile who has been found not guilty by reason of insanity of committing a kidnapping offense but who was released before July 27, 1997, shall be required to register within twenty-four hours of receiving notice of this registration requirement. The state department of social and health services shall make reasonable attempts within available resources to notify sex offenders who were released before July 23, 1995, and kidnapping offenders who were

released before July 27, 1997. Failure to register within twenty-four hours of release, or of receiving notice, constitutes a violation of this section and is punishable as provided in subsection ~~((9))~~ (10) of this section.

(b) Failure to register within the time required under this section constitutes a per se violation of this section and is punishable as provided in subsection ~~((9))~~ (10) of this section. The county sheriff shall not be required to determine whether the person is living within the county.

(c) An arrest on charges of failure to register, service of an information, or a complaint for a violation of this section, or arraignment on charges for a violation of this section, constitutes actual notice of the duty to register. Any person charged with the crime of failure to register under this section who asserts as a defense the lack of notice of the duty to register shall register immediately following actual notice of the duty through arrest, service, or arraignment. Failure to register as required under this subsection ~~((4))~~ (5)(c) constitutes grounds for filing another charge of failing to register. Registering following arrest, service, or arraignment on charges shall not relieve the offender from criminal liability for failure to register prior to the filing of the original charge.

(d) The deadlines for the duty to register under this section do not relieve any sex offender of the duty to register under this section as it existed prior to July 28, 1991.

~~((5))~~ (6)(a) If any person required to register pursuant to this section changes his or her residence address within the same county, the person must send written notice of the change of address to the county sheriff within seventy-two hours of moving. If any person required to register pursuant to this section moves to a new county, the person must send written notice of the change of address at least fourteen days before moving to the county sheriff in the new county of residence and must register with that county sheriff within twenty-four hours of moving. The person must also send written notice within ten days of the change of address in the new county to the county sheriff with whom the person last registered. The county sheriff with whom the person last registered shall promptly forward the information concerning the change of address to the county sheriff for the county of the person's new residence. If any person required to register pursuant to this section moves out of Washington state, the person must also send written notice within ten days of moving to the new state or a foreign country to the county sheriff with whom the person last registered in Washington state. Upon receipt of notice of change of address to a new state, the county sheriff shall promptly forward the information regarding the change of address to the agency designated by the new state as the state's offender registration agency.

(b) If any person required to register pursuant to this section ceases to have a fixed residence, he or she shall provide written notice to the sheriff of the county where he or she last registered within fourteen days after ceasing to have a fixed residence. The notice shall include the information required by subsection (3) of this section. The sheriff shall forward this information to the sheriff of the county in which the offender intends to be physically present.

(c) It is an affirmative defense to a charge that the person failed to send a notice at least fourteen days in advance of moving as required under (a) of this subsection that the person did not know the location of his or her new residence at least fourteen days before moving. The defendant must establish the defense by a preponderance of the evidence and, to prevail on the defense, must also prove by a preponderance that the defendant sent the required notice within twenty-four hours of determining the new address or that the defendant reported the lack of a fixed residence to the sheriff of the county where the defendant was found within fourteen days of ceasing to have a fixed residence.

~~((6))~~ (7) A sex offender subject to registration requirements under this section who applies to change his or her name under RCW 4.24.130 or any other law shall submit a copy of the application to the county sheriff of the county of the person's residence and to the state patrol not fewer than five days before the entry of an order granting the name change. No sex offender under the requirement to register under this section at the time of application shall be granted an order changing his or her name if the court finds that doing so will interfere with legitimate law enforcement interests, except that no order shall be denied when the name change is requested for religious or legitimate cultural reasons or in recognition of marriage or dissolution of marriage. A sex offender under the requirement to register under this section who receives an order changing his or her name shall submit a copy of the order to the county sheriff of the county of the person's residence and to the state patrol within five days of the entry of the order.



~~((7))~~ (8) The county sheriff shall obtain a photograph of the individual and shall obtain a copy of the individual's fingerprints.

~~((8))~~ (9) For the purpose of RCW 9A.44.130, 10.01.200, 43.43.540, 70.48.470, and 72.09.330:

(a) "Sex offense" means any offense defined as a sex offense by RCW 9.94A.030 and any violation of RCW 9.68A.040 (sexual exploitation of a minor), 9.68A.050 (dealing in depictions of minor engaged in sexually explicit conduct), 9.68A.060 (sending, bringing into state depictions of minor engaged in sexually explicit conduct), 9.68A.090 (communication with minor for immoral purposes), 9.68A.100 (patronizing juvenile prostitute), or 9A.44.096 (sexual misconduct with a minor in the second degree), as well as any gross misdemeanor that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit an offense that is classified as a sex offense under RCW 9.94A.030.

(b) "Kidnapping offense" means the crimes of kidnapping in the first degree, kidnapping in the second degree, and unlawful imprisonment as defined in chapter 9A.40 RCW, where the victim is a minor and the offender is not the minor's parent.

(c) "Employed" or "carries on a vocation" means employment that is full-time or part-time for a period of time exceeding fourteen days, or for an aggregate period of time exceeding thirty days during any calendar year. A person is employed or carries on a vocation whether the person's employment is financially compensated, volunteered, or for the purpose of government or educational benefit.

(d) "Student" means a person who is enrolled, on a full-time or part-time basis, in any public or private educational institution. An educational institution includes any secondary school, trade or professional institution, or institution of higher education.

~~((9))~~ (10) A person who knowingly fails to register with the county sheriff or notify the county sheriff, or who changes his or her name without notifying the county sheriff and the state patrol, as required by this section is guilty of a class C felony if the crime for which the individual was convicted was a felony or a federal or out-of-state conviction for an offense that under the laws of this state would be a felony. If the crime was other than a felony or a federal or out-of-state conviction for an offense that under the laws of this state would be other than a felony, violation of this section is a gross misdemeanor."

Correct the title.

Representative(s) Ballasiotes and O'Brien spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ballasiotes and O'Brien spoke in favor of passage of the bill.

#### MOTIONS

There being no objection, Representative Kessler excused Representative Scott. There being no objection, Representative Schoesler excused Representative Schindler.

Speaker Ballard stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1004.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1004 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, D. K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Schindler and Scott - 2.

Engrossed Substitute House Bill No. 1004, having received the constitutional majority, was declared passed.

There being no objection, the House advanced to the seventh order of business.

### THIRD READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1147, by House Committee on Appropriations (originally sponsored by Representatives K. Schmidt, Fisher, Hatfield, Radcliff, Kenney, Keiser, Hurst, Lovick, Ogden, Murray, Wood, Ruderman, Rockefeller and McIntire)

Enhancing novice driver traffic safety.

There being no objection, the rules were suspended and Engrossed Second Substitute House Bill No. 1147 was returned to Second Reading for purpose of amendments.

Representative K. Schmidt moved the adoption of amendment (380):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.20.100 and 1999 c 274 s 14 are each amended to read as follows:

(1) **Application.** The application of a person under the age of eighteen years for a driver's license or a motorcycle endorsement must be signed by a parent or guardian with custody of the minor. If the person under the age of eighteen has no father, mother, or guardian, then the application must be signed by the minor's employer.

Beginning January 1, 2000, the minor's father, mother, or guardian must attest in writing that the minor has completed the supervised driving practice as required under section 2 of this act. If the minor has no father, mother, or guardian, the minor's employer must make the attestation.

(2) **Traffic safety education requirement.** For a person under the age of eighteen years to obtain a driver's license he or she must meet the traffic safety education requirements of this subsection.

(a) To meet the traffic safety education requirement for a driver's license the applicant must satisfactorily complete a traffic safety education course as defined in RCW 28A.220.020. The course must meet the standards established by the office of the state superintendent of public instruction. The traffic safety education course may be provided by:

(i) A recognized secondary school; or

(ii) A commercial driving enterprise that is annually approved by the office of the superintendent of public instruction.

(b) To meet the traffic safety education requirement for a motorcycle endorsement, the applicant must successfully complete a motorcycle safety education course that meets the standards established by the department of licensing.

(c) The department may waive the traffic safety education requirement for a driver's license if the applicant demonstrates to the department's satisfaction that:

(i) He or she was unable to take or complete a traffic safety education course;

(ii) A need exists for the applicant to operate a motor vehicle; and

(iii) He or she has the ability to operate a motor vehicle in such a manner as not to jeopardize the safety of persons or property.

The department may adopt rules to implement this subsection (2)(c) in concert with the supervisor of the traffic safety education section of the office of the superintendent of public instruction.

(d) The department may waive the traffic safety education requirement if the applicant was licensed to drive a motor vehicle or motorcycle outside this state and provides proof that he or she has had education equivalent to that required under this subsection.

(3) Rescission. Until the minor turns eighteen years of age, the parent or guardian who signed the application may rescind his or her signature and terminate the driving privilege upon payment of a five-dollar fee.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.220 RCW to read as follows:

The superintendent of public instruction, in consultation with the department of licensing, shall adopt rules that establish a supervised driving practice requirement that a minor under the age of eighteen must satisfy in order to qualify for a driver's license. This requirement is in addition to the behind-the-wheel training required under RCW 28A.220.030 or 46.82.290.

(1) The rules must prescribe a required number of hours of practice in operating a motor vehicle. The required number of hours must be no less than fifteen hours and no more than fifty. The rules may require that the required hours include nighttime driving.

(2) In order for practice hours to count towards the requirement, the minor must hold a valid Washington learner's permit and must be accompanied by a licensed driver who has at least five years of driving experience and is occupying a seat beside the driver.

**Sec. 3.** RCW 28A.220.030 and 1979 c 158 s 196 are each amended to read as follows:

(1) The superintendent of public instruction (~~(is authorized to)~~) shall establish a section of traffic safety education, and through such section shall: Define a "realistic level of effort" required to provide an effective traffic safety education course, establish a level of driving competency required of each student to successfully complete the course, and ensure that an effective state-wide program is implemented and sustained, administer, supervise, and develop the traffic safety education program and shall assist local school districts in the conduct of their traffic safety education programs. The superintendent shall adopt necessary rules and regulations governing the operation and scope of the traffic safety education program; and each school district shall submit a report to the superintendent on the condition of its traffic safety education program(~~(: PROVIDED, That)~~). The superintendent shall monitor the quality of the program and carry out the purposes of this chapter.

(2) Effective September 1, 1999, the traffic safety education curriculum established by the superintendent under subsection (1) of this section must include a mandatory minimum of five hours of behind-the-wheel training for each student. The training must include a comprehensive driving skills test and individual knowledge test that a student must pass in order to receive a passing grade from a traffic safety education class.

(3) Effective September 1, 2000, the required curriculum must include a mandatory minimum of six hours of behind-the-wheel training for each student. In addition to the requirements of subsection (2) of this section, the training must include one training session for each student where the student drives a vehicle equipped with a device that simulates the loss of vehicular control that can occur when a vehicle skids from loss of traction. If a school is unable to provide training with the device, the six-hour training requirement is reduced to five and one-half hours. The superintendent

may authorize the use of another training device in lieu of the device described in this section if the superintendent concludes that the alternative device is as effective.

(4) The superintendent's curriculum must include a provision that the additional two hours of behind-the-wheel training required under subsections (2) and (3) of this section are not required of students who demonstrate to the instructor of the traffic safety education course that the student possesses the driving skills necessary to safely operate a motor vehicle upon a highway and:

(a) Have held a juvenile agricultural driving permit under RCW 46.20.070 before enrolling in a traffic safety education course; or

(b) Previously held a driver's license in another state.

(5) The superintendent shall establish a required minimum number of hours of continuing traffic safety education for traffic safety education instructors. The superintendent may phase in the requirement over not more than five years.

(6) The board of directors of any school district maintaining a secondary school which includes any of the grades 10 to 12, inclusive, may establish and maintain a traffic safety education course. If a school district elects to offer a traffic safety education course and has within its boundaries a private accredited secondary school which includes any of the grades 10 to 12, inclusive, at least one class in traffic safety education shall be given at times other than regular school hours if there is sufficient demand therefor.

~~((3))~~ (7) The board of directors of a school district, or combination of school districts, may contract with any drivers' school licensed under the provisions of chapter 46.82 RCW to teach the laboratory phase of the traffic safety education course. Instructors provided by any such contracting drivers' school must be properly qualified teachers of traffic safety education under the joint qualification requirements adopted by the superintendent of public instruction and the director of licensing.

**Sec. 4.** RCW 46.82.290 and 1979 ex.s. c 51 s 2 are each amended to read as follows:

(1) The director (~~(shall be)~~) is responsible for the administration and enforcement of the law pertaining to driver training schools as set forth in this chapter.

(2) The director (~~(is authorized to)~~) may adopt and enforce such reasonable rules as may be consistent with and necessary to carry out this chapter.

(3) The director shall adopt a driver training curriculum established by the superintendent of public instruction. The curriculum must include a mandatory minimum of six hours of behind-the-wheel training and an individual knowledge test for each student. The six hours of training must include a comprehensive driving skills test that a student must pass in order to receive a certificate of completion from a driver training school.

**Sec. 5.** RCW 28A.220.040 and 1984 c 258 s 331 are each amended to read as follows:

(1) Each school district shall be reimbursed from funds appropriated for traffic safety education(~~(: PROVIDED, That)~~).

(a) The state superintendent shall determine the per-pupil reimbursement amount for the traffic safety education course to be funded by the state. Each school district offering an approved standard traffic safety education course shall be reimbursed or granted an amount up to the level established by the superintendent of public instruction as may be appropriated.

(b) The state superintendent shall only provide per-pupil reimbursements to school districts where all the traffic educators have satisfied the continuing education requirement of RCW 28A.220.030(5).

(c) If a school district is unable to provide the training required by RCW 28A.220.030(3), the district reimbursement is reduced by the amount necessary to fund one-half hour of behind-the-wheel training.

(2) The board of directors of any school district or combination of school districts may establish a traffic safety education fee, which fee when imposed shall be required to be paid by any duly enrolled student in any such school district prior to or while enrolled in a traffic safety education course. Traffic safety education fees collected by a school district shall be deposited with the county

treasurer to the credit of such school district, to be used to pay costs of the traffic safety education course.

**Sec. 6.** RCW 46.20.091 and 1999 c 6 s 14 are each amended to read as follows:

(1) **Application.** In order to apply for a driver's license or instruction permit the applicant must provide his or her:

- (a) Name of record, as established by documentation required under RCW 46.20.035;
- (b) Date of birth, as established by satisfactory evidence of age;
- (c) Sex;
- (d) Washington residence address;
- (e) Description;
- (f) Driving licensing history, including:
  - (i) Whether the applicant has ever been licensed as a driver or chauffeur and, if so, (A) when and by what state or country; (B) whether the license has ever been suspended or revoked; and (C) the date of and reason for the suspension or revocation; or
  - (ii) Whether the applicant's application to another state or country for a driver's license has ever been refused and, if so, the date of and reason for the refusal; (~~and~~)
- (g) Driver training history and, if received, where; and
- (h) Any additional information required by the department.

(2) **Sworn statement.** An application for an instruction permit or for an original driver's license must be made upon a form provided by the department. The identifying documentation verifying the name of record must be accompanied by the applicant's written statement that it is valid. The information provided on the form must be sworn to and signed by the applicant before a person authorized to administer oaths. An applicant who makes a false statement on an application for a driver's license or instruction permit is guilty of false swearing, a gross misdemeanor, under RCW 9A.72.040.

(3) **Driving records from other jurisdictions.** If a person previously licensed in another jurisdiction applies for a Washington driver's license, the department shall request a copy of the applicant's driver's record from the other jurisdiction. The driving record from the other jurisdiction becomes a part of the driver's record in this state.

(4) **Driving records to other jurisdictions.** If another jurisdiction requests a copy of a person's Washington driver's record, the department shall provide a copy of the record. The department shall forward the record without charge if the other jurisdiction extends the same privilege to the state of Washington. Otherwise the department shall charge a reasonable fee for transmittal of the record.

**Sec. 7.** RCW 46.20.120 and 1999 c . . . (HB 2259) s 1, 1999 c 199 s 3, and 1999 c 6 s 19 are each reenacted and amended to read as follows:

An applicant for a new or renewed driver's license must successfully pass a driver licensing examination to qualify for a driver's license. The department shall give examinations at places and times reasonably available to the people of this state.

(1) **Waiver.** The department may waive:

(a) All or any part of the examination of any person applying for the renewal of a driver's license unless the department determines that the applicant is not qualified to hold a driver's license under this title; (~~or~~)

(b) The actual demonstration of the ability to operate a motor vehicle if the applicant:

(i) Surrenders a valid driver's license issued by the person's previous home state; and

(ii) Is otherwise qualified to be licensed; or

(c) The written examination and the actual demonstration of the ability to operate a motor vehicle for a driver who passed a traffic safety education class offered by a Washington state school district within one year of the date he or she applies for a license if the driver earned at least ninety-five percent of the total points available, as measured by numerical scoring.

(2) **Fee.** Each applicant for a new license must pay an examination fee of seven dollars.

(a) The examination fee is in addition to the fee charged for issuance of the license.

(b) "New license" means a license issued to a driver:

(i) Who has not been previously licensed in this state; or

(ii) Whose last previous Washington license has been expired for more than five years.

(3) A person whose license expired or will expire on or after January 1, 1998, while he or she was or is living outside the state may:

(a) Apply to the department to extend the validity of his or her license for no more than twelve months. If the person establishes to the department's satisfaction that he or she is unable to return to Washington before the date his or her license expires, the department shall extend the person's license. The department may grant consecutive extensions, but in no event may the cumulative total of extensions exceed twelve months. An extension granted under this section does not change the expiration date of the license for purposes of RCW 46.20.181. The department shall charge a fee of five dollars for each license extension;

(b) Apply to the department to renew his or her license by mail. If the person establishes to the department's satisfaction that he or she is unable to return to Washington within twelve months of the date that his or her license expires, the department shall renew the person's license by mail. If a person qualifies for a mail-in renewal he or she is not required to pass an examination nor provide an updated photograph. He or she must, however, pay the fee required by RCW 46.20.181 plus an additional five-dollar mail-in renewal fee. A license renewed by mail that does not include a photograph of the licensee must be labeled "not valid for identification purposes."

(4) If a person's driver's license is extended or renewed under subsection (3) of this section while he or she is outside the state, he or she must submit to the examination required under this section within sixty days of returning to this state. The department will not assess a penalty or examination fee for the examination.

**NEW SECTION. Sec. 8.** A new section is added to chapter 46.20 RCW to read as follows:

If a novice driver is convicted of or found to have committed one or more of the traffic offenses listed in subsection (2) or (4) of this section or two or more of the traffic offenses listed in subsection (3) of this section, his or her driving privilege is subject to the restrictions detailed in subsection (1) of this section. For purposes of this section "novice driver" means a driver who is within two years of the date he or she was licensed to drive.

(1) The department shall restrict the driving privilege of a novice driver who commits the violations described in subsection (2), (3), or (4) of this section as follows:

(a) The novice driver may only drive unsupervised between the hours of five a.m. and ten p.m. At all other times the novice driver must be supervised. While being supervised, the novice driver must be accompanied by a parent, guardian, or other person twenty-one years of age or older with at least five years of driving experience. The supervisor must possess a valid driver's license. The supervisor must be the only other occupant of the front passenger section of the vehicle.

(b) The department shall impose the restrictions of this section for one year. The department shall extend the restrictions for one additional year if the driver drives a motor vehicle in violation of law while the restrictions are in place.

(c) In addition to the mandatory restrictions of this subsection (1), a judge may restrict the number of passengers under the age of twenty-one who a novice driver under the age of twenty-one may transport while driving with a restricted license under this section.

(d) Operating a motor vehicle in violation of the restrictions of this section is a traffic infraction.

(2) If a novice driver is convicted of one or more of the traffic offenses listed in this subsection, the department shall restrict his or her license as described in subsection (1) of this section:

(a) RCW 46.30.040: False insurance evidence;

(b) RCW 46.61.015, 46.61.020, or 46.61.021: Failure to respond or comply with officer;

(c) RCW 46.61.050 or 46.61.340 through 46.61.385: Failure to stop;

(d) RCW 46.61.070: Wrong way in reversible lane;

(e) RCW 46.61.100, 46.61.105, 46.61.110, 46.61.120, 46.61.125, 46.61.130, or 46.61.140: Driving on wrong side of road/failure to stay in lane;

(f) RCW 46.61.105 or 46.61.120: Illegal overtaking or passing;

- (g) RCW 46.61.135: Wrong way on a one-way street;
- (h) RCW 46.61.145: Following too closely;
- (i) RCW 46.61.150: Improperly crossing median;
- (j) RCW 46.61.180 through 46.61.220: Failure to yield right-of-way;
- (k) RCW 46.61.245 or 46.61.445: Failure to use due care;
- (l) RCW 46.61.260: Driving in safety zone;
- (m) RCW 46.61.370: Passing stopped school bus;
- (n) RCW 46.61.400 or 46.61.440: Driving ten miles or more over the speed limit;
- (o) RCW 46.61.400: Driving too fast for conditions;
- (p) RCW 46.61.519: Open container violation;
- (q) RCW 46.61.5195: Disguising an alcoholic beverage container;
- (r) RCW 46.61.5249 and 46.61.525: Negligent driving;
- (s) RCW 46.61.608: Failure to give motorcycle full use of lane;
- (t) RCW 46.61.385: Failure to stop for school patrol;
- (u) RCW 46.61.660: Carrying persons outside vehicle;
- (v) RCW 46.61.665: Embracing while driving;
- (w) RCW 46.61.675: Permitting illegal vehicle operation; and
- (x) RCW 46.61.685: Unattended child in running vehicle.

(3) If a novice driver is convicted of two or more of the traffic offenses listed in this subsection, the department must restrict his or her license as described in subsection (1) of this section:

- (a) RCW 46.20.017: No license on person;
- (b) RCW 46.29.605: Driving with suspended registration;
- (c) RCW 46.30.020: Driving without liability insurance;
- (d) RCW 46.37.010: Defective equipment;
- (e) RCW 46.37.010: Illegal lights or other equipment;
- (f) RCW 46.37.020: Driving without lights;
- (g) RCW 46.61.015 or 46.61.050: Disobeying road sign other than a stop or yield sign or signaler or officer;
- (h) RCW 46.61.100: Improper lane change;
- (i) RCW 46.61.100 (3) or (4) or 46.61.425: Impeding traffic;
- (j) RCW 46.61.155: Improper access to limited access highway;
- (k) RCW 46.61.235: Failure to stop for pedestrian;
- (l) RCW 46.61.261, 46.61.428, or 46.61.606: Driving on shoulder or sidewalk;
- (m) RCW 46.61.290 through 46.61.305: Improper or prohibited turn;
- (n) RCW 46.61.295: Improper U-turn;
- (o) RCW 46.61.300: Starting vehicle illegally;
- (p) RCW 46.61.305: Failure to use or improper signal;
- (q) RCW 46.61.400: Speeding less than ten miles over limit;
- (r) RCW 46.61.600: Improperly secured vehicle;
- (s) RCW 46.61.605: Improper backing;
- (t) RCW 46.61.615: Obstructed vision or control;
- (u) RCW 46.61.630: Coasting on downgrade;
- (v) RCW 46.61.635: Following emergency vehicles;
- (w) RCW 46.61.640: Crossing fire hose;
- (x) RCW 46.61.645: Throwing dangerous material on roadway;
- (y) RCW 46.61.655: Improperly secured or covered load;
- (z) RCW 46.61.670: Wheels off roadway;
- (aa) RCW 46.61.680: Lowering vehicle below legal clearance;
- (bb) RCW 46.61.687: Child restraint violation; and
- (cc) RCW 46.61.688: Seat belt violation.

(4) If a novice driver's driving privilege is withheld under any of the sections listed in this subsection, his or her license is subject to the restrictions in subsection (1) of this section if and when the driving privilege is reinstated.

- (a) RCW 46.20.041: Violating driver's license restrictions;

(b) RCW 46.20.265: Minor in possession of alcohol or drugs;  
(c) RCW 46.20.265: Minor in possession of a firearm;  
(d) RCW 46.20.285: Conviction of a felony involving a motor vehicle;  
(e) RCW 46.20.289: Failure to appear/unpaid traffic ticket;  
(f) RCW 46.20.291: Multiple violations within a specified time period;  
(g) RCW 46.20.3101: Refusal to submit to breath or blood alcohol test;  
(h) RCW 46.20.336 (as recodified by 1999 c 6 s 28): Fraudulent application, alteration, or display of driver's license;  
(i) RCW 46.20.342: Driving while license is suspended or revoked;  
(j) Chapter 46.29 RCW other than RCW 46.29.605: Violation of financial responsibility laws;  
(k) RCW 46.52.020: Hit and run, vehicle attended;  
(l) RCW 46.61.024: Eluding police;  
(m) RCW 46.61.500: Reckless driving;  
(n) RCW 46.61.502: Driving under the influence;  
(o) RCW 46.61.504: Physical control of a motor vehicle while under the influence;  
(p) RCW 46.61.5055: Violating probation for DUI conviction;  
(q) RCW 46.61.5056: Failure to meet requirements of court-ordered drug or alcohol treatment program, e.g., failure to submit alcohol report, failure to comply with treatment program, relapse;  
(r) RCW 46.61.520: Vehicular homicide;  
(s) RCW 46.61.522: Vehicular assault;  
(t) RCW 46.61.527: Reckless endangerment in a construction zone;  
(u) RCW 46.61.530: Racing; and  
(v) Chapter 46.65 RCW: Habitual traffic offender, twenty moving violations in five years.  
(5) If the driving privilege of a novice driver under the age of eighteen is restricted under this section, the department shall send a written notification of the restriction within three days to the person who gave written permission for the minor to obtain a driver's license under RCW 46.20.100.

**Sec. 9.** RCW 46.68.041 and 1998 c 212 s 3 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the department shall forward all funds accruing under the provisions of chapter 46.20 RCW together with a proper identifying, detailed report to the state treasurer who shall deposit such moneys to the credit of the highway safety fund.

(2) Sixty-three percent of each fee collected by the department under RCW 46.20.311 (1)(b)(ii), (2)(b)(ii), and (3)(b) shall be deposited in the impaired driving safety account.

(3) Five dollars of each fee for an instruction permit collected under RCW 46.20.055 is for traffic safety education funding to implement section 2 of this act and RCW 28A.220.030 (2) through (5).

**Sec. 10.** RCW 46.20.055 and 1999 c 274 s 13 are each amended to read as follows:

(1) **Driver's instruction permit.** The department may issue a driver's instruction permit with a photograph to an applicant who has successfully passed all parts of the examination other than the driving test, provided the information required by RCW 46.20.091, paid a ~~((five-dollar))~~ fee of ten dollars, and meets the following requirements:

(a) Is at least fifteen and one-half years of age; or

(b) Is at least fifteen years of age and:

(i) Has submitted a proper application; and

(ii) Is enrolled in a traffic safety education program approved and accredited by the superintendent of public instruction that includes practice driving.

(2) **Nonphoto permit fee.** An applicant who meets the requirements of subsection (1) of this section other than payment of the ~~((five-dollar))~~ fee specified in that subsection, may obtain a driver's instruction permit without a photograph by paying a fee of ~~((four))~~ nine dollars.

(3) **Waiver of written examination for instruction permit.** The department may waive the written examination, if, at the time of application, an applicant is enrolled in:

(a) A traffic safety education course as defined by RCW 28A.220.020(2); or



(b) A course of instruction offered by a licensed driver training school as defined by RCW 46.82.280(1).

The department may require proof of registration in such a course as it deems necessary.

(4) **Effect of instruction permit.** A person holding a driver's instruction permit may drive a motor vehicle, other than a motorcycle, upon the public highways if:

(a) The person has immediate possession of the permit; and

(b) An approved instructor, or a licensed driver with at least five years of driving experience, occupies the seat beside the driver.

(5) **Term of instruction permit.** A driver's instruction permit is valid for one year from the date of issue.

(a) The department may issue one additional one-year permit.

(b) The department may issue a third driver's permit if it finds after an investigation that the permittee is diligently seeking to improve driving proficiency.

NEW SECTION. **Sec. 11.** The sum of three million eight hundred thousand dollars, or as much thereof as may be necessary, is appropriated to the office of the superintendent of public instruction from the highway safety fund for the fiscal biennium ending June 30, 2001, solely to provide behind-the-wheel driver training required under RCW 28A.220.030 and to provide additional staff to the office of the superintendent of public instruction to coordinate traffic safety education in Washington.

NEW SECTION. **Sec. 12.** If the legislature does not provide specific funding for the purposes of this act by June 30, 1999, subsections (2), (3), and (4) of section 3 of this act, section 4 of this act, subsection (1)(c) of section 5 of this act, and sections 8, 9, and 10 of this act are null and void.

NEW SECTION. **Sec. 13.** Specified portions of this act are subject to the following effective dates:

(1) Except as provided in subsection (4) of this section, section 8 of this act is effective September 1, 1999;

(2) Section 1, subsection (3) of this act is effective April 1, 2000;

(3) Section 6 of this act is effective September 1, 1999; and

(4) For licensed drivers who move to this state and obtain a Washington driver's license, the department of licensing shall begin tracking the date when the new Washington resident first obtained his or her original license to drive no later than April 1, 2000."

In line 3 of the title, after "offenses;" strike the remainder of the title and insert "amending RCW 46.20.100, 28A.220.030, 46.82.290, 28A.220.040, 46.20.091, 46.68.041, and 46.20.055; reenacting and amending RCW 46.20.120; adding a new section to chapter 28A.220 RCW; adding a new section to chapter 46.20 RCW; creating a new section; making an appropriation; and providing effective dates."

Representative K. Schmidt spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Speaker Ballard stated the question before the House to be final passage of Second Engrossed Second Substitute House Bill No. 1147.

ROLL CALL

The Clerk called the roll on the final passage of Second Engrossed Second Substitute House Bill No. 1147 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, D. K. Schmidt Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Schindler and Scott - 2.

Second Engrossed Second Substitute House Bill No. 1147, having received the constitutional majority, was declared passed.

There being no objection, the bills passed were immediately transmitted to the Senate.

HOUSE BILL NO. 2091, by Representatives Buck, Regala, Dunshee, Thomas, Alexander, Doumit, Kessler, McMorris, Grant, Hatfield, Linville, G. Chandler, Reardon, Ericksen, Quall, Ogden, Clements, Schoesler, Anderson, Lisk, Eickmeyer, D. Sommers and Veloria; by request of Governor Locke

Contributing to salmon and water quality enhancement in areas impacted by forest practices.

The bill was read the second time. There being no objection, Substitute House Bill No. 2091 was substituted for House Bill No. 2091 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2091 was read the second time.

Representative Buck moved the adoption of amendment (373):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 75.46 RCW and codified with the subchapter heading of "salmon recovery planning in areas involving forest practices" to read as follows:

(1) The legislature finds that the forests and fish report as defined in RCW 76.09.020 was developed through extensive negotiations with the federal agencies responsible for administering the endangered species act and the clean water act. The legislature further finds that the forestry industry, small landowners, tribal governments, state and federal agencies, and counties have worked diligently for nearly two years to reach agreement on scientifically based changes to the forest practices rules, set forth in the forests and fish report as defined in RCW 76.09.020. The legislature further finds that if existing forest practices rules are amended as proposed in the forests and fish report as defined in RCW 76.09.020, the resulting changes in forest practices (a) will lead to: (i) Salmon habitat that meets riparian functions vital to the long-term recovery of salmon on more than sixty thousand miles of streams in this state; (ii) identification of forest roads contributing to habitat degradation and corrective action to remedy those problems to protect salmon habitat; (iii) increased protection of steep and unstable slopes; and (iv) the implementation of scientifically based adaptive management and monitoring processes for evaluating the impacts of forest practices on aquatic resources, as defined in RCW 76.09.020, and a process for amending the forest practices rules to incorporate new information

as it becomes available; (b) will lead to the protection of aquatic resources to the maximum extent practicable consistent with maintaining commercial forest management as an economically viable use of lands suitable for that purpose; and (c) will provide a regulatory climate and structure more likely to keep landowners from converting forest lands to other uses that would be less desirable for salmon recovery.

(2) The legislature further finds that the changes in laws and rules contemplated by chapter . . . , Laws of 1999 (this act), taken as a whole, constitute a comprehensive and coordinated program to provide substantial and sufficient contributions to salmon recovery and water quality enhancement in areas impacted by forest practices and are intended to fully satisfy the requirements of the endangered species act (16 U.S.C. Sec. 1531 et seq.) with respect to incidental take of salmon and other aquatic resources and the clean water act (33 U.S.C. Sec. 1251 et seq.) with respect to nonpoint source pollution attributable to forest practices.

(3) The legislature finds that coordination is needed between the laws relating to forestry in chapter 76.09 RCW and the state salmon recovery strategy being developed under this chapter. The coordination should ensure that nonfederal forest lands are managed in ways that make appropriate contributions to the recovery of salmonid fish, water quality, and related environmental amenities while encouraging continued investments in those lands for commercial forestry purposes. Specifically, the legislature finds that forest practices rules relating to water quality, salmon, certain other species of fish, certain species of stream-associated amphibians, and their respective habitats should be coordinated with the rules and policies relating to other land uses through the state-wide salmon recovery planning process. The legislature further finds that this subchapter is but one part of a comprehensive salmon strategy as required in this chapter, and this investment in salmon habitat will be of little value if a comprehensive state plan is not completed and fully implemented.

(4) The legislature recognizes that the adoption of forest practices rules consistent with the forests and fish report as defined in RCW 76.09.020 will impose substantial financial burdens on forest landowners which, if not partially offset through other changes in the laws and rules governing forestry, could lead to significantly reduced silvicultural investments on nonfederal lands, deterioration in the quality, condition, and amounts of forests on those lands, and long-term adverse effects on fish and wildlife habitat and other environmental amenities associated with well managed forests. Moreover, as the benefits of the proposed revisions to the forest practices rules will benefit the general public, chapter . . . , Laws of 1999 (this act) suggests that some of these costs be shared with the general public.

(5) As an integral part of implementing the salmon recovery strategy, chapter . . . , Laws of 1999 (this act) (a) provides direction to the forest practices board, the department of natural resources, and the department of ecology with respect to the adoption, implementation, and enforcement of rules relating to forest practices and the protection of aquatic resources; (b) provides additional enforcement tools to the department of natural resources to enforce the forest practices rules; (c) anticipates the need for adequate and consistent funding for the various programmatic elements necessary to fully implement the strategy over time and derive the long-term benefits; (d) provides for the acquisition by the state of forest lands within certain stream channel migration zones where timber harvest will not be allowed; (e) provides for small landowners to have costs shared for a portion of any extraordinary economic losses attributable to the revisions to the forest practices rules required by chapter . . . , Laws of 1999 (this act); and (f) amends other existing laws to aid in the implementation of the recommendations set forth in the forests and fish report as defined in RCW 76.09.020.

## **PART II RULE MAKING**

**NEW SECTION. Sec. 201.** A new section is added to chapter 76.09 RCW to read as follows:

(1) The legislature finds that the declines of fish stocks throughout much of the state requires immediate action to be taken to help restore these fish runs where possible. The legislature also recognizes that federal and state agencies, tribes, county representatives, and private timberland owners have spent considerable effort and time to develop the forests and fish report. Given the agreement of the parties, the legislature believes that the immediate adoption of emergency rules is appropriate in

this particular instance. These rules can implement many provisions of the forests and fish report to protect the economic well-being of the state, and to minimize the risk to the state and landowners to legal challenges. This authority is not designed to set any precedents for the forest practices board in future rule making or set any precedents for other rule-making bodies of the state.

(2) The forest practices board is authorized to adopt emergency rules amending the forest practices rules with respect to the protection of aquatic resources, in accordance with RCW 34.05.350, except: (a) That the rules adopted under this section may remain in effect until permanent rules are adopted, or until June 30, 2001, whichever is sooner; (b) notice of the proposed rules must be published in the Washington State Register as provided in RCW 34.05.320; (c) at least one public hearing must be conducted with an opportunity to provide oral and written comments; and (d) a rule-making file must be maintained as required by RCW 34.05.370. In adopting the emergency rules, the board is not required to prepare a small business economic impact statement under chapter 19.85 RCW, prepare a statement indicating whether the rules constitute a significant legislative rule under RCW 34.05.328, prepare a significant legislative rule analysis under RCW 34.05.328, or follow the procedural requirements of the state environmental policy act, chapter 43.21C RCW. The forest practices board may only adopt recommendations contained in the forests and fish report as emergency rules under this section.

NEW SECTION. Sec. 202. A new section is added to chapter 34.05 RCW to read as follows: Emergency rules adopted by the forest practices board pertaining to forest practices and the protection of aquatic resources are subject to this chapter to the extent provided in section 201 of this act.

NEW SECTION. Sec. 203. A new section is added to chapter 43.21C RCW to read as follows:

The duration and process for adopting emergency rules by the forest practices board pertaining to forest practices and the protection of aquatic resources as provided in section 201 of this act are exempt from the procedural requirements of this chapter.

NEW SECTION. Sec. 204. A new section is added to chapter 76.09 RCW to read as follows:

(1) The legislature finds that the process that produced the forests and fish report was instigated by the forest practices board, the report is the product of considerable negotiations between several diverse interest groups, and the report has the support of key federal agencies. When adopting permanent rules under this section, the forest practices board is strongly encouraged to follow the recommendations of the forests and fish report, but may include other alternatives for protection of aquatic resources. If the forest practices board chooses to adopt rules under this section that are not consistent with the recommendations contained in the forests and fish report, the board must notify the appropriate legislative committees of the proposed deviations, the reasons for the proposed deviations, and whether the parties to the forests and fish report still support the agreement. The board shall defer final adoption of such rules for sixty days of the legislative session to allow for the opportunity for additional public involvement and legislative oversight.

(2) The forest practices board shall follow the regular rules adoption process contained in the administrative procedure act, chapter 34.05 RCW, when adopting permanent rules pertaining to forest practices and the protection of aquatic resources except as limited by subsection (1) of this section. The permanent rules must accomplish the policies stated in RCW 76.09.010 without jeopardizing the economic viability of the forest products industry.

(3) The rules adopted under this section should be as specific as reasonably possible while also allowing an applicant to propose alternate plans in response to site-specific physical features. Alternate plans should provide protection to public resources at least equal in overall effectiveness by alternate means.

(4) Rule making under subsection (2) of this section shall be completed by June 30, 2001.

(5) The board should consider coordinating any environmental review process under chapter 43.21C RCW relating to the adoption of rules under subsection (2) of this section with any review of a related proposal under the national environmental policy act (42 U.S.C. Sec. 4321, et seq.).

(6) After the board has adopted permanent rules under subsection (2) of this section, changes to those rules and any new rules covering aquatic resources may be adopted by the board but only if the changes or new rules are consistent with recommendations resulting from the scientifically based adaptive management process established by a rule of the board. Any new rules or changes under this subsection need not be based upon the recommendations of the adaptive management process if: (a) The board is required to adopt or modify rules by the final order of any court having jurisdiction thereof; or (b) future state legislation directs the board to adopt or modify the rules.

(7) In adopting permanent rules, the board shall incorporate the scientific-based adaptive management process described in the forests and fish report which will be used to determine the effectiveness of the new forest practices rules in aiding the state's salmon recovery effort. The purpose of an adaptive management process is to make adjustments as quickly as possible to forest practices that are not achieving the resource objectives. The adaptive management process shall incorporate the best available science and information, include protocols and standards, regular monitoring, a scientific and peer review process, and provide recommendations to the board on proposed changes to forest practices rules to meet timber industry viability and salmon recovery.

NEW SECTION. Sec. 205. A new section is added to chapter 76.09 RCW to read as follows:

Prior to the adoption of permanent rules as required by chapter . . . , Laws of 1999 (this act) and no later than January 1, 2000, the board shall report to the appropriate legislative committees regarding the substance of emergency rules that have been adopted under chapter . . . , Laws of 1999 (this act). In addition, the report shall include information on changes made to the forests and fish report after February 22, 1999, and an update on the status of the adoption of permanent rules, including the anticipated substance of the rules and the anticipated date of final adoption. The board shall additionally provide a report to the appropriate legislative committees by January 1, 2001.

On January 1, 2006, the board shall provide a summary to the appropriate legislative committees regarding modifications made to the forests and fish report made after January 1, 2000, and to the permanent rules according to the adaptive management process as set forth in the forests and fish report.

### **PART III DEFINITIONS**

**Sec. 301.** RCW 76.09.020 and 1974 ex.s. c 137 s 2 are each amended to read as follows:

For purposes of this chapter:

(1) "Adaptive management" means reliance on scientific methods to test the results of actions taken so that the management and related policy can be changed promptly and appropriately.

(2) "Appeals board" (~~shall~~) means the forest practices appeals board created by RCW 76.09.210.

~~((2))~~ (3) "Aquatic resources" includes water quality, salmon, other species of the vertebrate classes Cephalaspidomorphi and Osteichthyes identified in the forests and fish report, the Columbia torrent salamander (*Rhyacotriton kezeri*), the Cascade torrent salamander (*Rhyacotriton cascadae*), the Olympic torrent salamander (*Rhyacotriton olympian*), the Dunn's salamander (*Plethodon dunni*), the Van Dyke's salamander (*Plethodon vandyke*), the tailed frog (*Ascaphus truei*), and their respective habitats.

(4) "Commissioner" (~~shall~~) means the commissioner of public lands.

~~((3))~~ (5) "Contiguous" (~~shall~~) means land adjoining or touching by common corner or otherwise. Land having common ownership divided by a road or other right of way shall be considered contiguous.

~~((4))~~ (6) "Conversion to a use other than commercial timber operation" (~~shall~~) means a bona fide conversion to an active use which is incompatible with timber growing and as may be defined by forest practices (~~regulations~~) rules.

~~((5))~~ (7) "Department" (~~shall~~) means the department of natural resources.

~~((6))~~ (8) "Forest land" (~~shall~~) means all land which is capable of supporting a merchantable stand of timber and is not being actively used for a use which is incompatible with timber growing.

~~((7))~~ (9) "Forest landowner" ~~((shall))~~ means any person in actual control of forest land, whether such control is based either on legal or equitable title, or on any other interest entitling the holder to sell or otherwise dispose of any or all of the timber on such land in any manner: PROVIDED, That any lessee or other person in possession of forest land without legal or equitable title to such land shall be excluded from the definition of "forest landowner" unless such lessee or other person has the right to sell or otherwise dispose of any or all of the timber located on such forest land.

~~((8))~~ (10) "Forest practice" ~~((shall))~~ means any activity conducted on or directly pertaining to forest land and relating to growing, harvesting, or processing timber, including but not limited to:

- (a) Road and trail construction;
- (b) Harvesting, final and intermediate;
- (c) Precommercial thinning;
- (d) Reforestation;
- (e) Fertilization;
- (f) Prevention and suppression of diseases and insects;
- (g) Salvage of trees; and
- (h) Brush control.

"Forest practice" shall not include preparatory work such as tree marking, surveying and road flagging, and removal or harvesting of incidental vegetation from forest lands such as berries, ferns, greenery, mistletoe, herbs, mushrooms, and other products which cannot normally be expected to result in damage to forest soils, timber, or public resources.

~~((9))~~ (11) "Forest practices ~~((regulations--shall))~~ rules" means any rules ~~((promulgated))~~ adopted pursuant to RCW 76.09.040.

~~((10))~~ (12) "Forests and fish report" means the forests and fish report to the board dated February 22, 1999.

(13) "Application" ~~((shall))~~ means the application required pursuant to RCW 76.09.050.

~~((11))~~ (14) "Operator" ~~((shall))~~ means any person engaging in forest practices except an employee with wages as his or her sole compensation.

~~((12))~~ (15) "Person" ~~((shall))~~ means any individual, partnership, private, public, or municipal corporation, county, the department or other state or local governmental entity, or association of individuals of whatever nature.

~~((13))~~ (16) "Public resources" ~~((shall))~~ means water, fish and wildlife, and in addition shall mean capital improvements of the state or its political subdivisions.

~~((14))~~ (17) "Timber" ~~((shall))~~ means forest trees, standing or down, of a commercial species, including Christmas trees.

~~((15))~~ (18) "Timber owner" ~~((shall))~~ means any person having all or any part of the legal interest in timber. Where such timber is subject to a contract of sale, "timber owner" shall mean the contract purchaser.

~~((16))~~ (19) "Board" ~~((shall))~~ means the forest practices board created in RCW 76.09.030.

(20) "Unconfined avulsing channel migration zone" means the area within which the active channel of an unconfined avulsing stream is prone to move and where the movement would result in a potential near-term loss of riparian forest adjacent to the stream. Sizeable islands with productive timber may exist within the zone.

(21) "Unconfined avulsing stream" means generally fifth order or larger waters that experience abrupt shifts in channel location, creating a complex flood plain characterized by extensive gravel bars, disturbance species of vegetation of variable age, numerous side channels, wall-based channels, oxbow lakes, and wetland complexes. Many of these streams have dikes and levees that may temporarily or permanently restrict channel movement.

#### **PART IV TIMBER EXCISE TAX CREDIT**

NEW SECTION. **Sec. 401.** A new section is added to chapter 84.33 RCW to read as follows:

(1) A taxpayer is allowed a credit against the tax imposed under RCW 84.33.041 for timber harvested under a forest practices notification filed or application approved under RCW 76.09.050 and subject to enhanced aquatic resources requirements.

(2)(a) For a person other than a small harvester who elects to calculate tax under RCW 84.33.074, the credit is equal to the stumpage value of timber harvested for sale or for commercial or industrial use multiplied by eight-tenths of one percent.

(b) For a small harvester who elects to calculate tax under RCW 84.33.074, the credit is equal to sixteen percent of the tax imposed under this chapter.

(c) The amount of credit claimed by a taxpayer under this section shall be reduced by the amount of any compensation received from the federal government for reduced timber harvest due to enhanced aquatic resource requirements. If the amount of compensation from the federal government exceeds the amount of credit available to a taxpayer in any reporting period, the excess shall be carried forward and applied against credits in future reporting periods. This subsection does not apply to small harvesters as defined in RCW 84.33.073.

(d) Refunds may not be given in place of credits. Credit may not be claimed in excess of tax owed. The department of revenue shall disallow any credits, used or unused, upon written notification from the department of natural resources of a final decision that timber for which credit was claimed was not harvested under a forest practices notification filed or application approved under RCW 76.09.050 and subject to enhanced aquatic resources requirements.

(3) As used in this section, a forest practice notification or application is subject to enhanced aquatic resource requirements if it includes, in whole or in part, riparian area, wetland, or steep or unstable slope from which the operator is limited, by rule adopted under sections 201 through 204 of this act, or any federally approved habitat conservation plan or department of natural resources approved watershed analysis, from harvesting timber, or if a road is included within or adjacent to the area covered by such notification or application and the road is covered by a road maintenance plan approved by the department of natural resources under rules adopted under chapter 76.09 RCW, the forest practices act, or a federally approved habitat conservation plan.

(4) For forest practices notification or applications submitted after January 1, 2000, the department of natural resources shall indicate whether the notification or application is subject to enhanced aquatic resource requirements and, unless notified of a contrary determination by the forest practices appeals board, the department of revenue shall use such indication in determining the credit to be allowed against the tax assessed under RCW 84.33.041. The department of natural resources shall develop revisions to the form of the forest practices notifications and applications to provide a space for the applicant to indicate and the department of natural resources to confirm or not confirm, whether the notification or application is subject to enhanced aquatic resource requirements. For forest practices notifications or applications submitted before January 1, 2000, the applicant may submit the approved notification or application to the department of natural resources for confirmation that the notification or application is subject to enhanced aquatic resource requirements. Upon any such submission, the department of natural resources will within thirty days confirm or deny that the notification or application is subject to enhanced aquatic resource requirements and will forward separate evidence of each confirmation to the department of revenue. Unless notified of a contrary ruling by the forest practices appeals board, the department of revenue shall use the separate confirmations in determining the credit to be allowed against the tax assessed under RCW 84.33.041.

(5) A refusal by the department of natural resources to confirm that a notification or application is subject to enhanced aquatic resources requirements may be appealed to the forest practices appeals board under RCW 76.09.220.

(6) A person receiving approval of credit must keep records necessary for the department of revenue to verify eligibility under this section.

**NEW SECTION. Sec. 402.** The department of revenue and the department of natural resources shall conduct a joint study of the tax credits under section 401 of this act. The study shall examine the relationship between the amount of tax credit received by each taxpayer and the extent that the taxpayer's timber harvests have been limited as a result of complying with enhanced aquatic

resource requirements. The departments shall submit the study to the legislature by November 1, 2002.

## **PART V SMALL FOREST LANDOWNERS**

**NEW SECTION. Sec. 501.** A new section is added to chapter 76.13 RCW to read as follows:

(1) The legislature finds that increasing regulatory requirements continue to diminish the economic viability of small forest landowners. The concerns set forth in section 101 of this act about the importance of sustaining forestry as a viable land use are particularly applicable to small landowners because of the location of their holdings, the expected complexity of the regulatory requirements, and the need for significant technical expertise not readily available to small landowners. The further reduction in harvestable timber owned by small forest landowners as a result of the rules to be adopted under section 201 of this act will further erode small landowners' economic viability and willingness or ability to keep the lands in forestry use and, therefore, reduce the amount of habitat available for salmon recovery and conservation of other aquatic resources, as defined in RCW 76.09.020.

(2) The legislature finds that the concerns identified in subsection (1) of this section should be addressed by establishing within the department of natural resources a small forest landowner office that shall be a resource and focal point for small forest landowner concerns and policies. The legislature further finds that a forestry riparian easement program shall be established to acquire easements from small landowners along riparian and other areas of value to the state for protection of aquatic resources. The legislature further finds that small forest landowners should have the option of alternate management plans or alternate harvest restrictions on smaller harvest units that may have a relatively low impact on aquatic resources. The small forest landowner office should be responsible for assisting small landowners in the development and implementation of these plans or restrictions.

**Sec. 502.** RCW 76.13.010 and 1991 c 27 s 3 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply (~~throughout this chapter~~) to RCW 76.13.005, 76.13.007, 76.13.020, and 76.13.030.

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

(2) "Landowner" means an individual, partnership, private, public or municipal corporation, Indian tribe, state agency, county, or local government entity, educational institution, or association of individuals of whatever nature that own nonindustrial forests and woodlands.

(3) "Nonindustrial forests and woodlands" are those suburban acreages and rural lands supporting or capable of supporting trees and other flora and fauna associated with a forest ecosystem, comprised of total individual land ownerships of less than five thousand acres and not directly associated with wood processing or handling facilities.

(4) "Stewardship" means managing by caring for, promoting, protecting, renewing, or reestablishing or both, forests and associated resources for the benefit of the landowner, the natural resources and the citizens of Washington state, in accordance with each landowner's objectives, best management practices, and legal requirements.

(5) "Cooperating organization" means federal, state, and local agencies, colleges and universities, landowner assistance organizations, consultants, forest resource-related industries, and environmental organizations which promote and maintain programs designed to provide information and technical assistance services to nonindustrial forest and woodland owners.

**NEW SECTION. Sec. 503.** A new section is added to chapter 76.13 RCW to read as follows:

(1) The department of natural resources shall establish and maintain a small forest landowner office. The small forest landowner office shall be a resource and focal point for small forest landowner concerns and policies, and shall have significant expertise regarding the management of small forest holdings, governmental programs applicable to such holdings, and the forestry riparian easement program.



(2) The small forest landowner office shall administer the provisions of the forestry riparian easement program created under section 504 of this act. With respect to that program, the office shall have the authority to contract with private consultants that the office finds qualified to perform timber cruises of forestry riparian easements.

(3) The small forest landowner office shall assist in the development of small landowner options through alternate management plans or alternate harvest restrictions appropriate to small landowners. The small forest landowner office shall develop criteria to be adopted by the forest practices board in a manual for alternate management plans or alternate harvest restrictions. These alternate plans or alternate harvest restrictions shall meet riparian functions while requiring less costly regulatory prescriptions. At the landowner's option, alternate plans or alternate harvest restrictions may be used to further meet riparian functions.

The small landowner office shall evaluate the cumulative impact of such alternate management plans or alternate harvest restrictions on essential riparian functions at the subbasin or watershed level. The small forest landowner office shall adjust future alternate management plans or alternate harvest restrictions in a manner that will minimize the negative impacts on essential riparian functions within a subbasin or watershed.

(4) An advisory committee is established to assist the small forest landowner office in developing policy and recommending rules to the forest practices board. The advisory committee shall consist of seven members, including a representative from the department of ecology, the department of fish and wildlife, and a tribal representative. Four additional committee members shall be small forest landowners who shall be appointed by the commissioner of public lands from a list of candidates submitted by the board of directors of the Washington farm forestry association or its successor organization. The association shall submit more than one candidate for each position. Appointees shall serve for a term of four years. The small forest landowner office shall review draft rules or rule concepts with the committee prior to recommending such rules to the forest practices board. The office shall reimburse nongovernmental committee members for reasonable expenses associated with attending committee meetings as provided in RCW 43.03.050 and 43.03.060.

(5) By December 1, 2000, the small forest landowner office shall provide a report to the board and the legislature containing:

(a) Estimates of the amounts of nonindustrial forests and woodlands in holdings of twenty acres or less, twenty-one to one hundred acres, one hundred to one thousand acres, and one thousand to five thousand acres, in western Washington and eastern Washington, and the number of persons having total nonindustrial forest and woodland holdings in those size ranges;

(b) Estimates of the number of parcels of nonindustrial forests and woodlands held in contiguous ownerships of twenty acres or less, and the percentages of those parcels containing improvements used: (i) As primary residences for half or more of most years; (ii) as vacation homes or other temporary residences for less than half of most years; and (iii) for other uses;

(c) The watershed administrative units in which significant portions of the riparian areas or total land area are nonindustrial forests and woodlands;

(d) Estimates of the number of forest practices applications and notifications filed per year for forest road construction, silvicultural activities to enhance timber growth, timber harvest not associated with conversion to nonforest land uses, with estimates of the number of acres of nonindustrial forests and woodlands on which forest practices are conducted under those applications and notifications; and

(e) Recommendations on ways the board and the legislature could provide more effective incentives to encourage continued management of nonindustrial forests and woodlands for forestry uses in ways that better protect salmon, other fish and wildlife, water quality, and other environmental values.

(6) By December 1, 2002, and every four years thereafter, the small forest landowner office shall provide to the board and the legislature an update of the report described in subsection (5) of this section, containing more recent information and describing:

(a) Trends in the items estimated under subsection (5)(a) through (d) of this section;

(b) Whether, how, and to what extent the forest practices act and rules contributed to those trends; and

(c) Whether, how, and to what extent: (i) The board and legislature implemented recommendations made in the previous report; and (ii) implementation of or failure to implement those recommendations affected those trends.

**NEW SECTION. Sec. 504.** A new section is added to chapter 76.13 RCW to read as follows:

(1) The legislature finds that the state should acquire easements along riparian and other sensitive aquatic areas from small forest landowners willing to sell or donate such easements to the state provided that the state will not be required to acquire such easements if they are subject to unacceptable liabilities. The legislature therefore establishes a forestry riparian easement program.

(2) The definitions in this subsection apply throughout this section and sections 501 and 503 of this act unless the context clearly requires otherwise.

(a) "Forestry riparian easement" means an easement covering qualifying timber granted voluntarily to the state by a small forest landowner.

(b) "Qualifying timber" means those trees covered by a forest practices application that the small forest landowner is required to leave unharvested under the rules adopted under sections 201 and 204 of this act or that is made uneconomic to harvest by those rules, and for which the small landowner is willing to grant the state a forestry riparian easement. "Qualifying timber" is timber within or bordering a commercially reasonable harvest unit as determined under rules adopted by the forest practices board.

(c) "Small forest landowner" means a landowner meeting all of the following characteristics: (i) A forest landowner as defined in RCW 76.09.020 whose interest in the land and timber is in fee or who has rights to the timber to be included in the forestry riparian easement that extend at least fifty years from the date the forest practices application associated with the easement is submitted; (ii) an entity that has harvested from its own lands in this state during the three years prior to the year of application an average timber volume that would qualify the owner as a small timber harvester under RCW 84.33.073(1); and (iii) an entity that certifies at the time of application that it does not expect to harvest from its own lands more than the volume allowed by RCW 84.33.073(1) during the ten years following application. If a landowner's prior three-year average harvest exceeds the limit of RCW 84.33.073(1), or the landowner expects to exceed this limit during the ten years following application, and that landowner establishes to the department of natural resources' reasonable satisfaction that the harvest limits were or will be exceeded to raise funds to pay estate taxes or equally compelling and unexpected obligations such as court-ordered judgments or extraordinary medical expenses, the landowner shall be deemed to be a small forest landowner.

For purposes of determining whether a person qualifies as a small forest landowner, the small forest landowner office, created in section 503 of this act, shall evaluate the landowner under this definition as of the date that the forest practices application is submitted with which the forestry riparian easement is associated. A small forest landowner can include an individual, partnership, corporate, or other nongovernmental legal entity. If a landowner grants timber rights to another entity for less than five years, the landowner may still qualify as a small forest landowner under this section.

(d) "Completion of harvest" means that the trees have been harvested from an area and that further entry into that area by mechanized logging or slash treating equipment is not expected.

(3) The department of natural resources is authorized and directed to accept and hold in the name of the state of Washington forestry riparian easements granted by small forest landowners covering qualifying timber and to pay compensation to such landowners in accordance with subsections (6) and (7) of this section. The department of natural resources may not transfer the easements to any entity other than another state agency.

(4) Forestry riparian easements shall be effective for fifty years from the date the forest practices application associated with the qualifying timber is submitted to the department of natural resources, unless the easement is terminated earlier by the department of natural resources voluntarily, based on a determination that termination is in the best interest of the state, or under the terms of a termination clause in the easement.

(5) Forestry riparian easements shall be restrictive only, and shall preserve all lawful uses of the easement premises by the landowner that are consistent with the terms of the easement and the requirement to protect riparian functions during the term of the easement, subject to the restriction that

the leave trees required by the rules to be left on the easement premises may not be cut during the term of the easement. No right of public access to or across, or any public use of the easement premises is created by this statute or by the easement. Forestry riparian easements shall not be deemed to trigger the compensating tax of or otherwise disqualify land from being taxed under chapter 84.33 or 84.34 RCW.

(6) Upon application of a small forest landowner for a riparian easement that is associated with a forest practices application and the landowner's marking of the qualifying timber on the qualifying lands, the small forest landowner office shall determine the compensation to be offered to the small landowner as provided for in this section. The legislature recognizes that there is not readily available market transaction evidence of value for easements of this nature, and thus establishes the following methodology to ascertain the value for forestry riparian easements. Values so determined shall not be considered competent evidence of value for any other purpose.

The small forest landowner office shall establish the volume of the qualifying timber. Based on that volume and using data obtained or maintained by the department of revenue under RCW 84.33.074 and 84.33.091, the small forest landowner office shall attempt to determine the fair market value of the qualifying timber as of the date the forest practices application associated with the qualifying timber was submitted. If, under the forest practices rules adopted under chapter . . ., Laws of 1999 (this act), some qualifying timber may be removed prior to the expiration of the fifty-year term of the easement, the small forest landowner office shall apply a reduced compensation factor to ascertain the value of those trees based on the proportional economic value, considering income and growth, lost to the landowner.

(7) Except as provided in subsection (8) of this section, the small forest landowner office shall, subject to available funding, offer compensation to the small forest landowner in the amount of fifty percent of the value determined in subsection (6) of this section. If the landowner accepts the offer, the department of natural resources shall pay the compensation promptly upon (a) completion of harvest in the area covered by the forestry riparian easement; (b) verification that there has been compliance with the rules requiring leave trees in the easement area; and (c) execution and delivery of the easement to the department of natural resources. Upon donation or payment of compensation, the department of natural resources may record the easement.

(8) For approved forest practice applications where the regulatory impact is greater than the average percentage impact for all small landowners as determined by the department of natural resources analysis under the regulatory fairness act, chapter 19.85 RCW, the compensation offered will be increased to one hundred percent for that portion of the regulatory impact that is in excess of the average. Regulatory impact includes trees left in buffers, special management zones, and those rendered uneconomic to harvest by these rules. A separate average or high impact regulatory threshold shall be established for western and eastern Washington. Criteria for these measurements and payments shall be established by the small forest landowner office.

(9) The forest practices board shall adopt rules under the administrative procedure act, chapter 34.05 RCW, to implement the forestry riparian easement program, including the following:

(a) A standard version or versions of all documents necessary or advisable to create the forestry riparian easements as provided for in this section;

(b) Standards for descriptions of the easement premises with a degree of precision that is reasonable in relation to the values involved;

(c) Methods and standards for cruises and valuation of forestry riparian easements for purposes of establishing the compensation. The department of natural resources shall perform the timber cruises of forestry riparian easements required under this chapter and chapter 76.09 RCW. Any rules concerning the methods and standards for valuations of forestry riparian easements shall apply only to the department of natural resources, small forest landowners, and the small forest landowner office;

(d) A method to determine that a forest practice application involves a commercially reasonable harvest;

(e) A method to address blowdown of qualified timber falling outside the easement premises;

(f) A formula for sharing of proceeds in relation to the acquisition of qualified timber covered by an easement through the exercise or threats of eminent domain by a federal or state agency with

eminent domain authority, based on the present value of the department of natural resources' and the landowner's relative interests in the qualified timber;

(g) High impact regulatory thresholds;

(h) A method to determine timber that is qualifying timber because it is rendered uneconomic to harvest by the rules adopted under sections 201 and 204 of this act; and

(i) A method for internal department of natural resources review of small landowner office compensation decisions under subsection (7) of this section.

**NEW SECTION. Sec. 505.** A new section is added to chapter 76.13 RCW to read as follows:

On parcels of twenty contiguous acres or less, landowners with a total parcel ownership of less than eighty acres shall not be required to leave riparian buffers adjacent to streams according to forest practices rules adopted under the forests and fish report as defined in RCW 76.09.020. These landowners shall be subject to the current forest practices rules in effect as of January 1, 1999, but may additionally be required to leave timber adjacent to streams that is equivalent to no greater than fifteen percent of a volume of timber contained in a stand of well managed fifty-year old commercial timber covering the harvest area. The additional fifteen percent leave tree level shall be computed as a rotating stand volume and shall be regulated through flexible forest practices as the stream buffer is managed over time to meet riparian functions.

On parcels of twenty contiguous acres or less the small forest landowner office shall work with landowners with a total parcel ownership of less than eighty acres to develop alternative management plans for riparian buffers. Such alternative plans shall provide for the removal of leave trees as other new trees grow in order to ensure the most effective protection of critical riparian function. The office may recommend reasonable modifications in alternative management plans of such landowners to further reduce risks to public resources and endangered species so long as the anticipated operating costs are not unreasonably increased and the landowner is not required to leave a greater volume than the threshold level. To qualify for the provisions of this section, parcels must be twenty acres or less in contiguous ownership, and owners cannot have ownership interests in a total of more than eighty acres of forest lands within the state.

## **PART VI LARGE WOODY DEBRIS**

**Sec. 601.** RCW 76.42.060 and 1973 c 136 s 7 are each amended to read as follows:

It shall be unlawful to dispose of wood debris by depositing such material into any of the navigable waters of this state, except as authorized by law including any discharge or deposit allowed to be made under and in compliance with chapter 90.48 RCW and any rules ~~((or regulations))~~ ~~((promulgated))~~ adopted thereunder or any deposit allowed to be made under and in compliance with chapter 76.09 or 75.46 RCW and any rules duly adopted under those chapters. Violation of this section shall be a misdemeanor.

**Sec. 602.** RCW 76.09.330 and 1992 c 52 s 5 are each amended to read as follows:

The legislature hereby finds and declares that riparian ecosystems on forest lands in addition to containing valuable timber resources, provide benefits for wildlife, fish, and water quality. The legislature further finds and declares that leaving riparian areas unharvested and leaving snags and green trees for large woody debris recruitment for streams and rivers provides public benefits including but not limited to benefits for threatened and endangered salmonids, other fish, amphibians, wildlife, and water quality enhancement. The legislature further finds and declares that leaving upland areas unharvested for wildlife and leaving snags and green trees for future snag recruitment provides benefits for wildlife. Forest landowners may be required to leave trees standing in riparian and upland areas to benefit public resources. It is recognized that these trees may blow down or fall into streams and that organic debris may be allowed to remain in streams. This is beneficial to riparian dependent and other wildlife species. Further, it is recognized that trees may blow down, fall onto, or otherwise cause damage or injury to public improvements, private property, and persons. Notwithstanding any statutory provision, rule, or common law doctrine to the contrary, the landowner, the department, and

the state of Washington shall not be held liable for any injury or damages resulting from these actions, including but not limited to wildfire, erosion, flooding, personal injury, property damage, damage to public improvements, and other injury or damages of any kind or character resulting from the trees being left.

## PART VII RIPARIAN OPEN SPACE

**Sec. 701.** RCW 76.09.040 and 1997 c 173 s 1 are each amended to read as follows:

(1) Where necessary to accomplish the purposes and policies stated in RCW 76.09.010, and to implement the provisions of this chapter, the board shall ~~((promulgate))~~ adopt forest practices ~~((regulations))~~ rules pursuant to chapter 34.05 RCW and in accordance with the procedures enumerated in this section that:

(a) Establish minimum standards for forest practices;

(b) Provide procedures for the voluntary development of resource management plans which may be adopted as an alternative to the minimum standards in (a) of this subsection if the plan is consistent with the purposes and policies stated in RCW 76.09.010 and the plan meets or exceeds the objectives of the minimum standards;

(c) Set forth necessary administrative provisions; ~~((and))~~

(d) Establish procedures for the collection and administration of forest practice fees as set forth by this chapter; and

(e) Allow for the development of watershed analyses.

Forest practices ~~((regulations))~~ rules pertaining to water quality protection shall be ~~((promulgated individually))~~ adopted by the board ~~((and by the department of ecology))~~ after ~~((they have reached))~~ reaching agreement with the director of the department of ecology or the director's designee on the board with respect thereto. All other forest practices ~~((regulations))~~ rules shall be ~~((promulgated))~~ adopted by the board.

Forest practices ~~((regulations))~~ rules shall be administered and enforced by either the department or the local governmental entity as provided in this chapter. Such ~~((regulations))~~ rules shall be ~~((promulgated))~~ adopted and administered so as to give consideration to all purposes and policies set forth in RCW 76.09.010.

(2) The board shall prepare proposed forest practices ~~((regulations))~~ rules. In addition to any forest practices ~~((regulations))~~ rules relating to water quality protection proposed by the board, the department of ecology ~~((shall prepare))~~ may submit to the board proposed forest practices ~~((regulations))~~ rules relating to water quality protection.

Prior to initiating the rule making process, the proposed ~~((regulations))~~ rules shall be submitted for review and comments to the department of fish and wildlife and to the counties of the state. After receipt of the proposed forest practices ~~((regulations))~~ rules, the department of fish and wildlife and the counties of the state shall have thirty days in which to review and submit comments to the board, and to the department of ecology with respect to its proposed ~~((regulations))~~ rules relating to water quality protection. After the expiration of such thirty day period the board and the department of ecology shall jointly hold one or more hearings on the proposed ~~((regulations))~~ rules pursuant to chapter 34.05 RCW. At such hearing(s) any county may propose specific forest practices ~~((regulations))~~ rules relating to problems existing within such county. The board may adopt and the department of ecology may ~~((adopt))~~ approve such proposals if they find the proposals are consistent with the purposes and policies of this chapter.

(3) The board shall establish by rule a riparian open space program that includes acquisition of a fee interest in, or at the landowner's option, a conservation easement on lands within unconfined avulsing channel migration zones. Once acquired, these lands may be held and managed by the department, transferred to another state agency, transferred to an appropriate local government agency, or transferred to a private nonprofit nature conservation corporation, as defined in RCW 64.04.130, in fee or transfer of management obligation. The board shall adopt rules governing the acquisition by the state or donation to the state of such interest in lands including the right of refusal if the lands are subject to unacceptable liabilities. The rules shall include definitions of qualifying lands, priorities for

acquisition, and provide for the opportunity to transfer such lands with limited warranties and with a description of boundaries that does not require full surveys where the cost of securing the surveys would be unreasonable in relation to the value of the lands conveyed. The rules shall provide for the management of the lands for ecological protection or fisheries enhancement. Because there are few, if any, comparable sales of forest land within unconfined avulsing channel migration zones, separate from the other lands or assets, these lands are likely to be extraordinarily difficult to appraise and the cost of a conventional appraisal often would be unreasonable in relation to the value of the land involved. Therefore, for the purposes of voluntary sales under this section, the legislature declares that these lands are presumed to have a value equal to: (a) The acreage in the sale multiplied by the average value of commercial forest land in the region under the land value tables used for property tax purposes under RCW 84.33.120; plus (b) the cruised volume of any timber located within the channel migration multiplied by the appropriate quality code stumpage value for timber of the same species shown on the appropriate table used for timber harvest excise tax purposes under RCW 84.33.091. For purposes of this section, there shall be an eastside region and a westside region as defined in the forests and fish report as defined in RCW 76.09.020.

(4) Subject to appropriations sufficient to cover the cost of such an acquisition program and the related costs of administering the program, the department is directed to purchase a fee interest or, at the owner's option, a conservation easement in land that an owner tenders for purchase; provided that such lands have been taxed as forest lands and are located within an unconfined avulsing channel migration zone. Lands acquired under this section shall become riparian open space. These acquisitions shall not be deemed to trigger the compensating tax of chapters 84.33 and 84.34 RCW.

(5) Instead of offering to sell interests in qualifying lands, owners may elect to donate the interests to the state.

(6) Any acquired interest in qualifying lands by the state under this section shall be managed as riparian open space.

Sec. 702. RCW 84.33.120 and 1999 c 233 s 20 are each amended to read as follows:

(1) In preparing the assessment rolls as of January 1, 1982, for taxes payable in 1983 and each January 1st thereafter, the assessor shall list each parcel of forest land at a value with respect to the grade and class provided in this subsection and adjusted as provided in subsection (2) of this section and shall compute the assessed value of the land by using the same assessment ratio he or she applies generally in computing the assessed value of other property in his or her county. Values for the several grades of bare forest land shall be as follows.

| LAND  | OPERABILITY | VALUES   |
|-------|-------------|----------|
| GRADE | CLASS       | PER ACRE |
|       |             | 1        |
|       |             | \$141    |
| 1     | 2           | 136      |
|       |             | 3        |
|       |             | 131      |
|       |             | 4        |
|       |             | 95       |
|       |             | 1        |
|       |             | 118      |
| 2     | 2           | 114      |

|   |   |   |     |
|---|---|---|-----|
|   |   | 3 | 110 |
|   |   | 4 | 80  |
|   |   | 1 | 93  |
| 3 | 2 |   | 90  |
|   |   | 3 | 87  |
|   |   | 4 | 66  |
|   |   | 1 | 70  |
| 4 | 2 |   | 68  |
|   |   | 3 | 66  |
|   |   | 4 | 52  |
|   |   | 1 | 51  |
| 5 | 2 |   | 48  |
|   |   | 3 | 46  |
|   |   | 4 | 31  |
|   |   | 1 | 26  |
| 6 | 2 |   | 25  |
|   |   | 3 | 25  |
|   |   | 4 | 23  |
|   |   | 1 | 12  |
| 7 | 2 |   | 12  |
|   |   | 3 | 11  |
|   |   | 4 | 11  |

(2) On or before December 31, 1981, the department shall adjust, by rule under chapter 34.05 RCW, the forest land values contained in subsection (1) of this section in accordance with this subsection, and shall certify these adjusted values to the county assessor for his or her use in preparing the assessment rolls as of January 1, 1982. For the adjustment to be made on or before December 31, 1981, for use in the 1982 assessment year, the department shall:

(a) Divide the aggregate value of all timber harvested within the state between July 1, 1976, and June 30, 1981, by the aggregate harvest volume for the same period, as determined from the harvester excise tax returns filed with the department under RCW 82.04.291 and 84.33.071; and

(b) Divide the aggregate value of all timber harvested within the state between July 1, 1975, and June 30, 1980, by the aggregate harvest volume for the same period, as determined from the harvester excise tax returns filed with the department under RCW 82.04.291 and 84.33.071; and

(c) Adjust the forest land values contained in subsection (1) of this section by a percentage equal to one-half of the percentage change in the average values of harvested timber reflected by comparing the resultant values calculated under (a) and (b) of this subsection.

For the adjustments to be made on or before December 31, 1982, and each succeeding year thereafter, the same procedure shall be followed as described in this subsection utilizing harvester excise tax returns filed under RCW 82.04.291 and this chapter except that this adjustment shall be made to the prior year's adjusted value, and the five-year periods for calculating average harvested timber values shall be successively one year more recent.

(3) In preparing the assessment roll for 1972 and each year thereafter, the assessor shall enter as the true and fair value of each parcel of forest land the appropriate grade value certified to him or her by the department of revenue, and he or she shall compute the assessed value of such land by using the same assessment ratio he or she applies generally in computing the assessed value of other property in his or her county. In preparing the assessment roll for 1975 and each year thereafter, the assessor shall assess and value as classified forest land all forest land that is not then designated pursuant to RCW 84.33.120(4) or 84.33.130 and shall make a notation of such classification upon the assessment and tax rolls. On or before January 15 of the first year in which such notation is made, the assessor shall mail notice by certified mail to the owner that such land has been classified as forest land and is subject to the compensating tax imposed by this section. If the owner desires not to have such land assessed and valued as classified forest land, he or she shall give the assessor written notice thereof on or before March 31 of such year and the assessor shall remove from the assessment and tax rolls the classification notation entered pursuant to this subsection, and shall thereafter assess and value such land in the manner provided by law other than this chapter 84.33 RCW.

(4) In any year commencing with 1972, an owner of land which is assessed and valued by the assessor other than pursuant to the procedures set forth in RCW 84.33.110 and this section, and which has, in the immediately preceding year, been assessed and valued by the assessor as forest land, may appeal to the county board of equalization by filing an application with the board in the manner prescribed in subsection (2) of RCW 84.33.130. The county board shall afford the applicant an opportunity to be heard if the application so requests and shall act upon the application in the manner prescribed in subsection (3) of RCW 84.33.130.

(5) Land that has been assessed and valued as classified forest land as of any year commencing with 1975 assessment year or earlier shall continue to be so assessed and valued until removal of classification by the assessor only upon the occurrence of one of the following events:

(a) Receipt of notice from the owner to remove such land from classification as forest land;

(b) Sale or transfer to an ownership making such land exempt from ad valorem taxation;

(c) Determination by the assessor, after giving the owner written notice and an opportunity to be heard, that, because of actions taken by the owner, such land is no longer primarily devoted to and used for growing and harvesting timber. However, land shall not be removed from classification if a governmental agency, organization, or other recipient identified in subsection (9) or (10) of this section



as exempt from the payment of compensating tax has manifested its intent in writing or by other official action to acquire a property interest in classified forest land by means of a transaction that qualifies for an exemption under subsection (9) or (10) of this section. The governmental agency, organization, or recipient shall annually provide the assessor of the county in which the land is located reasonable evidence in writing of the intent to acquire the classified land as long as the intent continues or within sixty days of a request by the assessor. The assessor may not request this evidence more than once in a calendar year;

(d) Determination that a higher and better use exists for such land than growing and harvesting timber after giving the owner written notice and an opportunity to be heard;

(e) Sale or transfer of all or a portion of such land to a new owner, unless the new owner has signed a notice of forest land classification continuance, except transfer to an owner who is an heir or devisee of a deceased owner, shall not, by itself, result in removal of classification. The signed notice of continuance shall be attached to the real estate excise tax affidavit provided for in RCW 82.45.150. The notice of continuance shall be on a form prepared by the department of revenue. If the notice of continuance is not signed by the new owner and attached to the real estate excise tax affidavit, all compensating taxes calculated pursuant to subsection (7) of this section shall become due and payable by the seller or transferor at time of sale. The county auditor shall not accept an instrument of conveyance of classified forest land for filing or recording unless the new owner has signed the notice of continuance or the compensating tax has been paid, as evidenced by the real estate excise tax stamp affixed thereto by the treasurer. The seller, transferor, or new owner may appeal the new assessed valuation calculated under subsection (7) of this section to the county board of equalization. Jurisdiction is hereby conferred on the county board of equalization to hear these appeals.

The assessor shall remove classification pursuant to (c) or (d) of this subsection prior to September 30 of the year prior to the assessment year for which termination of classification is to be effective. Removal of classification as forest land upon occurrence of (a), (b), (d), or (e) of this subsection shall apply only to the land affected, and upon occurrence of (c) of this subsection shall apply only to the actual area of land no longer primarily devoted to and used for growing and harvesting timber: PROVIDED, That any remaining classified forest land meets necessary definitions of forest land pursuant to RCW 84.33.100.

(6) Within thirty days after such removal of classification as forest land, the assessor shall notify the owner in writing setting forth the reasons for such removal. The owner of such land shall thereupon have the right to apply for designation of such land as forest land pursuant to subsection (4) of this section or RCW 84.33.130. The seller, transferor, or owner may appeal such removal to the county board of equalization.

(7) Unless the owner successfully applies for designation of such land or unless the removal is reversed on appeal, notation of removal from classification shall immediately be made upon the assessment and tax rolls, and commencing on January 1 of the year following the year in which the assessor made such notation, such land shall be assessed on the same basis as real property is assessed generally in that county. Except as provided in subsection (5)(e), (9), or (10) of this section and unless the assessor shall not have mailed notice of classification pursuant to subsection (3) of this section, a compensating tax shall be imposed which shall be due and payable to the county treasurer thirty days after the owner is notified of the amount of the compensating tax. As soon as possible, the assessor shall compute the amount of such compensating tax and mail notice to the owner of the amount thereof and the date on which payment is due. The amount of such compensating tax shall be equal to the difference, if any, between the amount of tax last levied on such land as forest land and an amount equal to the new assessed valuation of such land multiplied by the dollar rate of the last levy extended against such land, multiplied by a number, in no event greater than ten, equal to the number of years, commencing with assessment year 1975, for which such land was assessed and valued as forest land.

(8) Compensating tax, together with applicable interest thereon, shall become a lien on such land which shall attach at the time such land is removed from classification as forest land and shall have priority to and shall be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation or responsibility to or with which such land may become charged or liable. Such lien may be foreclosed upon expiration of the same period after delinquency and in the same manner provided by law for foreclosure of liens for delinquent real property taxes as provided in RCW

84.64.050. Any compensating tax unpaid on its due date shall thereupon become delinquent. From the date of delinquency until paid, interest shall be charged at the same rate applied by law to delinquent ad valorem property taxes.

(9) The compensating tax specified in subsection (7) of this section shall not be imposed if the removal of classification as forest land pursuant to subsection (5) of this section resulted solely from:

(a) Transfer to a government entity in exchange for other forest land located within the state of Washington;

(b) A taking through the exercise of the power of eminent domain, or sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of such power;

(c) A donation of fee title, development rights, or the right to harvest timber, to a government agency or organization qualified under RCW 84.34.210 and 64.04.130 for the purposes enumerated in those sections, or the sale or transfer of fee title to a governmental entity or a nonprofit nature conservancy corporation, as defined in RCW 64.04.130, exclusively for the protection and conservation of lands recommended for state natural area preserve purposes by the natural heritage council and natural heritage plan as defined in chapter 79.70 RCW: PROVIDED, That at such time as the land is not used for the purposes enumerated, the compensating tax specified in subsection (7) of this section shall be imposed upon the current owner;

(d) The sale or transfer of fee title to the parks and recreation commission for park and recreation purposes; (~~(e)~~)

(e) Official action by an agency of the state of Washington or by the county or city within which the land is located that disallows the present use of such land;

(f) The creation, sale, or transfer of forestry riparian easements under section 504 of this act;  
or

(g) The creation, sale, or transfer of a fee interest or a conservation easement for the riparian open space program under RCW 76.09.040.

(10) In a county with a population of more than one million inhabitants, the compensating tax specified in subsection (7) of this section shall not be imposed if the removal of classification as forest land pursuant to subsection (5) of this section resulted solely from:

(a) An action described in subsection (9) of this section; or

(b) A transfer of a property interest to a government entity, or to a nonprofit historic preservation corporation or nonprofit nature conservancy corporation, as defined in RCW 64.04.130, to protect or enhance public resources, or to preserve, maintain, improve, restore, limit the future use of, or otherwise to conserve for public use or enjoyment, the property interest being transferred. At such time as the property interest is not used for the purposes enumerated, the compensating tax shall be imposed upon the current owner.

(11) With respect to any land that has been designated prior to May 6, 1974, pursuant to RCW 84.33.120(4) or 84.33.130, the assessor may, prior to January 1, 1975, on his or her own motion or pursuant to petition by the owner, change, without imposition of the compensating tax provided under RCW 84.33.140, the status of such designated land to classified forest land.

**Sec. 703.** RCW 84.33.140 and 1999 c 233 s 21 are each amended to read as follows:

(1) When land has been designated as forest land pursuant to RCW 84.33.120(4) or 84.33.130, a notation of such designation shall be made each year upon the assessment and tax rolls, a copy of the notice of approval together with the legal description or assessor's tax lot numbers for such land shall, at the expense of the applicant, be filed by the assessor in the same manner as deeds are recorded, and such land shall be graded and valued pursuant to RCW 84.33.110 and 84.33.120 until removal of such designation by the assessor upon occurrence of any of the following:

(a) Receipt of notice from the owner to remove such designation;

(b) Sale or transfer to an ownership making such land exempt from ad valorem taxation;

(c) Sale or transfer of all or a portion of such land to a new owner, unless the new owner has signed a notice of forest land designation continuance, except transfer to an owner who is an heir or devisee of a deceased owner, shall not, by itself, result in removal of classification. The signed notice of continuance shall be attached to the real estate excise tax affidavit provided for in RCW 82.45.150. The notice of continuance shall be on a form prepared by the department of revenue. If the notice of

continuance is not signed by the new owner and attached to the real estate excise tax affidavit, all compensating taxes calculated pursuant to subsection (3) of this section shall become due and payable by the seller or transferor at time of sale. The county auditor shall not accept an instrument of conveyance of designated forest land for filing or recording unless the new owner has signed the notice of continuance or the compensating tax has been paid, as evidenced by the real estate excise tax stamp affixed thereto by the treasurer. The seller, transferor, or new owner may appeal the new assessed valuation calculated under subsection (3) of this section to the county board of equalization. Jurisdiction is hereby conferred on the county board of equalization to hear these appeals;

(d) Determination by the assessor, after giving the owner written notice and an opportunity to be heard, that:

(i) Such land is no longer primarily devoted to and used for growing and harvesting timber. However, land shall not be removed from designation if a governmental agency, organization, or other recipient identified in subsection (5) or (6) of this section as exempt from the payment of compensating tax has manifested its intent in writing or by other official action to acquire a property interest in designated forest land by means of a transaction that qualifies for an exemption under subsection (5) or (6) of this section. The governmental agency, organization, or recipient shall annually provide the assessor of the county in which the land is located reasonable evidence in writing of the intent to acquire the designated land as long as the intent continues or within sixty days of a request by the assessor. The assessor may not request this evidence more than once in a calendar year;

(ii) The owner has failed to comply with a final administrative or judicial order with respect to a violation of the restocking, forest management, fire protection, insect and disease control and forest debris provisions of Title 76 RCW or any applicable regulations thereunder; or

(iii) Restocking has not occurred to the extent or within the time specified in the application for designation of such land.

Removal of designation upon occurrence of any of (a) through (c) of this subsection shall apply only to the land affected, and upon occurrence of (d) of this subsection shall apply only to the actual area of land no longer primarily devoted to and used for growing and harvesting timber, without regard to other land that may have been included in the same application and approval for designation:

PROVIDED, That any remaining designated forest land meets necessary definitions of forest land pursuant to RCW 84.33.100.

(2) Within thirty days after such removal of designation of forest land, the assessor shall notify the owner in writing, setting forth the reasons for such removal. The seller, transferor, or owner may appeal such removal to the county board of equalization.

(3) Unless the removal is reversed on appeal a copy of the notice of removal with notation of the action, if any, upon appeal, together with the legal description or assessor's tax lot numbers for the land removed from designation shall, at the expense of the applicant, be filed by the assessor in the same manner as deeds are recorded, and commencing on January 1 of the year following the year in which the assessor mailed such notice, such land shall be assessed on the same basis as real property is assessed generally in that county. Except as provided in subsection (1)(c), (5), or (6) of this section, a compensating tax shall be imposed which shall be due and payable to the county treasurer thirty days after the owner is notified of the amount of the compensating tax. As soon as possible, the assessor shall compute the amount of such compensating tax and mail notice to the owner of the amount thereof and the date on which payment is due. The amount of such compensating tax shall be equal to the difference between the amount of tax last levied on such land as forest land and an amount equal to the new assessed valuation of such land multiplied by the dollar rate of the last levy extended against such land, multiplied by a number, in no event greater than ten, equal to the number of years for which such land was designated as forest land.

(4) Compensating tax, together with applicable interest thereon, shall become a lien on such land which shall attach at the time such land is removed from designation as forest land and shall have priority to and shall be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation or responsibility to or with which such land may become charged or liable. Such lien may be foreclosed upon expiration of the same period after delinquency and in the same manner provided by law for foreclosure of liens for delinquent real property taxes as provided in RCW 84.64.050. Any compensating tax unpaid on its due date shall thereupon become delinquent. From the date of

delinquency until paid, interest shall be charged at the same rate applied by law to delinquent ad valorem property taxes.

(5) The compensating tax specified in subsection (3) of this section shall not be imposed if the removal of designation pursuant to subsection (1) of this section resulted solely from:

(a) Transfer to a government entity in exchange for other forest land located within the state of Washington;

(b) A taking through the exercise of the power of eminent domain, or sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of such power;

(c) A donation of fee title, development rights, or the right to harvest timber, to a government agency or organization qualified under RCW 84.34.210 and 64.04.130 for the purposes enumerated in those sections, or the sale or transfer of fee title to a governmental entity or a nonprofit nature conservancy corporation, as defined in RCW 64.04.130, exclusively for the protection and conservation of lands recommended for state natural area preserve purposes by the natural heritage council and natural heritage plan as defined in chapter 79.70 RCW: PROVIDED, That at such time as the land is not used for the purposes enumerated, the compensating tax specified in subsection (3) of this section shall be imposed upon the current owner;

(d) The sale or transfer of fee title to the parks and recreation commission for park and recreation purposes; ~~((or))~~

(e) Official action by an agency of the state of Washington or by the county or city within which the land is located that disallows the present use of such land;

(f) The creation, sale, or transfer of forestry riparian easements under section 504 of this act;

or

(g) The creation, sale, or transfer of a fee interest or a conservation easement for the riparian open space program under RCW 76.09.040.

(6) In a county with a population of more than one million inhabitants, the compensating tax specified in subsection (3) of this section shall not be imposed if the removal of classification as forest land pursuant to subsection (1) of this section resulted solely from:

(a) An action described in subsection (5) of this section; or

(b) A transfer of a property interest to a government entity, or to a nonprofit historic preservation corporation or nonprofit nature conservancy corporation, as defined in RCW 64.04.130, to protect or enhance public resources, or to preserve, maintain, improve, restore, limit the future use of, or otherwise to conserve for public use or enjoyment, the property interest being transferred. At such time as the property interest is not used for the purposes enumerated, the compensating tax shall be imposed upon the current owner.

**Sec. 704.** RCW 84.33.145 and 1997 c 299 s 3 are each amended to read as follows:

(1) If no later than thirty days after removal of classification or designation the owner applies for classification under RCW 84.34.020 (1), (2), or (3), then the classified or designated forest land shall not be considered removed from classification or designation for purposes of the compensating tax under RCW 84.33.120 or 84.33.140 until the application for current use classification under RCW 84.34.030 is denied or the property is removed from designation under RCW 84.34.108. Upon removal from designation under RCW 84.34.108, the amount of compensating tax due under this chapter shall be equal to:

(a) The difference, if any, between the amount of tax last levied on such land as forest land and an amount equal to the new assessed valuation of such land when removed from designation under RCW 84.34.108 multiplied by the dollar rate of the last levy extended against such land, multiplied by

(b) A number equal to:

(i) The number of years the land was classified or designated under this chapter, if the total number of years the land was classified or designated under this chapter and classified under chapter 84.34 RCW is less than ten; or

(ii) Ten minus the number of years the land was classified under chapter 84.34 RCW, if the total number of years the land was classified or designated under this chapter and classified under chapter 84.34 RCW is at least ten.

(2) Nothing in this section authorizes the continued classification or designation under this chapter or defers or reduces the compensating tax imposed upon forest land not transferred to classification under subsection (1) of this section which does not meet the necessary definitions of forest land under RCW 84.33.100. Nothing in this section affects the additional tax imposed under RCW 84.34.108.

(3) In a county with a population of more than one million inhabitants, no amount of compensating tax is due under this section if the removal from classification under RCW 84.34.108 results from a transfer of property described in RCW 84.34.108~~((5))~~ (6).

**Sec. 705.** RCW 84.34.080 and 1992 c 69 s 11 are each amended to read as follows:

When land which has been classified under this chapter as open space land, farm and agricultural land, or timber land is applied to some other use, except through compliance with RCW 84.34.070, or except as a result solely from any one of the conditions listed in RCW 84.34.108~~((5))~~ (6), the owner shall within sixty days notify the county assessor of such change in use and additional real property tax shall be imposed upon such land in an amount equal to the sum of the following:

(1) The total amount of the additional tax and applicable interest due under RCW 84.34.108; plus

(2) A penalty amounting to twenty percent of the amount determined in subsection (1) of this section.

**Sec. 706.** RCW 84.34.108 and 1999 c 139 s 2 are each amended to read as follows:

(1) When land has once been classified under this chapter, a notation of such classification shall be made each year upon the assessment and tax rolls and such land shall be valued pursuant to RCW 84.34.060 or 84.34.065 until removal of all or a portion of such classification by the assessor upon occurrence of any of the following:

(a) Receipt of notice from the owner to remove all or a portion of such classification;

(b) Sale or transfer to an ownership, except a transfer that resulted from a default in loan payments made to or secured by a governmental agency that intends to or is required by law or regulation to resell the property for the same use as before, making all or a portion of such land exempt from ad valorem taxation;

(c) Sale or transfer of all or a portion of such land to a new owner, unless the new owner has signed a notice of classification continuance, except transfer to an owner who is an heir or devisee of a deceased owner shall not, by itself, result in removal of classification. ~~((The signed notice of continuance shall be attached to the real estate excise tax affidavit provided for in RCW 82.45.150.))~~ The notice of continuance shall be on a form prepared by the department of revenue. If the notice of continuance is not signed by the new owner and attached to the real estate excise tax affidavit, all additional taxes calculated pursuant to subsection ~~((3))~~ (4) of this section shall become due and payable by the seller or transferor at time of sale. The county auditor shall not accept an instrument of conveyance of classified land for filing or recording unless the new owner has signed the notice of continuance or the additional tax has been paid. The seller, transferor, or new owner may appeal the new assessed valuation calculated under subsection ~~((3))~~ (4) of this section to the county board of equalization. Jurisdiction is hereby conferred on the county board of equalization to hear these appeals;

(d) Determination by the assessor, after giving the owner written notice and an opportunity to be heard, that all or a portion of such land no longer meets the criteria for classification under this chapter. The criteria for classification pursuant to this chapter continue to apply after classification has been granted.

The granting authority, upon request of an assessor, shall provide reasonable assistance to the assessor in making a determination whether such land continues to meet the qualifications of RCW 84.34.020 (1) or (3). The assistance shall be provided within thirty days of receipt of the request.

(2) Land may not be removed from classification because of:

(a) The creation, sale, or transfer of forestry riparian easements under section 504 of this act;

or

(b) The creation, sale, or transfer of a fee interest or a conservation easement for the riparian open space program under RCW 76.09.040.

(3) Within thirty days after such removal of all or a portion of such land from current use classification, the assessor shall notify the owner in writing, setting forth the reasons for such removal. The seller, transferor, or owner may appeal such removal to the county board of equalization.

~~((3))~~ (4) Unless the removal is reversed on appeal, the assessor shall revalue the affected land with reference to full market value on the date of removal from classification. Both the assessed valuation before and after the removal of classification shall be listed and taxes shall be allocated according to that part of the year to which each assessed valuation applies. Except as provided in subsection ~~((5))~~ (6) of this section, an additional tax, applicable interest, and penalty shall be imposed which shall be due and payable to the county treasurer thirty days after the owner is notified of the amount of the additional tax. As soon as possible, the assessor shall compute the amount of such an additional tax, applicable interest, and penalty and the treasurer shall mail notice to the owner of the amount thereof and the date on which payment is due. The amount of such additional tax, applicable interest, and penalty shall be determined as follows:

(a) The amount of additional tax shall be equal to the difference between the property tax paid as "open space land", "farm and agricultural land", or "timber land" and the amount of property tax otherwise due and payable for the seven years last past had the land not been so classified;

(b) The amount of applicable interest shall be equal to the interest upon the amounts of such additional tax paid at the same statutory rate charged on delinquent property taxes from the dates on which such additional tax could have been paid without penalty if the land had been assessed at a value without regard to this chapter;

(c) The amount of the penalty shall be as provided in RCW 84.34.080. The penalty shall not be imposed if the removal satisfies the conditions of RCW 84.34.070.

~~((4))~~ (5) Additional tax, applicable interest, and penalty, shall become a lien on such land which shall attach at the time such land is removed from classification under this chapter and shall have priority to and shall be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation or responsibility to or with which such land may become charged or liable. Such lien may be foreclosed upon expiration of the same period after delinquency and in the same manner provided by law for foreclosure of liens for delinquent real property taxes as provided in RCW 84.64.050 now or as hereafter amended. Any additional tax unpaid on its due date shall thereupon become delinquent. From the date of delinquency until paid, interest shall be charged at the same rate applied by law to delinquent ad valorem property taxes.

~~((5))~~ (6) The additional tax, applicable interest, and penalty specified in subsection ~~((3))~~ (4) of this section shall not be imposed if the removal of classification pursuant to subsection (1) of this section resulted solely from:

(a) Transfer to a government entity in exchange for other land located within the state of Washington;

(b)(i) A taking through the exercise of the power of eminent domain, or (ii) sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of such power, said entity having manifested its intent in writing or by other official action;

(c) A natural disaster such as a flood, windstorm, earthquake, or other such calamity rather than by virtue of the act of the landowner changing the use of such property;

(d) Official action by an agency of the state of Washington or by the county or city within which the land is located which disallows the present use of such land;

(e) Transfer of land to a church when such land would qualify for exemption pursuant to RCW 84.36.020;

(f) Acquisition of property interests by state agencies or agencies or organizations qualified under RCW 84.34.210 and 64.04.130 for the purposes enumerated in those sections: PROVIDED, That at such time as these property interests are not used for the purposes enumerated in RCW 84.34.210 and 64.04.130 the additional tax specified in subsection ~~((3))~~ (4) of this section shall be imposed;

(g) Removal of land classified as farm and agricultural land under RCW 84.34.020(2)(d); ~~((e))~~

(h) Removal of land from classification after enactment of a statutory exemption that qualifies the land for exemption and receipt of notice from the owner to remove the land from classification;

(i) The creation, sale, or transfer of forestry riparian easements under section 504 of this act;  
or

(j) The creation, sale, or transfer of a fee interest or a conservation easement for the riparian open space program under RCW 76.09.040.

**NEW SECTION. Sec. 707.** A new section is added to chapter 76.09 RCW to read as follows:

Prior to the sale or transfer of land or perpetual timber rights subject to continuing forest land obligations under the forest practices rules adopted under section 204 of this act, as specifically identified in the forests and fish report the seller shall notify the buyer of the existence and nature of such a continuing obligation and the buyer shall sign a notice of continuing forest land obligation indicating the buyer's knowledge thereof. The notice shall be on a form prepared by the department and shall be sent to the department by the seller at the time of sale or transfer of the land or perpetual timber rights and retained by the department. If the seller fails to notify the buyer about the continuing forest land obligation, the seller shall pay the buyer's costs related to such continuing forest land obligation, including all legal costs and reasonable attorneys' fees, incurred by the buyer in enforcing the continuing forest land obligation against the seller. Failure by the seller to send the required notice to the department at the time of sale shall be prima facie evidence, in an action by the buyer against the seller for costs related to the continuing forest land obligation, that the seller did not notify the buyer of the continuing forest land obligation prior to sale.

## PART VIII ENFORCEMENT

**Sec. 801.** RCW 76.09.140 and 1993 c 482 s 1 are each amended to read as follows:

(1) The department of natural resources may take any necessary action to enforce any final order or final decision, and may disapprove (~~for up to one year~~) any forest practices application or notification submitted by any person who has failed to comply with a final order or final decision or has failed to pay any civil penalties as provided in RCW 76.09.170, for up to one year from the issuance of a notice of intent to disapprove notifications and applications under this section or until the violator pays all outstanding civil penalties and complies with all validly issued and outstanding notices to comply and stop work orders, whichever is longer. For purposes of chapter 482, Laws of 1993, the terms "final order" and "final decision" shall mean the same as set forth in RCW 76.09.080, 76.09.090, and 76.09.110. The department shall provide written notice of its intent to disapprove an application or notification under this subsection. The department shall forward copies of its notice of intent to disapprove to any affected landowner. The disapproval period shall run from thirty days following the date of actual notice or when all administrative and judicial appellate processes, if any, have been exhausted. Any person provided the notice may seek review from the appeals board by filing a request for review within thirty days of the date of the notice of intent. While the notice of intent to disapprove is in effect, the violator may not serve as a person in charge of, be employed by, manage, or otherwise participate to any degree in forest practices.

(2) On request of the department, the attorney general may take action necessary to enforce this chapter, including, but not limited to ~~to~~: Seeking penalties, interest, costs, and attorneys' fees; enforcing final orders or decisions~~;~~; and seeking civil injunctions, show cause orders, or contempt orders.

(3) A county may bring injunctive, declaratory, or other actions for enforcement for forest practice activities within its jurisdiction in the superior court as provided by law against the department, the forest landowner, timber owner or operator to enforce the forest practice ~~((regulations))~~ rules or any final order of the department, or the appeals board. No civil or criminal penalties shall be imposed for past actions or omissions if such actions or omissions were conducted pursuant to an approval or directive of the department. Injunctions, declaratory actions, or other actions for enforcement under this subsection may not be commenced unless the department fails to

take appropriate action after ten days written notice to the department by the county of a violation of the forest practices rules or final orders of the department or the appeals board.

(4)(a) The department may require financial assurance prior to the conduct of any further forest practices from an operator or landowner who within the preceding three-year period has:

(i) Operated without an approved forest practices application, other than an unintentional operation in connection with an approved application outside the approved boundary of such an application;

(ii) Continued to operate in breach of, or failed to comply with, the terms of an effective stop work order or notice to comply; or

(iii) Failed to pay any civil or criminal penalty.

(b) The department may deny any application for failure to submit financial assurances as required.

**Sec. 802.** RCW 76.09.150 and 1974 ex.s. c 137 s 15 are each amended to read as follows:

(1) The department shall make inspections of forest lands, before, during and after the conducting of forest practices as necessary for the purpose of ((insuring)) ensuring compliance with this chapter and the forest practices ((regulations)) rules and to ((insure)) ensure that no material damage occurs to the natural resources of this state as a result of such practices.

(2) Any duly authorized representative of the department shall have the right to enter upon forest land at any reasonable time to enforce the provisions of this chapter and the forest practices ((regulations)) rules.

(3) The department or the department of ecology may apply for an administrative inspection warrant to either Thurston county superior court, or the superior court in the county in which the property is located. An administrative inspection warrant may be issued where:

(a) The department has attempted an inspection of forest lands under this chapter to ensure compliance with this chapter and the forest practice rules or to ensure that no potential or actual material damage occurs to the natural resources of this state, and access to all or part of the forest lands has been actually or constructively denied; or

(b) The department has reasonable cause to believe that a violation of this chapter or of rules adopted under this chapter is occurring or has occurred.

(4) In connection with any watershed analysis, any review of a pending application by an identification team appointed by the department, any compliance studies, any effectiveness monitoring, or other research that has been agreed to by a landowner, the department may invite representatives of other agencies, tribes, and interest groups to accompany a department representative and, at the landowner's election, the landowner, on any such inspections. Reasonable efforts shall be made by the department to notify the landowner of the persons being invited onto the property and the purposes for which they are being invited.

**Sec. 803.** RCW 76.09.170 and 1993 c 482 s 2 are each amended to read as follows:

(1) Every person who violates any provision of RCW 76.09.010 through 76.09.280 or of the forest practices rules, or who converts forest land to a use other than commercial timber operation within three years after completion of the forest practice without the consent of the county, city, or town, shall be subject to a penalty in an amount of not more than ten thousand dollars for every such violation. Each and every such violation shall be a separate and distinct offense. In case of a failure to comply with a stop work order, every day's continuance shall be a separate and distinct violation. Every person who through an act of commission or omission procures, aids or abets in the violation shall be considered to have violated the provisions of this section and shall be subject to the penalty in this section. No penalty shall be imposed under this section upon any governmental official, an employee of any governmental department, agency, or entity, or a member of any board or advisory committee created by this chapter for any act or omission in his or her duties in the administration of this chapter or of any rule adopted under this chapter.

(2) The department shall develop and recommend to the board a penalty schedule to determine the amount to be imposed under this section. The board shall adopt by rule, pursuant to chapter 34.05



RCW, such penalty schedule to be effective no later than January 1, 1994. The schedule shall be developed in consideration of the following:

- (a) Previous violation history;
- (b) Severity of the impact on public resources;
- (c) Whether the violation of this chapter or its rules was intentional;
- (d) Cooperation with the department;
- (e) Repairability of the adverse effect from the violation; and

(f) The extent to which a penalty to be imposed on a forest landowner for a forest practice violation committed by another should be reduced because the owner was unaware of the violation and has not received substantial economic benefits from the violation.

(3) The penalty in this section shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the same from the department describing the violation with reasonable particularity. Within fifteen days after the notice is received, the person incurring the penalty may apply in writing to the department for the remission or mitigation of such penalty. Upon receipt of the application, that department may remit or mitigate the penalty upon whatever terms that department in its discretion deems proper, provided the department deems such remission or mitigation to be in the best interests of carrying out the purposes of this chapter. The department shall have authority to ascertain the facts regarding all such applications in such reasonable manner and under such rule as it may deem proper.

(4) Any person incurring a penalty under this section may appeal the penalty to the forest practices appeals board. Such appeals shall be filed within thirty days of receipt of notice imposing any penalty unless an application for remission or mitigation is made to the department. When such an application for remission or mitigation is made, such appeals shall be filed within thirty days of receipt of notice from the department setting forth the disposition of the application for remission or mitigation.

(5) The penalty imposed under this section shall become due and payable thirty days after receipt of a notice imposing the same unless application for remission or mitigation is made or an appeal is filed. When such an application for remission or mitigation is made, any penalty incurred under this section shall become due and payable thirty days after receipt of notice setting forth the disposition of such application unless an appeal is filed from such disposition. Whenever an appeal of the penalty incurred is filed, the penalty shall become due and payable only upon completion of all administrative and judicial review proceedings and the issuance of a final decision confirming the penalty in whole or in part.

(6) If the amount of any penalty is not paid to the department within thirty days after it becomes due and payable, the attorney general, upon the request of the department, shall bring an action in the name of the state of Washington in the superior court of Thurston county or of any county in which such violator may do business, to recover such penalty, interest, costs, and attorneys' fees. In all such actions the procedure and rules of evidence shall be the same as an ordinary civil action except as otherwise in this chapter provided. In addition to or as an alternative to seeking enforcement of penalties in superior court, the department may bring an action in district court as provided in Title 3 RCW, to collect penalties, interest, costs, and attorneys' fees.

(7) Penalties imposed under this section for violations associated with a conversion to a use other than commercial timber operation shall be a lien upon the real property of the person assessed the penalty and the department may collect such amount in the same manner provided in chapter 60.04 RCW for mechanics' liens.

(8) Any person incurring a penalty imposed under this section is also responsible for the payment of all costs and attorneys' fees incurred in connection with the penalty and interest accruing on the unpaid penalty amount.

## PART IX WATERSHED ANALYSIS

**Sec. 901.** RCW 76.09.010 and 1993 c 443 s 1 are each amended to read as follows:

(1) The legislature hereby finds and declares that the forest land resources are among the most valuable of all resources in the state; that a viable forest products industry is of prime importance to the state's economy; that it is in the public interest for public and private commercial forest lands to be managed consistent with sound policies of natural resource protection; that coincident with maintenance of a viable forest products industry, it is important to afford protection to forest soils, fisheries, wildlife, water quantity and quality, air quality, recreation, and scenic beauty.

(2) The legislature further finds and declares it to be in the public interest of this state to create and maintain through the adoption of this chapter a comprehensive state-wide system of laws and forest practices (~~(regulations)~~) rules which will achieve the following purposes and policies:

(a) Afford protection to, promote, foster and encourage timber growth, and require such minimum reforestation of commercial tree species on forest lands as will reasonably utilize the timber growing capacity of the soil following current timber harvest;

(b) Afford protection to forest soils and public resources by utilizing all reasonable methods of technology in conducting forest practices;

(c) Recognize both the public and private interest in the profitable growing and harvesting of timber;

(d) Promote efficiency by permitting maximum operating freedom consistent with the other purposes and policies stated herein;

(e) Provide for regulation of forest practices so as to avoid unnecessary duplication in such (~~(regulation)~~) rules;

(f) Provide for interagency input and intergovernmental and tribal coordination and cooperation;

(g) Achieve compliance with all applicable requirements of federal and state law with respect to nonpoint sources of water pollution from forest practices;

(h) To consider reasonable land use planning goals and concepts contained in local comprehensive plans and zoning regulations; (~~and~~)

(i) Foster cooperation among managers of public resources, forest landowners, Indian tribes and the citizens of the state; and

(j) Develop a watershed analysis system that addresses the cumulative effect of forest practices on, at a minimum, the public resources of fish, water, and public capital improvements of the state and its political subdivisions.

(3) The legislature further finds and declares that it is also in the public interest of the state to encourage forest landowners to undertake corrective and remedial action to reduce the impact of mass earth movements and fluvial processes.

(4) The legislature further finds and declares that it is in the public interest that the applicants for state forest practices permits should assist in paying for the cost of review and permitting necessary for the environmental protection of these resources.

**Sec. 902.** RCW 76.09.220 and 1999 c 90 s 1 are each amended to read as follows:

(1) The appeals board shall operate on either a part-time or a full-time basis, as determined by the governor. If it is determined that the appeals board shall operate on a full-time basis, each member shall receive an annual salary to be determined by the governor. If it is determined that the appeals board shall operate on a part-time basis, each member shall be compensated in accordance with RCW 43.03.250. The director of the environmental hearings office shall make the determination, required under RCW 43.03.250, as to what statutorily prescribed duties, in addition to attendance at a hearing or meeting of the board, shall merit compensation. This compensation shall not exceed ten thousand dollars in a fiscal year. Each member shall receive reimbursement for travel expenses incurred in the discharge of his or her duties in accordance with the provisions of RCW 43.03.050 and 43.03.060.

(2) The appeals board shall as soon as practicable after the initial appointment of the members thereof, meet and elect from among its members a chair, and shall at least biennially thereafter meet and elect or reelect a chair.

(3) The principal office of the appeals board shall be at the state capital, but it may sit or hold hearings at any other place in the state. A majority of the appeals board shall constitute a quorum for making orders or decisions, (~~(promulgating)~~) adopting rules (~~(and regulations)~~) necessary for the

conduct of its powers and duties, or transacting other official business, and may act though one position on the board be vacant. One or more members may hold hearings and take testimony to be reported for action by the board when authorized by rule or order of the board. The appeals board shall perform all the powers and duties granted to it in this chapter or as otherwise provided by law.

(4) The appeals board shall make findings of fact and prepare a written decision in each case decided by it, and such findings and decision shall be effective upon being signed by two or more members and upon being filed at the appeals board's principal office, and shall be open to public inspection at all reasonable times.

(5) The appeals board shall either publish at its expense or make arrangements with a publishing firm for the publication of those of its findings and decisions which are of general public interest, in such form as to assure reasonable distribution thereof.

(6) The appeals board shall maintain at its principal office a journal which shall contain all official actions of the appeals board, with the exception of findings and decisions, together with the vote of each member on such actions. The journal shall be available for public inspection at the principal office of the appeals board at all reasonable times.

(7) The forest practices appeals board shall have exclusive jurisdiction to hear appeals arising from an action or determination by the department, and the department of fish and wildlife, and the department of ecology with respect to management plans provided for under RCW 76.09.350.

(8)(a) Any person aggrieved by the approval or disapproval of an application to conduct a forest practice or the approval or disapproval of any landscape plan or permit or watershed analysis may seek review from the appeals board by filing a request for the same within thirty days of the approval or disapproval. Concurrently with the filing of any request for review with the board as provided in this section, the requestor shall file a copy of his or her request with the department and the attorney general. The attorney general may intervene to protect the public interest and ensure that the provisions of this chapter are complied with.

(b) The review proceedings authorized in (a) of this subsection are subject to the provisions of chapter 34.05 RCW pertaining to procedures in adjudicative proceedings.

## **PART X FOREST PRACTICES BOARD COMPOSITION**

**Sec. 1001.** RCW 76.09.030 and 1995 c 399 s 207 are each amended to read as follows:

(1) There is hereby created the forest practices board of the state of Washington as an agency of state government consisting of members as follows:

(a) The commissioner of public lands or the commissioner's designee;

(b) The director of the department of community, trade, and economic development or the director's designee;

(c) The director of the department of agriculture or the director's designee;

(d) The director of the department of ecology or the director's designee;

(e) The director of the department of fish and wildlife or the director's designee;

(f) An elected member of a county legislative authority appointed by the governor:

PROVIDED, That such member's service on the board shall be conditioned on the member's continued service as an elected county official; and

~~((f))~~ (g) Six members of the general public appointed by the governor, one of whom shall be an owner of not more than five hundred acres of forest land, and one of whom shall be an independent logging contractor.

(2) The director of the department of fish and wildlife's service on the board may be terminated two years after the effective date of this section if the legislature finds that after two years the department has not made substantial progress toward integrating the laws, rules, and programs governing forest practices, chapter 76.09 RCW, and the laws, rules, and programs governing hydraulic projects, chapter 75.20 RCW. Such a finding shall be based solely on whether the department of fish and wildlife makes substantial progress as defined in this subsection, and will not be based on other actions taken as a member of the board. Substantial progress shall include recommendations to the legislature for closer integration of the existing rule-making authorities of the board and the department

of fish and wildlife, and closer integration of the forest practices and hydraulics permitting processes, including exploring the potential for a consolidated permitting process. These recommendations shall be designed to resolve problems currently associated with the existing dual regulatory and permitting processes.

(3) The members of the initial board appointed by the governor shall be appointed so that the term of one member shall expire December 31, 1975, the term of one member shall expire December 31, 1976, the term of one member shall expire December 31, 1977, the terms of two members shall expire December 31, 1978, and the terms of two members shall expire December 31, 1979. Thereafter, each member shall be appointed for a term of four years. Vacancies on the board shall be filled in the same manner as the original appointments. Each member of the board shall continue in office until his or her successor is appointed and qualified. The commissioner of public lands or the commissioner's designee shall be the chairman of the board.

~~((3))~~ (4) The board shall meet at such times and places as shall be designated by the chairman or upon the written request of the majority of the board. The principal office of the board shall be at the state capital.

~~((4))~~ (5) Members of the board, except public employees and elected officials, shall be compensated in accordance with RCW 43.03.250. Each member shall be entitled to reimbursement for travel expenses incurred in the performance of their duties as provided in RCW 43.03.050 and 43.03.060.

~~((5))~~ (6) The board may employ such clerical help and staff pursuant to chapter 41.06 RCW as is necessary to carry out its duties.

## PART XI WATER QUALITY COORDINATION

**Sec. 1101.** RCW 90.48.420 and 1975 1st ex.s. c 200 s 13 are each amended to read as follows:

(1) The department of ecology, pursuant to powers vested in it previously by chapter 90.48 RCW and consistent with the policies of said chapter and RCW 90.54.020(3), shall be solely responsible for establishing water quality standards for waters of the state. On or before January 1, 1975, the department of ecology shall examine existing ~~((regulations))~~ rules containing water quality standards and other applicable rules ~~((and regulations))~~ of said department pertaining to waters of the state affected by nonpoint sources of pollution arising from forest practices and, when it appears appropriate to the department of ecology, modify said ~~((regulations))~~ rules. In any such examination or modification the department of ecology shall consider such factors, among others, as uses of the receiving waters, diffusion, down-stream cooling, and reasonable transient and short-term effects resulting from forest practices.

~~((Promulgation))~~ Adoption of forest practices ~~((regulations))~~ rules pertaining to water quality by ~~((the department of ecology and))~~ the forest practices board~~((s))~~ shall be accomplished after reaching agreement with the director of the department or the director's designee on the board. Adoption shall be accomplished so that compliance with such forest practice ~~((regulations))~~ rules will achieve compliance with water pollution control laws.

(2) The department of ecology shall monitor water quality to determine whether revisions in such water quality standards or revisions in such forest practices ~~((regulations))~~ rules are necessary to accomplish the foregoing result, and either ~~((promulgate))~~ adopt appropriate revisions to such water quality standards or propose appropriate revisions to such forest practices ~~((regulations))~~ rules or both.

(3) Notwithstanding any other provisions of chapter 90.48 RCW or of the rules ~~((and regulations promulgated))~~ adopted thereunder, no permit system pertaining to nonpoint sources of pollution arising from forest practices shall be authorized, and no civil or criminal penalties shall be imposed with respect to any forest practices conducted in full compliance with the applicable provisions of RCW 76.09.010 through 76.09.280, forest practices ~~((regulations))~~ rules, and any approvals or directives of the department of natural resources thereunder.

(4) Prior to the department of ecology taking action under statutes or (~~regulations~~) rules relating to water quality, regarding violations of water quality standards arising from forest practices, the department of ecology shall notify the department of natural resources.

## **PART XII STATE ENVIRONMENTAL POLICY ACT**

NEW SECTION. **Sec. 1201.** A new section is added to chapter 43.21C RCW to read as follows:

(1) Decisions pertaining to the following kinds of actions under chapter . . . , Laws of 1999 (this act) are not subject to any procedural requirements implementing RCW 43.21C.030(2)(c): (a) Approval of forest road maintenance and abandonment plans under chapter 76.09 RCW and RCW 75.20.100; (b) approval by the department of natural resources of future timber harvest schedules involving east-side clear cuts under rules implementing chapter 76.09 RCW; (c) acquisitions of forest lands in stream channel migration zones under RCW 76.09.040; and (d) acquisitions of conservation easements pertaining to forest lands in riparian zones under section 504 of this act.

(2) For purposes of the department's threshold determination on a watershed analysis, the department shall not make a determination of significance unless the prescriptions themselves, compared to rules or prescriptions in place prior to the analysis, will cause probable significant adverse impact on elements of the environment other than those addressed in the watershed analysis process.

## **PART XIII FEDERAL ASSURANCES**

NEW SECTION. **Sec. 1301.** A new section is added to chapter 75.46 RCW under the subchapter heading "federal assurances related to forest practices conducted under the state salmon recovery strategy" to read as follows:

(1) Chapter . . . , Laws of 1999 (this act) has been enacted on the assumption that the federal assurances described in the forests and fish report as defined in RCW 76.09.020 will be obtained and that forest practices conducted in accordance with chapter . . . , Laws of 1999 (this act) and the rules adopted under chapter . . . , Laws of 1999 (this act) will not be subject to additional regulations or restrictions for aquatic resources except as provided in the forests and fish report.

(2) The occurrence of any of the following events shall constitute a failure of assurances:

(a) Either (i) the national marine fisheries service or the United States fish and wildlife service fails to promulgate an effective rule under 16 U.S.C. Sec. 1533(d) covering each aquatic resource that is listed as threatened under the endangered species act within two years after the date on which the aquatic resource is so listed or, in the case of bull trout, within two years after the effective date of this section; or (ii) any such rule fails to permit any incidental take that would occur from the conduct of forest practices in compliance with the rules adopted under chapter . . . , Laws of 1999 (this act) or fails to confirm that such forest practices would not otherwise be in violation of the endangered species act and the regulations promulgated under that act. However, this subsection (2)(a) is not applicable to any aquatic resource covered by an incidental take permit described in (c) of this subsection;

(b) Either the national marine fisheries service or the United States fish and wildlife service shall promulgate an effective rule under 16 U.S.C. Sec. 1533(d) covering any aquatic resource that would preclude the conduct of forest practices consistent with the prescriptions outlined in the forests and fish report. However, this subsection (2)(b) is not applicable to any aquatic resource covered by an incidental take permit described in (c) of this subsection;

(c) Either the secretary of the interior or the secretary of commerce fails to issue an acceptable incidental take permit under 16 U.S.C. Sec. 1539(a) covering all fish and wildlife species included within aquatic resources on or before June 30, 2003. An acceptable incidental take permit will (i) permit the incidental take, if any, of all fish and wildlife species included within aquatic resources resulting from the conduct of forest practices in compliance with the prescriptions outlined in the forests and fish report; (ii) provide protection to the state of Washington and its subdivisions and to landowners and operators; (iii) not require the commitment of additional resources beyond those

required to be committed under the forests and fish report; and (iv) provide "no-surprises" protection as described in 50 C.F.R. Parts 17 and 222 (1998);

(d) The environmental protection agency or department of ecology fails to provide the clean water act assurances described in appendix M to the forests and fish report; or

(e) The assurances described in (a) through (d) of this subsection are reversed or otherwise rendered ineffective by subsequent federal legislation or rulemaking or by final decision of any court of competent jurisdiction.

Upon the occurrence of a failure of assurances, any agency, tribe, or other interested person including, without limitation, any forest landowner, may provide written notice of the occurrence of such failure of assurances to the legislature and to the office of the governor. Promptly upon receipt of such a notice, the governor shall review relevant information and if he or she determines that a failure of assurances has occurred, the governor shall make such a finding in a written report with recommendations and deliver such report to the legislature. Upon notice of the occurrence of a failure of assurances, the legislature shall review chapter . . . , Laws of 1999 (this act), all rules adopted by the forest practices board, the department of ecology, or the department of fish and wildlife at any time after January 1, 1999, that were adopted primarily for the protection of one or more aquatic resources and affect forest practices and the terms of the forests and fish report, and shall take such action, including the termination of funding or the modification of other statutes, as it deems appropriate.

(3) The governor may negotiate with federal officials, directly or through designated representatives, on behalf of the state and its agencies and subdivisions, to obtain assurances from federal agencies to the effect that compliance with the forest practices rules as amended under chapter . . . , Laws of 1999 (this act) and implementation of the recommendations in the forests and fish report will satisfy federal requirements under the endangered species act and the clean water act and related regulations, including the negotiation of a rule adopted under section 4(d) of the endangered species act, entering into implementation agreements and receiving incidental take permits under section 10 of the endangered species act or entering into other intergovernmental agreements.

#### **PART XIV MISCELLANEOUS**

NEW SECTION. **Sec. 1401.** RCW 90.28.150 (Improving streams for logging) and 1891 c 120 s 1 are each repealed.

NEW SECTION. **Sec. 1402.** A new section is added to chapter 76.09 RCW to read as follows:

The forests and fish account is created in the state treasury. Receipts from appropriations, federal grants, and gifts from private organizations and individuals or other sources may be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may only be used for the establishment and operation of the small forest landowner office under section 503 of this act, the purchase of easements under section 504 of this act, the purchase of lands under RCW 76.09.040, or other activities necessary to implement chapter . . . , Laws of 1999 (this act).

NEW SECTION. **Sec. 1403.** Part headings used in this act are not any part of the law.

NEW SECTION. **Sec. 1404.** Sections 201, 202, and 203 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately."

On page 1, line 2 of the title, after "resources;" strike the remainder of the title and insert "amending RCW 76.09.020, 76.13.010, 76.42.060, 76.09.330, 76.09.040, 84.33.120, 84.33.140, 84.33.145, 84.34.080, 84.34.108, 76.09.140, 76.09.150, 76.09.170, 76.09.010, 76.09.220, 76.09.030, and 90.48.420; adding new sections to chapter 75.46 RCW; adding new sections to chapter 76.09 RCW; adding a new section to chapter 34.05 RCW; adding new sections to chapter 43.21C

RCW; adding a new section to chapter 84.33 RCW; adding new sections to chapter 76.13 RCW; creating new sections; repealing RCW 90.28.150; and declaring an emergency."

Representative Buck moved the adoption of amendment (378) to the striking amendment (373):

On page 6, line 23 of the amendment, strike "February 22, 1999" and insert "April 29, 1999"

On page 8 line 20 of the amendment, after "dated" strike "February 22, 1999" and insert "April 29, 1999"

Representatives Buck and Regala spoke in favor of the adoption of the amendment.

The amendment to the striking amendment was adopted.

Representative Buck moved the adoption of amendment (382) to the striking amendment (373):

On page 9 of the amendment, line 26, strike "eight-tenths of"

On page 9 of the amendment, line 28, strike "sixteen" and insert "twenty"

On page 10 of the amendment, beginning on line 9, strike "it includes, in whole or in part," and insert "timber harvest from the harvest unit to which it applies is reduced by at least fifteen percent due to"

Representative(s) McIntire and Dunshee spoke in favor of the adoption of the amendment.

Representative(s) Buck and Regala spoke against the adoption of the amendment.

The amendment to the striking amendment was not adopted.

Representative Rockefeller moved the adoption of amendment (385) to the striking amendment (373):

On page 17, line 4 of the amendment, after "agency." insert "The department shall ensure that the acquisition complies with all internal revenue service requirements for transfers of conservation easements."

On page 24, after line 4 of the amendment, insert the following:

"(7) In such cases where the acquisition is of a conservation easement, the department shall ensure that the acquisition complies with all internal revenue service requirements for transfers of conservation easements."

Representative(s) Rockefeller spoke in favor of the adoption of the amendment.

Representative(s) Regala and Buck spoke against the adoption of the amendment.

The amendment to the striking amendment was not adopted.

Representative Rockefeller moved the adoption of amendment (386) to the striking amendment (373):

On page 41, line 5 of the striking amendment, after "comply;" strike "or" and insert the following:

"(iii) Failed to take corrective actions;

(iv) Violated riparian rules or conditions; or"

Renumber the remaining subsection consecutively and correct any internal references accordingly.

Representative Rockefeller spoke in favor of the adoption of the amendment.

Representative(s) Regala and Buck spoke against the adoption of the amendment.

The amendment to the striking amendment was not adopted.

Representative Rockefeller moved the adoption of amendment (387) to the striking amendment (373):

On page 42, line 12 of the amendment, after "penalty" strike "in an amount of not more than ten thousand dollars" and insert "~~((in an amount of not more than ten thousand dollars))~~"

On page 42, line 36 of the amendment, strike "and" and insert "~~(and)~~"

On page 43, line 2 of the amendment, after "violation" insert "; and

(g) The economic benefit gained or any costs avoided by committing the violation"

Representative(s) Rockefeller and Anderson spoke in favor of the adoption of the amendment.

Representative(s) Buck and Regala spoke against the adoption of the amendment.

The amendment to the striking amendment was not adopted.

Representative Anderson moved the adoption of amendment (384) to the striking amendment (373):

On page 48, line 9 of the amendment, after "(2)" strike all material through "processes." on line 25 of page 48 of the amendment.

Renumber the remaining subsections consecutively.

Representative(s) Anderson, Regala and Anderson (again) spoke in favor of the adoption of the amendment.

Representative(s) Buck and Sump spoke against the adoption of the amendment.

Division was demanded. Speaker Ballard divided the House. The results of the division was 44-YEAS; 52-NAYS. The amendment to the striking amendment was not adopted.

Representative Regala moved the adoption of amendment (379) to the striking amendment (373):

On page 50, line 37 of the amendment, after "process." insert "Nothing in this subsection shall be construed to effect the outcome of pending litigation regarding the department's authority in making a threshold determination on a watershed analysis."

Representative(s) Regala and Buck spoke in favor of the adoption of the amendment.

The amendment to the striking amendment was adopted.

Representative Romero moved the adoption of amendment (383) to the striking amendment (373):



On page 51, line 14 of the amendment, after "report" insert "for ten years from the effective date of the new rules adopted by the forest practices board"

On page 53, line 10 of the amendment, after "agreements" insert "for ten years from the effective date of the new rules adopted by the forest practices board"

Representative(s) Romero spoke in favor of the adoption of the amendment.

Representative(s) Doumit and Buck spoke against the adoption of the amendment.

The amendment adopted was not adopted.

Representative Buck moved the adoption of amendment (377) to the striking amendment (373):

On page 52, after line 13 of the amendment, insert the following:

"(d) Either the national marine fisheries service or the United States fish and wildlife service fails to promulgate an effective rule under 16 U.S.C. Sec. 1533(d) within five years after the date on which a fish species is listed as threatened or endangered under the endangered species act which prohibits actions listed under 16 U.S.C. 1538;"

On page 52, line 14 of the amendment, strike "(d)" and insert "(e)"

On page 52, line 17 of the amendment, strike "(e)" and insert "(f)"

On page 52, line 17 of the amendment, after "through" strike "(d)" and insert "(e)"

Correct any internal references accordingly.

Representative Buck spoke in favor of the adoption of the amendment.

Representative Regala spoke against the adoption of the amendment.

Division was demanded. Speaker Ballard divided the House. The results of the division was 52-YEAS; 44-NAYS. The amendment to the striking amendment was adopted.

Representative Anderson moved the adoption of amendment (388) to the striking amendment (373):

On page 53, after line 14 of the amendment, insert the following:

"NEW SECTION. Sec. 1402. A new section is added to chapter 76.09 RCW to read as follows:

The department shall conduct a study of harvest rotation lengths which shall assess potential detrimental effects of short harvest rotations on salmon, on a watershed basis. If the results of the study indicate that there is a cumulative detrimental effect to salmon resulting from short harvest rotations, the forest practices board shall implement rules consistent with the results of the study to facilitate long-term harvest rotations. The department shall report findings of the study to the legislature by December 31, 2001."

Re-number the remaining sections consecutively, and correct any internal references accordingly

Representative Anderson spoke in favor of the adoption of the amendment.

Representative(s) Schoesler and H. Sommers spoke against the adoption of the amendment.

The amendment to the striking amendment was not adopted.

Representative Pennington moved the adoption of amendment (374) to the striking amendment (373):

On page 53, after line 28 of the amendment, insert the following:

**"NEW SECTION. Sec. 1404.** If by December 31, 2004, harvest levels of Snake River fall chinook salmon, Lower Columbia River wild chinook salmon and Willamette River spring chinook salmon in Alaskan waters are not reduced twenty-five percent from 1997 harvest levels, this act is null and void."

Renumber the remaining section consecutively, correct any internal references accordingly, and correct the title.

Representative(s) Pennington, Anderson and Clements spoke in favor of the adoption of the amendment.

Representative Alexander spoke against the adoption of the amendment.

The amendment to the striking amendment was adopted.

There being no objection, the striking amendment as amended was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Buck, Regala, Doumit, Schoesler, Pennington, Hatfield, Mastin, Eickmeyer, DeBolt and Rockefeller spoke in favor of passage of the bill.

Representatives Sump, Koster, Anderson, Dunshee and Boldt spoke against passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Engrossed Substitute House Bill No. 2091.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2091, and the bill passed the House by the following vote: Yeas - 69, Nays - 27, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Ballasiotes, Benson, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. G. Chandler Chandler, Clements, Cody, Conway, Cox, Crouse, DeBolt, Delvin, Doumit, Dunn, Eickmeyer, Ericksen, Esser, Fortunato, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kastama, Keiser, Kessler, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McMorris, Miloscia, Mitchell, Mulliken, Murray, Ogden, Parlette, Pennington, Pflug, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, D. K. Schmidt Schmidt, Schoesler, Skinner, D. H. Sommers Sommers, Sullivan, Talcott, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Mr. Speaker Ballard and Mr. Speaker Chopp - 69.

Voting nay: Representatives Anderson, Barlean, Boldt, Constantine, Cooper, Dickerson, Dunshee, Edmonds, Edwards, Fisher, Gombosky, Kagi, Kenney, Koster, Lambert, McIntire, Mielke, Morris, O'Brien, Poulsen, Ruderman, Santos, Schual-Berke, Stensen, Sump, Thomas and Wood - 27.

Excused: Representatives Schindler and Scott - 2.

Engrossed Substitute House Bill No. 2091, having received the constitutional majority, was declared passed.

There being no objection, the following bills were re-introduced and held on the same status as at SINE DIE:

HOUSE BILL NO. 1203,

HOUSE BILL NO. 2247,

There being no objection, the Rules Committee was relieved of the following bills and the bills were placed on the appropriate calendars:

HOUSE BILL NO. 1203,

HOUSE BILL NO. 2247,

HOUSE BILL NO. 2247, by Representatives Cooper, Linville and Ruderman; by request of Office of Financial Management)

Reducing the account balance requirements necessary for the imposition of the oil spill response tax.

The bill was read the second time. There being no objection, Substitute House Bill No. 2247 was substituted for House Bill No. 2247 and the substitute bill was placed on second reading.

Substitute House Bill No. 2247 was read the second time.

Representative Cooper moved the adoption of amendment (279):

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 82.23B.020 and 1997 c 449 s 2 are each amended to read as follows:

(1) An oil spill response tax is imposed on the privilege of receiving crude oil or petroleum products at a marine terminal within this state from a waterborne vessel or barge operating on the navigable waters of this state. The tax imposed in this section is levied upon the owner of the crude oil or petroleum products immediately after receipt of the same into the storage tanks of a marine terminal from a waterborne vessel or barge at the rate of one cent per barrel of crude oil or petroleum product received.

(2) In addition to the tax imposed in subsection (1) of this section, an oil spill administration tax is imposed on the privilege of receiving crude oil or petroleum products at a marine terminal within this state from a waterborne vessel or barge operating on the navigable waters of this state. The tax imposed in this section is levied upon the owner of the crude oil or petroleum products immediately after receipt of the same into the storage tanks of a marine terminal from a waterborne vessel or barge at the rate of four cents per barrel of crude oil or petroleum product.

(3) The taxes imposed by this chapter shall be collected by the marine terminal operator from the taxpayer. If any person charged with collecting the taxes fails to bill the taxpayer for the taxes, or in the alternative has not notified the taxpayer in writing of the imposition of the taxes, or having collected the taxes, fails to pay them to the department in the manner prescribed by this chapter, whether such failure is the result of the person's own acts or the result of acts or conditions beyond the person's control, he or she shall, nevertheless, be personally liable to the state for the amount of the taxes. Payment of the taxes by the owner to a marine terminal operator shall relieve the owner from further liability for the taxes.

(4) Taxes collected under this chapter shall be held in trust until paid to the department. Any person collecting the taxes who appropriates or converts the taxes collected shall be guilty of a gross misdemeanor if the money required to be collected is not available for payment on the date payment is due. The taxes required by this chapter to be collected shall be stated separately from other charges made by the marine terminal operator in any invoice or other statement of account provided to the taxpayer.

(5) If a taxpayer fails to pay the taxes imposed by this chapter to the person charged with collection of the taxes and the person charged with collection fails to pay the taxes to the department, the department may, in its discretion, proceed directly against the taxpayer for collection of the taxes.

(6) The taxes shall be due from the marine terminal operator, along with reports and returns on forms prescribed by the department, within twenty-five days after the end of the month in which the taxable activity occurs.

(7) The amount of taxes, until paid by the taxpayer to the marine terminal operator or to the department, shall constitute a debt from the taxpayer to the marine terminal operator. Any person required to collect the taxes under this chapter who, with intent to violate the provisions of this chapter, fails or refuses to do so as required and any taxpayer who refuses to pay any taxes due under this chapter, shall be guilty of a misdemeanor as provided in chapter 9A.20 RCW.

(8) Upon prior approval of the department, the taxpayer may pay the taxes imposed by this chapter directly to the department. The department shall give its approval for direct payment under this section whenever it appears, in the department's judgment, that direct payment will enhance the administration of the taxes imposed under this chapter. The department shall provide by rule for the issuance of a direct payment certificate to any taxpayer qualifying for direct payment of the taxes. Good faith acceptance of a direct payment certificate by a terminal operator shall relieve the marine terminal operator from any liability for the collection or payment of the taxes imposed under this chapter.

(9) All receipts from the tax imposed in subsection (1) of this section shall be deposited into the state oil spill response account. All receipts from the tax imposed in subsection (2) of this section shall be deposited into the oil spill administration account.

(10) Within forty-five days after the end of each calendar quarter, the office of financial management shall determine the balance of the oil spill response account as of the last day of that calendar quarter. Balance determinations by the office of financial management under this section are final and shall not be used to challenge the validity of any tax imposed under this chapter. The office of financial management shall promptly notify the departments of revenue and ecology of the account balance once a determination is made. For each subsequent calendar quarter, the tax imposed by subsection (1) of this section shall be imposed during the entire calendar quarter unless:

(a) Tax was imposed under subsection (1) of this section during the immediately preceding calendar quarter, and the most recent quarterly balance is more than ~~((ten))~~ nine million dollars; or

(b) Tax was not imposed under subsection (1) of this section during the immediately preceding calendar quarter, and the most recent quarterly balance is more than ~~((nine))~~ eight million dollars.

**Sec. 2.** RCW 90.56.510 and 1997 c 449 s 3 are each amended to read as follows:

(1) The oil spill administration account is created in the state treasury. All receipts from RCW 82.23B.020(2) shall be deposited in the account. Moneys from the account may be spent only after appropriation. The account is subject to allotment procedures under chapter 43.88 RCW. If, on the first day of any calendar month, the balance of the oil spill response account is greater than ~~((ten))~~ nine million dollars and the balance of the oil spill administration account exceeds the unexpended appropriation for the current biennium, then the tax under RCW 82.23B.020(2) shall be suspended on the first day of the next calendar month until the beginning of the following biennium, provided that the tax shall not be suspended during the last six months of the biennium. If the tax imposed under RCW 82.23B.020(2) is suspended during two consecutive biennia, the department shall by November 1st after the end of the second biennium, recommend to the appropriate standing committees an adjustment in the tax rate. For the biennium ending June 30, ~~((1997))~~ 1999, and the biennium ending June 30, 2001, the state treasurer may transfer a total of up to ~~(((\$1,718,000))~~ one million dollars from the oil spill response account to the oil spill administration account to support appropriations made from the oil spill administration account in the omnibus ~~((and transportation))~~ appropriations act(s) adopted not later than June 30, ~~((1997))~~ 1999.

(2) Expenditures from the oil spill administration account shall be used exclusively for the administrative costs related to the purposes of this chapter, and chapters 90.48, 88.40, and 88.46 RCW. Starting with the 1995-1997 biennium, the legislature shall give activities of state agencies

related to prevention of oil spills priority in funding from the oil spill administration account. Costs of administration include the costs of:

- (a) Routine responses not covered under RCW 90.56.500;
- (b) Management and staff development activities;
- (c) Development of rules and policies and the state-wide plan provided for in RCW 90.56.060;
- (d) Facility and vessel plan review and approval, drills, inspections, investigations, enforcement, and litigation;
- (e) Interagency coordination and public outreach and education;
- (f) Collection and administration of the tax provided for in chapter 82.23B RCW; and
- (g) Appropriate travel, goods and services, contracts, and equipment.

**NEW SECTION. Sec. 3.** The house of representatives, jointly with the senate, shall convene the Washington waters oil spill risk reduction work group. The work group shall develop recommendations for an oil spill risk management plan and maintaining maritime commerce for all Washington shipping corridors.

The work group shall: (1) Identify risk reduction measures already in place and build upon this work and the work of the scoping risk assessment; (2) identify new safety measures and determine if they are needed; (3) make an evaluation of the international tug of opportunity system; (4) evaluate current state, federal, and Canadian studies pertaining to marine safety, environmental protection, and the viability of maritime commerce in Washington state and the adjoining waters of the province of British Columbia; (5) evaluate the United States coast guard cost-benefit analysis of extending escorts or establishing a dedicated rescue tug; and (6) evaluate the port access route study, and other studies concerning marine safety and maritime commerce issues.

The work group will discuss and develop a recommended risk management plan for Washington state marine corridors after taking into consideration input from existing information and studies, ongoing initiatives, the reports of various stakeholders and experts, potential impact to the state's economy, and the cost-benefit analysis being conducted by the United States coast guard to be submitted to the legislature by December 1, 1999. The work group shall report to the legislature by January 10, 2000.

**NEW SECTION. Sec. 4.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Representative(s) Cooper and G. Chandler spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cooper and G. Chandler spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Engrossed Substitute House Bill No. 2247.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2247, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Schindler and Scott - 2.

Engrossed Substitute House Bill No. 2247, having received the constitutional majority, was declared passed.

There being no objection, the House advanced to the seventh order.

### **THIRD READING**

HOUSE BILL NO. 1203, by Representatives Pflug, Hurst, Mitchell, Miloscia, Fortunato, Stensen and Cairnes

Authorizing state highway bonds.

Representatives Pflug, Hirst and Wood spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of House Bill No. 1203.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1203 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Schindler and Scott - 2.

House Bill No. 1203, having received the constitutional majority, was declared passed.

There being no objection, the bills passed were immediately transmitted to the Senate.

There being no objection, the House advanced to the eleventh order of business.

### **MESSAGE FROM THE GOVERNOR**

April 23, 1999

To the Honorable, the Senate  
and House of Representatives  
of the State of Washington

Ladies and Gentlemen:

In compliance with the provision of Section 11 of Article III of the Constitution of the State of Washington, the Governor hereby submits his report of each case of reprieve, commutation or pardon that he has granted since the adjournment of the 1998 Regular Session of the 55<sup>th</sup> Legislature, copy of which is attached.

Respectfully submitted,

Everett H. Billingslea  
General Counsel

Attachments on file in House Journal Office:

Conditional Pardon of Brian Cade Sperry  
Full and Unconditional Pardon of Jose Patricio Beltran-Vasquez  
Full and Unconditional Pardon of Cau Han Huynh  
Full and Unconditional Pardon of William Bruce Marel  
A request from ISRB for Neva J. Henning

#### MOTION

On motion of Representative Lisk, the House adjourned until 10:00 a.m., Tuesday, May 18, 1999, the 2<sup>nd</sup> Legislative Day of the First Special Session.

TIMOTHY A. MARTIN, Chief Clerk      CLYDE BALLARD, Speaker  
DEAN R. FOSTER, Chief Clerk      FRANK CHOPP, Speaker

FIRST DAY - SPECIAL SESSION, MAY 17, 1999

JOURNAL OF THE HOUSE

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

**SECOND DAY - FIRST SPECIAL SESSION**

**MORNING SESSION**

House Chamber, Olympia, Tuesday, May 18, 1999

The House was called to order at 10:00 a.m. by Speaker Pro Tempore Ogden. The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Chelsea Maricle and Zoe Romero. Prayer was offered by Representative Dave Quall.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

Speaker Chopp assumed the chair.

There being no objection, Substitute House Bill No. 1125 was re-introduced and the bill held its status as of SINE DIE.

There being no objection, the Rules Committee was relieved of Substitute House Bill No. 1125, and the bill was placed on third reading.

**THIRD READING**

SUBSTITUTE HOUSE BILL NO. 1125, by Committee on Transportation ( originally sponsored by Representatives Fisher, K. Schmidt, Radcliff, O'Brien, Fortunato, Eickmeyer, Hankins, Cooper, Murray, Wood and Mitchell; by request of Governor Locke)

Funding transportation for the 1999-01 biennium.

There being no objection, the rules were suspended and Substitute House Bill No. 1125 was returned to second reading for purpose of amendments.

The bill was read the second time.

Representative K. Schmidt moved the adoption of the striking amendment (395):

Strike everything after the enacting clause and insert the following:



**"NEW SECTION. Sec. 1.** (1) The transportation budget of the state is hereby adopted and, subject to the provisions hereinafter set forth, the several amounts hereinafter specified, or as much thereof as may be necessary to accomplish the purposes designated, are hereby appropriated from the several accounts and funds hereinafter named to the designated state agencies and offices for employee compensation and other expenses, for capital projects, and for other specified purposes, including the payment of any final judgments arising out of such activities, for the period ending June 30, 2001.

(2) Legislation with fiscal impacts enacted in the 1997 or 1998 legislative session not assumed in this act are not funded in the 1997-99 transportation budget.

(3) Legislation with fiscal impacts enacted in the 1999 legislative session not assumed in this act are not funded in the 1999-01 transportation budget.

(4) Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this act.

(a) "Fiscal year 2000" or "FY 2000" means the fiscal year ending June 30, 2000.

(b) "Fiscal year 2001" or "FY 2001" means the fiscal year ending June 30, 2001.

(c) "FTE" means full-time equivalent.

(d) "Lapse" or "revert" means the amount shall return to an unappropriated status.

(e) "Provided solely" means the specified amount may be spent only for the specified purpose.

(f) "Performance-based budgeting" means a budget that bases resource needs on quantified outcomes and results expected from use of the total appropriation. "Performance-based budgeting" does not mean incremental budgeting that focuses on justifying changes from the historic budget or to line-item input-driven budgets.

(g) "Goals" means the statements of purpose that identify a desired result or outcome. The statements shall be realistic, achievable, directive, assignable, evaluative, and logically linked to the agency's mission and statutory mandate.

(h) "Strategic plan" means the strategies agencies create for investment choices in the future. All agency strategic plans shall present alternative investment strategies for providing services.

(i) "Enacted in the form passed by the legislature" means the referenced bill, as identified by a four-digit number, was:

(i) Passed by the legislature and enacted either with no provisions vetoed by the governor or with only ministerial or de minimus changes resulting from a partial veto; or

(ii) Attached in full onto another bill as an amendment and the entire bill, including the amendment, was passed by the legislature and enacted either with no provisions vetoed by the governor or with only ministerial or de minimus changes resulting from a partial veto.

**NEW SECTION. Sec. 2.** The legislature recognizes that the 1999 endangered species act listing or proposed listing of salmonid species throughout the state of Washington may require increased operational and capital expenditures for transportation. As the state's fiscal obligations pursuant to the listing or proposed listing become clearer over time, it may be necessary to revisit funding decisions reflected in this act in order to shift resources to meet those obligations. The department of transportation, the transportation improvement board, and the county road administration board shall report to the legislature on December 1, 1999, on capital project delay impacts, including impact on costs and project delivery, due to the endangered species act listing or proposed listing.

## **PART I GENERAL GOVERNMENT AGENCIES--OPERATING**

**NEW SECTION. Sec. 101. FOR THE DEPARTMENT OF AGRICULTURE**  
Motor Vehicle Account--State Appropriation \$

327,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity: The entire appropriation is provided solely for costs associated with the motor fuel quality program.

**NEW SECTION. Sec. 102. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM**

Motor Vehicle Account--State Appropriation \$

900,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) \$103,000 of the appropriation is provided solely for the local government finance reporting system project. This amount shall lapse unless \$207,000 is appropriated for this project from the state general fund; and

(2) \$202,000 of the appropriation is provided solely for the transportation infrastructure needs data base project. This amount shall lapse unless \$405,000 is appropriated for this project in the omnibus operations appropriations act.

(3) \$325,000 of the appropriation is provided solely for contracting with the office of the state auditor for the collection of local government fiscal data associated with the local government finance reporting system. In implementing the reporting system, the legislative evaluation and accountability program shall work with the local government finance study technical advisory committee. The committee shall include, but not be limited to, one member from the senate and one member from the house of representatives. An alternate legislator shall also be picked for each designated legislator to serve in the event that the designated legislator is unable to fulfill his or her duties on the committee. This amount shall lapse unless the legislature appropriates \$325,000 for the same purpose by June 30, 1999, in the omnibus appropriations act.

**NEW SECTION. Sec. 103. FOR THE UTILITIES AND TRANSPORTATION COMMISSION**

Grade Crossing Protective Account--State Appropriation \$

111,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The utilities and transportation commission shall develop a competitive rail grade crossing safety grant program which will fully fund selected safety projects to the extent allowable under chapter 81.53 RCW.

(2) Beginning on the effective date of this act through May 1, 2000, the utilities and transportation commission may not grant any new certificates under chapter 81.68 RCW in any areas where a public transportation system has been formed.

(3) The appropriation in this section is for the fiscal year ending June 30, 2000.

(4) During the 1999 interim the legislative transportation committees shall convene a task force to study issues related to the siting of, and fees charged for the siting of, utility facilities on, over, under, and along railroad rights of way.

**NEW SECTION. Sec. 104. FOR THE STATE PARKS AND RECREATION COMMISSION**

Motor Vehicle Account--State Appropriation \$

931,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity: A report of actual expenditures and descriptions of the expenditures from the motor vehicle fund will be submitted to the legislature with the governor's 2001-2003 biennial budget request.

**GENERAL GOVERNMENT AGENCIES--CAPITAL**

**NEW SECTION. Sec. 105. FOR WASHINGTON STATE PARKS AND RECREATION--  
CAPITAL PROJECTS**

Motor Vehicle Account--State Appropriation \$ 2,690,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) \$900,000 is a reappropriation provided to complete the Cama Beach project and the Damon point project funded in section 110, chapter 457, Laws of 1997. The projects shall be completed by June 30, 2001. Upon completion of these projects any surplus funding may be used for the projects listed in subsection (2) of this section.

(2) \$1,790,000 is a one-time appropriation provided solely for the following projects, apportioned as follows:

(a) Ike Kinswa State Park, \$100,000 to commission a hydrology and geology study for the park road drainage system and a traffic study of the intersection of the park entrance roads with SR 122;

(b) Mt. Spokane State Park, \$1,300,000;

(c) Beacon Rock State Park, \$300,000; and

(d) Cama Beach State Park, \$90,000.

These projects shall be completed by June 30, 2001. Project status reports shall be submitted to the senate transportation committee and the house of representatives transportation committee in January 2000 and January 2001.

**PART II  
TRANSPORTATION AGENCIES**

**NEW SECTION. Sec. 201. FOR THE WASHINGTON TRAFFIC SAFETY  
COMMISSION**

Highway Safety Account--State Appropriation \$ 1,452,000  
Highway Safety Account--Federal Appropriation \$ 9,038,000  
School Zone Safety Account--State Appropriation \$ 1,004,000  
TOTAL APPROPRIATION \$ 11,494,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity: \$25,000 of the highway safety account--state is provided as a one-time appropriation to implement the Cooper Jones act, chapter 165, Laws of 1998.

**NEW SECTION. Sec. 202. FOR THE BOARD OF PILOTAGE COMMISSIONERS**

Pilotage Account--State Appropriation \$ 290,000

**NEW SECTION. Sec. 203. FOR THE COUNTY ROAD ADMINISTRATION BOARD**

Rural Arterial Trust Account--State Appropriation \$ 72,510,000  
Motor Vehicle Account--State Appropriation \$ 9,546,000  
Motor Vehicle Account--Private/Local Appropriation \$ 376,000  
County Arterial Preservation Account--State Appropriation \$ 28,612,000  
TOTAL APPROPRIATION \$

111,044,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: \$8,000,000 of the motor vehicle account--state appropriation is provided solely for projects on the freight and goods systems on county roads.

|   |                    |
|---|--------------------|
| <b><u>NEW SECTION. Sec. 204. FOR THE TRANSPORTATION IMPROVEMENT BOARD</u></b> |                    |
| Urban Arterial Trust Account--State Appropriation \$                          | 104,508,000        |
| Transportation Improvement Account--State Appropriation \$                    | 99,414,000         |
| Public Transportation Systems Account--State Appropriation \$                 | 33,496,000         |
| <b>TOTAL APPROPRIATION \$</b>   | <b>237,418,000</b> |

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: To the extent practicable, the board shall give preference, for amounts which would otherwise be granted to cities, to those projects which complement projects funded under the county corridor congestion relief program contained in section 232(8) of this act.

|   |           |
|---|-----------|
| <b><u>NEW SECTION. Sec. 205. FOR THE SENATE</u></b> |           |
| Motor Vehicle Account--State Appropriation \$       | 2,378,000 |

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

- (1) The appropriation in this section is provided solely to fund the activities of the senate transportation committee.
- (2) The senate transportation committee shall work during the 1999 interim with members of the senate ways and means committee to assess funding options for aviation.
- (3) The senate transportation committee shall evaluate the transportation functions currently performed by the utilities and transportation commission including but not limited to those regarding the issuance of certificates of public convenience and necessity for auto transportation companies.
- (4) A legislative task force consisting of one member from each caucus of the senate and one member from each caucus of the house of representatives shall conduct a road jurisdiction study. The legislative task force shall appoint a technical advisory panel consisting of representatives of cities, counties, and the department of transportation. The study shall include but not be limited to an examination of the following issues:
  - (a) Whether changed conditions merit redesignation of certain local roadways as state routes and the return of certain state routes to local jurisdictions;
  - (b) Alternatives to current revenue distribution methodologies for funding roadway and highway needs;
  - (c) Determine roadway responsibilities, authorities, and practices by jurisdictional level; and
  - (d) Evaluate governance issues associated with road jurisdiction.
- (5) The committee shall oversee program accountability reviews of department of transportation, department of licensing, and Washington state patrol programs selected by the senate transportation committee.

|   |           |
|---|-----------|
| <b><u>NEW SECTION. Sec. 206. FOR THE HOUSE OF REPRESENTATIVES</u></b> |           |
| Motor Vehicle Account--State Appropriation \$                         | 2,378,000 |

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The appropriation in this section is provided solely to fund the activities of the house of representatives transportation committee.

(2) The house of representatives transportation committee shall evaluate the transportation functions currently performed by the utilities and transportation commission including but not limited to those regarding the issuance of certificates of public convenience and necessity for auto transportation companies.

(3) The committee shall oversee program accountability reviews of department of transportation, department of licensing, and Washington state patrol programs selected by the house of representatives transportation committee.

(4) A legislative task force consisting of one member from each caucus of the senate and one member from each caucus of the house of representatives shall conduct a road jurisdiction study. The legislative task force shall appoint a technical advisory panel consisting of representatives of cities, counties, and the department of transportation. The study shall include but not be limited to an examination of the following issues:

(a) Whether changed conditions merit redesignation of certain local roadways as state routes and the return of certain state routes to local jurisdictions;

(b) Alternatives to current revenue distribution methodologies for funding roadway and highway needs;

(c) Determine roadway responsibilities, authorities, and practices by jurisdictional level; and

(d) Evaluate governance issues associated with road jurisdiction.

**NEW SECTION. Sec. 207. FOR THE BLUE RIBBON COMMISSION ON TRANSPORTATION**

Motor Vehicle Account--State Appropriation \$

1,800,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The \$1,800,000 motor vehicle account--state appropriation is provided solely for the purpose of enabling the blue ribbon commission on transportation to fulfill its mission. The funds are to be administered by the senate transportation committee and the house of representatives transportation committee on behalf of the blue ribbon commission on transportation.

(2) The blue ribbon commission on transportation shall commission and supervise the development of a modal trade-off model. The purpose of the model is to assist, not replace decision making; it will not simply produce numerical solutions. The model shall be developed in cooperation with the senate transportation committee, the house of representatives transportation committee, the transportation commission, and the department of transportation's modal directors of research, planning, and programming.

**NEW SECTION. Sec. 208. FOR THE MARINE EMPLOYEES COMMISSION**

Puget Sound Ferry Operations Account--State Appropriation \$

356,000

**NEW SECTION. Sec. 209. FOR THE TRANSPORTATION COMMISSION**

Transportation Account--State Appropriation \$

807,000

**NEW SECTION. Sec. 210. FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD**

Transportation Account--State Appropriation \$

600,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity: When approving projects, the freight mobility strategic investment board shall:

- (1) Emphasize funding projects according to their order on the prioritization list developed by the board;
- (2) Not allow the program's share of total project cost to exceed sixty-five percent unless the board grants a special exception;
- (3) Set a \$50,000,000 cap on the amount it will authorize for any one project; and
- (4) Give a project a higher priority designation if project partners increase their funding and the board deems the reprioritization is appropriate.

**NEW SECTION. Sec. 211. FOR THE WASHINGTON STATE PATROL--FIELD OPERATIONS BUREAU**

|  |                    |
|--|--------------------|
| State Patrol Highway Account--State Appropriation \$         | 154,538,000        |
| State Patrol Highway Account--Federal Appropriation \$       | 6,153,000          |
| State Patrol Highway Account--Private/Local Appropriation \$ | 169,000            |
| <b>TOTAL APPROPRIATION \$</b>                                | <b>160,860,000</b> |

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The following amounts are provided solely for administration of the field operations group subprogram: \$120,372,000 of the state patrol highway account--state appropriation; \$2,854,000 of the state patrol highway account--federal appropriation; and \$83,000 of the state patrol highway account--private/local appropriation.

(2) The following amounts are provided solely for the administration of the commercial vehicle division subprogram: \$26,367,000 of the state patrol highway account--state appropriation; \$3,299,000 of the state patrol highway account--federal appropriation; and \$86,000 of the state patrol highway account--private/local appropriation.

(3) \$7,799,000 of the state patrol highway account--state appropriation is provided solely for the administration of the traffic investigation division subprogram.

(4) \$1,137,000 of the state patrol highway account--state appropriation is provided solely for the license fraud task force to begin on July 1, 1999. Positions funded are one sergeant/detective, three Washington state patrol detectives, and one clerical support person, for administrative support for the task force as a whole. \$115,400 of this amount is for reimbursement to the department of revenue and \$228,315 of this amount is for reimbursement to the attorney general's office. If Senate Bill No. 5706 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse. Any funds provided in this subsection not used to implement Senate Bill No. 5706 as enacted by the legislature shall revert at the end of the 1999-01 biennium.

(5) \$1,435,000 of the state patrol highway account--state appropriation is provided solely to the field operations group subprogram as a one-time appropriation to begin funding phase III of the Washington state patrol's upgrade to the state-wide emergency communication system. The Washington state patrol shall provide a full analysis of the costs, benefits, and requirements for completing all phases of the upgrade to the state-wide emergency communication system to the senate transportation committee and the house of representatives transportation committee by December 1, 1999.

(6) The Washington state patrol is authorized to use the federal community-oriented policing program (COPS) for 18 COPS troopers to begin in July 2000. The troopers must be used on the state's highways and up to six may be utilized in the Vancouver, Washington area.

**NEW SECTION. Sec. 212. FOR THE WASHINGTON STATE PATROL--SUPPORT SERVICES BUREAU**

|  |            |
|--|------------|
| State Patrol Highway Account--State Appropriation \$         | 67,015,000 |
| State Patrol Highway Account--Federal Appropriation \$       | 104,000    |
| State Patrol Highway Account--Private/Local Appropriation \$ | 743,000    |
| TOTAL APPROPRIATION \$                                       | 67,862,000 |

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: \$877,000 of the state patrol highway account--state appropriation is provided solely to maintain pursuit vehicles and provide for replacement of the vehicles at 110,000 miles. The agency may purchase a total of 354 pursuit vehicles during the biennium ending June 30, 2001. The appropriation in this section reflects carry forward and new funding due to the consolidation of gasoline, maintenance, parts, and pursuit vehicles into the fleet section of the support services bureau.

**NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF LICENSING--MANAGEMENT AND SUPPORT SERVICES**

|   |            |
|---|------------|
| Motorcycle Safety Education Account--State Appropriation \$ | 118,000    |
| Wildlife Account--State Appropriation \$                    | 50,000     |
| Highway Safety Account--State Appropriation \$              | 6,578,000  |
| Motor Vehicle Account--State Appropriation \$               | 4,571,000  |
| TOTAL APPROPRIATION \$                                      | 11,317,000 |

**NEW SECTION. Sec. 214. FOR THE DEPARTMENT OF LICENSING--INFORMATION SYSTEMS**

|   |           |
|---|-----------|
| Motorcycle Safety Education Account--State Appropriation \$ | 102,000   |
| Wildlife Account--State Appropriation \$                    | 46,000    |
| Highway Safety Account--State Appropriation \$              | 5,725,000 |
| Motor Vehicle Account--State Appropriation \$               | 3,651,000 |
| TOTAL APPROPRIATION \$                                      | 9,524,000 |

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: \$745,000 of the highway safety fund--state appropriation is a reappropriation of funds originally appropriated for the document scanner project in the 1997-99 biennium.

**NEW SECTION. Sec. 215. FOR THE DEPARTMENT OF LICENSING--VEHICLE SERVICES**

|  |        |
|--|--------|
| Marine Fuel Tax Refund Account--State Appropriation \$ | 26,000 |
|--|--------|

|   |            |
|---|------------|
| Wildlife Account--State Appropriation \$      | 556,000    |
| Motor Vehicle Account--State Appropriation \$ | 56,137,000 |
| DOL Services Account--State Appropriation \$  | 2,907,000  |
| TOTAL APPROPRIATION \$                        | 59,626,000 |

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

- (1) \$81,000 of the motor vehicle account--state appropriation is provided solely to implement Senate Bill No. 5000 enacted in the form passed by the legislature. If Senate Bill No. 5000 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.
- (2) \$273,000 of the motor vehicle account--state appropriation is provided solely to implement Senate Bill No. 5280 enacted in the form passed by the legislature. If Senate Bill No. 5280 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.
- (3) \$82,000 of the motor vehicle account--state appropriation is provided solely to implement Senate Bill No. 5641 enacted in the form passed by the legislature. If Senate Bill No. 5641 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.
- (4) \$300,000 of the motor vehicle account--state appropriation is provided solely to implement Senate Bill No. 6009 enacted in the form passed by the legislature. If Senate Bill No. 6009 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.
- (5) \$15,000 of the motor vehicle account--state appropriation is provided solely to implement House Bill No. 2201 enacted in the form passed by the legislature.
- (6) The department of licensing shall issue license plate emblems at the discretion of the adjutant general.

**NEW SECTION. Sec. 216. FOR THE DEPARTMENT OF LICENSING--DRIVER SERVICES**

|   |            |
|---|------------|
| Motorcycle Safety Education Account--State Appropriation \$ | 1,960,000  |
| Highway Safety Account--State Appropriation \$              | 78,075,000 |
| TOTAL APPROPRIATION \$                                      | 80,035,000 |

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$2,880,000 of the highway safety account--state appropriation is provided solely for the department to enter into a contract for the implementation of an improved state driver's license and identicard. The contract with the vendor providing the improved license and identicard shall state that the license and the identicard shall not contain: (a) The driver's social security number in either visible or machine readable form; or (b) the driver's fingerprint or thumbprint. Consistent with RCW 42.17.260(9) the department shall not sell or otherwise make available any information that it gathers from citizens of the state of Washington in administering the driver's licensing program except as already authorized in Title 46 RCW.
- (2) In September of 1999 the department of licensing shall report to the senate transportation committee and the house of representatives transportation committee on:
  - (a) The controls implemented by the department to ensure the integrity and credibility of the written driver's license test administered by the department; and
  - (b) The policies and procedures implemented by the department to ensure that the driver's manuals produced and distributed by the department contain correct data based on current federal, state, and local statutes, ordinances, and rules.



(3) \$610,000 of the highway safety fund--state appropriation is provided solely to implement House Bill No. 1147 enacted in the form passed by the legislature. If House Bill No. 1147 is not enacted in the form passed by the legislature by June 30, 1999, the amount provided in this subsection shall lapse.

(4) \$17,000 of the highway safety fund--state appropriation is provided solely to implement House Bill No. 1774 enacted in the form passed by the legislature. If House Bill No. 1774 is not enacted in the form passed by the legislature the amount referenced in this subsection shall lapse.

(5) \$130,000 of the highway safety fund--state appropriation is provided solely to implement House Bill No. 2259 enacted in the form passed by the legislature. If House Bill No. 2259 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

(6) \$34,000 of the highway safety fund--state appropriation is provided solely to implement Senate Bill No. 5374 enacted in the form passed by the legislature. If Senate Bill No. 5374 is not enacted in the form passed by the legislature the amount referenced in this subsection shall lapse.

(7) If Senate Bill No. 6009 is enacted in the form passed by the legislature \$335,000 of the highway safety fund--state appropriation shall lapse.

(8) \$329,000 of the highway safety account--state appropriation is provided solely to implement Senate Bill No. 5399 enacted as passed by the legislature.

**NEW SECTION. Sec. 217. FOR THE DEPARTMENT OF TRANSPORTATION--  
HIGHWAY MANAGEMENT AND FACILITIES--PROGRAM D--OPERATING**

|   |                   |
|---|-------------------|
| Motor Vehicle Account--State Appropriation \$   | 44,508,000        |
| Motor Vehicle Account--Federal Appropriation \$ | 400,000           |
| <b>TOTAL APPROPRIATION \$</b>                   | <b>44,908,000</b> |

**NEW SECTION. Sec. 218. FOR THE DEPARTMENT OF TRANSPORTATION--  
AVIATION--PROGRAM F**

|   |                  |
|---|------------------|
| Aeronautics Account--State Appropriation \$                                     | 4,010,000        |
| Aircraft Search and Rescue Safety and Education Account--State Appropriation \$ | 159,000          |
| Transportation Account--State Appropriation \$                                  | 247,000          |
| <b>TOTAL APPROPRIATION \$</b>   | <b>4,416,000</b> |

**NEW SECTION. Sec. 219. FOR THE DEPARTMENT OF TRANSPORTATION--  
IMPROVEMENTS--PROGRAM I**

|  |             |
|--|-------------|
| Motor Vehicle Account--State Appropriation \$                | 630,010,000 |
| Motor Vehicle Account--Federal Appropriation \$              | 234,939,000 |
| Motor Vehicle Account--Private/Local Appropriation \$        | 43,344,000  |
| High Capacity Transportation Account--State Appropriation \$ | 110,000     |
| Special Category C Account--State Appropriation \$           | 55,220,000  |
| Transportation Account--State Appropriation \$               | 197,284,000 |
| Transportation Account--Federal Appropriation \$             | 56,808,000  |

|   |               |
|---|---------------|
| Puyallup Tribal Settlement Account--State Appropriation \$            | 8,662,000     |
| Transportation Infrastructure Account--State Appropriation \$         | 1,750,000     |
| Transportation Infrastructure Account--Private/Local Appropriation \$ | 1,750,000     |
| TOTAL APPROPRIATION \$  | 1,229,877,000 |

The appropriations in this section are provided for the location, design, right of way acquisition, or construction of state highway projects designated as improvements under RCW 47.05.030. The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The special category C account--state appropriation of \$55,220,000 includes \$40,500,000 in proceeds from the sale of bonds authorized by Senate Bill No. 5060 or House Bill No. 1203 enacted in the form passed by the legislature. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(2) The motor vehicle account--state appropriation includes \$1,285,000 in proceeds from the sale of bonds authorized by RCW 47.10.819(1) for match on federal demonstration projects. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(3) The department shall report December 1st and June 1st of each year to the senate transportation committee and the house of representatives transportation committee and the office of financial management on the timing and the scope of work being performed for the regional transit authority known as sound transit. This report shall provide a description of all department activities related to the regional transit authority including investments in state-owned infrastructure.

(4) The motor vehicle account--federal appropriation in this section is transferrable to the transportation account to ensure efficient funds management and program delivery.

(5) The north Sumner interchange project shall be funded entirely from the motor vehicle account appropriation. The project shall no longer receive a portion of its funding from the economic development account.

(6) \$34,920,000 of the motor vehicle account--state appropriation is provided solely for the state program share of freight mobility projects as identified by the freight mobility strategic investment board. The amount provided in this subsection can only be expended upon authorization from the freight mobility strategic investment board.

(7) The motor vehicle account--state appropriation includes \$469,779,000 in proceeds from the sale of bonds authorized by RCW 47.10.843. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(8) \$500,000 of the motor vehicle account--state appropriation is provided solely for analysis and design of congestion solutions at the intersections of the South Lake Union/Mercer corridor with Interstate 5 and SR 99. The amount provided in this subsection shall be expended on the state's portion of the project. The department's authority to expend the amount referenced in this subsection is contingent on the city of Seattle appropriating \$500,000 or more toward design and analysis for the local street portion of the project.

(9) \$10,000,000 of the motor vehicle account--state appropriation and \$40,000,000 of the transportation account--state appropriation are provided as a cash contribution for the development of the public private initiatives project at Tacoma Narrows. State funds shall be used initially for the acquisition of right of way and the forensic studies of the existing bridge including purchase of equipment necessary to conduct the studies. The balance of state funds not required for acquisition of right of way and forensic studies shall be placed with the designated bond trustee at the same time the privately secured debt proceeds are deposited.

(10)(a) \$3,992,000 of the motor vehicle account--state appropriation is provided for the following two highway projects on SR 16 except as set forth under (b) of this subsection: Union to Sixth avenue/Pearl street and Sixth avenue/Pearl street to Jackson avenue. These projects are part of a coordinated approach that, along with construction of the Tacoma Narrows bridge project, will provide congestion relief on the SR 16 corridor. The appropriations in this section include funds for the construction of high occupancy vehicle (HOV) lanes on SR 16 on both the eastern and western sides of the Tacoma narrows bridge. The HOV construction project is part of a coordinated approach that, along with construction of the Tacoma Narrows bridge project, will provide congestion relief on the SR 16 corridor.

(b) If the Tacoma Narrows bridge project is delayed, the transportation commission may reprioritize projects on SR 16.

(11) \$5,800,000 of the motor vehicle account--state appropriation is provided solely for the completion of the weigh stations at Stanwood and Cle Elum along with weigh in motion at those sites an weigh in motion at Fort Lewis Northbound. The Washington state patrol and department of transportation shall work cooperatively to complete these projects.

(12) \$485,000 of the motor vehicle account--state appropriation is a reappropriation provided solely to enable the translake committee to finalize and present its recommendations. Upon presentation of the recommendations, or upon the expenditure of the appropriation provided by this subsection, the department of transportation shall disband the committee.

(13) \$800,000 of the motor vehicle account--state appropriation is provided solely to the Washington state department of transportation, office of urban mobility, to advance the recommendations of the translake Washington study committee. These funds shall be used to develop a scope of work for an environmental impact statement and related engineering work, including an environmental strategy, a decision process, a statement of purpose and need, and a formal notice of intent. None of the appropriation for the scope of work for the environmental impact statement shall be available to support any activities of the translake Washington study committee.

(14) \$500,000 of the motor vehicle fund--state appropriation is provided solely for predesign of the northeast 44th street interchange on I-405. The department of transportation and the city of Renton shall develop a proposal that includes a funding plan for the interchange that specifies the partner's share of the cost. The department and the city shall report to the legislative transportation committees by December 1, 1999.

**NEW SECTION. Sec. 220. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION ECONOMIC PARTNERSHIPS--PROGRAM K**

|  |                   |
|--|-------------------|
| Transportation Account--State Appropriation \$ | 1,212,000         |
| Motor Vehicle Account--State Appropriation \$  | 10,162,000        |
| <b>TOTAL APPROPRIATION \$</b>                  | <b>11,374,000</b> |

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: The motor vehicle fund--state appropriation includes \$10,162,000 in proceeds from the sale of bonds authorized in RCW 47.10.834 for all forms of cash contributions, or the payment of other costs incident to the location, development, design, right of way, and construction of the Tacoma narrows bridge improvements under the public-private transportation initiative program authorized under chapter 47.46 RCW; and for support costs of the public-private transportation initiatives program.

**NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MAINTENANCE--PROGRAM M**

|   |             |
|---|-------------|
| Motor Vehicle Account--State Appropriation \$   | 251,426,000 |
| Motor Vehicle Account--Federal Appropriation \$ |             |

|   |                    |
|---|--------------------|
| Motor Vehicle Account--Private/Local Appropriation \$ | 887,000            |
|   | 3,417,000          |
| <b>TOTAL APPROPRIATION \$</b>                         | <b>255,730,000</b> |

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) If portions of the appropriations in this section are required to fund maintenance work resulting from major disasters not covered by federal emergency funds such as fire, flooding, and major slides, supplemental appropriations will be requested to restore state funding for ongoing maintenance activities.

(2) The department shall request an unanticipated receipt for any federal moneys received for emergency snow and ice removal and shall place an equal amount of the motor vehicle fund--state into unallotted status. This exchange shall not affect the amount of funding available for snow and ice removal.

**NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF TRANSPORTATION--  
PRESERVATION--PROGRAM P**

|   |                    |
|---|--------------------|
| Motor Vehicle Account--State Appropriation \$         | 318,691,000        |
| Motor Vehicle Account--Federal Appropriation \$       | 284,587,000        |
| Motor Vehicle Account--Private/Local Appropriation \$ | 3,117,000          |
| Transportation Account--State Appropriation \$        | 121,000            |
| <b>TOTAL APPROPRIATION \$</b>                         | <b>606,516,000</b> |

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The motor vehicle fund--state appropriation includes \$6,650,000 in proceeds from the sale of bonds authorized in RCW 47.10.761 and 47.10.762 for emergency purposes. However, the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(2) The motor vehicle account--federal appropriation in this section is transferrable to the transportation account to ensure efficient funds management and program delivery.

**NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF TRANSPORTATION--  
TRAFFIC OPERATIONS--PROGRAM Q**

|   |                   |
|---|-------------------|
| State Patrol Highway Account--State Appropriation \$  | 221,000           |
| Motor Vehicle Account--State Appropriation \$         | 37,085,000        |
| Motor Vehicle Account--Federal Appropriation \$       | 1,662,000         |
| Motor Vehicle Account--Private/Local Appropriation \$ | 122,000           |
| <b>TOTAL APPROPRIATION \$</b>                         | <b>39,090,000</b> |

The appropriations in this section are subject to the following conditions and limitations and the specified amount is provided solely for that activity:

(1) The motor vehicle account--state appropriation includes \$4,324,000 for state matching funds for federally selected competitive grant or congressional earmark projects other than commercial vehicle information system and network (CVISN). These moneys shall be placed into reserve status until such time as federal funds are secured and a state match is required. If matching federal funds are not obtained by September 30, 2000, the amount provided in this subsection shall lapse.

(2) The motor vehicle account--state appropriation includes \$600,000 for a two-year pilot program for contracted roving service patrols. The department shall provide a progress report on this pilot program to the office of financial management, the senate transportation committee, and the house of representatives transportation committee on December 1, 2000. The pilot program will be evaluated with future direction and funding to be determined by the documented results and benefits of the pilot program.

**NEW SECTION. Sec. 224. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION MANAGEMENT AND SUPPORT--PROGRAM S**

|  |             |
|--|-------------|
| Puget Sound Capital Construction Account--State Appropriation \$ | 4,464,000   |
| Motor Vehicle Account--State Appropriation \$                    | 98,390,000  |
| Motor Vehicle Account--Federal Appropriation \$                  | 125,000     |
| Puget Sound Ferry Operations Account--State Appropriation \$     | 6,308,000   |
| Transportation Account--State Appropriation \$                   | 1,517,000   |
| TOTAL APPROPRIATION \$   | 110,804,000 |

The appropriations in this section are subject to the following conditions and limitations and the specified amount is provided solely for that activity: \$586,000 of the motor vehicle account--state appropriation is provided solely to enable the secretary of transportation to implement a leadership training program at the department of transportation. The program shall include a mentoring component. The department shall develop performance measures to evaluate the effectiveness of the program, including but not limited to a performance measure to determine the effect of the program on employee retention. The department shall provide a progress report on the training program to the office of financial management, the senate transportation committee, and the house of representatives transportation committee by December 1, 2000.

**NEW SECTION. Sec. 225. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION PLANNING, DATA, AND RESEARCH--PROGRAM T**

|   |            |
|---|------------|
| Motor Vehicle Account--State Appropriation \$   | 12,109,000 |
| Motor Vehicle Account--Federal Appropriation \$ | 17,000,000 |
| Transportation Account--State Appropriation \$  | 1,371,000  |
| TOTAL APPROPRIATION \$                          | 30,480,000 |

**NEW SECTION. Sec. 226. FOR THE DEPARTMENT OF TRANSPORTATION--CHARGES FROM OTHER AGENCIES--PROGRAM U**

|  |           |
|--|-----------|
| (1) FOR PAYMENT OF COSTS OF ATTORNEY GENERAL TORT CLAIMS SUPPORT<br>Transportation Account--State Appropriation \$ | 2,595,000 |
| Puget Sound Ferry Operations--State Appropriation \$   |           |

|  |                   |
|--|-------------------|
|  | 1,155,000         |
| (2) FOR PAYMENT OF COSTS OF THE OFFICE OF THE STATE AUDITOR  |                   |
| Motor Vehicle Account--State Appropriation \$  | 907,000           |
| (3) FOR PAYMENT OF COSTS OF DEPARTMENT OF GENERAL ADMINISTRATION<br>FACILITIES AND SERVICES AND CONSOLIDATED MAIL SERVICES |                   |
| Motor Vehicle Account--State Appropriation \$  | 3,743,000         |
| (4) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF PERSONNEL  |                   |
| Motor Vehicle Account--State Appropriation \$  | 2,240,000         |
| (5) FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS AND<br>ADMINISTRATION   |                   |
| Transportation Account--State Appropriation \$   | 12,039,000        |
| (6) FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS AND<br>ADMINISTRATION   |                   |
| Motor Vehicle Fund--Puget Sound Ferry Operations Account--State Appropriation \$   | 3,462,000         |
| (7) FOR PAYMENT OF COSTS OF OFFICE OF MINORITY AND WOMEN'S BUSINESS<br>ENTERPRISES   |                   |
| Motor Vehicle Account--State Appropriation \$  | 158,000           |
| (8) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF GENERAL<br>ADMINISTRATION STATE PARKING SERVICES                             |                   |
| Motor Vehicle Account--State Appropriation \$  | 90,000            |
| (9) FOR PAYMENT OF THE DEPARTMENT OF GENERAL ADMINISTRATION<br>CAPITAL PROJECTS SURCHARGE                                  |                   |
| Motor Vehicle Account--State Appropriation \$  | 1,100,000         |
| (10) FOR ARCHIVES AND RECORDS MANAGEMENT   |                   |
| Motor Vehicle Account--State Appropriation \$  | 392,000           |
| <b><u>NEW SECTION. Sec. 227. FOR THE DEPARTMENT OF TRANSPORTATION--<br/>PUBLIC TRANSPORTATION--PROGRAM V</u></b>           |                   |
| High Capacity Transportation Account--State Appropriation \$   | 3,701,000         |
| Air Pollution Control Account--State Appropriation \$  | 6,253,000         |
| Transportation Account--State Appropriation \$   | 7,187,000         |
| Transportation Account--Federal Appropriation \$   | 7,345,000         |
| Transportation Account--Private/Local Appropriation \$   | 105,000           |
| Public Transportation Systems Account--State Appropriation \$  | 800,000           |
| <b>TOTAL APPROPRIATION \$</b>  | <b>24,391,000</b> |

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) Up to \$750,000 of the transportation account--state appropriation is provided solely for grants and activities relating to coordinating special needs transportation among state and local providers. When selecting grant recipients, the agency council on coordinated transportation shall give priority to projects and programs that can be accomplished in the 1999-2001 biennium. The department may expend up to \$250,000 without a matching appropriation. The department's authority to expend more than that amount is conditioned upon the legislature authorizing a matching appropriation equal to the total expenditure of the amount provided in this subsection.

(2) \$50,000 of the public transportation systems account--state appropriation is provided solely to continue and enhance an existing pilot project between a public transit provider and a school district expanding public transit service to high school students in order to reduce the use of single occupancy vehicles.

(3) The department shall assess its commute trip reduction program. The assessment shall include an evaluation of tax credits or other incentives to employers who reduce commute trips to their work sites by encouraging employees to telecommute. Up to \$50,000 of the air pollution control account--state appropriation is provided for a pilot project implementing telecommuting as part of the commute trip reduction program. The pilot project may include use of tax credits or other financial incentives.

(4) In evaluating applications for rural mobility grants to public transportation agencies, the department shall give added weight to projects that improve connectivity among transit providers and across jurisdictional boundaries.

(5) \$4,900,000 of the transportation account--federal appropriation is provided solely for commute trip reduction programs administered by the department of transportation. These funds come from the TEA-21 congestion mitigation air quality program. The office of financial management shall place \$1,000,000 of the air pollution control account--state appropriation in reserve status.

**NEW SECTION. Sec. 228. FOR THE DEPARTMENT OF TRANSPORTATION-- WASHINGTON STATE FERRIES CONSTRUCTION--PROGRAM W**  
 Puget Sound Capital Construction Account--State Appropriation \$

|  |                    |
|--|--------------------|
| Puget Sound Capital Construction Account--Federal Appropriation \$ | 140,135,000        |
| Passenger Ferry Account--State Appropriation \$                    | 29,575,000         |
| Motor Vehicle Account--State Appropriation \$                      | 789,000            |
| <b>TOTAL APPROPRIATION \$</b>                                      | <b>116,221,000</b> |
|  | 286,720,000        |

The appropriations in this section are provided for improving the Washington state ferry system, including, but not limited to, vessel acquisition, vessel construction, major and minor vessel improvements, and terminal construction and improvements. The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The appropriations in this section, unless otherwise specified, are provided to carry out only the projects in the Washington state ferries capital program plan - version 3. The department shall reconcile the 1997-99 capital expenditures within ninety days of the end of the biennium and submit a final report to the senate transportation committee, the house of representatives transportation committee, and the office of financial management.

(2) The Puget Sound capital construction account--state appropriation includes \$27,000,000 in proceeds from the sale of bonds authorized by RCW 47.60.800 for vessel and terminal acquisition, major and minor improvements, and long lead time materials acquisition for the Washington state ferries. The transportation commission may authorize the use of current revenues available to the Puget Sound capital construction account in lieu of bond proceeds for any part of the state appropriation.

(3) \$1,500,000 of the motor vehicle account--state appropriation is provided solely for preliminary engineering activities to develop a new class of auto/passenger ferries. The design specifications for the vessels shall require that the vessels deliver optimal performance in terms of vessel speed, safety, reliability, and minimization of environmental impacts including damage on the shoreline from the wake of the vessels. The vessels are intended to ensure Washington state ferries compliance with applicable international and domestic vessel safety standards and the Americans with disabilities act on identified routes. This class of ferries should have a single adaptable design able to operate efficiently and effectively on different ferry routes, each of which has specific vessel capacity and handling requirements. These vessels are intended to relieve existing and projected vehicular traffic demand on congested routes such as, but not limited to, Seattle/Bremerton, Fauntleroy/Southworth, and Port Townsend/Keystone.

(a) Washington state ferries shall prepare:

(i) A conceptual design outlining the owner's functional requirements;

(ii) A design report that includes a budget estimate and outline of specifications and plans;

(iii) Specific contractual requirements and specifications;

(iv) An evaluation of using the request for proposals process in accordance with RCW 47.56.030;

(v) A request for interest to provide a propulsion system for this vessel class; and

(vi) An exploration of a public private partnership between Washington state ferries, shipbuilders, and their supporting engineering firms for design and construction of the vessel or vessels.

(b) Washington state ferries shall report to the legislature by December 1, 1999, on the conceptual design criteria and budget estimates for preferred hull design and propulsion system/engine alternatives. The report shall include recommended statutory changes that the legislature would need to enact in order to proceed with acquisition of this class of vessels.

(4) The motor vehicle account--state appropriation includes \$110,729,000 in proceeds from the sale of bonds authorized by RCW 47.10.843. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(5) The department shall structure the request for proposal for the purchase of passenger-only ferries authorized under RCW 47.60.652 to include the purchase of a fifth back-up ferry to support maintenance schedules, emergency service needs, and provide continuity of service on all passenger-only ferry routes. The purchase of a fifth passenger-only ferry is subject to subsequent legislative appropriation.

**NEW SECTION. Sec. 229. FOR THE DEPARTMENT OF TRANSPORTATION--MARINE--PROGRAM X**

Marine Operating Account--State Appropriation \$

303,014,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The appropriation is based on the budgeted expenditure of \$29,104,000 for vessel operating fuel in the 1999-2001 biennium. If the actual cost of fuel is less than this budgeted amount, the excess amount may not be expended. If the actual cost exceeds this amount, the department shall request a supplemental appropriation.

(2) The appropriation provides for the compensation of ferry employees. The expenditures for compensation paid to ferry employees during the 1999-2001 biennium may not exceed \$205,640,000 plus a dollar amount, as prescribed by the office of financial management, that is equal to any insurance benefit increase granted general government employees in excess of \$341.75 a month annualized per eligible marine employee multiplied by the number of eligible marine employees for the respective fiscal year, a dollar amount as prescribed by the office of financial management for costs associated with pension amortization charges, and a dollar amount prescribed by the office of financial management for salary increases during the 1999-2001 biennium. For the purposes of this section, the



expenditures for compensation paid to ferry employees shall be limited to salaries and wages and employee benefits as defined in the office of financial management's policies, regulations, and procedures named under objects of expenditure "A" and "B" (7.2.6.2).

The prescribed salary and insurance benefit increase or decrease dollar amount that shall be allocated from the governor's compensation appropriations is in addition to the appropriation contained in this section and may be used to increase or decrease compensation costs, effective July 1, 1999, and thereafter, as established in the 1999-2001 general fund operating budget.

(3) Up to \$2,770,000 of the marine operating account--state appropriation may be used for leasing and operating an appropriate passenger only ferry vessel for the purpose of supporting existing, or testing new, passenger only service while testing alternative vessel technologies.

**NEW SECTION. Sec. 230. FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y**

|   |                    |
|---|--------------------|
| Essential Rail Assistance Account--State Appropriation \$     | 85,000             |
| High Capacity Transportation Account--State Appropriation \$  | 15,094,000         |
| Transportation Account--State Appropriation \$                | 95,915,000         |
| Transportation Account--Federal Appropriation \$              | 10,000,000         |
| Public Transportation Systems Account--State Appropriation \$ | 5,000,000          |
| <b>TOTAL APPROPRIATION \$</b>                                 | <b>126,094,000</b> |

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) No appropriation in this section may be used to fund rail passenger service south of Portland, Oregon.

(2) \$2,000,000 of the transportation account--state appropriation and \$4,000,000 of the high capacity transportation account--state appropriation are provided solely for the freight rail assistance program to provide grants and loans for light density rail lines.

(3) \$3,000,000 of the high capacity transportation account--state appropriation is provided solely for acquisition of up to six rail passenger cars to add capacity to existing advanced technology train sets operating in Washington state. The purchase of the train set is predicated on the condition that the manufacturer of the train set has the obligation of establishing or maintaining a corporate office in Washington state. The manufacturer is also obligated to spend a minimum of twenty-five percent of the total purchase price of the train set on the assembly and manufacture of parts of the train set in Washington state.

(4) \$6,298,000 of the high capacity transportation account--state appropriation is provided to fund the operation of a second train set providing additional roundtrip service from Seattle to Vancouver, British Columbia. The department's authority to expend the appropriation referenced in this subsection for service north of Blaine is conditioned upon Canada, the province of British Columbia, and/or private sources undertaking the capital expenditures necessary to make the rail capital improvements required to facilitate improved round trip rail service between Seattle and Vancouver, B.C.

(5) \$10,000,000 of the transportation account--state appropriation and \$5,000,000 of the public transportation systems account--state appropriation are provided solely for the King street maintenance facility to be built in partnership with Amtrak. The amount referenced in this subsection is conditioned on the execution of agreements between the department of transportation, Amtrak, sound transit, and other participating parties which will assure that the maintenance and operation of the maintenance facility will not require state funding, except for billings for maintenance of state owned passenger trains.

(6) To the greatest extent practicable, expenditure of funds shall maximize funds from partnerships and coordinate with other agencies investing in track improvements.

(7) \$5,000,000 of the transportation account--federal appropriation is provided from TEA-21 surface transportation program enhancement funds is provided solely for restoration of and improvements to the King Street station.

**NEW SECTION. Sec. 231. FOR THE DEPARTMENT OF TRANSPORTATION--  
LOCAL PROGRAMS--PROGRAM Z**

|   |                    |
|---|--------------------|
| Motor Vehicle Account--State Appropriation \$                         | 129,886,000        |
| Motor Vehicle Account--Federal Appropriation \$                       | 8,040,000          |
| Transportation Account--State Appropriation \$                        | 10,767,000         |
| Transportation Infrastructure Account--State Appropriation \$         | 3,250,000          |
| Transportation Infrastructure Account--Private/Local Appropriation \$ | 1,750,000          |
| High Capacity Transportation Account--State Appropriation \$          | 150,000            |
| Highway Infrastructure Account--Federal Appropriation \$              | 1,500,000          |
| Highway Infrastructure Account--State Appropriation \$                | 234,000            |
| <b>TOTAL APPROPRIATION \$</b>   | <b>155,577,000</b> |

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) \$300,000 of the transportation account--state appropriation is provided solely to establish alternatives for flood management and flood hazard reduction projects in the Chehalis basin.

(a) The department of transportation shall convene a technical committee to develop watershed-based solutions to flooding within the Chehalis basin. The technical committee shall be comprised of representatives of the department of transportation, department of ecology, department of fish and wildlife, the department of community, trade, and economic development, the military department's emergency management division, and affected counties and tribes. The department of transportation shall also seek the participation of the United States army corps of engineers, federal emergency management administration, the United States geological survey, the United States fish and wildlife service, the United States environmental protection agency, and other entities with critical knowledge related to the structural or nonstructural flood hazard reduction projects in the Chehalis basin. Funds shall be distributed by the department of transportation for alternative analysis, mapping, and model testing projects as recommended by the technical committee. The solutions considered by the technical committee shall be consistent with fish and habitat recovery efforts and avoid additional flood hazard to downstream communities. The department of transportation shall present a report to the senate transportation committee and the house of representatives transportation committee by December 1, 1999, regarding findings and progress made by funded projects.

(b) If the federal government makes funds available to accomplish the project described in (a) of this subsection, the department of transportation shall place the appropriation identified in this section in reserve.

(2) \$85,121,000 of the motor vehicle account--state appropriation is provided solely for the state program share of freight mobility projects as identified by the freight mobility strategic investment board. Notwithstanding RCW 79.91.100, between July 1, 1999, and June 30, 2001, the department of natural resources shall execute and deliver an instrument granting an easement to cities, towns, and counties who request an easement for roadway purposes, including the right to make necessary fills,

on, over, or across the beds of navigable waters if those easements are necessary to facilitate the construction of projects funded in whole or part by a portion of the appropriation referenced in this subsection. The department of natural resources shall not charge the city, town, or county for the easement except as necessary to recover reasonable administrative costs. The amount provided in this subsection can only be expended upon authorization from the freight mobility strategic investment board.

(3) \$400,000 of the transportation account--state appropriation is provided solely for a study by the senate transportation committee and the house of representatives transportation committee in cooperation with the port of Benton developing a strategic corridor feasibility and master site plan for the port of Benton. If the port of Benton does not provide at least \$200,000 to fund the plan development, the transportation fund--state appropriation referenced in this subsection shall lapse and this subsection shall be null and void.

(4) The motor vehicle account--state appropriation includes \$105,121,000 in proceeds from the sale of bonds authorized by RCW 47.10.843. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(5) \$10,000,000 of the transportation account--state appropriation is provided solely to fund the first phase of a multiphase cooperative project with the state of Oregon to dredge the Columbia river. The department shall not expend the appropriation in this section unless agreement on ocean disposal sites has been reached which protects the state's commercial crab fishery. The amount provided in this subsection shall lapse unless the state of Oregon appropriates a dollar-for-dollar match to fund its share of the project.

(6) The motor vehicle account--state appropriation includes \$1,167,000 in proceeds from the sale of bonds authorized by RCW 47.10.819(1). The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(7) \$5,000,000 of the motor vehicle account--state appropriation is provided solely for a small city pavement preservation program, to be administered by the department's TransAid division. The department, in consultation with stakeholders, shall establish program guidelines. The guidelines should include but not be limited to a provision limiting program eligibility to cities with a population of 2,500 or less.

(8) \$20,000,000 of the motor vehicle account--state appropriation is provided solely for a county corridor congestion relief program, to be administered by the department's TransAid division. The purpose of the program is to provide funding for congested urban corridors, as defined and selected by the department of transportation in consultation with counties, regional transportation planning organizations, and the transportation improvement board. At a minimum, project selection criteria should include: Consistency with regional transportation plans; measurable improvements in mobility; cost effectiveness; systemic corridor mobility improvements rather than isolated "spot" improvements; and optimal timing for construction.

(9) \$5,000,000 of the motor vehicle account--state appropriation is provided solely for improving traffic and pedestrian safety near schools. The TransAid division within the department of transportation shall administer this program. Funds should be used for traffic and pedestrian improvements near schools, including roadway channelization and signalization.

(10) The TransAid division within the department of transportation shall develop a prequalification procedure for potential bidders on projects administered or approved by the transportation improvement board. The board shall work with other interested parties including but not limited to associations representing general contractors and the office of minority and women's business enterprises. The prequalification procedure's goal is to ascertain that bidders are qualified by experience, financing, equipment, and organization to do the work called for in the contract documents. The prequalification procedure may require a bidder to (1) satisfy threshold requirements established by the board prior to being furnished a proposal form on any contract; or (2) complete a preaward survey of the bidder's qualification prior to award.

(11) Up to \$100,000 of the motor vehicle account--state appropriation is provided solely for audits of city and county transportation funding to determine whether any city or county has supplanted

its local transportation funding with state funding provided under sections 408 and 409 of this act. The department shall report the results of this audit to the senate transportation committee, the house of representatives transportation committee, and the office of financial management by December 31, 2000.

(12) \$5,000,000 of the motor vehicle account--state appropriation is provided solely for city fish passage barrier removal and habitat restoration. Funds should be used for eliminating fish passage barriers, including stormwater facilities, and providing for habitat restoration for salmonid species that are listed as threatened or endangered. The amount provided in this section may only be expended upon authorization from the department of transportation's environmental affairs office.

### **PART III TRANSPORTATION AGENCIES CAPITAL FACILITIES**

#### **NEW SECTION. Sec. 301. FOR THE WASHINGTON STATE PATROL**

Appropriation:

State Patrol Highway Account--State Appropriation \$

2,328,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) \$508,000 of the state patrol highway account--state appropriation funds minor works which include communication tower maintenance, Spokane district headquarters HVAC, Morton HVAC replacement, emergency repairs, and Anacortes scale repairs.

(2) \$500,000 of the state patrol highway account--state appropriation is provided for the Naselle detachment office.

(3) \$615,000 of the state patrol highway account--state appropriation is provided for repaving the academy drive course.

(4) \$275,000 of the state patrol highway account--state appropriation is provided for the squawk mountain communication tower.

(5) \$380,000 of the state patrol highway account--state appropriation is provided for the replacement of two traffic control aircraft.

(6) \$50,000 of the state patrol highway account--state appropriation is provided for the Ridgefield expansion design and the academy hookup fee for waste treatment.

**NEW SECTION. Sec. 302.** The Washington state patrol is authorized to continue with the exchange of the Olympia, Washington Martin Way property for a light industrial land complex to be used to consolidate existing separately located state activities and functions. The agency will work with the office of financial management, department of general administration, the senate transportation committee, and the house of representatives transportation committee in the exchange and approval processes.

**NEW SECTION. Sec. 303. FOR THE DEPARTMENT OF TRANSPORTATION--PROGRAM D (DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)--CAPITAL**  
Motor Vehicle Account--State Appropriation \$

26,147,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) Before any funds are expended for the transportation facility to be located in Tumwater, Washington, the director of general administration shall conduct an evaluation of the planned facility design and budget using life-cycle cost analysis, value-engineering, and other techniques to maximize the long-term effectiveness and efficiency of the facility or improvement as required under RCW 43.82.010(10). Furthermore, the director shall present the findings of the evaluation to the fiscal committees of the house of representatives and the senate by December 31, 1999. Up to \$100,000 of

the motor vehicle account--state appropriation may be expended by the department of general administration to conduct an analysis of future transportation-related facility office space needs in Thurston county, by agency, for the next ten years. The analysis shall consult with state agencies, private developers, and building owners to determine the inventory of space available and planned over the next ten years in government and nongovernment buildings, and the impact on current office space. The analysis must be completed by January 31, 2000.

(2) The department of transportation is authorized to enter into a financing contract using certificate of participation in the amount of \$14,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to acquire and remodel a regional complex in the department's southwest region.

**PART IV  
TRANSFERS AND DISTRIBUTIONS**

**NEW SECTION. Sec. 401. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE FUND AND TRANSPORTATION FUND REVENUE**

|  |             |
|--|-------------|
| Highway Bond Retirement Account Appropriation \$                                 | 184,810,000 |
| Ferry Bond Retirement Account Appropriation \$                                   | 53,353,000  |
| Transportation Improvement Board Bond Retirement Account--State Appropriation \$ | 35,158,000  |
| Puget Sound Capital Construction Account--State Appropriation \$                 | 270,000     |
| Motor Vehicle Account--State Appropriation \$                                    | 6,543,000   |
| Special Category C Account--State Appropriation \$                               | 405,000     |
| TOTAL APPROPRIATION \$   | 280,539,000 |

**NEW SECTION. Sec. 402. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES**

|   |         |
|---|---------|
| Motor Vehicle Fund--Puget Sound Capital Construction Account Appropriation \$ | 36,000  |
| Motor Vehicle Account--State Appropriation \$                                 | 811,000 |
| Special Category C Account Appropriation \$                                   | 53,000  |
| TOTAL APPROPRIATION \$  | 900,000 |

**NEW SECTION. Sec. 403. FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION**

|  |             |
|--|-------------|
| Motor Vehicle Fund Appropriation for motor vehicle fuel tax and overload penalties distribution \$ | 492,721,000 |
| Transportation Fund Appropriation for motor vehicle excise tax distribution \$                     | 491,606,000 |

**NEW SECTION. Sec. 404. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--  
TRANSFERS**

Motor Vehicle Fund--State Patrol Highway Account:  
For transfer to the Department of Retirement Systems Expense Fund \$ 171,000

**NEW SECTION. Sec. 405. STATUTORY APPROPRIATIONS.** In addition to the amounts appropriated in this act for revenue for distribution, state contributions to the law enforcement officers' and fire fighters' retirement system, and bond retirement and interest including ongoing bond registration and transfer charges, transfers, interest on registered warrants, and certificates of indebtedness, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under any proper bond covenant made under law.

**NEW SECTION. Sec. 406.** The department of transportation is authorized to undertake federal advance construction projects under the provisions of 23 U.S.C. Sec. 115 in order to maintain progress in meeting approved highway construction and preservation objectives. The legislature recognizes that the use of state funds may be required to temporarily fund expenditures of the federal appropriations for the highway construction and preservation programs for federal advance construction projects prior to conversion to federal funding.

**NEW SECTION. Sec. 407. FOR THE STATE TREASURER--TRANSFERS**

(1) RV Account--State Appropriation:  
For transfer to the Motor Vehicle Fund--State \$ 1,590,000

(2) Transportation Account--State Appropriation:  
For transfer to the Transportation Infrastructure Account--State \$ 5,000,000

The department of transportation shall only transfer funds provided under this subsection on an as-needed basis.

**NEW SECTION. Sec. 408. FOR THE STATE TREASURER--STATE REVENUES FOR  
DISTRIBUTION**

Motor Vehicle Fund--State Appropriation for distribution to the cities \$ 18,250,000  
Motor Vehicle Fund--State Appropriation for distribution to the counties \$ 10,000,000

The distributions in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The motor vehicle fund--state appropriation for distribution to cities is provided solely to be distributed to cities with a population of over two thousand five hundred in a manner consistent with RCW 46.68.110(4) in one distribution on March 1, 2000. The motor vehicle fund--state appropriation for distribution to the counties is provided solely to be distributed in a manner consistent with RCW 46.68.122 in one distribution on March 1, 2000. If the voters of this state pass an initiative that eliminates or reduces the motor vehicle excise tax authorized under RCW 82.44.020, the appropriations in this section shall lapse.

(2) The amounts provided in this section may not be used to supplant any existing local government funding for transportation projects or programs. Any local government in violation of this requirement shall immediately forfeit its eligibility for future distributions provided under this section.

**NEW SECTION. Sec. 409. FOR THE STATE TREASURER--STATE REVENUES FOR  
DISTRIBUTION**

Motor Vehicle Fund--State Appropriation for distribution to the cities \$

|   |            |
|---|------------|
|   | 19,580,000 |
| Motor Vehicle Fund--State Appropriation for distribution to the counties \$ |            |
|   | 10,000,000 |

The distributions in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The motor vehicle fund--state appropriation for distribution to cities is provided solely to be distributed to cities with a population of over two thousand five hundred in a manner consistent with RCW 46.68.110(4) in one distribution on March 1, 2001. The motor vehicle fund--state appropriation for distribution to the counties is provided solely to be distributed in a manner consistent with RCW 46.68.122 in one distribution on March 1, 2001. If the voters of this state pass an initiative that eliminates or reduces the motor vehicle excise tax authorized under RCW 82.44.020, the appropriations in this section shall lapse.

(2) The amounts provided in this section may not be used to supplant any existing local government funding for transportation projects or programs. Any local government in violation of this requirement shall immediately forfeit its eligibility for future distributions provided under this section.

**NEW SECTION. Sec. 410.** The office of the state treasurer is authorized to transfer any transportation improvement account and urban arterial trust account balances available in the highway bond retirement account into the transportation improvement board bond retirement account following a cooperative agreement by the department of transportation and the transportation improvement board on the exact amount of the transfer.

**NEW SECTION. Sec. 411.** The motor vehicle account revenues are received at a relatively even flow throughout the year. Expenditures may exceed the revenue during the accelerated summer and fall highway construction season, creating a negative cash balance during the heavy construction season. Negative cash balances also may result from the use of state funds to finance federal advance construction projects prior to conversion to federal funding. The governor and the legislature recognize that the department of transportation may require interfund loans or other short-term financing to meet temporary seasonal cash requirements and additional cash requirements to fund federal advance construction projects.

**NEW SECTION. Sec. 412.** In addition to such other appropriations as are made by this act, there is appropriated to the department of transportation from legally available bond proceeds in the respective transportation funds and accounts such amounts as are necessary to pay the expenses incurred by the state finance committee in the issuance and sale of the subject bonds.

**NEW SECTION. Sec. 413. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSFERS.** The department of transportation shall make the following transfers contingent on passage of the bills referenced in each proviso as identified by bill number in the form passed by the legislature:

(1) If Senate Bill No. 5615 or House Bill No. 1588 is enacted in the form passed by the legislature the department of transportation shall transfer:

(a) The balances remaining at the close of the 1997-99 biennium in the economic development account and the transportation capital facilities account to the motor vehicle account--state; and

(b) The balance remaining at the close of fiscal year 2000 in the marine operating account to the Puget Sound ferry operations account.

(2) If neither Senate Bill No. 5615 nor House Bill No. 1588 is enacted in the form passed by the legislature the department of transportation is authorized to transfer any balances available in the highway construction stabilization account to the motor vehicle account to fund the appropriations contained in this act.

**NEW SECTION. Sec. 414. FOR THE TRANSPORTATION IMPROVEMENT BOARD--TRANSFERS.** The transportation improvement board shall make the following transfers contingent on passage of the bills referenced in each proviso as enacted in the form passed by the legislature:

(1) If Senate Bill No. 5360 or House Bill No. 1053 is enacted in the form passed by the legislature the transportation improvement board shall transfer the balances remaining at the close of the 1997-99 biennium in the small city account and the city hardship assistance account to the urban arterial trust account.

(2) If Senate Bill No. 5615 or House Bill No. 1588 is enacted in the form passed by the legislature the transportation improvement board shall transfer:

(a) The balances remaining at the close of the 1997-99 biennium in the small city account and the city hardship assistance account to the urban arterial trust account; and

(b) The balance remaining at the close of the 1997-99 biennium in the central Puget Sound public transportation systems account to the public transportation systems account.

**PART V**  
**1997-99 SUPPLEMENTAL APPROPRIATIONS**

**Transportation Agencies**

**Sec. 501.** 1997 c 457 s 204 (uncodified) is amended to read as follows:  
**FOR THE TRANSPORTATION IMPROVEMENT BOARD**

|  |                            |
|--|----------------------------|
| Motor Vehicle Fund--Urban Arterial Trust Account--State Appropriation \$       | 57,159,000                 |
| Motor Vehicle Fund--Transportation Improvement Account--State Appropriation \$ | 122,014,000                |
| Motor Vehicle Fund--City Hardship Assistance Account--State Appropriation \$   | 2,649,000                  |
| Motor Vehicle Fund--Small City Account--State Appropriation \$                 | <del>((7,921,000))</del>   |
|  | <u>9,921,000</u>           |
| Central Puget Sound Public Transportation Account--State Appropriation \$      | 27,360,000                 |
| Public Transportation Systems Account--State Appropriation \$                  | 3,928,000                  |
| TOTAL APPROPRIATION \$   | <del>((221,031,000))</del> |
|  | <u>223,031,000</u>         |

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: The transportation improvement account--state appropriation includes \$40,000,000 in proceeds from the sale of bonds authorized in RCW 47.26.500. However, the transportation improvement board may authorize the use of current revenues available in lieu of bond proceeds.

**Sec. 502.** 1998 c 348 s 203 (uncodified) is amended to read as follows:  
**FOR THE WASHINGTON STATE PATROL--FIELD OPERATIONS BUREAU**

|  |                            |
|--|----------------------------|
| Motor Vehicle Fund--State Patrol Highway Account--State Appropriation \$   | <del>((163,789,000))</del> |
| Motor Vehicle Fund--State Patrol Highway Account--Federal Appropriation \$ | <u>166,035,000</u>         |



|  |                    |
|--|--------------------|
|  | ((4,374,000))      |
|  | <u>4,688,000</u>   |
| Motor Vehicle Fund--State Patrol Highway Account--Local Appropriation \$ | 170,000            |
| Transportation Fund--State Appropriation \$                              | 4,522,000          |
| TOTAL APPROPRIATION \$   | ((172,855,000))    |
|  | <u>175,415,000</u> |

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The Washington state patrol is authorized to use the federal community oriented policing program (COPS) for 54 troopers with 18 COPS troopers to begin in July 1998 and 36 COPS troopers to begin in January 1999.

(2) \$4,463,000 of the transportation fund--state appropriation and \$3,737,000 of the motor vehicle fund--state patrol highway account--state appropriation are provided for an equalization salary adjustment of three percent on July 1, 1997, and six percent on July 1, 1998, for commissioned officers (entry level trooper through captain), commercial vehicle enforcement officers, and communication officers of the Washington state patrol. The salary adjustments are intended to bring the existing salary levels into the fiftieth percentile of other Washington state law enforcement compensation plans. This is in addition to the salary increase contained in the omnibus appropriation bill or bills. The total of the two increases, in the transportation budget and omnibus appropriation bill or bills, may not exceed twelve percent.

(3) The Washington state patrol will develop a vehicle replacement plan for the next six years. The plan will include an analysis of the current 100,000 miles replacement policy and agency assignment policy. Projected future budget requirements will include forecasts of vehicle replacement costs, vehicle equipment costs, and estimated surplus vehicle values when sold at auction.

(4) The Washington state patrol vessel and terminal security (VATS) program will be funded by the state patrol highway fund beginning July 1, 1997, and into future biennia.

(5) A personnel data base will be maintained of the 801 commissioned traffic law enforcement officers, with a reconciliation at all times to the patrol allocation model and a vehicle assignment and replacement plan.

(6) \$150,000 of the state patrol highway account appropriation is to fund the Washington state patrol's portion of the drug recognition expert training program previously funded by the traffic safety commission.

(7) The Washington state patrol with legislative transportation committee staff will perform an interim study of the Washington state patrol's commercial vehicle enforcement program with a report to be presented to the legislature and office of financial management in January 1998 with a developed business plan and program recommendations which includes, but is not limited to, weigh in motion technologies.

(8)(a) The Washington state patrol, in consultation with the Washington traffic safety commission, shall conduct an analysis of the most effective safety devices for preventing accidents while delivery trucks are operating in reverse gear. The analysis shall focus on trucks equipped with cube-style, walk-in cargo boxes, up to eighteen feet long, that are most commonly used in the commercial delivery of goods and services.

(b) The state patrol shall incorporate research and analysis currently being conducted by the national highway traffic safety administration.

(c) Upon completion of the analysis, the state patrol shall forward its recommendations to the legislative transportation committee and office of financial management.

(9) \$381,000 of the transportation fund--state appropriation is provided for the following traditional general fund purposes: The governor's air travel, the license fraud program, and the special

services unit. This transportation fund--state appropriation is not a permanent funding source for these purposes.

(10) \$461,000 of the state patrol highway account appropriation is provided solely for monitoring and stopping fuel tax evasion. The Washington state patrol will report on December 1, 1998, to the legislative transportation committee on the activities and revenue collected associated with fuel tax evasion.

(11) \$289,000 of the state patrol highway account appropriation is provided solely for vehicle license fraud investigation. A report will be presented each session to the legislature on the activities and revenue collected by the vehicle license fraud unit.

(12) \$268,000 of the motor vehicle fund--state patrol highway account is provided solely to cover the employer's share of medicare premiums for commissioned officers hired prior to 1986. If a referendum of these officers does not receive majority support this appropriation shall not be expended by the state patrol.

(13) \$105,000 of the motor vehicle fund--state patrol highway account--state appropriation and \$314,000 of the motor vehicle fund--state patrol highway account--federal appropriation are provided solely for laptop personal computers, peripheral equipment, and necessary software for existing community oriented policing program (COPS) troopers.

(14) \$2,300,000 of the motor vehicle fund--state patrol highway account--state appropriation is provided solely to purchase 100 equipped pursuit vehicles. If the transportation fund--state appropriation reduction described in section 503(9) of this act does not take place, the amount provided in this subsection shall lapse. If the state patrol does not purchase the vehicles prior to June 30, 1999, the amount provided in this subsection shall lapse.

**Sec. 503.** 1998 c 348 s 205 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE PATROL--SUPPORT SERVICES BUREAU**

|  |                           |
|--|---------------------------|
| Motor Vehicle Fund--State Patrol Highway Account--State Appropriation \$   | 52,926,000                |
| Motor Vehicle Fund--State Patrol Highway Account--Federal Appropriation \$ | 104,000                   |
| Transportation Fund--State Appropriation \$                                | <del>((2,513,000))</del>  |
|  | <u>214,000</u>            |
| TOTAL APPROPRIATION \$   | <del>((55,543,000))</del> |
|  | <u>53,244,000</u>         |

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) \$1,017,000 for the state patrol highway account--state appropriation is provided solely for year 2000 conversions of transportation automated systems. For purposes of this subsection, transportation automated systems does not include WASIS and WACIS.

(2) \$50,000 of the state patrol highway account--state appropriation is provided solely for a feasibility study to assess the effect of mobile computers on trooper productivity by type of service and measurement of the productivity gains achieved through reduction in administrative time and paperwork processing. The agency shall submit a copy of the proposed study workplan to the office of financial management, the department of information services, and the legislative transportation committee no later than October 1, 1997. A final report shall be submitted to the legislative transportation committee, the office of financial management, and the department of information services no later than January 31, 1998. This project is subject to the provisions of section 502 of this act.

(3) \$50,000 of the state patrol highway account--state appropriation is provided solely for a review of the feasibility of improving the patrol's computer-aided dispatch system to permit tracking of

trooper availability and response time to calls for service. The agency shall submit a copy of the proposed study workplan to the office of financial management, the department of information services, and the legislative transportation committee no later than October 1, 1997. A final report shall be submitted to the legislative transportation committee, the office of financial management, and the department of information services no later than January 31, 1998. This project is subject to the provisions of section 502 of this act.

(4) These appropriations maintain current level funding for the Washington state patrol service center and have no budget savings included for a consolidation of service centers based on the study conducted by the technology management group. During the 1997 interim, the costs for current level will be reviewed by the office of financial management and department of information services with a formal data center recommendation, that has been approved by the information services board, to the legislature in January 1998. Current level funding will be split between fiscal year 1998 and fiscal year 1999 with consideration of funding adjustments based on the review and the formal policy and budget recommendations.

(5) \$2,513,000 of the transportation fund--state appropriation is for the following traditional general fund purposes: The executive protection unit, revolving fund charges, budget and fiscal services, computer services, personnel, human resources, administrative services, and property management. This appropriation is not a permanent funding source for these purposes.

(6) \$22,000 of the motor vehicle fund--state patrol highway account appropriation is provided solely to cover the employer's share of medicare premiums for commissioned officers hired prior to 1986. If a referendum of these officers does not receive majority support this appropriation shall not be expended by the state patrol.

(7) The 1998 Washington state patrol interim working group shall review the data center, electronic services division, communications division, and strategic planning and shall provide recommendations on increasing the effectiveness and efficiencies of the programs under review and audit.

(8) \$1,580,000 of the state patrol highway account--state appropriation is provided solely for the transition of the Washington state patrol mainframe data processing functions to the Washington state department of information services data center in Olympia, Washington. The Washington state patrol and the department of information services shall work cooperatively to ensure the transition to the department of information services is completed successfully.

(9) The transportation fund--state appropriation is reduced by \$2,299,000 to correct a double appropriation.

**Sec. 504.** 1998 c 348 s 207 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LICENSING--INFORMATION SYSTEMS**

|  |                   |
|--|-------------------|
| Highway Safety Fund--Motorcycle Safety Education Account--State Appropriation \$ | 94,000            |
| General Fund--Wildlife Account--State Appropriation \$                           | 42,000            |
| Highway Safety Fund--State Appropriation \$                                      | ((10,732,000))    |
|  | <u>8,218,000</u>  |
| Motor Vehicle Fund--State Appropriation \$                                       | ((5,610,000))     |
|  | <u>4,735,000</u>  |
| Transportation Fund--State Appropriation \$                                      | 441,000           |
| TOTAL APPROPRIATION \$   | ((16,919,000))    |
|  | <u>13,530,000</u> |

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: ~~((+))~~ \$2,498,000 of the highway safety fund--state appropriation and \$793,000 of the motor vehicle fund--state appropriation are provided for the following activities: (1) Identify business objectives and needs relating to technology improvements and integration of the drivers' licensing and vehicle title and registrations systems; (2) converting the drivers' licensing software applications to achieve Year 2000 compliance; (3) convert the drivers' field network from a uniscope to a frame-relay network; (4) develop an interface between the unisys system and the CRASH system; and (5) operate and maintain the highways-licensing building network and the drivers' field network.

**Sec. 505.** 1998 c 348 s 208 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LICENSING--VEHICLE SERVICES**

|  |                           |
|--|---------------------------|
| General Fund--Marine Fuel Tax Refund Account--State Appropriation \$ | 26,000                    |
| General Fund--Wildlife Account--State Appropriation \$               | 549,000                   |
| Motor Vehicle Fund--State Appropriation \$                           | <del>((49,630,000))</del> |
|  | <u>49,615,000</u>         |
| Department of Licensing Services Account--State Appropriation \$     | 2,944,000                 |
| <b>TOTAL APPROPRIATION \$</b>  | <del>((53,149,000))</del> |
|  | <u>53,134,000</u>         |

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) \$600,000 of the licensing service account--state appropriation is provided for replacement of printers for county auditors and subagents.

(2) The department of licensing, in cooperation with the fuel tax advisory committee, shall prepare and submit a report to the legislative transportation committee containing recommendations for special fuel and motor vehicle fuel recordkeeping and reporting requirements, including but not limited to recommendations regarding the form and manner in which records and tax reports must be maintained and made available to the department; which persons engaged in the business of selling, purchasing, distributing, storing, transporting, or delivering fuel should be required to submit periodic reports regarding the disposition of such fuel; and the feasibility of implementing an automated fuel tracking system. The report is due no later than October 31, 1997.

(3) The department of licensing, in cooperation with representatives of local governments and the department of revenue shall analyze the collection of the local option fuel tax under RCW 82.80.010. Based on that analysis the department of licensing shall offer recommendations regarding the appropriate government entity to collect the local option fuel tax and the best method to accomplish that collection. The department of licensing shall report its findings and recommendations to the legislative transportation committee and the office of financial management by December 1, 1998.

(4) The department of licensing, in conjunction with the interagency commission on outdoor recreation, the department of transportation, and other affected entities, shall conduct a study and make recommendations regarding:

(a) Whether the study required by RCW 43.99.030 to determine what portion of the motor vehicle fuel tax collected is tax on marine fuel is an effective and efficient mechanism for determining what portion of fuel tax revenues should be refunded to the marine fuel tax refund account;

(b) Other possible methodologies for determining the appropriate amount of tax revenue to refund from the motor vehicle fund to the marine tax refund account; and

(c) Whether the tax on fuel used by illegally nonregistered boats should be refunded to the marine tax refund account.

The department of licensing shall make a report of its findings and recommendations to the legislative transportation committee and the office of financial management by December 1, 1998.

(5) \$382,000 of the motor vehicle fund--state appropriation is provided solely to implement Substitute House Bill No. 2659. If Substitute House Bill No. 2659 is not enacted by June 30, 1998, this amount shall lapse.

**Sec. 506.** 1998 c 348 s 209 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LICENSING--DRIVER SERVICES**

Highway Safety Fund--Motorcycle Safety Education Account--State Appropriation \$

1,411,000

Highway Safety Fund--State Appropriation \$

~~((61,087,000))~~

59,869,000

Transportation Fund--State Appropriation \$

4,985,000

TOTAL APPROPRIATION \$

~~((64,112,000))~~

66,265,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$225,000 of the highway safety account--state appropriation is provided solely to implement Substitute House Bill No. 2442 or Senate Bill No. 6190. If neither bill is enacted by June 30, 1998, this amount shall lapse.

(2) \$480,000 of the highway safety account--state appropriation is provided solely to implement Senate Bill No. 6165. If Senate Bill No. 6165 is not enacted by June 30, 1998, this amount shall lapse.

~~(((6)))~~ (3) \$1,000,000 of the highway safety account--state appropriation is provided solely to implement 1998 legislation that changes statutes relating to driving under the influence. If legislation changing the DUI statutes is not enacted by June 30, 1998, this amount shall lapse.

**Sec. 507.** 1997 c 457 s 215 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MANAGEMENT AND FACILITIES--PROGRAM D--OPERATING**

Motor Vehicle Fund--State Appropriation \$

~~((24,703,000))~~

24,436,000

Motor Vehicle Fund--Federal Appropriation \$

400,000

Motor Vehicle Fund--Transportation Capital Facilities Account--State Appropriation \$

~~((24,338,000))~~

24,330,000

TOTAL APPROPRIATION \$

~~((49,441,000))~~

49,166,000

**Sec. 508.** 1998 c 348 s 211 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--IMPROVEMENTS--PROGRAM I**

|  |                            |
|--|----------------------------|
| Motor Vehicle Fund--Economic Development Account--State Appropriation \$ | 2,434,000                  |
| Motor Vehicle Fund--State Appropriation \$                               | <del>((163,275,000))</del> |
|  | <u>123,575,000</u>         |
| Motor Vehicle Fund--Federal Appropriation \$                             | 155,485,000                |
| Motor Vehicle Fund--Private/Local Appropriation \$                       | 40,000,000                 |
| Special Category C Account--State Appropriation \$                       | <del>((73,271,000))</del>  |
|  | <u>65,471,000</u>          |
| Transportation Fund--State Appropriation \$                              | <del>((230,546,000))</del> |
|  | <u>225,546,000</u>         |
| Puyallup Tribal Settlement Account--State Appropriation \$               | 5,000,000                  |
| Puyallup Tribal Settlement Account--Private/Local Appropriation \$       | 200,000                    |
| High Capacity Transportation Account--State Appropriation \$             | 1,401,000                  |
| TOTAL APPROPRIATION \$   | <del>((671,612,000))</del> |
|  | <u>619,112,000</u>         |

The appropriations in this section are provided for the location, design, right of way acquisition, or construction of state highway projects designated as improvements under RCW 47.05.030. The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The special category C account--state appropriation of ~~((73,271,000))~~ \$65,471,000 includes \$26,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.812 through 47.10.817 ~~((and includes \$12,000,000 in proceeds from the sale of bonds authorized by House Bill No. 1012))~~. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation. ~~((If House Bill No. 1012 is not enacted by June 30, 1998, \$7,800,000 of the special category C account state appropriation shall lapse.))~~

(2) The motor vehicle fund--state appropriation includes \$2,685,000 in proceeds from the sale of bonds authorized by RCW 47.10.819(1) for match on federal demonstration projects. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(3) The department shall report annually to the legislative transportation committee on the status of the projects funded by the special category C appropriations contained in this section. The report shall be submitted by January 1 of each year.

(4) The motor vehicle fund--state appropriation in this section includes \$600,000 solely for a rest area and information facility in the Nisqually gateway area to Mt. Rainier, provided that at least forty percent of the total project costs are provided from federal, local, or private sources. The contributions from the nonstate sources may be in the form of in-kind contributions including, but not limited to, donations of property and services.

(5) The appropriations in this section contain \$118,247,000 reappropriation from the 1995-97 biennium.

(6) The motor vehicle fund--state appropriation in this section includes \$250,000 to establish a wetland mitigation pilot project. This appropriation may only be expended if the department of transportation establishes a technical committee to better implement the department's strategic plan. The technical committee shall include, but is not limited to, cities, counties, environmental groups, business groups, tribes, the Puget Sound action team, and the state departments of ecology, fish and wildlife, and community, trade, and economic development, and appropriate federal agencies. The committee shall assist the department in implementing its wetland strategic plan, including working to eliminate barriers to improved wetland and watershed management. To this end, the technical committee shall: (a) Work to facilitate sharing of agency environmental data, including evaluation of off-site and out-of-kind mitigation options; (b) develop agreed-upon guidance that will enable the preservation of wetlands that are under imminent threat from development for use as an acceptable mitigation option; (c) develop strategies that will facilitate the implementation of mitigation banking, including developing mechanisms for valuing and transferring credits; (d) provide input in the development of wetland functions assessment protocols related to transportation projects; (e) develop incentives for interagency participation in joint mitigation projects within watersheds; and (f) explore options for funding environmental mitigation strategies. The department shall prepare an annual report to the legislative transportation committee and legislative natural resources committees on recommendations developed by the technical committee.

(7) The department shall report January 1st and July 1st of each year, to the legislative transportation committee and the office of financial management of the timing and the scope of work being performed for the regional transit authority. This report shall provide a description of all department activities related to the regional transit authority including investments in state-owned infrastructure.

(8) The translake study funded in this section shall include recommendations to address methods for mitigating traffic noise in the study area.

(9) Funding for the SR 509 project extending south and east from south 188th street in King county is contingent on the development of a proposal linking the project to other freight corridors and a funding plan with participation from partners of the state that are agreed to by the legislative transportation committee and the governor.

(10) The motor vehicle account--federal appropriation in this section is transferrable to the transportation account to ensure efficient funds management and program delivery.

(11) \$2,000,000 of the motor vehicle fund--state appropriation is provided solely for transfer to the advanced environmental mitigation revolving account--state.

~~((14))~~ (12) \$13,000,000 of the motor vehicle fund--state appropriation and \$12,000,000 of the transportation fund--state appropriation are provided solely for preliminary engineering and purchase of right of way for highway construction.

~~((15) \$35,000,000 of the motor vehicle fund--state appropriation is conditioned upon voter approval of a referendum on a state-wide ballot that provides funding for transportation purposes. If the voters approve such a referendum, \$35,000,000 of the motor vehicle fund--state appropriation is put in reserve solely to be used for the purposes of preliminary engineering and purchase of right of way for highway construction. These moneys may only be expended upon approval of both the legislative transportation committee and the office of financial management.))~~

(13) The department may advertise and award certain specified projects prior to June 30, 1999. This authority extends to the 10 projects listed in the transportation executive information system document titled "1999 Supplemental Budget — Spring Start Projects (Rev.)" dated March 13, 1999.

**Sec. 509.** 1998 c 348 s 212 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION ECONOMIC PARTNERSHIPS--PROGRAM K**

Transportation Fund--State Appropriation \$

~~((1,280,000))~~

1,255,000

|  |                   |
|--|-------------------|
| Motor Vehicle Fund--State Appropriation \$ | 16,235,000        |
| TOTAL APPROPRIATION \$                     | ((17,515,000))    |
|  | <u>17,490,000</u> |

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The motor vehicle fund--state appropriation includes \$16,235,000 in proceeds from the sale of bonds authorized in RCW 47.10.834 for all forms of cash contributions, or the payment of other costs incident to the location, development, design, right of way, and construction of only the SR 16 corridor improvements and park and ride projects selected under the public-private transportation initiative program authorized under chapter 47.46 RCW; and support costs of the public-private transportation initiatives program.

(2) The appropriations in this section contain \$16,235,000 reappropriated from the 1995-97 biennium.

**Sec. 510.** 1998 c 348 s 213 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MAINTENANCE--PROGRAM M**

|  |                    |
|--|--------------------|
| Motor Vehicle Fund--State Appropriation \$         | ((239,200,000))    |
|  | <u>237,013,000</u> |
| Motor Vehicle Fund--Federal Appropriation \$       | 465,000            |
| Motor Vehicle Fund--Private/Local Appropriation \$ | 3,335,000          |
| TOTAL APPROPRIATION \$                             | ((243,000,000))    |
|  | <u>240,813,000</u> |

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) If portions of the appropriations in this section are required to fund maintenance work resulting from major disasters not covered by federal emergency funds such as fire, flooding, and major slides, supplemental appropriations will be requested to restore state funding for ongoing maintenance activities.

(2) The department shall deliver the highway maintenance program according to the plans for each major maintenance group to the extent practical. However, snow and ice expenditures are highly variable depending on actual weather conditions encountered. If extraordinary winter needs result in increased winter maintenance expenditures, the department shall, after prior consultation with the transportation commission, the office of financial management, and the legislative transportation committee adopt one or both of the following courses of action: (a) Reduce planned maintenance activities in other groups to offset the necessary increases for snow and ice control; or (b) continue delivery as planned within other major maintenance groups and request a supplemental appropriation in the following legislative session to fund the additional snow and ice control expenditures.

(3) The department shall request an unanticipated receipt for any federal moneys received for emergency snow and ice removal and shall place an equal amount of the motor vehicle fund--state into unallotted status. This exchange shall not affect the amount of funding available for snow and ice removal.



(4) Funding appropriated for local storm water charges assessed under RCW 90.03.525, which is allocated for, but not paid to, a local storm water utility because the utility did not meet the conditions provided under RCW 90.03.525, may be transferred by the department to program Z of the department to be distributed as grants under the storm water grant program.

**Sec. 511.** 1998 c 348 s 214 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--PRESERVATION--PROGRAM P**

|  |                    |
|--|--------------------|
| Motor Vehicle Fund--State Appropriation \$         | ((288,720,000))    |
|  | <u>285,220,000</u> |
| Motor Vehicle Fund--Federal Appropriation \$       | 274,259,000        |
| Motor Vehicle Fund--Private/Local Appropriation \$ | 2,400,000          |
| TOTAL APPROPRIATION \$                             | ((568,379,000))    |
|  | <u>561,879,000</u> |

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The motor vehicle fund--state appropriation includes \$6,800,000 in proceeds from the sale of bonds authorized in RCW 47.10.761 and 47.10.762 for emergency purposes. However, the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(2) The appropriations in this section contain \$27,552,000 reappropriated from the 1995-97 biennium.

(3) If the Oregon state legislature enacts a public/private partnership program and the Washington state transportation commission, in consultation with the legislative transportation committee, negotiates and enters into an agreement between Washington and Oregon to place the Lewis and Clark bridge into Oregon's public/private partnership program, up to \$3,000,000 of the motor vehicle fund--state appropriation may be used as Washington's contribution toward the design of the project pursuant to the agreement between Washington and Oregon. Any additional contributions shall be subject to Washington state legislative appropriations and approvals. The department shall provide a status report on this project to the legislative transportation committee by June 30, 1998.

~~((6))~~ (4) \$630,000 of the motor vehicle fund--state appropriation is provided for slope stabilization along state route 166 in the Ross Point vicinity. This amount is intended to fund preliminary engineering, right of way acquisition, and to begin construction.

**Sec. 512.** 1998 c 348 s 215 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q**

|  |                   |
|--|-------------------|
| State Patrol Highway Account--State Appropriation \$ | 153,000           |
| Motor Vehicle Fund--State Appropriation \$           | ((30,412,000))    |
|  | <u>29,982,000</u> |
| Motor Vehicle Fund--Federal Appropriation \$         | 1,000,000         |
| Motor Vehicle Fund--Private/Local Appropriation \$   | 275,000           |
| TOTAL APPROPRIATION \$                               | ((31,840,000))    |

31,410,000

The appropriation in this section is subject to the following conditions and limitations and specified amount is provided solely for that activity:

(1) The department, in cooperation with the Washington state patrol and the tow truck industry, shall develop and submit to the legislative transportation committee by October 31, 1997, a recommendation for implementing new tow truck services during peak hours on the Puget Sound freeway system.

(2) The department, in cooperation with the Washington state patrol, the department of licensing, the state of Oregon, and the United States department of transportation, shall install and operate the commercial vehicle information systems and network (CVISN) at a selected pilot site. If the state department of transportation receives additional federal funding for this project that is eligible to supplant state funding, the appropriation in this section shall be reduced by the amount of the state funds supplanted.

**Sec. 513.** 1998 c 348 s 216 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION MANAGEMENT AND SUPPORT--PROGRAM S**

Motor Vehicle Fund--Puget Sound Capital Construction Account--State  
Appropriation \$

777,000

Motor Vehicle Fund--State Appropriation \$

~~((70,032,000))~~

Motor Vehicle Fund--Puget Sound Ferry Operations Account--State Appropriation \$

69,685,000

Transportation Fund--State Appropriation \$

1,093,000

1,158,000

TOTAL APPROPRIATION \$

~~((73,060,000))~~

72,713,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1)(a) The motor vehicle fund--state appropriation includes \$14,300,000 provided solely for programming activities and other efforts needed to bring the department's information systems, and devices with computers built into them, into compliance with the year 2000 requirements of the department of information services. The department is directed to expend the moneys internally reallocated for this purpose before spending from this appropriation. The department is directed to provide quarterly reports on this effort to the legislative transportation committee and the office of financial management beginning October 1, 1997.

(b) Up to \$2,900,000 of the amount provided in (a) of this subsection may be expended for testing and required modifications to electronic devices and other equipment and specialized software that are essential for department operations to ensure they are year 2000 compliant. Before expending any of this amount for these purposes, the department shall consult with the legislative transportation committee and the office of financial management.

(2) The legislative transportation committee shall review and analyze freight mobility issues affecting eastern and southeastern Washington as recommended by the freight mobility advisory committee and report back to the legislature by November 1, 1997. \$500,000 of the motor vehicle fund--state appropriation is provided for this review and analysis. The funding conditioned in this subsection shall be from revenues provided for interjurisdictional studies.

(3) In order to increase visibility for decision making, the department shall review its budgeting and accounting methods for management information systems. The review shall include, but not be limited to, the cost-benefit analysis of existing processes and evaluation of less complex alternatives such as direct appropriations. The results of the review shall be reported to the legislative transportation committee and the office of financial management by July 1, 1998.

**Sec. 514.** 1997 c 457 s 223 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION PLANNING,  
 DATA, AND RESEARCH--PROGRAM T**

|  |                   |
|--|-------------------|
| Motor Vehicle Fund--State Appropriation \$   | ((16,098,000))    |
|  | <u>15,884,000</u> |
| Motor Vehicle Fund--Federal Appropriation \$ | 10,466,000        |
| Transportation Fund--State Appropriation \$  | ((1,384,000))     |
|  | <u>1,379,000</u>  |
| TOTAL APPROPRIATION \$                       | ((27,948,000))    |
|  | <u>27,729,000</u> |

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: Up to \$2,400,000 of the motor vehicle fund--state appropriation is provided for regional transportation planning organizations, with allocations for participating counties maintained at the 1995-1997 biennium levels for those counties not having metropolitan planning organizations within their boundaries.

**Sec. 515.** 1998 c 348 s 217 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF TRANSPORTATION--CHARGES FROM OTHER AGENCIES--  
 PROGRAM U**

|  |                  |
|--|------------------|
| (1) FOR PAYMENT OF COSTS OF ATTORNEY GENERAL TORT CLAIMS SUPPORT<br>((Motor Vehicle Fund--State Appropriation \$   | 2,515,000))      |
| <u>Transportation Fund--State Appropriation \$</u>   | <u>3,715,000</u> |
| (2) FOR PAYMENT OF COSTS OF THE OFFICE OF THE STATE AUDITOR<br>Motor Vehicle Fund--State Appropriation \$  | 840,000          |
| (3) FOR PAYMENT OF COSTS OF DEPARTMENT OF GENERAL ADMINISTRATION<br>FACILITIES AND SERVICES AND CONSOLIDATED MAIL SERVICES<br>Motor Vehicle Fund--State Appropriation \$ | 3,391,000        |
| (4) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF PERSONNEL<br>Motor Vehicle Fund--State Appropriation \$  | ((2,240,000))    |
| (5) FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS AND<br>ADMINISTRATION<br>Motor Vehicle Fund--State Appropriation \$   | <u>2,140,000</u> |

|   |            |
|---|------------|
| (6) FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS AND ADMINISTRATION<br>Motor Vehicle Fund--Puget Sound Ferry Operations Account--State Appropriation \$ | 12,535,000 |
| (7) FOR PAYMENT OF COSTS OF THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES<br>Motor Vehicle Fund--State Appropriation \$                           | 2,928,000  |
| (8) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF GENERAL ADMINISTRATION STATE PARKING SERVICES<br>Motor Vehicle Fund--State Appropriation \$                   | 536,000    |
| (9) FOR PAYMENT OF THE DEPARTMENT OF GENERAL ADMINISTRATION CAPITAL PROJECTS SURCHARGE<br>Motor Vehicle Fund--State Appropriation \$                        | 90,000     |
| (10) FOR ARCHIVES AND RECORDS MANAGEMENT<br>Motor Vehicle Fund--State Appropriation \$  | 735,000    |
|   | 355,000    |

**Sec. 516.** 1998 c 348 s 218 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--WASHINGTON STATE FERRIES CONSTRUCTION--PROGRAM W**

|  |                    |
|--|--------------------|
| Motor Vehicle Fund--Puget Sound Capital Construction Account--State Appropriation \$         | ((209,886,000))    |
|  | <u>192,886,000</u> |
| Motor Vehicle Fund--Puget Sound Capital Construction Account--Federal Appropriation \$       | 30,165,000         |
| Motor Vehicle Fund--Puget Sound Capital Construction Account--Private/Local Appropriation \$ | 765,000            |
| Transportation Fund--Passenger Ferry Account--State Appropriation \$                         | 640,000            |
| TOTAL APPROPRIATION \$   | ((241,456,000))    |
|  | <u>224,456,000</u> |

The appropriations in this section are provided for improving the Washington state ferry system, including, but not limited to, vessel acquisition, vessel construction, major and minor vessel improvements, and terminal construction and improvements. The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The appropriations in this section are provided to carry out only the projects (version ((3)) 2) adjusted by the legislature for the 1997-99 budget. The department shall reconcile the 1995-97 capital expenditures within ninety days of the end of the biennium and submit a final report to the legislative transportation committee and office of financial management.

(2) The Puget Sound capital construction account--state appropriation includes \$100,000,000 in proceeds from the sale of bonds authorized by RCW 47.60.800 for vessel and terminal acquisition, major and minor improvements, and long lead time materials acquisition for the Washington state

ferries, including construction of new jumbo ferry vessels in accordance with the requirements of RCW 47.60.770 through 47.60.778. However, the department of transportation may use current revenues available to the Puget Sound capital construction account in lieu of bond proceeds for any part of the state appropriation.

(3) The department of transportation shall provide to the legislative transportation committee and office of financial management a quarterly financial report concerning the status of the capital program authorized in this section.

(4) Washington state ferries is authorized to reimburse up to \$3,000,000 from the Puget Sound capital construction account--state appropriation or Puget Sound capital construction account--federal appropriation to the city of Bremerton and the port of Bremerton for Washington state ferries' financial participation in the development of a Bremerton multimodal transportation terminal, port of Bremerton passenger-only terminal expansion, and ferry vehicular connections to downtown traffic circulation improvements. The reimbursement shall specifically support the construction of the following components: Appropriate passenger-only ferry terminal linkages to accommodate bow-loading catamaran type vessels and the needed transit connections; and the Washington state ferries' component of the Bremerton multimodal transportation terminal as part of the downtown Bremerton redevelopment project, including appropriate access to the new downtown traffic circulation road network.

(5) The Puget Sound capital construction account--state appropriation includes funding for capital improvements on vessels to meet United States Coast Guard Subchapter W regulation revisions impacting SOLAS (safety of life at sea) requirements for ferry operations on the Anacortes to Sidney, B.C. ferry route.

(6) The Puget Sound capital construction account--state appropriation, the Puget Sound capital construction account--federal appropriation, and the passenger ferry account--state appropriation include funding for the construction of one new passenger-only vessel and the department's exercise of the option to build a second passenger-only vessel. In accordance with chapter 166, Laws of 1998, Washington state ferries shall accelerate activities to ensure the acquisition of five additional passenger-only vessels and the construction of related terminal facilities, including maintenance facilities for the Southworth and Kingston to Seattle passenger-only ferry routes.

(7) The Puget Sound capital construction account--state appropriation includes funding for the exploration and acquisition of a design for constructing a millennium class ferry vessel.

(8) The Puget Sound capital construction account--state appropriation includes \$90,000 for the purchase of defibrillators. At least one defibrillator shall be placed on each vessel in the ferry fleet.

(9) The appropriations in this section contain \$46,962,000 reappropriated from the 1995-97 biennium.

**Sec. 517.** 1998 c 348 s 219 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--MARINE--PROGRAM X**  
Marine Operating Fund--State Appropriation \$

((270,522,000))

270,473,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The appropriation is based on the budgeted expenditure of ((~~\$28,696,000~~)) \$27,076,000 for vessel operating fuel in the 1997-99 biennium. If the actual cost of fuel is less than this budgeted amount, the excess amount may not be expended. If the actual cost exceeds this amount, the department shall request a supplemental appropriation.

(2) The appropriation provides for the compensation of ferry employees. The expenditures for compensation paid to ferry employees during the 1997-99 biennium may not exceed ((~~\$179,095,000~~)) \$180,715,000 plus a dollar amount, as prescribed by the office of financial management, that is equal to any insurance benefit increase granted general government employees in excess of \$313.95 a month annualized per eligible marine employee multiplied by the number of eligible marine employees for the respective fiscal year, a dollar amount as prescribed by the office of financial management for costs

associated with pension amortization charges, and a dollar amount prescribed by the office of financial management for salary increases during the 1997-99 biennium. For the purposes of this section, the expenditures for compensation paid to ferry employees shall be limited to salaries and wages and employee benefits as defined in the office of financial management's policies, regulations, and procedures named under objects of expenditure "A" and "B" (7.2.6.2).

The prescribed salary and insurance benefit increase or decrease dollar amount that shall be allocated from the governor's compensation appropriations is in addition to the appropriation contained in this section and may be used to increase or decrease compensation costs, effective July 1, 1997, and thereafter, as established in the 1997-99 general fund operating budget.

(3) The department of transportation shall provide to the legislative transportation committee and office of financial management a quarterly financial report concerning the status of the operating program authorized in this section.

(4) The appropriation in this section includes up to \$1,566,000 for additional operating expenses required to comply with United States Coast Guard Subchapter W regulation revisions for vessels operating on the Anacortes to Sidney, B.C. ferry route. The department shall explore methods to minimize the cost of meeting United States Coast Guard requirements and shall report the results to the legislative transportation committee and office of financial management by September 1, 1997.

(5) The department shall request a reduction of the costs associated with the use of the terminal leased from the Port of Anacortes and costs associated with use of the Sidney, British Columbia terminal.

(6) Agreements between Washington state ferries and concessionaires for automatic teller machines on ferry terminals or vessels shall provide for and include banks and credit unions that primarily serve the west side of Puget Sound.

(7) In the event federal funding is provided for one or more passenger-only ferry vessels for the purpose of transporting United States naval personnel, the department of transportation is authorized to acquire and construct such vessels in accordance with the authority provided in RCW 47.56.030, and the department shall establish a temporary advisory committee comprised of representatives of the Washington state ferries, transportation commission, legislative transportation committee, office of financial management, and the United States Navy to analyze and make recommendations on, at a minimum, vessel performance criteria, docking, vessel deployment, and operating issues.

(8) The appropriation provides funding for House Bill No. 2165 (paying interest on retroactive raises for ferry workers).

(9) The commission is authorized to increase Washington state ferry tariffs in excess of the fiscal growth factor, established under chapter 43.135 RCW, in fiscal year 1998 and fiscal year 1999.

(10) Funding for Anacortes to Sidney advertising is contingent upon partners meeting their commitment. In no event may the state share exceed fifty percent of the cash contribution toward the project.

(11) \$1,370,000 of this appropriation is provided solely for the Hiyu operation for Southworth/Vashon 5 days per week for 16 hours per day. Prior to placing the Hiyu in permanent service on a route between Vashon and Southworth, the Washington state ferries shall conduct a study of the impact of additional service on Vashon and Southworth and report back to the legislative transportation committee by May 15, 1998.

(12) \$446,000 of this appropriation is provided solely to provide an additional crew member on Jumbo Mark 2 ferries as required by emergency evacuation regulations adopted by the United States Coast Guard. If the Coast Guard requirement can be met without the hiring of additional staff, the portion of this appropriation provided to meet that requirement shall not be expended.

**Sec. 518.** 1998 c 348 s 220 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--PUBLIC TRANSPORTATION AND RAIL--PROGRAM Y**

Essential Rail Assistance Account--State Appropriation \$

256,000

High Capacity Transportation Account--State Appropriation \$

~~((13,225,000))~~

|   |                   |
|---|-------------------|
| Air Pollution Control Account--State Appropriation \$                     | <u>13,185,000</u> |
| Transportation Fund--State Appropriation \$                               | 6,290,000         |
|   | ((55,029,000))    |
| Transportation Fund--Federal Appropriation \$                             | <u>46,858,000</u> |
| Transportation Fund--Private/Local Appropriation \$                       | 3,947,000         |
| Central Puget Sound Public Transportation Account--State Appropriation \$ | 105,000           |
|   | ((4,250,000))     |
|   | <u>250,000</u>    |
| TOTAL APPROPRIATION \$  | ((83,102,000))    |
|   | <u>70,891,000</u> |

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) Up to \$46,180,000 of the transportation fund--state appropriation is provided for intercity rail passenger service including up to \$8,000,000 for lease purchase of two advanced technology train sets with total purchase costs not to exceed \$20,000,000; up to \$1,000,000 for one spare advanced technology train power-car and other spare parts, subsidies for operating costs not to exceed \$12,000,000, to maintain service of two state contracted round trips between Seattle and Portland and one state contracted round trip between Seattle and Vancouver, British Columbia, and capital projects necessary to provide Seattle-Vancouver, British Columbia, train operating times of under 4 hours.

(2) Up to \$3,000,000 of the transportation fund--state appropriation is provided for the rural mobility program administered by the department of transportation. Priority for grants provided from this account shall be given to projects and programs that can be accomplished in the 1997-99 biennium.

(3) Up to \$600,000 of the high capacity transportation account--state appropriation is provided for rail freight coordination, technical assistance, and planning.

(4) The department shall provide biannual reports to the legislative transportation committee and office of financial management regarding the department's rail freight program. The department shall also notify the committee for project expenditures from all fund sources prior to making those expenditures. The department shall examine the ownership of grain cars and the potential for divestiture of those cars and other similar assets and report those findings to the committee prior to the 1998 legislative session.

(5) Up to \$750,000 of the transportation fund--state appropriation and up to \$250,000 of the central Puget Sound public transportation account--state appropriation are provided to fund activities relating to coordinating special needs transportation among state and local providers. These activities may include demonstration projects, assessments of resources available versus needs, and identification of barriers to coordinating special needs transportation. The department will consult with the superintendent of public instruction, the secretary of the department of social and health services, the office of financial management, the fiscal committees of the house of representatives and senate, special needs consumers, and specialized transportation providers in meeting the goals of this subsection.

(6) The appropriations in this section contain \$4,599,000 reappropriated from the 1995-97 biennium.

(7) The high capacity transportation account--state appropriation includes \$75,000 for the department to develop a strategy and to identify how the agency would expend additional moneys to enhance the commute trip reduction program. The report would include recommendations for grant

programs for employers and jurisdictions to reduce SOV usage and to provide transit incentives to meet future commute trip reduction requirements. The report is due to the legislative transportation committee by January 1, 1998.

(8) In addition to the appropriations contained in this section, the office of financial management shall release the \$2,000,000 transportation fund--state funds appropriated for the intercity rail passenger program in the 1995-97 biennium but held in reserve pursuant to section 502, chapter 165, Laws of 1996.

(9) Up to \$150,000 of the transportation fund--state appropriation is provided for the management and control of the transportation corridor known as the Milwaukee Road corridor owned by the state between Ellensburg and Lind, and to take actions necessary to allow the department to be in a position, with further legislative authorization, to begin to negotiate a franchise with a rail carrier to establish and maintain a rail line over portions of the corridor by July 1, 1999.

~~((11))~~ (10) \$4,000,000 of the high capacity transportation account--state appropriation for passenger rail infrastructure improvement is provided solely for rail improvements to add rail passenger service north of Seattle. These funds are conditioned on match of at least equal amounts from both Burlington Northern Sante Fe and Amtrak for rail line improvements and upon Amtrak purchasing an additional train set for operation in the corridor. These funds shall not be expended until authorized by the legislative transportation committee and the office of financial management; and the participation of international partners in service provided in the corridor shall be considered in such a decision.

**Sec. 519.** 1998 c 348 s 221 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z**

|  |                   |
|--|-------------------|
| Motor Vehicle Fund--State Appropriation \$                   | ((9,802,000))     |
|  | <u>9,862,000</u>  |
| Motor Vehicle Fund--Federal Appropriation \$                 | 33,726,000        |
| High Capacity Transportation Account--State Appropriation \$ | ((650,000))       |
|  | <u>450,000</u>    |
| Transportation Account--State Appropriation \$               | 1,175,000         |
| TOTAL APPROPRIATION \$                                       | ((45,353,000))    |
|  | <u>45,213,000</u> |

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The motor vehicle fund--state appropriation includes \$1,785,000 in proceeds from the sale of bonds authorized by RCW 47.10.819(1). The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(2) As a condition of receiving the full state subsidy in support of the Puget Island ferry, Wahkiakum county must, by December 31, 1997, increase ferry fares for passengers and vehicles by at least ten percent. If the fares are not increased to meet this requirement, the department, in determining the state subsidy after December 31, 1997, shall reduce the operating deficit by the amount that would have been generated if the ten percent fare increase had been implemented.

(3) The appropriations in this section contain \$1,750,000 reappropriated from the 1995-97 biennium.



(4) Up to \$500,000 of the high capacity transportation account--state appropriation is provided for implementation of the recommendations of the freight mobility advisory committee, and any legislation enacted resulting from those recommendations.

(5) \$175,000 of the transportation fund--state appropriation is provided solely to fund the freight mobility strategic investment board. If Second Substitute House Bill No. 2180 is not enacted by June 30, 1998, this amount shall lapse.

(6) The transportation account--state appropriation includes \$600,000 to establish alternatives for flood management and flood hazard reduction projects in the Chehalis Basin. A technical committee comprised of the department of transportation, department of ecology, the United States army corps of engineers, federal emergency management administration, United States geological survey, affected counties and tribes, and other entities with critical knowledge related to flood hazard reduction projects in the Chehalis Basin shall be formed. Funds shall be distributed to counties within the Chehalis Basin by the department of transportation for projects that further understanding of the causes of flooding and options for flood hazard reduction. Alternatives shall be consistent with fish and habitat recovery efforts. Projects funded shall be coordinated with the technical committee. The department of transportation shall present a report to the legislative transportation committee and other appropriate legislative committees regarding findings and/or progress made by funded projects by December 1, 1998.

~~((8))~~ (7) \$750,000 of the motor vehicle fund--state appropriation is provided solely for a median barrier upon the Spokane street viaduct. Use of this funding is contingent upon a commitment of funding from other partners for the remainder of the project cost.

~~((9))~~ (8) Up to \$150,000 of the high capacity transportation account--state appropriation is provided for the installation of active railroad crossing warning devices at the Sunnyside beach park entrance in Steilacoom.

~~((10))~~ (9) \$400,000 of the transportation fund--state appropriation is provided solely for a study by the legislative transportation committee, in cooperation with the port of Benton, developing a strategic corridor feasibility and master site plan for the port of Benton. If the port of Benton does not provide at least \$200,000 to fund the plan development, the transportation fund--state appropriation referenced in this subsection shall lapse and this subsection shall be null and void.

### **Transportation Agencies Capital Facilities**

**Sec. 520.** 1997 c 457 s 303 (uncodified) is amended to read as follows:

#### **FOR THE DEPARTMENT OF TRANSPORTATION--PROGRAM D (DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)--CAPITAL**

Motor Vehicle Fund--Transportation Capital Facilities Account--State Appropriation \$

~~((21,696,000))~~

21,261,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The department of transportation shall provide to the legislative transportation committee prior notice and the latest project information at least two weeks in advance of the bid process for transportation capital facilities projects going to bid in the 1997-99 biennium.

(2) Construction of the Mount Rainier storage facility shall not commence until the department has secured an operational lease that would allow the placement of the facility on United States forest service lands near the entrance to the Mather memorial parkway.

(3) The appropriation in this section contains \$7,719,000 reappropriated from the 1995-97 biennium.

### **Transfers and Distributions**

**Sec. 521.** 1998 c 348 s 402 (uncodified) is amended to read as follows:  
**FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING  
 BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND  
 FISCAL AGENT CHARGES**

|   |                          |
|---|--------------------------|
| Motor Vehicle Fund--Puget Sound Capital Construction Account Appropriation \$ | 500,000                  |
| Motor Vehicle Fund Appropriation \$   | 130,000                  |
| Transportation Improvement Account Appropriation \$                           | 200,000                  |
| Special Category C Account Appropriation \$                                   | 190,000                  |
| Transportation Capital Facilities Account Appropriation \$                    | 1,000                    |
| Urban Arterial Account Appropriation \$                                       | 5,000                    |
| TOTAL APPROPRIATION \$  | <del>((1,995,000))</del> |
|   | <u>1,026,000</u>         |

**Sec. 522.** 1998 c 348 s 404 (uncodified) is amended to read as follows:  
**FOR THE STATE TREASURER--TRANSFERS**

|  |                        |
|--|------------------------|
| (1) R V Account--State Appropriation:<br>For transfer to the Motor Vehicle Fund--State \$  | 1,176,000              |
| (2) Motor Vehicle Fund--State Appropriation:<br>For transfer to the Transportation Capital Facilities Account--State \$            | 42,569,000             |
| <del>(3) ((Small City Account--State Appropriation:<br/>For transfer to the Transportation Improvement<br/>Account--State \$</del> | <del>7,500,000))</del> |
| <u>Motor Vehicle Fund--State Appropriation:<br/>For transfer to the Highway Infrastructure<br/>Account--State \$</u>               | <u>234,000</u>         |

**Sec. 523.** 1997 c 457 s 403 (uncodified) is amended to read as follows:  
**FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION**

|   |                            |
|---|----------------------------|
| City Hardship Account Appropriation \$  | 200,000                    |
| Motor Vehicle Fund Appropriation for motor vehicle fuel tax and overload penalties<br>distribution \$ | 471,937,000                |
| Transportation Fund Appropriation <u>for motor vehicle excise tax distribution</u> \$                 | <del>((3,744,000))</del>   |
| TOTAL APPROPRIATION \$  | <u>118,747,000</u>         |
|   | <del>((475,881,000))</del> |
|   | <u>590,884,000</u>         |

## Miscellaneous

NEW SECTION. **Sec. 524.** A new section is added to 1997 c 457 (uncodified) to read as follows:

**INFORMATION SYSTEMS PROJECTS.** Agencies shall comply with the following requirements regarding information systems projects when specifically directed to do so by this act.

(1) Agency planning and decisions concerning information technology shall be made in the context of its information technology portfolio. "Information technology portfolio" means a strategic management approach in which the relationships between agency missions and information technology investments can be seen and understood, such that: Technology efforts are linked to agency objectives and business plans; the impact of new investments on existing infrastructure and business functions are assessed and understood before implementation; and agency activities are consistent with the development of an integrated, nonduplicative state-wide infrastructure.

(2) Agencies shall use their information technology portfolios in making decisions on matters related to the following:

- (a) System refurbishment, acquisitions, and development efforts;
- (b) Setting goals and objectives for using information technology in meeting legislatively-mandated missions and business needs;
- (c) Assessment of overall information processing performance, resources, and capabilities;
- (d) Ensuring appropriate transfer of technological expertise for the operation of any new systems developed using external resources; and
- (e) Progress toward enabling electronic access to public information.

(3) The agency shall produce a feasibility study for information technology projects at the direction of the information services board and in accordance with published department of information services policies and guidelines. At a minimum, such studies shall include a statement of: (a) The purpose or impetus for change; (b) the business value to the agency, including an examination and evaluation of benefits, advantages, and cost; (c) a comprehensive risk assessment based on the proposed project's impact on both citizens and state operations, its visibility, and the consequences of doing nothing; (d) the impact on agency and state-wide information infrastructure; and (e) the impact of the proposed enhancements to an agency's information technology capabilities on meeting service delivery demands.

(4) The agency shall produce a comprehensive management plan for each project. The plan or plans shall address all factors critical to successful completion of each project. The plan(s) shall include, but is not limited to, the following elements: A description of the problem or opportunity that the information technology project is intended to address; a statement of project objectives and assumptions; a definition and schedule of phases, tasks, and activities to be accomplished; and the estimated cost of each phase. The planning for the phased approach shall be such that the business case justification for a project needs to demonstrate how the project recovers cost or adds measurable value or positive cost benefit to the agency's business functions within each development cycle.

(5) The agency shall produce quality assurance plans for information technology projects. Consistent with the direction of the information services board and the published policies and guidelines of the department of information services, the quality assurance plan shall address all factors critical to successful completion of the project and successful integration with the agency and state information technology infrastructure. At a minimum, quality assurance plans shall provide time and budget benchmarks against which project progress can be measured, a specification of quality assurance responsibilities, and a statement of reporting requirements. The quality assurance plans shall set out the functionality requirements for each phase of a project.

(6) A copy of each feasibility study, project management plan, and quality assurance plan shall be provided to the department of information services, the office of financial management, and legislative fiscal committees. The plans and studies shall demonstrate a sound business case that justifies the investment of taxpayer funds on any new project, an assessment of the impact of the proposed system on the existing information technology infrastructure, the disciplined use of preventative measures to mitigate risk, and the leveraging of private-sector expertise as needed. Authority to expend any funds for individual information systems projects is conditioned on the

approval of the relevant feasibility study, project management plan, and quality assurance plan by the department of information services and the office of financial management.

(7) Quality assurance status reports shall be submitted to the department of information services, the office of financial management, and legislative fiscal committees at intervals specified in the project's quality assurance plan.

**NEW SECTION. Sec. 525.** The following acts or parts of acts are each repealed:

- (1) 1997 c 457 s 502;
- (2) 1997 c 457 s 514; and
- (3) 1997 c 457 s 515.

## **PART VI PROVISIONS NECESSARY TO IMPLEMENT APPROPRIATIONS**

**NEW SECTION. Sec. 601.** As a management tool to reduce costs and make more effective use of resources, while improving employee productivity and morale, agencies may offer voluntary separation and/or downshifting incentives and options according to procedures and guidelines established by the department of personnel and the department of retirement systems, in consultation with the office of financial management. The options may include, but are not limited to, financial incentives for: Voluntary resignation and retirement, voluntary leave-without-pay, voluntary workweek or work hour reduction, voluntary downward movement, and temporary separation for development purposes.

Agency plans and offers shall be reviewed and monitored jointly by the department of personnel, office of financial management, and the department of retirement systems. The senate transportation committee and the house of representatives transportation committee shall also review and monitor the plans of agencies that receive funds appropriated under this act.

**NEW SECTION. Sec. 602.** It is the intent of the legislature that agencies may implement a voluntary retirement incentive program that is cost neutral or results in cost savings provided that such program is approved by the director of financial management. Agencies participating in this authorization are required to submit a report by June 30, 2001, to the legislature and the office of financial management on the outcome of their approved retirement incentive program. The report should include information on the details of the program including resulting service delivery changes, agency efficiencies, the cost of the retirement incentive per participant, the total cost to the state and the projected or actual net dollar and staff savings over the 1999-2001 biennium.

**NEW SECTION. Sec. 603. PERFORMANCE BASED BUDGETING.** (1) The department of licensing, the department of transportation, the Washington state patrol, and the Washington traffic safety commission, in cooperation with the office of financial management, the senate transportation committee, and the house of representatives transportation committee will continue the implementation of performance based budgeting. The performance based budgeting process will provide a measurable link between agency objectives, service levels, and budget. The agencies shall:

- (a) Continue to develop, enhance, validate, and test indicators of performance, stated in achieving the agencies' goals; and
- (b) Refine performance based budgeting and investment levels in the following programs:
  - (i) Department of transportation: Maintenance program M, preservation program P, traffic operations program Q, and marine program X;
  - (ii) Department of licensing: Driver's services and vehicle services;
  - (iii) Washington state patrol: Field operations bureau; and
  - (iv) Washington traffic safety commission; and
- (c) Submit and implement a plan to provide program managers with the training and technical assistance necessary to extend the practices of performance measurement and performance based budgeting throughout agency programs.

(2) The transportation agencies shall submit a strategic plan and activity summary with their agency request budgets and tie the plan's strategies together with the 2001-2003 budget requests. The strategic plan must include a six-year outlook and define and clarify the agency mission and vision, provide the basis for budget development, and outline and prioritize the agency's goals and strategies. The agencies will continue to improve agency infrastructures to capture and report performance data for use by agency management, the office of financial management, the senate transportation committee, and the house of representatives transportation committee in the decision making process.

(3)(a) The agencies shall input monthly their financial information and quarterly program performance measurements into the transportation executive information system and will utilize the transportation executive information system investment system in the development of their agency policy request budgets.

(b) The department of licensing and the Washington state patrol shall submit budgets to the legislature at the subprogram level.

**NEW SECTION. Sec. 604. PROGRAM ACCOUNTABILITY REVIEWS.** The senate transportation committee, the house of representatives transportation committee, the office of financial management, and the transportation agencies shall establish the means of conducting program accountability reviews of all transportation programs. The reviews shall include:

(1) Review and analysis of existing programs to determine any program changes required to meet established criteria along with the list of programs to be reviewed as determined by the program accountability review steering committee made up of the senate transportation committee, the house of representatives transportation committee, the office of financial management, and agency personnel. Each review will have a plan with timelines, deliverables, and milestones to ensure it is completed on time with anticipated deliverables. Each review will have a review accountability report presented to the senate transportation committee and the house of representatives transportation committee with recommendations and implementation schedule agreed to by the reviewers and the agency program being reviewed.

(2) A concentration on:

- (a) Appropriateness of service objectives used to determine service levels;
- (b) Effectiveness of current management systems;
- (c) Development or improvement of existing outcome, output, efficiency, and effectiveness performance measures;
- (d) The effectiveness of communication and decision making within the program;
- (e) Staffing levels and organizational structure, including changes to roles and responsibilities;
- (f) The existence and effectiveness of oversight and control measures within the program;
- (g) The process of distributing funds and staff among activities;
- (h) Methods for making trade off decisions within and between programs and activities;
- (i) Development of tools that assist policymakers and managers in using performance measures and investment tradeoff methods;
- (j) Development of long-term investment strategies; and
- (k) Other program items that would be beneficial to include in the program accountability review.

(3) The recommendations will be considered in future biennium transportation budgets in determining whether to enhance, streamline, retain, reduce, or eliminate programs based on value and benefits provided to the state.

**NEW SECTION. Sec. 605.** (1) Forty percent of the funds available for surface transportation flexible funds available under Sections 105(c)(2) and 133(d)(3)(A)(ii) of Title 23, United States Code are made available for the Washington state department of transportation.

(2) Twenty-two percent of the funds available for surface transportation flexible funds available under Sections 105(c)(2) and 133(d)(3)(A)(ii) of Title 23, United States Code are made available for rural economic development projects in rural counties with population densities of less than one hundred persons per square mile pro rata based on population and community empowerment zones as defined in RCW 43.63A.700. These funds shall be used for the transportation component of identified,

emerging, nonspeculative economic development projects that create new employment or revitalize existing business. As required under federal law, these funds shall be administered by the Washington state department of transportation. The community economic revitalization board within the department of community, trade, and economic development shall work with local project proponents and the Washington state department of transportation to identify economic development projects with essential transportation components. The board shall make recommendations regarding funding for a project's transportation component to the Washington state transportation commission. Beginning in the fiscal year 2000, any economic development funds that are not obligated from the prior federal fiscal year by June first of each year shall be available for economic development projects state-wide in accordance with the same administration and selection process established in this subsection for rural economic development projects.

(3) Thirty-eight percent of the funds available for surface transportation flexible funds available under Sections 105(c)(2) and 133(d)(3)(A)(ii) of Title 23, United States Code are made available for the state-wide competitive program for regionally significant projects. The transportation improvement board shall be responsible for selecting projects under this program. For federal fiscal years 2000 and 2001, to be eligible, projects shall: (a) Meet the criteria established by the transportation improvement board for selecting regionally significant projects; (b) be included in a metropolitan planning organization's transportation improvement plan; (c) meet the goal of targeting funds for coordinated projects within corridors that are regionally significant; and (d) support the functioning of corridors for their full length rather than in individual spot improvements.

**NEW SECTION. Sec. 606.** (1) Notwithstanding RCW 79.91.100, between July 1, 1999, and June 30, 2001, the department of natural resources shall grant easements to cities, towns, and counties for roadway purposes, including the right to make necessary fills, on, over, or across the beds of navigable waters if those easements are necessary to facilitate the construction of projects funded in this act.

(a) For purposes of this section, a project is funded in this act if it is specifically identified for full or partial funding in this act or is referenced for funding in whole or in part in the budget notes or projects lists produced as supporting documentation for this act

(b) The department of natural resources shall not charge the city, town, or county for the easement except as necessary to recover reasonable administrative costs.

(2) If a city, town, or county requests an easement under this section, the department of natural resources shall execute and deliver an instrument granting the easement to the requesting city, town, or county.

**Sec. 607.** RCW 43.19.1906 and 1995 c 269 s 1404 are each amended to read as follows:

Insofar as practicable, all purchases and sales shall be based on competitive bids, and a formal sealed bid procedure shall be used as standard procedure for all purchases and contracts for purchases and sales executed by the state purchasing and material control director and under the powers granted by RCW 43.19.190 through 43.19.1939. This requirement also applies to purchases and contracts for purchases and sales executed by agencies, including educational institutions, under delegated authority granted in accordance with provisions of RCW 43.19.190 or under RCW 28B.10.029. However, formal sealed bidding is not necessary for:

(1) Emergency purchases made pursuant to RCW 43.19.200 if the sealed bidding procedure would prevent or hinder the emergency from being met appropriately;

(2) Purchases not exceeding thirty-five thousand dollars, or subsequent limits as calculated by the office of financial management: PROVIDED, That the state director of general administration shall establish procedures to assure that purchases made by or on behalf of the various state agencies shall not be made so as to avoid the thirty-five thousand dollar bid limitation, or subsequent bid limitations as calculated by the office of financial management: PROVIDED FURTHER, That the state purchasing and material control director is authorized to reduce the formal sealed bid limits of thirty-five thousand dollars, or subsequent limits as calculated by the office of financial management, to a lower dollar amount for purchases by individual state agencies if considered necessary to maintain full disclosure of competitive procurement or otherwise to achieve overall state efficiency and economy in

purchasing and material control. Quotations from four hundred dollars to thirty-five thousand dollars, or subsequent limits as calculated by the office of financial management, shall be secured from at least three vendors to assure establishment of a competitive price and may be obtained by telephone or written quotations, or both. The agency shall invite at least one quotation each from a certified minority and a certified women-owned vendor who shall otherwise qualify to perform such work. Immediately after the award is made, the bid quotations obtained shall be recorded and open to public inspection and shall be available by telephone inquiry. A record of competition for all such purchases from four hundred dollars to thirty-five thousand dollars, or subsequent limits as calculated by the office of financial management, shall be documented for audit purposes. Purchases up to four hundred dollars may be made without competitive bids based on buyer experience and knowledge of the market in achieving maximum quality at minimum cost: PROVIDED, That this four hundred dollar direct buy limit without competitive bids may be increased incrementally as required to a maximum of eight hundred dollars, if warranted by increases in purchasing costs due to inflationary trends;

(3) Purchases which are clearly and legitimately limited to a single source of supply and purchases involving special facilities, services, or market conditions, in which instances the purchase price may be best established by direct negotiation;

(4) Purchases of insurance and bonds by the risk management office under RCW 43.19.1935;

(5) Purchases and contracts for vocational rehabilitation clients of the department of social and health services: PROVIDED, That this exemption is effective only when the state purchasing and material control director, after consultation with the director of the division of vocational rehabilitation and appropriate department of social and health services procurement personnel, declares that such purchases may be best executed through direct negotiation with one or more suppliers in order to expeditiously meet the special needs of the state's vocational rehabilitation clients;

(6) Purchases by universities for hospital operation or biomedical teaching or research purposes and by the state purchasing and material control director, as the agent for state hospitals as defined in RCW 72.23.010, and for health care programs provided in state correctional institutions as defined in RCW 72.65.010(3) and veterans' institutions as defined in RCW 72.36.010 and 72.36.070, made by participating in contracts for materials, supplies, and equipment entered into by nonprofit cooperative hospital group purchasing organizations;

(7) Purchases by institutions of higher education not exceeding thirty-five thousand dollars: PROVIDED, That for purchases between two thousand five hundred dollars and thirty-five thousand dollars quotations shall be secured from at least three vendors to assure establishment of a competitive price and may be obtained by telephone or written quotations, or both. For purchases between two thousand five hundred dollars and thirty-five thousand dollars, each institution of higher education shall invite at least one quotation each from a certified minority and a certified women-owned vendor who shall otherwise qualify to perform such work. A record of competition for all such purchases made from two thousand five hundred to thirty-five thousand dollars shall be documented for audit purposes; and

(8) Negotiation of a contract by the department of transportation, valid until June 30, 2001, with registered tow truck operators to provide roving service patrols in one or more Washington state patrol tow zones whereby those registered tow truck operators wishing to participate would cooperatively, with the department of transportation, develop a demonstration project upon terms and conditions negotiated by the parties.

Beginning on July 1, 1995, and on July 1 of each succeeding odd-numbered year, the dollar limits specified in this section shall be adjusted as follows: The office of financial management shall calculate such limits by adjusting the previous biennium's limits by the appropriate federal inflationary index reflecting the rate of inflation for the previous biennium. Such amounts shall be rounded to the nearest one hundred dollars.

**Sec. 608.** RCW 88.16.090 and 1995 c 175 s 1 are each amended to read as follows:

(1) A person may pilot any vessel subject to the provisions of this chapter on waters covered by this chapter only if appointed and licensed to pilot such vessels on said waters under and pursuant to the provisions of this chapter.

(2) A person is eligible to be appointed a pilot if the person is a citizen of the United States, over the age of twenty-five years and under the age of seventy years, a resident of the state of Washington at the time of appointment and only if the pilot applicant holds as a minimum, a United States government license as a master of ocean or near coastal steam or motor vessels of not more than one thousand six hundred gross tons or as a master of inland steam or motor vessels of not more than one thousand six hundred gross tons, such license to have been held by the applicant for a period of at least two years prior to taking the Washington state pilotage examination and a first class United States endorsement without restrictions on that license to pilot in the pilotage districts for which the pilot applicant desires to be licensed, and if the pilot applicant meets such other qualifications as may be required by the board. A person applying for a license under this section shall not have been convicted of an offense involving drugs or the personal consumption of alcohol in the twelve months prior to the date of application. This restriction does not apply to license renewals under this section.

(3) Pilots shall be licensed hereunder for a term of five years from and after the date of the issuance of their respective state licenses. Such licenses shall thereafter be renewed as of course, unless the board shall withhold same for good cause. Each pilot shall pay to the state treasurer an annual license fee as follows: For the period beginning July 1, 1995, through June 30, ~~((1999))~~ 2001, the fee shall be two thousand five hundred dollars; and for the period beginning July 1, ~~((1999))~~ 2001, the fee shall be three thousand dollars. The fees shall be deposited in the state treasury to the credit of the pilotage account. The board may assess partially active or inactive pilots a reduced fee.

(4) Pilot applicants shall be required to pass a written and oral examination administered and graded by the board which shall test such applicants on this chapter, the rules of the board, local harbor ordinances, and such other matters as may be required to compliment the United States examinations and qualifications. The board shall hold examinations at such times as will, in the judgment of the board, ensure the maintenance of an efficient and competent pilotage service. An examination shall be scheduled for the Puget Sound pilotage district if there are three or fewer successful candidates from the previous examination who are waiting to become pilots in that district.

(5) The board shall develop an examination and grading sheet for each pilotage district, for the testing and grading of pilot applicants. The examinations shall be administered to pilot applicants and shall be updated as required to reflect changes in law, rules, policies, or procedures. The board may appoint a special independent examination committee or may contract with a firm knowledgeable and experienced in the development of professional tests for development of said examinations. Active licensed state pilots may be consulted for the general development of examinations but shall have no knowledge of the specific questions. The pilot members of the board may participate in the grading of examinations. If the board does appoint a special examination development committee it is authorized to pay the members of said committee the same compensation and travel expenses as received by members of the board. When grading examinations the board shall carefully follow the grading sheet prepared for that examination. The board shall develop a "sample examination" which would tend to indicate to an applicant the general types of questions on pilot examinations, but such sample questions shall not appear on any actual examinations. Any person who willfully gives advance knowledge of information contained on a pilot examination is guilty of a gross misdemeanor.

(6) All pilots and applicants are subject to an annual physical examination by a physician chosen by the board. The physician shall examine the applicant's heart, blood pressure, circulatory system, lungs and respiratory system, eyesight, hearing, and such other items as may be prescribed by the board. After consultation with a physician and the United States coast guard, the board shall establish minimum health standards to ensure that pilots licensed by the state are able to perform their duties. Within ninety days of the date of each annual physical examination, and after review of the physician's report, the board shall make a determination of whether the pilot or candidate is fully able to carry out the duties of a pilot under this chapter. The board may in its discretion check with the appropriate authority for any convictions of offenses involving drugs or the personal consumption of alcohol in the prior twelve months.

(7) The board shall prescribe, pursuant to chapter 34.05 RCW, a number of familiarization trips, between a minimum number of twenty-five and a maximum of one hundred, which pilot applicants must make in the pilotage district for which they desire to be licensed. Familiarization trips any particular applicant must make are to be based upon the applicant's vessel handling experience.



(8) The board may require vessel simulator training for a pilot applicant and shall require vessel simulator training for a pilot subject to RCW 88.16.105. The board shall also require vessel simulator training in the first year of active duty for a new pilot and at least once every five years for all active pilots.

(9) The board shall prescribe, pursuant to chapter 34.05 RCW, such reporting requirements and review procedures as may be necessary to assure the accuracy and validity of license and service claims, and records of familiarization trips of pilot candidates. Willful misrepresentation of such required information by a pilot candidate shall result in disqualification of the candidate.

(10) The board shall adopt rules to establish time periods and procedures for additional training trips and retesting as necessary for pilots who at the time of their licensing are unable to become active pilots.

**NEW SECTION. Sec. 609.** The following bills, as enacted in the form passed by the legislature, are necessary to implement portions of this act: House Bill Nos. 1053, 1147, 1304, 1466, 1588, 2201, 2245, and 2259 and Senate Bill Nos. 5060, 5283, 5360, 5605, 5615, 5955, 6030, and 6068.

**Sec. 610.** RCW 47.26.425 and 1999 c 94 s 21 and 1999 c . . . (SHB 1053) s 6 are each reenacted to read as follows:

Any funds required to repay the first authorization of two hundred million dollars of bonds authorized by RCW 47.26.420, as amended by section 18, chapter 317, Laws of 1977 ex. sess. or the interest thereon when due, shall be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle and special fuels and which is distributed to the urban arterial trust account in the motor vehicle fund pursuant to RCW 46.68.090(1)(g), and shall never constitute a charge against any allocations of any other such funds in the motor vehicle fund to the state, counties, cities, and towns unless and until the amount of the motor vehicle fund arising from the excise tax on motor vehicle and special fuels and distributed to the urban arterial trust account proves insufficient to meet the requirements for bond retirement or interest on any such bonds.

**Sec. 611.** RCW 47.26.4252 and 1999 c 94 s 22 and 1999 c . . . (SHB 1053) s 7 are each reenacted to read as follows:

Any funds required to repay the authorization of series II bonds authorized by RCW 47.26.420, as reenacted by section 3, chapter 5, Laws of 1979, or the interest thereon when due, shall first be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle and special fuels imposed by chapters 82.36 and 82.38 RCW and which is distributed to the urban arterial trust account in the motor vehicle fund pursuant to RCW 46.68.090(1)(g), subject, however, to the prior lien of the first authorization of bonds authorized by RCW 47.26.420, as reenacted by section 3, chapter 5, Laws of 1979. If the moneys distributed to the urban arterial trust account shall ever be insufficient to repay the first authorization bonds together with interest thereon, and the series II bonds or the interest thereon when due, the amount required to make such payments on such bonds or interest thereon shall next be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle and special fuels and which is distributed to the state, counties, cities, and towns pursuant to RCW 46.68.090. Any payments on such bonds or interest thereon taken from motor vehicle or special fuel tax revenues which are distributable to the state, counties, cities, and towns, shall be repaid from the first moneys distributed to the urban arterial trust account not required for redemption of the first authorization bonds or series II and series III bonds or interest on those bond issues.

**Sec. 612.** RCW 47.26.4254 and 1999 c 94 s 23 and 1999 c . . . (SHB 1053) s 8 are each reenacted and amended to read as follows:

(1) Any funds required to repay series III bonds authorized by RCW 47.26.420, or the interest thereon, when due shall first be taken from that portion of the motor vehicle fund that results from the imposition of excise taxes on motor vehicle and special fuels imposed by chapters 82.36 and 82.38 RCW and that is distributed to the urban arterial trust account in the motor vehicle fund pursuant to

RCW 46.68.090(1)((j)) (g), subject, however, to the prior lien of the first authorization of bonds authorized by RCW 47.26.420. If the moneys so distributed to the urban arterial trust account, after first being applied to administrative expenses of the transportation improvement board and to the requirements of bond retirement and payment of interest on first authorization bonds and series II bonds as provided in RCW 47.26.425 and 47.26.4252, are insufficient to meet the requirements for bond retirement or interest on any series III bonds, the amount required to make such payments on series III bonds or interest thereon shall next be taken from that portion of the motor vehicle fund that results from the imposition of excise taxes on motor vehicle and special fuels and that is distributed to the state, counties, cities, and towns pursuant to RCW 46.68.090, subject, however, to subsection (2) of this section.

(2) To the extent that moneys so distributed to the urban arterial trust account are insufficient to meet the requirements for bond retirement or interest on any series III bonds, sixty percent of the amount required to make such payments when due shall first be taken from that portion of the motor vehicle fund that results from the imposition of excise taxes on motor vehicle and special fuels and that is distributed to the state. The remaining forty percent shall first be taken from that portion of the motor vehicle fund that results from the imposition of excise taxes on motor vehicle and special fuels and that is distributed to the cities and towns pursuant to RCW 46.68.090(1)(i) and to the counties pursuant to RCW 46.68.090(1)(j). Of the counties', cities', and towns' share of any additional amounts required in each fiscal year, the percentage thereof to be taken from the counties' distributive share and from the cities' and towns' distributive share shall correspond to the percentage of funds authorized for specific county projects and for specific city and town projects, respectively, from the proceeds of series III bonds, for the period through the first eleven months of the prior fiscal year as determined by the chairman of the transportation improvement board and reported to the state finance committee and the state treasurer not later than the first working day of June.

(3) Any payments on such bonds or interest thereon taken from motor vehicle or special fuel tax revenues that are distributable to the state, counties, cities, and towns shall be repaid from the first moneys distributed to the urban arterial trust account not required for redemption of the first authorization bonds, series II bonds, or series III bonds or interest on these bonds.

**Sec. 613.** RCW 47.26.505 and 1999 c 94 s 24 and 1999 c . . . (SHB 1053) s 9 are each reenacted and amended to read as follows:

Any funds required to repay such bonds, or the interest thereon when due, shall be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle and special fuels and which is distributed to the transportation improvement account in the motor vehicle fund under RCW 46.68.090(1)(h), and shall never constitute a charge against any allocations of any other such funds in the motor vehicle fund to the state, counties, cities, and towns unless and until the amount of the motor vehicle fund arising from the excise tax on motor vehicle and special fuels and distributed to the transportation improvement account proves insufficient to meet the requirements for bond retirement or interest on any such bonds.

**Sec. 614.** RCW 43.43.300 and 1965 c 8 s 43.43.300 are each amended to read as follows:

Beginning on July 1, 1963, every Washington state patrol employee who is a member of the retirement fund shall contribute seven percent of his or her monthly salary(~~(, which)~~). For the biennium beginning July 1, 1999, and ending June 30, 2001, the employee contribution rate for every member of a retirement system created under this chapter and: (1) Covering employees whose activities constitute a highway purpose under the eighteenth amendment (Article II, section 40) of the state Constitution; where (2) the majority of both the employer and employee contributions are funded from moneys appropriated from the state patrol highway account of the motor vehicle fund; shall be set so that the contribution rates required to fund the costs of the retirement system shall be equal for members and employers; except that in no event shall the member contribution rate exceed seven percent. If the pension funding council determines that contribution rates must exceed seven percent in order to fund the costs of the retirement system, any cost over seven percent shall be borne by the employer. The member contribution rate determined under this section shall be deducted from the compensation of each member on each and every payroll.

In the event a member severs his or her connection with the Washington state patrol or is dismissed, the amount paid by the state of Washington shall remain in the retirement fund.

NEW SECTION. Sec. 615. The joint committee on pension policy shall study the method for setting employer and employee contribution rates for the Washington state patrol retirement system. The study shall include options for implementing a method or methods that allow both the employer and members to share the benefits from investment gains that exceed the long-term investment return assumptions adopted by the pension funding council.

NEW SECTION. Sec. 616. The following acts or parts of acts are each repealed:

(1) RCW 46.68.095 (Distribution of additional state-wide taxes) and 1999 c 94 s 7, 1994 c 179 s 4, & 1990 c 42 s 103; and

(2) RCW 46.68.100 (Allocation of net tax amount in motor vehicle fund) and 1999 c 94 s 8, 1994 c 179 s 5, 1991 c 310 s 2, 1986 c 66 s 1, 1984 c 7 s 73, 1977 ex.s. c 317 s 9, 1977 c 51 s 1, 1975-'76 2nd ex.s. c 57 s 1, 1973 1st ex.s. c 124 s 1, 1972 ex.s. c 24 s 2, 1970 ex.s. c 85 s 4, 1967 ex.s. c 145 s 79, 1967 ex.s. c 83 s 8, 1961 ex.s. c 7 s 6, & 1961 c 12 s 46.68.100.

NEW SECTION. Sec. 617. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 618. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

On page 1, line 1 of the title, after "appropriations;" strike the remainder of the title and insert "amending RCW 43.19.1906, 88.16.090, and 43.43.300; amending 1997 c 457 ss 110, 204, 215, 223, 303, and 403 (uncodified); amending 1998 c 348 ss 203, 205, 207, 208, 209, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 402, and 404 (uncodified); reenacting and amending RCW 47.26.4254 and 47.26.505; reenacting RCW 47.26.425 and 47.26.4252; adding a new section to 1997 c 457 (uncodified); creating new sections; repealing RCW 46.68.095 and 46.68.100; repealing 1997 c 457 s 502 (uncodified); repealing 1997 c 457 s 514 (uncodified); repealing 1997 c 457 s 515 (uncodified); making appropriations; and declaring an emergency."

Representative Fisher moved the adoption of amendment (389) to striking amendment (395):

On page 5, beginning on line 10 of the amendment after "to the" strike everything through "committee" on line 11 and insert: "transportation committees of the legislature"

On page 9, beginning on line 10 of the amendment after "by the" strike everything through "committee" on line 11 and insert: "transportation committees of the legislature"

On page 9, beginning on line 17 of the amendment after "with the" strike everything through "committee" on line 18 and insert: "transportation committees of the legislature"

On page 11, beginning on line 15 of the amendment after "to the" strike everything through "committee" on line 16 and insert: "transportation committees of the legislature"

On page 14, beginning on line 8 of the amendment after "to the" strike everything through "committee" on line 9 and insert: "transportation committees of the legislature"

On page 16, beginning on line 18 of the amendment after "to the" strike everything through "committee" on line 19 and insert: "transportation committees of the legislature"

On page 20, beginning on line 26 of the amendment after "management, the" strike everything through "committee" on line 28 and insert: "transportation committees of the legislature"

On page 21, beginning on line 14 of the amendment after "management, the" strike everything through "committee" on line 16 and insert: "transportation committees of the legislature"

On page 24, beginning on line 8 of the amendment after "to the" strike everything through "committee" on line 10 and insert: "transportation committees of the legislature"

On page 29, beginning on line 6 of the amendment after "to the" strike everything through "committee" on line 7 and insert: "transportation committees of the legislature"

On page 29, beginning on line 29 of the amendment after "by the" strike everything through "committee" on line 30 and insert: "transportation committees of the legislature"

On page 31, beginning on line 19 of the amendment after "to the" strike everything through "committee" on line 20 and insert: "transportation committees of the legislature"

On page 32, beginning on line 30 of the amendment after "administration, the" strike everything through "committee" on line 31 and insert: "transportation committees of the legislature"

On page 71, beginning on line 16 of the amendment after "systems. The" strike everything through "committee" on line 17 and insert: "transportation committees of the legislature"

On page 72, beginning on line 1 of the amendment after "management, the" strike everything through "committee" on line 3 and insert: "transportation committees of the legislature"

On page 72, beginning on line 30 of the amendment after "management, the" strike everything through "committee" on line 31 and insert: "transportation committees of the legislature"

On page 73, beginning on line 2 of the amendment before "transportation" strike everything through "committee" on line 3 and insert: "transportation committees of the legislature"

On page 73, beginning on line 10 of the amendment after "of the" strike everything through "committee" on line 12 and insert: "transportation committees of the legislature"

On page 73, beginning on line 16 of the amendment after "to the" strike everything through "committee" on line 17 and insert: "transportation committees of the legislature"

Representative(s) Fisher and K. Schmidt spoke in favor of the adoption of the amendment.

The amendment to the striking amendment was adopted.

There being no objection, amendment 390 was withdrawn.

Representative K. Schmidt moved the adoption of amendment (397) to striking amendment (395):

On page 7, beginning on line 11 of the amendment strike all of section 205 and section 206 and insert the following:

**"NEW SECTION. Sec. 205. FOR THE LEGISLATIVE TRANSPORTATION COMMITTEE**

Motor Vehicle Account--State Appropriation . . . . . \$ 7,394,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) \$2,306,000 Of the motor vehicle account--state appropriation is provided for the operation of the Senate transportation committee. The appropriation includes \$500,000 for personal service contracts and other activities as deemed necessary by the Senate transportation committee.

(2) \$2,267,000 Of the motor vehicle account--state appropriation is provided for the operation of the House of Representatives transportation committee. The appropriation includes \$500,000 for personal service contracts and other activities as deemed necessary by the House of Representatives transportation committee.

(3) The senate transportation committee shall work during the 1999 interim with members of the senate ways and means committee to assess funding options for aviation.

(4) The transportation committees of the legislature shall evaluate the transportation functions currently performed by the utilities and transportation commission including but not limited to those regarding the issuance of certificates of public convenience and necessity for auto transportation companies.

(5) A legislative task force consisting of one member from each caucus of the senate and one member from each caucus of the house of representatives shall conduct a road jurisdiction study. The legislative task force shall appoint a technical advisory panel consisting of representatives of cities, counties, and the department of transportation. The study shall include but not be limited to an examination of the following issues:

(a) Whether changed conditions merit redesignation of certain local roadways as state routes and the return of certain state routes to local jurisdictions;

(b) Alternatives to current revenue distribution methodologies for funding roadway and highway needs;

(c) Determine roadway responsibilities, authorities, and practices by jurisdictional level; and

(d) Evaluate governance issues associated with road jurisdiction.

(6) The transportation committees of the legislature shall oversee program accountability reviews of department of transportation, department of licensing, and Washington state patrol programs selected by the senate transportation committee."

Renumber remaining sections and correct internal references accordingly.

On page 84, after line 19, insert the following:

**"NEW SECTION. Sec. 615.** The legislature finds and declares that it is essential for the economic, social, and environmental well-being of the state and the maintenance of a high quality of life that the people of the state have an efficient and effective transportation system. The legislature, public officials, and citizens need to know the extent to which state agencies, programs, and activities that impact the state's transportation system are achieving the purposes for which they were created.

The legislature recognizes that if it is to adequately fulfill its responsibility to provide for a balanced, efficient state-wide transportation system, it is essential to establish a joint legislative transportation committee that will provide an opportunity for members of the house of representatives and the senate to examine, develop, and oversee critical transportation policy and fiscal issues and make recommendations on such issues to the house of representatives and senate standing committees on transportation.

In order to accomplish the mission and goals of the joint legislative transportation committee and to effectively serve the house of representatives and senate standing committees on transportation, the legislature acknowledges the need to provide for a level of staffing that will adequately address the exclusive needs of the house of representatives and senate standing committees and the administration and staffing of the joint legislative transportation committee.

**Sec. 616.** RCW 44.40.010 and 1980 c 87 s 39 are each amended to read as follows:

The joint fact-finding committee on highways, streets, and bridges originally created by chapter 111, Laws of 1947, recreated and renamed the joint committee on highways by chapter 3, Laws of 1963 extraordinary session, is hereby recreated and renamed the legislative transportation committee. The renaming of said committee shall not affect any powers invested in it or its duties imposed upon it by any other statute. All appropriations made to the committee under its former name shall continue to be available to said committee as renamed, the legislative transportation committee. The committee shall consist of ~~((eleven))~~ twelve senators to be appointed by the president of the senate and twelve members of the house of representatives to be appointed by the speaker thereof. Not more than six members from each house may be from the same political party. A list of appointees shall be submitted before the close of each regular legislative session during an odd-numbered year or any successive special session convened by the governor or the legislature prior to the close of such regular session or successive special session(s) for confirmation of senate members, by the senate, and house members, by the house. Vacancies occurring shall be filled by the appointing authority. All vacancies must be filled from the same political party and from the same house as the member whose seat was vacated.

The chair shall be elected biennially by the membership of the committee. The vice-chair must be from the opposite house.

On the effective date of this act, the president of the senate shall appoint an additional senate member as provided by the 1999 amendment of this section. With the appointment of the additional member, the terms of officers elected before the effective date of this act are terminated, and the committee shall hold an election of officers.

The committee shall adopt rules and procedures for its orderly operation.

**NEW SECTION. Sec. 617.** A new section is added to chapter 44.40 RCW to read as follows:

The members of the legislative transportation committee shall form an executive committee consisting of two members from each of the four major political caucuses, which will include the chair and vice-chair of the legislative transportation committee. There will be four alternates to the executive committee, one from each of the four major political caucuses. Each alternate may represent a member from the same political caucus from which they were chosen when that member is absent, and have voting privileges during that absence.

The executive committee is responsible for performing all general administrative and personnel duties assigned to it in the rules and procedures adopted by the committee, as well as other duties delegated to it by the committee. Except when those responsibilities are assumed by the legislative transportation committee, the executive committee is responsible for adopting interim work plans and meeting schedules, approving all contracts signed on behalf of the committee, approving policies for travel of members and staff, and setting policies for staff utilization."

Re-number remaining sections and correct internal references accordingly.

On page 5, beginning on line 10 of the amendment after "to the" strike everything through "committee" on line 11 and insert: "transportation committees of the legislature"

On page 9, beginning on line 10 of the amendment after "by the" strike everything through "committee" on line 11 and insert: "transportation committees of the legislature"

On page 9, beginning on line 17 of the amendment after "with the" strike everything through "committee" on line 18 and insert: "transportation committees of the legislature"

On page 11, beginning on line 15 of the amendment after "to the" strike everything through "committee" on line 16 and insert: "transportation committees of the legislature"

On page 14, beginning on line 8 of the amendment after "to the" strike everything through "committee" on line 9 and insert: "transportation committees of the legislature"

On page 16, beginning on line 18 of the amendment after "to the" strike everything through "committee" on line 19 and insert: "transportation committees of the legislature"

On page 20, beginning on line 26 of the amendment after "management, the" strike everything through "committee" on line 28 and insert: "transportation committees of the legislature"

On page 21, beginning on line 14 of the amendment after "management, the" strike everything through "committee" on line 16 and insert: "transportation committees of the legislature"

On page 24, beginning on line 8 of the amendment after "to the" strike everything through "committee" on line 10 and insert: "transportation committees of the legislature"

On page 29, beginning on line 6 of the amendment after "to the" strike everything through "committee" on line 7 and insert: "transportation committees of the legislature"

On page 29, beginning on line 29 of the amendment after "by the" strike everything through "committee" on line 30 and insert: "transportation committees of the legislature"

On page 31, beginning on line 19 of the amendment after "to the" strike everything through "committee" on line 20 and insert: "transportation committees of the legislature"

On page 32, beginning on line 30 of the amendment after "administration, the" strike everything through "committee" on line 31 and insert: "transportation committees of the legislature"

On page 71, beginning on line 16 of the amendment after "systems. The" strike everything through "committee" on line 17 and insert: "transportation committees of the legislature"

On page 72, beginning on line 1 of the amendment after "management, the" strike everything through "committee" on line 3 and insert: "transportation committees of the legislature"

On page 72, beginning on line 30 of the amendment after "management, the" strike everything through "committee" on line 31 and insert: "transportation committees of the legislature"

On page 73, beginning on line 2 of the amendment before "transportation" strike everything through "committee" on line 3 and insert: "transportation committees of the legislature"

On page 73, beginning on line 10 of the amendment after "of the" strike everything through "committee" on line 12 and insert: "transportation committees of the legislature"

On page 73, beginning on line 16 of the amendment after "to the" strike everything through "committee" on line 17 and insert: "transportation committees of the legislature"

Representative(s) K. Schmidt and Fisher spoke in favor of the adoption of the amendment.

The amendment to the striking amendment was adopted.

Representative K. Schmidt moved the adoption of amendment (391) to striking amendment (395):

On page 27, beginning on line 10 of the amendment, after "state." strike everything through "state." on line 16

Representative(s) K. Schmidt and Cooper spoke in favor of the adoption of the amendment.

The amendment to the striking amendment was adopted.

Representative K. Schmidt moved the adoption of amendment (392) to striking amendment (395):

On page 74, line 9 of the amendment, strike "(2)"

On page 74, line 32 of the amendment, strike "(3)" and insert "(2)"

Representative K. Schmidt spoke in favor of the adoption of the amendment.

The amendment to the striking amendment was adopted.

Representative Fisher moved the adoption of amendment (393) to striking amendment (395):

On page 75, beginning on line 7 of the amendment, strike all of section 606

Renumber the remaining sections and correct internal references and the title accordingly.

Representative Fisher spoke in favor of the adoption of the amendment.

The amendment to the striking amendment was adopted.

There being no objection, amendments 396 and 394 were withdrawn.

Representative Campbell moved the adoption of amendment (399) to striking amendment (395):

On page 84, after line 19, insert the following:

**"NEW SECTION. Sec. 616.** (1) The definitions in this section apply throughout this section unless the context clearly requires otherwise.

(a) "Apprentice" means an apprentice enrolled in a state-approved apprenticeship training program.

(b) "Apprentice utilization requirement" means the requirement that no less than ten percent of the labor hours be performed by apprentices, if available.

(c) "Labor hours" means the total hours of workers receiving an hourly wage who are directly employed on the site of the public works project. "Labor hours" shall include hours performed by workers employed by the contractor and all subcontractors working on the project. "Labor hours" shall exclude hours worked by foremen, superintendents, owners, and workers who are not subject to prevailing wage requirements.

(d) "State-approved apprenticeship training program" means an apprenticeship training program approved by the Washington state apprenticeship and training council.

(2) All state highway construction, alteration, repair or improvement contracts estimated to cost one million dollars or more funded fully or partially from moneys appropriated in this act shall require that no less than ten percent of the labor hours be performed by apprentices, if available.

(3) The failure by a contractor to comply with the apprentice utilization requirements shall be deemed a breach of contract for which the state or the municipality shall be entitled to all remedies allowed by law and under the contract. Failure to comply with the apprentice utilization requirement may be considered evidence bearing on a contractor's qualification for award of future contracts."

Renumber remaining sections and correct internal references accordingly.

Representative(s) Campbell, Conway, Eickmeyer, Campbell (again) and Cooper spoke in favor of the adoption of the amendment.



Representative(s) Fisher, K. Schmidt, Clements, McMorris and Fortunato spoke against the adoption of the amendment.

Representative Kastama demanded an electronic roll call vote and the demand was sustained.

#### MOTION

On motion of Representative Wolfe, Representative Scott was excused. On motion of Representative Schoesler, Representative Schindler was excused.

Speaker Chopp stated the question before the House to be adoption of amendment 399 to the striking amendment (395) to Substitute House Bill No. 1125.

#### ROLL CALL

The Clerk called the roll on the adoption of amendment 399 to the striking amendment (395) to Substitute House Bill No. 1125, and the amendment was not adopted by the following vote: Yeas - 46, Nays - 50, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Campbell, Cody, Constantine, Conway, Cooper, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Gombosky, Haigh, Hatfield, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Lantz, Linville, Lovick, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Poulsen, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, H. Sommers, Stensen, Sullivan, Tokuda, Voloria, Wolfe, Wood and Mr. Speaker Chopp - 46.

Voting nay: Representatives Alexander, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Fisher, Fortunato, Grant, Hankins, Huff, Koster, Lambert, Lisk, Mastin, McDonald, McMorris, Mielke, Mitchell, Mulliken, Parlette, Pennington, Pflug, Radcliff, Regala, D. Schmidt, K. Schmidt, Schoesler, Skinner, D. Sommers, Sump, Talcott, Thomas, Van Luven, Wensman and Mr. Speaker Ballard - 50.

Excused: Representatives Schindler and Scott - 2.

There being no objection, the striking amendment (397) as amended was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Fisher, K. Schmidt, D. Schmidt, Cooper, Schoesler, DeBolt and Huff spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1125.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1125, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken,

Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schmidt, D., K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Schindler and Scott - 2.

Engrossed Substitute House Bill No. 1125, having received the constitutional majority, was declared passed.

There being no objection, Substitute House Bill No. 2273 was re-introduced and held its place as of SINE DIE.

There being no objection, the rules were suspended and Substitute House Bill No. 2273 was placed on third reading.

### **THIRD READING**

SUBSTITUTE HOUSE BILL NO. 2273, by Committee on Finance (originally sponsored by Representatives Haigh, Romero, Alexander, Hatfield, DeBolt, Eickmeyer, Wolfe, Rockefeller, Lovick, Lantz and Thomas)

Changing provisions relating to taxation of destroyed property.

Representatives Haigh, Pennington, Eickmeyer and Alexander spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Substitute House Bill No. 2273.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2273 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Schindler and Scott - 2.

Substitute House Bill No. 2273, having received the constitutional majority, was declared passed.

There being no objection, Engrossed Substitute House Bill No. 1125 and Substitute House Bill No. 2273 were immediately transmitted to the Senate.

There being no objection, the House reverted to the fourth order of business.

### **INTRODUCTIONS AND FIRST READING**

HB 2294 by Representatives Romero, Van Luven, Veloria, D. Sommers, Doumit and Dunn

AN ACT Relating to extending the sunset date of the linked deposit program.

HB 2295 by Representatives B. Chandler, Clements, G. Chandler, Sump, McMorris and Mulliken

AN ACT Relating to stating the intent of the legislature that the activities of growing or packing agricultural products is not a manufacturing activity; amending RCW 82.04.120, 82.60.020, and 82.62.010; creating a new section; and declaring an emergency.

HB 2296 by Representatives H. Sommers, Doumit and Kenney

AN ACT Relating to funding Engrossed House Bill No. 2232.

HB 2297 by Representatives H. Sommers, Doumit and Kenney

AN ACT Relating to maximum levy amount calculations; adding a new section to 1999 c 309 (uncodified); providing an effective date; and declaring an emergency.

HB 2298 by Representatives Romero, Keiser, Stensen and Kenney

AN ACT Relating to allowing optional dates for special elections.

HB 2299 by Representatives Cody, Clements, Conway and Campbell

AN ACT Relating to repealing null and void clause regarding state hospitals.

HB 2300 by Representative Romero, McMorris, Stensen and D. Schmidt

AN ACT Relating to freeing special elections from the presidential primary date.

HB 2301 by Representatives Hatfield, Doumit, Kessler, Buck, Eickmeyer, Koster and Grant

AN ACT Relating to incorporating growth management act and the shoreline management act in the effort to protect and preserve endangered species.

HB 2302 by Representatives Stensen, Hurst, Campbell, Kastama and Regala

AN ACT Relating to providing grant to allow communities to participate in federal hydroelectric licensing and relicensing collaborative process.

HB 2303 by Representatives Regala and Buck

AN ACT Relating to the effective date of the timber tax credit enacted during 1999; and amending RCW 84.33.--- (1999 sp.s. c ... (ESHB 2091) s 401).

HB 2304 by Representatives Quall, Talcott, Edwards, McIntire, McDonald, Edmonds and Kenney

AN ACT Relating to school safety programs; creating new sections; making appropriations; providing an effective date; and declaring an emergency.

HB 2305 by Representatives Dunshee and Dickerson

AN ACT Relating to prohibiting the issuance of permits for surface mining.

There being no objection, the rules were suspended, and House Bill No. 2295 and House Bill No. 2303 were introduced, read the first time and placed on second reading.

There being no objection, the House advanced to the sixth order of business.

### **SECOND READING**

HOUSE BILL NO. 2295, by Representatives B. Chandler, Clements, G. Chandler, Sump and McMorris

Providing that growing or packing agricultural products is not a manufacturing activity for tax purposes.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Clements, Grant and Lisk spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of House Bill No. 2295.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2295 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, D., K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, Sommers, H., Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

House Bill No. 2295, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2303, by Representatives Regala and Buck

Establishing an effective date for the 1999 timber tax credit.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Regala and Buck spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of House Bill No. 2303.

## ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2303 and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, D., K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, Sommers, H., Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Voting nay: Representative McIntire - 1.

Excused: Representative Scott - 1.

House Bill No. 2303, having received the constitutional majority, was declared passed.

There being no objection, House Bill No. 2295 and House Bill No. 2303 were immediately transmitted to the Senate.

## MESSAGE FROM THE SENATE

May 18, 1999

Mr. Speaker:

The Senate has passed:

and the same is herewith transmitted.

HOUSE BILL NO. 1203,

Tony M. Cook, Secretary

## SIGNED BY THE SPEAKERS

The Speakers signed:

HOUSE BILL NO. 1203,

There being no objection, the rules were suspended and House Bill No. 2304 was placed on second reading.

There being no objection, the House advanced to the sixth order of business.

## SECOND READING

HOUSE BILL NO. 2304, by Representative Quall

Providing for school safety programs.

The bill was read the second time.

Representative Schual-Berke moved the adoption of amendment (410):

On page 1, line 15, after "school districts," insert "or first class school districts,"

On page 2, beginning on line 3, after "provided by" strike everything through "educational service districts or" on line 4 and insert "first class school districts, educational service districts, or consortiums of educational service districts and"

Representative(s) Schual-Berke, Talcott and Quall spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Murray moved the adoption of amendment (406):

On page 2, line 2, after "students" insert ", including but not limited to antiharassment training for staff and students under sections 3 and 5 of this act and RCW 28A.640.020"

On page 2, after line 14, insert the following:

**"NEW SECTION. Sec. 3.** The legislature recognizes that families and educators alike want schools to be institutions where learning can occur. The legislature also recognizes that learning cannot take place without a certain level of physical and emotional safety and that parents want and need to be able to send their children to school without concern over the physical and emotional safety of their children. The legislature finds that policies to ensure students' freedom from sexual and malicious harassment and even the existence of such policies vary from one Washington state public school district to the next. Whereas sexual and other malicious harassment are particularly pernicious threats to school safety, the legislature intends to require that public school districts establish, publicize and enforce policies prohibiting and punishing such behavior. It is also the intent of the legislature to ensure that all school personnel and students understand the importance of and the procedures for maintaining a safe learning environment and for enforcing their school districts' sexual and malicious harassment policies.

**Sec. 4.** RCW 28A.640.020 and 1994 c 213 s 1 are each amended to read as follows:

(1) The superintendent of public instruction shall develop regulations and guidelines to eliminate sex discrimination as it applies to public school employment, counseling and guidance services to students, recreational and athletic activities for students, access to course offerings, and in textbooks and instructional materials used by students.

(a) Specifically with respect to public school employment, all schools shall be required to:

(i) Maintain credential requirements for all personnel without regard to sex;

(ii) Make no differentiation in pay scale on the basis of sex;

(iii) Assign school duties without regard to sex except where such assignment would involve duty in areas or situations, such as but not limited to a shower room, where persons might be disrobed;

(iv) Provide the same opportunities for advancement to males and females; and

(v) Make no difference in conditions of employment including, but not limited to, hiring practices, leaves of absence, hours of employment, and assignment of, or pay for, instructional and noninstructional duties, on the basis of sex.

(b) Specifically with respect to counseling and guidance services for students, they shall be made available to all students equally. All certificated personnel shall be required to stress access to all career and vocational opportunities to students without regard to sex.

(c) Specifically with respect to recreational and athletic activities, they shall be offered to all students without regard to sex. Schools may provide separate teams for each sex. Schools which provide the following shall do so with no disparities based on sex: Equipment and supplies; medical care; services and insurance; transportation and per diem allowances; opportunities to receive coaching and instruction; laundry services; assignment of game officials; opportunities for competition, publicity and awards; scheduling of games and practice times including use of courts, gyms, and pools:

PROVIDED, That such scheduling of games and practice times shall be determined by local administrative authorities after consideration of the public and student interest in attending and participating in various recreational and athletic activities. Each school which provides showers, toilets, or training room facilities for athletic purposes shall provide comparable facilities for both sexes. Such facilities may be provided either as separate facilities or shall be scheduled and used separately by each sex.

The superintendent of public instruction shall also be required to develop a student survey to distribute every three years to each local school district in the state to determine student interest for male/female participation in specific sports.

(d) Specifically with respect to course offerings, all classes shall be required to be available to all students without regard to sex: PROVIDED, That separation is permitted within any class during sessions on sex education or gym classes.

(e) Specifically with respect to textbooks and instructional materials, which shall also include, but not be limited to, reference books and audio-visual materials, they shall be required to adhere to the guidelines developed by the superintendent of public instruction to implement the intent of this chapter: PROVIDED, That this subsection shall not be construed to prohibit the introduction of material deemed appropriate by the instructor for educational purposes.

(2)(a) (~~By December 31, 1994,~~) The superintendent of public instruction shall develop criteria for use by school districts in developing sexual harassment and malicious harassment policies as required under (b) of this subsection. The criteria shall address the subjects of grievance procedures, remedies to victims of sexual harassment and malicious harassment, disciplinary actions against violators of the policy, and other subjects at the discretion of the superintendent of public instruction. Disciplinary actions must conform with collective bargaining agreements and state and federal laws. The superintendent of public instruction also shall supply sample policies to school districts upon request.

(b) (~~By June 30, 1995,~~) Every school district shall adopt and implement ~~((a))~~ written ~~((policy))~~ policies concerning sexual harassment and malicious harassment. The ~~((policy))~~ policies shall apply to all school district employees, volunteers, parents, and students, including, but not limited to, conduct between students.

(c) School district policies on sexual harassment and malicious harassment shall be reviewed by the superintendent of public instruction considering the criteria established under (a) of this subsection as part of the monitoring process established in RCW 28A.640.030.

(d) The school district's sexual harassment ~~((policy))~~ and malicious harassment policies shall be conspicuously posted throughout each school building, and provided to each employee. A copy of the ~~((policy))~~ policies shall appear in any publication of the school or school district setting forth the rules, regulations, procedures, and standards of conduct for the school or school district.

(e)(i) Each school shall develop a process for discussing the district's sexual harassment ~~((policy))~~ and malicious harassment policies with students. The process shall ensure the discussion addresses the definition of sexual harassment and malicious harassment and issues covered in the sexual harassment ~~((policy))~~ and malicious harassment policies.

(ii) Each school district shall provide to employees and volunteers who have significant contact with students training on the school district's sexual harassment and malicious harassment policies in accordance with the guidelines adopted by the superintendent of public instruction under section 5(2) of this act.

(f) "Sexual harassment" as used in this section means unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact, or other verbal or physical conduct or communication of a sexual nature if:

(i) Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining an education or employment;

(ii) Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's education or employment; or

(iii) That conduct or communication has the purpose or effect of substantially interfering with an individual's educational or work performance, or of creating an intimidating, hostile, or offensive educational or work environment.

(g) "Malicious harassment" as used in this section means malicious harassment as defined in RCW 9A.36.080.

**NEW SECTION. Sec. 5.** (1) The superintendent of public instruction shall develop the criteria for use by school districts in developing malicious harassment policies, as required under RCW 28A.640.020(2)(a), by December 31, 1999. All school districts shall adopt and implement a written policy concerning malicious harassment, as required under RCW 28A.640.020(2)(b) by July 1, 2000.

(2)(a) The superintendent of public instruction shall adopt guidelines for use by school districts on training school district employees and volunteers about school district policies regarding sexual harassment and malicious harassment. The superintendent of public instruction shall establish training program guidelines that, to the extent possible, can be implemented within existing training programs for employees and volunteers and with minimal additional expenditure of time and resources.

(b) The superintendent of public instruction shall adopt training guidelines under this subsection (2) by July 1, 2000. Each school district shall institute training programs in accordance with the guidelines adopted by the superintendent of public instruction and as required under RCW 28A.640.020(2)(e). To the extent possible, such programs shall be instituted by the beginning of the 2000 school year."

Renumber the remaining sections consecutively and correct the title and any internal references accordingly.

#### POINT OF ORDER

Representative Pennington requested a Scope and Object ruling on amendment (406) to House Bill No. 2304.

There being no objection, the House deferred action on House Bill No. 2304, and the bill held its place on the second reading calendar.

There being no objection, the rules were suspended and House Bill No. 2297 was placed on second reading.

There being no objection, the House advanced to the sixth order of business.

#### SECOND READING

HOUSE BILL NO. 2297, by Representatives H. Sommers, Doumit and Kenney

Calculating maximum levy amounts.

The bill was read the second time.

Representative Doumit moved the adoption of amendment (398):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to part V, chapter 309, Laws of 1999 (uncodified) to read as follows:

For purposes of RCW 84.52.0531, the increase per full-time equivalent student in state basic education appropriations provided under chapter 309, Laws of 1999, including appropriations for salary and benefits increases, is 4.0 percent from the 1998-99 school year to the 1999-00 school year, and 3.4 percent from the 1999-00 school year to the 2000-01 school year.



NEW SECTION. **Sec. 2.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 1999."

Correct the title.

Representative(s) Doumit and Cox spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

#### MOTION

On motion of Representative Schoesler, Representative Van Luven was excused.

Representatives H. Sommers, Haigh and Carlson spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Engrossed House Bill No. 2297.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2297, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, D., K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, Sommers, H., Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Scott and Van Luven - 2.

Engrossed House Bill No. 2297, having received the constitutional majority, was declared passed.

There being no objection, Engrossed House Bill No. 2297 was immediately transmitted to the Senate.

#### MESSAGE FROM THE SENATE

May 18, 1999

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1125 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The transportation budget of the state is hereby adopted and, subject to the provisions hereinafter set forth, the several amounts hereinafter specified, or as much thereof as may be necessary to accomplish the purposes designated, are hereby appropriated from the several accounts and funds hereinafter named to the designated state agencies and offices for employee compensation and other expenses, for capital projects, and for other specified purposes, including the payment of any final judgments arising out of such activities, for the period ending June 30, 2001.

(2) Legislation with fiscal impacts enacted in the 1997 or 1998 legislative session not assumed in this act are not funded in the 1997-99 transportation budget.

(3) Legislation with fiscal impacts enacted in the 1999 legislative session not assumed in this act are not funded in the 1999-01 transportation budget.

(4) Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this act.

(a) "Fiscal year 2000" or "FY 2000" means the fiscal year ending June 30, 2000.

(b) "Fiscal year 2001" or "FY 2001" means the fiscal year ending June 30, 2001.

(c) "FTE" means full-time equivalent.

(d) "Lapse" or "revert" means the amount shall return to an unappropriated status.

(e) "Provided solely" means the specified amount may be spent only for the specified purpose.

(f) "Performance-based budgeting" means a budget that bases resource needs on quantified outcomes and results expected from use of the total appropriation. "Performance-based budgeting" does not mean incremental budgeting that focuses on justifying changes from the historic budget or to line-item input-driven budgets.

(g) "Goals" means the statements of purpose that identify a desired result or outcome. The statements shall be realistic, achievable, directive, assignable, evaluative, and logically linked to the agency's mission and statutory mandate.

(h) "Strategic plan" means the strategies agencies create for investment choices in the future. All agency strategic plans shall present alternative investment strategies for providing services.

(i) "Enacted in the form passed by the legislature" means the referenced bill, as identified by a four-digit number, was:

(i) Passed by the legislature and enacted either with no provisions vetoed by the governor or with only ministerial or de minimus changes resulting from a partial veto; or

(ii) Attached in full onto another bill as an amendment and the entire bill, including the amendment, was passed by the legislature and enacted either with no provisions vetoed by the governor or with only ministerial or de minimus changes resulting from a partial veto.

**NEW SECTION. Sec. 2.** The legislature recognizes that the 1999 endangered species act listing or proposed listing of salmonid species throughout the state of Washington may require increased operational and capital expenditures for transportation. As the state's fiscal obligations pursuant to the listing or proposed listing become clearer over time, it may be necessary to revisit funding decisions reflected in this act in order to shift resources to meet those obligations. The department of transportation, the transportation improvement board, and the county road administration board shall report to the legislature on December 1, 1999, on capital project delay impacts, including impact on costs and project delivery, due to the endangered species act listing or proposed listing.

## **PART I GENERAL GOVERNMENT AGENCIES--OPERATING**

**NEW SECTION. Sec. 101. FOR THE DEPARTMENT OF AGRICULTURE**  
Motor Vehicle Account--State Appropriation \$

327,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity: The entire appropriation is provided solely for costs associated with the motor fuel quality program.

**NEW SECTION. Sec. 102. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM**

Motor Vehicle Account--State Appropriation \$

900,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) \$103,000 of the appropriation is provided solely for the local government finance reporting system project. This amount shall lapse unless \$207,000 is appropriated for this project from the state general fund; and

(2) \$202,000 of the appropriation is provided solely for the transportation infrastructure needs data base project. This amount shall lapse unless \$405,000 is appropriated for this project in the omnibus operations appropriations act.

(3) \$325,000 of the appropriation is provided solely for contracting with the office of the state auditor for the collection of local government fiscal data associated with the local government finance reporting system. In implementing the reporting system, the legislative evaluation and accountability program shall work with the local government finance study technical advisory committee. The committee shall include, but not be limited to, one member from the senate and one member from the house of representatives. An alternate legislator shall also be picked for each designated legislator to serve in the event that the designated legislator is unable to fulfill his or her duties on the committee. This amount shall lapse unless the legislature appropriates \$325,000 for the same purpose by June 30, 1999, in the omnibus appropriations act.

**NEW SECTION. Sec. 103. FOR THE UTILITIES AND TRANSPORTATION COMMISSION**

Grade Crossing Protective Account--State Appropriation \$

111,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The utilities and transportation commission shall develop a competitive rail grade crossing safety grant program which will fully fund selected safety projects to the extent allowable under chapter 81.53 RCW.

(2) Beginning on the effective date of this act through May 1, 2000, the utilities and transportation commission may not grant any new certificates under chapter 81.68 RCW in any areas where a public transportation system has been formed.

(3) The appropriation in this section is for the fiscal year ending June 30, 2000.

(4) During the 1999 interim the legislative transportation committees shall convene a task force to study issues related to the siting of, and fees charged for the siting of, utility facilities on, over, under, and along railroad rights of way.

**NEW SECTION. Sec. 104. FOR THE STATE PARKS AND RECREATION COMMISSION**

Motor Vehicle Account--State Appropriation \$

931,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity: A report of actual expenditures and descriptions of the expenditures from the motor vehicle fund will be submitted to the legislature with the governor's 2001-2003 biennial budget request.

**GENERAL GOVERNMENT AGENCIES--CAPITAL**

**NEW SECTION. Sec. 105. FOR WASHINGTON STATE PARKS AND RECREATION--  
CAPITAL PROJECTS**

Motor Vehicle Account--State Appropriation \$ 2,690,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) \$900,000 is a reappropriation provided to complete the Cama Beach project and the Damon point project funded in section 110, chapter 457, Laws of 1997. The projects shall be completed by June 30, 2001. Upon completion of these projects any surplus funding may be used for the projects listed in subsection (2) of this section.

(2) \$1,790,000 is a one-time appropriation provided solely for the following projects, apportioned as follows:

(a) Ike Kinswa State Park, \$100,000 to commission a hydrology and geology study for the park road drainage system and a traffic study of the intersection of the park entrance roads with SR 122;

(b) Mt. Spokane State Park, \$1,300,000;

(c) Beacon Rock State Park, \$300,000; and

(d) Cama Beach State Park, \$90,000.

These projects shall be completed by June 30, 2001. Project status reports shall be submitted to the senate transportation committee and the house of representatives transportation committee in January 2000 and January 2001.

**PART II  
TRANSPORTATION AGENCIES**

**NEW SECTION. Sec. 201. FOR THE WASHINGTON TRAFFIC SAFETY  
COMMISSION**

Highway Safety Account--State Appropriation \$ 1,452,000  
Highway Safety Account--Federal Appropriation \$ 9,038,000  
School Zone Safety Account--State Appropriation \$ 1,004,000  
TOTAL APPROPRIATION \$ 11,494,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity: \$25,000 of the highway safety account--state is provided as a one-time appropriation to implement the Cooper Jones act, chapter 165, Laws of 1998.

**NEW SECTION. Sec. 202. FOR THE BOARD OF PILOTAGE COMMISSIONERS**

Pilotage Account--State Appropriation \$ 290,000

**NEW SECTION. Sec. 203. FOR THE COUNTY ROAD ADMINISTRATION BOARD**

Rural Arterial Trust Account--State Appropriation \$ 72,510,000  
Motor Vehicle Account--State Appropriation \$ 9,546,000  
Motor Vehicle Account--Private/Local Appropriation \$ 376,000  
County Arterial Preservation Account--State Appropriation \$

|                        |             |
|------------------------|-------------|
| TOTAL APPROPRIATION \$ | 28,612,000  |
|                        | 111,044,000 |

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: \$8,000,000 of the motor vehicle account--state appropriation is provided solely for projects on the freight and goods systems on county roads.

**NEW SECTION. Sec. 204. FOR THE TRANSPORTATION IMPROVEMENT BOARD**

|   |             |
|---|-------------|
| Urban Arterial Trust Account--State Appropriation \$          | 104,508,000 |
| Transportation Improvement Account--State Appropriation \$    | 99,414,000  |
| Public Transportation Systems Account--State Appropriation \$ | 33,496,000  |
| TOTAL APPROPRIATION \$  | 237,418,000 |

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: To the extent practicable, the board shall give preference, for amounts which would otherwise be granted to cities, to those projects which complement projects funded under the county corridor congestion relief program contained in section 232(8) of this act.

**NEW SECTION. Sec. 205. FOR THE SENATE**

|   |           |
|---|-----------|
| Motor Vehicle Account--State Appropriation \$ | 2,378,000 |
|---|-----------|

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

- (1) The appropriation in this section is provided solely to fund the activities of the senate transportation committee.
- (2) The senate transportation committee shall work during the 1999 interim with members of the senate ways and means committee to assess funding options for aviation.
- (3) The senate transportation committee shall evaluate the transportation functions currently performed by the utilities and transportation commission including but not limited to those regarding the issuance of certificates of public convenience and necessity for auto transportation companies.
- (4) A legislative task force consisting of one member from each caucus of the senate and one member from each caucus of the house of representatives shall conduct a road jurisdiction study. The legislative task force shall appoint a technical advisory panel consisting of representatives of cities, counties, and the department of transportation. The study shall include but not be limited to an examination of the following issues:
  - (a) Whether changed conditions merit redesignation of certain local roadways as state routes and the return of certain state routes to local jurisdictions;
  - (b) Alternatives to current revenue distribution methodologies for funding roadway and highway needs;
  - (c) Determine roadway responsibilities, authorities, and practices by jurisdictional level; and
  - (d) Evaluate governance issues associated with road jurisdiction.
- (5) The committee shall oversee program accountability reviews of department of transportation, department of licensing, and Washington state patrol programs selected by the senate transportation committee.

**NEW SECTION. Sec. 206. FOR THE HOUSE OF REPRESENTATIVES**

|   |  |
|---|--|
| Motor Vehicle Account--State Appropriation \$ |  |
|---|--|

2,378,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The appropriation in this section is provided solely to fund the activities of the house of representatives transportation committee.

(2) The house of representatives transportation committee shall evaluate the transportation functions currently performed by the utilities and transportation commission including but not limited to those regarding the issuance of certificates of public convenience and necessity for auto transportation companies.

(3) The committee shall oversee program accountability reviews of department of transportation, department of licensing, and Washington state patrol programs selected by the house of representatives transportation committee.

(4) A legislative task force consisting of one member from each caucus of the senate and one member from each caucus of the house of representatives shall conduct a road jurisdiction study. The legislative task force shall appoint a technical advisory panel consisting of representatives of cities, counties, and the department of transportation. The study shall include but not be limited to an examination of the following issues:

(a) Whether changed conditions merit redesignation of certain local roadways as state routes and the return of certain state routes to local jurisdictions;

(b) Alternatives to current revenue distribution methodologies for funding roadway and highway needs;

(c) Determine roadway responsibilities, authorities, and practices by jurisdictional level; and

(d) Evaluate governance issues associated with road jurisdiction.

**NEW SECTION. Sec. 207. FOR THE BLUE RIBBON COMMISSION ON TRANSPORTATION**

Motor Vehicle Account--State Appropriation \$

1,800,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The \$1,800,000 motor vehicle account--state appropriation is provided solely for the purpose of enabling the blue ribbon commission on transportation to fulfill its mission. The funds are to be administered by the senate transportation committee and the house of representatives transportation committee on behalf of the blue ribbon commission on transportation.

(2) The blue ribbon commission on transportation shall commission and supervise the development of a modal trade-off model. The purpose of the model is to assist, not replace decision making; it will not simply produce numerical solutions. The model shall be developed in cooperation with the senate transportation committee, the house of representatives transportation committee, the transportation commission, and the department of transportation's modal directors of research, planning, and programming.

**NEW SECTION. Sec. 208. FOR THE MARINE EMPLOYEES COMMISSION**

Puget Sound Ferry Operations Account--State Appropriation \$

356,000

**NEW SECTION. Sec. 209. FOR THE TRANSPORTATION COMMISSION**

Transportation Account--State Appropriation \$

807,000

**NEW SECTION. Sec. 210. FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD**

Transportation Account--State Appropriation \$

600,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity: When approving projects, the freight mobility strategic investment board shall:

- (1) Emphasize funding projects according to their order on the prioritization list developed by the board;
- (2) Not allow the program's share of total project cost to exceed sixty-five percent unless the board grants a special exception;
- (3) Set a \$50,000,000 cap on the amount it will authorize for any one project; and
- (4) Give a project a higher priority designation if project partners increase their funding and the board deems the reprioritization is appropriate.

**NEW SECTION. Sec. 211. FOR THE WASHINGTON STATE PATROL--FIELD OPERATIONS BUREAU**

|  |                    |
|--|--------------------|
| State Patrol Highway Account--State Appropriation \$         | 154,538,000        |
| State Patrol Highway Account--Federal Appropriation \$       | 6,153,000          |
| State Patrol Highway Account--Private/Local Appropriation \$ | 169,000            |
| <b>TOTAL APPROPRIATION \$</b>                                | <b>160,860,000</b> |

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The following amounts are provided solely for administration of the field operations group subprogram: \$120,372,000 of the state patrol highway account--state appropriation; \$2,854,000 of the state patrol highway account--federal appropriation; and \$83,000 of the state patrol highway account--private/local appropriation.

(2) The following amounts are provided solely for the administration of the commercial vehicle division subprogram: \$26,367,000 of the state patrol highway account--state appropriation; \$3,299,000 of the state patrol highway account--federal appropriation; and \$86,000 of the state patrol highway account--private/local appropriation.

(3) \$7,799,000 of the state patrol highway account--state appropriation is provided solely for the administration of the traffic investigation division subprogram.

(4) \$1,137,000 of the state patrol highway account--state appropriation is provided solely for the license fraud task force to begin on July 1, 1999. Positions funded are one sergeant/detective, three Washington state patrol detectives, and one clerical support person, for administrative support for the task force as a whole. \$115,400 of this amount is for reimbursement to the department of revenue and \$228,315 of this amount is for reimbursement to the attorney general's office. If Senate Bill No. 5706 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse. Any funds provided in this subsection not used to implement Senate Bill No. 5706 as enacted by the legislature shall revert at the end of the 1999-01 biennium.

(5) \$1,435,000 of the state patrol highway account--state appropriation is provided solely to the field operations group subprogram as a one-time appropriation to begin funding phase III of the Washington state patrol's upgrade to the state-wide emergency communication system. The Washington state patrol shall provide a full analysis of the costs, benefits, and requirements for completing all phases of the upgrade to the state-wide emergency communication system to the senate transportation committee and the house of representatives transportation committee by December 1, 1999.

(6) The Washington state patrol is authorized to use the federal community-oriented policing program (COPS) for 18 COPS troopers to begin in July 2000. The troopers must be used on the state's highways and up to six may be utilized in the Vancouver, Washington area.

**NEW SECTION. Sec. 212. FOR THE WASHINGTON STATE PATROL--SUPPORT SERVICES BUREAU**

|  |            |
|--|------------|
| State Patrol Highway Account--State Appropriation \$         | 67,015,000 |
| State Patrol Highway Account--Federal Appropriation \$       | 104,000    |
| State Patrol Highway Account--Private/Local Appropriation \$ | 743,000    |
| TOTAL APPROPRIATION \$                                       | 67,862,000 |

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: \$877,000 of the state patrol highway account--state appropriation is provided solely to maintain pursuit vehicles and provide for replacement of the vehicles at 110,000 miles. The agency may purchase a total of 354 pursuit vehicles during the biennium ending June 30, 2001. The appropriation in this section reflects carry forward and new funding due to the consolidation of gasoline, maintenance, parts, and pursuit vehicles into the fleet section of the support services bureau.

**NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF LICENSING--MANAGEMENT AND SUPPORT SERVICES**

|   |            |
|---|------------|
| Motorcycle Safety Education Account--State Appropriation \$ | 118,000    |
| Wildlife Account--State Appropriation \$                    | 50,000     |
| Highway Safety Account--State Appropriation \$              | 6,578,000  |
| Motor Vehicle Account--State Appropriation \$               | 4,571,000  |
| TOTAL APPROPRIATION \$                                      | 11,317,000 |

**NEW SECTION. Sec. 214. FOR THE DEPARTMENT OF LICENSING--INFORMATION SYSTEMS**

|   |           |
|---|-----------|
| Motorcycle Safety Education Account--State Appropriation \$ | 102,000   |
| Wildlife Account--State Appropriation \$                    | 46,000    |
| Highway Safety Account--State Appropriation \$              | 5,725,000 |
| Motor Vehicle Account--State Appropriation \$               | 3,651,000 |
| TOTAL APPROPRIATION \$                                      | 9,524,000 |

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: \$745,000 of the highway safety fund--state appropriation is a reappropriation of funds originally appropriated for the document scanner project in the 1997-99 biennium.

**NEW SECTION. Sec. 215. FOR THE DEPARTMENT OF LICENSING--VEHICLE SERVICES**

|  |        |
|--|--------|
| Marine Fuel Tax Refund Account--State Appropriation \$ | 26,000 |
|--|--------|



|  |    |            |
|--|----|------------|
| Wildlife Account--State Appropriation      | \$ | 556,000    |
| Motor Vehicle Account--State Appropriation | \$ | 56,137,000 |
| DOL Services Account--State Appropriation  | \$ | 2,907,000  |
| TOTAL APPROPRIATION                        | \$ | 59,626,000 |

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

- (1) \$81,000 of the motor vehicle account--state appropriation is provided solely to implement Senate Bill No. 5000 enacted in the form passed by the legislature. If Senate Bill No. 5000 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.
- (2) \$273,000 of the motor vehicle account--state appropriation is provided solely to implement Senate Bill No. 5280 enacted in the form passed by the legislature. If Senate Bill No. 5280 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.
- (3) \$82,000 of the motor vehicle account--state appropriation is provided solely to implement Senate Bill No. 5641 enacted in the form passed by the legislature. If Senate Bill No. 5641 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.
- (4) \$300,000 of the motor vehicle account--state appropriation is provided solely to implement Senate Bill No. 6009 enacted in the form passed by the legislature. If Senate Bill No. 6009 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.
- (5) \$15,000 of the motor vehicle account--state appropriation is provided solely to implement House Bill No. 2201 enacted in the form passed by the legislature.
- (6) The department of licensing shall issue license plate emblems at the discretion of the adjutant general.

**NEW SECTION. Sec. 216. FOR THE DEPARTMENT OF LICENSING--DRIVER SERVICES**

|  |    |            |
|--|----|------------|
| Motorcycle Safety Education Account--State Appropriation | \$ | 1,960,000  |
| Highway Safety Account--State Appropriation              | \$ | 78,075,000 |
| TOTAL APPROPRIATION                                      | \$ | 80,035,000 |

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$2,880,000 of the highway safety account--state appropriation is provided solely for the department to enter into a contract for the implementation of an improved state driver's license and identicard. The contract with the vendor providing the improved license and identicard shall state that the license and the identicard shall not contain: (a) The driver's social security number in either visible or machine readable form; or (b) the driver's fingerprint or thumbprint. Consistent with RCW 42.17.260(9) the department shall not sell or otherwise make available any information that it gathers from citizens of the state of Washington in administering the driver's licensing program except as already authorized in Title 46 RCW.
- (2) In September of 1999 the department of licensing shall report to the senate transportation committee and the house of representatives transportation committee on:
  - (a) The controls implemented by the department to ensure the integrity and credibility of the written driver's license test administered by the department; and
  - (b) The policies and procedures implemented by the department to ensure that the driver's manuals produced and distributed by the department contain correct data based on current federal, state, and local statutes, ordinances, and rules.

(3) \$610,000 of the highway safety fund--state appropriation is provided solely to implement House Bill No. 1147 enacted in the form passed by the legislature. If House Bill No. 1147 is not enacted in the form passed by the legislature by June 30, 1999, the amount provided in this subsection shall lapse.

(4) \$17,000 of the highway safety fund--state appropriation is provided solely to implement House Bill No. 1774 enacted in the form passed by the legislature. If House Bill No. 1774 is not enacted in the form passed by the legislature the amount referenced in this subsection shall lapse.

(5) \$130,000 of the highway safety fund--state appropriation is provided solely to implement House Bill No. 2259 enacted in the form passed by the legislature. If House Bill No. 2259 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

(6) \$34,000 of the highway safety fund--state appropriation is provided solely to implement Senate Bill No. 5374 enacted in the form passed by the legislature. If Senate Bill No. 5374 is not enacted in the form passed by the legislature the amount referenced in this subsection shall lapse.

(7) If Senate Bill No. 6009 is enacted in the form passed by the legislature \$335,000 of the highway safety fund--state appropriation shall lapse.

(8) \$329,000 of the highway safety account--state appropriation is provided solely to implement Senate Bill No. 5399 enacted as passed by the legislature.

**NEW SECTION. Sec. 217. FOR THE DEPARTMENT OF TRANSPORTATION--  
HIGHWAY MANAGEMENT AND FACILITIES--PROGRAM D--OPERATING**

|   |            |
|---|------------|
| Motor Vehicle Account--State Appropriation \$   | 44,508,000 |
| Motor Vehicle Account--Federal Appropriation \$ | 400,000    |
| TOTAL APPROPRIATION \$                          | 44,908,000 |

**NEW SECTION. Sec. 218. FOR THE DEPARTMENT OF TRANSPORTATION--  
AVIATION--PROGRAM F**

|   |           |
|---|-----------|
| Aeronautics Account--State Appropriation \$                                     | 4,010,000 |
| Aircraft Search and Rescue Safety and Education Account--State Appropriation \$ | 159,000   |
| Transportation Account--State Appropriation \$                                  | 247,000   |
| TOTAL APPROPRIATION \$  | 4,416,000 |

**NEW SECTION. Sec. 219. FOR THE DEPARTMENT OF TRANSPORTATION--  
IMPROVEMENTS--PROGRAM I**

|  |             |
|--|-------------|
| Motor Vehicle Account--State Appropriation \$                | 630,010,000 |
| Motor Vehicle Account--Federal Appropriation \$              | 234,939,000 |
| Motor Vehicle Account--Private/Local Appropriation \$        | 43,344,000  |
| High Capacity Transportation Account--State Appropriation \$ | 110,000     |
| Special Category C Account--State Appropriation \$           | 55,220,000  |
| Transportation Account--State Appropriation \$               | 197,284,000 |
| Transportation Account--Federal Appropriation \$             | 56,808,000  |

|   |               |
|---|---------------|
| Puyallup Tribal Settlement Account--State Appropriation \$            | 8,662,000     |
| Transportation Infrastructure Account--State Appropriation \$         | 1,750,000     |
| Transportation Infrastructure Account--Private/Local Appropriation \$ | 1,750,000     |
| TOTAL APPROPRIATION \$  | 1,229,877,000 |

The appropriations in this section are provided for the location, design, right of way acquisition, or construction of state highway projects designated as improvements under RCW 47.05.030. The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The special category C account--state appropriation of \$55,220,000 includes \$40,500,000 in proceeds from the sale of bonds authorized by Senate Bill No. 5060 or House Bill No. 1203 enacted in the form passed by the legislature. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(2) The motor vehicle account--state appropriation includes \$1,285,000 in proceeds from the sale of bonds authorized by RCW 47.10.819(1) for match on federal demonstration projects. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(3) The department shall report December 1st and June 1st of each year to the senate transportation committee and the house of representatives transportation committee and the office of financial management on the timing and the scope of work being performed for the regional transit authority known as sound transit. This report shall provide a description of all department activities related to the regional transit authority including investments in state-owned infrastructure.

(4) The motor vehicle account--federal appropriation in this section is transferrable to the transportation account to ensure efficient funds management and program delivery.

(5) The north Sumner interchange project shall be funded entirely from the motor vehicle account appropriation. The project shall no longer receive a portion of its funding from the economic development account.

(6) \$34,920,000 of the motor vehicle account--state appropriation is provided solely for the state program share of freight mobility projects as identified by the freight mobility strategic investment board. The amount provided in this subsection can only be expended upon authorization from the freight mobility strategic investment board.

(7) The motor vehicle account--state appropriation includes \$469,779,000 in proceeds from the sale of bonds authorized by RCW 47.10.843. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(8) \$500,000 of the motor vehicle account--state appropriation is provided solely for analysis and design of congestion solutions at the intersections of the South Lake Union/Mercer corridor with Interstate 5 and SR 99. The amount provided in this subsection shall be expended on the state's portion of the project. The department's authority to expend the amount referenced in this subsection is contingent on the city of Seattle appropriating \$500,000 or more toward design and analysis for the local street portion of the project.

(9) \$10,000,000 of the motor vehicle account--state appropriation and \$40,000,000 of the transportation account--state appropriation are provided as a cash contribution for the development of the public private initiatives project at Tacoma Narrows. State funds shall be used initially for the acquisition of right of way and the forensic studies of the existing bridge including purchase of equipment necessary to conduct the studies. The balance of state funds not required for acquisition of right of way and forensic studies shall be placed with the designated bond trustee at the same time the privately secured debt proceeds are deposited.

(10)(a) \$3,992,000 of the motor vehicle account--state appropriation is provided for the following two highway projects on SR 16 except as set forth under (b) of this subsection: Union to Sixth avenue/Pearl street and Sixth avenue/Pearl street to Jackson avenue. These projects are part of a coordinated approach that, along with construction of the Tacoma Narrows bridge project, will provide congestion relief on the SR 16 corridor. The appropriations in this section include funds for the construction of high occupancy vehicle (HOV) lanes on SR 16 on both the eastern and western sides of the Tacoma narrows bridge. The HOV construction project is part of a coordinated approach that, along with construction of the Tacoma Narrows bridge project, will provide congestion relief on the SR 16 corridor.

(b) If the Tacoma Narrows bridge project is delayed, the transportation commission may reprioritize projects on SR 16.

(11) \$5,800,000 of the motor vehicle account--state appropriation is provided solely for the completion of the weigh stations at Stanwood and Cle Elum along with weigh in motion at those sites an weigh in motion at Fort Lewis Northbound. The Washington state patrol and department of transportation shall work cooperatively to complete these projects.

(12) \$485,000 of the motor vehicle account--state appropriation is a reappropriation provided solely to enable the translake committee to finalize and present its recommendations. Upon presentation of the recommendations, or upon the expenditure of the appropriation provided by this subsection, the department of transportation shall disband the committee.

(13) \$800,000 of the motor vehicle account--state appropriation is provided solely to the Washington state department of transportation, office of urban mobility, to advance the recommendations of the translake Washington study committee. These funds shall be used to develop a scope of work for an environmental impact statement and related engineering work, including an environmental strategy, a decision process, a statement of purpose and need, and a formal notice of intent. None of the appropriation for the scope of work for the environmental impact statement shall be available to support any activities of the translake Washington study committee.

(14) \$500,000 of the motor vehicle fund--state appropriation is provided solely for predesign of the northeast 44th street interchange on I-405. The department of transportation and the city of Renton shall develop a proposal that includes a funding plan for the interchange that specifies the partner's share of the cost. The department and the city shall report to the legislative transportation committees by December 1, 1999.

**NEW SECTION. Sec. 220. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION ECONOMIC PARTNERSHIPS--PROGRAM K**

|   |           |                   |
|---|-----------|-------------------|
| Transportation Account--State Appropriation | \$        | 1,212,000         |
| Motor Vehicle Account--State Appropriation  | \$        | 10,162,000        |
| <b>TOTAL APPROPRIATION</b>                  | <b>\$</b> | <b>11,374,000</b> |

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: The motor vehicle fund--state appropriation includes \$10,162,000 in proceeds from the sale of bonds authorized in RCW 47.10.834 for all forms of cash contributions, or the payment of other costs incident to the location, development, design, right of way, and construction of the Tacoma narrows bridge improvements under the public-private transportation initiative program authorized under chapter 47.46 RCW; and for support costs of the public-private transportation initiatives program.

**NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MAINTENANCE--PROGRAM M**

|  |    |             |
|--|----|-------------|
| Motor Vehicle Account--State Appropriation   | \$ | 251,426,000 |
| Motor Vehicle Account--Federal Appropriation | \$ |             |

|   |                    |
|---|--------------------|
| Motor Vehicle Account--Private/Local Appropriation \$ | 887,000            |
|   | 3,417,000          |
| <b>TOTAL APPROPRIATION \$</b>                         | <b>255,730,000</b> |

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) If portions of the appropriations in this section are required to fund maintenance work resulting from major disasters not covered by federal emergency funds such as fire, flooding, and major slides, supplemental appropriations will be requested to restore state funding for ongoing maintenance activities.

(2) The department shall request an unanticipated receipt for any federal moneys received for emergency snow and ice removal and shall place an equal amount of the motor vehicle fund--state into unallotted status. This exchange shall not affect the amount of funding available for snow and ice removal.

**NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF TRANSPORTATION--  
PRESERVATION--PROGRAM P**

|   |                    |
|---|--------------------|
| Motor Vehicle Account--State Appropriation \$         | 318,691,000        |
| Motor Vehicle Account--Federal Appropriation \$       | 284,587,000        |
| Motor Vehicle Account--Private/Local Appropriation \$ | 3,117,000          |
| Transportation Account--State Appropriation \$        | 121,000            |
| <b>TOTAL APPROPRIATION \$</b>                         | <b>606,516,000</b> |

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The motor vehicle fund--state appropriation includes \$6,650,000 in proceeds from the sale of bonds authorized in RCW 47.10.761 and 47.10.762 for emergency purposes. However, the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(2) The motor vehicle account--federal appropriation in this section is transferrable to the transportation account to ensure efficient funds management and program delivery.

**NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF TRANSPORTATION--  
TRAFFIC OPERATIONS--PROGRAM Q**

|   |                   |
|---|-------------------|
| State Patrol Highway Account--State Appropriation \$  | 221,000           |
| Motor Vehicle Account--State Appropriation \$         | 37,085,000        |
| Motor Vehicle Account--Federal Appropriation \$       | 1,662,000         |
| Motor Vehicle Account--Private/Local Appropriation \$ | 122,000           |
| <b>TOTAL APPROPRIATION \$</b>                         | <b>39,090,000</b> |

The appropriations in this section are subject to the following conditions and limitations and the specified amount is provided solely for that activity:

(1) The motor vehicle account--state appropriation includes \$4,324,000 for state matching funds for federally selected competitive grant or congressional earmark projects other than commercial vehicle information system and network (CVISN). These moneys shall be placed into reserve status until such time as federal funds are secured and a state match is required. If matching federal funds are not obtained by September 30, 2000, the amount provided in this subsection shall lapse.

(2) The motor vehicle account--state appropriation includes \$600,000 for a two-year pilot program for contracted roving service patrols. The department shall provide a progress report on this pilot program to the office of financial management, the senate transportation committee, and the house of representatives transportation committee on December 1, 2000. The pilot program will be evaluated with future direction and funding to be determined by the documented results and benefits of the pilot program.

**NEW SECTION. Sec. 224. FOR THE DEPARTMENT OF TRANSPORTATION--  
TRANSPORTATION MANAGEMENT AND SUPPORT--PROGRAM S**  
Puget Sound Capital Construction Account--State Appropriation \$

|  |             |
|--|-------------|
|  | 4,464,000   |
| Motor Vehicle Account--State Appropriation \$                | 98,390,000  |
| Motor Vehicle Account--Federal Appropriation \$              | 125,000     |
| Puget Sound Ferry Operations Account--State Appropriation \$ | 6,308,000   |
| Transportation Account--State Appropriation \$               | 1,517,000   |
| TOTAL APPROPRIATION \$                                       | 110,804,000 |

The appropriations in this section are subject to the following conditions and limitations and the specified amount is provided solely for that activity: \$586,000 of the motor vehicle account--state appropriation is provided solely to enable the secretary of transportation to implement a leadership training program at the department of transportation. The program shall include a mentoring component. The department shall develop performance measures to evaluate the effectiveness of the program, including but not limited to a performance measure to determine the effect of the program on employee retention. The department shall provide a progress report on the training program to the office of financial management, the senate transportation committee, and the house of representatives transportation committee by December 1, 2000.

**NEW SECTION. Sec. 225. FOR THE DEPARTMENT OF TRANSPORTATION--  
TRANSPORTATION PLANNING, DATA, AND RESEARCH--PROGRAM T**  
Motor Vehicle Account--State Appropriation \$

|   |            |
|---|------------|
|   | 12,109,000 |
| Motor Vehicle Account--Federal Appropriation \$ | 17,000,000 |
| Transportation Account--State Appropriation \$  | 1,371,000  |
| TOTAL APPROPRIATION \$                          | 30,480,000 |

**NEW SECTION. Sec. 226. FOR THE DEPARTMENT OF TRANSPORTATION--  
CHARGES FROM OTHER AGENCIES--PROGRAM U**

(1) FOR PAYMENT OF COSTS OF ATTORNEY GENERAL TORT CLAIMS SUPPORT

|  |           |
|--|-----------|
| Transportation Account--State Appropriation \$       | 2,595,000 |
| Puget Sound Ferry Operations--State Appropriation \$ |           |

|  |                   |
|--|-------------------|
|  | 1,155,000         |
| (2) FOR PAYMENT OF COSTS OF THE OFFICE OF THE STATE AUDITOR  |                   |
| Motor Vehicle Account--State Appropriation \$  | 907,000           |
| (3) FOR PAYMENT OF COSTS OF DEPARTMENT OF GENERAL ADMINISTRATION<br>FACILITIES AND SERVICES AND CONSOLIDATED MAIL SERVICES |                   |
| Motor Vehicle Account--State Appropriation \$  | 3,743,000         |
| (4) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF PERSONNEL  |                   |
| Motor Vehicle Account--State Appropriation \$  | 2,240,000         |
| (5) FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS AND<br>ADMINISTRATION   |                   |
| Transportation Account--State Appropriation \$   | 12,039,000        |
| (6) FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS AND<br>ADMINISTRATION   |                   |
| Motor Vehicle Fund--Puget Sound Ferry Operations Account--State Appropriation \$   | 3,462,000         |
| (7) FOR PAYMENT OF COSTS OF OFFICE OF MINORITY AND WOMEN'S BUSINESS<br>ENTERPRISES   |                   |
| Motor Vehicle Account--State Appropriation \$  | 158,000           |
| (8) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF GENERAL<br>ADMINISTRATION STATE PARKING SERVICES                             |                   |
| Motor Vehicle Account--State Appropriation \$  | 90,000            |
| (9) FOR PAYMENT OF THE DEPARTMENT OF GENERAL ADMINISTRATION<br>CAPITAL PROJECTS SURCHARGE                                  |                   |
| Motor Vehicle Account--State Appropriation \$  | 1,100,000         |
| (10) FOR ARCHIVES AND RECORDS MANAGEMENT   |                   |
| Motor Vehicle Account--State Appropriation \$  | 392,000           |
| <br><b><u>NEW SECTION. Sec. 227. FOR THE DEPARTMENT OF TRANSPORTATION--<br/>PUBLIC TRANSPORTATION--PROGRAM V</u></b>       |                   |
| High Capacity Transportation Account--State Appropriation \$   | 3,701,000         |
| Air Pollution Control Account--State Appropriation \$  | 6,253,000         |
| Transportation Account--State Appropriation \$   | 7,187,000         |
| Transportation Account--Federal Appropriation \$   | 7,345,000         |
| Transportation Account--Private/Local Appropriation \$   | 105,000           |
| Public Transportation Systems Account--State Appropriation \$  | 800,000           |
| <b>TOTAL APPROPRIATION \$</b>  | <b>24,391,000</b> |

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) Up to \$750,000 of the transportation account--state appropriation is provided solely for grants and activities relating to coordinating special needs transportation among state and local providers. When selecting grant recipients, the agency council on coordinated transportation shall give priority to projects and programs that can be accomplished in the 1999-2001 biennium. The department may expend up to \$250,000 without a matching appropriation. The department's authority to expend more than that amount is conditioned upon the legislature authorizing a matching appropriation equal to the total expenditure of the amount provided in this subsection.

(2) \$50,000 of the public transportation systems account--state appropriation is provided solely to continue and enhance an existing pilot project between a public transit provider and a school district expanding public transit service to high school students in order to reduce the use of single occupancy vehicles.

(3) The department shall assess its commute trip reduction program. The assessment shall include an evaluation of tax credits or other incentives to employers who reduce commute trips to their work sites by encouraging employees to telecommute. Up to \$50,000 of the air pollution control account--state appropriation is provided for a pilot project implementing telecommuting as part of the commute trip reduction program. The pilot project may include use of tax credits or other financial incentives.

(4) In evaluating applications for rural mobility grants to public transportation agencies, the department shall give added weight to projects that improve connectivity among transit providers and across jurisdictional boundaries.

(5) \$4,900,000 of the transportation account--federal appropriation is provided solely for commute trip reduction programs administered by the department of transportation. These funds come from the TEA-21 congestion mitigation air quality program. The office of financial management shall place \$1,000,000 of the air pollution control account--state appropriation in reserve status.

**NEW SECTION. Sec. 228. FOR THE DEPARTMENT OF TRANSPORTATION-- WASHINGTON STATE FERRIES CONSTRUCTION--PROGRAM W**  
Puget Sound Capital Construction Account--State Appropriation \$

|  |                    |
|--|--------------------|
| Puget Sound Capital Construction Account--Federal Appropriation \$ | 140,135,000        |
| Passenger Ferry Account--State Appropriation \$                    | 29,575,000         |
| Motor Vehicle Account--State Appropriation \$                      | 789,000            |
| <b>TOTAL APPROPRIATION \$</b>                                      | <b>116,221,000</b> |
|  | 286,720,000        |

The appropriations in this section are provided for improving the Washington state ferry system, including, but not limited to, vessel acquisition, vessel construction, major and minor vessel improvements, and terminal construction and improvements. The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The appropriations in this section, unless otherwise specified, are provided to carry out only the projects in the Washington state ferries capital program plan - version 3. The department shall reconcile the 1997-99 capital expenditures within ninety days of the end of the biennium and submit a final report to the senate transportation committee, the house of representatives transportation committee, and the office of financial management.

(2) The Puget Sound capital construction account--state appropriation includes \$27,000,000 in proceeds from the sale of bonds authorized by RCW 47.60.800 for vessel and terminal acquisition, major and minor improvements, and long lead time materials acquisition for the Washington state ferries. The transportation commission may authorize the use of current revenues available to the Puget Sound capital construction account in lieu of bond proceeds for any part of the state appropriation.



(3) \$1,500,000 of the motor vehicle account--state appropriation is provided solely for preliminary engineering activities to develop a new class of auto/passenger ferries. The design specifications for the vessels shall require that the vessels deliver optimal performance in terms of vessel speed, safety, reliability, and minimization of environmental impacts including damage on the shoreline from the wake of the vessels. The vessels are intended to ensure Washington state ferries compliance with applicable international and domestic vessel safety standards and the Americans with disabilities act on identified routes. This class of ferries should have a single adaptable design able to operate efficiently and effectively on different ferry routes, each of which has specific vessel capacity and handling requirements. These vessels are intended to relieve existing and projected vehicular traffic demand on congested routes such as, but not limited to, Seattle/Bremerton, Fauntleroy/Southworth, and Port Townsend/Keystone.

(a) Washington state ferries shall prepare:

(i) A conceptual design outlining the owner's functional requirements;

(ii) A design report that includes a budget estimate and outline of specifications and plans;

(iii) Specific contractual requirements and specifications;

(iv) An evaluation of using the request for proposals process in accordance with RCW 47.56.030;

(v) A request for interest to provide a propulsion system for this vessel class; and

(vi) An exploration of a public private partnership between Washington state ferries, shipbuilders, and their supporting engineering firms for design and construction of the vessel or vessels.

(b) Washington state ferries shall report to the legislature by December 1, 1999, on the conceptual design criteria and budget estimates for preferred hull design and propulsion system/engine alternatives. The report shall include recommended statutory changes that the legislature would need to enact in order to proceed with acquisition of this class of vessels.

(4) The motor vehicle account--state appropriation includes \$110,729,000 in proceeds from the sale of bonds authorized by RCW 47.10.843. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(5) The department shall structure the request for proposal for the purchase of passenger-only ferries authorized under RCW 47.60.652 to include the purchase of a fifth back-up ferry to support maintenance schedules, emergency service needs, and provide continuity of service on all passenger-only ferry routes. The purchase of a fifth passenger-only ferry is subject to subsequent legislative appropriation.

**NEW SECTION. Sec. 229. FOR THE DEPARTMENT OF TRANSPORTATION--MARINE--PROGRAM X**

Marine Operating Account--State Appropriation \$

303,014,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The appropriation is based on the budgeted expenditure of \$29,104,000 for vessel operating fuel in the 1999-2001 biennium. If the actual cost of fuel is less than this budgeted amount, the excess amount may not be expended. If the actual cost exceeds this amount, the department shall request a supplemental appropriation.

(2) The appropriation provides for the compensation of ferry employees. The expenditures for compensation paid to ferry employees during the 1999-2001 biennium may not exceed \$205,640,000 plus a dollar amount, as prescribed by the office of financial management, that is equal to any insurance benefit increase granted general government employees in excess of \$341.75 a month annualized per eligible marine employee multiplied by the number of eligible marine employees for the respective fiscal year, a dollar amount as prescribed by the office of financial management for costs associated with pension amortization charges, and a dollar amount prescribed by the office of financial management for salary increases during the 1999-2001 biennium. For the purposes of this section, the

expenditures for compensation paid to ferry employees shall be limited to salaries and wages and employee benefits as defined in the office of financial management's policies, regulations, and procedures named under objects of expenditure "A" and "B" (7.2.6.2).

The prescribed salary and insurance benefit increase or decrease dollar amount that shall be allocated from the governor's compensation appropriations is in addition to the appropriation contained in this section and may be used to increase or decrease compensation costs, effective July 1, 1999, and thereafter, as established in the 1999-2001 general fund operating budget.

(3) Up to \$2,770,000 of the marine operating account--state appropriation may be used for leasing and operating an appropriate passenger only ferry vessel for the purpose of supporting existing, or testing new, passenger only service while testing alternative vessel technologies.

**NEW SECTION. Sec. 230. FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y**

|   |                    |
|---|--------------------|
| Essential Rail Assistance Account--State Appropriation \$     | 85,000             |
| High Capacity Transportation Account--State Appropriation \$  | 15,094,000         |
| Transportation Account--State Appropriation \$                | 95,915,000         |
| Transportation Account--Federal Appropriation \$              | 10,000,000         |
| Public Transportation Systems Account--State Appropriation \$ | 5,000,000          |
| <b>TOTAL APPROPRIATION \$</b>                                 | <b>126,094,000</b> |

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) No appropriation in this section may be used to fund rail passenger service south of Portland, Oregon.

(2) \$2,000,000 of the transportation account--state appropriation and \$4,000,000 of the high capacity transportation account--state appropriation are provided solely for the freight rail assistance program to provide grants and loans for light density rail lines.

(3) \$3,000,000 of the high capacity transportation account--state appropriation is provided solely for acquisition of up to six rail passenger cars to add capacity to existing advanced technology train sets operating in Washington state.

(4) \$6,298,000 of the high capacity transportation account--state appropriation is provided to fund the operation of a second train set providing additional roundtrip service from Seattle to Vancouver, British Columbia. The department's authority to expend the appropriation referenced in this subsection for service north of Blaine is conditioned upon Canada, the province of British Columbia, and/or private sources undertaking the capital expenditures necessary to make the rail capital improvements required to facilitate improved round trip rail service between Seattle and Vancouver, B.C.

(5) \$10,000,000 of the transportation account--state appropriation and \$5,000,000 of the public transportation systems account--state appropriation are provided solely for the King street maintenance facility to be built in partnership with Amtrak. The amount referenced in this subsection is conditioned on the execution of agreements between the department of transportation, Amtrak, sound transit, and other participating parties which will assure that the maintenance and operation of the maintenance facility will not require state funding, except for billings for maintenance of state owned passenger trains.

(6) To the greatest extent practicable, expenditure of funds shall maximize funds from partnerships and coordinate with other agencies investing in track improvements.

(7) \$5,000,000 of the transportation account--federal appropriation is provided from TEA-21 surface transportation program enhancement funds is provided solely for restoration of and improvements to the King Street station.

**NEW SECTION. Sec. 231. FOR THE DEPARTMENT OF TRANSPORTATION--  
LOCAL PROGRAMS--PROGRAM Z**

|   |                    |
|---|--------------------|
| Motor Vehicle Account--State Appropriation \$                         | 129,886,000        |
| Motor Vehicle Account--Federal Appropriation \$                       | 8,040,000          |
| Transportation Account--State Appropriation \$                        | 10,767,000         |
| Transportation Infrastructure Account--State Appropriation \$         | 3,250,000          |
| Transportation Infrastructure Account--Private/Local Appropriation \$ | 1,750,000          |
| High Capacity Transportation Account--State Appropriation \$          | 150,000            |
| Highway Infrastructure Account--Federal Appropriation \$              | 1,500,000          |
| Highway Infrastructure Account--State Appropriation \$                | 234,000            |
| <b>TOTAL APPROPRIATION \$</b>   | <b>155,577,000</b> |

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) \$300,000 of the transportation account--state appropriation is provided solely to establish alternatives for flood management and flood hazard reduction projects in the Chehalis basin.

(a) The department of transportation shall convene a technical committee to develop watershed-based solutions to flooding within the Chehalis basin. The technical committee shall be comprised of representatives of the department of transportation, department of ecology, department of fish and wildlife, the department of community, trade, and economic development, the military department's emergency management division, and affected counties and tribes. The department of transportation shall also seek the participation of the United States army corps of engineers, federal emergency management administration, the United States geological survey, the United States fish and wildlife service, the United States environmental protection agency, and other entities with critical knowledge related to the structural or nonstructural flood hazard reduction projects in the Chehalis basin. Funds shall be distributed by the department of transportation for alternative analysis, mapping, and model testing projects as recommended by the technical committee. The solutions considered by the technical committee shall be consistent with fish and habitat recovery efforts and avoid additional flood hazard to downstream communities. The department of transportation shall present a report to the senate transportation committee and the house of representatives transportation committee by December 1, 1999, regarding findings and progress made by funded projects.

(b) If the federal government makes funds available to accomplish the project described in (a) of this subsection, the department of transportation shall place the appropriation identified in this section in reserve.

(2) \$85,121,000 of the motor vehicle account--state appropriation is provided solely for the state program share of freight mobility projects as identified by the freight mobility strategic investment board. Notwithstanding RCW 79.91.100, between July 1, 1999, and June 30, 2001, the department of natural resources shall execute and deliver an instrument granting an easement to cities, towns, and counties who request an easement for roadway purposes, including the right to make necessary fills, on, over, or across the beds of navigable waters if those easements are necessary to facilitate the construction of projects funded in whole or part by a portion of the appropriation referenced in this

subsection. The department of natural resources shall not charge the city, town, or county for the easement except as necessary to recover reasonable administrative costs. The amount provided in this subsection can only be expended upon authorization from the freight mobility strategic investment board.

(3) \$400,000 of the transportation account--state appropriation is provided solely for a study by the senate transportation committee and the house of representatives transportation committee in cooperation with the port of Benton developing a strategic corridor feasibility and master site plan for the port of Benton. If the port of Benton does not provide at least \$200,000 to fund the plan development, the transportation fund--state appropriation referenced in this subsection shall lapse and this subsection shall be null and void.

(4) The motor vehicle account--state appropriation includes \$105,121,000 in proceeds from the sale of bonds authorized by RCW 47.10.843. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(5) \$10,000,000 of the transportation account--state appropriation is provided solely to fund the first phase of a multiphase cooperative project with the state of Oregon to dredge the Columbia river. The department shall not expend the appropriation in this section unless agreement on ocean disposal sites has been reached which protects the state's commercial crab fishery. The amount provided in this subsection shall lapse unless the state of Oregon appropriates a dollar-for-dollar match to fund its share of the project.

(6) The motor vehicle account--state appropriation includes \$1,167,000 in proceeds from the sale of bonds authorized by RCW 47.10.819(1). The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(7) \$5,000,000 of the motor vehicle account--state appropriation is provided solely for a small city pavement preservation program, to be administered by the department's TransAid division. The department, in consultation with stakeholders, shall establish program guidelines. The guidelines should include but not be limited to a provision limiting program eligibility to cities with a population of 2,500 or less.

(8) \$20,000,000 of the motor vehicle account--state appropriation is provided solely for a county corridor congestion relief program, to be administered by the department's TransAid division. The purpose of the program is to provide funding for congested urban corridors, as defined and selected by the department of transportation in consultation with counties, regional transportation planning organizations, and the transportation improvement board. At a minimum, project selection criteria should include: Consistency with regional transportation plans; measurable improvements in mobility; cost effectiveness; systemic corridor mobility improvements rather than isolated "spot" improvements; and optimal timing for construction.

(9) \$5,000,000 of the motor vehicle account--state appropriation is provided solely for improving traffic and pedestrian safety near schools. The TransAid division within the department of transportation shall administer this program. Funds should be used for traffic and pedestrian improvements near schools, including roadway channelization and signalization.

(10) The TransAid division within the department of transportation shall develop a prequalification procedure for potential bidders on projects administered or approved by the transportation improvement board. The board shall work with other interested parties including but not limited to associations representing general contractors and the office of minority and women's business enterprises. The prequalification procedure's goal is to ascertain that bidders are qualified by experience, financing, equipment, and organization to do the work called for in the contract documents. The prequalification procedure may require a bidder to (1) satisfy threshold requirements established by the board prior to being furnished a proposal form on any contract; or (2) complete a preaward survey of the bidder's qualification prior to award.

(11) Up to \$100,000 of the motor vehicle account--state appropriation is provided solely for audits of city and county transportation funding to determine whether any city or county has supplanted its local transportation funding with state funding provided under sections 408 and 409 of this act. The department shall report the results of this audit to the senate transportation committee, the house of

representatives transportation committee, and the office of financial management by December 31, 2000.

(12) \$5,000,000 of the motor vehicle account--state appropriation is provided solely for city fish passage barrier removal and habitat restoration. Funds should be used for eliminating fish passage barriers, including stormwater facilities, and providing for habitat restoration for salmonid species that are listed as threatened or endangered. The amount provided in this section may only be expended upon authorization from the department of transportation's environmental affairs office.

### **PART III TRANSPORTATION AGENCIES CAPITAL FACILITIES**

#### **NEW SECTION. Sec. 301. FOR THE WASHINGTON STATE PATROL**

Appropriation:

State Patrol Highway Account--State Appropriation \$

2,328,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) \$508,000 of the state patrol highway account--state appropriation funds minor works which include communication tower maintenance, Spokane district headquarters HVAC, Morton HVAC replacement, emergency repairs, and Anacortes scale repairs.

(2) \$500,000 of the state patrol highway account--state appropriation is provided for the Naselle detachment office.

(3) \$615,000 of the state patrol highway account--state appropriation is provided for repaving the academy drive course.

(4) \$275,000 of the state patrol highway account--state appropriation is provided for the squawk mountain communication tower.

(5) \$380,000 of the state patrol highway account--state appropriation is provided for the replacement of two traffic control aircraft.

(6) \$50,000 of the state patrol highway account--state appropriation is provided for the Ridgefield expansion design and the academy hookup fee for waste treatment.

**NEW SECTION. Sec. 302.** The Washington state patrol is authorized to continue with the exchange of the Olympia, Washington Martin Way property for a light industrial land complex to be used to consolidate existing separately located state activities and functions. The agency will work with the office of financial management, department of general administration, the senate transportation committee, and the house of representatives transportation committee in the exchange and approval processes.

**NEW SECTION. Sec. 303. FOR THE DEPARTMENT OF TRANSPORTATION--  
PROGRAM D (DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)--CAPITAL**  
Motor Vehicle Account--State Appropriation \$

26,147,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) Before any funds are expended for the transportation facility to be located in Tumwater, Washington, the director of general administration shall conduct an evaluation of the planned facility design and budget using life-cycle cost analysis, value-engineering, and other techniques to maximize the long-term effectiveness and efficiency of the facility or improvement as required under RCW 43.82.010(10). Furthermore, the director shall present the findings of the evaluation to the fiscal committees of the house of representatives and the senate by December 31, 1999. Up to \$100,000 of the motor vehicle account--state appropriation may be expended by the department of general administration to conduct an analysis of future transportation-related facility office space needs in

Thurston county, by agency, for the next ten years. The analysis shall consult with state agencies, private developers, and building owners to determine the inventory of space available and planned over the next ten years in government and nongovernment buildings, and the impact on current office space. The analysis must be completed by January 31, 2000.

(2) The department of transportation is authorized to enter into a financing contract using certificate of participation in the amount of \$14,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to acquire and remodel a regional complex in the department's southwest region.

**PART IV  
TRANSFERS AND DISTRIBUTIONS**

**NEW SECTION. Sec. 401. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE FUND AND TRANSPORTATION FUND REVENUE**

|  |             |
|--|-------------|
| Highway Bond Retirement Account Appropriation \$                                 | 184,810,000 |
| Ferry Bond Retirement Account Appropriation \$                                   | 53,353,000  |
| Transportation Improvement Board Bond Retirement Account--State Appropriation \$ | 35,158,000  |
| Puget Sound Capital Construction Account--State Appropriation \$                 | 270,000     |
| Motor Vehicle Account--State Appropriation \$                                    | 6,543,000   |
| Special Category C Account--State Appropriation \$                               | 405,000     |
| TOTAL APPROPRIATION \$   | 280,539,000 |

**NEW SECTION. Sec. 402. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES**

|   |         |
|---|---------|
| Motor Vehicle Fund--Puget Sound Capital Construction Account Appropriation \$ | 36,000  |
| Motor Vehicle Account--State Appropriation \$                                 | 811,000 |
| Special Category C Account Appropriation \$                                   | 53,000  |
| TOTAL APPROPRIATION \$  | 900,000 |

**NEW SECTION. Sec. 403. FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION**

|  |             |
|--|-------------|
| Motor Vehicle Fund Appropriation for motor vehicle fuel tax and overload penalties distribution \$ | 492,721,000 |
| Transportation Fund Appropriation for motor vehicle excise tax distribution \$                     | 491,606,000 |

**NEW SECTION. Sec. 404. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--TRANSFERS**

Motor Vehicle Fund--State Patrol Highway Account:  
For transfer to the Department of Retirement Systems Expense Fund \$ 171,000

**NEW SECTION. Sec. 405. STATUTORY APPROPRIATIONS.** In addition to the amounts appropriated in this act for revenue for distribution, state contributions to the law enforcement officers' and fire fighters' retirement system, and bond retirement and interest including ongoing bond registration and transfer charges, transfers, interest on registered warrants, and certificates of indebtedness, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under any proper bond covenant made under law.

**NEW SECTION. Sec. 406.** The department of transportation is authorized to undertake federal advance construction projects under the provisions of 23 U.S.C. Sec. 115 in order to maintain progress in meeting approved highway construction and preservation objectives. The legislature recognizes that the use of state funds may be required to temporarily fund expenditures of the federal appropriations for the highway construction and preservation programs for federal advance construction projects prior to conversion to federal funding.

**NEW SECTION. Sec. 407. FOR THE STATE TREASURER--TRANSFERS**  
(1) RV Account--State Appropriation:  
For transfer to the Motor Vehicle Fund--State \$ 1,590,000  
(2) Transportation Account--State Appropriation:  
For transfer to the Transportation Infrastructure Account--State \$ 5,000,000

The department of transportation shall only transfer funds provided under this subsection on an as-needed basis.

**NEW SECTION. Sec. 408. FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION**  
Motor Vehicle Fund--State Appropriation for distribution to the cities \$ 18,250,000  
Motor Vehicle Fund--State Appropriation for distribution to the counties \$ 10,000,000

The distributions in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The motor vehicle fund--state appropriation for distribution to cities is provided solely to be distributed to cities with a population of over two thousand five hundred in a manner consistent with RCW 46.68.110(4) in one distribution on March 1, 2000. The motor vehicle fund--state appropriation for distribution to the counties is provided solely to be distributed in a manner consistent with RCW 46.68.122 in one distribution on March 1, 2000. If the voters of this state pass an initiative that eliminates or reduces the motor vehicle excise tax authorized under RCW 82.44.020, the appropriations in this section shall lapse.

(2) The amounts provided in this section may not be used to supplant any existing local government funding for transportation projects or programs. Any local government in violation of this requirement shall immediately forfeit its eligibility for future distributions provided under this section.

**NEW SECTION. Sec. 409. FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION**  
Motor Vehicle Fund--State Appropriation for distribution to the cities \$ 19,580,000  
Motor Vehicle Fund--State Appropriation for distribution to the counties \$

The distributions in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The motor vehicle fund--state appropriation for distribution to cities is provided solely to be distributed to cities with a population of over two thousand five hundred in a manner consistent with RCW 46.68.110(4) in one distribution on March 1, 2001. The motor vehicle fund--state appropriation for distribution to the counties is provided solely to be distributed in a manner consistent with RCW 46.68.122 in one distribution on March 1, 2001. If the voters of this state pass an initiative that eliminates or reduces the motor vehicle excise tax authorized under RCW 82.44.020, the appropriations in this section shall lapse.

(2) The amounts provided in this section may not be used to supplant any existing local government funding for transportation projects or programs. Any local government in violation of this requirement shall immediately forfeit its eligibility for future distributions provided under this section.

**NEW SECTION. Sec. 410.** The office of the state treasurer is authorized to transfer any transportation improvement account and urban arterial trust account balances available in the highway bond retirement account into the transportation improvement board bond retirement account following a cooperative agreement by the department of transportation and the transportation improvement board on the exact amount of the transfer.

**NEW SECTION. Sec. 411.** The motor vehicle account revenues are received at a relatively even flow throughout the year. Expenditures may exceed the revenue during the accelerated summer and fall highway construction season, creating a negative cash balance during the heavy construction season. Negative cash balances also may result from the use of state funds to finance federal advance construction projects prior to conversion to federal funding. The governor and the legislature recognize that the department of transportation may require interfund loans or other short-term financing to meet temporary seasonal cash requirements and additional cash requirements to fund federal advance construction projects.

**NEW SECTION. Sec. 412.** In addition to such other appropriations as are made by this act, there is appropriated to the department of transportation from legally available bond proceeds in the respective transportation funds and accounts such amounts as are necessary to pay the expenses incurred by the state finance committee in the issuance and sale of the subject bonds.

**NEW SECTION. Sec. 413. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSFERS.** The department of transportation shall make the following transfers contingent on passage of the bills referenced in each proviso as identified by bill number in the form passed by the legislature:

(1) If Senate Bill No. 5615 or House Bill No. 1588 is enacted in the form passed by the legislature the department of transportation shall transfer:

(a) The balances remaining at the close of the 1997-99 biennium in the economic development account and the transportation capital facilities account to the motor vehicle account--state; and

(b) The balance remaining at the close of fiscal year 2000 in the marine operating account to the Puget Sound ferry operations account.

(2) If neither Senate Bill No. 5615 nor House Bill No. 1588 is enacted in the form passed by the legislature the department of transportation is authorized to transfer any balances available in the highway construction stabilization account to the motor vehicle account to fund the appropriations contained in this act.

**NEW SECTION. Sec. 414. FOR THE TRANSPORTATION IMPROVEMENT BOARD--TRANSFERS.** The transportation improvement board shall make the following transfers contingent on passage of the bills referenced in each proviso as enacted in the form passed by the legislature:



(1) If Senate Bill No. 5360 or House Bill No. 1053 is enacted in the form passed by the legislature the transportation improvement board shall transfer the balances remaining at the close of the 1997-99 biennium in the small city account and the city hardship assistance account to the urban arterial trust account.

(2) If Senate Bill No. 5615 or House Bill No. 1588 is enacted in the form passed by the legislature the transportation improvement board shall transfer:

(a) The balances remaining at the close of the 1997-99 biennium in the small city account and the city hardship assistance account to the urban arterial trust account; and

(b) The balance remaining at the close of the 1997-99 biennium in the central Puget Sound public transportation systems account to the public transportation systems account.

**PART V**  
**1997-99 SUPPLEMENTAL APPROPRIATIONS**

**Transportation Agencies**

**Sec. 501.** 1997 c 457 s 204 (uncodified) is amended to read as follows:  
**FOR THE TRANSPORTATION IMPROVEMENT BOARD**

|  |                            |
|--|----------------------------|
| Motor Vehicle Fund--Urban Arterial Trust Account--State Appropriation \$       | 57,159,000                 |
| Motor Vehicle Fund--Transportation Improvement Account--State Appropriation \$ | 122,014,000                |
| Motor Vehicle Fund--City Hardship Assistance Account--State Appropriation \$   | 2,649,000                  |
| Motor Vehicle Fund--Small City Account--State Appropriation \$                 | <del>((7,921,000))</del>   |
|  | <u>9,921,000</u>           |
| Central Puget Sound Public Transportation Account--State Appropriation \$      | 27,360,000                 |
| Public Transportation Systems Account--State Appropriation \$                  | 3,928,000                  |
| <b>TOTAL APPROPRIATION \$</b>  | <del>((221,031,000))</del> |
|  | <u>223,031,000</u>         |

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: The transportation improvement account--state appropriation includes \$40,000,000 in proceeds from the sale of bonds authorized in RCW 47.26.500. However, the transportation improvement board may authorize the use of current revenues available in lieu of bond proceeds.

**Sec. 502.** 1998 c 348 s 203 (uncodified) is amended to read as follows:  
**FOR THE WASHINGTON STATE PATROL--FIELD OPERATIONS BUREAU**

|  |                            |
|--|----------------------------|
| Motor Vehicle Fund--State Patrol Highway Account--State Appropriation \$   | <del>((163,789,000))</del> |
|  | <u>166,035,000</u>         |
| Motor Vehicle Fund--State Patrol Highway Account--Federal Appropriation \$ | <del>((4,374,000))</del>   |
|  | <u>4,688,000</u>           |

|  |                            |
|--|----------------------------|
| Motor Vehicle Fund--State Patrol Highway Account--Local Appropriation \$ | 170,000                    |
| Transportation Fund--State Appropriation \$                              | 4,522,000                  |
| TOTAL APPROPRIATION \$   | <del>((172,855,000))</del> |
|  | <u>175,415,000</u>         |

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The Washington state patrol is authorized to use the federal community oriented policing program (COPS) for 54 troopers with 18 COPS troopers to begin in July 1998 and 36 COPS troopers to begin in January 1999.

(2) \$4,463,000 of the transportation fund--state appropriation and \$3,737,000 of the motor vehicle fund--state patrol highway account--state appropriation are provided for an equalization salary adjustment of three percent on July 1, 1997, and six percent on July 1, 1998, for commissioned officers (entry level trooper through captain), commercial vehicle enforcement officers, and communication officers of the Washington state patrol. The salary adjustments are intended to bring the existing salary levels into the fiftieth percentile of other Washington state law enforcement compensation plans. This is in addition to the salary increase contained in the omnibus appropriation bill or bills. The total of the two increases, in the transportation budget and omnibus appropriation bill or bills, may not exceed twelve percent.

(3) The Washington state patrol will develop a vehicle replacement plan for the next six years. The plan will include an analysis of the current 100,000 miles replacement policy and agency assignment policy. Projected future budget requirements will include forecasts of vehicle replacement costs, vehicle equipment costs, and estimated surplus vehicle values when sold at auction.

(4) The Washington state patrol vessel and terminal security (VATS) program will be funded by the state patrol highway fund beginning July 1, 1997, and into future biennia.

(5) A personnel data base will be maintained of the 801 commissioned traffic law enforcement officers, with a reconciliation at all times to the patrol allocation model and a vehicle assignment and replacement plan.

(6) \$150,000 of the state patrol highway account appropriation is to fund the Washington state patrol's portion of the drug recognition expert training program previously funded by the traffic safety commission.

(7) The Washington state patrol with legislative transportation committee staff will perform an interim study of the Washington state patrol's commercial vehicle enforcement program with a report to be presented to the legislature and office of financial management in January 1998 with a developed business plan and program recommendations which includes, but is not limited to, weigh in motion technologies.

(8)(a) The Washington state patrol, in consultation with the Washington traffic safety commission, shall conduct an analysis of the most effective safety devices for preventing accidents while delivery trucks are operating in reverse gear. The analysis shall focus on trucks equipped with cube-style, walk-in cargo boxes, up to eighteen feet long, that are most commonly used in the commercial delivery of goods and services.

(b) The state patrol shall incorporate research and analysis currently being conducted by the national highway traffic safety administration.

(c) Upon completion of the analysis, the state patrol shall forward its recommendations to the legislative transportation committee and office of financial management.

(9) \$381,000 of the transportation fund--state appropriation is provided for the following traditional general fund purposes: The governor's air travel, the license fraud program, and the special services unit. This transportation fund--state appropriation is not a permanent funding source for these purposes.

(10) \$461,000 of the state patrol highway account appropriation is provided solely for monitoring and stopping fuel tax evasion. The Washington state patrol will report on December 1, 1998, to the legislative transportation committee on the activities and revenue collected associated with fuel tax evasion.

(11) \$289,000 of the state patrol highway account appropriation is provided solely for vehicle license fraud investigation. A report will be presented each session to the legislature on the activities and revenue collected by the vehicle license fraud unit.

(12) \$268,000 of the motor vehicle fund--state patrol highway account is provided solely to cover the employer's share of medicare premiums for commissioned officers hired prior to 1986. If a referendum of these officers does not receive majority support this appropriation shall not be expended by the state patrol.

(13) \$105,000 of the motor vehicle fund--state patrol highway account--state appropriation and \$314,000 of the motor vehicle fund--state patrol highway account--federal appropriation are provided solely for laptop personal computers, peripheral equipment, and necessary software for existing community oriented policing program (COPS) troopers.

(14) \$2,300,000 of the motor vehicle fund--state patrol highway account--state appropriation is provided solely to purchase 100 equipped pursuit vehicles. If the transportation fund--state appropriation reduction described in section 503(9) of this act does not take place, the amount provided in this subsection shall lapse. If the state patrol does not purchase the vehicles prior to June 30, 1999, the amount provided in this subsection shall lapse.

**Sec. 503.** 1998 c 348 s 205 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE PATROL--SUPPORT SERVICES BUREAU**

|  |                           |
|--|---------------------------|
| Motor Vehicle Fund--State Patrol Highway Account--State Appropriation \$   | 52,926,000                |
| Motor Vehicle Fund--State Patrol Highway Account--Federal Appropriation \$ | 104,000                   |
| Transportation Fund--State Appropriation \$                                | <del>((2,513,000))</del>  |
|  | <u>214,000</u>            |
| TOTAL APPROPRIATION \$   | <del>((55,543,000))</del> |
|  | <u>53,244,000</u>         |

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) \$1,017,000 for the state patrol highway account--state appropriation is provided solely for year 2000 conversions of transportation automated systems. For purposes of this subsection, transportation automated systems does not include WASIS and WACIS.

(2) \$50,000 of the state patrol highway account--state appropriation is provided solely for a feasibility study to assess the effect of mobile computers on trooper productivity by type of service and measurement of the productivity gains achieved through reduction in administrative time and paperwork processing. The agency shall submit a copy of the proposed study workplan to the office of financial management, the department of information services, and the legislative transportation committee no later than October 1, 1997. A final report shall be submitted to the legislative transportation committee, the office of financial management, and the department of information services no later than January 31, 1998. This project is subject to the provisions of section 502 of this act.

(3) \$50,000 of the state patrol highway account--state appropriation is provided solely for a review of the feasibility of improving the patrol's computer-aided dispatch system to permit tracking of trooper availability and response time to calls for service. The agency shall submit a copy of the proposed study workplan to the office of financial management, the department of information

services, and the legislative transportation committee no later than October 1, 1997. A final report shall be submitted to the legislative transportation committee, the office of financial management, and the department of information services no later than January 31, 1998. This project is subject to the provisions of section 502 of this act.

(4) These appropriations maintain current level funding for the Washington state patrol service center and have no budget savings included for a consolidation of service centers based on the study conducted by the technology management group. During the 1997 interim, the costs for current level will be reviewed by the office of financial management and department of information services with a formal data center recommendation, that has been approved by the information services board, to the legislature in January 1998. Current level funding will be split between fiscal year 1998 and fiscal year 1999 with consideration of funding adjustments based on the review and the formal policy and budget recommendations.

(5) \$2,513,000 of the transportation fund--state appropriation is for the following traditional general fund purposes: The executive protection unit, revolving fund charges, budget and fiscal services, computer services, personnel, human resources, administrative services, and property management. This appropriation is not a permanent funding source for these purposes.

(6) \$22,000 of the motor vehicle fund--state patrol highway account appropriation is provided solely to cover the employer's share of medicare premiums for commissioned officers hired prior to 1986. If a referendum of these officers does not receive majority support this appropriation shall not be expended by the state patrol.

(7) The 1998 Washington state patrol interim working group shall review the data center, electronic services division, communications division, and strategic planning and shall provide recommendations on increasing the effectiveness and efficiencies of the programs under review and audit.

(8) \$1,580,000 of the state patrol highway account--state appropriation is provided solely for the transition of the Washington state patrol mainframe data processing functions to the Washington state department of information services data center in Olympia, Washington. The Washington state patrol and the department of information services shall work cooperatively to ensure the transition to the department of information services is completed successfully.

(9) The transportation fund--state appropriation is reduced by \$2,299,000 to correct a double appropriation.

**Sec. 504.** 1998 c 348 s 207 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LICENSING--INFORMATION SYSTEMS**

|  |                   |
|--|-------------------|
| Highway Safety Fund--Motorcycle Safety Education Account--State Appropriation \$ | 94,000            |
| General Fund--Wildlife Account--State Appropriation \$                           | 42,000            |
| Highway Safety Fund--State Appropriation \$                                      | ((10,732,000))    |
| Motor Vehicle Fund--State Appropriation \$                                       | <u>8,218,000</u>  |
|  | ((5,610,000))     |
| Transportation Fund--State Appropriation \$                                      | <u>4,735,000</u>  |
|  | 441,000           |
| TOTAL APPROPRIATION \$   | ((16,919,000))    |
|  | <u>13,530,000</u> |

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: ~~((+))~~ \$2,498,000 of the highway safety fund--state appropriation and \$793,000 of the motor vehicle fund--state appropriation are provided for the following activities: (1) Identify business objectives and needs relating to technology improvements and integration of the drivers' licensing and vehicle title and registrations systems; (2) converting the drivers' licensing software applications to achieve Year 2000 compliance; (3) convert the drivers' field network from a uniscope to a frame-relay network; (4) develop an interface between the unisys system and the CRASH system; and (5) operate and maintain the highways-licensing building network and the drivers' field network.

**Sec. 505.** 1998 c 348 s 208 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LICENSING--VEHICLE SERVICES**

|  |                           |
|--|---------------------------|
| General Fund--Marine Fuel Tax Refund Account--State Appropriation \$ | 26,000                    |
| General Fund--Wildlife Account--State Appropriation \$               | 549,000                   |
| Motor Vehicle Fund--State Appropriation \$                           | <del>((49,630,000))</del> |
|  | <u>49,615,000</u>         |
| Department of Licensing Services Account--State Appropriation \$     | 2,944,000                 |
| <b>TOTAL APPROPRIATION \$</b>  | <del>((53,149,000))</del> |
|  | <u>53,134,000</u>         |

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) \$600,000 of the licensing service account--state appropriation is provided for replacement of printers for county auditors and subagents.

(2) The department of licensing, in cooperation with the fuel tax advisory committee, shall prepare and submit a report to the legislative transportation committee containing recommendations for special fuel and motor vehicle fuel recordkeeping and reporting requirements, including but not limited to recommendations regarding the form and manner in which records and tax reports must be maintained and made available to the department; which persons engaged in the business of selling, purchasing, distributing, storing, transporting, or delivering fuel should be required to submit periodic reports regarding the disposition of such fuel; and the feasibility of implementing an automated fuel tracking system. The report is due no later than October 31, 1997.

(3) The department of licensing, in cooperation with representatives of local governments and the department of revenue shall analyze the collection of the local option fuel tax under RCW 82.80.010. Based on that analysis the department of licensing shall offer recommendations regarding the appropriate government entity to collect the local option fuel tax and the best method to accomplish that collection. The department of licensing shall report its findings and recommendations to the legislative transportation committee and the office of financial management by December 1, 1998.

(4) The department of licensing, in conjunction with the interagency commission on outdoor recreation, the department of transportation, and other affected entities, shall conduct a study and make recommendations regarding:

(a) Whether the study required by RCW 43.99.030 to determine what portion of the motor vehicle fuel tax collected is tax on marine fuel is an effective and efficient mechanism for determining what portion of fuel tax revenues should be refunded to the marine fuel tax refund account;

(b) Other possible methodologies for determining the appropriate amount of tax revenue to refund from the motor vehicle fund to the marine tax refund account; and

(c) Whether the tax on fuel used by illegally nonregistered boats should be refunded to the marine tax refund account.

The department of licensing shall make a report of its findings and recommendations to the legislative transportation committee and the office of financial management by December 1, 1998.

(5) \$382,000 of the motor vehicle fund--state appropriation is provided solely to implement Substitute House Bill No. 2659. If Substitute House Bill No. 2659 is not enacted by June 30, 1998, this amount shall lapse.

**Sec. 506.** 1998 c 348 s 209 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LICENSING--DRIVER SERVICES**

Highway Safety Fund--Motorcycle Safety Education Account--State Appropriation \$

1,411,000

Highway Safety Fund--State Appropriation \$

~~((61,087,000))~~

59,869,000

Transportation Fund--State Appropriation \$

4,985,000

TOTAL APPROPRIATION \$

~~((64,112,000))~~

66,265,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$225,000 of the highway safety account--state appropriation is provided solely to implement Substitute House Bill No. 2442 or Senate Bill No. 6190. If neither bill is enacted by June 30, 1998, this amount shall lapse.

(2) \$480,000 of the highway safety account--state appropriation is provided solely to implement Senate Bill No. 6165. If Senate Bill No. 6165 is not enacted by June 30, 1998, this amount shall lapse.

~~(((6)))~~ (3) \$1,000,000 of the highway safety account--state appropriation is provided solely to implement 1998 legislation that changes statutes relating to driving under the influence. If legislation changing the DUI statutes is not enacted by June 30, 1998, this amount shall lapse.

**Sec. 507.** 1997 c 457 s 215 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MANAGEMENT AND FACILITIES--PROGRAM D--OPERATING**

Motor Vehicle Fund--State Appropriation \$

~~((24,703,000))~~

24,436,000

Motor Vehicle Fund--Federal Appropriation \$

400,000

Motor Vehicle Fund--Transportation Capital Facilities Account--State Appropriation \$

~~((24,338,000))~~

24,330,000

TOTAL APPROPRIATION \$

~~((49,441,000))~~

49,166,000

**Sec. 508.** 1998 c 348 s 211 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--IMPROVEMENTS--PROGRAM I**

|  |                            |
|--|----------------------------|
| Motor Vehicle Fund--Economic Development Account--State Appropriation \$ | 2,434,000                  |
| Motor Vehicle Fund--State Appropriation \$                               | <del>((163,275,000))</del> |
|  | <u>123,575,000</u>         |
| Motor Vehicle Fund--Federal Appropriation \$                             | 155,485,000                |
| Motor Vehicle Fund--Private/Local Appropriation \$                       | 40,000,000                 |
| Special Category C Account--State Appropriation \$                       | <del>((73,271,000))</del>  |
|  | <u>65,471,000</u>          |
| Transportation Fund--State Appropriation \$                              | <del>((230,546,000))</del> |
|  | <u>225,546,000</u>         |
| Puyallup Tribal Settlement Account--State Appropriation \$               | 5,000,000                  |
| Puyallup Tribal Settlement Account--Private/Local Appropriation \$       | 200,000                    |
| High Capacity Transportation Account--State Appropriation \$             | 1,401,000                  |
| TOTAL APPROPRIATION \$   | <del>((671,612,000))</del> |
|  | <u>619,112,000</u>         |

The appropriations in this section are provided for the location, design, right of way acquisition, or construction of state highway projects designated as improvements under RCW 47.05.030. The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The special category C account--state appropriation of ~~((73,271,000))~~ \$65,471,000 includes \$26,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.812 through 47.10.817 ~~((and includes \$12,000,000 in proceeds from the sale of bonds authorized by House Bill No. 1012))~~. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation. ~~((If House Bill No. 1012 is not enacted by June 30, 1998, \$7,800,000 of the special category C account state appropriation shall lapse.))~~

(2) The motor vehicle fund--state appropriation includes \$2,685,000 in proceeds from the sale of bonds authorized by RCW 47.10.819(1) for match on federal demonstration projects. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(3) The department shall report annually to the legislative transportation committee on the status of the projects funded by the special category C appropriations contained in this section. The report shall be submitted by January 1 of each year.

(4) The motor vehicle fund--state appropriation in this section includes \$600,000 solely for a rest area and information facility in the Nisqually gateway area to Mt. Rainier, provided that at least forty percent of the total project costs are provided from federal, local, or private sources. The contributions from the nonstate sources may be in the form of in-kind contributions including, but not limited to, donations of property and services.

(5) The appropriations in this section contain \$118,247,000 reappropriation from the 1995-97 biennium.

(6) The motor vehicle fund--state appropriation in this section includes \$250,000 to establish a wetland mitigation pilot project. This appropriation may only be expended if the department of transportation establishes a technical committee to better implement the department's strategic plan. The technical committee shall include, but is not limited to, cities, counties, environmental groups, business groups, tribes, the Puget Sound action team, and the state departments of ecology, fish and wildlife, and community, trade, and economic development, and appropriate federal agencies. The committee shall assist the department in implementing its wetland strategic plan, including working to eliminate barriers to improved wetland and watershed management. To this end, the technical committee shall: (a) Work to facilitate sharing of agency environmental data, including evaluation of off-site and out-of-kind mitigation options; (b) develop agreed-upon guidance that will enable the preservation of wetlands that are under imminent threat from development for use as an acceptable mitigation option; (c) develop strategies that will facilitate the implementation of mitigation banking, including developing mechanisms for valuing and transferring credits; (d) provide input in the development of wetland functions assessment protocols related to transportation projects; (e) develop incentives for interagency participation in joint mitigation projects within watersheds; and (f) explore options for funding environmental mitigation strategies. The department shall prepare an annual report to the legislative transportation committee and legislative natural resources committees on recommendations developed by the technical committee.

(7) The department shall report January 1st and July 1st of each year, to the legislative transportation committee and the office of financial management of the timing and the scope of work being performed for the regional transit authority. This report shall provide a description of all department activities related to the regional transit authority including investments in state-owned infrastructure.

(8) The translake study funded in this section shall include recommendations to address methods for mitigating traffic noise in the study area.

(9) Funding for the SR 509 project extending south and east from south 188th street in King county is contingent on the development of a proposal linking the project to other freight corridors and a funding plan with participation from partners of the state that are agreed to by the legislative transportation committee and the governor.

(10) The motor vehicle account--federal appropriation in this section is transferrable to the transportation account to ensure efficient funds management and program delivery.

(11) \$2,000,000 of the motor vehicle fund--state appropriation is provided solely for transfer to the advanced environmental mitigation revolving account--state.

~~((14))~~ (12) \$13,000,000 of the motor vehicle fund--state appropriation and \$12,000,000 of the transportation fund--state appropriation are provided solely for preliminary engineering and purchase of right of way for highway construction.

~~((15) \$35,000,000 of the motor vehicle fund--state appropriation is conditioned upon voter approval of a referendum on a state-wide ballot that provides funding for transportation purposes. If the voters approve such a referendum, \$35,000,000 of the motor vehicle fund--state appropriation is put in reserve solely to be used for the purposes of preliminary engineering and purchase of right of way for highway construction. These moneys may only be expended upon approval of both the legislative transportation committee and the office of financial management.))~~

(13) The department may advertise and award certain specified projects prior to June 30, 1999. This authority extends to the 10 projects listed in the transportation executive information system document titled "1999 Supplemental Budget — Spring Start Projects (Rev.)" dated March 13, 1999.

**Sec. 509.** 1998 c 348 s 212 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION ECONOMIC PARTNERSHIPS--PROGRAM K**

Transportation Fund--State Appropriation \$

~~((1,280,000))~~

1,255,000



|   |    |                   |
|---|----|-------------------|
| Motor Vehicle Fund--State Appropriation | \$ | 16,235,000        |
| TOTAL APPROPRIATION                     | \$ | ((17,515,000))    |
|   |    | <u>17,490,000</u> |

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The motor vehicle fund--state appropriation includes \$16,235,000 in proceeds from the sale of bonds authorized in RCW 47.10.834 for all forms of cash contributions, or the payment of other costs incident to the location, development, design, right of way, and construction of only the SR 16 corridor improvements and park and ride projects selected under the public-private transportation initiative program authorized under chapter 47.46 RCW; and support costs of the public-private transportation initiatives program.

(2) The appropriations in this section contain \$16,235,000 reappropriated from the 1995-97 biennium.

**Sec. 510.** 1998 c 348 s 213 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MAINTENANCE--PROGRAM M**

|   |    |                    |
|---|----|--------------------|
| Motor Vehicle Fund--State Appropriation         | \$ | ((239,200,000))    |
|   |    | <u>237,013,000</u> |
| Motor Vehicle Fund--Federal Appropriation       | \$ | 465,000            |
| Motor Vehicle Fund--Private/Local Appropriation | \$ | 3,335,000          |
| TOTAL APPROPRIATION                             | \$ | ((243,000,000))    |
|   |    | <u>240,813,000</u> |

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) If portions of the appropriations in this section are required to fund maintenance work resulting from major disasters not covered by federal emergency funds such as fire, flooding, and major slides, supplemental appropriations will be requested to restore state funding for ongoing maintenance activities.

(2) The department shall deliver the highway maintenance program according to the plans for each major maintenance group to the extent practical. However, snow and ice expenditures are highly variable depending on actual weather conditions encountered. If extraordinary winter needs result in increased winter maintenance expenditures, the department shall, after prior consultation with the transportation commission, the office of financial management, and the legislative transportation committee adopt one or both of the following courses of action: (a) Reduce planned maintenance activities in other groups to offset the necessary increases for snow and ice control; or (b) continue delivery as planned within other major maintenance groups and request a supplemental appropriation in the following legislative session to fund the additional snow and ice control expenditures.

(3) The department shall request an unanticipated receipt for any federal moneys received for emergency snow and ice removal and shall place an equal amount of the motor vehicle fund--state into unallotted status. This exchange shall not affect the amount of funding available for snow and ice removal.

(4) Funding appropriated for local storm water charges assessed under RCW 90.03.525, which is allocated for, but not paid to, a local storm water utility because the utility did not meet the conditions provided under RCW 90.03.525, may be transferred by the department to program Z of the department to be distributed as grants under the storm water grant program.

**Sec. 511.** 1998 c 348 s 214 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--PRESERVATION--PROGRAM P**

|   |           |                        |
|---|-----------|------------------------|
| Motor Vehicle Fund--State Appropriation         | \$        | ((288,720,000))        |
|   |           | <u>285,220,000</u>     |
| Motor Vehicle Fund--Federal Appropriation       | \$        | 274,259,000            |
| Motor Vehicle Fund--Private/Local Appropriation | \$        | 2,400,000              |
| <b>TOTAL APPROPRIATION</b>                      | <b>\$</b> | <b>((568,379,000))</b> |
|   |           | <u>561,879,000</u>     |

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The motor vehicle fund--state appropriation includes \$6,800,000 in proceeds from the sale of bonds authorized in RCW 47.10.761 and 47.10.762 for emergency purposes. However, the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(2) The appropriations in this section contain \$27,552,000 reappropriated from the 1995-97 biennium.

(3) If the Oregon state legislature enacts a public/private partnership program and the Washington state transportation commission, in consultation with the legislative transportation committee, negotiates and enters into an agreement between Washington and Oregon to place the Lewis and Clark bridge into Oregon's public/private partnership program, up to \$3,000,000 of the motor vehicle fund--state appropriation may be used as Washington's contribution toward the design of the project pursuant to the agreement between Washington and Oregon. Any additional contributions shall be subject to Washington state legislative appropriations and approvals. The department shall provide a status report on this project to the legislative transportation committee by June 30, 1998.

~~((6))~~ (4) \$630,000 of the motor vehicle fund--state appropriation is provided for slope stabilization along state route 166 in the Ross Point vicinity. This amount is intended to fund preliminary engineering, right of way acquisition, and to begin construction.

**Sec. 512.** 1998 c 348 s 215 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q**

|   |           |                       |
|---|-----------|-----------------------|
| State Patrol Highway Account--State Appropriation | \$        | 153,000               |
| Motor Vehicle Fund--State Appropriation           | \$        | ((30,412,000))        |
|   |           | <u>29,982,000</u>     |
| Motor Vehicle Fund--Federal Appropriation         | \$        | 1,000,000             |
| Motor Vehicle Fund--Private/Local Appropriation   | \$        | 275,000               |
| <b>TOTAL APPROPRIATION</b>                        | <b>\$</b> | <b>((31,840,000))</b> |

31,410,000

The appropriation in this section is subject to the following conditions and limitations and specified amount is provided solely for that activity:

(1) The department, in cooperation with the Washington state patrol and the tow truck industry, shall develop and submit to the legislative transportation committee by October 31, 1997, a recommendation for implementing new tow truck services during peak hours on the Puget Sound freeway system.

(2) The department, in cooperation with the Washington state patrol, the department of licensing, the state of Oregon, and the United States department of transportation, shall install and operate the commercial vehicle information systems and network (CVISN) at a selected pilot site. If the state department of transportation receives additional federal funding for this project that is eligible to supplant state funding, the appropriation in this section shall be reduced by the amount of the state funds supplanted.

**Sec. 513.** 1998 c 348 s 216 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION MANAGEMENT AND SUPPORT--PROGRAM S**

|  |                   |
|--|-------------------|
| Motor Vehicle Fund--Puget Sound Capital Construction Account--State App \$       | 777,000           |
| Motor Vehicle Fund--State Appropriation \$                                       | ((70,032,000))    |
|  | <u>69,685,000</u> |
| Motor Vehicle Fund--Puget Sound Ferry Operations Account--State Appropriation \$ | 1,093,000         |
| Transportation Fund--State Appropriation \$                                      | 1,158,000         |
| TOTAL APPROPRIATION \$   | ((73,060,000))    |
|  | <u>72,713,000</u> |

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1)(a) The motor vehicle fund--state appropriation includes \$14,300,000 provided solely for programming activities and other efforts needed to bring the department's information systems, and devices with computers built into them, into compliance with the year 2000 requirements of the department of information services. The department is directed to expend the moneys internally reallocated for this purpose before spending from this appropriation. The department is directed to provide quarterly reports on this effort to the legislative transportation committee and the office of financial management beginning October 1, 1997.

(b) Up to \$2,900,000 of the amount provided in (a) of this subsection may be expended for testing and required modifications to electronic devices and other equipment and specialized software that are essential for department operations to ensure they are year 2000 compliant. Before expending any of this amount for these purposes, the department shall consult with the legislative transportation committee and the office of financial management.

(2) The legislative transportation committee shall review and analyze freight mobility issues affecting eastern and southeastern Washington as recommended by the freight mobility advisory committee and report back to the legislature by November 1, 1997. \$500,000 of the motor vehicle fund--state appropriation is provided for this review and analysis. The funding conditioned in this subsection shall be from revenues provided for interjurisdictional studies.

(3) In order to increase visibility for decision making, the department shall review its budgeting and accounting methods for management information systems. The review shall include, but not be

limited to, the cost-benefit analysis of existing processes and evaluation of less complex alternatives such as direct appropriations. The results of the review shall be reported to the legislative transportation committee and the office of financial management by July 1, 1998.

**Sec. 514.** 1997 c 457 s 223 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION PLANNING, DATA, AND RESEARCH--PROGRAM T**

|   |    |                           |
|---|----|---------------------------|
| Motor Vehicle Fund--State Appropriation   | \$ | <del>((16,098,000))</del> |
|   |    | <u>15,884,000</u>         |
| Motor Vehicle Fund--Federal Appropriation | \$ | 10,466,000                |
| Transportation Fund--State Appropriation  | \$ | <del>((1,384,000))</del>  |
|   |    | <u>1,379,000</u>          |
| TOTAL APPROPRIATION                       | \$ | <del>((27,948,000))</del> |
|   |    | <u>27,729,000</u>         |

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: Up to \$2,400,000 of the motor vehicle fund--state appropriation is provided for regional transportation planning organizations, with allocations for participating counties maintained at the 1995-1997 biennium levels for those counties not having metropolitan planning organizations within their boundaries.

**Sec. 515.** 1998 c 348 s 217 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--CHARGES FROM OTHER AGENCIES--PROGRAM U**

|   |               |                          |
|---|---------------|--------------------------|
| (1) FOR PAYMENT OF COSTS OF ATTORNEY GENERAL TORT CLAIMS SUPPORT  |               |                          |
| <del>((Motor Vehicle Fund--State Appropriation</del>  | <del>\$</del> | <del>2,515,000))</del>   |
| <u>Transportation Fund--State Appropriation</u>   | \$            | <u>3,715,000</u>         |
| (2) FOR PAYMENT OF COSTS OF THE OFFICE OF THE STATE AUDITOR   |               |                          |
| Motor Vehicle Fund--State Appropriation   | \$            | 840,000                  |
| (3) FOR PAYMENT OF COSTS OF DEPARTMENT OF GENERAL ADMINISTRATION FACILITIES AND SERVICES AND CONSOLIDATED MAIL SERVICES |               |                          |
| Motor Vehicle Fund--State Appropriation   | \$            | 3,391,000                |
| (4) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF PERSONNEL   |               |                          |
| Motor Vehicle Fund--State Appropriation   | \$            | <del>((2,240,000))</del> |
|   |               | <u>2,140,000</u>         |
| (5) FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS AND ADMINISTRATION   |               |                          |
| Motor Vehicle Fund--State Appropriation   | \$            | 12,535,000               |

|   |           |
|---|-----------|
| (6) FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS AND ADMINISTRATION<br>Motor Vehicle Fund--Puget Sound Ferry Operations Account--State Appropriation \$ | 2,928,000 |
| (7) FOR PAYMENT OF COSTS OF THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES<br>Motor Vehicle Fund--State Appropriation \$                           | 536,000   |
| (8) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF GENERAL ADMINISTRATION STATE PARKING SERVICES<br>Motor Vehicle Fund--State Appropriation \$                   | 90,000    |
| (9) FOR PAYMENT OF THE DEPARTMENT OF GENERAL ADMINISTRATION CAPITAL PROJECTS SURCHARGE<br>Motor Vehicle Fund--State Appropriation \$                        | 735,000   |
| (10) FOR ARCHIVES AND RECORDS MANAGEMENT<br>Motor Vehicle Fund--State Appropriation \$  | 355,000   |

**Sec. 516.** 1998 c 348 s 218 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--WASHINGTON STATE FERRIES CONSTRUCTION--PROGRAM W**

|  |                    |
|--|--------------------|
| Motor Vehicle Fund--Puget Sound Capital Construction Account--State App \$                   | ((209,886,000))    |
|  | <u>192,886,000</u> |
| Motor Vehicle Fund--Puget Sound Capital Construction Account--Federal App \$                 | 30,165,000         |
| Motor Vehicle Fund--Puget Sound Capital Construction Account--Private/Local Appropriation \$ | 765,000            |
| Transportation Fund--Passenger Ferry Account--State Appropriation \$                         | 640,000            |
| TOTAL APPROPRIATION \$   | ((241,456,000))    |
|  | <u>224,456,000</u> |

The appropriations in this section are provided for improving the Washington state ferry system, including, but not limited to, vessel acquisition, vessel construction, major and minor vessel improvements, and terminal construction and improvements. The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The appropriations in this section are provided to carry out only the projects (version ((3)) 2) adjusted by the legislature for the 1997-99 budget. The department shall reconcile the 1995-97 capital expenditures within ninety days of the end of the biennium and submit a final report to the legislative transportation committee and office of financial management.

(2) The Puget Sound capital construction account--state appropriation includes \$100,000,000 in proceeds from the sale of bonds authorized by RCW 47.60.800 for vessel and terminal acquisition, major and minor improvements, and long lead time materials acquisition for the Washington state ferries, including construction of new jumbo ferry vessels in accordance with the requirements of RCW 47.60.770 through 47.60.778. However, the department of transportation may use current revenues

available to the Puget Sound capital construction account in lieu of bond proceeds for any part of the state appropriation.

(3) The department of transportation shall provide to the legislative transportation committee and office of financial management a quarterly financial report concerning the status of the capital program authorized in this section.

(4) Washington state ferries is authorized to reimburse up to \$3,000,000 from the Puget Sound capital construction account--state appropriation or Puget Sound capital construction account--federal appropriation to the city of Bremerton and the port of Bremerton for Washington state ferries' financial participation in the development of a Bremerton multimodal transportation terminal, port of Bremerton passenger-only terminal expansion, and ferry vehicular connections to downtown traffic circulation improvements. The reimbursement shall specifically support the construction of the following components: Appropriate passenger-only ferry terminal linkages to accommodate bow-loading catamaran type vessels and the needed transit connections; and the Washington state ferries' component of the Bremerton multimodal transportation terminal as part of the downtown Bremerton redevelopment project, including appropriate access to the new downtown traffic circulation road network.

(5) The Puget Sound capital construction account--state appropriation includes funding for capital improvements on vessels to meet United States Coast Guard Subchapter W regulation revisions impacting SOLAS (safety of life at sea) requirements for ferry operations on the Anacortes to Sidney, B.C. ferry route.

(6) The Puget Sound capital construction account--state appropriation, the Puget Sound capital construction account--federal appropriation, and the passenger ferry account--state appropriation include funding for the construction of one new passenger-only vessel and the department's exercise of the option to build a second passenger-only vessel. In accordance with chapter 166, Laws of 1998, Washington state ferries shall accelerate activities to ensure the acquisition of five additional passenger-only vessels and the construction of related terminal facilities, including maintenance facilities for the Southworth and Kingston to Seattle passenger-only ferry routes.

(7) The Puget Sound capital construction account--state appropriation includes funding for the exploration and acquisition of a design for constructing a millennium class ferry vessel.

(8) The Puget Sound capital construction account--state appropriation includes \$90,000 for the purchase of defibrillators. At least one defibrillator shall be placed on each vessel in the ferry fleet.

(9) The appropriations in this section contain \$46,962,000 reappropriated from the 1995-97 biennium.

**Sec. 517.** 1998 c 348 s 219 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--MARINE--PROGRAM X**  
Marine Operating Fund--State Appropriation \$

((270,522,000))

270,473,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The appropriation is based on the budgeted expenditure of ((~~\$28,696,000~~)) \$27,076,000 for vessel operating fuel in the 1997-99 biennium. If the actual cost of fuel is less than this budgeted amount, the excess amount may not be expended. If the actual cost exceeds this amount, the department shall request a supplemental appropriation.

(2) The appropriation provides for the compensation of ferry employees. The expenditures for compensation paid to ferry employees during the 1997-99 biennium may not exceed ((~~\$179,095,000~~)) \$180,715,000 plus a dollar amount, as prescribed by the office of financial management, that is equal to any insurance benefit increase granted general government employees in excess of \$313.95 a month annualized per eligible marine employee multiplied by the number of eligible marine employees for the respective fiscal year, a dollar amount as prescribed by the office of financial management for costs associated with pension amortization charges, and a dollar amount prescribed by the office of financial management for salary increases during the 1997-99 biennium. For the purposes of this section, the

expenditures for compensation paid to ferry employees shall be limited to salaries and wages and employee benefits as defined in the office of financial management's policies, regulations, and procedures named under objects of expenditure "A" and "B" (7.2.6.2).

The prescribed salary and insurance benefit increase or decrease dollar amount that shall be allocated from the governor's compensation appropriations is in addition to the appropriation contained in this section and may be used to increase or decrease compensation costs, effective July 1, 1997, and thereafter, as established in the 1997-99 general fund operating budget.

(3) The department of transportation shall provide to the legislative transportation committee and office of financial management a quarterly financial report concerning the status of the operating program authorized in this section.

(4) The appropriation in this section includes up to \$1,566,000 for additional operating expenses required to comply with United States Coast Guard Subchapter W regulation revisions for vessels operating on the Anacortes to Sidney, B.C. ferry route. The department shall explore methods to minimize the cost of meeting United States Coast Guard requirements and shall report the results to the legislative transportation committee and office of financial management by September 1, 1997.

(5) The department shall request a reduction of the costs associated with the use of the terminal leased from the Port of Anacortes and costs associated with use of the Sidney, British Columbia terminal.

(6) Agreements between Washington state ferries and concessionaires for automatic teller machines on ferry terminals or vessels shall provide for and include banks and credit unions that primarily serve the west side of Puget Sound.

(7) In the event federal funding is provided for one or more passenger-only ferry vessels for the purpose of transporting United States naval personnel, the department of transportation is authorized to acquire and construct such vessels in accordance with the authority provided in RCW 47.56.030, and the department shall establish a temporary advisory committee comprised of representatives of the Washington state ferries, transportation commission, legislative transportation committee, office of financial management, and the United States Navy to analyze and make recommendations on, at a minimum, vessel performance criteria, docking, vessel deployment, and operating issues.

(8) The appropriation provides funding for House Bill No. 2165 (paying interest on retroactive raises for ferry workers).

(9) The commission is authorized to increase Washington state ferry tariffs in excess of the fiscal growth factor, established under chapter 43.135 RCW, in fiscal year 1998 and fiscal year 1999.

(10) Funding for Anacortes to Sidney advertising is contingent upon partners meeting their commitment. In no event may the state share exceed fifty percent of the cash contribution toward the project.

(11) \$1,370,000 of this appropriation is provided solely for the Hiyu operation for Southworth/Vashon 5 days per week for 16 hours per day. Prior to placing the Hiyu in permanent service on a route between Vashon and Southworth, the Washington state ferries shall conduct a study of the impact of additional service on Vashon and Southworth and report back to the legislative transportation committee by May 15, 1998.

(12) \$446,000 of this appropriation is provided solely to provide an additional crew member on Jumbo Mark 2 ferries as required by emergency evacuation regulations adopted by the United States Coast Guard. If the Coast Guard requirement can be met without the hiring of additional staff, the portion of this appropriation provided to meet that requirement shall not be expended.

**Sec. 518.** 1998 c 348 s 220 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--PUBLIC TRANSPORTATION AND RAIL--PROGRAM Y**

Essential Rail Assistance Account--State Appropriation \$

256,000

High Capacity Transportation Account--State Appropriation \$

~~((13,225,000))~~

13,185,000

|   |                           |
|---|---------------------------|
| Air Pollution Control Account--State Appropriation \$                     | 6,290,000                 |
| Transportation Fund--State Appropriation \$                               | <del>((55,029,000))</del> |
|   | <u>46,858,000</u>         |
| Transportation Fund--Federal Appropriation \$                             | 3,947,000                 |
| Transportation Fund--Private/Local Appropriation \$                       | 105,000                   |
| Central Puget Sound Public Transportation Account--State Appropriation \$ | <del>((4,250,000))</del>  |
|   | <u>250,000</u>            |
| TOTAL APPROPRIATION \$  | <del>((83,102,000))</del> |
|   | <u>70,891,000</u>         |

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) Up to \$46,180,000 of the transportation fund--state appropriation is provided for intercity rail passenger service including up to \$8,000,000 for lease purchase of two advanced technology train sets with total purchase costs not to exceed \$20,000,000; up to \$1,000,000 for one spare advanced technology train power-car and other spare parts, subsidies for operating costs not to exceed \$12,000,000, to maintain service of two state contracted round trips between Seattle and Portland and one state contracted round trip between Seattle and Vancouver, British Columbia, and capital projects necessary to provide Seattle-Vancouver, British Columbia, train operating times of under 4 hours.

(2) Up to \$3,000,000 of the transportation fund--state appropriation is provided for the rural mobility program administered by the department of transportation. Priority for grants provided from this account shall be given to projects and programs that can be accomplished in the 1997-99 biennium.

(3) Up to \$600,000 of the high capacity transportation account--state appropriation is provided for rail freight coordination, technical assistance, and planning.

(4) The department shall provide biannual reports to the legislative transportation committee and office of financial management regarding the department's rail freight program. The department shall also notify the committee for project expenditures from all fund sources prior to making those expenditures. The department shall examine the ownership of grain cars and the potential for divestiture of those cars and other similar assets and report those findings to the committee prior to the 1998 legislative session.

(5) Up to \$750,000 of the transportation fund--state appropriation and up to \$250,000 of the central Puget Sound public transportation account--state appropriation are provided to fund activities relating to coordinating special needs transportation among state and local providers. These activities may include demonstration projects, assessments of resources available versus needs, and identification of barriers to coordinating special needs transportation. The department will consult with the superintendent of public instruction, the secretary of the department of social and health services, the office of financial management, the fiscal committees of the house of representatives and senate, special needs consumers, and specialized transportation providers in meeting the goals of this subsection.

(6) The appropriations in this section contain \$4,599,000 reappropriated from the 1995-97 biennium.

(7) The high capacity transportation account--state appropriation includes \$75,000 for the department to develop a strategy and to identify how the agency would expend additional moneys to enhance the commute trip reduction program. The report would include recommendations for grant programs for employers and jurisdictions to reduce SOV usage and to provide transit incentives to meet



future commute trip reduction requirements. The report is due to the legislative transportation committee by January 1, 1998.

(8) In addition to the appropriations contained in this section, the office of financial management shall release the \$2,000,000 transportation fund--state funds appropriated for the intercity rail passenger program in the 1995-97 biennium but held in reserve pursuant to section 502, chapter 165, Laws of 1996.

(9) Up to \$150,000 of the transportation fund--state appropriation is provided for the management and control of the transportation corridor known as the Milwaukee Road corridor owned by the state between Ellensburg and Lind, and to take actions necessary to allow the department to be in a position, with further legislative authorization, to begin to negotiate a franchise with a rail carrier to establish and maintain a rail line over portions of the corridor by July 1, 1999.

~~((11))~~ (10) \$4,000,000 of the high capacity transportation account--state appropriation for passenger rail infrastructure improvement is provided solely for rail improvements to add rail passenger service north of Seattle. These funds are conditioned on match of at least equal amounts from both Burlington Northern Sante Fe and Amtrak for rail line improvements and upon Amtrak purchasing an additional train set for operation in the corridor. These funds shall not be expended until authorized by the legislative transportation committee and the office of financial management; and the participation of international partners in service provided in the corridor shall be considered in such a decision.

**Sec. 519.** 1998 c 348 s 221 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z**

|   |           |                           |
|---|-----------|---------------------------|
| Motor Vehicle Fund--State Appropriation                   | \$        | <del>((9,802,000))</del>  |
|   |           | <u>9,862,000</u>          |
| Motor Vehicle Fund--Federal Appropriation                 | \$        | 33,726,000                |
| High Capacity Transportation Account--State Appropriation | \$        | <del>((650,000))</del>    |
|   |           | <u>450,000</u>            |
| Transportation Account--State Appropriation               | \$        | 1,175,000                 |
| <b>TOTAL APPROPRIATION</b>                                | <b>\$</b> | <del>((45,353,000))</del> |
|   |           | <u>45,213,000</u>         |

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The motor vehicle fund--state appropriation includes \$1,785,000 in proceeds from the sale of bonds authorized by RCW 47.10.819(1). The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(2) As a condition of receiving the full state subsidy in support of the Puget Island ferry, Wahkiakum county must, by December 31, 1997, increase ferry fares for passengers and vehicles by at least ten percent. If the fares are not increased to meet this requirement, the department, in determining the state subsidy after December 31, 1997, shall reduce the operating deficit by the amount that would have been generated if the ten percent fare increase had been implemented.

(3) The appropriations in this section contain \$1,750,000 reappropriated from the 1995-97 biennium.

(4) Up to \$500,000 of the high capacity transportation account--state appropriation is provided for implementation of the recommendations of the freight mobility advisory committee, and any legislation enacted resulting from those recommendations.

(5) \$175,000 of the transportation fund--state appropriation is provided solely to fund the freight mobility strategic investment board. If Second Substitute House Bill No. 2180 is not enacted by June 30, 1998, this amount shall lapse.

(6) The transportation account--state appropriation includes \$600,000 to establish alternatives for flood management and flood hazard reduction projects in the Chehalis Basin. A technical committee comprised of the department of transportation, department of ecology, the United States army corps of engineers, federal emergency management administration, United States geological survey, affected counties and tribes, and other entities with critical knowledge related to flood hazard reduction projects in the Chehalis Basin shall be formed. Funds shall be distributed to counties within the Chehalis Basin by the department of transportation for projects that further understanding of the causes of flooding and options for flood hazard reduction. Alternatives shall be consistent with fish and habitat recovery efforts. Projects funded shall be coordinated with the technical committee. The department of transportation shall present a report to the legislative transportation committee and other appropriate legislative committees regarding findings and/or progress made by funded projects by December 1, 1998.

~~((8))~~ (7) \$750,000 of the motor vehicle fund--state appropriation is provided solely for a median barrier upon the Spokane street viaduct. Use of this funding is contingent upon a commitment of funding from other partners for the remainder of the project cost.

~~((9))~~ (8) Up to \$150,000 of the high capacity transportation account--state appropriation is provided for the installation of active railroad crossing warning devices at the Sunnyside beach park entrance in Steilacoom.

~~((10))~~ (9) \$400,000 of the transportation fund--state appropriation is provided solely for a study by the legislative transportation committee, in cooperation with the port of Benton, developing a strategic corridor feasibility and master site plan for the port of Benton. If the port of Benton does not provide at least \$200,000 to fund the plan development, the transportation fund--state appropriation referenced in this subsection shall lapse and this subsection shall be null and void.

### **Transportation Agencies Capital Facilities**

**Sec. 520.** 1997 c 457 s 303 (uncodified) is amended to read as follows:

#### **FOR THE DEPARTMENT OF TRANSPORTATION--PROGRAM D (DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)--CAPITAL**

Motor Vehicle Fund--Transportation Capital Facilities Account--State Appropriation \$

~~((21,696,000))~~

21,261,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The department of transportation shall provide to the legislative transportation committee prior notice and the latest project information at least two weeks in advance of the bid process for transportation capital facilities projects going to bid in the 1997-99 biennium.

(2) Construction of the Mount Rainier storage facility shall not commence until the department has secured an operational lease that would allow the placement of the facility on United States forest service lands near the entrance to the Mather memorial parkway.

(3) The appropriation in this section contains \$7,719,000 reappropriated from the 1995-97 biennium.

### **Transfers and Distributions**

**Sec. 521.** 1998 c 348 s 402 (uncodified) is amended to read as follows:  
**FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING  
 BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND  
 FISCAL AGENT CHARGES**

|   |                          |
|---|--------------------------|
| Motor Vehicle Fund--Puget Sound Capital Construction Account Appropriation \$ | 500,000                  |
| Motor Vehicle Fund Appropriation \$   | 130,000                  |
| Transportation Improvement Account Appropriation \$                           | 200,000                  |
| Special Category C Account Appropriation \$                                   | 190,000                  |
| Transportation Capital Facilities Account Appropriation \$                    | 1,000                    |
| Urban Arterial Account Appropriation \$                                       | 5,000                    |
| TOTAL APPROPRIATION \$  | <del>((1,995,000))</del> |
|   | <u>1,026,000</u>         |

**Sec. 522.** 1998 c 348 s 404 (uncodified) is amended to read as follows:  
**FOR THE STATE TREASURER--TRANSFERS**

|  |                        |
|--|------------------------|
| (1) R V Account--State Appropriation:<br>For transfer to the Motor Vehicle Fund--State \$  | 1,176,000              |
| (2) Motor Vehicle Fund--State Appropriation:<br>For transfer to the Transportation Capital Facilities Account--State \$            | 42,569,000             |
| <del>(3) ((Small City Account--State Appropriation:<br/>For transfer to the Transportation Improvement<br/>Account--State \$</del> | <del>7,500,000))</del> |
| <u>Motor Vehicle Fund--State Appropriation:<br/>For transfer to the Highway Infrastructure Account--State \$</u>                   | <u>234,000</u>         |

**Sec. 523.** 1997 c 457 s 403 (uncodified) is amended to read as follows:  
**FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION**

|   |                            |
|---|----------------------------|
| City Hardship Account Appropriation \$  | 200,000                    |
| Motor Vehicle Fund Appropriation for motor vehicle fuel tax and overload penalties<br>distribution \$ | 471,937,000                |
| Transportation Fund Appropriation <u>for motor vehicle excise tax distribution \$</u>                 | <del>((3,744,000))</del>   |
| TOTAL APPROPRIATION \$  | <u>118,747,000</u>         |
|   | <del>((475,881,000))</del> |
|   | <u>590,884,000</u>         |

**Miscellaneous**

NEW SECTION. **Sec. 524.** A new section is added to 1997 c 457 (uncodified) to read as follows:

**INFORMATION SYSTEMS PROJECTS.** Agencies shall comply with the following requirements regarding information systems projects when specifically directed to do so by this act.

(1) Agency planning and decisions concerning information technology shall be made in the context of its information technology portfolio. "Information technology portfolio" means a strategic management approach in which the relationships between agency missions and information technology investments can be seen and understood, such that: Technology efforts are linked to agency objectives and business plans; the impact of new investments on existing infrastructure and business functions are assessed and understood before implementation; and agency activities are consistent with the development of an integrated, nonduplicative state-wide infrastructure.

(2) Agencies shall use their information technology portfolios in making decisions on matters related to the following:

- (a) System refurbishment, acquisitions, and development efforts;
- (b) Setting goals and objectives for using information technology in meeting legislatively-mandated missions and business needs;
- (c) Assessment of overall information processing performance, resources, and capabilities;
- (d) Ensuring appropriate transfer of technological expertise for the operation of any new systems developed using external resources; and
- (e) Progress toward enabling electronic access to public information.

(3) The agency shall produce a feasibility study for information technology projects at the direction of the information services board and in accordance with published department of information services policies and guidelines. At a minimum, such studies shall include a statement of: (a) The purpose or impetus for change; (b) the business value to the agency, including an examination and evaluation of benefits, advantages, and cost; (c) a comprehensive risk assessment based on the proposed project's impact on both citizens and state operations, its visibility, and the consequences of doing nothing; (d) the impact on agency and state-wide information infrastructure; and (e) the impact of the proposed enhancements to an agency's information technology capabilities on meeting service delivery demands.

(4) The agency shall produce a comprehensive management plan for each project. The plan or plans shall address all factors critical to successful completion of each project. The plan(s) shall include, but is not limited to, the following elements: A description of the problem or opportunity that the information technology project is intended to address; a statement of project objectives and assumptions; a definition and schedule of phases, tasks, and activities to be accomplished; and the estimated cost of each phase. The planning for the phased approach shall be such that the business case justification for a project needs to demonstrate how the project recovers cost or adds measurable value or positive cost benefit to the agency's business functions within each development cycle.

(5) The agency shall produce quality assurance plans for information technology projects. Consistent with the direction of the information services board and the published policies and guidelines of the department of information services, the quality assurance plan shall address all factors critical to successful completion of the project and successful integration with the agency and state information technology infrastructure. At a minimum, quality assurance plans shall provide time and budget benchmarks against which project progress can be measured, a specification of quality assurance responsibilities, and a statement of reporting requirements. The quality assurance plans shall set out the functionality requirements for each phase of a project.

(6) A copy of each feasibility study, project management plan, and quality assurance plan shall be provided to the department of information services, the office of financial management, and legislative fiscal committees. The plans and studies shall demonstrate a sound business case that justifies the investment of taxpayer funds on any new project, an assessment of the impact of the proposed system on the existing information technology infrastructure, the disciplined use of preventative measures to mitigate risk, and the leveraging of private-sector expertise as needed. Authority to expend any funds for individual information systems projects is conditioned on the approval of the relevant feasibility study, project management plan, and quality assurance plan by the department of information services and the office of financial management.

(7) Quality assurance status reports shall be submitted to the department of information services, the office of financial management, and legislative fiscal committees at intervals specified in the project's quality assurance plan.

NEW SECTION. **Sec. 525.** The following acts or parts of acts are each repealed:

- (1) 1997 c 457 s 502;
- (2) 1997 c 457 s 514; and
- (3) 1997 c 457 s 515.

## **PART VI PROVISIONS NECESSARY TO IMPLEMENT APPROPRIATIONS**

NEW SECTION. **Sec. 601.** As a management tool to reduce costs and make more effective use of resources, while improving employee productivity and morale, agencies may offer voluntary separation and/or downshifting incentives and options according to procedures and guidelines established by the department of personnel and the department of retirement systems, in consultation with the office of financial management. The options may include, but are not limited to, financial incentives for: Voluntary resignation and retirement, voluntary leave-without-pay, voluntary workweek or work hour reduction, voluntary downward movement, and temporary separation for development purposes.

Agency plans and offers shall be reviewed and monitored jointly by the department of personnel, office of financial management, and the department of retirement systems. The senate transportation committee and the house of representatives transportation committee shall also review and monitor the plans of agencies that receive funds appropriated under this act.

NEW SECTION. **Sec. 602.** It is the intent of the legislature that agencies may implement a voluntary retirement incentive program that is cost neutral or results in cost savings provided that such program is approved by the director of financial management. Agencies participating in this authorization are required to submit a report by June 30, 2001, to the legislature and the office of financial management on the outcome of their approved retirement incentive program. The report should include information on the details of the program including resulting service delivery changes, agency efficiencies, the cost of the retirement incentive per participant, the total cost to the state and the projected or actual net dollar and staff savings over the 1999-2001 biennium.

NEW SECTION. **Sec. 603. PERFORMANCE BASED BUDGETING.** (1) The department of licensing, the department of transportation, the Washington state patrol, and the Washington traffic safety commission, in cooperation with the office of financial management, the senate transportation committee, and the house of representatives transportation committee will continue the implementation of performance based budgeting. The performance based budgeting process will provide a measurable link between agency objectives, service levels, and budget. The agencies shall:

- (a) Continue to develop, enhance, validate, and test indicators of performance, stated in achieving the agencies' goals; and
- (b) Refine performance based budgeting and investment levels in the following programs:
  - (i) Department of transportation: Maintenance program M, preservation program P, traffic operations program Q, and marine program X;
  - (ii) Department of licensing: Driver's services and vehicle services;
  - (iii) Washington state patrol: Field operations bureau; and
  - (iv) Washington traffic safety commission; and
- (c) Submit and implement a plan to provide program managers with the training and technical assistance necessary to extend the practices of performance measurement and performance based budgeting throughout agency programs.

(2) The transportation agencies shall submit a strategic plan and activity summary with their agency request budgets and tie the plan's strategies together with the 2001-2003 budget requests. The strategic plan must include a six-year outlook and define and clarify the agency mission and vision,

provide the basis for budget development, and outline and prioritize the agency's goals and strategies. The agencies will continue to improve agency infrastructures to capture and report performance data for use by agency management, the office of financial management, the senate transportation committee, and the house of representatives transportation committee in the decision making process.

(3)(a) The agencies shall input monthly their financial information and quarterly program performance measurements into the transportation executive information system and will utilize the transportation executive information system investment system in the development of their agency policy request budgets.

(b) The department of licensing and the Washington state patrol shall submit budgets to the legislature at the subprogram level.

**NEW SECTION. Sec. 604. PROGRAM ACCOUNTABILITY REVIEWS.** The senate transportation committee, the house of representatives transportation committee, the office of financial management, and the transportation agencies shall establish the means of conducting program accountability reviews of all transportation programs. The reviews shall include:

(1) Review and analysis of existing programs to determine any program changes required to meet established criteria along with the list of programs to be reviewed as determined by the program accountability review steering committee made up of the senate transportation committee, the house of representatives transportation committee, the office of financial management, and agency personnel. Each review will have a plan with timelines, deliverables, and milestones to ensure it is completed on time with anticipated deliverables. Each review will have a review accountability report presented to the senate transportation committee and the house of representatives transportation committee with recommendations and implementation schedule agreed to by the reviewers and the agency program being reviewed.

(2) A concentration on:

- (a) Appropriateness of service objectives used to determine service levels;
- (b) Effectiveness of current management systems;
- (c) Development or improvement of existing outcome, output, efficiency, and effectiveness performance measures;
- (d) The effectiveness of communication and decision making within the program;
- (e) Staffing levels and organizational structure, including changes to roles and responsibilities;
- (f) The existence and effectiveness of oversight and control measures within the program;
- (g) The process of distributing funds and staff among activities;
- (h) Methods for making trade off decisions within and between programs and activities;
- (i) Development of tools that assist policymakers and managers in using performance measures and investment tradeoff methods;
- (j) Development of long-term investment strategies; and
- (k) Other program items that would be beneficial to include in the program accountability review.

(3) The recommendations will be considered in future biennium transportation budgets in determining whether to enhance, streamline, retain, reduce, or eliminate programs based on value and benefits provided to the state.

**NEW SECTION. Sec. 605.** (1) Forty percent of the funds available for surface transportation flexible funds available under Sections 105(c)(2) and 133(d)(3)(A)(ii) of Title 23, United States Code are made available for the Washington state department of transportation.

(2) Twenty-two percent of the funds available for surface transportation flexible funds available under Sections 105(c)(2) and 133(d)(3)(A)(ii) of Title 23, United States Code are made available for rural economic development projects in rural counties with population densities of less than one hundred persons per square mile pro rata based on population and community empowerment zones as defined in RCW 43.63A.700. These funds shall be used for the transportation component of identified, emerging, nonspeculative economic development projects that create new employment or revitalize existing business. As required under federal law, these funds shall be administered by the Washington state department of transportation. The community economic revitalization board within the

department of community, trade, and economic development shall work with local project proponents and the Washington state department of transportation to identify economic development projects with essential transportation components. The board shall make recommendations regarding funding for a project's transportation component to the Washington state transportation commission. Beginning in the fiscal year 2000, any economic development funds that are not obligated from the prior federal fiscal year by June first of each year shall be available for economic development projects state-wide in accordance with the same administration and selection process established in this subsection for rural economic development projects.

(3) Thirty-eight percent of the funds available for surface transportation flexible funds available under Sections 105(c)(2) and 133(d)(3)(A)(ii) of Title 23, United States Code are made available for the state-wide competitive program for regionally significant projects. The transportation improvement board shall be responsible for selecting projects under this program. For federal fiscal years 2000 and 2001, to be eligible, projects shall: (a) Meet the criteria established by the transportation improvement board for selecting regionally significant projects; (b) be included in a metropolitan planning organization's transportation improvement plan; (c) meet the goal of targeting funds for coordinated projects within corridors that are regionally significant; and (d) support the functioning of corridors for their full length rather than in individual spot improvements.

**Sec. 606.** RCW 43.19.1906 and 1995 c 269 s 1404 are each amended to read as follows:

Insofar as practicable, all purchases and sales shall be based on competitive bids, and a formal sealed bid procedure shall be used as standard procedure for all purchases and contracts for purchases and sales executed by the state purchasing and material control director and under the powers granted by RCW 43.19.190 through 43.19.1939. This requirement also applies to purchases and contracts for purchases and sales executed by agencies, including educational institutions, under delegated authority granted in accordance with provisions of RCW 43.19.190 or under RCW 28B.10.029. However, formal sealed bidding is not necessary for:

(1) Emergency purchases made pursuant to RCW 43.19.200 if the sealed bidding procedure would prevent or hinder the emergency from being met appropriately;

(2) Purchases not exceeding thirty-five thousand dollars, or subsequent limits as calculated by the office of financial management: PROVIDED, That the state director of general administration shall establish procedures to assure that purchases made by or on behalf of the various state agencies shall not be made so as to avoid the thirty-five thousand dollar bid limitation, or subsequent bid limitations as calculated by the office of financial management: PROVIDED FURTHER, That the state purchasing and material control director is authorized to reduce the formal sealed bid limits of thirty-five thousand dollars, or subsequent limits as calculated by the office of financial management, to a lower dollar amount for purchases by individual state agencies if considered necessary to maintain full disclosure of competitive procurement or otherwise to achieve overall state efficiency and economy in purchasing and material control. Quotations from four hundred dollars to thirty-five thousand dollars, or subsequent limits as calculated by the office of financial management, shall be secured from at least three vendors to assure establishment of a competitive price and may be obtained by telephone or written quotations, or both. The agency shall invite at least one quotation each from a certified minority and a certified women-owned vendor who shall otherwise qualify to perform such work. Immediately after the award is made, the bid quotations obtained shall be recorded and open to public inspection and shall be available by telephone inquiry. A record of competition for all such purchases from four hundred dollars to thirty-five thousand dollars, or subsequent limits as calculated by the office of financial management, shall be documented for audit purposes. Purchases up to four hundred dollars may be made without competitive bids based on buyer experience and knowledge of the market in achieving maximum quality at minimum cost: PROVIDED, That this four hundred dollar direct buy limit without competitive bids may be increased incrementally as required to a maximum of eight hundred dollars, if warranted by increases in purchasing costs due to inflationary trends;

(3) Purchases which are clearly and legitimately limited to a single source of supply and purchases involving special facilities, services, or market conditions, in which instances the purchase price may be best established by direct negotiation;

(4) Purchases of insurance and bonds by the risk management office under RCW 43.19.1935;

(5) Purchases and contracts for vocational rehabilitation clients of the department of social and health services: PROVIDED, That this exemption is effective only when the state purchasing and material control director, after consultation with the director of the division of vocational rehabilitation and appropriate department of social and health services procurement personnel, declares that such purchases may be best executed through direct negotiation with one or more suppliers in order to expeditiously meet the special needs of the state's vocational rehabilitation clients;

(6) Purchases by universities for hospital operation or biomedical teaching or research purposes and by the state purchasing and material control director, as the agent for state hospitals as defined in RCW 72.23.010, and for health care programs provided in state correctional institutions as defined in RCW 72.65.010(3) and veterans' institutions as defined in RCW 72.36.010 and 72.36.070, made by participating in contracts for materials, supplies, and equipment entered into by nonprofit cooperative hospital group purchasing organizations;

(7) Purchases by institutions of higher education not exceeding thirty-five thousand dollars: PROVIDED, That for purchases between two thousand five hundred dollars and thirty-five thousand dollars quotations shall be secured from at least three vendors to assure establishment of a competitive price and may be obtained by telephone or written quotations, or both. For purchases between two thousand five hundred dollars and thirty-five thousand dollars, each institution of higher education shall invite at least one quotation each from a certified minority and a certified women-owned vendor who shall otherwise qualify to perform such work. A record of competition for all such purchases made from two thousand five hundred to thirty-five thousand dollars shall be documented for audit purposes; and

(8) Negotiation of a contract by the department of transportation, valid until June 30, 2001, with registered tow truck operators to provide roving service patrols in one or more Washington state patrol tow zones whereby those registered tow truck operators wishing to participate would cooperatively, with the department of transportation, develop a demonstration project upon terms and conditions negotiated by the parties.

Beginning on July 1, 1995, and on July 1 of each succeeding odd-numbered year, the dollar limits specified in this section shall be adjusted as follows: The office of financial management shall calculate such limits by adjusting the previous biennium's limits by the appropriate federal inflationary index reflecting the rate of inflation for the previous biennium. Such amounts shall be rounded to the nearest one hundred dollars.

**Sec. 607.** RCW 88.16.090 and 1995 c 175 s 1 are each amended to read as follows:

(1) A person may pilot any vessel subject to the provisions of this chapter on waters covered by this chapter only if appointed and licensed to pilot such vessels on said waters under and pursuant to the provisions of this chapter.

(2) A person is eligible to be appointed a pilot if the person is a citizen of the United States, over the age of twenty-five years and under the age of seventy years, a resident of the state of Washington at the time of appointment and only if the pilot applicant holds as a minimum, a United States government license as a master of ocean or near coastal steam or motor vessels of not more than one thousand six hundred gross tons or as a master of inland steam or motor vessels of not more than one thousand six hundred gross tons, such license to have been held by the applicant for a period of at least two years prior to taking the Washington state pilotage examination and a first class United States endorsement without restrictions on that license to pilot in the pilotage districts for which the pilot applicant desires to be licensed, and if the pilot applicant meets such other qualifications as may be required by the board. A person applying for a license under this section shall not have been convicted of an offense involving drugs or the personal consumption of alcohol in the twelve months prior to the date of application. This restriction does not apply to license renewals under this section.

(3) Pilots shall be licensed hereunder for a term of five years from and after the date of the issuance of their respective state licenses. Such licenses shall thereafter be renewed as of course, unless the board shall withhold same for good cause. Each pilot shall pay to the state treasurer an annual license fee as follows: For the period beginning July 1, 1995, through June 30, ~~((1999))~~ 2001, the fee shall be two thousand five hundred dollars; and for the period beginning July 1, ~~((1999))~~ 2001,



the fee shall be three thousand dollars. The fees shall be deposited in the state treasury to the credit of the pilotage account. The board may assess partially active or inactive pilots a reduced fee.

(4) Pilot applicants shall be required to pass a written and oral examination administered and graded by the board which shall test such applicants on this chapter, the rules of the board, local harbor ordinances, and such other matters as may be required to compliment the United States examinations and qualifications. The board shall hold examinations at such times as will, in the judgment of the board, ensure the maintenance of an efficient and competent pilotage service. An examination shall be scheduled for the Puget Sound pilotage district if there are three or fewer successful candidates from the previous examination who are waiting to become pilots in that district.

(5) The board shall develop an examination and grading sheet for each pilotage district, for the testing and grading of pilot applicants. The examinations shall be administered to pilot applicants and shall be updated as required to reflect changes in law, rules, policies, or procedures. The board may appoint a special independent examination committee or may contract with a firm knowledgeable and experienced in the development of professional tests for development of said examinations. Active licensed state pilots may be consulted for the general development of examinations but shall have no knowledge of the specific questions. The pilot members of the board may participate in the grading of examinations. If the board does appoint a special examination development committee it is authorized to pay the members of said committee the same compensation and travel expenses as received by members of the board. When grading examinations the board shall carefully follow the grading sheet prepared for that examination. The board shall develop a "sample examination" which would tend to indicate to an applicant the general types of questions on pilot examinations, but such sample questions shall not appear on any actual examinations. Any person who willfully gives advance knowledge of information contained on a pilot examination is guilty of a gross misdemeanor.

(6) All pilots and applicants are subject to an annual physical examination by a physician chosen by the board. The physician shall examine the applicant's heart, blood pressure, circulatory system, lungs and respiratory system, eyesight, hearing, and such other items as may be prescribed by the board. After consultation with a physician and the United States coast guard, the board shall establish minimum health standards to ensure that pilots licensed by the state are able to perform their duties. Within ninety days of the date of each annual physical examination, and after review of the physician's report, the board shall make a determination of whether the pilot or candidate is fully able to carry out the duties of a pilot under this chapter. The board may in its discretion check with the appropriate authority for any convictions of offenses involving drugs or the personal consumption of alcohol in the prior twelve months.

(7) The board shall prescribe, pursuant to chapter 34.05 RCW, a number of familiarization trips, between a minimum number of twenty-five and a maximum of one hundred, which pilot applicants must make in the pilotage district for which they desire to be licensed. Familiarization trips any particular applicant must make are to be based upon the applicant's vessel handling experience.

(8) The board may require vessel simulator training for a pilot applicant and shall require vessel simulator training for a pilot subject to RCW 88.16.105. The board shall also require vessel simulator training in the first year of active duty for a new pilot and at least once every five years for all active pilots.

(9) The board shall prescribe, pursuant to chapter 34.05 RCW, such reporting requirements and review procedures as may be necessary to assure the accuracy and validity of license and service claims, and records of familiarization trips of pilot candidates. Willful misrepresentation of such required information by a pilot candidate shall result in disqualification of the candidate.

(10) The board shall adopt rules to establish time periods and procedures for additional training trips and retesting as necessary for pilots who at the time of their licensing are unable to become active pilots.

**NEW SECTION. Sec. 608.** The following bills, as enacted in the form passed by the legislature, are necessary to implement portions of this act: House Bill Nos. 1053, 1147, 1304, 1466, 1588, 2201, 2245, and 2259 and Senate Bill Nos. 5060, 5283, 5360, 5605, 5615, 5955, 6030, and 6068.

**Sec. 609.** RCW 47.26.425 and 1999 c 94 s 21 and 1999 c . . . (SHB 1053) s 6 are each reenacted to read as follows:

Any funds required to repay the first authorization of two hundred million dollars of bonds authorized by RCW 47.26.420, as amended by section 18, chapter 317, Laws of 1977 ex. sess. or the interest thereon when due, shall be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle and special fuels and which is distributed to the urban arterial trust account in the motor vehicle fund pursuant to RCW 46.68.090(1)(g), and shall never constitute a charge against any allocations of any other such funds in the motor vehicle fund to the state, counties, cities, and towns unless and until the amount of the motor vehicle fund arising from the excise tax on motor vehicle and special fuels and distributed to the urban arterial trust account proves insufficient to meet the requirements for bond retirement or interest on any such bonds.

**Sec. 610.** RCW 47.26.4252 and 1999 c 94 s 22 and 1999 c . . . (SHB 1053) s 7 are each reenacted to read as follows:

Any funds required to repay the authorization of series II bonds authorized by RCW 47.26.420, as reenacted by section 3, chapter 5, Laws of 1979, or the interest thereon when due, shall first be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle and special fuels imposed by chapters 82.36 and 82.38 RCW and which is distributed to the urban arterial trust account in the motor vehicle fund pursuant to RCW 46.68.090(1)(g), subject, however, to the prior lien of the first authorization of bonds authorized by RCW 47.26.420, as reenacted by section 3, chapter 5, Laws of 1979. If the moneys distributed to the urban arterial trust account shall ever be insufficient to repay the first authorization bonds together with interest thereon, and the series II bonds or the interest thereon when due, the amount required to make such payments on such bonds or interest thereon shall next be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle and special fuels and which is distributed to the state, counties, cities, and towns pursuant to RCW 46.68.090. Any payments on such bonds or interest thereon taken from motor vehicle or special fuel tax revenues which are distributable to the state, counties, cities, and towns, shall be repaid from the first moneys distributed to the urban arterial trust account not required for redemption of the first authorization bonds or series II and series III bonds or interest on those bond issues.

**Sec. 611.** RCW 47.26.4254 and 1999 c 94 s 23 and 1999 c . . . (SHB 1053) s 8 are each reenacted and amended to read as follows:

(1) Any funds required to repay series III bonds authorized by RCW 47.26.420, or the interest thereon, when due shall first be taken from that portion of the motor vehicle fund that results from the imposition of excise taxes on motor vehicle and special fuels imposed by chapters 82.36 and 82.38 RCW and that is distributed to the urban arterial trust account in the motor vehicle fund pursuant to RCW 46.68.090(1)((j)) (g), subject, however, to the prior lien of the first authorization of bonds authorized by RCW 47.26.420. If the moneys so distributed to the urban arterial trust account, after first being applied to administrative expenses of the transportation improvement board and to the requirements of bond retirement and payment of interest on first authorization bonds and series II bonds as provided in RCW 47.26.425 and 47.26.4252, are insufficient to meet the requirements for bond retirement or interest on any series III bonds, the amount required to make such payments on series III bonds or interest thereon shall next be taken from that portion of the motor vehicle fund that results from the imposition of excise taxes on motor vehicle and special fuels and that is distributed to the state, counties, cities, and towns pursuant to RCW 46.68.090, subject, however, to subsection (2) of this section.

(2) To the extent that moneys so distributed to the urban arterial trust account are insufficient to meet the requirements for bond retirement or interest on any series III bonds, sixty percent of the amount required to make such payments when due shall first be taken from that portion of the motor vehicle fund that results from the imposition of excise taxes on motor vehicle and special fuels and that is distributed to the state. The remaining forty percent shall first be taken from that portion of the motor vehicle fund that results from the imposition of excise taxes on motor vehicle and special fuels and that is distributed to the cities and towns pursuant to RCW 46.68.090(1)(i) and to the counties

pursuant to RCW 46.68.090(1)(j). Of the counties', cities', and towns' share of any additional amounts required in each fiscal year, the percentage thereof to be taken from the counties' distributive share and from the cities' and towns' distributive share shall correspond to the percentage of funds authorized for specific county projects and for specific city and town projects, respectively, from the proceeds of series III bonds, for the period through the first eleven months of the prior fiscal year as determined by the chairman of the transportation improvement board and reported to the state finance committee and the state treasurer not later than the first working day of June.

(3) Any payments on such bonds or interest thereon taken from motor vehicle or special fuel tax revenues that are distributable to the state, counties, cities, and towns shall be repaid from the first moneys distributed to the urban arterial trust account not required for redemption of the first authorization bonds, series II bonds, or series III bonds or interest on these bonds.

**Sec. 612.** RCW 47.26.505 and 1999 c 94 s 24 and 1999 c . . . (SHB 1053) s 9 are each reenacted and amended to read as follows:

Any funds required to repay such bonds, or the interest thereon when due, shall be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle and special fuels and which is distributed to the transportation improvement account in the motor vehicle fund under RCW 46.68.090(1)(h), and shall never constitute a charge against any allocations of any other such funds in the motor vehicle fund to the state, counties, cities, and towns unless and until the amount of the motor vehicle fund arising from the excise tax on motor vehicle and special fuels and distributed to the transportation improvement account proves insufficient to meet the requirements for bond retirement or interest on any such bonds.

**Sec. 613.** RCW 43.43.300 and 1965 c 8 s 43.43.300 are each amended to read as follows:

Beginning on July 1, 1963, every Washington state patrol employee who is a member of the retirement fund shall contribute seven percent of his or her monthly salary(~~(, which)~~). For the biennium beginning July 1, 1999, and ending June 30, 2001, the employee contribution rate for every member of a retirement system created under this chapter and: (1) Covering employees whose activities constitute a highway purpose under the eighteenth amendment (Article II, section 40) of the state Constitution; where (2) the majority of both the employer and employee contributions are funded from moneys appropriated from the state patrol highway account of the motor vehicle fund; shall be set so that the contribution rates required to fund the costs of the retirement system shall be equal for members and employers; except that in no event shall the member contribution rate exceed seven percent. If the pension funding council determines that contribution rates must exceed seven percent in order to fund the costs of the retirement system, any cost over seven percent shall be borne by the employer. The member contribution rate determined under this section shall be deducted from the compensation of each member on each and every payroll.

In the event a member severs his or her connection with the Washington state patrol or is dismissed, the amount paid by the state of Washington shall remain in the retirement fund.

NEW SECTION. **Sec. 614.** The joint committee on pension policy shall study the method for setting employer and employee contribution rates for the Washington state patrol retirement system. The study shall include options for implementing a method or methods that allow both the employer and members to share the benefits from investment gains that exceed the long-term investment return assumptions adopted by the pension funding council.

NEW SECTION. **Sec. 615.** The legislature finds and declares that it is essential for the economic, social, and environmental well-being of the state and the maintenance of a high quality of life that the people of the state have an efficient and effective transportation system. The legislature, public officials, and citizens need to know the extent to which state agencies, programs, and activities that impact the state's transportation system are achieving the purposes for which they were created.

The legislature recognizes that if it is to adequately fulfill its responsibility to provide for a balanced, efficient state-wide transportation system, it is essential to establish a joint legislative transportation committee that will provide an opportunity for members of the house of representatives

and the senate to examine, develop, and oversee critical transportation policy and fiscal issues and make recommendations on such issues to the house of representatives and senate standing committees on transportation.

**Sec. 616.** RCW 44.40.010 and 1980 c 87 s 39 are each amended to read as follows:

The joint fact-finding committee on highways, streets, and bridges originally created by chapter 111, Laws of 1947, recreated and renamed the joint committee on highways by chapter 3, Laws of 1963 extraordinary session, is hereby recreated and renamed the legislative transportation committee. The renaming of said committee shall not affect any powers invested in it or its duties imposed upon it by any other statute. All appropriations made to the committee under its former name shall continue to be available to said committee as renamed, the legislative transportation committee. The committee shall consist of ~~((eleven))~~ twelve senators to be appointed by the president of the senate and twelve members of the house of representatives to be appointed by the speaker thereof. Not more than six members from each house may be from the same political party. A list of appointees shall be submitted before the close of each regular legislative session during an odd-numbered year or any successive special session convened by the governor or the legislature prior to the close of such regular session or successive special session(s) for confirmation of senate members, by the senate, and house members, by the house. Vacancies occurring shall be filled by the appointing authority. All vacancies must be filled from the same political party and from the same house as the member whose seat was vacated.

The chair will be elected biennially by the membership of the committee. After January 1, 2001, each succeeding chair must be from the opposite house of the current chair, and be from the majority party. The vice-chair must be from the opposite house.

On the effective date of this act, the president of the senate shall appoint an additional senate member as provided by the 1999 amendment of this section. With the appointment of the additional member, the terms of officers elected before the effective date of this act are terminated, and the committee shall hold a new election of officers.

The committee shall adopt rules and procedures for its orderly operation.

**NEW SECTION. Sec. 617.** A new section is added to chapter 44.40 RCW to read as follows:

The members of the legislative transportation committee shall form an executive committee consisting of two members from each of the four major political caucuses, which will include the chair and vice-chair of the legislative transportation committee. There will be four alternates to the executive committee, one from each of the four major political caucuses. Each alternate may represent a member from the same political caucus from which they were chosen when that member is absent, and have voting privileges during that absence.

The executive committee is responsible for performing all general administrative and personnel duties assigned to it in the rules and procedures adopted by the committee, as well as other duties delegated to it by the committee. Except when those responsibilities are assumed by the legislative transportation committee, the executive committee is responsible for adopting interim work plans and meeting schedules and approving all contracts signed on behalf of the committee.

**NEW SECTION. Sec. 618. FOR THE LEGISLATIVE TRANSPORTATION COMMITTEE**

Motor Vehicle Account--State Appropriation \$

300,000

**NEW SECTION. Sec. 619.** The following acts or parts of acts are each repealed:

(1) RCW 46.68.095 (Distribution of additional state-wide taxes) and 1999 c 94 s 7, 1994 c 179 s 4, & 1990 c 42 s 103; and

(2) RCW 46.68.100 (Allocation of net tax amount in motor vehicle fund) and 1999 c 94 s 8, 1994 c 179 s 5, 1991 c 310 s 2, 1986 c 66 s 1, 1984 c 7 s 73, 1977 ex.s. c 317 s 9, 1977 c 51 s 1, 1975-'76 2nd ex.s. c 57 s 1, 1973 1st ex.s. c 124 s 1, 1972 ex.s. c 24 s 2, 1970 ex.s. c 85 s 4, 1967 ex.s. c 145 s 79, 1967 ex.s. c 83 s 8, 1961 ex.s. c 7 s 6, & 1961 c 12 s 46.68.100.

NEW SECTION. **Sec. 620.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 621.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

On page 1, line 1 of the title, after "appropriations;" strike the remainder of the title and insert "amending RCW 43.19.1906, 88.16.090, 43.43.300, and 44.40.010; amending 1997 c 457 ss 110, 204, 215, 223, 303, and 403 (uncodified); amending 1998 c 348 ss 203, 205, 207, 208, 209, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 402, and 404 (uncodified); reenacting and amending RCW 47.26.4254 and 47.26.505; reenacting RCW 47.26.425 and 47.26.4252; adding a new section to chapter 44.40 RCW; adding a new section to 1997 c 457 (uncodified); creating new sections; repealing RCW 46.68.095 and 46.68.100; repealing 1997 c 457 s 502 (uncodified); repealing 1997 c 457 s 514 (uncodified); repealing 1997 c 457 s 515 (uncodified); making appropriations; and declaring an emergency."

and the same is herewith transmitted.

Tony M. Cook, Secretary

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

#### MOTION

Representative Kessler moved that the House insist on its position on Engrossed Substitute House Bill No. 1125 and ask the Senate to recede therefrom.

#### POINT OF PERSONAL PRIVILEGE

Representative Lisk: "Thank you, Mr. Speaker. I don't think it is any secret among those of you who are on this floor in the House, that one of the most important things to me is how we conduct ourselves in this institution. We all come here with high hopes and a lot of eagerness to do the right thing. We all start out as new members; we all have to go through the learning process of how to conduct ourselves while we are here. It is no small task, as both of our Co-Speakers will admit, to run the business of the House with 96 members on this floor, all with passionate ideas and passionate principles and passionate positions on the issues. Issues will come and go while we are here. It's sometimes surprising how we can come together on the issues and hammer out policy for this State. Oh, it is not always a pretty process. It's not always a civil process. But there is a process and it is an institution where we must have a set of rules by which we conduct ourselves to make the process work. I'm still fascinated by how well it can work.

I used to sit, when we had a lot more members, over there next to the former Minority Leader from the 46<sup>th</sup> District. It never ceased to amaze me how a farm girl from a homestead in Zillah could sit next to a Seattle attorney and work together to make the process work. I deeply believe that the reason the process works is because of the respect we have for each other.

When I first came here as a new member there were women in this body whom I instantly recognized as being leaders, not only in their fields but in this institution. I feared them at first, I have to tell you. One time when I was a freshmen Representative Fisher was in the Ladies Lounge next to the window as I was coming through the door. As freshman sometimes do, I guess I must have been fairly vocal on the floor. She made a big impression on me that day with just one very short sentence. She looked at me up and down and she said, "You sure talk a lot." I stopped and I thought about that the rest of the session. I learned from her comments, and I learned from how she conducted herself. I also learned from the lady from the 23<sup>rd</sup> District. I think a good way to describe the representative from the 23<sup>rd</sup> District is she is brilliant and high strung.

I believe that between our two co-chairmen, there will never be more knowledge about the transportation system in Washington State here in this body than we have amassed between these two women. They have done a tremendous amount of work through the years. And they have conducted themselves in this 49-49 tie with honor and with integrity. They have certainly given us an example that we can all follow and be proud of. I would like to conclude my remarks, with one of my favorite sayings — "The true test of a leader is that he/she leaves in those behind them the will and the conviction to continue on".

Mr. Speaker, I would like to go on record as recognizing this House and this Institution as not having two more honorable and competent leaders, not only on our Transportation Committee, but in this body than Representative Ruth Fisher and Representative Karen Schmidt.

Thank you."

#### POINT OF PERSONAL PRIVILEGE

Representative Kessler: "Thank you, Mr. Speaker. And thank you to the Representative from Zillah Washington for your great remarks tonight.

Tonight the Institution did take a blow but this Institution does work. I think all of us in the House of Representatives have proven that this Institution works. We have taken a 49-49 split, we have taken our different philosophies, our burning desires, our burning issues and we have dealt with them with dignity. We have dealt with them with civility, and we have almost every time tried to cooperate.

Two of our Representatives we chose in our respective caucuses to chair one of the most important committees in this House, the Transportation Committee. We chose Representative Fisher and Representative Schmidt because they are not only the most competent people we could have chosen but because they truly care about the transportation issues of this State. It isn't a game to them. It isn't about power. It is about the transportation needs of this State. And these two co-chairs have worked so well together, and given their personalities, you have to admit that is no easy task, but because they respect each other very much for their abilities, and because they are women of integrity, because they have given and given and given to this Institution on behalf of their respected committee, the Transportation Committee. When most of us left the regular Session and had a three week break, Representative Schmidt and Representative Fisher negotiated earnestly and diligently to try to put together a budget that we could all agree on here and obviously they did a fabulous job; it left here unanimously which is not usually the case. They did try very, very hard to deal with a budget that they felt they had some agreement upon across the Rotunda. Now we can have disagreements, that's what this place is about, but we always, always have to remember to have the kind of integrity and respect for this Institution that both Representative Schmidt and Representative Fisher have shown to all of us as they dealt with the issue of transportation. I am very proud to be a member of this Washington State House of Representatives. I am very proud that all of us have dealt as well as we have with the varying issues that we have had to deal with this session. I think we owe a debt of gratitude to these women. I think that the public out there need to know we don't need to defend these women; look at their records. They are absolutely dedicated servants of this State and we should be very proud of them, and we are, and we showed that with our unanimous support of the budget they negotiated so well. Thank you to both of you and thank you to everyone on this floor for maintaining the dignity of this Institution. We will continue to do so because we believe in it.

Thank you."

On motion of Speaker Ballard, the remarks by Representatives Lisk and Kessler were spread upon the Journal.

Speaker Chopp stated the question before the House to be adoption of the motion by Representative Kessler that the House insist in its position on Engrossed Substitute House Bill No. 1125, and ask the Senate to recede therefrom.

## ROLL CALL

The Clerk called the roll on the motion by Representative Kessler that the House insist in its position on Engrossed Substitute House Bill No. 1125, and ask the Senate to recede therefrom. The motion was adopted by the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, D., K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, Sommers, H., Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Scott and Van Luven - 2.

There being no objection, the rules were suspended and House Bill No. 2300 was placed on second reading.

HOUSE BILL NO. 2300, by Representatives Romero, McMorris, Stensen and D. Schmidt

Freeing special elections from the presidential primary date.

The bill was read the second time.

There being no object, the House deferred action on House Bill No. 2300, and the bill held its position on second reading.

## MESSAGE FROM THE SENATE

May 17, 1999

Mr. Speaker:

The Senate has passed:

SECOND ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5595,

and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House reverted to the fourth order of business.

## INTRODUCTION AND FIRST READING

There being no objection, Second Engrossed Second Substitute Senate Bill No. 5595 was introduced and read in full.

There being no objection, the rules were suspended and Second Engrossed Second Substitute Senate Bill No. 5595 was placed on second reading.

There being no objection, the House advanced to the sixth order of business.

## SECOND READING

SECOND ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5595, by Senate Committee on Ways and Means (originally sponsored by Senators Jacobsen and Fraser)

Establishing the salmon recovery funding board.

The bill was read the second time.

Representative Buck moved the adoption of amendment (403):

On page 3, after line 21, strike everything down to and including "private entities." on page 4, line 22 and insert the following:

~~((3))~~ (4) "Habitat project list" is the list of habitat projects resulting from the critical pathways methodology under RCW 75.46.070(2) that shall receive consideration for funding by the salmon recovery funding board. Each project on the list must have a written agreement from the landowner on whose land the project will be implemented, and must be based on the limiting factors analysis conducted in RCW 75.46.070 when completed.

(5) "Habitat projects" or "projects" include but are not limited to habitat restoration projects, habitat protection projects, habitat projects that improve water quality, habitat projects that protect water quality, habitat-related mitigation projects, and habitat project corrective maintenance and monitoring activities. Projects that include the use of side channels, off-stream rearing enhancement, improvement in overwintering habitat, or use of acclimation ponds shall receive consideration for funding.

~~((4))~~ (6) "Habitat work schedule" means those projects from the habitat project list that will be implemented during the current funding cycle. The schedule shall also include a list of the entities and individuals implementing projects, the start date, duration, estimated date of completion, estimated cost, and funding sources for the projects.

~~((5))~~ (7) "Limiting factors" means conditions that limit the ability of habitat to fully sustain populations of salmon. ~~((These factors are primarily fish passage barriers and degraded estuarine areas, riparian corridors, stream channels, and wetlands.~~

~~((6))~~ (8) "Listed stocks" means salmon and trout stocks that are listed or proposed for listing as threatened or endangered under the federal endangered species act, 16 U.S.C. Sec. 1531 et seq.

(9) "Project sponsor" is a county, city, special district, tribal government, state agency, a combination of such governments through interlocal or interagency agreement ~~((s provided under chapter 39.34 RCW)),~~ a nonprofit organization, or one or more private citizens.

~~((7))~~ (10) "Salmon" includes all species of the family Salmonidae which are capable of self-sustaining, natural production except for Atlantic salmon.

(11) "Salmon recovery activities" or "activities" includes but is not limited to habitat protection or restoration activities by local governments, tribes, other public entities, and private entities."

Representative(s) Buck, Regala and Mastin spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Buck moved the adoption of amendment (404):

On page 8, line 15, after "funding." insert "The board shall determine an equitable minimum amount of funds for each region, and shall distribute the remainder of funds on a competitive basis."

Representative(s) Buck and Doumit spoke in favor of the adoption of the amendment.

The amendment was adopted.



Representative Buck moved the adoption of amendment (405):

On page 9 line 11, after "team," strike everything down to and including "projects" on line 30 and insert "and shall include members representing the private sector. Members of the technical review team shall have an educational and professional scientific background in salmonids, salmonid habitat, or related fields. The members of the technical review team shall not serve any fixed term. The numbers of members of the technical review team may be increased or decreased depending on the need for scientific expertise, but the technical review team must always consist of at least five members. Administrative support for the technical review team is provided by the department of fish and wildlife. Assignments and direction to the technical review team shall be made by the chair of the technical review team. The chair of the technical review team shall be designated by the members of the team.

(2) The technical review team is responsible for receiving habitat project lists submitted by lead entities under RCW 75.46.060, for screening and ranking projects on such lists, for providing its ranking of projects, within categories on a statewide basis, to the board"

Representative(s) Buck and Regala spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, amendments 407, 402 and 400 were withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Murray, Mastin, Alexander, Anderson, Pennington, Doumit, Buck, Regala and Mitchell spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Second Engrossed Second Substitute Senate Bill No. 5595, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Engrossed Second Substitute Senate Bill No. 5595, as amended by the House, and the bill passed the House by the following vote: Yeas - 91, Nays - 5, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Ruderman, Schindler, Schmidt, D., K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, Sommers, H., Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 91.

Voting nay: Representatives Hatfield, Lantz, Linville, Romero and Santos - 5.

Excused: Representatives Scott and Van Luven - 2.

Second Engrossed Second Substitute Senate Bill No. 5595, as amended by the House, having received the constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

May 18, 1999

Mr. Speaker:

The President has signed:

and the same is herewith transmitted.

HOUSE BILL NO. 1203,

Tony M. Cook, Secretary

### SECOND READING

HOUSE BILL NO. 2300, by Representatives Romero, McMorris, Stensen and D. Schmidt

Freeing special elections from the presidential primary date.

The bill was read the second time.

Representative McMorris moved the adoption of amendment (413):

On page 4, after line 19, insert the following:

"NEW SECTION. **Sec. 3.** For the year 2000 only, in addition to having special elections that may be held on the date of the presidential preference primary, as well as on the normal special election dates in April, May, September, and November as provided under RCW 29.13.010 and 29.13.020, one other special election may be held in the months of February or March as provided in this section. By December 1, 1999, each county auditor shall determine whether this additional special election date may be held on the first Tuesday after the first Monday in February or on the third Tuesday in March, in 2000. If a school district is located in more than one county, this additional special election date must be the same in each county in which the school district is located. The secretary of state shall be the final arbitrator, if the county auditors of counties in which such a school district is located cannot agree on a common date for the additional special election, and shall determine the date of the additional special election in those counties by December 15, 1999.

This section expires July 1, 2000."

Representative McMorris spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Romero and D. Schmidt spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Engrossed House Bill No. 2300.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2300, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, D., K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Scott and Van Luven - 2.

Engrossed House Bill No. 2300, having received the constitutional majority, was declared passed.

There being no objection, the House advanced to the eleventh order of business.

#### MOTION

On motion of Representative Kessler, the House adjourned until 10:00 a.m., Wednesday, May 19, 1999, the 3<sup>rd</sup> Legislative Day of the First Special Session.

TIMOTHY A. MARTIN, Chief Clerk      CLYDE BALLARD, Speaker  
DEAN R. FOSTER, Chief Clerk      FRANK CHOPP, Speaker

SECOND DAY - FIRST SPECIAL SESSION, MAY 18, 1999

JOURNAL OF THE HOUSE

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

**THIRD DAY - FIRST SPECIAL SESSION**

**MORNING SESSION**

House Chamber, Olympia, Wednesday, May 19, 1999

The House was called to order at 10:00 a.m. by Speaker Pro Tempore Pennington. The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Joseph Beck and Lindsey Michelson. Prayer was offered by Representative Doug Erickson.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

**MESSAGE FROM THE SENATE**

May 18, 1999

Mr. Speaker:

The Senate has passed:

ENGROSSED HOUSE BILL NO. 2297,

HOUSE BILL NO. 2303,

and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House advanced to the seventh order of business.

**SENATE AMENDMENTS TO HOUSE BILL**

May 17, 1999

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2091 with the following amendment(s):

On page 20, on line 13, after "subject to the" strike "current" and insert "permanent"

On page 48, after line 7, insert the following:

**"NEW SECTION. Sec. 903.** In order to facilitate healthy streams and foster salmonid recovery efforts, the Department of Natural Resources shall conduct a survey of publicly held lands in Washington with unconfined avulsing streams as defined in section 301 of this act that do not have sufficient forest canopy to adequately shade such streams. By January 1, 2001, the Department shall report such findings to the legislature along with the reasons for the lack of canopy and an estimate of the resources needed and a schedule for reforestation of such lands."

and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Engrossed Substitute House Bill No. 2091 and advanced the bill as amended by the Senate to final passage.

### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE**

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 2091 as amended by the Senate.

### **MOTIONS**

On motion of Representative Wolfe, Representative Scott was excused. On motion of Representative Fortunato, Representatives Campbell, McMorris and Van Luven were excused.

Representatives Buck and Regala spoke in favor of passage of the bill as amended by the Senate.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2091, as amended by the Senate and the bill passed the House by the following vote: Yeas - 67, Nays - 27, Absent - 0, Excused - 4.

Voting yea: Representatives Alexander, Ballasiotes, Benson, Buck, Bush, Cairnes, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Conway, Cox, Crouse, DeBolt, Delvin, Doumit, Dunn, Eickmeyer, Ericksen, Esser, Fortunato, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kastama, Keiser, Kessler, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, Miloscia, Mitchell, Mulliken, Murray, Ogden, Parlette, Pennington, Pflug, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Schindler, D. Schmidt, K. Schmidt, Schoesler, Skinner, D. Sommers, H. Sommers, Sullivan, Talcott, Tokuda, Veloria, Wensman, Wolfe, Mr. Speaker Ballard and Mr. Speaker Chopp - 67.

Voting nay: Representatives Anderson, Barlean, Boldt, Constantine, Cooper, Dickerson, Dunshee, Edmonds, Edwards, Fisher, Gombosky, Kagi, Kenney, Koster, Lambert, McIntire, Mielke, Morris, O'Brien, Poulsen, Ruderman, Santos, Schual-Berke, Stensen, Sump, Thomas and Wood - 27.

Excused: Representatives Campbell, McMorris, Scott and Van Luven - 4.

Engrossed Substitute House Bill No. 2091, as amended by the Senate, having received the constitutional majority, was declared passed.

Speaker Ballard assumed the chair.

## SIGNED BY THE SPEAKERS

The Speakers signed the following bills:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2091,

HOUSE BILL NO. 2303,

ENGROSSED HOUSE BILL NO. 2297,

There being no objection, the House reverted to the sixth order of business.

## SECOND READING

HOUSE BILL NO. 2304 by Representatives Quall, Talcott, Edwards, McIntire, McDonald, Edmonds and Kenney

Providing for school safety programs.

Representative Pennington withdrew his request for a Scope & Object ruling on amendment 406 by Representative Murray (See Journal, Day 2, May 18, 1999).

Representative Murray withdrew his amendment (406) (See Journal, Day 2, May 18, 1999).

There being no objection, amendments 409, 411 and 412 were withdrew.

Representative Quall moved the adoption of amendment (415):

Beginning on page 1, line 14, strike all material through "subsection." on page 2, line 6, and insert the following:

"(2) School safety programs for prevention and intervention. School districts may apply for and administer these grants independently or jointly with other school districts or educational service districts. The funds may be expended for proven-effective programs to improve safety in schools, including: Security assessments of school facilities; violence prevention and reporting training for staff as appropriate to the particular duties and responsibilities of the specific staff, including administrators; nonviolence and leadership training for staff and students; and school safety plans. The educational service districts and school districts may contract for any services under this subsection.

(3) The superintendent of public instruction shall report to the education committees of the house of representatives and senate on the number and types of programs administered through these grants by February 15, 2001, and February 15th of every two years thereafter."

Representative(s) Quall, McDonald, Kastama and Talcott spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Quall moved the adoption of amendment (414):

On page 2, beginning on line 7, strike all of section 2 and insert the following:

"NEW SECTION. Sec. 2. For the fiscal biennium ending June 30, 2001, the sum of two million five hundred thousand dollars, or so much thereof as may be necessary, is appropriated from the general fund--state and the sum of five hundred thousand dollars, or so much thereof as may be necessary, is appropriated from the public safety and education account to the superintendent of public instruction for matching grants to enhance security in schools. These appropriations are a supplement

to the five million nine hundred twenty three thousand dollar appropriation for school security contained in section 501(2)(e), chapter 309, laws of 1999, and shall be expended in the same manner and for the same purposes."

Representative(s) Quall and Talcott spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Quall, Lambert, Schual-Berke, G. Chandler, Talcott, McIntire, Cox, Dunshee, McDonald, Keiser, Kastama and Santos spoke in favor of passage of the bill.

Speaker Ballard called upon Representative Pennington to preside.

#### MOTIONS

On motion of Representative Wolfe, Representative Murray was excused. On motion of Representative Wensman, Representative Crouse was excused.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Engrossed House Bill No. 2304.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2304, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Crouse, Murray and Scott - 3.

Engrossed House Bill No. 2304, having received the constitutional majority, was declared passed.

There being no objection, Engrossed House Bill No. 2304 was immediately transmitted to the Senate.

Speaker Ballard assumed the chair.

#### MESSAGES FROM THE SENATE

Mr. Speaker:

May 19, 1999

The Senate has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2247,

SUBSTITUTE HOUSE BILL NO. 2273,

HOUSE BILL NO. 2295,

and the same are herewith transmitted.

Tony M. Cook, Secretary

May 19, 1999

Mr. Speaker:

The Senate has concurred in the House amendment(s) and has passed the following bills as amended by the House:

SECOND ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5595,

and the same is herewith transmitted.

Tony M. Cook, Secretary

**SIGNED BY THE SPEAKERS**

The Speakers signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2247,

SUBSTITUTE HOUSE BILL NO. 2273,

HOUSE BILL NO. 2295,

**MESSAGES FROM THE SENATE**

May 19, 1999

Mr. Speaker:

The President has signed:

ENGROSSED HOUSE BILL NO. 2297,

HOUSE BILL NO. 2303,

and the same are herewith transmitted.

Tony M. Cook, Secretary

May 19, 1999

Mr. Speaker:

The President has signed:



ENGROSSED SUBSTITUTE HOUSE BILL NO. 2091,

and the same is herewith transmitted.

Tony M. Cook, Secretary

May 19, 1999

Mr. Speaker:

The President has signed:

SECOND ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5595,

and the same is herewith transmitted.

Tony M. Cook, Secretary

**SENATE AMENDMENTS TO HOUSE BILL**

May 19, 1999

Mr. Speaker:

Under suspension of rules, the Senate returned ENGROSSED SUBSTITUTE HOUSE BILL NO. 1125 to Second Reading for purpose of amendment(s). The Senate adopted striking amendment #543 as amended by Floor Amendment #547, and passed the bill as amended,

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The transportation budget of the state is hereby adopted and, subject to the provisions hereinafter set forth, the several amounts hereinafter specified, or as much thereof as may be necessary to accomplish the purposes designated, are hereby appropriated from the several accounts and funds hereinafter named to the designated state agencies and offices for employee compensation and other expenses, for capital projects, and for other specified purposes, including the payment of any final judgments arising out of such activities, for the period ending June 30, 2001.

(2) Legislation with fiscal impacts enacted in the 1997 or 1998 legislative session not assumed in this act are not funded in the 1997-99 transportation budget.

(3) Legislation with fiscal impacts enacted in the 1999 legislative session not assumed in this act are not funded in the 1999-01 transportation budget.

(4) Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this act.

(a) "Fiscal year 2000" or "FY 2000" means the fiscal year ending June 30, 2000.

(b) "Fiscal year 2001" or "FY 2001" means the fiscal year ending June 30, 2001.

(c) "FTE" means full-time equivalent.

(d) "Lapse" or "revert" means the amount shall return to an unappropriated status.

(e) "Provided solely" means the specified amount may be spent only for the specified purpose.

(f) "Performance-based budgeting" means a budget that bases resource needs on quantified outcomes and results expected from use of the total appropriation. "Performance-based budgeting" does not mean incremental budgeting that focuses on justifying changes from the historic budget or to line-item input-driven budgets.

(g) "Goals" means the statements of purpose that identify a desired result or outcome. The statements shall be realistic, achievable, directive, assignable, evaluative, and logically linked to the agency's mission and statutory mandate.

(h) "Strategic plan" means the strategies agencies create for investment choices in the future. All agency strategic plans shall present alternative investment strategies for providing services.

(i) "Enacted in the form passed by the legislature" means the referenced bill, as identified by a four-digit number, was:

(i) Passed by the legislature and enacted either with no provisions vetoed by the governor or with only ministerial or de minimus changes resulting from a partial veto; or

(ii) Attached in full onto another bill as an amendment and the entire bill, including the amendment, was passed by the legislature and enacted either with no provisions vetoed by the governor or with only ministerial or de minimus changes resulting from a partial veto.

**NEW SECTION. Sec. 2.** The legislature recognizes that the 1999 endangered species act listing or proposed listing of salmonid species throughout the state of Washington may require increased operational and capital expenditures for transportation. As the state's fiscal obligations pursuant to the listing or proposed listing become clearer over time, it may be necessary to revisit funding decisions reflected in this act in order to shift resources to meet those obligations. The department of transportation, the transportation improvement board, and the county road administration board shall report to the legislature on December 1, 1999, on capital project delay impacts, including impact on costs and project delivery, due to the endangered species act listing or proposed listing.

## **PART I GENERAL GOVERNMENT AGENCIES--OPERATING**

**NEW SECTION. Sec. 101. FOR THE DEPARTMENT OF AGRICULTURE**  
Motor Vehicle Account--State Appropriation \$

327,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity: The entire appropriation is provided solely for costs associated with the motor fuel quality program.

**NEW SECTION. Sec. 102. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM**  
Motor Vehicle Account--State Appropriation \$

900,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) \$103,000 of the appropriation is provided solely for the local government finance reporting system project. This amount shall lapse unless \$207,000 is appropriated for this project from the state general fund; and

(2) \$202,000 of the appropriation is provided solely for the transportation infrastructure needs data base project. This amount shall lapse unless \$405,000 is appropriated for this project in the omnibus operations appropriations act.

(3) \$325,000 of the appropriation is provided solely for contracting with the office of the state auditor for the collection of local government fiscal data associated with the local government finance reporting system. In implementing the reporting system, the legislative evaluation and accountability program shall work with the local government finance study technical advisory committee. The committee shall include, but not be limited to, one member from the senate and one member from the house of representatives. An alternate legislator shall also be picked for each designated legislator to serve in the event that the designated legislator is unable to fulfill his or her duties on the committee. This amount shall lapse unless the legislature appropriates \$325,000 for the same purpose by June 30, 1999, in the omnibus appropriations act.

**NEW SECTION. Sec. 103. FOR THE UTILITIES AND TRANSPORTATION COMMISSION**

Grade Crossing Protective Account--State Appropriation \$

111,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The utilities and transportation commission shall develop a competitive rail grade crossing safety grant program which will fully fund selected safety projects to the extent allowable under chapter 81.53 RCW.

(2) Beginning on the effective date of this act through May 1, 2000, the utilities and transportation commission may not grant any new certificates under chapter 81.68 RCW in any areas where a public transportation system has been formed.

(3) The appropriation in this section is for the fiscal year ending June 30, 2000.

(4) During the 1999 interim the legislative transportation committees shall convene a task force to study issues related to the siting of, and fees charged for the siting of, utility facilities on, over, under, and along railroad rights of way.

**NEW SECTION. Sec. 104. FOR THE STATE PARKS AND RECREATION COMMISSION**

Motor Vehicle Account--State Appropriation \$

931,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity: A report of actual expenditures and descriptions of the expenditures from the motor vehicle fund will be submitted to the legislature with the governor's 2001-2003 biennial budget request. GENERAL GOVERNMENT AGENCIES--CAPITAL

**NEW SECTION. Sec. 105. FOR WASHINGTON STATE PARKS AND RECREATION--CAPITAL PROJECTS**

Motor Vehicle Account--State Appropriation \$

2,690,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) \$900,000 is a reappropriation provided to complete the Cama Beach project and the Damon point project funded in section 110, chapter 457, Laws of 1997. The projects shall be completed by June 30, 2001. Upon completion of these projects any surplus funding may be used for the projects listed in subsection (2) of this section.

(2) \$1,790,000 is a one-time appropriation provided solely for the following projects, apportioned as follows:

(a) Ike Kinswa State Park, \$100,000 to commission a hydrology and geology study for the park road drainage system and a traffic study of the intersection of the park entrance roads with SR 122;

(b) Mt. Spokane State Park, \$1,300,000;

(c) Beacon Rock State Park, \$300,000; and

(d) Cama Beach State Park, \$90,000.

These projects shall be completed by June 30, 2001. Project status reports shall be submitted to the senate transportation committee and the house of representatives transportation committee in January 2000 and January 2001.

**PART II  
TRANSPORTATION AGENCIES**

**NEW SECTION. Sec. 201. FOR THE WASHINGTON TRAFFIC SAFETY COMMISSION**

|  |            |
|--|------------|
| Highway Safety Account--State Appropriation \$     | 1,452,000  |
| Highway Safety Account--Federal Appropriation \$   | 9,038,000  |
| School Zone Safety Account--State Appropriation \$ | 1,004,000  |
| TOTAL APPROPRIATION \$                             | 11,494,000 |

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity: \$25,000 of the highway safety account--state is provided as a one-time appropriation to implement the Cooper Jones act, chapter 165, Laws of 1998.

**NEW SECTION. Sec. 202. FOR THE BOARD OF PILOTAGE COMMISSIONERS**

|  |         |
|--|---------|
| Pilotage Account--State Appropriation \$ | 290,000 |
|--|---------|

**NEW SECTION. Sec. 203. FOR THE COUNTY ROAD ADMINISTRATION BOARD**

|  |             |
|--|-------------|
| Rural Arterial Trust Account--State Appropriation \$         | 72,510,000  |
| Motor Vehicle Account--State Appropriation \$                | 9,546,000   |
| Motor Vehicle Account--Private/Local Appropriation \$        | 376,000     |
| County Arterial Preservation Account--State Appropriation \$ | 28,612,000  |
| TOTAL APPROPRIATION \$                                       | 111,044,000 |

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: \$8,000,000 of the motor vehicle account--state appropriation is provided solely for projects on the freight and goods systems on county roads.

**NEW SECTION. Sec. 204. FOR THE TRANSPORTATION IMPROVEMENT BOARD**

|   |             |
|---|-------------|
| Urban Arterial Trust Account--State Appropriation \$          | 104,508,000 |
| Transportation Improvement Account--State Appropriation \$    | 99,414,000  |
| Public Transportation Systems Account--State Appropriation \$ | 33,496,000  |
| TOTAL APPROPRIATION \$  | 237,418,000 |

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: To the extent practicable, the board shall give preference, for amounts which would otherwise be granted to cities, to those projects which complement projects funded under the county corridor congestion relief program contained in section 232(8) of this act.

**NEW SECTION. Sec. 205. FOR THE SENATE**

|   |           |
|---|-----------|
| Motor Vehicle Account--State Appropriation \$ | 2,378,000 |
|---|-----------|

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The appropriation in this section is provided solely to fund the activities of the senate transportation committee.

(2) The senate transportation committee shall work during the 1999 interim with members of the senate ways and means committee to assess funding options for aviation.

(3) The senate transportation committee shall evaluate the transportation functions currently performed by the utilities and transportation commission including but not limited to those regarding the issuance of certificates of public convenience and necessity for auto transportation companies.

(4) A legislative task force consisting of one member from each caucus of the senate and one member from each caucus of the house of representatives shall conduct a road jurisdiction study. The legislative task force shall appoint a technical advisory panel consisting of representatives of cities, counties, and the department of transportation. The study shall include but not be limited to an examination of the following issues:

(a) Whether changed conditions merit redesignation of certain local roadways as state routes and the return of certain state routes to local jurisdictions;

(b) Alternatives to current revenue distribution methodologies for funding roadway and highway needs;

(c) Determine roadway responsibilities, authorities, and practices by jurisdictional level; and

(d) Evaluate governance issues associated with road jurisdiction.

(5) The committee shall oversee program accountability reviews of department of transportation, department of licensing, and Washington state patrol programs selected by the senate transportation committee.

**NEW SECTION. Sec. 206. FOR THE HOUSE OF REPRESENTATIVES**

Motor Vehicle Account--State Appropriation \$

2,378,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The appropriation in this section is provided solely to fund the activities of the house of representatives transportation committee.

(2) The house of representatives transportation committee shall evaluate the transportation functions currently performed by the utilities and transportation commission including but not limited to those regarding the issuance of certificates of public convenience and necessity for auto transportation companies.

(3) The committee shall oversee program accountability reviews of department of transportation, department of licensing, and Washington state patrol programs selected by the house of representatives transportation committee.

(4) A legislative task force consisting of one member from each caucus of the senate and one member from each caucus of the house of representatives shall conduct a road jurisdiction study. The legislative task force shall appoint a technical advisory panel consisting of representatives of cities, counties, and the department of transportation. The study shall include but not be limited to an examination of the following issues:

(a) Whether changed conditions merit redesignation of certain local roadways as state routes and the return of certain state routes to local jurisdictions;

(b) Alternatives to current revenue distribution methodologies for funding roadway and highway needs;

(c) Determine roadway responsibilities, authorities, and practices by jurisdictional level; and

(d) Evaluate governance issues associated with road jurisdiction.

**NEW SECTION. Sec. 207. FOR THE BLUE RIBBON COMMISSION ON TRANSPORTATION**

Motor Vehicle Account--State Appropriation \$

1,800,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The \$1,800,000 motor vehicle account--state appropriation is provided solely for the purpose of enabling the blue ribbon commission on transportation to fulfill its mission. The funds are to be administered by the senate transportation committee and the house of representatives transportation committee on behalf of the blue ribbon commission on transportation.

(2) The blue ribbon commission on transportation shall commission and supervise the development of a modal trade-off model. The purpose of the model is to assist, not replace decision making; it will not simply produce numerical solutions. The model shall be developed in cooperation with the senate transportation committee, the house of representatives transportation committee, the transportation commission, and the department of transportation's modal directors of research, planning, and programming.

**NEW SECTION. Sec. 208. FOR THE MARINE EMPLOYEES COMMISSION**  
Puget Sound Ferry Operations Account--State Appropriation \$

356,000

**NEW SECTION. Sec. 209. FOR THE TRANSPORTATION COMMISSION**  
Transportation Account--State Appropriation \$

807,000

**NEW SECTION. Sec. 210. FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD**  
Transportation Account--State Appropriation \$

600,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity: When approving projects, the freight mobility strategic investment board shall:

(1) Emphasize funding projects according to their order on the prioritization list developed by the board;

(2) Not allow the program's share of total project cost to exceed sixty-five percent unless the board grants a special exception;

(3) Set a \$50,000,000 cap on the amount it will authorize for any one project; and

(4) Give a project a higher priority designation if project partners increase their funding and the board deems the reprioritization is appropriate.

**NEW SECTION. Sec. 211. FOR THE WASHINGTON STATE PATROL--FIELD OPERATIONS BUREAU**

State Patrol Highway Account--State Appropriation \$

154,538,000

State Patrol Highway Account--Federal Appropriation \$

6,153,000

State Patrol Highway Account--Private/Local Appropriation \$

169,000

TOTAL APPROPRIATION \$

160,860,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The following amounts are provided solely for administration of the field operations group subprogram: \$120,372,000 of the state patrol highway account--state appropriation; \$2,854,000 of the

state patrol highway account--federal appropriation; and \$83,000 of the state patrol highway account--private/local appropriation.

(2) The following amounts are provided solely for the administration of the commercial vehicle division subprogram: \$26,367,000 of the state patrol highway account--state appropriation; \$3,299,000 of the state patrol highway account--federal appropriation; and \$86,000 of the state patrol highway account--private/local appropriation.

(3) \$7,799,000 of the state patrol highway account--state appropriation is provided solely for the administration of the traffic investigation division subprogram.

(4) \$1,137,000 of the state patrol highway account--state appropriation is provided solely for the license fraud task force to begin on July 1, 1999. Positions funded are one sergeant/detective, three Washington state patrol detectives, and one clerical support person, for administrative support for the task force as a whole. \$115,400 of this amount is for reimbursement to the department of revenue and \$228,315 of this amount is for reimbursement to the attorney general's office. If Senate Bill No. 5706 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse. Any funds provided in this subsection not used to implement Senate Bill No. 5706 as enacted by the legislature shall revert at the end of the 1999-01 biennium.

(5) \$1,435,000 of the state patrol highway account--state appropriation is provided solely to the field operations group subprogram as a one-time appropriation to begin funding phase III of the Washington state patrol's upgrade to the state-wide emergency communication system. The Washington state patrol shall provide a full analysis of the costs, benefits, and requirements for completing all phases of the upgrade to the state-wide emergency communication system to the senate transportation committee and the house of representatives transportation committee by December 1, 1999.

(6) The Washington state patrol is authorized to use the federal community-oriented policing program (COPS) for 18 COPS troopers to begin in July 2000. The troopers must be used on the state's highways and up to six may be utilized in the Vancouver, Washington area.

**NEW SECTION. Sec. 212. FOR THE WASHINGTON STATE PATROL--SUPPORT SERVICES BUREAU**

|  |                   |
|--|-------------------|
| State Patrol Highway Account--State Appropriation \$         | 67,015,000        |
| State Patrol Highway Account--Federal Appropriation \$       | 104,000           |
| State Patrol Highway Account--Private/Local Appropriation \$ | 743,000           |
| <b>TOTAL APPROPRIATION \$</b>                                | <b>67,862,000</b> |

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: \$877,000 of the state patrol highway account--state appropriation is provided solely to maintain pursuit vehicles and provide for replacement of the vehicles at 110,000 miles. The agency may purchase a total of 354 pursuit vehicles during the biennium ending June 30, 2001. The appropriation in this section reflects carry forward and new funding due to the consolidation of gasoline, maintenance, parts, and pursuit vehicles into the fleet section of the support services bureau.

**NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF LICENSING--MANAGEMENT AND SUPPORT SERVICES**

|   |           |
|---|-----------|
| Motorcycle Safety Education Account--State Appropriation \$ | 118,000   |
| Wildlife Account--State Appropriation \$                    | 50,000    |
| Highway Safety Account--State Appropriation \$              | 6,578,000 |

|   |            |
|---|------------|
| Motor Vehicle Account--State Appropriation \$ | 4,571,000  |
| TOTAL APPROPRIATION \$                        | 11,317,000 |

**NEW SECTION. Sec. 214. FOR THE DEPARTMENT OF LICENSING--  
INFORMATION SYSTEMS**

|   |           |
|---|-----------|
| Motorcycle Safety Education Account--State Appropriation \$ | 102,000   |
| Wildlife Account--State Appropriation \$                    | 46,000    |
| Highway Safety Account--State Appropriation \$              | 5,725,000 |
| Motor Vehicle Account--State Appropriation \$               | 3,651,000 |
| TOTAL APPROPRIATION \$                                      | 9,524,000 |

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: \$745,000 of the highway safety fund--state appropriation is a reappropriation of funds originally appropriated for the document scanner project in the 1997-99 biennium.

**NEW SECTION. Sec. 215. FOR THE DEPARTMENT OF LICENSING--VEHICLE  
SERVICES**

|  |            |
|--|------------|
| Marine Fuel Tax Refund Account--State Appropriation \$ | 26,000     |
| Wildlife Account--State Appropriation \$               | 556,000    |
| Motor Vehicle Account--State Appropriation \$          | 56,137,000 |
| DOL Services Account--State Appropriation \$           | 2,907,000  |
| TOTAL APPROPRIATION \$                                 | 59,626,000 |

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

- (1) \$81,000 of the motor vehicle account--state appropriation is provided solely to implement Senate Bill No. 5000 enacted in the form passed by the legislature. If Senate Bill No. 5000 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.
- (2) \$273,000 of the motor vehicle account--state appropriation is provided solely to implement Senate Bill No. 5280 enacted in the form passed by the legislature. If Senate Bill No. 5280 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.
- (3) \$82,000 of the motor vehicle account--state appropriation is provided solely to implement Senate Bill No. 5641 enacted in the form passed by the legislature. If Senate Bill No. 5641 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.
- (4) \$300,000 of the motor vehicle account--state appropriation is provided solely to implement Senate Bill No. 6009 enacted in the form passed by the legislature. If Senate Bill No. 6009 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.
- (5) \$15,000 of the motor vehicle account--state appropriation is provided solely to implement House Bill No. 2201 enacted in the form passed by the legislature.
- (6) The department of licensing shall issue license plate emblems at the discretion of the adjutant general.



**NEW SECTION. Sec. 216. FOR THE DEPARTMENT OF LICENSING--DRIVER SERVICES**

|   |            |
|---|------------|
| Motorcycle Safety Education Account--State Appropriation \$ | 1,960,000  |
| Highway Safety Account--State Appropriation \$              | 78,075,000 |
| TOTAL APPROPRIATION \$                                      | 80,035,000 |

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,880,000 of the highway safety account--state appropriation is provided solely for the department to enter into a contract for the implementation of an improved state driver's license and identicard. The contract with the vendor providing the improved license and identicard shall state that the license and the identicard shall not contain: (a) The driver's social security number in either visible or machine readable form; or (b) the driver's fingerprint or thumbprint. Consistent with RCW 42.17.260(9) the department shall not sell or otherwise make available any information that it gathers from citizens of the state of Washington in administering the driver's licensing program except as already authorized in Title 46 RCW.

(2) In September of 1999 the department of licensing shall report to the senate transportation committee and the house of representatives transportation committee on:

(a) The controls implemented by the department to ensure the integrity and credibility of the written driver's license test administered by the department; and

(b) The policies and procedures implemented by the department to ensure that the driver's manuals produced and distributed by the department contain correct data based on current federal, state, and local statutes, ordinances, and rules.

(3) \$610,000 of the highway safety fund--state appropriation is provided solely to implement House Bill No. 1147 enacted in the form passed by the legislature. If House Bill No. 1147 is not enacted in the form passed by the legislature by June 30, 1999, the amount provided in this subsection shall lapse.

(4) \$17,000 of the highway safety fund--state appropriation is provided solely to implement House Bill No. 1774 enacted in the form passed by the legislature. If House Bill No. 1774 is not enacted in the form passed by the legislature the amount referenced in this subsection shall lapse.

(5) \$130,000 of the highway safety fund--state appropriation is provided solely to implement House Bill No. 2259 enacted in the form passed by the legislature. If House Bill No. 2259 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

(6) \$34,000 of the highway safety fund--state appropriation is provided solely to implement Senate Bill No. 5374 enacted in the form passed by the legislature. If Senate Bill No. 5374 is not enacted in the form passed by the legislature the amount referenced in this subsection shall lapse.

(7) If Senate Bill No. 6009 is enacted in the form passed by the legislature \$335,000 of the highway safety fund--state appropriation shall lapse.

(8) \$329,000 of the highway safety account--state appropriation is provided solely to implement Senate Bill No. 5399 enacted as passed by the legislature.

**NEW SECTION. Sec. 217. FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MANAGEMENT AND FACILITIES--PROGRAM D--OPERATING**

|   |            |
|---|------------|
| Motor Vehicle Account--State Appropriation \$   | 44,508,000 |
| Motor Vehicle Account--Federal Appropriation \$ | 400,000    |
| TOTAL APPROPRIATION \$                          | 44,908,000 |

**NEW SECTION. Sec. 218. FOR THE DEPARTMENT OF TRANSPORTATION--AVIATION--PROGRAM F**

|   |                  |
|---|------------------|
| Aeronautics Account--State Appropriation \$                                     | 4,010,000        |
| Aircraft Search and Rescue Safety and Education Account--State Appropriation \$ | 159,000          |
| Transportation Account--State Appropriation \$                                  | 247,000          |
| <b>TOTAL APPROPRIATION \$</b>   | <b>4,416,000</b> |

**NEW SECTION. Sec. 219. FOR THE DEPARTMENT OF TRANSPORTATION--IMPROVEMENTS--PROGRAM I**

|   |                      |
|---|----------------------|
| Motor Vehicle Account--State Appropriation \$                         | 630,010,000          |
| Motor Vehicle Account--Federal Appropriation \$                       | 234,939,000          |
| Motor Vehicle Account--Private/Local Appropriation \$                 | 43,344,000           |
| High Capacity Transportation Account--State Appropriation \$          | 110,000              |
| Special Category C Account--State Appropriation \$                    | 55,220,000           |
| Transportation Account--State Appropriation \$                        | 197,284,000          |
| Transportation Account--Federal Appropriation \$                      | 56,808,000           |
| Puyallup Tribal Settlement Account--State Appropriation \$            | 8,662,000            |
| Transportation Infrastructure Account--State Appropriation \$         | 1,750,000            |
| Transportation Infrastructure Account--Private/Local Appropriation \$ | 1,750,000            |
| <b>TOTAL APPROPRIATION \$</b>   | <b>1,229,877,000</b> |

The appropriations in this section are provided for the location, design, right of way acquisition, or construction of state highway projects designated as improvements under RCW 47.05.030. The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The special category C account--state appropriation of \$55,220,000 includes \$40,500,000 in proceeds from the sale of bonds authorized by Senate Bill No. 5060 or House Bill No. 1203 enacted in the form passed by the legislature. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(2) The motor vehicle account--state appropriation includes \$1,285,000 in proceeds from the sale of bonds authorized by RCW 47.10.819(1) for match on federal demonstration projects. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(3) The department shall report December 1st and June 1st of each year to the senate transportation committee and the house of representatives transportation committee and the office of financial management on the timing and the scope of work being performed for the regional transit authority known as sound transit. This report shall provide a description of all department activities related to the regional transit authority including investments in state-owned infrastructure.

(4) The motor vehicle account--federal appropriation in this section is transferrable to the transportation account to ensure efficient funds management and program delivery.

(5) The north Sumner interchange project shall be funded entirely from the motor vehicle account appropriation. The project shall no longer receive a portion of its funding from the economic development account.

(6) \$34,920,000 of the motor vehicle account--state appropriation is provided solely for the state program share of freight mobility projects as identified by the freight mobility strategic investment board. The amount provided in this subsection can only be expended upon authorization from the freight mobility strategic investment board.

(7) The motor vehicle account--state appropriation includes \$469,779,000 in proceeds from the sale of bonds authorized by RCW 47.10.843. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(8) \$500,000 of the motor vehicle account--state appropriation is provided solely for analysis and design of congestion solutions at the intersections of the South Lake Union/Mercer corridor with Interstate 5 and SR 99. The amount provided in this subsection shall be expended on the state's portion of the project. The department's authority to expend the amount referenced in this subsection is contingent on the city of Seattle appropriating \$500,000 or more toward design and analysis for the local street portion of the project.

(9) \$10,000,000 of the motor vehicle account--state appropriation and \$40,000,000 of the transportation account--state appropriation are provided as a cash contribution for the development of the public private initiatives project at Tacoma Narrows. State funds shall be used initially for the acquisition of right of way and the forensic studies of the existing bridge including purchase of equipment necessary to conduct the studies. The balance of state funds not required for acquisition of right of way and forensic studies shall be placed with the designated bond trustee at the same time the privately secured debt proceeds are deposited.

(10)(a) \$3,992,000 of the motor vehicle account--state appropriation is provided for the following two highway projects on SR 16 except as set forth under (b) of this subsection: Union to Sixth avenue/Pearl street and Sixth avenue/Pearl street to Jackson avenue. These projects are part of a coordinated approach that, along with construction of the Tacoma Narrows bridge project, will provide congestion relief on the SR 16 corridor. The appropriations in this section include funds for the construction of high occupancy vehicle (HOV) lanes on SR 16 on both the eastern and western sides of the Tacoma narrows bridge. The HOV construction project is part of a coordinated approach that, along with construction of the Tacoma Narrows bridge project, will provide congestion relief on the SR 16 corridor.

(b) If the Tacoma Narrows bridge project is delayed, the transportation commission may reprioritize projects on SR 16.

(11) \$5,800,000 of the motor vehicle account--state appropriation is provided solely for the completion of the weigh stations at Stanwood and Cle Elum along with weigh in motion at those sites an weigh in motion at Fort Lewis Northbound. The Washington state patrol and department of transportation shall work cooperatively to complete these projects.

(12) \$485,000 of the motor vehicle account--state appropriation is a reappropriation provided solely to enable the translake committee to finalize and present its recommendations. Upon presentation of the recommendations, or upon the expenditure of the appropriation provided by this subsection, the department of transportation shall disband the committee.

(13) \$800,000 of the motor vehicle account--state appropriation is provided solely to the Washington state department of transportation, office of urban mobility, to advance the recommendations of the translake Washington study committee. These funds shall be used to develop a scope of work for an environmental impact statement and related engineering work, including an environmental strategy, a decision process, a statement of purpose and need, and a formal notice of intent. None of the appropriation for the scope of work for the environmental impact statement shall be available to support any activities of the translake Washington study committee.

(14) \$500,000 of the motor vehicle fund--state appropriation is provided solely for predesign of the northeast 44th street interchange on I-405. The department of transportation and the city of Renton shall develop a proposal that includes a funding plan for the interchange that specifies the partner's

share of the cost. The department and the city shall report to the legislative transportation committees by December 1, 1999.

**NEW SECTION. Sec. 220. FOR THE DEPARTMENT OF TRANSPORTATION--  
TRANSPORTATION ECONOMIC PARTNERSHIPS--PROGRAM K**

|  |                   |
|--|-------------------|
| Transportation Account--State Appropriation \$ | 1,212,000         |
| Motor Vehicle Account--State Appropriation \$  | 10,162,000        |
| <b>TOTAL APPROPRIATION \$</b>                  | <b>11,374,000</b> |

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: The motor vehicle fund--state appropriation includes \$10,162,000 in proceeds from the sale of bonds authorized in RCW 47.10.834 for all forms of cash contributions, or the payment of other costs incident to the location, development, design, right of way, and construction of the Tacoma narrows bridge improvements under the public-private transportation initiative program authorized under chapter 47.46 RCW; and for support costs of the public-private transportation initiatives program.

**NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF TRANSPORTATION--  
HIGHWAY MAINTENANCE--PROGRAM M**

|   |                    |
|---|--------------------|
| Motor Vehicle Account--State Appropriation \$         | 251,426,000        |
| Motor Vehicle Account--Federal Appropriation \$       | 887,000            |
| Motor Vehicle Account--Private/Local Appropriation \$ | 3,417,000          |
| <b>TOTAL APPROPRIATION \$</b>                         | <b>255,730,000</b> |

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) If portions of the appropriations in this section are required to fund maintenance work resulting from major disasters not covered by federal emergency funds such as fire, flooding, and major slides, supplemental appropriations will be requested to restore state funding for ongoing maintenance activities.

(2) The department shall request an unanticipated receipt for any federal moneys received for emergency snow and ice removal and shall place an equal amount of the motor vehicle fund--state into unallotted status. This exchange shall not affect the amount of funding available for snow and ice removal.

**NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF TRANSPORTATION--  
PRESERVATION--PROGRAM P**

|   |                    |
|---|--------------------|
| Motor Vehicle Account--State Appropriation \$         | 318,691,000        |
| Motor Vehicle Account--Federal Appropriation \$       | 284,587,000        |
| Motor Vehicle Account--Private/Local Appropriation \$ | 3,117,000          |
| Transportation Account--State Appropriation \$        | 121,000            |
| <b>TOTAL APPROPRIATION \$</b>                         | <b>606,516,000</b> |

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The motor vehicle fund--state appropriation includes \$6,650,000 in proceeds from the sale of bonds authorized in RCW 47.10.761 and 47.10.762 for emergency purposes. However, the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(2) The motor vehicle account--federal appropriation in this section is transferrable to the transportation account to ensure efficient funds management and program delivery.

**NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q**

|   |                   |
|---|-------------------|
| State Patrol Highway Account--State Appropriation \$  | 221,000           |
| Motor Vehicle Account--State Appropriation \$         | 37,085,000        |
| Motor Vehicle Account--Federal Appropriation \$       | 1,662,000         |
| Motor Vehicle Account--Private/Local Appropriation \$ | 122,000           |
| <b>TOTAL APPROPRIATION \$</b>                         | <b>39,090,000</b> |

The appropriations in this section are subject to the following conditions and limitations and the specified amount is provided solely for that activity:

(1) The motor vehicle account--state appropriation includes \$4,324,000 for state matching funds for federally selected competitive grant or congressional earmark projects other than commercial vehicle information system and network (CVISN). These moneys shall be placed into reserve status until such time as federal funds are secured and a state match is required. If matching federal funds are not obtained by September 30, 2000, the amount provided in this subsection shall lapse.

(2) The motor vehicle account--state appropriation includes \$600,000 for a two-year pilot program for contracted roving service patrols. The department shall provide a progress report on this pilot program to the office of financial management, the senate transportation committee, and the house of representatives transportation committee on December 1, 2000. The pilot program will be evaluated with future direction and funding to be determined by the documented results and benefits of the pilot program.

**NEW SECTION. Sec. 224. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION MANAGEMENT AND SUPPORT--PROGRAM S**

|  |                    |
|--|--------------------|
| Puget Sound Capital Construction Account--State Appropriation \$ | 4,464,000          |
| Motor Vehicle Account--State Appropriation \$                    | 98,390,000         |
| Motor Vehicle Account--Federal Appropriation \$                  | 125,000            |
| Puget Sound Ferry Operations Account--State Appropriation \$     | 6,308,000          |
| Transportation Account--State Appropriation \$                   | 1,517,000          |
| <b>TOTAL APPROPRIATION \$</b>                                    | <b>110,804,000</b> |

The appropriations in this section are subject to the following conditions and limitations and the specified amount is provided solely for that activity: \$586,000 of the motor vehicle account--state appropriation is provided solely to enable the secretary of transportation to implement a leadership

training program at the department of transportation. The program shall include a mentoring component. The department shall develop performance measures to evaluate the effectiveness of the program, including but not limited to a performance measure to determine the effect of the program on employee retention. The department shall provide a progress report on the training program to the office of financial management, the senate transportation committee, and the house of representatives transportation committee by December 1, 2000.

**NEW SECTION. Sec. 225. FOR THE DEPARTMENT OF TRANSPORTATION--  
TRANSPORTATION PLANNING, DATA, AND RESEARCH--PROGRAM T**

|   |                   |
|---|-------------------|
| Motor Vehicle Account--State Appropriation \$   | 12,109,000        |
| Motor Vehicle Account--Federal Appropriation \$ | 17,000,000        |
| Transportation Account--State Appropriation \$  | 1,371,000         |
| <b>TOTAL APPROPRIATION \$</b>                   | <b>30,480,000</b> |

**NEW SECTION. Sec. 226. FOR THE DEPARTMENT OF TRANSPORTATION--  
CHARGES FROM OTHER AGENCIES--PROGRAM U**

|  |            |
|--|------------|
| <b>(1) FOR PAYMENT OF COSTS OF ATTORNEY GENERAL TORT CLAIMS SUPPORT</b>  |            |
| Transportation Account--State Appropriation \$   | 2,595,000  |
| Puget Sound Ferry Operations--State Appropriation \$   | 1,155,000  |
| <b>(2) FOR PAYMENT OF COSTS OF THE OFFICE OF THE STATE AUDITOR</b>   |            |
| Motor Vehicle Account--State Appropriation \$  | 907,000    |
| <b>(3) FOR PAYMENT OF COSTS OF DEPARTMENT OF GENERAL ADMINISTRATION<br/>FACILITIES AND SERVICES AND CONSOLIDATED MAIL SERVICES</b> |            |
| Motor Vehicle Account--State Appropriation \$  | 3,743,000  |
| <b>(4) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF PERSONNEL</b>   |            |
| Motor Vehicle Account--State Appropriation \$  | 2,240,000  |
| <b>(5) FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS AND<br/>ADMINISTRATION</b>   |            |
| Transportation Account--State Appropriation \$   | 12,039,000 |
| <b>(6) FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS AND<br/>ADMINISTRATION</b>   |            |
| Motor Vehicle Fund--Puget Sound Ferry Operations Account--State Appropriation \$   | 3,462,000  |
| <b>(7) FOR PAYMENT OF COSTS OF OFFICE OF MINORITY AND WOMEN'S BUSINESS<br/>ENTERPRISES</b>   |            |
| Motor Vehicle Account--State Appropriation \$  | 158,000    |
| <b>(8) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF GENERAL<br/>ADMINISTRATION STATE PARKING SERVICES</b>                             |            |
| Motor Vehicle Account--State Appropriation \$  | 90,000     |
| <b>(9) FOR PAYMENT OF THE DEPARTMENT OF GENERAL ADMINISTRATION<br/>CAPITAL PROJECTS SURCHARGE</b>                                  |            |
| Motor Vehicle Account--State Appropriation \$  |            |

|   |           |
|---|-----------|
| (10) FOR ARCHIVES AND RECORDS MANAGEMENT      | 1,100,000 |
| Motor Vehicle Account--State Appropriation \$ |           |
|   | 392,000   |

**NEW SECTION. Sec. 227. FOR THE DEPARTMENT OF TRANSPORTATION--PUBLIC TRANSPORTATION--PROGRAM V**

|   |                   |
|---|-------------------|
| High Capacity Transportation Account--State Appropriation \$  | 3,701,000         |
| Air Pollution Control Account--State Appropriation \$         | 6,253,000         |
| Transportation Account--State Appropriation \$                | 7,187,000         |
| Transportation Account--Federal Appropriation \$              | 7,345,000         |
| Transportation Account--Private/Local Appropriation \$        | 105,000           |
| Public Transportation Systems Account--State Appropriation \$ | 800,000           |
| <b>TOTAL APPROPRIATION \$</b>                                 | <b>24,391,000</b> |

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) Up to \$750,000 of the transportation account--state appropriation is provided solely for grants and activities relating to coordinating special needs transportation among state and local providers. When selecting grant recipients, the agency council on coordinated transportation shall give priority to projects and programs that can be accomplished in the 1999-2001 biennium. The department may expend up to \$250,000 without a matching appropriation. The department's authority to expend more than that amount is conditioned upon the legislature authorizing a matching appropriation equal to the total expenditure of the amount provided in this subsection.

(2) \$50,000 of the public transportation systems account--state appropriation is provided solely to continue and enhance an existing pilot project between a public transit provider and a school district expanding public transit service to high school students in order to reduce the use of single occupancy vehicles.

(3) The department shall assess its commute trip reduction program. The assessment shall include an evaluation of tax credits or other incentives to employers who reduce commute trips to their work sites by encouraging employees to telecommute. Up to \$50,000 of the air pollution control account--state appropriation is provided for a pilot project implementing telecommuting as part of the commute trip reduction program. The pilot project may include use of tax credits or other financial incentives.

(4) In evaluating applications for rural mobility grants to public transportation agencies, the department shall give added weight to projects that improve connectivity among transit providers and across jurisdictional boundaries.

(5) \$4,900,000 of the transportation account--federal appropriation is provided solely for commute trip reduction programs administered by the department of transportation. These funds come from the TEA-21 congestion mitigation air quality program. The office of financial management shall place \$1,000,000 of the air pollution control account--state appropriation in reserve status.

**NEW SECTION. Sec. 228. FOR THE DEPARTMENT OF TRANSPORTATION--WASHINGTON STATE FERRIES CONSTRUCTION--PROGRAM W**

|  |             |
|--|-------------|
| Puget Sound Capital Construction Account--State Appropriation \$   | 140,135,000 |
| Puget Sound Capital Construction Account--Federal Appropriation \$ |             |

|   |             |
|---|-------------|
| Passenger Ferry Account--State Appropriation \$ | 29,575,000  |
| Motor Vehicle Account--State Appropriation \$   | 789,000     |
| TOTAL APPROPRIATION \$                          | 116,221,000 |
|   | 286,720,000 |

The appropriations in this section are provided for improving the Washington state ferry system, including, but not limited to, vessel acquisition, vessel construction, major and minor vessel improvements, and terminal construction and improvements. The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The appropriations in this section, unless otherwise specified, are provided to carry out only the projects in the Washington state ferries capital program plan - version 3. The department shall reconcile the 1997-99 capital expenditures within ninety days of the end of the biennium and submit a final report to the senate transportation committee, the house of representatives transportation committee, and the office of financial management.

(2) The Puget Sound capital construction account--state appropriation includes \$27,000,000 in proceeds from the sale of bonds authorized by RCW 47.60.800 for vessel and terminal acquisition, major and minor improvements, and long lead time materials acquisition for the Washington state ferries. The transportation commission may authorize the use of current revenues available to the Puget Sound capital construction account in lieu of bond proceeds for any part of the state appropriation.

(3) \$1,500,000 of the motor vehicle account--state appropriation is provided solely for preliminary engineering activities to develop a new class of auto/passenger ferries. The design specifications for the vessels shall require that the vessels deliver optimal performance in terms of vessel speed, safety, reliability, and minimization of environmental impacts including damage on the shoreline from the wake of the vessels. The vessels are intended to ensure Washington state ferries compliance with applicable international and domestic vessel safety standards and the Americans with disabilities act on identified routes. This class of ferries should have a single adaptable design able to operate efficiently and effectively on different ferry routes, each of which has specific vessel capacity and handling requirements. These vessels are intended to relieve existing and projected vehicular traffic demand on congested routes such as, but not limited to, Seattle/Bremerton, Fauntleroy/Southworth, and Port Townsend/Keystone.

(a) Washington state ferries shall prepare:

(i) A conceptual design outlining the owner's functional requirements;

(ii) A design report that includes a budget estimate and outline of specifications and plans;

(iii) Specific contractual requirements and specifications;

(iv) An evaluation of using the request for proposals process in accordance with RCW 47.56.030;

(v) A request for interest to provide a propulsion system for this vessel class; and

(vi) An exploration of a public private partnership between Washington state ferries, shipbuilders, and their supporting engineering firms for design and construction of the vessel or vessels.

(b) Washington state ferries shall report to the legislature by December 1, 1999, on the conceptual design criteria and budget estimates for preferred hull design and propulsion system/engine alternatives. The report shall include recommended statutory changes that the legislature would need to enact in order to proceed with acquisition of this class of vessels.

(4) The motor vehicle account--state appropriation includes \$110,729,000 in proceeds from the sale of bonds authorized by RCW 47.10.843. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.



(5) The department shall structure the request for proposal for the purchase of passenger-only ferries authorized under RCW 47.60.652 to include the purchase of a fifth back-up ferry to support maintenance schedules, emergency service needs, and provide continuity of service on all passenger-only ferry routes. The purchase of a fifth passenger-only ferry is subject to subsequent legislative appropriation.

**NEW SECTION. Sec. 229. FOR THE DEPARTMENT OF TRANSPORTATION--MARINE--PROGRAM X**

|  |             |
|--|-------------|
| Marine Operating Account--State Appropriation \$ | 303,014,000 |
|--|-------------|

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The appropriation is based on the budgeted expenditure of \$29,104,000 for vessel operating fuel in the 1999-2001 biennium. If the actual cost of fuel is less than this budgeted amount, the excess amount may not be expended. If the actual cost exceeds this amount, the department shall request a supplemental appropriation.

(2) The appropriation provides for the compensation of ferry employees. The expenditures for compensation paid to ferry employees during the 1999-2001 biennium may not exceed \$205,640,000 plus a dollar amount, as prescribed by the office of financial management, that is equal to any insurance benefit increase granted general government employees in excess of \$341.75 a month annualized per eligible marine employee multiplied by the number of eligible marine employees for the respective fiscal year, a dollar amount as prescribed by the office of financial management for costs associated with pension amortization charges, and a dollar amount prescribed by the office of financial management for salary increases during the 1999-2001 biennium. For the purposes of this section, the expenditures for compensation paid to ferry employees shall be limited to salaries and wages and employee benefits as defined in the office of financial management's policies, regulations, and procedures named under objects of expenditure "A" and "B" (7.2.6.2).

The prescribed salary and insurance benefit increase or decrease dollar amount that shall be allocated from the governor's compensation appropriations is in addition to the appropriation contained in this section and may be used to increase or decrease compensation costs, effective July 1, 1999, and thereafter, as established in the 1999-2001 general fund operating budget.

(3) Up to \$2,770,000 of the marine operating account--state appropriation may be used for leasing and operating an appropriate passenger only ferry vessel for the purpose of supporting existing, or testing new, passenger only service while testing alternative vessel technologies.

**NEW SECTION. Sec. 230. FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y**

|   |                    |
|---|--------------------|
| Essential Rail Assistance Account--State Appropriation \$     | 85,000             |
| High Capacity Transportation Account--State Appropriation \$  | 15,094,000         |
| Transportation Account--State Appropriation \$                | 95,915,000         |
| Transportation Account--Federal Appropriation \$              | 10,000,000         |
| Public Transportation Systems Account--State Appropriation \$ | 5,000,000          |
| <b>TOTAL APPROPRIATION \$</b>                                 | <b>126,094,000</b> |

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) No appropriation in this section may be used to fund rail passenger service south of Portland, Oregon.

(2) \$2,000,000 of the transportation account--state appropriation and \$4,000,000 of the high capacity transportation account--state appropriation are provided solely for the freight rail assistance program to provide grants and loans for light density rail lines.

(3) \$3,000,000 of the high capacity transportation account--state appropriation is provided solely for acquisition of up to six rail passenger cars to add capacity to existing advanced technology train sets operating in Washington state.

(4) \$6,298,000 of the high capacity transportation account--state appropriation is provided to fund the operation of a second train set providing additional roundtrip service from Seattle to Vancouver, British Columbia. The department's authority to expend the appropriation referenced in this subsection for service north of Blaine is conditioned upon Canada, the province of British Columbia, and/or private sources undertaking the capital expenditures necessary to make the rail capital improvements required to facilitate improved round trip rail service between Seattle and Vancouver, B.C.

(5) \$10,000,000 of the transportation account--state appropriation and \$5,000,000 of the public transportation systems account--state appropriation are provided solely for the King street maintenance facility to be built in partnership with Amtrak. The amount referenced in this subsection is conditioned on the execution of agreements between the department of transportation, Amtrak, sound transit, and other participating parties which will assure that the maintenance and operation of the maintenance facility will not require state funding, except for billings for maintenance of state owned passenger trains.

(6) To the greatest extent practicable, expenditure of funds shall maximize funds from partnerships and coordinate with other agencies investing in track improvements.

(7) \$5,000,000 of the transportation account--federal appropriation is provided from TEA-21 surface transportation program enhancement funds is provided solely for restoration of and improvements to the King Street station.

**NEW SECTION. Sec. 231. FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z**

|   |                    |
|---|--------------------|
| Motor Vehicle Account--State Appropriation \$                         | 129,886,000        |
| Motor Vehicle Account--Federal Appropriation \$                       | 8,040,000          |
| Transportation Account--State Appropriation \$                        | 10,767,000         |
| Transportation Infrastructure Account--State Appropriation \$         | 3,250,000          |
| Transportation Infrastructure Account--Private/Local Appropriation \$ | 1,750,000          |
| High Capacity Transportation Account--State Appropriation \$          | 150,000            |
| Highway Infrastructure Account--Federal Appropriation \$              | 1,500,000          |
| Highway Infrastructure Account--State Appropriation \$                | 234,000            |
| <b>TOTAL APPROPRIATION \$</b>   | <b>155,577,000</b> |

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) \$300,000 of the transportation account--state appropriation is provided solely to establish alternatives for flood management and flood hazard reduction projects in the Chehalis basin.

(a) The department of transportation shall convene a technical committee to develop watershed-based solutions to flooding within the Chehalis basin. The technical committee shall be comprised of representatives of the department of transportation, department of ecology, department of fish and wildlife, the department of community, trade, and economic development, the military department's emergency management division, and affected counties and tribes. The department of transportation shall also seek the participation of the United States army corps of engineers, federal emergency management administration, the United States geological survey, the United States fish and wildlife service, the United States environmental protection agency, and other entities with critical knowledge related to the structural or nonstructural flood hazard reduction projects in the Chehalis basin. Funds shall be distributed by the department of transportation for alternative analysis, mapping, and model testing projects as recommended by the technical committee. The solutions considered by the technical committee shall be consistent with fish and habitat recovery efforts and avoid additional flood hazard to downstream communities. The department of transportation shall present a report to the senate transportation committee and the house of representatives transportation committee by December 1, 1999, regarding findings and progress made by funded projects.

(b) If the federal government makes funds available to accomplish the project described in (a) of this subsection, the department of transportation shall place the appropriation identified in this section in reserve.

(2) \$85,121,000 of the motor vehicle account--state appropriation is provided solely for the state program share of freight mobility projects as identified by the freight mobility strategic investment board. Notwithstanding RCW 79.91.100, between July 1, 1999, and June 30, 2001, the department of natural resources shall execute and deliver an instrument granting an easement to cities, towns, and counties who request an easement for roadway purposes, including the right to make necessary fills, on, over, or across the beds of navigable waters if those easements are necessary to facilitate the construction of projects funded in whole or part by a portion of the appropriation referenced in this subsection. The department of natural resources shall not charge the city, town, or county for the easement except as necessary to recover reasonable administrative costs. The amount provided in this subsection can only be expended upon authorization from the freight mobility strategic investment board.

(3) \$400,000 of the transportation account--state appropriation is provided solely for a study by the senate transportation committee and the house of representatives transportation committee in cooperation with the port of Benton developing a strategic corridor feasibility and master site plan for the port of Benton. If the port of Benton does not provide at least \$200,000 to fund the plan development, the transportation fund--state appropriation referenced in this subsection shall lapse and this subsection shall be null and void.

(4) The motor vehicle account--state appropriation includes \$105,121,000 in proceeds from the sale of bonds authorized by RCW 47.10.843. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(5) \$10,000,000 of the transportation account--state appropriation is provided solely to fund the first phase of a multiphase cooperative project with the state of Oregon to dredge the Columbia river. The department shall not expend the appropriation in this section unless agreement on ocean disposal sites has been reached which protects the state's commercial crab fishery. The amount provided in this subsection shall lapse unless the state of Oregon appropriates a dollar-for-dollar match to fund its share of the project.

(6) The motor vehicle account--state appropriation includes \$1,167,000 in proceeds from the sale of bonds authorized by RCW 47.10.819(1). The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(7) \$5,000,000 of the motor vehicle account--state appropriation is provided solely for a small city pavement preservation program, to be administered by the department's TransAid division. The department, in consultation with stakeholders, shall establish program guidelines. The guidelines should include but not be limited to a provision limiting program eligibility to cities with a population of 2,500 or less.

(8) \$20,000,000 of the motor vehicle account--state appropriation is provided solely for a county corridor congestion relief program, to be administered by the department's TransAid division. The purpose of the program is to provide funding for congested urban corridors, as defined and selected by the department of transportation in consultation with counties, regional transportation planning organizations, and the transportation improvement board. At a minimum, project selection criteria should include: Consistency with regional transportation plans; measurable improvements in mobility; cost effectiveness; systemic corridor mobility improvements rather than isolated "spot" improvements; and optimal timing for construction.

(9) \$5,000,000 of the motor vehicle account--state appropriation is provided solely for improving traffic and pedestrian safety near schools. The TransAid division within the department of transportation shall administer this program. Funds should be used for traffic and pedestrian improvements near schools, including roadway channelization and signalization.

(10) The TransAid division within the department of transportation shall develop a prequalification procedure for potential bidders on projects administered or approved by the transportation improvement board. The board shall work with other interested parties including but not limited to associations representing general contractors and the office of minority and women's business enterprises. The prequalification procedure's goal is to ascertain that bidders are qualified by experience, financing, equipment, and organization to do the work called for in the contract documents. The prequalification procedure may require a bidder to (1) satisfy threshold requirements established by the board prior to being furnished a proposal form on any contract; or (2) complete a preaward survey of the bidder's qualification prior to award.

(11) Up to \$100,000 of the motor vehicle account--state appropriation is provided solely for audits of city and county transportation funding to determine whether any city or county has supplanted its local transportation funding with state funding provided under sections 408 and 409 of this act. The department shall report the results of this audit to the senate transportation committee, the house of representatives transportation committee, and the office of financial management by December 31, 2000.

(12) \$5,000,000 of the motor vehicle account--state appropriation is provided solely for city fish passage barrier removal and habitat restoration. Funds should be used for eliminating fish passage barriers, including stormwater facilities, and providing for habitat restoration for salmonid species that are listed as threatened or endangered. The amount provided in this section may only be expended upon authorization from the department of transportation's environmental affairs office.

### **PART III TRANSPORTATION AGENCIES CAPITAL FACILITIES**

#### **NEW SECTION. Sec. 301. FOR THE WASHINGTON STATE PATROL**

Appropriation:

State Patrol Highway Account--State Appropriation \$

2,328,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) \$508,000 of the state patrol highway account--state appropriation funds minor works which include communication tower maintenance, Spokane district headquarters HVAC, Morton HVAC replacement, emergency repairs, and Anacortes scale repairs.

(2) \$500,000 of the state patrol highway account--state appropriation is provided for the Naselle detachment office.

(3) \$615,000 of the state patrol highway account--state appropriation is provided for repaving the academy drive course.

(4) \$275,000 of the state patrol highway account--state appropriation is provided for the squawk mountain communication tower.

(5) \$380,000 of the state patrol highway account--state appropriation is provided for the replacement of two traffic control aircraft.

(6) \$50,000 of the state patrol highway account--state appropriation is provided for the Ridgefield expansion design and the academy hookup fee for waste treatment.

NEW SECTION. **Sec. 302.** The Washington state patrol is authorized to continue with the exchange of the Olympia, Washington Martin Way property for a light industrial land complex to be used to consolidate existing separately located state activities and functions. The agency will work with the office of financial management, department of general administration, the senate transportation committee, and the house of representatives transportation committee in the exchange and approval processes.

NEW SECTION. **Sec. 303. FOR THE DEPARTMENT OF TRANSPORTATION--PROGRAM D (DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)--CAPITAL Motor Vehicle Account--State Appropriation \$**

26,147,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) Before any funds are expended for the transportation facility to be located in Tumwater, Washington, the director of general administration shall conduct an evaluation of the planned facility design and budget using life-cycle cost analysis, value-engineering, and other techniques to maximize the long-term effectiveness and efficiency of the facility or improvement as required under RCW 43.82.010(10). Furthermore, the director shall present the findings of the evaluation to the fiscal committees of the house of representatives and the senate by December 31, 1999. Up to \$100,000 of the motor vehicle account--state appropriation may be expended by the department of general administration to conduct an analysis of future transportation-related facility office space needs in Thurston county, by agency, for the next ten years. The analysis shall consult with state agencies, private developers, and building owners to determine the inventory of space available and planned over the next ten years in government and nongovernment buildings, and the impact on current office space. The analysis must be completed by January 31, 2000.

(2) The department of transportation is authorized to enter into a financing contract using certificate of participation in the amount of \$14,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to acquire and remodel a regional complex in the department's southwest region.

#### **PART IV TRANSFERS AND DISTRIBUTIONS**

NEW SECTION. **Sec. 401. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE FUND AND TRANSPORTATION FUND REVENUE**

|  |             |
|--|-------------|
| Highway Bond Retirement Account Appropriation \$                                 | 184,810,000 |
| Ferry Bond Retirement Account Appropriation \$                                   | 53,353,000  |
| Transportation Improvement Board Bond Retirement Account--State Appropriation \$ | 35,158,000  |
| Puget Sound Capital Construction Account--State Appropriation \$                 | 270,000     |
| Motor Vehicle Account--State Appropriation \$                                    | 6,543,000   |
| Special Category C Account--State Appropriation \$                               | 405,000     |
| <b>TOTAL APPROPRIATION \$</b>  |             |

280,539,000

**NEW SECTION. Sec. 402. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES**

|   |         |
|---|---------|
| Motor Vehicle Fund--Puget Sound Capital Construction Account Appropriation \$ |         |
|   | 36,000  |
| Motor Vehicle Account--State Appropriation \$                                 |         |
|   | 811,000 |
| Special Category C Account Appropriation \$                                   |         |
|   | 53,000  |
| TOTAL APPROPRIATION \$  |         |
|   | 900,000 |

**NEW SECTION. Sec. 403. FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION**

|  |             |
|--|-------------|
| Motor Vehicle Fund Appropriation for motor vehicle fuel tax and overload penalties distribution \$ |             |
|  | 492,721,000 |
| Transportation Fund Appropriation for motor vehicle excise tax distribution \$                     |             |
|  | 491,606,000 |

**NEW SECTION. Sec. 404. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--TRANSFERS**

|   |         |
|---|---------|
| Motor Vehicle Fund--State Patrol Highway Account:<br>For transfer to the Department of Retirement Systems Expense Fund \$ |         |
|   | 171,000 |

**NEW SECTION. Sec. 405. STATUTORY APPROPRIATIONS.** In addition to the amounts appropriated in this act for revenue for distribution, state contributions to the law enforcement officers' and fire fighters' retirement system, and bond retirement and interest including ongoing bond registration and transfer charges, transfers, interest on registered warrants, and certificates of indebtedness, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under any proper bond covenant made under law.

**NEW SECTION. Sec. 406.** The department of transportation is authorized to undertake federal advance construction projects under the provisions of 23 U.S.C. Sec. 115 in order to maintain progress in meeting approved highway construction and preservation objectives. The legislature recognizes that the use of state funds may be required to temporarily fund expenditures of the federal appropriations for the highway construction and preservation programs for federal advance construction projects prior to conversion to federal funding.

**NEW SECTION. Sec. 407. FOR THE STATE TREASURER--TRANSFERS**

|   |           |
|---|-----------|
| (1) RV Account--State Appropriation:<br>For transfer to the Motor Vehicle Fund--State \$                                |           |
|   | 1,590,000 |
| (2) Transportation Account--State Appropriation:<br>For transfer to the Transportation Infrastructure Account--State \$ |           |
|   | 5,000,000 |

The department of transportation shall only transfer funds provided under this subsection on an as-needed basis.

**NEW SECTION. Sec. 408. FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION**

|   |            |
|---|------------|
| Motor Vehicle Fund--State Appropriation for distribution to the cities \$   | 18,250,000 |
| Motor Vehicle Fund--State Appropriation for distribution to the counties \$ | 10,000,000 |

The distributions in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The motor vehicle fund--state appropriation for distribution to cities is provided solely to be distributed to cities with a population of over two thousand five hundred in a manner consistent with RCW 46.68.110(4) in one distribution on March 1, 2000. The motor vehicle fund--state appropriation for distribution to the counties is provided solely to be distributed in a manner consistent with RCW 46.68.122 in one distribution on March 1, 2000. If the voters of this state pass an initiative that eliminates or reduces the motor vehicle excise tax authorized under RCW 82.44.020, the appropriations in this section shall lapse.

(2) The amounts provided in this section may not be used to supplant any existing local government funding for transportation projects or programs. Any local government in violation of this requirement shall immediately forfeit its eligibility for future distributions provided under this section.

**NEW SECTION. Sec. 409. FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION**

|   |            |
|---|------------|
| Motor Vehicle Fund--State Appropriation for distribution to the cities \$   | 19,580,000 |
| Motor Vehicle Fund--State Appropriation for distribution to the counties \$ | 10,000,000 |

The distributions in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The motor vehicle fund--state appropriation for distribution to cities is provided solely to be distributed to cities with a population of over two thousand five hundred in a manner consistent with RCW 46.68.110(4) in one distribution on March 1, 2001. The motor vehicle fund--state appropriation for distribution to the counties is provided solely to be distributed in a manner consistent with RCW 46.68.122 in one distribution on March 1, 2001. If the voters of this state pass an initiative that eliminates or reduces the motor vehicle excise tax authorized under RCW 82.44.020, the appropriations in this section shall lapse.

(2) The amounts provided in this section may not be used to supplant any existing local government funding for transportation projects or programs. Any local government in violation of this requirement shall immediately forfeit its eligibility for future distributions provided under this section.

**NEW SECTION. Sec. 410.** The office of the state treasurer is authorized to transfer any transportation improvement account and urban arterial trust account balances available in the highway bond retirement account into the transportation improvement board bond retirement account following a cooperative agreement by the department of transportation and the transportation improvement board on the exact amount of the transfer.

**NEW SECTION. Sec. 411.** The motor vehicle account revenues are received at a relatively even flow throughout the year. Expenditures may exceed the revenue during the accelerated summer and fall highway construction season, creating a negative cash balance during the heavy construction season. Negative cash balances also may result from the use of state funds to finance federal advance construction projects prior to conversion to federal funding. The governor and the legislature recognize that the department of transportation may require interfund loans or other short-term financing to meet temporary seasonal cash requirements and additional cash requirements to fund federal advance construction projects.

NEW SECTION. **Sec. 412.** In addition to such other appropriations as are made by this act, there is appropriated to the department of transportation from legally available bond proceeds in the respective transportation funds and accounts such amounts as are necessary to pay the expenses incurred by the state finance committee in the issuance and sale of the subject bonds.

NEW SECTION. **Sec. 413. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSFERS.** The department of transportation shall make the following transfers contingent on passage of the bills referenced in each proviso as identified by bill number in the form passed by the legislature:

(1) If Senate Bill No. 5615 or House Bill No. 1588 is enacted in the form passed by the legislature the department of transportation shall transfer:

(a) The balances remaining at the close of the 1997-99 biennium in the economic development account and the transportation capital facilities account to the motor vehicle account--state; and

(b) The balance remaining at the close of fiscal year 2000 in the marine operating account to the Puget Sound ferry operations account.

(2) If neither Senate Bill No. 5615 nor House Bill No. 1588 is enacted in the form passed by the legislature the department of transportation is authorized to transfer any balances available in the highway construction stabilization account to the motor vehicle account to fund the appropriations contained in this act.

NEW SECTION. **Sec. 414. FOR THE TRANSPORTATION IMPROVEMENT BOARD--TRANSFERS.** The transportation improvement board shall make the following transfers contingent on passage of the bills referenced in each proviso as enacted in the form passed by the legislature:

(1) If Senate Bill No. 5360 or House Bill No. 1053 is enacted in the form passed by the legislature the transportation improvement board shall transfer the balances remaining at the close of the 1997-99 biennium in the small city account and the city hardship assistance account to the urban arterial trust account.

(2) If Senate Bill No. 5615 or House Bill No. 1588 is enacted in the form passed by the legislature the transportation improvement board shall transfer:

(a) The balances remaining at the close of the 1997-99 biennium in the small city account and the city hardship assistance account to the urban arterial trust account; and

(b) The balance remaining at the close of the 1997-99 biennium in the central Puget Sound public transportation systems account to the public transportation systems account.

**PART V**  
**1997-99 SUPPLEMENTAL APPROPRIATIONS**  
**Transportation Agencies**

**Sec. 501.** 1997 c 457 s 204 (uncodified) is amended to read as follows:  
**FOR THE TRANSPORTATION IMPROVEMENT BOARD**

|  |                          |
|--|--------------------------|
| Motor Vehicle Fund--Urban Arterial Trust Account--State Appropriation \$       | 57,159,000               |
| Motor Vehicle Fund--Transportation Improvement Account--State Appropriation \$ | 122,014,000              |
| Motor Vehicle Fund--City Hardship Assistance Account--State Appropriation \$   | 2,649,000                |
| Motor Vehicle Fund--Small City Account--State Appropriation \$                 | <del>((7,921,000))</del> |
|  | <u>9,921,000</u>         |
| Central Puget Sound Public Transportation Account--State Appropriation \$      | 27,360,000               |
| Public Transportation Systems Account--State Appropriation \$                  |                          |



|                        |                    |
|------------------------|--------------------|
|                        | 3,928,000          |
| TOTAL APPROPRIATION \$ | ((221,031,000))    |
|                        | <u>223,031,000</u> |

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: The transportation improvement account--state appropriation includes \$40,000,000 in proceeds from the sale of bonds authorized in RCW 47.26.500. However, the transportation improvement board may authorize the use of current revenues available in lieu of bond proceeds.

**Sec. 502.** 1998 c 348 s 203 (uncodified) is amended to read as follows:  
**FOR THE WASHINGTON STATE PATROL--FIELD OPERATIONS BUREAU**  
 Motor Vehicle Fund--State Patrol Highway Account--State Appropriation \$

|  |                    |
|--|--------------------|
|  | ((163,789,000))    |
|  | <u>166,035,000</u> |
| Motor Vehicle Fund--State Patrol Highway Account--Federal Appropriation \$ | ((4,374,000))      |
|  | <u>4,688,000</u>   |
| Motor Vehicle Fund--State Patrol Highway Account--Local Appropriation \$   | 170,000            |
| Transportation Fund--State Appropriation \$                                | 4,522,000          |
| TOTAL APPROPRIATION \$   | ((172,855,000))    |
|  | <u>175,415,000</u> |

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The Washington state patrol is authorized to use the federal community oriented policing program (COPS) for 54 troopers with 18 COPS troopers to begin in July 1998 and 36 COPS troopers to begin in January 1999.

(2) \$4,463,000 of the transportation fund--state appropriation and \$3,737,000 of the motor vehicle fund--state patrol highway account--state appropriation are provided for an equalization salary adjustment of three percent on July 1, 1997, and six percent on July 1, 1998, for commissioned officers (entry level trooper through captain), commercial vehicle enforcement officers, and communication officers of the Washington state patrol. The salary adjustments are intended to bring the existing salary levels into the fiftieth percentile of other Washington state law enforcement compensation plans. This is in addition to the salary increase contained in the omnibus appropriation bill or bills. The total of the two increases, in the transportation budget and omnibus appropriation bill or bills, may not exceed twelve percent.

(3) The Washington state patrol will develop a vehicle replacement plan for the next six years. The plan will include an analysis of the current 100,000 miles replacement policy and agency assignment policy. Projected future budget requirements will include forecasts of vehicle replacement costs, vehicle equipment costs, and estimated surplus vehicle values when sold at auction.

(4) The Washington state patrol vessel and terminal security (VATS) program will be funded by the state patrol highway fund beginning July 1, 1997, and into future biennia.

(5) A personnel data base will be maintained of the 801 commissioned traffic law enforcement officers, with a reconciliation at all times to the patrol allocation model and a vehicle assignment and replacement plan.

(6) \$150,000 of the state patrol highway account appropriation is to fund the Washington state patrol's portion of the drug recognition expert training program previously funded by the traffic safety commission.

(7) The Washington state patrol with legislative transportation committee staff will perform an interim study of the Washington state patrol's commercial vehicle enforcement program with a report to be presented to the legislature and office of financial management in January 1998 with a developed business plan and program recommendations which includes, but is not limited to, weigh in motion technologies.

(8)(a) The Washington state patrol, in consultation with the Washington traffic safety commission, shall conduct an analysis of the most effective safety devices for preventing accidents while delivery trucks are operating in reverse gear. The analysis shall focus on trucks equipped with cube-style, walk-in cargo boxes, up to eighteen feet long, that are most commonly used in the commercial delivery of goods and services.

(b) The state patrol shall incorporate research and analysis currently being conducted by the national highway traffic safety administration.

(c) Upon completion of the analysis, the state patrol shall forward its recommendations to the legislative transportation committee and office of financial management.

(9) \$381,000 of the transportation fund--state appropriation is provided for the following traditional general fund purposes: The governor's air travel, the license fraud program, and the special services unit. This transportation fund--state appropriation is not a permanent funding source for these purposes.

(10) \$461,000 of the state patrol highway account appropriation is provided solely for monitoring and stopping fuel tax evasion. The Washington state patrol will report on December 1, 1998, to the legislative transportation committee on the activities and revenue collected associated with fuel tax evasion.

(11) \$289,000 of the state patrol highway account appropriation is provided solely for vehicle license fraud investigation. A report will be presented each session to the legislature on the activities and revenue collected by the vehicle license fraud unit.

(12) \$268,000 of the motor vehicle fund--state patrol highway account is provided solely to cover the employer's share of medicare premiums for commissioned officers hired prior to 1986. If a referendum of these officers does not receive majority support this appropriation shall not be expended by the state patrol.

(13) \$105,000 of the motor vehicle fund--state patrol highway account--state appropriation and \$314,000 of the motor vehicle fund--state patrol highway account--federal appropriation are provided solely for laptop personal computers, peripheral equipment, and necessary software for existing community oriented policing program (COPS) troopers.

(14) \$2,300,000 of the motor vehicle fund--state patrol highway account--state appropriation is provided solely to purchase 100 equipped pursuit vehicles. If the transportation fund--state appropriation reduction described in section 503(9) of this act does not take place, the amount provided in this subsection shall lapse. If the state patrol does not purchase the vehicles prior to June 30, 1999, the amount provided in this subsection shall lapse.

**Sec. 503.** 1998 c 348 s 205 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE PATROL--SUPPORT SERVICES BUREAU**

|  |                |
|--|----------------|
| Motor Vehicle Fund--State Patrol Highway Account--State Appropriation \$   | 52,926,000     |
| Motor Vehicle Fund--State Patrol Highway Account--Federal Appropriation \$ | 104,000        |
| Transportation Fund--State Appropriation \$                                | ((2,513,000))  |
|  | <u>214,000</u> |
| TOTAL APPROPRIATION \$   | ((55,543,000)) |

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) \$1,017,000 for the state patrol highway account--state appropriation is provided solely for year 2000 conversions of transportation automated systems. For purposes of this subsection, transportation automated systems does not include WASIS and WACIS.

(2) \$50,000 of the state patrol highway account--state appropriation is provided solely for a feasibility study to assess the effect of mobile computers on trooper productivity by type of service and measurement of the productivity gains achieved through reduction in administrative time and paperwork processing. The agency shall submit a copy of the proposed study workplan to the office of financial management, the department of information services, and the legislative transportation committee no later than October 1, 1997. A final report shall be submitted to the legislative transportation committee, the office of financial management, and the department of information services no later than January 31, 1998. This project is subject to the provisions of section 502 of this act.

(3) \$50,000 of the state patrol highway account--state appropriation is provided solely for a review of the feasibility of improving the patrol's computer-aided dispatch system to permit tracking of trooper availability and response time to calls for service. The agency shall submit a copy of the proposed study workplan to the office of financial management, the department of information services, and the legislative transportation committee no later than October 1, 1997. A final report shall be submitted to the legislative transportation committee, the office of financial management, and the department of information services no later than January 31, 1998. This project is subject to the provisions of section 502 of this act.

(4) These appropriations maintain current level funding for the Washington state patrol service center and have no budget savings included for a consolidation of service centers based on the study conducted by the technology management group. During the 1997 interim, the costs for current level will be reviewed by the office of financial management and department of information services with a formal data center recommendation, that has been approved by the information services board, to the legislature in January 1998. Current level funding will be split between fiscal year 1998 and fiscal year 1999 with consideration of funding adjustments based on the review and the formal policy and budget recommendations.

(5) \$2,513,000 of the transportation fund--state appropriation is for the following traditional general fund purposes: The executive protection unit, revolving fund charges, budget and fiscal services, computer services, personnel, human resources, administrative services, and property management. This appropriation is not a permanent funding source for these purposes.

(6) \$22,000 of the motor vehicle fund--state patrol highway account appropriation is provided solely to cover the employer's share of medicare premiums for commissioned officers hired prior to 1986. If a referendum of these officers does not receive majority support this appropriation shall not be expended by the state patrol.

(7) The 1998 Washington state patrol interim working group shall review the data center, electronic services division, communications division, and strategic planning and shall provide recommendations on increasing the effectiveness and efficiencies of the programs under review and audit.

(8) \$1,580,000 of the state patrol highway account--state appropriation is provided solely for the transition of the Washington state patrol mainframe data processing functions to the Washington state department of information services data center in Olympia, Washington. The Washington state patrol and the department of information services shall work cooperatively to ensure the transition to the department of information services is completed successfully.

(9) The transportation fund--state appropriation is reduced by \$2,299,000 to correct a double appropriation.

**Sec. 504.** 1998 c 348 s 207 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF LICENSING--INFORMATION SYSTEMS**

|  |                           |
|--|---------------------------|
| Highway Safety Fund--Motorcycle Safety Education Account--State Appropriation \$ | 94,000                    |
| General Fund--Wildlife Account--State Appropriation \$                           | 42,000                    |
| Highway Safety Fund--State Appropriation \$                                      | <del>((10,732,000))</del> |
|  | <u>8,218,000</u>          |
| Motor Vehicle Fund--State Appropriation \$                                       | <del>((5,610,000))</del>  |
|  | <u>4,735,000</u>          |
| Transportation Fund--State Appropriation \$                                      | 441,000                   |
| TOTAL APPROPRIATION \$   | <del>((16,919,000))</del> |
|  | <u>13,530,000</u>         |

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: ~~((+))~~ \$2,498,000 of the highway safety fund--state appropriation and \$793,000 of the motor vehicle fund--state appropriation are provided for the following activities: (1) Identify business objectives and needs relating to technology improvements and integration of the drivers' licensing and vehicle title and registrations systems; (2) converting the drivers' licensing software applications to achieve Year 2000 compliance; (3) convert the drivers' field network from a uniscope to a frame-relay network; (4) develop an interface between the unisys system and the CRASH system; and (5) operate and maintain the highways-licensing building network and the drivers' field network.

**Sec. 505.** 1998 c 348 s 208 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LICENSING--VEHICLE SERVICES**

|  |                           |
|--|---------------------------|
| General Fund--Marine Fuel Tax Refund Account--State Appropriation \$ | 26,000                    |
| General Fund--Wildlife Account--State Appropriation \$               | 549,000                   |
| Motor Vehicle Fund--State Appropriation \$                           | <del>((49,630,000))</del> |
|  | <u>49,615,000</u>         |
| Department of Licensing Services Account--State Appropriation \$     | 2,944,000                 |
| TOTAL APPROPRIATION \$   | <del>((53,149,000))</del> |
|  | <u>53,134,000</u>         |

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) \$600,000 of the licensing service account--state appropriation is provided for replacement of printers for county auditors and subagents.

(2) The department of licensing, in cooperation with the fuel tax advisory committee, shall prepare and submit a report to the legislative transportation committee containing recommendations for special fuel and motor vehicle fuel recordkeeping and reporting requirements, including but not limited to recommendations regarding the form and manner in which records and tax reports must be

maintained and made available to the department; which persons engaged in the business of selling, purchasing, distributing, storing, transporting, or delivering fuel should be required to submit periodic reports regarding the disposition of such fuel; and the feasibility of implementing an automated fuel tracking system. The report is due no later than October 31, 1997.

(3) The department of licensing, in cooperation with representatives of local governments and the department of revenue shall analyze the collection of the local option fuel tax under RCW 82.80.010. Based on that analysis the department of licensing shall offer recommendations regarding the appropriate government entity to collect the local option fuel tax and the best method to accomplish that collection. The department of licensing shall report its findings and recommendations to the legislative transportation committee and the office of financial management by December 1, 1998.

(4) The department of licensing, in conjunction with the interagency commission on outdoor recreation, the department of transportation, and other affected entities, shall conduct a study and make recommendations regarding:

(a) Whether the study required by RCW 43.99.030 to determine what portion of the motor vehicle fuel tax collected is tax on marine fuel is an effective and efficient mechanism for determining what portion of fuel tax revenues should be refunded to the marine fuel tax refund account;

(b) Other possible methodologies for determining the appropriate amount of tax revenue to refund from the motor vehicle fund to the marine tax refund account; and

(c) Whether the tax on fuel used by illegally nonregistered boats should be refunded to the marine tax refund account.

The department of licensing shall make a report of its findings and recommendations to the legislative transportation committee and the office of financial management by December 1, 1998.

(5) \$382,000 of the motor vehicle fund--state appropriation is provided solely to implement Substitute House Bill No. 2659. If Substitute House Bill No. 2659 is not enacted by June 30, 1998, this amount shall lapse.

**Sec. 506.** 1998 c 348 s 209 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LICENSING--DRIVER SERVICES**

|  |                           |
|--|---------------------------|
| Highway Safety Fund--Motorcycle Safety Education Account--State Appropriation \$ | 1,411,000                 |
| Highway Safety Fund--State Appropriation \$                                      | <del>((61,087,000))</del> |
|  | <u>59,869,000</u>         |
| Transportation Fund--State Appropriation \$                                      | 4,985,000                 |
| TOTAL APPROPRIATION \$   | <del>((64,112,000))</del> |
|  | <u>66,265,000</u>         |

The appropriations in this section are subject to the following conditions and limitations:

(1) \$225,000 of the highway safety account--state appropriation is provided solely to implement Substitute House Bill No. 2442 or Senate Bill No. 6190. If neither bill is enacted by June 30, 1998, this amount shall lapse.

(2) \$480,000 of the highway safety account--state appropriation is provided solely to implement Senate Bill No. 6165. If Senate Bill No. 6165 is not enacted by June 30, 1998, this amount shall lapse.

~~((6))~~ (3) \$1,000,000 of the highway safety account--state appropriation is provided solely to implement 1998 legislation that changes statutes relating to driving under the influence. If legislation changing the DUI statutes is not enacted by June 30, 1998, this amount shall lapse.

**Sec. 507.** 1997 c 457 s 215 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MANAGEMENT AND FACILITIES--PROGRAM D--OPERATING**

|   |                   |
|---|-------------------|
| Motor Vehicle Fund--State Appropriation \$  | ((24,703,000))    |
|   | <u>24,436,000</u> |
| Motor Vehicle Fund--Federal Appropriation \$  | 400,000           |
| Motor Vehicle Fund--Transportation Capital Facilities Account--State Appropriation \$ | ((24,338,000))    |
|   | <u>24,330,000</u> |
| TOTAL APPROPRIATION \$  | ((49,441,000))    |
|   | <u>49,166,000</u> |

**Sec. 508.** 1998 c 348 s 211 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--IMPROVEMENTS--PROGRAM I**

|  |                    |
|--|--------------------|
| Motor Vehicle Fund--Economic Development Account--State Appropriation \$ | 2,434,000          |
| Motor Vehicle Fund--State Appropriation \$                               | ((163,275,000))    |
|  | <u>123,575,000</u> |
| Motor Vehicle Fund--Federal Appropriation \$                             | 155,485,000        |
| Motor Vehicle Fund--Private/Local Appropriation \$                       | 40,000,000         |
| Special Category C Account--State Appropriation \$                       | ((73,271,000))     |
|  | <u>65,471,000</u>  |
| Transportation Fund--State Appropriation \$                              | ((230,546,000))    |
|  | <u>225,546,000</u> |
| Puyallup Tribal Settlement Account--State Appropriation \$               | 5,000,000          |
| Puyallup Tribal Settlement Account--Private/Local Appropriation \$       | 200,000            |
| High Capacity Transportation Account--State Appropriation \$             | 1,401,000          |
| TOTAL APPROPRIATION \$   | ((671,612,000))    |
|  | <u>619,112,000</u> |

The appropriations in this section are provided for the location, design, right of way acquisition, or construction of state highway projects designated as improvements under RCW 47.05.030. The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The special category C account--state appropriation of ~~((73,271,000))~~ \$65,471,000 includes \$26,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.812 through 47.10.817 ~~((and includes \$12,000,000 in proceeds from the sale of bonds authorized by House Bill No. 4042))~~. The transportation commission may authorize the use of current revenues available to the

department of transportation in lieu of bond proceeds for any part of the state appropriation. (~~If House Bill No. 1012 is not enacted by June 30, 1998, \$7,800,000 of the special category C account state appropriation shall lapse.~~)

(2) The motor vehicle fund--state appropriation includes \$2,685,000 in proceeds from the sale of bonds authorized by RCW 47.10.819(1) for match on federal demonstration projects. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(3) The department shall report annually to the legislative transportation committee on the status of the projects funded by the special category C appropriations contained in this section. The report shall be submitted by January 1 of each year.

(4) The motor vehicle fund--state appropriation in this section includes \$600,000 solely for a rest area and information facility in the Nisqually gateway area to Mt. Rainier, provided that at least forty percent of the total project costs are provided from federal, local, or private sources. The contributions from the nonstate sources may be in the form of in-kind contributions including, but not limited to, donations of property and services.

(5) The appropriations in this section contain \$118,247,000 reappropriation from the 1995-97 biennium.

(6) The motor vehicle fund--state appropriation in this section includes \$250,000 to establish a wetland mitigation pilot project. This appropriation may only be expended if the department of transportation establishes a technical committee to better implement the department's strategic plan. The technical committee shall include, but is not limited to, cities, counties, environmental groups, business groups, tribes, the Puget Sound action team, and the state departments of ecology, fish and wildlife, and community, trade, and economic development, and appropriate federal agencies. The committee shall assist the department in implementing its wetland strategic plan, including working to eliminate barriers to improved wetland and watershed management. To this end, the technical committee shall: (a) Work to facilitate sharing of agency environmental data, including evaluation of off-site and out-of-kind mitigation options; (b) develop agreed-upon guidance that will enable the preservation of wetlands that are under imminent threat from development for use as an acceptable mitigation option; (c) develop strategies that will facilitate the implementation of mitigation banking, including developing mechanisms for valuing and transferring credits; (d) provide input in the development of wetland functions assessment protocols related to transportation projects; (e) develop incentives for interagency participation in joint mitigation projects within watersheds; and (f) explore options for funding environmental mitigation strategies. The department shall prepare an annual report to the legislative transportation committee and legislative natural resources committees on recommendations developed by the technical committee.

(7) The department shall report January 1st and July 1st of each year, to the legislative transportation committee and the office of financial management of the timing and the scope of work being performed for the regional transit authority. This report shall provide a description of all department activities related to the regional transit authority including investments in state-owned infrastructure.

(8) The translake study funded in this section shall include recommendations to address methods for mitigating traffic noise in the study area.

(9) Funding for the SR 509 project extending south and east from south 188th street in King county is contingent on the development of a proposal linking the project to other freight corridors and a funding plan with participation from partners of the state that are agreed to by the legislative transportation committee and the governor.

(10) The motor vehicle account--federal appropriation in this section is transferrable to the transportation account to ensure efficient funds management and program delivery.

(11) \$2,000,000 of the motor vehicle fund--state appropriation is provided solely for transfer to the advanced environmental mitigation revolving account--state.

~~((14))~~ (12) \$13,000,000 of the motor vehicle fund--state appropriation and \$12,000,000 of the transportation fund--state appropriation are provided solely for preliminary engineering and purchase of right of way for highway construction.

~~((15) \$35,000,000 of the motor vehicle fund state appropriation is conditioned upon voter approval of a referendum on a state wide ballot that provides funding for transportation purposes. If the voters approve such a referendum, \$35,000,000 of the motor vehicle fund state appropriation is put in reserve solely to be used for the purposes of preliminary engineering and purchase of right of way for highway construction. These moneys may only be expended upon approval of both the legislative transportation committee and the office of financial management.))~~

(13) The department may advertise and award certain specified projects prior to June 30, 1999. This authority extends to the 10 projects listed in the transportation executive information system document titled "1999 Supplemental Budget — Spring Start Projects (Rev.)" dated March 13, 1999.

**Sec. 509.** 1998 c 348 s 212 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION ECONOMIC PARTNERSHIPS--PROGRAM K**

|   |                   |
|---|-------------------|
| Transportation Fund--State Appropriation \$ | ((1,280,000))     |
|   | <u>1,255,000</u>  |
| Motor Vehicle Fund--State Appropriation \$  | 16,235,000        |
| TOTAL APPROPRIATION \$                      | ((17,515,000))    |
|   | <u>17,490,000</u> |

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The motor vehicle fund--state appropriation includes \$16,235,000 in proceeds from the sale of bonds authorized in RCW 47.10.834 for all forms of cash contributions, or the payment of other costs incident to the location, development, design, right of way, and construction of only the SR 16 corridor improvements and park and ride projects selected under the public-private transportation initiative program authorized under chapter 47.46 RCW; and support costs of the public-private transportation initiatives program.

(2) The appropriations in this section contain \$16,235,000 reappropriated from the 1995-97 biennium.

**Sec. 510.** 1998 c 348 s 213 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MAINTENANCE--PROGRAM M**

|  |                    |
|--|--------------------|
| Motor Vehicle Fund--State Appropriation \$         | ((239,200,000))    |
|  | <u>237,013,000</u> |
| Motor Vehicle Fund--Federal Appropriation \$       | 465,000            |
| Motor Vehicle Fund--Private/Local Appropriation \$ | 3,335,000          |
| TOTAL APPROPRIATION \$                             | ((243,000,000))    |
|  | <u>240,813,000</u> |

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:



(1) If portions of the appropriations in this section are required to fund maintenance work resulting from major disasters not covered by federal emergency funds such as fire, flooding, and major slides, supplemental appropriations will be requested to restore state funding for ongoing maintenance activities.

(2) The department shall deliver the highway maintenance program according to the plans for each major maintenance group to the extent practical. However, snow and ice expenditures are highly variable depending on actual weather conditions encountered. If extraordinary winter needs result in increased winter maintenance expenditures, the department shall, after prior consultation with the transportation commission, the office of financial management, and the legislative transportation committee adopt one or both of the following courses of action: (a) Reduce planned maintenance activities in other groups to offset the necessary increases for snow and ice control; or (b) continue delivery as planned within other major maintenance groups and request a supplemental appropriation in the following legislative session to fund the additional snow and ice control expenditures.

(3) The department shall request an unanticipated receipt for any federal moneys received for emergency snow and ice removal and shall place an equal amount of the motor vehicle fund--state into unallotted status. This exchange shall not affect the amount of funding available for snow and ice removal.

(4) Funding appropriated for local storm water charges assessed under RCW 90.03.525, which is allocated for, but not paid to, a local storm water utility because the utility did not meet the conditions provided under RCW 90.03.525, may be transferred by the department to program Z of the department to be distributed as grants under the storm water grant program.

**Sec. 511.** 1998 c 348 s 214 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--PRESERVATION--PROGRAM P**

Motor Vehicle Fund--State Appropriation \$

((288,720,000))

Motor Vehicle Fund--Federal Appropriation \$

285,220,000

Motor Vehicle Fund--Private/Local Appropriation \$

274,259,000

TOTAL APPROPRIATION \$

2,400,000

((568,379,000))

561,879,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The motor vehicle fund--state appropriation includes \$6,800,000 in proceeds from the sale of bonds authorized in RCW 47.10.761 and 47.10.762 for emergency purposes. However, the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(2) The appropriations in this section contain \$27,552,000 reappropriated from the 1995-97 biennium.

(3) If the Oregon state legislature enacts a public/private partnership program and the Washington state transportation commission, in consultation with the legislative transportation committee, negotiates and enters into an agreement between Washington and Oregon to place the Lewis and Clark bridge into Oregon's public/private partnership program, up to \$3,000,000 of the motor vehicle fund--state appropriation may be used as Washington's contribution toward the design of the project pursuant to the agreement between Washington and Oregon. Any additional contributions shall be subject to Washington state legislative appropriations and approvals. The department shall provide a status report on this project to the legislative transportation committee by June 30, 1998.

~~((6))~~ (4) \$630,000 of the motor vehicle fund--state appropriation is provided for slope stabilization along state route 166 in the Ross Point vicinity. This amount is intended to fund preliminary engineering, right of way acquisition, and to begin construction.

**Sec. 512.** 1998 c 348 s 215 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q**  
 State Patrol Highway Account--State Appropriation \$

|  |                           |
|--|---------------------------|
| Motor Vehicle Fund--State Appropriation \$         | 153,000                   |
|  | <del>((30,412,000))</del> |
| Motor Vehicle Fund--Federal Appropriation \$       | <u>29,982,000</u>         |
| Motor Vehicle Fund--Private/Local Appropriation \$ | 1,000,000                 |
| TOTAL APPROPRIATION \$                             | <u>31,410,000</u>         |
|  | <del>((31,840,000))</del> |

The appropriation in this section is subject to the following conditions and limitations and specified amount is provided solely for that activity:

(1) The department, in cooperation with the Washington state patrol and the tow truck industry, shall develop and submit to the legislative transportation committee by October 31, 1997, a recommendation for implementing new tow truck services during peak hours on the Puget Sound freeway system.

(2) The department, in cooperation with the Washington state patrol, the department of licensing, the state of Oregon, and the United States department of transportation, shall install and operate the commercial vehicle information systems and network (CVISN) at a selected pilot site. If the state department of transportation receives additional federal funding for this project that is eligible to supplant state funding, the appropriation in this section shall be reduced by the amount of the state funds supplanted.

**Sec. 513.** 1998 c 348 s 216 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION MANAGEMENT AND SUPPORT--PROGRAM S**

|  |                           |
|--|---------------------------|
| Motor Vehicle Fund--Puget Sound Capital Construction Account--State App \$ | 777,000                   |
| Motor Vehicle Fund--State Appropriation \$                                 | <del>((70,032,000))</del> |
| Motor Vehicle Fund--Puget Sound Ferry Operations Account--State App \$     | <u>69,685,000</u>         |
| Transportation Fund--State Appropriation \$                                | 1,093,000                 |
| TOTAL APPROPRIATION \$   | <u>72,713,000</u>         |
|  | <del>((73,060,000))</del> |

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1)(a) The motor vehicle fund--state appropriation includes \$14,300,000 provided solely for programming activities and other efforts needed to bring the department's information systems, and devices with computers built into them, into compliance with the year 2000 requirements of the department of information services. The department is directed to expend the moneys internally reallocated for this purpose before spending from this appropriation. The department is directed to provide quarterly reports on this effort to the legislative transportation committee and the office of financial management beginning October 1, 1997.

(b) Up to \$2,900,000 of the amount provided in (a) of this subsection may be expended for testing and required modifications to electronic devices and other equipment and specialized software that are essential for department operations to ensure they are year 2000 compliant. Before expending any of this amount for these purposes, the department shall consult with the legislative transportation committee and the office of financial management.

(2) The legislative transportation committee shall review and analyze freight mobility issues affecting eastern and southeastern Washington as recommended by the freight mobility advisory committee and report back to the legislature by November 1, 1997. \$500,000 of the motor vehicle fund--state appropriation is provided for this review and analysis. The funding conditioned in this subsection shall be from revenues provided for interjurisdictional studies.

(3) In order to increase visibility for decision making, the department shall review its budgeting and accounting methods for management information systems. The review shall include, but not be limited to, the cost-benefit analysis of existing processes and evaluation of less complex alternatives such as direct appropriations. The results of the review shall be reported to the legislative transportation committee and the office of financial management by July 1, 1998.

**Sec. 514.** 1997 c 457 s 223 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION PLANNING,  
DATA, AND RESEARCH--PROGRAM T**

|  |                   |
|--|-------------------|
| Motor Vehicle Fund--State Appropriation \$   | ((16,098,000))    |
|  | <u>15,884,000</u> |
| Motor Vehicle Fund--Federal Appropriation \$ | 10,466,000        |
| Transportation Fund--State Appropriation \$  | ((1,384,000))     |
|  | <u>1,379,000</u>  |
| TOTAL APPROPRIATION \$                       | ((27,948,000))    |
|  | <u>27,729,000</u> |

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: Up to \$2,400,000 of the motor vehicle fund--state appropriation is provided for regional transportation planning organizations, with allocations for participating counties maintained at the 1995-1997 biennium levels for those counties not having metropolitan planning organizations within their boundaries.

**Sec. 515.** 1998 c 348 s 217 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--CHARGES FROM OTHER AGENCIES--  
PROGRAM U**

|   |                    |
|---|--------------------|
| (1) FOR PAYMENT OF COSTS OF ATTORNEY GENERAL TORT CLAIMS SUPPORT<br><del>((Motor Vehicle Fund--State Appropriation \$</del> | <u>2,515,000))</u> |
|---|--------------------|

|  |                    |
|--|--------------------|
| <u>Transportation Fund--State Appropriation</u> \$   | <u>3,715,000</u>   |
| (2) FOR PAYMENT OF COSTS OF THE OFFICE OF THE STATE AUDITOR<br>Motor Vehicle Fund--State Appropriation \$  | 840,000            |
| (3) FOR PAYMENT OF COSTS OF DEPARTMENT OF GENERAL ADMINISTRATION<br>FACILITIES AND SERVICES AND CONSOLIDATED MAIL SERVICES<br>Motor Vehicle Fund--State Appropriation \$ | 3,391,000          |
| (4) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF PERSONNEL<br>Motor Vehicle Fund--State Appropriation \$  | ((2,240,000))      |
| (5) FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS AND<br>ADMINISTRATION<br>Motor Vehicle Fund--State Appropriation \$   | <u>2,140,000</u>   |
| (6) FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS AND<br>ADMINISTRATION<br>Motor Vehicle Fund--Puget Sound Ferry Operations Account--State Appropriation \$           | 12,535,000         |
| (7) FOR PAYMENT OF COSTS OF THE OFFICE OF MINORITY AND WOMEN'S<br>BUSINESS ENTERPRISES<br>Motor Vehicle Fund--State Appropriation \$                                     | 2,928,000          |
| (8) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF GENERAL<br>ADMINISTRATION STATE PARKING SERVICES<br>Motor Vehicle Fund--State Appropriation \$                             | 536,000            |
| (9) FOR PAYMENT OF THE DEPARTMENT OF GENERAL ADMINISTRATION<br>CAPITAL PROJECTS SURCHARGE<br>Motor Vehicle Fund--State Appropriation \$                                  | 90,000             |
| (10) FOR ARCHIVES AND RECORDS MANAGEMENT<br>Motor Vehicle Fund--State Appropriation \$   | 735,000            |
|  | 355,000            |
| <br><b>Sec. 516.</b> 1998 c 348 s 218 (uncodified) is amended to read as follows:  |                    |
| <b>FOR THE DEPARTMENT OF TRANSPORTATION--WASHINGTON STATE FERRIES<br/>CONSTRUCTION--PROGRAM W</b>  |                    |
| Motor Vehicle Fund--Puget Sound Capital Construction Account--State Appropriation \$   | ((209,886,000))    |
|  | <u>192,886,000</u> |
| Motor Vehicle Fund--Puget Sound Capital Construction Account--Federal App \$   | 30,165,000         |
| Motor Vehicle Fund--Puget Sound Capital Construction Account--Private/Local App \$   | 765,000            |
| Transportation Fund--Passenger Ferry Account---State Appropriation \$  | 640,000            |
| TOTAL APPROPRIATION \$   | ((241,456,000))    |

The appropriations in this section are provided for improving the Washington state ferry system, including, but not limited to, vessel acquisition, vessel construction, major and minor vessel improvements, and terminal construction and improvements. The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The appropriations in this section are provided to carry out only the projects (version ((3)) 2) adjusted by the legislature for the 1997-99 budget. The department shall reconcile the 1995-97 capital expenditures within ninety days of the end of the biennium and submit a final report to the legislative transportation committee and office of financial management.

(2) The Puget Sound capital construction account--state appropriation includes \$100,000,000 in proceeds from the sale of bonds authorized by RCW 47.60.800 for vessel and terminal acquisition, major and minor improvements, and long lead time materials acquisition for the Washington state ferries, including construction of new jumbo ferry vessels in accordance with the requirements of RCW 47.60.770 through 47.60.778. However, the department of transportation may use current revenues available to the Puget Sound capital construction account in lieu of bond proceeds for any part of the state appropriation.

(3) The department of transportation shall provide to the legislative transportation committee and office of financial management a quarterly financial report concerning the status of the capital program authorized in this section.

(4) Washington state ferries is authorized to reimburse up to \$3,000,000 from the Puget Sound capital construction account--state appropriation or Puget Sound capital construction account--federal appropriation to the city of Bremerton and the port of Bremerton for Washington state ferries' financial participation in the development of a Bremerton multimodal transportation terminal, port of Bremerton passenger-only terminal expansion, and ferry vehicular connections to downtown traffic circulation improvements. The reimbursement shall specifically support the construction of the following components: Appropriate passenger-only ferry terminal linkages to accommodate bow-loading catamaran type vessels and the needed transit connections; and the Washington state ferries' component of the Bremerton multimodal transportation terminal as part of the downtown Bremerton redevelopment project, including appropriate access to the new downtown traffic circulation road network.

(5) The Puget Sound capital construction account--state appropriation includes funding for capital improvements on vessels to meet United States Coast Guard Subchapter W regulation revisions impacting SOLAS (safety of life at sea) requirements for ferry operations on the Anacortes to Sidney, B.C. ferry route.

(6) The Puget Sound capital construction account--state appropriation, the Puget Sound capital construction account--federal appropriation, and the passenger ferry account--state appropriation include funding for the construction of one new passenger-only vessel and the department's exercise of the option to build a second passenger-only vessel. In accordance with chapter 166, Laws of 1998, Washington state ferries shall accelerate activities to ensure the acquisition of five additional passenger-only vessels and the construction of related terminal facilities, including maintenance facilities for the Southworth and Kingston to Seattle passenger-only ferry routes.

(7) The Puget Sound capital construction account--state appropriation includes funding for the exploration and acquisition of a design for constructing a millennium class ferry vessel.

(8) The Puget Sound capital construction account--state appropriation includes \$90,000 for the purchase of defibrillators. At least one defibrillator shall be placed on each vessel in the ferry fleet.

(9) The appropriations in this section contain \$46,962,000 reappropriated from the 1995-97 biennium.

**Sec. 517.** 1998 c 348 s 219 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF TRANSPORTATION--MARINE--PROGRAM X**  
Marine Operating Fund--State Appropriation \$

((270,522,000))

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The appropriation is based on the budgeted expenditure of (~~(\$28,696,000)~~) \$27,076,000 for vessel operating fuel in the 1997-99 biennium. If the actual cost of fuel is less than this budgeted amount, the excess amount may not be expended. If the actual cost exceeds this amount, the department shall request a supplemental appropriation.

(2) The appropriation provides for the compensation of ferry employees. The expenditures for compensation paid to ferry employees during the 1997-99 biennium may not exceed (~~(\$179,095,000)~~) \$180,715,000 plus a dollar amount, as prescribed by the office of financial management, that is equal to any insurance benefit increase granted general government employees in excess of \$313.95 a month annualized per eligible marine employee multiplied by the number of eligible marine employees for the respective fiscal year, a dollar amount as prescribed by the office of financial management for costs associated with pension amortization charges, and a dollar amount prescribed by the office of financial management for salary increases during the 1997-99 biennium. For the purposes of this section, the expenditures for compensation paid to ferry employees shall be limited to salaries and wages and employee benefits as defined in the office of financial management's policies, regulations, and procedures named under objects of expenditure "A" and "B" (7.2.6.2).

The prescribed salary and insurance benefit increase or decrease dollar amount that shall be allocated from the governor's compensation appropriations is in addition to the appropriation contained in this section and may be used to increase or decrease compensation costs, effective July 1, 1997, and thereafter, as established in the 1997-99 general fund operating budget.

(3) The department of transportation shall provide to the legislative transportation committee and office of financial management a quarterly financial report concerning the status of the operating program authorized in this section.

(4) The appropriation in this section includes up to \$1,566,000 for additional operating expenses required to comply with United States Coast Guard Subchapter W regulation revisions for vessels operating on the Anacortes to Sidney, B.C. ferry route. The department shall explore methods to minimize the cost of meeting United States Coast Guard requirements and shall report the results to the legislative transportation committee and office of financial management by September 1, 1997.

(5) The department shall request a reduction of the costs associated with the use of the terminal leased from the Port of Anacortes and costs associated with use of the Sidney, British Columbia terminal.

(6) Agreements between Washington state ferries and concessionaires for automatic teller machines on ferry terminals or vessels shall provide for and include banks and credit unions that primarily serve the west side of Puget Sound.

(7) In the event federal funding is provided for one or more passenger-only ferry vessels for the purpose of transporting United States naval personnel, the department of transportation is authorized to acquire and construct such vessels in accordance with the authority provided in RCW 47.56.030, and the department shall establish a temporary advisory committee comprised of representatives of the Washington state ferries, transportation commission, legislative transportation committee, office of financial management, and the United States Navy to analyze and make recommendations on, at a minimum, vessel performance criteria, docking, vessel deployment, and operating issues.

(8) The appropriation provides funding for House Bill No. 2165 (paying interest on retroactive raises for ferry workers).

(9) The commission is authorized to increase Washington state ferry tariffs in excess of the fiscal growth factor, established under chapter 43.135 RCW, in fiscal year 1998 and fiscal year 1999.

(10) Funding for Anacortes to Sidney advertising is contingent upon partners meeting their commitment. In no event may the state share exceed fifty percent of the cash contribution toward the project.

(11) \$1,370,000 of this appropriation is provided solely for the Hiyu operation for Southworth/Vashon 5 days per week for 16 hours per day. Prior to placing the Hiyu in permanent service on a route between Vashon and Southworth, the Washington state ferries shall conduct a study

of the impact of additional service on Vashon and Southworth and report back to the legislative transportation committee by May 15, 1998.

(12) \$446,000 of this appropriation is provided solely to provide an additional crew member on Jumbo Mark 2 ferries as required by emergency evacuation regulations adopted by the United States Coast Guard. If the Coast Guard requirement can be met without the hiring of additional staff, the portion of this appropriation provided to meet that requirement shall not be expended.

**Sec. 518.** 1998 c 348 s 220 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--PUBLIC TRANSPORTATION AND RAIL--PROGRAM Y**

|   |                           |
|---|---------------------------|
| Essential Rail Assistance Account--State Appropriation \$                 | 256,000                   |
| High Capacity Transportation Account--State Appropriation \$              | <del>((13,225,000))</del> |
|   | <u>13,185,000</u>         |
| Air Pollution Control Account--State Appropriation \$                     | 6,290,000                 |
| Transportation Fund--State Appropriation \$                               | <del>((55,029,000))</del> |
|   | <u>46,858,000</u>         |
| Transportation Fund--Federal Appropriation \$                             | 3,947,000                 |
| Transportation Fund--Private/Local Appropriation \$                       | 105,000                   |
| Central Puget Sound Public Transportation Account--State Appropriation \$ | <del>((4,250,000))</del>  |
|   | <u>250,000</u>            |
| TOTAL APPROPRIATION \$  | <del>((83,102,000))</del> |
|   | <u>70,891,000</u>         |

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) Up to \$46,180,000 of the transportation fund--state appropriation is provided for intercity rail passenger service including up to \$8,000,000 for lease purchase of two advanced technology train sets with total purchase costs not to exceed \$20,000,000; up to \$1,000,000 for one spare advanced technology train power-car and other spare parts, subsidies for operating costs not to exceed \$12,000,000, to maintain service of two state contracted round trips between Seattle and Portland and one state contracted round trip between Seattle and Vancouver, British Columbia, and capital projects necessary to provide Seattle-Vancouver, British Columbia, train operating times of under 4 hours.

(2) Up to \$3,000,000 of the transportation fund--state appropriation is provided for the rural mobility program administered by the department of transportation. Priority for grants provided from this account shall be given to projects and programs that can be accomplished in the 1997-99 biennium.

(3) Up to \$600,000 of the high capacity transportation account--state appropriation is provided for rail freight coordination, technical assistance, and planning.

(4) The department shall provide biannual reports to the legislative transportation committee and office of financial management regarding the department's rail freight program. The department shall also notify the committee for project expenditures from all fund sources prior to making those expenditures. The department shall examine the ownership of grain cars and the potential for

divestiture of those cars and other similar assets and report those findings to the committee prior to the 1998 legislative session.

(5) Up to \$750,000 of the transportation fund--state appropriation and up to \$250,000 of the central Puget Sound public transportation account--state appropriation are provided to fund activities relating to coordinating special needs transportation among state and local providers. These activities may include demonstration projects, assessments of resources available versus needs, and identification of barriers to coordinating special needs transportation. The department will consult with the superintendent of public instruction, the secretary of the department of social and health services, the office of financial management, the fiscal committees of the house of representatives and senate, special needs consumers, and specialized transportation providers in meeting the goals of this subsection.

(6) The appropriations in this section contain \$4,599,000 reappropriated from the 1995-97 biennium.

(7) The high capacity transportation account--state appropriation includes \$75,000 for the department to develop a strategy and to identify how the agency would expend additional moneys to enhance the commute trip reduction program. The report would include recommendations for grant programs for employers and jurisdictions to reduce SOV usage and to provide transit incentives to meet future commute trip reduction requirements. The report is due to the legislative transportation committee by January 1, 1998.

(8) In addition to the appropriations contained in this section, the office of financial management shall release the \$2,000,000 transportation fund--state funds appropriated for the intercity rail passenger program in the 1995-97 biennium but held in reserve pursuant to section 502, chapter 165, Laws of 1996.

(9) Up to \$150,000 of the transportation fund--state appropriation is provided for the management and control of the transportation corridor known as the Milwaukee Road corridor owned by the state between Ellensburg and Lind, and to take actions necessary to allow the department to be in a position, with further legislative authorization, to begin to negotiate a franchise with a rail carrier to establish and maintain a rail line over portions of the corridor by July 1, 1999.

~~((11))~~ (10) \$4,000,000 of the high capacity transportation account--state appropriation for passenger rail infrastructure improvement is provided solely for rail improvements to add rail passenger service north of Seattle. These funds are conditioned on match of at least equal amounts from both Burlington Northern Sante Fe and Amtrak for rail line improvements and upon Amtrak purchasing an additional train set for operation in the corridor. These funds shall not be expended until authorized by the legislative transportation committee and the office of financial management; and the participation of international partners in service provided in the corridor shall be considered in such a decision.

**Sec. 519.** 1998 c 348 s 221 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z**

|  |                           |
|--|---------------------------|
| Motor Vehicle Fund--State Appropriation \$                   | <del>((9,802,000))</del>  |
|  | <u>9,862,000</u>          |
| Motor Vehicle Fund--Federal Appropriation \$                 | 33,726,000                |
| High Capacity Transportation Account--State Appropriation \$ | <del>((650,000))</del>    |
|  | <u>450,000</u>            |
| Transportation Account--State Appropriation \$               | 1,175,000                 |
| TOTAL APPROPRIATION \$                                       | <del>((45,353,000))</del> |



The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The motor vehicle fund--state appropriation includes \$1,785,000 in proceeds from the sale of bonds authorized by RCW 47.10.819(1). The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(2) As a condition of receiving the full state subsidy in support of the Puget Island ferry, Wahkiakum county must, by December 31, 1997, increase ferry fares for passengers and vehicles by at least ten percent. If the fares are not increased to meet this requirement, the department, in determining the state subsidy after December 31, 1997, shall reduce the operating deficit by the amount that would have been generated if the ten percent fare increase had been implemented.

(3) The appropriations in this section contain \$1,750,000 reappropriated from the 1995-97 biennium.

(4) Up to \$500,000 of the high capacity transportation account--state appropriation is provided for implementation of the recommendations of the freight mobility advisory committee, and any legislation enacted resulting from those recommendations.

(5) \$175,000 of the transportation fund--state appropriation is provided solely to fund the freight mobility strategic investment board. If Second Substitute House Bill No. 2180 is not enacted by June 30, 1998, this amount shall lapse.

(6) The transportation account--state appropriation includes \$600,000 to establish alternatives for flood management and flood hazard reduction projects in the Chehalis Basin. A technical committee comprised of the department of transportation, department of ecology, the United States army corps of engineers, federal emergency management administration, United States geological survey, affected counties and tribes, and other entities with critical knowledge related to flood hazard reduction projects in the Chehalis Basin shall be formed. Funds shall be distributed to counties within the Chehalis Basin by the department of transportation for projects that further understanding of the causes of flooding and options for flood hazard reduction. Alternatives shall be consistent with fish and habitat recovery efforts. Projects funded shall be coordinated with the technical committee. The department of transportation shall present a report to the legislative transportation committee and other appropriate legislative committees regarding findings and/or progress made by funded projects by December 1, 1998.

~~((8))~~ (7) \$750,000 of the motor vehicle fund--state appropriation is provided solely for a median barrier upon the Spokane street viaduct. Use of this funding is contingent upon a commitment of funding from other partners for the remainder of the project cost.

~~((9))~~ (8) Up to \$150,000 of the high capacity transportation account--state appropriation is provided for the installation of active railroad crossing warning devices at the Sunnyside beach park entrance in Steilacoom.

~~((10))~~ (9) \$400,000 of the transportation fund--state appropriation is provided solely for a study by the legislative transportation committee, in cooperation with the port of Benton, developing a strategic corridor feasibility and master site plan for the port of Benton. If the port of Benton does not provide at least \$200,000 to fund the plan development, the transportation fund--state appropriation referenced in this subsection shall lapse and this subsection shall be null and void.

### **Transportation Agencies Capital Facilities**

**Sec. 520.** 1997 c 457 s 303 (uncodified) is amended to read as follows:

#### **FOR THE DEPARTMENT OF TRANSPORTATION--PROGRAM D (DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)--CAPITAL**

Motor Vehicle Fund--Transportation Capital Facilities Account--State App \$

~~((21,696,000))~~

21,261,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The department of transportation shall provide to the legislative transportation committee prior notice and the latest project information at least two weeks in advance of the bid process for transportation capital facilities projects going to bid in the 1997-99 biennium.

(2) Construction of the Mount Rainier storage facility shall not commence until the department has secured an operational lease that would allow the placement of the facility on United States forest service lands near the entrance to the Mather memorial parkway.

(3) The appropriation in this section contains \$7,719,000 reappropriated from the 1995-97 biennium.

### Transfers and Distributions

**Sec. 521.** 1998 c 348 s 402 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES**

|   |                          |
|---|--------------------------|
| Motor Vehicle Fund--Puget Sound Capital Construction Account Appropriation \$ | 500,000                  |
| Motor Vehicle Fund Appropriation \$   | 130,000                  |
| Transportation Improvement Account Appropriation \$                           | 200,000                  |
| Special Category C Account Appropriation \$                                   | 190,000                  |
| Transportation Capital Facilities Account Appropriation \$                    | 1,000                    |
| Urban Arterial Account Appropriation \$                                       | 5,000                    |
| TOTAL APPROPRIATION \$  | <del>((1,995,000))</del> |
|   | <u>1,026,000</u>         |

**Sec. 522.** 1998 c 348 s 404 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--TRANSFERS**

|  |                        |
|--|------------------------|
| (1) R V Account--State Appropriation:<br>For transfer to the Motor Vehicle Fund--State \$  | 1,176,000              |
| (2) Motor Vehicle Fund--State Appropriation:<br>For transfer to the Transportation Capital Facilities Account--State \$            | 42,569,000             |
| (3) <del>((Small City Account--State Appropriation:<br/>For transfer to the Transportation Improvement<br/>Account--State \$</del> | <del>7,500,000))</del> |
| <u>Motor Vehicle Fund--State Appropriation:</u><br><u>For transfer to the Highway Infrastructure Account--State \$</u>             | <u>234,000</u>         |

**Sec. 523.** 1997 c 457 s 403 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION**

|   |    |                            |
|---|----|----------------------------|
| City Hardship Account Appropriation   | \$ | 200,000                    |
| Motor Vehicle Fund Appropriation for motor vehicle fuel tax and overload penalties distribution | \$ | 471,937,000                |
| Transportation Fund Appropriation for motor vehicle excise tax distribution                     | \$ | <del>((3,744,000))</del>   |
|   |    | <u>118,747,000</u>         |
| TOTAL APPROPRIATION   | \$ | <del>((475,881,000))</del> |
|   |    | <u>590,884,000</u>         |

### Miscellaneous

NEW SECTION. **Sec. 524.** A new section is added to 1997 c 457 (uncodified) to read as follows:

**INFORMATION SYSTEMS PROJECTS.** Agencies shall comply with the following requirements regarding information systems projects when specifically directed to do so by this act.

(1) Agency planning and decisions concerning information technology shall be made in the context of its information technology portfolio. "Information technology portfolio" means a strategic management approach in which the relationships between agency missions and information technology investments can be seen and understood, such that: Technology efforts are linked to agency objectives and business plans; the impact of new investments on existing infrastructure and business functions are assessed and understood before implementation; and agency activities are consistent with the development of an integrated, nonduplicative state-wide infrastructure.

(2) Agencies shall use their information technology portfolios in making decisions on matters related to the following:

- (a) System refurbishment, acquisitions, and development efforts;
- (b) Setting goals and objectives for using information technology in meeting legislatively-mandated missions and business needs;
- (c) Assessment of overall information processing performance, resources, and capabilities;
- (d) Ensuring appropriate transfer of technological expertise for the operation of any new systems developed using external resources; and
- (e) Progress toward enabling electronic access to public information.

(3) The agency shall produce a feasibility study for information technology projects at the direction of the information services board and in accordance with published department of information services policies and guidelines. At a minimum, such studies shall include a statement of: (a) The purpose or impetus for change; (b) the business value to the agency, including an examination and evaluation of benefits, advantages, and cost; (c) a comprehensive risk assessment based on the proposed project's impact on both citizens and state operations, its visibility, and the consequences of doing nothing; (d) the impact on agency and state-wide information infrastructure; and (e) the impact of the proposed enhancements to an agency's information technology capabilities on meeting service delivery demands.

(4) The agency shall produce a comprehensive management plan for each project. The plan or plans shall address all factors critical to successful completion of each project. The plan(s) shall include, but is not limited to, the following elements: A description of the problem or opportunity that the information technology project is intended to address; a statement of project objectives and assumptions; a definition and schedule of phases, tasks, and activities to be accomplished; and the estimated cost of each phase. The planning for the phased approach shall be such that the business case justification for a project needs to demonstrate how the project recovers cost or adds measurable value or positive cost benefit to the agency's business functions within each development cycle.

(5) The agency shall produce quality assurance plans for information technology projects. Consistent with the direction of the information services board and the published policies and guidelines of the department of information services, the quality assurance plan shall address all factors critical to successful completion of the project and successful integration with the agency and state information technology infrastructure. At a minimum, quality assurance plans shall provide time and budget benchmarks against which project progress can be measured, a specification of quality assurance responsibilities, and a statement of reporting requirements. The quality assurance plans shall set out the functionality requirements for each phase of a project.

(6) A copy of each feasibility study, project management plan, and quality assurance plan shall be provided to the department of information services, the office of financial management, and legislative fiscal committees. The plans and studies shall demonstrate a sound business case that justifies the investment of taxpayer funds on any new project, an assessment of the impact of the proposed system on the existing information technology infrastructure, the disciplined use of preventative measures to mitigate risk, and the leveraging of private-sector expertise as needed. Authority to expend any funds for individual information systems projects is conditioned on the approval of the relevant feasibility study, project management plan, and quality assurance plan by the department of information services and the office of financial management.

(7) Quality assurance status reports shall be submitted to the department of information services, the office of financial management, and legislative fiscal committees at intervals specified in the project's quality assurance plan.

**NEW SECTION. Sec. 525.** The following acts or parts of acts are each repealed:

- (1) 1997 c 457 s 502;
- (2) 1997 c 457 s 514; and
- (3) 1997 c 457 s 515.

## **PART VI PROVISIONS NECESSARY TO IMPLEMENT APPROPRIATIONS**

**NEW SECTION. Sec. 601.** As a management tool to reduce costs and make more effective use of resources, while improving employee productivity and morale, agencies may offer voluntary separation and/or downshifting incentives and options according to procedures and guidelines established by the department of personnel and the department of retirement systems, in consultation with the office of financial management. The options may include, but are not limited to, financial incentives for: Voluntary resignation and retirement, voluntary leave-without-pay, voluntary workweek or work hour reduction, voluntary downward movement, and temporary separation for development purposes.

Agency plans and offers shall be reviewed and monitored jointly by the department of personnel, office of financial management, and the department of retirement systems. The senate transportation committee and the house of representatives transportation committee shall also review and monitor the plans of agencies that receive funds appropriated under this act.

**NEW SECTION. Sec. 602.** It is the intent of the legislature that agencies may implement a voluntary retirement incentive program that is cost neutral or results in cost savings provided that such program is approved by the director of financial management. Agencies participating in this authorization are required to submit a report by June 30, 2001, to the legislature and the office of financial management on the outcome of their approved retirement incentive program. The report should include information on the details of the program including resulting service delivery changes, agency efficiencies, the cost of the retirement incentive per participant, the total cost to the state and the projected or actual net dollar and staff savings over the 1999-2001 biennium.

**NEW SECTION. Sec. 603. PERFORMANCE BASED BUDGETING.** (1) The department of licensing, the department of transportation, the Washington state patrol, and the Washington traffic safety commission, in cooperation with the office of financial management, the senate transportation

committee, and the house of representatives transportation committee will continue the implementation of performance based budgeting. The performance based budgeting process will provide a measurable link between agency objectives, service levels, and budget. The agencies shall:

- (a) Continue to develop, enhance, validate, and test indicators of performance, stated in achieving the agencies' goals; and
- (b) Refine performance based budgeting and investment levels in the following programs:
  - (i) Department of transportation: Maintenance program M, preservation program P, traffic operations program Q, and marine program X;
  - (ii) Department of licensing: Driver's services and vehicle services;
  - (iii) Washington state patrol: Field operations bureau; and
  - (iv) Washington traffic safety commission; and
- (c) Submit and implement a plan to provide program managers with the training and technical assistance necessary to extend the practices of performance measurement and performance based budgeting throughout agency programs.

(2) The transportation agencies shall submit a strategic plan and activity summary with their agency request budgets and tie the plan's strategies together with the 2001-2003 budget requests. The strategic plan must include a six-year outlook and define and clarify the agency mission and vision, provide the basis for budget development, and outline and prioritize the agency's goals and strategies. The agencies will continue to improve agency infrastructures to capture and report performance data for use by agency management, the office of financial management, the senate transportation committee, and the house of representatives transportation committee in the decision making process.

(3)(a) The agencies shall input monthly their financial information and quarterly program performance measurements into the transportation executive information system and will utilize the transportation executive information system investment system in the development of their agency policy request budgets.

(b) The department of licensing and the Washington state patrol shall submit budgets to the legislature at the subprogram level.

**NEW SECTION. Sec. 604. PROGRAM ACCOUNTABILITY REVIEWS.** The senate transportation committee, the house of representatives transportation committee, the office of financial management, and the transportation agencies shall establish the means of conducting program accountability reviews of all transportation programs. The reviews shall include:

(1) Review and analysis of existing programs to determine any program changes required to meet established criteria along with the list of programs to be reviewed as determined by the program accountability review steering committee made up of the senate transportation committee, the house of representatives transportation committee, the office of financial management, and agency personnel. Each review will have a plan with timelines, deliverables, and milestones to ensure it is completed on time with anticipated deliverables. Each review will have a review accountability report presented to the senate transportation committee and the house of representatives transportation committee with recommendations and implementation schedule agreed to by the reviewers and the agency program being reviewed.

- (2) A concentration on:
  - (a) Appropriateness of service objectives used to determine service levels;
  - (b) Effectiveness of current management systems;
  - (c) Development or improvement of existing outcome, output, efficiency, and effectiveness performance measures;
  - (d) The effectiveness of communication and decision making within the program;
  - (e) Staffing levels and organizational structure, including changes to roles and responsibilities;
  - (f) The existence and effectiveness of oversight and control measures within the program;
  - (g) The process of distributing funds and staff among activities;
  - (h) Methods for making trade off decisions within and between programs and activities;
  - (i) Development of tools that assist policymakers and managers in using performance measures and investment tradeoff methods;
  - (j) Development of long-term investment strategies; and

(k) Other program items that would be beneficial to include in the program accountability review.

(3) The recommendations will be considered in future biennium transportation budgets in determining whether to enhance, streamline, retain, reduce, or eliminate programs based on value and benefits provided to the state.

**NEW SECTION. Sec. 605.** (1) Forty percent of the funds available for surface transportation flexible funds available under Sections 105(c)(2) and 133(d)(3)(A)(ii) of Title 23, United States Code are made available for the Washington state department of transportation.

(2) Twenty-two percent of the funds available for surface transportation flexible funds available under Sections 105(c)(2) and 133(d)(3)(A)(ii) of Title 23, United States Code are made available for rural economic development projects in rural counties with population densities of less than one hundred persons per square mile pro rata based on population and community empowerment zones as defined in RCW 43.63A.700. These funds shall be used for the transportation component of identified, emerging, nonspeculative economic development projects that create new employment or revitalize existing business. As required under federal law, these funds shall be administered by the Washington state department of transportation. The community economic revitalization board within the department of community, trade, and economic development shall work with local project proponents and the Washington state department of transportation to identify economic development projects with essential transportation components. The board shall make recommendations regarding funding for a project's transportation component to the Washington state transportation commission. Beginning in the fiscal year 2000, any economic development funds that are not obligated from the prior federal fiscal year by June first of each year shall be available for economic development projects state-wide in accordance with the same administration and selection process established in this subsection for rural economic development projects.

(3) Thirty-eight percent of the funds available for surface transportation flexible funds available under Sections 105(c)(2) and 133(d)(3)(A)(ii) of Title 23, United States Code are made available for the state-wide competitive program for regionally significant projects. The transportation improvement board shall be responsible for selecting projects under this program. For federal fiscal years 2000 and 2001, to be eligible, projects shall: (a) Meet the criteria established by the transportation improvement board for selecting regionally significant projects; (b) be included in a metropolitan planning organization's transportation improvement plan; (c) meet the goal of targeting funds for coordinated projects within corridors that are regionally significant; and (d) support the functioning of corridors for their full length rather than in individual spot improvements.

**Sec. 606.** RCW 43.19.1906 and 1995 c 269 s 1404 are each amended to read as follows:

Insofar as practicable, all purchases and sales shall be based on competitive bids, and a formal sealed bid procedure shall be used as standard procedure for all purchases and contracts for purchases and sales executed by the state purchasing and material control director and under the powers granted by RCW 43.19.190 through 43.19.1939. This requirement also applies to purchases and contracts for purchases and sales executed by agencies, including educational institutions, under delegated authority granted in accordance with provisions of RCW 43.19.190 or under RCW 28B.10.029. However, formal sealed bidding is not necessary for:

(1) Emergency purchases made pursuant to RCW 43.19.200 if the sealed bidding procedure would prevent or hinder the emergency from being met appropriately;

(2) Purchases not exceeding thirty-five thousand dollars, or subsequent limits as calculated by the office of financial management: PROVIDED, That the state director of general administration shall establish procedures to assure that purchases made by or on behalf of the various state agencies shall not be made so as to avoid the thirty-five thousand dollar bid limitation, or subsequent bid limitations as calculated by the office of financial management: PROVIDED FURTHER, That the state purchasing and material control director is authorized to reduce the formal sealed bid limits of thirty-five thousand dollars, or subsequent limits as calculated by the office of financial management, to a lower dollar amount for purchases by individual state agencies if considered necessary to maintain full disclosure of competitive procurement or otherwise to achieve overall state efficiency and economy in

purchasing and material control. Quotations from four hundred dollars to thirty-five thousand dollars, or subsequent limits as calculated by the office of financial management, shall be secured from at least three vendors to assure establishment of a competitive price and may be obtained by telephone or written quotations, or both. The agency shall invite at least one quotation each from a certified minority and a certified women-owned vendor who shall otherwise qualify to perform such work. Immediately after the award is made, the bid quotations obtained shall be recorded and open to public inspection and shall be available by telephone inquiry. A record of competition for all such purchases from four hundred dollars to thirty-five thousand dollars, or subsequent limits as calculated by the office of financial management, shall be documented for audit purposes. Purchases up to four hundred dollars may be made without competitive bids based on buyer experience and knowledge of the market in achieving maximum quality at minimum cost: PROVIDED, That this four hundred dollar direct buy limit without competitive bids may be increased incrementally as required to a maximum of eight hundred dollars, if warranted by increases in purchasing costs due to inflationary trends;

(3) Purchases which are clearly and legitimately limited to a single source of supply and purchases involving special facilities, services, or market conditions, in which instances the purchase price may be best established by direct negotiation;

(4) Purchases of insurance and bonds by the risk management office under RCW 43.19.1935;

(5) Purchases and contracts for vocational rehabilitation clients of the department of social and health services: PROVIDED, That this exemption is effective only when the state purchasing and material control director, after consultation with the director of the division of vocational rehabilitation and appropriate department of social and health services procurement personnel, declares that such purchases may be best executed through direct negotiation with one or more suppliers in order to expeditiously meet the special needs of the state's vocational rehabilitation clients;

(6) Purchases by universities for hospital operation or biomedical teaching or research purposes and by the state purchasing and material control director, as the agent for state hospitals as defined in RCW 72.23.010, and for health care programs provided in state correctional institutions as defined in RCW 72.65.010(3) and veterans' institutions as defined in RCW 72.36.010 and 72.36.070, made by participating in contracts for materials, supplies, and equipment entered into by nonprofit cooperative hospital group purchasing organizations;

(7) Purchases by institutions of higher education not exceeding thirty-five thousand dollars: PROVIDED, That for purchases between two thousand five hundred dollars and thirty-five thousand dollars quotations shall be secured from at least three vendors to assure establishment of a competitive price and may be obtained by telephone or written quotations, or both. For purchases between two thousand five hundred dollars and thirty-five thousand dollars, each institution of higher education shall invite at least one quotation each from a certified minority and a certified women-owned vendor who shall otherwise qualify to perform such work. A record of competition for all such purchases made from two thousand five hundred to thirty-five thousand dollars shall be documented for audit purposes; and

(8) Negotiation of a contract by the department of transportation, valid until June 30, 2001, with registered tow truck operators to provide roving service patrols in one or more Washington state patrol tow zones whereby those registered tow truck operators wishing to participate would cooperatively, with the department of transportation, develop a demonstration project upon terms and conditions negotiated by the parties.

Beginning on July 1, 1995, and on July 1 of each succeeding odd-numbered year, the dollar limits specified in this section shall be adjusted as follows: The office of financial management shall calculate such limits by adjusting the previous biennium's limits by the appropriate federal inflationary index reflecting the rate of inflation for the previous biennium. Such amounts shall be rounded to the nearest one hundred dollars.

**Sec. 607.** RCW 88.16.090 and 1995 c 175 s 1 are each amended to read as follows:

(1) A person may pilot any vessel subject to the provisions of this chapter on waters covered by this chapter only if appointed and licensed to pilot such vessels on said waters under and pursuant to the provisions of this chapter.

(2) A person is eligible to be appointed a pilot if the person is a citizen of the United States, over the age of twenty-five years and under the age of seventy years, a resident of the state of Washington at the time of appointment and only if the pilot applicant holds as a minimum, a United States government license as a master of ocean or near coastal steam or motor vessels of not more than one thousand six hundred gross tons or as a master of inland steam or motor vessels of not more than one thousand six hundred gross tons, such license to have been held by the applicant for a period of at least two years prior to taking the Washington state pilotage examination and a first class United States endorsement without restrictions on that license to pilot in the pilotage districts for which the pilot applicant desires to be licensed, and if the pilot applicant meets such other qualifications as may be required by the board. A person applying for a license under this section shall not have been convicted of an offense involving drugs or the personal consumption of alcohol in the twelve months prior to the date of application. This restriction does not apply to license renewals under this section.

(3) Pilots shall be licensed hereunder for a term of five years from and after the date of the issuance of their respective state licenses. Such licenses shall thereafter be renewed as of course, unless the board shall withhold same for good cause. Each pilot shall pay to the state treasurer an annual license fee as follows: For the period beginning July 1, 1995, through June 30, ~~((1999))~~ 2001, the fee shall be two thousand five hundred dollars; and for the period beginning July 1, ~~((1999))~~ 2001, the fee shall be three thousand dollars. The fees shall be deposited in the state treasury to the credit of the pilotage account. The board may assess partially active or inactive pilots a reduced fee.

(4) Pilot applicants shall be required to pass a written and oral examination administered and graded by the board which shall test such applicants on this chapter, the rules of the board, local harbor ordinances, and such other matters as may be required to compliment the United States examinations and qualifications. The board shall hold examinations at such times as will, in the judgment of the board, ensure the maintenance of an efficient and competent pilotage service. An examination shall be scheduled for the Puget Sound pilotage district if there are three or fewer successful candidates from the previous examination who are waiting to become pilots in that district.

(5) The board shall develop an examination and grading sheet for each pilotage district, for the testing and grading of pilot applicants. The examinations shall be administered to pilot applicants and shall be updated as required to reflect changes in law, rules, policies, or procedures. The board may appoint a special independent examination committee or may contract with a firm knowledgeable and experienced in the development of professional tests for development of said examinations. Active licensed state pilots may be consulted for the general development of examinations but shall have no knowledge of the specific questions. The pilot members of the board may participate in the grading of examinations. If the board does appoint a special examination development committee it is authorized to pay the members of said committee the same compensation and travel expenses as received by members of the board. When grading examinations the board shall carefully follow the grading sheet prepared for that examination. The board shall develop a "sample examination" which would tend to indicate to an applicant the general types of questions on pilot examinations, but such sample questions shall not appear on any actual examinations. Any person who willfully gives advance knowledge of information contained on a pilot examination is guilty of a gross misdemeanor.

(6) All pilots and applicants are subject to an annual physical examination by a physician chosen by the board. The physician shall examine the applicant's heart, blood pressure, circulatory system, lungs and respiratory system, eyesight, hearing, and such other items as may be prescribed by the board. After consultation with a physician and the United States coast guard, the board shall establish minimum health standards to ensure that pilots licensed by the state are able to perform their duties. Within ninety days of the date of each annual physical examination, and after review of the physician's report, the board shall make a determination of whether the pilot or candidate is fully able to carry out the duties of a pilot under this chapter. The board may in its discretion check with the appropriate authority for any convictions of offenses involving drugs or the personal consumption of alcohol in the prior twelve months.

(7) The board shall prescribe, pursuant to chapter 34.05 RCW, a number of familiarization trips, between a minimum number of twenty-five and a maximum of one hundred, which pilot applicants must make in the pilotage district for which they desire to be licensed. Familiarization trips any particular applicant must make are to be based upon the applicant's vessel handling experience.



(8) The board may require vessel simulator training for a pilot applicant and shall require vessel simulator training for a pilot subject to RCW 88.16.105. The board shall also require vessel simulator training in the first year of active duty for a new pilot and at least once every five years for all active pilots.

(9) The board shall prescribe, pursuant to chapter 34.05 RCW, such reporting requirements and review procedures as may be necessary to assure the accuracy and validity of license and service claims, and records of familiarization trips of pilot candidates. Willful misrepresentation of such required information by a pilot candidate shall result in disqualification of the candidate.

(10) The board shall adopt rules to establish time periods and procedures for additional training trips and retesting as necessary for pilots who at the time of their licensing are unable to become active pilots.

**NEW SECTION. Sec. 608.** The following bills, as enacted in the form passed by the legislature, are necessary to implement portions of this act: House Bill Nos. 1053, 1147, 1304, 1466, 1588, 2201, 2245, and 2259 and Senate Bill Nos. 5060, 5283, 5360, 5605, 5615, 5955, 6030, and 6068.

**Sec. 609.** RCW 47.26.425 and 1999 c 94 s 21 and 1999 c . . . (SHB 1053) s 6 are each reenacted to read as follows:

Any funds required to repay the first authorization of two hundred million dollars of bonds authorized by RCW 47.26.420, as amended by section 18, chapter 317, Laws of 1977 ex. sess. or the interest thereon when due, shall be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle and special fuels and which is distributed to the urban arterial trust account in the motor vehicle fund pursuant to RCW 46.68.090(1)(g), and shall never constitute a charge against any allocations of any other such funds in the motor vehicle fund to the state, counties, cities, and towns unless and until the amount of the motor vehicle fund arising from the excise tax on motor vehicle and special fuels and distributed to the urban arterial trust account proves insufficient to meet the requirements for bond retirement or interest on any such bonds.

**Sec. 610.** RCW 47.26.4252 and 1999 c 94 s 22 and 1999 c . . . (SHB 1053) s 7 are each reenacted to read as follows:

Any funds required to repay the authorization of series II bonds authorized by RCW 47.26.420, as reenacted by section 3, chapter 5, Laws of 1979, or the interest thereon when due, shall first be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle and special fuels imposed by chapters 82.36 and 82.38 RCW and which is distributed to the urban arterial trust account in the motor vehicle fund pursuant to RCW 46.68.090(1)(g), subject, however, to the prior lien of the first authorization of bonds authorized by RCW 47.26.420, as reenacted by section 3, chapter 5, Laws of 1979. If the moneys distributed to the urban arterial trust account shall ever be insufficient to repay the first authorization bonds together with interest thereon, and the series II bonds or the interest thereon when due, the amount required to make such payments on such bonds or interest thereon shall next be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle and special fuels and which is distributed to the state, counties, cities, and towns pursuant to RCW 46.68.090. Any payments on such bonds or interest thereon taken from motor vehicle or special fuel tax revenues which are distributable to the state, counties, cities, and towns, shall be repaid from the first moneys distributed to the urban arterial trust account not required for redemption of the first authorization bonds or series II and series III bonds or interest on those bond issues.

**Sec. 611.** RCW 47.26.4254 and 1999 c 94 s 23 and 1999 c . . . (SHB 1053) s 8 are each reenacted and amended to read as follows:

(1) Any funds required to repay series III bonds authorized by RCW 47.26.420, or the interest thereon, when due shall first be taken from that portion of the motor vehicle fund that results from the imposition of excise taxes on motor vehicle and special fuels imposed by chapters 82.36 and 82.38 RCW and that is distributed to the urban arterial trust account in the motor vehicle fund pursuant to

RCW 46.68.090(1)((j)) (g), subject, however, to the prior lien of the first authorization of bonds authorized by RCW 47.26.420. If the moneys so distributed to the urban arterial trust account, after first being applied to administrative expenses of the transportation improvement board and to the requirements of bond retirement and payment of interest on first authorization bonds and series II bonds as provided in RCW 47.26.425 and 47.26.4252, are insufficient to meet the requirements for bond retirement or interest on any series III bonds, the amount required to make such payments on series III bonds or interest thereon shall next be taken from that portion of the motor vehicle fund that results from the imposition of excise taxes on motor vehicle and special fuels and that is distributed to the state, counties, cities, and towns pursuant to RCW 46.68.090, subject, however, to subsection (2) of this section.

(2) To the extent that moneys so distributed to the urban arterial trust account are insufficient to meet the requirements for bond retirement or interest on any series III bonds, sixty percent of the amount required to make such payments when due shall first be taken from that portion of the motor vehicle fund that results from the imposition of excise taxes on motor vehicle and special fuels and that is distributed to the state. The remaining forty percent shall first be taken from that portion of the motor vehicle fund that results from the imposition of excise taxes on motor vehicle and special fuels and that is distributed to the cities and towns pursuant to RCW 46.68.090(1)(i) and to the counties pursuant to RCW 46.68.090(1)(j). Of the counties', cities', and towns' share of any additional amounts required in each fiscal year, the percentage thereof to be taken from the counties' distributive share and from the cities' and towns' distributive share shall correspond to the percentage of funds authorized for specific county projects and for specific city and town projects, respectively, from the proceeds of series III bonds, for the period through the first eleven months of the prior fiscal year as determined by the chairman of the transportation improvement board and reported to the state finance committee and the state treasurer not later than the first working day of June.

(3) Any payments on such bonds or interest thereon taken from motor vehicle or special fuel tax revenues that are distributable to the state, counties, cities, and towns shall be repaid from the first moneys distributed to the urban arterial trust account not required for redemption of the first authorization bonds, series II bonds, or series III bonds or interest on these bonds.

**Sec. 612.** RCW 47.26.505 and 1999 c 94 s 24 and 1999 c . . . (SHB 1053) s 9 are each reenacted and amended to read as follows:

Any funds required to repay such bonds, or the interest thereon when due, shall be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle and special fuels and which is distributed to the transportation improvement account in the motor vehicle fund under RCW 46.68.090(1)(h), and shall never constitute a charge against any allocations of any other such funds in the motor vehicle fund to the state, counties, cities, and towns unless and until the amount of the motor vehicle fund arising from the excise tax on motor vehicle and special fuels and distributed to the transportation improvement account proves insufficient to meet the requirements for bond retirement or interest on any such bonds.

**Sec. 613.** RCW 43.43.300 and 1965 c 8 s 43.43.300 are each amended to read as follows:

Beginning on July 1, 1963, every Washington state patrol employee who is a member of the retirement fund shall contribute seven percent of his or her monthly salary(~~(, which)~~). For the biennium beginning July 1, 1999, and ending June 30, 2001, the employee contribution rate for every member of a retirement system created under this chapter and: (1) Covering employees whose activities constitute a highway purpose under the eighteenth amendment (Article II, section 40) of the state Constitution; where (2) the majority of both the employer and employee contributions are funded from moneys appropriated from the state patrol highway account of the motor vehicle fund; shall be set so that the contribution rates required to fund the costs of the retirement system shall be equal for members and employers; except that in no event shall the member contribution rate exceed seven percent. If the pension funding council determines that contribution rates must exceed seven percent in order to fund the costs of the retirement system, any cost over seven percent shall be borne by the employer. The member contribution rate determined under this section shall be deducted from the compensation of each member on each and every payroll.

In the event a member severs his or her connection with the Washington state patrol or is dismissed, the amount paid by the state of Washington shall remain in the retirement fund.

**NEW SECTION. Sec. 614.** The joint committee on pension policy shall study the method for setting employer and employee contribution rates for the Washington state patrol retirement system. The study shall include options for implementing a method or methods that allow both the employer and members to share the benefits from investment gains that exceed the long-term investment return assumptions adopted by the pension funding council.

**NEW SECTION. Sec. 615.** The legislature finds and declares that it is essential for the economic, social, and environmental well-being of the state and the maintenance of a high quality of life that the people of the state have an efficient and effective transportation system. The legislature, public officials, and citizens need to know the extent to which state agencies, programs, and activities that impact the state's transportation system are achieving the purposes for which they were created.

The legislature recognizes that if it is to adequately fulfill its responsibility to provide for a balanced, efficient state-wide transportation system, it is essential to establish a joint legislative transportation committee that will provide an opportunity for members of the house of representatives and the senate to examine, develop, and oversee critical transportation policy and fiscal issues and make recommendations on such issues to the house of representatives and senate standing committees on transportation.

**Sec. 616.** RCW 44.40.010 and 1980 c 87 s 39 are each amended to read as follows:

The joint fact-finding committee on highways, streets, and bridges originally created by chapter 111, Laws of 1947, recreated and renamed the joint committee on highways by chapter 3, Laws of 1963 extraordinary session, is hereby recreated and renamed the legislative transportation committee. The renaming of said committee shall not affect any powers invested in it or its duties imposed upon it by any other statute. All appropriations made to the committee under its former name shall continue to be available to said committee as renamed, the legislative transportation committee. The committee shall consist of ~~((eleven))~~ twelve senators to be appointed by the president of the senate and twelve members of the house of representatives to be appointed by the speaker thereof. Not more than six members from each house may be from the same political party. A list of appointees shall be submitted before the close of each regular legislative session during an odd-numbered year or any successive special session convened by the governor or the legislature prior to the close of such regular session or successive special session(s) for confirmation of senate members, by the senate, and house members, by the house. Vacancies occurring shall be filled by the appointing authority. All vacancies must be filled from the same political party and from the same house as the member whose seat was vacated.

The chair will be elected biennially by the membership of the committee. After January 1, 2001, each succeeding chair must be from the opposite house of the current chair, and be from the majority party. The vice-chair must be from the opposite house.

On the effective date of this act, the president of the senate shall appoint an additional senate member as provided by the 1999 amendment of this section. With the appointment of the additional member, the terms of officers elected before the effective date of this act are terminated, and the committee shall hold a new election of officers.

The committee shall adopt rules and procedures for its orderly operation.

**NEW SECTION. Sec. 617.** A new section is added to chapter 44.40 RCW to read as follows:

The members of the legislative transportation committee shall form an executive committee consisting of two members from each of the four major political caucuses, which will include the chair and vice-chair of the legislative transportation committee. There will be four alternates to the executive committee, one from each of the four major political caucuses. Each alternate may represent a member from the same political caucus from which they were chosen when that member is absent, and have voting privileges during that absence.

The executive committee is responsible for performing all general administrative and personnel duties assigned to it in the rules and procedures adopted by the committee, as well as other duties delegated to it by the committee. Except when those responsibilities are assumed by the legislative transportation committee, the executive committee is responsible for adopting interim work plans and meeting schedules and approving all contracts signed on behalf of the committee.

**NEW SECTION. Sec. 618. FOR THE LEGISLATIVE TRANSPORTATION COMMITTEE**

Motor Vehicle Account--State Appropriation \$

300,000

**NEW SECTION. Sec. 619.** The following acts or parts of acts are each repealed:

(1) RCW 46.68.095 (Distribution of additional state-wide taxes) and 1999 c 94 s 7, 1994 c 179 s 4, & 1990 c 42 s 103; and

(2) RCW 46.68.100 (Allocation of net tax amount in motor vehicle fund) and 1999 c 94 s 8, 1994 c 179 s 5, 1991 c 310 s 2, 1986 c 66 s 1, 1984 c 7 s 73, 1977 ex.s. c 317 s 9, 1977 c 51 s 1, 1975-'76 2nd ex.s. c 57 s 1, 1973 1st ex.s. c 124 s 1, 1972 ex.s. c 24 s 2, 1970 ex.s. c 85 s 4, 1967 ex.s. c 145 s 79, 1967 ex.s. c 83 s 8, 1961 ex.s. c 7 s 6, & 1961 c 12 s 46.68.100.

**NEW SECTION. Sec. 620.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 621.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

On page 1, line 1 of the title, after "appropriations;" strike the remainder of the title and insert "amending RCW 43.19.1906, 88.16.090, 43.43.300, and 44.40.010; amending 1997 c 457 ss 110, 204, 215, 223, 303, and 403 (uncodified); amending 1998 c 348 ss 203, 205, 207, 208, 209, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 402, and 404 (uncodified); reenacting and amending RCW 47.26.4254 and 47.26.505; reenacting RCW 47.26.425 and 47.26.4252; adding a new section to chapter 44.40 RCW; adding a new section to 1997 c 457 (uncodified); creating new sections; repealing RCW 46.68.095 and 46.68.100; repealing 1997 c 457 s 502 (uncodified); repealing 1997 c 457 s 514 (uncodified); repealing 1997 c 457 s 515 (uncodified); making appropriations; and declaring an emergency."

On page 7, line 12 of the amendment, strike "2,378,000" and insert "2,586,000"

On page 8, after line 6 of the amendment, strike section 206 and insert the following:

**NEW SECTION. Sec. 206. FOR THE LEGISLATIVE TRANSPORTATION COMMITTEE**

Motor vehicle account--State Appropriation \$

4,283,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) \$2,467,000 of the motor vehicle account--state appropriation is provided for the operation of the house of representatives transportation committee. The appropriation includes \$500,000 for personal service contracts and other activities as deemed necessary by the house of representatives transportation committee.

(2) The transportation committees of the legislature shall evaluate the transportation functions currently performed by the utilities and transportation commission including but not limited to those

regarding the issuance of certificates of public convenience and necessity for auto transportation companies.

(3) A legislative task force consisting of one member from each caucus of the senate and one member from each caucus of the house of representatives shall conduct a road jurisdiction study. The legislative task force shall appoint a technical advisory panel consisting of representatives of cities, counties, and the department of transportation. The study shall include but not be limited to an examination of the following issues:

(a) Whether changed conditions merit redesignation of certain local roadways as state routes and the return of certain state routes to local jurisdictions;

(b) Alternatives to current revenue distribution methodologies for funding roadway and highway needs;

(c) Determine roadway responsibilities, authorities, and practices by jurisdictional level; and

(d) Evaluate governance issues associated with road jurisdiction.

(4) The transportation committees of the legislature shall oversee program accountability reviews of department of transportation, department of licensing, and Washington state patrol programs selected by the senate transportation committee."

On page 74, beginning on line 8 of the amendment, after "department of" strike "transportation.

(2) Twenty-two" and insert "transportation. Twenty-two"

On page 74, line 32 of the amendment, strike "(3)" and insert "(2)"

Correct any internal references accordingly.

On page 85, beginning on line 3, strike everything through "house." on line 6.

On page 85, line 27 of the amendment after "committee" strike " as well as" and insert ", determining the number of legislative transportation committee staff, and"

On page 85, line 30 of the amendment, after "schedules" strike "and" and insert ","

On page 85, line 31 of the amendment, after "committee" insert ", and setting policies for legislative transportation committee staff utilization"

On page 85, beginning on line 32 of the amendment, strike all of section 618.

Renumber remaining sections and correct internal references accordingly.

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Engrossed Substitute House Bill No. 1125 and advanced the bill as amended by the Senate to final passage.

### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE**

Speaker Ballard stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1125 as amended by the Senate.

Representatives Fisher and K. Schmidt spoke in favor of passage of the bill as amended by the Senate.

## ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1125, as amended by the Senate and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Crouse and Scott - 2.

Engrossed Substitute House Bill No. 1125, as amended by the Senate, having received the constitutional majority, was declared passed.

## SENATE AMENDMENTS TO HOUSE BILL

May 19, 1999

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 2304 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The sum of four million dollars, or as much thereof as may be necessary, is appropriated from the general fund to the superintendent of public instruction for the biennium ending June 30, 2001, for:

(1) Alternative school start-up grants which are in addition to the grants funded in the two million dollars alternative school start-up appropriation contained in section 501(2)(l), chapter 309, Laws of 1999, and these grants shall be awarded in the same manner and for the same purposes;

(2) School safety programs for prevention and intervention. School districts may apply for and administer these grants independently or jointly with other school districts or educational service districts. The funds may be expended for proven-effective programs to improve safety in schools, including: Security assessments of school facilities; violence prevention and reporting training for staff as appropriate to the particular duties and responsibilities of the specific staff, including administrators; nonviolence and leadership training for staff and students; and school safety plans. The educational service districts and school districts may contract for any services under this subsection.

(3) The superintendent of public instruction shall report to the education committees of the house of representatives and senate on the number and types of programs administered through these grants by February 15, 2001, and February 15th of every two years thereafter.

**NEW SECTION. Sec. 2.** For the fiscal biennium ending June 30, 2001, the sum of three million dollars, or as much thereof as may be necessary, is appropriated from the general fund--state to the superintendent of public instruction for matching grants to enhance security in schools. This appropriation is a supplement to the five million nine hundred twenty-three thousand dollar appropriation for school security contained in section 501(2)(e), chapter 309, Laws of 1999, and shall be expended in the same manner and for the same purposes.

NEW SECTION. **Sec. 3.** The biennial appropriations in sections 1 and 2 of this act shall be allotted by the office of financial management evenly between fiscal year 2000 and fiscal year 2001.

**Sec. 4.** 1999 c 309 s 221 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF HEALTH**

|   |                             |
|---|-----------------------------|
| General Fund--State Appropriation (FY 2000) \$  | (( <del>68,937,000</del> )) |
|   | <u>65,437,000</u>           |
| General Fund--State Appropriation (FY 2001) \$  | (( <del>69,635,000</del> )) |
|   | <u>66,135,000</u>           |
| General Fund--Federal Appropriation \$  | 268,710,000                 |
| General Fund--Private/Local Appropriation \$  | 68,648,000                  |
| Hospital Commission Account--State Appropriation \$   | 3,128,000                   |
| Health Professions Account--State Appropriation \$  | 37,529,000                  |
| Emergency Medical Services and Trauma Care Systems<br>Trust Account--State Appropriation \$ | 14,856,000                  |
| State Drinking Water Account--State Appropriation \$  | 2,531,000                   |
| Drinking Water Assistance Account--Federal Appropriation \$                                 | 5,456,000                   |
| Waterworks Operator Certification--State Appropriation \$                                   | 593,000                     |
| Water Quality Account--State Appropriation \$   | 3,124,000                   |
| Accident Account--State Appropriation \$  | 258,000                     |
| Medical Aid Account--State Appropriation \$   | 45,000                      |
| State Toxics Control Account--State Appropriation \$  | 2,614,000                   |
| <u>Health Services Account Appropriation \$</u>   | <u>7,000,000</u>            |
| Medical Test Site Licensure Account--State Appropriation \$                                 | 1,651,000                   |
| Youth Tobacco Prevention Account--State Appropriation \$                                    | 1,804,000                   |
| Tobacco Prevention and Control Account--State Appropriation \$                              | 620,000                     |
| TOTAL APPROPRIATION \$  | 550,139,000                 |

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,434,000 of the health professions account appropriation is provided solely for the development and implementation of a licensing and disciplinary management system. Expenditures are conditioned upon compliance with section 902 of this act. These funds shall not be expended without appropriate project approval by the department of information systems.

(2) The department or any successor agency is authorized to raise existing fees charged to the nursing assistants, podiatrists, and osteopaths; for certificate of need; for temporary worker housing; for state institution inspection; for residential care facilities and for transient accommodations, in excess of the fiscal growth factor established by Initiative Measure No. 601, if necessary, to meet the actual costs of conducting business and the appropriation levels in this section.

(3) \$339,000 of the general fund--state appropriation for fiscal year 2000, \$339,000 of the general fund--state appropriation for fiscal year 2001, and \$678,000 of the general fund--federal appropriation are provided solely for technical assistance to local governments and special districts on water conservation and reuse. \$339,000 of the general fund--federal amount may be expended in each fiscal year of the biennium, only if the state receives greater than \$25,000,000 from the federal government for salmon recovery activities in that fiscal year. Funds authorized for expenditure in fiscal year 2000 may be expended in fiscal year 2001.

(4) \$1,685,000 of the general fund--state fiscal year 2000 appropriation and \$1,686,000 of the general fund--state fiscal year 2001 appropriation are provided solely for the implementation of the Puget Sound water work plan and agency action items, DOH-01, DOH-02, DOH-03, and DOH-04.

~~(5) (\$4,645,000 of the general fund--state fiscal year 2000 appropriation and \$4,645,000 of the general fund--state fiscal year 2001 appropriation are provided solely for distribution to local health departments.~~

~~(6))~~ The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

~~((7))~~ (6) \$620,000 of the tobacco prevention and control account appropriation and \$209,000 of the general fund--federal appropriation are provided solely for implementation of Engrossed Substitute Senate Bill No. 5516 or, if the bill is not enacted, for the development of a sustainable, long-term, comprehensive tobacco control program. The plan shall identify a specific set of outcome measures that shall be used to track long range progress in reducing the use of tobacco. Nationally accepted measures that can be used to compare progress with other states shall be included. The plan shall emphasize programs that have demonstrated effectiveness in achieving progress towards the specified outcome measures. Components of the plan that do not have a record of success may be included, provided that the plan also includes the means of evaluating those components. The plan shall also include an inventory of existing publically funded programs that seek to prevent the use of tobacco, alcohol, or other drugs by children and youth and recommendations to coordinate and consolidate these programs in order to achieve greatest positive outcomes within total available resources. A preliminary plan shall be submitted to the appropriate committees of the legislature by December 1, 1999, with the final plan submitted by September 1, 2000.

~~((8))~~ (7) \$2,075,000 of fiscal year 2000 general fund--state appropriation and \$2,075,000 of fiscal year 2001 general fund--state appropriation are provided for the Washington poison center. The department shall require the center to develop a long range financing plan that identifies options for diversifying funding for center operations, including, but not limited to, federal grants, private sector grants and sponsorships, and multistate or regional operating agreements. The plan shall be submitted to the appropriate committees of the legislature by December 1, 2000.

~~((9))~~ (8) \$50,000 of fiscal year 2000 general fund--state appropriation and \$50,000 of fiscal year 2001 general fund--state appropriation are provided solely for fund raising and other activities for the development of early hearing loss clinics. The development plan for these clinics shall not assume ongoing general fund--state appropriations.



NEW SECTION. **Sec. 5.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 1999."

On page 1, line 1 of the title, after "programs;" strike the remainder of the title and insert "amending 1999 c 309 s 221 (uncodified); creating new sections; making appropriations; providing an effective date; and declaring an emergency."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Engrossed House Bill No. 2304 and advanced the bill as amended by the Senate to final passage.

#### MOTIONS

On motion of Representative Wolfe, Representatives Edwards and Murray were excused. On motion of Representative Schoesler, Representative Thomas was excused.

#### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE**

Speaker Ballard stated the question before the House to be final passage of Engrossed House Bill No. 2304 as amended by the Senate.

Representatives H. Sommers, Talcott and Huff spoke in favor of passage of the bill as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2304, as amended by the Senate and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 93.

Excused: Representatives Crouse, Edwards, Murray, Scott and Thomas - 5.

Engrossed House Bill No. 2304, as amended by the Senate, having received the constitutional majority, was declared passed.

There being no objection, Engrossed House Bill No. 2304 was immediately transmitted to the Senate.

#### **SIGNED BY THE SPEAKERS**

The Speakers have signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1125,  
SECOND ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5595,

**SENATE AMENDMENTS TO HOUSE BILL**

May 19, 1999

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1004 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. It is the intent of this act to revise the law on registration of sex and kidnapping offenders in response to the case of *State v. Pickett*, Docket number 41562-0-I. The legislature intends that all sex and kidnapping offenders whose history requires them to register shall do so regardless of whether the person has a fixed residence. The lack of a residential address is not to be construed to preclude registration as a sex or kidnapping offender. The legislature intends that persons who lack a residential address shall have an affirmative duty to report to the appropriate county sheriff, based on the level of risk of offending.

**Sec. 2.** RCW 9A.44.130 and 1998 c 220 s 1 and 1998 c 139 s 1 are each reenacted and amended to read as follows:

(1) Any adult or juvenile residing whether or not the person has a fixed residence, or who is a student, is employed, or carries on a vocation in this state who has been found to have committed or has been convicted of any sex offense or kidnapping offense, or who has been found not guilty by reason of insanity under chapter 10.77 RCW of committing any sex offense or kidnapping offense, shall register with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation, or as otherwise specified in this section. Where a person required to register under this section is in custody of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility as a result of a sex offense or kidnapping offense, the person shall also register at the time of release from custody with an official designated by the agency that has jurisdiction over the person. In addition, any such adult or juvenile who is admitted to a public or private institution of higher education shall, within ten days of enrolling or by the first business day after arriving at the institution, whichever is earlier, notify the sheriff for the county of the person's residence of the person's intent to attend the institution. Persons required to register under this section who are enrolled in a public or private institution of higher education on June 11, 1998, must notify the county sheriff immediately. The sheriff shall notify the institution's department of public safety and shall provide that department with the same information provided to a county sheriff under subsection (3) of this section.

(2) This section may not be construed to confer any powers pursuant to RCW 4.24.500 upon the public safety department of any public or private institution of higher education.

(3)(a) The person shall provide the following information when registering: ~~((a))~~ (i) Name; ~~((b))~~ (ii) address; ~~((c))~~ (iii) date and place of birth; ~~((d))~~ (iv) place of employment; ~~((e))~~ (v) crime for which convicted; ~~((f))~~ (vi) date and place of conviction; ~~((g))~~ (vii) aliases used; ~~((h))~~ (viii) social security number; ~~((i))~~ (ix) photograph; and ~~((j))~~ (x) fingerprints.

(b) Any person who lacks a fixed residence shall provide the following information when registering: (i) Name; (ii) date and place of birth; (iii) place of employment; (iv) crime for which convicted; (v) date and place of conviction; (vi) aliases used; (vii) social security number; (viii) photograph; (ix) fingerprints; and (x) where he or she plans to stay.

(4)(a) Offenders shall register with the county sheriff within the following deadlines. For purposes of this section the term "conviction" refers to adult convictions and juvenile adjudications for sex offenses or kidnapping offenses:

(i) OFFENDERS IN CUSTODY. (A) Sex offenders who committed a sex offense on, before, or after February 28, 1990, and who, on or after July 28, 1991, are in custody, as a result of that offense, of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility, and (B) kidnapping offenders who on or after July 27, 1997, are in custody of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility, must register at the time of release from custody with an official designated by the agency that has jurisdiction over the offender. The agency shall within three days forward the registration information to the county sheriff for the county of the offender's anticipated residence. The offender must also register within twenty-four hours from the time of release with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation. The agency that has jurisdiction over the offender shall provide notice to the offender of the duty to register. Failure to register at the time of release and within twenty-four hours of release constitutes a violation of this section and is punishable as provided in subsection ~~((9))~~ (10) of this section.

When the agency with jurisdiction intends to release an offender with a duty to register under this section, and the agency has knowledge that the offender is eligible for developmental disability services from the department of social and health services, the agency shall notify the division of developmental disabilities of the release. Notice shall occur not more than thirty days before the offender is to be released. The agency and the division shall assist the offender in meeting the initial registration requirement under this section. Failure to provide such assistance shall not constitute a defense for any violation of this section.

(ii) OFFENDERS NOT IN CUSTODY BUT UNDER STATE OR LOCAL JURISDICTION. Sex offenders who, on July 28, 1991, are not in custody but are under the jurisdiction of the indeterminate sentence review board or under the department of correction's active supervision, as defined by the department of corrections, the state department of social and health services, or a local division of youth services, for sex offenses committed before, on, or after February 28, 1990, must register within ten days of July 28, 1991. Kidnapping offenders who, on July 27, 1997, are not in custody but are under the jurisdiction of the indeterminate sentence review board or under the department of correction's active supervision, as defined by the department of corrections, the state department of social and health services, or a local division of youth services, for kidnapping offenses committed before, on, or after July 27, 1997, must register within ten days of July 27, 1997. A change in supervision status of a sex offender who was required to register under this subsection (4)(a)(ii) as of July 28, 1991, or a kidnapping offender required to register as of July 27, 1997, shall not relieve the offender of the duty to register or to reregister following a change in residence. The obligation to register shall only cease pursuant to RCW 9A.44.140.

(iii) OFFENDERS UNDER FEDERAL JURISDICTION. Sex offenders who, on or after July 23, 1995, and kidnapping offenders who, on or after July 27, 1997, as a result of that offense are in the custody of the United States bureau of prisons or other federal or military correctional agency for sex offenses committed before, on, or after February 28, 1990, or kidnapping offenses committed on, before, or after July 27, 1997, must register within twenty-four hours from the time of release with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation. Sex offenders who, on July 23, 1995, are not in custody but are under the jurisdiction of the United States bureau of prisons, United States courts, United States parole commission, or military parole board for sex offenses committed before, on, or after February 28, 1990, must register within ten days of July 23, 1995. Kidnapping offenders who, on July 27, 1997, are not in custody but are under the jurisdiction of the United States bureau of prisons, United States courts, United States parole commission, or military parole board for kidnapping offenses committed before, on, or after July 27, 1997, must register within ten days of July 27, 1997. A change in supervision status of a sex offender who was required to register under this subsection (4)(a)(iii) as of July 23, 1995, or a kidnapping offender required to register as of July 27,

1997 shall not relieve the offender of the duty to register or to reregister following a change in residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation. The obligation to register shall only cease pursuant to RCW 9A.44.140.

(iv) **OFFENDERS WHO ARE CONVICTED BUT NOT CONFINED.** Sex offenders who are convicted of a sex offense on or after July 28, 1991, for a sex offense that was committed on or after February 28, 1990, and kidnapping offenders who are convicted on or after July 27, 1997, for a kidnapping offense that was committed on or after July 27, 1997, but who are not sentenced to serve a term of confinement immediately upon sentencing, shall report to the county sheriff to register immediately upon completion of being sentenced.

(v) **OFFENDERS WHO ARE NEW RESIDENTS OR RETURNING WASHINGTON RESIDENTS.** Sex offenders and kidnapping offenders who move to Washington state from another state or a foreign country that are not under the jurisdiction of the state department of corrections, the indeterminate sentence review board, or the state department of social and health services at the time of moving to Washington, must register within thirty days of establishing residence or reestablishing residence if the person is a former Washington resident. The duty to register under this subsection applies to sex offenders convicted under the laws of another state or a foreign country, federal or military statutes, or Washington state for offenses committed on or after February 28, 1990, and to kidnapping offenders convicted under the laws of another state or a foreign country, federal or military statutes, or Washington state for offenses committed on or after July 27, 1997. Sex offenders and kidnapping offenders from other states or a foreign country who, when they move to Washington, are under the jurisdiction of the department of corrections, the indeterminate sentence review board, or the department of social and health services must register within twenty-four hours of moving to Washington. The agency that has jurisdiction over the offender shall notify the offender of the registration requirements before the offender moves to Washington.

(vi) **OFFENDERS FOUND NOT GUILTY BY REASON OF INSANITY.** Any adult or juvenile who has been found not guilty by reason of insanity under chapter 10.77 RCW of (A) committing a sex offense on, before, or after February 28, 1990, and who, on or after July 23, 1995, is in custody, as a result of that finding, of the state department of social and health services, or (B) committing a kidnapping offense on, before, or after July 27, 1997, and who on or after July 27, 1997, is in custody, as a result of that finding, of the state department of social and health services, must register within twenty-four hours from the time of release with the county sheriff for the county of the person's residence. The state department of social and health services shall provide notice to the adult or juvenile in its custody of the duty to register. Any adult or juvenile who has been found not guilty by reason of insanity of committing a sex offense on, before, or after February 28, 1990, but who was released before July 23, 1995, or any adult or juvenile who has been found not guilty by reason of insanity of committing a kidnapping offense but who was released before July 27, 1997, shall be required to register within twenty-four hours of receiving notice of this registration requirement. The state department of social and health services shall make reasonable attempts within available resources to notify sex offenders who were released before July 23, 1995, and kidnapping offenders who were released before July 27, 1997. Failure to register within twenty-four hours of release, or of receiving notice, constitutes a violation of this section and is punishable as provided in subsection ~~((9))~~ (10) of this section.

(vii) OFFENDERS WHO LACK A FIXED RESIDENCE. Any person who lacks a fixed residence and leaves the county in which he or she is registered and enters and remains within a new county for twenty-four hours is required to register with the county sheriff not more than twenty-four hours after entering the county and provide the information required in subsection (3)(b) of this section.

(viii) OFFENDERS WHO LACK A FIXED RESIDENCE AND WHO ARE UNDER SUPERVISION. Offenders who lack a fixed residence and who are under the supervision of the department shall register in the county of their supervision.

(b) Failure to register within the time required under this section constitutes a per se violation of this section and is punishable as provided in subsection ~~((9))~~ (10) of this section. The county sheriff shall not be required to determine whether the person is living within the county.

(c) An arrest on charges of failure to register, service of an information, or a complaint for a violation of this section, or arraignment on charges for a violation of this section, constitutes actual

notice of the duty to register. Any person charged with the crime of failure to register under this section who asserts as a defense the lack of notice of the duty to register shall register immediately following actual notice of the duty through arrest, service, or arraignment. Failure to register as required under this subsection (4)(c) constitutes grounds for filing another charge of failing to register. Registering following arrest, service, or arraignment on charges shall not relieve the offender from criminal liability for failure to register prior to the filing of the original charge.

(d) The deadlines for the duty to register under this section do not relieve any sex offender of the duty to register under this section as it existed prior to July 28, 1991.

(5)(a) If any person required to register pursuant to this section changes his or her residence address within the same county, the person must send written notice of the change of address to the county sheriff within seventy-two hours of moving. If any person required to register pursuant to this section moves to a new county, the person must send written notice of the change of address at least fourteen days before moving to the county sheriff in the new county of residence and must register with that county sheriff within twenty-four hours of moving. The person must also send written notice within ten days of the change of address in the new county to the county sheriff with whom the person last registered. The county sheriff with whom the person last registered shall promptly forward the information concerning the change of address to the county sheriff for the county of the person's new residence. If any person required to register pursuant to this section moves out of Washington state, the person must also send written notice within ten days of moving to the new state or a foreign country to the county sheriff with whom the person last registered in Washington state. Upon receipt of notice of change of address to a new state, the county sheriff shall promptly forward the information regarding the change of address to the agency designated by the new state as the state's offender registration agency.

(b) It is an affirmative defense to a charge that the person failed to send a notice at least fourteen days in advance of moving as required under (a) of this subsection that the person did not know the location of his or her new residence at least fourteen days before moving. The defendant must establish the defense by a preponderance of the evidence and, to prevail on the defense, must also prove by a preponderance that the defendant sent the required notice within twenty-four hours of determining the new address.

(6)(a) Any person required to register under this section who lacks a fixed residence shall provide written notice to the sheriff of the county where he or she last registered within fourteen days after ceasing to have a fixed residence. The notice shall include the information required by subsection (3)(b) of this section, except the photograph and fingerprints. The county sheriff may, for reasonable cause, require the offender to provide a photograph and fingerprints. The sheriff shall forward this information to the sheriff of the county in which the person intends to reside, if the person intends to reside in another county.

(b) A person who lacks a fixed residence must report in person to the sheriff of the county where he or she is registered. If he or she has been classified as a risk level I sex or kidnapping offender, he or she must report monthly. If he or she has been classified as a risk level II or III sex or kidnapping offender, he or she must report weekly. The lack of a fixed residence is a factor that may be considered in determining a sex offender's risk level.

(c) If any person required to register pursuant to this section does not have a fixed residence, it is an affirmative defense to the charge of failure to register, that he or she provided written notice to the sheriff of the county where he or she last registered within fourteen days after ceasing to have a fixed residence and has subsequently complied with the requirements of subsections (4)(a)(vii) or (viii) and (6) of this section. To prevail, the person must prove the defense by a preponderance of the evidence.

(7) A sex offender subject to registration requirements under this section who applies to change his or her name under RCW 4.24.130 or any other law shall submit a copy of the application to the county sheriff of the county of the person's residence and to the state patrol not fewer than five days before the entry of an order granting the name change. No sex offender under the requirement to register under this section at the time of application shall be granted an order changing his or her name if the court finds that doing so will interfere with legitimate law enforcement interests, except that no order shall be denied when the name change is requested for religious or legitimate cultural reasons or

in recognition of marriage or dissolution of marriage. A sex offender under the requirement to register under this section who receives an order changing his or her name shall submit a copy of the order to the county sheriff of the county of the person's residence and to the state patrol within five days of the entry of the order.

~~((7))~~ (8) The county sheriff shall obtain a photograph of the individual and shall obtain a copy of the individual's fingerprints.

~~((8))~~ (9) For the purpose of RCW 9A.44.130, 10.01.200, 43.43.540, 70.48.470, and 72.09.330:

(a) "Sex offense" means any offense defined as a sex offense by RCW 9.94A.030 and any violation of RCW 9.68A.040 (sexual exploitation of a minor), 9.68A.050 (dealing in depictions of minor engaged in sexually explicit conduct), 9.68A.060 (sending, bringing into state depictions of minor engaged in sexually explicit conduct), 9.68A.090 (communication with minor for immoral purposes), 9.68A.100 (patronizing juvenile prostitute), or 9A.44.096 (sexual misconduct with a minor in the second degree), as well as any gross misdemeanor that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit an offense that is classified as a sex offense under RCW 9.94A.030.

(b) "Kidnapping offense" means the crimes of kidnapping in the first degree, kidnapping in the second degree, and unlawful imprisonment as defined in chapter 9A.40 RCW, where the victim is a minor and the offender is not the minor's parent.

(c) "Employed" or "carries on a vocation" means employment that is full-time or part-time for a period of time exceeding fourteen days, or for an aggregate period of time exceeding thirty days during any calendar year. A person is employed or carries on a vocation whether the person's employment is financially compensated, volunteered, or for the purpose of government or educational benefit.

(d) "Student" means a person who is enrolled, on a full-time or part-time basis, in any public or private educational institution. An educational institution includes any secondary school, trade or professional institution, or institution of higher education.

~~((9))~~ (10) A person who knowingly fails to register with the county sheriff or notify the county sheriff, or who changes his or her name without notifying the county sheriff and the state patrol, as required by this section is guilty of a class C felony if the crime for which the individual was convicted was a felony or a federal or out-of-state conviction for an offense that under the laws of this state would be a felony. If the crime was other than a felony or a federal or out-of-state conviction for an offense that under the laws of this state would be other than a felony, violation of this section is a gross misdemeanor.

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

On page 1, line 1 of the title, after "offenders;" strike the remainder of the title and insert "reenacting and amending RCW 9A.44.130; creating a new section; and declaring an emergency."

and the same is herewith transmitted.

TONY M. COOK, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Engrossed Substitute House Bill No. 1004 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE**

Speaker Ballard stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1004 as amended by the Senate.

Representatives Ballasiotes and O'Brien spoke in favor of passage of the bill as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1004, as amended by the Senate and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 94.

Excused: Representatives Crouse, Edwards, Scott and Thomas - 4.

Engrossed Substitute House Bill No. 1004, as amended by the Senate, having received the constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

May 19, 1999

Mr. Speaker:

The Senate has passed SENATE BILL NO. 5670, and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House reverted to the fourth order of business.

#### INTRODUCTIONS AND FIRST READING

HB 2294 by Representatives Romero, Van Luven, Veloria, D. Sommers, Doumit, Dunn, Kenney and Santos

AN ACT Relating to extending the sunset date of the linked deposit program.

Held on first from May 18, 1999.

HB 2296 by Representatives H. Sommers, Doumit and Kenney

AN ACT Relating to funding Engrossed House Bill No. 2232.

Held on first from May 18, 1999.

HB 2298 by Representatives Romero, Keiser, Stensen, Kenney and D. Schmidt

AN ACT Relating to allowing optional dates for special elections.

Held on first from May 18, 1999.

HB 2299 by Representatives Cody, Clements, Conway, Campbell, McIntire and Kenney

AN ACT Relating to repealing null and void clause regarding state hospitals.

Held on first from May 18, 1999.

HB 2301 by Representatives Hatfield, Doumit, Kessler, Buck, Eickmeyer, Koster, Grant and Mulliken

AN ACT Relating to incorporating the growth management act and the shoreline management act in the effort to protect and preserve endangered species.

Held on first from May 18, 1999.

HB 2302 by Representatives Stensen, Hurst, Campbell, Kastama and Regala

AN ACT Relating to providing grants to allow communities to participate in federal hydroelectric licensing and relicensing collaborative process.

Held on first from May 18, 1999.

HB 2305 by Representatives Dunshee, Dickerson, Poulsen and McIntire

AN ACT Relating to prohibiting the issuance of permits for surface mining.

Held on first from May 18, 1999.

HB 2306 by Representatives Van Luven, Kastama, Voloria, Boldt, Kenney, McDonald, Eickmeyer, Radcliff, Ballasiotes, Miloscia, K. Schmidt, Haigh, Skinner, Hankins, Wolfe and Ruderman

AN ACT Relating to mobile home parks; amending RCW 59.22.010, 59.22.020, 59.22.030, 59.22.032, 59.22.036, 59.22.039, 59.21.021, 59.20.070, 59.20.090, and 59.20.130; adding new sections to chapter 59.20 RCW; adding a new section to chapter 35.63 RCW; adding a new section to chapter 35A.63 RCW; adding a new section to chapter 36.70 RCW; adding a new section to chapter 36.70B RCW; and creating new sections.

Referred to Committee on Economic Development, Housing & Trade.

HB 2307 by Representatives Sullivan, Dunn, Reardon, Eickmeyer, Miloscia and Dunshee

AN ACT Relating to health care patient rights and protections; reenacting and amending RCW 70.47.060; adding new sections to chapter 48.43 RCW; adding a new section to chapter 7.70 RCW; adding a new section to chapter 70.47 RCW; creating new sections; and repealing RCW 48.43.075, 48.43.095, and 48.43.105.

Referred to Committee on Health Care.

HB 2308 by Representatives Cody, McIntire, Parlette, McMorris, Wood, Gombosky, Tokuda and Kenney

AN ACT Relating to maintenance of low-income disproportionate share hospital payments; amending 1999 c 309 s 210 (uncodified); making appropriations; providing an effective date; and declaring an emergency.



Referred to Committee on Appropriations.

SB 5670 by Senators Snyder and Rasmussen

Creating criteria for the issuance of water quality permits for the treatment of noxious weeds.

There being no objection, Senate Bill No. 5670 was introduced and read the first time.

There being no objection, the rules were suspended and Senate Bill No. 5670 was advanced to second reading.

There being no objection, the House advanced to the sixth order of business.

### **SECOND READING**

SENATE BILL NO. 5670, by Senators Snyder and Rasmussen

Creating criteria for the issuance of water quality permits for the treatment of noxious weeds.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third reading and the bill was placed on final passage.

Representatives Hatfield, G. Chandler, Pennington and Linville spoke in favor of the passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Senate Bill No. 5670.

### **ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5670 and the bill passed the House by the following vote: Yeas - 93, Nays - 1, Absent - 0, Excused - 4.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, DeBolt, Delvin, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, D. Schmidt, K. Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 93.

Voting nay: Representative Dickerson - 1.

Excused: Representatives Crouse, Edwards, Scott and Thomas - 4.

Senate Bill No. 5670, having received the constitutional majority, was declared passed.

### **SIGNED BY THE SPEAKERS**

The Speakers signed:

ENGROSSED HOUSE BILL NO. 2304,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1004,  
SENATE BILL NO. 5670,

There being no objection, House Rule 13C was suspended.

**MESSAGES FROM THE SENATE**

May 19, 1999

Mr. Speaker:

The President has signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1125,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2247,  
SUBSTITUTE HOUSE BILL NO. 2273,  
HOUSE BILL NO. 2295,

and the same are herewith transmitted.

Tony M. Cook, Secretary

May 19, 1999

Mr. Speaker:

The President has signed:

SENATE BILL NO. 5670,

and the same is herewith transmitted.

Tony M. Cook, Secretary

May 19, 1999

Mr. Speaker:

The President has signed:

ENGROSSED HOUSE BILL NO. 2304,

and the same is herewith transmitted.

Tony M. Cook, Secretary

May 19, 1999

Mr. Speaker:

The President has signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1004,

and the same is herewith transmitted.

Tony M. Cook, Secretary

May 19, 1999

Mr. Speaker:

The Senate has adopted:

SENATE CONCURRENT RESOLUTION NO. 8416,

and the same is herewith transmitted.

Tony M. Cook, Secretary

May 19, 1999

Mr. Speaker:

The Senate has adopted:

SENATE CONCURRENT RESOLUTION NO. 8417,

and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House reverted to the fourth order of business.

### **INTRODUCTIONS AND FIRST READING**

SCR 8416 by Senators Snyder and McDonald

Resolving that the 1999 first special session adjourn SINE DIE.

SCR 8417 by Senators Snyder and McDonald

Returning bills to their house of origin.

There being no objection, Senate Concurrent Resolution No. 8416 and Senate Concurrent Resolution No. 8417 were introduced and read the first time.

There being no objection, the rules were suspended and Senate Concurrent Resolution No. 8416 and Senate Concurrent Resolution No. 8417 were placed on second reading.

There being no objection, the House advanced to the sixth order of business.

## **SECOND READING**

SENATE CONCURRENT RESOLUTION NO. 8417, by Senators Snyder and McDonald

Returning bills to their house of origin.

The resolution was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the resolution was placed on final adoption.

Speaker Ballard stated the question before the House to be the adoption of Senate Concurrent Resolution No. 8417.

Senate Concurrent Resolution No. 8417 was adopted.

SENATE CONCURRENT RESOLUTION NO. 8416, by Senators Snyder and McDonald

Resolving that the 1999 first special session adjourn SINE DIE.

The memorial was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the memorial was placed on final adoption.

Speaker Ballard stated the question before the House to be adoption of Senate Concurrent Resolution No. 8416.

Senate Concurrent Resolution No. 8416 was adopted.

There being no objection, Senate Concurrent Resolution No. 8416 and Senate Concurrent Resolution No. 8417 were immediately transmitted to the Senate.

## **RESOLUTION**

HOUSE RESOLUTION NO. 99-4710, by Representatives Lisk and Kessler

WHEREAS, It is necessary to provide for the continuation of the work of the House of Representatives after its adjournment and during the interim periods between legislative sessions;

NOW, THEREFORE, BE IT RESOLVED, That the Executive Rules Committee is hereby created by this resolution and shall consist of an equal number of members of the two caucuses, to be named by the Co-Speakers of the House of Representatives; and

BE IT FURTHER RESOLVED, That the Executive Rules Committee may assign subject matters, bills, memorials, and resolutions to authorized committees of the House of Representatives for study during the interim, and the Co-Speakers of the House of Representatives may create special and select committees as may be necessary to carry out the functions, including interim studies, of the House of Representatives in an orderly manner and shall appoint members to such committees with the approval of the Executive Rules Committee; and

BE IT FURTHER RESOLVED, That the Executive Rules Committee shall have full authority and direction over the authorization and execution of any personal services contracts or subcontracts that necessitate the expenditure of House of Representatives appropriations; and

BE IT FURTHER RESOLVED, That, during the interim, the schedules of and locations for all meetings of any committee or subcommittee shall be approved by the Executive Rules Committee, and

those committees or subcommittees may conduct hearings and scheduling without a quorum being present; and

BE IT FURTHER RESOLVED, That, during the interim, authorized committees have the power of subpoena, the power to administer oaths, and the power to issue commissions for the examination of witnesses in accordance with chapter 44.16 RCW if and when specifically authorized by the Executive Rules Committee for specific purposes and specific subjects; and

BE IT FURTHER RESOLVED, That the Co-Chief Clerks of the House of Representatives shall complete the work of the 1999 Regular Session of the Fifty-Sixth Legislature during interim periods, and all details that arise therefrom, including the editing, indexing, and publishing of the journal of the House of Representatives; and

BE IT FURTHER RESOLVED, That the Co-Chief Clerks of the House of Representatives shall make the necessary inventory of furnishings, fixtures, and supplies; and

BE IT FURTHER RESOLVED, That the Co-Chief Clerks of the House of Representatives may approve vouchers of the members of the House of Representatives, covering expenses incurred during the interim for official business of the Legislature in accordance with policies set by the Executive Rules Committee, at the per diem rate provided by law and established by the Executive Rules Committee, for each day or major portion of a day, plus mileage at the rate established by law; and

BE IT FURTHER RESOLVED, That the Co-Chief Clerks of the House of Representatives shall, during the interim, and as authorized by the Co-Speakers of the House of Representatives, retain or hire any necessary employees, order necessary supplies, equipment, and printing to enable the House of Representatives to carry out its work promptly and efficiently, and accept committee reports, committee bills, prefiled bills, memorials, and resolutions as directed by the Rules of the House of Representatives and by Joint Rules of the Legislature; and

BE IT FURTHER RESOLVED, That the Co-Chief Clerks of the House of Representatives shall execute the necessary vouchers upon which warrants are drawn for all legislative expenses and expenditures of the House of Representatives; and

BE IT FURTHER RESOLVED, That the Co-Speakers of the House of Representatives and the Co-Chief Clerks of the House of Representatives may authorize the attendance of members and employees at conferences and meetings in accordance with the policies adopted by the Executive Rules Committee and may authorize the expenditure of registration or fees and reimbursement for subsistence and travel for such purpose; and

BE IT FURTHER RESOLVED, That members and employees of the Legislature be reimbursed for expenses incurred in attending conferences and meetings at the rate provided by law and established by the Executive Rules Committee, plus mileage to and from the conferences and meetings at the rate established by law, which reimbursement shall be paid on vouchers from any appropriation made to the House of Representatives for legislative expenses; and

BE IT FURTHER RESOLVED, That, during the interim, the use of the House of Representatives Chamber, any of its committee rooms, or any of the furniture or furnishings in them, is permitted upon such terms and conditions as the Co-Chief Clerks of the House of Representatives shall deem appropriate; and

BE IT FURTHER RESOLVED, That the Co-Chief Clerks of the House of Representatives may express the sympathy of the House of Representatives by sending flowers and correspondence when the necessity arises; and

BE IT FURTHER RESOLVED, That this Resolution applies throughout the interim between sessions of the Fifty-Sixth Legislature, as well as any committee assembly.

There being no objection, House Resolution No. 99-4710 was adopted.

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

## **ELECTION OF CO-CHIEF CLERK**

### **MOTION**

Representative Kessler moved that with the resignation of Dean R. Foster as Co-Chief Clerk of the House of Representatives effective May 31, 1999 having been received, that nominations be open for the office of Co-Chief of the House of Representatives to be effective June 1, 1999. The motion was adopted.

Representative Kessler: "I am pleased and honored to nominate Cindy Zehnder to succeed Dean Foster as Co-Chief for the House of Representatives. Cindy quietly entered our Chamber a few weeks ago assuming the role of Assistant Chief Clerk. She took on her duties with enthusiasm utilizing her impressive list of skills and experience.

Her background in both public and private sectors as well as her involvement in civic activities is incredible. She received her Bachelor of Arts and Masters degrees from the University of Washington, a very good school in my opinion. She is a skilled administrator serving most recently as Deputy Commissioner for the Washington State Employment Security Department responsible for information systems, strategic planning, budget, legislation, and labor and management in state holder???? relations. She has a proven ability to unite diverse interests around a common program with extensive negotiation experience in both the public and private sectors. Cindy is currently a member of the University of Washington Board of Regents where she served as President of that board in 1998-99. In addition to her many other civic and community activities, Cindy served as a chair of the Personnel Committee and a member of the Executive Committee for the Fred Hutchinson Cancer Research Center Board of Trustees.

And finally her most impressive of all accomplishments, Cindy was a truck driver and dock worker for more than four years. Just by looking at her, you might find it difficult to visualize her punching those big boxes and containers and so forth down on the docks along with the fairly closed 'good ole boys' dock workers of the 1970s. I'm impressed. She gained the respect and admiration of those workers. I've heard her stories — this was not an easy accomplishment. Remember this was not in the 1990s, this was in the seventies.

I am absolute convinced that Cindy is more than up for the task of filling Dean's shoes which are rather large shoes as our Co-Chief Clerk. Please join me in voting for Cindy Zehnder for Co-Chief."

Representative Kessler moved that the nomination for Co-Chief Clerk be closed and by an unanimous voice vote, Cindy Zehnder be elected Co-Chief Clerk of the House of Representatives.

Cindy Zehnder was elected Co-Chief Clerk of the House of Representatives.

Speaker Ballard requested Representatives Kessler and Lisk escort newly elected Co-Chief Clerk Cindy Zehnder to the Rostrum. Speaker Ballard administered the Oath of Office to Co-Chief Clerk Cindy Zehnder.

#### **ACCEPTANCE SPEECH OF CO-CHIEF CLERK ZEHNDER**

Co-Chief Clerk Zehnder: "Thank you, Speaker Ballard, Speaker Chopp and members of the House of Representatives. At this late time my speech will be very brief. I am very honored to be part of you and to be part of this wonderful Institution. I will do all I can to support you in your very important work. Thank you."

#### **RESOLUTION**

HOUSE RESOLUTION NO. 99-4705, by Representatives Kessler, Lisk, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Chopp, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Koster, Lambert, Lantz, Linville, Lovick, Mastin, McDonald, McIntire,

McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, D. Schmidt, Schindler, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe and Wood

WHEREAS, It is the goal of most working people to retire at a relatively young age and enjoy family and friends, travel, garden, read, and otherwise take life easy without the need to report to work daily; and

WHEREAS, Dean Foster, co-chief clerk of the House of Representatives, having committed his working life to serving the people of the state of Washington, retired from a long and distinguished career in state service in 1996, promising his loving wife Sharon that they would at last travel, and do things together; and

WHEREAS, To honor the occasion of his retirement, hundreds of friends did gather for dinner and speeches and to share "Dean Foster stories," and reminisce about his work, from humble beginnings as bill room clerk in the state House of Representatives, to serving as chief clerk of the House, co-chief clerk of the House, staff director for the Senate, and chief of staff for governor Booth Gardner; and

WHEREAS, With over five hundred witnesses to his retirement, his wife Sharon was prompted to think, "Wow, he really did it!"; and

WHEREAS, In November 1998, the state House of Representatives, for only the second time in the state's history, was tied, 49-49, and needing a co-chief clerk — someone who could help legislators navigate the choppy waters of shared power; and

WHEREAS, It was widely whispered that Dean Foster had served as co-chief clerk during the first tie, but was retired and serving as Sharon's secretary, which might mean he was available — or not; and

WHEREAS, Dean, forsaking friends and family and freedom, agreed to return to the House to help, but only for a short while, during which time his gracious manner, wise counsel, help, and guidance have been invaluable to members of both parties; and

WHEREAS, Dean Foster now once again forswears 80-hour work weeks and public service, returning home to reading, gardening, fishing, travel, and Sharon, who once again is relieved that he really did it;

NOW, THEREFORE, BE IT RESOLVED, That the members and staff of the House of Representatives publicly thank Dean Foster for his service as co-chief clerk during the 1999 Legislative Session, for his long and distinguished career as a public servant, and for the sacrifice of leaving retirement to come and serve as our mentor, friend, and colleague, and thank his wife, Sharon, for sharing him with us.

Representative Kessler moved adoption of the resolution.

Representatives Kessler and Pennington spoke in favor of the adoption of the resolution.

#### **SPEAKER'S PRIVILEGE**

Speaker Ballard: "You should look at him with a jacket and tie on for the last time for a long time because tomorrow I guarantee you when you run into him, he'll have his birkenstocks on and he will be in a casual manner. Dean, we have worked together a long. I used to stand in front there many times and ask you personal questions. You were always helpful, you were always straight with me and I want to say on behalf of this Institution, thank you very much."

House Resolution No. 99-4705 was adopted.

#### **REMARKS OF CO-CHIEF CLERK DEAN FOSTER**

Co-Chief Clerk Foster: "Thank you very much. I didn't know my wife had gone to work for the Code Reviser's Office writing floor resolutions. Last night about 10:30 I was waiting for Frank to take me home; he forgot me and I was here reading through the computer. I saw this floor resolution had been put in the computer with my name -- I didn't read it. Had I read it, I might not have come to work today.

The pleasure is mine in being able to serve and to be reminded what it is like to bring ninety eight people together from all corners of the State to go through the sacrifices -- the sacrifices your family give and that you give during these long days in a difficult situation. Thank you for the honor of serving again. I'll probably be back in twenty years in the next tie but not until then.

Thanks again. Let's get on with business."

### MESSAGE FROM THE SENATE

May 19, 1999

Mr. Speaker:

The President has signed:

SENATE CONCURRENT RESOLUTION NO. 8416,

SENATE CONCURRENT RESOLUTION NO. 8417,

and the same are herewith transmitted.

Tony M. Cook, Secretary

### SIGNED BY THE SPEAKERS

The Speakers signed:

SENATE CONCURRENT RESOLUTION NO. 8416,

SENATE CONCURRENT RESOLUTION NO. 8417,

### COMMITTEE APPOINTMENTS

Speaker Ballard announced the following statutory committee appointments:

#### **Joint Legislative Audit and Review Committee**

Representative Alexander Representative Ogden  
Representative Doumit Representative Regala  
Representative McMorris Representative Rockefeller  
Representative Mielke Representative Wensman

#### **Legislative Committee on Economic Development**

Representative Bush Representative Kenney  
Representative DeBolt Representative Pennington  
Representative Eickmeyer Representative Veloria

#### **Legislative Committee on Energy and Utilities**

Representative Crouse Representative Poulsen  
Representative DeBolt Representative Reardon

#### **Legislative Evaluation and Accountability Program**

Representative Barlean Representative Miloscia



Representative McIntire Representative Koster

**Legislative Transportation Committee**

Representative Cooper Representative Mitchell  
Representative G. Chandler Representative Murray  
Representative Ericksen Representative Radcliff  
Representative Fisher Representative Romero  
Representative Hankins Representative K. Schmidt  
Representative Hatfield Representative Wood

There being no objection, the House reverted to the fourth order of business.

**INTRODUCTIONS AND FIRST READING**

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

**RESOLUTION**

HOUSE RESOLUTION NO. 99-4708, by Representatives Santos, Tokuda, Veloria, Murray, Kenney, H. Sommers, Lovick, Cody, Poulsen, McIntire, Constantine, Dickerson, Dunshee and Chopp

WHEREAS, The Washington State House of Representatives recognizes and values the role and the contributions of the church to the development of our citizens and our communities; and

WHEREAS, The church has historically encompassed roles beyond a religious dimension by providing critical social and economic support for immigrant populations to survive and prosper in our state and across our nation; and

WHEREAS, May 23, 1999, marks the centennial anniversary of the founding of the Japanese Baptist Church in Seattle, Washington; and

WHEREAS, Since its inception at the turn of the nineteenth century, the Japanese Baptist Church welcomed newly arrived Japanese immigrants in the Seattle area, facilitated their acculturation to their new surroundings, and laid the foundation for a strong and vibrant ethnic community of second-generation and third-generation Japanese Americans to flourish in the Pacific Northwest; and

WHEREAS, Forward-thinking congregants of the Japanese Baptist Church played a pivotal role in helping early Japanese immigrant women, many of whom came as picture brides to the United States, in their transition to a new land and to a new life by first providing safety and shelter through such group homes as the "Fujin Home" and by later providing guidance and fellowship for newly married couples; and

WHEREAS, Community organizations and affiliations, such as the Boys' Club and the Girls' Club, athletic interests, such as basketball and baseball leagues, choirs and musical groups, and critical educational needs, such as the Japanese Baptist Church Kindergarten (later renamed the Broadway Nursery School) were facilitated by the Church's active leadership; and

WHEREAS, The Japanese Baptist Church persevered through the war years despite profound prejudice and discrimination with help from remarkable individuals, like the Reverend Emery Andrews, and continued to worship together in the Minidoka Relocation Center, thereby sowing the seeds for the remarkable renewal and growth of the church in the postwar years; and

WHEREAS, The Japanese Baptist Church's centennial anniversary this year brings this organization into a small and select group of local churches to have achieved this level of longevity in our region;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of this 56th Washington Legislature proudly honor this milestone in the remarkable one hundred year history of the Japanese Baptist Church, and in the history of the Japanese-American community in our state, both of which have contributed immeasurably to the rich heritage and culture of the Pacific Northwest; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to the Governor and to the congregation of the Japanese Baptist Church.

There being no objection, House Resolution No. 99-4708 was adopted.

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

#### MOTION

On motion of Representative Mastin moved that the reading of the Journal of this day be dispensed with and that it be ordered to stand approved.

#### MESSAGE FROM THE SENATE

May 19, 1999

Mr. Speaker:

Under the provisions of Senate Concurrent Resolution No. 8417, the following House Bills were returned to the House of Representatives:

SECOND ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1147,  
ENGROSSED HOUSE BILL NO. 2300,  
and the same are herewith transmitted.

Tony M. Cook, Secretary

#### RETURNED TO THE SENATE

Under the provisions of Senate Concurrent Resolution No. 8417, the following Senate Bills were returned to the Senate:

ENGROSSED SENATE BILL NO. 5819,  
SENATE CONCURRENT RESOLUTION NO. 8409,

There being no objection, the House advanced to the eleventh order of business.

#### MOTION

On motion of Representative Mastin, the House adjourned SINE DIE.

TIMOTHY A. MARTIN, Chief Clerk      CLYDE BALLARD, Speaker  
DEAN R. FOSTER, Chief Clerk      FRANK CHOPP, Speaker

THIRD DAY - FIRST SPECIAL SESSION, MAY 19, 1999

JOURNAL OF THE HOUSE

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